

21DP004	Planning Proposal - Belmont Catchment Land Reservation Acquisition Review
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Key focus area	5. Connected communities
Objective	5.1 Public spaces help connect us with each other and the world
File	F2017/00767/06/06 - D09906710
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Executive Summary

Land within the Belmont Contributions Plan catchment that is identified for acquisition in the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* has been reviewed. The review recommends the removal of nine areas identified for acquisition and three associated land use zoning changes. This report seeks a resolution of Council to support a Planning Proposal to amend the *LMLEP 2014* and to forward the Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination.

Recommendation

Council:

- A. forwards the Planning Proposal, as contained in Attachment 1, to the NSW Department of Planning, Industry and Environment requesting a Gateway Determination pursuant to the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*,
- B. requests the use of delegations in respect of the Minister for Planning and Public Spaces plan making function under section 59 of the *EP&A Act 1979* for the Planning Proposal,
- C. undertakes consultation and places the Planning Proposal on public exhibition, subject to the outcome of the Gateway Determination, and
- D. notifies stakeholders and affected landowners of the Gateway Determination and public exhibition period, as required.

Discussion

The Land Reservation Acquisition (LRA) Map in the *LMLEP 2014* identifies land that Council or NSW Government agencies historically wished to purchase for future public purposes such as parks, libraries and roads. Council staff have recently completed a review of the land identified for acquisition within the catchment of the Belmont Development Contributions Plan, which extends from Belmont to Catherine Hill Bay (excluding North Wallarah).

The Planning Proposal seeks to remove nine areas (Items 1-9) currently identified for acquisition by Council or State Government agencies, and rezone three of these properties

to be consistent with the existing land use. These areas are proposed to be removed from the LRA Map for one or more of the following reasons:

- the land has already been purchased or dedicated to the relevant acquiring authority
- the land is not identified for Council to acquire in the Belmont Catchment Development Contributions Plan
- the land is no longer required for public purposes.

Removal of the nine areas will ensure the LRA Map in the *LMLEP 2014* more accurately identifies land that Council intends to purchase for future public purposes. A summary of the properties affected, proposed changes and reasons are outlined in the table below.

Item No. and Address	Proposed Change	Reason
Item 1 - Part 14 Halyard Way, Belmont	Remove from LRA Map. Retain existing E2 Environmental Conservation zone.	Small part of privately-owned parcel. Land not required for public recreation or conservation purposes.
Item 2 - Part 40 Croudace Bay Road, Belmont and Road Reserve	Remove acquisition east of road reserve and retain existing SP2 Infrastructure zoning. Retain acquisition west of road reserve and rezone from SP2 Infrastructure to E2 Environmental Conservation.	The land is identified for acquisition by Transport for NSW. They have advised the land is not required for road widening. Staff recommend retaining the acquisition for land west of the road reserve for conservation purposes as this land is strategically located adjoining other Council land, has high environmental significance as both native vegetation habitat and a native vegetation corridor, and contains walking trails. The acquisition of this land will be the subject of a separate report to Council in the future.
Item 3 - Part 22 Hill Street and Part 35 Macquarie Drive, Belmont	Remove from LRA Map and rezone from RE1 Public Recreation to E3 Environmental Management.	The land is privately owned, is vegetated and is located immediately behind residential dwellings. The land has biodiversity values and contains contaminated material. The land is not identified to be purchased by Council in the Belmont Contributions Plan, is not suitable for public recreation due to location and steep topography and is not needed for any other identified public purpose.
Item 4 - Part 4 Ocean Park Road, Belmont South	Remove from LRA Map and rezone from RE1 Public Recreation to RE2 Private Recreation.	Land is owned by Belmont Golf Club and Council does not require the land for recreational purposes.
Item 5 - Road Reserve - Bowman	Remove from LRA Map. Retain existing SP2 Infrastructure zoning.	Part of existing road reserve of Pacific Highway. Transport for NSW have advised the road corridor has now been widened

Street, Swansea		and acquisition requirement in the <i>LMLEP 2014</i> should be removed.
Item 6 - 125 Bowman Street, Swansea	Remove from LRA Map. Retain existing RE1 Public Recreation zone.	Council has already purchased this land for the purposes of a new town park.
Item 7 - 350A Old Pacific Highway, Swansea	Remove from LRA Map. Retain existing E2 Environmental Conservation zoning.	The land is owned by Transport for NSW who have established this site as a biodiversity offset site. Transport for NSW are in discussions with Council over the potential sale and transfer of this land to Council. Transport for NSW have requested that the acquisition be removed.
Item 8 - E1 National Park land in Catherine Hill Bay	Remove from LRA Map. Retain existing E1 National Parks zone.	Land has been transferred to NSW National Parks and Wildlife Services and is now part of the Wallarah National Park.
Item 9 - 46 Rockpool Road, Catherine Hill Bay	Remove from LRA Map. Retain existing SP2 Sewage Systems zone.	The sewage system is owned by a private company and Hunter Water have advised they should be removed as the acquisition authority.

Assessment of options

Removing the land reservation acquisition from nine areas will ensure the *LMLEP 2014* is up to date, reflecting the open space requirements identified in the Belmont Catchment Development Contributions Plan. It will also reduce Council's financial liability to purchase land it does not require. This is the preferred option.

If Council does not proceed with the Planning Proposal, Council may have to purchase land that is not required for public purposes. This is not the preferred option.

Community engagement and internal consultation

Consultation with the Development Contributions, Property and Business Development, Environmental Systems, Development Assessment and Certification, Asset Management and Community Partnerships departments occurred during preparation of the Planning Proposal. Feedback has been incorporated into the review recommendations and no objections were raised.

Preliminary consultation took place with Transport for NSW and Hunter Water. No objections were raised and both authorities supported the proposed acquisition removal.

Preliminary consultation was undertaken with landowners affected by the Planning Proposal. Responses supported the removal of the land reservation acquisition layer however it was requested that consideration be given to a residential zoning for Item 3 – "22 Hill Street and 35 Macquarie Drive, Belmont". Zone E3 Environmental Management is considered more suitable due to the biodiversity, contamination and steep topography characteristics that

apply to this site. Further consultation will occur with the landowners as the Planning Proposal progresses.

Following a Gateway Determination, community consultation will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act, 1979*. Owners of land included in the Planning Proposal will be advised of the exhibition period.

Key considerations

Economic impacts	None.
Environment	The Planning Proposal is not anticipated to have negative environmental impacts. Positive environmental impacts will result from rezoning part of Item 2 to E2 Environmental Conservation and Item 3 to E3 Environmental Management.
Community	Land that is being removed from the Land Reservation Acquisition Map is not required for any community facilities.
Civic leadership	None.
Financial	<p>Removing the land from the LRA Map in the <i>LMLEP 2014</i> will reduce future financial liability for Council, with land acquisition costs estimated to be \$900,000 should Council be required to acquire the land.</p> <p>For Item 2 – Part 40 Croudace Bay Road, Belmont that will be retained on the LRA Map, the acquisition costs are estimated at \$22,000. Funds in Council’s Open Space Acquisition Reserve have been identified for this purchase.</p> <p>There are no other financial implications for Council, apart from staff resources involved in the processing of the LEP amendment.</p>
Infrastructure	None.
Risk and insurance	Amending the <i>LMLEP 2014</i> is a regular Council activity and any risk or insurance implications to Council are minimised by following the process outlined in the <i>Environmental Planning and Assessment Regulation 2000</i> , as well as Council’s Local Environmental Plan Amendment Procedure.

Legislative and policy considerations

The recommendations in this report are consistent with the following:

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Lake Macquarie Local Environmental Plan 2014

Lake Macquarie Local Strategic Planning Statement

Development Contributions Plan - Belmont Catchment 2018

Biodiversity Planning Policy

Attachments

1. Draft Planning Proposal - Belmont Contributions Catchment - Land Acquisition Review Under separate cover D09732895