

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Tamworth Regional
<b>PPA</b>	Tamworth Regional Council
<b>NAME</b>	Rezone various lots at Manilla and Hillvue and amend the RE2 land use table to prohibit caravan parks
<b>NUMBER</b>	PP_2018_TAMWO_005_00
<b>LEP TO BE AMENDED</b>	Tamworth Regional LEP 2010
<b>ADDRESS</b>	Tamworth Regional LGA
<b>DESCRIPTION</b>	Rezoning and land use table changes.
<b>RECEIVED</b>	29 November 2019
<b>FILE NO.</b>	IRF18/47761
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The aims of the planning proposal are to amend the Tamworth Regional LEP 2010 (TRLEP) to:

1. prohibit caravan parks in the RE2 Private Recreation zone;
2. rezone Lot 2 DP 864981, Greg Norman Drive, Hillvue, from SP3 Tourist to RE2 Private Recreation; and
3. rezone Lots 1 & 2 DP 1055796, Kennedy Street, Manilla, from RE2 Private Recreation to RE1 Public Recreation.

### Site description, Existing Planning Controls and Surrounding Area

#### Item 2

Item 2 relates to Lot 2 DP 864981, Greg Norman Drive, Hillvue, which is zoned SP3 Tourist under TRLEP 2010. The subject lot is approximately 16.23ha in area and forms part of the Longyard Golf Course. It is surrounded as shown by Figure 1 by land zoned RE2 Private Recreation (upon which the remainder of the golf course is situated), R5 Large Lot Residential and SP3 Tourist (which contains development for specific tourist purposes such as the Tamworth Sports Dome and the Australian and Livestock Equestrian Centre). Apart from a change in zoning, no other changes are proposed to the planning controls for this site.

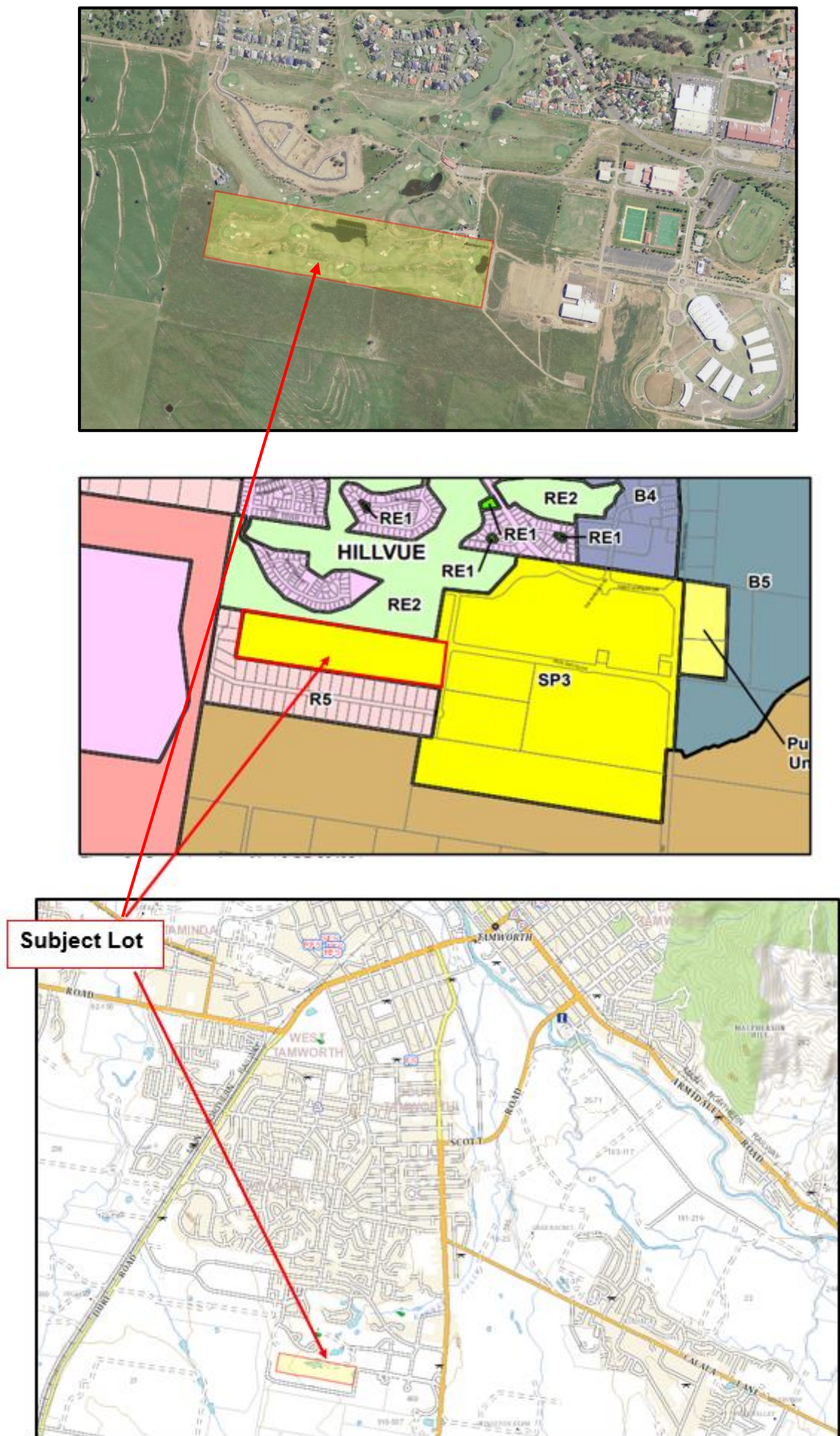


Figure 1 – Item 2 - Location and current zoning of Lot 2 DP86498, Hillvue (source: Six Maps and NSW Legislation)

### Item 3

Item 3 relates to land described as Lots 1 & 2 DP 1055796, Kennedy Street, Manilla, and is occupied by the River Gums Caravan Park and a foreshore area to the Namoi River. Lot 1 is approximately 1.58ha and Lot 2 is approximately 7261m<sup>2</sup> in area. The subject lots are currently zoned RE2 Private Recreation under TRLEP 2010. They are Crown land under the control of Tamworth Regional Council. The site is surrounded by land zoned R1 General Residential, RU4 Primary Production Small Lots and RE1 Public Recreation (Figure 2). No change is proposed to any other development standards that apply to the land.

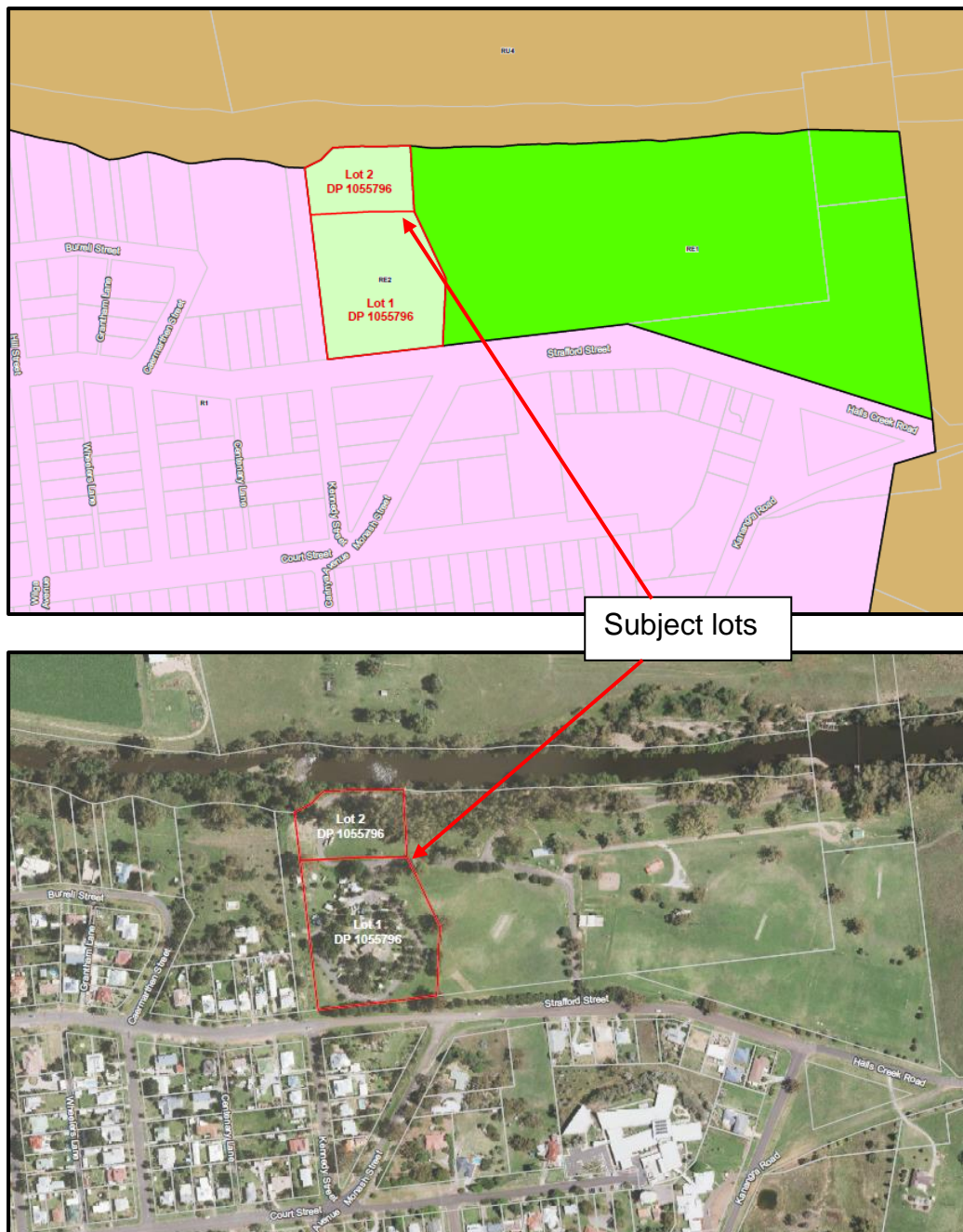


Figure 2 – Item 3 - Location and current zoning of Lots 1 & 2 DP 1055796, Manilla (source: TRC PP)

### Summary of recommendation

It is considered that the proposal has merit. It is recommended that the planning proposal proceed subject to conditions.

## PROPOSAL

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### Objectives or intended outcomes

The planning proposal has adequately outlined the objectives and intended outcomes. The overall intent of the planning proposal is to:

- amend the land use table for the RE2 Private Recreation zone to prohibit caravan parks;
- rezone Lot 2 DP 864981, Greg Norman Drive, Hillvue, from SP3 Tourist to RE2 Private Recreation; and
- rezone Lots 1 & 2 DP 1055796, Kennedy Street, Manilla, from RE2 Private Recreation to RE1 Public Recreation.

### Explanation of provisions

The planning proposal adequately outlines the proposed amendments to Tamworth Regional LEP 2010 as follows:

- amend map sheet LZN\_004C to rezone Lot 2 DP 864981 as RE2 Private Recreation; and
- amend map sheet LZN\_002B to rezone Lots 1 & 2 DP 1055796 as RE1 Public Recreation.

It is noted the planning proposal also seeks to amend the land use table for the RE2 Private Recreation zone to prohibit caravan park. The explanation of provisions should be amended prior to agency and community consultation to address this issue.

### Mapping

The planning proposal has included mapping that clearly identifies the location of the subject lots to be rezoned. Maps suitable for notification will need to be prepared as the planning proposal progresses. Maps showing the location of all RE2 zoned land across the LGA should also be included prior to consultation to help inform the community of where caravan parks are proposed to be prohibited.

## NEED FOR THE PLANNING PROPOSAL

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The planning proposal is not the result of any strategic study or specific report.

The aim of the proposal is to:

- identify that caravan parks are not considered an appropriate land use in the RE2 zone (primarily due to proximity of the RE2 Zone in the Longyard area to the regional sporting complex and AELEC);
- correct a mapping error made by Council in the preparation of Tamworth Regional LEP 2010 which zoned part of the Longyard Golf Course as SP3 Tourist; and
- rezone Crown land at Manilla on which the River Gums Caravan Park is located and the adjacent river frontage from RE2 Private Recreation to RE1 Public Recreation (which is required due to the proposed changes to prohibit caravan parks in the RE2 zone).

The proposal originated from Council's resolution on 30 October 2018 '*That the General Manager investigate and prepare a report on the process to amend the LEP to prohibit manufactured homes and caravan parks on the entire golf course*

*precinct*'. This resolution was a direct result of Council's refusal (at the same meeting) of a Development Application (DA) for a manufactured home estate (MHE) (which are permissible under the definition of 'caravan park') on part of the Longyard Golf Course (Figures 3a & b) that was zoned SP3 Tourist. The DA was refused by Council on the grounds that the use was incompatible with the entertainment and sporting precinct adjacent to the development site. Council subsequently resolved on the 13 November 2018 to prepare the current planning proposal to:

- prohibit caravan parks throughout the RE2 zone;
- rezone Lot 2 DP 864981 at the Longyard Golf Course to RE2 Private Recreation; and
- rezone the existing caravan park and adjoining land at Manilla to RE1 Public Recreation.

The proposal was originally submitted to the Department in December 2018. At that time the Department received representations on behalf of the Longyard Golf Course objecting to the proposal proceeding due to its potential impact on the pending the Land and Environment Court proceedings in relation to Council's refusal of the MHE DA. In response, Council resolved not to proceed with the proposal until after the conclusion of the associated Court proceedings.

The associated appeal was upheld by the Land and Environment Court in November 2019 with the granting of a deferred commencement consent to Development Application No. 2019-003 (manufactured homes estate comprising 99 dwellings and community facilities with clubhouse, swimming pool and bowling green).

Council notified the Department on 29 November 2019 that it now wishes to progress the planning proposal as originally submitted. It is recommended that the proposal be amended prior to agency and community consultation to address the outcome of the court case and the continuing use rights that Lot 2 DP 864981 will potentially benefits and whether any other existing caravan parks are currently located in the RE2 Private Recreation zone elsewhere in the LGA and will be affected by the proposal.



Figure 3a – Item 2 - Proposed development for the northern portion of Lot 2 DP864981, Greg Norman Drive, Hillvue (source: TRC)



Figure 3b – Item 2 - Aerial view include for reference (Source: Six Maps)

It is considered that this planning proposal is the most suitable method for amending the LEP to undertake the various amendments.

## STRATEGIC ASSESSMENT

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### State

The planning proposal does not contain any matters of state or regional significance.

### Regional / District

#### New England North West Regional Plan (NENWRP) 2036

The planning proposal is considered to be inconsistent with actions 8.1 and 20.1 of the NENWRP 2036 as follows:

- Action 8.1 specifically encourages the promotion of caravan parks and manufactured home estates (MHEs) as a means of facilitating tourism and visitor accommodation within the region however the planning proposal aims to prohibit caravan parks and MHEs in the RE2 Private Recreation zone; and
- Action 20.1 requires Council to develop local growth management strategies to respond to changing housing needs. Council does not have an approved local growth management strategy that supports the proposed amendments to the LEP.

It is considered that the above inconsistencies are of minor significance due to the large quantity of land that is available for these uses across the LGA. Land zoned RU1, RU4, RU5, SP3, R1, R2, R5, B2, B4, SP3, RE1 and RE2 currently permits caravan parks and MHEs with consent.

### Local

The Tamworth Regional Development Strategy was approved by the Department in 2008. The strategy does not deal with the issues the subject of this proposal.

### Section 9.1 Ministerial Directions

The proposal is considered to be consistent with all applicable section 9.1 Directions except in relation to the following:

#### *3.2 Caravan Parks and Manufactured Home Estates*

The proposal is inconsistent with this Direction as it will prohibit caravan parks and MHEs within the RE2 Private Recreation zone and not retain existing areas that facilitate these uses. The inconsistency with this Direction is considered to be of

minor significance as caravan parks are still permitted with consent under Tamworth Regional LEP 2010 in the RU1 Primary Production, RU4 Primary Production Small Lots, RU5 Village, SP3 Tourist, R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, B2 Local Centre, B4 Mixed Use, SP3 Tourist, and RE1 Public Recreation Zones. These zones provide a significant supply of land in a range of locations sufficient to meet any likely demand.

#### *4.4 Planning for Bushfire Protection*

The planning proposal is potentially inconsistent with this Direction as it applies to various lands across the entire LGA that may be mapped as bushfire prone land. The Direction requires Council as the planning proposal authority to consult with the Commissioner of the NSW Rural Fire Service after a Gateway Determination has been issued. Until this consultation has occurred the consistency of the proposal with the Direction remains unresolved.

#### *5.10 Implementation of Regional Plans*

The planning proposal is inconsistent with the NENWRP 2036 as discussed above. The inconsistency is considered to be of minor significance due to the large quantity of land that is available for these uses across the LGA. Land zoned RU1, RU4, RU5, SP3, R1, R2, R5, B2, B4, SP3, RE1 and RE2 currently permits caravan parks and MHEs with consent.

#### *6.2 Reserving Land for Public Purposes*

The planning proposal is inconsistent with this Direction as it will apply a RE1 Public Recreation zoning to land at Manilla without the approval of the relevant public authority and the Secretary of the Department of Planning, Industry and Environment. The inconsistency with this Direction is considered to be of minor significance:

- as the land is already in public ownership and is being used for community purposes;
- as the River Gums Caravan Park is located on Crown land that is under the control of Tamworth Regional Council, and Council as trustee/manager for the land, has agreed to the rezoning of the subject land through the submission of the planning proposal; and
- due to the small amount of land to be rezoned from RE2 Private Recreation to RE1 Public Recreation (2.6ha).

It recommended that Department of Planning, Industry and Environment (Crown Lands) be consulted to confirm their support for the amendment.

### **State environmental planning policies**

The planning proposal is considered to be consistent with all relevant SEPP's.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social/Economic**

The planning proposal is unlikely to result in any detrimental broader socio-economic impacts as caravan parks and MHEs as affordable housing options will still be permitted with consent within a wide range of zones and areas across the Tamworth LGA.

Prohibiting caravan parks and MHEs in the RE2 zone, and the rezoning of Lot 2 from SP3 Tourist to RE2 Private Recreation, may have some site specific economic impacts for landowners due to the loss of development potential. The impact is however not considered likely to be significant noting that Council has identified that

much of the RE2 zone is located in areas not suited for caravan parks and MHEs, and that the proposal will have no impact on the MHE development on Lot 2 at the Longyard that has already received approval from the Court.

### **Environmental**

It is not anticipated that the planning proposal will have any detrimental environmental impact.

### **Infrastructure**

The provision and funding of any additional State or local infrastructure is not necessary for this proposal.

### **Heritage**

No items of heritage significance have been identified as being potentially impacted by the Planning proposal.

## **CONSULTATION**

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### **Community**

The proposal is not the result of any local study or strategy and is associated with a locally contentious development application and therefore a 28-day public exhibition/community consultation period is considered appropriate. Council have indicated exhibition through Council's website and local newspapers as well as at Council offices.

This level of consultation is considered appropriate in the circumstances.

### **Agencies**

Council have not specifically identified any agencies for consultation. Consultation is recommended with the NSW Rural Fire Service and NSW Crown Lands.

## **TIME FRAME**

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The planning proposal has included a timeline that indicates completion in April 2019, assuming a Gateway determination in December 2018. Prior to exhibition, this timeline will need to be updated to more accurately reflect the Gateway determination date and subsequent process.

It is considered appropriate that a nine (9) month timeframe be given to complete the planning proposal.

## **LOCAL PLAN-MAKING AUTHORITY**

The proposal is consistent or justifiably inconsistent with the state and regional planning framework and deals primarily with matters of local significance. It is considered appropriate that Council be authorised as the local plan-making authority.

## **CONCLUSION**

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The planning proposal is supported to proceed subject to conditions. The proposal will help better clarify areas that Council believes are appropriate for caravan parks and MHEs.

## RECOMMENDATION

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

1. The planning proposal should be made available for public exhibition for a minimum of 28 days.
2. Consultation is to be undertaken with the following public authorities:
  - NSW Rural Fire Service
  - NSW Department of Planning, Industry and Environment (Crown Lands)
3. The time frame for completing the LEP is to be nine (9) months from the date of the Gateway determination.
4. Prior to public exhibition, the planning proposal is to be updated to address the following:
  - the outcome of the Land and Environment Court hearing regarding Lot 2 DP 864981 and the consequences and effect of the proposal on that land;
  - the proposal timeline is to reflect the Gateway determination date;
  - Part 2 – Explanation of provisions is to identify the proposed amendments to the RE2 Private Recreation zone land use table;
  - whether any other caravan parks are located in the RE2 zone under Tamworth Regional LEP 2010; and
  - maps showing the location of all RE2 Private Recreation zoned land across the LGA.



10/12/19

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11-12-2019

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