

Rezoning for Caravan Park Development, River Street, Palmers Island

Proposal Title : **Rezoning for Caravan Park Development, River Street, Palmers Island**

Proposal Summary : **Proposed rezoning of land from RU1 Primary Production to RU2 Rural Landscape and E3 Environmental Management to facilitate the development of a caravan park and protection of riparian land adjacent to the Clarence River.**

PP Number : **PP_2013_CLARE_007_00** Dop File No : **11/17504**

Proposal Details

Date Planning Proposal Received : **28-Nov-2013** LGA covered : **Clarence Valley**

Region : **Northern** RPA : **Clarence Valley Council**

State Electorate : **CLARENCE** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **River**

Suburb : **Palmers Island** City : **Palmers Island** Postcode : **2463**

Land Parcel : **Part Lot 27 DP 1130643 and part Lot 22 DP 1122186**

DoP Planning Officer Contact Details

Contact Name : **Denise Wright**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Jim Clark**

Contact Number : **0266416604**

Contact Email : **jim.clark@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **Mid North Coast Regional Strategy** Consistent with Strategy : **No**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	1.63	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	2	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	10
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	The Department of Planning and Infrastructure's Code of Practice in relation to communication and meetings with lobbyists has been complied with to the best of the Region's knowledge.		
Have there been meetings or communications with registered lobbyists? :	Yes		
If Yes, comment :	Northern Region has not met with any lobbyists in relation to this proposal, nor has Northern Region been advised of any meeting between other Departmental officers and lobbyists concerning this proposal.		
Supporting notes			
Internal Supporting Notes :	The proposal will result in the creation of employment opportunities in the local community. While the number of jobs has not been identified at this stage, a preliminary concept design for the proposal indicates 53 cabin sites and 100 tourist sites on the land which may support about 10-15 jobs.		
External Supporting Notes :			

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives adequately describes the intent of the planning proposal. The planning proposal seeks to amend the Clarence Valley LEP 2011 to:**

- 1. Rezone Lot 27 DP 1130643 from RU1 Primary Production to RU2 Rural landscape to facilitate the use of the land as a caravan park for temporary tourist accommodation.**
- 2. Rezone part Lot 22 DP 1122186 from RU2 Rural Landscape to E3 Environmental Management to protect and manage riparian land adjoining the Clarence River.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The proposal will amend the Clarence Valley LEP 2011 by amending the Land Zoning Map Sheet LZN_011.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

3.2 Caravan Parks and Manufactured Home Estates

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 21—Caravan Parks

SEPP No 71—Coastal Protection

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping to indicate the current and proposed zoning of the land has been provided. This is adequate for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal considers that the rezoning is a minor amendment and acknowledges that public exhibition is required but does not indicate a time period for community consultation. Council's planner suggests a 28 day period is required in this instance.

The proposal involves inconsistency with the regional planning framework and the established landuse pattern. A 28 day exhibition period is considered appropriate to allow adequate time for public examination and comment on the proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The planning proposal satisfies the adequacy criteria by:

1. Providing appropriate objectives and intended outcomes.

2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.

3. Providing an adequate justification for the proposal.

4. Outlining a proposed community consultation program.

5. Providing a suitable project time line.

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Council has not requested delegation in this instance for reasons that the proposal involves rezoning of regional significant farmland and there may be objection by Department of Primary Industries. However at this stage it is recommended that delegation be issued to Council to allow it to process the planning proposal, noting that should a formal agency objection be received, delegation no longer applies.

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Clarence Valley Local Environmental Plan (LEP) 2011 was published in December 2011. This planning proposal amends LEP 2011.

Assessment Criteria

Need for planning
proposal :

The planning proposal seeks to facilitate the relocation, re-establishment and expansion of a caravan park previously operating on land adjoining the Clarence River and the Palmers Island village.

The amendment to the Clarence Valley LEP 2011 to zone the land RU2 Rural Landscape is necessary to permit the relocation and redevelopment of a caravan park. Part of the area where the caravan park is proposed is zoned RU1, where caravan parks are a prohibited land use. The previous caravan park site was affected by river-bank erosion, and its approval lapsed in 2009,

The planning proposal involves land adjoining the Clarence River within the immediate and 100 year riverbank erosion management lines. A E3 Environmental Management Zone is proposed across all riparian areas including the land within the immediate management line to protect and manage its values.

Council advice is that the proposal will offset the anticipated loss of tourist sites, following redevelopment of tourist parks in the nearby Yamba coastal township. Additional employment opportunities will be provided and the economic benefit from tourist activities will be maintained in the region.

Palmers Island has two existing tourist parks with Clarence River frontage. These facilities provide a sought after low-cost rural experience with easy boat launching access to the Clarence River. Redevelopment of tourist parks in nearby Yamba has reduced the availability of caravan sites. The planning proposal to zone land to allow the proposed facility, has the potential to offset this loss, meet the demand for quieter rural tourist sites, and provide facilities for the expanding caravan/campervan/motorhome sector of tourism in this region.

In November 2011, the Deputy Director General determined that a similar planning proposal for this site should not proceed. The Maclean LEP 2001 applied at that time. The reasons for this decision were that the use of the land for a caravan park was considered inconsistent with State and regional planning framework particularly in regard to strategic justification, flood prone land and regionally significant farmland. Advice issued to Council with the Gateway Determination indicated that 'should Council determine that the use of the site as a caravan park is strategically justified, Council was encouraged to consider preparing another planning proposal for the site including further detailed justification in relation to the risks associated with flooding and river bank erosion'. Council subsequently met with the Department to clarify issues to be addressed to enable the planning proposal to proceed.

Council supports the current planning proposal on the basis that the matters raised in the 2011 Gateway Determination have been satisfactorily addressed or can be managed at the

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development application stage. This view is supported.

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Consistency with strategic planning framework :

parks The Mid North Coast Regional Strategy (MNCRS) applies to the land and recognises the region as an important tourist destination, the need for economic growth and the contribution of tourism to local economies.

The MNCRS requires that councils plan strategically for tourism development within an agreed local growth management strategy. Council's strategy is required to be consistent with the principles of North Coast and Northern Rivers Regional Tourism plans and to ensure a variety of tourism accommodation is provided in suitable locations.

Clarence Valley Council advises that it does not plan to prepare a strategy to identify tourist development with the view that such a strategy would be difficult given the diverse and changeable nature of tourism. Rather, council considers the proposal as being consistent with several State, regional and local strategies which seek to develop the tourism infrastructure of the area (including caravan and camping).

Council argues it is working to develop tourism in a strategic manner through the objectives of the MNCRS and these plans which are "Towards 2020: New South Wales Tourism Masterplan (2002)", "New South Wales Tourism Strategy (2008)"; "Through the looking glass: The future of domestic tourism in Australia (2008)"; the "New South Wales Tourism Strategy (2008)"; "Clarence River Way Masterplan" and advice from the Caravan and Camping Industry Association of New South Wales and Council's RV Friendly Town Scheme.

The MNCRS defines the Palmers Island village area as a 'growth centre' which recognises the potential for infill development within the existing residential zoned area subject to further investigation. The subject land adjoins, but is not within the growth centre area. Palmers Island village is not identified for further urban expansion due to constraints of flooding, riverbank erosion and regionally significant agricultural land. The proposal is for a low-key rural caravan park adjacent the village to provide short-term facilities for tourist use.

The proposal includes land identified as Regionally Significant Farmland (RSF) under the MNCRS which suggests that RSF needs to be largely protected from encroachment, fragmentation and conflicting uses. The planning proposal argues that the proposed use of the land is largely consistent with the six objectives of the Mid North Coast Farmland Mapping Project to guide development in regionally significant farmland areas. The RU2 zone will maintain the established rural use of the land for current and future agricultural uses noting that only 1.63ha will contain the caravan park. While the land is dedicated to the long term cultivation of sugar cane, it is noted that agricultural practices in the Palmers Island locality have diversified with the most recent use of part of the land for soy bean growing. Tea-tree production is proposed on land adjoining the park in the effluent disposal fields.

Advice has been sought from the Department of Primary Industries and comments have been provided confirming its view that RSF should be protected for future agricultural use. The planning proposal will be formally referred to the Department as part of the agency consultation process.

The Clarence Valley Settlement Strategy (1999) generally encourages low-key tourism in small river villages and promotes the natural attractions and values of the Clarence Valley area. The proposal promotes low-key tourism use of land adjacent the Palmers Island village and the Clarence River for recreational activities. Two other small-scale tourist parks are located on the island but not adjacent to the village.

Council has identified three State Environmental Planning Policies (SEPPs) and six S117 Directions as being relevant to the proposal.

SEPPs identified are SEPP (Rural Lands) 2008, SEPP 21 Caravan Parks and SEPP 71 Coastal Protection.

SEPP (Rural Lands). The planning proposal addresses the aims of the Policy reflecting the rural planning principles of the SEPP which requires councils to have regard for social, economic and environmental planning considerations when preparing a new LEP. It is argued that the proposal does not impact on the productivity entitlement for the current farm and cane sugar production. The proposed zoning from a rural zone to another rural zone for a low-impact rural tourist park is considered of minor significance creating potential economic benefits for the community.

SEPP 21 Caravan Parks. The planning proposal addresses the heads of consideration for Council consent required by the Policy and is considered consistent with the provisions of the SEPPs as follows:

- The site having previously operated as a caravan park, is considered suitable for this use. Only short-term tourist use of the park is proposed and although the land is flood affected, a flood assessment indicates that flood patterns are well documented to allow timely evacuation of the site. A site specific flood evacuation plan will be implemented to ensure safe evacuation of the site in the event of flood.
- It is considered a demand exists for caravan parks due to closures in the locality and the region.
- State and regional tourism strategies support the need for more low to medium cost tourist accommodation, particularly in this region.
- Adequate services will be available on site as part of the rural caravan park infrastructure with community facilities in nearby townships of Maclean and Yamba.
- The caravan park will comply with the provisions of the relevant local government regulation applying to caravan parks.

SEPP 71 Coastal Protection. The planning proposal addresses the aims of the Policy reflecting the heads of consideration for Council in the preparation of an LEP and Council in the determination of a development application on land to which the Policy applies. The proposal is considered consistent with relevant issues in that it seeks to protect and manage the natural, cultural, recreational and economic attributes of the coast by protecting sensitive riparian land of the Clarence River estuary by a E3 Environmental Management zone and maintaining public access to the river.

The following Section 117 Directions are relevant:

1.2 Rural Zones provides that a planning proposal shall not rezone land from rural to residential or tourist, or contain provisions which will increase the permissible density of land within a rural zone.

The direction provides that a draft plan may be inconsistent with this direction if the land is identified in a strategy which considers the objectives of this direction and is approved by the Director General, or the rezoning is of minor significance.

The planning proposal to rezone 1.63ha of land from RU1 to RU2 to allow the establishment of a low-key short-term accommodation caravan/tourist park is considered of minor significance.

1.5 Rural Lands provides that a planning proposal should not affect land within a rural or environmental protection zone or reduce the minimum lot size applying to land unless consistent with the Rural Planning Principles or Rural Subdivision Principles in SEPP (Rural Lands).

The direction provides that a draft plan may be inconsistent with this direction if the land is identified in a strategy which considers the objectives of this direction and is approved by the Director General, or the rezoning is of minor significance.

As noted above the planning proposal argues that the proposal does not impact on the productivity entitlement for the current farm and cane sugar production. The proposed zoning from a rural zone to another rural zone for a low-impact rural tourist park is considered of minor significance creating potential economic benefits for the community. The planning proposal to rezone 1.63ha of land from RU1 to RU2 to allow the establishment of a low-key short-term accommodation caravan/tourist park is considered of minor significance.

3.2 Caravan parks and Manufactured Home Estates provides that the relevant planning

authority, in identifying suitable zones, locations and provisions for caravan parks must retain provisions and zones for the purposes of a caravan park.

The direction provides that a draft plan may be inconsistent with this direction if the land is identified in a strategy which considers the objectives of this direction and is approved by the Director General, or the rezoning is of minor significance.

The planning proposal alters one rural zoning to another rural zone where caravan parks are permissible with development consent. The proposal is consistent.

4.1 Acid Sulfate Soils applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils (ASS) Planning Maps. The Clarence Valley LEP 2011 ASS maps apply to this land however the LEP contains Acid Sulfate Soil provisions to enable appropriate consideration of this issue at development application stage. The proposal is consistent.

4.3 Flood Prone Land is relevant as the proposal alters a provision affecting flood prone land. The Direction provides that a planning proposal may be inconsistent with this direction if a flood risk management plan has been prepared or the provisions of the planning proposal that are inconsistent are of minor significance. A flood assessment has been prepared for the proposal which models the flood liability of the site and flood emergency management procedure for the rural caravan park. The flood assessment details that the site has a low risk flood liability with between 12 and 18 hours notice of road closures allowing adequate time for relocation of park guests to flood free areas.

The flood assessment references the Clarence Valley Local Flood Plan (June 2012) prepared by the State Emergency Service (SES). The flood plan details arrangements for evacuation of caravan parks and the relocation of caravans for the current caravan parks on Palmers Island. The flood liability of these parks is the same as the subject land and the existing evacuation procedures can therefore be applied to the planning proposal site. A detailed site specific flood evacuation plan will be prepared for development application purposes when a final design of the park is completed.

The Flood Planning Maps of the Clarence Valley LEP 2011 identify the 'flood planning area' subject to LEP Clause 7.3 Flood planning which requires consideration of potential flood impacts both on and off the subject land. LEP Clause 7.4 Floodplain risk management requires the consent authority to be satisfied that proposed development for caravan parks, on land to which this clause applies will not, in flood events exceeding the flood planning level, effect the safe occupation of, and evacuation from the land.

The planning proposal provides detailed flood assessment and a site specific Flood Assessment to support the use of the land for a caravan park. The provisions of the LEP are commensurate with flood hazard and include consideration of the potential impacts both on and off the subject land.

Therefore the inconsistency with the direction is considered to be justified as being of minor significance.

5.1 Implementation of Regional Strategies applies to give legal effect to the vision, land use strategy, policies, outcomes and actions of the regional strategies. The relevant strategy for the planning proposal is the Mid North Coast Regional Strategy (MNCRS). As discussed above Council considers that the use of the site for a caravan park is strategically justified and the planning proposal and its outcomes are consistent with the objectives and actions of the MNCRS. This view is supported. The proposal involves rezoning of land to allow the re-establishment and relocation of a caravan park which previously operated on a site adjacent the Clarence River. Council has presented reasonable argument to support the proposed use of the site and the demand for and economic benefit of the tourist park in this locality. The extent of the inconsistency with the MNCRS in this instance is considered to be of minor significance.

Environmental social
economic impacts :

The proposed RU2 zoning of the land permits a development application to be lodged for the use of the site for a caravan park. Council confirms that a caravan park only for short-term tourist occupation will be permitted. The proposal also protects riparian land subject to riverbank erosion by a E3 Environmental Management zoning.

The planning proposal notes that upgrade of the intersection with the Yamba Road may be

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required and the proposal be referred to NSW Transport - Roads and Maritime Services for advice.

Although the land has been disturbed through past land use practices the planning proposal will be referred to the Yaegl Aboriginal Land Council for an opportunity to comment.

The site has been significantly altered through past use as a caravan park and for agricultural purposes. The planning proposal justifies that the land is suitable for the proposed and that a caravan in this locality meets an identified demand for low-medium cost rural caravan/tourist facilities with river access.

The planning proposal has potential positive economic benefit, providing employment opportunities in the community and additional flow-on effects in the region, as well as replacing opportunities for short-term tourist occupancy which have been removed by the closure / redevelopment of caravan parks elsewhere.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **NSW Aboriginal Land Council
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Fishing and Aquaculture
Transport for NSW - Roads and Maritime Services
State Emergency Service**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Palmers Island Planning Proposal.pdf	Proposal	Yes
Palmers Island Planning Proposal Report to Council.pdf	Proposal	No

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Palmers Island Planning Proposal Locality	Map	Yes
Maps-Aerial.pdf		
Council planning proposal covering letter.pdf	Proposal Covering Letter	Yes
Zoning Maps.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.5 Rural Lands
- 3.2 Caravan Parks and Manufactured Home Estates
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies

Additional Information : **It is recommended that:**

1. The planning proposal proceed as a 'minor' planning proposal.
2. A community consultation period of 28 days is necessary.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Aboriginal land Council
 - Office of Environment and Heritage
 - NSW Department of Environment & Heritage
 - NSW Department of Primary Industries - Agriculture
 - NSW Department of Primary Industries - Fisheries
 - Transport for NSW - Roads and Maritime Services
 - State Emergency Services

Each public authority is to be provided with a copy of the planning proposal and relevant supporting material and given at least 21 days to comment on the proposal.
4. The Director General or his delegate agree that the inconsistencies with Section 117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 4.3 Flood Prone Lands is justified as of minor significance.
5. An Authorisation to exercise delegation to make the plan be issued to the council for this planning proposal.

Supporting Reasons : **The reasons for the conditions to the Gateway Determination are as follows:**

1. The inconsistencies of the proposal with the S117 Directions are of minor significance.
2. The proposed development of the land will result in a net community benefit; and
3. Council has determined that the use of the site as a caravan park is strategically justified.

Signature:



Printed Name:

JIM CLARK

Date:

5 December 2013