

Planning and Assessment

IRF21/2504

Gateway determination report

LGA	Lake Macquarie City Council
PPA	Lake Macquarie City Council
NAME	Belmont Contributions Catchment Acquisition (0 homes, 0 jobs)
NUMBER	PP-2021-3088
LEPs TO BE AMENDED	Lake Macquarie Local Environmental Plan 2014 Lake Macquarie Local Environmental Plan 2004
ADDRESS	Various lots at Halyard Way, Croudace Bay Road, and Hill Street, Belmont; Ocean Park Road, Belmont South; Bowman Street and Old Pacific Highway, Swansea; Mine Camp Road, Morrice Street, and Rockpool Road, Catherine Hill Bay; Awabakal Drive, Nords Wharf; and Pacific Highway, Crangan Bay.
DESCRIPTION	<ul style="list-style-type: none"> • Site 1: Part 14 Halyard Way, Belmont (Part Lot 803 DP 1156934) • Site 2: Road Reserve and Part 40 Croudace Bay Road, Belmont (Part Lot 22 DP 1143785) • Site 3: Part 22 Hill Street (Part Lot 2 DP 519945) and Part 35 Macquarie Drive, Belmont (Part Lot 22 DP 879368) • Site 4: Part 4 Ocean Park Road, Belmont South (Part Lot 4 DP 211142) • Site 5: Road Reserve - Bowman Street, Swansea • Site 6: 350A Old Pacific Highway, Swansea (Lot 6 DP 791995) • Site 7: 125 Bowman Street, Swansea (Lot 1 DP 962696) • Site 8: Land zoned E1 National Parks and Nature Reserves near Catherine Hill Bay, including: <ul style="list-style-type: none"> ○ 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); and ○ Morrice Street, Catherine Hill Bay (Lot 105 DP 1129872). • Site 9: 46 Rockpool Road, Catherine Hill Bay (Lot 1120 DP 1219395)
RECEIVED	15 April 2021
FILE NO.	IRF21/2504
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.

**LOBBYIST
CODE OF
CONDUCT**

There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Site description

The planning proposal applies to many parcels of land at 9 separate sites at Belmont, South Belmont, Swansea, Catherine Hill Bay, Nords Wharf and Crangan Bay identified on Figure 1.

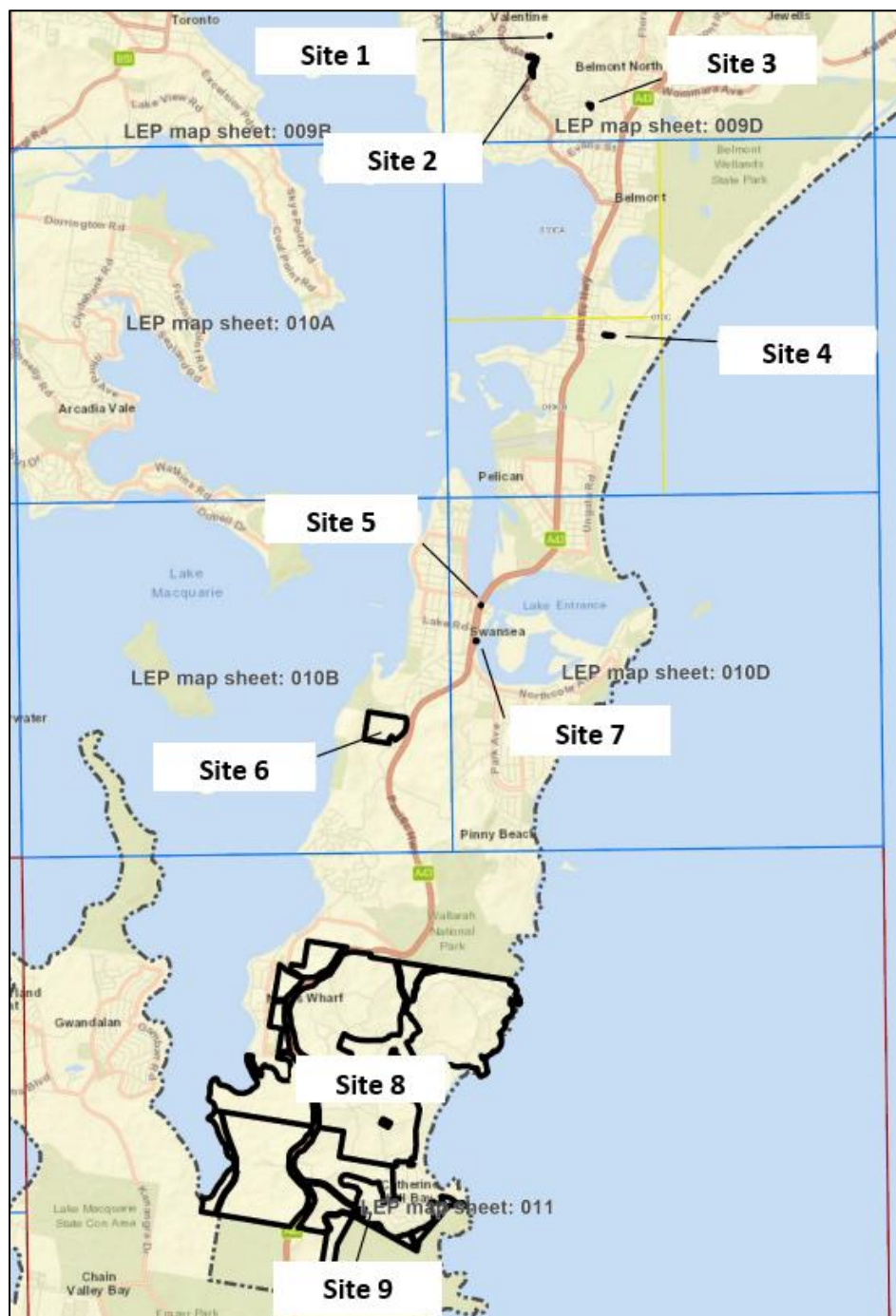


Figure 1 Location of nine sites

1.2 Existing planning controls

- **Site 1: Part 14 Halyard Way, Belmont**

The land is zoned E2 Environmental Conservation and identified for acquisition on the Land Reservation Acquisition Map (Figures 2 and 3).

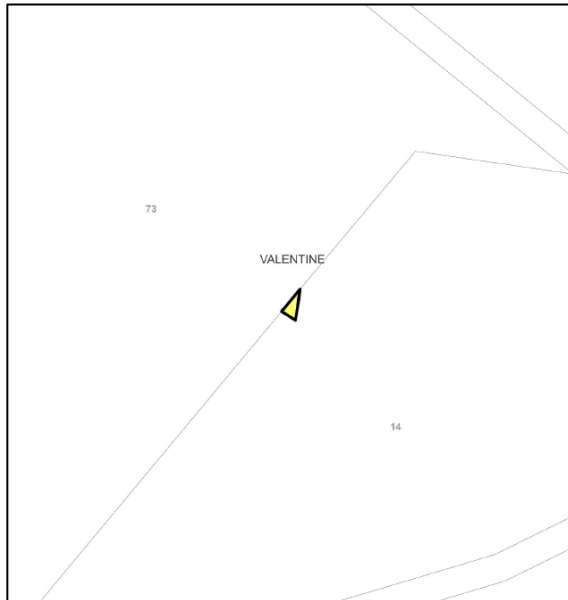


Figure 2 Land Reservation Acquisition Map (site outlined black)

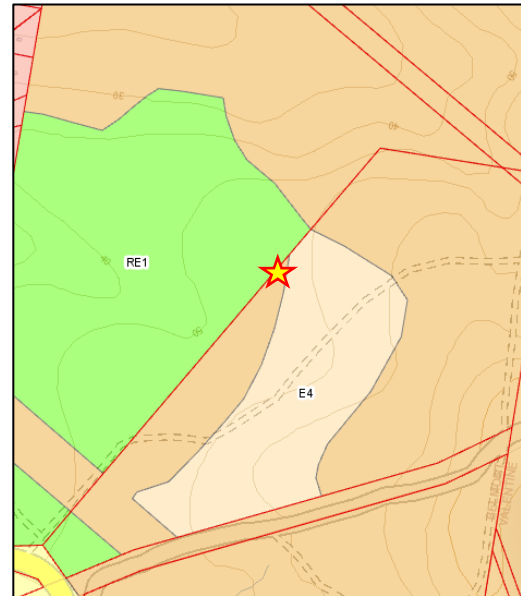


Figure 3 Land Zoning Map (site identified by star)

- **Site 2: Road Reserve and Part 40 Croudace Bay Road, Belmont**

The land is zoned SP2 Infrastructure (Classified Road) and identified for acquisition by Transport for NSW. No minimum lot size is identified, and it has a maximum building height of 8.5m (Figures 4-7).

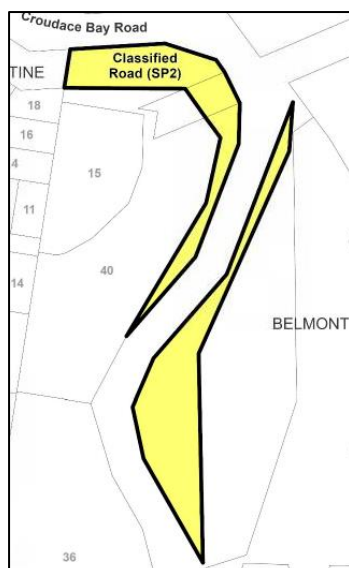


Figure 4 Land Reservation Acquisition Map (site outlined black)

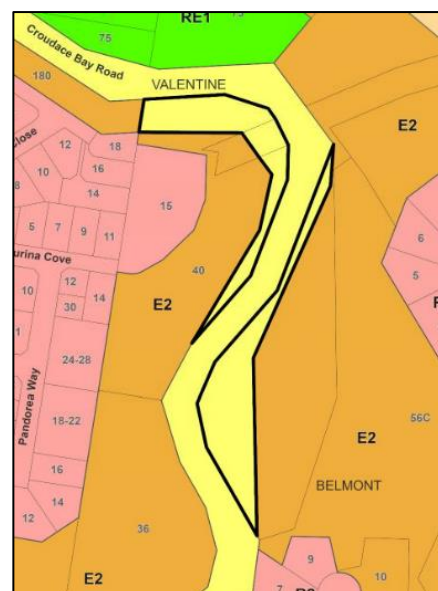


Figure 5 Land Zoning Map (site outlined black)



Figure 6 Lot Size Map (site outlined black)

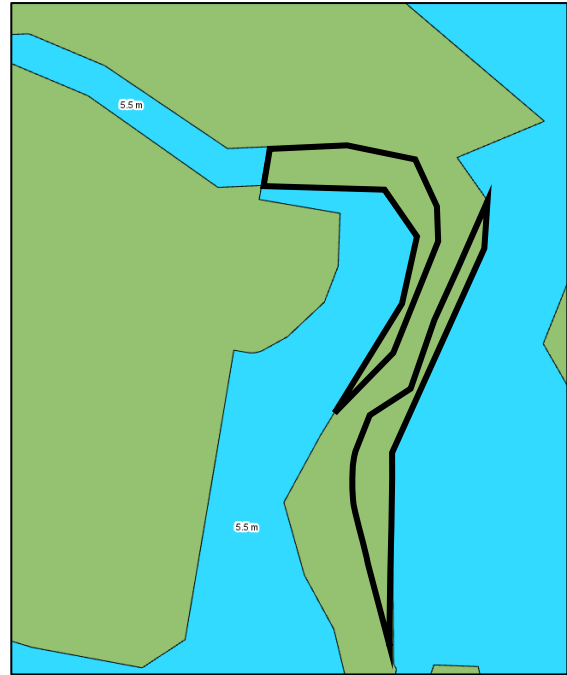


Figure 7 Height of Building Map (site outlined black)

- **Site 3: Part 22 Hill Street and Part 35 Macquarie Drive, Belmont**

The land is zoned RE1 Public Recreation and identified for acquisition by Lake Macquarie City Council. No minimum lot size is identified, and it has a maximum building height of 8.5m (Figures 8-11).

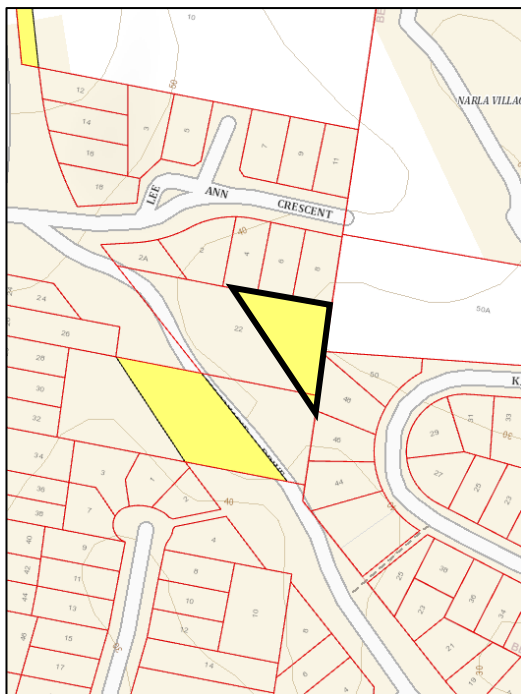


Figure 8 Land Reservation Acquisition Map (site outlined black)

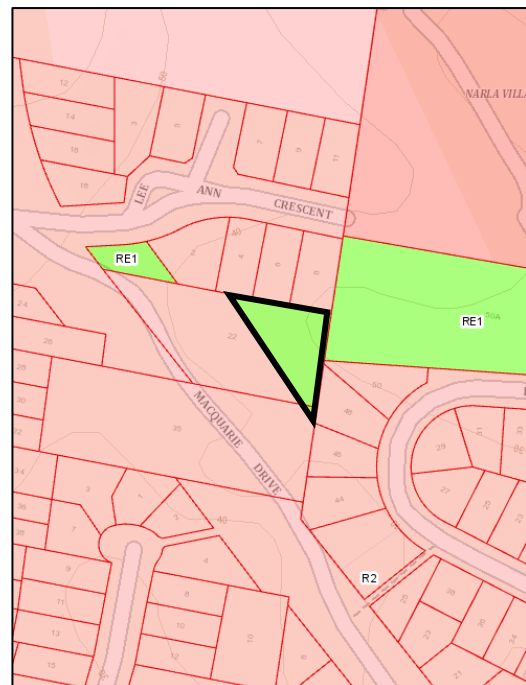


Figure 9 Land Zoning Map (site outlined black)

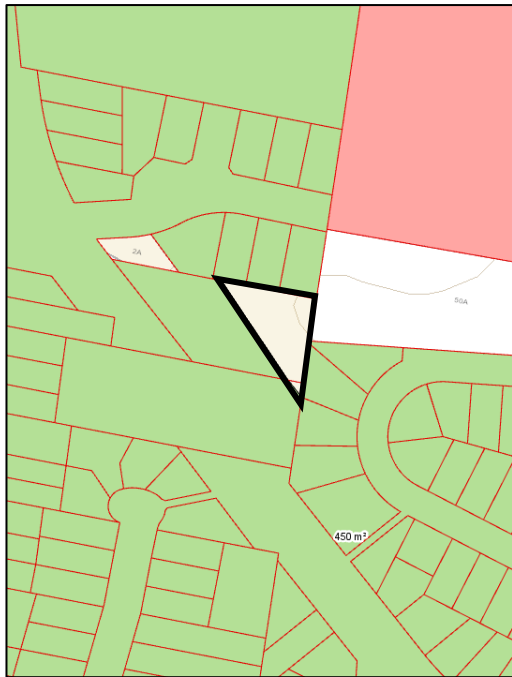


Figure 10 Lot Size Map LSZ_009D (site outlined blue)

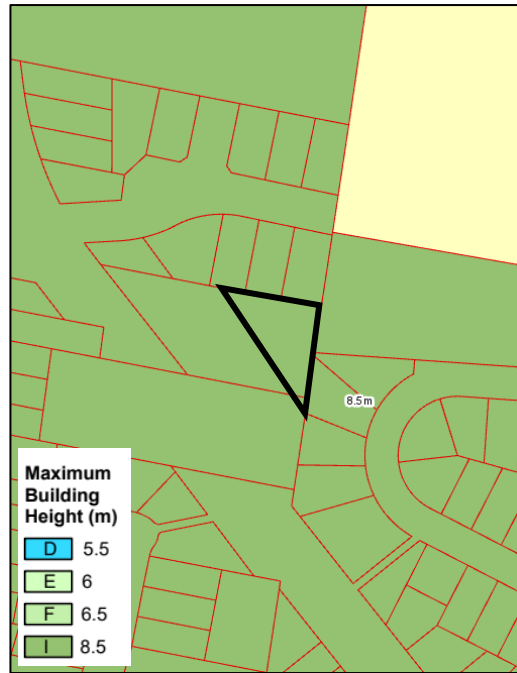


Figure 11 Height of Building Map HOB_009D (site outlined blue)

- **Site 4: Part 4 Ocean Park Road, Belmont South**

The land is zoned RE1 Public Recreation and identified for acquisition by Lake Macquarie City Council (Figures 12 and 13).

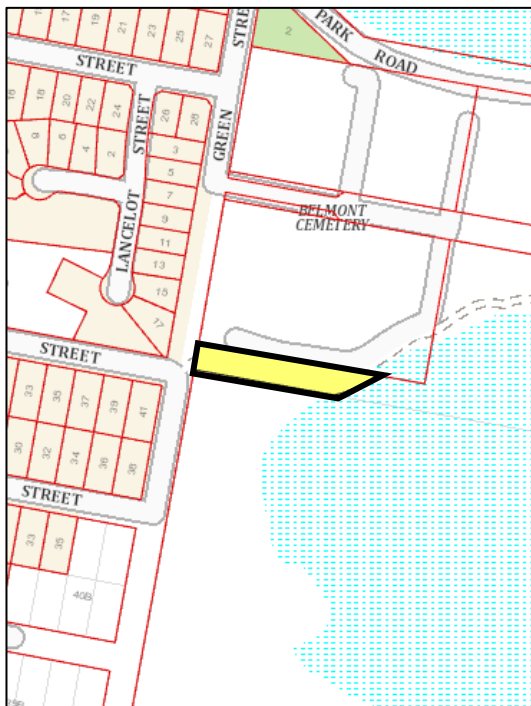


Figure 12 Land Reservation Map (site outlined black)

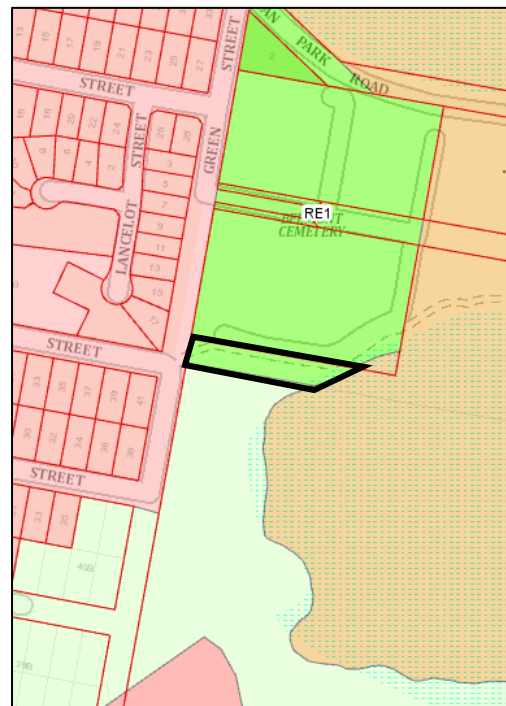


Figure 13 Land Zoning Map (site outlined black)

- **Site 5: Road Reserve - Bowman Street, Swansea**

The land is zoned SP2 Infrastructure (Classified Road) and identified for acquisition by Transport for NSW (Figure 14).

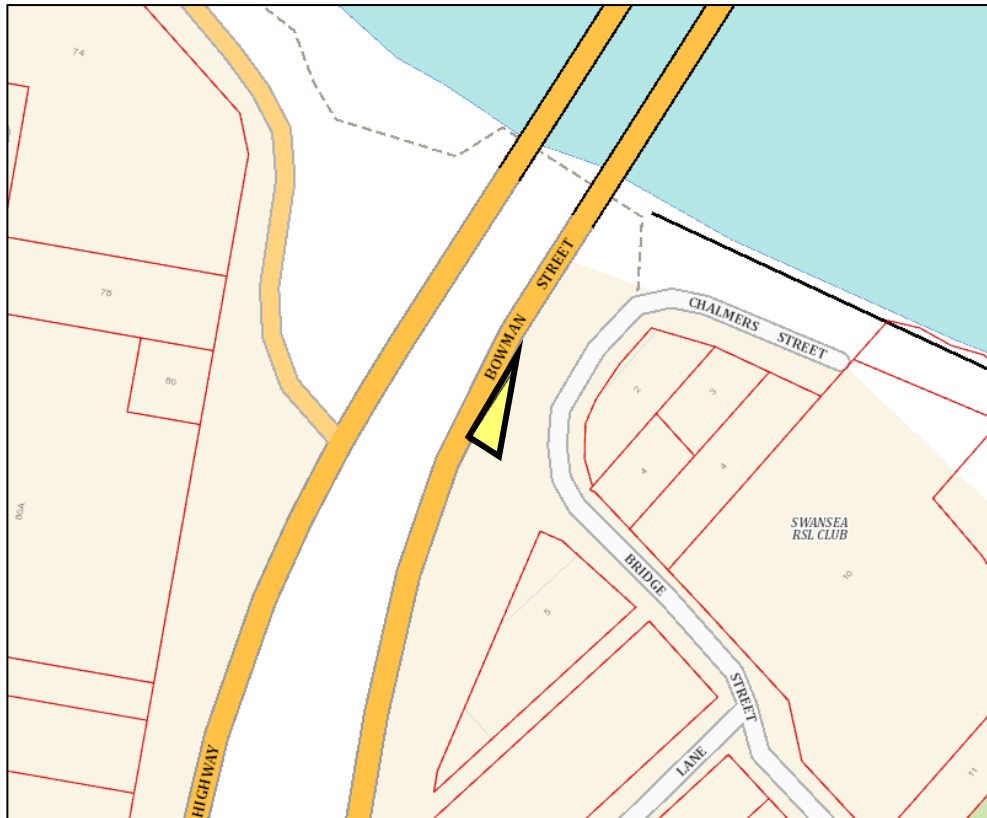


Figure 14 Land Reservation Acquisition Map (site outlined black)

- **Site 6: 350A Old Pacific Highway, Swansea**

The land is zoned E2 Environmental Conservation and identified for acquisition by Lake Macquarie City Council (Figures 15 and 16).

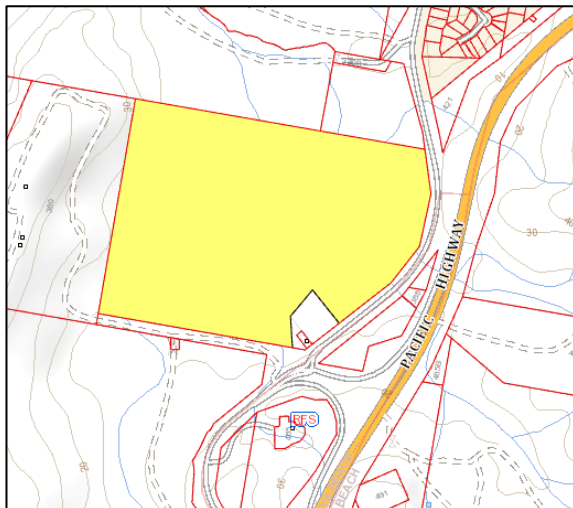


Figure 15 Land Reservation Acquisition Map (site coloured yellow)

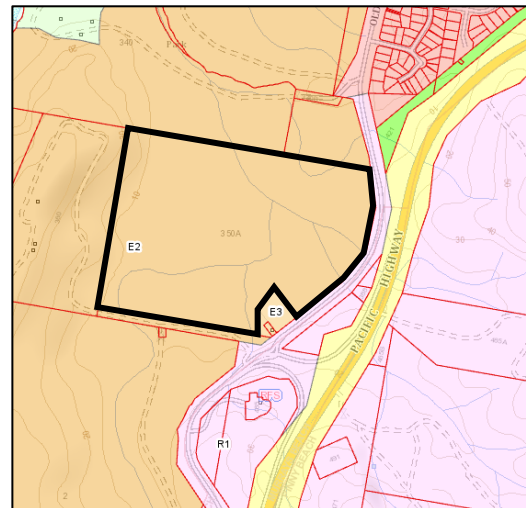


Figure 16 Land Zoning Map (site outlined black)

- **Site 7: 125 Bowman Street, Swansea**

The land is zoned RE1 Public Recreation and identified for acquisition by Lake Macquarie City Council (Figures 17 and 18).

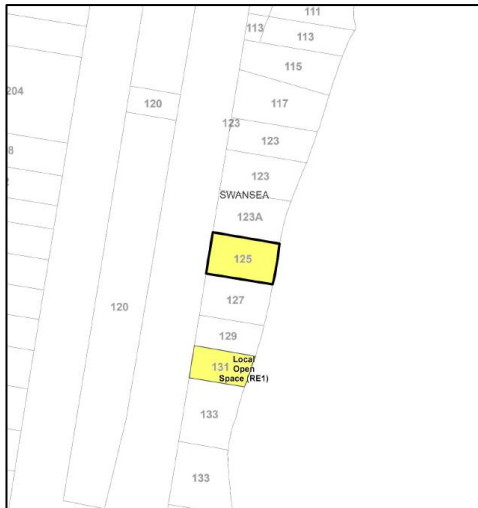


Figure 17 Land Reservation Acquisition Map (site outlined black)

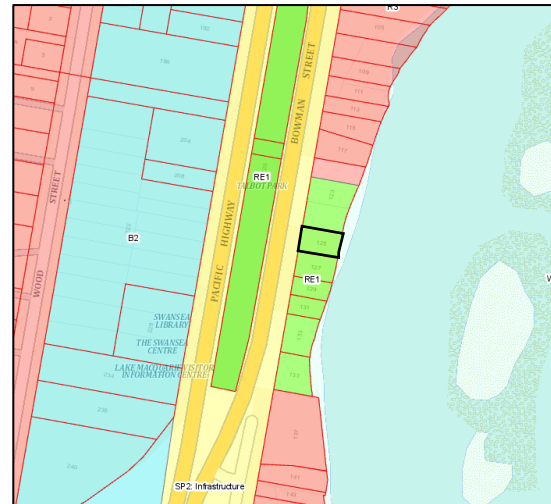


Figure 18 Land Zoning Map (site outlined black)

- **Site 8: E1 land in Catherine Hill Bay**

The sites to which the amendment applies are split between *Lake Macquarie Local Environmental Plan 2014* and *Lake Macquarie Local Environmental Plan 2004*, and include:

- 145 Mine Camp Road, Catherine Hill Bay,
- 3 Awabakal Drive, Nords Wharf,
- 595 Pacific Highway, Crangan Bay, and
- Morrice Street, Catherine Hill Bay.

The land is zoned E1 National Parks and Nature Reserves and identified for acquisition by the Minister administering the *National Parks and Wildlife Act 1974* (Figures 19-22).

Lake Macquarie Local Environmental Plan 2014

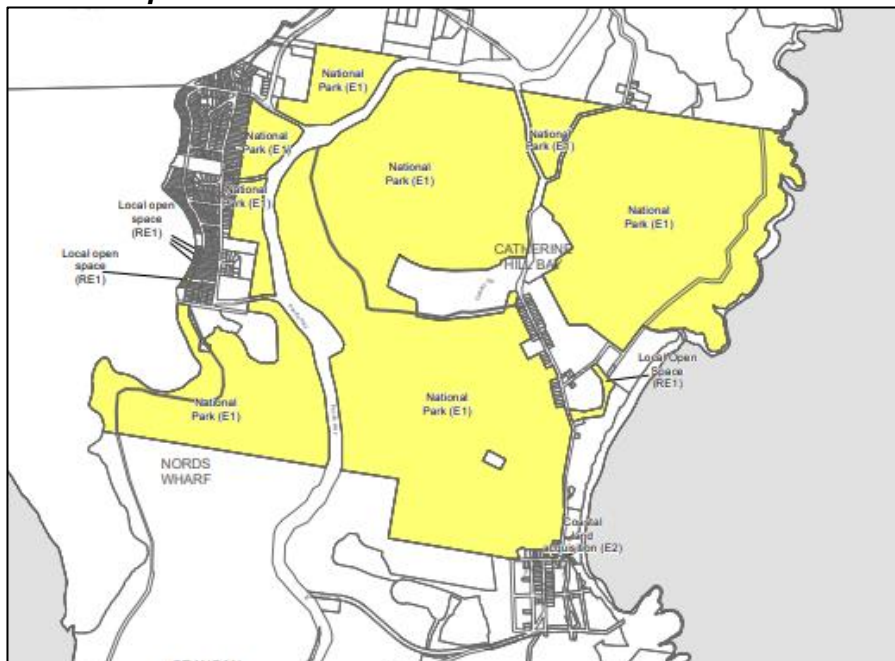


Figure 19 Land reservation acquisition land under LEP 2014

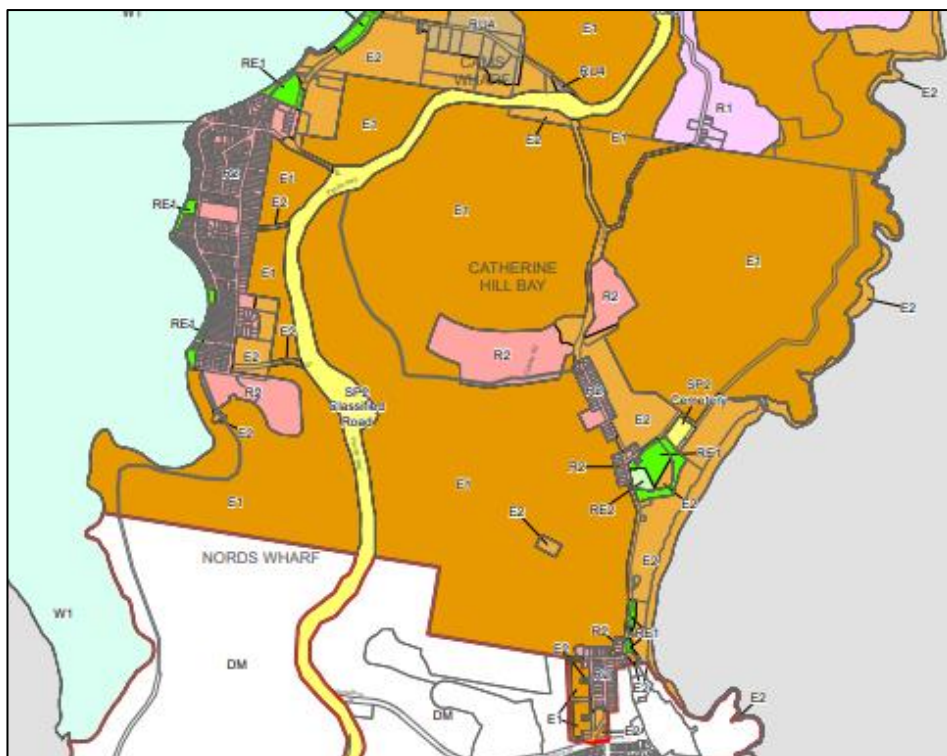


Figure 20 Land zoning map under LEP 2014 (sites zoned E1)

Lake Macquarie Local Environmental Plan 2004

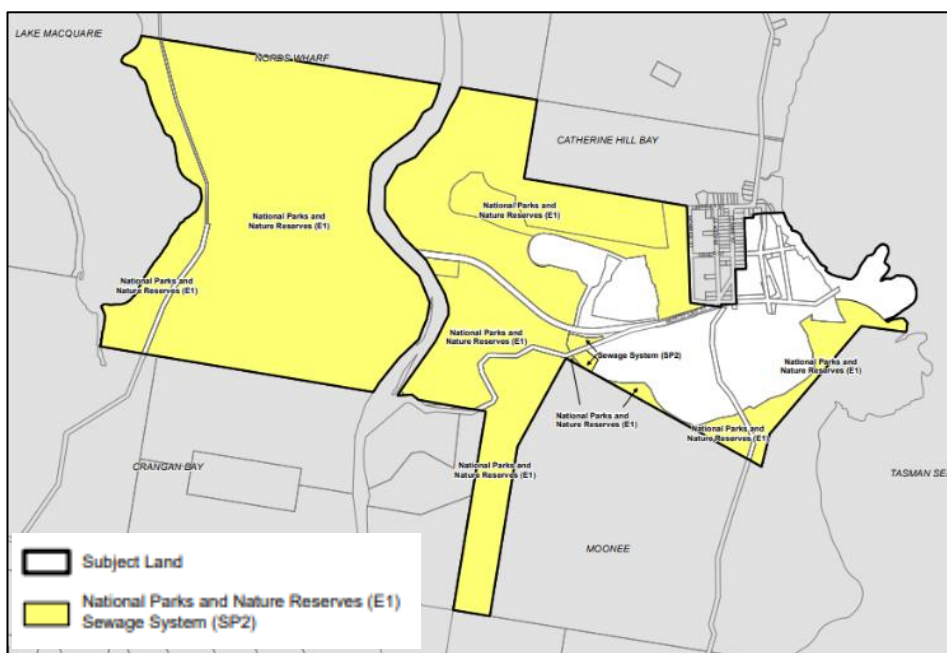


Figure 21 Land Reservation Acquisition Map

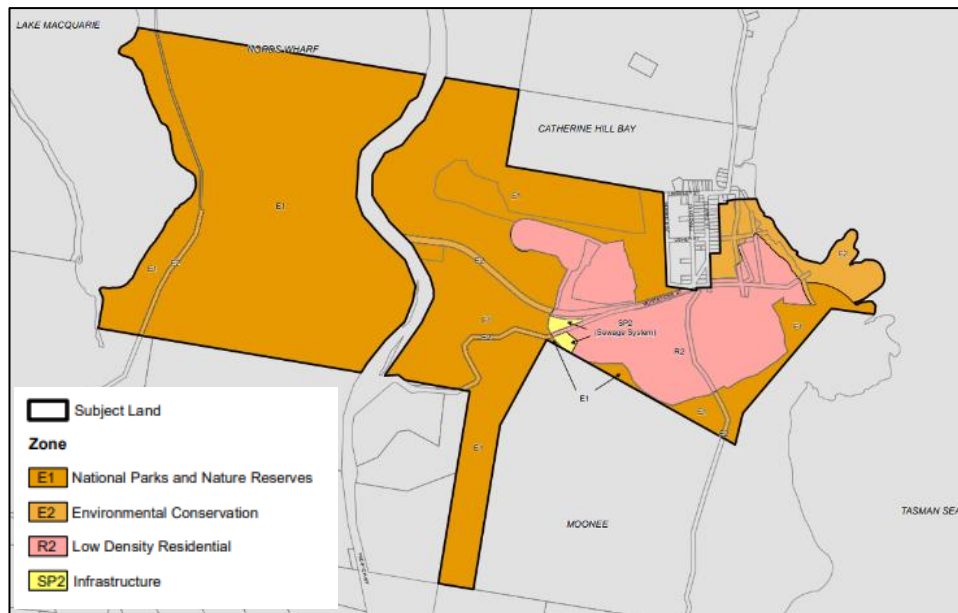


Figure 22 Land Zoning Map

Site 9: 46 Rockpool Road, Catherine Hill Bay

The land is zoned SP2 Sewage System and identified for acquisition by Hunter Water Corporation (Figures 23 and 24).

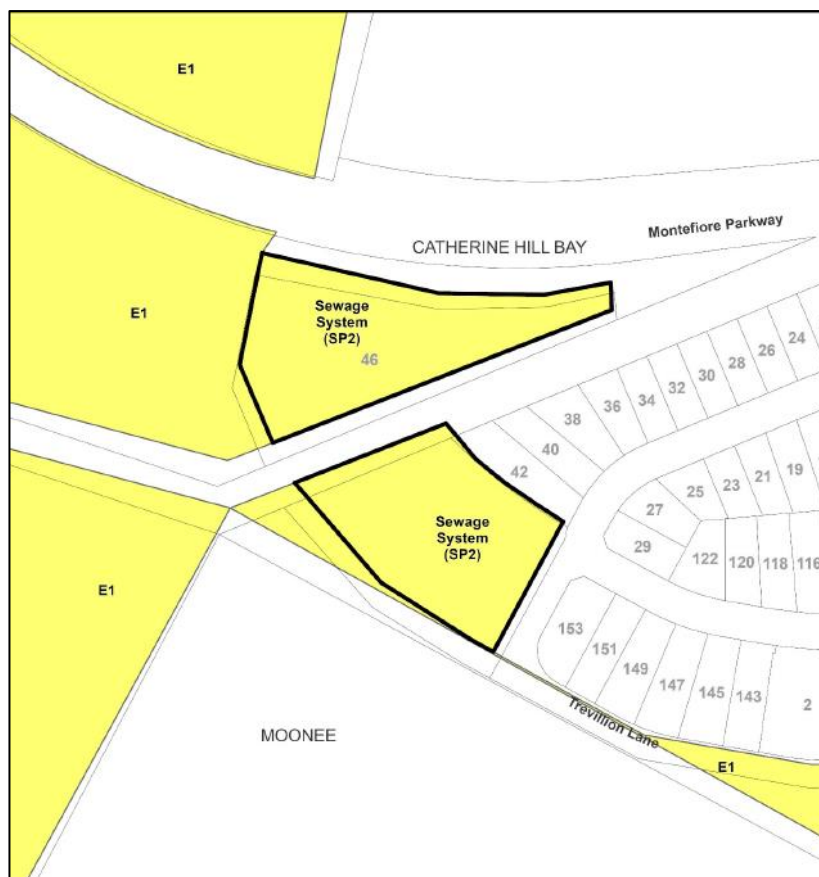


Figure 23 Land Reservation Acquisition Map (sites outlined black)

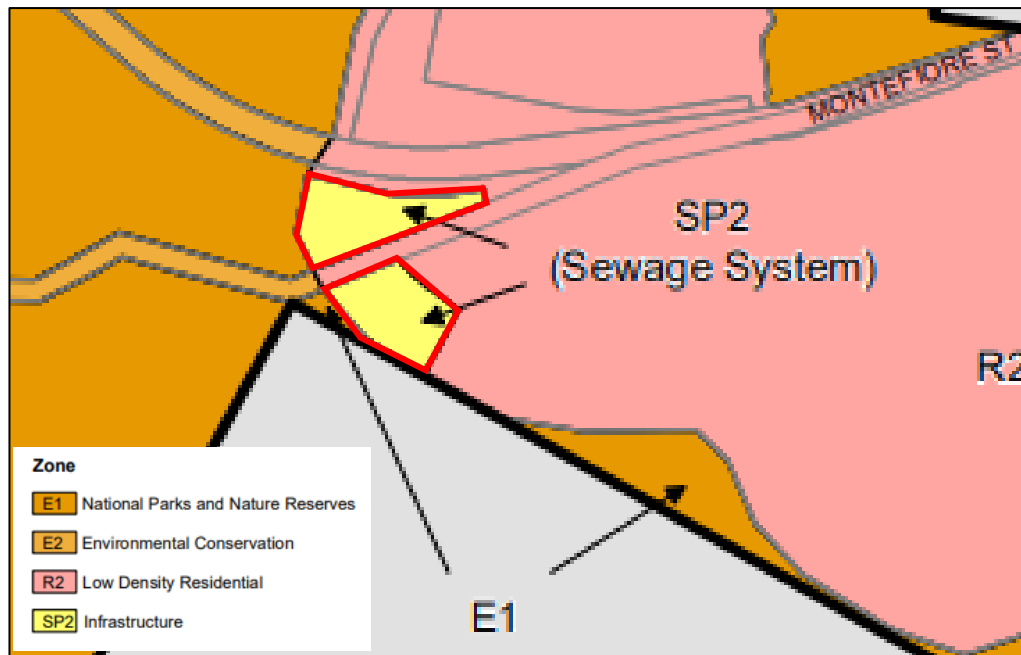


Figure 24 Land Zoning Map (sites outlined red)

1.3 Surrounding area

Site 1: Part 14 Halyard Way, Belmont

The land includes and is surrounded by native vegetation (Lake Macquarie Spotted Gum Forest). Land adjoining to the west has been disturbed and may be contaminated (Figure 25).



Figure 25 Local context (site outlined yellow)

Site 2: Road Reserve and Part 40 Croudace Bay Road, Belmont

The land adjoins and includes parts of Croudace Bay Road and contains native vegetation (Hunter Valley Moist Forest). Nearby is residential subdivision (Figure 26).



Figure 26 Local context (sites outlined yellow)

Site 3: Part 22 Hill Street and Part 35 Macquarie Drive, Belmont

The land is adjoining a native bushland area and surrounded by residential development (Figure 27).

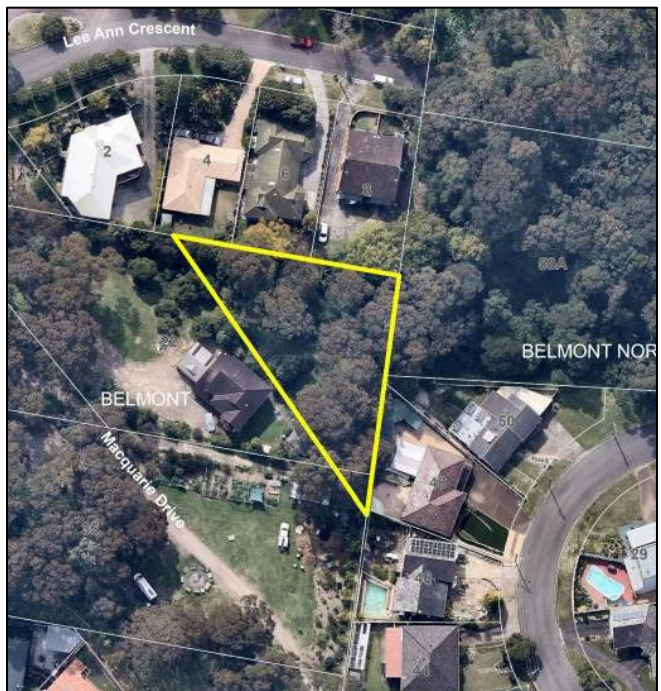


Figure 27 Local context (site outlined yellow)

Site 4: Part 4 Ocean Park Road, Belmont South

The land contains native bushland (Pelican Bangalay Forest) and adjoins other vegetated land to the east and south. Adjoining to the north is Belmont Cemetery. To the west is residential development. An informal access to the beach crosses this land (Figure 28).



Figure 28 Local context (site outlined yellow)

Site 5: Road Reserve - Bowman Street, Swansea

The site forms part of the Bowman Street corridor (Figure 29).



Figure 29 Local context (site outlined yellow)

Item 6: 350A Old Pacific Highway, Swansea

This land is covered in native forest and adjoins similar land to the north, west and south. The eastern edge adjoins the Pacific Highway (Figure 30).



Figure 30 Local context (site outlined yellow)

Site 7: 125 Bowman Street, Swansea

The land adjoins parkland to the north, Bowman Street to the west, a residential house identified for parkland to the south and Black Neds Bay, a coastal wetland, to the east (Figure 31).



Figure 31 Local context (site outlined yellow)

Site 8: Land zoned E1 National Parks and Nature Reserves adjoining Catherine Hill Bay

- 145 Mine Camp Road, Catherine Hill Bay,
- 3 Awabakal Drive, Nords Wharf,
- 595 Pacific Highway, Crangan Bay,
- Morrice Street, Catherine Hill Bay

This land is National Park and surrounds the urban areas of Nords Wharf and Catherine Hill Bay (Figure 32).



Figure 32 Local context (sites outlined yellow)

Site 9: 46 Rockpool Road, Catherine Hill Bay

This land is on the western edge of Catherine Hill Bay town and to the west is National Park (Figure 33).



Figure 33 Local context (sites outlined yellow)

2. PROPOSAL

2.1 Description of planning proposal

The planning proposal seeks to update the Land Reservation Acquisition Map and make appropriate changes to the zoning, minimum lot size and height of buildings for some sites in the *Lake Macquarie Local Environmental Plan 2014* and *Lake Macquarie Local Environmental Plan 2004* to:

- be consistent with the *Belmont Catchment Development Contributions Plan* and its supporting *Recreation and Land Plan* adopted by Council on 28 May 2018;
- remove land from the Maps that is no longer required for acquisition; and
- remove land from the Maps where acquisition has been finalised.

2.2 Objectives or intended outcomes

The objective of the planning proposal is to amend *Lake Macquarie Local Environmental Plan 2014* and *Lake Macquarie Local Environmental Plan 2004* to remove land from the Land Reservation Acquisition Maps that is no longer required to be acquired or has already been acquired and make appropriate zoning, minimum lot size and height of buildings changes.

The objectives are clear.

2.3 Explanation of provisions

The planning proposal includes the following amendments:

Site	Proposed amendments
Site 1: Part 14 Halyard Way, Belmont	<ul style="list-style-type: none"> • Remove this land from the Land Reservation Acquisition Map.

Site	Proposed amendments
Site 2: Road Reserve and Part 40 Croudace Bay Road, Belmont	<ul style="list-style-type: none"> • For the eastern portion: <ul style="list-style-type: none"> ○ Remove this land from the Land Reservation Acquisition Map. • For the western portion: <ul style="list-style-type: none"> ○ Amend the Land Reservation Acquisition Map to identify this land for Environmental Conservation purposes to be acquired by Council; ○ Amend the Land Zoning Map to rezone the land from SP2 Infrastructure (Classified Road) to E2 Environmental Conservation; ○ Amend the Lot Size Map to establish a minimum lot size of 40 hectares; and ○ Amend the Height of Buildings Map to change maximum building height from 8.5m to 5.5m.
Site 3: Part 22 Hill Street and Part 35 Macquarie Drive, Belmont	<ul style="list-style-type: none"> • Remove this land from the Land Reservation Acquisition Map; • Amend the Land Zoning Map to rezone the land from RE1 Public Recreation to E3 Environmental Management; • Amend the Lot Size Map to establish a minimum lot size of 40 hectares; and • Amend the Height of Buildings Map to change maximum building height from 8.5m to 5.5m.
Site 4: Part 4 Ocean Park Road, Belmont South	<ul style="list-style-type: none"> • Remove this land from the Land Reservation Acquisition Map; and • Amend the Land Zoning Map to rezone the land from RE1 Public Recreation to RE2 Private Recreation.
Site 5: Road Reserve - Bowman Street, Swansea	<ul style="list-style-type: none"> • Remove this land from the Land Reservation Acquisition Map.
Site 6: 350A Old Pacific Highway, Swansea	<ul style="list-style-type: none"> • Remove this land from the Land Reservation Acquisition Map.
Item 7: 125 Bowman Street, Swansea	<ul style="list-style-type: none"> • Remove this land from the Land Reservation Acquisition Map.
Site 8: Land zoned E1 National Parks and Nature Reserves near Catherine Hill Bay: <ul style="list-style-type: none"> • 145 Mine Camp Road, Catherine Hill Bay; • 3 Awabakal Drive, Nords Wharf; 	<ul style="list-style-type: none"> • Remove this land from the Land Reservation Acquisition Map for both <i>Lake Macquarie Local Environmental Plan 2014</i> and <i>Lake Macquarie Local Environmental Plan 2004</i>.

Site	Proposed amendments
<ul style="list-style-type: none"> • 595 Pacific Highway, Crangan Bay; and • Morrice Street, Catherine Hill Bay. 	
Site 9: 46 Rockpool Road, Catherine Hill Bay:	<ul style="list-style-type: none"> • Remove this land from the Land Reservation Acquisition Map in Lake Macquarie LEP 2004; and • Delete reference to Hunter Water Corporation as the acquisition authority in clause 153(2)-Relevant acquisition authority in Lake Macquarie LEP 2004.

Provisions are clear and result from a Council review of land acquisitions and open space requirements.

2.4 Mapping

The planning proposal includes existing and proposed maps that are clear and show the proposed outcomes which are suitable for exhibition.

3. NEED FOR THE PLANNING PROPOSAL

The *Belmont Catchment Development Contributions Plan* and supporting *Recreation and Land Plan* were adopted by Council on 28 May 2018. The acquisition review improves the consistency between land identified for acquisition within *Lake Macquarie Local Environmental Plan 2014*, *Lake Macquarie Local Environmental Plan 2004* and land identified for public purposes in the *Belmont Catchment Development Contributions Plan*.

The planning proposal 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 and other planning controls for minimum lot size and height of building standards.

This will ensure that the acquisition layers for both Local Environmental Plans contain only land required to meet community 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.

A planning proposal is the only way to amend the maps and provisions of *Lake Macquarie Local Environmental Plan 2014* and *Lake Macquarie Local Environmental Plan 2004*.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

The planning proposal is an administrative amendment that seeks to remove a range of land areas currently identified for acquisition for public purposes that have been acquired or are no longer required.

Hunter Regional Plan 2036

The primary purpose of the *Hunter Regional Plan 2036* 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 Hunter Regional Plan and specifically helps achieve the following action:

- *Action 14.1: Identify terrestrial and aquatic biodiversity and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.*

Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* 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 not inconsistent with the *Greater Newcastle Metropolitan Plan 2036*.

4.2 Local

Lake Macquarie Local Strategic Planning Statement

The planning proposal is consistent with the *Lake Macquarie Local Strategic Planning Statement* as it retains valuable public land and removes land that is no longer required for public purposes or has been acquired. It will ensure a more efficient process of acquiring land for community facilities and public infrastructure required to service the growing population.

The planning proposal is consistent with the *Lake Macquarie Local Strategic Planning Statement*.

Belmont Catchment Development Contributions Plan and Belmont Recreation and Land Plan

The *Belmont Catchment Development Contributions Plan* and supporting *Recreation and Land Plan* were adopted by Council on 28 May 2018 and have informed this review of the land reservation acquisition land within the Belmont Catchment. The implementation provides for a more efficient and targeted process.

The planning proposal is consistent as it implements these local plans.

4.3 State environmental planning policies (SEPPs)

SEPP (Coastal Management) 2018

The following sites are in the Coastal Zone to which the SEPP applies – sites 4, 5, 6, 7 and 8.

All the changes to these sites involve removal from the Land Acquisition Reservation Map except item 4 where the land will also be rezoned from RE1 Public Recreation to RE2 Private Recreation. This is unlikely to have a significant impact and as the area is identified as a coastal wetland area, the SEPP provisions will apply to any future development application.

The planning proposal is consistent with the SEPP.

SEPP (Vegetation in Non-Rural Areas) 2017

The planning proposal is consistent with the aims of the policy to protect the biodiversity value of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The planning proposal changes the zoning only on vegetated sites - 2, 3, and 4. The new zones are E2 Environmental Conservation, E3 Environmental Management and RE2 Private Recreation. The environment protection zones strengthen the protection of vegetation and the private recreation zone remains subject to the provisions of the SEPP.

The planning proposal is consistent with the SEPP.

SEPP (Koala Habitat Protection) 2019

The planning proposal is consistent with this SEPP which aims to encourage the proper conservation and management of areas of natural vegetation for koalas.

The planning proposal does not propose zoning or other changes that will increase development of potential koala habitat vegetation.

The planning proposal is consistent with the SEPP.

SEPP (Infrastructure) 2007

The planning proposal is consistent with the SEPP to facilitate the effective delivery of infrastructure.

The planning proposal removes three parcels of land (sites 2, 5, and 9) from the Land Reservation Acquisition Map as they are no longer required by public authorities for infrastructure or have already been acquired.

The planning proposal is consistent with the SEPP.

4.4 Section 9.1 Ministerial directions

2.1 Environment Protection Zones

This direction aims to protect and conserve environmentally sensitive areas.

The planning proposal applies to lands zoned environmental protection or to be zoned environmental protection. However, in most cases the requirement for acquisition only is being removed. Sites 1, 6 and 8 will retain their current environmental protection zones.

Two other sites are being zoned for environmental protection, site 2 from SP2 Infrastructure to E2 Environmental Conservation and site 3 RE1 Private Recreation to E3 Environmental Management, strengthening their environmental protection.

The planning proposal is consistent with the direction.

2.2 Coastal Management

The direction aims to protect and manage coastal areas.

While several sites fall within the coastal zone only one of these seeks to rezone land. It is proposed to rezone site 4 from RE1 Public Recreation to RE2 Private Recreation which may allow additional development. The land lies within an area mapped as Proximity Area for Coastal Wetlands in SEPP (Coastal Management) 2018.

Council has prepared a Land Use Study that identifies this land is not required for acquisition and therefore cannot be zoned RE1 Public Recreation. The RE2 Private Recreation is consistent with the zoning of Belmont Golf Club to the south, which owns the land. Any development on the site would be subject to the provisions of the SEPP.

Any inconsistency is considered to be of minor significance.

2.3 Heritage Conservation

The objectives of this direction are to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The removal of the requirement for acquisition will not impact on heritage values or their protection. Where areas are being rezoned to environmental protection it will strengthen protection by reducing the potential for development.

Site 4 is being rezoned from RE1 Public Recreation to RE2 Private Recreation. Any future impacts of development would need to be assessed against the standard heritage provisions in *Lake Macquarie Local Environmental Plan 2014*.

The planning proposal is consistent with the direction.

2.6 Remediation of Contaminated Land

This direction requires planning proposal authorities to consider contamination and remediation of land affected.

While several sites are identified as potentially contaminated the removal of the need to acquire the land does not increase the risk to human health.

Site 3 is being rezoned from RE1 Public Recreation to E3 Environmental Management which will reduce the potential risk by reducing public accessibility.

The planning proposal is consistent with the direction.

3.4 Integrated Land Use and Transport

While the objectives of this direction relate predominantly to providing alternatives to car transport, they do also seek to provide improved street layouts and supporting efficient movement of freight which require development of road infrastructure.

The planning proposal is consistent with this direction as it only removes land from the requirement for acquisition by Transport for NSW where it is no longer required or has been already acquired. A zoning change in site 2 to E2 Environmental Conservation is for land not required but intended instead to be acquired by Council for its environmental attributes.

The planning proposal is consistent with the direction.

4.1 Acid Sulfate Soils

The objective of the direction is to avoid significant adverse environmental impacts from the use of land that has the probability of containing acid sulfate soils. Several sites are affected by land identified as potentially having acid sulfate soils.

The planning proposal is consistent, or any inconsistencies are only of minor significance with the direction as it:

- only removes the requirement for acquisition from a number of sites;
- rezones site 4 from RE1 Public Recreation to RE2 Private Recreation which has limited development potential and can be considered to be of minor significance; and
- *Lake Macquarie Local Environmental Plan 2014* contains standard acid sulfate soils clauses to manage development proposals.

The planning proposal is consistent, or any inconsistencies are only of minor significance with the direction

4.2 Mine Subsidence and Unstable Lands

The objective of the direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Several sites are within the Lake Macquarie and Swansea North Entrance Mine Subsidence Districts.

The planning proposal is consistent with the direction or any inconsistencies are only of minor significance as it:

- only removes the requirement for acquisition from a number of sites;
- rezones land to environment protection reducing development potential; and
- the rezoning of site 4 from RE1 Public Recreation to RE2 Private Recreation is a small area and development potential is minor.

The planning proposal is consistent with the direction or any inconsistencies are only of minor significance.

4.3 Flood Prone Land

The objective of the direction is to ensure consistency with the State Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* and to ensure the provisions of an LEP on flood prone land are commensurate with flood hazard.

Several sites are flood prone however, the removal of the requirement for acquisition has no impact on flooding.

Rezoning of site 4 from RE1 Public Recreation to RE2 Private Recreation does not significantly increase development potential and the planning proposal does not rezone any land to residential, business, industrial, special use or special purpose zone.

Any inconsistencies can be considered to be of minor significance.

4.4 Planning for Bushfire Protection

The objectives of the direction are:

- a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible uses in bush fire prone areas; and
- b) to encourage sound management of bush fire prone areas.

Three sites are bush fire prone:

- part of site 2 is rezoned to E2 Environmental Conservation;
- site 3 is rezoned to E3 Environmental Management; and
- site 4 is rezoned to RE2 Public Recreation.

Council will consult with the NSW Rural Fire Service before determining consistency with the direction.

5.10 Implementation of Regional Plans

The planning proposal is consistent with this direction as it does not prevent achievement of the objective of giving effect to the vision, land use strategy, goals, directions, and actions contained in the *Hunter Regional Plan 2036*.

Most of the amendments are administrative in nature to update the acquisition requirements of the Land Reservation Acquisition Map in response to the *Belmont Catchment Development Contributions Plan* and supporting *Recreation and Land Plan*. Lands are removed from the need for acquisition as they are no longer necessary or have been acquired. Some areas have been rezoned to reflect their future appropriate land use of environment protection or private recreation.

The planning proposal is consistent with the direction.

6.2 Reserving land for public purposes

An objective of the direction is to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The planning proposal seeks to remove reservations and the need for acquisition from three sites:

- site 3 will be removed from the Land Reservation Acquisition Map and rezoned from RE1 Public Recreation to E3 Environmental Management;
- site 4 will be removed from the Land Reservation Acquisition Map and rezoned from RE1 Public Recreation to RE2 Private Recreation as it is part of the land owned by the Belmont Golf Club; and
- site 6 will be removed from the Land Reservation Acquisition Map and retain its zoning of E2 Environmental Protection.

Site 7 is to be removed from the Land Reservation Acquisition Map, however, it will retain its current zoning of RE1 Public Recreation as it has already been acquired by Council as part of a larger reserve.

The above loss of potential land for public recreation will need to be approved by the Secretary of the Department of Planning, Industry and Environment. The decisions have been justified by preparation and adoption of the *Belmont Catchment Development Contributions Plan* and supporting *Recreation and Land Plan*, adopted by Council on the 28 May 2018. These studies have guided this review of the land reservation acquisition for the Belmont Contributions Catchment.

The planning proposal will be consistent with the direction when the Secretary or his delegate approves the above changes.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal includes amendments that will have minimal social impact. Where the land is currently privately owned it will allow the owners to consider future use and management of their land for on-going private use.

5.2 Environmental

Most of the amendments in the planning proposal involve removing the need to acquire the land which will have no environmental impact. Only sites 2, 3 and 4 involve rezoning of the land.

Site 2 is to be rezoned from SP2 Infrastructure (Classified Road) to E2 Environmental Conservation. This will strengthen environmental protection of the site and increase the width of a buffer between Croudace Bay Road and residential development to the west.

Site 3 involves rezoning from RE1 Public Recreation to E3 Environmental Management limiting access and strengthening environmental protection of the site. The relationship to surrounding development will not be changed.

Site 4 involves rezoning from RE1 Public Recreation to RE2 Private Recreation as it is part of the Belmont Golf Course. The site is located within an identified buffer to a coastal wetland identified in the *State Environment Planning Policy (Coastal Management) 2018*. Any development of the site would need to address the issues in the SEPP and *Lake Macquarie Local Environmental Plan 2014* relating to environmental considerations.

It is unlikely that the planning proposal will result in any adverse environmental impacts.

5.3 Economic

Removal of acquisition requirements where the land is not required for community needs will provide a financial benefit for Council.

5.4 Infrastructure

The changes proposed by the planning proposal will not result in land uses requiring the provision of any significant infrastructure.

6. CONSULTATION

6.1 Community

Council has proposed a 28-day exhibition period which is considered adequate.

6.2 Agencies

Council has indicated that it has consulted with Transport for NSW and Hunter Water Corporation concerning removal of the acquisition layer.

Transport for NSW has advised there are no concerns with the removal of sites 2, 5 and 6 from the Land Reservation Acquisition Map, where it is identified as the acquisition authority.

Hunter Water Corporation has agreed it should be removed as the acquisition authority for site 9 as this sewage system is run by a private operator, who also agrees with the proposed removal.

Consultation should also occur with these agencies and in addition:

- NSW Rural Fire Service as required by section 9.1 Ministerial direction 4.4 Planning for Bushfire Protection; and
- National Parks and Wildlife Service in relation to land acquired for National Park at Catherine Hill Bay.

7. TIMEFRAME

Council has proposed a nine-month timeframe which is considered adequate. There are several agencies that need to be consulted and the planning proposal timeframe extends over the exclusion period for exhibition. It is therefore considered appropriate to provide a 12-month timeframe for the LEP to be finalised.

8. LOCAL PLAN-MAKING AUTHORITY

Lake Macquarie City Council has requested to be made the local plan-making authority. Despite the planning proposal applying to some Council-owned land, the nature of the changes is considered minor and appropriate for Council to be the local plan-making authority.

9. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 directions 2.1 Environmental Protection Zones; 2.2 Coastal Management; 2.3 Heritage Conservation; 2.6 Remediation of Contaminated Land; 3.4 Integrating Land Use and Transport; 4.1 Acid Sulfate Soils; 4.2 Mine Subsidence and Unstable Lands; 4.3 Flood Prone Land; and 5.10 Implementation of Regional Plans; and 6.2 Reserving Land for Public Purposes are minor or justified; and
2. note that the consistency with section 9.1 direction 4.4 Planning for Bushfire Protection is unresolved and will require further justification and approval.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of **28 days**.
2. Consultation is required with the following public authorities:
 - Transport for NSW;
 - Hunter Water Corporation;
 - NSW Rural Fire Service under section 9.1 Ministerial direction 4.4 Planning for Bushfire Protection; and
 - National Parks and Wildlife Service.

3. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan.



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