



ETTALONG BEACH, 1 Fassifern Street and Maitland Bay Drive - Reclassification of Community Land to Operational Land

Proposal Title : **ETTALONG BEACH, 1 Fassifern Street and Maitland Bay Drive - Reclassification of Community Land to Operational Land**

Proposal Summary : **Reclassify Lot 121 DP1179469 from community to operational land.**

PP Number : **PP_2015_GOSFO_003_00**

Dop File No : **15/04548**

Proposal Details

Date Planning Proposal Received : **11-May-2015**

LGA covered : **Gosford**

Region : **Hunter**

RPA : **Gosford City Council**

State Electorate : **GOSFORD**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **1 Fassifern Street and Maitland Bay Drive**

Suburb : **Ettalong Beach**

City :

Postcode :

Land Parcel : **Lot 121 DP1179469**

DoP Planning Officer Contact Details

Contact Name : **Glenn Hornal**

Contact Number : **0243485009**

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RPA Contact Details

Contact Name : **Annie Medicott**

Contact Number : **0243258244**

Contact Email : **annie.medlicott@gosford.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub Regional Strategy : **Central Coast Regional Strategy**

Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **PP submitted 13 March 2015. Additional information regarding a project timeline, land title information and confirmation of interests being changed or retained was requested. Council provided the information and an updated planning proposal on 4 May 2015 and further information on the Deposited Plan on 11 May 2015.**

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The proposal seeks to reclassify land from community to operational land.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Council states the proposal will amend Gosford LEP 2014 and add the lot to Schedule 4 Part 2 - interests changed.**

Council was asked to clarify what interests are being changed and if any interests are being retained. Council's response related to its interest as a landowner and its intention to continue leasing the land. It did not clarify whether any specific reservations or interests in the land were to be extinguished or retained.

A review of the Title Search and Deposited Plan did not identify the land as public reserve however there was a notation in the title search which identified a lease with options to extend it. Given Council seeks to continue leasing the land there appears to be no requirement to extinguish any interests on the land and it may be more appropriate to add the lot to Schedule 4 Part 1 - no interests changed. Council should confirm any interests to be extinguished or retained in the land prior to exhibition.

The full title of Gosford LEP 2014 and the property description (Lot 121 DP1179469) should be identified in the 'explanation of provisions'.

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Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **3.2 Caravan Parks and Manufactured Home Estates
6.2 Reserving Land for Public Purposes**

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered :

S117 Directions

4.1 Acid Sulfate Soils applies as the land is located on Class 3 and 4 soils. Existing local provisions (clause 7.1 Acid sulfate soils) in Gosford LEP 2014 regulate development on Acid Sulfate Soils and given the proposal only seeks to reclassify the land any inconsistency is considered to be of minor significance.

4.2 Mine Subsidence and Unstable Land applies as Council has identified the land is subject to landslip. Given the proposal only seeks to reclassify the land any inconsistency is considered to be of minor significance.

4.3 Flood Prone Land applies as the land is affected by catchment flooding. Existing local provisions (7.2 Flood planning and 7.3 Floodplain risk management) regulate development on Flood Prone Land. Given the proposal only seeks to reclassify the land any inconsistency is considered to be of minor significance.

4.4 Planning for Bushfire Protection

The direction technically applies as the land is identified as Bushfire Prone Land. Consultation with NSW Rural Fire Service is required before consistency with the Direction can be determined.

SEPPs

Both SEPP55 - Remediation of Land and SEPP71 - Coastal Protection apply. However given the proposal is for reclassification of land neither is overly relevant at this time. Consideration of these matters can be dealt with at the DA stage for future development.

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided a zoning map showing the location of the site and is considered adequate for assessment.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has identified consultation will be in accordance with the Department's LEP Practice Note PN09-003. A 28 day exhibition period is also required.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

TIMEFRAME

Council anticipates completion of the plan in March 2016. It is considered a 9 month timeframe is sufficient time for Council to make the plan.

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DELEGATIONS

Council has requested delegations. Council has not identified if any interests are to be extinguished or retained and it is unknown if the Governor's approval is required. It is recommended the Department issue delegations on condition that Council cannot use its delegations if the Governor's approval is required.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Council should clarify the address and correct an error in the title of the planning proposal to 'Drive'.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

This planning proposal seeks to amend Gosford LEP 2014.

Assessment Criteria

Need for planning
proposal :

The planning proposal is not the result of any strategic study or report. Council owns the land and a holiday caravan park has been located on the land for a number of years which Council has leased to various operators since the 1950s.

An ongoing lease agreement is in place until 2029 and approval to operate a caravan park with long term, short term and camping sites was issued in September 2013 and a further approval for 31 new long term sites was issued in June 2014.

The current classification as community land requires a Plan of Management (POM) which Council considers would create an expectation the land is available for use by the general public and subsequent management arrangements would need to be undertaken in accordance with the Local Government Act. Reclassification to operational land would remove the need for Council to prepare a POM and more accurately reflect to the management of the land by the leaseholder.

Given the current and likely future use of the land for a long term residential caravan park it is considered reclassification from community to operational land is appropriate.

Consistency with
strategic planning
framework :

CENTRAL COAST REGIONAL STRATEGY (CCRS)

There are no specific actions relating to the reclassification of Council land in the CCRS.

GOSFORD 2025 COMMUNITY STRATEGIC PLAN (CSP)

Council has identified a number of directions in its CSP and indicated the proposal is consistent with the relevant directions.

Environmental social
economic impacts :

Council has advised the reclassification will enable the land to be leased for long term purposes and provide revenue to Council that would benefit the wider community.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **NSW Rural Fire Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Report.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Deposited Plan.pdf	Proposal	Yes
Additional Information.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.2 Caravan Parks and Manufactured Home Estates**
6.2 Reserving Land for Public Purposes

Additional Information : **The planning proposal should proceed subject to the following conditions:**

- Prior to undertaking public exhibition Council is to update the planning proposal to:**
 - confirm and correct the address in the title to 'Drive' if required;**
 - clarify whether any interests are to be extinguished or retained on the land and consider**

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whether the lot should be identified in Part 1 or Part 2 of Schedule 4 of Gosford LEP 2014 and update the 'objectives or intended outcomes' and 'explanation of provisions' accordingly.

- identify in the 'explanation of provisions' the full title 'Gosford LEP 2014' and property description 'Lot 121 DP1179469' in the 'explanation of provisions'.

2. Council is to address S117 Direction 4.4 Planning for Bushfire Protection.

3. The Secretary agrees the inconsistencies with S117 Directions 4.1 Acid Sulfate Soils, 4.2 Mine Subsidence and Unstable Land and 4.3 Flood Prone Land are of minor significance.

4. Consultation with NSW Rural Fire Service is required.

5. Council be granted delegation to make the plan on condition it should not exercise its delegations if the Governor's approval is required to discharge 'public reserve' status, trusts, interests etc from the land.

6. 28 day exhibition period

7. 9 months timeframe to make the plan.

Supporting Reasons :

*

Signature:



Printed Name:

G. P. HOPKINS

Date:

2.6.2015