
GENERAL MANAGER'S REPORT

ITEM 9.2 SF3168 310322 CARAVAN PARKS

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment**Summary:**

This report provides information requested by Council at the 17 March 2022 meeting.

NOTE: This matter requires a "Planning Decision" meaning a decision made in the exercise of a function of the council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan. Under Section 375A of the Local Government Act 1993 it requires the General Manager to record the names of each Councillor supporting and opposing the decision.

RECOMMENDATION:

- 1 Council forward a planning proposal to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 which prohibits caravan parks outside urban areas (RU2 and R5 zones).
- 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.
- 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the planning proposal.

OPTIONS:

- Proceed with the planning proposal as recommended or with changes.
- Not proceed with a planning proposal.

DISCUSSION:

At the meeting on 17 March 2022 Cr Jones put forward the following notice of motion:

THAT:

- 1 *Council forward a planning proposal to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 which prohibits caravan parks outside urban areas (RU2 and R5 zones).*
- 2 *If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.*
- 3 *Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the planning proposal.*

After consideration of the matter Council made the following resolution:

That Council receive a report on the legal implications of the Notice of Motion and staff comment on the broader implications on RU2 and R5 land.

ITEM 9.2 CARAVAN PARKS

After discussing the matter with Councils Lawyer, it is not considered that there are any legal ramifications for Council if it proceeds with a planning proposal which seeks to prohibit caravan parks within the RU2 and R5 zones.

Council is required to have regard to the planning merits of a proposal as part of any planning decision. In this instance, it is considered that there is planning merit in prohibiting caravan parks within the RU2 and R5 zones of the LGA. The reason for this is that it is not considered that the majority of the RU2 and R5 zoned land is suitably located to accommodate a caravan park due to:

- Bushfire and flood hazards – The majority of RU2 and R5 zoned land is bushfire prone with some roads cut during flood events. It is not considered appropriate to encourage high density residential/tourist developments which are often occupied by elderly people in areas subject to flooding or bushfire.
- Public access roads – 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.
- Increase in costs for Council resulting from the expansion of reticulated sewer and water assets. Under clauses 101 and 102 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 a caravan park must be connected to reticulated sewer and water unless an alternate service is specified in the approval. Given the bushfire hazards which dominate the RU2 and R5 zoned land, the provision of a reticulated water supply is considered essential. Furthermore, given the environmental impacts which can result from failed septic systems and the difficulties with maintaining an operational onsite sewage system for a caravan park, reticulated sewage disposal is also considered essential. Councils water and sewer infrastructure has not been designed to accommodate increased loadings from the proliferation of caravan parks within the RU2 and R5 zones, with the expansion of these assets into these zones contrary to Councils asset management practice of restricting the provision of these assets to urban areas.

It is noted that manufactured home estates are already prohibited outside of the urban areas of the LGA (residential/business land) where the land is not adjacent to or adjoining land zoned for urban use under clauses 6 and 7 of Schedule 6 of the State Environmental Planning Policy (Housing) 2021. Given the similar characteristics of manufactured home estates and caravan parks with regards to densities and demographics of residents; it is considered that restricting the location of caravan parks to urban areas will bring about consistency and minimise impacts on Council and the community as listed above.

Please see attached a map of the land use zones within the LGA. The RU2 is the medium brown colour and the R5 zone is the light pink colour. The map is within [attachment 1](#).

It is noted that as part of the planning proposal process, landholders within the RU2 and R5 zones will have the opportunity to lodge submissions seeking their land be excluded from the prohibition of caravan parks. This could be done by the land owner demonstrating how their land is suitable for a caravan park and Council including their land in schedule 1 of the Nambucca Local Environmental Plan 2010 (LEP) as land on which a caravan park is permissible.

CONSULTATION:

Council's Lawyer

SUSTAINABILITY ASSESSMENT:**Environment**

The proposed amendment to the LEP will minimise potential environmental impacts which could occur in these zones.

ITEM 9.2 CARAVAN PARKS

Social

It is not considered that there are any adverse social impacts resulting from the recommendation.

Economic

Aside from what has been addressed above, caravan parks provide reduced developer contribution rates and land rates compared to conventional residential subdivisions.

Risk

It is not considered that there is any risk for Council in proceeding with the recommendation. While Council is aware of interest for the lodgement of a development application for a caravan park in the RU2 zone, this does not restrict Council's ability to continue to make planning decisions when they have merit. As outlined above, it is considered that the recommendation has planning merit. If a landowner in the RU2 or R5 zones believe that there is planning merit to retaining the permissibility of caravan parks on their land; this is something that can be considered by Council as part of the planning proposal process.

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current and future budgets**

Nil


Working funds – justification for urgency and cumulative impact

Nil

Service level changes and resourcing/staff implications

There will be a minor impact on staff resources to undertake the planning proposal.

ATTACHMENTS:

1  14987/2022 - Land Use Zoning Map