

Land ownership and zoning history

Lake Macquarie City Council recently forwarded a Planning Proposal to the Department of Planning and Infrastructure (DOPI) for Gateway determination, seeking to add part of the Belmont Sportsman’s Club site (approximately 1.05 hectares) to ‘Schedule 7 – Additional development allowed on certain land’ of LM LEP 2004, to enable seniors housing as permissible with development consent.

The subject allotment, Lot 20 DP 1046905, is currently zoned 6(1) Open Space (approximately 0.25 hectares) and 6(2) Tourism and Recreation (approximately 1.75 hectares). Although the allotment has a split zoning, it is entirely in the private ownership of the Belmont Sportsman’s Club.

Under the draft Lake Macquarie Local Environmental Plan 2012, the 6(1) Open Space Zone is proposed to be converted to RE1 Public Recreation and the 6(2) Tourism and Recreation Zone is proposed to be converted to a RE2 Private Recreation, SP3 Tourist, or RE1 Public Recreation zone, as applicable.

The Department of Planning and Infrastructure (DOPI) have requested Council to update the Land Reservation Acquisition Map of the draft LM LEP 2012 prior to exhibition to show any privately owned land that is zoned public recreation as land to be acquired by Council. The intent of this direction is that all land zoned RE1 Public Recreation would become publicly owned land.

The 6(1) Open Space Zone within the Belmont Sportsman’s Club site is a mapping anomaly that results from the previous land ownership and zoning history of the site. Evidence that Council intends the Belmont Sportsman’s Club lands to continue to be used for private recreation purposes is provided below.

It is requested that the land zoned 6(1) Open Space within Lot 20 DP 1046905 be rezoned to 6(2) Tourism and Recreation as part of the Planning Proposal to reflect the private recreation use of the site.

Following exhibition of the Planning Proposal, the matter will be reported back to Council seeking a resolution to proceed with gazettal of the draft LEP Amendment and rezoning. At this time, Council would be informed of the rezoning being added to the Planning Proposal.

At the Committee Meeting on 12 June 2012, Council resolved to proceed with an LEP Amendment to permit senior's housing on part of the Belmont Sportsman's Club site. The proposed rezoning would enable this resolution to be carried out unimpeded by any future acquisition layers within the draft LM LEP 2012. Including the rezoning in the Planning Proposal, is therefore consistent with Council’s resolution.





ZONE INDEX

1. **RURAL**
 - 1(a) (a) Rural "A"
 - 1(b) (b) Rural "B"
 - 1(c) (c) Rural "C"
 - 1(d) (d) Rural "D"
2. **RESIDENTIAL**
 - 2(a) (a) Residential "A"
 - 2(b) (b) Residential "B"
 - 2(c) (c) Residential "C"
3. **BUSINESS**
 - 3(a) (a) General Business
 - 3(b) (b) Special Business
 - 3(c) (c) Neighbourhood Business
4. **INDUSTRIAL**
 - 4(a) (a) General Industry
 - 4(b) (b) Special Industry
5. **SPECIAL USES**
 - 5(a) (a) Special Uses "A"
 - 5(b) (b) Special Uses (Proposed Arterial Road Reservation)
 - 5(c) (c) Special Uses (Proposed Local Road Reservation)
 - 5(d) (d) Special Uses (Railway)
6. **OPEN SPACE**
 - 6(a) (a) Open Space (Public Recreation)
 - 6(b) (b) Open Space (Special Recreation)
 - 6(c) (c) Open Space (Local Reservation)
 - 6(d) (d) Open Space (Regional)
7. **ENVIRONMENTAL PROTECTION**
 - 7(a) (a) Environment Protection (Scenic)
 - 7(b) (b) Environment Protection (Flora & Fauna)
 - 7(c) (c) Environment Protection (Coastal Lands Acquisition)

The Lake Macquarie Local Environmental Plan 1984 (LM LEP 1984) shows the subject site as a mix of 6(a) Open Space (Public Recreation) and 6(b) Open Space (Special Recreation). The 6(b) Open Space (Special Recreation) zone reflects the Belmont Sportsman's Club and bowling green land uses present on the site at the time.

When the LM LEP 1984 came into force, the Belmont Sportsman's Club and bowling greens were in the ownership of Council. At that time, the Belmont Sportsman's Club and the Bowling Club were separate entities that leased land from Council for private recreational uses.

The land was reclassified from community to operational in 1999, together with a number of other rezonings and reclassifications across the city. The Bowling Club site was reclassified and rezoned from Community 6(b) to Operational 6(b). The Sportsman's Club site was reclassified and rezoned from Community 6(a) to Operational 6(b). The reclassification and rezoning facilitated the purchase of the land from Council to provide more investment certainty than the long term leases that existed.

The boundary of the 6(a) and 6(b) zones matches the allotment boundaries at the time, as shown in DP 586107 below. DP 586107 was registered in 1976 and replaced by DP 802657 in 1990 to facilitate the sale of the land from Council to the Bowling Club and Sportsman's Club.

The site and surrounding land was later the subject of a boundary realignment and consolidation of lots to facilitate the merger between the Bowling Club and the Sportsman's Club. The current DP 1046905 was created as a result (registered in 2003).

Copies of DP 586107, DP 802657 and DP 1046905 are all provided below as evidence of the changes to land ownership and the subdivision pattern of subject site and adjoining properties over time.

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS

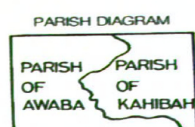
[Signature] TOWN CLERK

29-2-84 DATE

PUBLISHED IN GOVERNMENT GAZETTE OF 19-4-84

MENTAL PLANNING AND ASSESSMENT ACT, 1979

RIE LOCAL ENVIRONMENTAL PLAN 1984



SHEET INDEX		
11	12	13
17	18	19
24	25	

PLAN 586107

Plan Drawing only to appear in this space.

586107

OFFICE USE ONLY

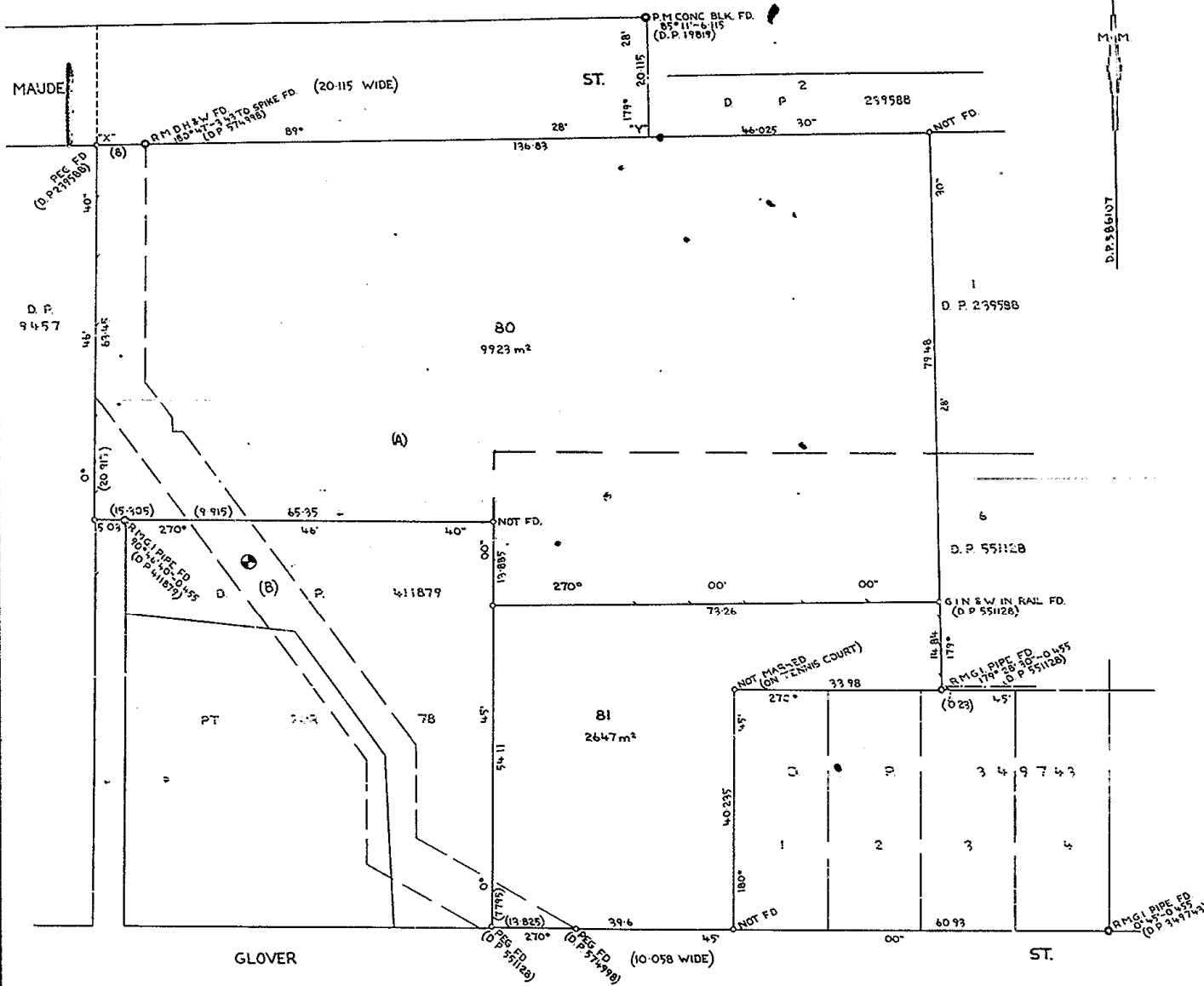
SIGNATURES AND SEALS ONLY

THE COMMON SEAL OF THE COUNCIL OF THE SHIRE OF LAKE MACQUARIE WAS HERETO AFFIXED BY RESOLUTION OF COUNCIL PASSED ON THE FIFTH DAY OF JULY, 1976

(SIGNATURE) J. Edwards
PRESIDENT

(SIGNATURE) M. A. Cunningham
COUNCIL CLERK

EASEMENT FOR SEWER PIPELINE AND ACCESS VIDE D.P. 574998 (B)
CREATED BY GAZ 4-6-1976 VOL. 2356



D.P. 586107

Registered: 14-10-1976

CA: N° 14/6 OF 1-2-1976

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: U 5442 - 94

Last Plan: D.P. 239588 D.P. 551128

PLAN OF SUBDIVISION OF LOTS 3, 4 AND 5 D.P. 239588 AND LOTS 7 AND 8 D.P. 551128

Reduction Ratio 1:500
Lengths are in metres.

Map/Sheet

City: LAKE MACQUARIE

Locality: BELMONT

Parish: KAHIBAH

County: NORTHUMBERLAND

This is sheet 1 of my plan in sheets.

I, VICTOR PETER KEPREOS

of BOULAROO

a Surveyor registered under the Surveyors Act 1929 as amended hereby certify that the survey represented in this plan

is accurate and has been made by me or by a person acting under my supervision in accordance with the Survey Practice Regulations, 1933, and was completed on 1

30TH APRIL, 1976.

Signature: V. Kepreos

Surveyor registered under Surveyors Act 1929 as amended

Expiry Date of Appointment: 1981

*Strike out either (1) or (2). Insert date of survey

Panel for use only for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.

Council Clerk's Certificate.

I hereby certify that:

(a) the requirements of the Local Government Act 1919 (other than the requirements for the registration of plans) and

(b) the requirements of section 34B of the Subdivision Act 1929 (other than the requirements for the registration of plans) have been complied with by the applicant in relation to the proposed

SUBDIVISION

shown on this plan, and that the plan is a true and correct copy of the plan as submitted.

Witness my hand and the seal of the Council this 14th day of March, 1976.

(Signature) M. A. Cunningham
Deputy Council Clerk

*This part of certificate to be omitted where the application is only for a certificate of title or the opening of a new road or where the land is not intended to be used for the purposes of the Survey Practice Regulations and the Survey Practice Regulations, 1933, and was completed on 1

30TH APRIL, 1976.

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

M.P.D.

SURVEYORS REFERENCE 14/74

I, Jack Hayward Watson, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 15th day of October, 1976.

J. Hayward Watson

PLAN FORM 2

SIGNATURE AND SEALS ONLY.

THE COMMON SEAL OF THE COUNCIL OF THE CITY OF LAKE MACQUARIE WAS HERETO AFFIXED IN PURSUANCE OF A RESOLUTION OF COUNCIL PASSED ON TWENTY-THIRD DAY OF JANUARY, 1989.

(SIGNATURE) *[Signature]*
MAYOR.

(SIGNATURE) *[Signature]*
COUNCIL CLERK

Crown Lands Office Approval

PLAN APPROVED
Authorised Officer

Land District
Paper No.
Fair Book pages

Council Clerk's Certificate

I hereby certify that -

(a) the requirements of the Local Government Act, 1919 (other than the requirements for the registration of plans), and

(b) the requirements of section 34B of the 1-Metropolitan Water, Sewerage and Drainage Act, 1904, as amended, 1 Hunter District Water, Sewerage and Drainage Act, 1938, as amended

have been complied with by the applicant in relation to the proposed SUBDIVISION

Subdivision No. 3/200/109/001

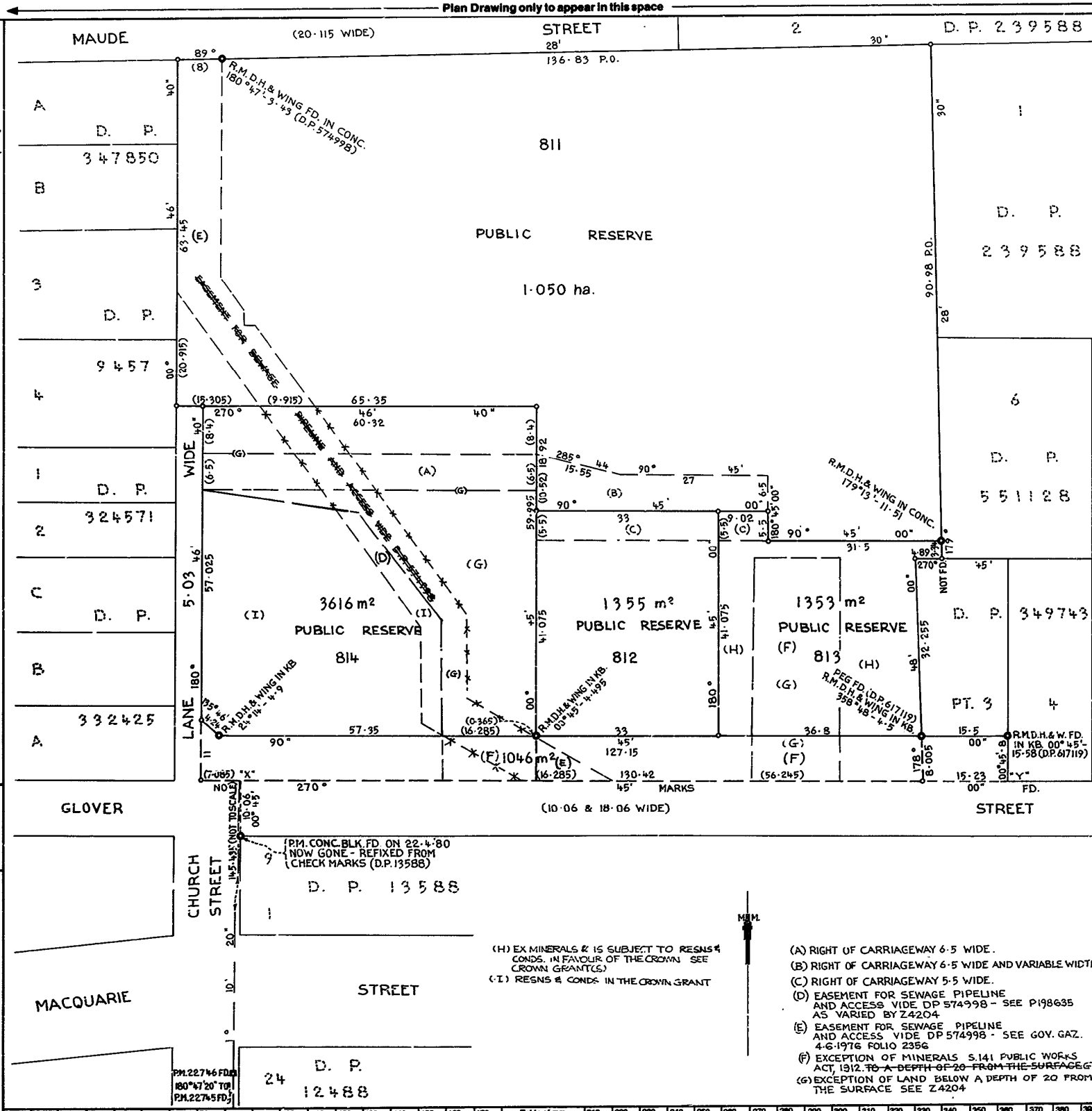
Date 23 RD. JANUARY 1989

(Signature) *[Signature]*
Council Clerk

Council File No. 3/200/109/001

*This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road or where the land to be subdivided is wholly outside the area of operation of the Metropolitan Water, Sewerage and Drainage Board and the Hunter District Water Board.

*Delete if inapplicable.



OFFICE USE ONLY

DP 802647

Registered: 29-10-1990

C.A.:

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: U 5442-94

Last Plan: DP586107, DP349743, DP577769, DP411879

PLAN

OF SUBDIVISION OF LOTS 80 & 81, D.P. 586107, LOTS 1 & 2, D.P. 349743, LOT 1, D.P. 577769 AND THE LAND CONTAINED WITHIN D.P. 411879, (LOT 1 D.P. 349743 AND LOT 1 D.P. 411879, BEING PUBLIC RESERVE).

Lengths are in metres. Reduction Ratio 1:500

Municipality: LAKE MACQUARIE

Locality: BELMONT

Parish: KAHIBAH

County: NORTHUMBERLAND

This is sheet 1 of my plan in sheets. (Delete if inapplicable).

I, PETER WILLIAM THOMPSON, of P.O. BOX 21, BOOLABOOL, 2284, a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan is accurate and has been made in accordance with the Survey Practice Regulations, 1939 and any special requirements of the Department of Lands, and was completed on 24th JUNE 1988.

Signature *[Signature]*
Surveyor registered under Surveyors Act, 1929, as amended.
Datum Line of Azimuth: X-Y
Inset date of survey.

Plans used in preparation of survey/compilation:
D.P. 2148; D.P. 9457; D.P. 12488; D.P. 13588;
D.P. 239588; D.P. 324571; D.P. 332425;
D.P. 347850; D.P. 349743; D.P. 411879;
D.P. 551128; D.P. 574998; D.P. 577769;
D.P. 586107; D.P. 617119.

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or restrictions as to user.

IT IS INTENDED TO DEDICATE THE PARCEL OF LAND CONTAINING 1046 m² DELINEATED HEREON AS PUBLIC ROAD SUBJECT TO EASEMENT FOR SEWAGE PIPELINE AND ACCESS VIDE D.P. 574998 AND LIMITED AS TO PARTS MARKED 'F' TO A DEPTH OF 20 FROM THE SURFACE PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT, 1919-1964 AS AMENDED, IT IS INTENDED TO CREATE:

1. RIGHT OF CARRIAGEWAY 6.5 WIDE.
2. RIGHT OF CARRIAGEWAY 6.5 WIDE AND VARIABLE WIDTH.
3. RIGHT OF CARRIAGEWAY 5.5 WIDE.

IT IS INTENDED TO CREATE LOTS 811-814 INCL. DELINEATED HEREON AS PUBLIC RESERVE.

SURVEYOR'S REFERENCE: 3/200/109/004 M.P. RETAIN 2000

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day. 30th October, 1990

10 20 30 40 50 60 70 Table of mm 110 120 130 140

PLAN FORM 2

Plan Drawing only to appear in this space

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads or to create reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.



J.B. Hook
JOHN CHARLES HOOK
PRESIDENT

Bruce William Ginn
TREASURER

PLANNING BOARD APPROVAL

PLANNING BOARD APPROVAL

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SURVEYORS (PRACTICE) REGULATION 2001 :CLAUSE 32 (2)					
MARK	M.G.A. COORDINATES		ZONE	CLASS	ORDER
	EASTING	NORTHING			
PM22741	374 966.297	6 344 204.022	56	B	U
PM22748	375 205.795	6 344 170.726	56	B	U
PM45808	375 077.394	6 344 190.728	56	B	U
M.G.A. COORDINATES ADOPTED FROM LAND & PROPERTY INFORMATION CENTRE ON 15TH. NOVEMBER 2001.					
COMBINED SEA LEVEL & SCALE FACTOR 0.999792					

M.G.A.

DP1046905

Registered: 27.2.2003

SEE CERTIFICATE

Title System: TORRENS

Purpose: SUBDIVISION

Ref Map: U 5442 - 94

Last Plan: DP802647, DP818217 & DP1024963

PLAN
OF SUBDIVISION OF LOT 811,
D.P.802647 AND LOT 82,
D.P.1024963 AND LOT 817,
D.P.818217.

Lengths are in metres. Reduction Ratio 1: 750

LGA: LAKE MACQUARIE

Locality: BELMONT

Parish: KAHIBAH

County: NORTHUMBERLAND

This is sheet 1 of my plan in 2 sheets

Surveyor's (Practice) Regulation 1996

PETER WILLIAM THOMPSON

P.O. BOX 1906

of HUNTER REGION MAIL CENTRE, 2310,

a surveyor registered under the Surveyor's Act, 1929, hereby

certify that the survey represented in this plan is accurate,

has been made in accordance with the Surveyors (Practice)

Regulation 2001 and was completed on 15/11/01

The survey relates to

(here specify the land actually surveyed or specify any land

shown in the plan that is not the subject of the survey)

Datum Line: X-Y

Zone: Suburban/Country

Plans used in preparation of survey/compilation.

D.P.802647

D.P.818217

D.P.1024963

PANEL FOR USE ONLY for statements of intention to

dedicate public roads, to create public reserves,

drainage reserves, easements, restrictions on the use

of land or positive covenants.

IT IS INTENDED TO DEDICATE

THE PARCEL OF LAND

CONTAINING 62.66m² AS

PUBLIC ROAD.

PURSUANT TO SECTION 88B

OF THE CONVEYANCING ACT

1919, AS AMENDED, IT IS

INTENDED TO CREATE:

1. EASEMENT FOR OVERHEAD

ELECTRICITY LINES.

2. EASEMENT FOR

ELECTRICITY SUB STATION

4.275 WIDE.

3. EASEMENT FOR

UNDERGROUND ELECTRICITY

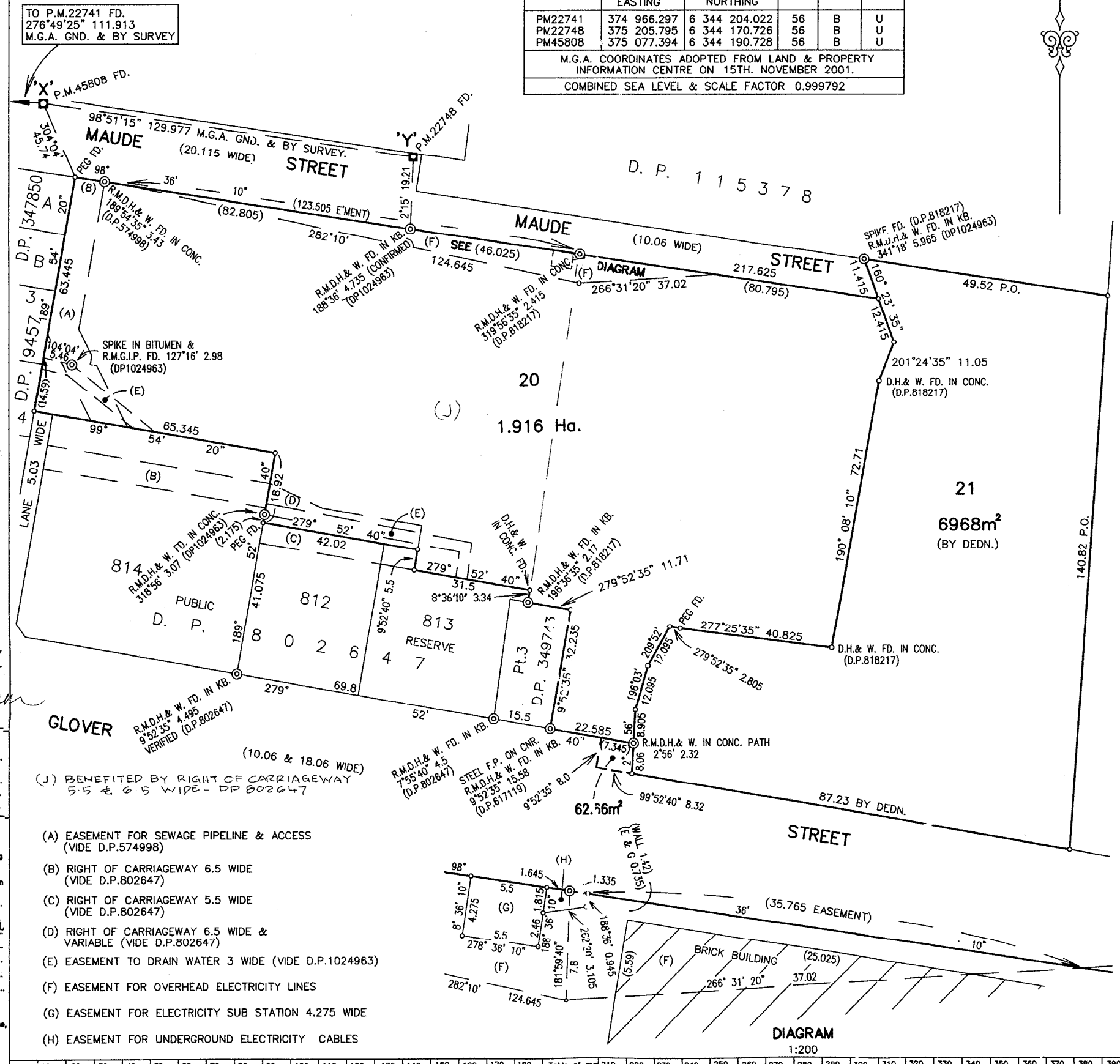
CABLES.

& IT IS INTENDED TO EXTINGUISH:

1. EASEMENT FOR ELECTRICITY SUB

STATION & POWER CABLES 2 WIDE,

3 WIDE & 1.5 WIDE (VIDE D.P.1024963)



(J) BENEFITED BY RIGHT OF CARRIAGEWAY
5.5 & 6.5 WIDE - DP 802647

- (A) EASEMENT FOR SEWAGE PIPELINE & ACCESS
(VIDE D.P.574998)
- (B) RIGHT OF CARRIAGEWAY 6.5 WIDE
(VIDE D.P.802647)
- (C) RIGHT OF CARRIAGEWAY 5.5 WIDE
(VIDE D.P.802647)
- (D) RIGHT OF CARRIAGEWAY 6.5 WIDE &
VARIABLE (VIDE D.P.802647)
- (E) EASEMENT TO DRAIN WATER 3 WIDE (VIDE D.P.1024963)
- (F) EASEMENT FOR OVERHEAD ELECTRICITY LINES
- (G) EASEMENT FOR ELECTRICITY SUB STATION 4.275 WIDE
- (H) EASEMENT FOR UNDERGROUND ELECTRICITY CABLES

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390

MPR - PERMANENT

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

SURVEYOR'S REF.: 4/0723/0001

907701DP



1941 Aerial Photograph of Belmont – Belmont Sportsman's Club Site is circled



1964 Aerial Photograph of Belmont – the subject site is circled