

## **8.2 AMENDMENT TO THE TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 - PLANNING PROPOSAL TO REMOVE CARAVAN PARKS FROM THE RE2 PRIVATE RECREATION ZONE – FILE NO SF9035**

**DIRECTORATE:** PLANNING AND COMPLIANCE  
**AUTHOR:** Andrew Spicer, Senior Strategic Planner  
**Reference:** Item 7.2 to Ordinary Council 30 October 2018 - Minute No 239/18  
Item 7.2 to Ordinary Council 13 November 2018 - Minute No 278/18

**4 ANNEXURES ATTACHED**

### **RECOMMENDATION**

*That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 - Planning Proposal to Remove Caravan Parks from the RE2 Private Recreation Zone”, Council:*

- (i) prepare and submit a Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination in accordance with Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979; and*
- (ii) publicly exhibit the proposal upon receipt of a Gateway Determination in relation to the Planning Proposal,.*

### **SUMMARY**

The purpose of this report is to clarify and resolve the relevant sections for preparing and forwarding this planning proposal to the Department of Planning and Environment under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. This report is very much a procedural clarification report and it doesn't change in any way the intent of what Council wants to achieve by this planning proposal.

Council resolved to prepare and submit a planning proposal in respect of this matter at its Meeting held 13 November 2018. However, since then staff have become aware that a fresh resolution clarifying the specific sections of the Act needs to be obtained. This has come about partly due to the renumbering of the Sections of the Act when it was reviewed earlier in 2018. The recommendation of this Report clarifies the appropriate Sections (3.33 & 3.34) under which the proposal is prepared and submitted to the Gateway process.

The planning proposal addresses the permissibility of caravan parks within a recreational zone as this can impact upon potential future and existing development within the Tamworth Region. The proposed changes include:

- removal of *caravan parks* from the *TRLEP 2010 RE2 Private Recreation zone*;
- change the zoning of Lots 1 and 2 DP 1055796, Kennedy Street, Manilla, from *RE2 Private Recreation* to *RE1 Public Recreation*; and
- change the zoning of Lot 2 DP 864981, Longyard Golf Course, Greg Norman Drive, Hillvue from *SP3 Tourist* to *RE2 Private Recreation*.

The Planning Proposal aims to ensure that incompatible development does not occur in close proximity to significant existing and proposed development that has been identified as economic and social drivers within the Region.

### **COMMENTARY**

This report follows resolutions of Council from the Ordinary Meetings on 30 October 2018, and 13 November 2018, regarding the permissibility of *caravan parks* and *manufactured home estates* in the *RE 2 Private Recreation* zone.

Caravan parks, manufactured home estates, moveable dwellings and manufactured homes provide a diversity of housing choices in a range of locations offering short term and long term accommodation. This type of development is supported; however, the approvals system needs to ensure that caravan parks and manufactured home estates land uses are located within appropriate areas within the Tamworth Region to provide certainty and clarity to Council, developers and property owners.

It is considered that the removal of the caravan parks land use from lands zoned for private recreation, especially where located within the vicinity of lands that have been identified for future development, will provide certainty in relation to investment within the Region.

At Council's Ordinary Council Meeting held on 30 October 2018, a development application was refused on the grounds that the proposed development for a manufactured homes estate was inconsistent with the zoning of the subject site zoned *RE2 Private Recreation*, and with the surrounding lands zoned *SP3 Tourist*. The subject site adjoins the Tamworth's Regional Sports and Entertainment Precinct.

The *RE2 Private Recreation* zoning permitting the development of *caravan parks* provided the opportunity for the application to be lodged under NSW State Legislation. Specifically, *State Environmental Planning Policy No.36* provides that a *manufactured home estate* may be carried out with Council consent on land where *caravan parks* are permitted. While defined under *SEPP 36* and the *Local Government Act 1993*, *manufactured home estate* is not a defined term under the *TRLEP 2010* or *LEP Standard Instrument*.

This process brought to Council's attention the potential for incompatible land uses to impact upon the strategic direction and economic investment of the city and region.

#### The New England North West Regional Plan 2036

The *New England North West Regional Plan 2036* prepared by the Department of Planning and Environment to guide land use planning priorities and decisions toward 2036, recognises the Tamworth Region as a strong economic centre with access to international opportunities.

This Regional Plan identifies priorities associated with Tamworth's Regional Sports and Entertainment Precinct, Australian Equine Livestock and Events Centre, and new industrial/enterprise area adjacent to the Tamworth Regional Airport and goals for these significant local precincts. The Regional Plan provides an overarching framework to guide land use plans, development proposals and infrastructure decisions.

To ensure positive planning outcomes are achieved in accordance with the Department's Regional Plan, incompatible land uses that may impact upon the economic viability and growth of the region need to be addressed to ensure that future interest and investment in the region is not compromised and good strategic planning principles and priorities are set for the region and are continually achieved.

To ensure that a number of key development precincts for recreational, industrial and commercial purposes are protected, a number of changes to the *TRLEP 2010* are proposed.

#### Remove caravan parks from the RE2 Private Recreation zone

Caravan parks are currently a permissible form of development in the *RE2 Private Recreation* zone of the *TRLEP 2010*. The regulatory framework to manage the development sits across both the *Environmental Planning and Assessment (EP&A) Act 1979*, and the *Local Government Act 1993*, which results in overlap and multiple approvals making the system complex with the definitions for manufactured home estates, moveable dwellings and caravan parks sitting across a number of different instruments and are regulated through a dual approvals system.

<b>NSW Legislation</b>	
<i>Environmental Planning and Assessment Act 1979</i>	<i>Local Government Act 1993</i>
<i>State Environmental Planning Policy No. 21 Caravan Parks (SEPP 21)</i>	<i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>
<i>State Environmental Planning Policy No. 36 Manufactured Home Estate (SEPP 36)</i>	
<i>Local Environmental Plans - TRLEP 2010</i>	

There are a number of sites zoned *RE2 Private Recreation* that are located within the Tamworth Regional Council area. These include lands for golf courses, bowling clubs and motor sports complex. It is intended that the owners of these sites will be consulted during the exhibition of the Planning Proposal.

**Rezone Lot 1 and 2 DP 1055796, River Gums Caravan Park, Kennedy Street, Manilla**

The parcel of lands known as Lot 1 and 2 DP 1055796, forms the River Gums Caravan Park located in Kennedy Street, Manilla, under the ownership of Crown Lands and under control of the Tamworth Regional Council. A proposed change of zone from *RE2 Private Recreation* to *RE1 Public Recreation* will be consistent with the zoning of the adjacent Crown reserve known as Chaffey Park and will facilitate the continued use of the caravan park in an appropriate location.

Changing the zoning of the parcel of land will ensure the continued use of the caravan park on Lot 1 DP 1055796, as it is a permissible use within the Public Recreation zone. It should be noted that Lot 2 DP 1055796 forms a connection with Chaffey Park and supports vehicle access to the foreshore of the Namoi River. The change of zone from Private Recreation to Public Recreation will continue to support the recreational use of this riparian precinct. A map of the subject site and current zoning map are **ATTACHED**, refer **ANNEXURES 1 and 2**.

**Rezone Lot 2 DP 864981, Longyard Golf Course, Greg Norman Drive, Hillvue**

The land known as Lot 2 DP 864981, forms the southern portion of the Longyard Golf Course and is zoned *SP3 Tourist*. The lands that form the Longyard Golf Course are zoned *RE2 Private Recreation* with the exception of Lot 2 DP 864981. The current *SP3 Tourist* zone is a carry over from the introduction of the Standard LEP Template and transition to the *TRLEP 2010*. Rezoning the land to *RE2 Private Recreation* will ensure consistency with the existing zone and continued land use as a golf course. This aims to ensure the neighbouring residential and sport precinct uses are not compromised with incompatible land uses. A map of the subject site and current zoning map are **ATTACHED**, refer **ANNEXURES 3 and 4**.

**Planning Proposal Process**

In order to amend the *TRLEP 2010*, Council is required to submit the planning proposal to the Department for a Gateway Determination. If a Gateway Determination is issued, then the draft plan will be placed on public exhibition and any additional studies or agency referrals required by the Department undertaken.

Should the Gateway Panel approve the public exhibition of the planning proposal, it is anticipated that the proposal would be exhibited early 2019.

**(a) Policy Implications**

Nil

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Amendments to the *Tamworth Regional Local Environmental Plan 2010* will alter the planning provisions to affected lands.

**(d) Community Consultation**

Community consultation requirements will be specified by the Department of Planning and Environment Gateway Determination.

**(e) Delivery Program Objective/Strategy**

A Prosperous Region – P11 Support and facilitate economic development and employment opportunities.

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**MOTION**

**Moved Cr Webb/Cr Maxwell**

That in relation to the report “Amendment to the Tamworth Regional Local Environmental Plan 2010 - Planning Proposal to Remove Caravan Parks from the RE2 Private Recreation Zone”, Council:

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**333/18 RESOLVED**



**Planning Proposal to Remove Caravan parks from the RE2 Private Recreation Zone**  
Lot 1 & 2 DP 1055796, Kennedy Street, Manilla



0 10 20 40 60 80 100  
Metres  
Scale @ A3 1:2,500  
Datum: GDA 94 Projection: MGA Zone 56  
Date Printed: 05 November 2018  
Created By: katherinek







