



Submission to Council

Council's decision to progress a six-storey mixed-use development concept proposal at the 'Bath Street site', Toronto, to the Development Application stage

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Submission to Council

Council's decision to progress a six-storey mixed-use development concept proposal at the 'Bath Street site', Toronto, to the Development Application stage

1. Summary

Council's decision in April 2018 to proceed with a concept proposal for a non-compliant, 6 storey residential/tourist/commercial building on public foreshore land at 4 Bath Street/1B Victory Row (the Bath Street site) with only minimal community consultation has resulted in strong community backlash. It is difficult to understand why Council did not anticipate this. Council claims this decision was taken to boost tourism and local employment. However the Bath Street site has been allowed to 'degrade' over several decades by Council. It could become part of a revitalised public foreshore for tourists and encourage economic growth with appropriate improvements. Council acknowledges that the Toronto foreshore is already constrained.

Though the Bath Street site is currently classified as operational public land, this decision is inappropriate and inconsistent with Council and state policy instruments. It is not Council's role to propose residential accommodation on public land, especially on the waterfront. Council has recently sought community feedback on foreshore improvements in preparation of the Toronto Foreshore Masterplan (TFMP), but has chosen not include the Bath Street site formally under this plan.

The Toronto Foreshore Protection Group (TFPG) was formed in April 2018 to inform the community of Council's development plans, challenge Council's proposal and encourage the community to be proactive. Three resolutions were made at a public meeting held at the Toronto High School on 4 September 2018 and attended by over 450 residents:

- Council has no community mandate to progress the Bath Street site development.
- Council is urged to stop proceeding with the Bath St/Victory Row development and to include the site in the Foreshore Master Plan as an integral part of the Toronto foreshore park; and
- Council is urged to rezone and reclassify the Bath St/Victory Row site as community parkland.

The TFPG recommends the following Council actions:

- Incorporate the Bath Street site into the TFMP physical foreshore area to allow an evaluation of all options according to best practice planning criteria, and halt progress with the concept proposal until the draft TFMP is produced.
- Ensure that the Foreshore Masterplan takes account of the impact of projected building projects, infrastructure works and parking constraints within the adjacent town precinct, i.e. invoke integrated planning.
- Stop the focus on singular financial returns (profit) from the Bath Street site and consider the integrated needs of the community, including social and environmental. Council already has over \$9 M for foreshore improvement from contributions funds.

- Consider re-classifying any 'operational' public land on the foreshore to 'community', including along the Victory Row foreshore. Toronto has less public Foreshore than any other Township in Lake Macquarie.

2. Introduction

The foreshore at 4 Bath Street and 1B Victory Row (the 'Bath Street' site) is currently classified as 'operational [public] land'. This is a land category held for purposes other than community uses, such as lease, sale or redevelopment. Since purchase by Council in 1985 the Bath site has been allowed to progressively deteriorate so that a considerable part of it is now devoid of grass. The area is currently used as much-needed, car parking for residents and tourists, including those using the lake for water-based activity and enjoying the lovely views, and entry to northern section of the foreshore for pedestrians.

Community awareness of and strong concern over Council's plans to commercially- develop the Bath Street site with a 6 storey complex, adjacent to the RMYC, has grown considerably since Councillors voted on 23 April 2018 to progress planning to the Development Application stage.

Yet Council continues to deny that there is strong public opposition to such a proposal and instead attributes concern to a 'vocal minority'. Clearly, this is not the case. This view has been reinforced through multiple communications to Council and councillors and media releases, letters to the editor (Appendix), resolutions from a community meeting attended by over 450 residents and over 5000 hard copy and on-line petition signatures.

The Toronto Foreshore Protection Group (TFPG) opposes Council's proposal for the Bath Street site and urges Council not proceed with these plans, for the following reasons¹.

3. Background

3.1 Proposed Bath Street development site

In order to understand the current classification for the Bath Street (Figure 1), it is important to try to unravel the history of land acquisition by Council.

4 Bath Street =
still referred to as
lot 441 DCP
788198



1B Victory Row

¹ Note: At the time of writing, Council has refused TFPG access to key background documents. Therefore, we currently have incomplete information concerning historical details, commissioned reports and planning documents. The TFPG is pursuing access to these documents through Freedom of Information.

Figure 1

3.1.1 4 Bath Street

In October 1984/ January 1985, Council considered purchase of lots 44 and 69 (DP 8868)² from private landholders.

The Property Manager/Valuer at that time indicated that the site would only have value as a redevelopment proposition, such as luxury motel units.

In contrast, the City Planner at that time indicated that this site was not suited to tourist accommodation (motel, units) but rather indicated that its purchase would provide facilities for marine-orientated and open space uses. He cited three reasons for this – proximity to the sewage pumping station (item 1), noise and traffic due to proximity to the RMYC (item 2) and environmental concerns (item 3).

According to Council (K. Cramp, pers. comm. 31 August 2018), Council is addressing these concerns as follows:

- *'With respect to item 1. Council staff have met with Hunter Water Corporation and have explored options to engineer out the noise and smell associated with the sewer pump infrastructure (on 1B Victory Row).*
- *With respect to items 2 & 3, noise [from the RMYC], traffic studies and environmental studies have been undertaken as part of the preliminary investigations for the suitability of the proposed development, as reported to Council in April 2018'*³

Part of lot 44, DP8868 (lot 441)⁴ was purchased by Council in February 1985 for \$157,500 from M. Grieve. At the time lot 441 was zoned as residential 2 (c). There was a substantial building on the site at the time (Figure 2; Lake Macquarie Historical Society). 'This dwelling was built in 1922 by Walter Donnelly from the hotel, made of brick, beautiful building, steps leading down to the waterfront, the house name was Kurnulpi. there was also a hotel right of way around the south and west side of the building.' (Margaret B. pers. comm. 24 September 2018). Walter Donnelly owned the Toronto Hotel. The dwelling was demolished sometime before the 1993 Heritage study. The remains of the foundations and walls are still visible today (Figure 3).



Figure 2



Figure 3

² Now referred to as lot 441 DP788198

³ But this document is currently cited as commercial-in-confidence.

⁴ Lot 441 was to become known as 4 Bath Street

However, according to Council's own statement (K. Cramp, pers. comm. 31 August 2018), 'It seems that due to the conflicting comments in the 1985 report, Council determined to proceed with the acquisition on the basis that the future use of the property be determined by Council at a later date'. The following extract from Council's minutes indicates this:

(b) Upon completion of the acquisition, the Property Manager submit a report to the Council on the future use of the subject property having regard to its existing zoning.

(c) Consideration of the future zoning of the land be deferred pending submission of the report by the Property Manager.

This clearly indicates that a future zoning had not been determined in 1985. Therefore it is incorrect for Council to state that Council had always considered [i.e. 33 years ago] purchase of this site for commercial purposes⁵. Of course, 33 years ago Toronto's population was much smaller with no other medium-density zoning present.

'Prior to Council's April 2018 decision, Council's most recent determination regarding the intended use of this site [lot 441 (DCP788198) and other lots along Victory Row] was to sell the site for development of tourist accommodation in May 1998 [20 years ago]' (K Cramp, pers. comm. 31 August 2018). The extract from Council is provided below:

A. Council authorise the invitation of tenders for the purchase and development in one parcel, of the land illustrated by hatching on the diagram included in the appendix (comprising Lot 441, DP788198 and Lots 45 to 52 and Lots 54 and 55, D 8868) specifically for the purpose of developing Lot 441 as a motel and the balance of the land for tourist accommodation (e.g. serviced apartments) and subject to a condition (covenant) specifically prohibiting future subdivision of the site.

However, this sale never eventuated. This was because Council did not own the narrow strip of land (1A Victory Row) between 4 Bath Street and 1B Victory Row.

It is not clear when 4 Bath Street was partly rezoned to 3 (2) Urban Centre Support – possibly with the introduction of the LEP 2004 standard. The portion of 4 Bath Street previously zoned 3 (2) Urban Centre support was changed to B2⁶ with the introduction of the 2014 LEP standard instrument whereby the zone terminology changed.

5 'The site at 4 Bath Street and 1B Victory Row had been earmarked for development for decades prior...' (K. Cramp, pers. Comm. August 2018). In addition, a number of public comments made referring to '33 years', e.g. by K. Cramp at a Toronto Chamber of Commerce meeting held September 2018.

6 B2 zoning:

- To provide a range of retail, business, **entertainment and community uses** that serve the needs of people who **live in, work in and visit the local area**.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and **encourage walking and cycling**.
- **To create spaces that are accessible and are a central focus for the community.**
- To provide for housing as part of mixed use developments.

It is not known when the smaller, nearer-lake section was zoned to zoned 6(2) Tourism and Recreation – but presumably in 2004 also and then in 2014 to SP3⁷. No historical documentation has been located which indicates an alternate use for the SP3 Tourist land in this area (K. Cramp pers. comm. 31 August 2018).

4 Bath Street is therefore currently zoned as both B2 and SP3 (Figure 4).



Figure 4

Council has now acknowledged that 4 Bath Street is in fact foreshore land (refer Lakes Mail, Newcastle Herald articles and Council website community feedback site).

- *'...development on waterfront land at Bath Street...', '...accommodation and recreational facilities on the water front...', '...The current uses as....appropriate use of a piece of prime foreshore land'.*

Since it was purchased in 1985, Council has allowed 4 Bath Street to deteriorate (or as Council states – become 'degraded'), with grassed area considerably reduced. The site has been and is currently used as overflow car parking for the Toronto community (e.g. when court is in session) and when events and functions are organised by the local school, community and the Royal Motor Yacht Club (Figure 5).



Figure 5

7 SP3 zoning:

- To provide for a variety of tourist-oriented development and related uses.
- **To encourage tourism development that is sensitively designed to enhance and complement its location and that avoids unacceptable adverse impacts on the environment.**
- To preserve land for tourism by limiting and discouraging development and uses that are not tourist-related.

3.1.2 1B Victory Row and other Victory Row properties

1B Victory Row (lot 1 DP3451500, which contains a sewerage pumping station, was purchased in April 2002 for \$240,000⁸ and proposed to be rezoned from residential 2 (a) to 'open space 6(2) tourism and recreational' under the draft 2001 LEP. It was classified as 'Operational' in April 2002. The proposed zoning will permit, among other things, hotel, motel, caravan park, recreation facility, restaurant, tourist accommodation and resort. Earlier councils meant parcel of land to complement previous, adjacent land acquisitions. The site was considered for either it's development potential or resale value.

It is now classified as SP3 (Figure 4). It is not known when this occurred.

Council also purchased other properties on Victory Row, adjacent and close by to 1B.

Lots 45 to 49 DP 8868 (1 Victory Row) were acquired in 1991 for Open Space purposes. Interestingly the following sentence was noted in relation to this acquisition: 'However, it has been a long standing policy of Council to acquire all land fronting Victory Row to provide a continuous open space between the Boulevard and Bath Street'. (K. Cramp, pers. comm. May 2018).

Lots 50 to 52 DP 8898 (3 Victory Row) were acquired in 1989 for future Open Space purposes.

Lots 53 & 54 DP 8868 and Lot 310 DP 755207 (5 Victory Row); and Lots 56 & 57 (9 Victory Row) were acquired in 2008 for tourist accommodation development.

The Victory Row lots purchased prior to 1993 were classified as 'operational' in 1993 with the Introduction of the Local Government Act (public notification was observed). This Act required the classification of Council land either as 'Operational' or 'Community'.

As previously mentioned, in 1998 Council determined to proceed with disposal of all parcels (4 Bath Street, 1B Victory Row, other Victory Row lots) for the purpose of a motel and tourist accommodation. But this did not eventuate as mentioned.

In 1985, the Town Clerk also indicated the need for⁹: *'long term effect to extend Regatta Walk Park to Bath Street in order to provide facilities for marine oriented uses which are intended to establish Toronto as a marine sports centre'*.

Council's feedback on this is: '....the proposed development aligns with this intention. An area of Crown Land exists between the Boundary of Bath St and the retaining wall adjacent to the Lake. Council are currently seeking community feedback in relation to this portion of land An extension of a shared pathway from the Regatta Walk to Bath St can be accommodated and Council anticipate this as one potential outcome of the community consultation currently underway.' (K. Cramp, pers. comm. 31 August 2018).

⁸ Reports to Property & Investment Committee Meeting 8 April 2002 – Council meeting date 8 April 2002.

⁹ Special report of the Town Clerk 14 Jan 1985.

However, it appears as if Council is missing the point. A very narrow section of Crown land is not what the City Planner would have had in mind. He was talking about the Bath Street site.

4. Timelines

9 April 2018

Council's Property Investment (PI)¹⁰ Committee resolved to progress consultation and design works for the Concept Development for Council's operational land at 4 Bath Street and part 1B Victory Row as indicated in attachment 7 (Option 3) and in accordance with Option 4¹¹ as in the Options section of the [PI] report to the Committee. In addition, the PI Committee also recommended the proposal to consider extension of Arnott Street to the roundabout at Victory Parade.

Note:

- The PI team had indicated their preference for option 2 (i.e. four level DCP non-compliant scheme with no extra car parking). Therefore this decision by the PI Committee went against advice from Council staff.
- The proposal contravenes Council's own DCP/LEP (2014) guidelines for this site and will inevitably exacerbate traffic and parking problems.
- The zoning for this area (SP3 – tourist; B2 – retail, business, entertainment and community) allows for a wide range of 'development' options.

23 April 2018

A few concerned residents met with Mayor Cr Kay Fraser and Kate Cramp (PI) to request a delay in Council vote on the PI Committee recommendations because of insufficient community consultation on such an important issue. A similar plea was made at the Ordinary Council (OC) meeting same day.

However, Ordinary Council meeting resolved to accept the recommendations of the PI Committee.¹²

23 April 2018 – present

The Toronto Foreshore Protection Group (TFPG) was formed as an alliance of concerned community groups (Coal Point Progress Association, Toronto Area Sustainable Neighbourhood Group, Toronto Rotary Sunrise and Toronto Royal Motor Yacht Club) and individuals to inform the community of Council's development plans, challenge Council's proposal and encourage the community to be proactive.

A range of measures have been undertaken to facilitate wider communication and encourage the community to express their concerns. These include: hard copy and on-line petition entries; letters to Council, Councillors; media releases; launching of a website – tfpg.org.au – to provide updated information to the community; facebook commentary; and meetings. Meetings have been held with Mayor Cr Fraser, CEO Cameron and with a

¹⁰ Now called 'Property and Business Development' team.

¹¹ **Option 4** = the six level scheme [DCP non-compliant] (Option 3 in Confidential Attachment 7) with no additional public car parking.

¹² Source: minutes, OC meeting, 28 May 2018

number of councillors. Many letters expressing concern from various viewpoints have been written to Councillors, newspapers (Appendix 1) and other media outlets by members of the public. Over 5000 hard copy and on-line signatures have been collected; these will be presented to Council in October.

Over 450 residents attended a TFPG-organised public meeting on Tuesday 4 September at the Toronto High School. The objective was to provide the community with up-to-date information on foreshore plans, Council to present its plans and allow Councillors to get further community feedback. Crs Harrison and Pauling were present. Resolutions from this meeting, communicated to Mayor Cr Fraser and CEO Cameron¹³, were:

- Council has no community mandate to progress the Bath Street site development.
- Council is urged to stop proceeding with the Bath St/Victory Row development and to include the site in the Foreshore Master Plan as an integral part of the Toronto foreshore park; and
- Council is urged to rezone and reclassify the Bath St/Victory Row site as community parkland.

The TFPG have requested access from Council to various 'commercial-in-confidence' documents associated with the proposed development. Most of these have not been released, including architectural details. TFPG has now requested the NSW Information and Privacy Commission to intervene on our behalf.

In response to TFPG and resident/community persistent feedback, Council released several communications related to the Toronto foreshore and the Bath Street project planning process, including the 'Lakes Mail' (15 August 2018), 'Newcastle herald' (18 August 2018) and on-line access to information and surveys (16 August 2018) at <https://shape.lakemac.com.au/future-toronto>. Council has brought forward the Foreshore Masterplanning process and proposed timely feedback on the community survey.

5. Issues

The TFPG and the wider community have several issues with Council's decision to formally proceed with progressing towards the Development Application process for the Bath Street site. These are detailed below.

5.1 Private developments in the vicinity of the Bath Street site

There are currently a large number of residential units available, under construction or planned, of potentially planned in the Toronto town centre area. Some of these units are or may be rented for short-term tourist accommodation and one of these is dedicated to short-term accommodation ('The Brighton'). In addition, there are a number of apartments in Toronto within walking distance of the town centre. No doubt, more apartment submissions will be forthcoming from the private sector. Toronto is the only town centre that has a higher proportion (10.5%) of apartments than the City average of 5.3%.¹⁴

¹³ Letter to Mayor Cr Fraser and CEO Cameron from Bob Ireland on behalf of TFPG 13 September 2018. Reply letter dated 27 September 2018 from Mayor Cr Fraser.

¹⁴ p10 LMCC Development Contributions Plan. Community Facilities and Services Study- Toronto Contributions Catchment 2015-2030.

Council argues that there is urgency to develop the Bath Street site with a mixed use, multi-storey, non-compliant complex, with tourism in mind, in order to 'activate' the foreshore. It appears that most of the units planned will be residential. With such a large number of units already under construction and planned, it is inappropriate for Council to develop foreshore public land for a few more units. The Toronto Chamber of Commerce also appears to support a multi-storey complex of some sort¹⁵. However, both Chamber and Council appear to use the words 'infrastructure' and 'development' synonymously. The presence of a multi-storey complex is not the way to activate the foreshore but rather appropriate community and tourist-related infrastructure.

In addition, there are serious concerns for the deleterious effects of excessive traffic in the Bath/Bay/Renwick Street areas. The proposed 120+ unit private development will already fuel traffic volumes and increase safety concerns. The addition of yet more traffic from development on the Bath Street site will further exacerbate the situation.

Existing apartments

A number of residential and tourist apartments already exist in the Toronto town centre:

- 'Riva' (58 Victory Parade): 36 residential units (2 and 3 bedroom).
- 'Celsius' (100-102 Brighton Ave): 16 residential units (2 and 3 bedroom).
- 'Lakeside' (94-96 Brighton Ave): 23 residential units (3 bedroom).
- 'The Brighton' (157 Brighton Ave): 2 residential and 33 long- and short-term accommodation units (studio, 1 and 2 bedroom).

Apartments approved and/or under construction

- 'Elements of Toronto' (adjacent to Toronto Workers Club, James St): approx. 50 single storey units in stage 1.
- 'Foreshore' (1 Wharf Street): 37 luxury residential (1, 2 and 3 bedroom) approved with construction to commence soon.
- 'The Victory': 19 residential units.

Development Application under consideration

- 'Aqua Blue' (114-118 Cary Street): an 120+ unit (1 and 2 bedroom) apartment complex is planned adjacent to the Bath Street site. Late stage approval process.

Possible future planned

Council has identified large areas of the Toronto Town Centre for multi-storey, mixed-use developments (3-4, possibly more storeys). A review of Council's Town Centre Area Plan Block Controls¹⁶ shows:

- The northern side of the Boulevard from Carey St to Victory Pde: 4 storeys, the southern side 3-storey.
- The Aldi Car park (Brighton Ave): 4 storeys.

¹⁵ Lakes Mail 15 October 2018 - 'Toronto Chamber of Commerce backs council plan for multi-storey development on Bath Street site of Toronto foreshore'

¹⁶ LMCC DCP 2014 – Revision 18 – F2017/00418 Adopted by Council 12 June 2018

- Carey St from McDonalds to The Boulevard: mainly 4 storeys, 3 storeys up the eastern side of Pemell St.
- Western side of Carey St: 4 storeys, wrapping into James and Thorne St, 4 which also have 3 storeys block controls.

In addition there are a number of apartments or townhouse complexes planned in the surrounding suburbs of Carey Bay, Blackall's Park and Fennel Bay.

The precedent of approving buildings that exceed the height limit (and other features) of the town centre block controls has been set (e.g. with the recent approval of the DA at the former Lifestyle marina site, 1 Wharf Street, Toronto). This places a further burden on the provision of community infrastructure to support the projected increase in population.

5.2 Rushed decision by Council in April with very limited community engagement and pre-empting the Foreshore Masterplan.

Initial 'consultation'

Only very limited consultation was held with the community over period 2016-2018 during preparation of a Feasibility report, covered in the minutes of the 9 April 2018 meeting of the Property & Investment sub-committee¹⁷.

A consultant (Umwelt) was engaged to speak with the traditional owners and Lake Macquarie & District Heritage Society. There were also discussions between Council and the RMYC. In addition, a tourism operator was consulted. There was no other broader consultation with residents.

The following information from Umwelt's engagement report is cited on p. 7 of the minuted report:

"There was a general feeling amongst stakeholders consulted that the site was not currently being used to its full potential and that further development could enhance the site and its uses. The site holds a range of historic and cultural heritage values to those consulted. Further development processes need to be cognisant of these important values and ensure that such values are appropriately assessed and addressed in project design, with specific note to the possibility of Aboriginal artefactual materials along the waterfront. In addition, key aspects of access and parking were raised by stakeholders and will need to be addressed in relation to further development of the site as per the ECS (Environmental Constraints Study) and "a number of ideas regarding site development were noted that incorporated recreational and heritage values and public use aspects. There was also the desire to see further engagement as the planning process for the site continues, including stakeholder involvement in conceptual design of the site and proposed uses."

With respect to engagement with Lake Macquarie & District Heritage Society, it was: *"noted that the site is not currently heavily used and has potential to be a more significant location"*.

However, no further details are provided. In addition concerns have been raised verbally by some of those interviewed about the engagement process and that Council's intention

¹⁷ Feasibility Report commissioned by Council's Property Investment department. 18PI012 Toronto - Foreshore & Bath Street - Property Development Potential F2018/00258 - D08637211

to develop a multi-storey building was not raised. Even based on the above summary quotes, it is certainly not the case that these two groups were in support of a multi-storey development. Most of the community have long regarded this land as being community-use public land, and would only agree to appropriate improvements/development.

The report summarises overall responses on p. 5 as:

'....The responses to the proposed development of 4 Bath Street and 1B Victory Row, Toronto have been generally positive; with feedback suggesting that the strategic and appropriate development of Council's Operational land at the northern end of the Toronto foreshore could make a valuable contribution to the economic and social welfare of Toronto.'

It appears that this conclusion is not based on engagement with either the traditional owners, the Lake Macquarie & District Heritage Society or the wider community, but presumably from the tourism operator workshop. Perhaps this further comment was related to engagement with the former groups:

'...Some stakeholders indicated a preference to retain in part the northern foreshore for embellishment as Open Space. ...'

It appears that further comments on p. 5 might be attributable to the workshop for tourism operator. However, the importance of pedestrian and vehicular access and adequate car parking is raised.

'...Other comments received indicate that the site is not being utilised to its full potential and that further development of the land could enhance the site's and wider foreshore precinct use. In specific reference to the development of a mixed-use tourism/commercial building, various stakeholders highlighted the importance of pedestrian and vehicular access to the foreshore being maintained and/or improved and concerns over car parking generally in the Toronto town centre....'

Another consultant (Hill HD), working with EJE Architects, was engaged by Council and proposed several options for a multi-storey building. These are summarised in the Feasibility report. However, TFPG has been denied access to the full report. Therefore we have no details and are left to rely on the summary information provided in the report.

Council's response to community concerns

Council's response to community concerns is to indicate that the community will have the opportunity to provide feedback once any proposed DA is lodged by Council, as would be the case with any private DA. In addition, any DA will need to be approved by the NSW Government's Regional Planning Panel. Clearly this is much too late in the process for such an important proposed development on Toronto's public, foreshore land.

The Foreshore Masterplan process has now been brought forward, largely due to the persistent efforts of the TFPG and residents.

During the initial community consultation period for the Toronto Foreshore Masterplan, the community was invited to make comments and submissions for the whole of the foreshore, including the Bath Street site, as shown in the Foreshore Masterplan map. Council's position is that all comments will be treated seriously and form the basis on feedback of community engagement. Whilst this is certainly a positive initiative, Council still intends

that the foreshore precinct master plan and the Bath Street site are to be treated separately. That is, the Foreshore Master Plan does not incorporate the Bath Street site, only interactions (the interface) between the site and the remaining foreshore (Figure 6).

It therefore seems logical that Council should simply stop any progress to DA and consider all reasonable options that the master planning process would throw up.



Figure 6

5.3 Inconsistency with Council's own strategic planning for the Toronto town centre, the Lake and its Foreshore, heritage, view lines and likely traffic issues.

The proposal for a six-storey development is inappropriate and at odds with Council's own documentation. It is inconceivable that Councillors voted to pursue this proposal given the need to expand rather than reduce community foreshore land with anticipated future population growth and restrictions that the Bath Street site poses. As previously mentioned, Council has now acknowledged that the Bath Street site is on the foreshore.

From Council's own communications, it appears that Council is only focussed on a large development complex for¹⁸:

- retail and commercial (including tourism outlets);
- residential accommodation;

Why is Council taking it upon itself to be a developer of residential accommodation, ostensibly to assist in activating the foreshore. This is not the role of Council.

A number of extracts below illustrate that the Bath Street site proposal is inconsistent with Council's own planning documents and the acknowledged need for more foreshore open space.

¹⁸ Refer, for example, to (I) CEO Morwen Cameron's Newcastle Herald article 18 August 2018 and Mayor Cr Kay Fraser's response to the TFPG dated 27 September 2018.

5.3.1 Town Centre Area¹⁹ and Heritage Area Plans – Toronto (DCP 2014, Rev 18, June 2018)

The Toronto Town Centre Area Development Control Plan provides clear specific local objectives and controls for development in Toronto town centre:

'Development within the B2 Zone core of the town centre should generally be of a low scale (two to three stories) perimeter block form built to the street boundary and side boundaries, to provide a continuous pedestrian strip.

'Toronto development character should reflect the high amenity waterside location and its popularity as a social and recreational destination on the lake.'

The desired building type for 4 Bath Street is very clear – maximum 2 stories with limited footprint- and 1B Victory Row – one storey – is very clear, as is the location on the lot (Figure 7).

'The maximum number of storeys must comply with the Block Controls'

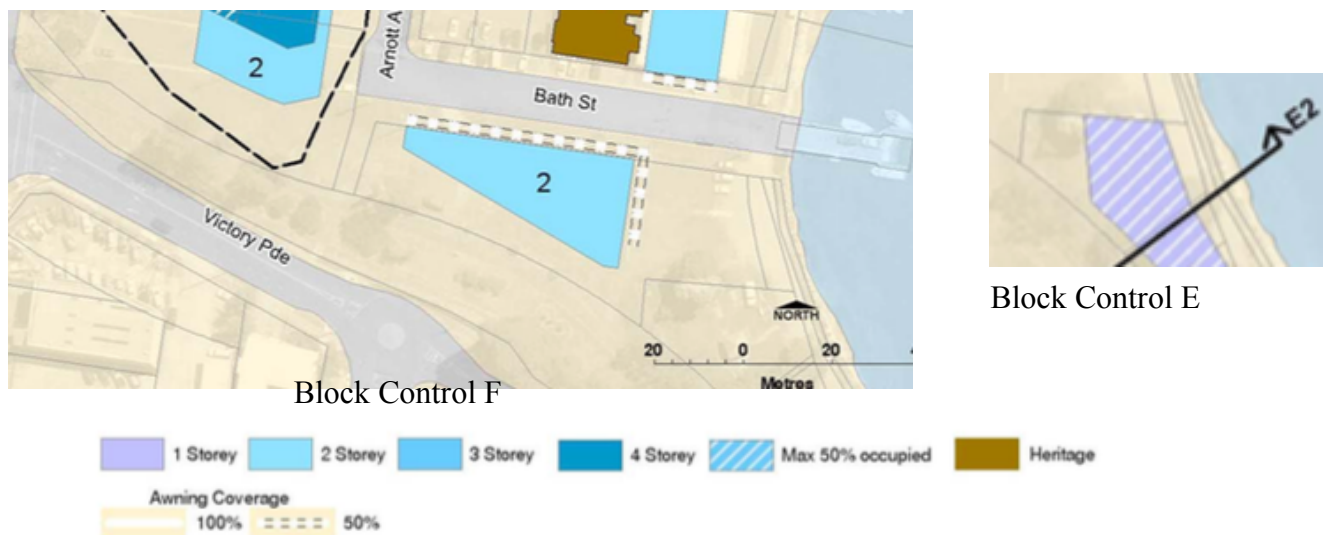


Figure 7

Heritage Area

From the extracts cited below, including correspondence with Council officers, it seems that a multi-storey development would breach heritage guidelines generally and those specific to the *Toronto Heritage Area*. As far as is known, a Heritage Impact Assessment has not yet been undertaken. Relevant extracts are provided below:

- 'Views to and from the lake play a vital part in Toronto's character and sense of place...'
- 'From the town centre, there are lake vistas from ...and Bath Street adjacent the Toronto Yacht Club area.....'
- 'The scale, height and form of future development should not detract from these scenic qualities or interrupt the identified vistas.'

19 LMCC DCP 2014 – Revision 18 – F2017/00417 Adopted by Council 12 June 2018

- Heritage Area objectives [much of the Bath Street site falls within the *Toronto Heritage Area* – refer Figure 8] include:
 - '...To maintain the low small-scale built form between the lake and the rail line'
 - '...To maintain foreshore setbacks and heights compatible with the residential scale of historical development along the lake foreshore development.'

Although the Bath Street site does not fall within the *Toronto Heritage Precinct* [as distinct from Heritage Area], advice from Council is²⁰:

- *'Both the heritage area and the precinct would need to consider the Lake Macquarie City Council Heritage Guidelines....'*
- *'It is likely the Toronto heritage precinct extends out to the lake to capture development applications for water recreational structures also (marina, jetty etc) so that visual impact can still be considered.'*
- *'The property at 4 bath street Toronto is still likely to require a Heritage Impact Statement should a development application on that site be lodged.'*

In addition:

- *'....The following points should be kept in mind when considering new development in the Toronto Heritage Precinct:
(selected important points).....*
 - *Historical and aesthetic links with the foreshore should be maintained.*
 - *All new development should be respectful of potential impacts on the foreshore.*
 - *Ensure that any additions are sympathetic and generally out of view of the street and the lake, not dominating the original building.*
 - *The existing scale and character of development should be maintained. New buildings should be comparable in size to existing surrounding buildings and should adopt similar forms and materials.*
 - *The appearance of new work from the foreshore, street and neighbouring properties should be considered....'*

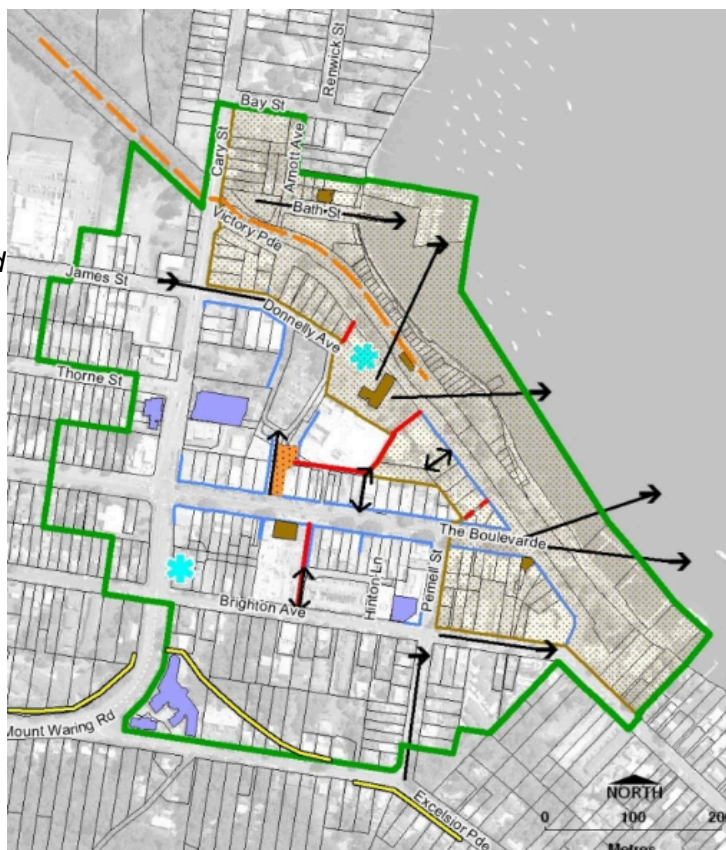


Figure 8 (source: Toronto Area Centre Plan June 2018 revision p. 7)

20 John May pers. comm. 10 August 2018.

5.3.2 Lake Macquarie Development Contributions Plan Recreation and Land Plan Toronto Catchment Contributions Plan 2015-2030 ver July 2016

This plan was developed in the context of several existing state and Council policy documents. One of the key assets likely to be required with the projected population growth within the Toronto Contributions Catchment is sufficient community open space.

Between 2015-2030, there are forecast to be 2,198 additional private residential dwellings and 245 additional rooms/beds in non-private accommodation in the Toronto Contributions Catchment, accommodating 5,412 additional persons. Two of the suburbs likely to experience the biggest population growth are Toronto (24% increase) and Blackalls Park (12.9% increase). Residents in these and nearby suburbs closer to the proposed development site may be more likely to access the waterfront via this site.

Parks (p. 32)

'The Open Space Strategy specifically identified the concept of a Lake Foreshore Regional Park. It states that 'existing sections of Lake Foreshore Park in which paths and other facilities have been developed are very popular open space areas and LMCC is seeking to extend the Lake Foreshore Park along the whole edge of Lake Macquarie. The strategy identifies a number of opportunities to rezone sections of the lake foreshore to add to the Lake Foreshore Park.²¹ The proposal of expanding the foreshore park at Toronto is in keeping with this recreation facility recommendation.'

The survey undertaken as part of the open space plan prepared by Clouston²² identified:

- *The most popular open space settings were developed foreshore parks (25%) followed by natural bushland (19%) and beaches (16%)*
- *Parks with a large range of facilities (65.3%) were preferred to few large parks (33.2%)*
- *Lake oriented recreation areas (62.1%) were preferred to beach oriented recreation areas (29.4%)*
- *Promote Lake Macquarie as a tourist destination, based on its recreation activities*
- *Land swaps and private owners to bring more foreshore into public ownership.*

Analysis of parks in the Toronto catchment (p. 36) concludes that:

- *'The Toronto foreshore park is well located within the catchment and it adjoins the town centre but the existing park is rather small and congested. A larger feature park is required to serve the projected growth in, around the Toronto town centre, and beyond. This plan recommends a significant expansion and upgrade of the Toronto foreshore park...'*
- *'Toronto currently has a high proportion of apartment living and is identified for projected growth and the site of the Toronto Foreshore Park is constrained, linkages do not connect to places, and the park is in need of revitalisation.*
- *'the Toronto foreshore park is currently constrained and is not of a size that delivers the facilities and the lifestyle opportunities required...'*

21 LMCC (2001) Lake Macquarie Open Space Strategy, prepared by URS, p. 6-6, p. 57, 66.

22 LMCC (1996) Lake Macquarie Open Space Plan: Volume 1, prepared by Clouston, p. 14, 61, 66.

Recommendations (p. 37)

One of the key recommendations was to increase both the size and quality of the foreshore park by purchasing the Lifestyle marina (Wharf Street) site and other improvements²³. It was also intended to provide more car parking spaces by moving Goffet Park because of the perceived need for more parking near the foreshore. However, this acquisition did not proceed (see below), nor the provision of more car parking spaces.

5.3.3 Council officer response and recommendation from draft Lake Macquarie Catchment Contributions Plan 2016 exhibition Toronto Contributions Catchment [Attachment 1].

As part of the draft contributions plan for Toronto, Council mooted the possibility of purchasing the site of the Lifestyle marina (1 Wharf St, Toronto) and adjacent properties in 2016 because it deemed that the Toronto foreshore was too constrained. Over \$4.5 M was budgeted. Council did not proceed with purchase. This site was sold to a private developer, which has subsequently been given approval by Council for construction of a non-compliant, 37 apartment residential complex. So, whilst at the same time acknowledging that the foreshore needed to be extended (and improved), Council now wants to further constrain the foreshore by building a six-storey complex on the Bath Street site. However, Council's own documentation²⁴ shows that the Bath Street site was indeed considered as an alternative location for expanded recreation. Therefore, there are legitimate concerns about differing policy statements emanating from different Council departments.

Re: possible purchase of Lifestyle Marina site, Wharf Street, Toronto, in 2016.

- Officer Response to community feedback
*Land acquisition is required to expand the foreshore to meet the needs of the anticipated incoming community. **The draft plan has been amended to incorporate an option for an alternate location within the Toronto foreshore to be acquired and developed for recreation.** Officers are investigating development options for Council's land holdings at Bath Street. **This will include potential use of this land to increase the current foreshore space.** A subsequent master plan will determine the location of proposed foreshore facilities, including the boat ramp, playground, car parking, and linkages. Development of a master plan incorporates public consultation with the sailing club.*
- Recommendation
*No amendment to the exhibited contributions plan recommended. The Works Schedule in the contributions plan details provision broadly to Toronto foreshore. Officers are investigating development options for Council's land holdings at Bath Street. **These investigations will include the consideration of additional foreshore space.** The report recommends that Council only pursue the acquisition of this land should the proposed development not proceed.*

23 The following Development Contributions Funds were earmarked and still available for foreshore upgrades and beautification:

OS-009 Park – Major upgrade was proposed for the Lifestyle Marina site: upgrade \$4,677,200 (land acquisition costs) \$9,000,044 (capital costs) 2016-20 (priority, timing) all new development costs.

24 Attachment 1 – Summary of Submissions – Lake Macquarie City Council Development Contributions Plan 2016 – Toronto Contributions Catchment

5.3.4 Lake Macquarie Local Environmental Plan 2014 Part 7

The Bath Street site is located within the coastal zone of Lake Macquarie. Several policy instruments apply. One of the relevant clauses is highlighted below to illustrate the importance of sensitive development on foreshore land²⁵. A multi-storey development would seem to be in breach of this clause.

- *Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:*
 - *'... (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area...'*

5.3.5 Draft Lake Mac 2050 Strategy August 2018

Community feedback was strong on the following: "An area of concern was excessive 'high-rise' development. People wanted to ensure good quality open spaces, and maintain access and views to the lake.'

Desired outcomes

Toronto-specific statements:

Develop well-connected, high-quality public spaces

- *'A high amenity waterfront supporting recreational uses with limited supporting commercial and tourist development...'*

The emphasis is on the 'high amenity'. This would imply, for example, people-friendly, multi-use open space, access to the lake front for boating, swimming etc. 'Limited supporting commercial and tourism development' is not compatible with a multi-storey complex on the 'Bath Street' foreshore site.

- *'The foreshore is rejuvenated, consistent with the cultural and heritage values of the foreshore area and the waterway, including appropriate small-scale commercial opportunities.'*

This is an extremely important objective but one that Council has already decided not to agree with, given its stance on the Bath Street site and the development on the former Lifestyle marina site. Council should have, and now needs to take this objective on board and highlight it.

- *'The human-scale, pedestrian-friendly environment and significance of the Toronto Heritage Precinct will be maintained.'*

Council should consider expanding the reference to the heritage precinct to include the heritage area, especially if this is meant to highlight the need for appropriate, sensitive development in the both the 'precinct' and 'area' (Town Centre DCP Rev June 2018).

²⁵ Lake Macquarie Local Environmental Plan 2014 under the Environmental Planning and Assessment Act 1979 p. 53

5.3.6 Lake Macquarie Community Strategic Plan 2017-2017 (March 2017)

A number of high level statements in this strategic plan point to the importance of the lake and it's health and the need to balance economic growth with environmental protection. A few relevant quotes are provided below:

Our Vision: 'Lake Macquarie is a City with a lake at its heart encircled by distinctive towns and villages. We balance our cherished environments with our need for great spaces to live and visit, smart transport options and a thriving economy; which adapt and strive to be fair to all.'

Our Values: 'We value our unique landscape, a place where the natural environment (bushland, coast, lake and mountains) is protected and enhanced; where our existing urban centres are the focus of our growth, maintaining their unique characteristics'.

'The Lake, bushland, coast and mountains are important features of our City. Protecting and enhancing these features will remain a key focus and significant contributor to our lifestyle and wellbeing.'

'New development and growth complements our unique character and sense of place.'

'Optimise land use to meet the social, environmental and economic needs of the City.'

5.3.7 Scenic Management Guidelines Lake Macquarie 2013²⁶

The zone that applies to Toronto is Scenic Management Zone 5 (lake surround – high density).

Desired character attributes include:

- *'...The character of buildings and the surrounding landscape should reflect the lakeside location and the popularity of these areas as social and recreational destinations.*
- *Physical and visual connections to the lake are important and should be preserved and enhanced'*

Guidelines include:

- *'view corridors to the lake and western ranges along streets, within public reserves and from town centres are retained and enhanced where possible ...*
- *buildings are of a scale that does not dominate views from the lake nor breach the tree-line of surrounding ridgelines;...'*

²⁶ Part A Scenic Management Guidelines Lake Mac 2013. F2009/01212/03/04 Adopted by Council 11 February 2013

5.4. Inconsistency with NSW long-term strategic planning

5.4.1 NSW Environmental Planning Policy (Coastal Management) 2018

The Toronto foreshore between the Lifestyle Marina site and the RMYC is classified both as 'Coastal Environment Area', which is quite large and extends well back from the foreshore, as well as being within the smaller 'Coastal Use Area', which is a line drawn back 250 m from the waterline. Any developments within these zones must satisfy certain criteria, namely:

Coastal Environment Area – any proposed development should avoid, minimise or manage impacts on:

- *The integrity and resilience of the biophysical, hydrological and ecological environment;*
- *Coastal environmental values and natural processes;*
- *The water quality of the marine estate.....*
- *Marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;*
- *Existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including people with disability*
- *Aboriginal cultural heritage, practices and places*

Coastal Use Area – must address public interest and built form criteria to avoid, minimise or mitigate impacts on:

- *Existing safe access to and along foreshore, beach, headland or rock platform, including access for people with disability*
- *Overshadowing, wind tunnelling and loss of views from public places to foreshores*
- *The visual amenity and scenic nature of the coast including headlands*
- *Aboriginal cultural heritage, practices and places*
- *Cultural and built environmental heritage.*

5.4.2 Greater Newcastle Metropolitan Plan 2036

Council's own planning documents and LEPs will need to comply with this Metro Plan in order to gain approval from the State.

Strategy: 'Create more public spaces where people come together...'

Discussion: "Lake Macquarie, its waterfront and the coastline have helped shape Greater Newcastle and are essential to the identity, liveability and prosperity of the City."

Actions: Greater Newcastle councils with support from NSW Department of Planning and Environment will:

- *create and activate public spaces in the strategic centres that are suitable for community events like markets, festivals, commemorations and assemblies*
- *protect and enhance waterfront parkland areas....."*

5.4.3 Hunter Regional Implementation Plan 2036 (Oct 2016)²⁷

Direction 18 objectives include:

- *'...Enhance public access to natural areas, including coastal and lake foreshores....*
- *'Assist councils to develop open space and recreation strategies that identify a range of accessible open space and recreation opportunities; integrate open space, active transport and recreation networks; and improve public foreshore access....'*

6. Recommendations

The TFPG recommends the following Council actions:

- Incorporate the Bath Street site into the TFMP physical foreshore area to allow an evaluation of all options according to best practice planning criteria, and halt progress with the concept proposal until the draft TFMP is produced.
- Ensure that the Foreshore Masterplan takes account of the impact of projected building projects, infrastructure works and parking constraints within the adjacent town precinct, i.e. invoke integrated planning.
- Stop the focus on singular financial returns (profit) from the Bath Street site and consider the integrated needs of the community, including social and environmental. Council had already set aside over \$9 M for foreshore improvement from contributions funds.
- Consider re-zoning any 'operational' public land on the foreshore to 'community', including along the Victory Row foreshore. Toronto has less public Foreshore than any other Township in Lake Macquarie.

We understand that Council is now considering all community consultation feedback from it's on-line survey and other forms of community feedback for the foreshore, including the Bath Street site, prior to engaging a consultant for the Foreshore Masterplan. However, the key underlying philosophy continues to be that this site needs to be viewed as part of Toronto's foreshore and that any developments need to be sensitive, beautifying and appropriate for residents and visitors into the future. The TFPG are progressing concept ideas for the Bath Street site to demonstrate it's intention to provide positive feedback to Council. This plan will be presented to Council in due course.

²⁷ HUNTER REGIONAL PLAN 2036-Implementation Plan 2016-2018 October 2016 NSW Government

7. Appendix

7.1 Letters to the Editor

7.1.1 Newcastle Herald

28 May 2018

I WAS driving through Warners Bay yesterday and noticed huge and wonderful blocks of sandstone being lifted onto the foreshore improvement project by Lake Macquarie City Council. That got me thinking that the rehabilitation of the run-down Toronto foreshore was actually quite feasible if the council and its planners would compromise and move its proposed development back off the foreshore and stepped up from there. This would be a win-win compromise between the council and the community as 2000 petitioners have asked for. There is no need for the council to be locked in to a plan that develops some foreshore and leaves another parcel of foreshore as still "operational". To preserve this section of Toronto Foreshore is what the Fennel family and other pioneers wanted as "public access" when they sold the land to Council. Quite clearly the Toronto foreshore can be improved with a clean-up, a shared pathway, native tree planting, a coffee kiosk maybe, even a block or two of the beautiful Warners Bay sandstone. Then all those new apartment residents could use the foreshore, and it's a win-win for the community, development and the environment.

Stephen Dewar, Toronto

18 June 2018

Let's encourage people to choose our area to visit.

How do we build value-added tourism in our town?

Obviously restaurants and accommodation are important, but that's only part of the picture. What would our draw-card be?

The answer is evident. It is a clean, healthy lake with adjacent expanses of green space that give access to the water and offer opportunities for relaxation and recreation as well as aesthetic appeal. Inappropriate development on foreshore land detracts from that appeal.

In Sydney, even with its huge population, the harbour waterfront is treasured. The paths are well-trodden through the shorefront bushland that both protects and enhances that beautiful body of water. The wise forefathers recognised the asset there. Hundreds of people every week enjoy that bushland and also patronise the cafes and restaurants nearby. Many travel to and stay in Sydney exactly for that experience.

Lake Macquarie City must also recognise the assets we already have. They can then be added to with a built environment that is in sympathy with the surrounds. If we lose or diminish those original assets, the rest will be money and effort down the drain.

It is a wonder that such an appalling suggestion as a 4 -6 storey building on the Toronto foreshore should even have been put forward in Council.

The City must think long-term and not rob future generations of that which is irreplaceable.

Yours faithfully,

Lois Simpson

22 August 2018

WE FORESHORE WANT IT KEPT

I BELIEVE the opinion piece in Saturday's Newcastle Herald by the unelected chief executive of Lake Macquarie City Council (['Enticing tourists to enjoy best of life on lake', Opinion 18/8](#)) ignores public opinion and tries to put a gloss on the council's unprecedented plan to build up to six storeys right on the foreshore at Toronto.

Descendants of the Fennel family wanted to preserve access to the foreshore, as did the 1888 meeting of residents who strove to preserve a little of Toronto's foreshore for future tourists. At least Morvan Cameron admits that council's development is on "waterfront land". Ms Cameron doesn't explain that council should have millions of dollars left over from the attempted purchase of the Hirecraft Mariner site for the wonderful foreshore improvements she envisions without building right down to the foreshore with a "buffer" of a few feet.

Why can't the council and its chief executive finally listen to the community and organise a plan that has development but preserves the foreshore strip, and doesn't overwhelm our greatest tourist asset, the lake? A plan that doesn't cut the the iconic rail line and deals with all the major traffic congestion issues?

Only then can Toronto add to its already great cafes and accommodation with its greatest tourist asset intact and enhanced: the lake and its foreshore.

Stephen Dewar, Toronto

8 September 2018

IN response to Wednesday's article ("Petition against Lake Macquarie City Council development on Toronto foreshore attracts 3400 signatures", *Herald*, 5/9), as a Toronto resident with a young family, I believe that any development around the Toronto foreshore is excellent and to be welcomed.

I believe 2 Bath Street, along with a number of other vacant blocks along Anzac Parade, are an eyesore and have been for a long time.

That address has, for as long as I can remember, remained inactive public land that is used only as extra parking for a nearby licensed premise and the temporary parking of yacht trailers.

While I believe that the height limit should be reduced to fewer stories, I believe the benefit of commercial space such as cafes, restaurants, bars, boutiques or watercraft-hire outlets, coupled with \$9 million worth of improvements to the foreshore between Goffet Park and Bath Street, would greatly enhance the area, truly making Toronto a greater location to live and visit.

Remember, we are talking about 10 per cent of the relevant foreshore. It is 10 per cent that is currently unused, and prior to this development's announcement had no proposed beneficial usage to the residents of Toronto. Going off on a tangent, it strikes me that protest actions such as those as we have seen in Toronto of late are perpetrated by an older cohort of residents. Why is it that such older cohorts across the great cities of Newcastle and Lake Macquarie seem intent on either stifling or stopping progress?

I believe considered and relevant progress is to be embraced, not stifled or stopped.

Adam Walton, Toronto

13 September 2018

LEAVE LAKE ALONE

IN reply to Adam Walton's letter to the editor (Herald, 8/9) please be careful what you wish for. The main issue that opponents (and it's not just older citizens) have is the proposed use of the Bath Street/Victory Row site for a six-storey building – well above council's planning guidelines – that would be mostly residential units and tourist accommodation with limited other uses, such as those you suggest.

This site is used as much-needed overflow car parking for Toronto, not just for the RMYC, and for those needing boating access to the lake. It affords a place where people can observe wonderful lake views. Council is not saying how far back from the lake's edge such a building would be sited.

This is not an issue about 'stifling progress'. It's about appropriate development.

There is already a proposal for a 120+ unit apartment complex with commercial space adjacent, on Cary Street. Council already agrees that the foreshore is limited in spatial extent and that 10 per cent more is needed.

The foreshore master plan should include the Bath Street site and consider beautifying and appropriately 'activating' the whole foreshore as community space with attractive facilities and infrastructure.

There are other locations in Toronto for residential development. Yes, 'considered and relevant progress is to be embraced'.

Nico Marcar, Carey Bay

17 September 2018

Lake has 'all we need'

I ENDORSE Elaine Street's praise of Lake Macquarie City Council libraries ([Letters, 13/9](#)).

Wherever I have lived in the world, I have had access to a public library but have never taken it for granted.

I cannot fault the staff and the running of our 11 libraries in this new technology age which can be difficult for many to keep up with, but staff are always willing to explain what is needed. I have discovered the sayings of Marcus Cicero (106 – 43 BC), a Roman statesman, philosopher, orator, etc., who is alleged to have written his own speeches! "Let the welfare of the people be the ultimate law", is one, and "While there is life there is hope", but my favourite, written in his old age, echoes my sentiment – "If you have a garden and a library, you have everything you need".

With the beautification of the land and parks surrounding our Lake (bigger than Sydney Harbour), I congratulate our council on the work in progress, and hope the ratepayers in Toronto will get their wishes, as outlined by Nico Marcar ([Letters, 13/9](#)).

June Porter, Warners Bay

Lakes Mail

3 May 2018

Where was consultation

SHAME on Lake Macquarie City Council for voting to go ahead with planning a six-storey apartment building and the holiday units right on the lake foreshore.

These developments should have been sent back to the drawing board and to proper consultation with the Toronto community. Consultation with just the Chamber of Commerce and an historical society is pathetic! We all know that just a short consultation period will just mean small changes to these developments.

Even in 1888, the Excelsior Company developing Toronto gave back a few pieces of parkland. But not this council! Just imagine the outrage from these councillors if buildings were approved all along the foreshore of the Warners Bay walkway or Valentine or Belmont foreshore. Toronto has the least foreshore parkland in Lake Macquarie.

Tourists would love to come to Toronto with foreshore access, planned parking, proper traffic control and consulted development.

Stephen Dewar, Toronto

8 May 2018

Poor outcome for Toronto

LAKE Macquarie City Council's decision to go ahead with planning development along Toronto's foreshore, when combined with the proposed six-storey apartment block, is an atrocious, backward step.

Consultation with the Toronto community was minimal for a town that has the least amount of foreshore parkland in Lake Macquarie. How outraged would these councillors be if building were approved along the Warners Bay walkway or the Valentine or Belmont foreshore?

Tourists in any development would appreciate foreshore parkland, proper parking and planning, traffic control and consulted development.

This tourist development should have been sent back to the drawing board and to community-wide consultation. What is really disappointing is that the mayor and the Labor councillors committed to properly consult the neglected public of the western side of the lake.

Shame on you, Lake Macquarie Council. Let's get a better outcome for Toronto.

Stephen Dewar, Toronto

22 May 2018

Backward step for town

HOW will the loss of the foreshore area adjacent to the Royal Motor Yacht Club, Toronto, which [council wants to see developed](#), impact on the two sailing clubs presently on the foreshore? During regatta time, trailer parking and boat rigging space is at a premium, and hosting big championships brings much-needed funds to sailing clubs (one of these clubs already provides sailing for the disabled).

Reduced parking and rigging areas will mean sailing associations may not look at Toronto to host their state, national and other titles, a loss of revenue for the clubs, local cafes and accommodation providers. Reducing available public foreshore space around sailing clubs is a backward step.

Toni Bull, Cooranbong

19 June 2018

The value of wellbeing

Sensitive development, which balances the benefits of commerce with community wellbeing, takes visionary leadership.

Decisions to erect huge developments have implications for the lives of residents, all road users and the environment. We see this in cities.

Lake Macquarie City Council's proposal for Toronto's Bath Street development of the green space and foreshore opposite the Royal Motor Yacht Club is causing growing disquiet. The issues are lack of sensitive protection of the foreshore, and the impact on community wellbeing from unlimited growth in a limited space.

We can't measure wellbeing in dollar terms. We can't measure the value of our community all having equal access to their foreshore and green spaces.

It's easier to measure a building in dollar terms than it is to measure how unhappy people are when stuck in traffic gridlock or fighting for a parking space on any day. And how do you put a dollar value on the safety of school children in a busy narrow street?

The Toronto community must surely be smarting at the apparent indifference of council to the likely impact on their daily quality of life and their access to the foreshore.

We stand to lose foreshore and gain congestion. Toronto's most valuable assets: people and foreshore, are being overlooked.

Linda Ireland, Toronto

23 July 2018

The natives are restless

IF the residents of Toronto really want to know what Lake Macquarie City Council thinks of their rights to enjoyment of public foreshore space they should drive from Speers Point through Warners Bay to Eleebana and marvel at the vast amount of beautiful, attractively curated, public foreshore space those suburbs enjoy.

These suburbs have facilities such as walking and cycling trails, barbecues, picnic settings, playgrounds, native plantings and plenty of parking for locals and visitors. The boardwalk between Warners Bay and Eleebana is a particular highlight.

Now return to the poor cousin township of Toronto: What does our council have planned for us? Well folks, they are going to take a big chunk of your foreshore land and spend up to a million dollars of your rates to authorise a development application to build [a six storey block of units](#).

Responses to my letters to the mayor and councillors were weasel-worded, shape-shifting missives banging on about "progress, community consultation and jobs". If Lake Macquarie City Council thinks it can treat Toronto differently to other suburbs in its care, it had better think again. The natives are restless and the revolt is planned.

Kate Elderton, Toronto

Toronto protest planned

THE Toronto Foreshore Protection Group and their friends will host a letter-writing night at the Toronto Community Centenary Hub (97 The Boulevard, Toronto) on Monday, July 30, from 6pm to 9pm. All necessary equipment will be supplied to allow people to write to anyone they believe may be able to help save the foreshores from the actions of Lake Macquarie City Council.

On Tuesday, September 4, from 7pm to 8.30pm, a protest gathering will be held at Toronto High School to show council that locals oppose their [proposed development on the Toronto foreshore](#), and wish the foreshore to be kept for future generations to enjoy. Toronto already has the smallest foreshore of all towns that are on the lake.

And I hope to be able to arrange the raising of a helium balloon at the Bath Street site to show that the proposed building will, in winter, throw a shadow over the town all the way to the Town Square.

Bruce Fitzgerald, Woodrising

25 July 2018

TORONTO TRAVESTY

Is this our same Lake Macquarie Council?

Are these the same civic leaders who claim their mantra is 'Love the Lake'?

What a shock it was to learn that our councillors are currently proposing a six storey block of units on the Toronto foreshore. This could well be the first brick in a wall of high foreshore construction around the lake. Lake Macquarie residents will be the losers.

Development around the lake is simple logic. It makes sense to rise in steps from a green space buffer zone protecting the lake and shoreline, through a zone of one or two-storeys, to higher building at the rear. Everyone wins. Development goes ahead. Everyone gets open space and a view, tourism opportunities are enhanced, the lake has a chance of survival and the people have access to their city's most valuable asset.

We would like to be sure our local government representatives put people before profit, the lake before lucre and our environment before economics. Councillors, the decisions you make today will affect our city aesthetically, socially and environmentally for generations to come, if not forever.

We have entrusted our city's welfare to you.

Lois Simpson, Toronto

31 July 2018

Toronto 'rat run' coming

PARENTS, carers and staff at Toronto Public School should be alert and alarmed at the consequences of recent actions taken by Lake Macquarie City Council.

To accommodate the increased traffic resulting from the proposed high-rise tourist accommodation adjacent to the Royal Motor Yacht Club, Toronto, stretching down to the foreshore, surveyors for the council have already completed a survey to extend Arnott Avenue to Victory Parade, across the historical railway line and community-developed Greenway 1. Drivers coming south to shop at Toronto or go further south to Carey Bay and Coal Point, wishing to avoid four sets of traffic lights, will turn left into Renwick Street, turn right after the school and immediately left into Arnott Avenue.

Once they turn left into Victory Parade they can proceed to their destination, with no hold-ups from traffic lights.

So the council is planning to create a "rat run" which will increase traffic on the narrow, congested road outside the main entrance to Toronto Public School.

For more information on these proposals and how to express your opinion about them, go to the Toronto Foreshore Protection Group's website tfpg.org.au.

Wendy Davidson, Toronto

7 August 2018

'Horror' at proposal

I RECENTLY returned to the Lake Macquarie area from Sydney. I envisaged a tranquil time overlooking a clean quiet lake that affords easy access to all.

To my horror I find that Lake Macquarie council is proposing to lodge a development application to allow themselves to be the developer of a multi-storey residential building on the foreshore at Toronto.

Please let us maintain our unique quality of a quiet area less than two hours from Sydney.

The Gold Coast and Sunshine Coast is easily accessible by plane.

Let's leave the buzz, the bling and the infrastructure issues for the Queenslanders.

Robin Bastian, Marmong Point

16 August 2018

Listen to community

TWO important roles for councillors are "to represent the collective interests of residents, ratepayers and the local community" and "to facilitate communication between the local community and the council" (from the *Councillor Handbook*, Office of Local Government, 2017).

So, why aren't councillors listening when the community says it doesn't want to see high-rise on Toronto's public foreshore area on Bath Street adjacent to the RMYC? It is simply inappropriate and contravenes council's development control plan (DCP).

There is no need to progress to a development application (DA). Council has previously indicated that public foreshore near the Toronto Town Centre is too constrained. Much better to have the whole foreshore as community parkland.

A foreshore masterplan is now being developed by council for community consultation. Why can't development contributions funds previously earmarked for the purchase of the lifestyle marina (but now to be a four-storey apartment complex) be used for the whole of the Toronto foreshore upgrades and beautification?

Nico Marcar, Carey Bay

Groundswell building

IS Lake Macquarie City Council aware of the groundswell of opposition to council's proposed multi-storey building planned for the waterfront end of Bath Street, Toronto? More and more local residents are becoming shocked and alarmed as they learn of council's intentions.

Various concerned groups are organising meetings to discuss councils' proposal. There is serious concern for the safety of the children attending the local Toronto Public School. Increased traffic, pollution and congestion will be intensified in a previously quiet and peaceful and safe locality.

Why wasn't local community acceptance of the proposal sought by council?

Gwenda Roberts, Toronto

27August 2018

Opportunity for Toronto

I notice Lake Macquarie City Council has finally published a report on its proposal to make improvements to the Toronto foreshore land which it owns.

The western side of the lake has been asking that council show recognition and provide improvements to Westlakes towns, as council has done in places such as Warners Bay and Speers Point.

The only apparent objection appears to be the building of a private- and public-use building next to the Royal Motor Yacht Club, Toronto, because some people believe it will restrict public use and access to the lake.

If the set back from the lake is minimal then, yes, it will restrict access. But if it set back at least 20 metres or more then, no, it won't. So I suggest people wait for the final draft then decide whether they approve.

It would be a shame if, after years of neglect, we finally have a chance for recognition but are held back over petty issues.

I see this proposed development as a once-in-a-lifetime opportunity.

Carl Stevenson, Dora Creek

'Unitville' in Toronto

MY mother and her sister enjoyed buying a treat from McDonald's and going to the seclusion of the waterfront near the Royal Motor Yacht Club, Toronto. They felt it was special. They were in their 80s.

Will Lake Macquarie City Council now allow the building of waterfront units on their own land?

We will no doubt get units on the old Hirecraft site. But what about the traffic chaos? And the infrastructure support?

'Unitville' will consume our precious waterfront. What next?

Jan Leckie, Coal Point

Bouquet and brickbat

THANK you so much, Wes Hain, community planning manager for Lake Macquarie City Council, for sharing your views with David Stewart who reported them ("Your say on Toronto", *Lakes Mail*, August 16).

I find it hard to believe that some local residents are opting for a "do nothing " approach. The locals, myself included, want the foreshore improved. We want footpaths, walkways and dedicated cycle tracks.

Our opposition is to the high-rise development on the foreshore. This was mentioned briefly in the story, but absolutely no input was provided about the associated demands on the already limited

infrastructure in Toronto, parking and traffic congestion, safety issues around the school, and intrusion into the "heritage nook" of Renwick and Day streets.

Mr Hain, I appreciate the demands on council are huge, and there are many positive things happening. The main street, The Boulevard, in Toronto, is coming along nicely. Congratulations. Please keep up the good, positive work and use foresight. Do not proceed with the high-rise development.

Remain transparent and please ensure all your positive words about the Toronto foreshore come to fruition. Warners Bay and Speers Point look fantastic and, I note, there is no high-rise building on the foreshores there.

Please feel free to attend the public meeting at Toronto High School on Tuesday, September 4, at 7pm, and talk directly to the local residents you refer to.

Robin Bastian, Marmong Point

Worrying precedent

LAKE Macquarie City Council could be about to set a dangerous precedent on the foreshore at Toronto. Their support for a high-rise development could see the foreshore of Lake Macquarie changed forever, with far reaching community and environmental effects.

In addition, council will shortly consider a DA for a huge 37-unit development of the current Toronto Lifestyle Marina site and adjoining properties, fronting Brighton Avenue, which could create significant traffic challenges for motorists and pedestrians.

Reg Crick, Toronto

6 September 2018

Objection to foreshore development

I oppose Lake Macquarie Council's plans for commercially developing the Toronto foreshore on Bath Street on the following grounds.

I don't agree with the council undertaking commercial development.

I believe the role of the council is to look after the residents' interests in regard to parks, garbage management and overseeing development applications.

I am a ratepayer for two properties in this council and do not want to see my rate dollars going to this activity, as this is not what council has been elected to do.

I believe the funds could be better utilised for bringing the foreshore in line with other Lake Macquarie areas like Warners Bay where the foreshore can be used by the residents as recreational area.

I would like to see the provision of a light rail from Fassifern to Toronto using the existing rail corridor.

This would be far more beneficial to the local residents and bring visitors to the foreshore as it was in Toronto's heyday in the 1900s.

The town had a rich history and I would like to see it preserved as a unique part of the Lake.

I am also a sailing enthusiast and think that a commercial development will restrict access to the marina and for parking of visitors to the lake.

It is commendable that council wants to have developments that make money, however I don't believe council has the expertise to undertake this project and believe this would turn into a white elephant for council and destroy what little public space we have to enjoy on the Toronto foreshore.
Jan Conlon, Toronto

13 September 2018

Where will the children play?

For some time now I have been extremely concerned at the type of development that is taking place in Lake Macquarie and probably many other places.

I recently had occasion to visit my son in Marrickville, which coming from Sydney some 25 years ago was then regarded by reputation as a pretty down at heel sort of place with a highly polluted river running through it. Much to my surprise I walked for a considerable distance along the bank of the river on a concrete walkway through beautifully landscaped parkland of adequate width before the adjacent houses.

There were also large areas of ovals and parks. I crossed a bridge to the other side and walked back through a similar landscaped and well-kept parkland. Continuing on a considerable tour around Sydney I continued to see parks, often in attractive spaces that had been set aside by past councils for the use of the public.

I live on the Morisset peninsula and I am aghast at the lack of space being preserved for public use for present and future generations. Large areas are being given to developers with no regard for public open space. Instead we see nothing but wall to wall medium density housing.

There is nowhere for the kids to go and kick a ball around, or for families to take a picnic on the weekend, let alone on the shores of the lake or a with good view of anything.

Certainly the council has tried to keep a strip of some of the foreshore as a reserve, but these are left undeveloped, and adjacent house owners are even discouraged from looking after them.

Further the public have little or no ability, to make use of them by being blocked from access by houses. Even when they are accessible they are uninviting.

What are the kids to do when they're not at school, play electronic games or perhaps steal a car and do donuts at night. I fear today's council will be blamed by future generations for the lack of foresight and who now have to live in wall to wall suburbia in what was one of the more pleasant places to live in NSW.

A good example of this at present is Trinity Point which is going in the same direction. The Toronto waterfront problem comes to mind.

Frank Tebbutt, Brightwaters

What's good for the people

Council tells us that high rise construction on the waterfront will be good for Toronto. Well, Toronto turned out in hundreds at the council meeting and refuted that. And personally, it's a long time since I've listened to anyone telling me what's good for me.

I know this development is not good for me. It is not good for my children and, especially, it is not good for my grandchildren and all those as yet unborn. A speaker from the floor, a lady of aboriginal lineage, reminded us that our land has a value beyond money. We must make our decisions with care and concern, because our well-being as a town depends on that.

We need to keep in mind that this Bath Street site does not belong to council. It belongs the people. The council holds it in trust for us. Lake Macquarie City Council, you are our trustee, not our parent. Listen. Really listen.

Lois Simpson, Toronto

25 September 2018

Why we have consultation

I AM astounded how politicians and planners get it into their heads that they can ignore public opinion to push through developments that could just need to be adapted after proper community consultation so that society and the environment are protected.

A case in point is the attempt by Newcastle City Council to wreck the wonderfully successful Regal Cinema. Five hundred people turned up to the council meeting on Tuesday to fight for its survival. Then there was the Liberal state government pushing their Greater Newcastle Regional Plan with nearly all the focus areas in Newcastle city. Cardiff and Glendale were added as an after-thought. Where is the rest of the Hunter region?

Finally, Lake Macquarie City Councillors and planners continue to ignore the 500 people at the Toronto public meeting that basically asked that council strongly reconsider the bulk of their planned six-storey building on the lake's edge in Bath Street.

These people are not naysayers or anti-development. (Six other apartment buildings are going up in Toronto anyway.) They are just citizens who elected these people who employ their planners to develop their community, but to protect the lake environment as well.

Stephen Dewar, Toronto

3 October 2018

What about sea-level rise?

THE foreshore land to be used for Lake Macquarie City Council's proposed multi-level building, beside Royal Motor Yacht Club, Toronto, does not appear to be high enough above a king tide level to meet council regulation based on its estimation of rising sea levels in the next 50 years due to climate change.

I had to raise my first floor level three metres above the high tide mark to earn approval of my development application.

If council's proposal has basement car parking, it could resemble a swimming pool in 50 years' time.

Unless the proposed building raises the ground floor to three metres above a king tide level, without basement car parking, it would contradict council's belief that climate change will cause oceans to rise in the very near future.

Carl Stevenson, Dora Creek

Search for middle ground

AS an older person I feel it is my duty to act as a caretaker of the environment. We have been criticised and taunted for forward thinking and told that we are preventing progress. I implore younger people listen and look to the older generation for advice and direction. We have made

mistakes in the past, but now we're drawing on our experience and factoring in results from new technologies. But yet again we are under the microscope because we care about the footprint we are leaving for future generations. Please let us find a middle ground. Progress should not be destructive,

Robin Bastian, Marmong Point

Too little foreshore space

In a recent opinion piece in the *Newcastle Herald* Lake Macquarie City Council CEO Morven Cameron highlights the beauty and recreational values of the lakeside setting in Toronto. Agreement there.

Then she asks the community to provide feedback to council about the "types, amenities and environment" it would like to see on the foreshore. Agreement there. It was certainly good to see the foreshore masterplanning process being brought forward and early communication happening. But then the arguments go pear shaped. Council now agrees the Bath Street site is on "foreshore" land yet it is pursuing its own objective of progressing to DA stage a proposed multi-storey building and not allowing inclusion of this area within the foreshore masterplan. Why?

Council seems to think that Toronto needs residential, tourist and commercial infrastructure on the foreshore and not more open space for a growing community.

So, I ask what is the logic of reducing Toronto's foreshore open space for a growing community when Toronto already has too little and council doesn't need to make money from the Bath Street site because more than enough funds are already available?

Why not invest in other infrastructure such as more shared pathways, art, gardens, boating facilities and so on that would attract tourists and be good for business?

Nico Marcar, Toronto

Appreciating the coverage

I congratulate you on the stance you have taken as editor of your very readable newspaper to allow the Westlakes community to have its say on Lake Macquarie City Council's decision to complete a development application for a multi-storey building adjacent to Royal Motor Yacht Club, Toronto.

Your paper's coverage of community actions as well as letters to the editor, Facebook comments, and Backchat, is certainly to be commended. You and your staff fully realise the strong opposition that the local community has to the proposal.

As I see it, councillors are elected to improve the council district after sensing the will of the ratepayers. In this instance, it would appear this has not occurred - especially noting the attendance of 500 citizens at the protest meeting at Toronto High School. Your report of the meeting was excellent.

AJ Campbell, Toronto

15 October 2018

Foreshore as public space

COMMENTS made by some at Lake Macquarie City Council regarding the proposed development of the Toronto foreshore are misleading.

A key argument presented by some councillors that opponents want the site to remain in its current state - an unkempt, vacant parcel of land – are wrong.

Opponents want the area utilised as public space.

Instead of residential and tourist units, shops and businesses they want parkland with sympathetic developments such as walkways, cycleways, kiosks, playgrounds, improved boating facilities, barbecues and outdoor gym equipment.

This parkland would connect to the existing foreshore park, essentially turning a small foreshore park into a much larger one.

Melissa McGill, Hamilton East

Will council concede?

THE Toronto community is being chastised for “having difficulty coping with change”. But consider the type of change that Lake Macquarie City Council is determined to foist upon us on the Toronto foreshore Bath Street site.

Their plan to build an apartment block of up to six storeys on a large parcel of waterfront land (that could be developed as a magnificent public park) is the change that we are all questioning.

We are told we need “place activation” more “retail and dining opportunities”, “more bars and tourist infrastructure” and “more business opportunities”.

Toronto has more than 15 coffee shops/cafes, three large service clubs, a large hotel, serviced apartments and a motel. I have discovered 12 Airbnb properties listed in Toronto. There are empty shops on The Boulevard.

The Toronto community is well informed, thoughtful and engaged. Our lakeside environment is valued and worth fighting for.

Does the council think we will roll over and allow this public land adjacent to Bath Street be lost to council's inappropriate scheme?

Will this council be brave enough to admit that they have listened and that they have got it wrong this time?

Kate Elderton Toronto

Lake Mac Today

27 April 2018

Foreshore must be saved for the people

Every bit of the Toronto Foreshore, from the Royal Motor Yacht Club to the Amateur Sailing Club, should be retained as community land for the future of the people in the Toronto region.

So says Suzanne Pritchard of the Coal Point Progress Association who is vehemently opposed to this week's decision by the Lake Macquarie City Council to progress with plans to develop a 'six-storey commercial/residential complex on the foreshore', adjacent to the RMYC.

Standing on the prospective site this week, looking out over the pristine waters of Lake Macquarie, Ms Pritchard said Council was putting the almighty dollar before the quality of life of its residents and the value of the local environment.

A parcel of land, zoned both operational and community, measuring 300 metres long and around 50 metres in depth, sits between the Yacht Club and the Sailing Club, is unkempt and has been virtually ignored by the council in recent times.

Ms Pritchard says the land was originally purchased by council as a community asset with green space and views out to the lake. "If this project goes ahead, the viewing corridor will be diminished forever and a welcome to Toronto will only be available to people who can afford to purchase a unit in the new residential complex.

"Demands for more open space and community land has grown since Council acquired the land early this century. Surely council recognises that in the rapidly growing region there will be additional demands for infrastructure which they simply won't be able to meet; demands such as car parking space which is already spilling down to the Bath Street/Victory Parade site.

"Council should acknowledge the need to not develop this land, turn it over to community planning and extend the Toronto Foreshore Park.

"The existing Yacht Club is 95 years old, uses the land as parking for recreational boating, and untimed parking is in short supply around town, and unless the club receives support from Council the chances of such an important community asset getting to 100 years might be a challenge.

"Unfortunately Council is focusing on the tourist dollar, but not helping local people.

Planning beautiful walks along the foreshore, sitting on seats among the trees, admiring the lake might be more attractive for the local community.

"The area has so much potential, we need to develop the parkland to support local business which already exists and develop the area into an asset for the local community," said Ms Pritchard.

The Coal Point Progress Association has an online petition running which, according to Ms Pritchard has already gained 250 signatures opposing the proposed Council development.

PETITION TO LAKE MACQUARIE CITY COUNCIL
to protect, in perpetuity, the public foreshore of Toronto



We, the residents of Toronto and surrounding suburbs of western Lake Macquarie, object strongly to Council's plans to commercially develop the public land on the Toronto foreshore, (Victory Row - Bath Street) for 4-6 levels of tourist-residential accommodation, car parks and commercial enterprises and we seek reclassification of all of the land from operational to community parkland to:

- Protect the foreshore as a place of public recreation for the whole community in perpetuity
- Ensure there are adequate public recreation facilities and supporting infrastructure to accommodate Toronto's future population growth and existing businesses
- Fulfill the intent and community perception of the historical foreshore land acquisitions to return the land to community open space
- Allocate the land for community purposes of consolidation into the overall Toronto Foreshore Masterplan redesign in 2018/19

Petition Contents -
5295 signatures, 194 comments

3385 Hardcopy signatories as at 23/10/18 collected by the community

1910 Online petition signatories as at 21/10/18

<https://www.change.org/p/lake-macquarie-city-council-save-our-toronto-foreshore-park-from-development>

194 Online comments collected from <https://www.change.org/p/lake-macquarie-city-council-save-our-toronto-foreshore-park-from-development>