



IRF 22/1964

Gateway determination report – PP-2022-2086

To prohibit caravan parks on land zoned RU2 Rural Landscape and R5 Large Lot Residential

July 22



Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-2086

Subtitle: To prohibit caravan parks on land zoned RU2 Rural Landscape and R5 Large Lot Residential

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal	1
1.1	Overview	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area	2
1.5	Mapping	2
1.6	Background	2
2	Need for the planning proposal	3
3	Strategic assessment	5
3.1	Regional Plan	5
3.2	Local	7
3.3	Section 9.1 Ministerial Directions	8
3.4	State environmental planning policies (SEPPs)	10
4	Site-specific assessment	10
4.1	Environmental	10
4.2	Social and economic	11
4.3	Infrastructure	11
5	Consultation	12
5.1	Community	12
5.2	Agencies	12
6	Timeframe	12
7	Local plan-making authority	12
8	Assessment summary	13
9	Recommendation	13

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal - Nambucca Valley Council, Prohibition of caravan parks within the RU2 Rural Landscape and R5 Large Lot Residential zones dated June 2022
Nambucca Valley Council Notice of Motion – Manufactured Homes, Item 5.1, 17 March 2022
Nambucca Valley Council General Manager’s Report – Caravan Parks, Item 9.2, 31 March 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Nambucca Valley
PPA	Nambucca Valley Council
NAME	To prohibit caravan parks on land zoned RU2 Rural Landscape and R5 Large Lot Residential
NUMBER	PP-2022-2086
LEP TO BE AMENDED	Nambucca Local Environmental Plan 2010
ADDRESS	Land zoned RU2 Rural Landscape and R5 Large Lot Residential
DESCRIPTION	Land zoned RU2 Rural Landscape and R5 Large Lot Residential
RECEIVED	6/06/2022
FILE NO.	IRF22/1964
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to amend Nambucca LEP 2010 to prohibit caravan parks on land zoned RU2 Rural Landscape and R5 Large Lot Residential. Caravan parks will remain permissible on land zoned RU5 Village, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation.

Page 8 of the planning proposal states that manufactured home estates (MHEs) will remain permissible with consent within the RE1 Public Recreation zone. Schedule 6 clause 6 of SEPP (Housing) 2021 prohibits the construction of MHEs on land that is zoned for open space, other than open space (private recreation). This statement is to be updated prior to community consultation.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Nambucca LEP 2010 by listing ‘caravan parks’ as prohibited development in the RU2 Rural Landscape and R5 Large Lot Residential land use tables, included in Part 2.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal applies to various allotments throughout the local government area zoned RU2 Rural Landscape and R5 Large Lot Residential. Such land has the potential to be affected by a range of attributes, including but not limited to:

- high environmental value;
- biodiversity values;
- koala habitat;
- coastal wetlands, littoral rainforests and the coastal environment;
- state and regionally significant farmland;
- acid sulfate soils;
- heritage values;
- flooding;
- bushfire hazards.

1.5 Mapping

The planning proposal does not include any alterations to Nambucca LEP 2010 maps.

1.6 Background

Ingenia Lifestyle

Ingenia Lifestyle develops land lease communities and entered into an option agreement to acquire a property at Way Way (in proximity to Scotts Head) with a view to submitting a development application for the construction of a caravan park. The subject land is zoned part RU1 Primary Production and part RU2 Rural Landscape.

Prior to lodgement of a development application, Ingenia Lifestyle undertook preliminary community engagement, including a community information day on 19 February 2022, regarding the proposed development.

Ingenia has submitted a development application to Nambucca Shire Council (DA2022/233). To ensure that assessment and determination of this development application as well as any subsequent development applications for caravan parks are not impacted by the planning proposal it is recommended that a savings provision be included. The planning proposal will need to be updated prior to exhibition to reference the inclusion of such a provision.

Council Notice of Motion, 17 March 2022

A Notice of Motion was considered at the Nambucca Valley Council meeting of 17 March 2022 with the objective of seeking to prohibit the construction of caravan parks (and subsequently MHEs) on land zoned RU2 Rural Landscape and R5 Large Lot Residential in the Nambucca Valley local government area. The Notice of Motion states that this recommendation is in direct response to a proposed development in Scotts Head.

The council resolved to receive a report on the legal implications of the Notice of Motion as well as staff comment on the broader implications of the prohibition of caravan parks on RU2 and R5 zoned land.

General Manager's Report, 31 March 2022

This report was tabled in response to the resolution regarding the Notice of Motion tabled at the council meeting of 17 March 2022.

The report discussed the merits of a planning proposal to prohibit the construction of caravan parks on land zoned RU2 Rural Landscape and R5 Large Lot Residential. Council resolved to forward a planning proposal to the Minister for Planning, proposing to prohibit caravan parks on land outside the urban area.

PP-2022-1501 and PP-2022-1782 – Prohibition of caravan parks on land zoned RU2 and R5

PP-2022-1501 and PP-2022-1782 both proposed the prohibition of caravan parks on land zoned RU2 Rural Landscape and R5 Large Lot Residential pursuant to the provisions of the Nambucca LEP 2010. PP-2022-1501 was submitted to the Planning Portal by council on 26 April 2022, while PP-2022-1782 was submitted on 16 May 2022.

Both planning proposals were returned to council at lodgement. Additional strategic justification regarding the proposed amendments was required to be submitted in support of the applications, particularly in relation to section 9.1 direction 6.2 – Caravan Parks and Manufactured Home Estates.

PP-2021-4191 – Housekeeping amendments to the Nambucca LEP 2010

While not strictly relevant to the subject planning proposal it is worth noting the intended outcomes of PP-2021-4191. This planning proposal included a range of amendments to the Nambucca LEP 2010, including an amendment to the land use tables for the RU1 Primary Production, RU2 Rural Landscape, R5 Large Lot Residential, E2 (now C2) Environmental Conservation, E3 (now C3) Environmental Management and E4 (now C4) Environmental Living zones so that the group term 'residential accommodation' is permitted with development consent. This amendment ensured that manufactured homes would be a permissible land use within these zones, where a dwelling house is permissible.

The intention of PP-2021-4191 was to permit the construction of a single manufactured home in the subject zones where the construction of a dwelling house is permissible. It did not relate to the construction of MHEs.

2 Need for the planning proposal

The planning proposal is not the result of an assured local strategic planning statement or Department-approved local housing strategy, employment strategy or strategic study or report. Rather, it is in response to a council resolution as outlined in section 1.6 of this report.

Caravan parks are an important provider of tourist and residential accommodation. They primarily cater for caravans as well as other moveable dwellings such as tents, relocatable homes, campervans and motorhomes.

MHEs are a contemporary form of medium density housing development comprising land leased communities in which the residents own or rent manufactured homes on dwelling sites leased from the estate. Manufactured homes are seen as an important affordable housing option.

SEPP (Housing) 2021 contains provisions which affect the permissibility of caravan parks and manufactured home estates and defines the land uses as follows:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, placed or erected.

Moveable dwellings are defined to include manufactured homes under the *Local Government Act 1993*.

manufactured home estate means land on which manufactured homes are, or are to be, erected.

Caravan parks are a standard use pursuant to the Standard Instrument – Principal LEP while MHEs are non-standard and are not listed in the land use table. Clause 122 of the SEPP (Housing) 2021 states that development for the purposes of a manufactured home estate may be carried out on any land on which development for the purposes of a caravan park may be carried out, except:

- on land within one or more of the categories described in Schedule 6, or
- land dedicated or reserved under the *National Parks and Wildlife Act 1974*, or
- land within a Crown reserve.

Schedule 6 contains categories of excluded land where the construction of a MHE is prohibited and includes numerous matters for consideration in Parts 1 – 6. Additionally, Part 7 of Schedule 6 applies to the Nambucca local government area and excludes the following land for the construction of a MHE:

... land that is not zoned or reserved under an environmental planning instrument for urban use ...

Therefore, unless land is zoned for an urban use under the Nambucca LEP 2010, a MHE is not permissible. An examination of the RU2 Rural Landscape and R5 Large Lot Residential land use tables in the Nambucca LEP 2010 indicates that these zones are not intended for urban use.

It is therefore considered that the construction of a MHE on land zoned RU2 and R5 in the Nambucca Valley local government area is prohibited pursuant to the provisions of SEPP (Housing) 2021. As such, the assessment of this planning proposal will focus on the prohibition of caravan parks only on land zoned RU2 Rural Landscape and R5 Large Lot Residential.

Council states that the majority of land zoned RU2 and R5 within the Nambucca Valley local government area is unsuitable for the construction of caravan parks, due to:

- availability of water and sewer infrastructure – clauses 101 and 102 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* require that a caravan park be connected to reticulated water and sewer unless an alternate service is specified in the approval. Council believes that the provision of a reticulated water supply is essential considering the bushfire prone nature of RU2 and R5 zoned land.
- public access roads – council states that there is generally a lower standard of public road access to land zoned RU2 and R5 which would require substantial upgrades and maintenance to accommodate increased usage.
- bushfire and flood hazards – a significant portion of land zoned RU2 and R5 in the Nambucca Valley local government area is affected by bushfire hazards and many access roads become inaccessible during flood events. The construction of caravan parks, which can comprise medium density residential and tourist developments, is not appropriate in rural areas with limited services (phone, access, water supply).
- potential ecological impacts – substantial areas within the RU2 zone contain high conservation value vegetation. The construction of caravan parks in these areas may require extensive clearing to accommodate the development as well as a suitable asset protection zone.

Caravan parks will continue to be permitted in the RU5 Village, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation zones under the Nambucca LEP 2010.

As discussed in section 1.6 of this report, a savings provision is to be included as part of the planning proposal to ensure that it does not impact the assessment and determination of a current development application.

The planning proposal is considered to be the best means of achieving the objectives and intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Direction 1: Deliver environmentally sustainable growth	<p>This direction aims to manage growth to protect the conservation and economic value of important coastal landscapes and the natural environment. Directing future growth to locations that can sustain additional development, and are readily serviced, will deliver sustainable growth across the region and help protect the environment.</p> <p>Consistent with this direction, the planning proposal directs the construction of caravan parks to urban areas capable of sustaining additional development.</p>
Direction 2 – Enhance biodiversity, coastal and aquatic habitats, and water catchments	<p>This direction advocates for development to be appropriately located to limit any adverse impact on the region’s biodiversity and water catchments.</p> <p>The planning proposal aims to focus development to areas of least biodiversity sensitivity as advocated by this direction.</p>
Direction 3: Manage natural hazards and climate change	<p>This direction acknowledges natural hazards that may impact land on the North Coast and aims to reduce the risk from such hazards.</p> <p>Large tracts of land zoned RU2 and R5 within the Nambucca Valley local government area are classified as bushfire prone, with many areas subject to poor road access which can become flood affected. The planning proposal recognises the hazards of rural areas and seeks to avoid construction of caravan parks on vulnerable land.</p>
Direction 8: Promote the growth of tourism	<p>This direction recognises that the North Coast is a major tourism destination and aims to expand nature-based tourism, heritage attractions and coastal accommodation.</p> <p>While the planning proposal will limit the construction of caravan parks on land zoned RU2 and R5, a range of tourist and visitor accommodation remains permissible in these zones including bed and breakfast accommodation, farm stay accommodation, camping grounds and eco-tourist facilities.</p>

<p>Direction 11: Protect and enhance productive agricultural lands</p>	<p>This direction notes that important farmland on the North Coast has been identified and mapped to support long-term agricultural production and help avoid land-use conflicts.</p> <p>The planning proposal supports the preservation of farmland and reduces opportunity for land use conflict.</p>
<p>Direction 12: Grow agribusiness across the region</p>	<p>This direction states that existing agribusiness sites should be protected from the encroachment of inappropriate land uses that can limit their operation.</p> <p>The planning proposal aims to direct the construction of caravan parks to urban areas thereby supporting the intent of this direction.</p>
<p>Direction 13: Sustainably manage natural resources</p>	<p>This direction intends to enable the development of the region's natural, mineral and forestry resources by directing to suitable locations land uses that are sensitive to impacts from noise, dust and light interference.</p> <p>The planning proposal aims to direct the construction of caravan parks to urban areas thereby supporting the intent of this direction.</p>
<p>Direction 15: Develop healthy, safe, socially engaged and well-connected communities</p>	<p>This direction aims to facilitate an urban environment that enables enjoyment of the great outdoors and being active.</p> <p>The location of caravan parks in urban areas will provide housing and tourist accommodation in a location that is accessible to services and facilities.</p>
<p>Direction 21: Coordinate local infrastructure delivery</p>	<p>This direction ensures that new development is located to take advantage of existing and new road, water, sewer, social and stormwater infrastructure to maximise efficient use of land, reduce costs and limit environmental impacts.</p> <p>The planning proposal aims to direct the construction of caravan parks to urban areas thereby supporting the intent of this direction.</p>
<p>Direction 22: Deliver greater housing supply</p>	<p>This direction states that having a ready supply of well-located land for residential development will create downward pressure on house prices, maximise the use of existing infrastructure and ensure that environmentally sensitive areas are avoided.</p> <p>The planning proposal aims to ensure that the caravan parks are established in urban areas with access to infrastructure and services, away from rural areas which may be subject to constraints or land-use conflicts.</p> <p>Urban investigation areas are identified in the Nambucca Valley local government area at Valla, Macksville and Scotts Head. Although it is conceivable that this land could be zoned for an urban use, this is yet to be assessed through the planning proposal process.</p>
<p>Direction 23: Increase housing diversity and choice</p>	<p>This direction aims to provide housing diversity and choice to improve affordability, help meet the needs of an ageing population and support the reduction of household size. It advocates for local growth management strategies to consider local housing needs, including household and demographic changes, and support initiatives to increase ageing in place.</p> <p>It is considered that the prohibition of caravan parks in rural areas which are not serviced by the infrastructure necessary to support local communities is consistent with the intent of this direction.</p>

Direction 24: Deliver well-planned rural residential housing areas	<p>This direction aims to ensure that rural residential development is planned strategically in order to reduce conflict with viable agricultural or environmental land.</p> <p>The planning proposal intends to facilitate the delivery of well-planned rural residential housing areas by directing the construction of caravan parks to urban land.</p>
Direction 25: Deliver more opportunities for affordable housing	<p>This direction recognises that appropriate planning controls can help deliver more affordable housing. It promotes new caravan parks and MHEs on unconstrained land in existing settlements and new land release areas in the urban growth areas.</p> <p>The planning proposal is consistent with the aims of this direction.</p>
Nambucca Local Government Narrative	<p>The planning proposal is consistent with the following local government narratives:</p> <ul style="list-style-type: none"> • Protect important environmental assets to support the tourism sector and centres such as Nambucca Heads, Valla Beach and Scotts Head; • Direct future growth away from important farmland and towards Macksville, Nambucca, Bowraville, Valla and Scotts Head.

It is also noted that the draft North Coast Regional Plan 2041 is currently on exhibition. The proposal is considered to be generally consistent with the draft plan. It is recommended however that the proposal be amended prior to exhibition to include a discussion on the proposal's consistency with the draft plan.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>The LSPS identifies the basis for strategic planning in the Nambucca Valley local government area having regard to economic, social and environmental matters. Development in the Nambucca Valley aims to protect the environment and enhance the social and economic wellbeing of its people.</p> <p>Planning priority 2 addresses the environment in the Nambucca Valley and references council's intention to focus development in areas that do not compromise the natural environment to ensure that the region grows sustainably. A further key environmental goal relevant to the planning proposal is to deliver well planned and prepared communities that are resilient and adaptable to a changing climate.</p> <p>Planning priority 3 addresses housing needs in the Nambucca Valley. It states that new housing needs are to be carefully planned to consider risks, such as flooding and bushfire, potential conflicts with other land uses and the environment. Housing should ideally have access to supporting infrastructure and social services such as schools, health facilities and public transport and it should promote the efficient use of land and infrastructure. The LSPS therefore advocates for growth to be directed to existing planned areas near the established urban facilities in Nambucca Heads, Macksville and Scotts Head.</p>

It is acknowledged that caravan parks can be utilised by long-term residents, short-term residents and/or by tourists. However, considering available land supply within the local government area as well as potential constraints of the rural areas it is considered appropriate that caravan parks be directed to the urban zones. In terms of accommodating tourists, a range of tourist and visitor accommodation remains permissible in the RU2 and R5 land use zones including bed and breakfast accommodation, farm stay accommodation, camping grounds and eco-tourist facilities. Caravan parks will remain permissible in the RU5, SP3, RE1 and RE2 land use zones. The planning proposal indicates that over 55.5 hectares of land will remain available in the local government area on which caravan parks are a permitted use.

The LSPS notes that there is a generous land supply available in the Nambucca Valley and that the local government area is well placed to meet the housing demand generated by population growth in the coming 20 years. It states that the level of supply between existing urban areas and release areas is ample to meet the housing demand due to forecast population growth in the Nambucca Valley. Provision of affordable housing options via caravan parks in the rural areas is therefore not considered essential in order to accommodate future growth.

The planning proposal is consistent with the overall aim of the LSPS to protect the environment and enhance the social and economic wellbeing of its people. It is also consistent with the housing goal 'to limit the impact of housing on the environment and on the character of our rural areas'.

Nambucca Living at its best 2027 Community Strategic Plan (CSP)	<p>The following Community Aspirations contained in the CSP are relevant to the proposal:</p> <ul style="list-style-type: none"> • Aspiration 1 – Caring for our community • Aspiration 2 – Caring for our environment • Aspiration 3 – Promoting prosperity
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3.3 Section 9.1 Ministerial Directions

The planning proposal has been assessed to be generally consistent with relevant section 9.1 Directions as it will facilitate a reduced impact on land zoned RU2 Rural Landscape and R5 Large Lot Residential.

Table 5 Section 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.3 Planning for Bushfire Protection	Unresolved	<p>This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.</p> <p>The direction provides that council must consult with the Commissioner of the NSW Rural Fire Service (RFS) after a Gateway determination is issued and before community consultation is undertaken. Until consultation has been undertaken regarding this planning proposal, the direction remains unresolved.</p>

6.2 Caravan Parks and Manufactured Home Estates

Justifiably inconsistent

This direction requires that in identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must retain provisions that permit development for the purposes of a caravan park to be carried out on land.

As the planning proposal does not retain provisions that permit development for the purposes of a caravan park to be carried out on land zoned RU2 Rural Landscape and R5 Large Lot Residential the proposal is inconsistent with this direction.

A planning proposal may be inconsistent with the terms of this direction if it is justified by a study which gives consideration to the objective of this direction.

The relevant objectives of this direction are to provide for a variety of housing types and provide opportunities for caravan parks.

The planning proposal incorporates a study which examines the proposal's compliance with the intent of the direction. The following pertinent points are noted:

- if the planning proposal is approved, existing provisions which permit the construction of caravan parks on land zoned RU5 Village, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation will be retained.
- council has undertaken a review of land within the RU5, SP3, RE1 and RE2 zones to ensure that sufficient sites remain on which to develop caravan parks. Over 55.5 hectares of land is available over 18 sites within the local government area which have the potential to accommodate a caravan park. These sites are both publicly and privately owned and are located in and around the urban areas of Scotts Head, Macksville, Nambucca Heads, Valla Beach and Bowraville. Adequate opportunity therefore exists for the provision of caravan parks in the local government area, which provide an important form of affordable residential accommodation.
- the zoning of existing caravan parks within the local government area is not proposed to be altered.

The abovementioned matters demonstrate that sufficient area exists in the local government area to ensure that a variety of housing types are able to be provided and that adequate opportunity exists for the construction of future caravan parks.

The planning proposal considers the provisions of SEPP (Housing) 2021 with regard to the identification of suitable zones, locations and provisions for manufactured home estates as detailed in section 2 of this report.

It is noted that the planning proposal indicates that consistency is achieved with this direction as the existing provisions that permit development for the purposes of a caravan park to be carried out on land within the RU5 Village, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation zones will be retained. The planning proposal is required to be updated prior to community consultation to indicate that the proposal is justifiably inconsistent with the terms of this direction.

3.4 State environmental planning policies (SEPPs)

The planning proposal is broadly consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Housing) 2021	Part 8 – Manufactured home estates Part 9 – Caravan parks Schedule 6	Yes	The planning proposal adequately considers the provisions of this SEPP as detailed in Section 2 of this report.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Environmental	<p>This planning proposal seeks to prohibit caravan parks in zones RU2 Rural Landscape and R5 Large Lot Residential as it is considered inappropriate to locate these developments in rural areas which can be classified as having environmental value, significant farmland (which could result in land use conflict), flooding and bushfire hazards.</p> <p>As the application proposes the prohibition of land uses there are no adverse impacts on threatened species, populations, communities or their habitats expected.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The proposal may have an adverse social impact on the Nambucca Valley through the reduction of opportunities to provide affordable housing. However, the proposal promotes the efficient use of land and infrastructure by directing the construction of caravan parks to land zoned RU5, SP3, RE1 and RE2, being urban areas within the local government area that have access to supporting infrastructure and social services such as schools, health facilities and public transport.</p> <p>Furthermore, the LSPS notes that there is a generous land supply available in the Nambucca Valley and that the local government area is well placed to meet the housing demand generated by population growth in the coming 20 years.</p>
Economic	<p>The proposal may have an adverse economic impact on the local economy through the reduction of opportunities to construct a caravan park on land zoned RU2 and R5. However, caravan parks will remain permissible on land zoned RU5, SP3, RE1 and RE2.</p> <p>Furthermore, a range of tourist and visitor accommodation remains permissible on land zoned RU2 and R5 including bed and breakfast accommodation, farm stay accommodation, camping grounds and eco-tourist facilities.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 9 Infrastructure assessment

Infrastructure	Assessment
Local	The planning proposal considers the capability of local infrastructure (roads, sewer, water) and directs caravan parks to urban areas where adequate capacity exists to accommodate such land uses.
State	There will be no impact on State or regional infrastructure.

5 Consultation

5.1 Community

The Local Environmental Plan Making Guidelines released by the Department of Planning, Industry and Environment in 2021 recommend a maximum public exhibition period of 20 working days for a standard planning proposal. However, Council proposes a community consultation period of 28 days. There is no impediment to Council electing to undertake a longer community consultation period than the mandatory 20 days.

An exhibition period of 20 working days has been included as a condition of the Gateway determination.

5.2 Agencies

The proposal does not identify which agencies Council intends to consult with.

It is recommended the NSW Rural Fire Service be consulted on the planning proposal and given 30 working days to comment.

6 Timeframe

Council proposes a four month time frame to complete the LEP.

The Department recommends a time frame of six months to provide sufficient time for agency consultation while also ensuring that the proposal is completed in line with the commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has requested authorisation to act as the local plan-making authority via the NSW Planning Portal.

As the planning proposal is a result of a Council resolution rather than a local strategic planning statement or Department-approved strategy or strategic study, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal has been assessed to be consistent with the directions of the North Coast Regional Plan 2036 and draft North Coast Regional Plan 2041;
- land zoned RU2 Rural Landscape and R5 Large Lot Residential within the Nambucca Valley local government area is not provided with adequate water and sewer infrastructure or public access roads to support the construction of caravan parks. Furthermore, this land is often affected by bushfire and flood hazards, biodiversity values and land use conflicts;
- caravan parks will continue to be permitted in urban zones RU5 Village, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation under the Nambucca LEP 2010. These urban zones are capable of supporting additional development and have access to supporting infrastructure and social services such as schools, health facilities and public transport;
- council has undertaken a review of land within the RU5, SP3, RE1 and RE2 zones to ensure that sufficient sites remain on which to develop caravan parks. Over 55.5 hectares of land is available over 18 sites within the local government area which have the potential to accommodate a caravan park. These sites are both publicly and privately owned and are located in and around the urban areas of Scotts Head, Macksville, Nambucca Heads, Valla Beach and Bowraville. Adequate opportunity therefore exists for the provision of caravan parks in the local government area, which provide an important form of affordable residential accommodation;
- the LSPS notes that there is a generous land supply available in the Nambucca Valley and that the local government area is well placed to meet the housing demand generated by population growth in the coming 20 years;
- a range of tourist and visitor accommodation remains permissible on land zoned RU2 Rural Landscape and R5 Large Lot Residential including bed and breakfast accommodation, farm stay accommodation, camping grounds and eco-tourist facilities.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- note that the proposal is justifiably inconsistent with section 9.1 Direction 6.2 Caravan Parks and Manufactured Home Estates;
- amend page 8 to state that manufactured home estates are not permissible on land zoned RE1 Public Recreation pursuant to Schedule 6 clause 6 of SEPP (Housing) 2021;
- include a discussion on the proposal's consistency with the draft North Coast Regional Plan 2041; and
- include a savings provision which identifies that a development application for a caravan park made but not finally determined before the commencement of the LEP amendment must be finally determined as if the plan has not commenced.

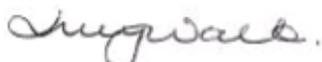
9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 6.2 Caravan Parks and Manufactured Home Estates are justified; and
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - note that the proposal is justifiably inconsistent with section 9.1 Direction 6.2 Caravan Parks and Manufactured Home Estates;
 - amend page 8 to state that manufactured home estates are not permissible on land zoned RE1 Public Recreation pursuant to Schedule 6 clause 6 of SEPP (Housing) 2021;
 - include a savings provision which identifies that a development application for a caravan park made but not finally determined before the commencement of the LEP amendment must be finally determined as if the plan has not commenced.
2. Consultation is required with the following public authority:
 - NSW Rural Fire Service
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.
4. The planning proposal must be exhibited two months from the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation four months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be six months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



08/07/2022

(Signature)_____
(Date)

Lucy Walker

Specialist Planning Officer, Northern Region



18/7/2022

(Signature)_____
(Date)

Jeremy Gray

Director, Northern Region



19/7/22

—
Malcolm McDonald
Executive Director, Local & Regional Planning

Assessment officer

Kate Campbell
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