

INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM

Organisation: Lake Macquarie City Council

Date Received: 20 March 2024

Good afternoon,

Thank you for the invitation to submit to the Inquiry into Development of the Transport Oriented Development Program, as referenced in the email below.

Lake Macquarie City Council provided feedback to the Department of Planning, Housing and Infrastructure on the TOD program and a formal submission to the public consultation process for the Diverse and Well-Located Homes program.

Both submissions are attached for your consideration as part of the parliamentary inquiry. We are happy for these to be published on your website under Council's name.

Please feel free to contact me should you require further information or if I can assist with any follow-up actions.

Kind regards,

Amy

Amy De Lore

Government Relations Lead



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lakemac.com.au



Dhumaan ngayin Awabakurlangu kirraanan barayidin

We acknowledge and respect the Awabakal people who have cared for and nurtured this country.



31 January 2024

Transport Oriented Development Team
Department of Planning, Housing and Infrastructure
4 Parramatta Square
PARRAMATTA NSW 2150

Via email: tod.program@planning.nsw.gov.au

Dear Sir/Madam

Subject: Lake Macquarie City Council staff feedback on the Transport Oriented Development (TOD) Program

Lake Macquarie City Council appreciates the opportunity to provide feedback on the Transport Oriented Development (TOD) Program. Council staff welcome the NSW Government's proposal for increasing housing supply in well-located areas near train stations.

Staff have reviewed the available information and would like to make the following comments in relation to part 2 of the TOD Program, which seeks to introduce a new TOD SEPP that will apply to land within 400 metres (400m) of the following train stations in the Lake Macquarie LGA:

- Booragul
- Morisset
- Teralba

Our feedback also highlights that Council believes Cockle Creek and Cardiff stations should be included in the TOD program.

Should you require further information, please contact Manager Integrated Planning Wesley Hain on _____ or at _____

Yours faithfully,

David Antcliff
Director Development Planning and Regulation

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General comments

It is noted that the information provided to councils on the TOD program is at a high level and the actual draft SEPP has not been provided. Council staff would welcome the opportunity to review the draft SEPP and would be able to provide more comprehensive and valuable feedback from viewing the document in its entirety.

The TOD SEPP Program (page 9) states that developers who use the designs from the '*endorsed pattern book*' will have access to an '*accelerated approval pathway*'. It is not clear who the consent authority will be for those developments – Council or the Department of Planning, Housing and Infrastructure. It would be valuable for Council staff to have an opportunity to review and submit feedback on the pattern book. Council would welcome clarification on whether the pattern book will include considerations for building designs for heritage conservation areas and/or heritage-listed buildings.

To help with understanding and communication of the changes, Council staff request a map showing where the proposed changes will apply in the Lake Macquarie Local Government Area.

Infrastructure and funding

The proposed changes are likely to increase traffic and have impacts on local roads that are designed mainly for low-density residential development. Moreover, two of the three train stations selected for the TOD Program (Teralba and Booragul) are not accessible for people of all abilities and parents with prams and do not have toilets or ticketing facilities. In addition, these train stations are not long enough for all inter-city trains.

It is therefore critical that the NSW Government provides adequate funding mechanisms to upgrade the train stations, as well as to deliver the infrastructure required to support increased residential densities and liveable neighbourhoods.

Council staff note that a media release dated 7 December 2023 states 'the NSW Government is providing \$520 million within the Tier One Accelerated Precincts for community infrastructure, such as critical road upgrades, active transport links and good quality public open spaces'. The media release does not however reference any commitment for funding for the 'Tier Two rezonings', which includes Lake Macquarie and other areas outside of Sydney.

Selection of train station/areas included in the TOD Program

The following train stations in the Lake Macquarie LGA have been selected as part of the TOD Program:

- Booragul
- Morisset
- Teralba.

The locations where the TOD Program will apply were not subject to consultation. Council staff make the following comments regarding the selected train stations.

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Booragul

Booragul station is surrounded by low-density residential development and does not have any commercial zoned land or essential shops and services to support increased density and liveable neighbourhoods.

Significant upgrades are needed to Booragul station to enable use by increased numbers of people. The station is not accessible (therefore cannot be used by people with limited mobility, parents with prams etc) and is not long enough for all inter-city trains. There are no toilets or ticketing facilities available and current train services are too infrequent (one train per hour during weekdays, one every two hours on weekends and public holidays) to support rail transport as a viable option for higher density living.

Teralba

Most of the area around the Teralba train station is located within a heritage conservation area contained in the *Lake Macquarie Local Environmental Plan 2014* (see Figure 1 below). The Teralba Heritage Conservation Area (HCA) is one of only three HCAs in the city.

An amendment to the *Lake Macquarie Local Environmental Plan 2014* has recently been completed (August 2022) in the Teralba area to protect the heritage significance and facilitate appropriate development within the Teralba HCA. This included a change to the HCA boundary, a reduction to the maximum building height from 10m to 8.5m, controls for properties within this area recognising the contribution they provide to the heritage significance, and protection of significant views and vistas that contribute to the heritage setting.

Proposed changes under the TOD program, especially the proposed introduction of the 21m height limit, are inconsistent with the local context and development of this scale would likely affect the character of the heritage conservation area. The proposed 21m height limit and other changes are inconsistent with recent changes to *Lake Macquarie Local Environmental Plan 2014* which sought to preserve the value of the heritage area (including the reduction of the building height).

While a full merit assessment for each development application would still occur, it would be challenging to undertake a reasonable merit-based assessment given the significant difference between planning controls, including the current permitted building height, and the proposed 21m building height under the TOD Program.

Council staff believe that a lower height provision for this area could still deliver the increased density outcomes desired by the program. There are several examples of this having already been approved/delivered in the R3 zone around Teralba.

Significant upgrades are needed to Teralba station to enable use by larger numbers of people. The station is not accessible and not long enough for all inter-city trains. There are no toilets or ticketing facilities available and current train services are too infrequent (one train per hour during weekdays, one every two hours on weekends and public holidays) to support rail transport as a viable option for higher density living.

Council staff therefore recommend that the proposed TOD SEPP provisions (particularly height) relating to Teralba be reconsidered.



Figure 1: Teralba Heritage Conservation Area shown in hatched within red outline and heritage listed sites shown in orange and the Teralba train station shown by yellow dot (Source: Lake Macquarie City Council)

Morrisset

Morrisset is identified as a regionally significant growth area in the Hunter Regional Plan 2041, as well as a significant economic centre within the South West Catalyst Area in the Lake Macquarie Local Strategic Planning Statement.

Council, in collaboration with the NSW Government, is currently preparing a Morrisset Place Strategy, which seeks to guide the growth of the broader Morrisset area in a strategic way. The area around the Morrisset train station includes supermarkets, shops and some essential services, such as a pharmacy, a medical centre and a primary school.

Morrisset train station is a key stop on the Central Coast and Newcastle train line between Sydney and Newcastle, with trains stopping twice per hour on weekdays and once per hour on weekends and public holidays. Morrisset Station is fully accessible with lift access, toilets and ticket facilities.

Council staff support the inclusion of the Morrisset train station in the TOD Program.

Other/Alternative train stations that could be included in the TOD Program

Council staff have considered the suitability of other stations within the Lake Macquarie LGA for inclusion in the TOD SEPP and make the following comments.

Cardiff

Cardiff local centre has an excellent variety of shops and services, including supermarkets, pharmacies and medical centres, to meet the daily needs of residents. Cardiff local centre also has good access to a variety of jobs.

Cardiff train station is a key stop on the Central Coast and Newcastle train line between Sydney and Newcastle, with trains stopping twice per hour on weekdays and once per hour on weekends and public holidays. Cardiff Station is also fully accessible with lift access, toilets and ticket facilities.

Cardiff has a significant proportion of older housing stock (not heritage-listed), suitable for redevelopment.

However, some areas within 400m of Cardiff train station are flood-prone (see Figure 2 below), so flood risk should be taken into account when considering the extent to which the proposed changes could apply.

Council staff recommend Cardiff be considered for inclusion in the TOD SEPP Program, subject to provisions being made to accommodate flood risks.

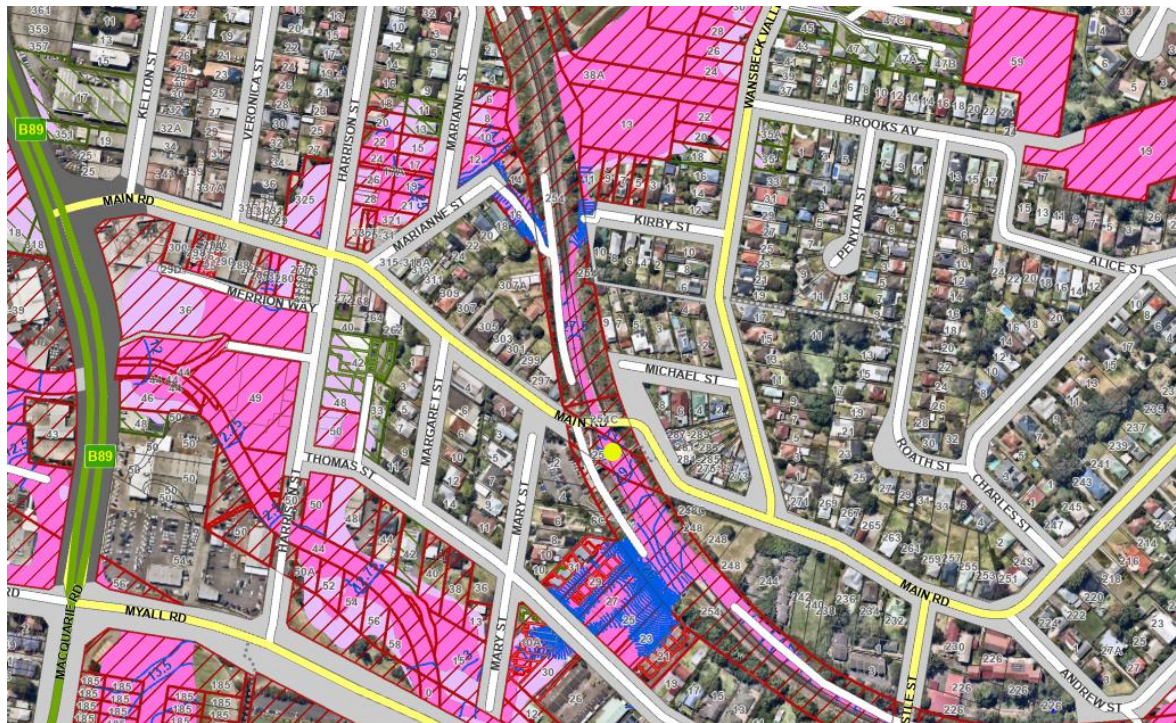


Figure 2: Cardiff Station (shown by the yellow point) and surrounding area which is partially flood prone (as shown by the pink shading)

Cockle Creek

Cockle Creek forms part of the North West Lake Macquarie Regionally Significant Growth Area as identified in the Hunter Regional Plan 2041.

Council, in collaboration with the NSW Government, is currently preparing a Place Strategy for the North West Lake Macquarie Regionally Significant Growth Area, which seeks to guide the future growth of the area.

With station and service upgrades, Cockle Creek Station can facilitate significant transport oriented development.

The area within 800m of the train station includes large parcels of brownfield land suitable for redevelopment in single ownership (private, Council and State-owned).

The area surrounding Cockle Creek Station has excellent access to the Boolaroo local centre and the emerging Cockle Creek Precinct to provide for the daily needs of residents.

Cockle Creek has excellent access to jobs in the Cardiff Advanced Industry Precinct.

There is also an existing shared path from Speers Point to Wallsend, which provides excellent active transport access.

Council staff recommend the inclusion of Cockle Creek Station in the TOD SEPP Program.

Proposed development standards

Floor Space Ratio (FSR)

The *Lake Macquarie Local Environmental Plan 2014* (LMLEP) does not currently include Clause 4.4 Floor Space Ratio (FSR) or map FSR. It is understood that the proposed FSR will still apply in the selected areas through the proposed TOD SEPP.

Maximum Height of Building

The proposed maximum height of building of 21m is considered appropriate in some locations, but not others, as already noted above.

- In Morisset, a maximum height of buildings of 21m would be appropriate as it is identified as a growth area and includes a range of shops and services required for everyday needs.
- In Cardiff, a maximum height of buildings of 21m is considered appropriate in areas that are not flood-prone, as Cardiff has good access to jobs, and a range of shops and services required for everyday needs.
- In Cockle Creek, a maximum height of 21m is considered appropriate as it is also identified as growth area and has good access to shops, services and jobs.
- In Booragul, a maximum height of buildings of 21m should be reconsidered as Booragul does not have shops and services and local centre land zoning required to provide for the everyday needs of new residents and support a liveable neighbourhood.

- In Teralba, a maximum height of buildings of 21m should be reconsidered as it is located within a heritage conservation area. A recent change to the Lake Macquarie LEP 2014 amended height controls to better suit the Heritage Conservation Area status of Teralba.

Minimum lot sizes and lot width

The proposed height and density controls along with the proposal for no minimum site area and site width could lead to inferior urban design and built quality outcomes. Minimum site areas and widths typically help to achieve good quality design outcomes by reducing amenity impacts to public space and adjoining properties and ensuring mid-rise development occurs on appropriately sized lots. The combination of increased height (and FSR) and no minimum lot size / frontage width is likely to result in poor quality outcomes that undermine the quality needed and the community's acceptance of mid-rise housing. Careful consideration needs to be given to proposed changes to the Apartment Design Guideline (ADG). The proposed pattern book of endorsed designs could also provide some certainty for good outcomes, but the detail on proposed changes to the ADG and pattern book of endorsed designs and the draft SEPP are not available at this time. It is important that any provisions in the SEPP regarding setbacks, building separation, landscaping, open space and other controls deliver good outcomes in terms of streetscape, liveability and amenity for residents, and that these provisions have legal weight as part of development assessment.

It is also important to note that individual merits of mid-rise developments that don't meet these standards can already be considered appropriately under CI 4.6.

Minimum active street frontage for E1 and E2 zones

Council staff generally support requirements for active street frontage in E1 and E2 zones. However, while the retention of commercial floor space on the ground floor is desired, there are some instances where commercial floor space remains vacant or where a tokenistic commercial space is provided that is not desirable for businesses. This has, for example, been experienced in Charlestown. In some instances, an active residential frontage would therefore be more desirable. In Teralba, there are a number of fragmented properties/areas zoned E1 that are close to the station but are currently all single detached dwellings with the potential for redevelopment as Residential Flat Buildings (RFBs) or similar. There may not be a need for an active commercial frontage in all locations. Council staff, for example, recently changed the requirements for active frontage in Charlestown to require active frontage only in specific locations based on local analysis, to address the issue of vacant or tokenistic commercial space that is not useable space for businesses.

Maximum parking rates

Council staff are not opposed to reducing the need for parking in well-located centres. However, given that the TOD SEPP program is proposed to apply to areas that are not well-serviced in terms of shops, essential services and public transport (for example, Teralba and Booragul), residents will continue to rely on cars to access services required for everyday needs. Council staff suggest the parking rate should be a minimum rather than a maximum and the minimum parking rate be consistent with those contained in the Lake Macquarie Development Control Plan 2014.

It is likely that developers will deliver development and parking based on local market demand, and this may be higher than the specified parking rate. Provisions in the TOD SEPP should allow developers to provide parking at a higher rate than specified where required by local market conditions.

Other proposed design criteria

In general, Council staff support the introduction of new design criteria for building separations, setbacks, vehicle access, visual privacy and communal open space and provide the following comments.

Vehicle Access – The development standard for vehicle access should be similar/consistent with the development standards of the Housing SEPP: *'The design and construction of the vehicular access to a site must comply with Australian Standard AS/NZS 2890.6.'*

Setbacks – In areas where the predominant housing stock is single-storey detached dwellings, the increasing setback for every two storeys could act as a deterrent for the initial developers or disadvantage to those who go first. It may be better to include setback controls for the desired character noting that areas will go through a transition period. In addition, it should be clear if the controls will be setback controls or required separation distance.

It should be clarified whether these design criteria would be included in the Apartment Design Guidelines (ADG) or whether they will be included in the SEPP. Having the design criteria in the Apartment Design Guidelines would result in all the design criteria in one place. However, having the design criteria/controls in the ADG may not be appropriate if the design criteria/controls provide a concession to encourage development.

It would also be valuable to have more details on these proposed design criteria to make an informed comment on whether the controls are adequate or not.

Affordable housing

Council notes the Department is investigating mechanisms to support the supply of affordable housing through the operation of the TOD Program. Council staff support the provision of affordable housing in the design of the TOD Program. Discussions with Council indicate the Department is seeking feedback on the options below for developments within the TOD SEPP Stations area:

- Option 1 – 2 per cent affordable housing contribution (based on the costs of development) paid to Council, to enable Council to deliver affordable housing
- Option 2 – 6 per cent of the proposed dwellings in a development to be delivered as affordable housing
- Option 3 – Developer to dedicate affordable housing to Council.

It is not clear if the affordable housing provisions refer to housing available for sale or affordable rental housing. This response assumes affordable rental housing, and if this assumption is not correct, staff would like to provide additional feedback.

The provision of affordable rental housing as part of the TOD program is critical because it is anticipated that new development will displace existing affordable rental housing in these areas, creating increased demand for affordable rental housing and the need for additional supply to assist in keeping rents at a reasonable level in the free market. It is important for the supply of affordable rental housing to occur progressively, and in line with, development in the TOD areas so as to fulfil demand as it arises. For this reason, Council prefers an option which includes the developer providing a portion of dwellings in each new development as affordable rental housing and those dwellings being managed by a registered community housing provider, the Land and Housing Corporation or Aboriginal Housing Corporation.

Council staff do not support an affordable rental housing contribution system that requires the payment of cash to Council, with Council then responsible for the provision and ongoing management of affordable rental housing. It is likely contributions will need to be collected over a long period of time to enable acquisition of properties, followed by the processes of design, approval and construction of affordable housing.

Council also encourages consideration of:

- The impact and feasibility of an additional affordable rental housing contribution in light of other contributions payable by developers (for example: local contributions, the Housing and Productivity Contributions, affordable housing contributions, and water and sewer contributions)
- Flexibility in implementation, with the provision of multiple options to enable councils to select an option that suits the needs of their local government area
- Alignment of the TOD SEPP affordable housing contribution with the current NSW affordable housing contribution scheme process (it is noted that Lake Macquarie City Council does not currently have an adopted affordable housing contribution scheme)
- Consultation with community housing providers, as they have experience in the delivery and management of affordable rental housing
- Implementation of any contribution system at or close to the commencement of the program, so the costs to development are known early in the development process and built into land transaction prices subsequent to the commencement of the TOD program
- Equity implications of flat-rate application of the affordable housing component of the TOD SEPP across all applicable LGAs. Factors relating to developments vary according to context of the area for which a development is proposed. For example, 6 per cent affordable housing applied to a development in Teralba could result in an outsized impact on development feasibility when compared with 6 per cent affordable housing applied in Marrickville. This program could therefore inhibit development in certain markets. Outcomes of the program should therefore be considered prior to implementation.



23 February 2024

Low- and Mid-Rise Housing Team
Planning, Land Use Strategy and Housing
Department of Planning, Housing and Infrastructure
4 Parramatta Square
PARRAMATTA NSW 2150

Via: NSW Planning Portal

Subject: Submission – Explanation of Intended Effects: Changes to Create Low and Mid-Rise Housing

Lake Macquarie City Council (Council) appreciates the opportunity to provide feedback on the *Explanation of Intended Effects: Changes to create low- and mid-rise housing* (EIE). Council staff acknowledge the efforts of the NSW Government to increase housing supply and diversity through the delivery of more low-rise and mid-rise homes in well-located areas near service centres and public transport.

The proposal for more low-rise and mid-rise homes in well-located areas near centres and public transport is generally consistent the findings of Council's Housing Preference Study (2018), which identified that housing stock in the Lake Macquarie Local Government Area (LGA) was not meeting demand for smaller houses and apartments. Council's Local Strategic Planning Statement (LSPS) also includes an aim to facilitate more housing near well-serviced centres and public transport.

Council staff consider some of the city's economic centres and local centres meet the criteria of 'well-located station and town centre precincts' as outlined in the EIE, however, others do not. Our feedback is outlined in detail in the attached submission.

While the proposed changes align broadly with Council's strategic planning direction, Council believes closer consultation with local government is needed to allow for comprehensive review and feedback.

We also see a need for mechanisms to ensure industry delivers the type of housing being envisioned by these reforms.

Council strongly believes appropriate resources for planning and funding for community infrastructure is needed to support increased housing supply and population density in well-located areas that will be affected by the proposed planning changes.

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The proposed reforms have the potential to deliver a range of environmental, social and economic benefits, subject to appropriate consultation, implementation and action from key stakeholders involved in housing delivery.

Please find attached Council's staff submission for consideration.

If you require further information, please contact Manager Integrated Planning Wes Hain on _____ or at _____

Yours faithfully,

David Antcliff

Director Development Planning and Regulation

SUBMISSION

Changes to Create Low- and Mid-Rise Housing

Comments and recommendations provided in this submission appear in four sections:

1. General comments
2. Comments on the proposed low-rise housing reforms
3. Comments on the proposed mid-rise housing reforms
4. Comments on the locations where the reforms are proposed to apply.

The submission also includes an attachment outlining potentially eligible areas Council believes should be included or excluded from the program and a full table of recommendations.

Section 1: General Comments

Legislative provisions

Based on the discussion during the Low- and Mid-Rise Housing Reforms briefing webinar held on 31 January 2024, Council understands the proposed reforms are intended to be included in a State Environmental Planning Policy (SEPP). However, this is not explicitly stated in the *Explanation of Intended Effects: Changes to create low- and mid-rise development* (EIE). More clarity is required as to the mechanism through which the proposed reforms will be applied, whether through a new SEPP, the Housing SEPP, a special clause in the Standard LEP or another mechanism.

Mapping of the areas that will be impacted by the proposed reforms will also be important to provide greater certainty for landowners, developers and councils.

In addition, it would be valuable for Council to see the draft instrument before it comes into force and to be consulted if there are any proposed changes to the proposed reforms.

It is unclear what is meant by “adequate access to essential shops, services and supporting infrastructure”. Therefore, the SEPP (or other legislative instrument) should provide a definition as to what satisfies “adequate access” and what constitutes “essential shops, services and supporting infrastructure”.

Recommendations

1. **The legislative mechanism through which the proposed reforms are to be applied should be identified, and councils provided with the draft instrument for review.**
2. **The areas that will be impacted by the proposed reforms should be mapped.**
3. **“Adequate access to essential shops, services and supporting infrastructure” should be appropriately defined.**

Interaction with other strategic planning work

Lake Macquarie City Council is taking proactive steps around strategic planning and housing reforms that will assist with the provision of more diverse and well-located homes.

For example, Council staff are preparing Place Strategies for Morisset and the North West Catalyst Area, which are regionally significant growth areas identified in the Hunter Regional Plan 2041. The Place Strategies may result in changes to zoning, building height or other standards.

Council's infill housing proposal includes an amendment to the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* and Lake Macquarie Development Control Plan (LMDCP) 2014 to facilitate infill housing and improve housing diversity across the LGA. It is anticipated this proposal will be finalised by June 2024, subject to Council endorsement.

The infill housing proposal includes:

- an increase to maximum building height beyond 10m in a number of R3 centres
- the introduction of dual occupancy as an Additional Permitted Use on some R3 zoned land where it is constrained by slope, drainage or where it is located further from commercial centres and is less likely to be developed for higher density
- rezoning of some land from R2 to R3 where it is well located and adjoins existing medium density zoned land
- permitting small lot subdivision of three or more lots below 200m² where a concurrent development application is lodged for a dwelling or attached dwelling.
- an amendment to the Lake Macquarie DCP (2014) to facilitate the abovementioned LEP changes.

A key part of this project was a requirement by the NSW Rural Fire Service (RFS) to undertake a Strategic Bushfire Study for the whole area (over 9000 properties) which resulted in a number of properties being removed from the proposal to ensure concurrence from NSW RFS. In view of this, Council raises the question of whether the proposed changes outlined in the EIE consider bushfire risks and other hazards, such as flooding and sea level rise.

Council resolved to proceed with a Housing Diversity Planning Proposal at its meeting on Monday 12 February 2024 to seek Gateway Determination and go to public exhibition. This proposal seeks to make all residential uses permitted with consent in all residential zones.

Recommendation

- 4. Clarification should be provided as to whether bushfire, flooding and sea level rise risk assessments have been considered or will be required in implementing the proposed reforms.**

Infrastructure funding and delivery

Considering the widespread application of the proposed reforms and the significant increase in height and density the reforms will facilitate in various places, Council questions whether any infrastructure capacity assessment has or will be undertaken as part of the reforms. While Council agrees in principle that encouraging more homes in existing urban areas close to services makes better use of existing capacity, there are some areas in Lake Macquarie where infrastructure, including roads, is already at capacity and in immediate need of upgrade, replacement or supplementation with new infrastructure to support population and housing growth.

Council recommends that a mechanism be established, either through the SEPP or elsewhere, to ensure delivery of improved infrastructure to support the development proposed by these low-rise and mid-rise housing reforms.

Further, Council calls on the NSW Government to commit to forward planning and funding key infrastructure to support increased housing density and neighbourhood amenity.

In relation to local infrastructure contributions, Council's preferred approach is the continued use of section 7.11 contributions and requests that indexation is applied to the current maximum contribution of \$20,000 per dwelling that can be imposed in accordance with current Ministerial Direction. The maximum contribution has not been indexed since its introduction in June 2010 and has lost, and will continue to lose, value over time. After adjustment for the increase in the Consumer Price Index (CPI) which has occurred since its introduction, the 'real value' contribution is only \$14,100 per dwelling and could be as low as \$11,000 by 2035.

The current capped section 7.11 contribution of \$20,000 is not sufficient to fund the local infrastructure needed for future growth in identified density areas. The expansion of existing facilities located in proposed higher density areas has challenges that can be costly to resolve and difficult to fund under the current section 7.11 approach. It is likely that increased density will result in an uplift in land values and it is highly unlikely that Council will be unable to fund the increased cost of land that may be needed for the expansion or construction of facilities required for growth with the modest contribution of around \$11,000 per dwelling.

Recommendations

- 5. An infrastructure capacity assessment should be undertaken as part of implementation of the reforms.**
- 6. A mechanism should be established, either through the SEPP or elsewhere, to ensure delivery of improved infrastructure to support further development.**
- 7. The NSW Government should commit to forward planning, funding and delivery of key infrastructure to support increased housing density and neighbourhood amenity.**
- 8. Indexation of the section 7.11 contributions is required to the current maximum contribution of \$20,000 per dwelling that can be imposed in accordance with current Ministerial Direction.**

Funding for utility services and infrastructure for Wyee Paper Subdivision

Council would like to bring a specific infrastructure issue at Wyee Paper Subdivision to the attention of the NSW Government, in the context of these reforms and the potential to generate significant low- and mid-rise housing close to a service centre and transport hub.

Wyee Paper Subdivision, which is located within 800 metres of Wyee Train Station, consists of 199 residential-zoned lots that are mostly vacant or underdeveloped. There are currently no formed roads, drainage, water, sewer or electricity. Over the past few years, Council has spent considerable time and resources engaging with landowners and residents and progressing a range of site investigations. Council has identified, designed, and costed the infrastructure required to support future residential development of the paper subdivision. The delivery of this infrastructure and essential services is required before development can be approved and the required infrastructure was estimated to

cost about \$25 million in 2021. The funding and delivery of infrastructure and essential services, as well as other matters associated with the paper subdivision, creates a complex situation that Council is not able to resolve on its own. Council therefore requests the relevant State Government agency fund and deliver the essential services needed to resolve the issues for current residents and enable new residential development in the Wyee Paper Subdivision. With the proposed reforms, and assuming provision of essential services, Wyee Paper Subdivision could support hundreds of new homes within 800m of Wyee Train Station.

Recommendation

- 9. Identify an appropriate State Government agency to fund and deliver the essential services needed to resolve the issues for current residents and enable new residential development in the Wyee Paper Subdivision.**

Section 2: Comments on proposed mid-rise housing reforms

Permissibility of uses

It is noted that the *LMLEP 2014* already permits residential flat buildings and shop-top housing in R3 Medium Density Residential zones. The proposed reforms will therefore not result in any changes to the permitted uses in R3 Medium Density Residential zones.

Non-refusal standards (height and FSR)

High-quality design is critical to community acceptance of development up to six storeys and of such development being attractive to the market. Council has concerns with the proposed height and Floor Space Ratio (FSR) controls being non-refusal standards, as well as with removing minimum site area and site width standards, as it may result in poor design and amenity outcomes.

Council recommends that proposed height and standards not be identified as 'non-refusal standards', but rather as normal standards that Council staff need to consider as part of a merit-based assessment. The Lake Macquarie LGA has a range of centres with varying levels of shops and services and different constraints, which warrants a nuanced approach to strategic planning rather than a blanket approach as proposed.

It is also important to clarify how the proposed FSR standards will be applied in instances where FSR is not included in Council's LEP, as is the case in Lake Macquarie.

The proposed building height standards are likely to result in adverse impacts on the value of heritage items and conservation areas, such as Teralba Heritage Conservation Area and West Wallsend Heritage Conservation Area in Lake Macquarie. Council recommends that the proposed reforms be reconsidered for heritage conservation areas.

In addition, if applied to areas at high risk of natural hazards, such as bushfire, flooding and sea level rise, the proposed reforms, particularly the proposed height and FSR standards, will potentially place more people at risk and increase the burden on emergency services.

Recommendations

- 10. Clarification should be provided as to how proposed FSR standards are going to be applied in instances where FSR is not included in Council's LEP, as is the case in Lake Macquarie.**
- 11. The proposed height and FSR standards should not be identified as 'non-refusal standards', but rather as normal standards that Council staff need to consider as part of their merit-based assessment.**
- 12. Consideration should be given to providing minimum site area and site width standards to ensure quality design outcomes.**

Minimum lot size and lot width

The proposed height and density controls, along with the proposal for no minimum site area and site width, could lead to inferior urban design and built quality outcomes. Minimum site areas and widths typically help to achieve good quality design outcomes by reducing amenity impacts to public space and adjoining properties and ensuring mid-rise development occurs on appropriately sized lots. The combination of increased height and FSR and no minimum lot size / frontage width has the potential to result in poor quality outcomes that may affect community acceptance and market attraction of resulting developments.

Council therefore recommends that minimum lot sizes and lot widths are only able to be 'turned off' if there are adequate controls for setbacks, building separation, landscaping, open space and other controls that deliver good outcomes in terms of streetscape, liveability and amenity for residents, and only if these provisions have legal weight as part of the development assessment process.

Having no minimum site area and frontage is likely to impact BASIX ratings for dwellings/units. To achieve seven stars under the recent BASIX requirements, there is a need for homeowners/developers to consider orientation and building separation. These reforms are likely to encourage designs that will comply with the proposed policy but not with BASIX.

Recommendation

- 13. Adequate controls for setbacks, building separation, landscaping, open space and other controls be provided where the minimum lot sizes and lot widths provisions are able to be 'turned off'.**

Design criteria to support mid-rise housing

Council recommends that careful consideration be given to the proposed changes to the Apartment Design Guideline (ADG) to ensure the provisions in the ADG deliver good outcomes in terms of streetscape, liveability and amenity for residents, and that these provisions have legal weight as part of development assessment. It is recommended that Design Review Panels across the state be included in stakeholder consultation.

It is also recommended that the proposed pattern book that the NSW Government is working on is provided to Councils as soon as possible.

Council staff also provide the following specific comments regarding the proposed design criteria to support mid-rise housing.

Vehicle Access:

The development standard for vehicle access should be similar/consistent with the development standards of the Housing SEPP: “The design and construction of the vehicular access to a site must comply with Australian Standard AS/NZS 2890.6.”

Setbacks:

In areas where the predominant housing stock is single-storey detached dwellings, the increasing setback for every two storeys could act as a deterrent for the initial developers or disadvantage to those who go first. It may be better to include setback controls for the desired character noting that areas will go through a transition period. In addition, it should be clear if the controls will be setback controls or required separation distance.

Water infiltration:

The design criteria included in the proposed changes to support more housing should also include the consideration of permeable surfaces and water infiltration. This is important to prevent localised flooding from storms, support urban green space, prevent urban heating, and ensure water-sensitive urban design that has multiple environmental and amenity benefits. In particular, it is suggested that the policy should include additional design standards for site water infiltration to complement Appendix B and Appendix C, thereby ensuring that trees and landscaping are capable of being supported in increasingly dense urban areas and pre-existing drainage and groundwater characteristics can be substantially maintained. This is also important for urban stormwater capacity and infrastructure investment. Such standards should relate to surface permeability, groundwater infiltration, and surface runoff characteristics.

Recommendations

- 14. The development standard for vehicle access should be similar/consistent with the development standards of the Housing SEPP.**
- 15. The provisions regarding setbacks, building separation, landscaping, open space and other controls should be written to ensure they will deliver good outcomes in terms of streetscape, liveability and amenity for residents.**
- 16. Requirements/design standards to the guidelines to maintain permeable surfaces and water infiltration should be included.**
- 17. Design Review Panels across the state should be consulted on the proposed changes.**
- 18. The proposed pattern book that the NSW Government is working on be provided to Councils as soon as possible.**

Section 3: Comments on proposed low-rise housing reforms

During preparation of the Lake Macquarie Housing Study and Strategy there was a lot of work done regarding infill housing design solutions, which helped to inform Council's infill housing proposal and revised controls. These designs could be included in a pattern book of development types that could be considered for new development.

Permissibility of uses

The *LMLEP 2014* already permits dual occupancies in R2 Low Density Residential zones and R1 General Residential zones. However, the *LMLEP 2014* does not currently permit multi-dwelling housing and manor houses in R2 Low Density Residential zones. Multi-dwelling housing is currently allowed in R3 Medium Density Residential zones but manor houses are not included in any zone under the *LMLEP 2014*.

As previously referenced, Council resolved to proceed with a Housing Diversity Planning Proposal at its meeting on Monday 12 February 2024. This proposal seeks to permit all residential uses in all residential zones.

Overall, Council staff are supportive of the proposed expanded permissibility of multi-dwelling housing and manor houses in R2 Low Density Residential zones, where they are well designed and have regard for the character of the area and incorporate adequate setbacks and landscaping to reflect the low-density zoning.

To facilitate such development, Council recommends adding the definition of 'manor house' into the standard instrument LEP to enable councils to permit manor houses (two-storey residential flat buildings) in R2 zones. At present, residential flat buildings (RFBs) would need to be made permissible and capped by height. The community may be more accepting of an RFB in a low-density zone where it is defined separately as a manor house.

Recommendation

- 19. A definition for 'manor house' should be added into the standard instrument LEP to enable Councils to specifically permit manor houses (two-storey residential flat buildings) in R2 zones.**

Non-refusal standards

Minimum lot size and width:

The proposed lot width in the R2 zone for multi-dwelling housing is less than currently permitted by LMDCP 2014 and the proposed amendments under Council's current infill housing proposal, which will reduce the width to 15m.

It is recommended that in low-density residential zones the minimum width should be increased to at least 15m for residential flat buildings (manor houses), particularly as non-refusal standards apply. Council staff note that a 12m width for multi-dwelling housing may not allow for adequate side setbacks (as shown in Figure 1 below). Council staff suggest that a 15m minimum lot width be required, as this would allow for adequate side setbacks.

Recommendation

- 20. The proposed minimum lot width for residential flat buildings (manor houses) and multi-dwelling housing in low-density residential zones should be increased to 15m.**

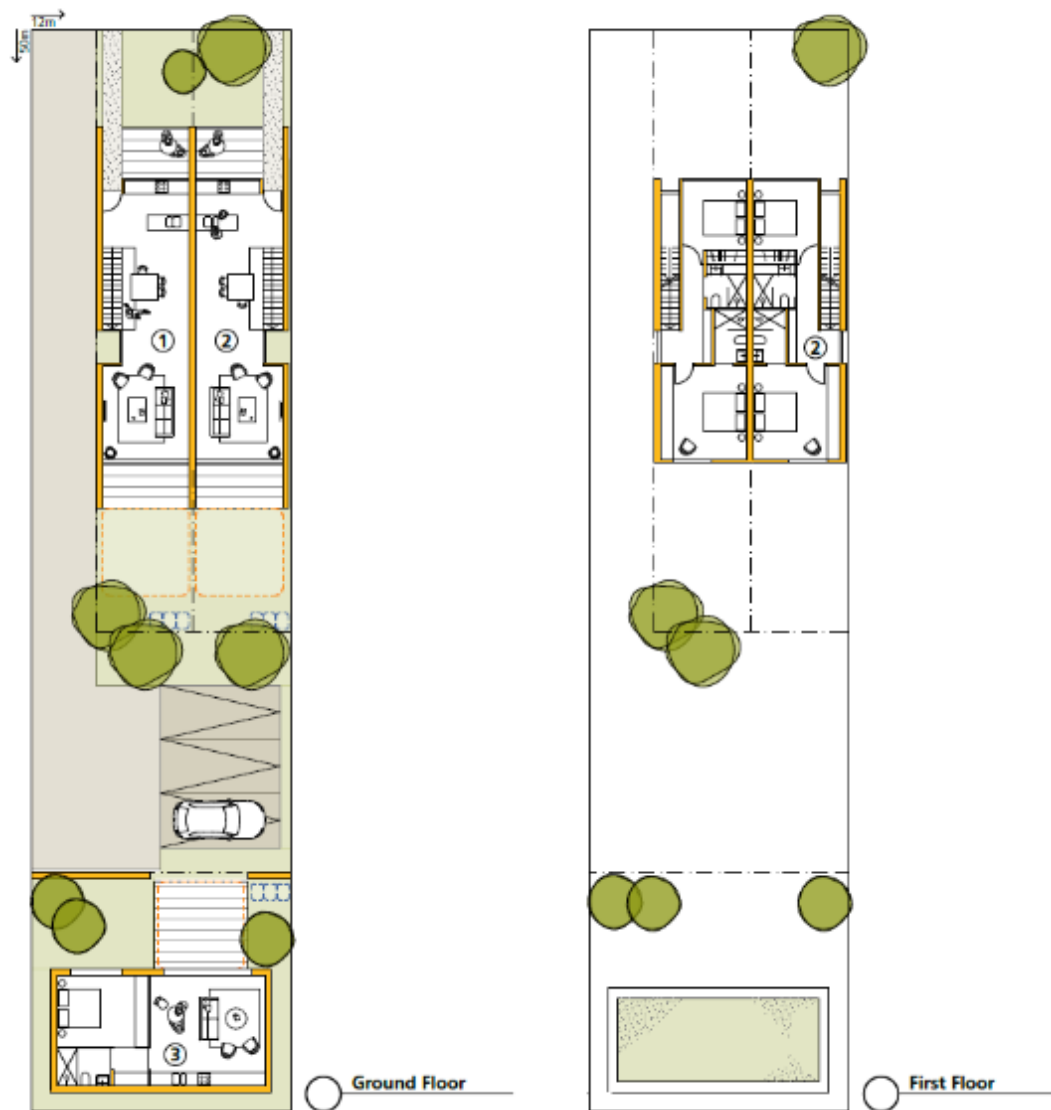


Figure 1: Example of multi-dwelling housing development on narrow lot with 12m width (Source: SGS Economics and Planning (2018) Lake Macquarie Housing Study – Final Report – Appendix H: Infill Housing Design Solutions)

Floor Space Ratio:

As discussed previously, Council seeks clarification on how the proposed FSR standard is going to be applied in instances where FSR is not included in the LEP, as is the case in Lake Macquarie.

Recommendation

21. Clarification should be provided as to how the proposed FSR standards are going to be applied in instances where FSR is not included in the LEP, as is the case in Lake Macquarie.

Maximum Building Height:

Council staff are generally supportive of proposed changes to the building height for low-rise housing to 9.5m. This is only a one-metre height increase to the existing 8.5m building height control in the LMLEP 2014.

Car Parking:

It is noted that a minimum car parking rate is set. This is preferred over a maximum rate given limited public transport and dispersed centres in Lake Macquarie. However, the rate is quite low for areas outside of Sydney, where public transport is not sufficient and reliance on vehicles is still high. Council staff suggest the minimum parking rate be consistent with local provisions, for example, those contained in the Lake Macquarie Development Control Plan 2014.

Recommendation

- 22. Proposed minimum parking rates should be consistent with local provisions, for example, those contained in the Lake Macquarie Development Control Plan 2014.**

Application of other planning controls

The Explanation of Intended Effects states that “all other applicable controls in Local Environmental Plans and Development Control Plans such as heritage and environmental considerations will continue to apply to the extent that they are not inconsistent with these new provisions”.

It is not clear from this statement how the proposed changes are going to work in conjunction with other controls, including heritage and environmental controls, especially if there are inconsistencies between the proposed non refusal provisions and controls relating to heritage, environment and other matters.

While a full merit assessment for each development application would still occur, it would be challenging to undertake a reasonable merit-based assessment given the significant difference between existing planning controls, including the current permitted building height, and the proposed increased building height.

Council requests that the proposed height and FSR standards for mid-rise housing are reconsidered in relation to HCAs.

Recommendation

- 23. Clarification should be provided on how the proposed changes will work with other controls, such as environmental controls, especially if there are inconsistencies.**

Subdivision

The *LMLEP 2014* already allows Torrens subdivision of dual occupancies.

Council staff support permitting Torrens subdivision for multi-dwelling housing (terraces) provided the proposed lots meet appropriate size, width and access requirements.

However, more clarity is needed on what is considered appropriate size, width and access requirements.

Recommendation

- 24. Clarification be provided to the meaning of “appropriate size, width and access requirements” required to permit Torrens subdivision for multi-dwelling housing (terraces).**

Section 4: Comments on the locations/areas to be considered for inclusion/exclusion in the reforms

The EIE states that the station and town centre precincts include residential land within 800m walking distance of land zoned E1 Local Centre or MU1 Mixed Use, but only if the zone contains a wide range of frequently needed goods and services, such as a full line supermarket, shops and restaurants.

A definition of what constitutes a “wide range of frequently needed goods and services” and a “full-line supermarket” is required in the SEPP or other chosen legislative instrument, as these terms can be interpreted in different ways. It is assumed that a “full-line supermarket” refers to a large-scale supermarket, like Coles or Woolworths, with some of these having floor plates of about 3,000m². However, smaller supermarkets such as IGA, Foodworks and others can carry the full range of essential items needed for day-to-day living. Many of the local centres in the Lake Macquarie LGA only include smaller scale supermarkets, like IGAs and Foodworks.

Lake Macquarie has a wide range of centres with varying levels of services and different constraints, which warrants a nuanced approach to strategic planning.

Council makes the following comments on the locations/centres to which the reforms should apply.

Council’s Local Strategic Planning Statement (LSPS) includes a hierarchy of centres: three strategic economic centres (tier 1), six economic centres (tier 2) and various smaller local centres (tier 3) and neighbourhood centres (tier 4). The LSPS also contains an “areas of change” section that identifies locations for future increased housing density and diversity. These “areas of change” have also been considered when providing feedback.

Council considers that the city’s three strategic economic centres – Charlestown, Glendale and Morisset – and five of the six economic centres – Cardiff, Toronto, Warners Bay, Mount Hutton and Belmont – meet the criteria of being well located with access to a range of frequently needed goods and services and are not significantly affected by natural hazards. There are also several local centres (Windale, Jewells, Boolaroo, Edgeworth, Cameron Park and Wyee) that meet the criteria and are identified in the “areas of change” section of the LSPS as locations for future increased housing density and diversity.

Council recommends careful consideration be given to where the proposed low-rise reforms apply, particularly in areas at high risk of flooding and sea level rise, for example in Swansea, Blacksmiths, Marks Point and Dora Creek or in areas that are isolated from other urban development and services, such as Awaba Train Station.

Attachment 1 provides an overview of areas Council recommends should be considered for inclusion or exclusion in this program.

TABLE OF RECOMMENDATIONS

- 1. The legislative mechanism through which the proposed reforms are to be applied should be identified, and councils provided with the draft instrument for review.**
- 2. The areas that will be impacted by the proposed reforms should be mapped.**
- 3. “Adequate access to essential shops, services and supporting infrastructure” should be appropriately defined.**
- 4. Clarification should be provided as to whether bushfire, flooding and sea level rise risk assessments have been considered or will be required in implementing the proposed reforms.**
- 5. An infrastructure capacity assessment should be undertaken as part of implementation of the reforms.**
- 6. A mechanism should be established, either through the SEPP or elsewhere, to ensure delivery of improved infrastructure to support further development.**
- 7. The NSW Government should commit to forward planning, funding and delivery of key infrastructure to support increased housing density and neighbourhood amenity.**
- 8. Indexation of the section 7.11 contributions is required to the current maximum contribution of \$20,000 per dwelling that can be imposed in accordance with current Ministerial Direction.**
- 9. Identify an appropriate State Government agency to fund and deliver the essential services needed to resolve the issues for current residents and enable new residential development in the Wyee Paper Subdivision.**
- 10. Clarification should be provided as to how proposed FSR standards are going to be applied in instances where FSR is not included in Council’s LEP, as is the case in Lake Macquarie.**
- 11. The proposed height and FSR standards should not be identified as ‘non-refusal standards’, but rather as normal standards that Council staff need to consider as part of their merit-based assessment.**
- 12. Consideration should be given to providing minimum site area and site width standards to ensure quality design outcomes.**
- 13. Adequate controls for setbacks, building separation, landscaping, open space and other controls be provided where the minimum lot sizes and lot widths provisions are able to be ‘turned off’.**
- 14. The development standard for vehicle access should be similar/consistent with the development standards of the Housing SEPP.**
- 15. The provisions regarding setbacks, building separation, landscaping, open space and other controls should be written to ensure they will deliver good outcomes in terms of streetscape, liveability and amenity for residents.**
- 16. Requirements/design standards to the guidelines to maintain permeable surfaces and water infiltration should be included.**

- 17. Design Review Panels across the state should be consulted on the proposed changes.**
- 18. The proposed pattern book that the NSW Government is working on be provided to Councils as soon as possible.**
- 19. A definition for 'manor house' should be added into the standard instrument LEP to enable Councils to specifically permit manor houses (two-storey residential flat buildings) in R2 zones.**
- 20. The proposed minimum lot width for residential flat buildings (manor houses) and multi-dwelling housing in low-density residential zones should be increased to 15m.**
- 21. Clarification should be provided as to how the proposed FSR standards are going to be applied in instances where FSR is not included in the LEP, as is the case in Lake Macquarie.**
- 22. Proposed minimum parking rates should be consistent with local provisions, for example, those contained in the Lake Macquarie Development Control Plan 2014.**
- 23. Clarification should be provided on how the proposed changes will work with other controls, such as environmental controls, especially if there are inconsistencies.**
- 24. Clarification be provided to the meaning of "appropriate size, width and access requirements" required to permit Torrens subdivision for multi-dwelling housing (terraces).**

ATTACHMENT 1: AREAS TO BE CONSIDERED FOR INCLUSION / EXCLUSION

Strategic Economic Centres

Charlestown

The Charlestown strategic economic centre, which consists of the E2 and MU1 zoned land, comprises a large shopping centre, which includes supermarkets and a wide range of shops and services. The E2 and MU1 zoned land also includes various medical centres and health-related uses. It is a public transport hub for bus commuters.

Council considers the E2 and MU1 zoned land at Charlestown meets the criteria to be included in the reforms.

Note, some of the land surrounding the MU1 zoned land is bushfire-prone.

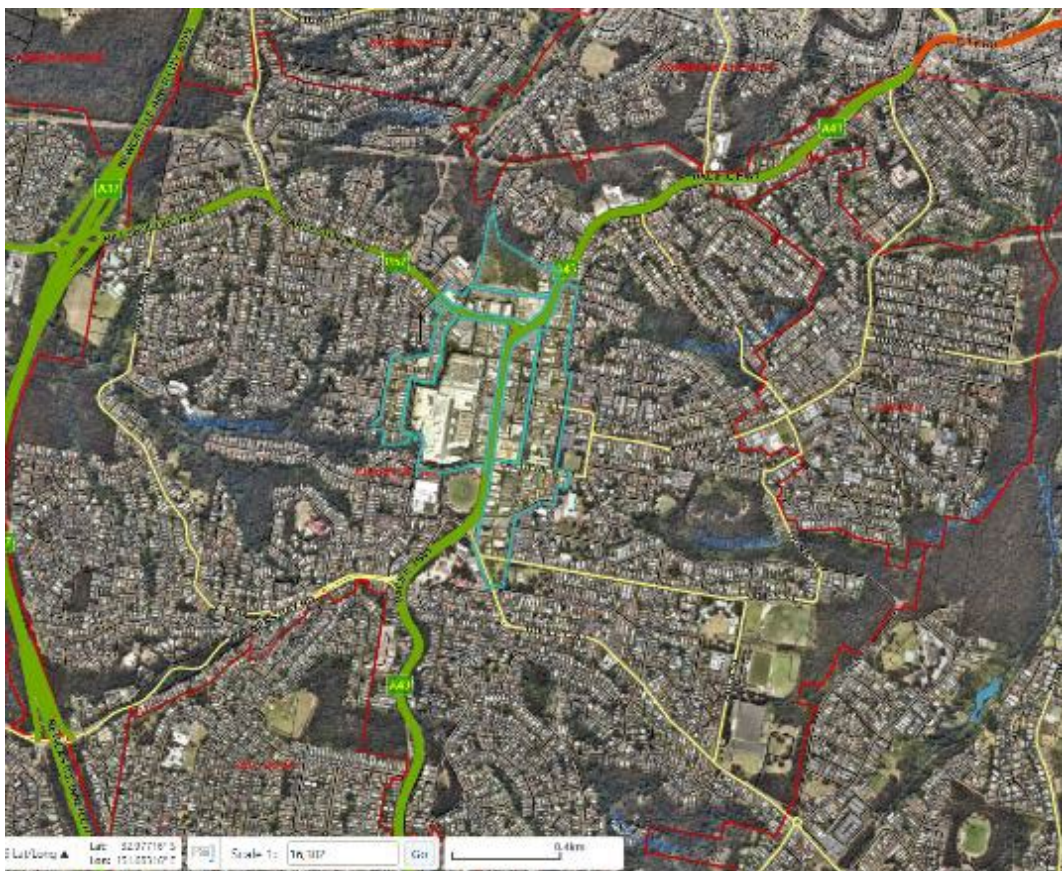


Figure 2: Aerial photo of MU1 and E2 zoned land and surrounding area in Charlestown (Source: Lake Macquarie City Council)

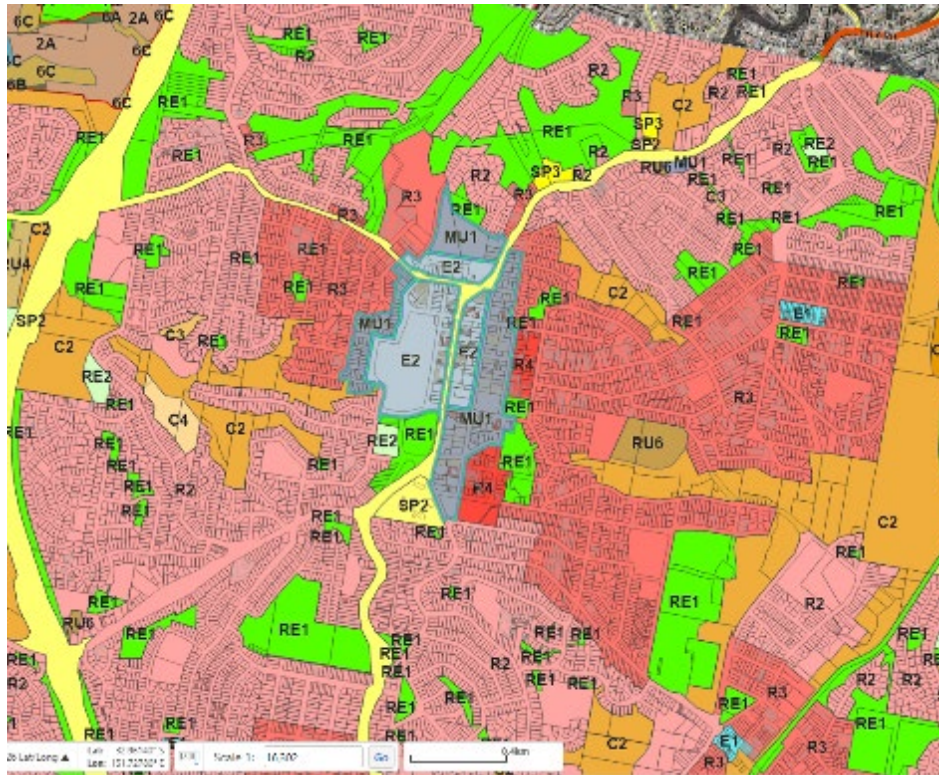


Figure 3: Zoning map of MU1 and E2 zoned land and surrounding area in Charlestown (Source: Lake Macquarie City Council)

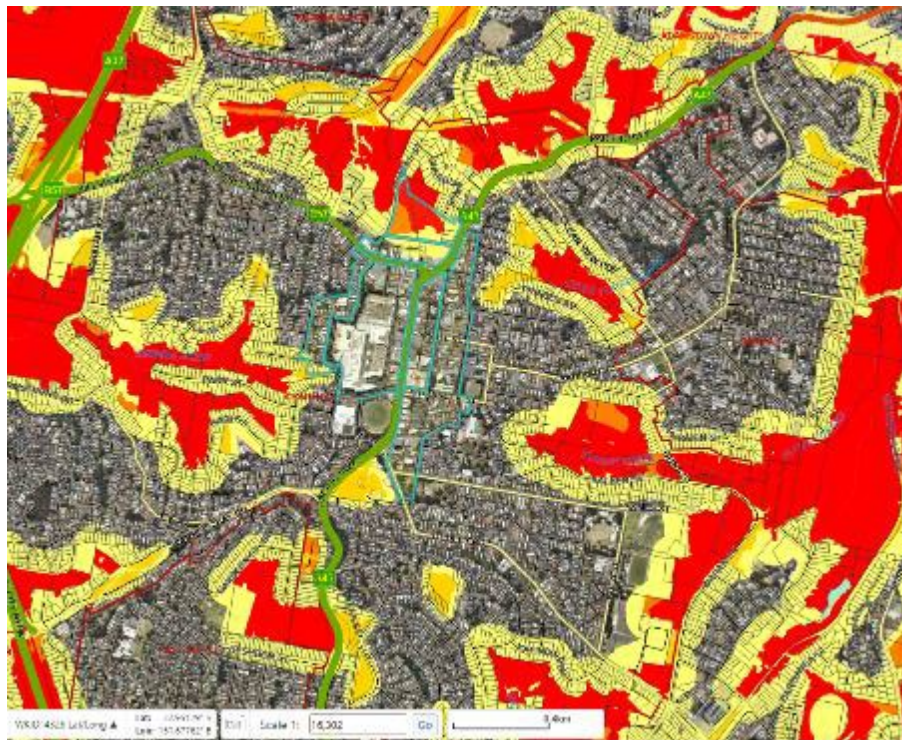


Figure 4: Bushfire-prone land around MU1 zoned land in Charlestown (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Glendale

The Glendale strategic economic centre, which consists of the E2 zoned land, includes a large shopping centre, which includes supermarkets and a wide range of shops and services. The shopping centre is directly serviced by buses.

There are also various MU1 zoned areas in Glendale, which include shops and services, but not those required for everyday needs, as these are located in the adjoining E2 zoned land. Council considers the E2 and MU1 zoned land at Glendale meets the criteria to be included in the reforms.

Note, some of the surrounding area is bushfire- and flood-prone.



Figure 5: Aerial photo of MU1 and E2 zoned land and surrounding area in Glendale (Source: Lake Macquarie City Council)

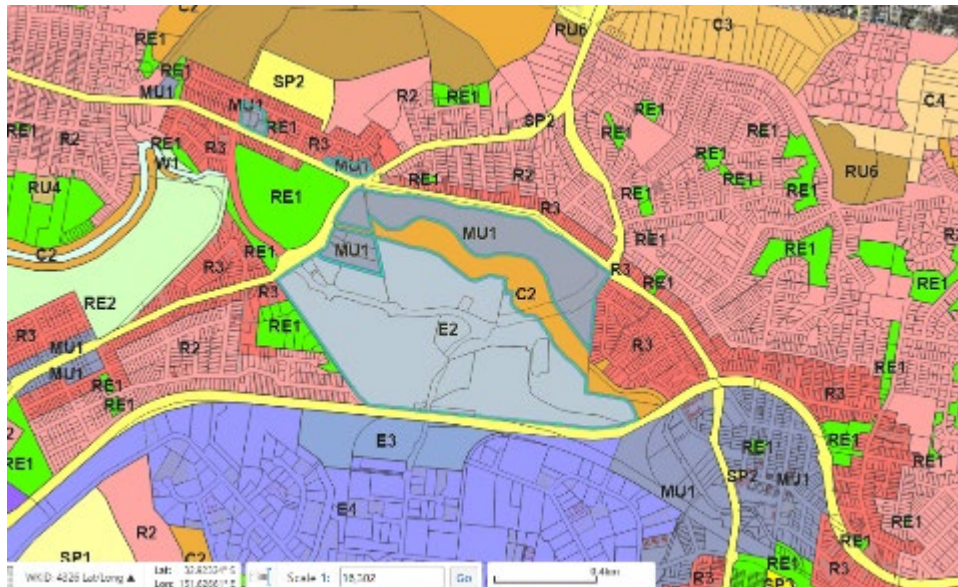


Figure 6: Zoning map of MU1 zoned land and surrounding area in Glendale (Source: Lake Macquarie City Council)



Figure 7: Map showing land at risk of flooding around MU1 and E2 zoned land in Glendale (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)

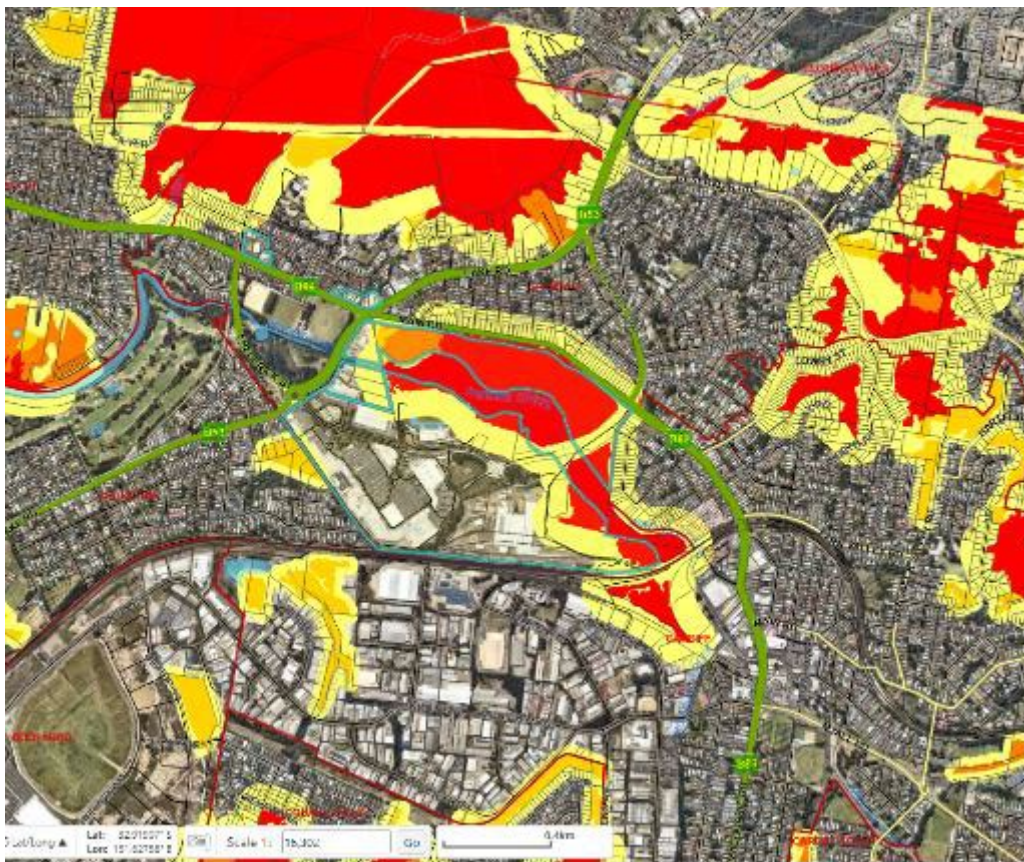


Figure 8: Bushfire-prone land around MU1 and E2 zoned land in Glendale (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Morisset

Morisset is identified as a strategic economic centre in the LSPS, as well as a regionally significant growth area in the Hunter Regional Plan 2041.

Council, in collaboration with the NSW Government, is currently preparing a Morisset Place Strategy, which seeks to guide the growth of the broader Morisset area in a strategic way.

It is noted that Morisset is one of the main stops on the Central Coast Newcastle Train Line between Sydney and Newcastle, with trains stopping twice per hour on weekdays and once per hour on weekends and public holidays.

The E2 zoned land next to the train station includes a range of shops and services, including supermarkets, specialty shops and some essential services, such as a pharmacy, a medical centre and a primary school. The surrounding MU1 zoned land includes dwellings, as well as some shops and services.

There is further MU1 zoned land to the west of the E2 and MU1 zoned land mentioned above. The western MU1 zoned land includes a McDonalds, a fuel station and an ambulance station. It is noted that this MU1 zoned land is located less than 500m from the other MU1 and E2 zoned land in Morisset Centre. The 800m from this MU1 zoned land therefore includes the same R3 zoned land than what is captured by the other MU1 and E2 zoned land mentioned above.

There is also a very small E1 zoned land to the north of the E2 and MU1 zoned land outlined above, which consists of only one lot and contains a dwelling.

Council considers the E2 and MU1 zoned land close to Morisset station meets the criteria to be included in the reforms.



Figure 9: Aerial photo of MU1, E1 and E2 zoned land in Morisset and surrounding area (Source: Lake Macquarie City Council)

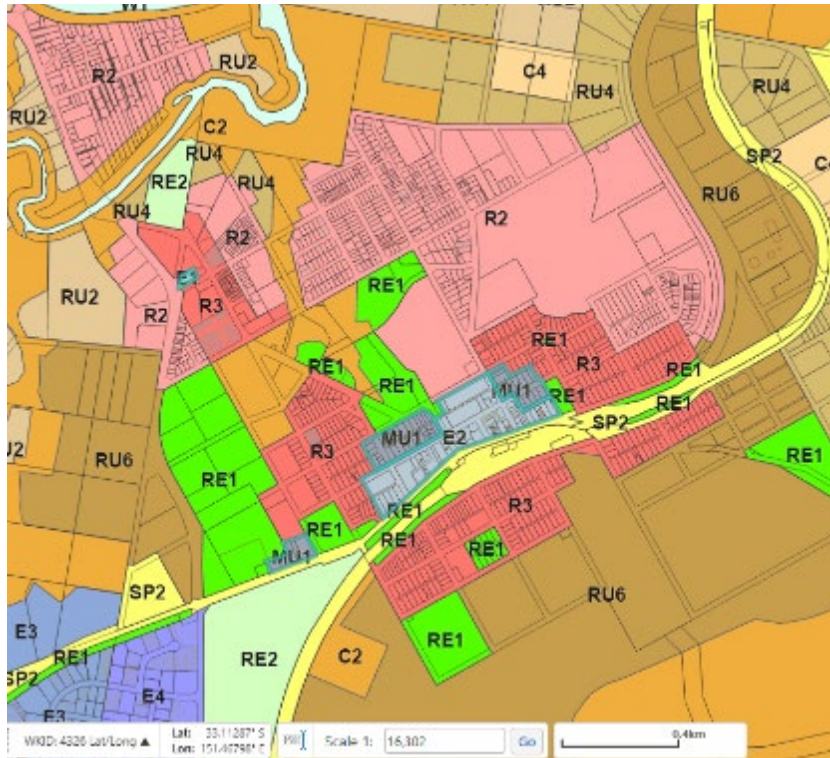


Figure 10: Zoning map of MU1, E1 and E2 zoned land in Morisset and surrounding area (Source: Lake Macquarie City Council)

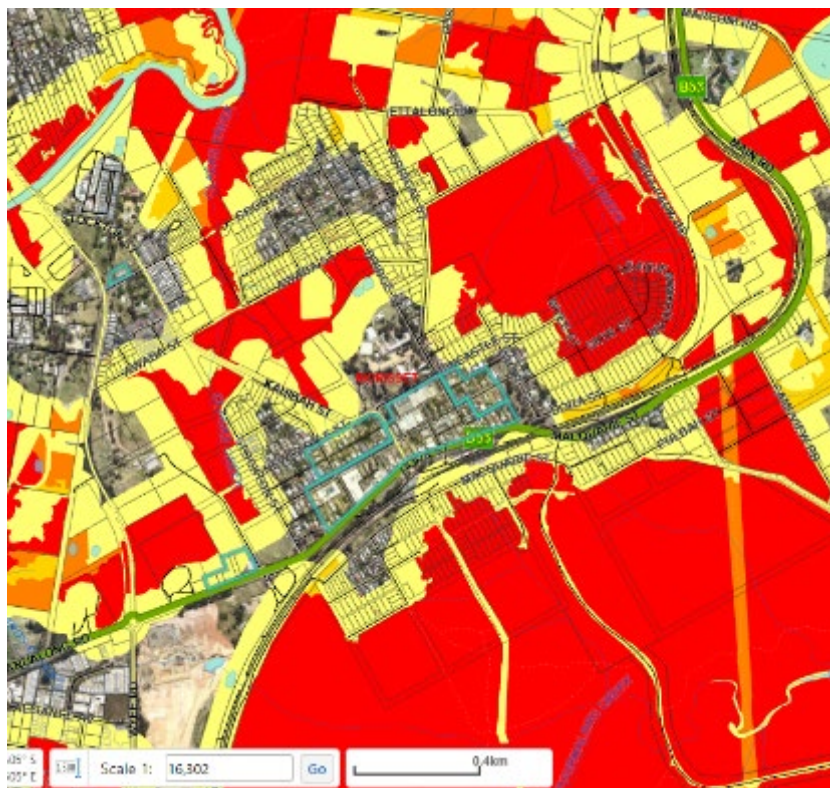


Figure 11: Bushfire-prone land around Mu1, E1 and E2 zoned land in Morisset (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Ma

Economic Centres

Cardiff

The MU1 zoned land in Cardiff contains a wide range of shops and services, including supermarkets, pharmacies, medical centres, cafés and restaurants.

Cardiff also includes an accessible train station. Cardiff Station is one of the main stops on the Central Coast Newcastle train line between Newcastle and Sydney. Cardiff is also serviced by bus transport. Cardiff is identified as an Economic Centre in the centres hierarchy in Council's Local Strategic Planning Statement.

Council considers the MU1 zoned land at Cardiff meets the criteria to be included in the reforms.

Note, some MU1 zoned land and surrounding residential zoned areas are flood-prone and bushfire-prone.

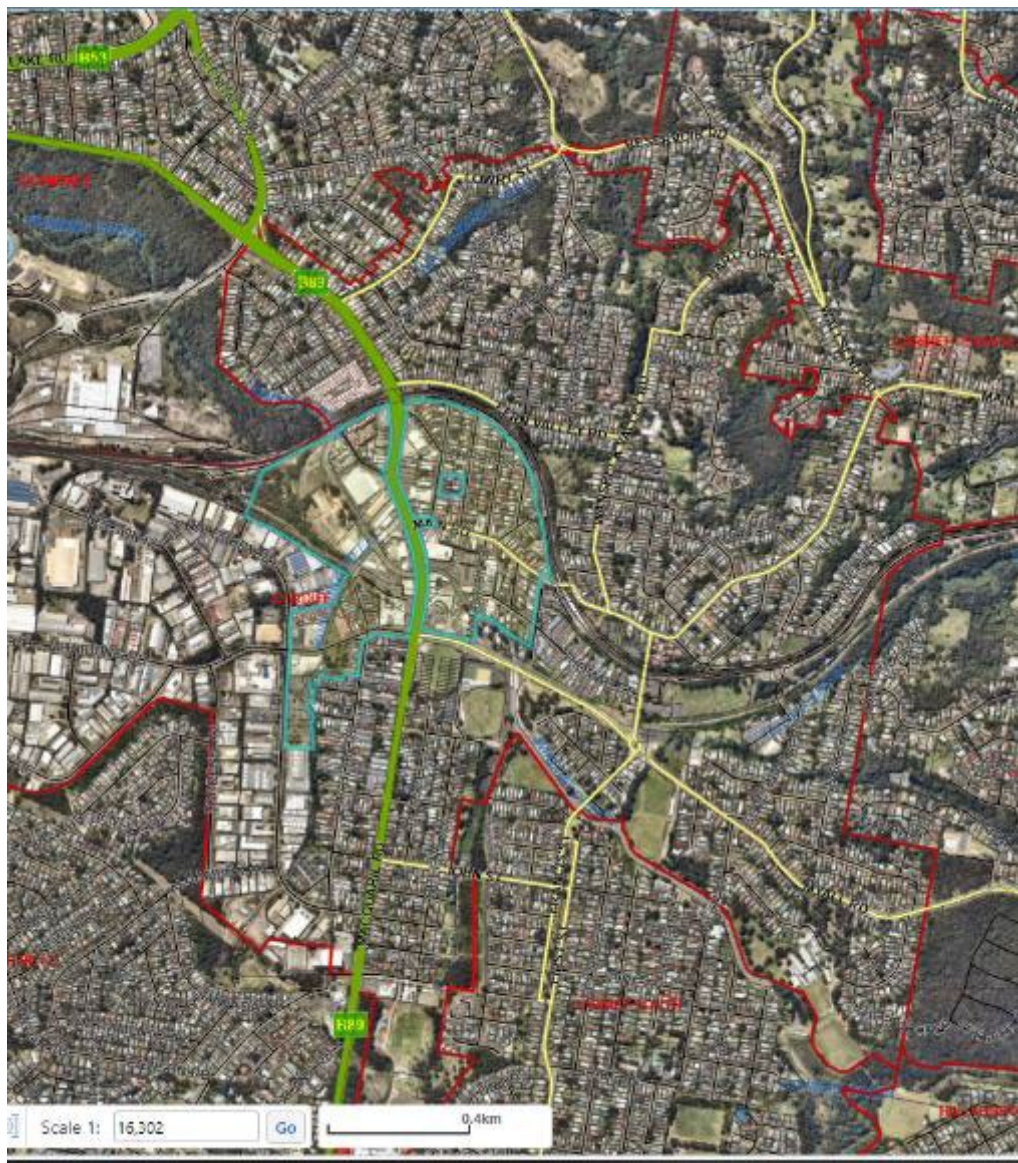


Figure 12: Aerial photo of MU1 zoned land and surrounding area in Cardiff (Source: Lake Macquarie City Council)

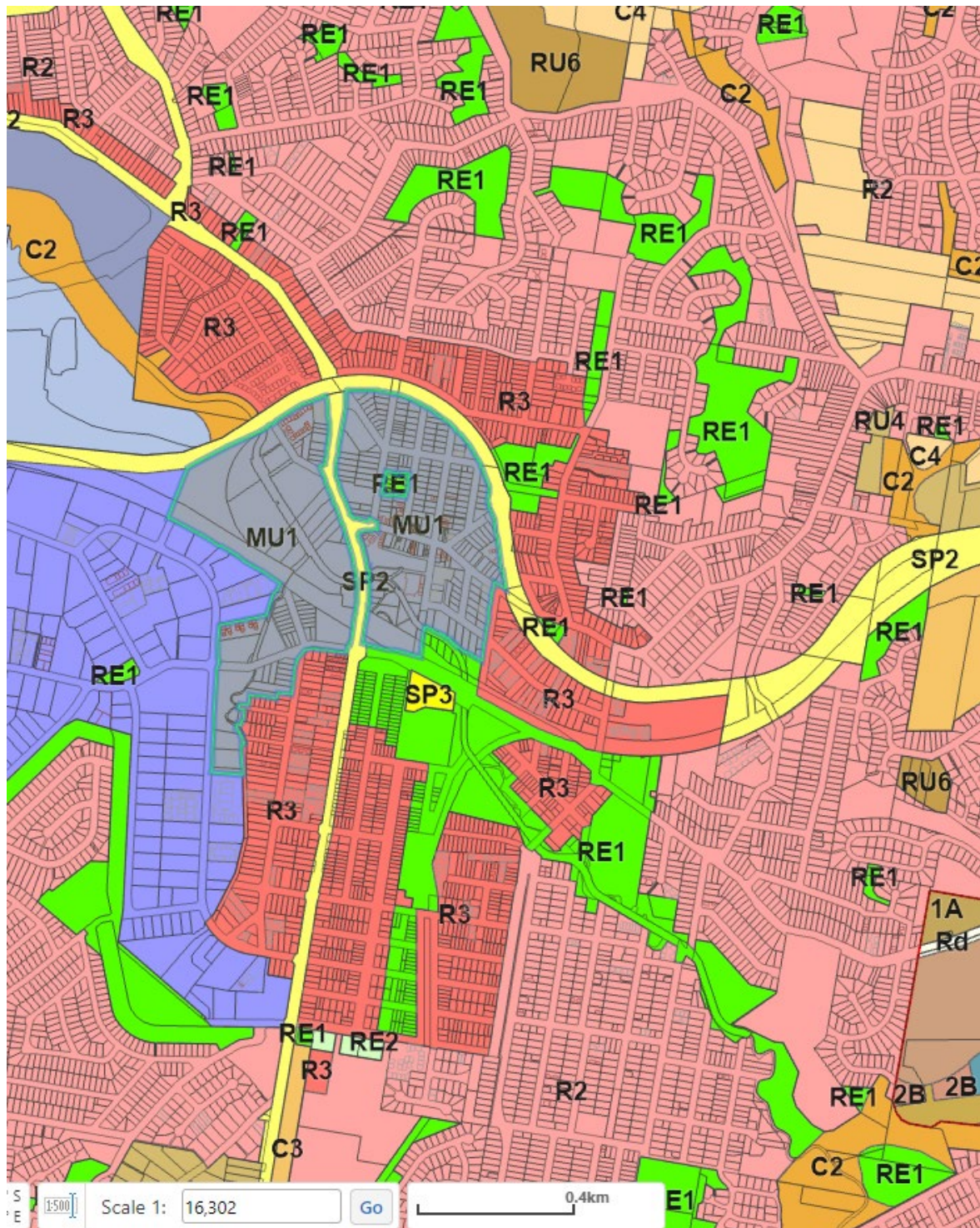


Figure 13: Zoning map of MU1 zoned land and surrounding area in Cardiff (Source: Lake Macquarie City Council)

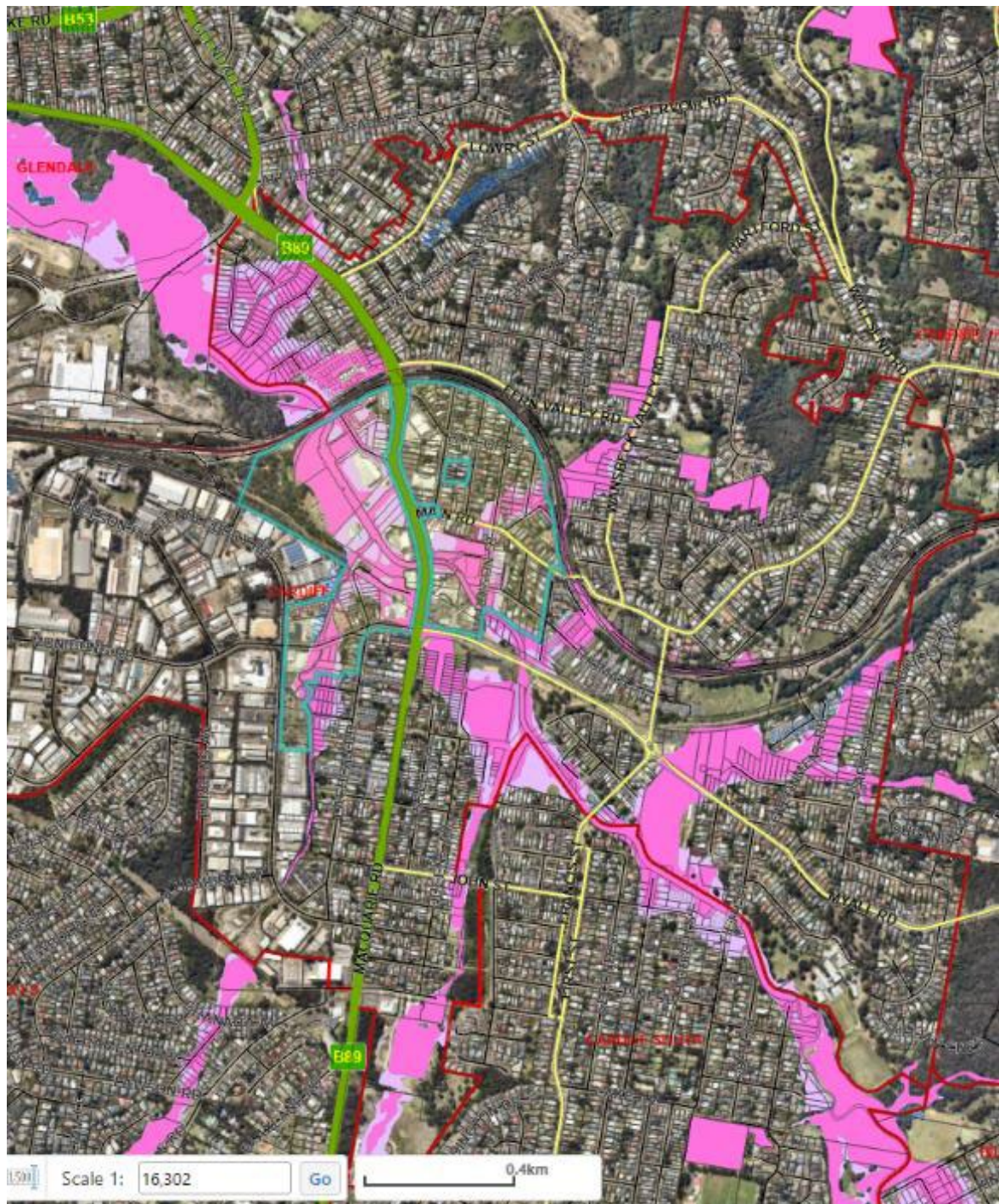


Figure 14: Map showing land at risk of flooding around MU1 zoned land in Cardiff (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)

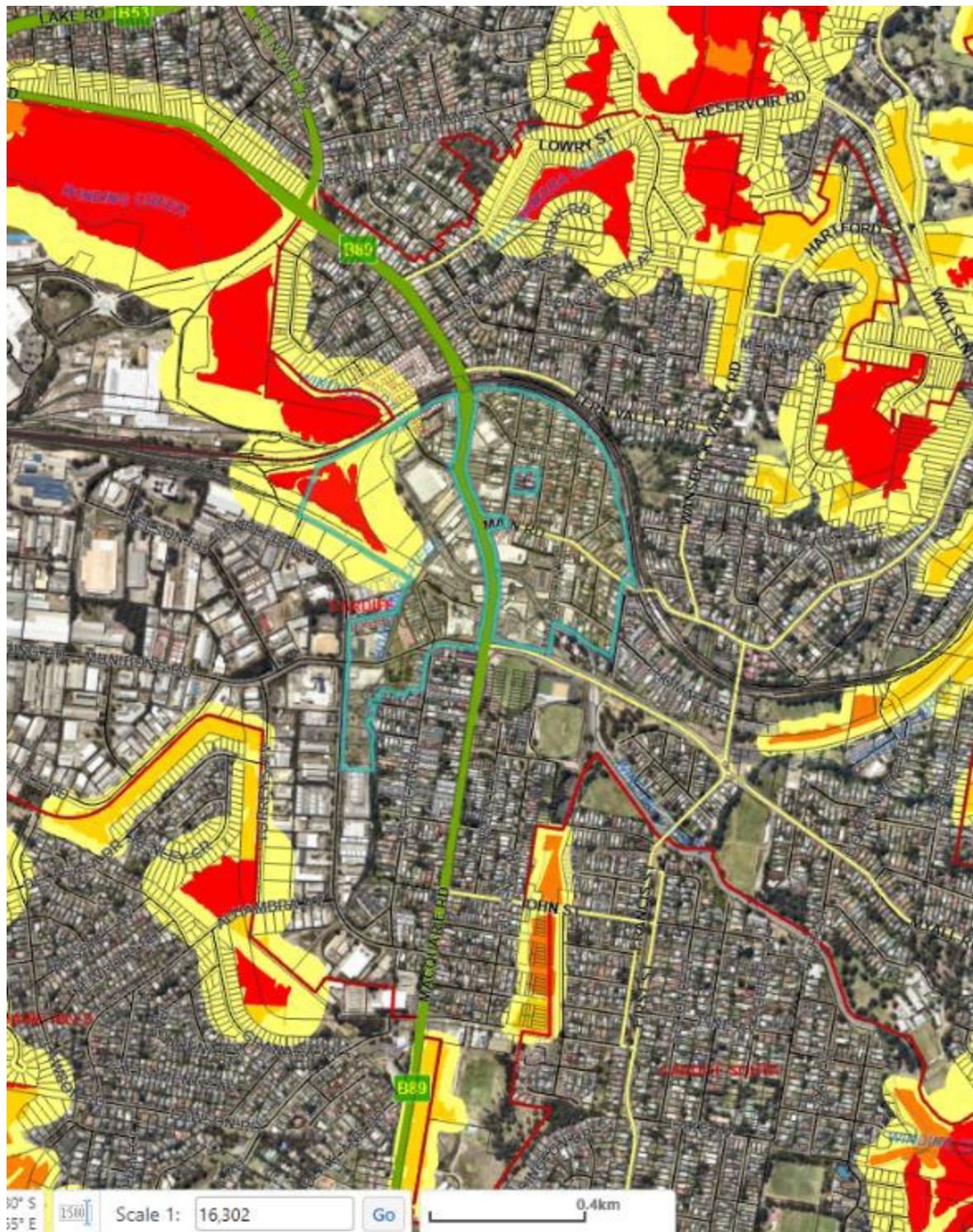


Figure 15: Bushfire-prone land around MU1 zoned land in Cardiff (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Toronto

The E1 and MU1 zoned land in Toronto comprises a wide range of shops and services, including supermarkets, pharmacies, medical centres, cafés and restaurants. Toronto is identified as an Economic Centre in the centres hierarchy in Council's Local Strategic Planning Statement.

Council considers the E1 and MU1 zoned land at Toronto meets the criteria to be included in the reforms.

Note, some land around the E1 and MU1 zoned land in Toronto is at risk of bushfire, flooding and sea level rise.

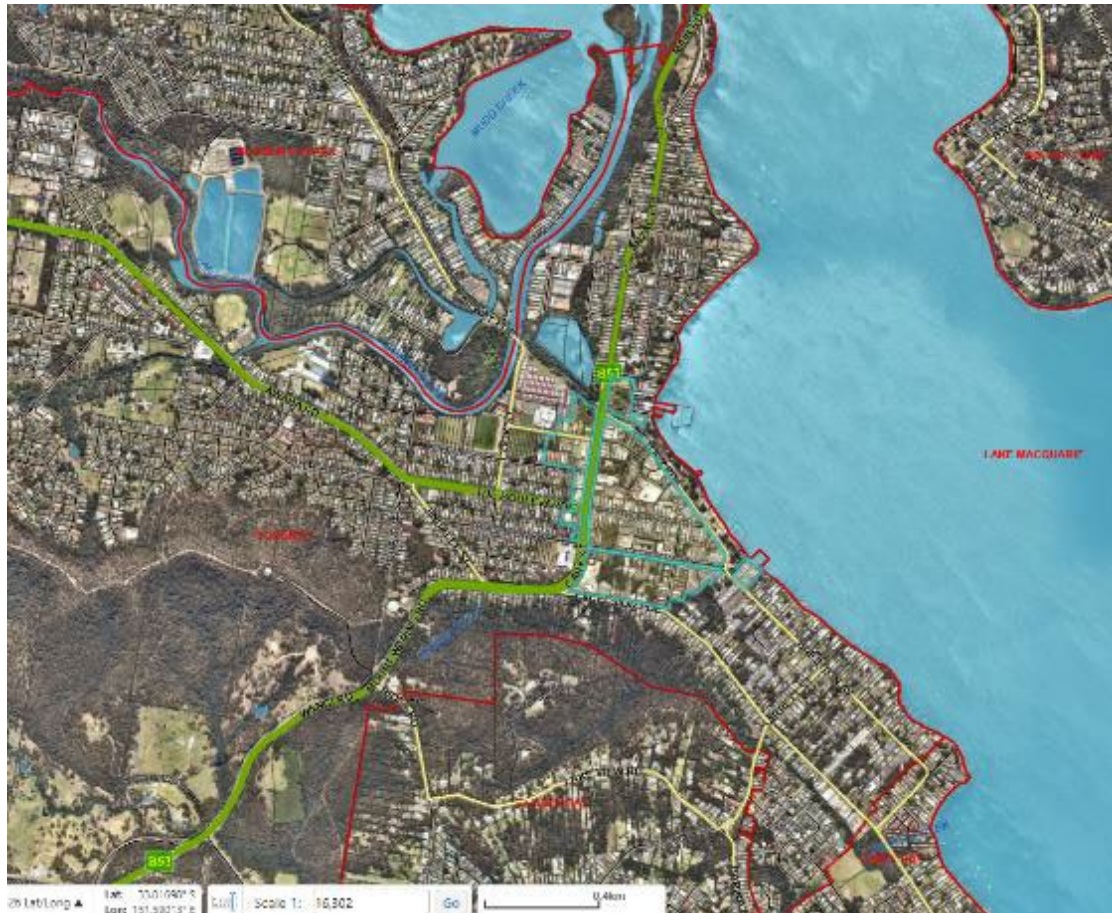


Figure 16: Aerial photo of E1 and MU1 zoned land and surrounding area in Toronto (Source: Lake Macquarie City Council)

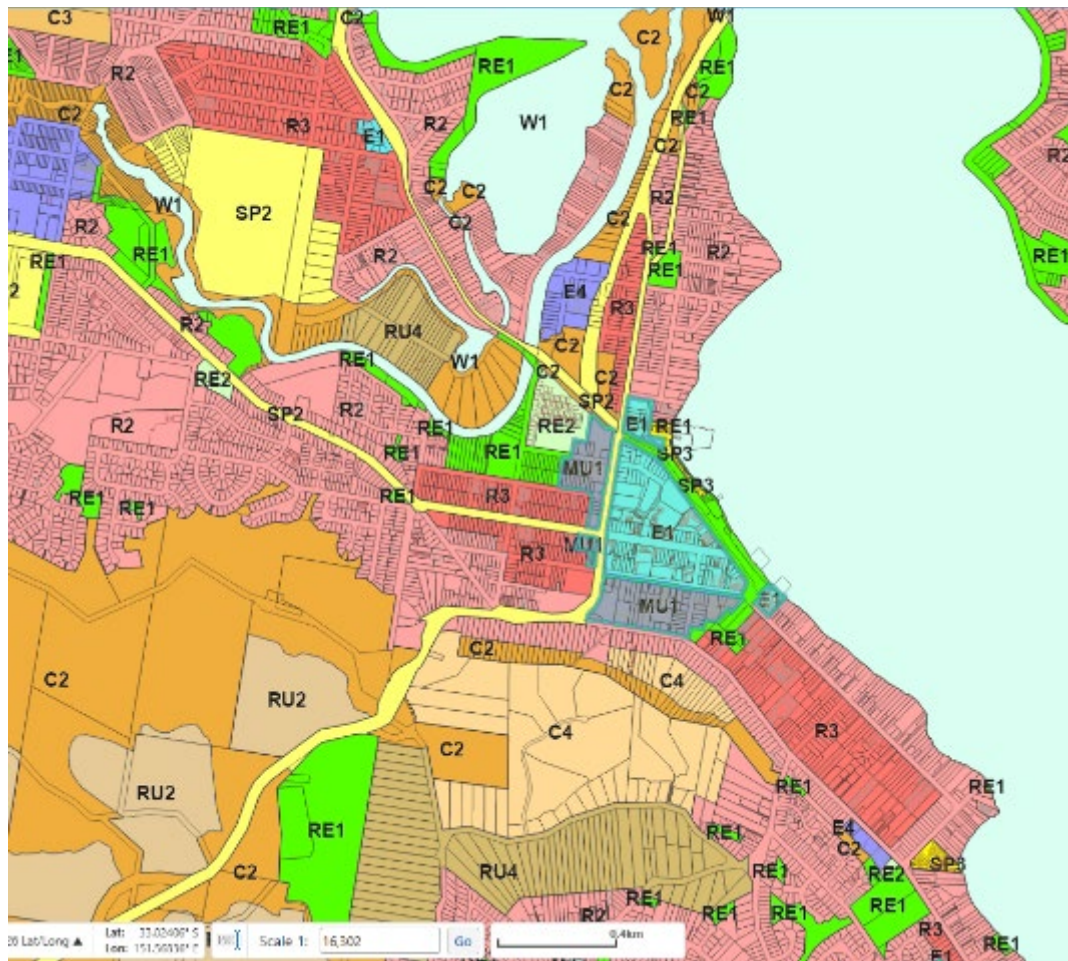


Figure 17: Zoning map of E1 and MU1 zoned land and surrounding area in Toronto (Source: Lake Macquarie City Council)



Figure 18: Map showing land at risk of catchment and lake flooding and sea level rise around E1 and MU1 zoned land in Toronto (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)

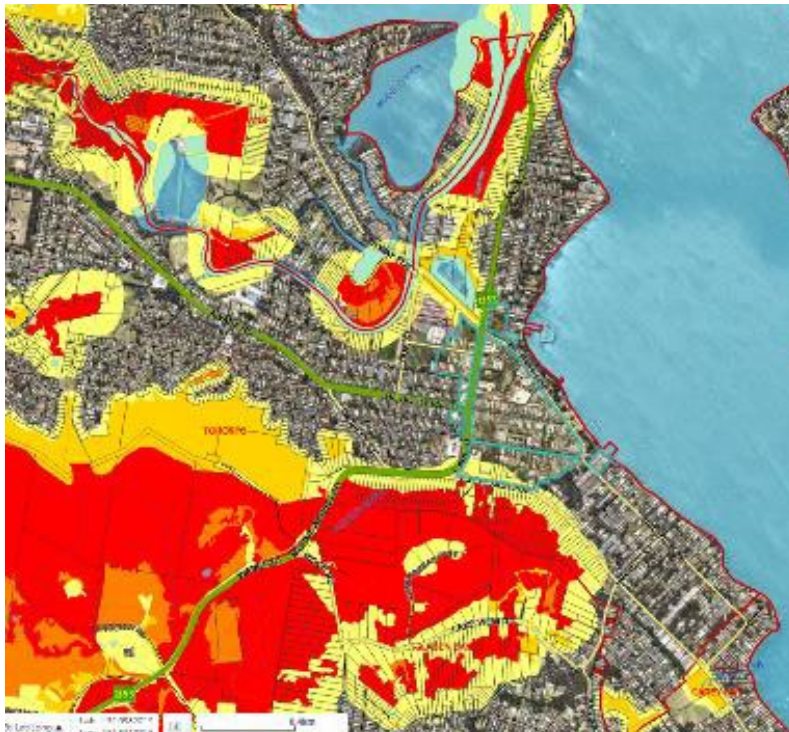


Figure 19: Bushfire prone land around E1 and MU1 zoned land in Toronto (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Warners Bay

The E1 and MU1 zoned land in Warners Bay includes a wide range of shops and services, including supermarkets, several cafés and restaurants, pharmacies, health related uses (including a medical centre, a pathology lab and a dentist), a post office and specialty shops. It is located next to the lake and to sportsfield and a playground. It is serviced by buses. Warners Bay is identified as an Economic Centre in the centres heirarchy in Council's Local Strategic Planning Statement.

Council considers the E1 and MU1 zoned land at Warners Bay meets the criteria to be included in the reforms.

Note, some of the surrounding land is bushfire- and flood-prone.

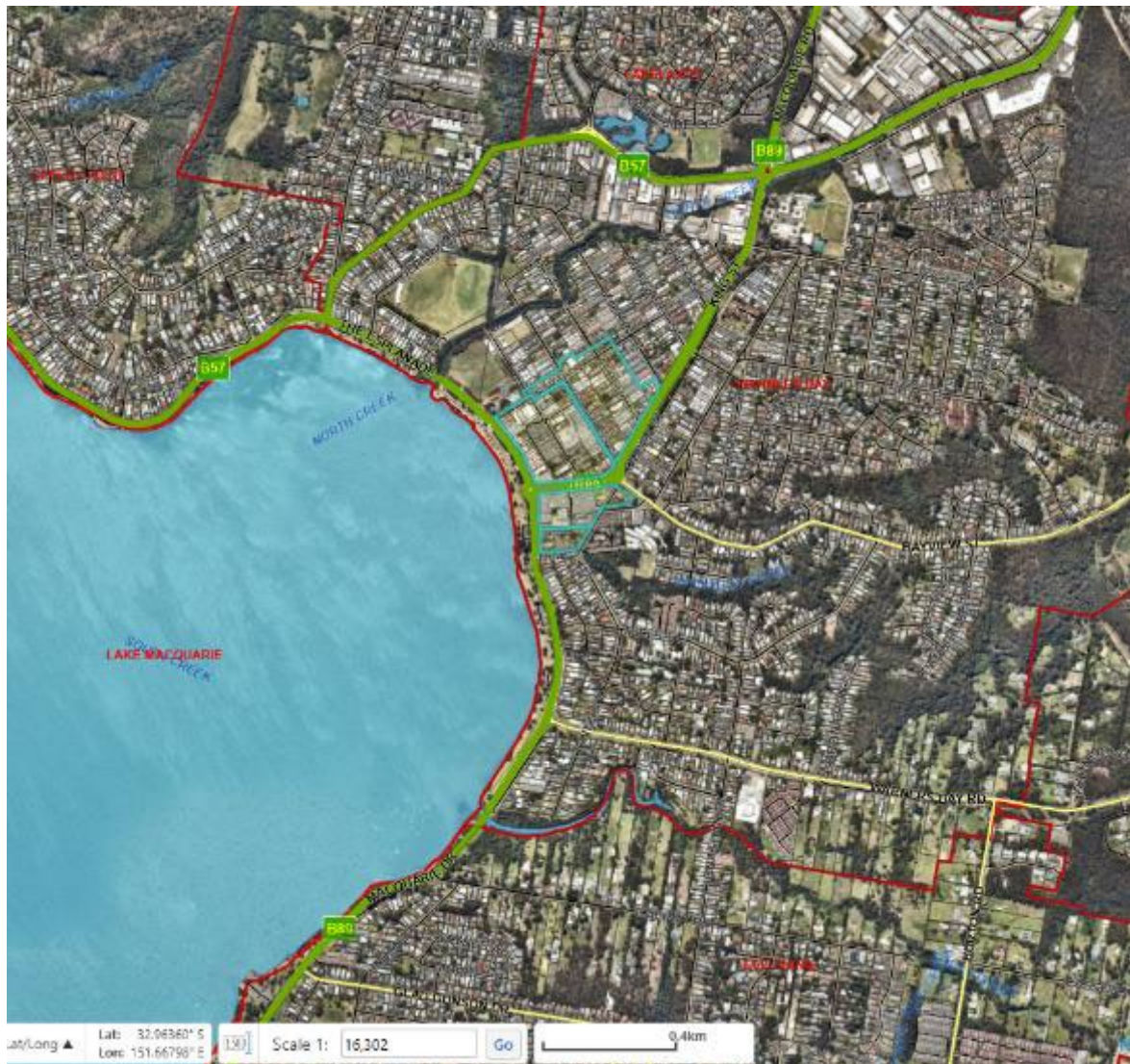


Figure 20: Aerial photo of E1 and MU1 zoned land and surrounding area in Warners Bay (Source: Lake Macquarie City Council)

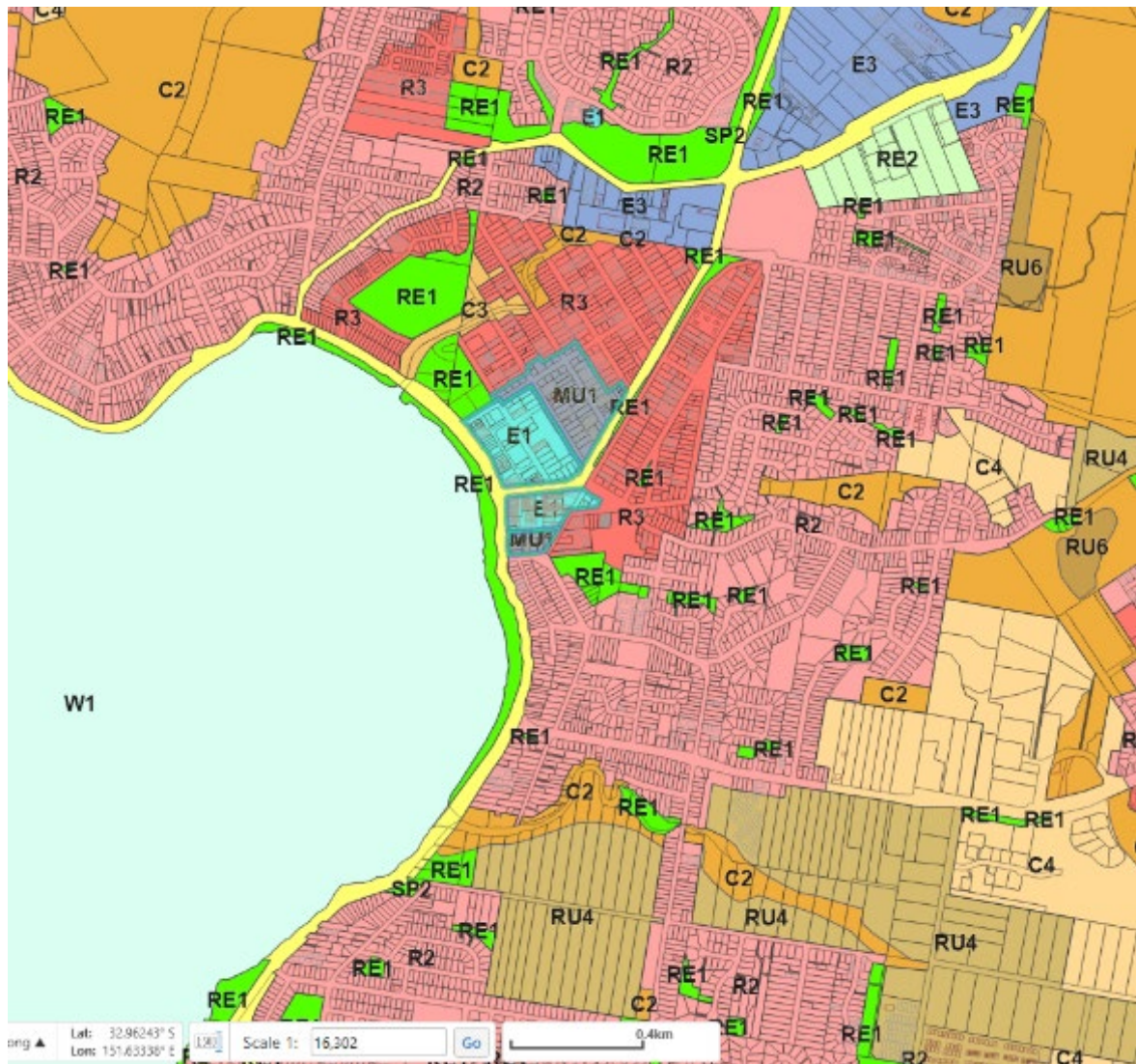


Figure 21: Zoning map of E1 and MU1 zoned land and surrounding area in Warners Bay (Source: Lake Macquarie City Council)

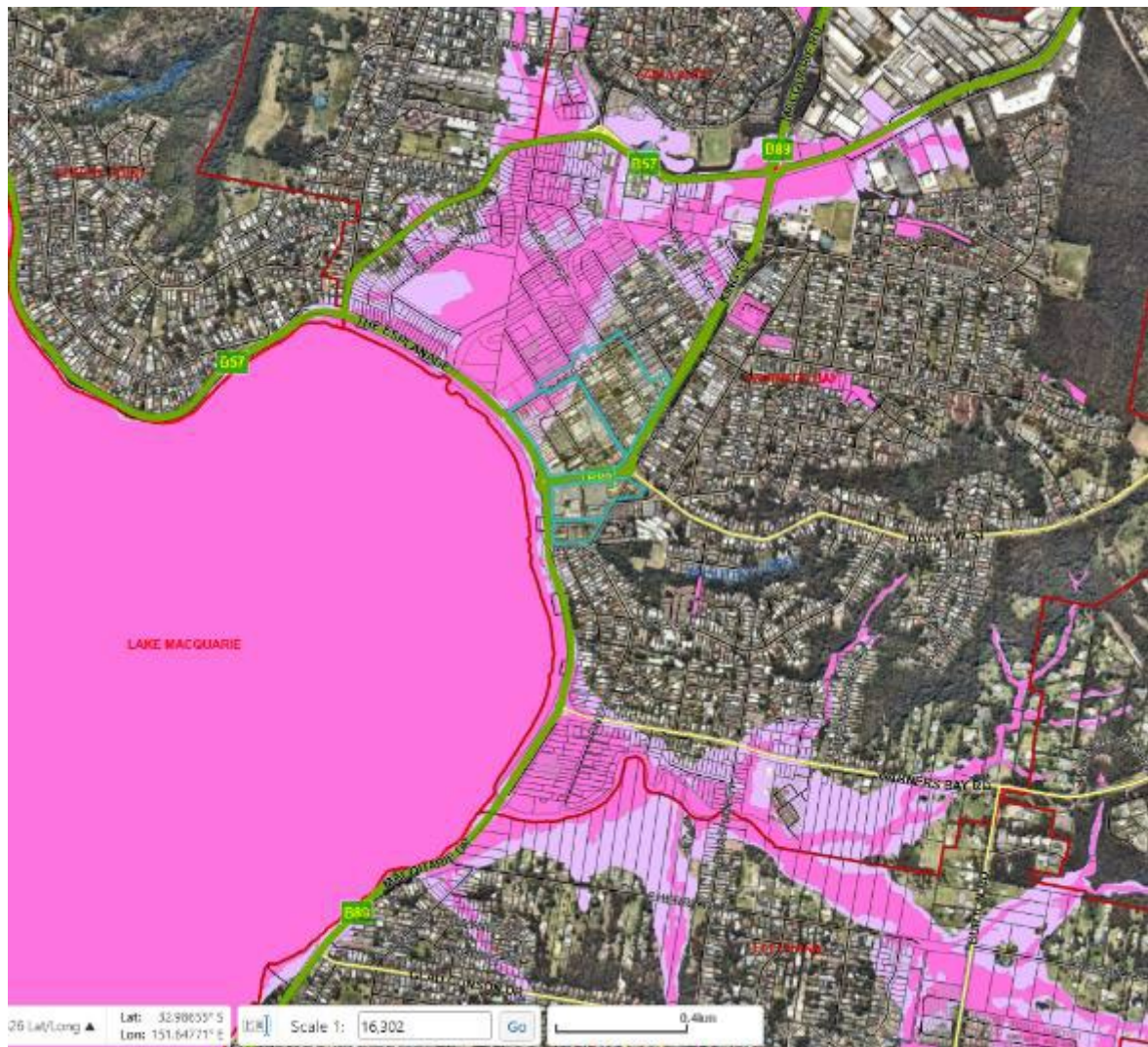
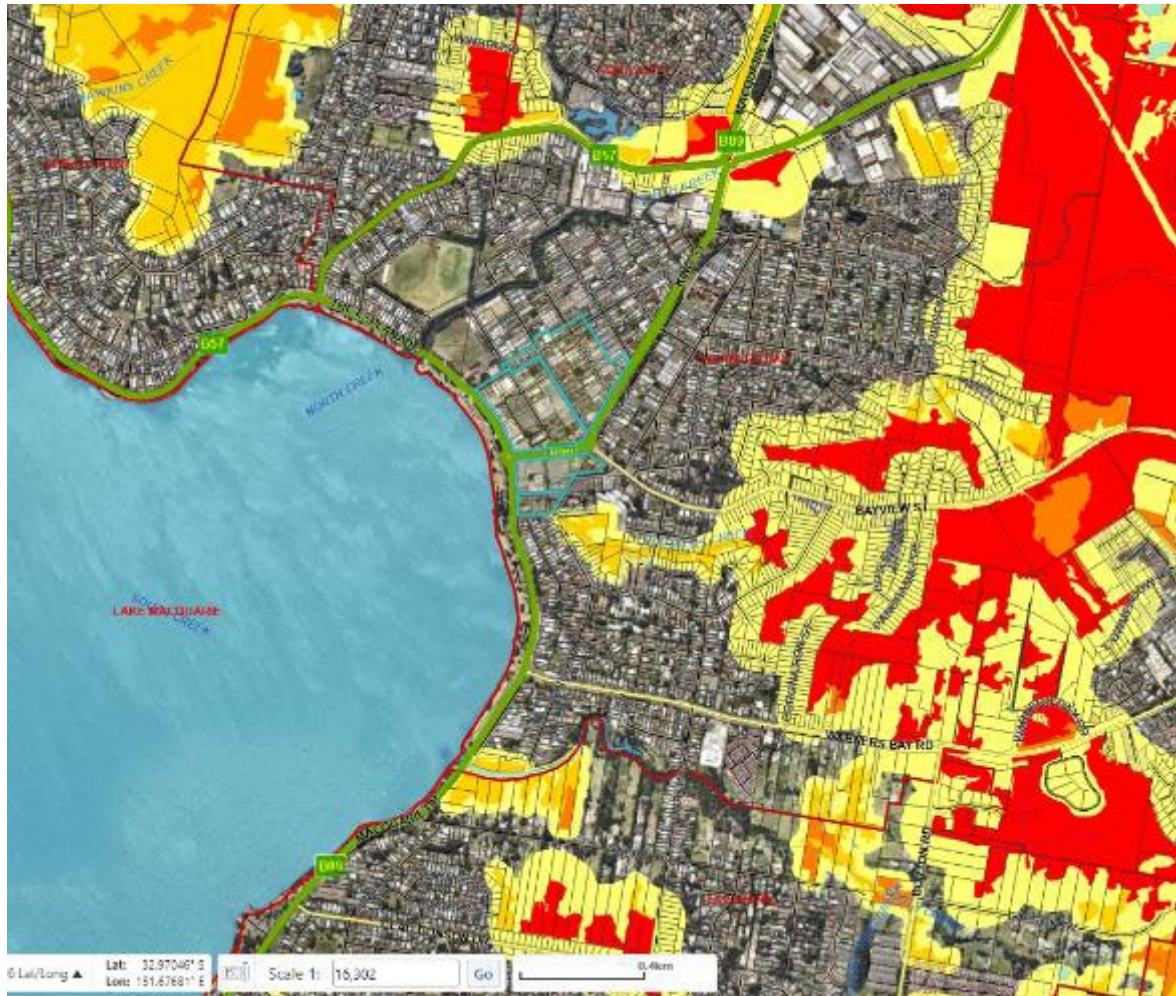


Figure 22: Map showing land at risk of flooding and sea level rise around E1 and MU1 zoned land in Warners Bay (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)



Mount Hutton

There are two E1 zoned areas in Mount Hutton.

The largest (southern) E1 zoned area includes the Mount Hutton shopping centre, which has a wide range of shops, including supermarkets, cafés, restaurants, clothes shops, a pharmacy, a post office and other specialty shops. The E1 zoned land also comprises land outside of the shopping centre, which includes a café, op shop and beauty salon.

The smaller (northern) E1 zoned land includes a supermarket, take-away shop, café, vet and another shop. Adjoining the E1 zoned land is a school.

The centre is serviced by buses.

Mount Hutton is identified as an Economic Centre in the centres heirarchy in Council's Local Strategic Planning Statement.

Council considers the E1 zoned land at Mount Hutton meets the criteria to be included in the reforms.

Note, some of the E1 zoned land and surrounding area is bushfire- and flood-prone.

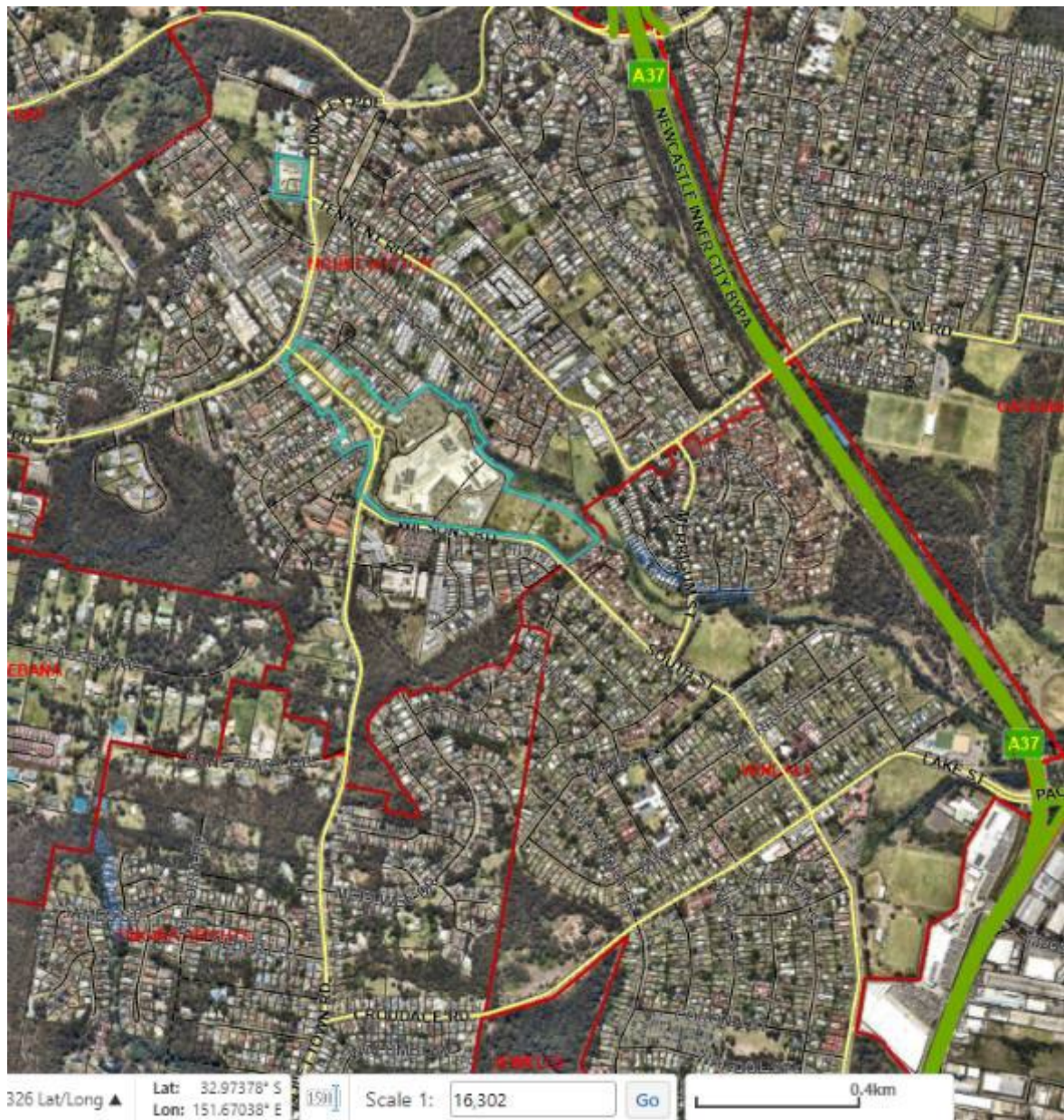


Figure 24: Aerial photo of E1 zoned land and surrounding area in Mount Hutton (Source: Lake Macquarie City Council)

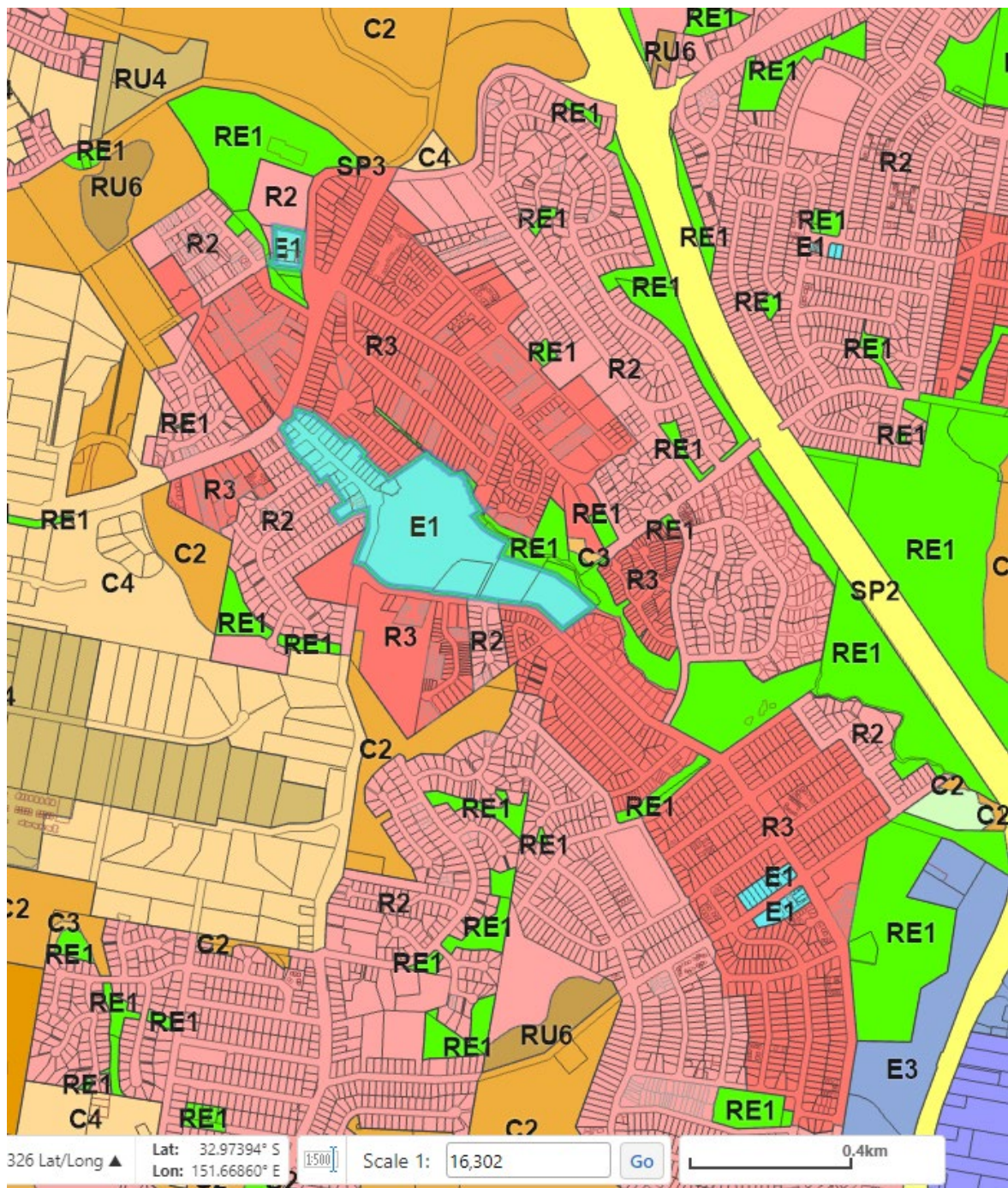


Figure 25: Zoning map of E1 zoned land and surrounding area in Mount Hutton (Source: Lake Macquarie City Council)

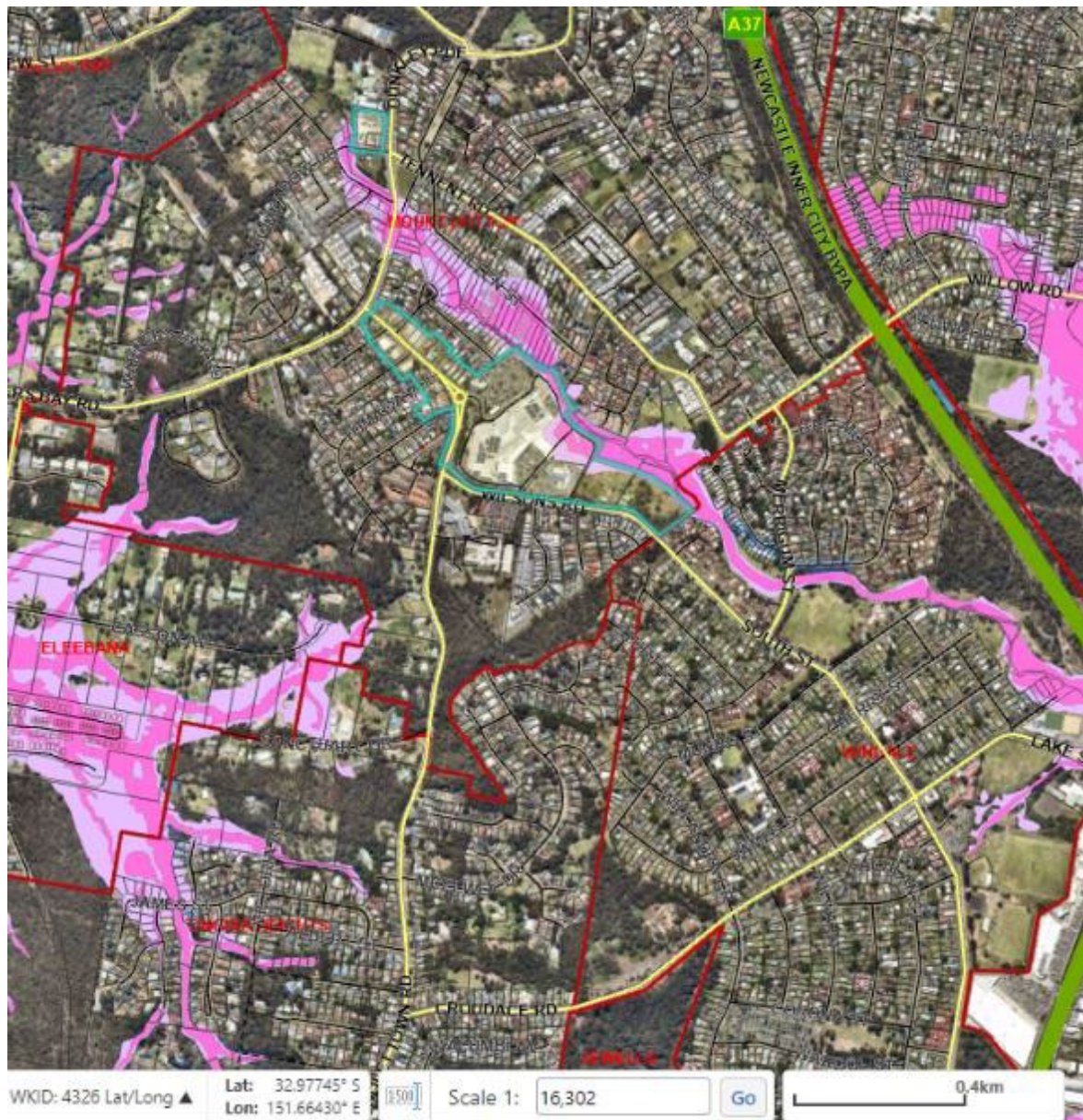


Figure 26: Map showing land at risk of flooding around E1 zoned land in Mount Hutton (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)



Figure 27: Bushfire-prone land around E1 zoned land in Mount Hutton (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Belmont

The E1 and MU1 zoned land in Belmont comprises a wide range of shops and services, including supermarkets, pharmacies, medical centres, banks, cafés and restaurants, and specialty shops. The centre is serviced by buses.

Belmont is identified as an Economic Centre in the centres hierarchy in Council's Local Strategic Planning Statement.

Council consider the E1 and MU1 zoned land at Belmont meets the criteria to be included in the reforms.

Note, a large section of the surrounding area is at risk of flooding, sea level rise and bushfire.



Figure 28: Aerial photo of MU1 and E1 zoned land and surrounding area in Belmont (Source: Lake Macquarie City Council)



Figure 29: Zoning map of MU1 and E1 zoned land and surrounding area in Belmont (Source: Lake Macquarie City Council)

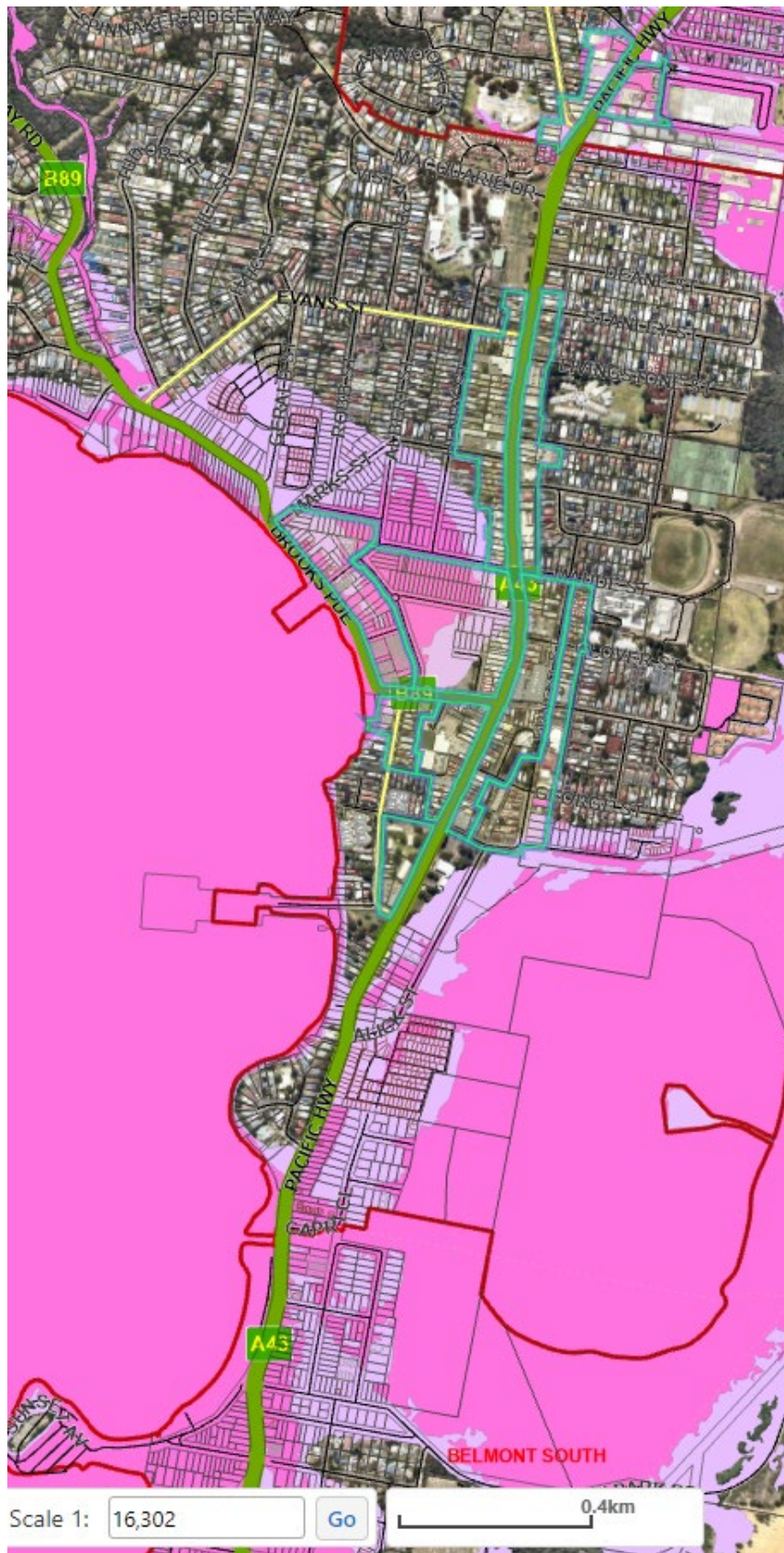


Figure 30: Map showing land at risk of flooding and sea level rise around E1 and MU1 zoned land in Belmont (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)



Figure 31: Bushfire-prone land around E1 and MU1 zoned land in Belmont (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Areas of Change

There are various local centres identified in the LSPS that have a range of frequently needed goods and services and are listed in the “areas of change” section of the LSPS for future increased housing density and diversity. These centres include Windale, Jewells, Boolaroo, Edgeworth, Cameron Park and Wyee. Further details on these centres are provided below.

Windale

The E1 zoned land in Windale includes a grocery store, pharmacy, medical centre, post office, bottle shop, take-away shop, aged and disability support centre and some specialty shops. Council is currently building a multipurpose library and community facility at Windale and the area is serviced by buses.

Windale is listed as a local centre and is identified as an “area of change” in Council’s LSPS. Council considers the E1 zoned land at Windale meets the criteria to be included in the lower scale building height aspect of the reforms.



Figure 32: Aerial photo of E1 zoned land and surrounding area in Windale (Source: Lake Macquarie City Council)

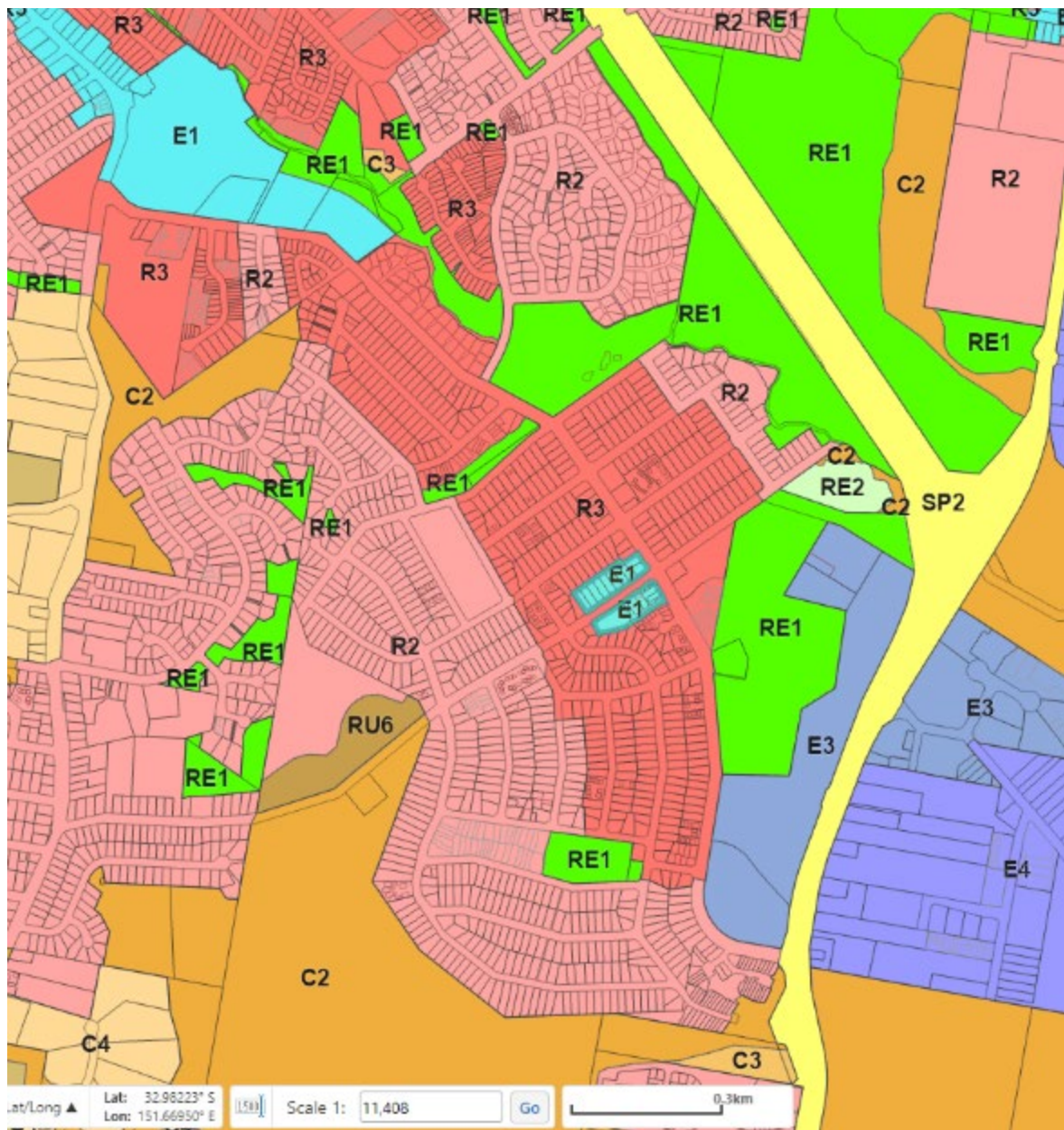


Figure 33: Zoning map of E1 zoned land and surrounding area in Windale (Source: Lake Macquarie City Council)

Jewells

The E1 zoned land in Jewells comprises a range of shops, including a supermarket, pharmacy, medical practice, bank, café and take-away shop and various specialty shops. Jewells is serviced by buses.

Jewells is listed as a local centre and is identified as an “area of change” in Council’s LSPS.

Council considers the E1 zoned land at Jewells meets the criteria to be included in the lower scale building height aspect of the reforms.

Note, some of the surrounding area is bushfire- and flood-prone.

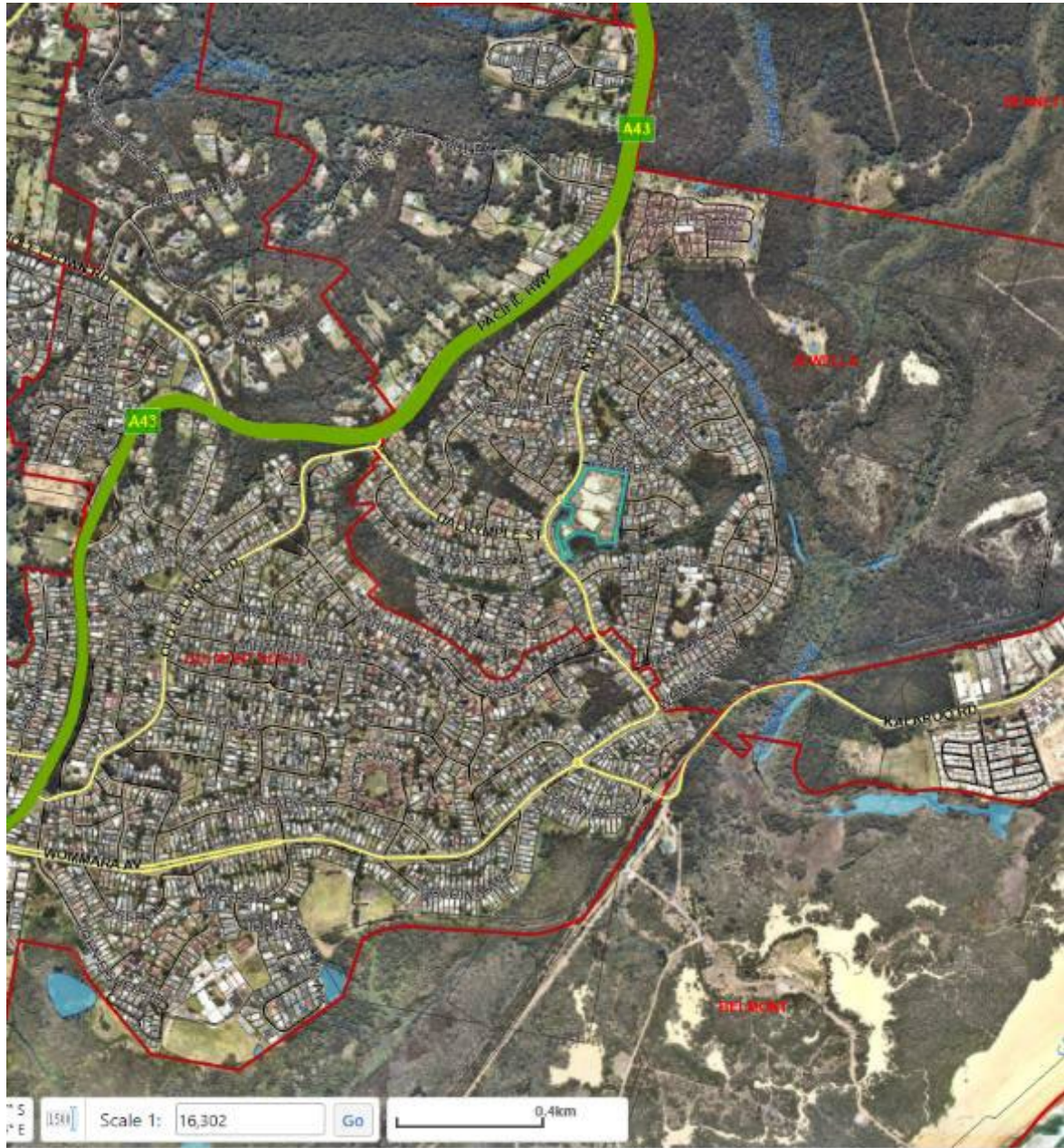


Figure 34: Aerial photo of E1 zoned in Jewells land and surrounding area (Source: Lake Macquarie City Council)

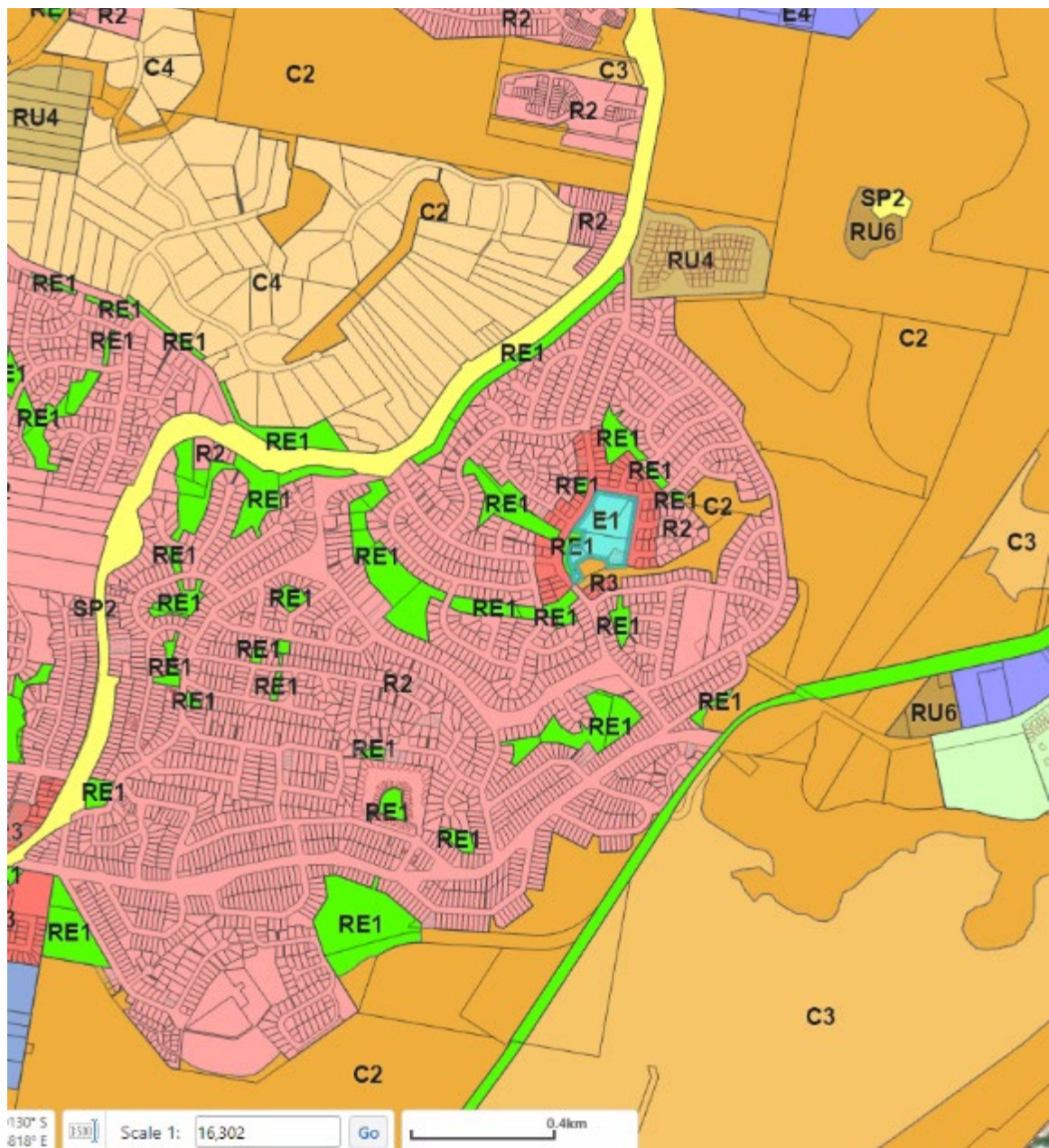


Figure 35: Zoning map of E1 zoned land in Jewells and surrounding area (Source: Lake Macquarie City Council)



Figure 36: Map showing land at risk of flooding and sea level rise around E1 zoned land in Jewells (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)

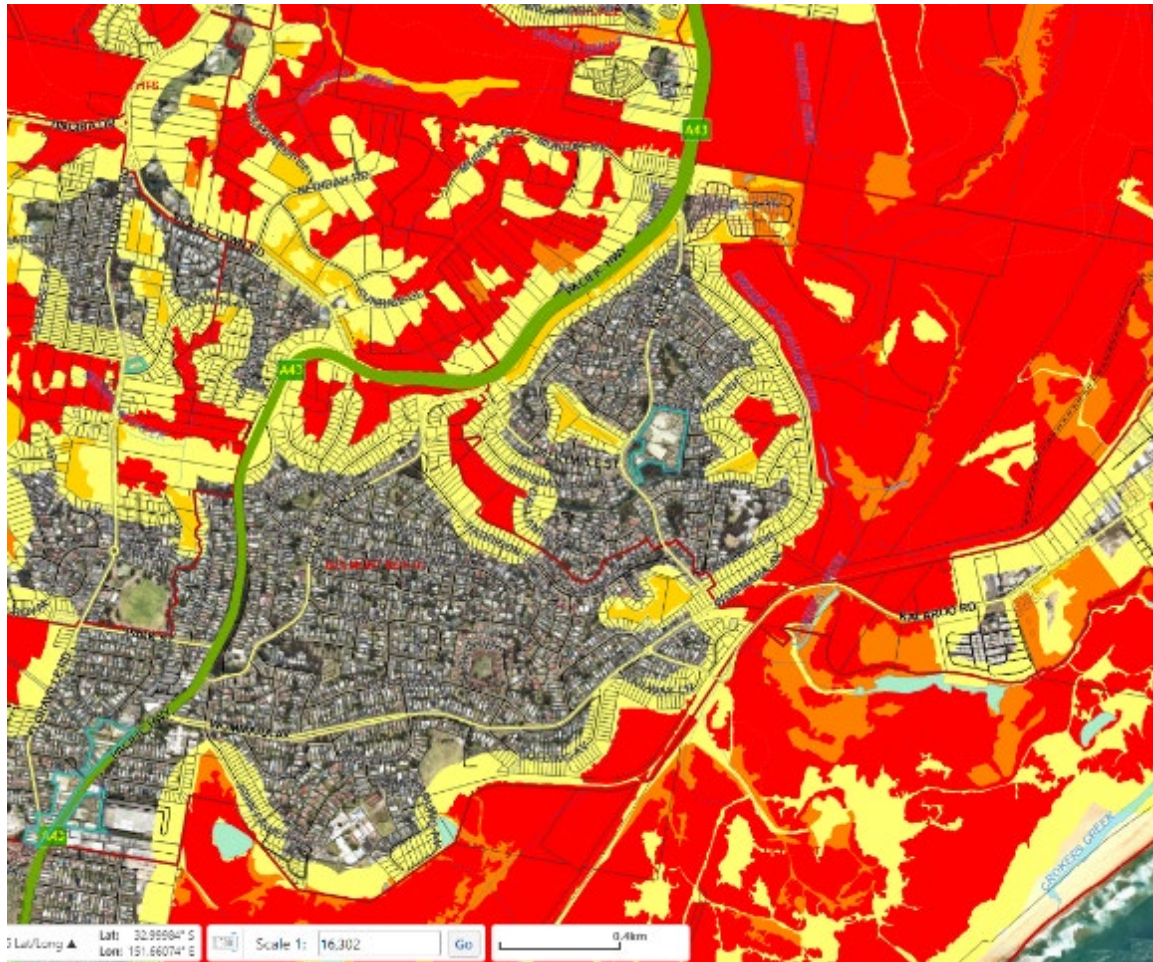


Figure 37: Bushfire-prone land around E1 zoned land in Jewells (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Boolaroo

There is an E1 and two MU1 zoned areas in Boolaroo.

The E1 zoned land has some shops and services, including an IGA supermarket, pharmacy, medical centre, post office, several cafés and a bakery.

The MU1 zoned strip of land currently does not include any development. However, there is a Costco store adjacent to the MU1 zoned land, servicing local and regional consumers.

The other MU1 zoned land comprises a Bunnings store.

Boolaroo is serviced by a bus route and is listed as a local centre and identified as an “area of change” in Council’s LSPS.

Council considers the E1 zoned land at Boolaroo meets the criteria to be included in the lower scale building height aspect of the reforms.

Note, some of the surrounding land is bushfire and flood-prone.

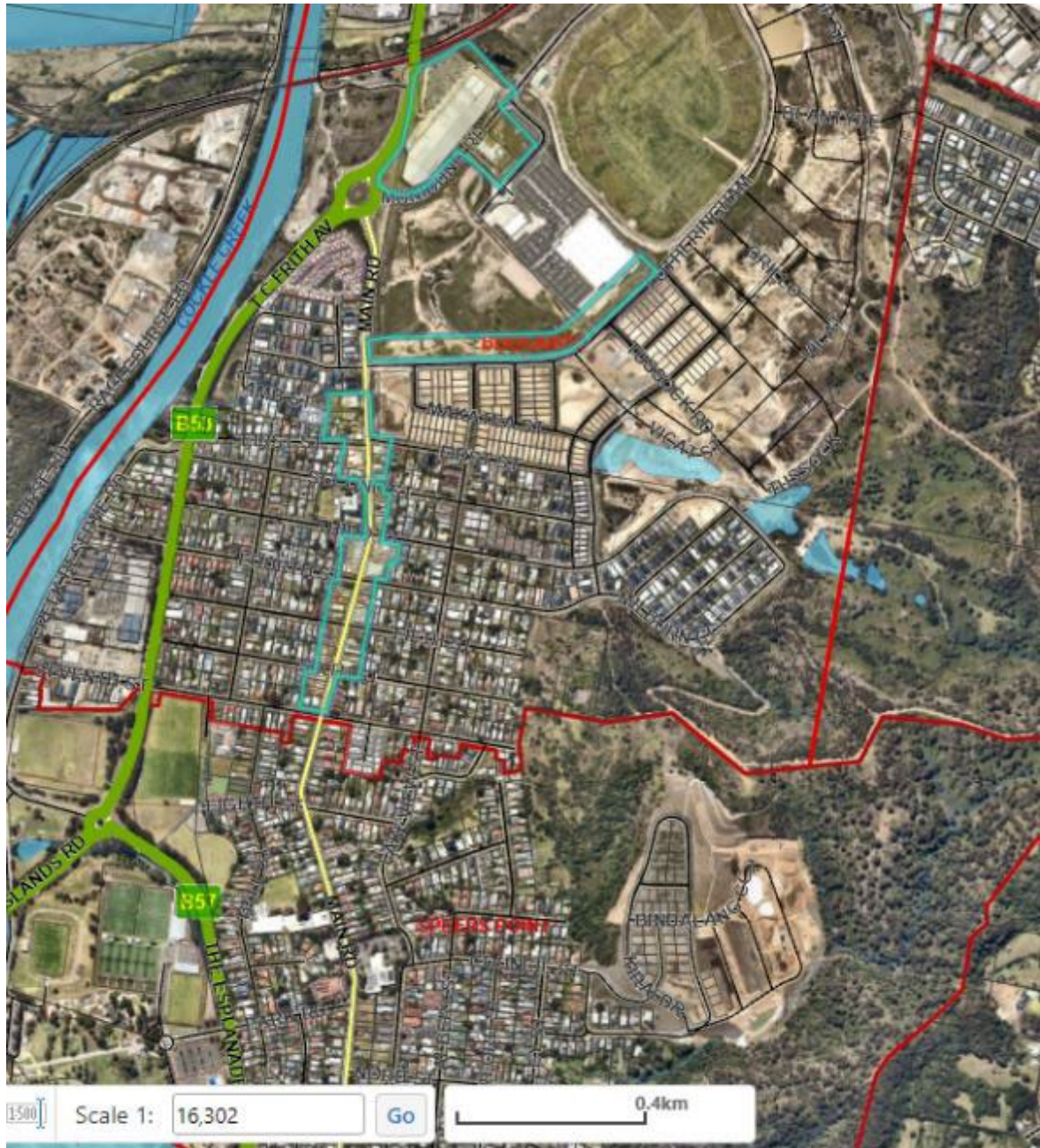


Figure 38: Aerial map of the E1 and MU1 zoned land in Boolaroo and surrounding area (Source: Lake Macquarie City Council)

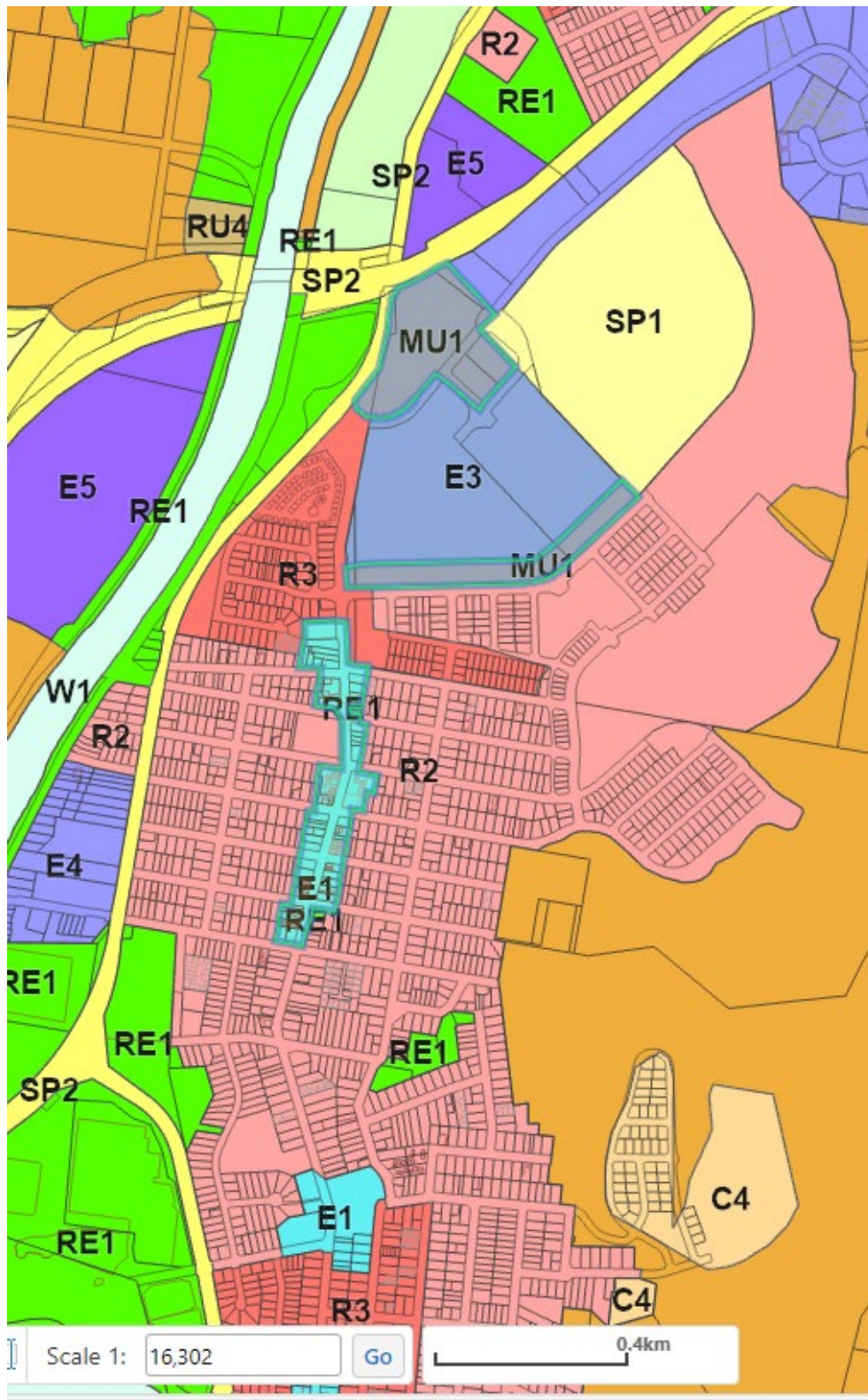


Figure 39: Zoning Map of E1 and MU1 zoned land and surrounding area in Boolaroo (Source: Lake Macquarie City Council)

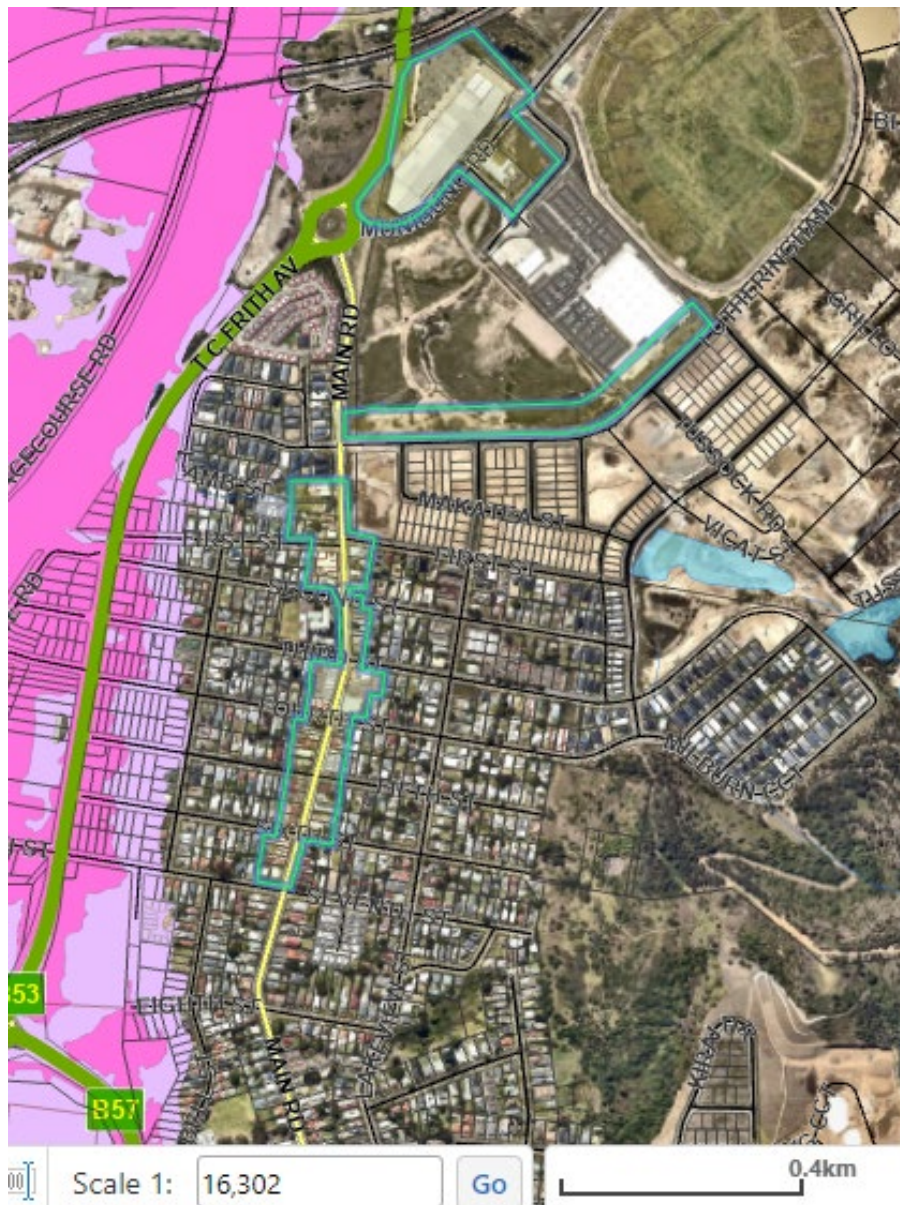


Figure 40: Flood -prone land around E1 and MU1 zoned land in Boolaroo (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)

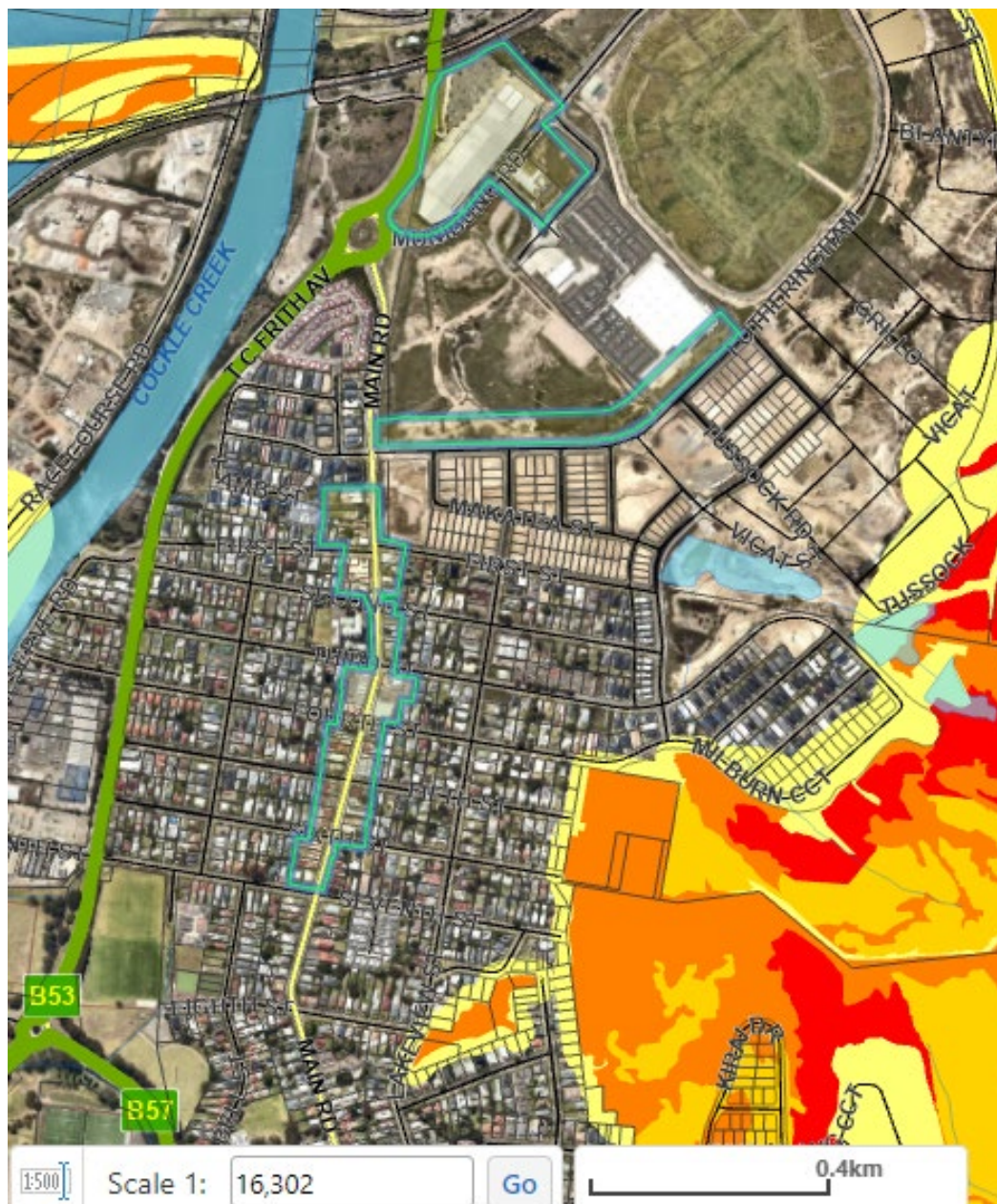


Figure 41 Bushfire-prone land map of E1 and MU1 zoned land in Boolaroo (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Edgeworth

The E1 zoned land in Edgeworth has a supermarket, pharmacy, medical centre, post office, bank, various restaurants/café's and other shops. Edgeworth also has an E4 employment zoned area adjacent to the centre and is serviced by buses.

Edgeworth is listed as a local centre and is identified as an “area of change” in Council's LSPS.

Council considers the E1 zoned land at Edgeworth meets the criteria to be included in the lower scale building height aspect of the reforms.

Note, some of the surrounding area is bushfire- and flood-prone.

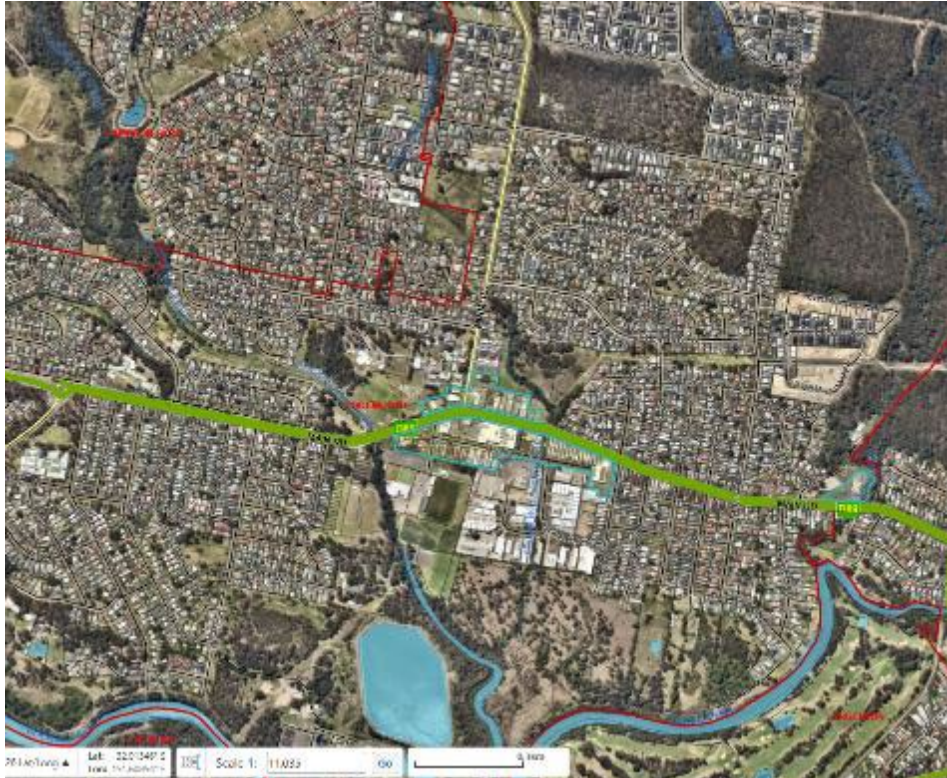


Figure 42: Aerial photo of E1 and MU1 zoned land in Edgeworth and surrounding area (Source: Lake Macquarie City Council)

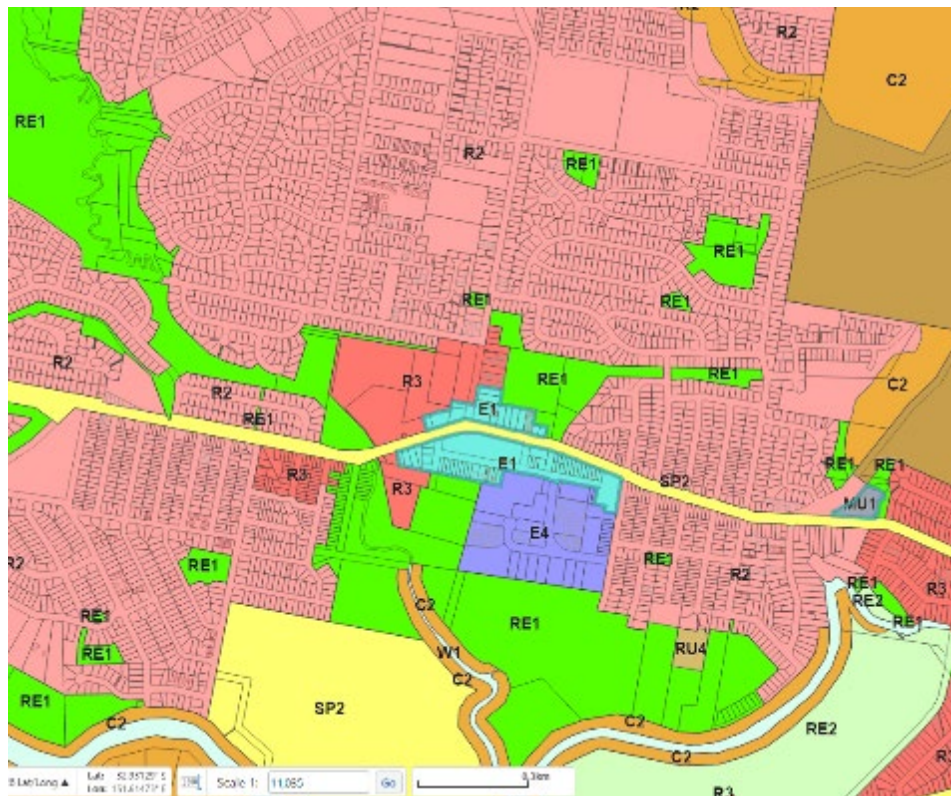


Figure 43: Zoning map of E1 and MU1 zoned land in Edgeworth and surrounding area (Source: Lake Macquarie City Council)



Figure 44: Map showing land at risk of flooding around E1 and MU1 zoned land in Edgeworth (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)



Figure 45: Bushfire-prone land around E1 and MU1 zoned land in Edgeworth (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Cameron Park

There are two areas that are zoned E1 and an area zoned MU1 in Cameron Park (see Figure 46 below).

The north-eastern E1 zoned land includes an IGA and some vacant land.

The other E1 and adjacent MU1 zoned land in the south-western part of Cameron Park includes a supermarket, a pharmacy, a medical centre and a range of cafés, restaurants and other shops.

Cameron Park is serviced by a bus route and is listed as a local centre and identified as an “area of change” in Council’s LSPS.

Council considers the E1 zoned land at Cameron Park meets the criteria to be included in the lower scale building height aspect of the reforms.

Note, some of the surrounding area is bushfire- prone and flood-prone.



Figure 46: Aerial photo of E1 and MU1 zoned land in Cameron Park and surrounding area (Source: Lake Macquarie City Council)

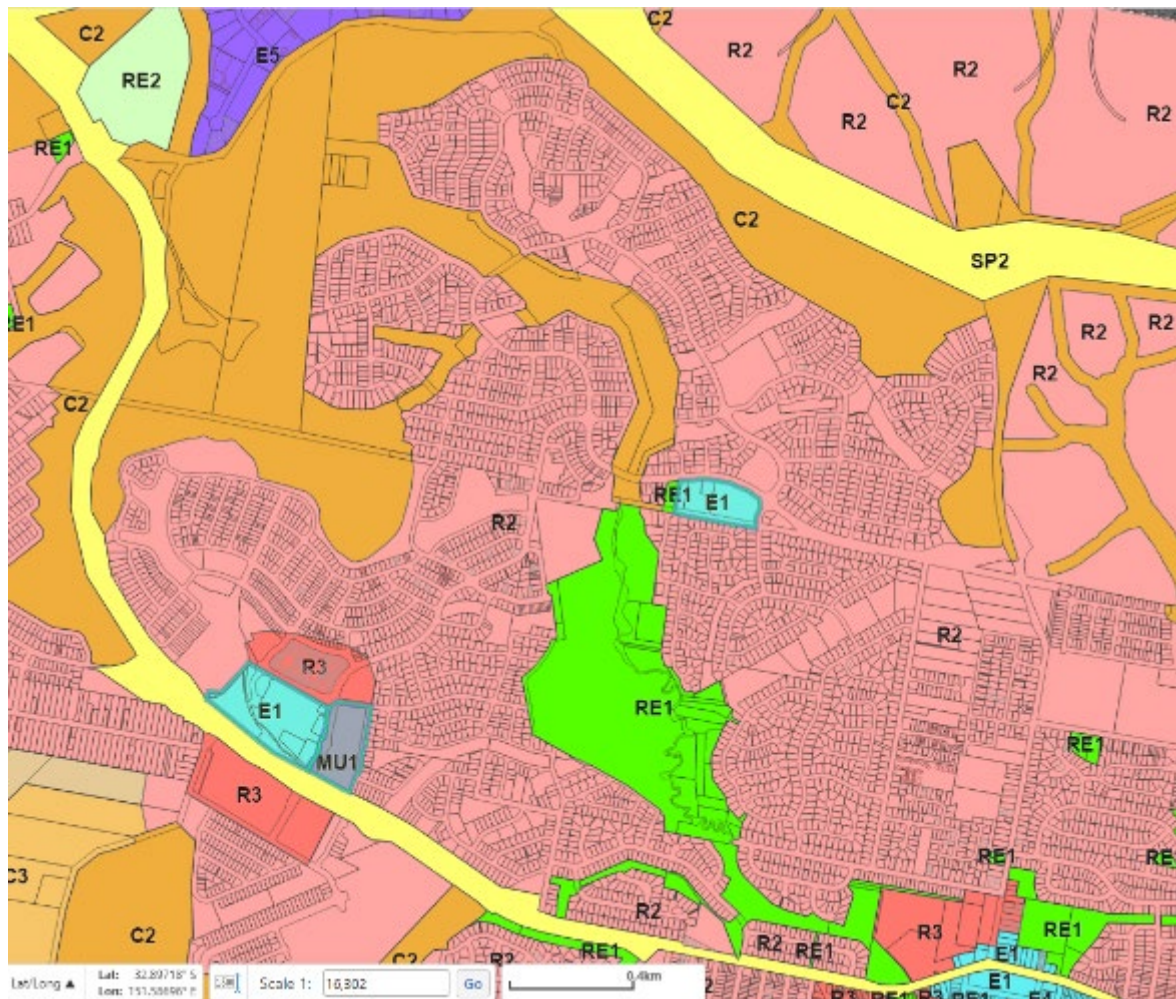


Figure 47: Zoning map of E1 and MU1 zoned land in Cameron Park and surrounding area (Source: Lake Macquarie City Council)

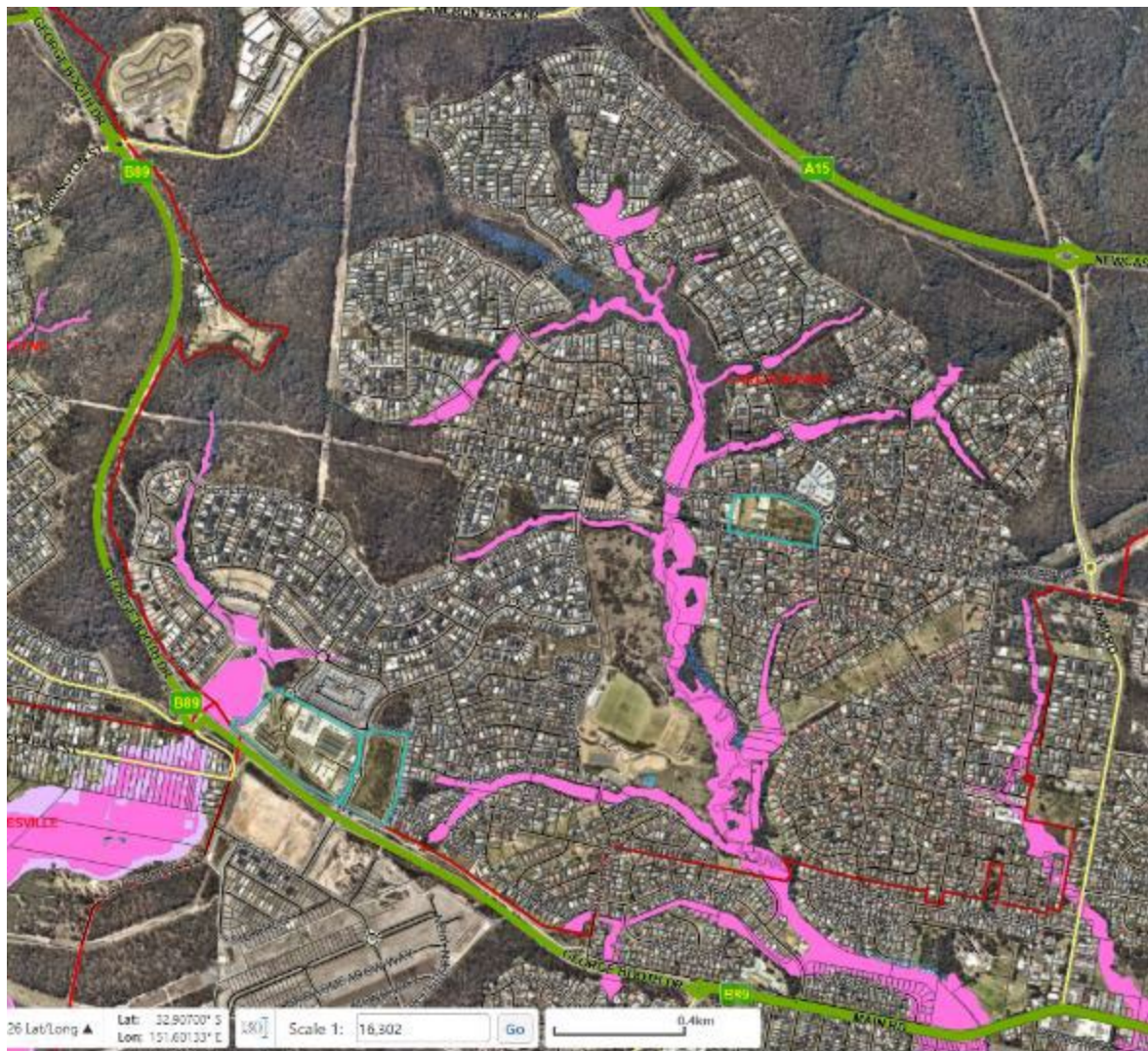


Figure 48: Map showing land at risk of flooding around E1 and MU1 zoned land in Cameron Park (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)

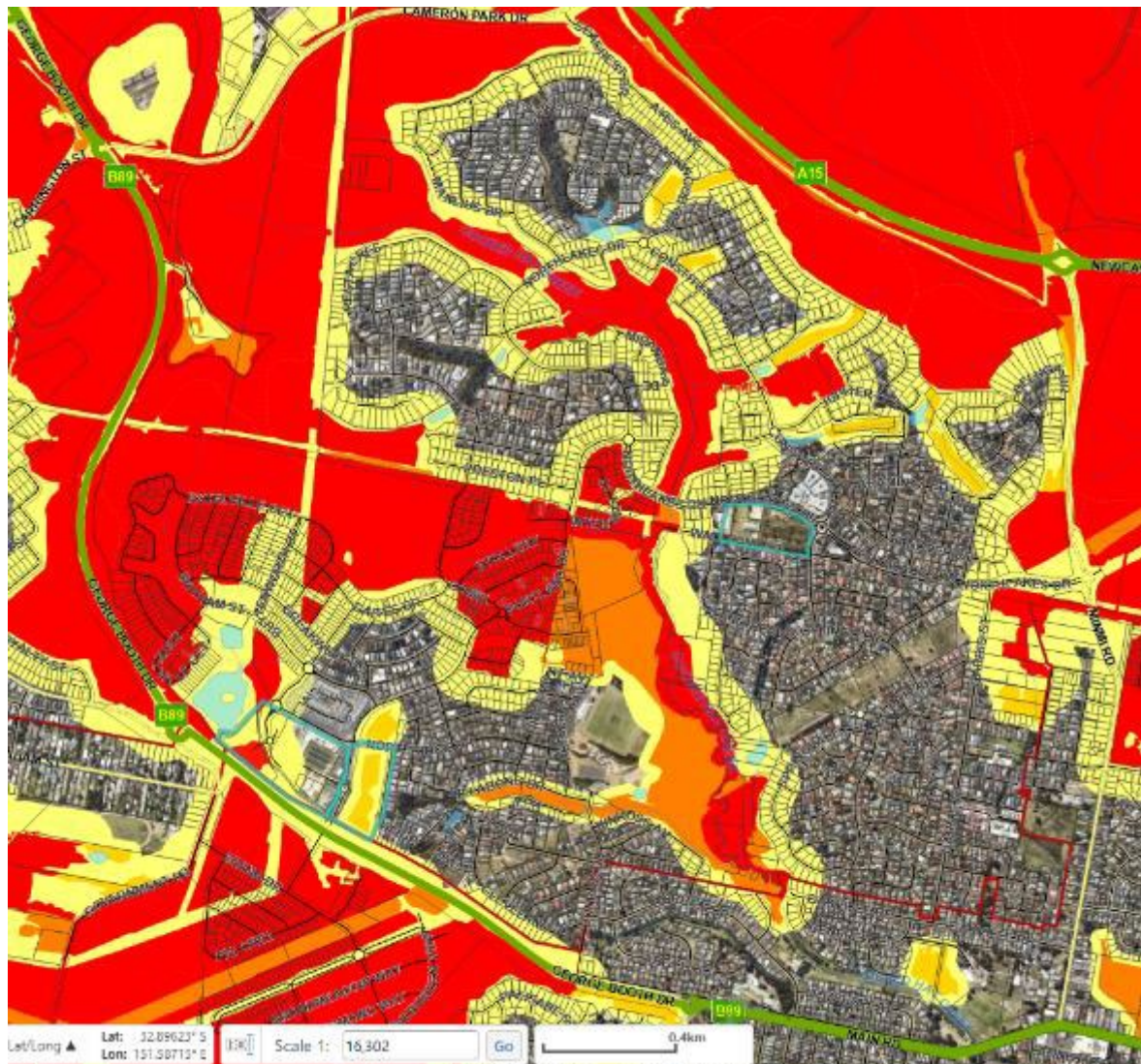


Figure 49: Bushfire-prone land around E1 and MU1 zoned land in Cameron Park (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Wyee

There are two areas zoned E1 in Wyee. The western E1 zoned land includes a nursery and a petrol station. The eastern E1 zoned land includes a small supermarket, pharmacy, dentist, café and specialty shops. The eastern E1 zoned land is closest to Wyee Train Station.

Wyee is serviced by a train station and is listed as a local centre and identified as an “area of change” in Council’s LSPS.

Council considers the eastern E1 zoned land at Wyee meets the criteria to be included in the lower scale building height aspect of the reforms.



Figure 50: Aerial photo of E1 zoned land in Wyee and surrounding area and Wyee train station (as shown by the red dot) (Source: Lake Macquarie City Council)

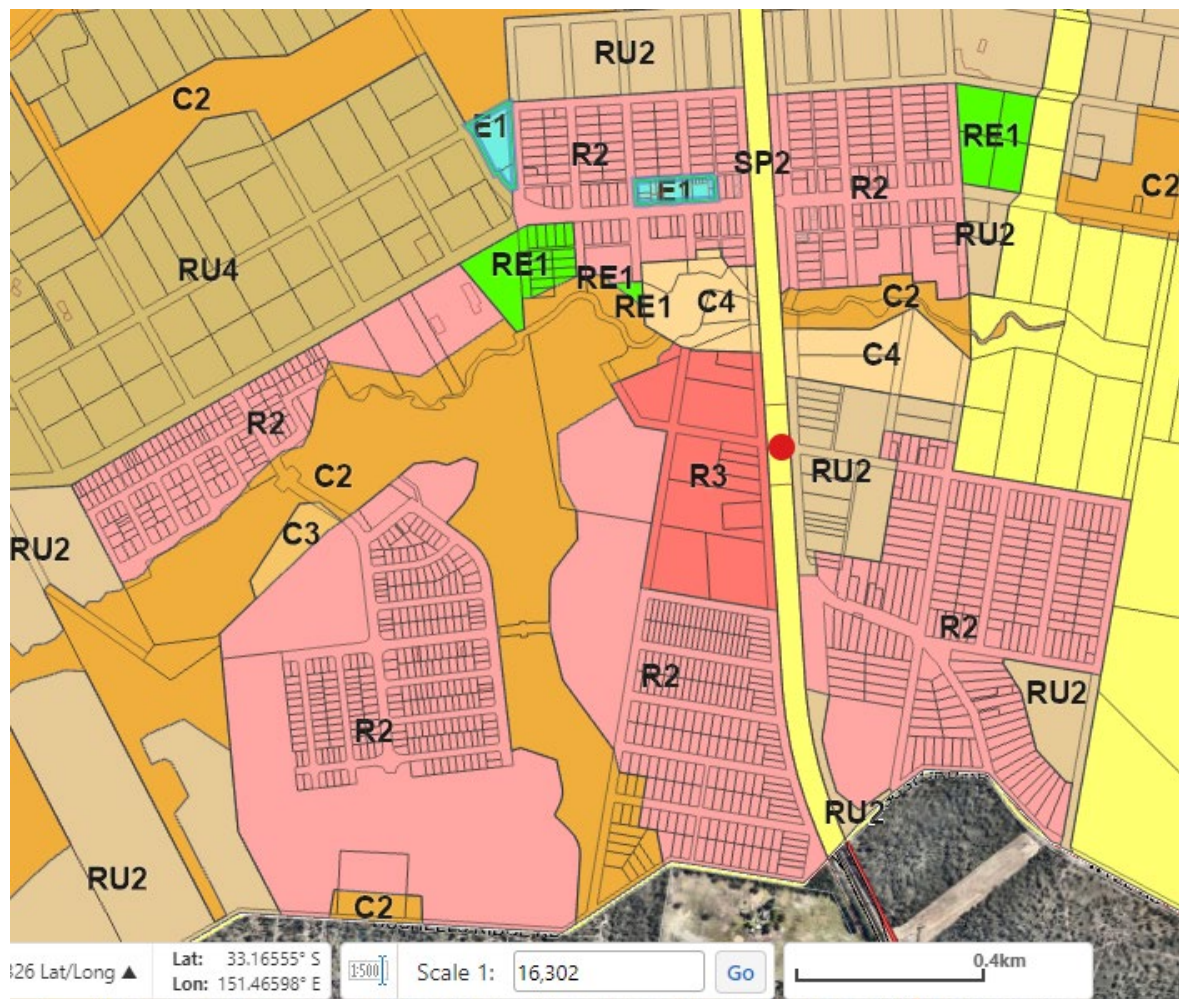


Figure 51: Zoning map of E1 zoned land in Wyee and surrounding area and Wyee train station (as shown by the red dot) (Source: Lake Macquarie City Council)

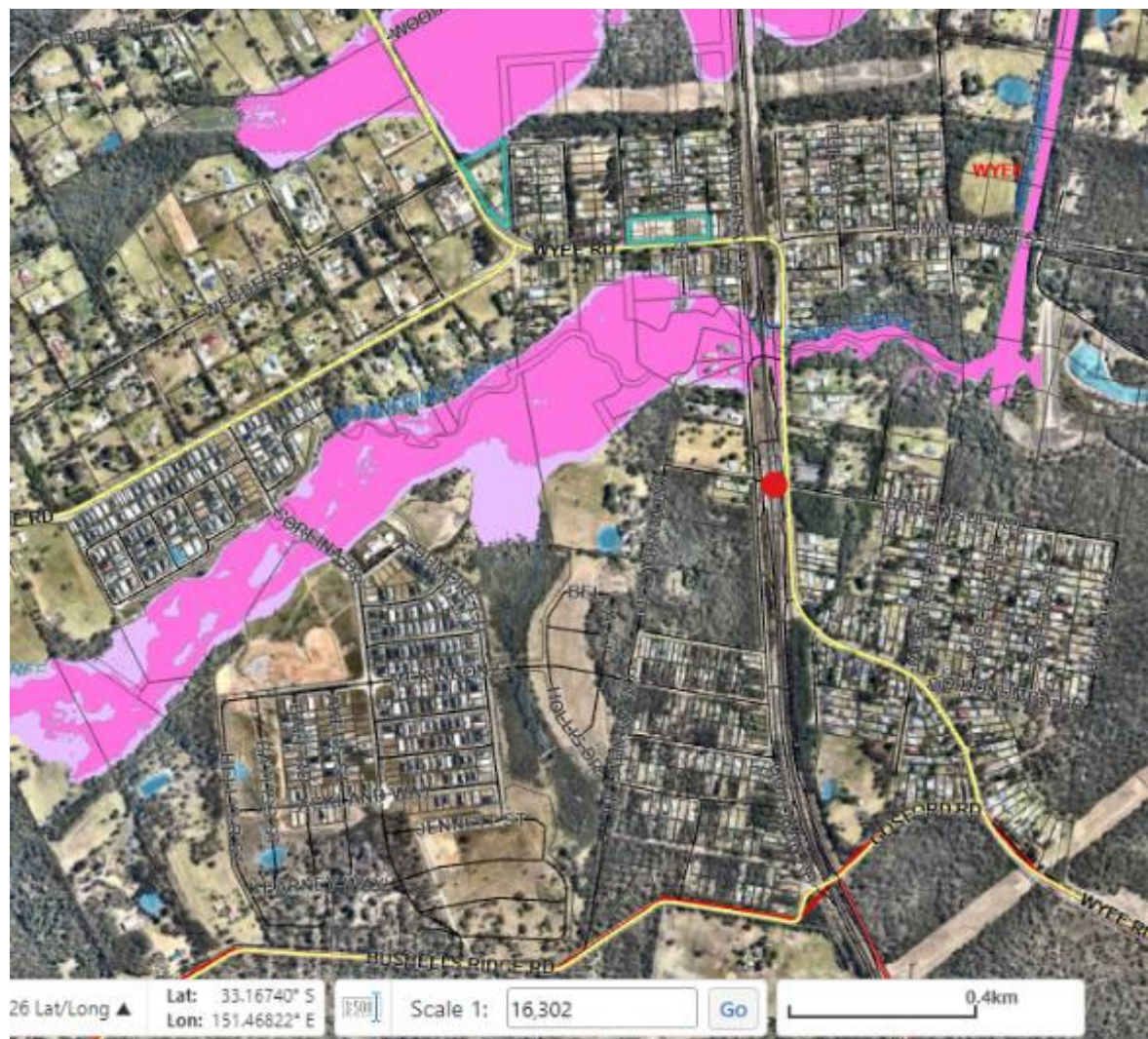


Figure 52: Map showing land at risk of flooding around E1 zoned land in Wyee and Wyee train station (as shown by red dot) (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)

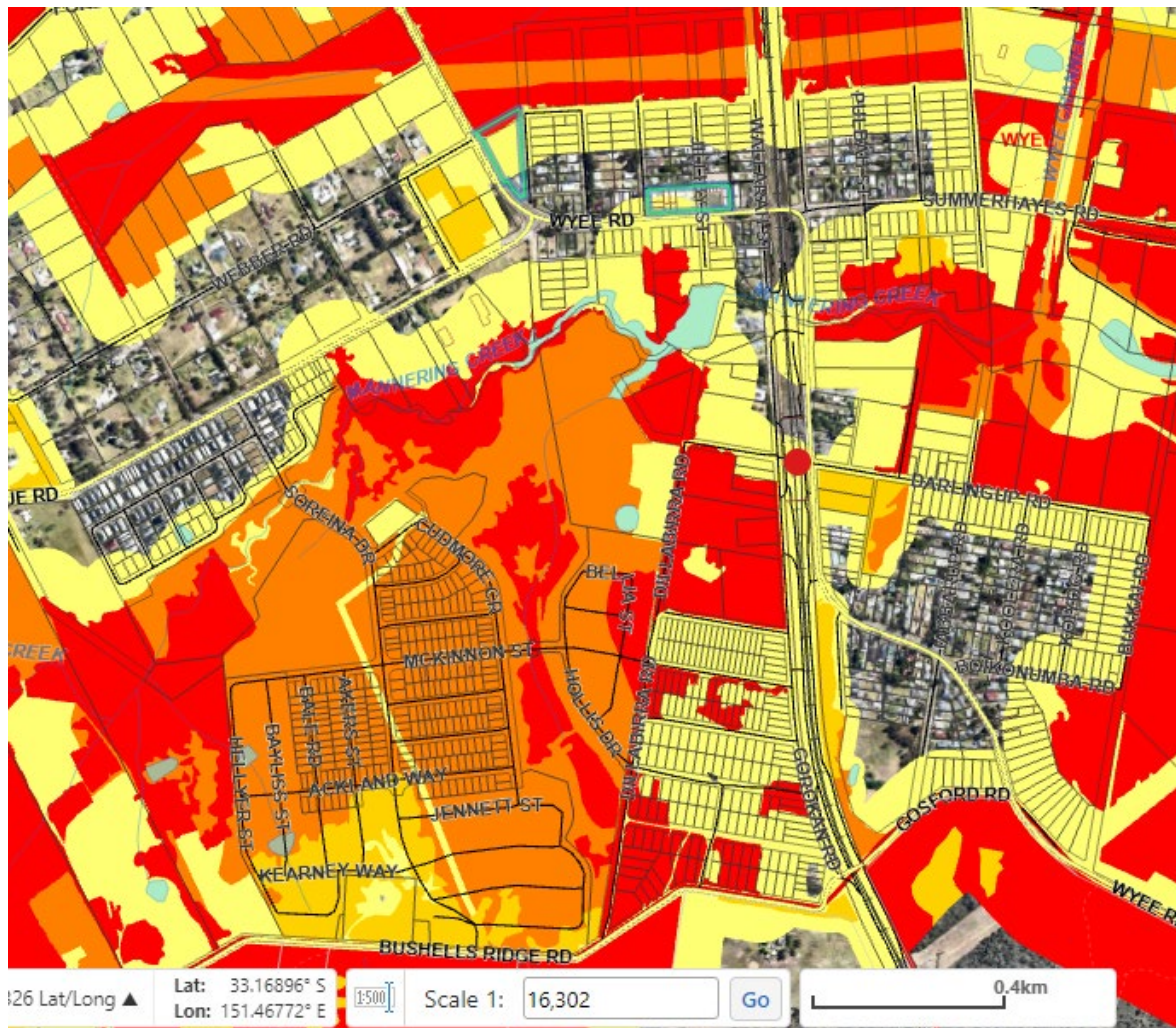


Figure 53: Bushfire-prone land around E1 zoned land in Wye (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Other areas with E1 zoning

Lake Macquarie city has numerous other E1 zoned areas however these should be excluded from the reforms because they do not have the range of frequently used goods and services, are not identified in our LSPS, are poorly serviced by public transport or are areas at high risk of natural hazards such as flooding, sea level rise and bushfire.

Areas of special consideration

There are a few areas of the city that require special consideration in regard to the reforms. These are:

- Swansea town centre
- Dora Creek train station
- Awaba train station.

Details of these areas follow.

Swansea

Although Swansea is identified as an economic centre (tier 2 in centres hierarchy) in the LSPS and includes a range of frequently needed shops and services, it is at very high risk of flooding and sea level rise. It is also noted that the LSPS does not identify Swansea as a growth or intensification area.

In order to proactively plan for sea level rise adaptation in Swansea and other low-lying areas on the eastern side of Lake Macquarie, Council and the community have prepared and adopted a Local Adaptation Plan.

It is recommended that further consultation be undertaken with Council staff to determine if Swansea should be included in the reform.



Figure 54: Aerial photo of E1 and MU1 zoned land and surrounding area in Swansea (Source: Lake Macquarie City Council)

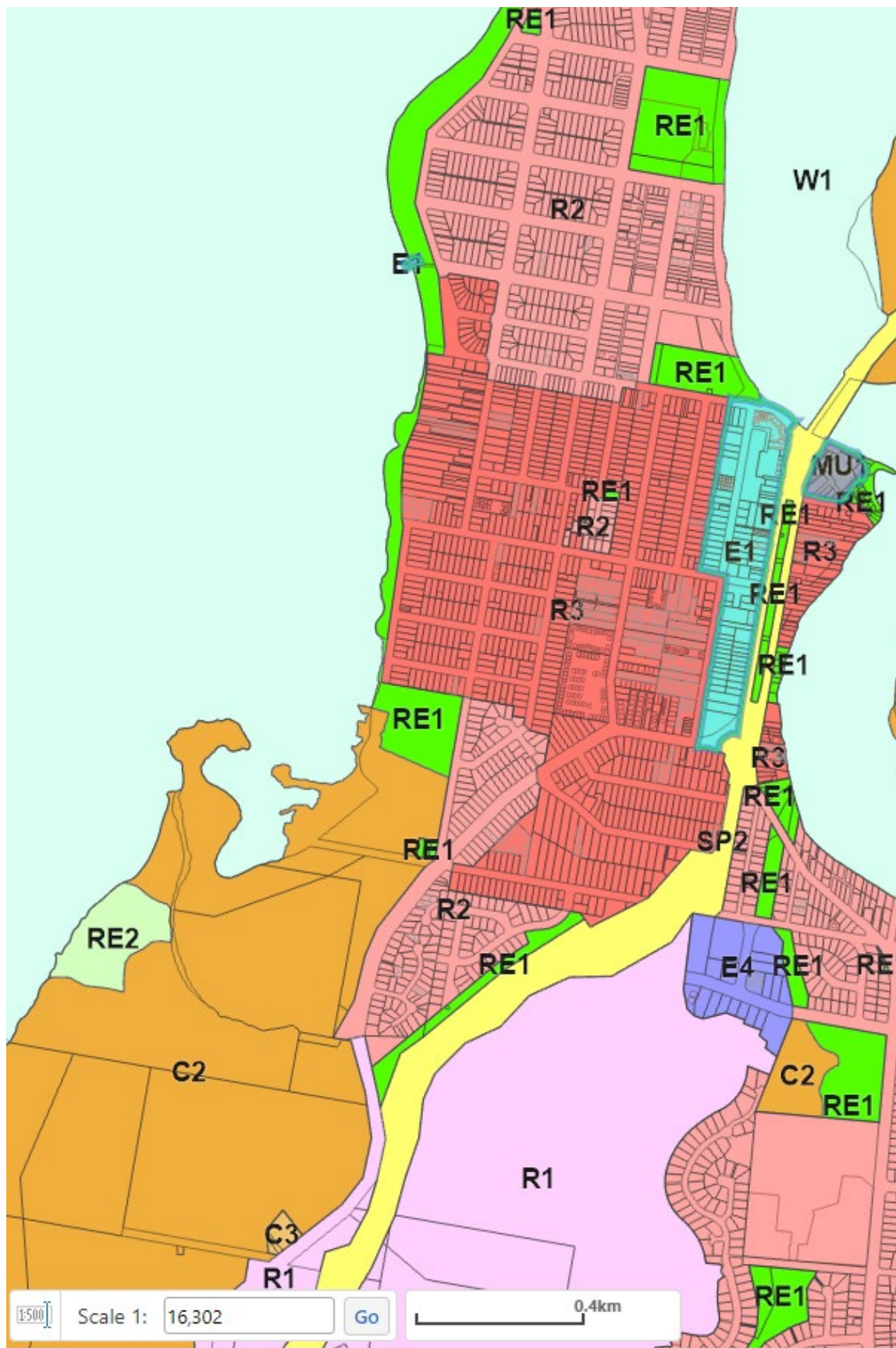


Figure 55: Zoning map of E1 and MU1 zoned land and surrounding area in Swansea (Source: Lake Macquarie City Council)

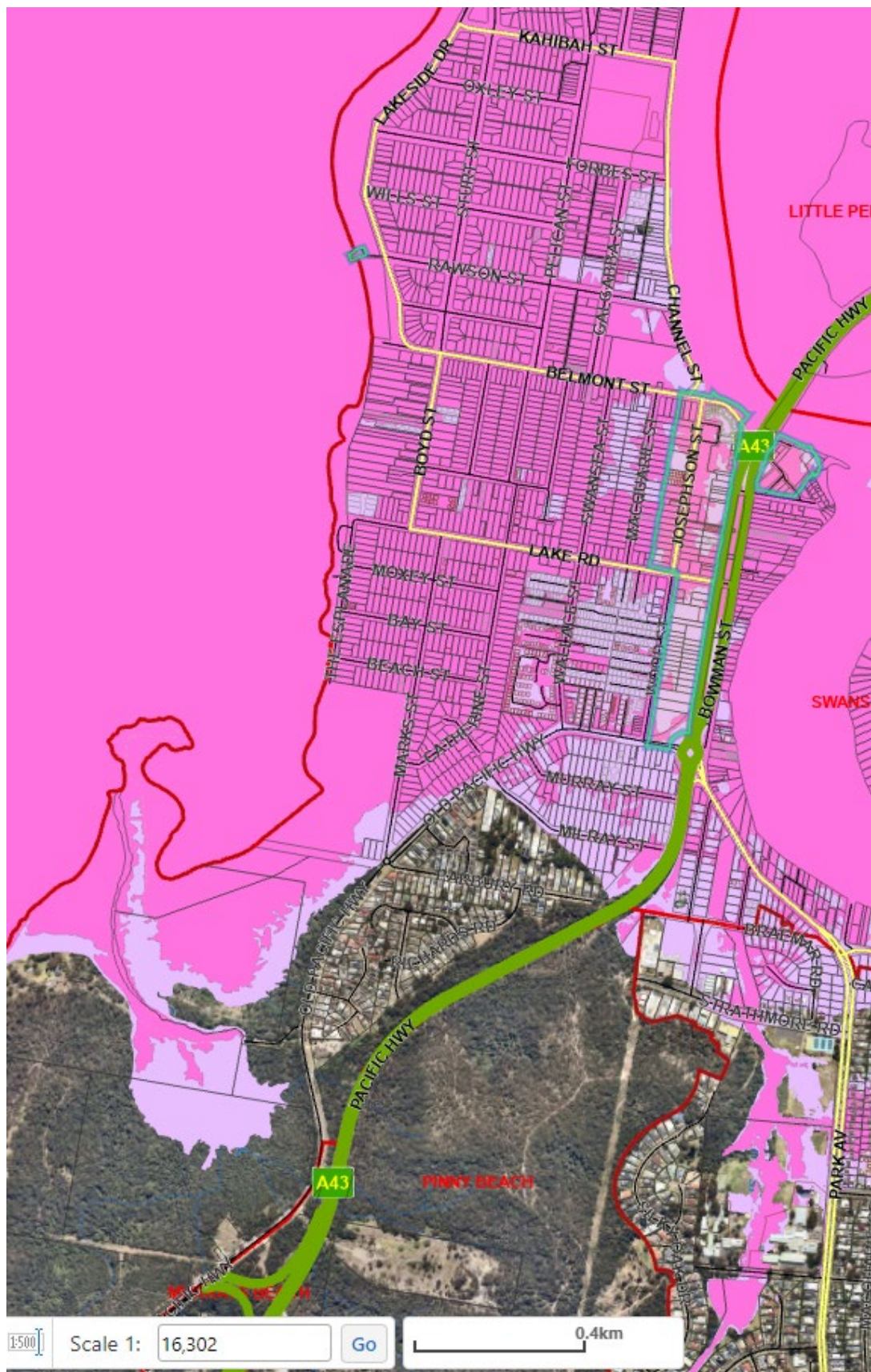


Figure 56: Map showing land at risk of flooding and sea level rise around E1 and MU1 zoned land in Swansea (with high hazard flooding shown in dark pink and low hazard flooding shown in light pink) (Source: Lake Macquarie City Council)



Figure 57: Bushfire-prone land around E1 and MU1 zoned land in Swansea (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Dora Creek Train Station

Although Dora Creek Train Station is on the main northern rail line connecting to Sydney and Newcastle, the train station and surrounding area is at very high risk of flooding and sea level rise.

In order to address this risk, Council has adopted a DCP for the flood-prone land in Dora Creek to restrict any subdivision or type of development that would increase density on land at risk of flooding and sea level rise. In addition, some of the surrounding area is bushfire-prone.

Council staff recommend the proposed reforms do not apply to Dora Creek Train Station.



Figure 58: Aerial photo of Dora Creek train station (shown by the red dot) and surrounding area (Source: Lake Macquarie City Council)

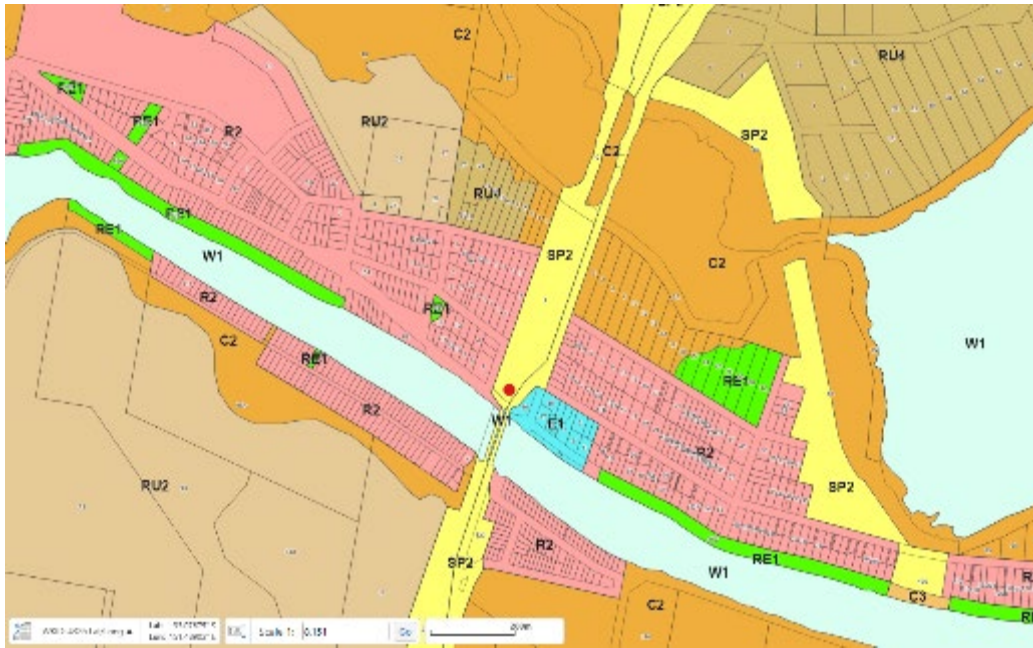


Figure 59: Zoning map of Dora Creek train station (shown by the red dot) and surrounding area (Source: Lake Macquarie City Council)

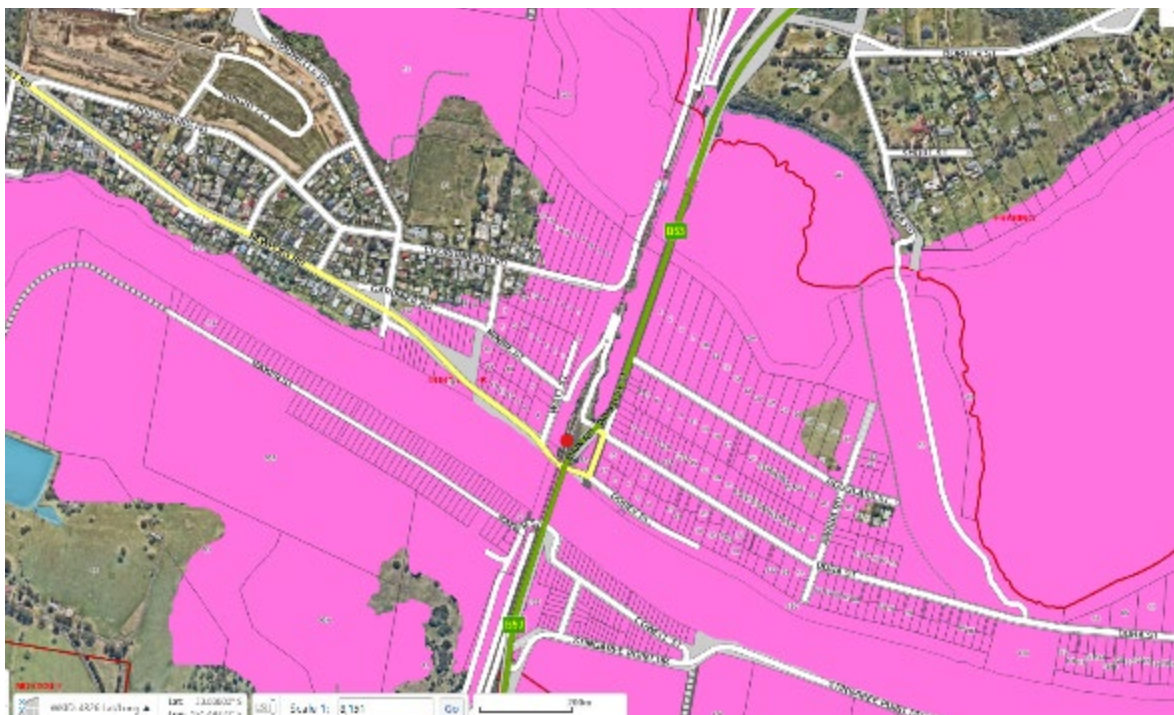


Figure 60: Map showing land at risk of flooding and sea level rise around Dora Creek train station (as shown by the red dot) (with high hazard flooding shown in dark pink) (Source: Lake Macquarie City Council)

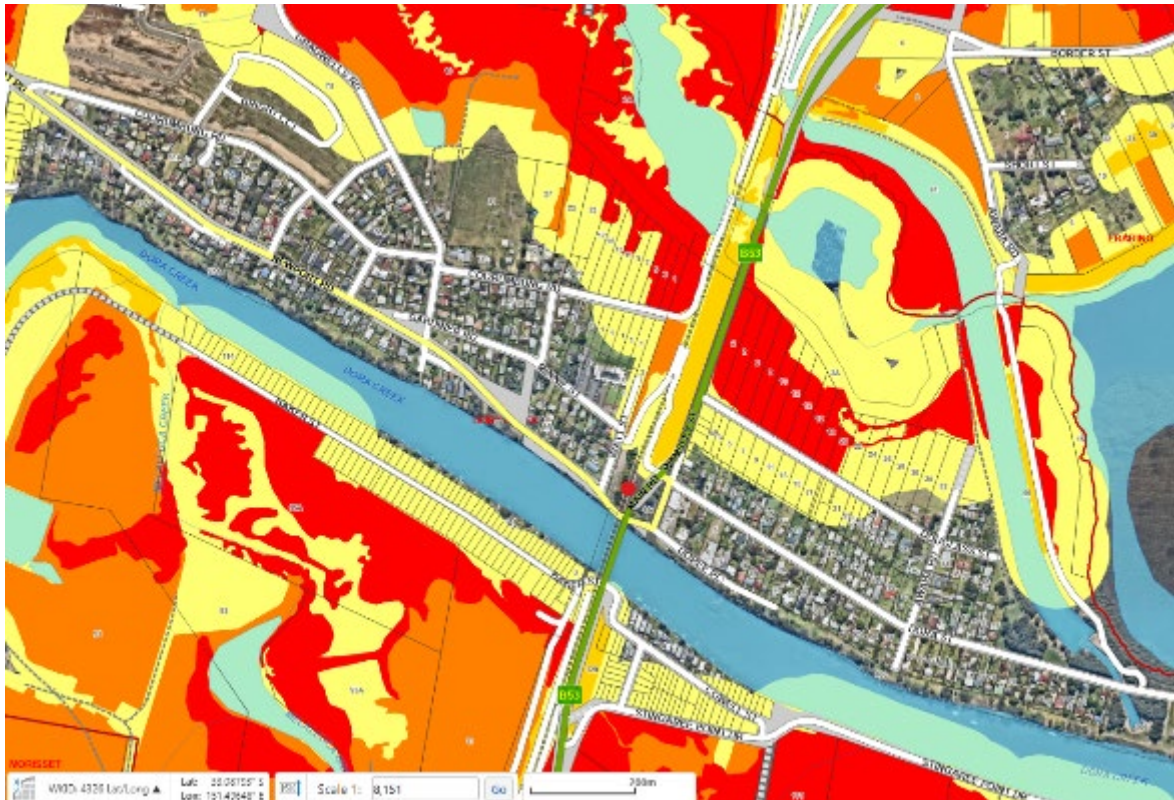


Figure 61: Bushfire-prone land around Dora Creek train station (as shown by red dot) (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Awaba Train Station

Although Awaba Train Station is on the main northern rail line connecting to Sydney and Newcastle, the station is very isolated compared to other train stations in Lake Macquarie and Awaba does not have the range of frequently needed shops, services and jobs nearby to meet the 'well located' criteria of the EIE.

In addition, it is noted that most of the area surrounding the train station is bushfire-prone.

Council staff therefore recommend that Awaba Train Station is not included in this round of housing reforms. Future intensification of housing around Awaba train station could be appropriate when Awaba is more accessible and has a range of frequently needed shops and services.



Figure 62: Aerial photo of E1 zoned land in Awaba and Awaba train station (shown as red dot) and surrounding area (Source: Lake Macquarie City Council)



Figure 63: Zoning map of E1 zoned land in Awaba and Awaba train station (shown as red dot) and surrounding area (Source: Lake Macquarie City Council)

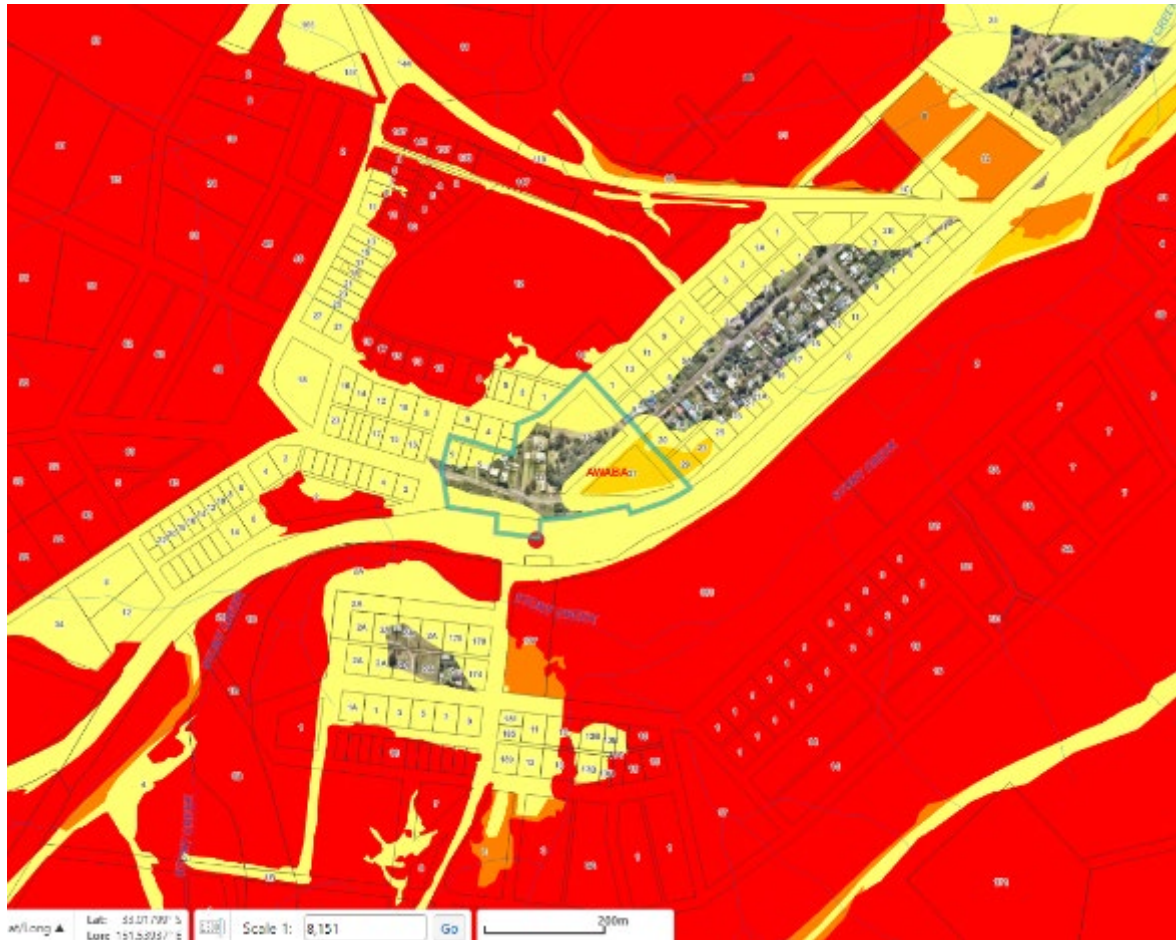


Figure 64: Bushfire-prone land around E1 zoned land in Awaba and Awaba train station (with vegetation category 1 (high hazard) shown in red, vegetation category 2 and 3 (medium hazard) in orange and vegetation buffer (low hazard) in yellow) (Source: Lake Macquarie City Council)

Acknowledgement

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