

## ***Planning Proposal***

### **Belmont Contributions Catchment Land Acquisition Amendment**

#### **Draft Amendment to Lake Macquarie Local Environmental Plan 2014**

#### **Pre-Gateway version**

<b>Local Government Area:</b>	Lake Macquarie City Council (LMCC)
<b>Name of Draft LEP:</b>	Draft Amendment to Lake Macquarie Local Environment Plan 2014 – Belmont Contributions Catchment Acquisition
<b>Subject Land:</b>	<p>The planning proposal includes the following items:</p> <ul style="list-style-type: none"><li>• Item 1: Part 14 Halyard Way, Belmont (Part Lot 803 DP 1156934)</li><li>• Item 2: Road Reserve and Part 40 Croudace Bay Road, Belmont (Part Lot 22 DP 1143785)</li><li>• Item 3: Part 22 Hill Street (Part Lot 2 DP 519945) and Part 35 Macquarie Drive, Belmont (Part Lot 22 DP 879368)</li><li>• Item 4: Part 4 Ocean Park Road, Belmont South (Part Lot 4 DP 211142)</li><li>• Item 5: Road Reserve - Bowman Street, Swansea</li><li>• Item 6: 125 Bowman Street, Swansea</li><li>• Item 7: 350A Old Pacific Highway, Swansea</li><li>• Item 8: E1 land in Catherine Hill Bay 145 Mine Camp Road, Catherine Hill Bay (Lot 6 DP 1180181), 3 Awabakal Drive, Nords Wharf (Lot 3 DP 1180292, 595 Pacific Highway, Crangan Bay (Lot 204 DP 1164883), Lot 105 DP 1129872 Morrice Street, Catherine Hill Bay</li><li>• Item 9: 46 Rockpool Road, Catherine Hill Bay (Lot 1120 DP 1219395)</li></ul> <p><i>(Refer to Appendix 1 - Schedule of Land for further details)</i></p>
<b>Land Owners/Acquisition Authority:</b>	<ul style="list-style-type: none"><li>• Private land owners</li><li>• Lake Macquarie City Council (LMCC)</li><li>• Transport for NSW</li><li>• Hunter Water</li><li>• National Parks</li></ul>
<b>Applicant:</b>	Lake Macquarie City Council (LMCC)
<b>Department of Planning and Environment Reference Number:</b>	
<b>Gateway Determination Date:</b>	
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## **Table of contents**

Part 1 – OBJECTIVES OR INTENDED OUTCOMES .....	1
Part 2 – EXPLANATION OF PROVISIONS .....	1
Part 3 – JUSTIFICATION.....	2
Part 4 – MAPPING.....	16
Part 5 – COMMUNITY CONSULTATION .....	68
Part 6 – PROJECT TIMELINE .....	68
APPENDIX 1 – SCHEDULE OF LAND.....	69
APPENDIX 2 - CONSIDERATION OF ENVIRONMENTAL CONSTRAINTS APPLYING TO PROPERTIES .....	70
APPENDIX 3 – INITIAL CONTAMINATION EVALUATION CHECKLIST FOR SITES BEING REZONED.....	71
APPENDIX 4 – REVIEW OF PROPERTIES THAT INVOLVE REZONING.....	80

## **Table of figures**

Figure 1: Locality Subject Land Map .....	17
Figure 2: Item 1 - Aerial Photo - 14 Halyard Way, Belmont .....	19
Figure 3: Item 1 - Existing Land Reservation Acquisition Map - 14 Halyard Way, Belmont .....	20
Figure 4: Item 1 - Proposed Land Reservation Acquisition Map - 14 Halyard Way, Belmont.....	21
Figure 5: Item 2 - Aerial Map - Croudace Bay Road, Belmont.....	23
Figure 6: Item 2 - Existing Land Reservation Acquisition Map - Croudace Bay Road, Belmont.....	24
Figure 7: Item 2 – Proposed Land Reservation Acquisition Map - Croudace Bay Road, Belmont.....	25
Figure 8: Item 2 - Existing Zoning Map - Croudace Bay Road, Belmont .....	26
Figure 9: Item 2 - Proposed Land Reservation Acquisition Map - Croudace Bay Road, Belmont.....	27
Figure 10: Item 2 - Existing Lot Size Map - Croudace Bay Road, Belmont .....	28
Figure 11: Item 2 - Proposed Lot Size Map - Croudace Bay Road, Belmont.....	29
Figure 12: Item 2 - Existing Height of Building Map - Croudace Bay Road, Belmont .....	30
Figure 13: Item 2 – Proposed Lot Size Map - Croudace Bay Road, Belmont.....	31
Figure 14: Item 3 - Aerial Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont .....	33
Figure 15: Item 3 – Existing Land Reservation Acquisition Map– Part 22 Hill Street and Part 35 Macquarie Drive, Belmont .....	34
Figure 16: Item 3 – Proposed Land Reservation Acquisition Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont .....	35
Figure 17: Item 3 – Existing Zoning Map– Part 22 Hill Street and Part 35 Macquarie Drive, Belmont.....	36
Figure 18: Item 3 – Existing Lot Size Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont.....	38
Figure 19: Item 3 – Proposed Lot Size Map– Part 22 Hill Street and Part 35 Macquarie Drive, Belmont .....	39
Figure 20: Item 3 – Existing Height of Building Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont.....	40
Figure 21: Item 3 – Proposed Height of Building Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont.....	41
Figure 22: Item 4 - Aerial Map - Part 4 Ocean Park Road, Belmont South.....	43
Figure 23: Item 4 - Existing Land Reservation Acquisition Map - Part 4 Ocean Park Road, Belmont South .	44
Figure 24: Item 4 – Proposed Land Reservation Acquisition Map - Part 4 Ocean Park Road, Belmont South .....	45
Figure 25: Item 4 – Existing Land Zoning Map - Part 4 Ocean Park Road, Belmont South .....	46
Figure 26: Item 4 – Proposed Land Zoning Map - Part 4 Ocean Park Road, Belmont South .....	47
Figure 34: Item 5 - Aerial Map - Bowman Street, Swansea .....	49
Figure 35: Item 5 – Existing Land Reservation Map - Bowman Street, Swansea.....	50
Figure 36: Item 5 – Proposed Land Reservation Map - Bowman Street, Swansea.....	51
Figure 40: Item 6 - Aerial Map - 350A Old Pacific Highway, Swansea .....	53
Figure 41: Item 6 – Existing Land Reservation Acquisition Map - 350A Old Pacific Highway, Swansea .....	54
Figure 42: Item 6 – Proposed Land Reservation Acquisition Map - 350A Old Pacific Highway, Swansea ....	55
Figure 37: Item 7 - Aerial Map – 125 Bowman Street, Swansea .....	57
Figure 38: Item 7 - Existing Land Reservation Map – 125 Bowman Street, Swansea .....	58
Figure 39: Item 7 - Proposed Land Reservation Map – 125 Bowman Street, Swansea.....	59
Figure 43: Item 8 - Aerial Map - E1 Land Catherine Hill Bay .....	61
Figure 44: Item 8 - Existing Land Reservation Acquisition Map - E1 Land Catherine Hill Bay .....	62
Figure 45: Item 8 – Proposed Land Reservation Acquisition Map - E1 Land Catherine Hill Bay .....	63
Figure 46: Item 9 - Aerial Map - 46 Rockpool Road, Catherine Hill Bay .....	65
Figure 47: Item 9 - Existing Land Reservation Acquisition Map - 46 Rockpool Road, Catherine Hill Bay.....	66
Figure 48: Item 9 - Proposed Land Reservation Map - 46 Rockpool Road, Catherine Hill Bay .....	67

## Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The Land Reservation Acquisition Map in Lake Macquarie Local Environmental Plan (LMLEP) 2014 identifies land that Lake Macquarie City Council or NSW government agencies want to purchase for future public purposes. The planning proposal will remove the acquisition from parcels of land that are no longer required to be purchased by Council or have already been purchased by Government agencies. Some parcels of land will also be rezoned to reflect that they are not intended for recreation purposes and rezoned to their most suitable land use zone.

## Part 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to amend LMLEP 2014 as outlined below:

Item No.	Address	Explanation of provisions
1	Part 14 Halyard Way, Belmont	<ul style="list-style-type: none"><li>Remove the subject land from the Land Reservation Acquisition map</li></ul>
2	Road Reserve and Part 40 Croudace Bay Road, Belmont	<ul style="list-style-type: none"><li>Remove the subject land from the Land Reservation Acquisition map and rezone western portion – Part 40 Croudace Bay Road from SP2 to E2 Environmental Conservation</li><li>Change the minimum lot size of Part 40 Croudace Bay Road to 40ha and height of building to 5.5m to correspond to the E2 Environmental Conservation zone.</li></ul>
3	Part 22 Hill Street and Part 35 Macquarie Drive, Belmont	<ul style="list-style-type: none"><li>Remove the subject land from the Land Reservation Acquisition map</li><li>Change the land use zone from RE1 Public Recreation to E3 Environmental Management zone</li><li>Change the minimum lot size to 40ha and height of building to 5.5m to correspond to the E3 Environmental Management zone.</li></ul>
4	Part 4 Ocean Park Road, Belmont South	<ul style="list-style-type: none"><li>Remove acquisition from the Land Reservation Acquisition map</li><li>Change the land use zone from RE1 Public Recreation to RE2 Private Recreation.</li></ul>
5	Road Reserve Bowman Street, Swansea	<ul style="list-style-type: none"><li>Remove the subject land from the Land Reservation Acquisition map</li></ul>
6	350A Old Pacific Highway, Swansea	<ul style="list-style-type: none"><li>Remove the subject land from the Land Reservation Acquisition map</li></ul>
7	125 Bowman Street, Swansea	<ul style="list-style-type: none"><li>Remove the subject land from the Land Reservation Acquisition map</li></ul>
8	E1 land in Catherine Hill Bay	<ul style="list-style-type: none"><li>Remove the subject land from the Land Reservation Acquisition map both within LMLEP 2014 and LMLEP 2004 as part of the land is a deferred matter area,</li></ul>



Item No.	Address	Explanation of provisions
9	46 Rockpool Road, Catherine Hill Bay	<ul style="list-style-type: none"> <li>Remove the subject land from the Land Reservation Acquisition map from LMLEP 2004 as the land is a deferred matter area.</li> <li>Remove reference to Hunter Water Corporation as the acquisition authority in LMLEP 2004 clause 153(2) – Relevant Acquisition Authority.</li> </ul>

## Part 3 – JUSTIFICATION

### Section A – Need for the Planning Proposal

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

Council has initiated a review of the acquisition layer within the Lake Macquarie Local Government Area (LGA) and are undertaking this review by contribution planning catchment areas. This will ensure that the Lake Macquarie Local Environmental Plan 2014 acquisition layer contains only land required to meet public purpose needs and does not unnecessarily burden private land owners or Council with the uncertainty of having an acquisition layer on private property that is no longer needed. The acquisition layer is out of date, with a number of these acquisition parcels being identified a long time ago in previous Local Environmental Plans, such as the Lake Macquarie LEP 1984 and this layer has been subsequently carried over into Council's 2004 and then 2014 LEPs, with minimal review.

Revised Development Contributions Plans and supporting recreational studies have now been prepared for the LGA that identify future recreation facilities, community facilities and traffic/transport infrastructure required to service our growing population. The Belmont Contributions Plan and supporting Recreation and Land Plan were adopted by Council on the 28 May 2018. This acquisition review will improve the consistency between land identified for acquisition within the Lake Macquarie Local Environmental Plan 2014 and land identified for public purposes in the Belmont Contributions Plan area. It will also remove land that has already been acquired by government agencies. In some instances, some zoning changes are proposed to reflect that privately owned land is no longer zoned for public recreation and will reflect the most suitable land use zone for the site. The proposed changes are outlined below:

Item No.	Property Address	Recommendation
1	Part 14 Halyard Way, Belmont	<p>The subject land is zoned E2 Environmental Conservation and is identified for purchase by Council in the Land Reservation Acquisition (LRA) map in LMLEP 2014. The land is owned by a private land owner and is undeveloped, and contains native vegetation. The land area is not identified to be purchased by Council under an adopted Development Contributions Plan and appears to be the result of a mapping error.</p> <p>The land should be removed from the LRA map and the existing zoning and development controls retained.</p>

Item No.	Property Address	Recommendation
2	Part 40 Croudace Bay Road, Belmont and Road Reserve	<p>The subject land is zoned SP2 Infrastructure and is identified for purchase by Roads and Maritime Service in the Land Reservation Acquisition (LRA) map in LMLEP 2014. The land is owned by a private land owner and the rest is identified as a road reserve and it is currently undeveloped, and contains native vegetation. The land area is not identified to be purchased by Council under an adopted Development Contributions Plan and is not required by Transport for NSW for road widening. The land east of the road should be removed from the LRA map.</p> <p>Council still seeks to purchase part of 40 Croudace Bay Road for conservation purposes. It is recommended that the acquisition be retained to the west of the road on Part 40 Croudace Bay and it be rezoned to E2 Environmental Conservation as the land is strategically located adjoining other Council land, has high environmental significance as both native vegetation habitat and a native vegetation corridor.</p>
3	Part 22 Hill Street and Part 35 Macquarie Drive, Belmont	<p>The subject land is zoned RE1 Public Recreation and is identified for purchase by Council in the Land Reservation Acquisition (LRA) map in LMLEP 2014. The land is owned by private land owners and is vegetated and is located immediately behind a residential dwelling. The land is not identified to be purchased by Council under an adopted Development Contributions Plan. The land should be removed from the LRA map and rezoned to E3 Environmental Management as the land has biodiversity values and contains contaminated material.</p>
4	Part 4 Ocean Park Road, Belmont South	<p>The subject land is zoned RE1 Public Recreation and is identified for purchase by Council in the Land Reservation Acquisition (LRA) map in LMLEP 2014. The land is owned by Belmont Golf Club and is vegetated. The land is not identified to be purchased by Council under an adopted Development Contributions Plan. The land should be removed from the LRA map and rezoned to RE2 Private Recreation consistent with the zoning of the majority of the Belmont Golf Club.</p>

Item No.	Property Address	Recommendation
5	Road reserve, Bowman Street, Swansea	The subject land is zoned SP2 Classified Road and is identified for purchase by Roads and Maritime Service in the Land Reservation Acquisition (LRA) map in LMLEP 2014. This is a historical legacy with this being originally included on the 1984 LEP. However since that time, the road corridor has now been widened and it is now part of an existing road corridor with Transport for NSW now being in ownership of this road. The land should be removed from the LRA map and zoning remain.
6	125 Bowman Street, Swansea	The subject land is zoned RE1 Public Recreation and is identified for purchase by Council in the Land Reservation Acquisition (LRA) map in LMLEP 2014. The Belmont Contributions Plan identifies a new town park in this area. 125 Bowman Street has now been purchased by Council and should be removed from the Land Reservation Map. 131 Bowman Street will be retained on the map until the land is purchased in accordance with the Belmont Contributions Plan.
7	350A Old Pacific Highway, Swansea	The subject land is zoned E2 Environmental Conservation and is identified for purchase by Council in the Land Reservation Acquisition (LRA) map in LMLEP 2014. The land is owned by Transport for NSW who have established this site as a biodiversity offset site (BioBanking agreement ID number BA340). Transport for NSW have begun discussions over the sale and transfer of this land to Council. They have also requested that the Land Reservation Acquisition be removed should an outcome not be able to be reached and to keep their options open for the transfer of this land to another owner.
8	E1 land in Catherine Hill Bay	The subject land is zoned E1 National Park and is identified for purchase by National Parks in the Land Reservation Acquisition (LRA) map in LMLEP 2014 and also in the LMLEP 2004 as part of this site is identified as a deferred matter area. The land has already been transferred to National Parks. The land should be removed from the LRA map in LMLEP 2014 and LMLEP 2004 and zoning remain.

Item No.	Property Address	Recommendation
9	46 Rockpool Road, Catherine Hill Bay	<p>The subject land is zoned SP2 Sewage Systems and is identified for purchase by Hunter Water in the Land Reservation Acquisition (LRA) map in LMLEP 2014. The land is owned by the developer of the adjoining Catherine Hill Bay development and is run by a private operator. Hunter Water have requested the acquisition to be removed.</p> <p>This area is a deferred matter site under the LMLEP 2014 and the provisions of the former planning instrument – LMLEP 2004 apply to this site. The LMLEP 2004 identifies Hunter Water as the acquisition authority. It is recommended that the reference to Hunter Water Corporation in Lake Macquarie Local Environmental Plan 2004 clause 153(2) is removed.</p>

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

Yes. The planning proposal is the best means of achieving the intended outcomes. It is important that the Land Reservation Acquisition (LRA) map in LMLEP 2014 correctly identifies land proposed to be purchased for future public purposes. Council and government agencies can be required to purchase the land shown in the map, if requested by the landowner and hardship is demonstrated. Removing land from the LRA map, in accordance with the planning proposal, will ensure that the LRA map is accurate.

The proposed rezoning changes are also required to ensure that the land is not zoned for public purposes and has appropriate development standards to reflect the desired land use objectives and outcomes for the respective sites.

**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

The primary purpose of the Hunter Regional Plan (HRP) is to cater for the future development of the region ensuring that adequate land is available and appropriately located to accommodate the region's growing population and employment needs. The document also recognises the importance of the natural environment to the region, providing directions to protect and increase the resilience of sensitive environments.

The proposal is consistent with the HRP. The planning proposal is an administrative amendment that seeks to remove a range of land areas currently identified to be purchased for public purposes in the Land Reservation Acquisition (LRA) map in LMLEP 2014.

Greater Newcastle Metropolitan Plan

The GNMP sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

The proposal is consistent with the GNMP. The planning proposal is an administrative amendment that seeks to remove a range of land areas currently identified to be purchased for public purposes in the Land Reservation Acquisition (LRA) map in LMLEP 2014.

The removal of the acquisition, rezoning and minor changes as part of this review will be undertaken in consultation with government organisations, land owners and the community through public exhibition.

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

Lake Macquarie Local Strategic Planning Statement (LSPS)

The LSPS provides a long-term vision and planning priorities that will guide the evolution of the City. The statement identifies four key growth areas that support existing infrastructure and future growth with regard to housing, transport, economic activity and recreation.

The planning proposal is consistent with the Lake Macquarie Local Strategic Planning Statement as it retains valuable public land and removes land that is not required for public purposes. It will ensure funding is available for land and community facilities required to service our growing population in accordance with the relevant Contributions Plan.

Belmont Catchment Contributions Plan and Belmont Recreation and Land Plan

The Belmont Contributions Plan and supporting Recreation and Land Plan were adopted by Council on the 28 May 2018 and have guided this review of the land reservation acquisition for the Belmont Catchment.

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

The planning proposal is consistent with relevant State Environmental Planning Policies (SEPPs) as outlined below.

<b>SEPP</b>	<b>Relevance</b>	<b>Implications</b>
<b>SEPP (Coastal Management) 2018</b>	The aim of this policy is to implement the objectives of the <i>Coastal Management Act 2016</i> , to protect and manage the coastal environment consistent with the principles of ecologically sustainable development.	<p>A number of the items fall within the coastal management area. The majority of changes only involving removing the acquisition layer. There are some parcels that will be rezoned within the coastal zone. Of these the following zone changes are proposed in the coastal area:</p> <p>Item 4 – Part 4 Ocean Park Road, Belmont South</p> <p>The parcel of land will be rezoned from RE1 Public Recreation to RE2 Private Recreation and potential impacts are of minor significance. This is a coastal wetland area and the provisions of this SEPP will continue to apply to protect this site.</p>
<b>Vegetation SEPP</b>	The aim of this policy is to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	The planning proposal is consistent with the objectives of the SEPP. Where sites that contain vegetation are being rezoned, they are being rezoned to a conservation zone or converting from a public recreation to private recreation zone.
<b>SEPP (Koala Habitat Protection) 2019</b>	The aim of this policy is to encourage the proper conservation and management of areas of natural vegetation for koalas	The planning proposal does not propose changes to zones that will increase development potential of potential koala habitat vegetation.
<b>SEPP (Infrastructure) 2007</b>	The aim of this SEPP is to facilitate the effective delivery of infrastructure across the state.	The proposal is <b>consistent</b> with the aims of the SEPP. The planning proposal will remove the sites from the LRA map as the land has been purchased for infrastructure purposes and will retain the existing zoning.
<b>SEPP (Mining, Petrol Production, Extractive Industries) 2007</b>	The aim of this SEPP is to provide the appropriate planning controls for mining, petroleum production and extractive industries. The SEPP contains provisions for mining, petroleum production and extractive industry development to be carried out on Industrial or rural land.	The proposal is <b>consistent</b> with the aims and provisions of the SEPP. The proposal will not rezone any agricultural or industrial land, and not impact on any potential mining, petroleum production and extractive industries.

***5. Is the planning proposal consistent with applicable Ministerial Directions (s.9.11 directions)?***

Consultation will occur with government agencies in accordance with the Gateway Determination and considering the requirements of these directions.

Ministerial Direction	Objective/s	Consistency / Comment
1.1 Business and Industrial zones	1) encourage employment growth in suitable locations, 2) protect employment land in business and industrial zones, 3) support the viability of identified strategic centres	The direction <b>does not apply</b> as the proposal will not affect business or industrial zones.
1.2 Rural zones	To protect the agricultural production value of rural land	The direction <b>does not apply</b> as the proposal will not affect rural zones.
1.3 Mining Petroleum Production and Extractive Industries	Ensure the future extraction of state or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development	The direction <b>does not apply</b> as the proposal will not prohibit or restrict existing or potential mining, petroleum production or mineral extractive industries.
1.4 Oyster Aquaculture	To consider and protect priority Oyster Aquaculture areas and oyster aquaculture when preparing a planning proposal	The direction <b>does not apply</b> as the proposal is not within a priority Oyster Aquaculture Area or oyster aquaculture outside a priority oyster aquaculture area
1.5 Rural Lands	Protect agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes	The direction <b>does not apply</b> as this direction does not apply to the Lake Macquarie LGA.
2.1 Environment Protection zones	Protect and conserve environmentally sensitive areas	<p>The planning proposal affects sites that contain environmental zones, however in the majority of cases propose only the removal of the acquisition layer. The items that contain environmental zones and will be rezoned include the following:</p> <p>Item 2 – 40 Croudace Bay Road, Belmont will be rezoned from SP2 to E2 Environmental Conservation</p> <p>Item 3 – 22 Hill Street and 35 Macquarie Drive will be rezoned from RE1 Public Recreation to E3 Environmental Management.</p> <p>The planning proposal is <b>consistent</b> with the direction as it facilitates the protection and conservation of environmentally sensitive areas by zoning additional land for environmental purposes.</p>

Ministerial Direction	Objective/s	Consistency / Comment
2.2 Coastal Management	Protect and manage coastal areas of NSW.	<p>A number of the items fall within the coastal management area. The majority of changes only involving removing the acquisition layer. There are some parcels that will be rezoned. Of these the following zone changes are proposed in the coastal area:</p> <p>Item 4 – Part 4 Ocean Park Road, Belmont South</p> <p>The parcel of land will be rezoned from RE1 Public Recreation to RE2 Private Recreation and potential impacts are of minor significance. A small area of land is affected that is identified as coastal wetland buffer area.</p> <p>The provisions of the Coastal Management SEPP 2018 provide controls for the protection of this land. Existing coastal protection and foreshore building controls will continue to apply to this land.</p>
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and Indigenous heritage significance	<p>A number of the properties include sensitive Aboriginal Cultural Landscape land, however removing the acquisition layer off these parcels will not impact on this.</p> <p>The areas that will be rezoned that are located in the sensitive Aboriginal landscape layer include:</p> <p>Item 4 – Part 4 Ocean Park Road, Belmont South which will be rezoned from RE1 Public Recreation to RE2 Private Recreation. Potential impacts would need to be assessed at any future development application stage.</p> <p>The majority of the sites do not contain any European heritage items, however the sites within Catherine Hill Bay are located in the State heritage listed – Catherine Hill Bay Heritage Conservation area. The removal of the acquisition layer will not impact on the protection of this heritage conservation area.</p>
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles	The proposal is <b>consistent</b> with the direction as the proposal will not enable land to be developed for the purpose of a recreation vehicle area.



Ministerial Direction	Objective/s	Consistency / Comment
2.6 Remediation of Contamination Land	Seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered.	<p>Some of the parcels of land are identified in Council's system as potentially containing contamination land, however the removal of the acquisition layer will not increase risks to human health.</p> <p>The items that will be rezoned that potentially contain contaminated land are:</p> <ul style="list-style-type: none"> <li>Item 3 – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont, which is being rezoned from public recreation to conservation. This will actually reduce potential risk by limiting public accessibility to potentially contaminated land. Dwellings already exist on these parcels of land and the E2 zone will not increase their potential for further development.</li> </ul> <p>Further detail on potential contamination is included in Appendix 3 of this planning proposal for items 2,3 and 4.</p>
3.1 Residential zones	(a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, (c) to minimise the impact of residential development on the environment and resource lands.	The planning proposal is <b>consistent</b> with this direction. No changes to residential zoned land is proposed.
3.2 Caravan Parks and Manufactured Home Estates	(a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	The planning proposal does not affect any caravan park of manufactured home estates
3.3 Home occupations	Encourage the carrying out of low-impact small businesses in dwelling houses	The proposal is <b>consistent</b> with the direction as the proposal will not prohibit home occupations from being carried out.

<b>Ministerial Direction</b>	<b>Objective/s</b>	<b>Consistency / Comment</b>
3.4 Integrated Land Use and Transport	(a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight	The planning proposal is considered consistent with this Ministerial Direction. The majority of the changes relate to the removal of the acquisition layer and the zone changes proposed reflect current use of the land.
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>Whilst some of the sites are affected by acid sulfate soils, removing the acquisition layer from these parcels will have no impacts on acid sulfate soils. The sites that have acid sulfate soils that are being rezoned include:</p> <p>Item 4 – Part 4 Ocean Park Road, Belmont South, which proposes rezoning a small area of land from RE1 Public Recreation to RE2 Private Recreation and contains class 3 acid sulfate soils.</p> <p>These zone changes are considered of minor significance.</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.	<p>A number of the sites are contained within the Lake Macquarie Mine Subsidence District and the Swansea North Entrance Mine Subsidence District. The majority of the changes relate to removing the acquisition layer which will not result in increased development occurring. The majority of zone changes convert recreational land to environmental land.</p> <p>Item 4 – Part 4 Ocean Park Road will involve the rezoning of some public recreation land to private recreation, however this is a very small area and will not largely increase its development potential.</p>

Ministerial Direction	Objective/s	Consistency / Comment
4.3 Flood Prone Land	<p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005</p> <p>(b) to 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>	<p>A number of parcels include flood liable land. However as the majority of the changes relate to the removal of the acquisition layer, no flooding impacts are anticipated. The only items that involve rezoning flood liable land are Items 4 and 5.</p> <p>Item 4 – Part 4 Ocean Park Road, Belmont South is partly impacted by flood liable land, however the zone changes convert a public recreation zone to a private recreation zone for a very small area of land and does not rezone land to a residential, business, industrial, or special use and the proposal is considered consistent with this direction.</p>
4.4 Planning for Bushfire Protection	<p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas</p> <p>(b) to encourage sound management of bush fire prone areas</p>	<p>The majority of the zone changes remove the acquisition layer. Rezoning that impact bushfire prone land include:</p> <ul style="list-style-type: none"> <li>Item 2 – Part 40 Croudace Bay Road, Belmont which will rezone land from SP2 to E2 Environmental Conservation.</li> <li>Item 3 – Part 22 Hill Street and 35 Macquarie Drive, Belmont, which will rezone land from recreation to environmental conservation.</li> <li>Item 4 – Part 4 Ocean Park Road, Belmont South, which will rezone a very small area of land from public to private recreation.</li> </ul> <p>Consultation will occur with the Rural Fire Service.</p>
5.10 Implementation of Regional Plans	Give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The direction applies as the proposal is located within the boundary of the Hunter Regional Plan (HRP). The proposal is <b>consistent</b> with the HRP, as outlined in Section B question 3 of this document.
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal is <b>consistent</b> with the direction as it does not contain any provisions that require concurrence, or identify development as 'designated'.

Ministerial Direction	Objective/s	Consistency / Comment
6.2 Reserving land for public purposes	<p>(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>The direction applies as the proposal removes zonings and reservations of land for public purposes.</p> <p><b>Approval is required</b> from the Director-General of the Department of Planning to “create, alter or reduce existing zonings or reservations of land for public purposes”.</p> <p>The planning proposal has been prepared following the preparation of the Belmont Contributions Plan and Recreation Land Plan, which have identified the recreational and community facilities of the growing Belmont Catchment and will remove parcels of land not required for public purposes.</p> <p>The Planning Proposal also seeks to tidy up a number of acquisition areas that have already been purchased or serve no public purpose.</p> <p>The inconsistency is considered to be of <b>minor significance</b> and the land being removed from the layer has very limited public recreational value.</p>

## Section C – Environmental, Social and Economic Impact

### 6. *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 majority of the changes will remove the acquisition liability applying to the land and will not amend the current zone or planning controls. The following sites have zone changes that affect land with biodiversity values:

- Item 2 – Part 40 Croudace Bay Road, Belmont

This site will be rezoned from SP2 to E2 Environmental Conservation as the road widening is no longer required and the E2 zone is consistent with the parcel of land.

- Item 3 – Part 22 Hill Street, Belmont

This site will be rezoned from RE1 to E3 Environmental Management and contains Hunter Valley Moist Forest. The site is part of Council’s native vegetation corridor.

- Item 4 – Part 4 Ocean Park Road, Belmont South

This site will be rezoned from RE1 Public Recreation to RE2 Private Recreation. This is a small area of land that is part of Belmont Golf Course lands. The RE2 zone is a consistent zone for the Belmont Golf Club. This area is part of a buffer to a coastal wetland and Bangalay Forest.

Any changes proposed as a result of this planning proposal will have minimal environmental impacts. The acquisition layer will be removed from some sites that have existing protection such as the biodiversity offset site at 350A Old Pacific Highway, Swansea and the E1 National Park land at Catherine Hill Bay that is now under the care and control of National Parks.

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

The majority of the changes relate to removing the acquisition layer off land, so will have minimal environmental effects. Part 40 Croudace Bay Road and Part 22 Hill Street, Belmont will be rezoned to an environmental zone resulting in minimal environmental impacts.

Part 4 Ocean Park Road, Belmont will be rezoned from a public recreation to a private recreation zone. Whilst this land is sensitive as it is a coastal wetland buffer area, this zone is consistent with the surrounding land use of the Belmont Golf Club and coastal wetland buffer area. The Belmont Golf Course has already been developed and any changes or expansion of the Golf Course would be considered taking into account the Coastal Management SEPP and the controls within the Lake Macquarie Development Control Plan 2014.

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

The planning proposal will not result in any adverse social or economic effects.

The land proposed to be removed from the LRA map is not identified to be purchased by Council, or has already been purchased by Council or an alternative NSW government agency. Removing the land from the LRA map will allow the landowners to retain ownership of the land for private uses.

Removing acquisition liabilities will have positive financial impacts for Council ensuring Council is not required to acquire land that is not required for community uses.

**Section D – State and Commonwealth Interests**

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

Yes. The proposal will not result in any additional residential land requiring additional infrastructure. The proposal rezones land from public open space uses to environmental conservation purposes and private recreation to reflect the current use of sites. The Belmont Contributions Plan and Recreation Land Plan have identified land requirements to meet the recreational and community needs of the predicted increased population and these parcels of land will be retained on Council's acquisition layer of the Lake Macquarie LEP 2014.

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

Consultation will occur with Government Agencies in accordance with the Gateway Determination. Initial consultation has occurred with the following government agencies and a summary of their comments is included below:

- Item 2 – Part 40 Croudace Bay Road, Belmont

Transport for NSW advised to remove them as the acquiring authority for this parcel as they do not require this parcel for road widening.

- Item 5 – Bowman Street, Swansea

Transport for NSW advised this land is already part of a dedicated road reserve so the reservation should be removed.

- Item 6 – 350A Old Pacific Highway, Swansea

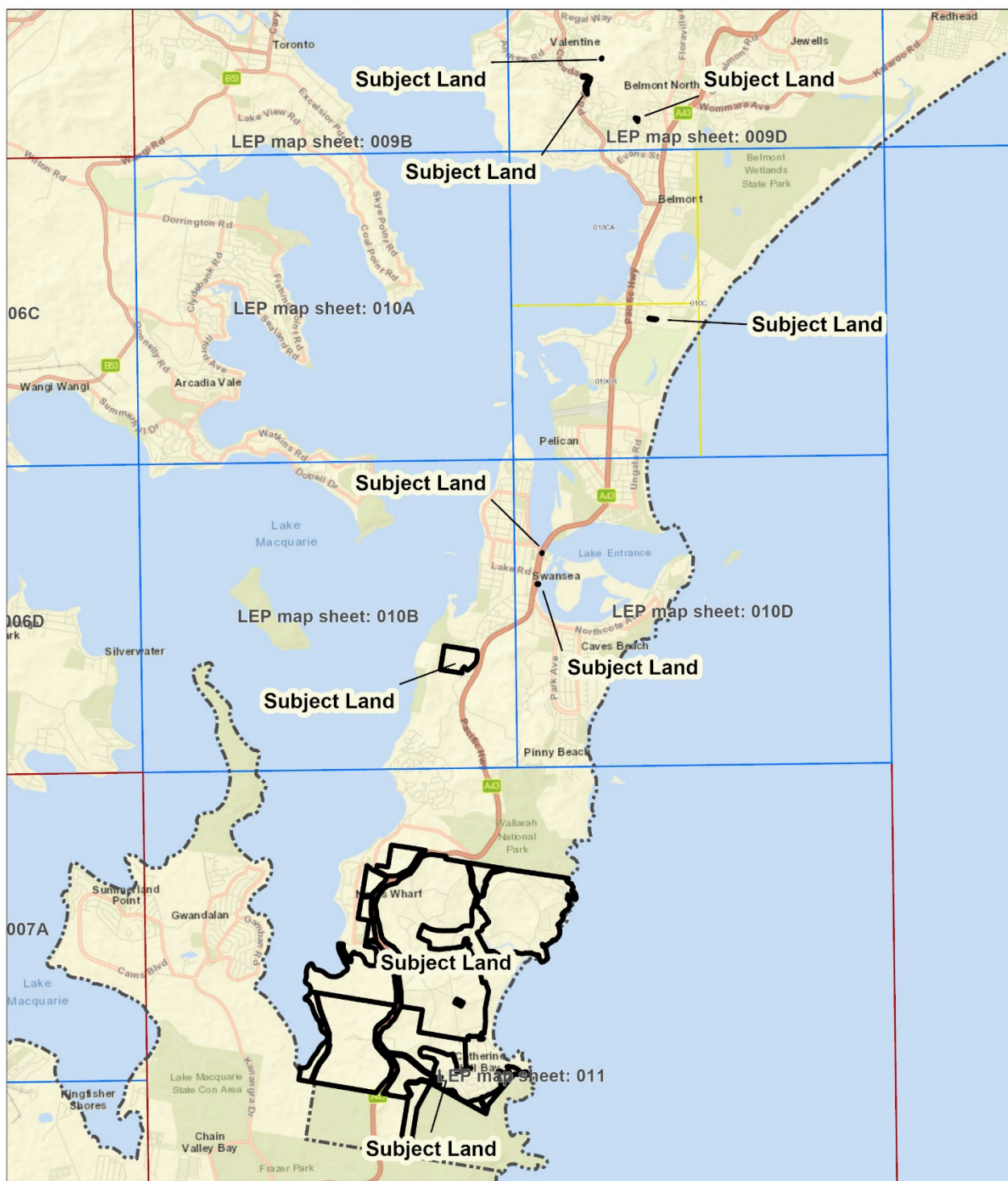
Council has advised Transport for NSW of our attention to remove Council's acquisition liability on this land, which has been established as a biodiversity offset site by Transport for NSW. Transport for NSW have advised they have no issues with the land reservation acquisition being removed.

- Item 9 – 46 Rockpool Road, Catherine Hill Bay

Consultation has occurred with Hunter Water and they have advised they should be removed as the acquisition authority as the facility is run by a private operator. The private operator of this facility also agrees the acquisition layer should be removed from this parcel of land.

**Part 4 – MAPPING**

Locality Map: Item 1 to 9



 Subject Land

**Locality**

0 4  
Kilometres

N  
Projection GDA 1994  
Zone 56



Base Map Credits: World\_Street\_Map: Esri, HERE, Garmin, NGA, USGS

Date: 5/02/2021

Planning Proposal: F2017/00767/05/05

**Figure 1: Locality Subject Land Map**



## Item 1: Part 14 Halyard Way, BELMONT (Part Lot 803 DP 1156934)



☐ Land identified to be purchased
 ☐ Council land (community land)
 ☐ Council land (operational land)

### Planning Controls under LMLEP 2014

- Subject site is zoned E2 Environmental Conservation and is identified for acquisition
- Site is not identified as being required for acquisition in the Belmont *Contributions Catchment Plan 2018*

### Site Details

- Land is privately owned and is part of a larger E2 parcel of land
- Land is undeveloped and contains native bush vegetation (Lake Macquarie Spotted Gum Forest)
- Land is adjoining to community land to the west and with possible contamination conditions applying to the land
- A development application was lodged for a retirement village on this site (DA/1443/2016), however this DA was refused by the Joint Regional Planning Panel. Council previously had a portion on 14 identified for acquisition in relation to a road corridor. This road corridor acquisition layer has since been removed. However a very small section of land has remained for acquisition with no clear purpose.

### Estimated Land acquisition cost (based on 2020 Valuations by LMCC)

\$5,000

### Recommendation

Remove acquisition





-  Land Parcel
-  Subject Land

## Air Photo

### 2020 Aerial Photography

Nearmap Imagery 2020

0 100  
Metres

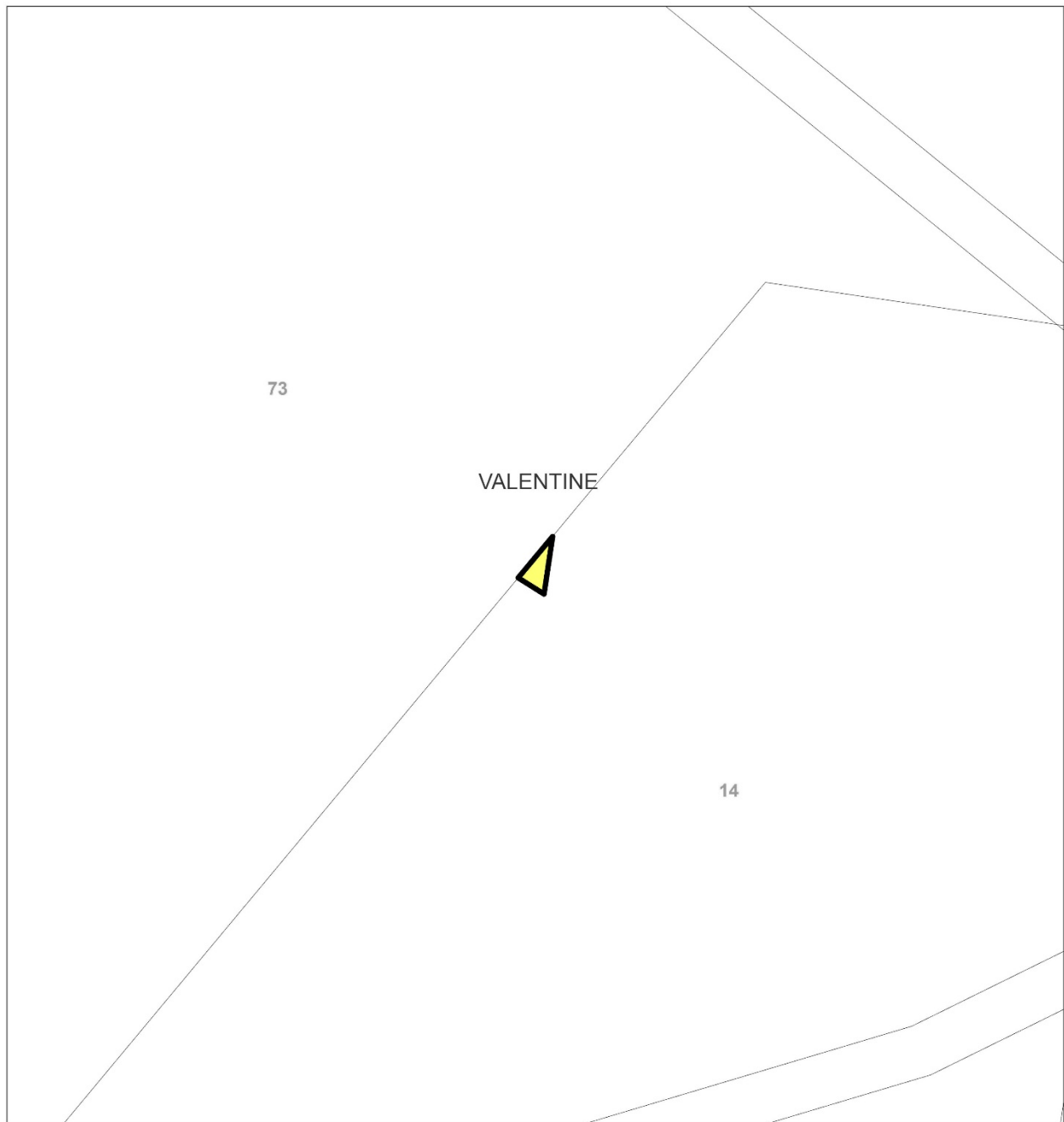
N  
Projection GDA 1994  
Zone 56



Date: 27/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 2: Item 1 - Aerial Photo - 14 Halyard Way, Belmont**



-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Existing

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

0 100  
Metres

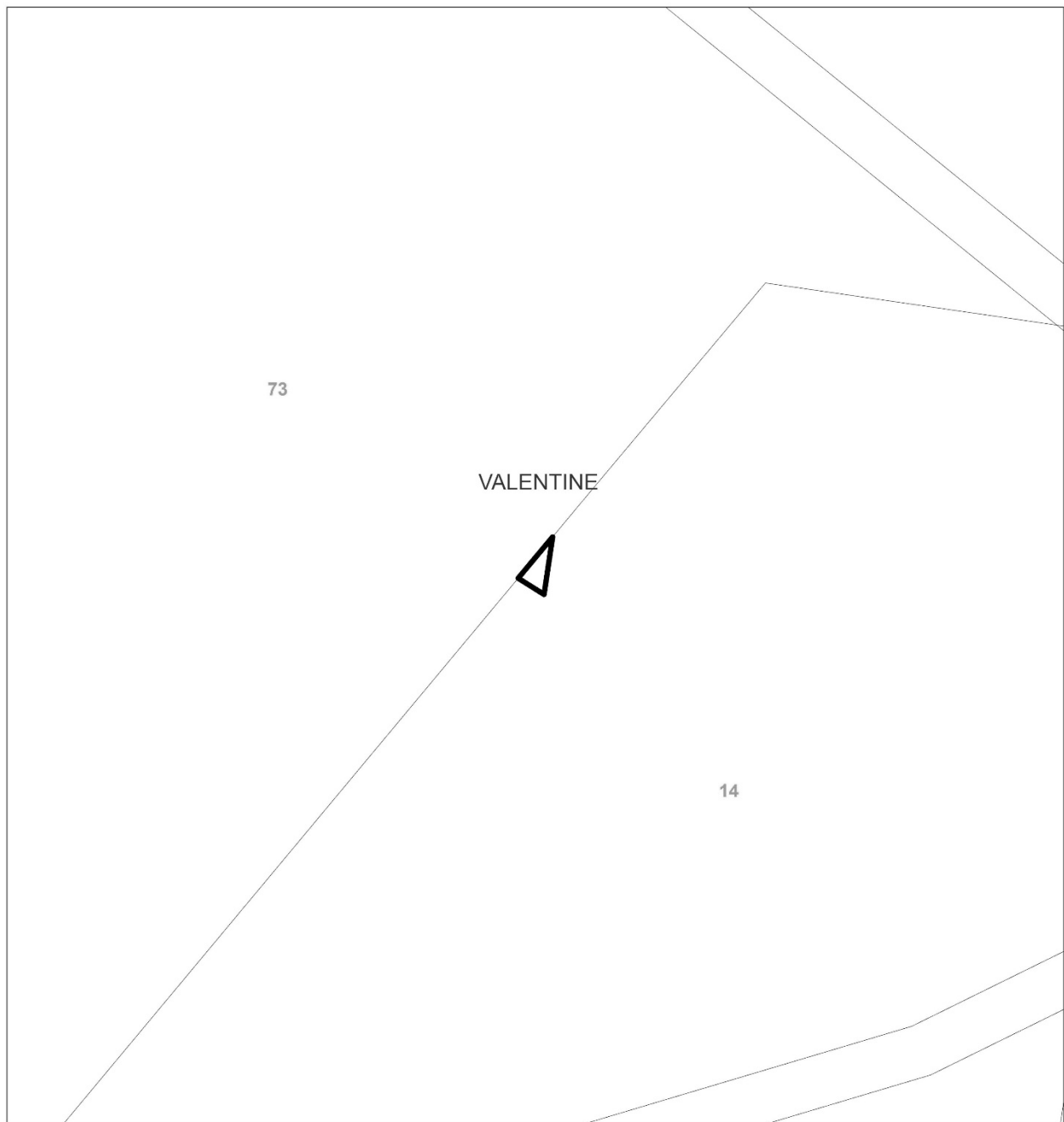
N  
Projection GDA 1994  
Zone 56



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 3: Item 1 - Existing Land Reservation Acquisition Map - 14 Halyard Way, Belmont**






-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Proposed

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

0  100  
Metres

N  
  
Projection GDA 1994  
Zone 56



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 4: Item 1 - Proposed Land Reservation Acquisition Map - 14 Halyard Way, Belmont**

## Item 2: Land Near Croudace Bay Road, BELMONT – Part 40 Croudace Bay Road, Belmont (Part Lot 22 DP 1143785)



☐ Land identified to be purchased
 ☐ Council land (community land)
 ☐ Council land (operational land)

### Planning Controls under LMLEP 2014

- Subject site is zoned SP2 Infrastructure (Classified Road) and is identified to be purchased by RMS.
- Not identified in Belmont Contributions Plan

### Site Details

- Part of land is privately owned and the eastern portion is identified as a road reserve
- Land contains part of Croudace Bay Road and native bush vegetation (Hunter Valley Moist Forest)
- Subject site adjoins land, which is identified in Council's mapping system as having contamination conditions applying to the land
- Contains bushfire prone land
- Transport for NSW (formerly the RMS) have identified this is not required for road widening.
- Council is still interested in purchasing western portion for environmental protection purposes.

### Estimated Land acquisition cost (based on 2020 Valuations by LMCC)

\$40,000

### Recommendation

Remove acquisition from eastern portion as already part of road reserve, retain acquisition and rezone to E2 Environmental Conservation for the western portion.





- Land Parcel
- Subject Land

## Air Photo

### 2020 Aerial Photography

Nearmap Imagery 2020

0  100  
Metres

N  
Projection GDA 1994  
Zone 56

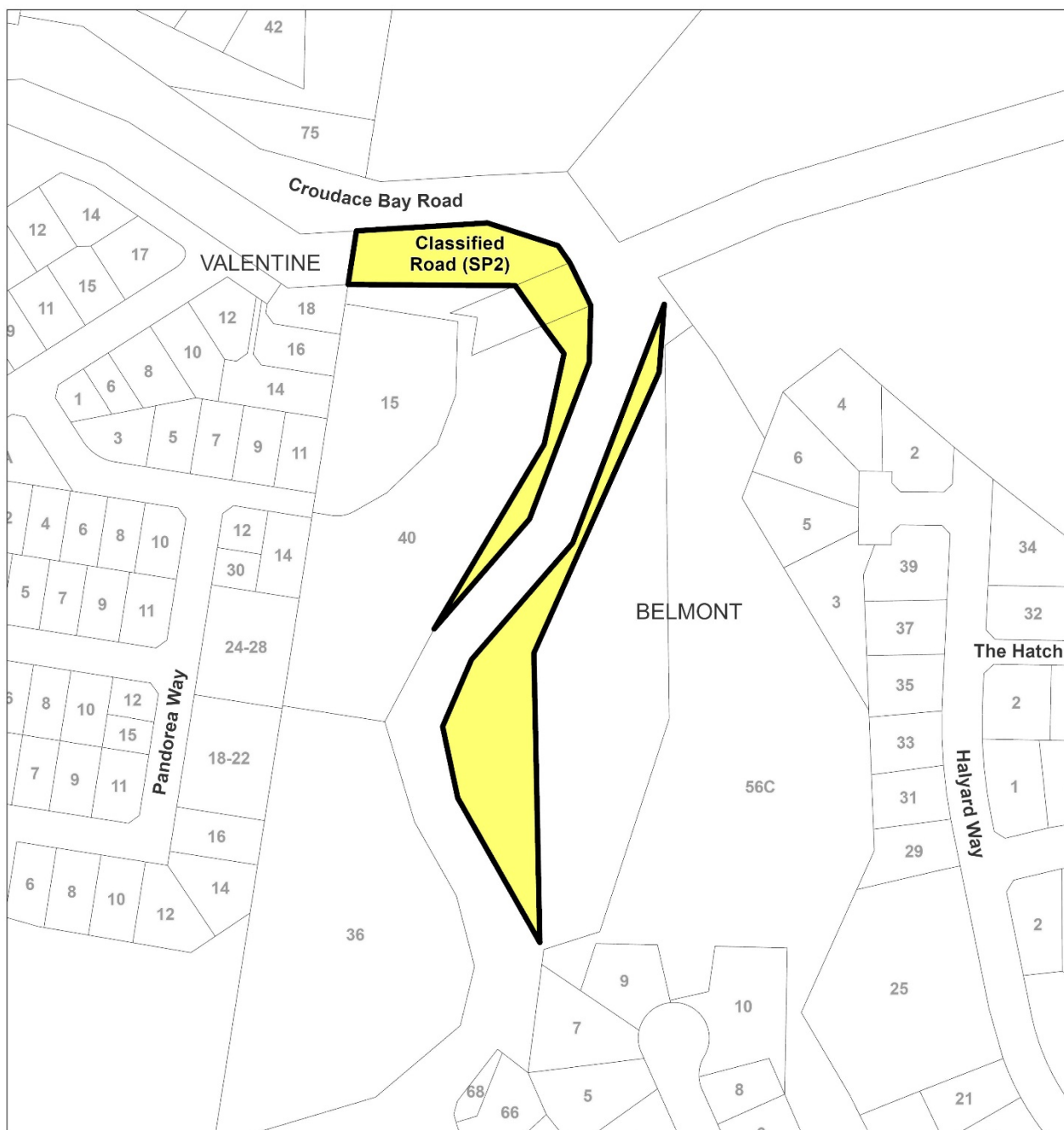


Date: 27/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 5: Item 2 - Aerial Map - Croudace Bay Road, Belmont**





-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Existing

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

0 100  
Metres

N  
Projection GDA 1994  
Zone 56

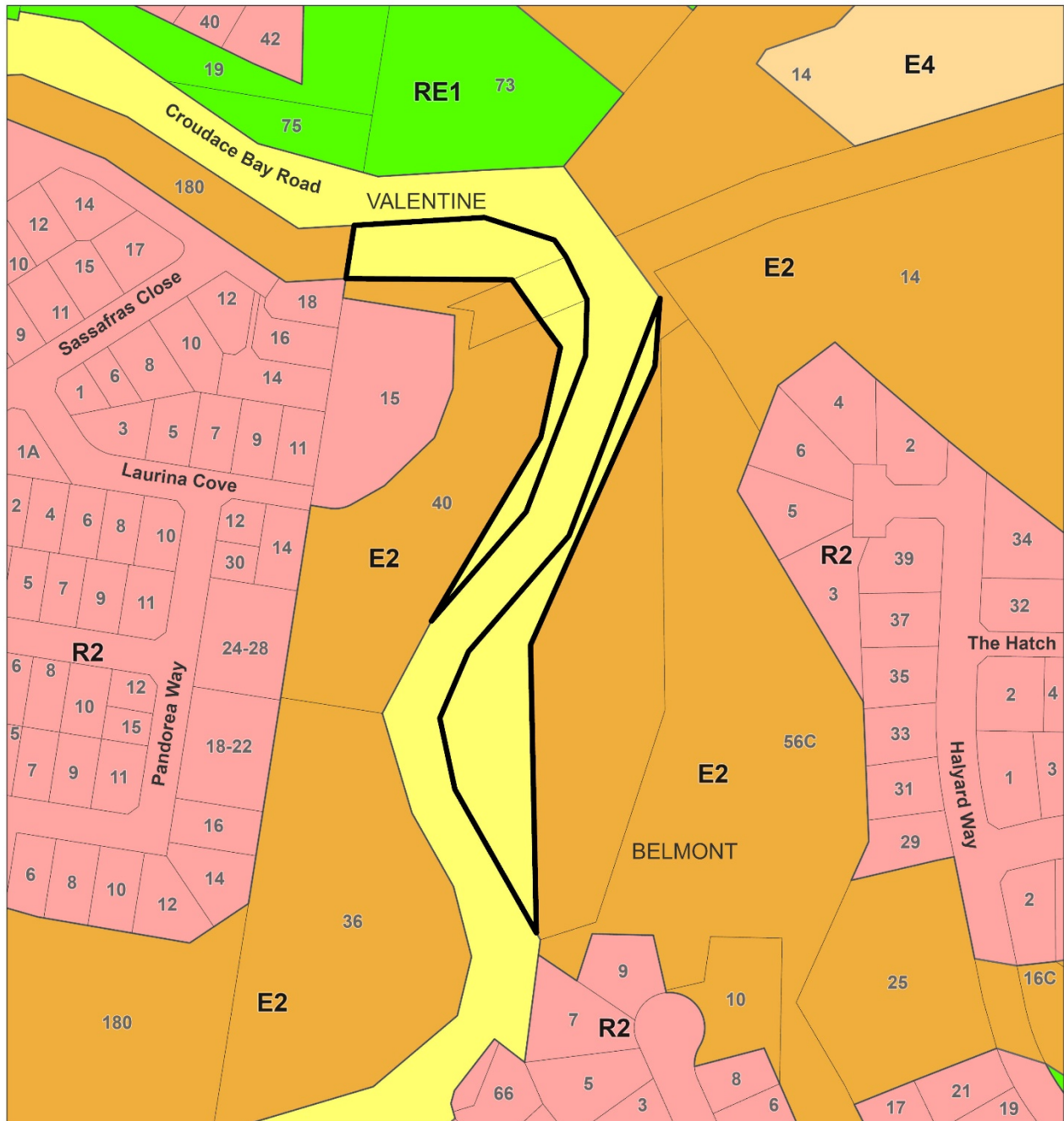


Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 6: Item 2 - Existing Land Reservation Acquisition Map - Croudace Bay Road, Belmont**







- Land Parcel
- Subject Land

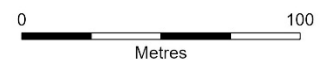
#### Land Zoning

- E2 Environmental Conservation
- E4 Environmental Living
- R2 Low Density Residential
- RE1 Public Recreation
- SP2 Infrastructure

## Existing

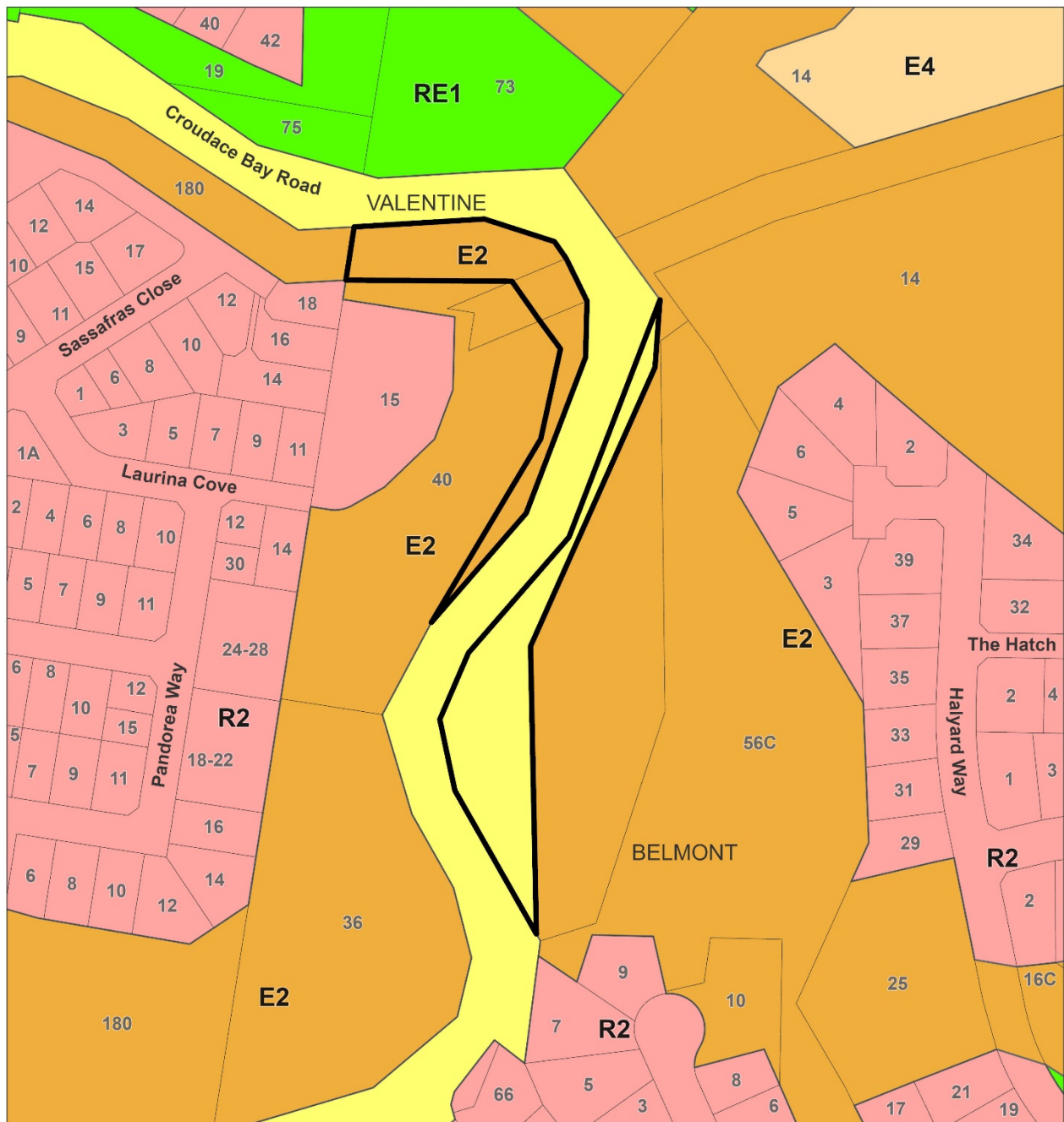
### Land Zoning Map

Lake Macquarie Local Environmental Plan 2014

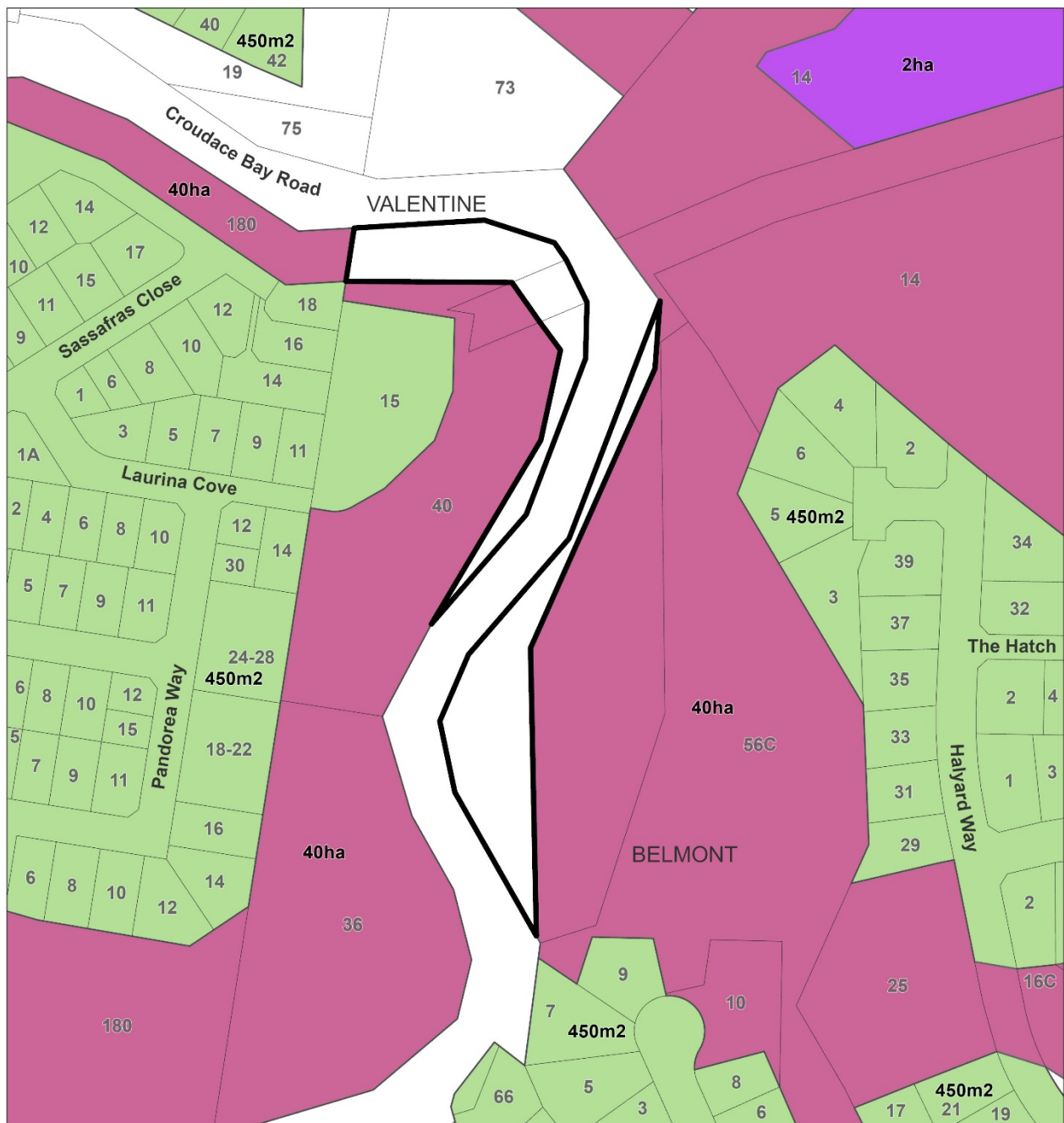


Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 8: Item 2 - Existing Zoning Map - Croudace Bay Road, Belmont**



**Figure 9: Item 2 - Proposed Land Reservation Acquisition Map - Croudace Bay Road, Belmont**

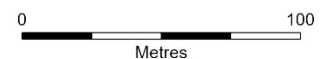


- Land Parcel
- Subject Land
- Minimum Lot Size**
- 450 sq m
- 2 ha
- 40 ha

## Existing

### Lot Size Map

Lake Macquarie Local Environmental Plan 2014

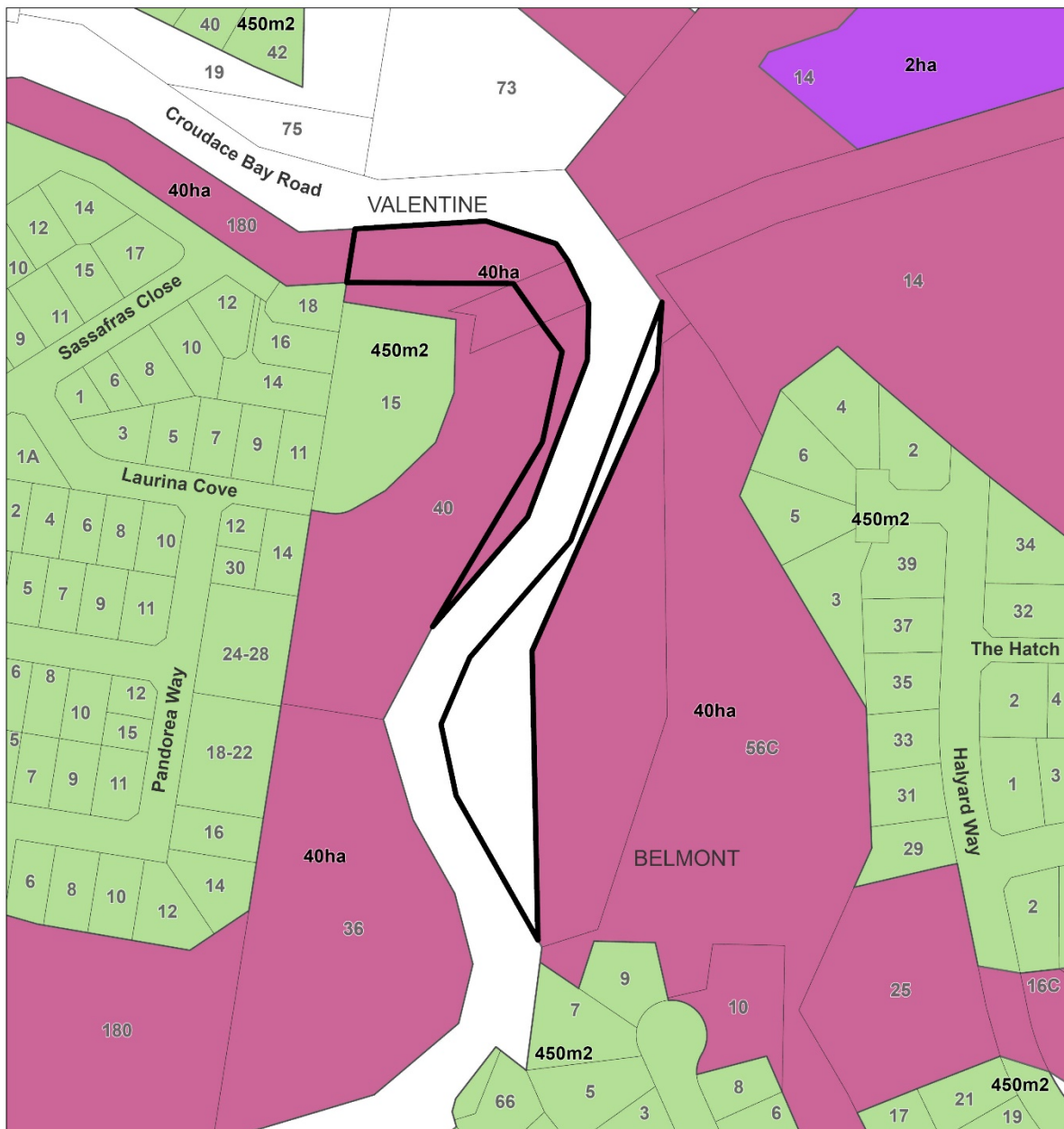


Date: 28/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 10: Item 2 - Existing Lot Size Map - Croudace Bay Road, Belmont**



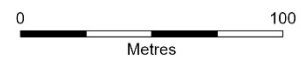


- Land Parcel
- Subject Land
- Minimum Lot Size**
- 450 sq m
- 2 ha
- 40 ha

## Proposed

### Lot Size Map

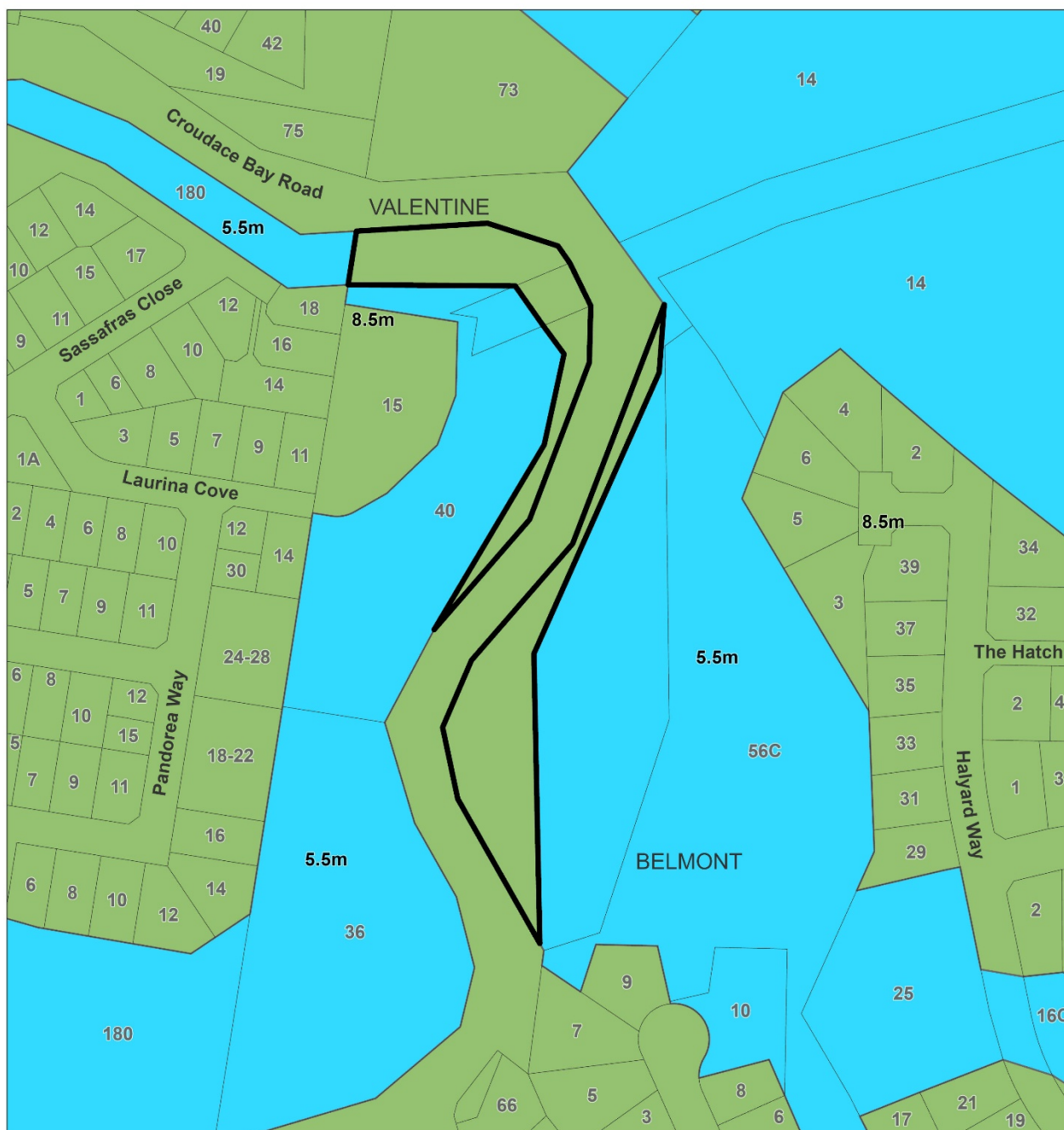
Lake Macquarie Local Environmental Plan 2014



Date: 28/10/2020

Planning Proposal: F2017/00767/05/05

Figure 11: Item 2 - Proposed Lot Size Map - Croudace Bay Road, Belmont



- Land Parcel
- Subject Land

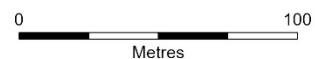
**Maximum Building Height (metres)**

- 5.5
- 8.5

## Existing

### Height of Buildings Map

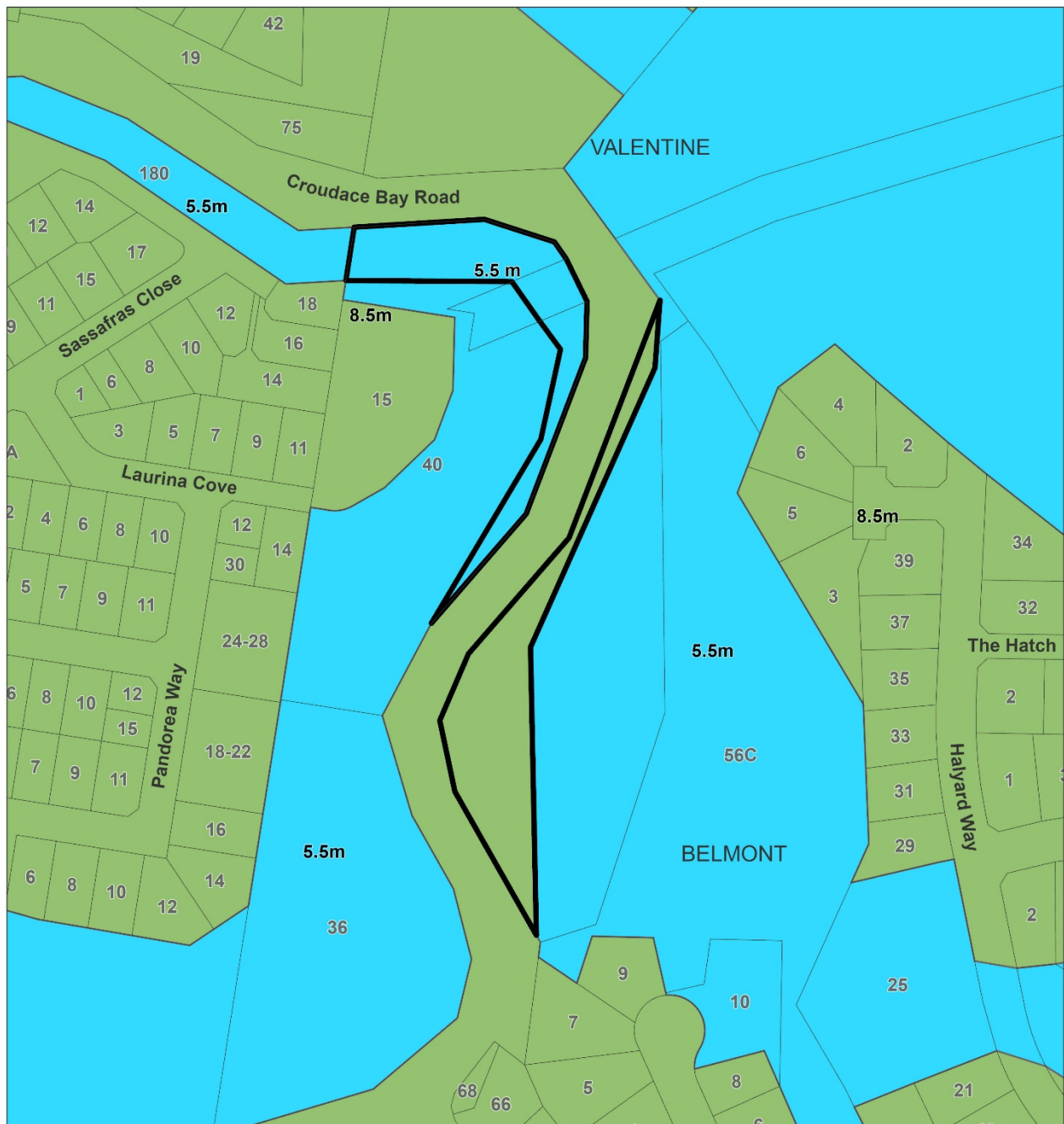
Lake Macquarie Local Environmental Plan 2014



Date: 28/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 12: Item 2 - Existing Height of Building Map - Croudace Bay Road, Belmont**



- Land Parcel
- Subject Land

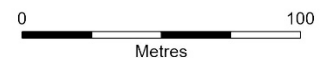
**Maximum Building Height (metres)**

- 5.5
- 8.5

## Proposed

### Height of Buildings Map

Lake Macquarie Local Environmental Plan 2014



Date: 28/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 13: Item 2 – Proposed Lot Size Map - Croudace Bay Road, Belmont**



**Item 3: Part 22 Hill Street (Part Lot 2 DP 519945) and Part 35 Macquarie Drive, BELMONT (Part Lot 22 DP 879368)**



☐ Land identified to be purchased    
 ☐ Council land (community land)    
 ☐ Council land (operational land)

**Planning Controls under LMLEP 2014**

- Subject site is zoned RE1 Public Recreation and is identified to be purchased by LMCC
- Not identified in Belmont Contributions Plan

**Site Details**

- Land is privately owned
- Land is vegetated and located immediately behind a residential dwelling. It contains partly cleared native bush vegetation (Hunter Valley Moist Forest) and is steep
- Subject site is identified in Council's mapping system as having contamination conditions applying to the land. Further detail is included in Appendix 3 of this report.
- Land is adjoining community land on the east
- Contains bushfire prone land
- Not considered suitable for recreational purposes.

**Estimated Land acquisition cost (based on 2020 Valuations by LMCC)**

\$625,000 (\$620,000 for Part 22 Hill Street and \$5,000 for Part 35 Macquarie Drive)

**Recommendation**

Rezone to E3 Environmental Management and remove the acquisition.



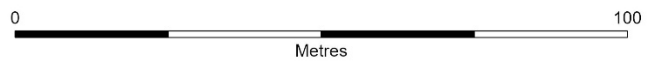


- Land Parcel
- Subject Land

## Air Photo

### 2020 Aerial Photography

Nearmap Imagery 2020

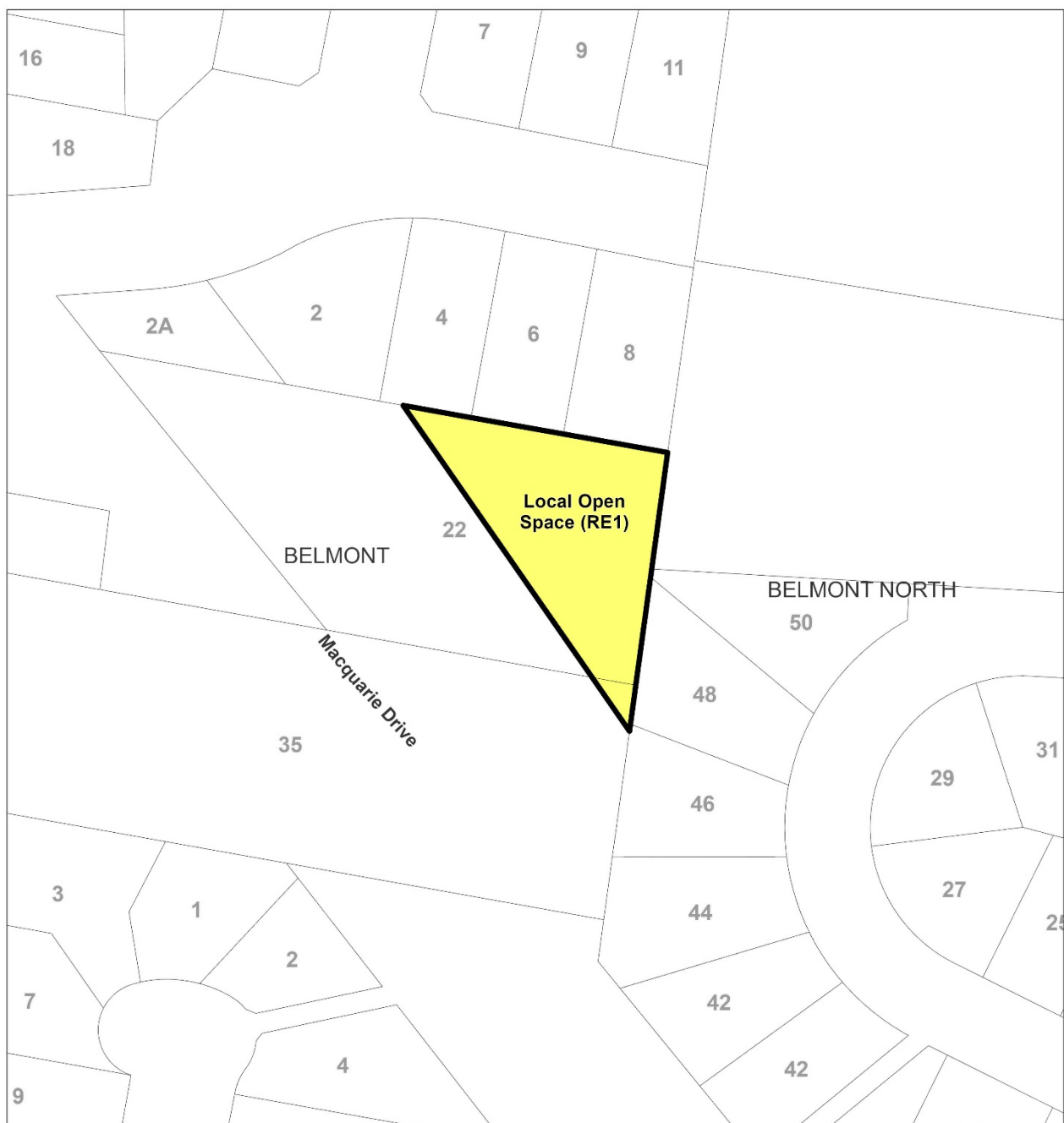


Date: 27/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 14: Item 3 - Aerial Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont**



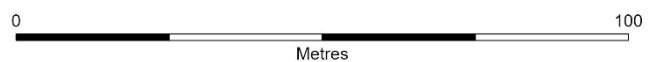


-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Existing

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014



Date: 26/10/2020    Planning Proposal: F2017/00767/05/05

**Figure 15: Item 3 – Existing Land Reservation Acquisition Map– Part 22 Hill Street and Part 35 Macquarie Drive, Belmont**



-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Proposed

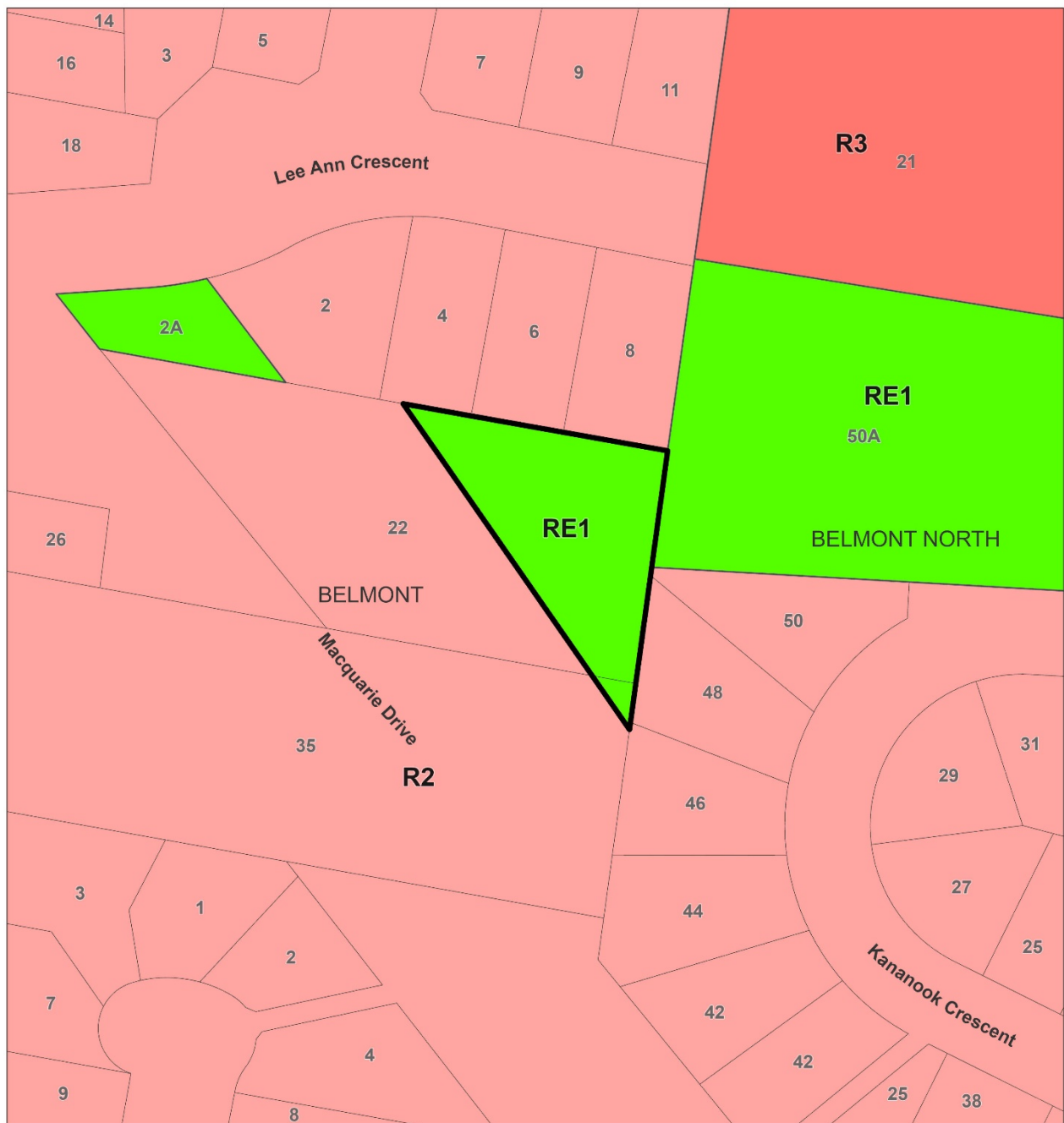
### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 16: Item 3 – Proposed Land Reservation Acquisition Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont**



- Land Parcel
- Subject Land

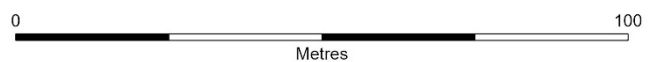
#### Land Zoning

- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation

## Existing

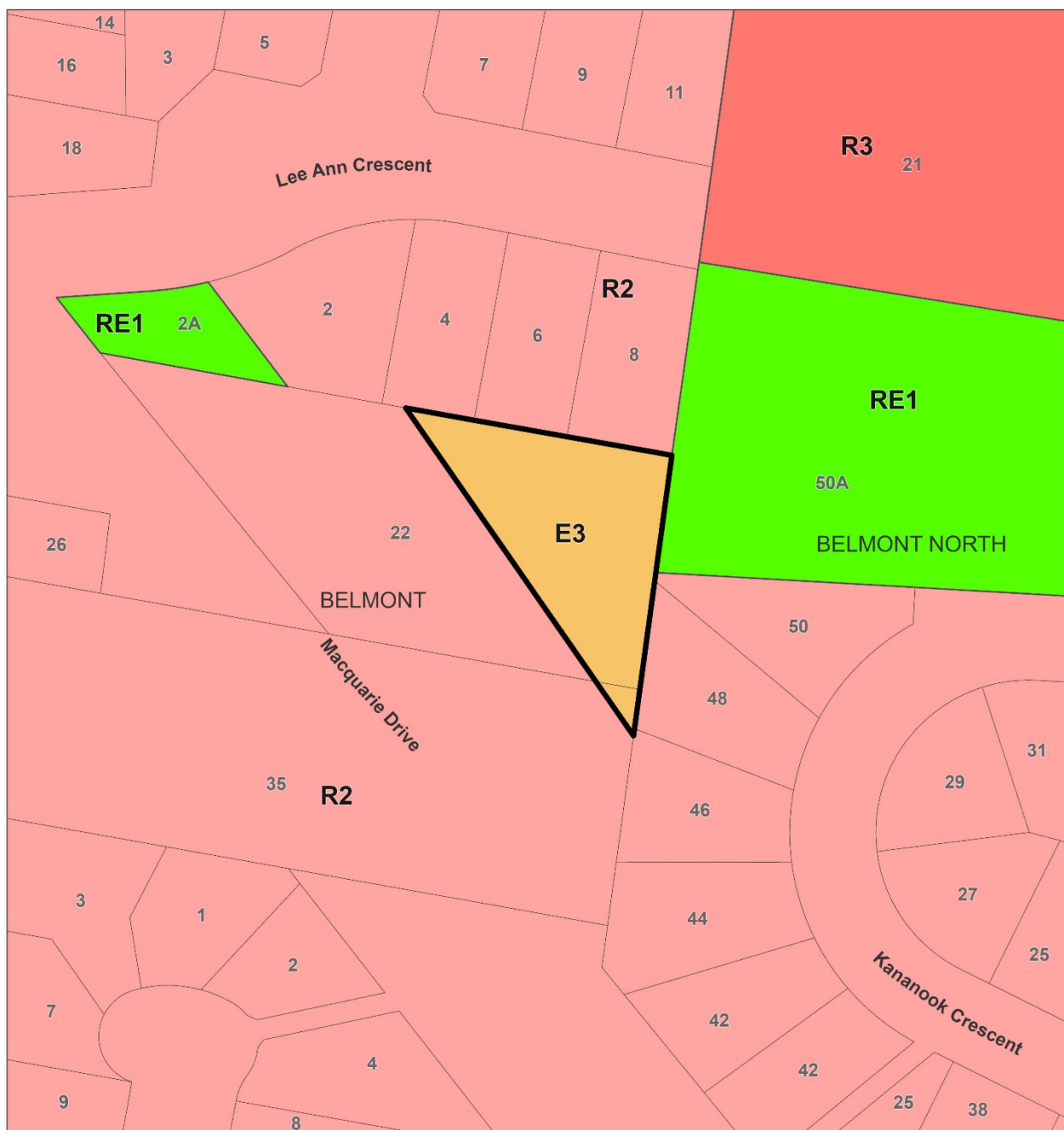
### Land Zoning Map

Lake Macquarie Local Environmental Plan 2014



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 17: Item 3 – Existing Zoning Map– Part 22 Hill Street and Part 35 Macquarie Drive, Belmont**



- Land Parcel
- Subject Land

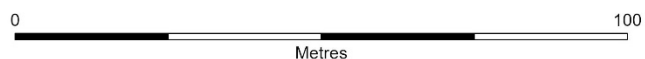
#### Land Zoning

- E3 Environmental Management
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation

## Proposed

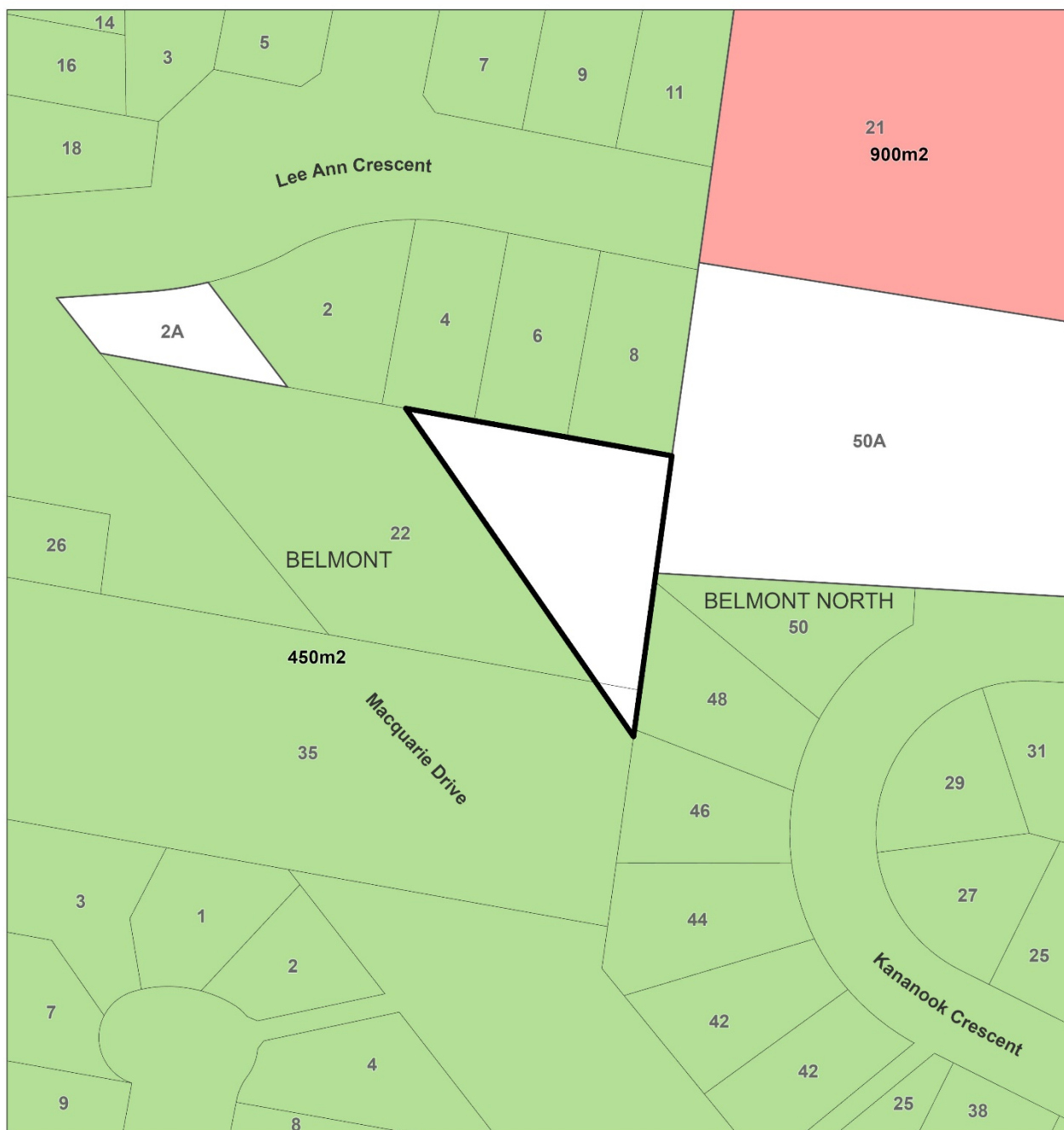
### Land Zoning Map

Lake Macquarie Local Environmental Plan 2014



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

#### Item 3 – Proposed Zoning Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont

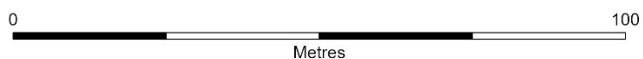


- Land Parcel
- Subject Land
- Minimum Lot Size**
- 450 sq m
- 900 sq m

## Existing

### Lot Size Map

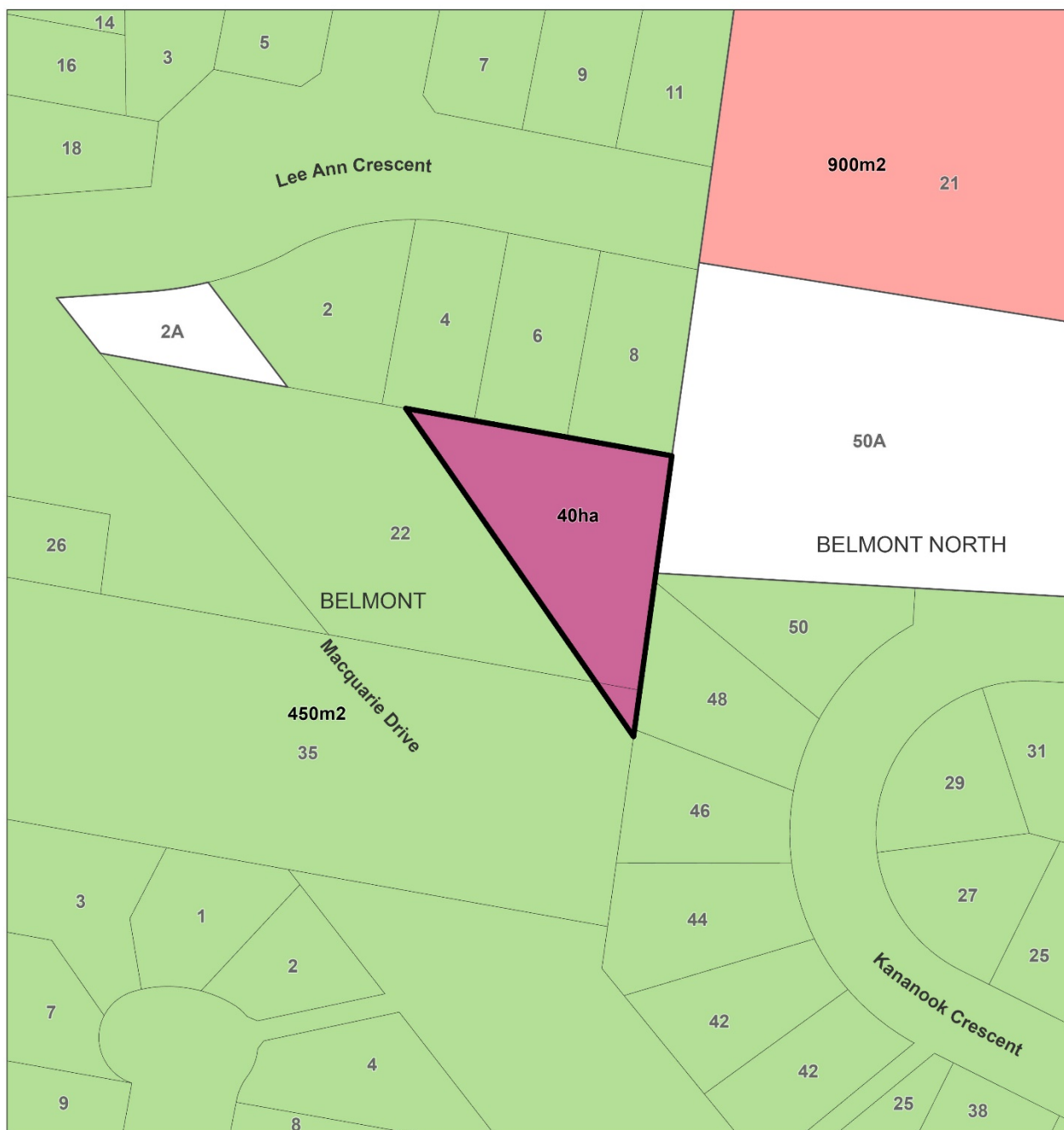
Lake Macquarie Local Environmental Plan 2014



Date: 28/10/2020

Planning Proposal: F2017/00767/05/05

Figure 18: Item 3 – Existing Lot Size Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont

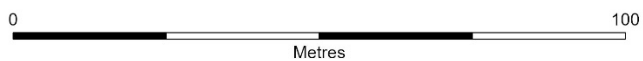


- Land Parcel
- Subject Land
- Minimum Lot Size**
- 450 sq m
- 900 sq m
- 40 ha

## Proposed

### Lot Size Map

Lake Macquarie Local Environmental Plan 2014

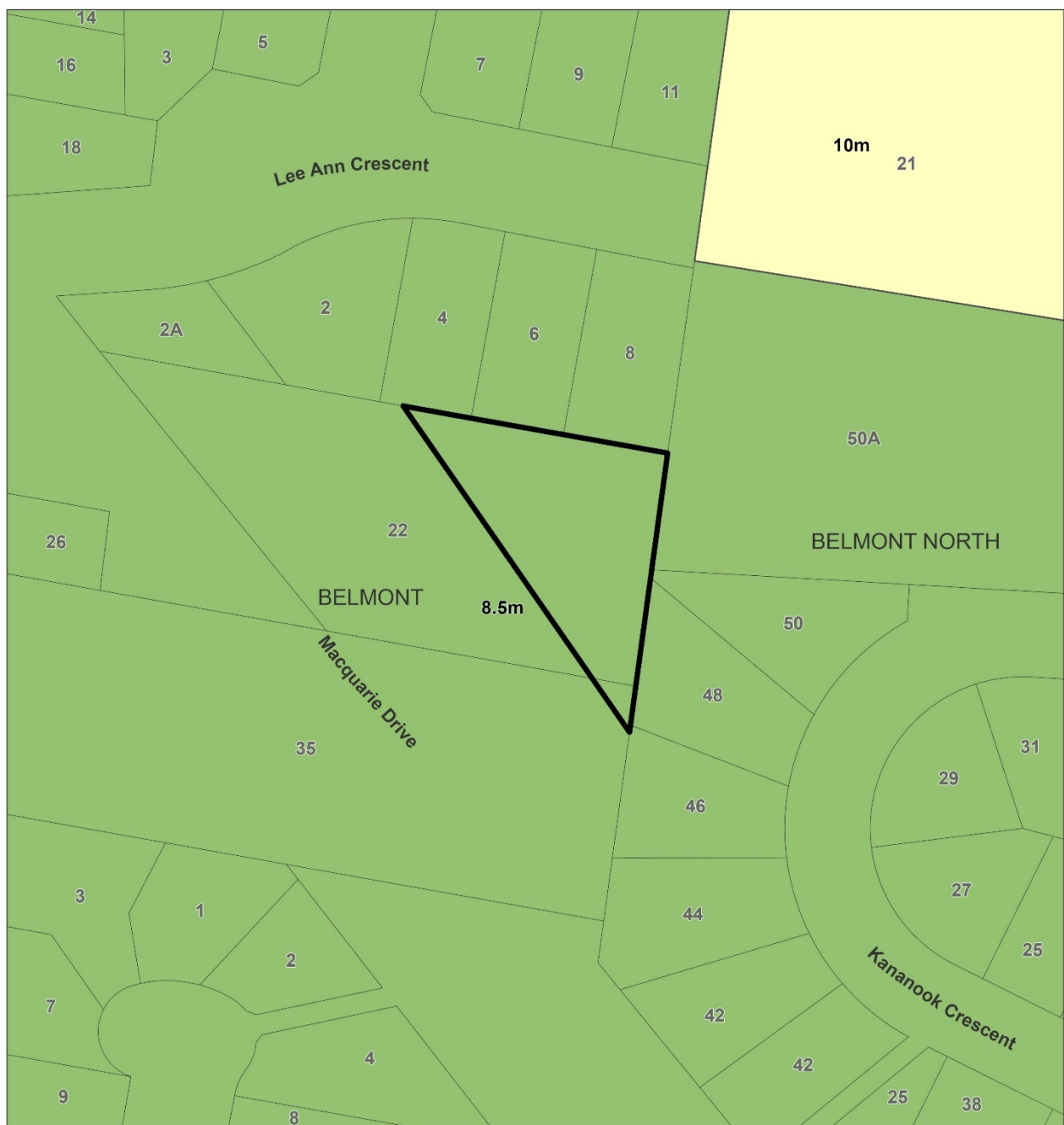


Date: 28/10/2020

Planning Proposal: F2017/00767/05/05

Figure 19: Item 3 – Proposed Lot Size Map– Part 22 Hill Street and Part 35 Macquarie Drive, Belmont





- Land Parcel
- Subject Land

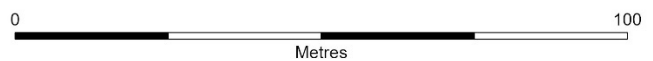
**Maximum Building Height (metres)**

- 8.5
- 10

## Existing

### Height of Buildings Map

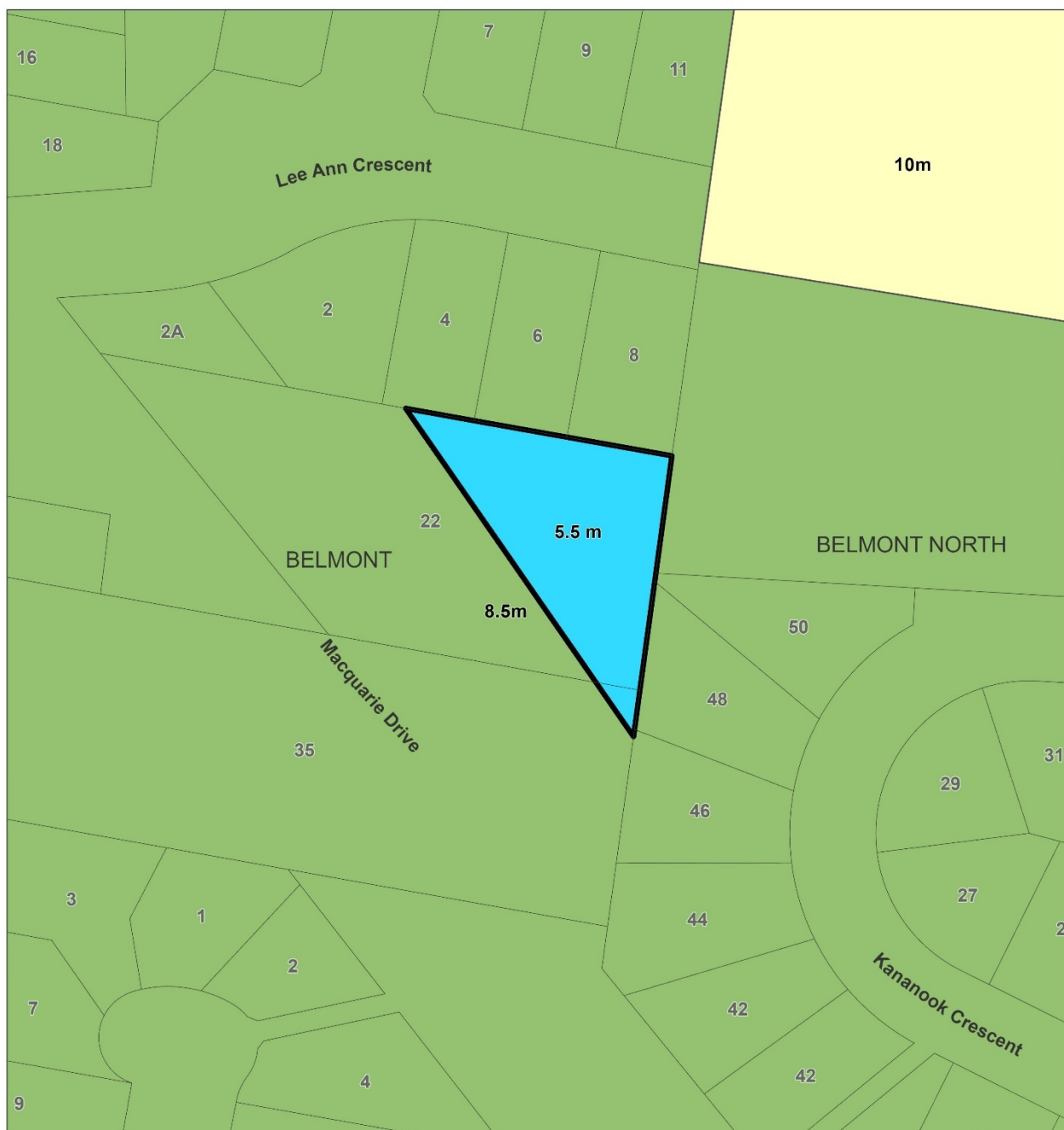
Lake Macquarie Local Environmental Plan 2014



Date: 29/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 20: Item 3 – Existing Height of Building Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont**



- Land Parcel
- Subject Land

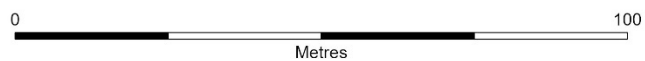
**Maximum Building Height (metres)**

- 5.5
- 8.5
- 10

## Proposed

### Height of Buildings Map

Lake Macquarie Local Environmental Plan 2014



Date: 29/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 21: Item 3 – Proposed Height of Building Map – Part 22 Hill Street and Part 35 Macquarie Drive, Belmont**



#### Item 4: Part 4 Ocean Park Road (Part Lot 4 DP 211142), BELMONT SOUTH



☐ Land identified to be purchased
 ☐ Council land (community land)
 ☐ Council land (operational land)

#### Planning Controls under LMLEP 2014

- Subject site is zoned RE1 Public Recreation and is identified to be purchased by LMCC
- Not identified in Belmont Contributions Plan. Fernleigh Track extension will be located along Green Street. But does not affect this parcel of land.

#### Site Details

- Land is owned by Belmont Golf Club
- Land contains native bushland (Pelican Bangalay Forest) and adjoins Belmont Cemetery
- Land contains an indicative recreational track at the front of this parcel within the Cycling Strategy and appears being used for 4wd access to beach, however this is not a preferred beach access points with other locations serving as the accessways.
- Land is within a high hazard flood control lot and is bushfire prone

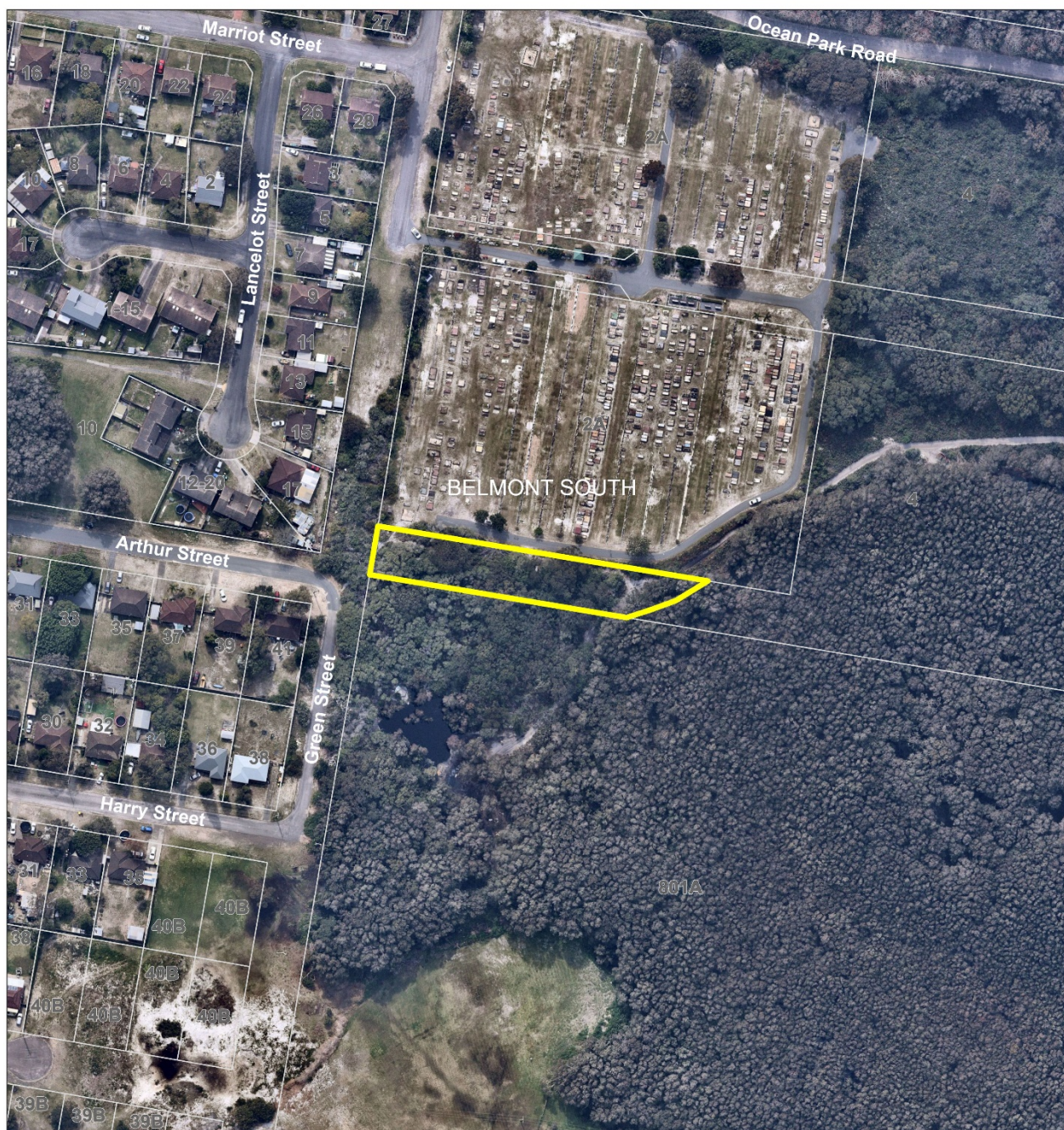
#### Estimated Land acquisition cost (based on 2020 Valuations by LMCC)

\$220, 000

#### Recommendation

- Remove the acquisition and rezone to RE2 Private Recreation, which is consistent zoning with the adjoining land owned by Belmont Gold Club to the south. No change to the minimum lot size or height of building is required.





- Land Parcel
- Subject Land

## Air Photo

### 2020 Aerial Photography

Nearmap Imagery 2020

0  100  
Metres

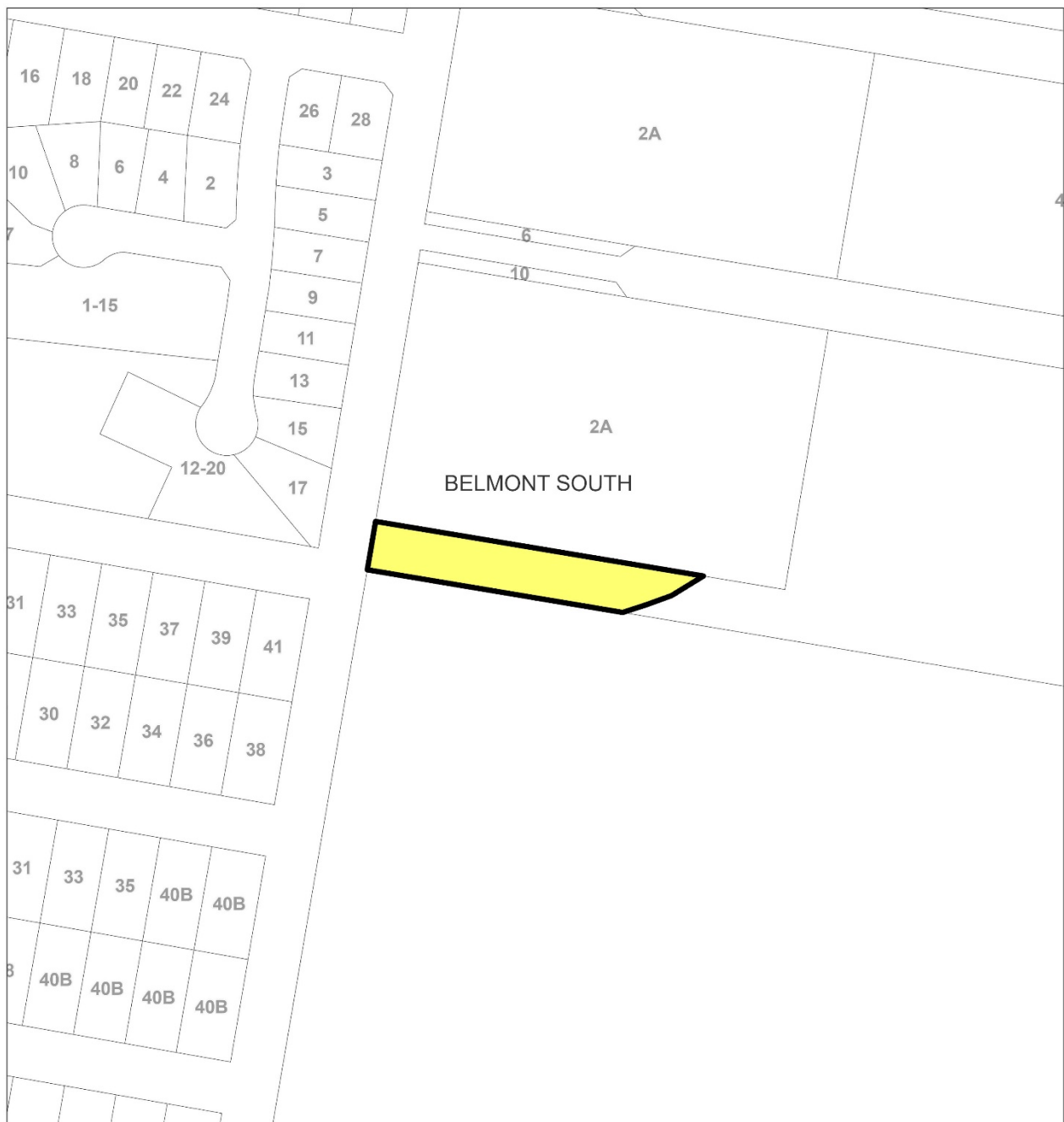
N  
Projection GDA 1994  
Zone 56



Date: 27/10/2020

Planning Proposal: F2017/00767/05/05

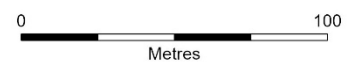
**Figure 22: Item 4 - Aerial Map - Part 4 Ocean Park Road, Belmont South**



-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Existing Land Reservation Acquisition Map

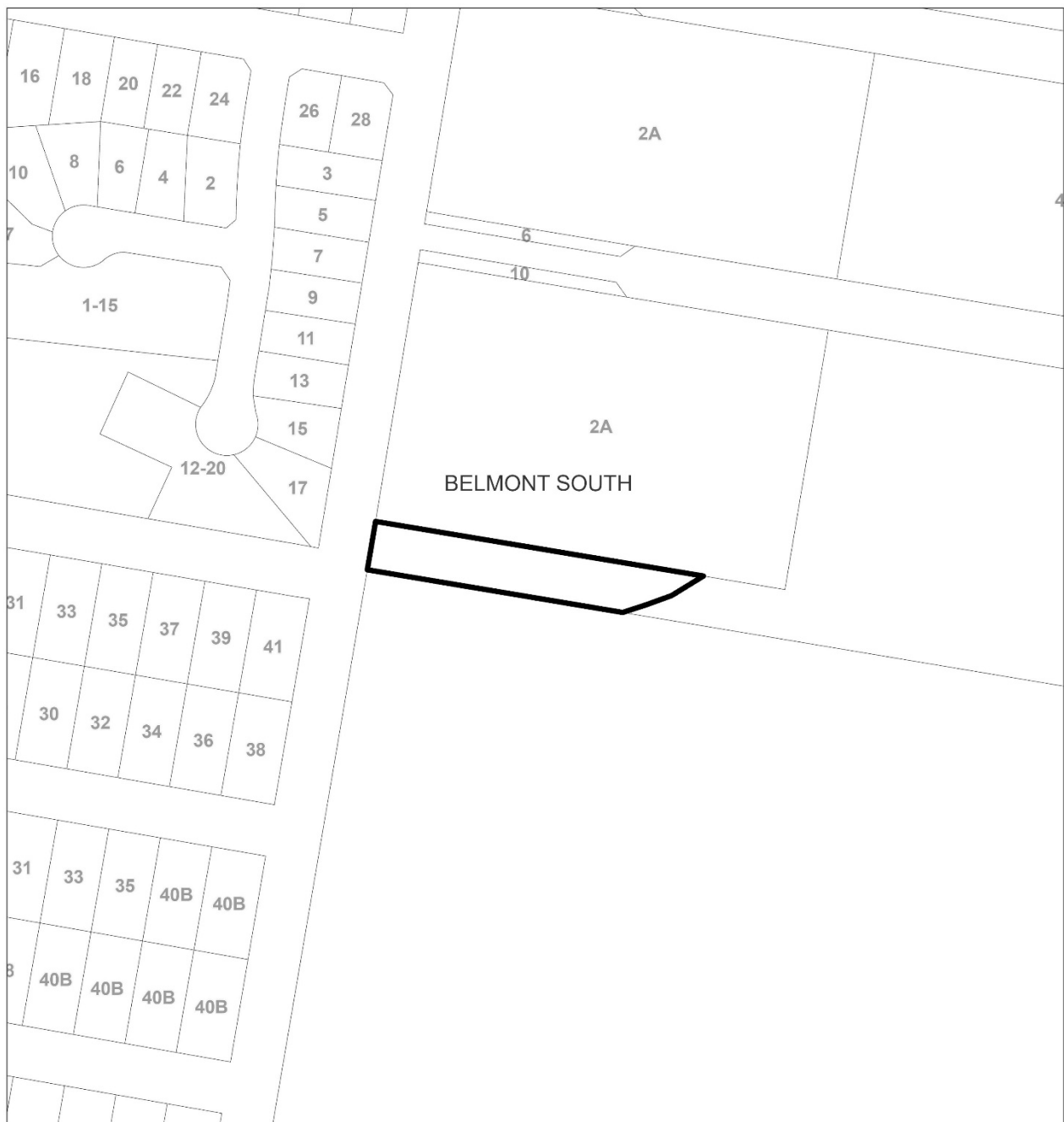
Lake Macquarie Local Environmental Plan 2014



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 23: Item 4 - Existing Land Reservation Acquisition Map - Part 4 Ocean Park Road, Belmont South**





-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Proposed

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

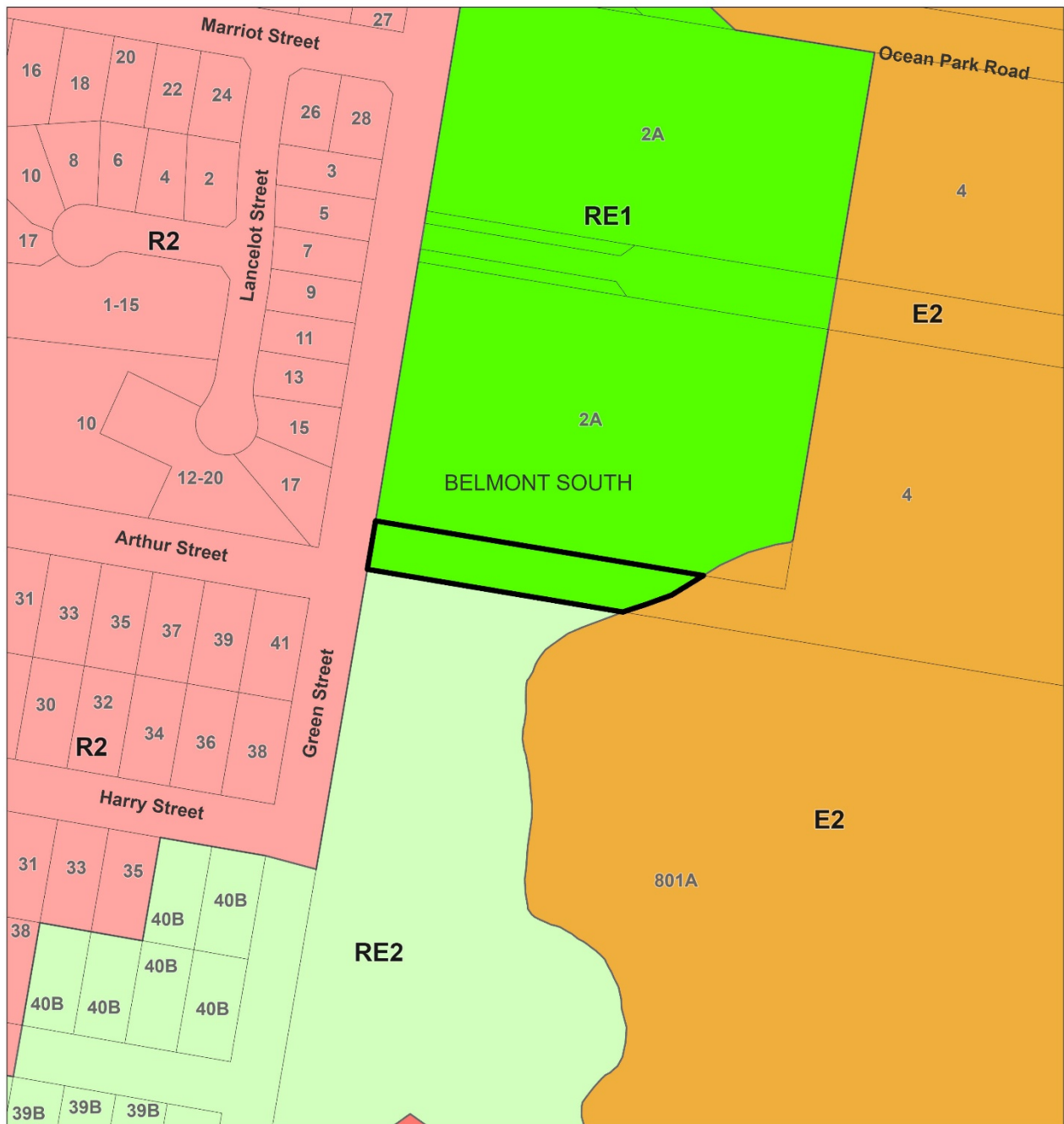
0 100  
Metres

N  
Projection GDA 1994  
Zone 56



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 24: Item 4 – Proposed Land Reservation Acquisition Map - Part 4 Ocean Park Road, Belmont South**



- Land Parcel
- Subject Land

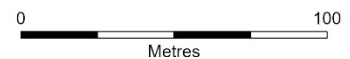
#### Land Zoning

- E2 Environmental Conservation
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation

## Existing

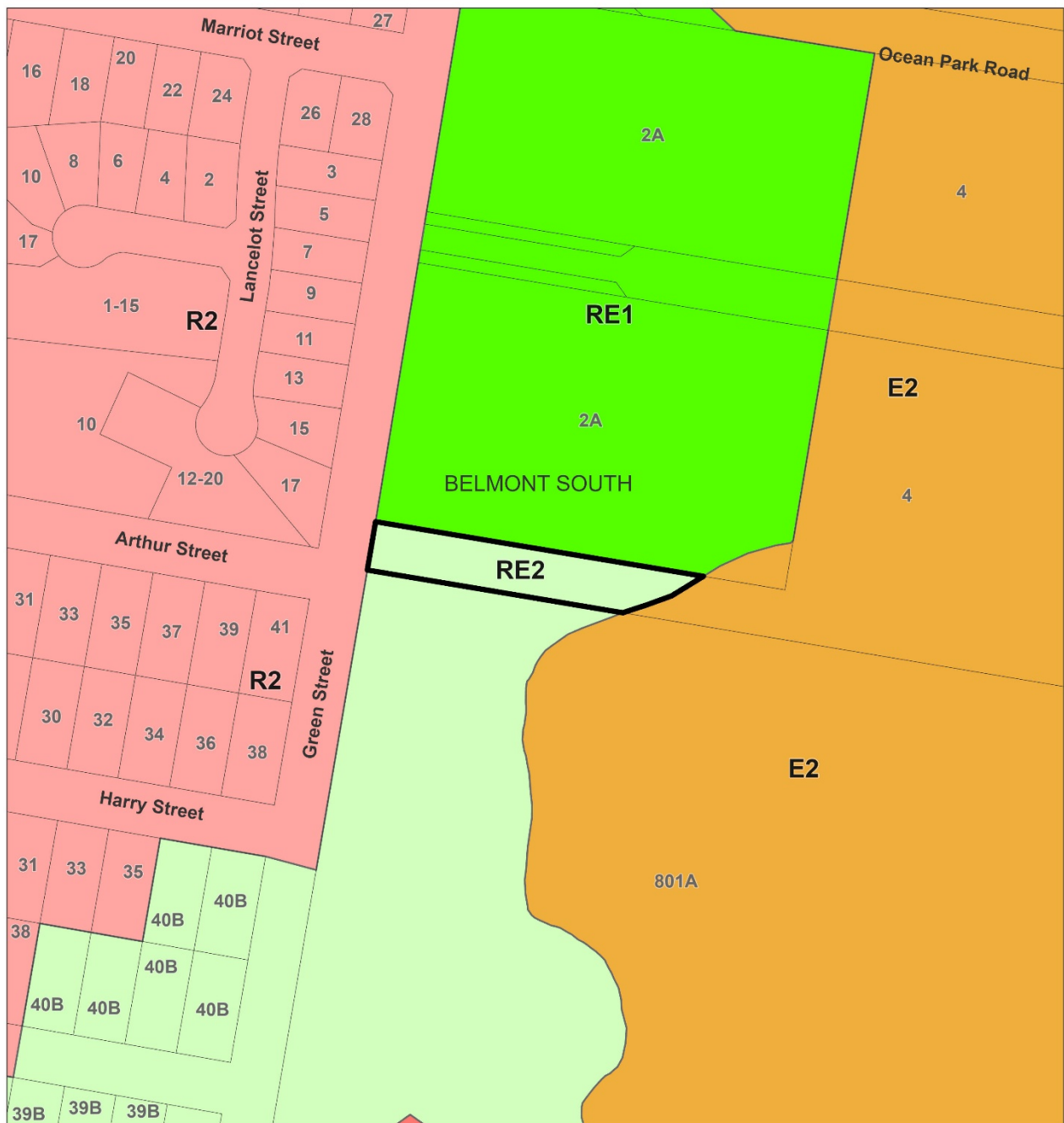
### Land Zoning Map

Lake Macquarie Local Environmental Plan 2014



Date: 28/10/2020 Planning Proposal: F2017/00767/05/05

Figure 25: Item 4 – Existing Land Zoning Map - Part 4 Ocean Park Road, Belmont South

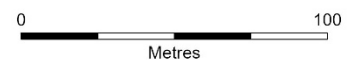


- Land Parcel
- Subject Land
- Land Zoning**
- E2 Environmental Conservation
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation

## Proposed

### Land Zoning Map

Lake Macquarie Local Environmental Plan 2014



N  
Projection GDA 1994  
Zone 56



Date: 28/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 26: Item 4 – Proposed Land Zoning Map - Part 4 Ocean Park Road, Belmont South**

## Item 5: Land Along Bowman Street, SWANSEA



- ☐ Land identified to be purchased
 ☐ Council land (community land)
 ☐ Council land (operational land)

### Planning Controls under LMLEP 2014

- Subject site is zoned SP2 Classified Road and is identified to be purchased by RMS
- Not identified in Belmont Contributions Plan

### Site Details

- Land is part of a road reserve along Bowman Street. This is historical legacy with this being originally included on the 1984 LEP. However since that time, the road corridor has now been widened and it is now part of an existing road corridor.
- Transport for NSW has advised that the land is already a dedicated road reserve and to remove the acquisition by Transport for NSW.

### Estimated Land acquisition cost

- No Data

### Recommendation

- Remove acquisition. Already part of road reserve.





- Land Parcel
- Subject Land

## Air Photo

### 2020 Aerial Photography

Nearmap Imagery 2020

0  100  
Metres

  
 Projection GDA 1994  
 Zone 56

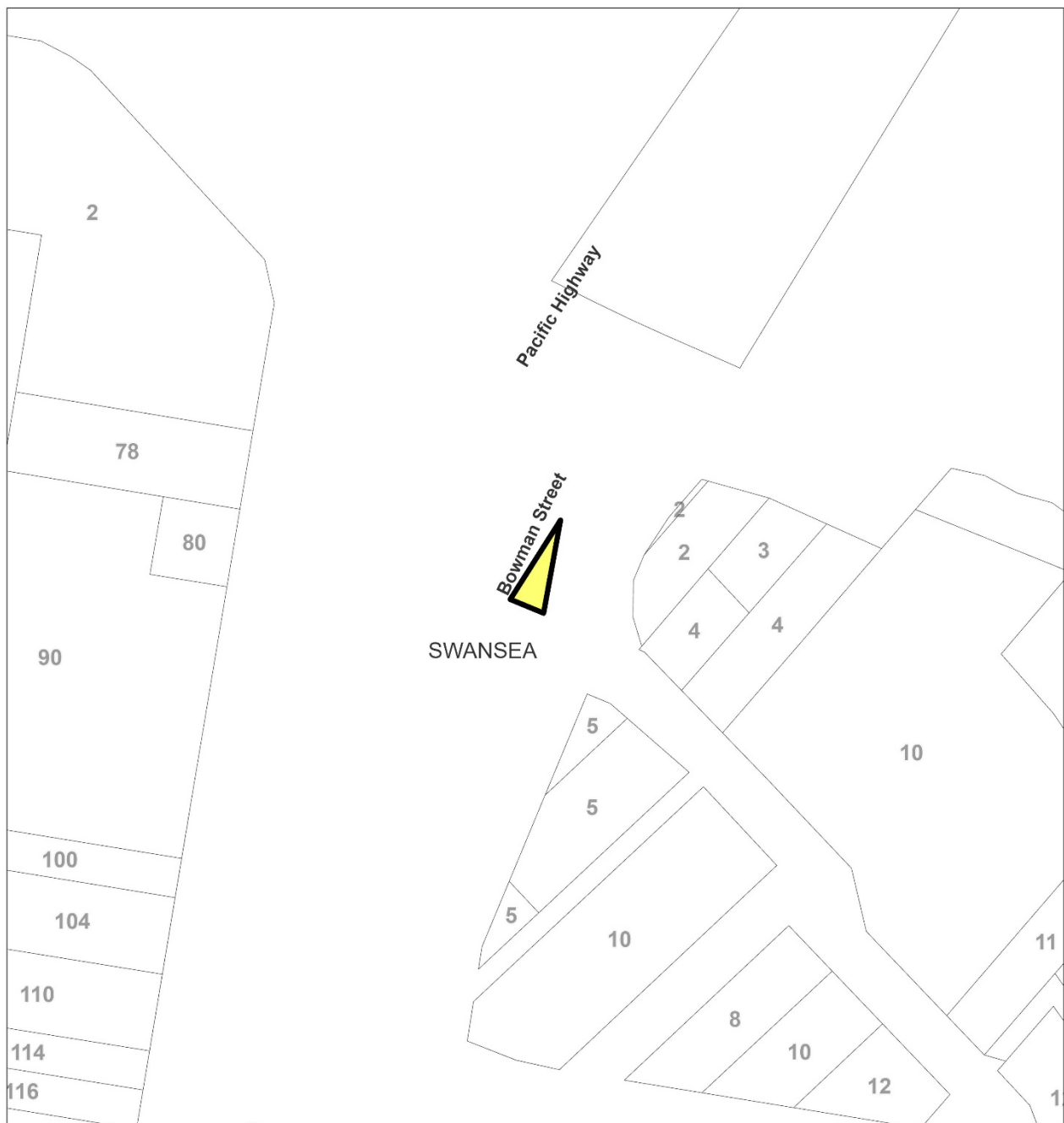


Date: 27/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 27: Item 5 - Aerial Map - Bowman Street, Swansea**



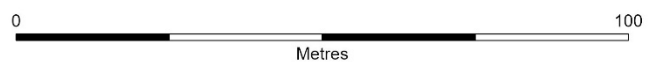


-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Existing

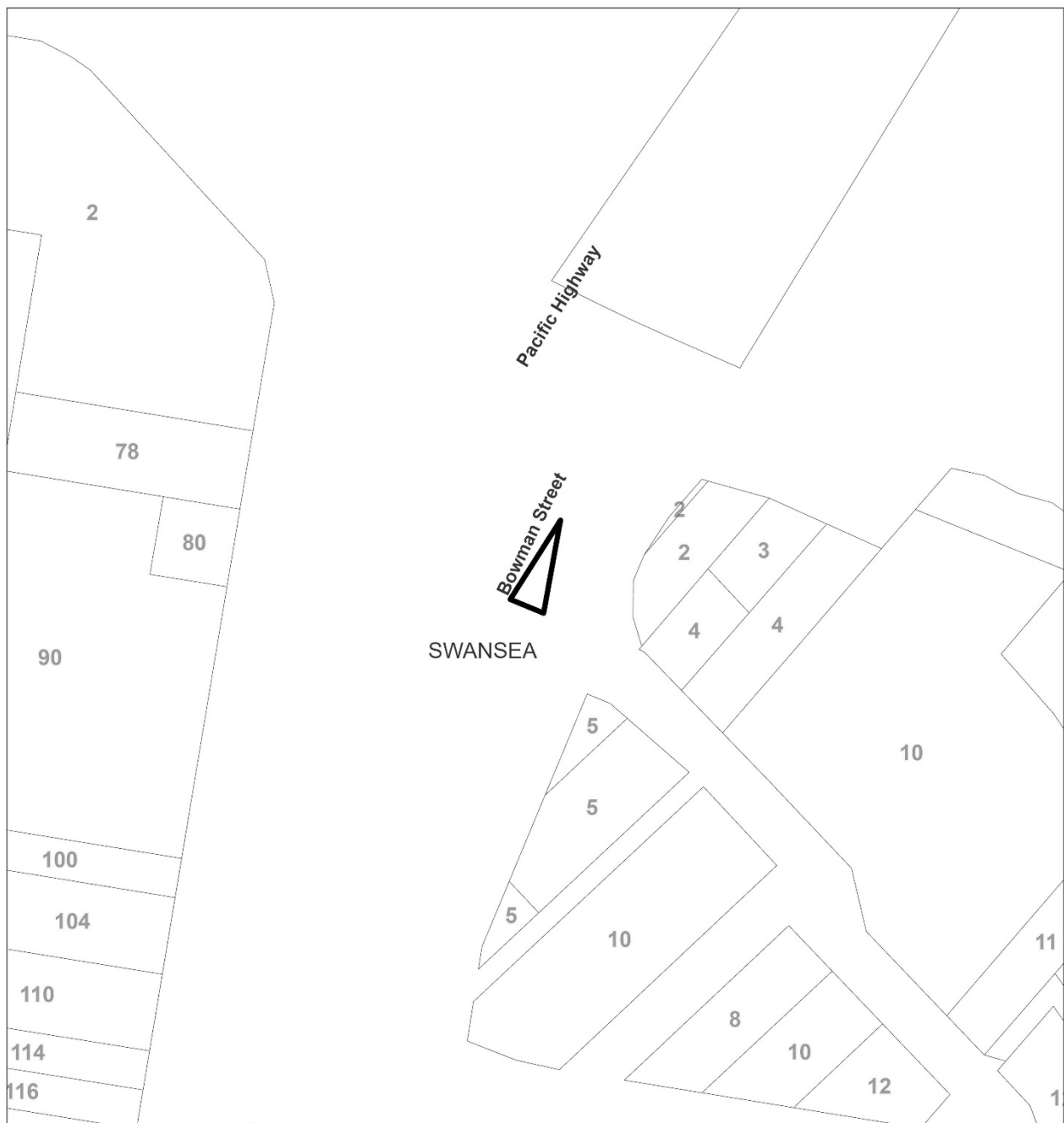
### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 28: Item 5 – Existing Land Reservation Map - Bowman Street, Swansea**



-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Proposed

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

0 100  
Metres

N  
Projection GDA 1994  
Zone 56



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 29: Item 5 – Proposed Land Reservation Map - Bowman Street, Swansea**

## Item 6: 350A Old Pacific Highway, SWANSEA (Lot 6 DP 791995)



Land identified to be purchased
  Council land (community land)
  Council land (operational land)

### Planning Controls under LMLEP 2014

- Subject site is zoned E2 Environmental Conservation and is identified to be purchased by LMCC
- Not identified in the Belmont Contributions Plan

### Site Details

- Land is owned by Transport for NSW
- Undeveloped and contains native bush vegetation (Swamp Mahogany- Paperbark Forest (EEC equivalent: Swamp Sclerophyll Forest on Coastal Floodplains) and Galgabree Creek which covers most of the subject site
- Adjoins community land (natural area) to the north
- Land is within a high hazard flood control lot and is bush fire prone
- RMS have established this site as a biodiversity offset site (BioBanking agreement ID number BA340).
- Transport for NSW has started discussions with Council over the potential sale and transfer of this land to Council, which Council is currently considering. Transport for NSW have advised that they would still like the acquisition layer to be removed to ensure their options are open should an outcome not be reached on the sale of this land to Council.

### Estimated Land acquisition cost

\$10,000

### Recommendation

Remove the acquisition layer from this site as it is not required for public recreation and is an identified biodiversity offset site.





- Land Parcel
- Subject Land

## Air Photo

### 2020 Aerial Photography

Nearmap Imagery 2020

0 200  
Metres

N  
Projection GDA 1994  
Zone 56

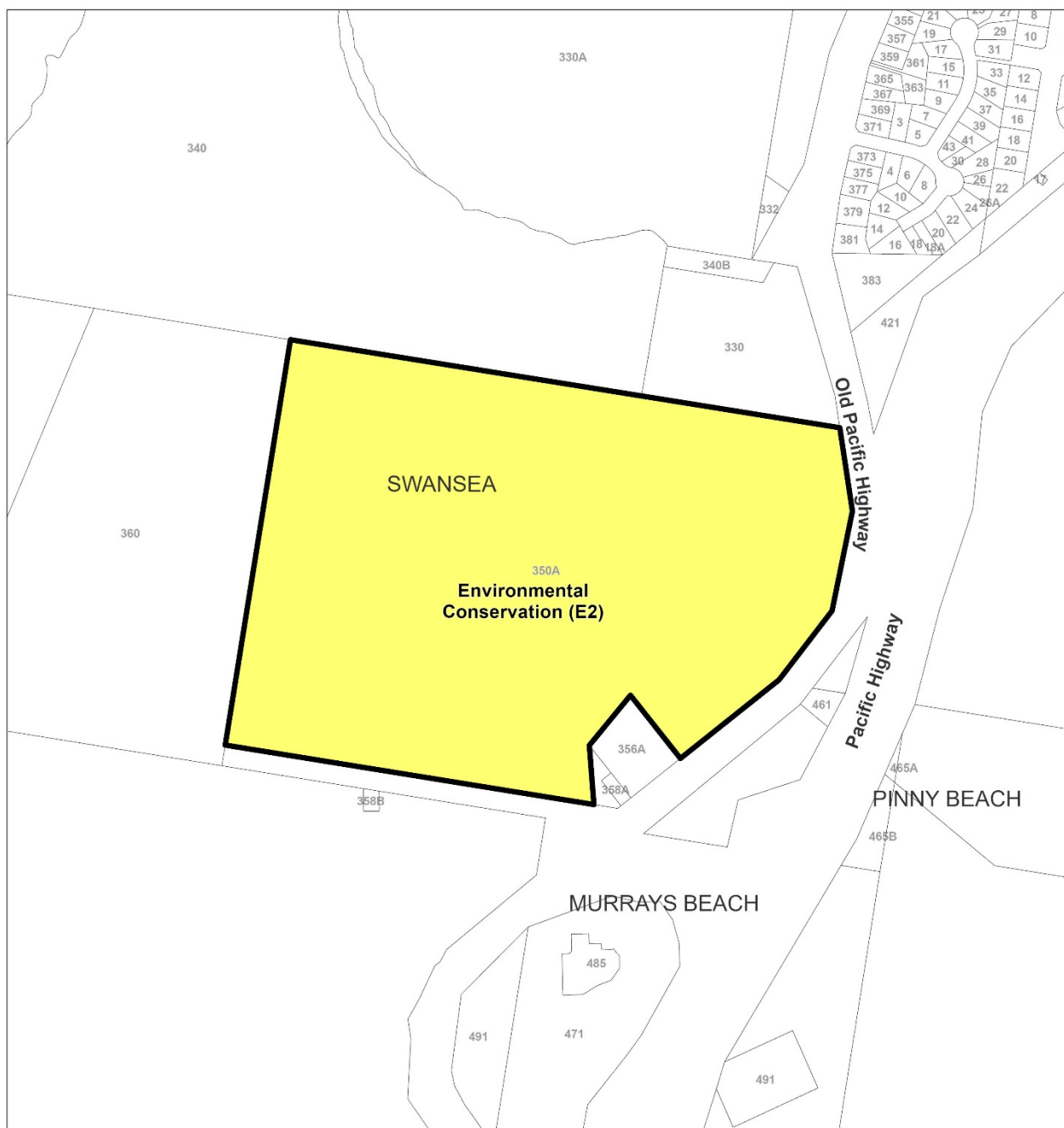


Date: 27/10/2020

Planning Proposal: F2017/00767/05/05

Figure 30: Item 6 - Aerial Map - 350A Old Pacific Highway, Swansea





-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Existing

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

0 200  
Metres

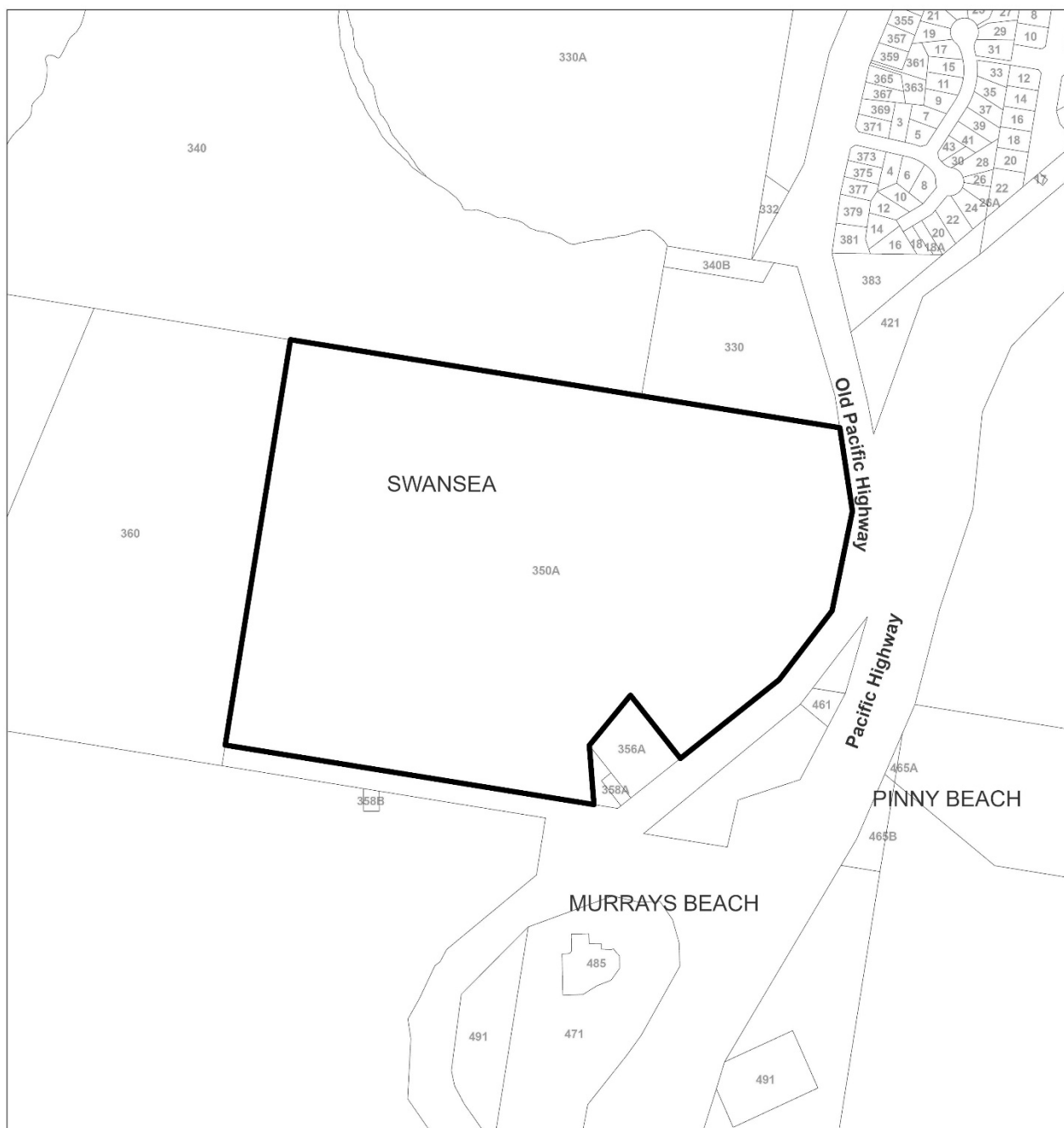
N  
Projection GDA 1994  
Zone 56



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

Figure 31: Item 6 – Existing Land Reservation Acquisition Map - 350A Old Pacific Highway, Swansea





-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Proposed

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

0 200  
Metres

N  
Projection GDA 1994  
Zone 56



Date: 26/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 32: Item 6 – Proposed Land Reservation Acquisition Map - 350A Old Pacific Highway, Swansea**

## Item 7: 125 (Lot 1 DP962696) & 131 (Lot 2 DP 449780) Bowman Street, SWANSEA



- ☐ Land identified to be purchased   
 ☐ Council land (community land)   
 ☐ Council land (operational land)

### Planning Controls under LMLEP 2014

- Subject site is zoned RE1 Public Recreation and is identified to be purchased by LMCC
- The Belmont Contributions Plan identifies a new town park near these land parcels. \$1.5M is allocated in the Belmont Contributions plan for acquisition of land within the town park, which includes these parcels

### Site Details

- 125 Bowman Street has recently been acquired by Council and 131 Bowman Street is privately owned
- Land is part of proposed future park land
- Land is within a high hazard flood control lot and located between 1 and 1.5m RL and will be subject to future sea level rise.

### Estimated Land acquisition cost based on Belmont Contributions Plan

- \$750, 000 for 125 Bowman Street

### Recommendation

- Council has recently acquired 125 Bowman Street and this should be removed from the Land Reservation Acquisition Map
- Retain 131 Bowman Street for the purposes of a local park





- Land Parcel
- Subject Land

## Air Photo

### 2020 Aerial Photography

Nearmap Imagery 2020

0  100  
Metres

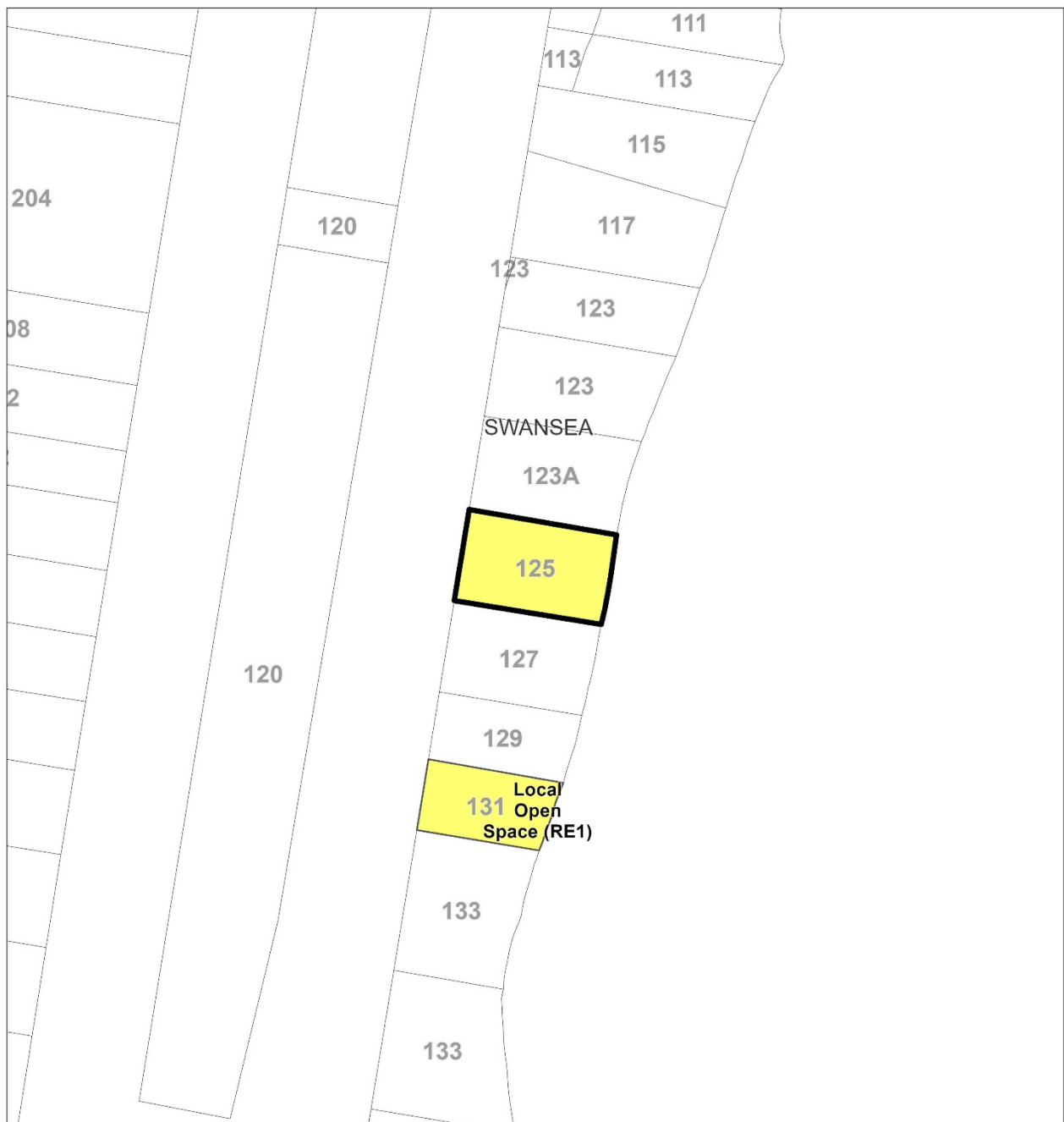
  
 Projection GDA 1994  
 Zone 56



Date: 27/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 33: Item 7 - Aerial Map – 125 Bowman Street, Swansea**

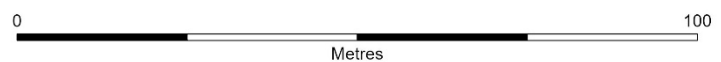


-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Existing

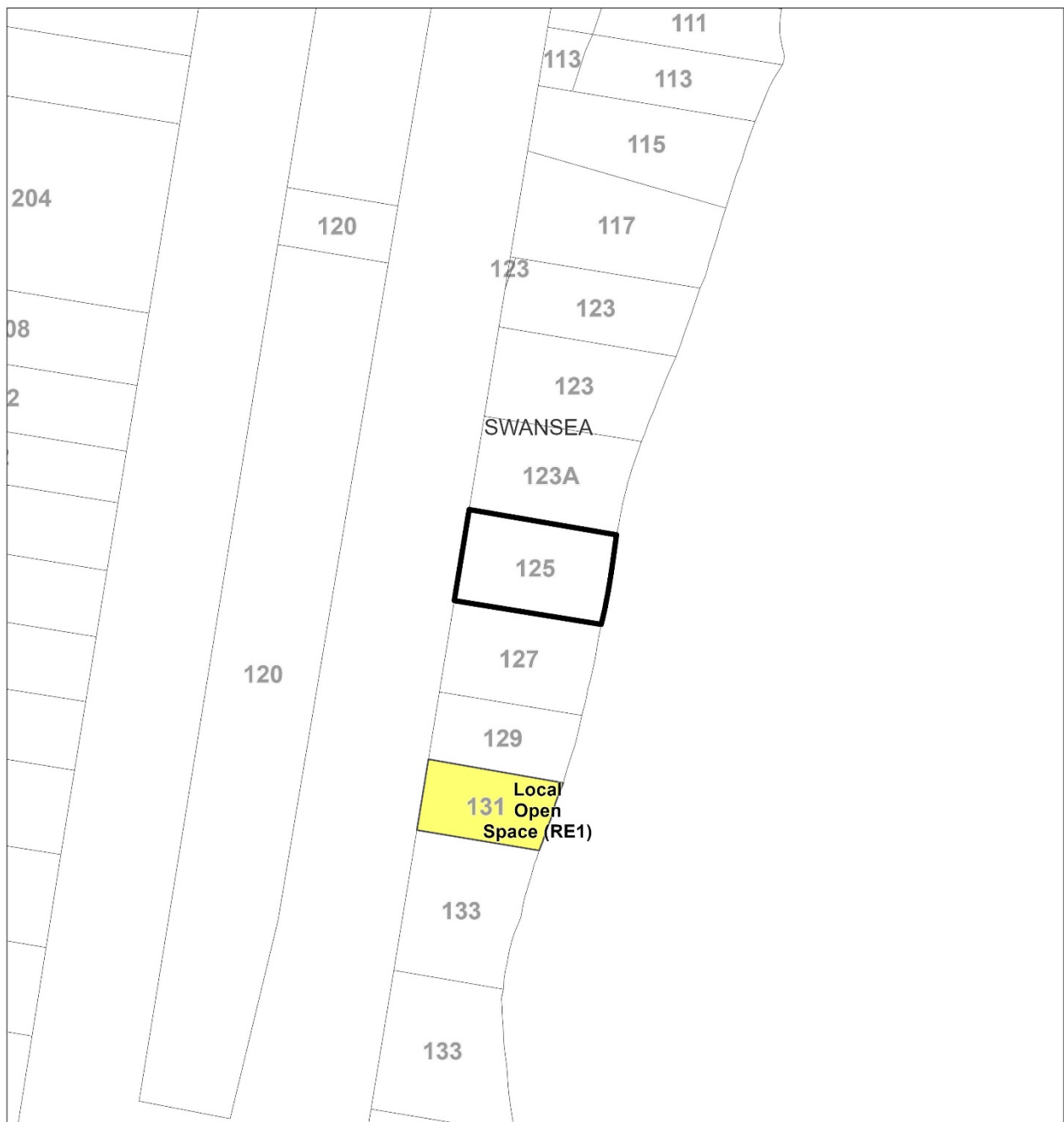
### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014



Date: 27/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 34: Item 7 - Existing Land Reservation Map – 125 Bowman Street, Swansea**

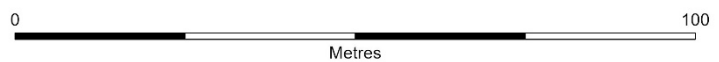


-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Proposed

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014



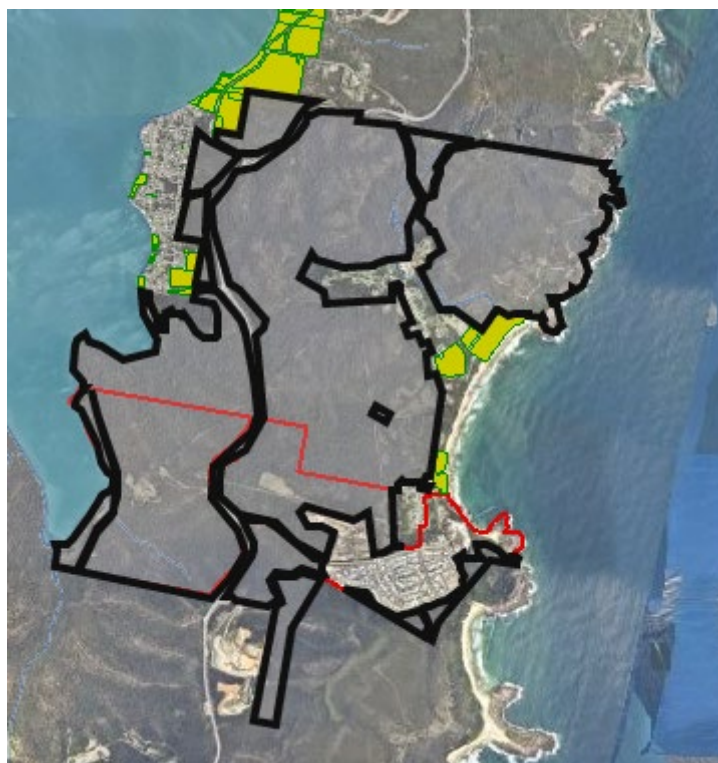
Date: 27/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 35: Item 7 - Proposed Land Reservation Map – 125 Bowman Street, Swansea**



### Item 8: E1 Land in CATHERINE HILL BAY, CATHERINE HILL BAY

145 Mine Camp Road, Catherine Hill Bay (Lot 6 DP 1180181), 3 Awabakal Drive, Nords Wharf (Lot 3 DP 1180292, 595 Pacific Highway, Crangan Bay (Lot 204 DP 1164883), Lot 105 DP 1129872 Morrice Street, Catherine Hill Bay



Land identified to be purchased



Council land (community land)



#### Planning Controls

- 145 Mine Camp Road, Catherine Hill Bay, 3 Awabakal Drive, Nords Wharf and Lot 105 DP 1129872 Morrice Street, Catherine Hill Bay are zoned E1 National Parks and Nature Reserves in the LMLEP 2014 and are identified to be purchased by the Minister of the National Parks and Wildlife Act 1974
- 595 Pacific Highway, Crangan Bay is a deferred matter area and is zoned E1 National Parks and Nature Reserves under the planning controls in the LMLEP 2004 and is identified to be purchased by the Minister of the National Parks and Wildlife Act 1974.

#### Site Details

- Land has already been acquired by the Minister of the National Parks and Wildlife Act 1974
- Contamination Conditions apply to a large portion of the site (Mid to North East)
- Land is within a high hazard flood control lot and is bush fire prone

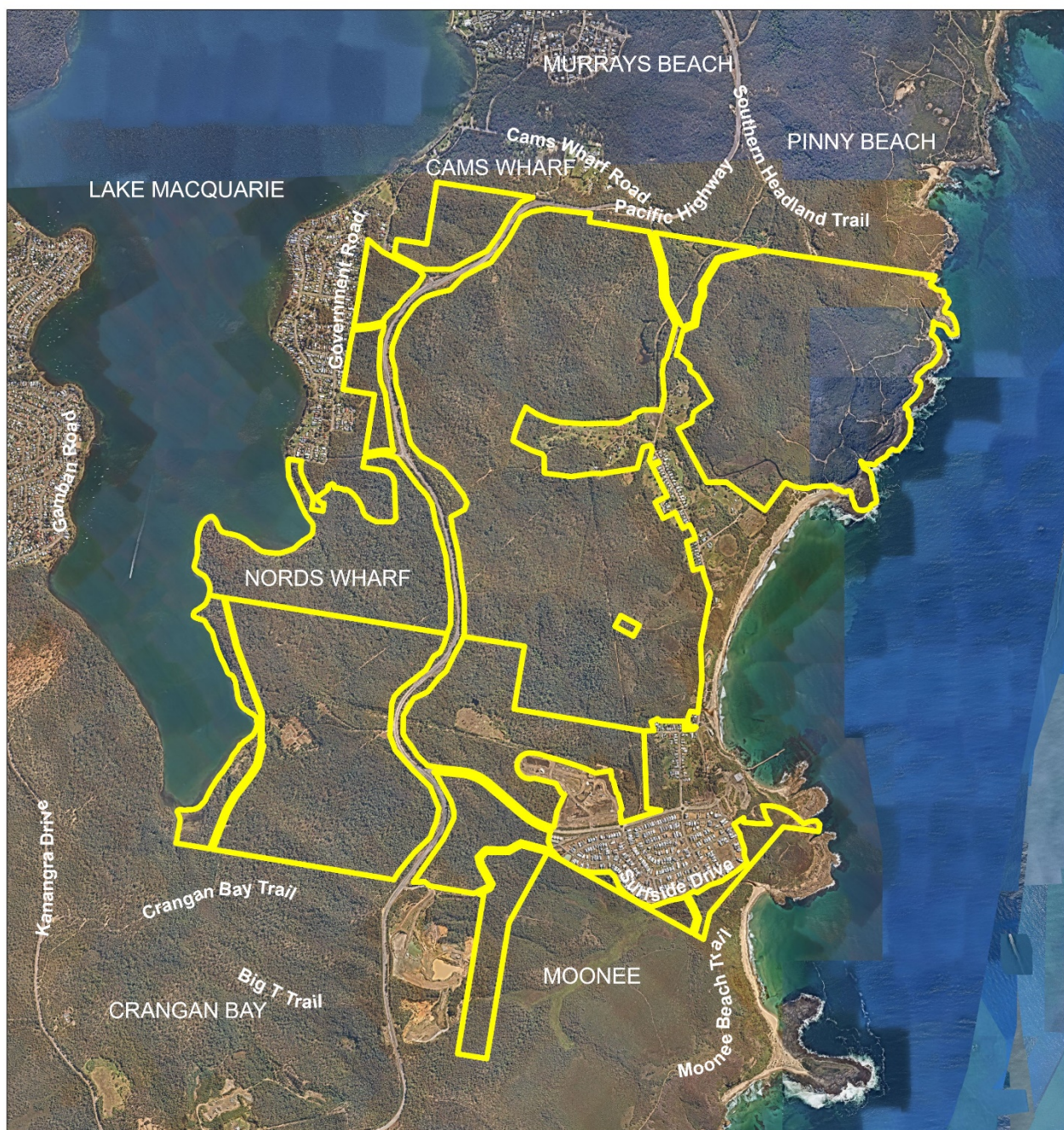
#### Estimated Land acquisition cost

Nil. Land is already been transferred as National Park

#### Recommendation

Remove acquisition from LMLEP 2004 and LMLEP 2014 as property has already been transferred to National Parks.





 Subject Land

## Air Photo

### 2020 Aerial Photography

Nearmap Imagery 2020

0 1,000  
Metres

N  
Projection GDA 1994  
Zone 56

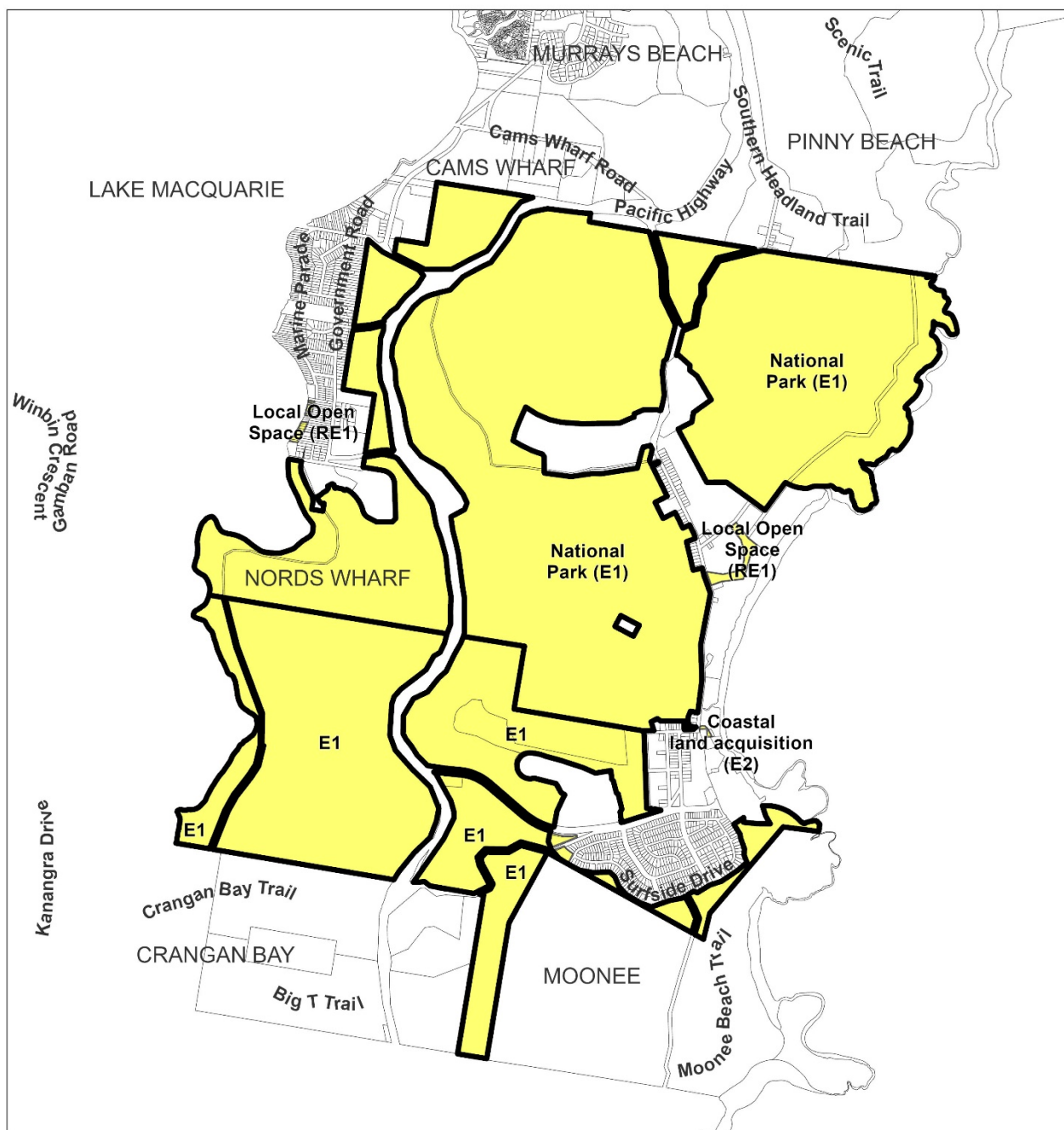


Date: 28/10/2020

Planning Proposal: F2017/00767/05/05

Figure 36: Item 8 - Aerial Map - E1 Land Catherine Hill Bay





- Subject Land
- Land Parcel
- Land Reservation Acquisition

## Existing

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

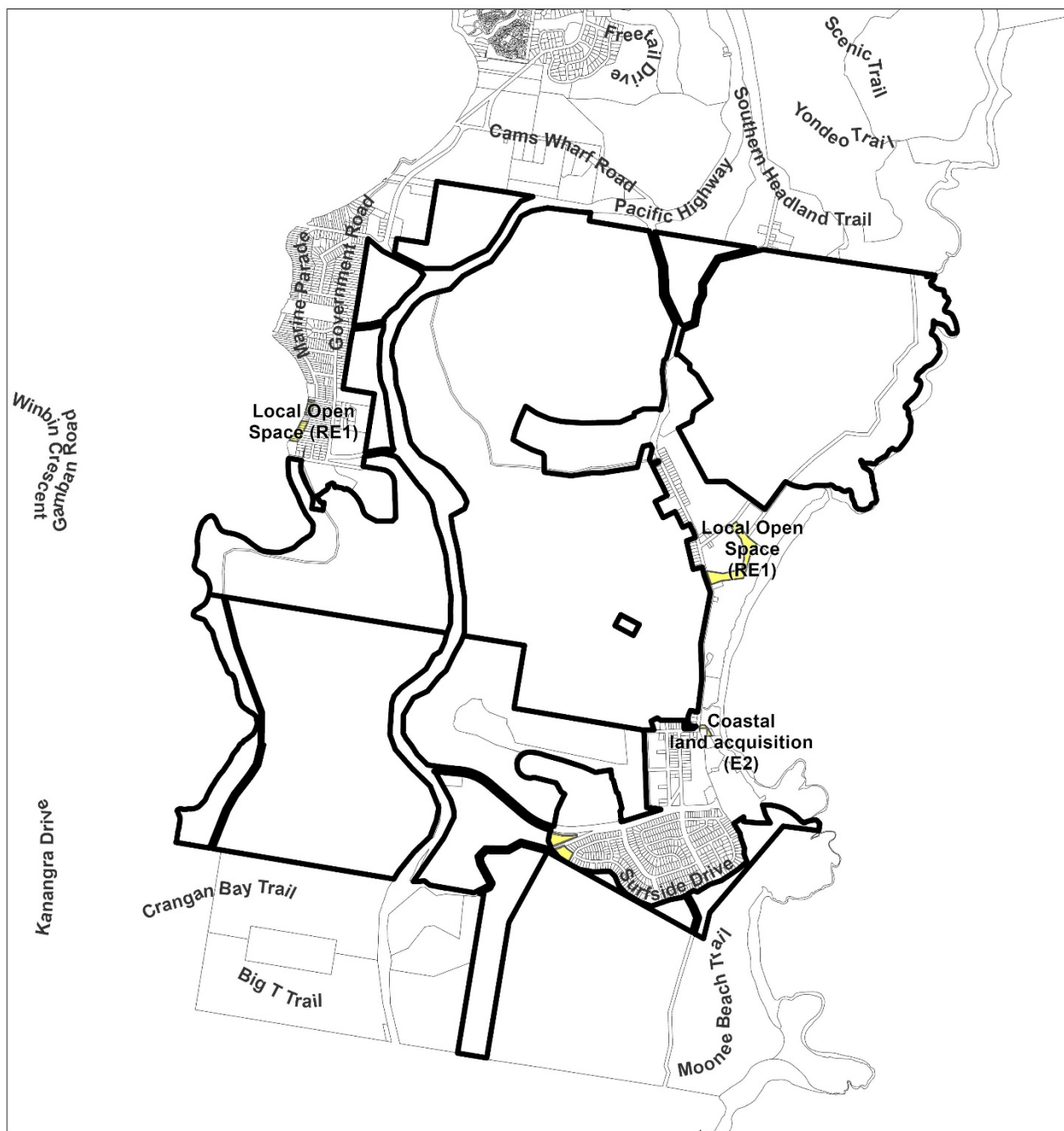
0  1,000  
Metres

N  
Projection GDA 1994  
Zone 56



Date: 28/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 37: Item 8 - Existing Land Reservation Acquisition Map - E1 Land Catherine Hill Bay**




-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Proposed

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

0  1,000  
Metres

N  
  
Projection GDA 1994  
Zone 56



Date: 28/10/2020 Planning Proposal: F2017/00767/05/05

**Figure 38: Item 8 – Proposed Land Reservation Acquisition Map - E1 Land Catherine Hill Bay**

## Item 9: 46 Rockpool Road, CATHERINE HILL BAY (Lot 1120 DP 1219395)



☐ Land identified to be purchased ☐ Council land (community land)

### Planning Controls under LMLEP 2014

- The land is a deferred matter under the LMLEP 2014 and the planning controls of LMLEP 2004 apply. The subject site is zoned SP2 Sewage System and is identified for acquisition and to be purchased by Hunter Water Corporation in the LMLEP 2004.

### Site Details

- Land is owned by Coastal Hamlets Pty Ltd
- Contains partly cleared native bush (Coastal Plains Smooth-barked Apple Woodland)
- Contamination conditions apply to the site
- Land is within a high hazard flood control lot and is bush fire prone
- Land is identified in LMLEP 201
- Hunter Water advised in 2015 that water and sewer services are to be provided to the development by a private water utility under the provisions of the Water Industry Competition Act and all references to Hunter Water in the State Environmental Planning Policy Amendment (South Wallarah Peninsula) 2014 be removed. However these changes do not appear to have been incorporated into the [Lake Macquarie Local Environmental Plan 2004](#) as Hunter Water are still identified as the acquisition authority for land zoned SP2 Infrastructure.

### Estimated Land acquisition cost

- No data.

### Recommendation

- Remove from Land Reservation Acquisition Map in LMLEP 2004 and remove reference to Hunter Water in clause 153(2) of the LMLEP 2004.





- Land Parcel
- Subject Land

## Air Photo

### 2020 Aerial Photography

Nearmap Imagery 2020

0 100  
Metres



Projection GDA 1994  
Zone 56

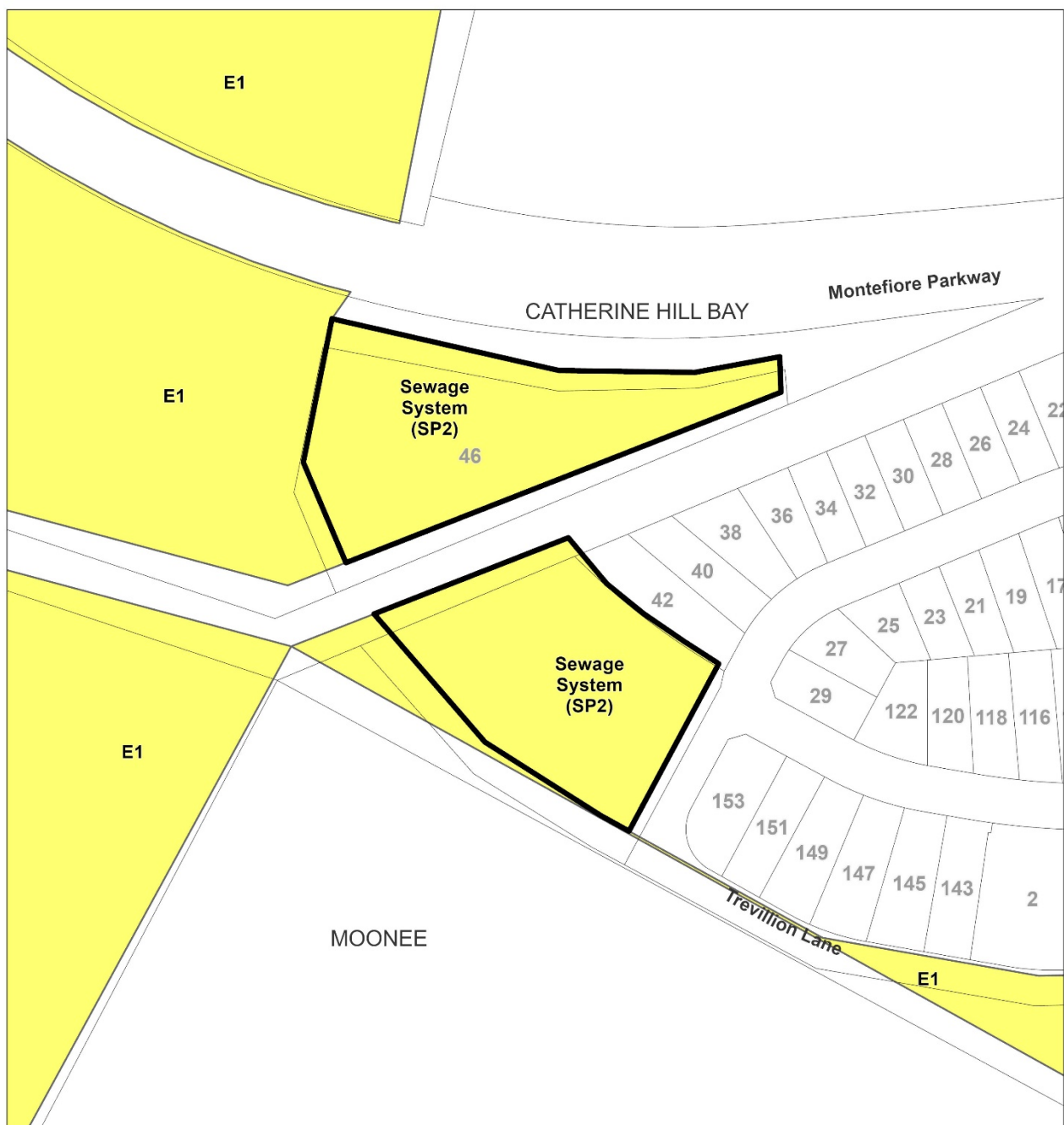


Date: 27/10/2020

Planning Proposal: F2017/00767/05/05

**Figure 39: Item 9 - Aerial Map - 46 Rockpool Road, Catherine Hill Bay**





- Subject Land
- Land Parcel
- Land Reservation Acquisition

## Existing

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

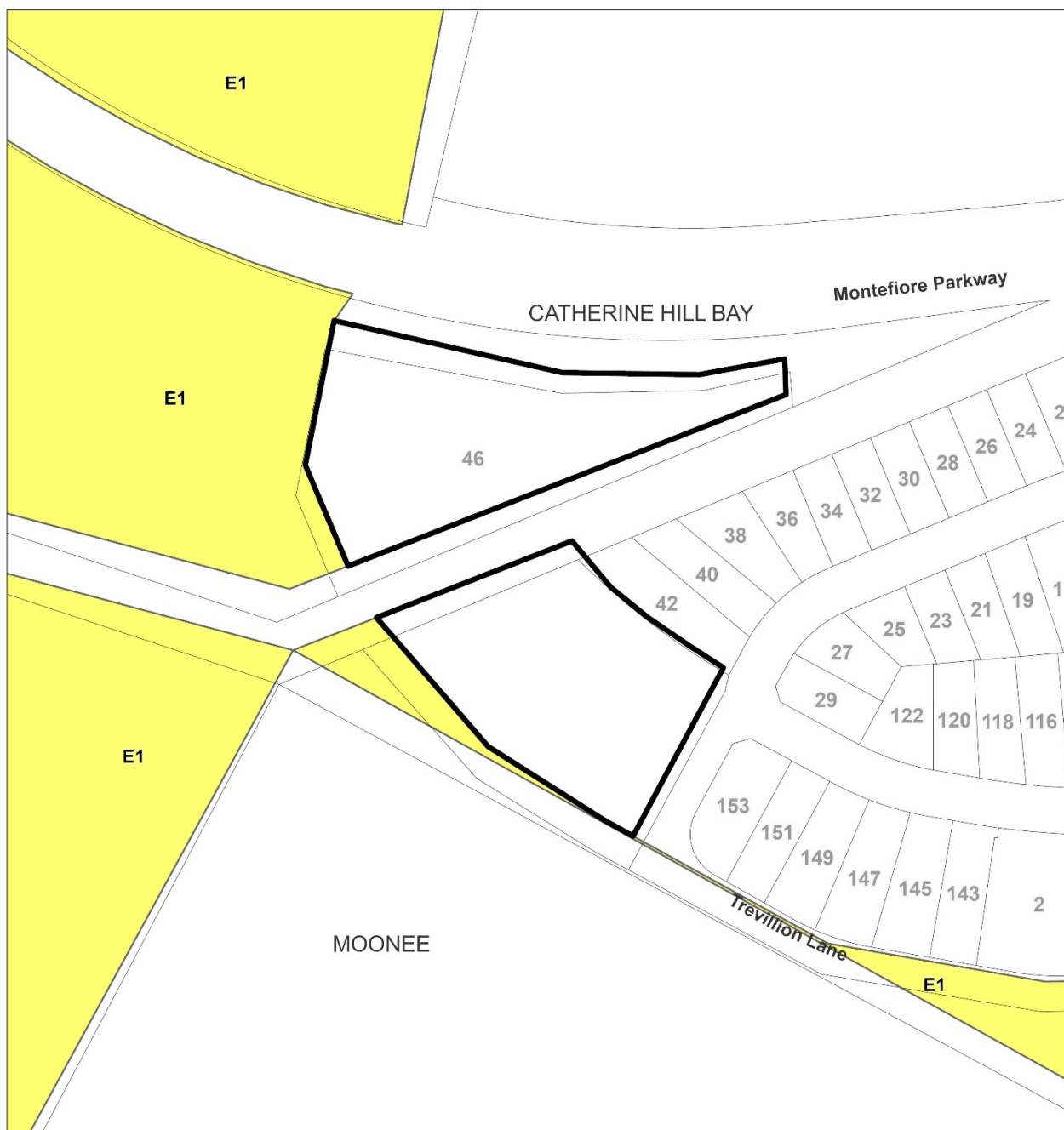
0  100  
Metres

N  
Projection GDA 1994  
Zone 56



Date: 28/10/2020    Planning Proposal: F2017/00767/05/05

**Figure 40: Item 9 - Existing Land Reservation Acquisition Map - 46 Rockpool Road, Catherine Hill Bay**



-  Subject Land
-  Land Parcel
-  Land Reservation Acquisition

## Proposed

### Land Reservation Acquisition Map

Lake Macquarie Local Environmental Plan 2014

0 100  
Metres

N  
Projection GDA 1994  
Zone 56



Date: 27/10/2020 Planning Proposal: F2017/00767/05/05

Figure 41: Item 9 - Proposed Land Reservation Map - 46 Rockpool Road, Catherine Hill Bay

## Part 5 – COMMUNITY CONSULTATION

Community consultation will occur in accordance with the Gateway Determination and all affected land owners consulted on the proposed changes.

## Part 6 – PROJECT TIMELINE

An indicative estimate of the project timeline is outlined below:

Action	Timeframe
Gateway determination to proceed	May 2021
Government agency consultation	June 2021
Public exhibition (28 days)	June 2021
Consideration of submissions	July 2021
Report public exhibition findings to Council	September 2021
Finalisation of LEP Amendment	December 2021



## **APPENDIX 1 – SCHEDULE OF LAND**

<b>Item no.</b>	<b>Address, lot and DP</b>	<b>Landowner</b>
1	Part 14 Halyard Way, Belmont (Part Lot 803 DP 1156934)	Private
2	Part 40 Croudace Bay Road, Belmont (Part Lot 22 DP 1143785)	Private, Crown (road reserve)
3	Part 22 Hill Street (Part Lot 2 DP 519945) and Part 35 Macquarie Drive, Belmont (Part Lot 22 DP 879368)	Private
4	Part 4 Ocean Park Road (Part Lot 4 DP 211142), Belmont South	Belmont Golf Club
5	Land along Bowman Street, Swansea	TfNSW
6	350A Old Pacific Highway, Swansea (Lot 6 DP791995)	TfNSW
7	125 Bowman Street, Swansea	LMCC
8	145 Mine Camp Road, Catherine Hill Bay (Lot 6 DP 1180181), 3 Awabakal Drive, Nords Wharf (Lot 3 DP 1180292), 595 Pacific Highway, Crangan Bay (Lot 204 DP 1164882), Lot 105 DP 1129872 Morrice Street, Catherine Hill Bay	National Parks
9	46 Rockpool Road, Catherine Hill Bay (Lot 1120 DP 1219395)	Coastal Hamlets Pty Ltd

## **APPENDIX 2 - CONSIDERATION OF ENVIRONMENTAL CONSTRAINTS APPLYING TO PROPERTIES**

<b>Item No.</b>	<b>Address</b>	<b>Coastal Zone</b>	<b>Bushfire</b>	<b>Contamination</b>	<b>Acid Sulphate</b>	<b>Sensitive Aboriginal</b>	<b>Flood</b>	<b>Heritage</b>
1	Part 14 Halyard Way, Belmont	N	Y	Y	N	No	No (but adjoins flood control lot high hazard).	N
2	Part 40 Croudace Bay Road, Belmont	N	Y	No but adjoins possible contamination	N	N	N	N
3	2 Hill Street and Part 35 Macquarie Drive, Belmont	N	Y	Possibly contaminated	N	N	N	N
4	Part 4 Ocean Park Road, Belmont South	Yes (coastal wetland buffer)	Y	N	Y class 3	Yes majority of site	Part flood planning area	N
5	Bowman Street, Swansea	Y coastal environment area	N	N	Y class 2	Small part yes	Y high hazard	N
6	350A Old Pacific Highway, Swansea	Y part coastal environmental area	Y	N	Y class 4	Yes, part	Y low hazard in part	N
7	125 Bowman Street, Swansea	Y coastal wetland buffer	N	N	Y class 2	Y	Y low and high hazard	N
8	E1 land in Catherine Hill Bay	Yes	Yes	Y	a number of different classes	Yes	Y	Y
9	46 Rockpool Road, Catherine Hill Bay	No	Yes	Y	N	A part of this property contains some sensitive aboriginal landscape layer, but not the acquisition area	N	Y

## APPENDIX 3 – INITIAL CONTAMINATION EVALUATION CHECKLIST FOR SITES BEING REZONED

### ITEM 2 - Part 40 Croudace Bay Road, Belmont

#### Assessment Details

Address: Part 40  
Croudace Bay Road,  
Belmont

Officer and Date:  
Angel Troke – 14  
January 2021

#### Part 1 - Initial Evaluation Requirements

Yes/No/  
Uncertain

1. Have any previous investigations relating to land contamination been conducted on the property, or adjacent land, that indicate the potential for land contamination?

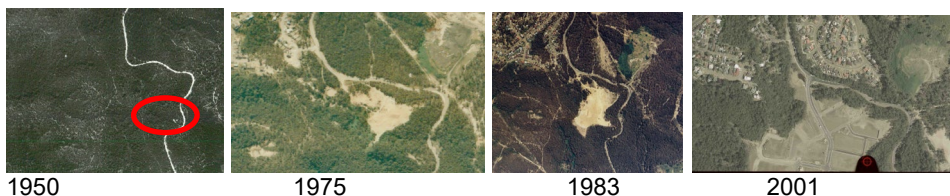
No

There has been no previous investigations relating to land contamination that have been conducted on the property. The adjoining property opposite Croudace Bay Road (14 Halyard Way, Belmont) to the west is identified in Council's register as potentially contaminated. Uncontrolled fill and dumping of household and building waste has been observed on the property to the west of the site and this adjoining property is adjacent to a former landfill/quarry/sanitary depot

2. Has the property at any time been zoned for industrial, agricultural or defence purposes?

Yes

Investigations of the Northumberland District Planning Scheme 1966 show the land was zoned for Non Urban 'A' uses. The 1984 showed this land as 1(a) Rural "A". 40 Croudace Bay was rezoned to 7(1) Conservation (Primary) and the portion of the area being rezoned was identified as 5 Infrastructure with an acquisition layer over part of the parcel within the LMLEP 2004. These zones were then converted during the conversion to the standard instrument in LMLEP 2014. Under historical planning schemes zoning agriculture was permitted in both the 1966 and 1984 LEP. Despite the zoning allowing agriculture, a review of historical photography outlined below indicates that the site has been only used as bushland with residential development occurring adjacent to the site.



3. Has an activity listed in Table 1 ever occurred on the property or been approved on the property?

No

The property in question is utilised as bushland and there is an unformed road reserve on the parcel. Review of historical photos reveal that the site was bushland. By 1975 clearing had occurred immediately west of the development and disturbance is noted opposite Croudace Bay Road and land immediately west of the site stayed in a cleared state until it started to be developed in 2001 with roads formally constructed by 2001.

**4. Has the property ever been regulated through licensing or other mechanisms in relation to any activity listed in Table 1?**

No

A search of the Protection of the Environment Operations Act 1997 (the POEO Act) licence register does not identify the property to have ever been regulated through licensing or other mechanisms in relation to any activity listed in table 1.

**5. Are there any land use restrictions on the property relating to possible contamination, such as notices issued by the EPA or other regulatory authority?**

No

A search of the Contaminated Land Management Act 1997 (CLM Act) record of notices does not show any restrictions on the property relating to possible contamination

**6. Does a site inspection suggest that the property may have been associated with any activities listed in Table 1?**

No

A site inspection did not suggest that the property had been associated with any activities listed in Table 1.

**7. Are you aware of information of contamination on land immediately adjacent to the property, which may result in potential contamination of the property?**

Potentially

Adjacent land opposite Croudace Bay Road is identified in Council's contamination register as potentially contaminated with uncontrolled fill and dumping of waste being identified. There is the potential that some dumping has occurred on this site in the past as well.

**Table 1 - Some Activities that may Cause Contamination** (referenced from p. 12 of the Guidelines)

• acid/alkali plant and formulation	• engine works	• power stations
• agricultural/horticultural activities	• explosives industry	• railway yards
• airports	• gas works	• scrap yards
• asbestos production and disposal	• iron and steel works	• service stations
• chemicals manufacture and formulation	• landfill sites	• sheep and cattle dips
• defence works	• metal treatment	• smelting and refining
• drum re-conditioning works	• mining and extractive industries	• tanning and associated trades
• dry cleaning establishments	• oil production and storage	• waste storage and treatment
• electrical manufacturing (transformers)	• paint formulation and manufacture	• wood preservation
• electroplating and heat treatment premises	• pesticide manufacture and formulation	

## Part 2 – Additional Evaluation Requirements

Yes/No/  
Uncertain

**8. Does a site inspection indicate that any current structures on the property contain asbestos building materials? (typically structures built prior to the mid-1980s)**

No

It is recognised that the site has not contain any buildings therefore it would not contain any building materials that would have asbestos.

No



9. Have any structures been demolished on the property that could have contained asbestos building materials?

As above

10. Have any parts of the property been excavated that have the potential for acid sulphate soils?

No

11. Have any parts of the property been filled with off-site material that could include:

No

- i. black slag from the former Pasminco Cockle Creek lead smelter;
- ii. fill contaminated with asbestos; and/or
- iii. any other unidentified potentially contaminated material?

It is not anticipated that the site has been filled with off-site material that is contaminated. There is no development on this land with the site being heavily vegetated.

12. Is the site categorized by Department of Defence as having substantial or slight potential of containing Unexploded Ordnance (UXO)? (applicable to the localities of Redhead, Jewells, Belmont North, Belmont South and Catherine Hill Bay only)

No

No. The site is not identified as having the potential for UXO.

**Summary Contamination:** The site is not identified in Council's Contamination Register as being contaminated or potentially contaminated. The land has been at all times vegetated. There is land west and opposite Croudace Bay Road that is identified in Council's Contamination Register as contaminated or potentially contaminated with uncontrolled fill and building waste. In addition it is also near an area that was used a former landfill/quarry and sanitary depot. The proposal involves rezoning this property from its current SP2 Infrastructure (Road) zoning and changing the site's zoning to E2 Environmental Conservation. The land is currently undersized and a dwelling would unlikely be supported in this location. Council intends to maintain the land reservation acquisition on this parcel as Council is intending to purchase this land for environmental conservation purposes.

## ITEM 3 - Part 22 Hill Street and Part 35 Macquarie Drive, Belmont

### Assessment Details

Address: Part 22 Hill Street and Part 35 Macquarie Drive, Belmont

Officer and Date:  
Angel Troke – 14  
January 2021

### Part 1 - Initial Evaluation Requirements

Yes/No/  
Uncertain

- 1. Have any previous investigations relating to land contamination been conducted on the property, or adjacent land, that indicate the potential for land contamination?**

Yes

A contamination site assessment was prepared for 35 Macquarie Drive when council was considering extending Macquarie Drive through this property. The contamination investigation identified that the site appears to have been used as a quarry prior to 1950 which was progressively filled for a period of 20 years. Site history review indicated that filling was largely uncontrolled and potentially included household waste, green waste and building materials. In a small number of samples undertaken over the site, some heavy metals exceeded the environmental criteria for arsenic, copper and zinc. Soils were identified as being classed as either general or restricted waste and one area was identified as hazardous waste based on lead.

- 2. Has the property at any time been zoned for industrial, agricultural or defence purposes?**

No

Investigations of the Northumberland District Planning Scheme 1960 show the land was zoned as Residential 'B' Restricted Residential. The 1984 showed this land as 6(c) Open Space Reservation. The land was zoned 6(1) Open Space in the LMLEP 2004 and acquisition identified over this land. This zoning was then converted into the LMLEP 2014.

- 3. Has an activity listed in Table 1 ever occurred on the property or been approved on the property?**

No

The site appears to have been used as a quarry prior to 1950 which was progressively filled for a period of 20 years.

- 4. Has the property ever been regulated through licensing or other mechanisms in relation to any activity listed in Table 1?**

No

A search of the Protection of the Environment Operations Act 1997 (the POEO Act) licence register does not identify the property to have ever been regulated through licensing or other mechanisms in relation to any activity listed in table 1.

- 5. Are there any land use restrictions on the property relating to possible contamination, such as notices issued by the EPA or other regulatory authority?**

Yes

Sites are identified in Council's Contamination Register as contaminated or potentially contaminated.

- 6. Does a site inspection suggest that the property may have been associated with any activities listed in Table 1?**

No

A site inspection did not suggest that the property had been associated with any activities listed in Table 1. Though contamination investigations have identified that the site may have been used as a quarry and filling.

- 7. Are you aware of information of contamination on land immediately adjacent to the property, which may result in potential contamination of the property?**

Yes

Previously used as a quarry and filling.

**Table 1 - Some Activities that may Cause Contamination** (referenced from p. 12 of the Guidelines)

• acid/alkali plant and formulation	• engine works	• power stations
• agricultural/horticultural activities	• explosives industry	• railway yards
• airports	• gas works	• scrap yards
• asbestos production and disposal	• iron and steel works	• service stations
• chemicals manufacture and formulation	• landfill sites	• sheep and cattle dips
• defence works	• metal treatment	• smelting and refining
• drum re-conditioning works	• mining and extractive industries	• tanning and associated trades
• dry cleaning establishments	• oil production and storage	• waste storage and treatment
• electrical manufacturing (transformers)	• paint formulation and manufacture	• wood preservation
• electroplating and heat treatment premises	• pesticide manufacture and formulation	

## Part 2 – Additional Evaluation Requirements

Yes/No/  
Uncertain

- 8. Does a site inspection indicate that any current structures on the property contain asbestos building materials? (typically structures built prior to the mid-1980s)**

No

The site does not contain any buildings prior to mid 1980's. However filling has occurred and this fill could potentially include asbestos material.

- 9. Have any structures been demolished on the property that could have contained asbestos building materials?**

No

As above

- 10. Have any parts of the property been excavated that have the potential for acid sulphate soils?**

No

- 11. Have any parts of the property been filled with off-site material that could include:**

Yes

- iv. black slag from the former Pasminco Cockle Creek lead smelter;
- v. fill contaminated with asbestos; and/or
- vi. any other unidentified potentially contaminated material?

As above.

- 12. Is the site categorized by Department of Defence as having substantial or slight potential of containing Unexploded Ordnance (UXO)? (applicable to the localities of Redhead, Jewells, Belmont North, Belmont South and Catherine Hill Bay only)**

No

No. The site is not identified as having the potential for UXO.

**Summary Contamination:** The sites are identified in Council's Contamination Register as being contaminated or potentially contaminated. Contamination assessments have identified that the site was previously used as a quarry and filling was largely uncontrolled and potentially included

household waste, green waste and building materials. In a small number of samples undertaken over the site, some heavy metals exceeded the environmental criteria for arsenic, copper and zinc.

The Planning Proposal seeks to rezone the land from RE1 Public Recreation to E3 Environmental Management as well as removing the acquisition over this parcel. This zone change will reduce future community use of this site. The E3 Environmental Management zone will not increase the development potential of this parcel. There is already an existing dwelling on the lot and the land is undersized so further subdivision would be restricted and the zone changing would not likely increase the development potential of this parcel.



## ITEM 4 - Part 4 Ocean Park Road, Belmont South

### Assessment Details

Address: Part 4  
Ocean Park Road,  
Belmont South

Officer and Date:  
Angel Troke – 14  
January 2021

### Part 1 - Initial Evaluation Requirements

Yes/No/  
Uncertain

- 13. Have any previous investigations relating to land contamination been conducted on the property, or adjacent land, that indicate the potential for land contamination?**

Yes

The site is not identified in Council's Contamination Register as being contaminated or potentially contaminated. Land that adjoins the property to the north east (8 Ocean Park Road, Belmont) has been identified as contaminated or potentially contaminated from illegal dumping including potential asbestos material.

- 14. Has the property at any time been zoned for industrial, agricultural or defence purposes?**

No

Investigations of the Northumberland District Planning Scheme 1960 show the land was zoned as Open Space. The 1984 showed this land as 6(c) Open Space Reservation. The land was zoned 6(1) Open Space in the LMLEP 2004 and acquisition identified over this land. This zoning was then converted into the LMLEP 2014. At no time has the land been zoned for industrial, agricultural or defence purposes.

- 15. Has an activity listed in Table 1 ever occurred on the property or been approved on the property?**

No

The site has been used as bushland, cleared area and then as an off road connection to access the dunes.

- 16. Has the property ever been regulated through licensing or other mechanisms in relation to any activity listed in Table 1?**

No

No.

- 17. Are there any land use restrictions on the property relating to possible contamination, such as notices issued by the EPA or other regulatory authority?**

No

Site is not identified in Council's Contamination Register as a contaminated or potentially contaminated site. No notices have been issued.

- 18. Does a site inspection suggest that the property may have been associated with any activities listed in Table 1?**

No

A site inspection did not suggest that the property had been associated with any activities listed in Table 1.

- 19. Are you aware of information of contamination on land immediately adjacent to the property, which may result in potential contamination of the property?**

Yes

Adjoining land is known to contain some contamination from illegal dumping. As this site is a track that people have been using for off road use, there is some potential for dumping on the side of the road.

**Table 1 - Some Activities that may Cause Contamination** (referenced from p. 12 of the Guidelines)

<ul style="list-style-type: none"> <li>• acid/alkali plant and formulation</li> <li>• agricultural/horticultural activities</li> <li>• airports</li> <li>• asbestos production and disposal</li> <li>• chemicals manufacture and formulation</li> <li>• defence works</li> <li>• drum re-conditioning works</li> <li>• dry cleaning establishments</li> <li>• electrical manufacturing (transformers)</li> <li>• electroplating and heat treatment premises</li> </ul>	<ul style="list-style-type: none"> <li>• engine works</li> <li>• explosives industry</li> <li>• gas works</li> <li>• iron and steel works</li> <li>• landfill sites</li> <li>• metal treatment</li> <li>• mining and extractive industries</li> <li>• oil production and storage</li> <li>• paint formulation and manufacture</li> <li>• pesticide manufacture and formulation</li> </ul>	<ul style="list-style-type: none"> <li>• power stations</li> <li>• railway yards</li> <li>• scrap yards</li> <li>• service stations</li> <li>• sheep and cattle dips</li> <li>• smelting and refining</li> <li>• tanning and associated trades</li> <li>• waste storage and treatment</li> <li>• wood preservation</li> </ul>
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## Part 2 – Additional Evaluation Requirements

Yes/No/  
Uncertain

**20. Does a site inspection indicate that any current structures on the property contain asbestos building materials? (typically structures built prior to the mid-1980s)**

No

The site does not contain any structures.

**21. Have any structures been demolished on the property that could have contained asbestos building materials?**

No

As above

**22. Have any parts of the property been excavated that have the potential for acid sulphate soils?**

No

Whilst the site contains class 3 acid sulphate soils, excavation has not occurred on the property.

**23. Have any parts of the property been filled with off-site material that could include:**

NO

vii. black slag from the former Pasminco Cockle Creek lead smelter;

viii. fill contaminated with asbestos; and/or

ix. any other unidentified potentially contaminated material?

No evidence of filling is known.

**24. Is the site categorized by Department of Defence as having substantial or slight potential of containing Unexploded Ordnance (UXO)? (applicable to the localities of Redhead, Jewells, Belmont North, Belmont South and Catherine Hill Bay only)**

No

No. The site is not identified as having the potential for UXO.

## Summary Contamination:

The site is not identified on Council's Contamination Register as contaminated or potentially contaminated. Historical land use does not indicate the potential for contamination. Adjoining land does not contain some contamination from illegal dumping and there is the possibility of dumping along the access road, like and other road location. The planning proposal seeks to rezone the site from RE1 Public Recreation to RE2 Private Recreation to be consistent with the zoning of the

remainder Golf Club to the south. This zone change is considered consistent with the Managing Land Contamination Guidelines.

## APPENDIX 4 – REVIEW OF PROPERTIES THAT INVOLVE REZONING

### Item 2: Land Near Croudace Bay Road, BELMONT – Road Reserve and Part 40 Croudace Bay Road, Belmont (Part Lot 22 DP 1143785)



☐ Land identified to be purchased   
 ☐ Council land (community land)   
 ☐ Council land (operational land)

#### Planning Controls under LMLEP 2014

- Subject site is zoned SP2 Infrastructure (Classified Road) and is identified to be purchased by RMS. Not identified in Belmont Contributions Plan

#### Planning and Environmental Constraints

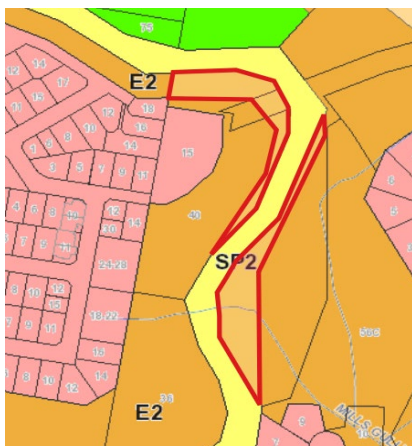


## Item 2: Land Near Croudace Bay Road, BELMONT – Road Reserve and Part 40 Croudace Bay Road, Belmont (Part Lot 22 DP 1143785)

### Aerial

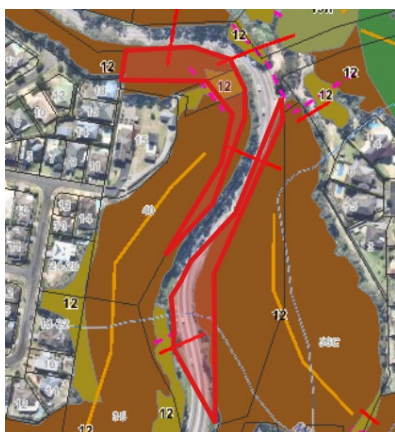


### Zoning



Zoned SP2 Infrastructure classified road

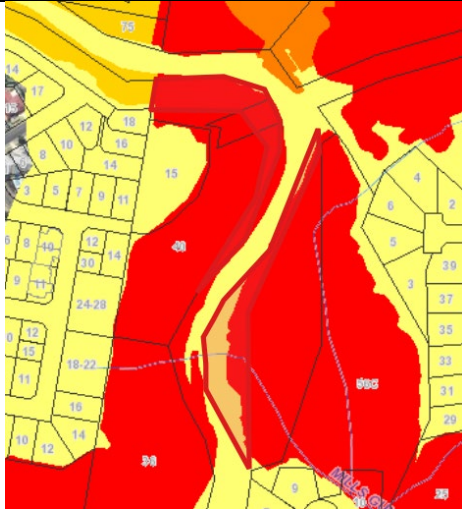
### Flora and Fauna



Contains Hunter Valley Moist Forest and identified as a corridor narrowed down to less than 200m width in our corridors mapping.

### Bushfire

## Item 2: Land Near Croudace Bay Road, BELMONT – Road Reserve and Part 40 Croudace Bay Road, Belmont (Part Lot 22 DP 1143785)



The site contains vegetation category 1 and vegetation buffer.

### Recommendation

Rezone western portion from SP2 Infrastructure to E2 Environmental Conservation to reflect the land is no longer required for road widening and the E2 zone is consistent with the adjoining E2 Environmental Conservation land and maintains the vegetation corridor. The acquisition layer will be retained as Council is interested in acquiring this land for conservation purposes. The road reserve on the east will be maintained in the SP2 zone and the acquisition layer will be removed as this is already part of the road reserve.

## Item 3: Part 22 Hill Street (Part Lot 2 DP 519945) and Part 35 Macquarie Drive, BELMONT (Part Lot 22 DP 879368)



☐ Land identified to be purchased   
 ☐ Council land (community land)   
 ☐ Council land (operational land)

### Planning Controls under LMLEP 2014

- Subject site is zoned RE1 Public Recreation and is identified to be purchased by LMCC
- Not identified in Belmont Contributions Plan

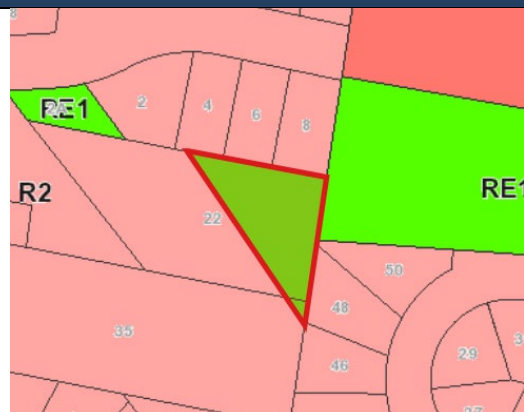
### Planning and Environmental Constraints

#### Aerial Photo



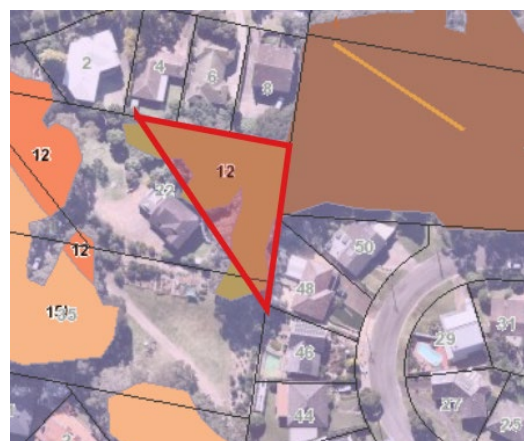
#### Zoning

## Item 3: Part 22 Hill Street (Part Lot 2 DP 519945) and Part 35 Macquarie Drive, BELMONT (Part Lot 22 DP 879368)



Site is zoned RE1 Public Recreation.

### Flora and Fauna



Site contains Hunter Valley Moist Forest and connects to adjoining bushland in Council reserve.

### Bushfire



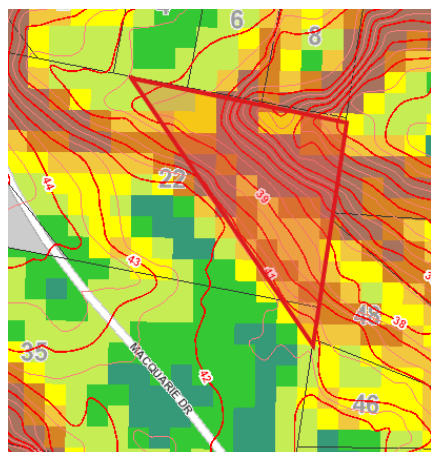
Part of site is affected by vegetation buffer.



## Item 3: Part 22 Hill Street (Part Lot 2 DP 519945) and Part 35 Macquarie Drive, BELMONT (Part Lot 22 DP 879368)

### Slope

The sites are steep with slopes of over 20%



### Key – Slope (%)

0 - 3
3.01 - 5
5.01 - 10
10.01 - 15
15.01 - 20
20.01 - 25
>25.01

### Contamination

Council's Contamination Register identifies these properties as contaminated or potentially contaminated and Appendix 3 identifies uncontrolled filling has occurred in the area.



### Recommendation

Rezone from RE1 Private Recreation to E3 Environmental Management and remove the acquisition. The E3 Environmental zone will recognise the existing vegetation on the parcel.

## Item 4: Part 4 Ocean Park Road (Part Lot 4 DP 211142), BELMONT SOUTH



☐ Land identified to be purchased
 ☐ Council land (community land)
 ☐ Council land (operational land)

### Planning Controls under LMLEP 2014

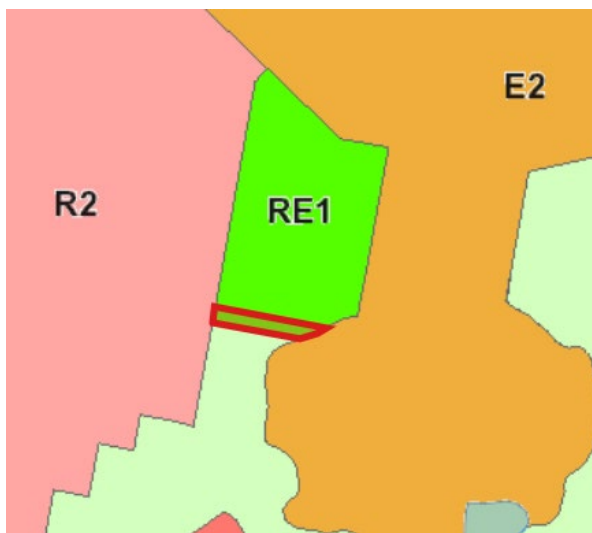
- Subject site is zoned RE1 Public Recreation and is identified to be purchased by LMCC
- Not identified in Belmont Contributions Plan. Fernleigh Track extension will be located along Green Street.

### Planning and Environmental Constraints

## Aerial



## Zoning



Site is zoned RE1 Public Recreation

## Flora and Fauna



## Bushfire





Site is classed as bushfire prone – vegetation category 1 and vegetation buffer.

## Coastal Management SEPP



Site is coastal wetland buffer.

## Flood Planning Area



Part of the site is affected by flooding.

## Sensitive Aboriginal Landscape



### **Item 4: Part 4 Ocean Park Road (Part Lot 4 DP 211142), BELMONT SOUTH**



Site is classed as Sensitive Aboriginal Landscape.

#### **Recommendation**

- Remove the acquisition and rezone to RE2 Private Recreation, consistent with the zoning of the remainder of the Belmont Golf Club. No change to the minimum lot size or height of building is required.