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Resolved Items Action Statement

Action is required for the following item as per the Council Resolution.

NOTICE OF COUNCIL RESOLUTION

COUNCIL MEETING – 25/11/2014

TITLE PLANNING PROPOSAL NO. 46/2014 REPORT S55 TO REZONE LOT 365 DP654892, 10 HILLSIDE ROAD, AVOCA BEACH FROM PART E4 ENVIRONMENTAL LIVING AND PART 7(A) CONSERVATION TO E3 ENVIRONMENTAL MANAGEMENT APPLICANT: GREGORY LAWLER (IR 15200676)

Department: Governance & Planning

Service Unit: Sustainable Corporate & City Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

RESOLVED (Ward/Bowles) that:

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report for zoning Lot 365 DP 654892, 10 Hillside Road, Avoca Beach to E3 Environmental Management and amend the LEP mapping to reflect a minimum lot size of 1 hectare, maximum building height of 8.5m and Acid Sulfate Soils Class 5.
- B Council notify the Department of Planning & Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report. Council recommends to DoPE that the Gateway require the following consultations:
- NSW Rural Fire Service
- C Council requests that the Gateway determination include a requirement to undertake the following studies, which Council will require the applicant to carry out:
- A preliminary contamination assessment
 - Prior to public exhibition, the applicant in conjunction with Council determine the most appropriate method of protection for the vegetation to the rear of the site, exploring options such as Restrictions to User pursuant to Section 88b of the Conveyancing Act, Vegetation/Bushland Management Plan, Lot layout and

building envelope, etc.

- D After public exhibition of the Planning Proposal, should the Minister for Planning support it, if no submissions objecting to the Planning Proposal are received, the Planning Proposal is to be sent to the Department of Planning & Environment in order to make the plan.
- E The applicant be advised of Council's resolution.
- F Council seeks delegations from the Department of Planning & Environment for this Planning Proposal.
 - 1 Upon Council receipt of the Department of Planning & Environment's intention to issue delegation, Council will submit to the Department of Planning & Environment a "Written Authorisation to Exercise Delegation" for the same
 - 2 Any delegation to Council is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.

For the Resolution:

Councillors McKinna, Macfadyen, Ward, Bocking,
Bowles, Burke, Morris and Scott.