



ABN 66 121 212 404

Our Ref: IA/201010/120117ltr

19 January 2017

Director Environment and Building Policy
Department of Planning and Environment
PO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

RE: Draft Coastal Management SEPP – submission for Belmont Golf Club

Paradigm Planning & Development Consultants Pty Ltd has been engaged by Belmont Golf Club Ltd (BGC) to make a submission on the draft Coastal Management SEPP as it potentially affects the club and its operations. The golf course and club are located on Lot 1 DP203376, Lot 1 DP253931, Lot 4 DP211142, Lots 4-15 Section M DP1925 No.39B Thompson Street and Lots 8-13 Section L DP1925 No.40B Thompson Street, Belmont South. The golf course has existed at this location for more than 60 years.



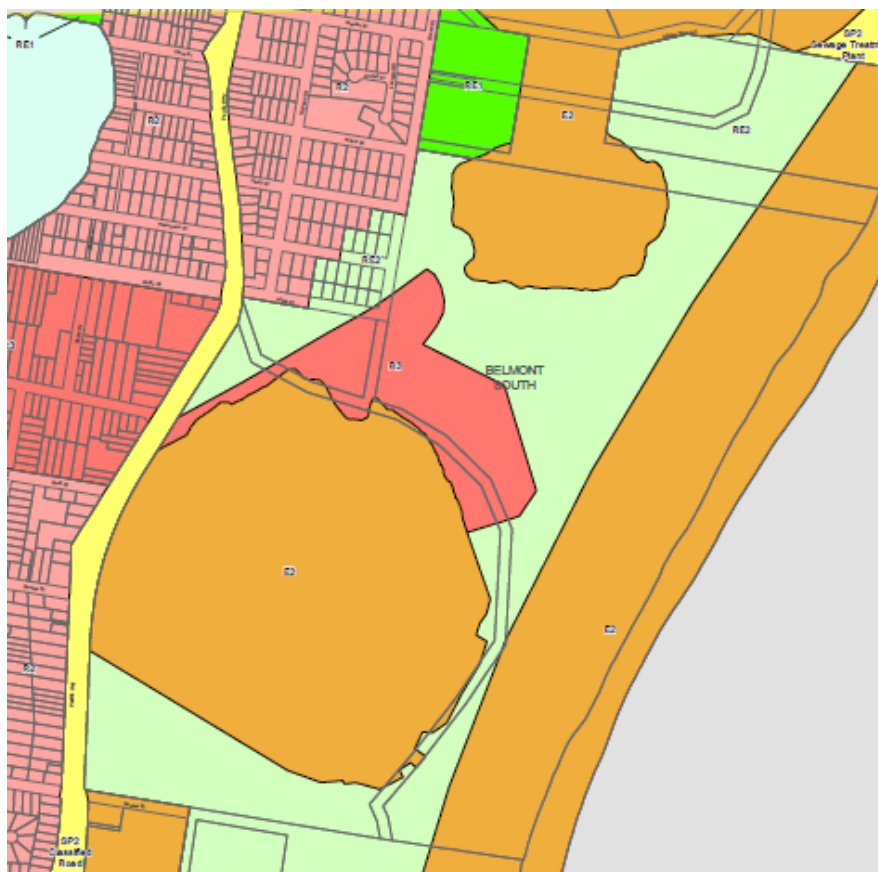
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The BGC site is zoned part R3 Medium Density Residential, RE2 Private Recreation and E2 Environmental Conservation as shown in the Lake Macquarie LEP 2014 map extract below. The E2 zoned lands coincide with two wetlands on the site currently mapped in SEPP14 and the immediate coastal hazard zone mapped as Coastal Risk under Lake Macquarie LEP2014:

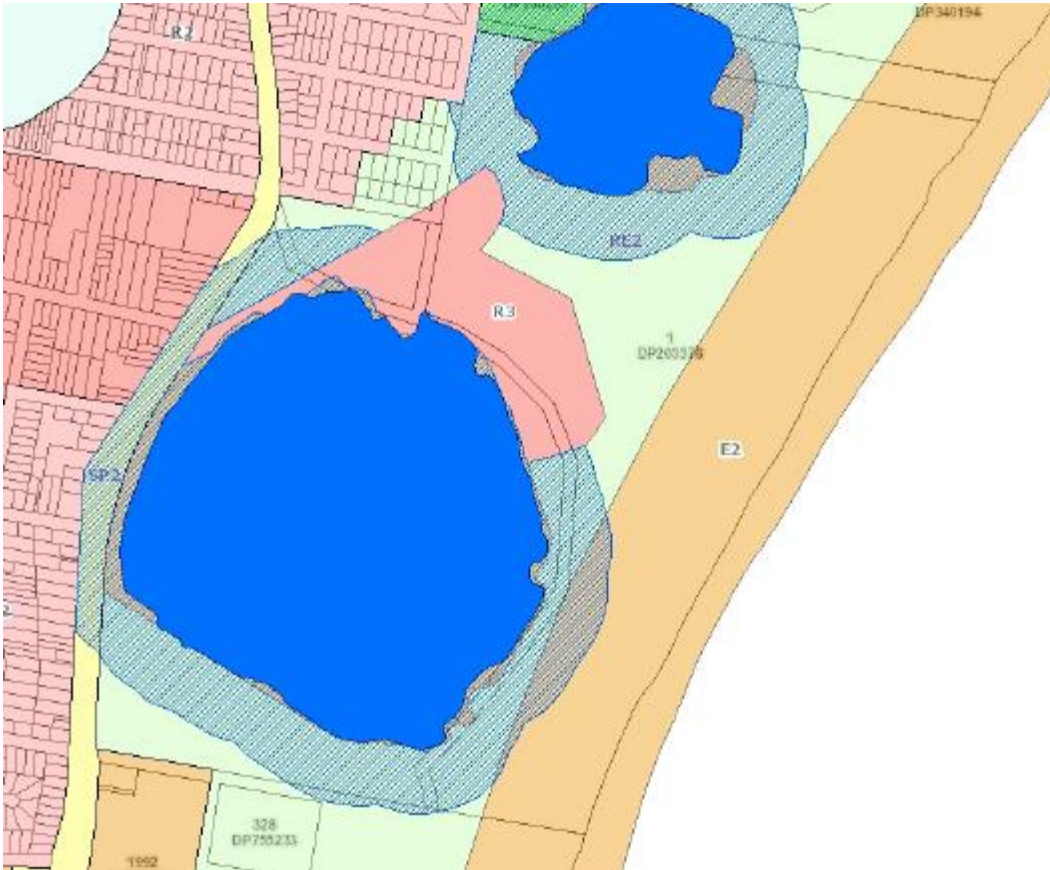


We have reviewed the draft SEPP with the club executive and raise the following matters of concern which should be addressed in the finalisation of the new SEPP:

Increased rather than decreased complexity compared to SEPP14 – the golf course site contains two substantial wetlands included within SEPP14. However, as the club has never proposed modification of the wetlands there has been no direct impact upon the operations of the club. Historically, most Councils have included provisions in Development Control Plans to ensure that any development proposed in proximity to a designated wetland considers the possible effects of adjacent works on the wetland. The draft Coastal Management SEPP seeks to extend on the previous coverage of SEPP14 and include control of a defined “buffer” area to the mapped coastal wetlands which was previously adequately covered through DCPs.

While we support the aim for the new SEPP *to promote an integrated and co-ordinated approach to land use planning in the coastal zone* and the integration of previous separate policies (SEPP14, SEPP26 and SEPP71) as a major part of this, the introduction of the “proximity” buffer in the draft SEPP is an unnecessary complication which will not lead to any better achievement of the aims of the SEPP while creating potentially costly and time consuming complications for land managers such as Belmont Golf Club.

This is further highlighted by the exclusion of all residential zones from the “proximity” mapping without giving consideration to other land uses which might also legitimately be excluded from such a provision. The draft SEPP would create a situation where part of the golf course is not subject to proximity buffer requirements due to the residential zoning but areas zoned RE2 Private Recreation are affected. These areas are equally valid for exemption from the proximity buffer as are residentially zoned land due to their direct relationship to urban uses and the RE2 zone should be included in clause 12(2)(a).



Duplication of provisions already existing in the applicable Local Environmental Plan – Lake Macquarie LEP 2014 includes both the mandatory Standard Instrument clause 5.5 *Development within the coastal zone* and an additional local provision clause 7.4 *Coastal risk planning*. The latter relates to land which is included on the *Coastal Risk Map* in the LEP which is the same land mapped within the draft SEPP as *Local Government Coastal Hazard Map*. This land is therefore included in the *Coastal Vulnerability Area* under the draft SEPP notwithstanding that there is no coastal vulnerability map for this particular area.

The end result is a duplication of provisions in relation to coastal hazard management under both the LEP and the SEPP which is counter to the objectives of both the Standard Instrument LEP and the aims of the draft SEPP. Where adequate provisions already exist within an LEP in relation to coastal hazards there should be no duplication within the SEPP. Alternatively, if such provisions are to be included in the SEPP then they should be removed from all LEPs which already contain such provisions.

Focus on public authority role in coastal zone management – the Department's fact sheet for the Coastal Use Area notes that "this area represents some of the most economically and socially valuable land in NSW" and that development in this area "should ensure adequate consideration of the specific public interest in coastal areas". One of these interests is listed as providing adequate public open space and associated public infrastructure". However, notwithstanding the important open space and recreation function of a golf course, the private ownership of the BGC site sees it treated by the SEPP in the same manner as a private beach front home at Collaroy or Wamberal which is clearly inappropriate.

There should be no difference for the purposes of the SEPP between a privately owned and managed golf course run by a registered club and a publicly owned and managed golf course run by a local authority or other public authority. The provisions of the SEPP in relation to *coastal management programs*, *coastal protection works* and *emergency coastal protection works* are too restricted in assuming that only two possible scenarios exist – publicly managed lands or privately occupied beachfront residential lands which must be tightly controlled.

We see no reason why the Hunter Water Corporation in relation to the beach and dunes to the north of the BGC site should be exempt from many of the provisions of the proposed Coastal Management SEPP by virtue of clause 48B and clause 129 of SEPP (Infrastructure) 2007 and various provisions of SEPP (Exempt and Complying Development) 2008 while Belmont Golf Club may be required to obtain development consent from either Council or potentially the JRPP for some relatively minor works or for even the most urgent coastal protection works. Similarly, BGC is significantly disadvantaged as a landowner compared to Lake Macquarie City Council due to the inherent bias in the provisions of the draft SEPP.

We are concerned that in the event of a major storm event any works to rehabilitate damage to affected parts of the golf course could be defined as *coastal protection works* and would require development consent. If Lake Macquarie Council has not adopted an appropriate *coastal management program* (previously a Coastal Management Plan) which includes identification of such works then not only would consent be required before damage could be repaired but the consent authority would be the Joint Regional Planning Panel.

The draft SEPP appears to be based on an incorrect assumption that all immediate coastal lands are either in public control or are adjacent to intensive development where strong regulation is required to prevent potentially damaging private coastal protection works. However, Belmont Golf Club is the owner of the adjoining beach to the Mean High Water Mark and has a strong interest in maintaining the beach and foredune system to protect the significant investment in fairways and greens within the zone which is potentially exposed to coastal hazards.

There are a variety of options which could be considered to address this significant inequity in the draft SEPP and the unnecessary burden it would create for entities such as Belmont Golf Club. These might include:

- defining a Registered Club in certain circumstances as a public authority for the purposes of SEPP (Infrastructure) 2007 and SEPP (Exempt and Complying Development) 2008,
- provision for golf courses/registered clubs as a specific category within Part 4A General Development Code of SEPP (Exempt and Complying Development) 2008,
- adding to the provisions for *coastal management program* and *coastal zone emergency action subplan* to create a new option for a coastal management plan (including an appropriate emergency action subplan) prepared in relation to private lands such as the BGC site and endorsed by Council which would enable BGC to undertake required routine maintenance works as well as emergency works within the context of an approved management plan without the need for frequent DA approvals from Council or the JRPP for such activities (both routine and emergency).

It is essential that the proposed provisions for Council prepared *coastal management programs* and public authority *coastal protection works* are supplemented by additional provisions which enable both emergency works and ongoing maintenance by entities such as BGC who are responsible for the management of large areas of coastal lands in a similar manner to designated public authorities.

Unworkable provisions for emergency beach and foredune works – as noted above, the draft SEPP includes amending provisions for other State Environmental Planning Policies where they interact with the draft Coastal Management framework, including SEPP (Exempt and Complying Development) 2008 and SEPP (Infrastructure) 2007. The combined effect of the new provisions and the presumption of public ownership of coastal lands other than individual homeowners wishing to protect substantial structures is to create a totally unworkable situation for ongoing management of the beach and dune system adjoining the golf course.

Belmont Golf Club has been a responsible custodian of its coastal lands, including the beach, for more than half a century. It is clearly counter to the aims and intent of the draft SEPP if a responsible owner such as BGC is unable to respond to major events such as the April 2015 superstorm or the equally devastating superstorm in June 2007 (the Pasha Bulker event) or to lesser storm events which still may cause damage to the beach and dunes and adjoining golf course. The adoption of a *coastal management program* by Council has no effect in relation to the implementation of emergency works to the privately-owned beach at Belmont Golf Club and introduction of provisions which would require Belmont Golf Club (and other entities like it along the coast) to wait for assessment of a development application in order to undertake works to protect the golf course and beach are totally unacceptable.

On behalf of Belmont Golf Club, we request that the Department give careful consideration to the matters raised above and make appropriate amendments to the final Coastal Management SEPP including appropriate concurrent amendments to other SEPPs where required to ensure that entities such as Belmont Golf Club are not seriously disadvantaged as would currently be the case under the draft SEPP as exhibited. We would also welcome the opportunity to discuss these matters further with relevant officers of the Department.

Should you have any queries in relation to the above, please do not hesitate to contact the undersigned.

Yours faithfully



Ian Adams
Director
PARADIGM PLANNING & DEVELOPMENT CONSULTANTS Pty Ltd

cc. Hunter and Central Coast Regional Office (Gosford)