

15 November 2017

Ms Ingrid Berzines
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Madam

**Subject: Lake Macquarie Yacht Club
Modification Application to Project Approval MP 08_0045 Mod 2
Lot 973 DP 755233, Lot 974 DP 755233, Lot 975 DP 755233
9 Ada Street, BELMONT NSW 2280**

Thank you for your letter, dated 23 October 2017, regarding modifications to the above-mentioned Project Approval. A preliminary review of the architectural plans and supporting information has been made by Council, which has identified the following issues:

- 1. Acid Sulfate Soils:** Council's Senior Development Engineer has reviewed the proposed development and advised the applicant has indicated that removal of old pylons and timber supports may take place. It has not been indicated whether this may lead to acid sulphate soils (ASS) being produced or not. Further information is required on what may be excavated from the site and the potential of ASS's being produced.
- 2. Climate change adaptation:** Council's Senior Sustainability Officer – Climate Change Adaptation, has reviewed the proposed development and advised the submitted architectural drawings do not clearly demonstrate the existing or proposed floor levels of the development. Detailed floor levels for existing and proposed works (Stage 2a) are required to be provided for a proper assessment to be undertaken.

The Application Statement does not address current risks associated with lake flooding and sea level rise. The Application Statement states inter alia that *"requirements in respect to sea level rise are not relevant to this application It should be noted that Stage 3 of the Works will address sea level rise with the construction of the new club house."*

Sea level rise and potential flooding issues were significant issues in the original determination. The Lake Macquarie Waterway Flood Study (2012) reported a 100 yr still water level (excluding wave run-up) in the lake of 1.50m and a 20 year level of 1.23m. The existing floor level reported in the 2010 Environmental Assessment by de Witt Consulting is 1.17m (which lies below the 100 year and 20 year lake flood level – excluding wave run-up).

Detailed information is to be provided on how existing flood risk and sea level rise will be addressed during the proposed Stage 2a (ie: until Stage 3 is implemented).

3. **Flooding:** Council's Senior Sustainability Officer (Natural Disaster Management) has reviewed the proposed development and advised Council records indicate the development site is likely to be or has been affected by flooding.

The proposed development has been assessed against Council's Development Control Plan 2014 and flood planning levels from a floodplain management aspect.

The Lake Macquarie Waterway Flood Study and Floodplain Risk Management Study/Plan 2012 reports indicate the following:

- Current 1 in 100 year AEP Lake flood level = 1.50m Australian Height Datum (AHD)
- Current 1 in 20 year AEP Lake flood level = 1.23m AHD
- Current Lake mean still water level = 0.10m AHD
- Highest observed Lake flood levels = 1.20m AHD (1949) and 1.10m AHD (2007 and 2015)

It is noted that the current floor level of the existing Club House Structure is 1.17m AHD and this level is significantly below meeting Council's Required Minimum Floor Height for a commercial building, which is currently 2.36m AHD (i.e. 1.19m below compliance).

The implications of flooding and sea level rise were a major issue in the assessment of 08_0045 and this was conditioned accordingly (Refer to conditions B9 – Design and B10 – Adaptable Floor Level Plan).

Based on current rainfall predictions the proponent could expect flooding at the site, on average, every 15 years and this will increase with sea level rise.

Council could be liable if they approve a building below the required levels should a severe weather event occur and which may cause damage to the building.

Furthermore, current Council policy is that all unsealed electrical installations associated with new development, e.g. switches, power points, motors, etc, should be placed at or above 2.36m AHD, to avoid the risk of electrocution in a major flood event.

With regard to the proposed replacement of timber piles and repairs to floors pier and beam maintenance, it is noted that this is an ideal opportunity to raise the floor level(s) to meet Council's flood planning level controls relating to Sea Level Rise and Flood Levels.

It is therefore identified that Council should not support this proposal for it to be upgraded at its current floor level.

4. **Disabled Access:** Council's Community Planner (Aging and Disability Services) has reviewed the proposed development and advised that two new portable amenities are proposed in the modification application. Provision needs to be made for a unisex accessible facility, which must comply with AS 1428.1. This facility must be linked to a continuous path of travel to comply with AS1428.1.
5. **Noise:** Council's Environmental Officer has reviewed the proposed development and advised noise generated by the proposal may impact on nearby residential premises, therefore a noise impact assessment should be undertaken and a noise report provided. The report should be prepared by a recognised acoustic consultant in accordance with the requirements of the NSW EPA.
6. **Visual impact:** Concern is raised regarding the visual impact of the demountable toilets from the lake. The toilets are shown dashed on the drawings without further detail and are partially screened by the service areas of the building from the eastern elevation. The louvre screen around the outdoor gaming area could be extended to include the eastern elevation of the toilets. Locating them below the eaves of the main and proposed building would also be of benefit.

Furthermore, it is noted that Stage 2A is proposed as a temporary stage however the applicant has failed to detail how long. Any approval of Stage 2A should be time limited.

7. **Social:** Council's Co-ordinator Community Planning has reviewed the proposed development and raised the following concerns:
 - a. Concern raised that the interim works may be in place for a significant amount of time, until the Club is able to fund the Stage 3 works. This would not be a good social outcome, and I therefore recommend that these works (Stage 2A) are time-limited;
 - b. The ice refrigerator, portable amenities, larger portable marquee and outdoor gaming room will likely cause additional noise concerns for neighbouring residents. This is likely to be exacerbated as they are portable / temporary structures, with limited acoustic treatments. Therefore, all recommendations from Council's Environmental Officer should be implemented; and
 - c. I am not supportive of locating the outdoor gaming room / smoking area adjacent to the portable marquee. The portable marquee is likely to be used for functions / events, including the consumption of food. It is therefore not appropriate to locate the smoking area immediately adjacent to this marquee.
8. **Community Land:** Council's Community Planner (Lake and Facilities) has reviewed the proposed development and advised there are no variations proposed in the interim Stage 2A that affect previous recreation and community land assessment of the proposal and/or the recommended management approaches.

However, the use of Cullen Park is to be in accordance with the Community Land Management provisions of the Local Government Act 1993. Public reserves are

classified community land and the Act permits the use of that land for restricted purposes that are essentially public in nature and related to community use.

Access to Cullen Park, the community land adjoining the property, may be approved subject to the applicant obtaining relevant approvals. The applicant will require to undertake the following;

- Submit a written application to Council,
- Agreement to specific reserve access conditions,
- Payment of a security bond and the appropriate licence fee.

Council may permit occasional vehicle access across community land for the purpose of transporting building materials and equipment required in relation to proposed building work. This request will need to form part of the aforementioned application.

9. **Food:** Council's Environmental Health Officer has reviewed the proposed modifications and subject to approval recommended imposition of the following conditions of consent:

Construction and Fit-out of Food Premises

a. ***General Construction***

The fit-out of areas used for food preparation, storage or display, shall comply with the requirements of the Food Act 2003, Food Regulation 2010, and Australian Standard AS4674 "Design, construction and fit-out of food premises".

Note: Particular attention should be paid to:

- *Routing of plumbing & electrical conduit*
- *Installation of hand wash basins and cleaners sinks*
- *Construction of floors, walls and ceilings*
- *Finishes of floors, walls and ceilings*
- *Cool room construction*
- *Installation of fixtures fittings and equipment*
- *Toilet facilities and airlocks*
- *Installation of light fittings*
- *Installation of floor wastes*
- *Ventilation and exhaust systems*

b. Plans and Specifications

Any application for the first construction certificate shall be accompanied by plans and specification demonstrating compliance with the Food Act and Regulations, and relevant Australian Standards.

c. Mechanical Ventilation

Installation of any mechanical ventilation system(s) shall comply with the provisions of Part 2 of the Australian Standard AS1668.

d. Partition Wall Construction

Any partition wall (that do not extend to the ceiling), sills or other ledges located within food preparation areas shall be splayed on top at an angle of 45 degrees to prevent storage of articles and reveal build-up of food waste, dirt, grease or other visible matter.

e. Waste Traps

Any bucket traps, grease traps and associated sewer connections shall be installed in accordance with the requirements of Hunter Water Corporation.

Certification of Food Premises Fit-out

Prior to the issue of any Occupation Certificate the food premises shall be inspected by an appropriately qualified person who shall certify that the premises, including the construction and installation of all equipment, fixtures, fittings and finishes therein, complies with the Food Act 2003, Food Regulation 2010, and Australian Standard AS 4674 "Design, construction and fit-out of food premises".

- 10. Erosion and Sediment Control:** Council's Erosion and Sediment Control Officer has reviewed the proposed development and subject to approval recommended imposition of the following conditions of consent:

Erosion and Sediment Controls

Prior to the commencement of work, including demolition, erosion and sediment control barriers shall be installed in accordance with DCP 2014 Guidelines – Erosion Prevention and Sediment Control Guidelines as follows:

- (a) A sediment fence shall be erected consisting of stakes at 2.5m maximum intervals with Geotextile filter fabric securely attached to the stakes. Ensure any stakes are fitted with safety caps. Only geotextile specifically produced for sediment fencing may be used. The use of shade cloth as a sediment fence is not acceptable.*
- (b) The sediment fence shall be located such that all sediment-laden water from the site flows through sediment fence before flowing offsite.*
- (c) The vehicle site access shall be constructed. It shall have a minimum width of 3 metres with a surface of compacted aggregate (minimum 30mm to maximum 75mm) or a sealed surface. The use of broken tiles is not*

acceptable. Where the sediment fence joins onto the site access, a hump shall be constructed in the access to divert water to behind the sediment fence.

- (d) Where appropriate, an aggregate bag shall be placed in the gutter below the site access. The bag shall be made from green sediment fence material, or similar. The bag shall be at least 450mm long, 200mm diameter, filled with less than 20mm blue metal or crushed rock. If the bag breaks or deteriorates, the bag shall be replaced immediately and the material cleaned from any gutter, kerb, road surface or stormwater system it has entered. The use of hessian bags, and sand filled bags is not acceptable.
- (e) A material stock pile area (eg sand or soil) shall be contained with a sediment fence installed as per point (a) above.

Should any soil or sediment escape from the building site (for example from vehicle tyres) it shall be cleaned off the roadway or gutter immediately to ensure it can not enter the drainage system.

These controls shall be effectively maintained throughout the construction and post construction phase until the site's groundcover is measured at 90%. Failure to comply with these requirements may lead to Council instituting legal proceedings under the Protection of the Environment Operations Act 1997.

Topsoil and Stockpiles of Materials

Topsoil shall only be stripped from approved areas. It may be stockpile onsite for re-use during site rehabilitation and landscaping. Stockpiles of any material including but not limited to, soil, sand, aggregate, and spoil, stored on the site that is capable of being moved by water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface. Suitable erosion and sediment controls shall be installed. The stockpile shall be treated so its surface is resistant to water and wind erosion. No stockpiles shall be located on the public footpath or road reserve without prior written approval from Council.

11. **European Heritage:** Council's Development Planner – Heritage Focus has reviewed the proposed development and advised the following:

Facts

- H/no. 9 Ada Street, Belmont, is not listed as a heritage item (LM LEP 2004) nor as a provisional item in the Heritage Guidelines supporting DCP1.
- The site is listed as BM-02 (Lake Macquarie Yacht Club) and BM-06 (Electric Crane) in the City of Lake Macquarie Heritage Study 1993.
- No buildings/sites listed as a heritage item, provisional item nor an item in the City of Lake Macquarie Heritage Study 1993 adjoin the development though item BM-07 under the 1993 Study is within the vicinity.
- A tree (0068) listed on the Significant Tree Register is within the vicinity.

Demolition of the club has been approved under Part 3A approval (MP 08_0045 Lake Macquarie Yacht Club) in 2012, having been modified (staging) and approved in 2013.

The current proposal is for an interim stage, which include undertaking maintenance works and minor alterations and additions to the Yacht Club building.

Alterations include: the demolition of existing poker machine room and bbq area; making good of floor structure; modification of existing amenities and relocation of administration and manager's offices; replacement of roof tiles with colorbond steel roof sheeting, and general refurbishment of the existing spaces. The existing portable marquee will be replaced with a larger one and a new outdoor gaming area will be located in the previous BBQ area.

Some of the proposed alterations will impact on original fabric, as identified in the Heritage and Archaeological Assessment by Insite Heritage dated June 2010.

The significance assessment of the Lake Macquarie Yacht Club concludes that is linked to the place more so than the building, as the building itself has been substantially modified throughout the years.

Considering the proposed alterations to the building, and taking into account the recommendations of the heritage report, it is considered that the first stage of an archival record of the Yacht Club should be undertaken prior to any works on the property. When the demolition for the new works (Stage 3) proceeds, further recording should be undertaken, and the archival record should be completed.

The conditions of the Part 3A approval include the need to provide Heritage Interpretation with the development. This condition should be retained.

It is recommended that a condition regarding Archival recording of the Yacht Club is included at this stage as follows:

Heritage Archival and Photographic Recording

An archival and photographic record of the site shall be undertaken by a suitably qualified heritage consultant in accordance with the Heritage Branch of the Department of Planning and Infrastructure Guidelines 'How to Prepare Archival Records of Heritage Items', NSW Heritage Office, 1995, as revised 1998; and 'Photographic Recording Of Heritage Items Using Film or Digital Capture', Heritage Office 2001, as revised 2006.

Both archival and photographic records shall be submitted to and approved by Lake Macquarie City Council prior to the commencement of any works, inclusive of demolition. Each document shall consist of one loose-leaf hard copy, two bound copies and one electronic copy.

Should you require further information or wish to discuss the above issues, please contact the undersigned on 4921 0119 or by e-mail on gwilliams@lakemac.nsw.gov.au.

Yours faithfully

A handwritten signature in cursive script that reads "Georgie Williams".

Georgie Williams
Senior Development Planner
Development Assessment and Compliance