

Planning Proposal – Belmont Golf Course

Administrative Amendment No. 33

Part 801A Pacific Highway, Marks Point (Part Lot PT1 DP 203376) and Part 4 Ocean Park Road, Belmont South (Part Lot 4 DP 21142)

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Lake Macquarie Local Environment Plan (LMLEP) 2014
Subject Land:	Part 801A Pacific Highway, Marks Point (Part Lot PT1 DP 203376 and Part Lot 1 DP 801A Pacific Highway, Marks Point) and Part 4 Ocean Park Road, Belmont South (Part Lot 4 DP 21142)
Land Owner:	Belmont Golf Club Limited
Applicant:	Lake Macquarie City Council
Folder Number:	RZ/10/2017
Date:	November 2018
Author:	Shane Cahill – Senior Strategic Planner
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	4	Existing Additional Permitted Uses
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Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) in order to permit, with consent, *Recreation Facility (outdoor)* as an additional permitted use within the R3 Medium Density Residential zone and part of the E2 Environmental Conservation zone for Belmont Golf Course. The intended outcome is to allow the continued use of the existing Belmont Golf Course facilities on this land.

Part 2 – EXPLANATION OF PROVISIONS

The proposed objective will be achieved by amending the LMLEP 2014 by:

Amendment Applies to	Explanation of provision
Addition to Schedule 1 Additional Permitted Uses	Permit <i>Recreation Facility (outdoor)</i> on Part 801A Pacific Highway, Marks Point (Part Lot PT1 DP 203376 and Part Lot 1 DP 253931)) and Part 4 Ocean Park Road, Belmont South (Part Lot 4 DP 21142) for part of the E2 Environmental Conservation Zone and the R3 Medium Density Residential zone.
Update the Additional Permitted Uses Map	Amend the Additional Permitted Uses Map to enable the additional use of Recreation Facility (outdoor) on Part of 801A Pacific Highway, Marks Point (Part Lot PT1 DP 203376) and Part 4 Ocean Park Road, Belmont South as shown in of this planning proposal in Part 4 Mapping, Map 5 Additional Permitted Uses.

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

The Planning Proposal is not the result of a strategic study or report. The purpose of the Planning Proposal is to put in place additional permissible uses that reflect the historical uses of the affected lots. Under Lake Macquarie LEP 2004, the golf course and club was zoned part 6(2) Tourism and Recreation, 2(2) Residential (Urban Living), 7(1) Conservation (Primary), 7(2) Conservation (Secondary) and 7(4) Environmental (Coastline). Under the LEP 2004, the golf course was defined as a *Sporting Facility*, which was a permissible use in the 2(2), 6(2) and 7(4) zones, and the club house was defined as a club which was also permissible in those zones.

Under the new LEP 2014, the site is now zoned part R3 Medium Density Residential, RE2 Private Recreation and E2 Environmental Conservation and the golf course is now a non-permitted use in the R3 and E2 zones.

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

In order to achieve the intended outcome the following options were considered:

Option 1 – Continuation of Existing Use

Existing use rights potentially may be utilised by the subject lots as uses were permissible under the LEP 2004 when the zone was classed as 7(4) Environmental (Coastline) and R3 Medium Density Residential. However, the Golf Course argue relying on existing use rights provisions would create a degree of uncertainty.

Option 2 – LEP Amendment

- **Rezone subject lots to RE2 Private Recreation**

Consideration was given to rezoning affected lots to recreation. However removing the E2 zone would be inconsistent with the Ministerial Direction 2.1 – Environment Protection zones, which states that an LEP must not reduce the environmental protection standards that apply to the land. The E2 Environmental Conservation zone

is warranted as it contains SEPP 14 coastal wetlands and is within the coastal hazard zone and is an environmentally sensitive area.

- **Permit additional permissible uses of recreational facilities (outdoor) on the site**

The option to permit the existing use on the site that was previously permitted under LMLEP 2004 is considered the best option. Belmont Golf Course would like to apply this use to the whole extent of the E2 zone comprising the coastal risk area, however Council has adopted a Coastal Zone Management Plan, which recommends planning to 2050 planning lines for facilities such as golf courses to allow for coastal risks. The LEP amendment seeks to allow the additional permitted land use to the 2050 coastal risk planning line.

Section B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Hunter Regional Plan (HRP)

The HRP sets out a vision for the Hunter City Region to connect communities through a range of housing choices, employment, amenities and services. Belmont is a centre of local significance in the Hunter Regional Plan and the Plan seeks to make compact mixed use centres. The Golf Course is shown as open space in this Plan. The Plan contains Direction 18 which seeks to enhance access to recreational facilities and open spaces.

Allowing the additional permitted land use in the area that corresponds to the 2050 coastal hazard line is consistent with the HRP action to manage the risks of climate change and Direction 16 which seeks to increase resilience to hazards and climate change such as coastal recession.

Draft Greater Newcastle Metropolitan Plan (GNMP)

The draft GNMP recognises that Belmont, along with other centres in Lake Macquarie have significant redevelopment opportunities. Consistent with the HRP, the draft GNMP contains a strategy to improve resilience to natural hazards and climate change and the principles of risk responsive land use controls so that new development does not occur in high risk areas, including by appropriate use of environmental zones. Maintaining the E2 Environmental Conservation zoning and allowing the additional use on the site corresponding to the 2050 hazard line, is an appropriate solution to manage coastal risks, whilst recognising existing use on the site.

4. *Is the planning proposal consistent with a council's local strategy or other local strategic plan?*

Community Strategic Plan (CSP)

The proposal is considered consistent with Council's CSP with the Golf Course offering recreational facilities to our community, contributing to the lifestyle and wellbeing of residents. The existing golf course is located in the coastal environment. The proposal will not result in further impact on the SEPP 14 coastal wetlands and

bushland on site with the additional permitted land use only applying to those areas that contain the existing golf club greens.

Lifestyle 2030 Strategy (LS2030)


The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City and is a long-range land use strategic plan and policy document. The proposal is consistent with Council's Lifestyle 2030 Strategy with Strategic Direction 6 – A City responsive to the wellbeing of its residents and outcome, which seeks to support a mix of recreation and tourism activities that are compatible with their environmental values. The facility is in proximity to Belmont Town centre.

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

The Planning Proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in Table 1 below.

Table 1: Assessment of the Planning Proposal against relevant SEPPs

SEPP	Relevance	Implications
State Environmental Planning Policy (Infrastructure 2007)	The SEPP aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provision for consultation and assessment.	The Proposal is consistent with the SEPP. The surrounding area is well served by existing infrastructure of roads, sewage, water supply and drainage.
State Environmental Planning Policy No. 14 – Coastal Wetlands	The aim of this policy is to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.	The coastal wetlands on this site are protected through an E2 Environmental Conservation zoning. No changes are proposed to the E2 zone applying to the coastal wetlands. The Proposal is consistent with this SEPP.
State Environmental Planning Policy No 55 – Remediation of Land	<i>State Environmental Planning Policy No 55 – Remediation of Land</i> (SEPP 55) aims to promote the remediation of contaminated land for reducing the risk of harm to human health or any other aspect of the environment.	The Planning Proposal is consistent with the aims of the SEPP. Preliminary research has determined there is no contaminated listing under the EPA register, Council's contamination listings or contamination incidents reports to Council. Any future development applications would need to consider potential contamination.
State Environmental Planning Policy (Coastal Management)	The aims of this SEPP are to manage development in the coastal zone and protect the environmental assets of the coast and	There is some overlay with the 100m buffer area to the coastal wetlands and the additional permitted land use area. However, this Proposal is only seeking to recognise an established existing use. The

SEPP	Relevance	Implications
2016	establish a framework for land use planning to guide decision-making in the coastal zone.	<p>Proposal will not affect the coastal environment area with this area not being affected by the additional permitted use clause.</p>  <p><i>Extract from Coastal SEPP showing coastal wetlands, buffers and coastal environment area.</i></p>

6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided at Table 2 below.

Table 2: Consistency with applicable Ministerial Directions

Ministerial Direction	Objective/s	Consistency / Comment
1.1 Business and Industrial Zones	(a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified strategic centres.	N/A
1.2 Rural Zones	Protect the agricultural production value of rural land.	N/A

Ministerial Direction	Objective/s	Consistency / Comment
1.3 Mining, Petroleum Production and Extractive Industries	Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	The additional permitted use clause will not apply to the E2 zones of the SEPP 14 wetlands. Part of the E2 zone will be affected by the proposal, however the zoning will be maintained and the additional use recognising existing location of the golf course facilities. The proposal is consistent with this direction.
2.2 Coastal Management	This direction seeks to protect and manage coastal areas of NSW.	<p>The site is within the coastal area and contains coastal wetlands. There is some overlay of the 100m buffer area to the coastal wetlands and the additional permitted land use area. However, this Proposal does not seek to increase development in this area. It seeks to recognise an established existing use. The Golf Course is one of the few areas that has land ownership within the coastal zone.</p> <p>There is concern over future facilities in the coastal risk area, accordingly the additional permitted land use is to apply only to that part of the E2 area currently used for the purpose, corresponding to the 2050 coastal risk planning in line with Council's Coastal Zone Management Plan. The proposal is inconsistent with this direction.</p>
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The site is affected by Sensitive Aboriginal Landscape. No European heritage items are known to occur in the area. The Proposal only applies to recognise existing uses. If any future development applications were made for this area, Aboriginal heritage assessment would need to occur.

Ministerial Direction	Objective/s	Consistency / Comment
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A
3.1 Residential Zones	<p>(a) Encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) Minimise the impact of residential development on the environment and resource lands.</p>	The Proposal affects R3 Medium Density Residential zoned land. The zoning of this land will not be affected with only an additional permitted land use added.
3.2 Caravan Parks and Manufactured Home Estates	<p>(a) Provide for a variety of housing types, and</p> <p>(b) Provide opportunities for caravan parks and manufactured home estates.</p>	N/A
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	N/A

Ministerial Direction	Objective/s	Consistency / Comment
3.4 Integrating Land Use and Transport	<p>Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>The direction is consistent. The golf course is located near existing public transport services.</p>

Ministerial Direction	Objective/s	Consistency / Comment
3.5 Development Near Licensed Aerodromes	<p>(a) Ensure the effective and safe operation of aerodromes, and</p> <p>(b) Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) Ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	<p>The site is within 300m of Lake Macquarie Airport. However, the Planning Proposal seeks to re-establish permissibility of an existing use on the site.</p>
3.6 Shooting Ranges	<p>(a) Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) Identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	N/A

Ministerial Direction	Objective/s	Consistency / Comment
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	<p>The site contains class 2, 3, 4 and 5 acid sulfate soils.</p> <p>However, all affected land is already development which has minimised the risk of soil being disturbed and therefore an ASS study is not required at this stage. Any future development would need to consider ASS if the soil is to be disturbed.</p>
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The site is within a mine subsidence district. The proposal will permit a previous allowable use on the site and is an existing use on the site.
4.3 Flood Prone Land	<p>(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</p> <p>(b) Ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	The R3 medium density zoned land is flood affected being low hazard flood land. The E2 zoning is not affected by flooding. The R3 land is already zoned for development. The additional permitted land use of Recreation Facility (outdoor) will not increase the development potential of this land.
4.4 Planning for Bushfire Protection	<p>(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) Encourage sound management of bush fire prone areas.</p>	<p>Part of the site is classed as bushfire prone land – vegetation category 1 and vegetation buffer.</p> <p>The Proposal will not increase the intensification of existing land uses on the site.</p>

Ministerial Direction	Objective/s	Consistency / Comment
5.10 Implementation of Regional Plans	Give effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Belmont is a centre of local significance in the Hunter Regional Plan and the Plan seeks to establish compact mixed use centres. The Golf Course is shown as open space in this Plan. The Plan contains Direction 18 which seeks to enhance access to recreational facilities and open spaces. The Proposal is consistent with this direction.
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Any future development will not propose to require concurrence or referrals, and does not identify development as designated development.
6.2 Reserving Land for Public Purposes	(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and (b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	N/A
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls.	The direction is consistent with the direction (4)(c). The amendment will not impose additional development standards to those already contained within the LMLEP 2014.

Section C – Environmental, Social and Economic Impact

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The Belmont Golf Course contains significant coastal landscapes and SEPP 14 wetlands. These areas will not be affected by the Planning Proposal and will maintain their E2 Environmental Conservation zoning. The land affected by the Planning Proposal has already been cleared for the golfing greens and will not affect habitat, threatened species or ecological communities.

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

The site is within a sensitive coastal environment. The additional permitted land use will only apply to areas affected by the 2050 coastal risk planning line minimising further impacts on the coastal environment and recognising the coastal risks associated with this area.

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

The golf course has positive social outcomes providing a recreation use in the area. The planning proposal is not expected to result in economic impacts and will re-instate existing use provisions. The planning proposal however will give the Golf Club greater certainty about its continued use.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal*

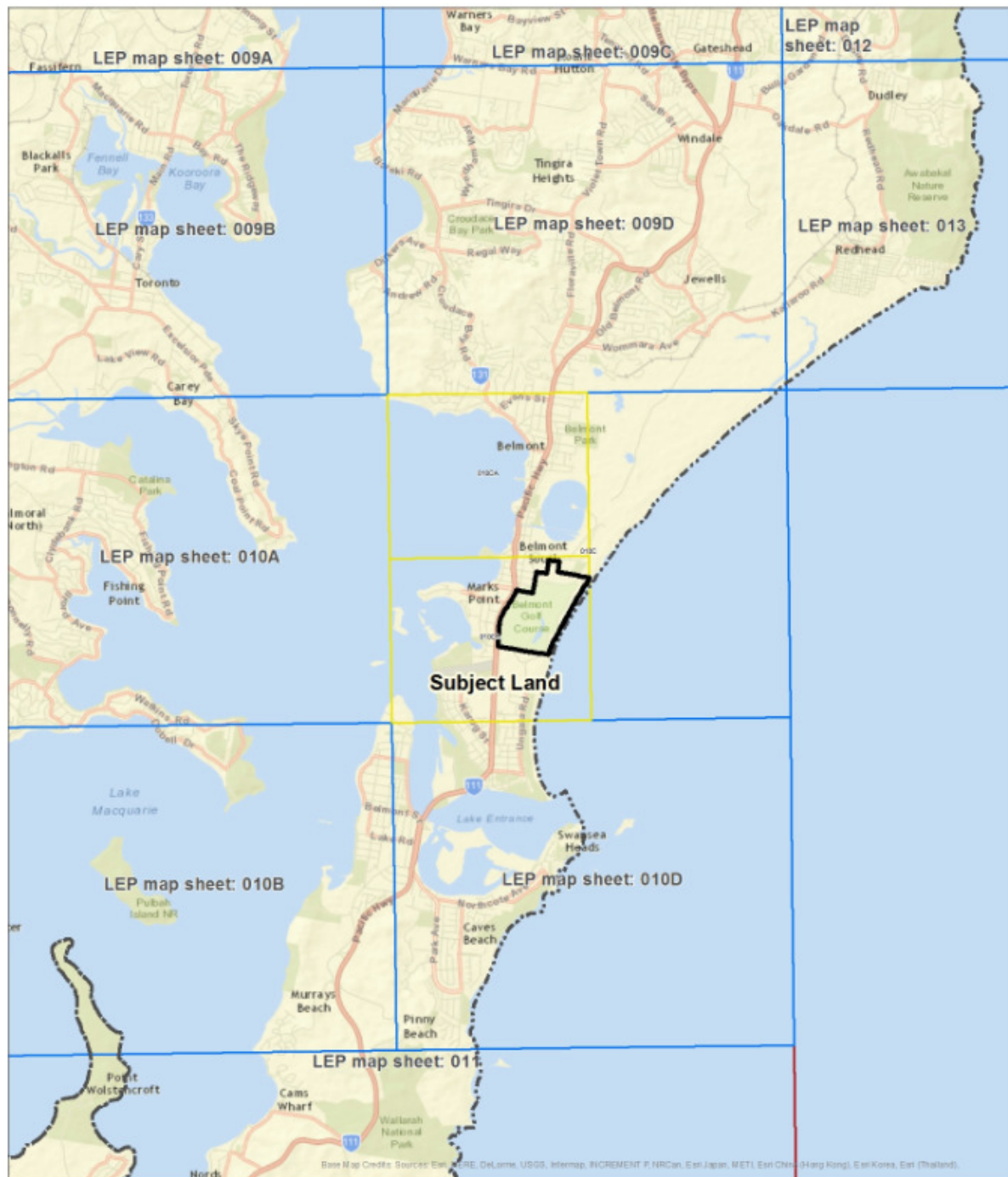
The site is already well serviced with public infrastructure including roads, public transport, water, wastewater and electricity. The Proposal is not expected to increase demand on existing infrastructure.

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

Consultation will occur with Government agencies according with the Gateway determination. Given that the Proposal recognises existing and previously permitted land uses on the site, further consultation with agencies is not considered necessary.

Part 4 – MAPPING

Map 1 – Locality



 Subject Land

Locality

0 2
Kilometres



Projection GDA 1994
Zone 56



Date: 12/04/2018

Planning Proposal: RZ/10/2017

Map 2 – Aerial Photo and Coastal Zone Management Plan 2050 Coastal Hazard Line



Land Parcel
 Subject Land
Coastal Hazard Lines
 2050

Air Photo

2016 Aerial Photography

© Jacobs & Aerometrex 2016

0 500
Metres

N

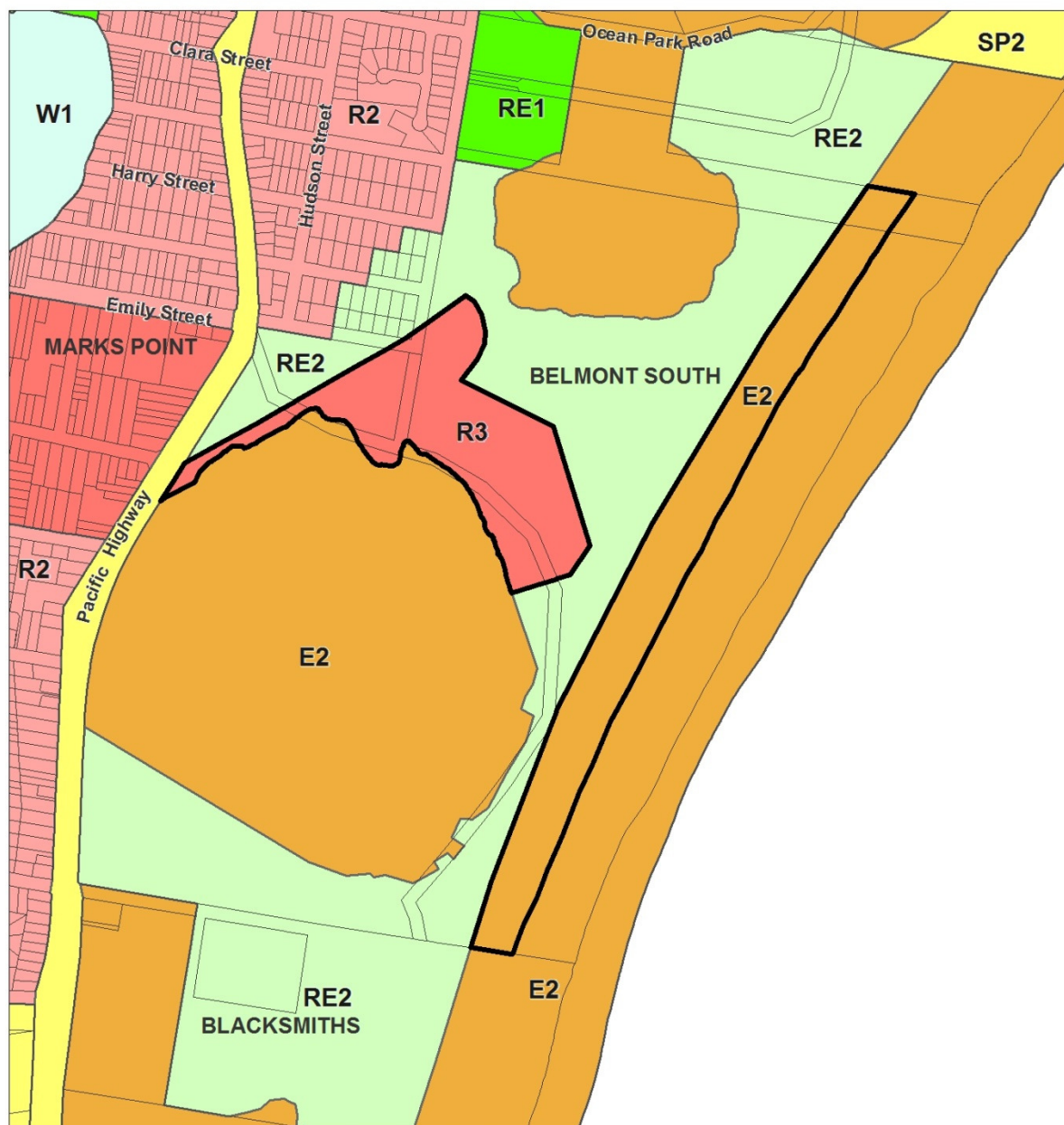
 Projection GDA 1994
 Zone 56



Date: 18/09/2018

Planning Proposal: RZ/10/2017

Map 3 – Existing Zones – LMLEP 2014



- Land Parcel
- Subject_Land

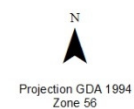
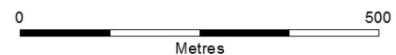
Land Zoning

- E2 Environmental Conservation
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP2 Infrastructure
- W1 Natural Waterways

Existing

Land Zoning Map

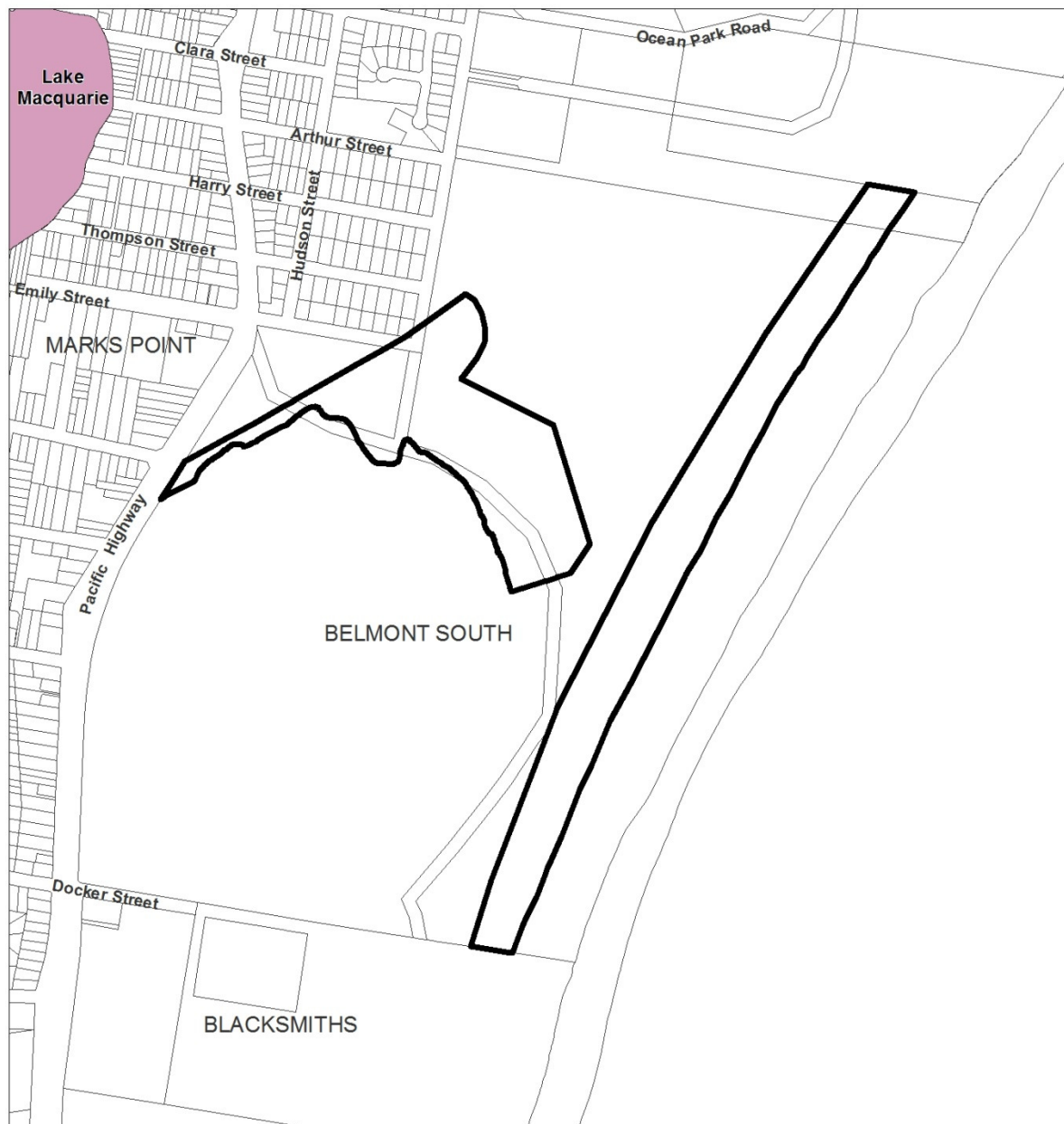
Lake Macquarie Local Environmental Plan 2014



Date: 18/09/2018

Planning Proposal: RZ/10/2017

Map 4 – Existing Additional Permitted Uses Map





-  Subject Land
-  Cadastre
-  Additional Permissible Uses

Existing

Additional Permitted Uses Map

Lake Macquarie Local Environmental Plan 2014

0  500
Metres

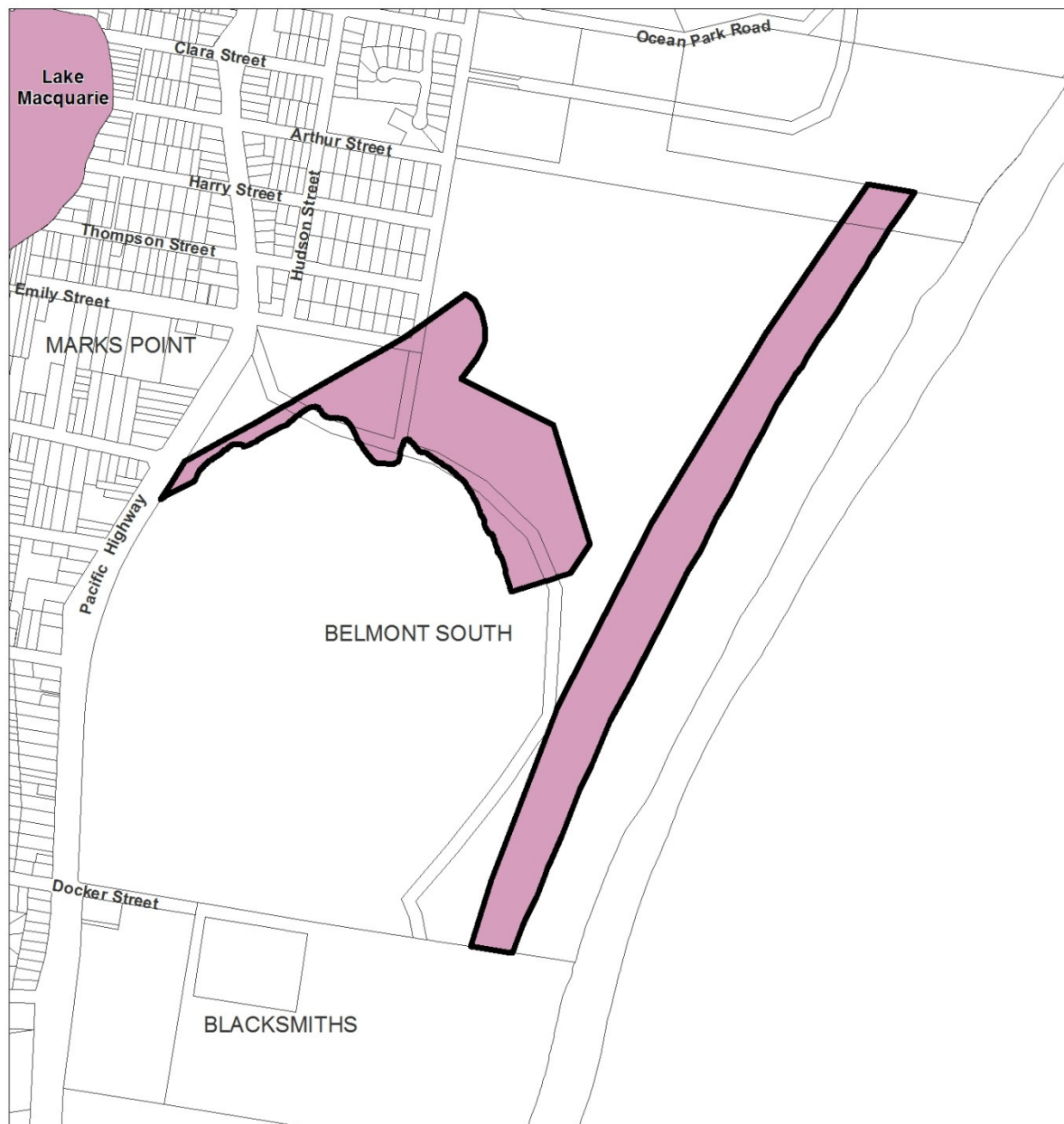
N

Projection GDA 1994
Zone 56



Date: 18/09/2018

Planning Proposal: RZ/10/2017

Map 5 – Proposed Additional Permitted Uses



-  Subject Land
-  Cadastre
-  Additional Permissible Uses

Proposed **Additional Permitted Uses Map**

Lake Macquarie Local Environmental Plan 2014

0 500
Metres

N
Projection GDA 1994
Zone 56



Date: 18/09/2018

Planning Proposal: RZ/10/2017

Part 5 – COMMUNITY CONSULTATION

The Planning Proposal was placed on public exhibition in accordance with the Gateway determination's requirements. The exhibition period was from 11 – 27 August 2018 in accordance with the Gateway Determination. During exhibition, one submission was received on behalf of the Belmont Golf Club. The submission requests that additional land be included in the Planning Proposal. A summary of the issues raised and a planning response is provided below.

Summary of Issue	Planning Response
1. Request additional land seaward of the 2050 Coastal Risk Planning Line be added to the Planning Proposal to reflect permissibility that existed under LMLEP 2004.	It is contrary to Council's recently adopted Coastal Zone Management Plan to permit golf course infrastructure on land seaward of the 2050 Coastal Risk Planning Line. It is unlikely Council could justify the inconsistency this would have with Ministerial Direction 2.2 Coastal Management. No change to Planning Proposal.
2. Request Part of Lot A DP 340184 (Council owned land) be included in the Planning Proposal. This land is part of a possible "land swap" identified in the Belmont Catchment Contributions Plan to enable future access to beachfront land.	Negotiations about enabling future public access to beachfront land in this area are ongoing. It is considered premature to include this land in the Planning Proposal and it would be considered to go beyond the extent of the 'administrative amendment' to add this land. No change to Planning Proposal.
3. Request a small triangle of land zoned Medium Density R3 land to be added to the Planning Proposal to reflect permissibility that existed under LMLEP 2004. The land is currently part of the golf driving range.	This triangle of land is approximately 400m ² in area and forms part of an unformed road in a paper subdivision, owned by the Club. It is considered appropriate to change the Planning Proposal to include this relatively small area of land. Change to Planning Proposal.

Part 6 – PROJECT TIMELINE

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	July 2018
Anticipated timeframe for completion of required technical information	Nil
Timeframe for government agency consultation (pre exhibition)	21 days (if required)
Public exhibition (commencement and completion dates)	11 – 27 August 2018

Date of Public hearing (if required)	Nil
Consideration of submissions	2 weeks
Timeframe for government agency consultation (post exhibition if required)	N/A
Post exhibition planning proposal consideration / preparation	8 weeks
Submission to Department to finalise LEP	2 weeks
Date RPA will make Plan (if delegated)	4 weeks
Date RPA will forward to the Department for notification (if not delegated)	4 weeks