



DEVELOPMENT AND PLANNING STANDING COMMITTEE MEETING

Monday 11 May 2020

Held remotely via Microsoft Teams

Check website for livestream details

6.00pm

Committees will be held in the following order:

Development and Planning Standing Committee
Planning for the Future Standing Committee
Organisational Services Standing Committee
Built and Natural Assets Standing Committee
Service Delivery Standing Committee
General Business Committee

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This allows our community greater access to Council proceedings, decisions and debate.

Development and Planning Standing Committee Meeting

Agenda

Monday 11 May 2020

6.00pm

Apologies: For the non-attendance of Councillors

Declaration of Interests:

Presentations: Nil

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20DP016	Recreation Facility (outdoor) - Golf Driving Range - 10 Barker Avenue, Hillsborough.....	pg 57
20DP017	Demolition of existing structures and erection of a dwelling house and swimming pool - 95 Thompson Road, Speers Point	pg 86

Recommendations of the Development and Planning Standing Committee Meeting

Monday 11 May 2020

20DP015	Planning Proposal - Business Zones - 2A Main Road, Boolaroo
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Key focus area	1. Unique landscape
Objective	1.3 New development and growth complements our unique character and sense of place
File	RZ/10/2018 - D09658238
Author	Strategic Planner - Hannah Benson
Responsible manager	Manager Integrated Planning - Wes Hain

Executive Summary

Council recently exhibited a draft Planning Proposal that applies to about 20 hectares of land within the former Pasmenco Cockle Creek Smelter (Pasmenco) and Incitec fertiliser factory site at Boolaroo. The proposal seeks change the land use zones to permit large format retail development on the land subject to development consent. It is also proposed to provide a mixed use zone as a transition between the large format retail and adjacent residential zones. This will help to protect the amenity of the adjacent residential zone.

One submission was received during public exhibition. A summary of the submission and response from staff is provided in Attachment 1.

This report seeks Council's endorsement of the Planning Proposal in Attachment 2 and requests the Minister for Planning and Public Spaces to finalise the Local Environmental Plan (LEP) amendment.

Recommendation

Council:

- A. notes the issues raised during public exhibition shown in Attachment 1,
- B. endorses the Planning Proposal in Attachment 2 for the amendment to the *Lake Macquarie Local Environmental Plan 2014*,
- C. requests the Minister for Planning and Public Spaces to finalise the amendment to the *Lake Macquarie Local Environmental Plan 2014*; and
- D. notifies the person who made a submission during public exhibition of Council's and the Minister's decision.

Discussion

The subject land forms part of the former Pasmaenco heavy industrial site. The site has undergone major remediation works since the smelter and fertiliser factory closed. Site remediation was undertaken in accordance with approvals issued by the State Government.

Since the closure of the Pasmaenco smelter and Incitec fertiliser factory, and following site remediation, several planning processes have been undertaken including preparation of a Master Plan, LEP amendments and preparation of the Pasmaenco Area Plan. These planning processes were guided by a set of land use principles for the site that were adopted by Council in November 2005 (05ST104). The land use principles acknowledge that the Pasmaenco smelter and the Incitec fertiliser factory were historically large employers within the City and that a primary objective for investigating the redevelopment potential of the site was to reinforce the economic opportunities in the area. This would be done by pursuing development that would result in job creation to replace those jobs lost through the closure of the previous uses.

Regional and local strategies also recognise the potential for the site to continue to be a significant employment generator. The site is part of the North West Lake Macquarie Catalyst Area in the Greater Newcastle Metropolitan Plan (GNMP) which foresees urban renewal of the site through 'increased housing density and mixed-use development including larger format retail and office uses.'

Furthermore, most of the existing employment zoned land within the former Pasmaenco site has been taken up. Of the land currently zoned for employment:

- Eighteen hectares of land zoned IN2 Light Industrial has been developed as a 23-lot industrial subdivision. The remaining 10 hectares zoned IN2 Light Industrial are constrained by a road corridor, various easements and a drainage reserve, which reduces their development potential.
- Eleven hectares is zoned B4 Mixed Use, approximately half of which is occupied by a Bunnings Warehouse and a restored heritage-listed building.

To facilitate additional employment-generating land uses on the site, it is proposed to rezone the subject land from residential to B7 Business Park and enable large format retail premises and other employment uses that require a large area. The increased proportion of business zoned land will ensure the site continues to generate significant employment into the future.

An existing residential zone adjoins the subject land to the south. To protect the amenity of the residential zone, it is also proposed to provide a strip of B4 mixed use zoned land as a transition between the employment and residential land uses.

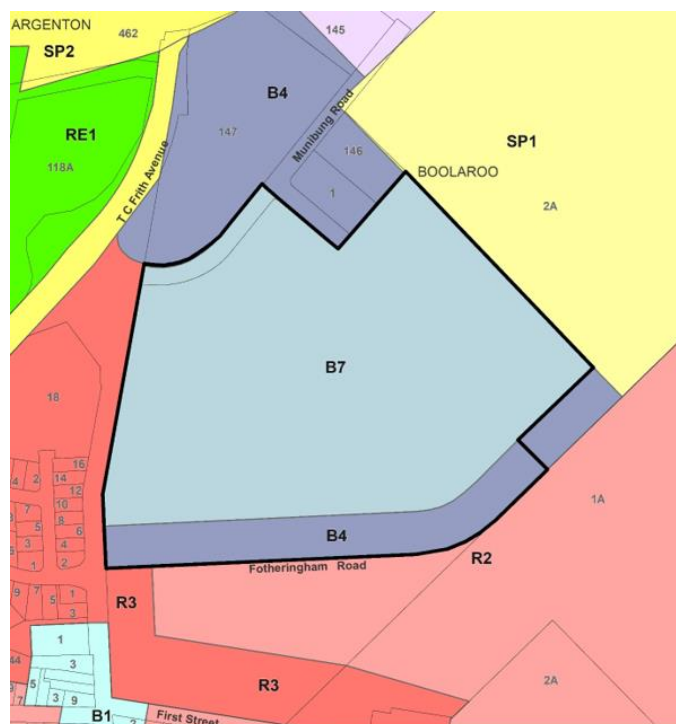


Figure 1 – proposed zones

Assessment of options

The recommendations of this report facilitate additional employment opportunities on the former Pasmenco smelter and Incitec fertiliser factory sites. The proposal is consistent with local and regional strategies, which identify the north west of Lake Macquarie, including the subject site, as a 'Catalyst Area'. Catalyst Areas are expected to deliver significant employment growth in the Greater Newcastle Metropolitan Area. Local and regional strategies also identify opportunities for 'large format retail' within the subject site.

If the proposal does not proceed, significant employment and economic opportunities in this part of the City will not be realised. A large portion of the subject site is currently zoned for low density residential development, which is not the highest and best use of such a strategically located site.

Community engagement and internal consultation

Public exhibition

Public exhibition took place for 56 days from 9 December 2019 to 3 February 2020. One submission was received during exhibition which raised a number of issues. The submission seems to incorrectly assume the Planning Proposal will add 'retail premises' to all B7 Business Park zoned land in the City. Rather, the Planning Proposal only seeks to add 'retail premises' to the proposed B7 zoned land on the subject site. Additional site-specific provisions restrict 'retail' use of the site to large format retail only to avoid significant impacts on the performance of retail in existing economic centres.

The submission also asserts that the Planning Proposal is inconsistent with Ministerial Direction 1.1 – Business and Industrial Zones and Direction 23 of the Hunter Regional Plan 2036 (HRP). However:

- The Gateway Determination dated 25 November 2019, states that the Planning Proposal's inconsistencies with Direction 1.1 Business and Industrial Zones is justified and that 'no further approval is required in relation to these directions.'
- Direction 23 of the HRP seeks to focus residential and employment growth in centres. It also seeks to do this in an 'integrated' way that considers the transport, open space and other needs of centres to increase liveability. This means centres need to be places where car usage is balanced with public transport, walking and cycling, are mixed use and offer a wide variety of jobs and services and provide easy access to public open spaces. These types of centres are often referred to as 'fine grain' because they offer a wide variety of activities and many different ways to get around in a compact space. In contrast, 'coarse grain' large floorplate, car dependent land uses need to be located outside of centres so they do not undermine the intent to create compact, diverse, vibrant, accessible centres. The HRP acknowledges the need to locate incompatible employment-generating land uses outside of centres in Action 24.3, by requiring provision of 'themed employment precincts' in local plans. The proposal is therefore consistent with the HRP.

Finally, the submission requests that an economic impact assessment be prepared to determine the impact of the Planning Proposal on economic centres, including Charlestown. This is not considered necessary because the proposal is consistent with the HRP, the GNMP, and the Lake Macquarie Local Strategic Planning Statement (LSPS) which all support large format retail on the site. The B7 zone proposed for this site is not used in the City's economic centres. One of the objectives of the B7 zone is to 'enable specialised retail premises and commercial uses that do not undermine the function of existing and future urban centres.' Furthermore, the Lake Macquarie Development Control Plan 2014 requires economic impact to be considered as part of a development application. Therefore, economic impact will be considered in more detail at future development stages when specific land uses are known.

Attachment 1 provides a more detailed response to each issue raised in the submission. Parts of the Planning Proposal have been updated based on the submission.

State agency consultation

The Department of Planning Industry and Environment (DPIE) issued a Gateway Determination on 25 November 2019 that required consultation with two public authorities:

- Subsidence Advisory NSW – Advised on 6 February 2020 that there is a mining lease affecting the property. However, representatives of the leaseholder, Oceanic Coal, have indicated there is 'no intention or likelihood of the company working any seams below the site' and 'the company's intention is to cancel the lease in the near future'. There was no objection to the Planning Proposal.
- Roads and Maritime Services (now part of Transport for NSW (TfNSW)) – Advised on 20 December 2019 that the Planning Proposal should be supported by a Traffic Impact Assessment and provided guidelines and advice about how to prepare the assessment. Council sought clarification from TfNSW in a letter dated 1 April 2020 that the traffic impact assessment could instead be done at the development stage before any subdivision or development approvals are issued. TfNSW responded on 9 April 2020 advising that 'the planning authority should have regard to the traffic impacts of the proposed rezoning during the rezoning stage of assessment'. The Planning Proposal has been updated with information about the likely traffic impacts of the proposal based on advice from the proponent, Hunter Central Coast Development Corporation (HCCDC) who have commenced traffic investigations. Council staff believe it is more appropriate that a Traffic Impact Assessment be

required and undertaken as part of any future subdivision and development applications, rather than at the rezoning stage, for the following reasons:

- The Gateway Determination does not require a Traffic Study as part of the Planning Proposal. The cover letter to the Gateway Determination encourages Council ‘to consult with Roads and Maritime Services regarding the preparation of a Traffic Study for the proposed development’. In particular, it is noted that the letter mentions the need for a Traffic Study for the ‘proposed development’ and not for the Planning Proposal itself. Council and the proponent have consulted with TfNSW about the preparation of traffic studies, as suggested by the letter. Recent advice from DPIE supports Councils approach to resolve any traffic issues as part of future subdivision and development applications.
- All of the assessment requirements outlined in the letter from TfNSW dated 20 December 2019 are best addressed at the development stage, including the need to ‘identify any necessary road network infrastructure upgrades... on both the local and classified road network’ and the need to ‘identify funding mechanisms’.

The Gateway Determination authorises Council as the ‘local plan-making authority’. This means Council is able to finalise the plan under delegation rather than the DPIE finalising the plan. Given the unresolved issues with TfNSW, Council will request the DPIE finalise the plan instead.

Key considerations

Economic impacts	The proposal will facilitate additional employment generating uses on the site by rezoning around 15 hectares of land that is currently residential zones to business zones. This reflects the historical role of the site as a significant employment generator for the City. It is also consistent with local and regional strategies that recognise the potential for the site to continue to be a significant employment generator.
Environment	The subject land is devoid of vegetation, having undergone major remediation and earthworks following cessation of the former heavy industrial use of the site. Site audit statements have been issued for the land confirming remediation has been completed in accordance with the site’s remedial action plan.
Community	The proposed rezoning will result in a net increase of 15 hectares of employment land in a strategic location within the North West Lake Macquarie Catalyst Area. Future development of the site will provide employment opportunities for residents of the City and region.
Civic leadership	The timely advancement of this Planning Proposal demonstrates Council’s commitment to the vision for the former heavy industry site to be re-used for employment related development.
Financial	There are no direct financial implications from the Planning Proposal, apart from staff time spent working on the project.

Infrastructure	Transport and traffic infrastructure will be considered as part of Traffic Impact Assessments at the Subdivision and Development Application stages. The need for and provisions of any infrastructure upgrades will be addressed before any development approvals are issued.
Risk and insurance	There are no insurance implications. Any risk implications are mitigated by following statutory processes and Council policy and procedures.

Legislative and policy considerations

The recommendations of this report are consistent with the following:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Lake Macquarie Local Environmental Plan 2014*
- Hunter Regional Plan 2036
- Greater Newcastle Metropolitan Plan 2036
- Lake Macquarie Local Strategic Planning Statement

Attachments

- | | |
|---|-----------|
| 1. Summary of submission and Council response | D09662050 |
| 2. Planning Proposal for the amendment to Lake Macquarie LEP 2014 - Business Zones - 2A Main Road, Boolaroo | D09643325 |

Summary of submission

No.	Issue	Council response
1	<p>Strategic alignment</p> <p>The submission asserts that the proposal is inconsistent with strategic planning by allowing major retail development outside of a centre.</p>	<p><u><i>Hunter Regional Plan 2036 (HRP)</i></u></p> <p>The Local Narratives section of the <i>HRP</i> outlines priorities for centres, employment and housing for each Hunter Council area. Priorities for the Cardiff-Glendale strategic centre include:</p> <ul style="list-style-type: none"> • Plan for development as an emerging strategic centre that will provide services to the growing Newcastle – Lake Macquarie Western Corridor, deliver renewal in Cardiff and redevelop the former industrial lands at Boolaroo. • Leverage the existing good access to employment and services in the metropolitan area and commuter connections to the Upper Hunter Valley and Central Coast. <p>The Planning Proposal is consistent with the <i>HRP</i> because it helps to ‘redevelop the former industrial lands at Boolaroo’. The proposal supports employment-generating development of the former industrial lands at Boolaroo, which leverages the strategic locational advantages of the site, in accordance with Local Narrative for Lake Macquarie.</p> <p>For additional information about the consistency of the proposal with the <i>HRP</i>, see the response to this separate specific issue in another section of this table further below.</p> <p><u><i>Greater Newcastle Metropolitan Plan 2036 (GNMP)</i></u></p> <p>The <i>GNMP</i> recognises that “a positive legacy of Greater Newcastle’s industrial and heavy manufacturing past is land and infrastructure in large land holdings in central locations”. The former Pasminco Cockle Creek Smelter site at Boolaroo is an example.</p> <p>The Planning Proposal is consistent with Action 7.1 in the <i>GNMP</i> which seeks to:</p> <ul style="list-style-type: none"> • <i>Build capacity for new economy jobs in areas well serviced by public transport and close to established centres by:</i>

No.	Issue	Council response
		<ul style="list-style-type: none"> ○ <i>Enabling a greater range of employment generating uses in appropriate industrial and business areas, and</i> • <i>Ensure an adequate supply of employment land... to cater for demand of urban services in accessible locations.</i> <p>The site is part of the North West Lake Macquarie Catalyst area in the <i>GNMP</i>. Catalyst Areas are expected to deliver significant employment growth in the Greater Newcastle Metropolitan Area.</p> <p>The former Pasmenco site is identified by the <i>GNMP</i> as being within the “Munibung Precinct” of the North West Lake Macquarie Catalyst Area. For the “Munibung Precinct”, the <i>GNMP</i> directs Council to:</p> <ul style="list-style-type: none"> • Align local plans to facilitate urban renewal through increased housing density and mixed-use including large format retail and office uses, and • Explore options to improve pedestrian connections to Cockle Creek Train Station with Transport for NSW. <p>The Planning Proposal is consistent the <i>GNMP</i> because it seeks to provide for ‘large format retail’ within the “Munibung Precinct”.</p> <p>Strategy 8 in the <i>GNMP</i> highlights the need to address changing retail and consumer demand. The planning proposal is for large format retail, which addresses the changing nature of retail and consumer demand.</p> <p>The site also offers flexibility as retail and consumer demands continue to change. The site-specific provisions require the site area of the B7 zoned land to be a minimum of 20,000m² for any retail premises. As a result, post-development, the site will likely comprise a few large land holdings. The large land-holdings will be well placed to transition to other uses in the future as retail and consumer demands continue to change over time.</p> <p><u><i>Lake Macquarie City Local Strategic Planning Statement (LSPS)</i></u></p>

No.	Issue	Council response
		<p>The <i>LSPS</i> was adopted on 9 March 2020. It aligns with the vision and direction of the <i>HRP</i> and <i>GNMP</i>, including by identifying the study area as being within the “Munibung Precinct” of the North West Catalyst Area.</p> <p>The <i>LSPS</i> envisages that development will intensify in the centres of Lake Macquarie. The centres will cater for increased population by providing housing, diverse jobs, recreation and services. Housing in centres will be medium to high density, supported by expanded public transport options. Centres will be pedestrian friendly and encourage walking and cycling as the preferred way to move around.</p> <p>The <i>LSPS</i> identifies the North West Catalyst Area as an area of change that will drive investment. The Catalyst Area is in a central and accessible location within the Greater Newcastle Metropolitan Area. The area provides an opportunity to generate significant jobs, diversify housing supply, and add more advanced manufacturing, recreation, open space and services to the broader region. Town planners refer to these types of centres as ‘fine grain’ because they offer many activities and many ways to get around in a compact space.</p> <p>In contrast, ‘coarse grain’, car dependent land uses with a large floorplate need to be located outside of centres so that they do not undermine the intent to create compact, diverse centres. Accordingly, the <i>LSPS</i> (p 46) supports ‘large format retail’ within the “Munibung Precinct”. It is also envisages ‘mixed use, residential development, and other employment opportunities... in a range of scales’ within the Precinct. The Planning Proposal is consistent with this vision.</p> <p>The <i>LSPS</i> contains actions to help deliver on the vision for Lake Macquarie. Action 3.19 (p 27) is to ‘pursue opportunities to realise the potential of the North West Catalyst Area including delivering on its role in providing large format retail, advanced manufacturing, office-based jobs and open space within a regionally significant catchment’. Action 3.21 (p 27) also seeks to ‘review the planning controls for the former Pasmenco site to ensure transformational investment and development opportunities are realised, and to manage potential land use conflict and transition between zones.’ The Planning Proposal helps to deliver on these actions by</p>

No.	Issue	Council response
		<p>providing for 'large format retail' and a B4 Mixed Use transition zone between the proposed B7 Business Park and existing residential zones.</p> <p>Outcome: The Planning Proposal has been updated to address the recently adopted <i>LSPS</i> and to provide additional information about the consistency of the Planning Proposal with the strategic direction outlined in the <i>HRP</i> and <i>GNMP</i>.</p>
	<p>Ministerial Direction 1.1 – Business and Industrial Zones</p> <p>The submission asserts that the proposal is inconsistent with Ministerial Direction 1.1 – Business and Industrial Zones.</p>	<p>Direction 1.1 applies when a Planning Proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The direction applies to the Planning Proposal because it seeks to rezone land from B4 Mixed Use, R2 Low Density Residential and R3 Medium Density Residential to B7 Business Park and B4 Mixed Use.</p> <p>Under this Direction, a Planning Proposal must 'retain the areas and location of existing business and industrial zones.' The proposal is inconsistent with this direction because it seeks to change the area and location of an existing B4 Mixed Use zone to B7 Business Park. However, as confirmed by the Gateway Determination dated 25 November 2019, the Planning Proposal's inconsistencies Direction 1.1 Business and Industrial Zones justified in accordance with the terms of the directions. The Gateway Determination also says that 'no further approval is required in relation to these directions.'</p> <p>The objectives of this direction are addressed in the Planning Proposal.</p> <p>Outcome: The Planning Proposal has been updated to provide additional information about Ministerial Direction 1.1.</p>

No.	Issue	Council response
	<p><i>Hunter Regional Plan 2036 (HRP) – Direction 23</i></p> <p>The submission asserts that the proposal is inconsistent with Direction 23 of the <i>HRP</i>.</p>	<p>The <i>HRP</i> is ‘a 20 year blueprint for the future of the Hunter’. It contains actions to ensure enough appropriately located land is available to accommodate the growing population and employment needs of the Hunter region to 2036. The <i>HRP</i> contains a number of directions to help achieve the vision for the Hunter. Directions 23 and 24 are most applicable to this Planning Proposal.</p> <p>Direction 23 seeks to ‘grow centres and regional corridors.’ The Plan identifies a number of regionally significant ‘strategic centres’ in the Hunter, including Cardiff-Glendale and Charlestown. These, and other smaller local centres (such as Swansea, Belmont, Warners Bay, Toronto, Mount Hutton and Cardiff), operate as part of a network of centres. The <i>HRP</i> says that each centre provides a different service, role or function in the region.</p> <p>The Actions associated with Direction 23, include:</p> <ul style="list-style-type: none"> • Action 23.1 – Concentrate growth in strategic centres, local centres and urban renewal corridors to support economic and population growth and a mix of uses. • Action 23.2 – Develop precinct plans for centres to take an integrated approach to transport, open space, urban form and liveable neighbourhoods, and investigate the capacity of centres to accommodate additional housing supply and diversity without compromising employment growth. • Action 23.3 – Consider improvements to the public transport network when planning new renewal corridors and precincts. • Action 23.5 – Focus commercial and retail development within existing centres and transport hubs and ensure that locations for new centres are integrated with existing or planned residential development; do not undermine existing centres; encompass high quality urban design; and consider transport and access requirements.

No.	Issue	Council response
		<p>Direction 24 of the <i>HRP</i> seeks to 'Protect the economic functions of employment land'. Actions associated with this Direction include:</p> <ul style="list-style-type: none"> • 24.1 Locate new employment land so that it does not conflict with surrounding residential uses. • 24.2 Protect the economic functions of employment land by not permitting non-industrial uses unless: opportunities for urban renewal arise through the relocation of industry and in locations well-served by public transport; and contaminated land can be remediated. • 24.3 Provide for mixed use opportunities and themed employment precincts in local plans. <p>Each local government area in the region is also given a 'Local Government Narrative'. The Narrative for Lake Macquarie estimates that an additional 11,741 jobs will be needed in the Local Government Area (LGA) by 2036. It identifies the need to plan for growth in jobs and services within the Cardiff-Glendale strategic centre, including redevelopment of the 'former industrial lands at Boolaroo'.</p> <p><i>Response to the HRP – Directions 23 and 24</i></p> <p>Direction 23 of the <i>HRP</i> seeks to focus residential and employment growth in centres. It also seeks to do this in an 'integrated' way that considers the transport, open space and other needs of centres to increase liveability, as per Actions 23.2 and 23.5. In practice this means that centres will need to be less car dependent, be more walking and cycling friendly, be mixed use and offer access to a wide variety of jobs, services and public transport, and provide easy access to quality public, open and green spaces, all of which are also mentioned and supported in the <i>HRP</i>.</p> <p>Urban form is an important component of 'liveable neighbourhoods' and centres, and fine grain places are particularly liveable. Fine grain places typically offer a choice of transport modes, varied lot sizes, frequent storefronts, minimal street setbacks, little or no surface car parking, and a choice of routes to get around. They offer many activities in a compact space. The convenience and variety found in fine grain places encourages people to walk more, talk more, and linger. The impact is</p>

No.	Issue	Council response
		<p>compounded by the fact that people tend to attract even more people to place. Evidence shows that people who use fine grain places are healthier and happier because they are more physically active and socially connected. There is also hard evidence that walkable places attract and retain skilled workers and deliver outsized economic performance. The economic benefits are attributed to the co-location of diverse businesses, services and customers in a concentrated area, which promotes innovation and collaboration.</p> <p>In contrast, urban areas that are designed for cars tend to have larger ‘coarse grain’ destinations separated by greater distances. ‘Coarse grain’ developments discourage walking and social interactions by providing a sparser and less diverse variety of destinations and activity.</p> <p>‘Coarse grain’ large floorplate, car dependent land uses need to be located outside of centres so that they do not undermine the intent to create ‘integrated’, ‘liveable neighbourhoods’. The Planning Proposal seeks to do this by creating site specific provisions that enable large format retail on the subject lands. Direction 24 of the <i>HRP</i> encourages ‘themed employment precincts’ in local plans. This Direction permits out of centre employment precincts to accommodate specific land uses that are inappropriate for town centres.</p> <p>The Lake Macquarie Local Government Narrative in the <i>HRP</i> states that redevelopment of ‘former industrial lands at Boolaroo’ is key to the development of Cardiff-Glendale as an emerging strategic centre. The proposal is therefore consistent with the <i>HRP</i>.</p> <p>Outcome: The Planning Proposal has been updated to provide additional information about the consistency of the proposal with the <i>HRP</i>.</p>
	<p>‘retail premises’ in all B7 Business Park zones</p> <p>The submission asserts that the proposal allows ‘retail premises in the B7 Business Park zone’. The submission states that ‘expanding the “standard” range of permissible land uses in the B7 zone to</p>	<p>The submission seems to incorrectly assume that the Planning Proposal will add ‘retail premises’ to all B7 Business Park zoned land in the City. Instead, the Planning Proposal seeks to provide an additional permitted use of ‘retail premises’ on the land proposed to be zoned B7 Business Park within the subject site only.</p>

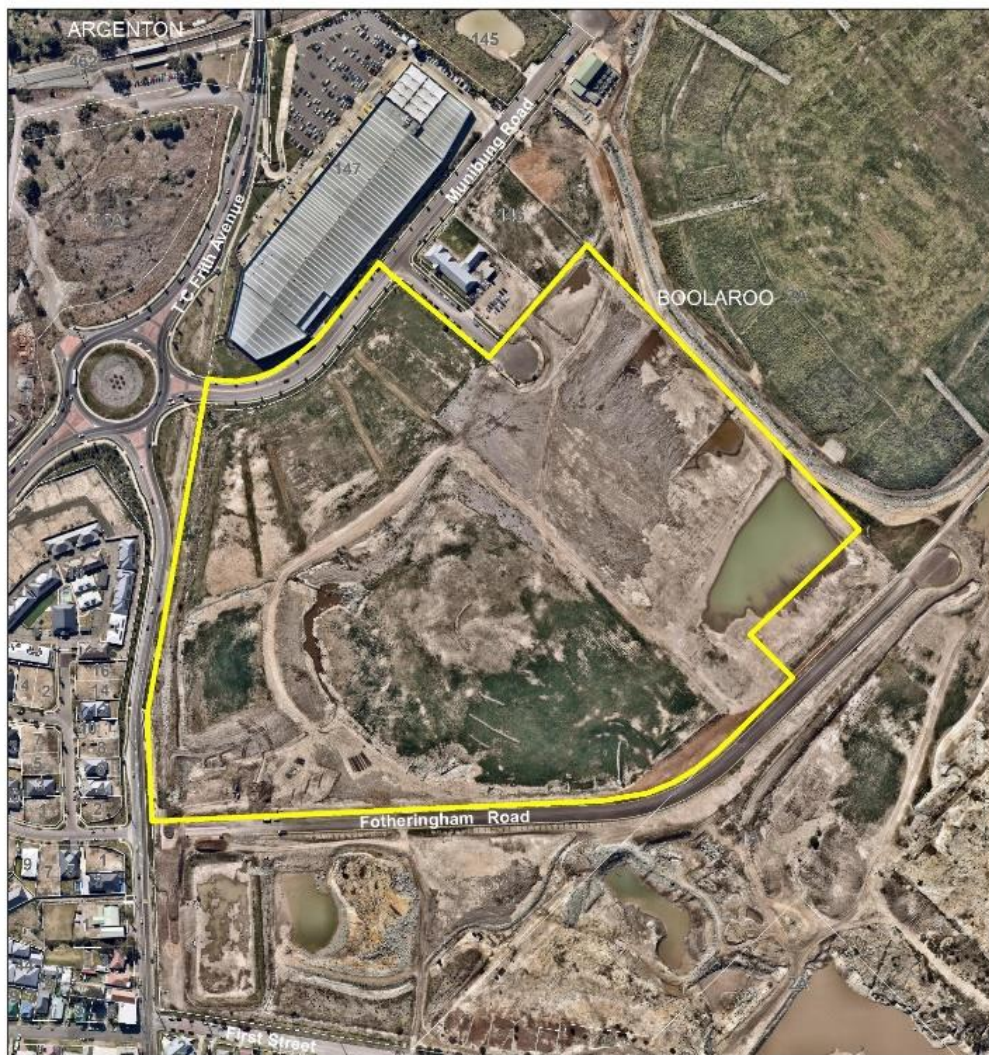
No.	Issue	Council response
	include retail premises and the associated impacts this potentially will have on established centres' is a 'key issue'.	<p>The provision goes on to limit any retail premises proposed on the subject to 'large format retail' only by specifying that:</p> <ul style="list-style-type: none"> • the site area is at least 20,000m², and • the gross floor area is at least 13,000m², and • the consent authority is satisfied that the development is to be managed by a single operator. <p>Therefore, the proposal does not permit 'retail premises in the B7 Business Park zone' across the City. It is <u>not</u> proposed to add 'retail premises' as a permissible use in all B7 zoned land in the City.</p> <p>Outcome: No change to the proposed LEP amendment.</p>
	<p>Economic impact</p> <p>The submission requests a detailed economic impact assessment to investigate the potential impacts of the proposal on existing centres, including Charlestown.</p>	<p>The <i>HRP</i>, the <i>GNMP</i> and the <i>LSPS</i> all support large format retail on the subject site. The proposal is therefore consistent with the local and regional strategies and therefore with the hierarchy of centres outlined in those strategies. From a strategic point of view 'coarse grain' large floorplate, car dependent land uses are best located outside of centres so that they do not undermine the strategic intent to intensify development and create 'fine grain' dense, walkable, vibrant, diverse economic development in centres.</p> <p>The Planning Proposal includes site specific provisions that restrict the type of retail development to large format retail on the subject lands. Direction 24 of the <i>HRP</i> encourages 'themed employment precincts' in local plans. This Direction permits out of centre employment precincts to accommodate specific land uses that are inappropriate for town centres.</p> <p>If the subject site is developed for large floorplate retail, it will attract customers from a wider region than a typical centre would. Therefore, any trading impacts on existing centres are also likely to be widely distributed through the City. It is likely that centres closer by will be more impacted than centres further away. Due to the wide distribution of any trading impacts, it is considered that the rezoning will not have an</p>

No.	Issue	Council response
		<p>unreasonable detrimental economic impact on the commercial viability of any one existing economic centre in Lake Macquarie.</p> <p>The proposal will facilitate the use of the site for large floorplate retail or other business park type land uses. Development of the site will provide additional choice and increased competition, which is likely to benefit local consumers by placing downward pressure on prices. Furthermore, the development will provide jobs during construction as well as ongoing employment opportunities once the site is developed.</p> <p>Section 2.18 of 'Part 5: Development in Industrial, Business Park and Infrastructure Zones' of the <i>Lake Macquarie Development Control Plan 2014</i> requires economic impact to be considered as part of a Development Application. Therefore, economic impact will be considered at the Development Application stage. The assessment of any economic impacts is best undertaken at the development application stage when more detail is known about the development.</p> <p>Outcome: The Planning Proposal has been updated to provide additional information about economic effects.</p>



PLANNING PROPOSAL

Amendment to Lake Macquarie Local Environmental Plan 2014 Business Zones – 2A Main Road, Boolaroo



Planning Proposal

Business Zones – 2A Main Road, Boolaroo

Lake Macquarie Local Environmental Plan 2014 (Amendment No XX)

Post-exhibition version

Local Government Area:	Lake Macquarie City
Name of Draft LEP:	Lake Macquarie Local Environmental Plan 2014 (Amendment No RZ/10/2018)
Subject Land:	2A Main Road, Boolaroo (Part of Lot 599 DP 1228699)
Land Owner:	Hunter Central Coast Development Corporation
Applicant:	Lake Macquarie City Council (LMCC)
Council Reference Number:	RZ/10/2018
Document Date:	April 2020
Exhibition Dates:	Monday 9 December 2019 - Monday 3 February 2020 (57 days)
Document Author:	Andrew Donald – Senior Strategic Planner Hannah Benson – Strategic Planner – post exhibition changes

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Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal applies to vacant, remediated land within the former Pasminco Cockle Creek Smelter site at Boolaroo. It seeks to amend the *Lake Macquarie Local Environmental Plan (LMLEP) 2014* to rezone the subject land (approximately 20 ha) from R2 Low Density Residential, R3 Medium Density Residential and B4 Mixed Use to B7 Business Park and B4 Mixed Use. The land proposed to be zoned B7 Business Park will also have a site-specific provision to enable 'large format retail' use of the site.

The proposal also seeks to establish a suitable interface of B4 Mixed Use zoned land between the proposed business zones and the adjacent residential zone.

Part 2 – EXPLANATION OF PROVISIONS

The provisions in this planning proposal will amend LMLEP 2014 as outlined below:

Amendment Applies to	Explanation of provision
Part of Lot 599 DP 1228699	<ul style="list-style-type: none"> • Land Zoning Map: Change the land use zone applying to the subject land from R2 Low Density Residential, R3 Medium Density Residential and B4 Mixed Use to B7 Business Park and B4 Mixed Use • Lot Size Map: 1500m² for land proposed to be zoned B7 and no minimum lot size for land proposed to be zoned B4. • Height of Building Map: 15m for land proposed to be zoned B7 and 13m for land proposed to be zoned B4. • Specify an additional permitted use to the land to be zoned B7 to permit retail premises, with development consent, provided: <ul style="list-style-type: none"> ○ the site area is at least 20,000m², and ○ the gross floor area is at least 13,000m², and ○ the consent authority is satisfied that the development is to be managed by a single operator.

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 forms part of the former Pasminco Cockle Creek Smelter site, which was rezoned in two stages, with the associated amendments to Lake Macquarie LEP 2004 being finalised in 2010 and 2011. The zones applied by those LEP amendments were based on a master plan originally submitted by the proponent in 2008. Since that time, the potential for the subject land to support certain commercial activities requiring a large floorplate and site area has become apparent.

The 2008 Master Plan was preceded by preparation of land use principles for the site, adopted by Council in November 2005. The Council report associated with the land use principles stated that one of Council's primary objectives in investigating the development potential of the Pasmenco site was to "reinforce the economic opportunities in the Cardiff / Glendale / Warners Bay/Edgeworth corridor by investigating a land use strategy that would encourage job creation to replace those jobs lost through the closure of Pasmenco smelter, and further employment opportunities." It is also noted that the 2008 Master Plan provided for additional industrial land compared to what is reflected in the current land use zones applying to the site. Thus, this planning proposal is consistent with early strategic planning studies for the precinct.

The proposal is also consistent with outcomes being sought within an identified "North West Lake Macquarie Catalyst Area", which has bilateral support from Council and the Department of Planning Industry and Environment (DPIE). The Catalyst Area is identified in both local and regional strategies, as described in more detail in Section B below.

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

Yes. The proposed rezoning facilitates the development of remediated, vacant land for regionally-significant specialised retail and other commercial uses which are currently not possible under the predominantly residential zoning.

Section B – Relationship to Strategic Planning Framework

1. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?*

Hunter Regional Plan 2036

The primary purpose of the Hunter Regional Plan (HRP) 2036 is to cater for the future development of the region ensuring that adequate land is available and appropriately located to accommodate the region's growing population and employment needs.

The HRP also contains numerous directions to guide planning decisions. *Direction 24: Protect the economic functions of employment land* is relevant to this Planning Proposal. Direction 24 is supported by actions to "Locate new employment land so that it does not conflict with surrounding residential uses", and to "Provide for mixed use opportunities and themed employment precincts in local plans".

The proposal is consistent with these actions in that it provides for a new employment precinct including an area zoned for mixed use development. The mixed use zoning provides a buffer between the proposed business park zone and an adjacent area zoned for residential development.

The Local Narratives section of the HRP includes a number of priorities for each Council in the region regarding both centres & employment, and housing. Priorities for the Cardiff-Glendale strategic centre include:

- *Plan for development as an emerging strategic centre that will provide services to the growing Newcastle – Lake Macquarie Western Corridor, deliver renewal in Cardiff and redevelop the former industrial lands at Boolaroo.*
- *Leverage the existing good access to employment and services in the metropolitan area and commuter connections to the Upper Hunter Valley and Central Coast.*

The proposal is therefore consistent with the HRP because it supports employment-generating development of the former industrial lands at Boolaroo, which leverages the strategic locational advantages of the site. Moreover, the proposed business zones will complement the significant amount of the former Pasminco and Incitec sites being developed for housing – consistent with Action 23.5 of the Hunter Regional Plan, which stipulates that “locations for new centres are integrated with existing or planned residential development”.

Direction 23 of the HRP seeks to focus residential and employment growth in centres. It seeks to do this in an ‘integrated’ way that considers the transport, open space and other needs of centres to increase liveability, as per Actions 23.2 and 23.5. In practice this means that centres will need to be less car dependent, be more walking and cycling friendly, be mixed use and offer access to a wide variety of jobs, services and public transport, and provide easy access to quality public, open and green spaces, all of which are also mentioned and supported in the HRP.

Urban form is an important component of ‘liveable neighbourhoods’ and centres, and fine grain places are particularly liveable. Fine grain places typically offer a choice of transport modes, varied lot sizes, frequent storefronts, minimal street setbacks, little or no surface car parking, and a choice of routes to get around. They offer many activities in a compact space. The convenience and variety found in fine grain places encourages people to walk more, talk more, and linger. The impact is compounded by the fact that people tend to attract even more people to place. Evidence shows that people who use fine grain places are healthier and happier because they are more physically active and socially connected. There is also hard evidence that walkable places attract and retain skilled workers and deliver outsized economic performance. The economic benefits are attributed to the co-location of diverse businesses, services and customers in a concentrated area, which promotes innovation and collaboration.

In contrast, urban areas that are designed for cars tend to have larger ‘coarse grain’ destinations separated by greater distances. ‘Coarse grain’ developments discourage walking and social interactions by providing a sparser and less diverse variety of destinations and activity.

‘Coarse grain’ large floorplate, car dependent land uses need to be located outside of centres so that they do not undermine the intent to create ‘integrated’, ‘vibrant’, ‘liveable’ places. The Planning Proposal seeks to do this by creating site specific provisions that limit retail developments to large format retail (floor area at least 13,000m² and managed by a single operator) on the subject lands. Direction 24 of the HRP encourages ‘themed employment precincts’ in local plans. This Direction permits out of centre employment precincts to accommodate specific land uses that are inappropriate for town centres.

Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan (GNMP) 2036 recognises that “a positive legacy of Greater Newcastle’s industrial and heavy manufacturing past is land and infrastructure in large land holdings in central locations”. The former Pasminco Cockle Creek Smelter site at Boolaroo is one such example.

The Planning Proposal is consistent with Action 7.1 in the GNMP which calls on Councils to:

- *Build capacity for new economy jobs in areas well serviced by public transport and close to established centres by:*
 - *Enabling a greater range of employment generating uses in appropriate industrial and business areas, and*

-
- *Ensure an adequate supply of employment land, including industrial zoned land, to cater for demand of urban services in accessible locations.*

The site is part of the North West Lake Macquarie Catalyst area in the GNMP. Catalyst Areas are expected to deliver significant employment growth in the Greater Newcastle Metropolitan Area.

The former Pasmenco site is identified by the GNMP as being within the “Munibung Precinct” of the North West Lake Macquarie Catalyst Area. For the “Munibung Precinct”, the *GNMP* directs Council to:

- *Align local plans to facilitate urban renewal through increased housing density and mixed-use including large format retail and office uses, and*
- *Explore options to improve pedestrian connections to Cockle Creek Train Station with Transport for NSW.*

The Planning Proposal is consistent the GNMP because it seeks to provide for ‘large format retail’ within the “Munibung Precinct”.

Strategy 8 in the GNMP highlights the need to address changing retail and consumer demand. The planning proposal is intended to facilitate non-traditional large-floorplate retail uses that will have a very large customer catchment area. The centrality of Boolaroo within the Greater Newcastle metro frame makes the site well-suited for these uses. The likelihood that the site will comprise and handful of large land holdings post-development means it will be well placed to transition to other uses in the future as dictated by changing retail and consumer demand.

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

Lake Macquarie City Community Strategic Plan 2017-2027

The *Lake Macquarie City Community Strategic Plan 2017-2027* has been developed with the people of Lake Macquarie outlining the vision and values of the community and providing clear strategies to achieve this.

The *Community Strategic Plan* recognises the importance of a diverse economy as a key value for the Local Government Area. The Planning Proposal is consistent with this value as the planning proposal will create opportunities for a range of specialised retail and commercial uses that will create local employment and a broader economic base for the City.

Lake Macquarie City Local Strategic Planning Statement (LSPS)

Council adopted the *LSPS* on 9 March 2020. It aligns with the vision and direction of the *HRP* and *GNMP*, including by identifying the study area as being within the “Munibung Precinct” of the North West Catalyst Area.

In alignment with the *GNMP*, the *LSPS* identifies the North West Catalyst Area as an area of change that will drive investment. The Catalyst Area is in a central and accessible location within the Greater Newcastle Metropolitan Area. The area provides an opportunity to generate significant jobs, diversify housing supply, and add more advanced manufacturing, recreation, open space and services to the broader region.

The *LSPS* envisages that development will intensify in the centres of Lake Macquarie. The centres will cater for increased population by providing housing, diverse jobs, recreation and services. Housing in centres will be medium to high density, supported by expanded public transport options. Centres will be pedestrian friendly and encourage walking and cycling as the preferred way to move around.

Town planners refer to these types of centres as ‘fine grain’ because they offer many smaller floorplate businesses and activities and many ways to get around in a compact space.

In contrast, ‘coarse grain’, car dependent land uses with a large floorplate need to be located outside of centres so that they do not undermine the intent to create compact, diverse centres. Accordingly, the *LSPS* (p 46) supports ‘large format retail’ within the “Munibung Precinct”. It is also envisages ‘mixed use, residential development, and other employment opportunities... in a range of scales’ within the Precinct. The Planning Proposal is consistent with this vision.

The desire to keep large floorplate developments out of centres is also the reason why there is a B7 Business Park zone in the LMLEP 2014. The B7 zone is not used in centres. One of the objectives of the B7 zone is to ‘enable specialised retail premises and commercial uses that do not undermine the function of existing and future urban centres.’

The *LSPS* contains actions to help deliver on the vision for Lake Macquarie. Action 3.19 (p 27) is to ‘pursue opportunities to realise the potential of the North West Catalyst Area including delivering on its role in providing large format retail, advanced manufacturing, office-based jobs and open space within a regionally significant catchment’. Action 3.21 (p 27) also seeks to ‘review the planning controls for the former Pasmenco site to ensure transformational investment and development opportunities are realised, and to manage potential land use conflict and transition between zones.’ The Planning Proposal helps to deliver on these actions by providing for ‘large format retail’ and a B4 Mixed Use transition zone between the proposed B7 Business Park and existing residential zones.

Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan

The purpose of the Pasmenco Area Plan is to guide the redevelopment of the former Pasmenco Cockle Creek Smelter site and the former Incitec Pivot Fertilizer site.

As the Area Plan reflects the current zoning in place for the site, the rezoning envisaged in this Planning Proposal will necessitate an amendment to the Area Plan. The amendment will be progressed separately once the Planning Proposal is adopted.

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

The table below indicates State Environmental Planning Policies (SEPPs) considered relevant to the Planning Proposal.

SEPP	Relevance	Implications
SEPP (Coastal Management) 2018	The aim of this policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 ,	As part of the site is within the Coastal Environment Area as defined by the SEPP, consideration must be had to Clause 13 of the SEPP prior to the granting of development consent.
SEPP No 55— Remediation of Land	The aim of this policy is 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. Clause 6 requires contamination and remediation to be considered in zoning or rezoning proposal The SEPP was recently updated to include a clause entitled:	A number of site audit reports and site audit statements have been prepared for the Pasmenco site as remediation has progressed, including for the land the subject of this planning proposal. A site audit report was prepared for a 6.9 hectare part of the site – described as Lot A – in July 2016, and a separate site audit report prepared for the remaining 12 hectares of the subject land – described as Lot B – in June

	<p><i>Perpetual care arrangements required for development at former zinc and lead smelter and fertiliser production site at Boolaroo, Lake Macquarie</i></p>	<p>2018. Both reports and corresponding site audit statements confirmed that the land had been remediated to a standard suitable for residential development (which is a higher standard than is required for commercial or industrial use).</p> <p>Clause 22 of the SEPP states that consent may not be granted for development on the land associated with the former zinc and lead smelter and fertiliser production site at Boolaroo unless the Planning Secretary has certified that adequate arrangements are in place for the perpetual care of the containment cell and various other land. This provision affects the subject site, but would apply to a Development Application rather than a rezoning. Arrangements for the perpetual care of the containment cell are being finalised at present.</p>
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4. *Is the planning proposal consistent with applicable Ministerial Directions (s. 9.11 directions)?*

The Planning proposal is consistent with all relevant ministerial directions as outlined in the table below.

Ministerial Direction	Objective/s	Consistency / Comment
<p>1.1 Business and Industrial zones</p>	<p>1) encourage employment growth in suitable locations, 2) protect employment land in business and industrial zones, 3) support the viability of identified strategic centres</p>	<p>Direction 1.1 applies when a Planning Proposal affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The direction applies to the Planning Proposal because it seeks to rezone land from B4 Mixed Use, R2 Low Density Residential and R3 Medium Density Residential to B7 Business Park and B4 Mixed Use.</p> <p>Under this Direction, a Planning Proposal must ‘retain the areas and location of existing business and industrial zones.’ The proposal is inconsistent with this direction because it seeks to change the area and location of an existing B4 Mixed Use zone to B7 Business Park. However, as confirmed by the Gateway Determination dated 25 November 2019, the Planning Proposal’s inconsistencies are justified in accordance with the terms of the direction. The Gateway Determination also says that ‘no further approval is</p>

		<p>required in relation to these directions.'</p> <p>The objectives of this direction are addressed below:</p> <p style="padding-left: 40px;">a) encourage employment growth in suitable locations,</p> <p><i>Response:</i> The Pasmenco smelter and the Incitec fertiliser factory formerly occupied the subject site. The smelter and factory were large employment generators at the time of their operation. Regional and local strategies recognise the potential for the site to continue to be a significant employment generator.</p> <p>The site is part of the North West Lake Macquarie Catalyst area in the GNMP. Catalyst Areas are places of 'metropolitan significance' with the ability to deliver significant jobs and homes into the future. The GNMP foresees urban renewal of the Pasmenco site, or 'Munibung Precinct' through 'increased housing density and mixed-use development including larger format retail and office uses.'</p> <p>Council's Local Strategic Planning Statement (LSPS) also identifies the site as a suitable location for employment growth, specifically 'large format retail', consistent with this objective.</p> <p>Therefore, the site is identified by local and regional strategies as a suitable location for employment growth.</p> <p style="padding-left: 40px;">b) protect employment land in business and industrial zones,</p> <p><i>Response:</i> The proposal will result in a net increase in employment land, which is consistent with this objective.</p> <p style="padding-left: 40px;">c) support the viability of identified centres.</p> <p><i>Response:</i> Local and regional strategies envisage that intensified development will support the viability of centres in Lake Macquarie. This means that centres will cater for increased population by providing more housing, diverse jobs, recreation and services in highly accessible locations. Housing in centres will be medium to high density, supported by expanded public transport options. Centres will encourage walking and cycling as the preferred way to move around.</p>
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		<p>These types of centres as referred to as 'fine grain' because they offer many activities and many ways to get around in a compact space.</p> <p>In contrast, 'coarse grain', car dependent land uses with a large floorplate need to be located outside of centres so that they do not undermine the intent to create compact, vibrant, diverse centres. The <i>HRP</i> supports this approach by encouraging 'themed employment precincts' in local plans. The <i>GNMP</i> and <i>LSPS</i> specifically support 'large format retail' at the subject site.</p>
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy	The Planning Proposal is consistent with this direction as it is not within a coastal hazard area and is consistent with relevant provisions of NSW Coastal Policy.
3.1 Residential zones	<p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services,</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	<p>The Planning Proposal is inconsistent with the direction in that it seeks to rezone approximately 15 hectares from a residential zone to a business zone. This inconsistency is considered justified given:</p> <ul style="list-style-type: none"> the remaining 66 hectares of vacant residential land available adjacent to the site (expected to support in the order of 900 dwellings) the potential for thousands of additional dwellings within a 5-kilometre radius of the subject site, including both greenfield and infill opportunities. In particular, land at Edgeworth, Cameron Park, Teralba and Fennell Bay is expected to support a steady supply of housing over the next decade, along with higher density infill development in suburbs such as Warners Bay and Speers Point. the proposed business zones better reflect the outcomes envisaged for the precinct in the Greater Newcastle Metropolitan Strategy. <p>The Gateway Determination dated 25 November 2019 says that the Planning Proposal's inconsistencies are justified in accordance with the terms of the direction. The Gateway Determination also says that 'no further approval is required in relation to these directions.'</p>

<p>3.4 Integrated Land Use and Transport</p>	<p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight</p>	<p>The Gateway Determination dated 25 November 2019 says that the Planning Proposal’s inconsistencies are justified in accordance with the terms of the direction. The Gateway Determination also says that ‘no further approval is required in relation to these directions.’</p>
<p>4.1 Acid Sulfate Soils</p>	<p>Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>The subject site is identified in LMLEP 2014 maps as having class 5 Acid Sulfate Soils. The Planning Proposal is consistent with the direction as Council’s LEP and DCP already contain appropriate controls to ensure potential Acid Sulphate Soils are minimised, which will be addressed at the development application stage.</p>
<p>4.2 Mine Subsidence and Unstable Land</p>	<p>Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p>Subsidence Advisory NSW (SA NSW) was consulted because the subject site is in the Lake Macquarie Mine Subsidence District. In a letter dated 5 February 2020, SA NSW advised that ‘there are no historical mine workings within the zone of influence of the subject land identified in the planning proposal.’ They also advised that ‘under the integrated development provisions of the <i>Environmental Planning and Assessment Act 1979</i>, development within the district requires approval from SA NSW’. This means that any future development applications will require an integrated approval from SA NSW.</p> <p>In a further letter dated 6 February 2020, SA NSW advised that that there is a mining lease affecting the property. However, representatives of the leaseholder, Oceanic Coal, have indicated that there is ‘no intention or likelihood of the company working any seams below the site’ and ‘the company’s intention is to cancel the lease in the near future’.</p> <p>The Gateway cover letter dated 25 November 2019 says that ‘Council may still need to obtain the agreement of the Secretary to comply with the requirements of the relevant section 9.1 Directions 4.2 Mine Subsidence and Unstable Land. Council should ensure this occurs prior to the plan being</p>

		made.’ Council staff will ensure that agreement is obtained before this planning proposal is made, noting that SA NSW did not object to the Planning Proposal.
5.10 Implementation of Regional Plans	Give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The proposal is consistent with the Hunter Regional Plan, as outlined in Section B of this document.
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is consistent with the direction as it does not contain any provisions that require concurrence, or identify development as ‘designated’.
6.2 Reserving Land for Public Purposes	To facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The proposal is consistent with the direction as it does not alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This direction applies when a relevant planning authority prepares a proposal that will allow a particular development to be carried out. This direction, therefore applies to this Planning Proposal because it seeks to enable large format retail on the subject site only. The Gateway Determination dated 25 November 2019 says that the Planning Proposal’s inconsistencies are justified in accordance with the terms of the direction. The Gateway Determination also says that ‘no further approval is required in relation to these directions.’

Section C – Environmental, Social and Economic Impact

5. *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. The subject site is a recently remediated former heavy industrial site and, as such is devoid of vegetation.

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

No. There are no likely environmental effects of the planning proposal that will require management.

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

Social

The proposed rezoning will facilitate the development of a business park facilitating large format retail or other business park uses. It also includes zoning to allow a strip of mixed use development fronting the residential collector road which forms the southern edge of the subject land. The B4 zone provides a buffer between the business park and the adjacent residential area.

The proposed uses permitted on the site will generate much-needed employment opportunities for the growing population in the north west sector of the City.

It is noted that the Pasmenco Area Plan, within the Lake Macquarie Development Control Plan 2014, identifies the requirement for a 0.5 hectare local park to be established within (or in the vicinity of) the land the subject of this planning proposal. This requirement will be re-considered as part of an amendment to the Area Plan to reflect the proposed rezoning of the subject land.

Economic

The proposed rezoning will result in a net increase of 15 hectares of employment land in a strategic location within the North West Lake Macquarie Catalyst Area. The B7 Business Park zone facilitates land uses that are generally complementary to traditional town centres or retail centres.

The business park will complement the existing Bunnings Warehouse immediately north of the subject land, and will support the nearby Cardiff-Glendale strategic centre.

Lake Macquarie currently has a total of 138 hectares of land zoned B7 Business Park. An analysis of existing B7 land within the LGA (below) shows that this land is either fully developed, has DA approval, or is greater than 25km from the subject site.

Table 1 – Existing B7 zoned land in Lake Macquarie by Location (Area and distance from subject land)

<i>B7 zoned land - Location</i>	<i>Area (ha)</i>	<i>Development status</i>	<i>Distance from subject land (km)</i>
Pennant Street, Cardiff	13	Developed	3
Macquarie/Hillsborough Road, Warners Bay	35	Developed	7
Medcalf St, Warners Bay	9	Developed	6
Groves Road, Bennetts Green	9	Developed	12
Pacific Highway, Bennetts Green	13	DA approved	12
Pacific Highway, Belmont North	10	Developed	14
Gateway Boulevard, Morisset	12	Developed	30
Gimberts Road, Morisset	37	Undeveloped	30

The proposal will facilitate the use of the site for large floorplate retail or other business park type land uses. Development of the site will provide additional choice and increased competition, which is likely to benefit local consumers by placing downward

pressure on prices. Furthermore, the development will provide jobs during construction as well as significant ongoing employment opportunities once the site is developed. If the subject site is developed for large floorplate retail, it will attract customers from a wider region than a typical centre would. Therefore, any trading impacts on existing centres are also likely to be widely distributed through the City.

The additional site-specific provisions of the Planning Proposal restrict 'retail' use of the site to large format retail only which will avoid permitting smaller format retail uses on the site that are better located in centres.

The *Lake Macquarie Development Control Plan 2014* requires economic impact to be considered as part of a Development Application. Therefore, economic impact will be considered at the Development Application stage. The assessment of any economic impacts is best undertaken at the development application stage when more detail is known about the development.

Section D – State and Commonwealth Interests

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

The subject land is currently serviced with all essential infrastructure and has direct access to the regional road network (MR 217). It is also less than 400 metres from the Cockle Creek train station.

The proposed change in zoning will facilitate large floorplate retail development which will lead to increased peak traffic volumes compared to the likely development outcomes under the current residential zoning. This increase in traffic volumes will likely require upgrades to some nearby intersections. The traffic impacts will be assessed as part of a future Subdivision Application and Development Applications when more detail is known regarding traffic volumes and movements. See below for more details of the agency consultation with Transport for NSW and further details of traffic and transport impacts.

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

The Gateway determination required consultation with the following State Government agencies.

Roads and Maritime Services (note that this agency is now part of Transport for NSW (TfNSW))

TfNSW advised on 20 December 2019 that the Planning Proposal should be supported by a Traffic Impact Assessment and provided guidelines and advice about how to prepare the Assessment. Council sought clarification from TfNSW in a letter dated 1 April 2020 that the traffic impact assessment could instead be done at the development stage before any subdivision or development approvals are issued. TfNSW responded on 9 April 2020 advising that 'the planning authority should have regard to the traffic impacts of the proposed rezoning during the rezoning stage of assessment'.

Since the original advice was received from TfNSW on 20 December 2019, the proponent has been working with TfNSW and Council to address the requirements of TfNSW and the traffic impacts of future development. The proponent will soon provide traffic modelling to TfNSW.

The traffic model being prepared by the proponent will contain a number of traffic and land use scenarios to determine the impact of future development on the local roads and wider traffic catchment. The scenarios are more relevant to the development of the site than the rezoning. Council staff therefore believe that it is more appropriate that a Traffic

Impact Assessment be undertaken as part of any future subdivision and development applications, rather than at the rezoning stage, for the following reasons:

- The Gateway Determination does not require a Traffic Study as part of the Planning Proposal. The cover letter to the Gateway Determination encourages Council 'to consult with Roads and Maritime Services regarding the preparation of a Traffic Study for the proposed development'. In particular, it is noted that the letter mentions the need for a Traffic Study for the 'proposed development' and not for the Planning Proposal itself. Council and the proponent have consulted with TfNSW about the preparation of traffic studies, as suggested by the letter.
- All of the assessment requirements outlined in the letter from TfNSW dated 20 December 2019 are best addressed at the development stage, including the need to 'identify any necessary road network infrastructure upgrades... on both the local and classified road network' and the need to 'identify funding mechanisms' for any upgrades.

Given the unresolved issues with TfNSW, Council has decided not to use its plan making delegations provided in the gateway determination and will instead requested that the DPIE make the plan.

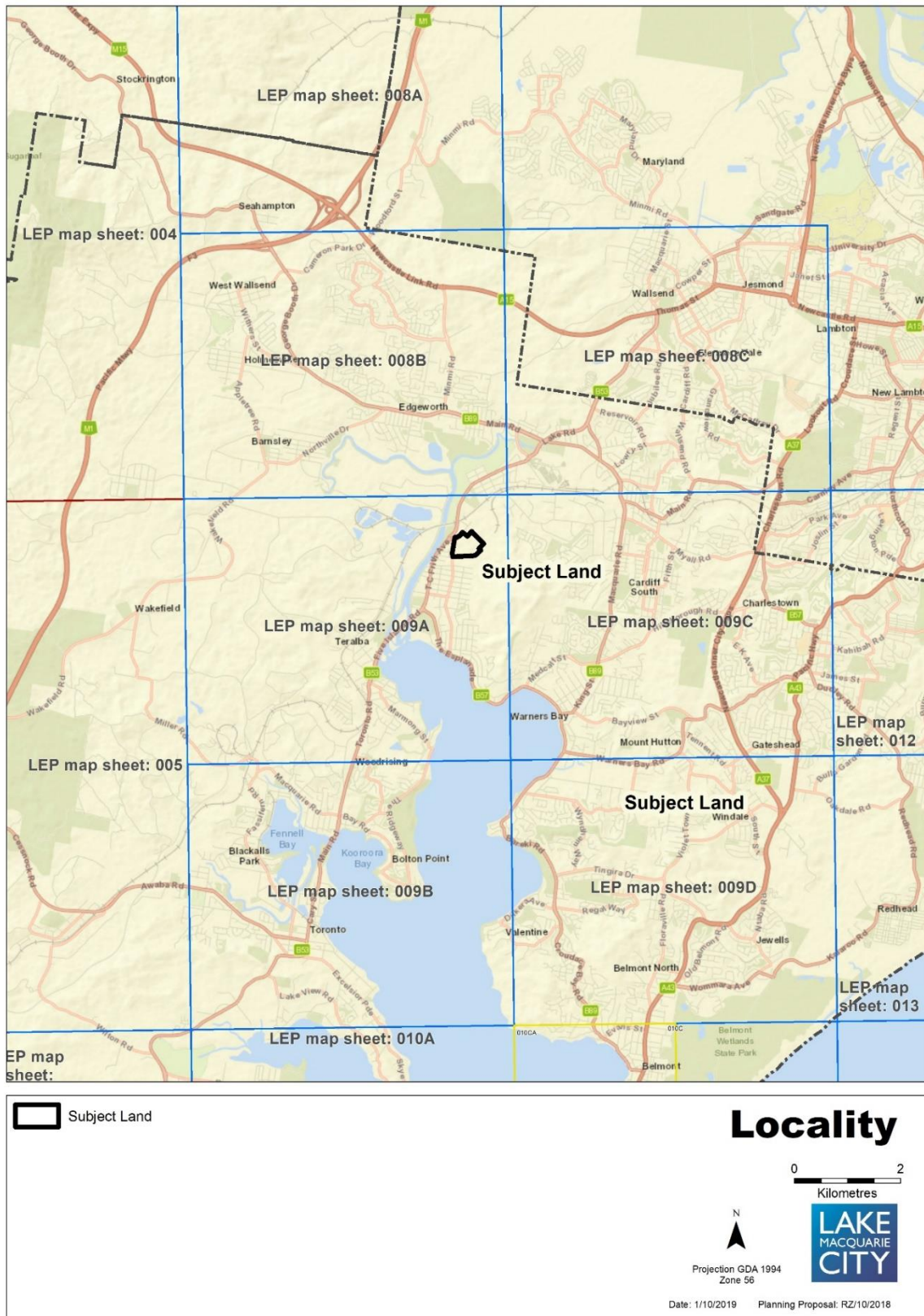
Subsidence Advisory NSW (SA NSW)

SA NSW was consulted because the subject site is in the Lake Macquarie Mine Subsidence District. SA NSW did not object to the Planning Proposal, but provided the following advice:

- In a letter dated 5 February 2020, SA NSW advised that 'there are no historical mine workings within the zone of influence of the subject land identified in the planning proposal.' They also advised that 'under the integrated development provisions of the Environmental Planning and Assessment Act 1979, development within the district requires approval from SA NSW'. This means that any future development applications will require an integrated approval from SA NSW.
- In a further letter dated 6 February 2020, SA NSW advised that that there is a mining lease affecting the property. However, representatives of the leaseholder, Oceanic Coal, have indicated that there is 'no intention or likelihood of the company working any seams below the site' and 'the company's intention is to cancel the lease in the near future'.

Part 4 - MAPPING

Map 1- Locality Map



Map 2- Aerial Photograph



 Subject Land

Air Photo

2018 Aerial Photography

© Nearthmap Imagery



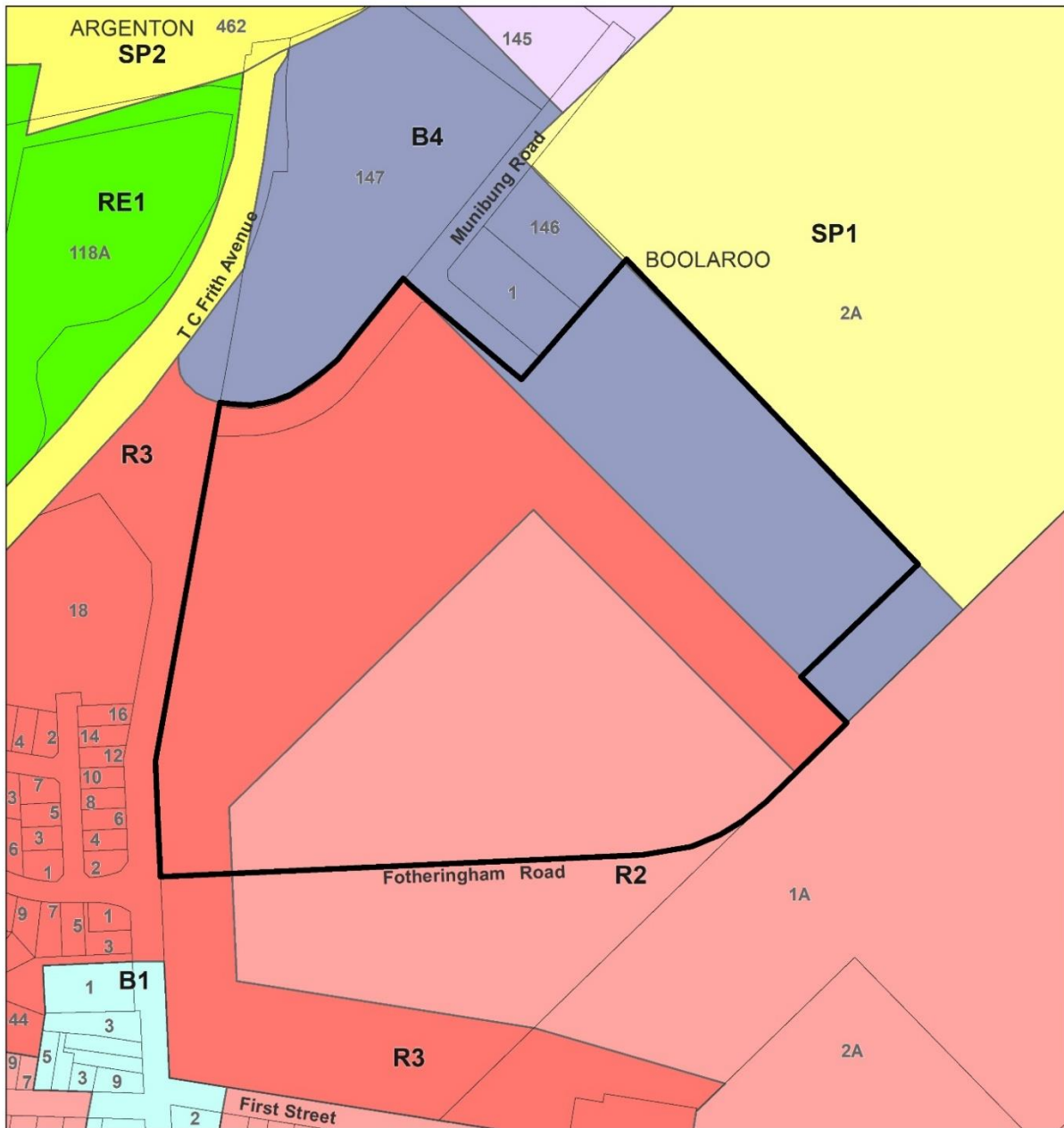

Projection GDA 1994
Zone 56



Date: 1/10/2019

Planning Proposal: RZ/10/2018

Map 3- Existing Land Zoning Map



Land Parcel	SP2 Infrastructure
Subject Land	
Land Zoning	
B1 Neighbourhood Centre	
B4 Mixed Use	
IN2 Light Industrial	
R2 Low Density Residential	
R3 Medium Density Residential	
RE1 Public Recreation	
SP1 Special Activities	

Existing Land Zoning Map

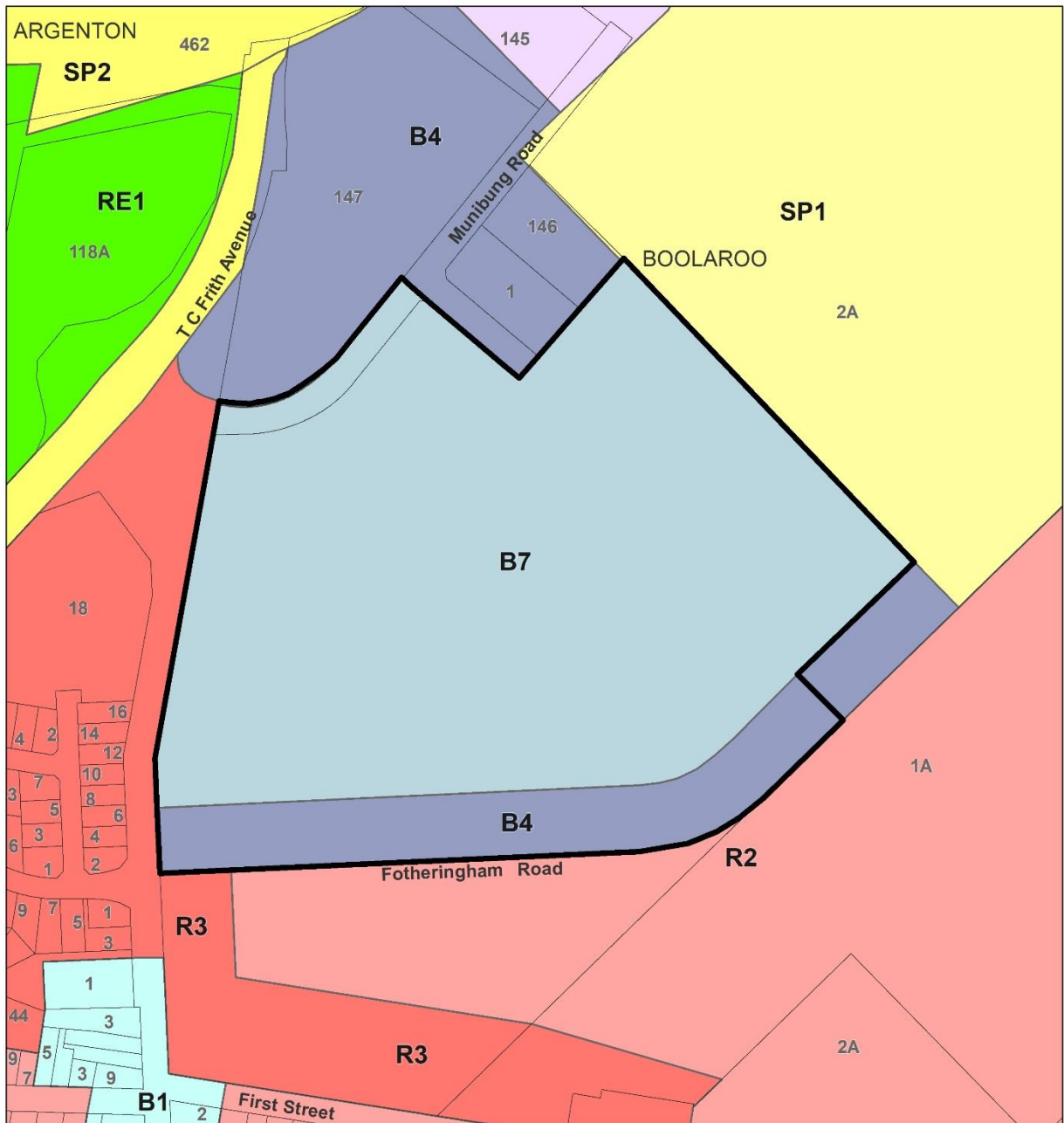
Lake Macquarie Local Environmental Plan 2014

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Projection GDA 1994
Zone 56

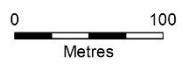
Date: 1/10/2019 Planning Proposal: RZ/10/2018

Map 4- Proposed Land Zoning Map



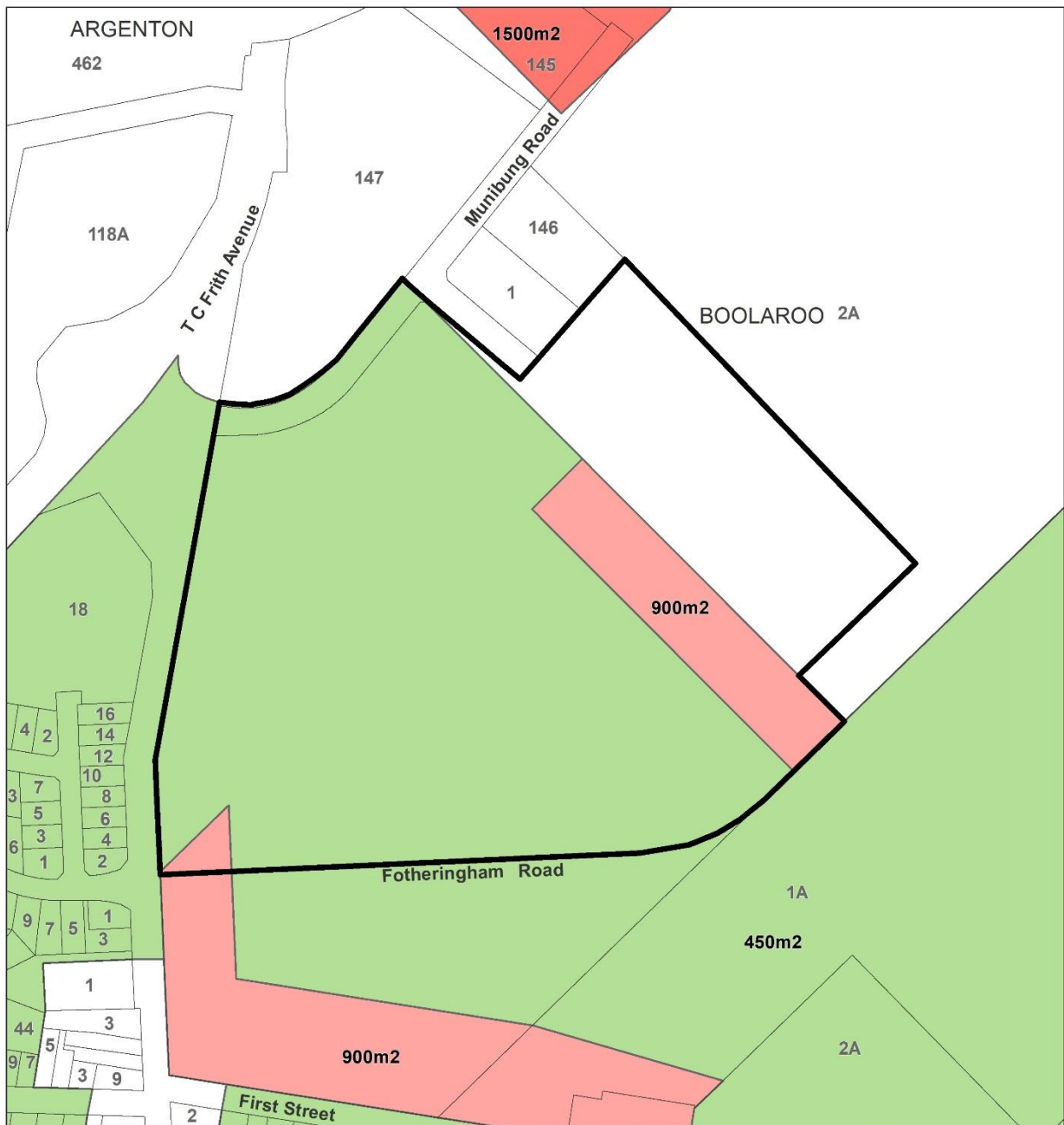
- Land Parcel
- Subject Land
- Land Zoning**
- B1 Neighbourhood Centre
- B4 Mixed Use
- IN2 Light Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- SP1 Special Activities
- SP2 Infrastructure
- B4 Mixed Use
- B7 Business Park

Proposed
Land Zoning Map
Lake Macquarie Local Environmental Plan 2014



Date: 1/10/2019 Planning Proposal: RZ/10/2018

Map 5- Existing Lot Size Map



Existing Lot Size Map
Lake Macquarie Local Environmental Plan 2014

Minimum Lot Size

- 450 sq m
- 900 sq m
- 1500 sq m

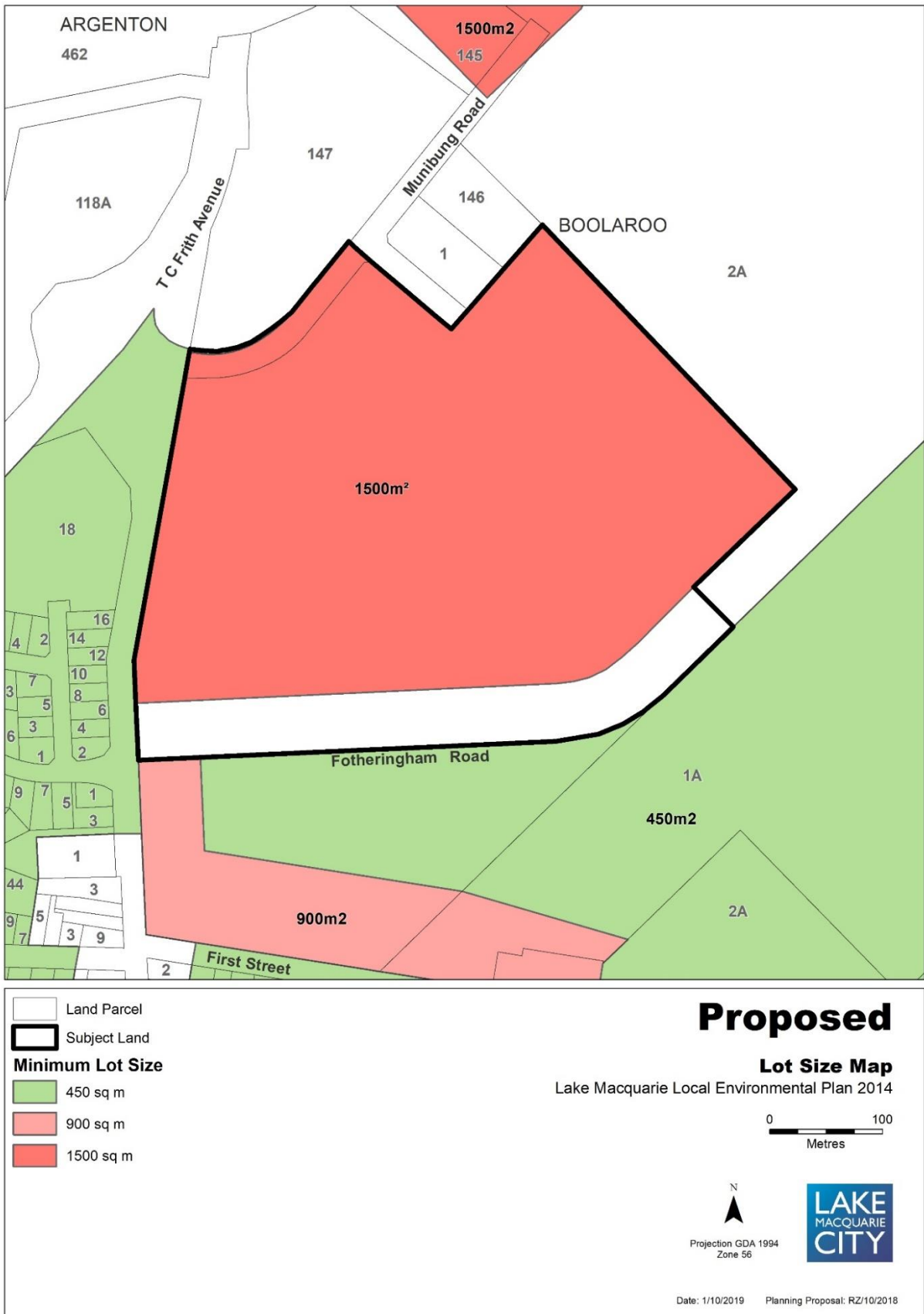
0 100
Metres

Projection GDA 1994 Zone 56

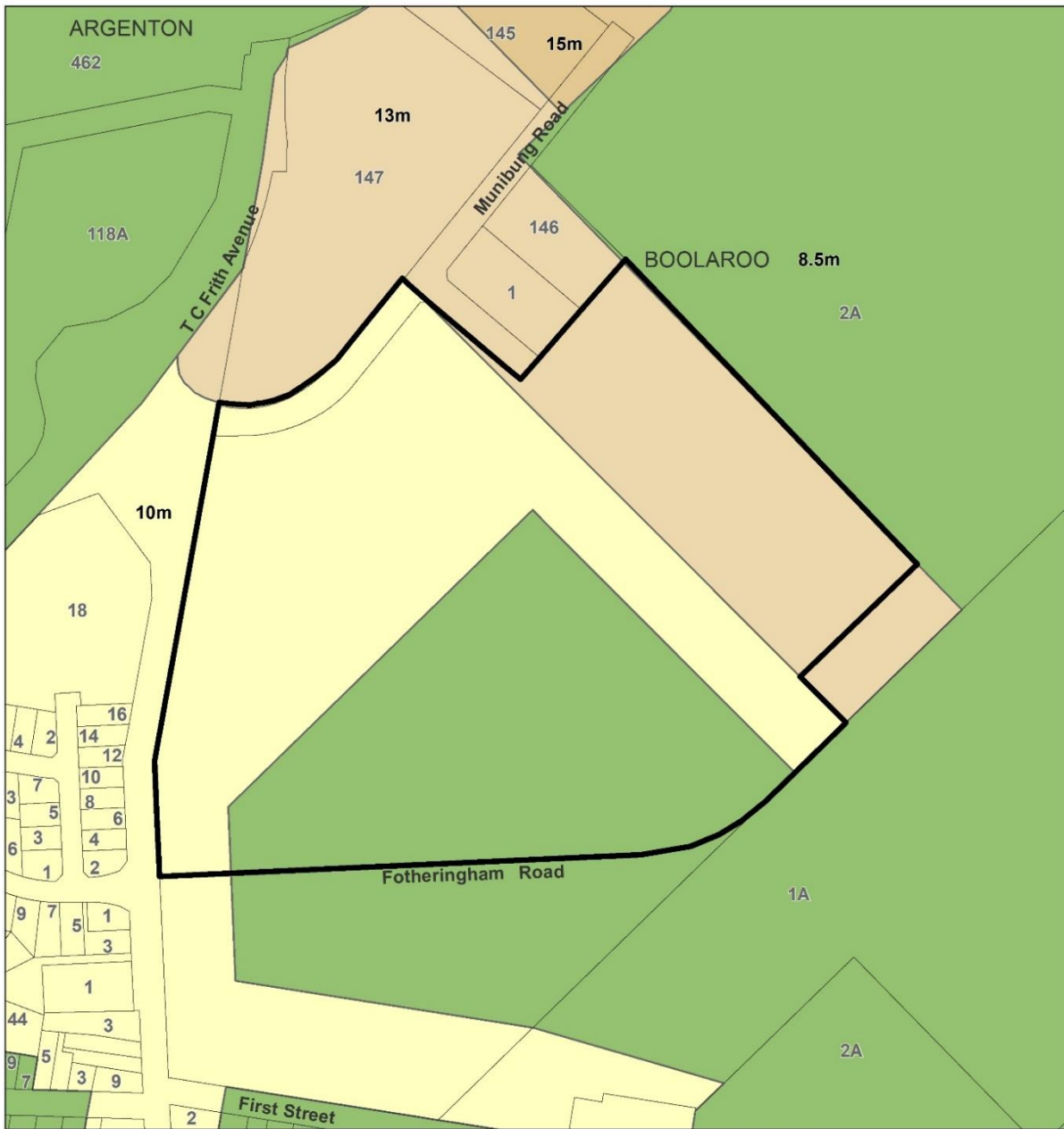
LAKE MACQUARIE CITY

Date: 1/10/2019 Planning Proposal: RZ/10/2018

Map 6- Proposed Lot Size Map

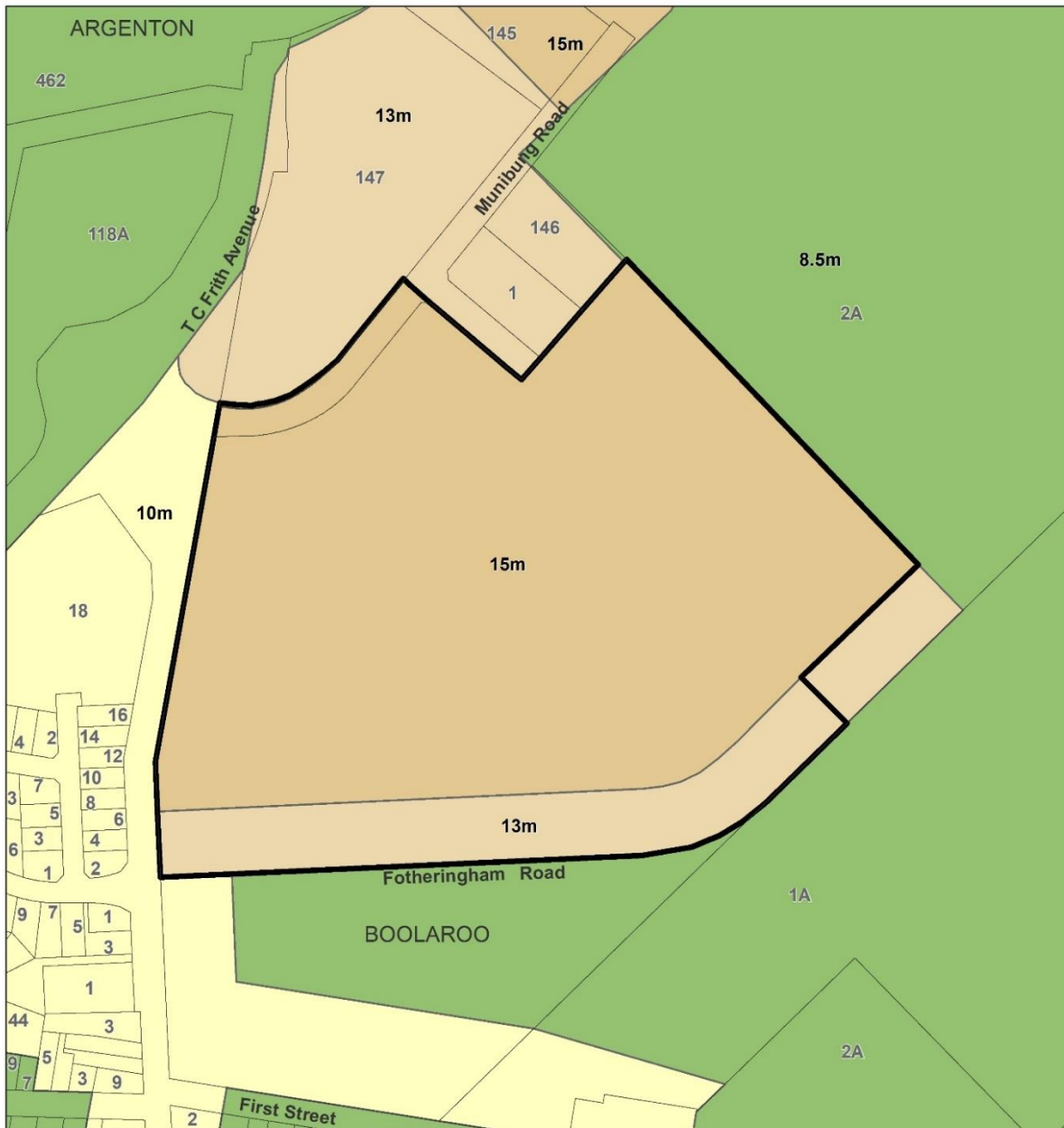


Map 7- Existing Height of Building Map



Land Parcel	Existing
Subject Land	
Maximum Building Height (metres)	
8.5	<p>Height of Buildings Map Lake Macquarie Local Environmental Plan 2014</p> <p>0 100 Metres</p> <p> N Projection GDA 1994 Zone 56</p> <p></p> <p>Date: 1/10/2019 Planning Proposal: RZ/10/2018</p>
10	
13	
15	

Map 8- Proposed Height of Building Map



Proposed
Height of Buildings Map
Lake Macquarie Local Environmental Plan 2014

Maximum Building Height (metres)

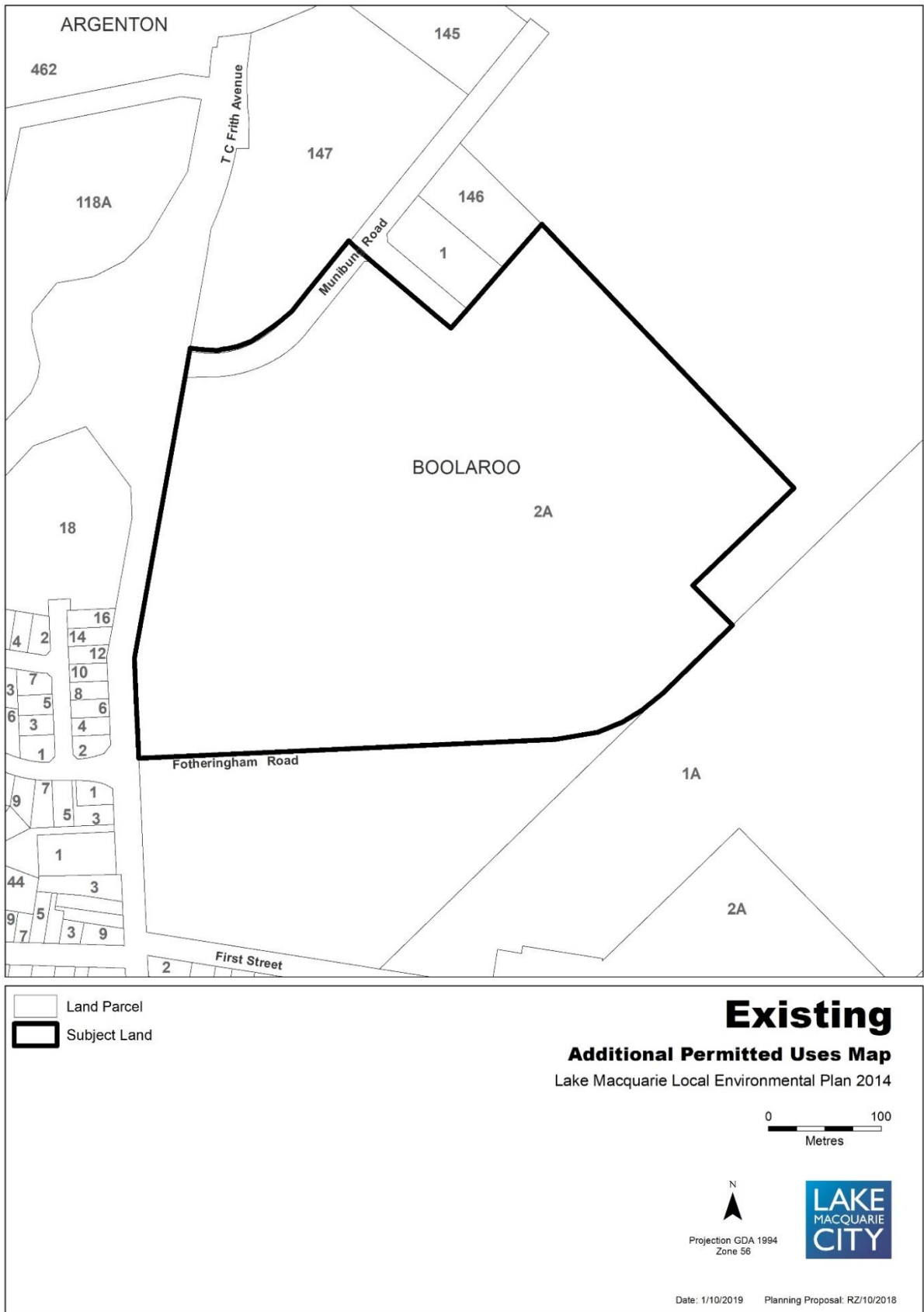
- 8.5
- 10
- 13
- 15

0 100
Metres

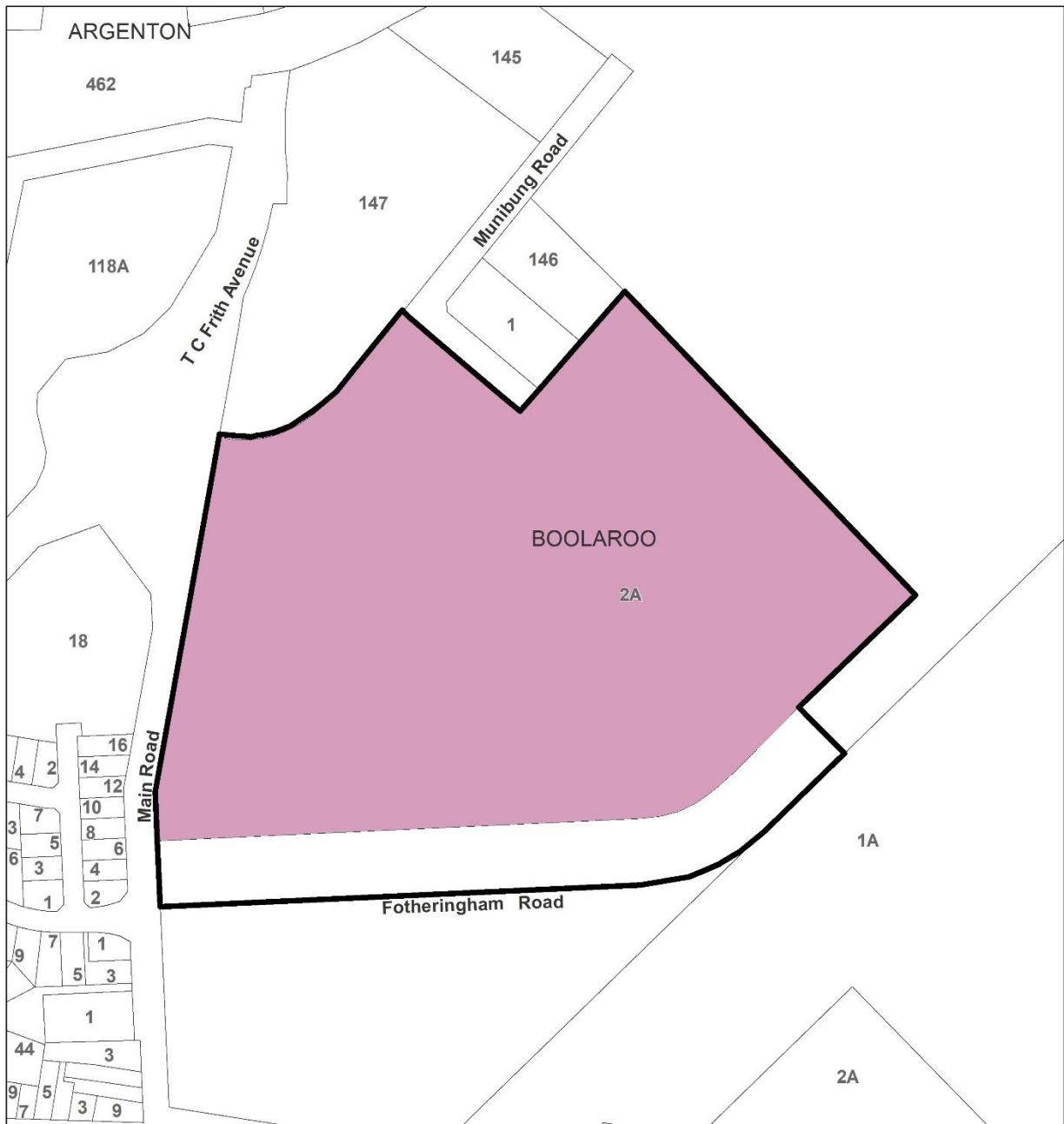
N
Projection GDA 1994
Zone 56

Date: 1/10/2019 Planning Proposal: RZ/10/2018

Map 9 - Existing Additional Permitted Uses Map



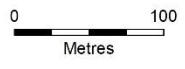
Map 10 - Proposed Additional Permitted Uses Map



- Land Parcel
- Subject Land
- Additional Permitted Uses

Proposed Additional Permitted Uses Map

Lake Macquarie Local Environmental Plan 2014



N
Projection GDA 1994
Zone 56



Date: 1/10/2019 Planning Proposal: RZ/10/2018

Part 5 – COMMUNITY CONSULTATION

The Gateway determination required the Planning Proposal to be exhibited for a minimum of 28 days. The public exhibition took place for an extended amount of time, for 56 days from 9 December 2019 until 3 February 2020.

One submission was received during exhibition. The submission seems to incorrectly assume that the Planning Proposal will add 'retail premises' to all B7 Business Park zoned land in the City. Rather, the Planning Proposal only seeks to add 'retail premises' to the proposed B7 zoned land on the subject site. Additional site-specific provisions restrict 'retail' use of the site to large format retail only.

The submission also asserts that the Planning Proposal is inconsistent with Ministerial Direction 1.1 – Business and Industrial Zones and Direction 23 of the Hunter Regional Plan 2036 (HRP). However:

- The Gateway Determination dated 25 November 2019, states that the Planning Proposal's inconsistencies with Direction 1.1 Business and Industrial Zones is justified in accordance with the terms of the directions. The Gateway Determination also says that 'no further approval is required in relation to these directions.'
- Direction 23 of the HRP seeks to focus residential and employment growth in centres. It also seeks to do this in an 'integrated' way that considers the transport, open space and other needs of centres to increase liveability. This means that centres need to be less car dependent, walking and cycling friendly, mixed use and offer access to a wide variety of jobs, services and public transport, while providing easy access to public, open and green spaces. These types of centres are often referred to as 'fine grain' because they offer a wide variety of activities and many different ways to get around in a compact space. In contrast, 'coarse grain' large floorplate, car dependent land uses need to be located outside of centres so that they do not undermine the intent to create compact, diverse, accessible centres. The HRP acknowledges the need to locate incompatible employment-generating land uses outside of centres in Action 24.3, by requiring provision of 'themed employment precincts' in local plans. The proposal is therefore consistent with the HRP.

Finally, the submission requests that an economic impact assessment be prepared to determine the impact of the Planning Proposal on economic centres, including Charlestown. However, this is not considered necessary because the HRP, the GNMP, and the Lake Macquarie City Local Strategic Planning Statement (LSPS) all support large format retail on the site, demonstrating that the proposal is therefore consistent with the local and regional strategies. Furthermore, Section 2.18 of 'Part 5: Development in Industrial, Business Park and Infrastructure Zones' of the Lake Macquarie Development Control Plan 2014 requires economic impact to be considered as part of a Development Application.

Attachment 1 to the Council report seeking to endorse this planning proposal provides a more detailed response to the submission and issues raised.

Part 6 – PROJECT TIMELINE

Action	Timeframe (forecast)
Gateway determination to proceed	25 November 2019
Preparation of supporting studies	Nov 2019- Mar 2020
Government agencies consultation	Nov 2019- Mar 2020
Public exhibition (56 days)	December 2019 to February 2020
Consideration of submissions	March 2020
Report public exhibition findings to Council	May 2020
Finalisation of LEP Amendment	July 2020

Appendix 1 – Gateway Determination



Planning,
Industry &
Environment

PP_2019_LAKEM_006_00
IRF19/7474

Ms Morven Cameron
Chief Executive Officer
Lake Macquarie City Council
Box 1906
Hunter Region Mail Centre NSW 2310

Attn: Andrew Donald

Dear Ms Cameron

Planning proposal PP_2019_LAKEM_006_00 to amend Lake Macquarie Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 1 October 2019 in respect of the planning proposal to introduce additional business zones to enable large floor space development at Boolaroo.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 3.4 Integrated Land Use and Transport and 6.3 Site Specific Provisions are justified in accordance with the terms of the directions. No further approval is required in relation to these directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 4.2 Mine Subsidence and Unstable Land. Council should ensure this occurs prior to the plan being made.

Council is also encouraged to consult with Roads and Maritime Services regarding the preparation of a Traffic Study for the proposed development.


I note that Council has not requested to be the local plan-making authority. I have considered the nature of Council's planning proposal and given the proposal is consistent with both regional and local planning strategies I have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr James Shelton to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely

 25/11/19
Greg Sullivan
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2019_LAKEM_006_00): to introduce additional business zones for a business park to enable large floor space development at 2A Main Road, Boolaroo.

I, the Director, Central Coast and Hunter at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Lake Macquarie Local Environmental Plan (LEP) 2014 to rezone vacant residential and business zoned land to business zones and include retail premises as an additional permitted land use to part of Lot 599 DP 1228699 at 2A Main Road, Boolaroo, should proceed subject to the following conditions:

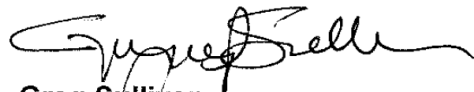
1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
2. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Roads and Maritime Services
 - Subsidence Advisory NSW

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

-
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 25th day of November 2019.



Greg Sullivan
Director, Central Coast and Hunter Region
Planning and Assessment
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning and
Public Spaces**

Appendix 2 – Government Agency Letters



CR2019/005492
SF2019/237190
MJD

20 December 2019

The CEO
Lake Macquarie City Council
PO Box 1906
HRMC NSW 2310

Attention: Andrew Donald

TC FRITH AVENUE (MR217): RZ/10/2018 - PLANNING PROPOSAL – PART LOT: 599 DP: 1228699, 2A MAIN ROAD BOOLAROO

Transport for NSW (Transport) advises that legislation to bring Roads and Maritime Services and Transport together as one organisation came into effect on 1 December 2019 so we can deliver more integrated transport services across modes and better outcomes to customers and communities across NSW. Other than a name change from Roads and Maritime to Transport, it's business as usual and you can continue to enjoy the same service you do today.

Transport have reviewed the Planning Proposal documentation by Lake Macquarie City Council. It is understood that the proposal is to:

- Change the land use zone applying to the subject land variously from R2 Low Density Residential, R3 Medium Density Residential and B4 Mixed Use to B7 Business Park and B4 Mixed Use,
- Specify an additional permitted use to the land to be zoned B7 to permit retail premises, with development consent, provided:
 - the site area is at least 20,000m², and
 - the gross floor area is at least 13,000m², and
 - the consent authority is satisfied that the development is to be managed by a single operator.

Transport for NSW response

Transport recommends that Planning Proposal should be supported by a Traffic Impact Assessment, with regard to (but not limited to) the following guidelines and advice:

- Road and Related Facilities within the Department of Planning EIS Guidelines,

- Section 2 Traffic Impact Studies of Transport for NSW's *Guide to Traffic Generating Developments 2002*.
- A microsimulation model, such as VISSIM or AIMSUN, should be used with the EMME strategic model, to demonstrate the impact of:
 - Completing the Munibung Road extension, which will result in the redistribution of trips within the industrial estate, and additional through trips on Munibung Road transferred from MR217,
 - The increased trip generation as a result of the rezoning, and the impact of these additional trips along with any impacts from the completion of Munibung Road would need to be tested at both the TC Frith Avenue (MR217), Main Road and Munibung Road roundabout, and the Macquarie Road (MR527), Munibung Road and Myall Road traffic signals.
- An assessment of all relevant vehicular traffic routes and intersections for access to / from the subject properties shall be undertaken, and include:
 - Current traffic counts for all of the traffic routes and intersections.
 - The anticipated additional vehicular traffic generated from both the construction and operational stages of the project.
 - The distribution on the road network of the trips generated by the proposed development. It is requested that the predicted traffic flows are shown diagrammatically to a level of detail sufficient for easy interpretation.
 - Demonstration of the capacity of the local and classified road network to be able to safely and efficiently cater for the additional vehicular traffic generated by the future development associated with the Planning Proposal, during both the construction and operational stages. The traffic impact shall also include the cumulative traffic impact of other proposed developments in the area.
 - Traffic analysis of any major / relevant intersections impacted, including:
 - Current traffic counts and 10 year traffic growth projections
 - With and without development scenarios
 - 95th percentile back of queue lengths
 - Delays, level of service and degree of saturation for all legs for the relevant intersections
 - Data files for Transport for NSW review.
- The Planning Proposal shall identify any necessary road network infrastructure upgrades required to maintain existing levels of service on both the local and classified road network for the development, and identify funding mechanisms.

- Preliminary concept drawings shall be submitted for any identified road infrastructure upgrades. However, it should be noted that any identified road infrastructure upgrades will need to be to the satisfaction of Transport for NSW and Council.
- Any other impacts on the regional and state road network including consideration of pedestrian, cyclist and public transport facilities and provision for service vehicles.

On determination of this matter, please forward a copy of the Planning Proposal to Transport for record and / or action purposes. Should you require further information please contact Marc Desmond on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely



Peter Marler
Manager Land Use Assessment
Hunter Region

MD Marc Desmond [REDACTED] | Hannah Benson 9/04/2020
TfNSW response to CR2020/001932: Letter - Planning Proposal RZ/10/2018 - Boolaroo

i You replied to this message on 9/04/2020 5:15 PM.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Hannah


TfNSW have reviewed your request. It was our understanding that the masterplan style traffic assessment was for the Planning Proposal and not the subdivision.

TfNSW consider that the planning authority should have regard to the traffic impacts of the proposed rezoning during the rezoning stage of assessment, however this can also be done at exhibition.

Regards,

Marc Desmond
Development Assessment Officer
Land Use Assessment Hunter
Regional and Outer Metropolitan
Transport for NSW

[REDACTED]
Level 8, 266 King Street Newcastle NSW 2300

 | **Transport for NSW**

Use public transport... plan your trip at transportnsw.info



Subsidence Advisory

117 Bull Street, Newcastle West, NSW, 2302

T: (02) 4908 4300 | 24 Hour Emergency Service: 1800 248 083 (Free Call)

Andrew Donald
Senior Strategic Planner
Lake Macquarie City
adonald@lakemac.nsw.gov.au / council@lakemac.nsw.gov.au

Dear Andrew

Request for comment on Planning Proposal to rezone certain parts of land within the former Pasmenco Cockle Creek Smelter Site – Ref: EREZ20-00001

Thank you for your letter dated 2 January 2020, seeking Subsidence Advisory NSW's (SA NSW) comment on the planning proposal – business zones – 2A Main Road Boolaroo (**RZ/10/2018**) with regards to:

- i. Proposal to amend the Lake Macquarie Environmental Plan for part of lot 599 DP 1228699 to enable specialised retail premises and other commercial uses that require a large floor area.

SA NSW notes the subject area is in the Lake Macquarie Mine Subsidence District.

The purpose of a district is to manage the coexistence of surface development and mine subsidence through development controls to reduce the risk of damage to surface improvements. Under the integrated development provisions of the Environmental Planning and Assessment Act 1979, development within a district requires approval from SA NSW.

SA NSW notes part of the subject land encompasses an area over a mining lease held by Oceanic Coal Pty Ltd. SA NSW will consult with Oceanic Coal regarding their intentions, details will be provided by SA NSW to Lake Macquarie City Council when known.

SA NSW records indicate there are no historical mine workings within the zone of influence of the subject land identified in the planning proposal.

If you would like more information, please contact Subsidence Advisory NSW on 49084300 or sa-riskeng@customerservice.nsw.gov.au

A handwritten signature in black ink, appearing to read 'Shane McDonald'.

Shane McDonald
Senior Risk Engineer

5 February 2020



Subsidence Advisory

117 Bull Street, Newcastle West, NSW, 2302

T: (02) 4908 4300 | 24 Hour Emergency Service: 1800 248 083 (Free Call)

Andrew Donald
Senior Strategic Planner
Lake Macquarie City
adonald@lakemac.nsw.gov.au / council@lakemac.nsw.gov.au

Cc: mphill@lakemac.nsw.gov.au

Dear Andrew

Details regarding mining lease for Planning Proposal to rezone certain parts of land within the former Pasmenco Cockle Creek Smelter Site – Ref: EREZ20-00001

Subsidence Advisory NSW has received mining lease advice in relation to the subject land in the planning proposal – business zones – 2A Main Road Boolaroo (part lot 599 DP 1228699). **(RZ/10/2018)**.

Advice received from an Oceanic Coal representative indicates:

- there is no intention or likelihood of the company working any seams below the site
- the company's intention is to cancel the lease in the near future.

If you would like more information, please contact Subsidence Advisory NSW on 49084300 or [sa-riskeng@customerservice.nsw.gov.au](mailto:sariskeng@customerservice.nsw.gov.au)

A handwritten signature in black ink, appearing to read 'Shane McDonald'.

Shane McDonald
Senior Risk Engineer

6 February 2020

20DP016	Recreation Facility (outdoor) - Golf Driving Range - 10 Barker Avenue, Hillsborough
----------------	---

Key focus area	1. Unique landscape
Objective	1.3 New development and growth complements our unique character and sense of place
File	DA/1454/2019 - D09670529
Author	Senior Development Planner - Anna Kleinmeulman
Responsible manager	Manager Development Assessment and Certification - Elizabeth Lambert

Address 10 Barker Avenue, Hillsborough
 Owner The State of NSW
 Applicant Charlestown Golf Club Limited

Executive summary

The application seeks consent for a golf driving range at 10 Barker Avenue, Hillsborough within the grounds of the Charlestown Golf Club.

Safety fencing around the perimeter of the golf driving range is proposed. This fencing comprises a 31.5m or 370% variation to the maximum building height development standard of 8.5m and as such, is required to be reported to Council for determination.

Planning Circular PS18-003 issued by the NSW Department of Planning, Industry and Environment identifies elected Council as the determining authority for development applications where a variation to a numerical standard is greater than 10%.

The development application is considered acceptable on merit and is therefore recommended for approval, subject to conditions.

Recommendation

Council:

- A. endorses the development standard variation under clause 4.6 of the *Lake Macquarie Local Environmental Plan 2014*, providing a maximum height of 40m, exceeding the 8.5m development standard by 31.5m or 370%; and
- B. approves DA/1454/2019 for a recreation facility (outdoor) at 10 Barker Avenue, Hillsborough, subject to conditions of consent.

Discussion

The site is currently occupied by Charlestown Golf Club and contains an 18-hole golf course, club house, maintenance sheds and car parking. The golf course has occupied the site since the early 1970's.

Site context

The site context is shown in Figure 1. The property is located to the west of the Newcastle Inner City Bypass within the land operated by Charlestown Golf Club, accessed from Barker Avenue.

The land is zoned RE2 Private Recreation under the *Lake Macquarie Local Environmental Plan (LMLEP) 2014*. The existing club house, maintenance sheds and parking area are located on the elevated areas of the site. Land falls steeply to the east and west from these facilities.

The site is relatively isolated and cannot be readily viewed from the surrounding street network due to the existing native vegetation that provides a natural screen and buffer. There are some distant views into the site from higher elevations of Charlestown and when travelling south on the Newcastle Inner City Bypass.



Figure 1 - Site context

Proposal

The development is defined as a recreation facility (outdoor) under the *LMLEP 2014* and encompasses a golf driving range within the land currently utilised by Charlestown Golf Club.

A tee area is to be constructed directly to the north of the existing club house building with the driving range extending downslope to the east as depicted in Figure 1. The tee area comprises a 40m x 4m concrete slab. A roof will be constructed over a length of 14m of the tee area to provide weather protection.

To ensure the safety of people utilising the golf course, the driving range will be enclosed by safety fencing up to a height of 40m from existing ground level. The height of fencing will

vary from 12m at the tee area, rising to 40m at approximately 100m downslope and then reducing to 12m at the eastern end of the fenced area. Fence height requirements have been determined through a ball trajectory analysis supplied with the development application.

The proposal includes removal of all trees within the driving range area. Trees removed will be replaced at a ratio of 3:1 in strategic locations through the site to improve habitat connectivity.

Height of buildings

Clause 4.3 of the *LMLEP 2014* provides a maximum building height for this site of 8.5m. The safety fence proposes a maximum overall height of 40m, a 370% variation.

A submission under clause 4.6 of the *LMLEP 2014* has been submitted requesting a variation to the maximum height.

The written submission provides the following justification as to why the development standard is unreasonable or unnecessary:

- the development is a suitable use of the site;
- the height of fencing is required to assist in the containment of balls hit from the golf range and is necessary to maintain the health and safety of club patrons on the golf course;
- visual impacts of the fence will be mitigated through the layout of the driving range making use of the site topography. Fence height increases as the land descends to the east. Additionally, the design of the fencing will be visually recessive within the landscape;
- the facility is screened from surrounding public roads by existing vegetation and as such will not be visually obtrusive;
- the development does not obstruct views;
- the objectives of the zone and development standard are achieved despite the building height variation; and
- the development is not contrary to the public interest.

The additional height is considered appropriate in consideration of the safety implications, site attributes and assessment of the impacts, which are considered to be minimal. The application demonstrates that strict adherence to the development standard in the circumstance of this case is unreasonable and unnecessary. The development is consistent with the underlying purpose of the standards and there are sufficient environmental planning grounds to justify contravening the development standard.

Given no adverse impacts from the height exceedance or any other aspects, the variation is worthy of support.

Assessment of options

This report recommends Council approve development application DA/1454/2019 for a recreation facility (outdoor) subject to conditions. This is recommended as the development is consistent with the objectives of the RE2 Private Recreation zone and will have no significant impacts on the amenity of surrounding areas as a result of the height variation or any other aspect of the development.

Should Council determine to refuse the development application, the reasons for refusal should be noted in the motion for refusal. Alternatively, Councillors may determine to refer the development application to the assessing officer to address specific issues identified.

Community engagement and internal consultation

The requirements to notify the development application were dispensed with as per the provisions of section 1.15.4 of Part 1 of Council’s Development Control Plan 2014. This is due to the isolated position of the site and the development not adversely affecting the amenity of adjoining lands.

The application was referred to the NSW Natural Resource Access Regulator (NRAR) as the development is positioned in close proximity to an identified watercourse. NRAR advised the development was exempt from the requirement to obtain a controlled activity approval under the *Water Management Act 2000*.

Key considerations

Economic impacts	The development will enable Charlestown Golf Club to generate an additional income stream to support the viability of the business.
Environment	<p>The application has been assessed in detail and deemed satisfactory under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The golf driving range will include the removal of approximately 0.4ha of native vegetation. Trees will be replaced at a ratio of three new trees for every one removed. New trees will be positioned to provide improved habitat connectivity within the site. Nest boxes or salvaged tree hollows will be incorporated into the replanting strategy.</p> <p>The development is considered acceptable with regard to environmental impacts.</p>
Community	<p>Although notification of the application was not undertaken, community views were taken into consideration with the proposed development being assessed against the provisions of the <i>Lake Macquarie Local Environmental Plan 2014</i> and <i>Development Control Plan 2014</i>, both of which have been publicly exhibited and adopted by Lake Macquarie City Council.</p> <p>The development will provide a facility not currently available within the Lake Macquarie local government area.</p>
Civic-leadership	None.
Financial	None.
Infrastructure	None.
Risk and insurance	None.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Water Management Act 2000

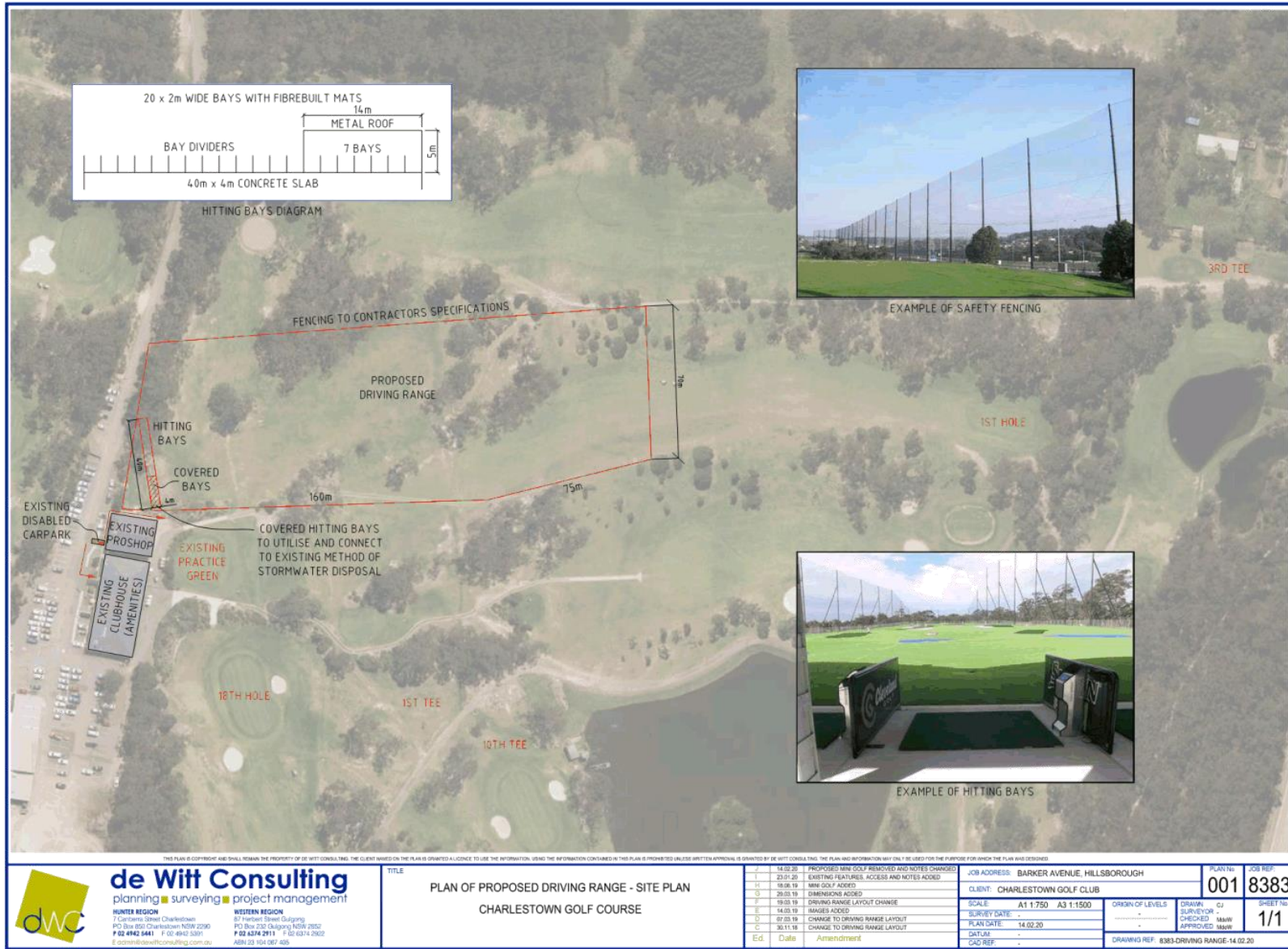
Coal Mine Subsidence Compensation Act 2017

Lake Macquarie Local Environmental Plan 2014

Lake Macquarie Development Control Plan 2014

Attachments

- | | | |
|----|--|-----------|
| 1. | Site Plan - DA/1454/2019 - 10 Barker Avenue HILLSBOROUGH | D09672631 |
| 2. | Safety Fencing - DA/1454/2019 - 10 Barker Avenue
HILLSBOROUGH | D09489552 |
| 3. | Clause 4.6 Variation to Development Standards- DA/1454/2019 - 10
Barker Avenue HILLSBOROUGH | D09489557 |



D09489552

Request for Quotation – Charlestown Golf Club

Proposed
Construction of Safety Screens
Request for quotation

Submitted to



By



Country Club International Pty. Ltd. ABN: 63 199 334 452
6 Gateway Drive, Carrum Downs. Victoria AUSTRALIA 3201
Phone (+61 3)9776 9066. Fax (+61 3)9776 9077. FREECALL 1300 138 804
Email: info@countryclub.com.au. www.countryclub.com.au

D09489552

Request for Quotation – Charlestown Golf Club

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D09489552

Request for Quotation – Charlestown Golf Club

INTRODUCTION

Country Club International was established in 1992 and has been at the forefront of developing designs and systems for high safety screens in Australia, New Zealand and South East Asia – particularly for Sporting fields, Golf courses and Ranges.



Much of the technology has originally been based on systems used in USA and Europe where extreme conditions have demanded “World’s best practice” in both design and componentry. In many ways CCI have now taken structural design of safety screens to another level again.

Country Club International are the exclusive importers of Redden #930 multifilament polyester barrier netting – historically regarded as the lightest and strongest net of its type.

Complementing this has been the introduction of Netex Dyneema® exclusively into Australia. This super high molecular material is the strongest and lightest material of its type and provides CCI even greater scope in engineering design of high safety screens. At 92% sheer it is also aesthetically better as it is almost translucent.

This quality and strength at such a low wind load rating of both these nets has allowed design development to surpass anything ever seen here before, with screens being designed up to 60m high using slender poles and wide pole spacing to significantly reduce the visual impact of the screens.

There is no greater example of Country Club’s motto **“Supplying the best. Nothing less”** than the work now being done by CCI in safety screens for the Golf and Sports industry.



Ringwood Golf Club/Eastlink - At 30m tall this is one of the highest and certainly the longest engineered high safety screens in Australasia

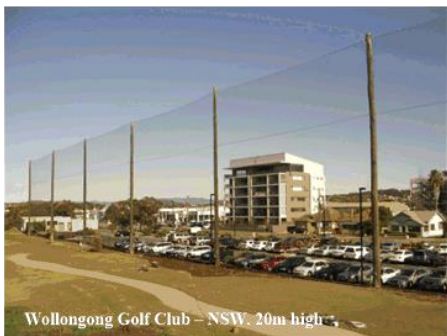
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Request for Quotation – Charlestown Golf Club

25 YEARS OF COUNTRY CLUB INTERNATIONAL SAFETY SCREEN INSTALLATIONS



Ryde Parramatta Golf Club – Sydney. 30m high



Wollongong Golf Club – NSW. 20m high



Gold Coast Burleigh Golf Club – 25m high



Wembley Golf Course – Perth. Up to 36m high



Malvern Valley Golf Club – Melbourne. 18m high



Tempe Golf Range – Sydney. 15m high



Dorset Golf Club – Melbourne. 12m high



Commonwealth Golf Club – Melbourne. 18m high

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Request for Quotation – Charlestown Golf Club

NETTING:**Polyester**

For the past 30 years polyester has been “king” – particularly the likes of Badinotti’s superb raschelle flat weave net from Europe made specifically for the golf industry.

Custom made to exact panel sizes by companies such as Redden USA it has been by far the best choice for high safety screens around the world until the introduction of Dyneema® but rightly still holds its place in the top echelon of high safety screen netting.

There is no doubt in the industry that polyester has until now been by far the premium fibre to be used for high barrier netting. Cheaper polyethylene and polypropylene can be used to reasonable effect on lower nets but have a history of failure on high nets under adverse conditions. Nylon is simply not in consideration due to its ability to absorb water.

Dyneema®

Dyneema® is produced in a patented gel spinning process in which the fibres are drawn, heated, elongated and cooled. Stretching and spinning leads to molecular alignment high crystallization and low density. Dyneema has extremely long molecular chains that transfer load more effectively to the polymer backbone so it is stronger at the same weight or lighter at the same strength than alternatives.

- Up to 15 times stronger than steel (weight for weight basis)
- Up to 40% stronger than aramids (weight for weight basis)
- Floats on water and resistant to moisture, UV, chemicals

Dyneema® is used in many high tech applications around the world, exploiting its high strength and low weight characteristics, including police and military body armour for ballistics protection.

In terms of netting it was first used extensively by fishing “Super trawlers”. The massive drag and load their nets experience meant Dyneema® provided a huge advantage with low water absorption, low drag and incredibly high tensile filament strength.

Netex Canada – with many years’ experience in the fishing industry as well as sports netting – developed Dyneema® for both golf and baseball impact and safety screens.

Today the Netex Dyneema® is regarded as the lightest and strongest high golf safety screen netting in the world. Wind tunnel tests confirm the drag coefficient at almost 25% less than the best polyester equivalent.

Combining the lighter wind load with matching Dyneema® perimeter rope provides incredible strength in the net panel itself as this carries the primary load to the cable rigging and is often a source of failure in other systems.

The filament is solution dyed which means both the colour and UV inhibitors are built in rather than coated. This helps it retain both for longer.

The combination of these factors contributes to a far greater expected lifespan. Both polyester and Dyneema® offer similar pro rated warranties – Redden now 10 years and Netex 12 years - but the latter is calculated to provide up to 10 years additional service life. Following are specifications provided by the suppliers for both options:

Country Club International Proposed Fence Solutions.**Page 5**

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Request for Quotation – Charlestown Golf Club

NETTING - SPECIFICATIONS

To effectively compare alternative fibre components used to manufacture sports netting you need to evaluate each fibre component and their properties using the following criteria in order of importance. This typical value chart was provided by the USA Cordage Institute Technical Service:

1: Resistance to Ultra Violet degradation from sunlight

- The ability of a fibre to retain its inherent qualities (strength and flexibility) after long exposure to sunlight:

BEST	Polyester
GOOD	Nylon
FAIR	Polypropylene

2: Breaking strength (both wet and dry)

- Not only should strength be considered but – more importantly – the ability of a fibre to retain a high percentage of its initial strength after being exposed to UV and water:

Breaking strength – dry (grams per denier)

7.8 – 10.4	Nylon
7.0 – 10.0	Polyester
6.5	Polypropylene

Wet strength compared to dry

100%	Polyester
100%	Polypropylene
85%-90%	Nylon

3: Water absorption

- If the fibre absorbs moisture such as condensation and rainfall, greater stress (weight) is put upon the fibre and structure:

0%	Polypropylene
<1%	Polyester
2%-8%	Nylon

4: Elongated creep under sustained workload

- If a fibre elongates it becomes weaker. Such elongation creates “droop” or “bagging” of the net:

Low	Polyester
Moderate	Nylon
High	Polypropylene

From this there is no doubt in the industry that polyester has been and still is by far at the premium end of fibres to be used for high barrier netting. Cheaper polyethylene and polypropylene can be used to reasonable effect on lower nets but have a history of failure on high nets under adverse conditions. Nylon is simply not in consideration due to its ability to absorb water.



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Request for Quotation – Charlestown Golf Club



DYNEEMA GOLF BARRIER NET

Uses: Driving range barrier fence

MATERIAL: Dyneema SK78 high molecular weight polyethylene (HMPE)

MESH SIZE : 2 1/8" diamond or 1 1/16" square (#6 gauge)

MESH DESIGN: twisted double knot

TWINE DIAMETER: .8 mm

COLOR: black solution dyed yarn

WEIGHT: .012 LB. PER SQ/FT

KNOT BREAKING STRENGTH: 248 lbs.

MESH BREAKING STRENGTH: 103 lbs.

COLD WEATHER RESISTANCE: 10% drop in elongation and 10% increase in tensile strength at -60 C

HOT WEATHER RESISTANCE: 20% drop in tensile strength and no loss in elongation at 60 C

SHRINKAGE & EXPANSION RATE: boiling water shrinkage < 4%

LIFE EXPECTANCY: 25 plus years

WARRANTY: 15 YEAR pro rated against U.V degradation
Certified Wind Tunnel Tested

DYNEEMA PERIMETER ROPE BORDER

MATERIAL: DYNEEMA SK78 12 strand braided Ultra high molecular weight polyethylene (HMPE)

DIAMETER: 5/16" (8mm)

COLOR: Black solution dyed yarn

TWINE: 1.9 mm braided black with 550 lbs break strength (250 KG)

BREAKING STRENGTH: 6,000 LBS. (2721 KG)

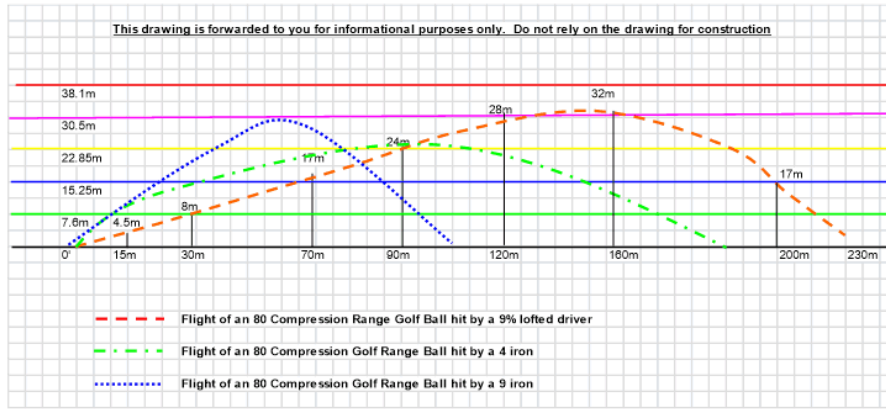
ADVANTAGES: improves service life, excellent abrasion, prevents contamination, high tenacity, low stretch.

- ***This net is made from DSM yarn. The original developer of Dyneema fibre. The highest quality HMPE yarn available and only in Netex #6 golf barrier nets.***
- ***Dyneema® is both the world's strongest fiber and the only HMPE fiber scientifically engineered to overcome abrasion, bending fatigue, compression, and creep fatigue***
- ***Dyneema SK78 has a 4X longer abrasion life than generic HMPE***
- ***Dyneema SK78 matches its claim strength of 35 cN/dtex batch after batch***
- ***Dyneema SK78 massively outperforms all other HMPE in fatigue and creep lifetime comparisons***

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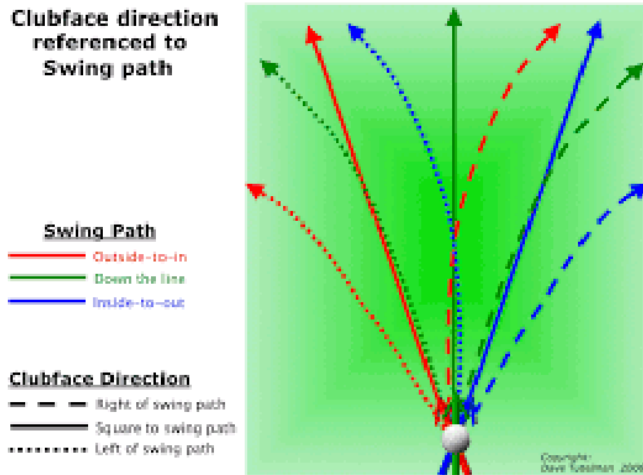
GOLF BALL TRAJECTORY STUDIES



Golf ball trajectory studies indicate that a well hit drive off a tee can reach 38-42 metres in height depending on atmospheric conditions. Typically, though, most shots are less than this – particularly errant ones as they tend to lose power. The above chart more reasonably reflects range balls – typically 1-piece these days -which will only perform at 80%-90% of tour balls.

Any credible individual ball trajectory study will address absolute possibilities of:

- Ball flight See chart above. A separate analysis is attached.
- Altitude 65m above sea level. Negligible effect.
- Elevation Negligible
- Wind conditions Wind roses direction



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Request for Quotation – Charlestown Golf Club

SPECIFICATION OF WORKS

Following a site inspection Country Club International were requested to provide a submission to provide safety screen options to assist in the containment of balls hit from the proposed golf range at the Charlestown Golf Club.

Having viewed the site we have the following proposal based on considerations herein.

The range area is set out by the red line at some 220 metres in length by around 100 metres in width. This provides a reasonable land area to successfully develop a commercial golf range.

The next consideration is the level of requirement the club are happy with in which to contain balls from the tee complex, for containment, collection and to ensure the safety of patrons using the course.

**Right side**

With the fall of the land over the distance of play we visualise a stepped fencing structure that will require taller poles the further we advance down the hill to achieve the desired containment result – particularly in the early stages. Based on Google Earth data there is an elevation fall of around 25m over this distance.

Given our ball trajectory analytics along with site specific studies our great risk will be to the right-hand side of the range as it is played. At this side we believe it will be incumbent on the club to consider an initial screen of at least 120 metres in length as indicated by the “glow” line, starting at 12 metres at the bays, then rising to 40 metres to the distance of 100 metres – providing a nett height of 28m above the tee line. This would then taper down over the next 20m to 12m above ground and continue at that to the end of the range.

This does not purport to provide “total containment”. The initial 100m of high screening is designed to both contain and direct the line of play whilst the remaining screen is to contain most of the balls within the range boundary for operational efficiency and to minimize any safety issue.

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Request for Quotation – Charlestown Golf Club

Rear section

For the next portion of this project and for some 360 metres in length (indicated with the “glow” line) we believe the club should consider a screen of 12 metres in height as a minimum. This will allow it to completely close off the range area from the course whilst providing containment and protection at a minimal height level.



Left side

The left side faces the same issue as the right in terms of lower RL’s as the range progresses down the hill. In any range environment the left side is typically of less concern marginally because 90% of golfers are right handed and typically hit a slice – but we cannot ignore the left side .

Here we are proposing a screen commencing at 12m high at the bays, rising to 38m at 80m out and then tapering down to 12m over the next 20m and this would continue to the end of the range. This provides a maximum nett height above the tee line of 28m at 80m out.



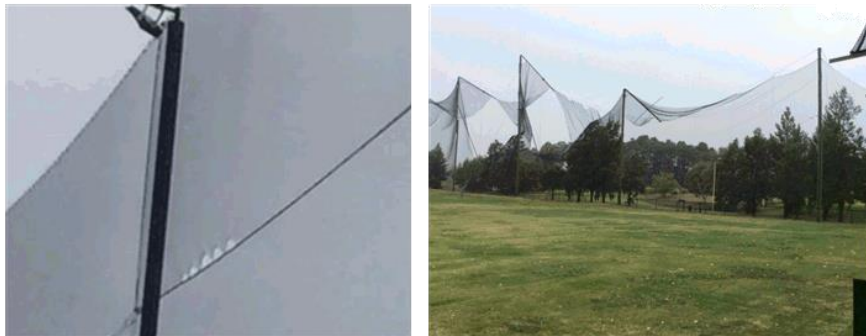
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Request for Quotation – Charlestown Golf Club

RIGGING - SPECIFICATIONS

Correct cabling is critical to structural rigidity and how the net hangs as a “flat sheet” rather than a billowing sail. This system has been developed by CCI over many years and is world’s best practice.

More structural and net failures occur on high safety screens due to poor rigging than any other single issue. Whilst engineers design for the appropriate wind loads we have seen less understanding of the associated movement in these structures which can create wear and fatigue – sometimes causing abnormal net wear and other times catastrophic structural failure constructed by others.



*The above photos are recent jobs done **by others** it is important to state that our assessment of factors causing failure are our opinion only based on inspection of the work done and our belief based on experience as to the cause.*

The first is net failure along the rib lines. We believe this is caused through incorrect rigging allowing movement in the poles, cables and nets – causing abrasion and tension. The second is a major structural failure. We believe this has eventuated due to several factors including the wrong net for purpose along with inadequate and incorrect rigging.



- In correct rigging wire rope is never used on structural cables. It will stretch and fray and is most prone to rust. We will use only high tensile galvanised hard drawn cable on structural cables with the appropriate rated dead ends rather than wire rope, clamps or swages.
- Correct rigging fittings including rated 1 bolt clamps, 3 bolt clamps, sheaves and turnbuckles are secured to threaded mounts on the poles for total structural rigidity.

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Request for Quotation – Charlestown Golf Club

POLE - SPECIFICATIONS

In accordance to CCI – Safety Netting we are proposing a straight pole installation finished in black.

All works will include in steel poles:

- Steel Mill Certificates.
- Welding inspection – 100% visual inspection on the complete penetration circumferential welds to the base plates and fillet welds. 10% UT testing on all butt welds. 10% Magnetic particle testing on all fillet welds. 100% UT testing on any site butt welds.
- Paint inspection. All QA documentation supplied from painter.
- Drawings and calculations sealed by an Australian registered professional engineer can be provided upon request as addition to this proposal. We will assume responsibility for the design of the complete system.

FOOTING SPECIFICATIONS

It is anticipate to install steel reinforced concrete pier footings with no provision for pile caps. The pricing assumes normal stable soil conditions with no rock or sub-terranean water to interfere with any footings.

A site specific “Geotechnical Analysis” will be required to confirm this calculated budget proposal and should eliminate any unforeseen variations.

GENERAL CONDITIONS

The installation costs assume stable and suitable soil conditions for operating cranes and boom lifts to the appropriate heights on site. We assume there are no sub-terranean services or conditions that may affect the works and it is the responsibility of the client and/or its representatives to advise CCI of any relevant issues.

We would provide all engineering plans, computations and drawings required for Planning and Building Permits with assistance where required. It would be the responsibility of the Club to lodge the relevant applications and pay the required fees.

Country Club International Pty. Ltd. (CCI) will use its best endeavours to complete all works by any estimated completion date but will not contract to or accept any penalty in any form whatsoever for delays caused by adherence to safety management for both personnel or property, weather, action or inaction by any outside party and/or client or any other factor reasonably beyond its control.

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Peninsula Link – Melbourne – Comprising 2 screens on Centenary Park Golf Course at 30m tall and 400m total length adjacent to Peninsula Link Freeway.



Thornleigh Golf Centre - Sydney. Despite the engineering complexity created by not allowing pier footings into the ground due to it being a clay capped site over an old tip, it was stipulated by Council that a screen of not less than 36m be erected to protect from errant balls going onto the the adjacent Pennant Hills Road to the south (right side of the range).

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MAINTAINENCE

There is little in terms of maintenance other than ensuring nets are clear of debris and are sufficiently clear of trees. Replacement panels are custom made in the USA and are generally air freighted out due to their low weight.

All rigging is fixed and there is virtually no risk of failure. Components are always kept in stock at Country Club.

If required Country Club International would conduct an annual inspection of all netting, rigging and components. This would involve boom lift hire plus riggers – the costs of such to be passed on.

Redacted

Redacted

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Request for Quotation – Charlestown Golf Club

CORPORATE SUMMARY

Country Club International is committed to Best Practice procedures to ensure professional customer service through Quality Assurance and Environmental Management systems, adopting best Safe Working Practices to the following standards:

ANZS/ISO9001:2000	Quality Management System			
ISO 14001	Environmental Management Systems			
INSURANCE	Company	Policy Number	Expiry	Cover
Public Liability	QBE Insurance	41 A001354PRL	18.12.2018	\$20million
Corporate Liability	QBE Insurance	41 A001354PRL	18.12.2018	\$20million
NSW Work Cover	QBE Insurance	1SFE001674GWC154	15.06.2019	
VIC Work Cover	Allianz	1176978	30.06.2019	

REFERENCES

Should you wish to talk with any of our recent previous clients then numbers and contact names can be made available upon request. Recent references include.

- Thornleigh Golf Range
- Centennial Parklands – Moore Park
- Ryde Parramatta Golf Club
- SEITA (East Link Melbourne)
- The Ridge Driving Range
- Wembley Golf Club (Town of Cambridge)
- Newington College
- Lend Lease (Peninsula Link Melbourne)
- Curlewis Golf Club
- Metropolitan Golf Club
- Royal Melbourne Golf Club
- The Australian Golf Club

TRADING TERMS

Our standard trading terms for custom work is 50% on placement of order, 25% on delivery of materials and 25% on completion of works. I hope the enclosed provides the information you required and ultimately meets with your approval. Should you require any further details or clarification please contact me at any stage.

Yours Sincerely,

Mike Baker

Managing Director

Free Call 1300 138 804

Mobile 0418 314 417

Email mike@countryclub.com.au

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Clause 4.6 Exception to Development Standards

This Clause 4.6 variation request seeks to vary Clause 4.3 of Lake Macquarie Local Environmental Plan 2014 (LEP) on the height of building limit for the proposed development. The request for variation aims to meet requirements of Clause 4.6(4)(a)(i) and address matters required to be demonstrated by Clause 4.6(3).

Clause 4.6 of the LEP enables development consent to be granted for a proposed development even though the proposed development would contravene a development standard such as the maximum height limit imposed by the LEP for the Site. Clause 4.6 of the LEP allows flexibility in applying development standards in certain circumstances and aims to achieve better outcomes for and from development.

Sub Clause 4.6(3) requires an applicant to provide written justification for the contravention of the development standard demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

This variation request is made having consideration for the requirement of Clause 4.6 and in accordance with the NSW Department of Planning and Infrastructure (DP&I) guideline Varying Development Standards: A Guide and has incorporated relevant principles of *Four2Five Pty Limited v Ashfield Council* [2015] NSWLEC 90 and *Wehbe v Pittwater Council* [2007] NSWLEC 827 ('Wehbe').

This variation request, as is required, aims to meet the requirements of Clause 4.6 of the LEP to enable development consent to be granted for the proposed development and should be read in conjunction with the Statement of Environmental Effects included (SEE) in the Development Application for the site.

The site is a large site that contains the Charlestown Golf Club. Furthermore, the site is surrounded by vegetation with views into the site from adjacent roads obscured by either vegetation or hard barriers. The large distance from the site and the design of the safety fencing would cause minimal impact, if any, of the views or the amenity of the area.

1.1 Development Standard to be Varied

This Clause 4.6 variation request seeks the variation of the Clause 4.3 of the LEP maximum building height for the site. The maximum building height specified in the relevant LEP height of building map for the site is 8.5 metres. This can be seen in the below extract from the LEP Height of Building Map HOB_009B in Figure 1 below and Appendix 4 of the SEE.

The LEP defines 'height of building' in the Dictionary as meaning:

- '(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
 - (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*
- including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.'*

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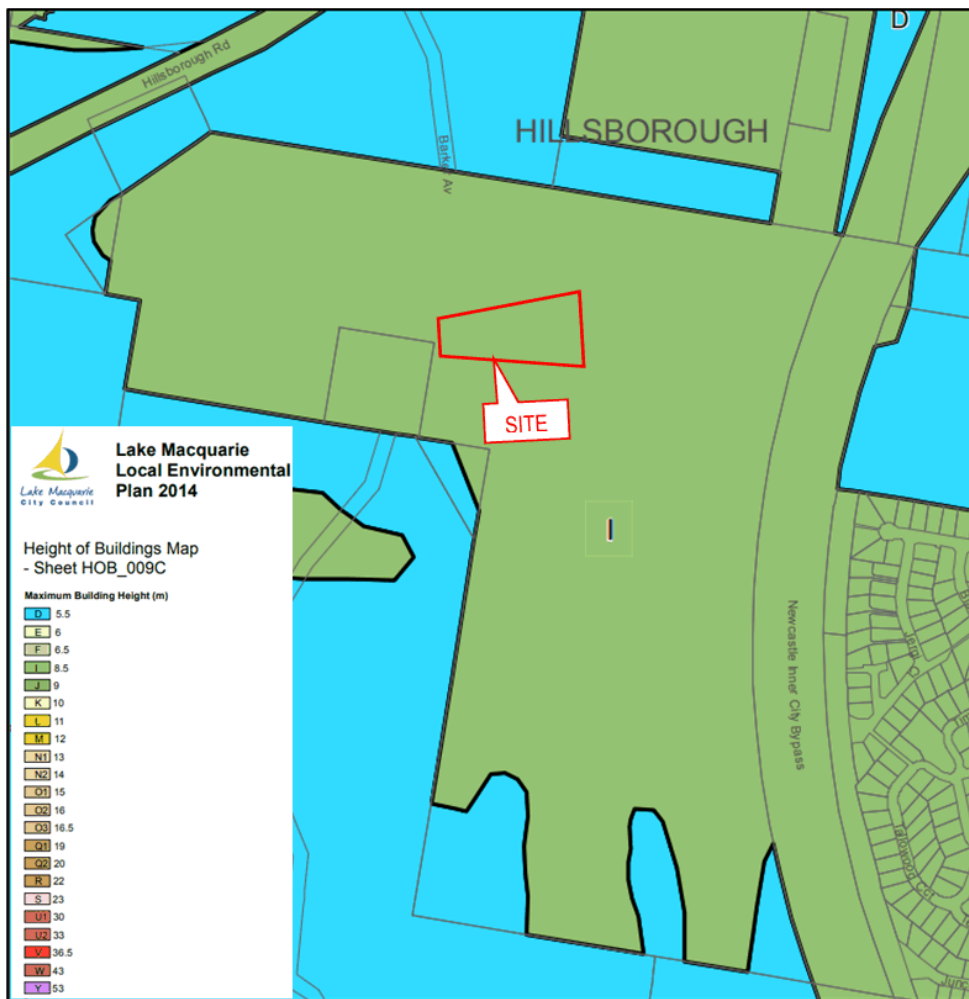


Figure 1 Maximum Permissible Height map (source: LEP 2014)

Proposed safety fence heights are as indicated on the elevations submitted with the development application. The highest part of the encroachment into the 8.5 metre height limit are the two fence poles which extend approximately 40 metres above natural ground level or 28 metres above the tee level. The fencing will then taper down to the to a minimum height of 12 metres above natural ground level, as shown in the elevation plans.

1.1.1 Justification for Variation from the Development Standard

Figures 2-4 below present the proposed fencing height and maximum permissible building height under LEP 2014 (not to scale).

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Figure 2 Example of 30 metre safety fencing at Ringwood Golf Club (source: CCI Safety Fencing)



Figure 3 Example of the view from tee at Thornleigh Golf Centre (source: CCI Safety Fencing)

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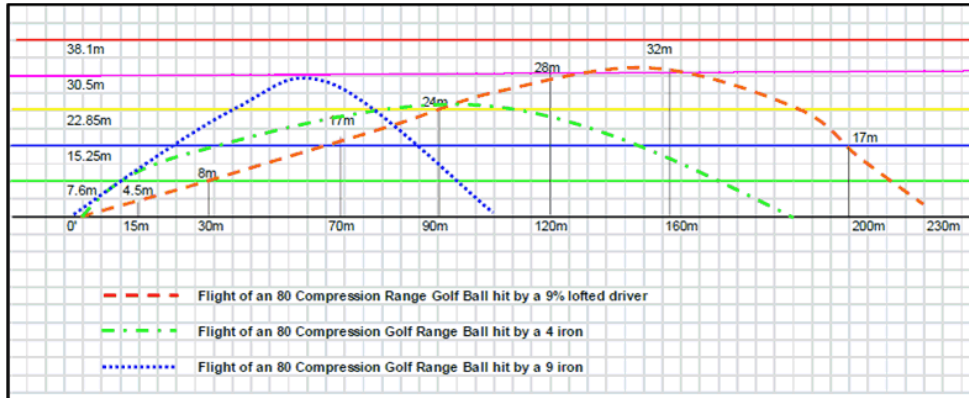


Figure 4 Projected golf ball trajectory (source: CCI Safety Fencing)



Figure 5 Example of wire rigging fittings (source: CCI Safety Fencing)

1.1.2 Extent of Variation

The proposed extent of variation to the height limit is presented in Table 1 and Figure 5.

Table 1 Variation to height limit

Height Control	Proposed Height	Variation (%)
8.5 metres	40 metres	370%

The large numerical variation above needs to be considered in the context of the overall site. A significant part of the site has not been developed and the proposed safety fencing will only be constructed around the boundary of the driving range and of materials complimentary to the surrounding environment.

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The reasons for the variation to the height limit are that the site requires appropriate safety measures for the proposed development and as such a fence of this height is required. The variation of height is appropriate for the site as it is:

- located in a recreational zone that has already been used for recreational land uses
- ideally positioned in close proximity to existing amenities
- able to supply appropriate car parking in accordance with Council's DCP
- within close distance of a number of complimentary zones that integrate well with the proposed development including residential, business, infrastructure and recreational, particularly the Hillsborough Road commercial precinct
- able to accommodate a high quality development that integrates with the existing site and surrounds
- appropriate for a structure that exceeds mapped permissible building heights as the site slopes towards the onsite drainage line away from the ridge and views and this allows the fence to express the local topography while setting a statement of design excellence
- able to accommodate a numerical exceedance of permissible building height and achieve the objectives of the zone
- large enough to allow a built form to meet height limits on the majority of the site while also allowing for development on that portion of the site that has least impact to views from neighbours properties.

1.1.3 Unreasonable and Unnecessary

Compliance with the Standard is unreasonable and unnecessary.

'In *Wehbe*, the now Chief Justice Preston gave five ways in which compliance with a development standard might be shown as unreasonable or unnecessary and these are as follows:

1. compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
5. that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.'

The following demonstrates that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding the non-compliance with the standard. The first point above clearly presents a way in which non-compliance with a development standard may be considered unreasonable or unnecessary as the objectives of the building height standard are achieved. The two objectives under Clause 4.3(1) are:

- (a) to ensure the height of buildings are appropriate for their location,
- (b) to permit building heights that encourage high quality urban form.

The proposed buildings are appropriate for the site

4.3(1)(a) - to ensure the height of buildings are appropriate for their location

The development site is within an existing golf course and as such the development is an appropriate use for the site.

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The height of the safety fencing is required to assist in the containment of balls hit from the proposed golf range and is a necessity to maintain the health and safety of club patrons.

Due to the large area of the site it encompasses the junction of three different building height zones that do not facilitate a consistent or holistic built form response to the site. Strict compliance with the individual building height zones is not appropriate or necessary in this instance as the development provides an opportunity for a built form response that is specific to the site, rather than the arbitrary application of the building height zone boundaries.

Various layouts were explored as part of the Concept Design Stage such as the chosen layout makes best use of the site topography and constraints with a progression easterly downhill across the site with a finishing position within the lower regions of the site. Concerns were made about views across the site as there could be less opportunity for, outlook; ventilation; privacy; distance separation and circulation, but due to the finishing position and the proposed safety net configurations these concerns are minimised if not removed altogether.

A fence form that would be allowable within the height limit for a development of this type, in this area would create various safety problems as abovementioned.

The design facilitates appropriate development of the site with encroachment into the maximum permissible building height justified on the basis of a better design outcome and improved safety for patrons on the Golf course, which is considered to be a positive outcome within the context of the *RE2 Private Recreation* zone. The safety fencing follows the topography of the land as much as possible with highest portion of the fencing sloping back toward the ground and a finishing height of 12 metres above ground level.

Further justification for the proposed height is presented below:

- The proposed development is of appropriate height and scale to avoid undesirable impacts on the scenic quality of the area, especially as viewed from the higher vantage points.
 - Low visual impact of the proposed development from and to the surrounding area as the fencing seeks to follow contours of the land and use materials complimentary to the surrounding environment
 - Low impact on views as the proposed fencing will be set within the existing golf club and with similar height to other developments of similar nature.
- The site is positioned that allows for extra height that does not dominate streetscape or views while making a statement within a recreational site
- View corridors are retained and not impacted by the additional height

The proposed buildings have a high quality built form

4.3(1)(b) *To permit building heights that encourage high quality built form*

Compliance with the development standard is unreasonable and unnecessary as the proposed development provides for high quality built form recreational facility.

The design facilitates appropriate development of the site with encroachment into the maximum permissible building height justified on the basis of a better design outcome and safety for patrons, which is considered to be a positive outcome within the context of the *RE2 Private Recreation* zone. The proposed structure complies with the height objectives as it is appropriate for the site and has high quality built form.

As shown in Figures 2-5 a number of design features are included in the safety fencing to improve overall building design, functionality and to reduce visual impact such as:

- The netting and pole structures are of a construction to integrate into the surrounding environment and as such minimise any impact of views to and from the development
- Exceedance in height is wholly for safety purposes
- The design is of high quality and as such will complement the surrounding areas.

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Underlying objective of the height standard

In *Wehbe*, Preston J also stated that another way to establish that compliance with a development standard is unreasonable and unnecessary was to establish 'that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.' The following demonstrates that compliance with the development standard would result in the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.

- View arguments – Note that the structure has been 'skilfully' designed (as required in the view loss test set out in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 at 25-29) as the height is commensurate with the height of the surrounding tree canopy and as such the portions of the development that exceed the building height control do not result in any significant loss of views. The structures design that complied with the height standard would not have similar options as presented in this proposal and would potentially therefore result in a lesser building design.

Clause 4.6(3)(b) there are sufficient environmental planning grounds to justify contravening the development standard

There are sufficient environmental and planning grounds to justify contravening the development standard due to the following:

- Proposed development meets the zone objectives as set out below and the height control objectives above
- The location and siting of the proposed development does not adversely impact the views or amenity of the neighbouring/surrounding properties
- The proposed development creates appropriate built form outcomes for the zone and is compatible with existing buildings
- Non-compliance with the maximum permissible height is directly related to creating amenity on the site without an adverse impact on the surrounding sites such as preserving privacy and solar access.

Setbacks

Setbacks are not relevant to this development

Visual Impacts

The proposed development has been designed and sited that is appropriate for the site, which is consistent with the surrounding locality and that will have minimal visual impact when viewed from the public domain along the Newcastle Inner City Bypass and Charlestown Road, and from residential properties in these vicinity.

The built form is not visible from the closest road the Newcastle Inner City Bypass as a result of the angle of the road and substantial vegetative and hard barrier screening along the length of the road.

Orderly and Economic Development of Land

The development promotes the proper and orderly development of land as contemplated by the controls applicable to the zone, which is an objective of the Act (s 1.3(c) and which it can be assumed is within the scope of the "environmental planning grounds" referred to in cl 4.6(4)(a)(i) of the LEP.

The development represents a use that is permissible with consent in the zone and is consistent with the zone objectives. It is located within an area that is serviced by existing roads and other essential infrastructure. In this regard, the proposal represents the orderly and economic development of land.

Amenity

The design and location of the proposed development aim to maintain the existing amenity of the site, while also providing a high quality facility that is able to supply the surrounding community with a wider range of recreational activities.

Summary

The above demonstrates that there are sufficient environmental and planning grounds to justify the proposed contravention of the building height development standard. The additional height sought by the proposal will not

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result in unreasonable impacts to the physical environment, is permitted under Clause 4.6, and will not adversely impact views or visual quality of the site or the amenity of the surrounding area. The proposal seeks to create a significant development that provides a high quality recreational facility to the area and complements the built form of surrounding development and as such makes a positive contribution to the area. In this regard, there are sufficient environmental planning grounds to justify the proposal.

Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is consistent with the objectives of the *RE2 Private Recreation* zone. Each objective is addressed as follows:

- *To enable land to be used for private open space or recreational purposes.*

The proposed development is for a recreational facility in the form of a Golf Driving Range and as such the land will be used for recreational purposes satisfying this objective. This allows for the long-term use of the *RE2 Private Recreation* zoned land associated with the golf course for recreational purposes.

- *To provide a range of recreational settings and activities and compatible land uses.*

The development will create a new activity for the area and is a compatible use of land that will tie in with existing uses. The proposed variation to the height control does not hinder the achievement of this objective.

- *To protect and enhance the natural environment for recreational purposes.*

The proposed development is consistent with this objective as it will protect and enhance the natural environment of the site, which forms part of the golf course and is used for recreational purposes, in particular through the vegetation replacement and additional landscaping to occur as part of the proposed development

- *To encourage development that complements its location and minimises any adverse impacts on the environment.*

The impact on the natural environment will be kept to minimum and where any vegetation removal is required, replacement planting will occur at a ratio of 3:1. The proposed driving range will be situated on site to complement the surrounding environment including the adjacent *E2 Environmental Conservation* land.

Clause 4.6(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

It is understood the proposal will be considered by the Joint Regional Planning Panel that may assume concurrence from the Secretary for the proposed variation.

As demonstrated in this document and submission to Council there are sufficient planning grounds to justify and allow for a variation to the maximum permissible building height development standard. Such justifications include but are not limited to the safety of patrons at the Charlestown Golf Course. The proposal provides for a high quality design that achieves Council's objectives for the site while creating a landmark facility that will form a bench mark for future developments. The proposed development will provide an significant recreational facility for the Charlestown/Hillsborough areas and encourage appropriate ongoing growth in the Lake Macquarie LGA.

Hamish Mackinnon
Town Planner

20DP017	Demolition of existing structures and erection of a dwelling house and swimming pool - 95 Thompson Road, Speers Point
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Key focus area	1. Unique landscape
Objective	1.3 New development and growth complements our unique character and sense of place
File	DA/1040/2019 - D09641314
Author	Building Surveyor - Jenita Tucker
Responsible manager	Manager Development Assessment and Certification - Elizabeth Lambert

Address 95 Thompson Road, Speers Point
 Owner Belinda and Dean Kidd
 Applicant Mark Lawler Architects

Executive summary

The development application seeks consent for the demolition of the existing structures at 95 Thompson Road, Speers Point and construction of a new two storey dwelling and swimming pool.

The application is reported to Council in accordance with General Business item 20NM001 to allow further consideration of concerns related to:

- i. impacts to amenity and lifestyle of adjacent properties;
- ii. relative bulk and scale; and
- iii. impacts on existing views of Lake Macquarie.

The application was notified to adjoining residents with five submissions received.

A detailed assessment of the application has been undertaken with the proposal deemed to meet the objectives of the *Lake Macquarie Local Environmental Plan (LMLEP) 2014* and the *Environmental Planning and Assessment Act 1979*.

The development application is considered acceptable on merit and is therefore recommended for approval, subject to conditions.

Recommendation

Council approves development application DA/1040/2019 for demolition of existing structures and erection of a dwelling house and swimming pool at 95 Thompson Road, Speers Point, subject to conditions of consent.

Discussion

The development proposes the demolition of the existing dwelling house and ancillary structures on site and the erection of a dwelling house and swimming pool. Under the *Lake Macquarie Local Environmental Plan (LMLEP) 2014* the land is zoned R2 Low Density Residential, which means dwelling houses are permissible with consent.

Impacts to amenity and lifestyle of adjacent properties

The development site is roughly rectangular with a north south orientation. Shadow diagrams have been submitted with the application demonstrating that, due to the orientation of the lot and the positioning of the proposed dwelling, overshadowing impacts onto neighbours will be minimised.



Figure 1: Aerial photo of site and immediate surrounds

Concerns were raised in submissions regarding visual privacy. The application was subsequently amended to delete a window to reduce the impact of overlooking.

To assist in providing visual privacy the development incorporates the following design elements:

- Fixed external vertical blades on the western elevation, extending from the upper level to the ground level.
- Obscure glass, high sills and screening elements or significant setbacks to windows on the upper level facing the side boundaries.
- Slat screens incorporated into the design of the alfresco, pool and pool deck on the ground floor of the proposed development.

Potential noise from the proposed pool impacting an adjoining bedroom was raised in submissions. Revised plans were submitted providing sound mitigation measures incorporated into the design of the pool area, including spaced timber slat screens and pool decking to absorb and mitigate sound, rather than hard, sound reflective surfaces.

Additionally, the pool pump is noted as being concealed in the sub-floor areas of the dwelling behind a screened door enclosure.

Acoustic separation from air conditioning equipment raised in a submission has been considered. The proposal has located the air conditioning unit on the eastern side of the allotment, approximately 2700mm from the eastern boundary.

Relative bulk and scale

The development responds to the desired future character of the area and its bulk and scale is not excessive. Surrounding dwellings are a mix of single and two storey, with the immediately adjoining dwellings to the east and west being single storey.

The *LMLEP 2014* provides a maximum building height of 8.5m for the site. The development proposes a two storey dwelling with maximum height of 8.034m, which is compliant with the *LMLEP 2014*.

The contemporary design of the dwelling is consistent with Council's building height and setback planning controls for the zone, which set the intended built form character of the local area.

Setback distances from front, side and rear boundaries comply with Council's development controls, providing adequate separation between the proposed development and the adjoining residential dwellings. The side setbacks on the ground level are greater than 900mm with greater than 1500mm provided at the first floor level. The dwelling is setback over 15m from the rear boundary.

The architectural design of the proposed dwelling incorporates suitable levels of articulation with decks, recesses and varied wall alignments, and the use of glazing, surface treatments and variations in materials and colour, which reduces bulk and minimises the visual impact of the development when viewed from adjoining properties and from the street.

The proposed development is typical of contemporary dwelling design and is characteristic of the intended emerging character of the immediate context.

Impacts on existing views of Lake Macquarie

Views from adjoining developments to Lake Macquarie are obtained across side boundary view lines. In particular, the view from the front deck of the dwelling to the east is across a side boundary and the front setback area. A Street Front Setback Study has been submitted with the application showing the considerable variations in front setbacks of existing dwellings along Thompson Road, with setbacks ranging from approximately 2.4m up to 9m.



Figure 3: Street Front Setback Study

The established existing front setbacks of properties adjacent to the development site vary by less than 1m. The original plans submitted showed that the front setback proposed for the new dwelling was forward of the front setbacks of the existing dwellings on the properties to the immediate east and west.

In response, amended plans were submitted increasing the front setback by approximately 2m, resulting in the dwelling being in line with the neighbour at H/No. 93, and with a further 2m to the front of the garage.

The proposed front setbacks of the development meet the objectives of the Development Control Plan (DCP) 2014 by complementing the existing setback pattern.

The principles of view sharing have been established in the Land and Environment Court through various cases. In the case of *Tenacity Consulting v Warringah Council* [2004] NSWLEC, 140 planning principles were established and have been widely accepted as the threshold to demonstrate appropriate view sharing principles.

The views, which may be impacted by the proposed development, are water views of Lake Macquarie possible from the frontage of 93 Thompson Road, Speers Point. The views are not iconic views and are partial views rather than a whole view. Although the view includes the interface between land and water, features of that interface are obscured due to distance. Obscuring the view are structures (the front patio) of the dwelling on the adjoining property (H/No. 95) as well as further properties along Thompson Road.

The views, which may be impacted by the proposed development, are obtained across the side boundary of the property and are available from both a sitting or standing position from the ground floor front deck of 93 Thompson Road, Speers Point.

The extent of the impact on views currently possible from 93 Thompson Road, Speers Point is considered to be minor, having regard to the availability of views from other areas of the property that are not impacted by the proposed development, and due to obscuring of the existing view by structures located on the adjacent lot, the development lot and within the public realm.

The reasonableness of the proposal that is causing the impact is considered acceptable and the sharing of views reasonable. The applicant has demonstrated the proposed development complies with all relevant planning controls and has made additional adjustments to the design in consideration of the neighbour's outlook. The result being the preservation of a greater degree of view, across a side boundary, which could have been impacted far more substantially by other development options. The development provides for reasonable sharing of views.



NEIGHBOURS VIEW NO. 93 - EXISTING

Figure 4: Existing views across the site from 93 Thompson Road Speers Point

Assessment of options

This report recommends Council approve development application DA/1040/2019 for a dwelling house and swimming pool subject to conditions of consent. The development as proposed, and subject to conditions of consent, will assist in achieving the overall aims of the *LMLEP 2014*, by facilitating a range of accommodation types throughout Lake Macquarie City so that housing stock meets the diversity of community needs and is affordable to as large a proportion of the population as possible. This is recommended as the land is suitable for the development, the development is not dissimilar to surrounding development in terms of bulk and scale and there will be no significant impacts on the amenity of the area as a result of the development.

Should Council determine to refuse the development application, the reasons for refusal should be noted in the motion for refusal. Alternatively, Councillors may determine to refer the development application to the assessing officer to address specific issues identified.

Community engagement and internal consultation

Notification of the application occurred in accordance with section 1.15 of the Development Control Plan (DCP) 2014, with five submissions received.

The main matters raised in the submissions are addressed within this report. During assessment of the application, amended plans were submitted to address the main concerns.

Key considerations

Economic impacts	The recommendation will facilitate economic development through construction of a dwelling house and swimming pool.
Environment	The development provides appropriate environmental outcomes for the site. The site is void of significant vegetation.
Community	Council has an enforceable planning scheme, the <i>Lake Macquarie Local Environmental Plan 2014</i> , which has been legally gazetted. The consistent and lawful implementation of this scheme provides the community with confidence and certainty around planning decisions.
Civic-leadership	Strong civic leadership is shown through Council's ability to implement planning controls in accordance with prescribed legislation, specifically that contained within Council's own local environmental plan.
Financial	None.
Infrastructure	None.
Risk and insurance	The recommendation presents low risk to Council as it has been subject to detailed consideration by Council officers. Should Council resolve to approve the application, there is a risk that Council's decision would be overturned on appeal. There would be potential reputational risks associated with any appeal.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

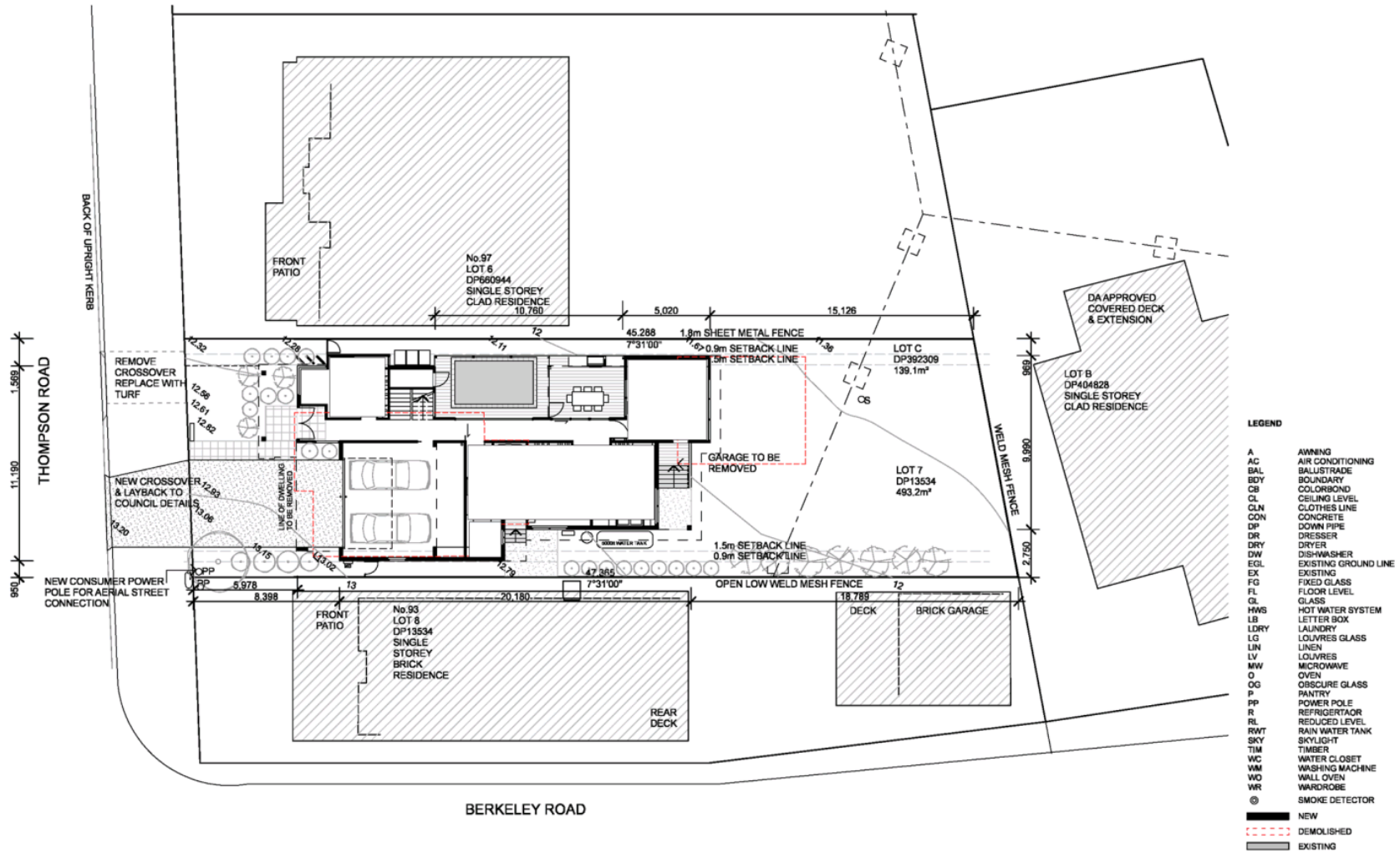
Environmental Planning and Assessment Regulation 2000

Lake Macquarie Local Environmental Plan 2014

Lake Macquarie Development Control Plan 2014

Attachments

1. Plans - DA/1040/2019 - 95 Thompson Road, Speers Point D09665001



- LEGEND**
- A AWNING
 - AC AIR CONDITIONING
 - BAL BALUSTRADE
 - BDY BOUNDARY
 - CB COLORBOND
 - CL CEILING LEVEL
 - CLN CLOTHES LINE
 - CON CONCRETE
 - DN DOWN PIPE
 - DR DRESSER
 - DR DRYER
 - DW DISHWASHER
 - EGL EXISTING GROUND LINE
 - EX EXISTING
 - FG FIXED GLASS
 - FL FLOOR LEVEL
 - GL GLASS
 - HWS HOT WATER SYSTEM
 - LB LETTER BOX
 - LDY LAUNDRY
 - LG LOLLVRES GLASS
 - LIN LINEN
 - LV LOLLVRES
 - MW MICROWAVE
 - O OVEN
 - OG OBTUSURE GLASS
 - P PANTRY
 - PP POWER POLE
 - R REFRIGERATOR
 - RL REDUCED LEVEL
 - RWT RAIN WATER TANK
 - SKY SKYLIGHT
 - TIM TIMBER
 - WC WATER CLOSET
 - WM WASHING MACHINE
 - WO WALL OVEN
 - WR WARDROBE
 - ⊙ SMOKE DETECTOR
 - NEW
 - DEMOLISHED
 - EXISTING

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

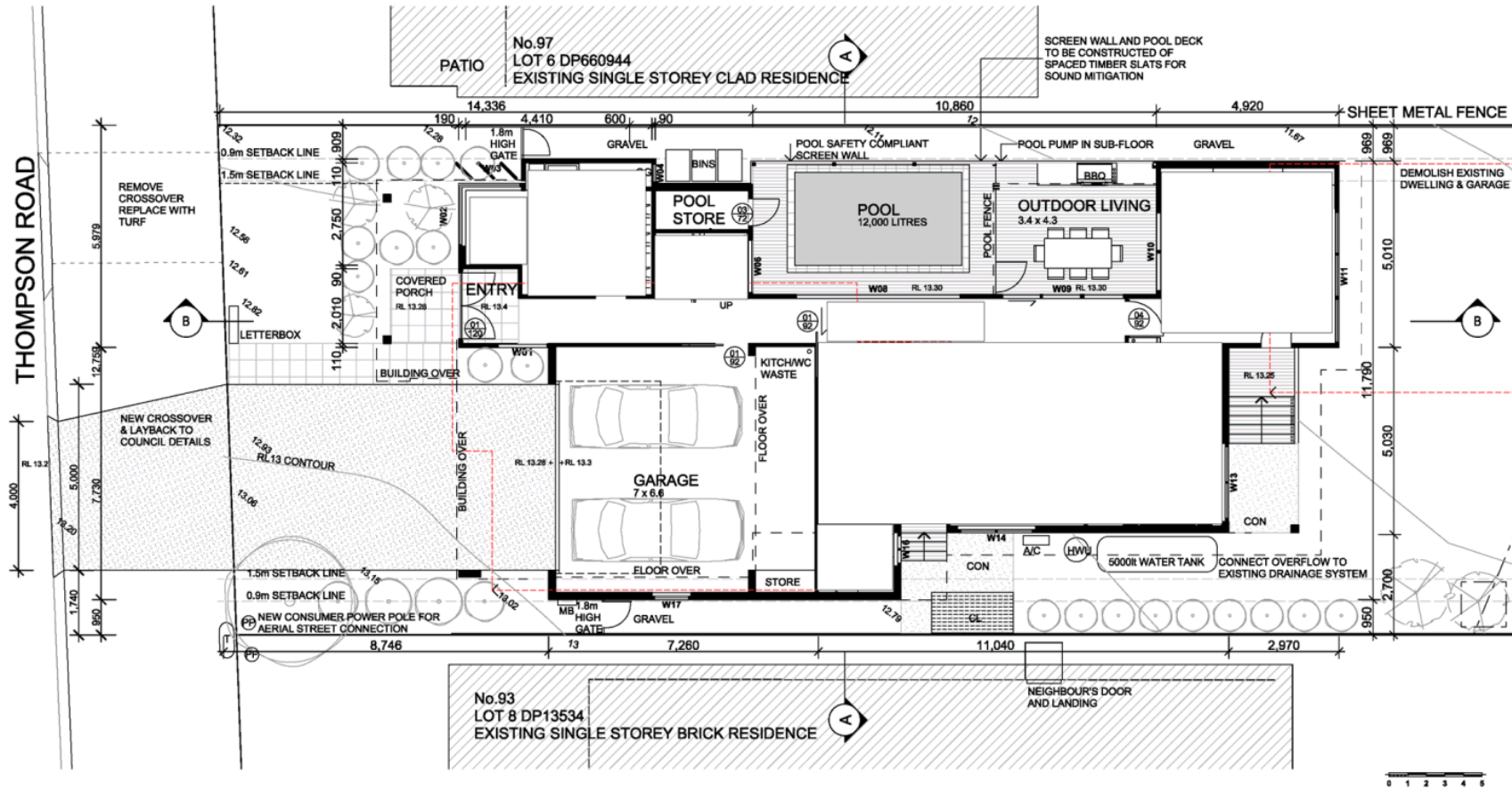
Mark Lawler Architects.

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PROJECT: KIDD RESIDENCE
 CLIENT: D & B KIDD
 DRAWING: SITE PLAN
 SCALE: 1:200
 DATE: 4/12/2019

LOCATION: 95 THOMPSON RD
 SPEERS POINT
 DWG No: 1696 - 1-01
 ISSUE: E
 DRAWN: AM & CW



DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

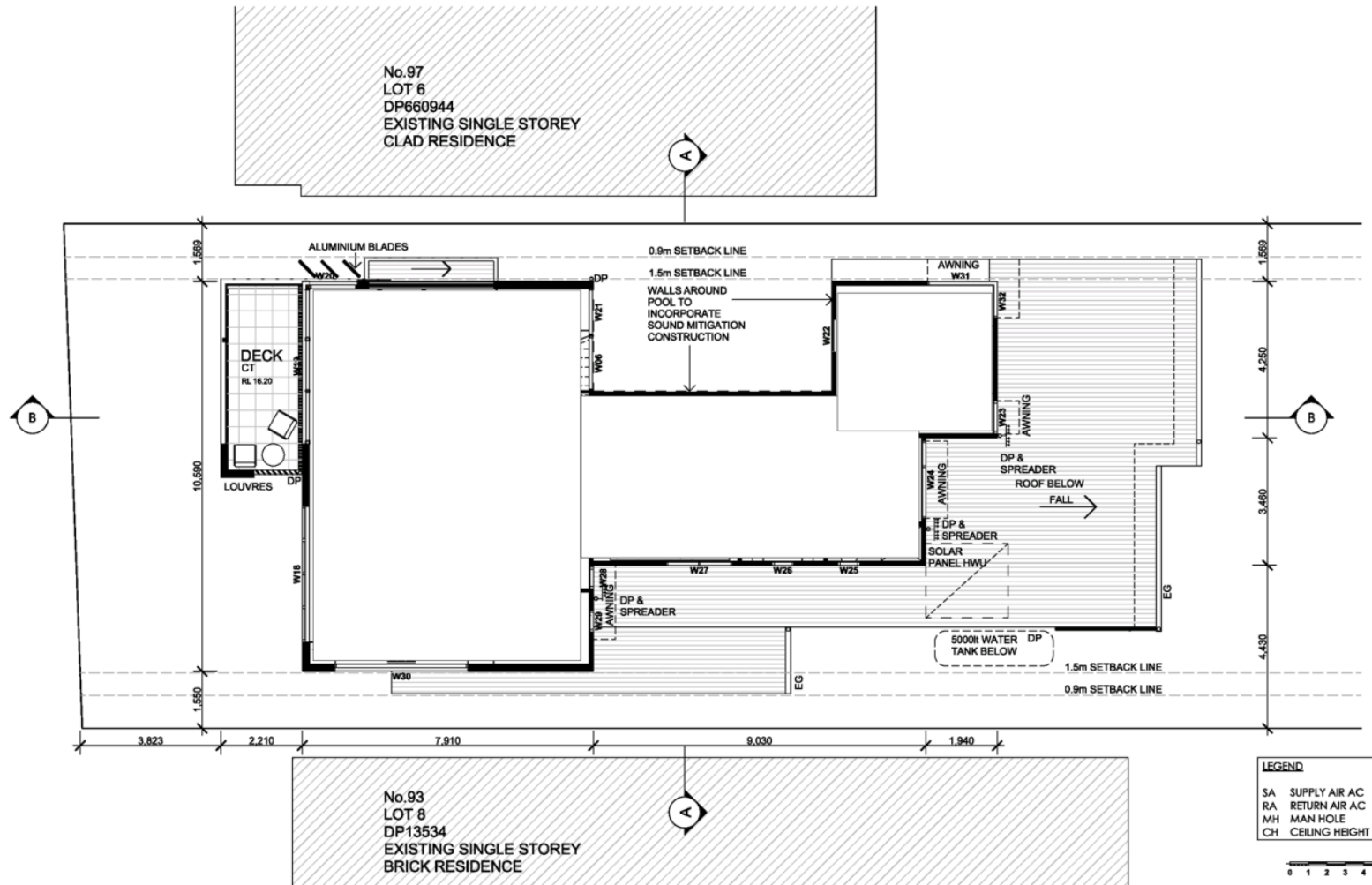
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PROJECT: KIDD RESIDENCE
 CLIENT: D & B KIDD
 DRAWING: LEVEL 01 - GROUND FLOOR
 SCALE: 1:100
 DATE: 3/12/2019

LOCATION: 95 THOMPSON RD
 SPEERS POINT
 DWG No: 1695 - 1-02
 ISSUE: E
 DRAWN: AM & CW



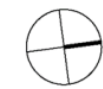
LEGEND

- SA SUPPLY AIR AC
- RA RETURN AIR AC
- MH MAN HOLE
- CH CEILING HEIGHT

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

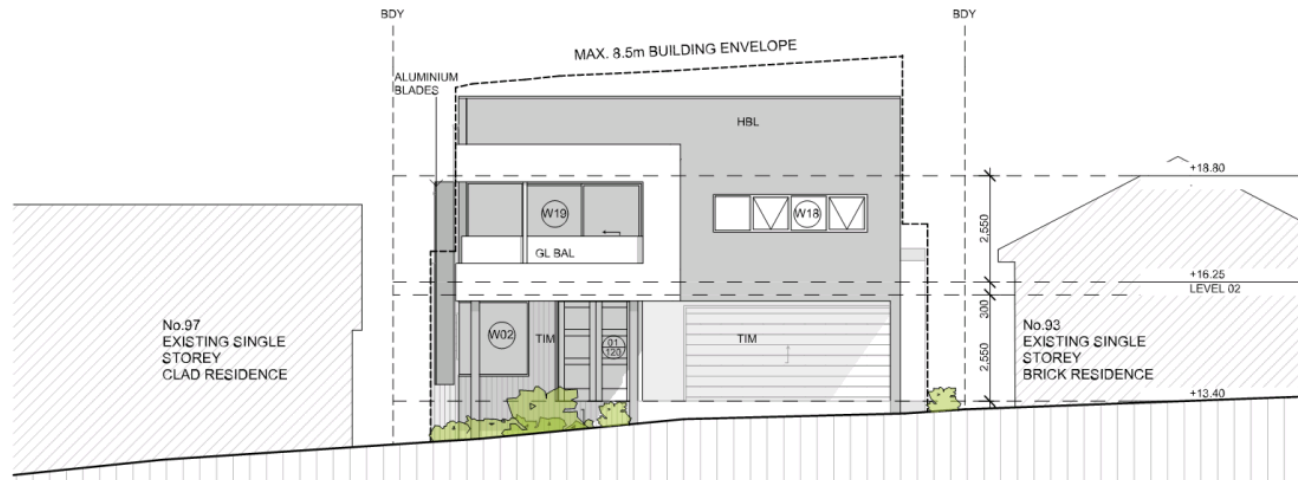
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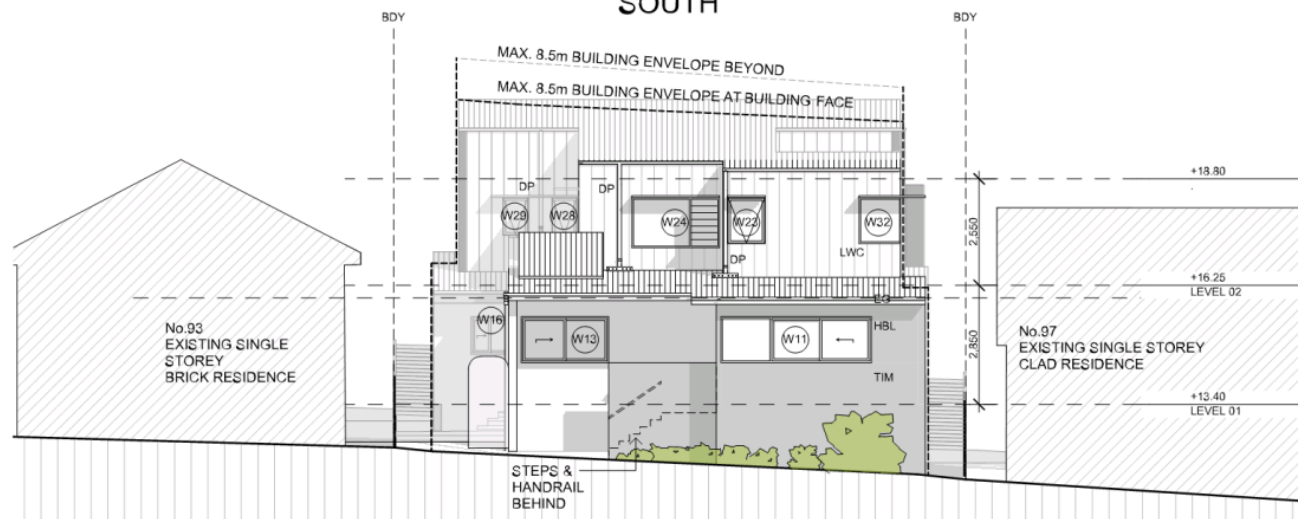


PROJECT: KIDD RESIDENCE
 CLIENT: D & B KIDD
 DRAWING: LEVEL 02 - FIRST FLOOR
 SCALE: 1:200, 1:100
 DATE: 3/12/2019

LOCATION: 95 THOMPSON RD
 SPEERS POINT
 DWG No: 1695 - 1-03
 ISSUE: E
 DRAWN: AM & CW



SOUTH



NORTH

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

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PROJECT: KIDD RESIDENCE
 CLIENT: D & B KIDD
 DRAWING: ELEVATIONS
 SCALE: 1:100
 DATE: 3/12/2019

LOCATION: 95 THOMPSON RD
 SPEERS POINT
 DWG No: 1695 - 2-01
 ISSUE: E
 DRAWN: AM & CW



DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

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PROJECT: KIDD RESIDENCE
 CLIENT: D & B KIDD
 DRAWING: ELEVATIONS
 SCALE: 1:100
 DATE: 3/12/2019

LOCATION: 95 THOMPSON RD
 SPEERS POINT
 DWG No: 1696 - 2-02
 ISSUE: E
 DRAWN: AM & CW



DEVELOPMENT APPLICATION
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PROJECT: KIDD RESIDENCE
CLIENT: D & B KIDD
DRAWING: PERSPECTIVES
SCALE: 1:214.57
DATE: 3/12/2019

LOCATION: 95 THOMPSON RD
SPEERS POINT
DWG No: 1696 - 7-01
ISSUE: E
DRAWN: AM & CW