

12 January 2017

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Department of Planning and Environment  
Hunter and Central Coast Region  
PO Box 1148  
Gosford NSW 2250

Via Corrine.Manyweathers@planning.nsw.gov.au

Dear Corrine

**Subject: Council Comments - Site Compatibility Certificate - Belmont Golf Course - 40B Thompson Street Belmont South**

I refer to your correspondence of 9 December 2016 that indicates that Belmont Golf Course has chosen to seek a Site Compatibility Certificate (SCC), pursuant to Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 to permit seniors housing on the land.

### **Background**

Council has not had any discussions with the proponents in relation to a possible future development application or the site compatibility statement. The current application submitted is brief and adequate consideration of all issues has not been considered. Further justification on the strategic justification and environmental impacts is considered necessary. Consideration of consistency with clause 25(5)(b) is outlined below.

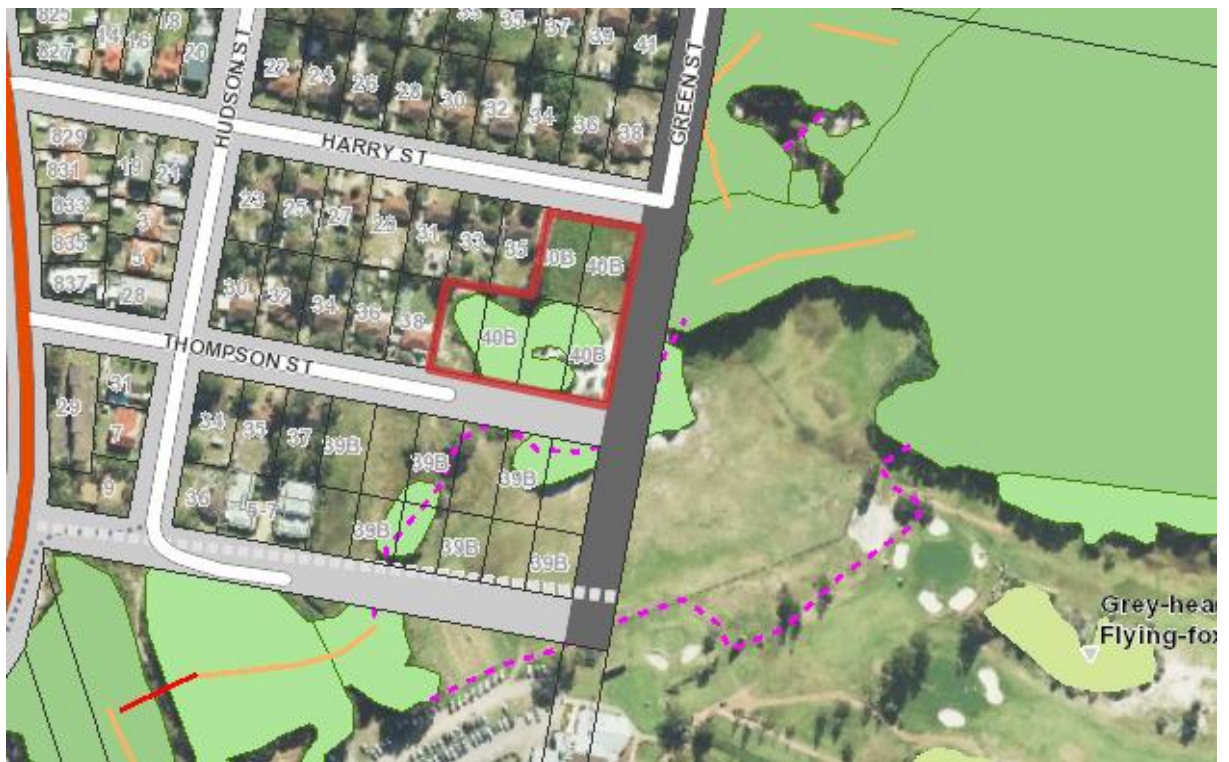
### **Consistency with Clause 25(5)(b) of the SEPP**

- (i) *the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*

- **Biodiversity**

The site is shown to be part of a vegetation corridor in Council's Native Vegetation and Corridor Mapping.

Our Ref: F2007/00254-02 Your Ref:



**Figure 1: Native Vegetation and Corridors Mapping**

The site contains the vegetation community - Coastal Sand Swamp Forest, which is part of the Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community. A Flora and Fauna assessment would be required to provide further comments on the impacts of this development on the site. It is noted that there are threatened species recorded in the nearby area and the potential for threatened species should be considered in the Flora and Fauna assessment. The site is within 100m of a SEPP 14 wetland. Any proposed development would need to consider the impact of development on this wetland and SEPP 14 and buffer area required to minimise the impact on the wetland.

The application states that *'the site contains disturbed remnant vegetation which is not an Endangered Ecological Community and does not provide any significant habitat value including potential corridor linkages.'* A flora and fauna assessment is needed to verify this claim with Council's vegetation mapping showing part of the EEC on site..

- **Flooding and Hydrology**

Clause 7.3 of Lake Macquarie Local Environmental Plan 2014 applies to the subject site. The provisions of this clause are outlined below.

**7.3 Flood planning**

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

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) *to avoid significant adverse impacts on flood behaviour and the environment.*

(2) *This clause applies to:*

*(a) land identified as “Flood planning area” on the [Flood Planning Map](#), and*

*(b) other land at or below the flood planning level.*

*(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

*(a) is compatible with the flood hazard of the land, and*

*(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*

*(c) incorporates appropriate measures to manage risk to life from flood, and*

*(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*

*(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

*(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*

*(5) In this clause:*

*flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*

The site has an elevation ranging from about 2.0 metres AHD to 2.5 metres AHD. Council's DCP 2014 identifies that developments for seniors housing should have a habitable floor level located at or above the Probable Maximum Flood (PMF) level. This site is also located in an area that may be affected by sea level rise resulting from global warming. The required habitable floor level for any seniors housing development on this site is 3.27 metres AHD, which makes allowance for the predicted sea level rise of 0.9 metres to the year 2100.

Based on the existing site levels and the required floor levels it can be seen that floor levels will need to be located about 0.77 to 1.27 metres above the existing ground level. The applicant should demonstrate that it will be feasible to develop the site with these required floor levels. Any future development will need to demonstrate that it does not increase flooding or impound stormwater on adjacent residential land with the required floor levels.

There is also a history of local flooding in this area due to the very flat landscape. The applicant should prepare a stormwater investigation to demonstrate that the site can be drained and also identify where stormwater from the site will be drained to. Potential impacts on groundwater should also be considered.

Further justification in the context of clause 7.3 of the Lake Macquarie Local Environmental Plan 2014 is required and consideration of Council's Lake Flooding and Tidal Inundation planning controls. This site is within the area considered in the Council adopted Marks Point and Belmont South Adaptation Plan. One of the actions of this plan is to review land use and development controls in Marks Point and Belmont South to assess development densities including medium density housing and seniors housing against the change in future flood risk arising from applying the Local Adaptation Plan. Council is currently reviewing this and has concerns over increased residential densities in this area.

A site specific flood study and sea level rise management study should be included in the application to identify from a flooding perspective if the site is suitable for residential intensification and identify the risks with intensification, as well as risk management and adaptation measures.



**Figure 2: Flood Planning Areas**

- **Coastal Zone**

The site falls within the coastal zone. The application would need to consider SEPP 71 – Coastal Protection and the NSW Coastal Policy. It is understood that reforms into the Coastal SEPP will be looking at applying a 100m perimeter area added to coastal wetlands to allow for natural fluctuations in these areas and to afford protection from close development. It is noted that the site is located within 100m of a SEPP 14 wetland. Any development in this area would need to ensure that the development will not impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland, or the quantity and quality of surface and ground water flows to the coastal wetland if the development is on land within the catchment of the coastal wetland.

- **Draft Coastal Management SEPP**

Coastal wetland and littoral rainforest

Part of the site is mapped on the draft Coastal Management SEPP maps as being within the 'proximity area for coastal wetlands or littoral rainforests'. Hence, the development controls identified in clause 12 of the draft Coastal Management SEPP will apply. As the land contains a corridor that links to the mapped coastal wetland to remnant bushland/wetland to the South, it may be difficult for the proponent to demonstrate consistency with clause 12(1)a of the draft Coastal Management SEPP.

Additionally, given the lands proximity to the coastal wetland and the geological and hydraulic conditions that exist on that site, it may be difficult for the proponent to demonstrate consistency with clause 12(1)b of the draft Coastal Management SEPP.

Coastal vulnerability area

Whilst Council acknowledges that the land is not mapped as being within the 'coastal vulnerability area' (CVA) in the draft SEPP maps (as currently on public exhibition), however we note that the Department of Planning and Environment are currently seeking Council's input to better define the CVA in partnership with Councils. LMCC's submission to the Department has requested that CVA be mapped in a manner consistent with the coastal hazards mapped in the recently certified/gazetted Lake Macquarie Coastal Zone Management 2016 (CZMP). It is noted that the Lake Macquarie CZMP does map the land



Council has concerns that this development in this location is not consistent with the draft Coastal Management SEPP.

The site contains Class 3 Acid Sulphate Soils. Further geotechnical investigation would be required to ensure potential acid sulphate soils impacts can be addressed. A Phase 1 Contamination Investigation would be required to identify any potential for land contamination on this site.

Part of the site is within the Sensitive Aboriginal Landscape Mapped area. Further Aboriginal heritage assessment would be required.



- **Bushfire**

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**Figure 4: Bushfire Prone Land**

- (ii) *the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,*

Council disagrees with the statement that residential use of the land would likely have been its future use. The land was zoned 6(2) Tourism and Recreation zone in the Lake Macquarie LEP 2004 following the removal of the road reservation for these parcels of land. Council did receive a submission on the draft Lake Macquarie LEP 2004 which requested a medium density residential zoning for this site. Council's response to this submission was "Council has a duty of care to ensure adequate investigation has occurred prior to determining a zone for the land. Sufficient information is not currently available to enable a residential zone to be assigned."

The site does contain a number of site constraints including flooding, coastal vulnerability and ecology and any rezoning application for the site would need to consider these environmental issues and consistency with the planning framework including the Hunter Regional Plan, Council's Lifestyle 2030 Strategy, State Environmental Planning Policies and section 117 directions. Consideration of these issues would be needed to justify any zoning change for these parcels of land from the RE2 Private Recreation zone.

- (iii) *the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*

#### Existing Road Infrastructure

If a seniors housing development was to proceed on this site it is likely that Council would require the construction of Thompson Street along the full frontage of the site and potentially the construction of Green Street along the full frontage of the site as well. It appears that the section of Green Street that adjoins the site may be a Crown Road, so the approval of the Department of Industry - Lands may be required for any road works on Green Street.

It is noted that developer contributions and additional infrastructure construction may be applicable and required as part of any development application.

- (iv) *in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,*

The subject site is zoned RE2 Private Recreation. There is an existing fully operational golf course in the vicinity of the site. No objections are raised on these grounds.

- (v) *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

No information has been provided in relation to the proposed building design. The site is largely surrounded by single dwelling houses on larger lots (800m<sup>2</sup>) and is adjoining R2 Low Density Residential land and RE2 Private Recreation land. The scale of development will be more intensive than the adjoining area with lot sizes down to 200m<sup>2</sup>.

- (vi) *if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.*

The proposed development will impact on some native vegetation. The extent of this on the conservation and management of native vegetation can not be determined until a flora and fauna assessment is completed

## **Conclusion**

Council is aware of the importance of the provision of aged housing in the Lake Macquarie City LGA. However, further information is needed to justify a site compatibility certificate in terms of the considerations under clause 25(5)(b) of SEPP (Housing for Seniors of People with a Disability) 2004. Given that the site has a number of environmental constraints, Council has concerns over issuing a site compatibility statement. Representatives from Belmont Golf Course have recently been in discussion with Council about the redevelopment of the golf course and it would be preferential that re-development of the Golf Course be considered in an integrated manner.

Should you require further information, please contact me on 4921 0298.

Yours faithfully



Angel Troke  
**Strategic Landuse Planner**  
**Integrated Planning Department**