

**AVOCA BEACH, Lot 365 DP 654892, 10 Hillside Road, zones E4 and 7(a) to E3**

Proposal Title : **AVOCA BEACH, Lot 365 DP 654892, 10 Hillside Road, zones E4 and 7(a) to E3**

Proposal Summary : **Rezone Lot 365 DP 654892, 10 Hillside Road, Avoca Beach from E4 Environmental living and 7(a) Environmental Conservation to E3 Environmental Management with a 1 ha minimum lot size.**

PP Number : **PP\_2014\_GOSFO\_018\_00**      Dop File No : **14/19887**

**Proposal Details**

Date Planning Proposal Received : **27-Nov-2014**      LGA covered : **Gosford**

Region : **Hunter**      RPA : **Gosford City Council**

State Electorate : **TERRIGAL**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

**Location Details**

Street :

Suburb :      City :      Postcode :

Land Parcel : **AVOCA BEACH, Lot 365 DP 654892, 10 Hillside Road**

**DoP Planning Officer Contact Details**

Contact Name : **G P Hopkins**

Contact Number : **0243485002**

Contact Email : **garry.hopkins@planning.nsw.gov.au**

**RPA Contact Details**

Contact Name : **Peta James**

Contact Number : **0243258871**

Contact Email : **peta.James@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      Consistent with Strategy :

Regional Strategy :

|                                                                                  |   |                                                      |   |
|----------------------------------------------------------------------------------|---|------------------------------------------------------|---|
| MDP Number :                                                                     |   | Date of Release :                                    |   |
| Area of Release (Ha) :                                                           |   | Type of Release (eg Residential / Employment land) : |   |
| 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 : <b>Yes</b> |   |                                                      |   |

If No, comment :

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

If Yes, comment :

### Supporting notes

Internal Supporting Notes :

External Supporting Notes :

## Adequacy Assessment

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

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

Comment : **Adequate**

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

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

Comment : **Adequate**

### Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

\* May need the Director General's agreement

- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

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

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

d) Which SEPPs have the RPA identified?

- SEPP No 19—Bushland in Urban Areas**
- SEPP No 44—Koala Habitat Protection**
- SEPP No 55—Remediation of Land**

SEPP No 71—Coastal Protection

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

Have inconsistencies with items a), b) and d) being adequately justified? N/A

If No, explain : Consistent with SEPPS and 117 directions identified except:

SEPP 55 - Council identifies a need for a preliminary contamination assessment

117 direction 2.1 - Council proposes to consider, with the applicant, the most appropriate method of securing protection of the vegetation at the southern end of the site. Council considers the overall outcome to be an environmental improvement given previous approval for 14 tourist units. Overall, the proposal is consistent with the direction.

117 direction 4.4 - Requires consultation with RFS.

**Mapping Provided - s55(2)(d)**

Is mapping provided? Yes

Comment : Adequate. Minor improvement could be made by showing the existing 7(a) zone on the existing zone map.

**Community consultation - s55(2)(e)**

Has community consultation been proposed? Yes

Comment : Council proposes 28 days. 14 days would be adequate.

**Additional Director General's requirements**

Are there any additional Director General's requirements? Yes

If Yes, reasons : **TIMEFRAME**  
Council's timeline anticipates the plan to be made in July 2015. A 9 month timeframe is recommended.

**DELEGATIONS**  
Council resolved to seek delegation to make the plan and this is supported.

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? Yes

If No, comment :

**Proposal Assessment**

**Principal LEP:**

Due Date :

Comments in relation to Principal LEP : The proposal will amend Gosford LEP 2014 and includes a small area at the rear of the lot which is currently deferred.

**Assessment Criteria**

Need for planning proposal : The planning proposal meets the owner's needs and is considered by Council to create an improved environmental outcome over the potential 14 tourist units previously approved.

Consistency with strategic planning framework : **Not inconsistent**

Environmental social economic impacts : **Council proposes investigating a means to protect vegetation at the southern end of the property.**

**The E4 zone is used by Council for tourism uses. There is a potential loss of tourist development but the PP states that the previous proposal is no longer viable on this site. Uses such as bed and breakfast accommodation and short term holiday letting would still be permitted.**

### Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 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. :

**Other - provide details below**

If Other, provide reasons :

**Council will require preliminary site contamination assessment.**

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 |
|-----------------------------------------------------|--------------------------|-----------|
| Council covering letter.pdf                         | Proposal Covering Letter | Yes       |
| Council report.pdf                                  | Proposal                 | Yes       |
| Council resolution.pdf                              | Proposal                 | Yes       |
| Planning proposal.pdf                               | Proposal                 | Yes       |
| Applicant's supporting information - proposal.pdf   | Study                    | Yes       |
| Applicant's supporting information - ecological.pdf | Study                    | Yes       |

## Planning Team Recommendation

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

S.117 directions:      **2.1 Environment Protection Zones**  
                                 **2.2 Coastal Protection**  
                                 **2.3 Heritage Conservation**  
                                 **3.4 Integrating Land Use and Transport**  
                                 **4.4 Planning for Bushfire Protection**  
                                 **5.1 Implementation of Regional Strategies**  
                                 **6.1 Approval and Referral Requirements**  
                                 **6.3 Site Specific Provisions**

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

- 1. Council is to consult with the RFS.**
- 2. Council's intention to investigate measures to protect vegetation on the south of the site is supported and should be documented, once resolved.**
- 3. The planning proposal be made publicly available for a minimum of 14 days.**
- 4. Undertake preliminary contamination assessment required by SEPP 55.**
- 5. A public hearing is not required.**
- 6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**
- 7. Plan-making delegation should be delegated to Council for this planning proposal.**

Supporting Reasons :      \*

Signature:



Printed Name:

G.P. HOPKINS

Date:

10.12.2014