

Nambucca Valley Council

PP-2022-2086


Prohibition of caravan parks on land zoned RU2 Rural Landscape and R5 Large Lot Residential

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Overview of the planning 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
- Council asserts that the construction of caravan parks on land zoned RU2 and R5 is inappropriate due to insufficient infrastructure to safely support these developments
- The planning proposal is  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 a result of a council resolution which was a direct response to a proposed caravan park development in Scotts Head (DA2022/233)

Gateway determination

On 19 July 2022, a Gateway determination was issued by DPE which determined that the planning proposal proceed subject to conditions for the following reasons:

- the proposal is consistent with the directions of the North Coast Regional Plan 2036 and draft North Coast Regional Plan 2041
- land zoned RU2 and R5 in the LGA is often constrained in terms of infrastructure and access, and is 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
- over 55.5 hectares of land is available over 18 sites within the LGA which have the potential to accommodate a caravan park
- Council's LSPS indicates that the LGA 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

Gateway determination – savings provision

- The Gateway determination included a condition that prior to exhibition, the planning proposal be updated to 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
- While the Department supports the overall strategic direction of the planning proposal it is not identified as an action in Council's LSPS or other strategic plan
- This condition was included   part of the Gateway determination as it is considered inappropriate that the planning proposal process be used to determine the outcome of a specific development application, which should be assessed on its merits
- It is considered that inclusion of a savings provision on the Gateway determination is consistent with the principles of procedural fairness and natural justice

Gateway determination – section 9.1 Direction 6.2 'Caravan Parks and Manufactured Home Estates'

- The planning proposal states that it is consistent with section 9.1 Direction 6.2
- The Gateway determination included a condition that prior to exhibition, the planning proposal be updated to note that the proposal is justifiably inconsistent with section 9.1 Direction 6.2
- The objectives of section 9.1 Direction 6.2 are to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates
- The Gateway determination report concluded that as the proposal does not retain provisions that permit development for the purpose 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
- DA2022/233 proposes the construction of a caravan park on land zoned RU2 Rural Landscape. As such, the planning proposal seeks to remove the opportunity for a new caravan park to be developed in the LGA, contrary to the objectives of this Direction