



Nambucca Valley Council

**Planning Proposal
Nambucca Local Environmental Plan
Amendment No. 32**

**PROHIBITION OF CARAVAN PARKS
WITHIN THE RU2 RURAL LANDSCAPE
& R5 LARGELOT RESIDENTIAL ZONES**

Prepared by:
*Development & Environment Section
Nambucca Valley Council*

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Preliminary

This planning proposal has been drafted in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*, and 'Local Environmental Plan Making Guideline' (DoP, 2021) for amendment to the Nambucca Local Environmental Plan 2010 (LEP). A gateway determination under Section 3.34 of the Act is requested.

Part 1 Objectives and Intended outcomes

The objectives and intended outcomes of this planning proposal is to prohibit caravan parks outside urban areas by prohibiting caravan parks within the RU2 Rural Landscape and R5 Large Lot Residential zones. Caravan Parks are already prohibited within the RU1, RU3, C1, C2 C3, and C4 zones.

This will restrict caravan parks to lots which have been identified as suitable for their establishment within the RE1 Public Recreation, RE2 Private Recreation, SP3 Tourist and RU5 Village zones.

Part 2 Explanation of Provisions

The intended outcome will be achieved by amending the land use table for the RU2 Rural Landscape and R5 Large Lot Residential zones by making caravan parks prohibited. This will be done by deleting caravan parks from item 3 and adding them to item 4 of the land use table for each zone.

Part 3 Justification of strategic and site-specific merit

Section A – Need for the Planning Proposal

1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, it is considered that the proposed amendment to the Nambucca Local Environmental Plan 2010 is the best means of achieving the intended outcome of restricting caravan parks to lots which have been identified as suitable for such sensitive developments.

Caravan parks are of relatively high density and require sufficient connection to services such as reticulated water and sewer and appropriate road access. Caravan parks are commonly occupied by residents with low socio-economic status and/or elderly people who are vulnerable in natural disasters if these developments are not appropriately located. Recent examples of this are a number of caravan parks on the north coast during recent flood and bushfire natural disasters. During these events many residents have had to leave their dwellings due to them being destroyed or damaged. As many are not insured and are of low socio economic status, they have not been able to afford to rebuild/repair the damage and reoccupy their dwelling sites; resulting in social and economic impacts on the residents and the public.

Currently caravan parks are permissible with consent within the RU2 Rural Landscape and R5 Large Lot Residential zones under the Nambucca Local Environmental Plan 2010. It is not considered that the majority of the RU2 Rural Landscape and R5 Large Lot Residential zoned land is suitably located to accommodate caravan parks due to:

- Bushfire and flood hazards – The majority of RU2 and R5 zoned land is bushfire prone with many 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; especially remote areas with limited services (phone, access, water supply) which applies to the majority of the RU2 zoned land.

- 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 an efficient asset management practice of restricting the provision of these assets to urban areas.
- Ecological impacts – There are substantial areas within the RU2 Rural Landscape zone which contain high conservation value vegetation. The establishment of caravan parks in these areas would require substantial clearing for their establishment and associated asset protection zones.

Having regard to the above, it is considered that caravan parks should only be permitted to be located on land which has been assessed as suitable for such a development instead of the current permissibility within the RU2 Rural Landscape and R5 Large Lot Residential zones which cover a significant portion of the LGA and contain large areas of land which are not suitable for the establishment of a caravan park.

Considering the recent and historic examples of the vulnerabilities of caravan park residents during natural disasters due to inappropriately located and serviced parks; it is considered an appropriate strategic action from government to ensure caravan parks are located in areas which have been assessed as suitable for their establishment. It is not considered that there has been any strategic consideration in the permissibility of caravan parks in the current LEP. This proposed amendment seeks to provide some strategic direction for such sensitive developments.

It is considered that the RE1 Public Recreation, RE2 Private Recreation and SP3 Tourist zones are the appropriate zones for caravan parks to be located. These zones contain existing parks and have room for expansion to facilitate future growth.

It is noted that the intended outcome is consistent with the existing prohibition of manufactured home estates in the majority of RU2 Rural Landscape and R5 Large Lot Residential zones 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 RE1 Public Recreation, RE2 Private Recreation and SP3 Tourist zones will bring about consistency and minimise impacts on the public as listed above.

Section B – Relationship to strategic planning framework.

3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

It is not considered that the proposed amendments to the LEP will be contrary to the North Coast Regional Plan 2036.

With regards to the directions of the North Coast Regional Plan 2036, the following is provided:

Direction 1: Deliver environmentally sustainable growth.

The densities of caravan parks are much higher than what is expected in most residential areas. This direction seeks to focus urban development to identified areas suitable for urban development. The RU2 and R5 zones are not identified as suitable for urban development. Permitting high density developments such as caravan parks into these zones without any strategic considerations is considered inappropriate.

Direction 2 – Enhance biodiversity, coastal and aquatic habitats, and water catchments

This direction seeks to focus development to areas of least biodiversity sensitivity. The RU2 zone covers the majority of the Nambucca LGA, with a large portion containing areas of high ecological significance. Permitting caravan parks in these areas without any strategic consideration is considered contrary to this direction.

Direction 3: Manage natural hazards and climate change

This direction seeks to reduce the risk from natural hazards by identifying and avoiding vulnerable areas. The majority of the RU2 zone is bushfire prone, with poor road access which is subject to flooding. Having regard to the density of caravan parks and the typical demographics of residents, permitting caravan parks in this zone is considered contrary to this direction.

Direction 4: Promote renewable energy opportunities

This direction is not considered relevant to the proposal.

Direction 5: Strengthen communities of interest and cross-regional relationships

This direction is not considered relevant to the proposal.

Direction 6: Develop successful centres of employment

This direction is not considered relevant to the proposal.

Direction 7: Coordinate the growth of regional cities

This direction seeks to ensure planning provisions promote greater housing diversity and deliver the most appropriate staging and sequencing of development. While caravan parks provide increased housing opportunities, their board scale permissibility within the RU2 and R5 zones do not result in the appropriate staging or sequencing of development due to the large area these zones cover and considerable distance from areas which have been strategically considered for such high density developments.

Direction 8: Promote the growth of tourism

While caravan parks promote the growth of tourism, they need to be appropriately located to ensure that they are attractive for tourists to go to, are safe, and are financially sustainable for both the operator and the community. In this regard, it is considered that tourist developments such as caravan parks need to be located in areas most suitable for their establishment, which is what this planning proposal proposes.

Direction 9: Strengthen regionally significant transport corridors

This direction is not considered relevant to the proposal.

Direction 10: Facilitate air, rail and public transport infrastructure

This direction is not considered relevant to the proposal.

Direction 11: Protect and enhance productive agricultural lands

Permitting caravan parks within the RU2 zone is contrary to this direction as there is some productive agricultural land within this zone. Having regard to this and the zones interaction with the RU1 zone, permitting high density residential developments such as caravan parks in these zones increases the potential for land use conflict.

Direction 12: Grow agribusiness across the region

Due to the increased potential for land use conflict resulting from caravan parks within the RU2 zone, the proposal to prohibit caravan parks in this zone is considered to be consistent with this direction.

Direction 13: Sustainably manage natural resources

This direction seeks to direct land uses such as residential developments that are sensitive to noise, dust and light interference to suitable locations. Permitting caravan parks within the RU2 zone is contrary to this direction given the presence of activities such as agriculture, logging, and extractive industries which are permissible within the zone.

Direction 14: Provide great places to live and work

This direction is not considered relevant to the proposal.

Direction 15: Develop healthy, safe, socially engaged and well-connected communities

Permitting caravan parks within the RU2 and R5 zone permits the creation of scattered gated residential communities in unsafe isolated areas, where no previous consideration has been given to the creation of

such high density developments. Not proceeding with the proposal would be contrary to this direction. It is noted that the proposal will not remove the potential for primitive camping grounds within the RU2 zone, which have a far lower density to caravan parks.

Direction 16: Collaborate and partner with aboriginal communities

This direction is not considered relevant to the proposal.

Direction 17: Increase the economic self-determination of Aboriginal communities

This direction is not considered relevant to the proposal.

Direction 18: Respect and protect the North Coast's Aboriginal heritage

This direction is not considered relevant to the proposal.

Direction 19: Protect historic heritage

This direction is not considered relevant to the proposal.

Direction 20: Maintain the region's distinctive built character

This direction is not considered relevant to the proposal.

Direction 21: Coordinate local infrastructure delivery

Permitting caravan parks within the RU2 and R5 zones results in the inability to undertake detailed infrastructure service planning due to the vast area of land within these zones. Sporadic development applications lodged for caravan parks within these zones with no prior thought to the provision of infrastructure is contrary to this direction.

Direction 22: Deliver greater housing supply

The permissibility of caravan parks within the RU2 and R5 zones is considered to be contrary to this direction as there are no strategies or plans which provide for such high density residential developments within these localities. All local and state strategic planning documents seek to identify suitable areas for high density residential areas. In general, these areas are close to urban centres with infrastructure readily available, relatively free of natural constraints, and away from potential conflicts. The permissibility of caravan parks in the RU2 and R5 zones is contrary to this.

Direction 23: Increase housing diversity and choice

This planning proposal will not be contrary to this direction. It will encourage the establishment of caravan parks within areas of the Nambucca LGA which are better positioned to accommodate such uses while being consistent with the remaining directions of this regional plan.

Direction 24: Deliver well-planned rural residential housing areas

Having regard to the low densities of development intended within rural residential areas, the permissibility of caravan parks which provide for high density residential development is considered to be contrary to this direction.

Direction 25: Deliver more opportunities for affordable housing

The planning proposal is considered to be consistent with this direction as it will promote new caravan parks to be established on unconstrained land in and around existing settlements. There is currently a large number/size of caravan parks and manufactured home estates in proportion to the LGAs population; with the areas within the RE1, RE2 and SP3 zones capable of accommodating further caravan parks into the future.

4 *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

The Nambucca Local Strategic Planning Statement (LSPS) estimates that there will be demand for around 50 dwellings per year during the 20 year life of the plan. At present, there is undeveloped residential zoned land with a capacity of over 2500 lots, over 4500 potential lots in future growth areas, and over 3500ha of undeveloped rural residential land. Having regard to this, the Nambucca LGA is well positioned to accommodate future housing needs of the LGA and surrounding areas. This includes the provision of a mixture of housing types ranging from rural residential to high density residential.

With regards to where housing should be located, the LSPS states:

“New Housing needs to be carefully planned to consider risks, such as flooding and bushfire, potential conflicts with other land uses and the environment. It 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. Ideally, it should therefore be concentrated in and around Nambucca’s existing towns and villages where possible. With these criteria in mind, our existing planned areas of residential growth have been located near the established urban facilities in Nambucca Heads, Macksville and Scotts Head.”

Councils current planning for the abovementioned capacity for future growth has located future intended residential development in areas which meet the location provision set by the LSPS above.

As outlined earlier in this planning proposal, the permissibility of high density residential developments such as caravan parks within the RU2 and R5 zones is contrary to this provision of the LSPS. While not defined as residential development under the LEP, caravan parks contain a high percentage of long term residents typically with low socio-economic status and/or are elderly people and are more vulnerable to natural disasters such as flooding and bushfire; with current planning legislation inadequate to provide certainty on restricting the amount of long term sites within caravan parks. Furthermore, the permissibility of caravan parks in these zones increases potential for land-use conflicts, environmental impacts, inhibits access to services, and promotes an inefficient use of infrastructure.

This planning proposal demonstrates that after the proposed amendments, provisions will be retained which will enable the development of caravan parks in various parts of the LGA on land totalling over 55.5ha. This almost triples the Nambucca LGAs existing oversupply per capita of caravan parks which has a combined area of 29.81ha. It is recognised that caravan parks are a key part of providing housing diversity and affordability within the Nambucca LGA. Given the plentiful supply of land available for the provision of caravan parks and other various forms of housing within the LGA well into the future; it is not considered that the proposal will have any impacts on the supply of housing affordability or diversity.

The LSPS also states:

“Rural residential subdivision is a low-density form of development, with lots typically over 1ha or greater in size. The lots provide a low-density option are popular as a lifestyle choice for some residents in the Nambucca Valley.”

High density development such as caravan parks are contrary to what would be expected within the R5 zone. This is reinforced by the above comment and the objectives of the zone provided for the in the LEP.

While caravan parks do provide accommodation for tourists, it is not considered that the removal of caravan parks within the RU2 or R5 zones will be contrary to the Economic Development and Employment actions of the LSPS as there is sufficient room in the RE1, RE2 and SP3 zones for additional caravan parks to be developed/expanded and removing them from the RU2 zone will assist protect and conserve agricultural lands and minimise potential for land use conflicts.

5 *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

There are no other relevant state or regional studies or strategies relevant to the planning proposal.

6 *Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP’s)?*

All State Environmental Planning Policies have been considered in the preparation of this planning proposal.

The State Environmental Planning Policy (Housing) 2021 is the only SEPP considered directly applicable to the planning proposal due to the proposal being to remove the permissibility of development rather than increase its permissibility. Part 8 of the SEPP is applicable to manufactured home estates and Part 9 is applicable to caravan parks.

While Part 9 does not specify any specific matters for consideration for a planning proposal, it is considered that the aim of this part of the SEPP to encourage the proper management and development of land for caravan parks for the purpose of promoting the social and economic welfare of the community is

what this planning proposal seeks to provide greater strategic direction on; rather than the current broad scale permissibility in areas which are not suitable for the establishment of caravan parks.

It is noted that Part 8 of the State Environmental Planning Policy (Housing) 2021 permits the construction of Manufactured Home Estates (MHE) where caravan parks are permitted. Given MHE are not separately defined within the Standard Instrument LEP they are therefore intrinsically linked to the definition of a 'caravan park' and their permissibility within the Nambucca Local Environmental Plan 2010.

To avoid any doubt, the proposal to prohibit caravan parks within the RU2 and R5 zones will not impact on the existing ability to develop MHE within the Nambucca LGA for the following reasons:

- MHE will remain permissible with consent within the RE1 Public Recreation, RE2 Private Recreation, SP3 Tourist and RU5 Village zones.
- Clause 7 of Schedule 6 of the SEPP excludes land within the Nambucca LGA *“not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under the Coastal Urban Planning Strategies or Residential Strategies approved for the time being by the Director”* from being able to be developed for the purposes of a MHE.

Given the amendments the subject of this planning proposal only relate to the RU2 Rural Landscape and R5 Large Lot Residential zones and these zones are not urban zones and do not contain areas which have been identified as suitable for urban development; removing the permissibility of caravan parks from these zones will not impact MHE development as it is not currently permitted to undertake MHE development within these zones as they are excluded under the SEPP.

It is noted that clause 6 of Schedule 6 of the SEPP does not permit MHEs to be developed in any rural zone anywhere within NSW where the land is not adjacent to or adjoining land zoned for urban use. While not directly relevant to this planning proposal for the reasons outlined above, the fact that the SEPP seeks to confine MHE to urban areas and immediate surrounds is consistent with the intention of this planning proposal which is to provide greater strategic direction on the location of caravan parks rather than the current broad scale permissibility in areas which are not suitable for their establishment.

7 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979 that are applicable to this planning proposal are addressed as follows:

Direction 1.1 - Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning and Public Spaces.

Direction:

1. Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.

Comment: As outlined earlier, this planning proposal is not considered to be contrary to any provision of the North Coast Regional Plan 2036.

Direction 1.3 - Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction:

1. A planning proposal to which this direction applies must:
 - (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and
 - (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - i. the appropriate Minister or public authority, and
 - ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and
 - (c) not identify development as designated development unless the relevant planning authority:
 - i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and
 - ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

Comment: This planning proposal does not include provisions which are contrary to the above direction.

Direction 3.1 – Conservation Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction:

1. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
2. A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.3 (2) of “Rural Lands”.

Comment: This planning proposal does not impact any land within a conservation zone and will result in greater protection of environmentally sensitive areas by removing the permissibility of caravan parks from many of these areas.

Direction 3.2 – Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction:

1. A planning proposal must contain provisions that facilitate the conservation of:
 - (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
 - (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
 - (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public

authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

Comment: This planning proposal will not impact the existing provision in the LEP which protects the conservation of the above.

Direction 3.5 – Recreation Vehicle Areas

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

This direction applies when Council prepares a planning proposal.

Direction:

1. The planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the *Recreation Vehicles Act 1983*):
 - (a) where the land is within an environmental protection zone,
 - (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,
 - (c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:
 - (i) the provisions of the guidelines entitled *Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985*, and
 - (ii) the provisions of the guidelines entitled *Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985*.

Comment: This planning proposal is not contrary to this direction as it does not enable land to be developed for the purpose of a recreation vehicle area.

Direction 4.2 – Coastal Management

The objective of this direction is to protect and manage coastal areas of NSW.

This direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Direction:

1. A planning proposal must include provisions that give effect to and are consistent with:
 - (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;
 - (b) the NSW Coastal Management Manual and associated Toolkit;
 - (c) NSW Coastal Design Guidelines 2003; and
 - (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.
2. A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:
 - (a) within a coastal vulnerability area identified by the State Environmental Planning Policy (Coastal Management) 2018; or
 - (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:
 - i. by or on behalf of the relevant planning authority and the planning proposal authority, or
 - ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.

3. A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
4. A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under the State Environmental Planning Policy (Coastal Management) 2018:
 - (a) Coastal wetlands and littoral rainforests area map;
 - (b) Coastal vulnerability area map;
 - (c) Coastal environment area map; and
 - (d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.

Comment: This planning proposal is not contrary to the provisions of this direction as it is not contrary to the Coastal Management Act, management manual, design guidelines, or coastal management program and does not include the rezoning of land or amendment to any maps.

Direction 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

- (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) encourage sound management of bush fire prone areas.

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.

Direction:

1. In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
2. A planning proposal must:
 - (a) have regard to Planning for Bushfire Protection 2019,
 - (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
 - (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).
3. A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:
 - (a) provide an Asset Protection Zone (APZ) incorporating at a minimum:
 - i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and
 - ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,
 - (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,
 - (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,
 - (d) contain provisions for adequate water supply for firefighting purposes,

- (e) minimise the perimeter of the area of land interfacing the hazard which may be developed,
- (f) introduce controls on the placement of combustible materials in the Inner Protection Area.

Comment: The planning proposal is not considered to be contrary to this direction because:

- Consultation will occur with the RFS once a gateway determination has been received.
- The majority of the RU2 and R5 zoned land is bushfire prone with insufficient access to accommodate a caravan park in addition to existing traffic volumes during a bushfire event. The proposal will ensure caravan parks are appropriately located by removing their permissibility from these highly bushfire prone areas and ensure that greater consideration is given to the impacts of bushfire on caravan parks at a strategic level which is not currently the case.

Direction 4.5 - Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning, Industry and Environment.

Direction:

1. The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.
2. When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:
 - (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or
 - (b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.
3. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.
4. Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).

Comment: The planning proposal is considered to be consistent with this direction because it does not include any changes to the existing provisions within clause 7.1 of the LEP which regulates works in acid sulfate soils or intensification of development on land which has the probability of containing acid sulfate soils that would be contrary to that clause.

Direction 5.2 - Reserving Land for Public Purposes

The objectives of this direction are to:

- (a) facilitate the provision of public services and facilities by reserving land for public purposes, and
- (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

This direction applies to all relevant planning authorities when preparing a planning proposal.

Direction:

1. A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).
2. When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:
 - (a) reserve the land in accordance with the request, and
 - (b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and
 - (c) identify the relevant acquiring authority for the land.
3. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:
 - (a) include the requested provisions, or
 - (b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.
4. When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.

Comment: The planning proposal is not contrary to this direction as it does not impact any zonings or reservations for public land.

Direction 6.1 – Residential Zones

The objectives of this direction are to:

- a encourage a variety and choice of housing types to provide for existing and future housing needs,
- b make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- c minimise the impact of residential development on the environment and resource lands.

This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

Direction:

1. A planning proposal must include provisions that encourage the provision of housing that will:
 - (a) broaden the choice of building types and locations available in the housing market, and
 - (b) make more efficient use of existing infrastructure and services, and
 - (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
 - (d) be of good design.
2. A planning proposal must, in relation to land to which this direction applies:
 - (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
 - (b) not contain provisions which will reduce the permissible residential density of land.

Comment: The planning proposal is not considered to be contrary to this direction as its intention is to remove the permissibility of caravan parks from R5 Large Lot Residential zoned land due to the inability to efficiently service such high density developments within these zones.

It is considered that prohibiting caravan parks within this zone will be consistent with the objectives of the zone which include:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

The R5 Large Lot Residential zones have not been located/established for the creation of high density developments such as a caravan park.

Direction 6.2 Caravan Parks and Manufactured Home Estates

The objectives of this direction are to:

- (a) provide for a variety of housing types, and
- (b) provide opportunities for caravan parks and manufactured home estates.

This direction applies to Council when it prepares a planning proposal.

Direction:

1. In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:
 - (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and
 - (b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.
2. In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:
 - (a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) as to where MHEs should not be located,
 - (b) take into account the principles listed in clause 9 Schedule 5 of State Environmental Planning Policy (Housing) (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and
 - (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.

Comment: The planning proposal is not considered to be contrary to this direction as follows:

1(a) - The existing provisions that permit development for the purposes of a caravan park to be carried out on land within the RE1 Public Recreation, RE2 Private Recreation, SP3 Tourist and RU5 Village zones will be retained. Retaining these provisions which permit caravan parks to be carried out on land is consistent with this clause of the direction.

1(b) – The planning proposal does not alter the zonings of existing caravan parks. A new principle LEP zone is not proposed.

2 - Given the planning proposal is not seeking to identify suitable zones, locations, and provisions for MHE; it is not considered that clause 2 of this direction is relevant to the planning proposal. However, as outlined earlier, the proposed amendments will not impact the ability for a MHE to be developed within the Nambucca LGA as MHE are already prohibited within the RU2 and R5 zones under clause 7 of Schedule 6 of the State Environmental Planning Policy (Housing) 2021. This planning proposal only impacts the RU2 and R5 zones.

Due to the planning proposal being consistent with the terms of this direction, there is no need to justify an inconsistency with a study which gives consideration to the objectives of this direction.

To avoid any doubt that the planning proposal is not retaining sufficient land/provisions for caravan parks and MHE to be carried out; the following information is provided regarding the future delivery of caravan parks within the Nambucca LGA.

Currently there are 9 existing caravan parks within the Nambucca LGA. The total area of these parks is 29.81ha resulting in an average size of 3.31ha. These parks range in size from 1ha through to 13ha.

While there are hundreds of hectares of land within the RE1, RE2, SP3 and RU5 zones; it is not considered that all of this land will be suitable for the development of caravan parks given the use of some areas as active public open space and the presence of both built and natural constraints in other areas of these zones.

However, after review of these zones and potential expansion of existing caravan parks it is considered that there is over 55.5ha of land available over 18 sites which have the potential to accommodate a caravan park. These sites are a mixture of publicly and privately owned land located in and around the urban areas of Scotts Head, Macksville, Nambucca Heads, Valla Beach, and Bowraville. All of these sites exceed the 1ha minimum size required for a caravan park by the Local Government Act 1993 and are more appropriately located given more in depth strategic consideration has been given to such developments on these lands compared to the existing RU2 and R5 zones broadscale permissibility.

The details of these sites are outlined below:

Location	Area	Zone
Lot 1 DP 406006 & Lot 1 DP510907 – 7 Banksia Crescent, Scotts Head	2.6ha	RE2
Lot 9 DP 245262 – Nursery Road, North Macksville (Expansion of existing park – existing use rights)	4ha	RU1
Lot 2 DP 749152 - 1790 Giinagay Way Nambucca Heads (Expansion of existing park)	0.3ha	RE2
Lot 5 DP 749153 - 1907 Giinagay Way, Nambucca Heads	1.2ha	SP3
Lot 301 DP 755550 & Lot 1 DP 732604 - Giinagay Way, Nambucca Heads	5.5ha	SP3
Lot 2 DP 541448 - Giinagay Way, Nambucca Heads	3.5ha	SP3
Lot 514 DP 46001 - Warrigal Avenue, Nambucca Heads	2.4ha	RE1
Lots 7300 & 7301 DP 1132718 - Bank Street, Nambucca Heads	4ha	RE1
Part Lot 77 DP 755550 - Newry Street, Nambucca Heads (former golf course)	3ha	RE1
Lot 1 DP 822827 - 50 Liston Street, Nambucca Heads (Expansion of existing park)	2ha	RE1
Lot 2 DP 1212394 - 1 Regatta Drive, Valla Beach (Expansion of existing park)	1.5ha	RE2
Lot 481 DP 700681 - 2 South Arm Road, Bowraville	1.8ha	RE2
Part Lot 482 DP 700681 - 2 South Arm Road, Bowraville	1.8ha	RE2
Lot 5 DP 248201 - 999 Wilson Road, Congarinni North	10.3ha	RU5
Lot 1 DP 1246199 - 2A Herborn Drive, Bowraville	4.11ha	RU5
Lot: 23 DP: 587228 - 24 Bowra Street, Bowraville	2.3ha	RU5
Lots 18 & 20 DP 253386 - Rodeo Drive, Bowraville	1.9ha	RE1
Lots 1 & 2 DP510178 & Lot 434625 – 111 Rodeo Drive, North Macksville	2.5ha	RE1

Given the area of the above sites could result in the existing oversupply of caravan parks being almost tripled and that the potential locations are located in a variety of areas around the Nambucca LGA; it is considered that the planning proposal is consistent with this direction as provisions for the development of caravan parks within the LGA will be retained. In this regard, it is considered that the provisions to be retained in the LEP will enable opportunities for caravan parks and MHE to be developed for over 50 years without relying on any further amendments to the LEP.

Section C – Environmental, social and economic impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

It is not considered that the proposal will have any adverse effects on threatened species, populations, communities or their habitats as the proposal will reduce potential impacts.

9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No as there will be no physical activity resulting from the planning proposal.

10 *Has the planning proposal adequately addressed any social and economic effects?*

As outlined earlier in this report, the proposed amendment will result in more appropriately located caravan parks which will minimise the associated social and economic impacts that are faced by residents in inappropriately located caravan parks during natural disasters such as flood or bushfire. The Nambucca Valley LGA has a significant presence of existing caravan parks and manufactured home estates, with ability for growth following the achievement of the intended outcomes of this planning proposal.

Section D – Infrastructure (Local, State and Commonwealth)

11 *Is there adequate public infrastructure for the planning proposal?*

The planning proposal will reduce the demand inappropriately located caravan parks will have on the provision of adequate public infrastructure to service them.

Section E – State and Commonwealth Interests

12 *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

Government authorities have not been formally involved in this planning proposal as it is yet to receive gateway approval. It is considered that the NSW Rural Fire Service and NSW State Emergency Service are the relevant public authorities who should be consulted. Given the proposal aligns with both agencies emergency management considerations, it is not considered that consultation is warranted prior to gateway determination which is consistent with ministerial directions.

Part 4 Maps

It is not proposed to amend any maps as part of the planning proposal.

Part 5 Community Consultation

It is intended to undertake community consultation by way of an advertisement in the local newspaper and Councils website. It is intended to advertise the planning proposal for 28 days.

Part 6 Project Timeline

June 2022	Gateway determination issued by Department of Planning & Environment
July/August 2022	Public exhibition of planning proposal and consultation with government agencies
September 2022	Analysis of public submissions and agency responses Preparation of Council report
October 2022	Endorsed planning proposal submitted to Department of Planning and Environment for finalisation.