

PLANNING PROPOSAL - HAWKS NEST VILLAGE AND OTHER ZONING OPPORTUNITIES

Report Author Rebecca Underwood, Strategic Planner

File No. / ECM Index Hawks Nest Town Centre Planning Proposal - SP-PP-13

Date of Meeting 28 June 2017

SUMMARY OF REPORT

This report provides a summary of the submissions received during the public exhibition of the draft Planning Proposal for Hawks Nest Village.

It recommends that Council note the issues raised in submissions and adopt the PP, amended as a result of community consultation.

SUMMARY OF RECOMMENDATION

That Council note the issues raised in submissions during the exhibition period and endorse the amended Planning Proposal as contained in Attachment C.

That the amended Planning Proposal be forwarded to the Department of Planning and Environment with a request that the associated Local Environmental Plan be drafted and made.

FINANCIAL/RESOURCE IMPLICATIONS

This project is being undertaken on full cost recovery basis. The project is proceeding within existing financial and resource allocations. The recommendations will not result in additional expenditure or resources.

LEGAL IMPLICATIONS

Nil.

BACKGROUND

The B1 – Neighbourhood Centre zone at Hawks Nest currently applies to an entire block bounded by Yamba Street, Booner Street and Tuloa Avenue (see Attachment A). Retail and commercial development only occupies at a maximum about one quarter of the total commercial zone.

Over a number of years the question has been raised by landowners and developers as to whether the amount of land zoned for commercial purposes in Hawks Nest is excessive. This is particularly relevant given the opening of the Shopping Centre at Myall Quays after the rezoning in 2000.

2003

In 2003, a major land owner in the Hawks Nest village area (G K Lindsay Development and Building Consultants) offered to fund a study to ascertain the amount of land that should be retained for business purposes and where this should be located. The offer was accepted by Council and in 2004 studies were undertaken by Andrews Neil Pty Ltd on behalf of Council to:

- assess whether the amount of land zoned for business purposes in the Hawks Nest village area could be reduced;
- identify where the business zone could be located;
- develop a management strategy for the Koala movement corridor that passes through the village centre; and
- determine the amount of off-street car parking that should be provided.

2004

The 'Hawks Nest 3A Business Zone Review and Strategy' (the Strategy) was completed in 2004 by Andrews Neil. The findings of the study were as follows:

- on the basis of projected population needs there is an excess of land zoned for business purposes in Hawks Nest;
- that there is important Koala habitat within the area zoned for business purposes;
- that there is sufficient off-street parking to satisfy demand within the short to medium term.

April 2005

At the meeting of 26 April 2005 Council considered a report on the Strategy. The following was resolved:

"...that in view of the information provided from the current studies, that no further action be taken".

Around this time consultants, GHD (on behalf of Crownland Developments) commenced preparation of a Masterplan for the Hawks Nest Town Centre in conjunction with the proposed North Hawks Nest rezoning. The aim of the Masterplan was to assist the community to revitalise the Hawks Nest business area.

October 2005

At its Ordinary meeting of October 2005 Council was asked to reconsider its resolution of 26 April 2005 '*....that no further action be taken*' in light of the work being undertaken by GHD. At this meeting it was resolved:

'.....that Council would reconsider the Hawks Nest Town Centre Study in conjunction with a Masterplan that is being created for this area by consultants engaged by Crownland Developments (GHD)'.

".....that Council advise GHD that it supports the preparation of a Masterplan for the Hawks Nest town centre and that the Hawks Nest Town Centre Strategy (prepared by Andrews Neil) be provided to GHD as background information for use in the preparation of the Masterplan".

Council provided the Strategy to GHD however, the Hawks Nest Town Centre Masterplan did not proceed at this time and no further action was taken by Council.

2012

In November 2012, a major land owner in the Hawks Nest village area made representations to Council requesting consideration for the preparation and implementation of a new Hawks Nest Town Centre Masterplan. Preliminary discussions were held with the landowner who also indicated a willingness to fund any works required to facilitate this process and the preparation of a PP.

Since this time, Council has also received representation from the Hawks Nest community seeking Council's involvement in assisting with revitalising the Hawks Nest Town Centre.

April 2013

At the Strategic Committee Meeting of 9 April 2013, Council considered a report on the North Hawks Nest Planning Proposal and resolved, amongst other matters, to:

"Investigate rezoning opportunities in the whole of Hawks Nest to provide for future development and community needs."

Subsequently, the preparation of an urban design and built form strategy for the Hawks Nest Town Centre was incorporated into the 2013/2017 Delivery Program

October 2013

In October 2013 the aforementioned major land owner formally agreed to fund the preparation of a PP including any studies required by Council, in accordance with Council's endorsed *Procedure for the Preparation and Processing of Planning Proposals*.

July 2014

City Plan Services and Place Partners Place Making Consultancy were engaged by Council in July 2014 to review the Hawks Nest Town Centre, with the following specific aims:

- confirm whether there is a surplus of land zoned B1 - Neighbourhood Centre in Hawks Nest;
- determine the appropriate zone for any surplus B1 – Neighbourhood zoned land;
- identify planning solutions to ensure the koala movement corridors are protected;
- determine car parking requirements for the town centre;
- investigate commercial rezoning opportunities to provide for future development and community needs, including beachfront or riverfront locations and potential for a marina site

Extensive consultations with landowners, residents, business and service providers was undertaken to identify the opportunities and challenges for the future development and renewal of commercial activities in Hawks Nest. Over 330 engagement contacts were made to an online survey, community workshops and stakeholder interviews.

The key findings from investigations and community engagement were as follows:

- that there is an excess supply of business zoned land and off-street car parking in the business zone;
- that there is an opportunity for boutique businesses optimising the natural assets of the area (i.e. the beachfront and waterfront), that does not compete with the 'convenience' shopping experience offered by nearby shopping centres;
- that the demography of Hawks Nest limits the business growth with fixed incomes and transient population. More permanent residents are required to improve local business success;
- the local koala population is both a tourist opportunity and a development constraint. Development must ensure protection of the identified key koala habitat; *and*
- the current section 94 contributions for local car parking are in excess of requirements and should be reviewed.

December 2014

At its Strategic Committee Meeting of 2 December 2014, Council noted the findings of the extensive community consultations undertaken as part of the Hawks Nest Town Centre

Review. They also resolved 'To seek discussions with Crown Lands in relation to their land' (the land being referred to in this instance is land where the Hawks Nest Community Centre is located).

July 2015

On 14 July 2015, in response to the outcomes of additional community consultations and upon extensive reviews of the background information, Council formally resolved to prepare a PP for Hawks Nest Village to:

- A. *Rezone about two thirds of the current Hawks Nest B1 - Neighbourhood Centre Zone to a mix of R3 - Medium Density Residential and E2 - Environmental Conservation Zone.*
- B. *Amend clause 7.9 (Protection of Wildlife Corridors) in Great Lakes Local Environmental Plan 2014 so that it can be applied to the Koala corridor on the land that contains trees bounded by Booner, Yamba and Tuloa streets (current B1 - Neighbourhood Centre Zone) in the town centre.*
- C. *Rezone about 4.9 ha of land close to the beach from R3 – Medium Density Residential to B4 - Mixed Use Zone and to make Multi Dwelling Housing permissible in this area.*
- D. *Add a new local clause to Great Lakes Local Environmental Plan 2014 (GLLEP14) which will limit the size of any commercial development in the new proposed B4 - Mixed Use Zone at Hawks Nest to 120m².*

Council also resolved to prepare Development Control Plan (DCP) for the proposed R3 - Medium Density/E2 - Environmental Conservation Zone between Booner and Yamba Streets and the proposed B4 - Mixed Use Zone near Bennetts Beach.

Note - For ease of identification the land bounded by Yamba Street, Booner Street and Tuloa Avenue proposed to be rezoned from B1 - Neighbourhood Centre Zone to a mix of R3 - Medium Density Residential and E2 - Environmental Conservation Zone, as depicted in Attachment A, has been referred to as 'Area A' under the PP.

The land near Bennetts Beach proposed to be rezoned from R3 – Medium Density Residential to B4 - Mixed Use Zone, as depicted in Attachment B, has been referred to as 'Area B' under the PP.

A draft Planning Proposal (PP) was prepared and forwarded to the Department of Planning and Environment (DP&E) with a request for a Gateway Determination to be issued to enable community engagement on the PP.

As indicated in 'D' above the PP proposed a new local clause within GLLEP14 which would limit the size of any commercial development within the proposed B4 - Mixed Use Zone to 120m². On receipt of the PP the DP&E advised Council that they would not support the proposed new local clause within GLLEP14.

December 2015

At its Strategic Committee Meeting of December 2015 Council resolved the following:

- A. *Remove the proposed new local clause within the Planning Proposal for the Hawks Nest Village Centre which would limit the size of any commercial development within the proposed B4 - Mixed Use Zone to 120m²*

- B. Include provisions within the Development Control Plan, currently being prepared, to limit the maximum floor gross floor area for any retail or business premises in the proposed Hawks Nest B4 - Mixed Use Zone to 120m².*

A Gateway Determination for the PP was granted on 4 January 2016. In accordance with the conditions of the Gateway Council consulted with the Office of Environment and Heritage (OEH) prior to exhibition. Further consultation with OEH and the Rural Fire Service was undertaken during the exhibition period.

2016

The PP was placed on public exhibition for thirty six (36) days from 17th March until Friday 22nd April 2016.

During the exhibition period a total of eight (8) submissions were received from land holders and members of the community. A summary of these submissions along with the planners response is contained in the Submission Summary Table (Annexure A).

One (1) submission was received from OEH. Details of the submission along with the planner's response is also contained in the Submission Summary Table (Annexure A).

In accordance with the resolution of December 2014 (*'That Council seek discussions with Crown Lands in relation to their land'*). Council contacted The Department of Industry – Lands. After some discussion it was considered that the inclusion of the identified Crown Land was outside the scope of the Planning Proposal. However this land may be included in a future Planning Proposal.

Present

This PP has been delayed due to the need for extensive engagement with OEH and a private landholder during the exhibition period. After considerable discussions the issues have now been resolved to the satisfaction of all parties involved.

DISCUSSION

Issues raised in submissions

There were a number of issues raised during the exhibition period from members of the community, land owners in the area covered by the PP and a government agency. These issues are summarised below. Full details of the issues raised in submissions along with the planner's response to each are contained in the Submission Summary Table (Annexure A).

Generally, issues raised included requests to amend proposed zoning boundary lines and calls for specific land uses on individual sites. Concerns about maintaining the amenity of Hawks Nest were also raised along with a strong desire to revitalise the existing village centre.

A number of ideas were put forward to improve the amenity of Hawks Nest and activate the area such as beautifying the existing mall and encouraging street art and pop up shops.

A reoccurring theme in submissions was concern that the proposed B4 - Mixed Use Zone in Area B would compete with shops in the existing Hawks Nest business area.

There was a request to increase the height limit and floor space ratio in Area B and to allow additional land uses in the proposed B4 – Mixed Use Zone.

A private landowner requested a review of the proposed E2 – Environmental Conservation Zone across their land. Details regarding this request are included below.

One submission called for the surf club to be considered as part of the PP. There was also concern about possible land use conflict in Area B.

Full details of the issues raised in submissions along with the planner's response to each is contained in the Submission Summary Table (Annexure A).

OEH Submission

In accordance with the Gateway Determination (Annexure B) OEH provided Council with advice on the PP prior to and during the exhibition period.

In the course of Council's correspondence with OEH the following issues were raised:

- Flooding;
- Aboriginal cultural heritage; *and*
- Date and methodology of the '*Hawks Nest 3A Business Zone Review and Strategy 2004*' as it related to the identification of the Koala movement corridor.

Flooding

Since preparing the original PP Council's Engineering section have been updating Council's Flood Planning Area maps. Tea Gardens and Hawks Nest flood extents are now based on a Current 1% AEP Level of RL 1.4m AHD compared to that from the 'old PWD study' of RL 2.1 AHD. As a result, the extent and the number of affected properties has reduced considerably. Consequently, the area subject to the PP is no longer affected by flood related development controls and Condition 2 of the Gateway Determination (Annexure B) as it relates to the inconsistency with Section 117 Direction 4.3 Flood Prone Land no longer applies.

In accordance with changes to the Flood Planning Area maps the PP has been amended to remove references to flooding over the land.

Aboriginal heritage

In order to address the Aboriginal heritage requirements raised by OEH, prior to exhibition, Council undertook a search of the Aboriginal Heritage Information Management System (AHIMS) database. The assessment indicated that no Aboriginal sites or Aboriginal places were recorded or declared in or near the area to which the PP applied.

During the exhibition period OEH indicated that further detailed investigations into Aboriginal heritage would need to be undertaken as part of the PP. At this time Council questioned the level of detail required given the land was already highly disturbed and zoned for development. OEH maintained that the information would still need to be provided.

In order to meet the Aboriginal heritage requirements additional consultations were undertaken with OEH and the Karuah Local Aboriginal Land Council (KLALC). As a result of extensive consultations the issues have now been resolved to the satisfaction of all parties.

The appropriate level of Aboriginal heritage assessment has now been undertaken and there are no outstanding Aboriginal heritage issues for this PP.

Hawks Nest 3A Business Zone Review and Strategy (2004)

In 2004 Andrew's Neil prepared the *Hawks Nest 3A Business Zone Review and Strategy* (the Strategy). As indicated above, the Strategy was prepared to assess existing business zoned land, carparking and koala movement corridors in the Hawks Nest village centre.

In accordance with Condition 2. of the Gateway Determination (Annexure B), Council consulted with OEH in regards to *‘.....the date and methodology of the Hawks Nest 3A Business Zone Review and Strategy and other studies used to inform the boundaries of the proposed E2 – Environmental Conservation Zone.’*

Issues raised by OEH in regards to the Strategy are included in the Submission Summary Table (Annexure A). As a result of extended consultations the issues regarding this matter have now been resolved to the satisfaction of all parties.

Feedback from Community Workshop

Council held a Community Workshop during the exhibition period. The purpose of the workshop was to provide information to the community regarding the PP and to gain further feedback on the proposal. A total of 27 people attended the workshop.

Issues raised at the Community Workshop are largely reflected in the written submissions received during the exhibition period.

Changes to the Planning Proposal

As a result of the submissions received during the exhibition period a number of changes have been made to the PP.

Zoning boundaries

The main changes to the PP include minor amendments to the proposed zoning boundaries in Area A.

After the exhibition period additional field surveys were undertaken to ensure the areas of proposed E2 – Environmental Conservation Zone most accurately reflected existing koala movement corridors in Area A.

The minor boundary changes proposed reflect updated ecological information gathered as part of field surveys. The minor changes will also ensure logical development outcomes can be achieved in this area taking into account the constraints and opportunities of Area A.

Minor zoning boundary changes, proposed as a result of public exhibition, are depicted in Attachment A, Figure 3.

Aboriginal heritage

In accordance with advice received from OEH the outcomes of the Aboriginal Heritage Information Management System (AHIMS) search have been included within the PP document.

24 Yamba Street

A private landowner in the area subject to the PP requested a review of the proposed E2 – Environmental Conservation Zone covering their land. The land in question was 24 Yamba Street (the subject land).

The subject land is within Area A and under the exhibited PP was proposed to be rezoned from B1 - Neighbourhood Centre Zone to a mix of R3 - Medium Density Residential and E2 - Environmental Conservation Zone.

Council's Senior Ecologist visited the site on a number of occasions after the exhibition period and undertook field surveys to establish the viability of the proposed E2 – Environmental Zone over the subject land. The assessment included an analysis of the health, habitat and form of the existing vegetation.

Based on the findings of the field surveys it is proposed that 24 Yamba Street be rezoned wholly to R3 - Medium Density Residential under the PP.

It is noted that any proposed tree removal in association with the future development of the subject land will undergo a merits assessment as part of the Development Assessment process.

If Council resolves to apply the 'Protection of Wildlife Corridors Clause' to that part of the land bounded by Booner and Yamba Street as depicted in Attachment C, any future tree removal in this area will also be required to be assessed having regard to the impact on the Koala corridor.

Development Control Plan

In accordance with the resolution a draft DCP has been prepared by consultants City Plan Services for the proposed R3 - Medium Density Residential land between Booner and Yamba Streets and the proposed B4 - Mixed Use Zone near Bennetts Beach.

The initial intent of the DCP was to facilitate the protection and enhancement of existing local koala movement corridors. It was also proposed to include specific building design provisions such as setbacks, materials, colours built form and scale.

However, during the preparation of the draft DCP, and after discussions with the consultants, Council is proposing a less prescriptive approach to the document for building design.

Precinct based character statements will guide future development in identified areas and site specific controls will draw upon the principles of 'Place Making'.

By facilitating flexibility within the draft DCP future development will be able to effectively respond to the constraints and opportunities of each individual site promoting innovative design.

Any future development in the area would still be subject to a merits based assessment at the development application stage.

As originally proposed, the draft DCP will still contain prescriptive provisions for the protection and enhancement of Koala movement and habitat areas in recognition of the importance of the Endangered Tea Gardens/Hawks Nest Endangered Koala Population.

In order to finalise the draft DCP, it will need to be placed on public exhibition for community feedback. A future report will be presented to Council on this matter.

Department of Planning and Environment Report

The DP&E produce a report for each PP. The purpose of this report is provide the public with a concise summary of the PP and is included for public information in conjunction with DP&E's online 'LEP Tracking System'.

Within DP&E's report for the Hawks Nest PP, DP&E indicate the following: *'....it is understood the E2 – Environmental Conservation Zone will enable Council to acquire the koala habitat corridor'.*

Council would like to clarify that at this stage it has not formally agreed to purchase those parts of the land proposed to be rezoned to E2 – Environmental Conservation Zone in Area

A under this PP. In order to clarify this situation Council has had discussions with the DP&E to this effect.

The Department has clarified that this will not be an issue nor is it a requirement of the PP for Council to acquire any land rezoned to E2 – Environmental Conservation under the PP.

CONSULTATION

Community consultation for this PP has been undertaken in accordance with the Gateway Determination and the DP&Es '*Guide to Preparing Planning Proposals*'.

In addition to the standard legislative requirements for community consultation extensive additional consultation has also been undertaken as part of this project.

Council engaged Place Partners – Place Making Consultancy to get feedback from the community to assist in informing the PP.

Consultation with landowners, residents, business and service providers was undertaken to identify opportunities and challenges for future development and renewal of commercial activities in Hawks Nest. Over 330 engagement contacts were made to an online survey, community workshops and stakeholder interviews.

A community information session was also held during the exhibition period. Comments received from participants during the session were largely reflected in the issues raised in written submissions during the exhibition period.

The ideas, comments and aspirations from the community which came out of the consultation have been reviewed and synthesised, with the purpose of informing the PP and embracing other land use and place making opportunities.

Information gathered as part of community engagement was presented in the Integrated Engagement Strategy.

A Place Making Strategy was also prepared to assist Council and the community in the revitalisation of Hawks Nest.

Both the Integrated Engagement and Place Making Strategy were included as Attachments in the report to Council's Strategic Committee Meeting of 2 December 2014.

COMMUNITY IMPACTS

The rezoning of land in Area B from R3 – Medium Density Residential to B4 – Mixed Use will mean that small scale commercial opportunities will now exist in this area which was previously rezoned purely for residential purposes.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

This PP aligns with the Great Lakes Community Strategic Plan 2010-2030 (Great Lakes 2030) which identifies a number of Key Directions. The PP is consistent with the following directions:

Key Direction 1: Our Environment.

The objectives of this direction are to protect and maintain the natural environment so that it is healthy, diverse and to ensure that development is sensitive to the environment.

The PP is consistent with this Key Direction as it will rezone areas of significant habitat utilised by the Hawks Nest and Tea Gardens Endangered Koala Population for environmental protection. The PP will also apply existing clause 7.9 (Protection of Wildlife Corridors) in *Great Lakes Local Environmental 2014* to significant koala movement corridors as identified in Attachment 4. A DCP will also be prepared for areas affected by the PP which will include provisions to protect koala movement corridors in Hawks Nest.

Key Direction 2: Strong Local Economies

Objectives of this direction are to promote Great Lakes as an attractive area for residents and visitors which encourages a supportive business environment, job opportunities and that provides transport and infrastructure that meets future needs.

The PP will encourage businesses to Hawks Nest through the application of the proposed B4 – Mixed Use Zone. It is anticipated that the B4 – Mixed Use Zone will increase opportunities for tourism related commercial activities in this area thereby also providing additional local jobs, thus activating the area near the beach.

The reduction in the existing B1 – Neighbourhood Centre and associated rezoning for residential development will aid in revitalising the Hawks Nest Town Centre and create a more attractive public realm.

The PP is consistent with this key direction.

Key Direction 3: Vibrant and Connected Communities

The objectives of this direction encourage the provision of the ‘right places and spaces’, supporting positive and safe communities which promote education, sustainable growth and connectivity.

The PP promotes sustainable growth in locations suitable for residential development in an area which is located in close proximity to existing infrastructure and community facilities.

The PP is consistent with this key direction.

Key Direction 4: Local Leadership

The objectives of this direction are to deliver council services which are effective and efficient, to strengthen community participation and to represent the community’s interest through local leadership.

The PP is consistent with this direction as it will deliver logical planning outcomes which have come out of community consultations.

TIMEFRAME

If Council adopts the PP, as amended as a result of community consultation, it will be forwarded to the DP&E for the corresponding amendments to GLLEP14 to be drafted and made. Assuming there are no further issues in association with legal drafting, the LEP could be finalised by August 2017.

CONCLUSION

After extensive community consultation, the Planning Proposal for Hawks Nest Village, as amended as a result of community consultation proposes the following:

- To rezone about two thirds of the current B1 - Neighbourhood Centre Zone in Hawks Nest, referred to as Area A (as depicted in Attachment A), to a mix of R3 - Medium Density Residential Zone and E2 - Environmental Conservation Zone.

- To rezone about 4.9 ha of land close to Bennetts Beach at Hawks Nest, as referred to as Area B (as depicted in Attachment B), from R3 – Medium Density Residential Zone to B4 - Mixed Use Zone.
- In Great Lakes Local Environmental Plan 2014, add 'Multi Dwelling Housing' to the land use table of uses 'Permitted with consent' in the B4 – Mixed Use Zone in Area B only.
- To amend the existing clause 7.9 (Protection of Wildlife Corridors) in *Great Lakes Local Environmental Plan 2014* so that it can be applied to the identified Koala movement areas in the area bounded by Booner, Yamba and Tuloa streets as depicted in Attachment D.

It is also proposed to include provisions within the Development Control Plan to limit the maximum gross floor area for any retail or business premises in the proposed B4 - Mixed Use Zone near Bennetts Beach, Hawks Nest (referred to as Area B) to 120m².

It is recommended that Council adopt the amended Planning Proposal which is the result of extensive investigations and community feedback.

RECOMMENDATION

That Council:

- Note the issues raised by the community and government agencies during the exhibition period of the Planning Proposal for Hawks Nest Village as contained in Annexure A.
- Adopt the Planning Proposal, as amended as a result of public exhibition, as contained within Attachment C.
- Submit the Planning Proposal to the Director-General of the Department of Planning and Environment with a request that the associated amendments to *Great Lakes Local Environmental Plan 2014* be drafted and made.

ATTACHMENTS

- Maps of Area A – existing zoning, proposed zoning (as exhibited) and final proposed zoning - (amended as a result of community consultation).
- Maps of Area B – existing and proposed zoning – no changes proposed.
- Planning Proposal for Hawks Nest Village including minor amendments as a result of public exhibition.
- Map of land identified for inclusion in existing Clause 7.9 (Protection of Habitat Corridors) in *Great Lakes Local Environmental Plan 2014* – no changes proposed.

Due the large size of the Attachments, they have been circulated in hard copy to the Administrator and Senior Staff only as a paper conservation measure. However, the Attachments are publicly available on Council's Website, copies are available at Council offices and copies are available on request.

ANNEXURES

- A. Hawks Nest Village Planning Proposal Submission Summary Table including planner's response.

Hawks Nest Village: Submission Summary Table	
ISSUE/COMMENT	PLANNERS RESPONSE
Proposed zoning boundaries	
Requests for Council to refine proposed zoning boundaries in Area A to reflect koala movement corridors and logical development footprints.	<p>Additional field surveys have now been undertaken to ensure areas of the proposed E2 – Environmental Conservation Zone in Area A most accurately reflect existing koala movement corridors.</p> <p>Care has also been taken to ensure logical development outcomes can be achieved over the proposed R3 – Medium Density Residential areas.</p> <p>The changes made to the proposed zoning boundaries are depicted in Attachment A (Figure 3).</p>
Linking the mall up the back lane towards Tuloa Ave and stand of trees at rear of newsagent seems worthwhile. The rezoning process does not look at this.	<p>Council understands that koalas do move through the existing Hawks Nest mall and Tuloa Lane. However, these areas are largely developed and do not contain any significant koala trees or vegetation. Council would have difficulty justifying rezoning these areas for environmental conservation.</p> <p>Regarding the stand of trees at the rear of the newsagency. Council did not include this area in the proposed E2 – Environmental Conservation Zone (in association with the rezoning in Area A) as it was considered to be an unreasonable rezoning of the existing business zone.</p> <p>However, the proposed inclusion of this area within Clause 7.9 'Protection of Wildlife Corridors' in accordance with the map in Attachment D will ensure the impact of any tree removal will be considered during the assessment of any development application.</p>
Strip along Booner St and area under the surf club might be more suitable for rezoning although potential issue of crown land being use for commercial purposes.	<p>Unsure as to which 'strip along Booner St' is being referred to.</p> <p>The land where the surf club is located is currently zoned RE1 – Public Recreation Zone and as correctly indicated is Crown Land. Rezoning this area is outside the scope of the PP but may be looked at in the future as part of a separate PP.</p>
On the ocean site (Area B) too great an area is proposed to be rezoned. Tourists want a view, apart from the surf	<p>Council has continued to review and consider both the land area for investigation and the range of land uses zones that may be applied to these areas, throughout</p>

<p>club Hawks Nest does not offer this. I don't see a huge demand for tourist orientated land use proposed.</p>	<p>this project.</p> <p>The allocation of the B4 - Mixed Use Zone and retention of multi-dwelling housing as a permissible land use within Area B recognises that this is an area of transition. By allowing a broader range of land uses and activities to occur within this area existing residential opportunities are maintained but tourist-orientated and commercial activities can also be considered should an application for this form of development be received in this location.</p>
<p>Competition</p> <p>Rezoning would split Hawks Nest into two prejudicing area. Should be a 'one stop shop'.</p>	<p>The PP proposes the following:</p> <ul style="list-style-type: none"> • Rezone Area A from B1 – Neighbourhood Centre Zone to a mix of R3 - Medium Density Residential Zone and E2 - Environmental Conservation Zone; and • Rezone Area B from R3 – Medium Density Residential Zone to B4 - Mixed Use Zone and to make 'Multi Dwelling Housing' permissible in this area. <p>Area A</p> <p>Findings from the <i>Hawks Nest 3A Business Zone Review and Strategy (2004)</i> along with current population figures and land use audits of the existing business area indicate that there is an excess of land in Hawks Nest zoned B1 – Neighbourhood Centre. The total area land currently zoned B1 – Neighbourhood Centre in Hawks Nest is approximately 2.6 hectares (26,000m²).</p> <p>Based on the permanent resident population of Hawks Nest, there is demand for approximately 450m² of gross retail floor space in a neighbourhood centre. This would increase to around 1,200m² in peak season if more visitors shopped locally. There is, however, over 2,800m² of built floor space within the existing Hawks Nest village centre. The oversupply of floor space is reflected in the high vacancy rate. In August 2014 only 13 of 25 shops were tenanted.</p> <p>The proposed change from B1 – Neighbourhood Centre Zone to a mix of R3 – Medium Density Residential Zone and E2 – Environmental Conservation Zone over part of the existing business zone is considered desirable as it will encourage consolidation of the existing B1-Neighbourhood Centre Zone and ensure that new</p>

	<p>and existing businesses are concentrated in one central, defined locality as opposed to the existing fragmented situation.</p> <p>Further, by increasing the dwelling density adjoining the proposed consolidated Hawks Nest B1-Neighbourhood Centre Zone, there is an opportunity to attract a more permanent residential population to this area. The flow on effects would support existing local businesses through increased patronage and activation of the area.</p> <p>Increasing the permanent residential population in Hawks Nest was one of the main themes raised by the community during consultations for the Hawks Nest Town Centre Review which was used to inform the PP.</p> <p><u>Area B</u> Extending along Beach Street and continuing along west along Booner Street up until Margaret Street the proposed B4 - Mixed Use Zone (Area B) will be located adjacent to the Hawks Nest Caravan Park, surf club, Bennetts Beach and playground and incorporate an existing motel on the corner of Booner and Russell Streets. It is anticipated that the proposed B4 - Mixed Use Zone will build upon the patronage associated with these existing activity nodes and provide further tourist related business opportunities.</p> <p>It is considered that any net loss in business zone by reducing the size of the existing B1 - Neighbourhood Centre Zone in the village centre will be offset by other business opportunities provided by the proposed B4 – Mixed Use Zone. While it is not the intent of the proposed B4 – Mixed Use Zone to compete with the ‘convenience’ shopping experience offered by nearby shopping centres it will provide another opportunity for tourist related businesses optimising the natural assets of the area (i.e. the beachfront).</p> <p>The intent of the proposed B4 – Mixed Use Zone is not to compete with the existing Hawks Nest business centre but to provide opportunities for low-scale complementary tourist-type development in this area.</p> <p>The rezoning in Area B also responds to community feedback for Council to allow greater flexibility close to the beach to facilitate suitable business opportunities.</p> <p>Controls will be included in the DCP to limit the gross floor area of any commercial</p>
--	---

	development in the proposed B4 - Mixed Use Zone to 120m ² . This will ensure this area will only be suitable for certain types of businesses hence limiting competition.
Development standards	
Existing building height and floor space ratio standards in Area B found to be inadequate to encourage development or site amalgamations. Currently construction of two (2) x three (3) storey residential flat buildings containing 25 apartments (DA452/2055) not financially viable.	See comments below.
<p><i>Great Lakes Local Environmental Plan 1996</i> (GLLEP96) did not contain building height or floor space ratio standards. The existing building height of 12m and floor space ratio of 1:1 were introduced with <i>Great Lakes Local Environmental Plan 2014</i> (GLLEP14). No approvals for any significant developments have been issued in this part of Hawks Nest since GLLEP14 was introduced. More development incentives are needed.</p>	<p><u>Building height (GLLEP96)</u> Prior to GLLEP14, Area B was zoned 2(b) Medium Density Residential under GLLEP96. Under GLLEP96 the objective of the 2(b) Medium Density Residential Zone was: <i>'To enable residential development so that buildings within the zone will consist primarily of a range of residential buildings that generally do not exceed a height of 3 storeys.'</i></p> <p>The existing zoning of Area B under GLLEP14 is R3 – Medium Density Residential. The proposed zoning of Area B under the PP is B4 – Mixed Use Zone.</p> <p>Both the existing R3 – Medium Density Residential Zone and proposed B4 – Mixed Use Zone have a building height limit of 12m. The existing and proposed height limit for Area B is consistent with the height limit which existed under the old provisions of GLLEP96.</p> <p>Council considers that a height limit in Area B of 12m will act to ensure that buildings are compatible with the environmental qualities and desired future urban character of the area.</p> <p><u>Floor space ratio (GLLEP96)</u> At the time that GLLEP96 was in force provisions for floor space ratio were contained within the relevant site specific DCP. In this instance the relevant DCP was DCP No. 30 – Residential Urban Areas (DCP30). Under DCP30 the floor space ratio for Area B was 0.8:1 (page 6). With the introduction of GLLEP14 the floor space ratio in Area B increased to 1:1.</p>

	<p>Council considers that a floor space ratio in Area B of 1:1 will act to ensure that buildings are compatible with the environmental qualities and desired future urban character of the area.</p>
<p>The PP should be amended (in Area B) to include the following uses: 'tourist and visitor accommodation', 'attached dwellings' and dwelling houses'.</p>	<p><u>Tourist and visitor accommodation</u> <i>Tourist and visitor accommodation</i> in the form of 'hotel or motel accommodation' and 'serviced apartments' are permitted within the existing R3 – Medium Density Residential Zone. These development types are also permitted within the proposed B4 – Mixed Use Zone.</p> <p>The proposed rezoning of Area B to B4 – Mixed Use Zone will actually permit additional forms of <i>Tourist and visitor accommodation</i> with consent, specifically 'backpackers accommodation' and 'bed and breakfast accommodation'. Hotels and motels will continue to be permissible in the B4 – Mixed Use Zone.</p> <p><u>Attached dwellings and dwelling houses</u> 'Attached dwellings' and 'dwelling houses' are currently permitted within Area B under the R3 – Medium Density Residential Zone.</p> <p>If Council adopts the PP 'attached dwellings' and 'dwelling houses' will be a prohibited land use in this area.</p> <p>Note: Attached dwellings are defined as: <i>a building containing 3 or more dwellings, where:</i> (a) <i>each dwelling is attached to another dwelling by a common wall, and</i> (b) <i>each of the dwellings is on its own lot of land, and</i> (c) <i>none of the dwellings is located above any part of another dwelling</i></p> <p>Multi dwelling housing is defined as: <i>3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.</i></p> <p>Attached dwellings and dwelling houses, while permitted within the R3 – Medium Density Residential Zone are not the predominant form of residential development within this location which is three-storey residential flat buildings.</p> <p>Residential flat buildings are currently permitted within the B4 – Mixed Use Zone.</p>

	<p>The Planning Proposal seeks to make 'Multi dwelling housing' permissible in the B4 – Mixed Use Zone in Area B only. This will effectively continue to allow attached dwellings (as defined) but allow additional flexibility in how this form of accommodation is designed by not requiring all properties to be "attached to another dwelling by a common wall".</p> <p>Dwelling houses in this location may be considered to represent an under-utilisation of the land. There is also sufficient land zoned R2 - Low Density Residential within Hawks Nest to accommodate additional dwelling house development as required.</p>
<p>In order to make the land (in Area B) economically viable developments plans indicate the following is required: Building height of 18m and floor space ratio of 2:1:1.</p>	<p><u>Building height (GLLEP14)</u> Council is not proposing to change building height controls in Area B. Changing the building height from that which was exhibited (12m) would require the PP to be re-exhibited.</p> <p>Council considers that increasing the building height in Area B from 12m to 18m would not be in keeping with the low-scale character of Hawks Nest.</p> <p><u>Floor space ratio (GLLEP14)</u> Council is not proposing to change the floor space ratio in Area B. Changing the floor space ratio from that which was exhibited (1:1) would require the PP to be re-exhibited.</p> <p>Council considers that increasing the building height in Area B from 12m to 18m would not be in keeping with the low-scale character of Hawks Nest.</p> <p>Densities and building height in this area can be looked at in further detail as part of Council's Housing Strategy and with community input.</p>
<p>Environmental</p>	
<p>Change in zoning will inevitably reduce the natural vegetation and trees required for native species of wildlife in Area B.</p>	<p><i>Great Lakes Local Environmental 2014</i> – Clause 5.9 Preservation of trees or vegetation requires development consent to harm a species of tree or other vegetation prescribed in a development control plan.</p> <p>Great Lakes Development Control Plan 2014, Section 12.5 requires:</p>

	<ul style="list-style-type: none"> • Development consent to harm 'koala feed and habitat trees within those areas identified in Tea Gardens and Hawks Nest' (includes both Area A and B). • Permanent protection under s88B for 'primary Koala food trees', "habitat" and "home range" secondary food or significant shelter trees. <p>The rezoning of Area B from R3 – Medium Density Residential Zone to B4 – Mixed Use Zone will not change the existing ecological assessment requirements in Area B.</p> <p>The DCP (currently being prepared) will also include additional provisions for any tree removal in Area B.</p> <p>Council is aware that Hawks Nest village forms a crucial part of the habitat/movement corridor for the Hawks Nest/Tea Gardens Endangered Koala Population.</p> <p>To ensure a strategic approach is taken to the protection of the Koala habitat/movement corridors, Councils intention is to eventually apply Clause 7.9 more broadly over Hawks Nest.</p> <p>However, before this can occur Council will need to refine existing habitat maps to ensure a high degree of accuracy. A separate PP will need to be prepared and publicly exhibited for the broader application of Clause 7.9 (Protection of Wildlife Corridors) across Hawks Nest.</p>
Agree with the rezoning of Area A on environmental grounds.	Noted.
Concerning the western side of the Area A, have the koala corridors been correctly estimated?	Council's Senior Ecologist has been working closely with the Strategic Planning Team and the landowners in the area to which the PP applies to ensure that all koala corridors have been correctly identified. Field survey data, urban habitat mapping and koala sighting records have also been used to inform the rezoning. Council is confident that the koala habitat corridors proposed as part of this rezoning process are robust.

Amenity	
<p>The rezoning from R3 – Medium Density Residential Zone to B4 – Mixed Use Zone (Area B) would detract from the 'family nature' of the area. Liquor shops would be permitted which would be inconsistent with the area.</p>	<p>Noted. 'Retail premises' would be permitted in Area B under the proposed B4 – Mixed Use Zone.</p> <p>Hotel or motel accommodation and Registered clubs are permissible within both the existing R3 - Medium Density Residential Zone and the B4 - Mixed Use zones and may also be registered premises under the <i>Liquor Act 2007</i>.</p> <p>Enabling retail premises in Area B is consistent with feedback from the community for Council to allow for more flexibility close to the beach to facilitate suitable business opportunities. It is also consistent with Council's long term vision for this area to facilitate low-scale complementary tourist type development for locals and visitors.</p> <p>Provisions within the DCP will limit the floor size of any commercial premises in Area B to 120m². Additionally, any proposal for commercial activity in this area would be subject to a merits assessment as part of the development assessment process.</p>
<p>We don't want taller buildings in Hawks Nest.</p>	<p>The existing height limit for Area A and B is 12m. Under this PP no changes to existing height limits are proposed.</p>
<p>Encourage tourism but of a sensitive sort. There are other places like Forster or Nelson's Bay that offer 'bright lights'. Let's not destroy the special charm of Hawks Nest.</p>	<p>Unsure as to which part of the PP this comment refers to. The following is referred to in order to clarify the intent behind the rezoning.</p> <p>The objectives of the PP are as follows:</p> <p><u>Area A</u></p> <ul style="list-style-type: none"> To utilise suitably located land, that is surplus to business needs for well designed, affordable and low impact residential development which will support and enhance the remaining business area. <p><u>Area B</u></p> <ul style="list-style-type: none"> To allow for tourism-support commercial activities to continue and grow where compatible with the land and adjoining activities; <i>and</i> To broaden the range of land uses permitted as to better meet the needs of

	<p>locals and visitors and provide for more diverse economic opportunities which will also boost the local economy.</p> <p>A provision will be included in the DCP to limit the floor size of any commercial premises in Area B to 120m².</p> <p>No changes to height limits are proposed in either Area A or B.</p>
Land should be rezoned for a retirement village to increase permanent population (reference to Area A).	<p>Within GLLEP 2014 'seniors housing' is permitted with consent in the R2 - Low Density Residential, R3 Medium Density Residential and proposed B4 Mixed Use zones.</p> <p><i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> also allows for this form of development on any land within New South Wales that is "zoned primarily for urban purposes" or "land that adjoins land zoned primarily for urban purposes", but only if:</p> <p>(a) <i>development for the purpose of any of the following is permitted on the land:</i></p> <ul style="list-style-type: none"> (i) <i>dwelling-houses,</i> (ii) <i>residential flat buildings,</i> (iii) <i>hospitals,</i> (iv) <i>development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</i> <p>(b) <i>the land is being used for the purposes of an existing registered club".</i></p>
Land near boat ramp should be rezoned for marina, waterfront restaurant or casual dining etc.	<p>This is outside the scope of the PP. However, investigations into this area are being undertaken by Council's Community Spaces, Recreation and Trades Department.</p>
Our property adjoins Area B proposed to be rezoned to B4 – Mixed Use Zone. We will be victims of Area B. Concerns over overshadowing, privacy loss, noise and potential loss of street parking. We purchased our property we had no idea this would happen.	<p>Under the PP no changes are proposed to existing height levels or floor space ratios. Issues of noise, overshadowing, privacy loss and street parking can be addressed as part of a merit based assessment at the development application stage.</p>

More street art would help to brighten up the area. Existing Mall at Hawks Nest does not have any trees, is bare and concrete, uninviting. Appreciate efforts of Men's shed to beautify area.	Noted and agreed. As part of the PP a Place Making Strategy has been prepared. The Strategy includes actions to capture and catalyse the interests of the community to work collaboratively in improving the existing business centre for all.
We do not need more visitor accommodation. Most existing accommodation is vacant during Christmas and Easter School Holidays.	<p>Investigations to inform the PP have indicated that there is a surplus of land zoned B1 – Neighbourhood Centre in Hawks Nest. In response, the PP proposes to rezone some of the land in Area A currently zoned B1 – Neighbourhood Centre to a mix of R3 - Medium Density Residential and E2 - Environmental Conservation Zone.</p> <p>The aim of the rezoning is to facilitate well designed, affordable and low impact residential development which will support and enhance the remaining business area providing additional permanent residential opportunities to support existing local business, infrastructure and services.</p>
General	
Concerned about changes to rates (R3 - Medium Density Residential to B4 – Mixed Use Zone). Would there be an increase?	All Councils are required to levy rates based on valuations supplied by the Valuer General. Rates would only increase if the valuation of a property increased due to the rezoning. How much the valuation would increase would be up to the Valuer General. Council would suggest contacting the Valuer General in this instance to obtain advice.
Disappointed that the implications of the zoning changes were not advised to property owners in writing.	Notification of the exhibition of the PP was sent to all property owners in the area and in the vicinity of the area affected by the PP. Notice of the exhibition of the PP was placed in local newspapers and a Community Information Session was held during the exhibition period which was well attended. Full details of the PP including supporting information such as Facts Sheets and Maps were made available on Council's website. Hard copies of the PP and supporting information were available for viewing at Council's Tea Gardens and Forster Offices. Council officers were also available during the exhibition period to answer questions on the proposal.
In regards to Area B - 90% of current use is residential.	Noted. The proposed B4 – Mixed Use Zone represents a mid to long term strategic plan for the Hawks Nest beach area. By building on existing infrastructure and taking advantage of the intrinsic natural values of the area the proposed B4 - Mixed Use Zone will enable retention of residential land uses but also facilitate tourist

	related business opportunities as market demand dictates, in turn creating a point of difference for Hawks Nest. A transition will likely occur over time.
Why are parts of Area A being rezoned from B1 - Neighbourhood Centre Zone to Zone R3 - Medium Density Residential Zone and E2 - Environmental Conservation Zone rather than Zone B4 - Mixed Use? Proposed rezoning would reduce size of (and attractiveness) of this centrally located commercial and infrastructure hub. Potential future land use shortage.	There is an excess of land in Hawks Nest zoned B1 – Neighbourhood Centre Zone (refer to comments above under ‘Competition’).
Question why Area B is larger than Area A. Why use an oversupply of commercial space to justify permanent downsizing of established commercial centre, while at the same time increasing overall commercial zoned space? IF there is a surplus of potential space, isn't Area B too large?	<p>As indicated above, findings from the <i>Hawks Nest 3A Business Zone Review and Strategy (2004)</i> along with current population figures and land use audits of the existing business area indicate that there is an excess of land in Hawks Nest zoned B1 – Neighbourhood Centre.</p> <p>The downsizing of Area A is proposed in order to consolidate and strengthen the existing business centre ensuring that new and existing businesses are concentrated in one central, defined locality as opposed to the existing fragmented situation.</p> <p>Area B has been proposed to provide an opportunity for low scale commercial and tourism-related activities in an area considered to be well suited to this type of development.</p> <p>The proposed rezoning of Area B to B4 – Mixed Use Zone also responds to community feedback for Council to allow more flexibility in this area for business opportunities.</p> <p>There are distinctive differences in the B1 – Neighbourhood Centre Zone and the B4 – Mixed Use Zone. The B1 – Neighbourhood Centre Zone is primarily intended for neighbourhood centres that include small scale convenience retail premises, business premises or community uses that serve the day to day needs of people who live or work in the surrounding neighbourhood.</p> <p>The B4 – Mixed Use Zone is for areas where a mixture of compatible land uses are encouraged. This zone allows for the development of business, residential, retail and other suitable land uses. Controls will be included in the DCP to limit the gross floor area of any commercial development in Area B to 120m². This will ensure this</p>

	area will only be suitable for certain types of businesses. Given the existing land uses in Area B the size of the proposed B4 – Mixed Use zone is considered reasonable to allow flexibility and diversification of existing land uses in this area.
Locals/visitors would benefit from new businesses in Area B but why is the surf club not included? Surf club would be preferred location. It has better car parking (as compared with most of Area B), is an important focal point for the community and would provide economic benefits for the club and community. Many examples of successful surf club redevelopments e.g. Bateau Bay.	Noted. The rezoning of the surf club is outside the scope of this PP but may be looked at as part of a future PP.
Would prefer to see surf club redeveloped with no rezoning of Area B. Would gauge demand for additional commercial space reduce risk of premature development, empty shops. Would attract visitors to beach area not impact on established food/drink operators, would benefit Area A but increasing visitors to HN.	Noted. The rezoning of the surf club is outside the scope of this PP but may be looked at as part of a future PP.
Government agency	
<i>Note: In accordance with the Gateway Determination (Annexure B) the OEH provided Council with advice on the PP prior to and during the exhibition period. The issues raised during consultations including the planner's response is included below.</i>	
The land is subject to flooding	<p>Since preparing the original PP Council's Engineering section have been updating Council's Flood Planning Area maps. Tea Gardens and Hawks Nest flood extents are now based on a Current 1% AEP Level of RL 1.4m AHD compared to that from the 'old PWD study' of RL 2.1 AHD. As a result, the extent and the number of affected properties have reduced considerably. Consequently, the area subject to the PP is no longer affected by flood related development controls and Condition 2 of the Gateway Determination (Annexure B) as it relates to the inconsistency with Section 117 Direction 4.3 Flood Prone Land no longer applies.</p> <p>This issue has now been resolved.</p>
Aboriginal cultural heritage assessments need to be undertaken for this PP.	A summary of the actions undertaken to-date for this matter are included below:

	<ul style="list-style-type: none"> Initially Council questioned the level of Aboriginal cultural heritage assessment required by OEH for this PP. This was primarily due to the fact that the land was already zoned for development i.e. business/residential and the PP only proposed to amend the zoning to part medium density residential, environmental conservation and mixed use. Most of the land was already significantly disturbed and the important Koala corridor was proposed to be rezoned for environmental conservation. OEH still strongly encouraged Council to undertake the Aboriginal cultural heritage assessments in accordance with the original advice. As directed, prior to exhibition, Council undertook a search of the Aboriginal Heritage Information Management System (AHIMS). The assessment indicated that no Aboriginal sites or Aboriginal places were recorded or declared in or near the area to which the PP applied. Council indicated that further Aboriginal heritage requirements from OEH would be undertaken during the exhibition period. Council contacted OEH in order to clarify the requirements. OEH provided a document entitled <i>'Planning Proposals Updated Advice Feb 2016'</i>. In accordance with the directions in the document Council wrote to the following 3 Local Aboriginal Land Council's (LALCs) requesting assistance in determining the significance of any Aboriginal cultural values associated with the land: <ul style="list-style-type: none"> - Karuah Local Aboriginal Land Council - Worimi Local Aboriginal Lands Council; and - Forster Local Aboriginal Lands Council. Of the 3 LALCs the Karuah Local Aboriginal Land Council (KLALC) was the only one to express an interest in undertaking the Aboriginal cultural heritage assessments required by OEH. After liaising with the KLALC for some time, Council engaged them to undertake the assessments. However, during the course of the investigations KLALC advised Council that they did not believe that OEHs requirements were necessary as the land to which the PP applies was largely disturbed and already zoned to permit development.
--	--

	<ul style="list-style-type: none"> The KLALCs advice reflected Council's original position. In this regard it is noted that the OEH requirements for Aboriginal heritage assessment and consultation have significantly delayed completion of this PP. <p>In order to meet the Aboriginal heritage requirements additional consultations were undertaken with the OEH and the KLALC. As a result of extensive consultations the issues have now been resolved to the satisfaction of all parties.</p> <p>The appropriate level of Aboriginal heritage assessment has been undertaken. No outstanding Aboriginal heritage issues now exist for this PP.</p>
Concern regarding the date and methodology of the 'Hawks Nest 3A Business Zone Review and Strategy 2004'.	<p>In 2004 Andrew's Neil prepared the <i>Hawks Nest 3A Business Zone Review and Strategy</i> (the Strategy). The Strategy was prepared to assess existing business zoned land, car parking and koala movement corridors in the Hawks Nest village centre.</p> <p>The Strategy was used to inform the PP specifically in regards to the boundaries of the E2 – Environmental Conservation Zone in Area A.</p> <p>In accordance with Condition 2 of the Gateway Determination (Annexure B), Council consulted with OEH in regards to '.....the date and methodology of the Strategy and other studies used to inform the boundaries of the proposed E2 – Environmental Conservation Zone.'</p> <p>After consulting with OEH on this matter they advised the following: '....it is clear that Council has not solely relied on this source (the Strategy) for the preparation of the plan. OEH is satisfied at this level of investigation of the biodiversity values for the rezoning process.'</p> <p>No outstanding issues now exist in regards to this matter.</p>

B. Gateway Determination dated 4 January 2016.



Planning &
Environment

Mr Glenn Handford
General Manager
Great Lakes Council
PO Box 450
FORSTER NSW 2428

Our ref: PP_2015_GLAKE_007_00 (15/12882)
(QA383768)
Your ref: SP-PP-14

Att: Rebecca Underwood

Dear Mr Handford,

Planning proposal to amend Great Lakes Local Environmental Plan 2014

I am writing in response to your Council's letter dated 25 August 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and additional information received on 12 December 2015 in respect of the planning proposal to rezone land at Hawks Nest village centre.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones are of minor significance. No further approval is required in relation to this Direction.

I understand that Council has sought delegation to make this plan. Having considered the planning proposal, I have decided not to authorise Council to exercise its delegation to make this plan at the present time.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Dylan Meade from the Hunter office to assist you. Mr Meade can be contacted on (02) 4904 2718.

Yours sincerely,

Garry Hopkins
Acting General Manager
Hunter and Central Coast Region
Planning Services

4.1.2016

Encl:
Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_GLAKE_007_00): to rezone land and introduce other provisions at Hawks Nest Village.

I, the Acting General Manager, Hunter and Central Coast Region at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Great Lakes Local Environmental Plan (LEP) 2014 to rezone land and introduce other provisions at Hawks Nest Village should proceed subject to the following conditions:

1. Prior to exhibition, Council is to consult with the Office of Environment and Heritage in regards to the date and methodology of the 'Hawks Nest 3A Business Zone Review and Strategy (2004)' and any other studies used to inform the boundaries of the proposed E2 Environmental Conservation Zone.
2. Prior to exhibition, Council is to provide additional information in regards to the inconsistency with Clause (4) of Direction 4.3 Flood Prone Land.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Environment 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Office of Environment and Heritage
 - NSW Rural Fire Service (S117 Direction 4.4)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 4th day of *January* 2016.

**Garry Hopkins
Acting General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and
Environment**

Delegate of the Minister for Planning