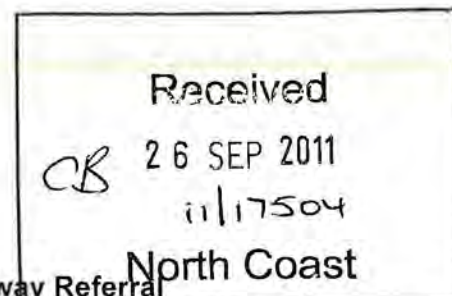




23 September 2011

Reference: 792441
Contact: Scott Lenton

Mr Steve Murray
Department of Planning and Infrastructure
Locked Bag 9022
GRAFTON NSW 2460



Dear Mr Murray

Planning Proposal, 36 River Road, Palmers Island – Gateway Referral

Council considered a report on the abovementioned Planning Proposal at its meeting on Tuesday 14 June 2011.

Council resolved,

That Council:

1. *Endorse the Planning Proposal for Lot 27 DP 1130643, River Road, Palmers Island, with an amendment that includes an environmental protection zone (or equivalent) covering the riverbank erosion immediate hazard zone as well as incorporating additional or amended information submitted by the Applicant, and*
2. *Refer it to the Department of Planning & Infrastructure seeking a 'Gateway Determination' conditional on submission of a report from a suitably qualified agricultural consultant (including consultation with the NSW Sugar Milling Cooperative Ltd c/- Harwood Sugar Mill) regarding the loss of regionally significant agricultural land and the need for buffers to agricultural land associated with the proposal, and consultation with the Office of Environment and Heritage (flooding issues), the Department of Primary Industries (loss of regionally significant agricultural land) and Yaegl Local Aboriginal Land Council (potential for Aboriginal cultural heritage value).*

In accordance with the above resolution (item 1) the planning proposal has been modified by the proponent (as attached).

It is respectfully requested that the attached planning proposal is forwarded to the Gateway for their determination and consideration of Council's resolution regarding future information needs and consultation in respect of this proposal.

Please contact me on telephone 6643 0234 to discuss the making of changes to the documentation.

Yours faithfully

Scott Lenton
Environmental Planning Coordinator

Planning Proposal

36 River Road, Palmers Island

Lot 27 DP 1130643



Amend Maclean Local Environmental
Plan 2001 – Land Zoning Map

18 August 2011

This Planning Proposal has been prepared in accordance with the NSW Department of Planning document "A Guide to Preparing Planning Proposals" on behalf of the property owner Pridel Pty Ltd.

Prepared By:

Resource Design & Management Pty Ltd

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Date: **18 August 2011**

Signature:



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Attached to this Planning Proposal are the following Annexure:

- A Rezoning Plan
- B Details of the Existing Caravan Park
- C Concept Park Design
- D Development in Rural Zones DCP – Part Q Palmers Island River Bank Controls
- E Detailed Site Investigations – Environmental & Earth Sciences
- F Onsite Effluent Disposal Report, prepared by Holmes & Holmes Pty Ltd
- G Draft Flood Evacuation Plan, prepared by Resource Design & Management

1. Introduction

This Planning Proposal is to rezone a 1.63ha part of Lot 27 DP 1130643 from zone No. 1(a) Rural (Agricultural Protection) to No. 1(t) Rural (Tourist) and 7(a) Environmental Protection (Ecological Significance) as shown illustrated in the Rezoning Plan at **Annexure A**. The rezoning is required as a result of Clause 15 of the Maclean Local Environmental Plan 2001 (MLEP) applying to almost the entire existing caravan park site. The existing caravan park (Details of the Existing Caravan Park attached at **Annexure B**) is presently located on adjoining Lot 22 in DP 1122186 and Lot 7002 in DP 94908 collectively comprising about 1ha. Almost half the existing caravan park is located within the immediate management precinct applied by Clause 15, which prescribes a no buildings requirement. The remainder of the park is located within the 100 year management precinct also applied by Clause 15.

The existing caravan park must relocate east away from the Clarence River to ensure all the tourist sites are located out of the immediate management precinct, and must plan for possible long term adverse effects affecting the 100 year management precinct component. To achieve this, the land east of the Immediate Management Line is to be rezoned from 1(a) Rural (Agricultural Protection) to 1(t) Rural (Tourist) while the land west of the Immediate Management Line is to be rezoned 7(a) Environmental Protection (Ecological Significance).

The rezoning will also allow for the upgrade of the tourist park and a new state of the art effluent disposal system. The disposal system will include providing a 2.5ha disposal field beyond the footprint proposed for rezoning so that setback buffers to the river are achieved. Such a field has not been previously provided for the park, and such use is permissible under the 1(a) zone presently applying to the land, so that rezoning of the proposed disposal area to 1(t) Rural (Tourist) is not warranted. The new disposal system will facilitate intensification of tourist use of the park to thereby offset some of the loss of tourist site capacity from elsewhere in the Lower Clarence region.

The new 7(a) Environmental Protection (Ecological Significance) Zone will promote better management of the land on the riverside of the Immediate Management Line.

The application also seeks to retain the existing dwelling entitlement (i.e. belonging to Lot 27 in DP 1130643) via the subsequent boundary adjustment application for the residue agricultural allotment.

The area to be rezoned is show illustrated in **Annexure A – Rezoning Plan**.

Once this LEP amendment has been approved & gazetted, a Development Application for the upgraded caravan park will be submitted to Council. Initial details of the upgraded park are attached at **Annexure C – Concept Park Design**.

The park has been designed in accordance with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The upgraded park will contain the following;

- 53 cabin sites,
- 92 tourist sites,
- 8 drive through sites,
- 11 Visitor parking spaces,
- Toilet blocks,
- Effluent disposal areas,
- Common area of 4200m², and
- Vegetation buffers around the site.

2. The Planning Proposal

2.1 Objectives or Intended Outcomes

The objectives of this Planning Proposal are: -

- (a) *To upgrade and adapt the Shady Nook Caravan Park as a contemporary tourist facility in a manner that will complement the existing natural and constructed features of the area and will be of benefit to the area's economy.*

Comment: The proposal involves shifting an existing facility onto adjacent land so that it is clear of the immediate management precinct identified by Clause 15 of the MLEP, and therefore clear of the natural adverse processes of the Clarence River. The locality has a long history of activity in that it contained the original site of the Palmers Island School Public School before its conversion to the Shady Nook Caravan Park. The proposal is not out of character with the land uses that have been conducted in the locality.

The relocation of the facility will include combining it with an existing dwelling and machinery shed converted for facility management purposes. The relocation of the facility will otherwise occur on vacant land at least 30m clear of other residences within Palmers Island Village. The proposal will present as a low-profile development, not dissimilar to that presently approved for the facility.

The proposal will be upgraded as a contemporary facility compliant with current provisions in the form of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The proposal offers increased capacity to offset some of the loss of tourist site capacity from elsewhere in the Lower Clarence region, and thereby protects the economic base gained from the region's tourist attractions. Furthermore, the proposal will offer increased capacity and thereby generate additional employment opportunities for the service industry.

- (b) *To provide a tourist facility where it would not result in the degradation of environmental or agricultural features of the area.*

Comment: The locality has a long history of activity in that it contained the original site of the Palmers Island Public School before its conversion to the Shady Nook Caravan Park. The proposal is not out of character with the land uses conducted in the locality.

The relocation of the facility will include combining it with an existing dwelling and machinery shed converted for facility management purposes. The relocation of the facility will otherwise occur on vacant land at least 30m clear of other residences within Palmers Island Village, and clear of existing agricultural activities. The proposal will present as a low-profile development, not dissimilar to that presently approved for the facility.

- (c) *To provide a tourist facility in a location serviced by existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.*

Comment: The proposal will be located in the historic settlement of Palmers Island Village where road services, utility infrastructure and urban facilities have been long established to cater for both residents and tourists attracted by the natural appeal of the nearby Clarence River.

Furthermore, there is capacity in the location for the proposal to include installing a new state of the art effluent disposal system including establishing 2.5ha of land for disposal of treated effluent beyond the footprint proposed for rezoning so that setback buffers to the river are achieved. Such a field has not been previously provided for the park, and such use is permissible under the 1(a) zone presently applying to the land, so that rezoning of the proposed disposal area to 1(t) Rural (Tourist) is not warranted.

(d) To provide a tourist facility that is supportive in scale of the region's prevailing tourism development,

Comment: The proposal will facilitate an increase in the caravan park's capacity from 48 sites under its present license to 145 sites. This will offset some of the loss of tourist site capacity from elsewhere in the Lower Clarence region (e.g. Blue Dolphin Tourist Park, Yamba), and thereby will protect the economic base gained from the region's tourist attractions. Furthermore, an increase in capacity will generate additional employment opportunities for the region's service industry.

(e) To protect environmentally sensitive coastal land,

Comment: The proposal includes the establishment of a 7(a) Environmental Protection (Ecological Significance) Zone over all land on the riverside of the Immediate Management Line. This will encourage appropriate future use and management of this land which is likely to be adversely affected in both the long and short term by coastal processes.

It is considered the intended outcomes of the proposal are consistent with the objectives of the 1(t) Rural (Tourist) and 7(a) Environmental Protection (Ecological Significance) Zones under the MLEP.

2.2 Explanation of the Provisions

To achieve the objective above the following amendment to the Maclean Local Environmental Plan 2001 is required.

*Amendment of the Maclean Local Environmental Plan 2001, Land Zoning Map in accordance with the proposed zoning map shown at **Annexure A**.*

2.3 The Justification

The following justification sets out the case for changing the zones on the subject site to allow for the redevelopment of the Shady Nook Caravan Park.

2.3.1 (Section A) Is the planning proposal a result of any strategic study or report

With regards to the relocation of the facility, the proposal is a response to;

- Clause 15 of the MLEP.

With regards increased capacity and improved amenity for the facility, the proposal is a response to various state government and agency, federal agency and industry strategies and reports, as listed below;

- Towards 2020: New South Wales Tourism Masterplan (2002),
- Through the Looking Glass: The future of domestic tourism in Australia (2008),
- New South Wales Tourism Strategy (2008),
- The Mid North Coast Regional Strategy (MNCRS), and
- Caravan and Camping Industry Association of NSW.

2.3.1.1 Clause 15 of the MLEP

Clause 15 of the MLEP which applies to almost the entire existing caravan park site. Clause 15 of the MLEP is reinforced specifically by Part Q of Clarence Valley Council's DCP for Development in Rural Zones, and was a consequence of the "Palmer's Island Riverbank Plan" (PIRP - Maclean Shire Council, May 1995). The *Grafton and Lower Clarence Floodplain Risk Management Plan – Volume 1 Main Report* (Bewsher Consulting Pty Ltd, June 2007, report to Clarence Valley Council, p. 33) has summarized the circumstances of Clause 15 as follows:-

- properties situated on the western side of Palmer's Island were identified as being troubled by river-bank erosion since at least the mid-1960s;
- attempts at rock protection had proved ineffective and expensive;
- the PIRP was prepared to target properties affected by an "Immediate Impact Zone";
- the affected properties, including the caravan park, were also targeted for voluntary purchase;
- **the State Government declined to fund purchase of the caravan park.**

The existing caravan park is presently located on adjoining Lot 22 in DP 1122186 and Lot 7002 in DP 94908 collectively comprising about 1ha. Almost half the existing caravan park is located within the immediate management precinct applied by Clause 15 (i.e. Precinct 1 in the DCP), which prescribes a no buildings requirement. The remainder of the park is located within the 100 year management precinct also applied by Clause 15 (i.e. Precinct 2 in the DCP).

The existing caravan park must relocate east away from the Clarence River to ensure all the tourist sites are located out of the immediate management precinct, and must plan for possible long term adverse riverbank erosion effects affecting the 100 year management precinct component. To achieve this, the land east of the park needs to be rezoned from 1(a) Rural (Agricultural Protection) to 1(t) Rural (Tourist).

The following is an assessment of the relevant controls from Part Q Palmers Island River Bank Controls of the Development in Rural Zones DCP. Part Q is attached at **Annexure D**.

***Q5.1.** Development within this Precinct 2 will be considered on the understanding that any consent granted will be subject to the provision that should the riverbank come within 18 metres of any building then the development consent will cease.*

Comment: This is understood by the applicant.

***Q5.2.** If the development consent does cease then the owner of the land will be responsible for the removal of any or all buildings from the site at the owner's expense, or where possible, to a location on the site further than 18 metres from the riverbank.*

Comment: This is understood by the applicant.

***Q5.3.** Prior to lodging an application with Council, the developer of the land must determine whether buildings are to be relocated or demolished, should the consent cease.*

Comment: Noted

***Q5.4.** Notwithstanding the above, all Class 1 residential buildings (dwelling-houses) must be relocatable and able to meet the conditions listed below. Extensions to existing dwellings may also be required to be demountable, taking into consideration the additional floor space proposed and the likely effect of the extension on the ability of the building to be relocated in case of an emergency.*

Comment: No dwelling houses are proposed as part of the caravan park. However the existing dwelling on site will be used as the managers residence for the proposed caravan park. Extensions to the existing dwelling will comply with this requirement.

The following conditions will be imposed due to the possibility of riverbank erosion adversely affecting dwellings within the next 100 years.

1. The dwelling-house will be designed and constructed so that it can be easily removed from the site by road vehicle. The plans of the building will include an adequate description of the removal process.

Comment: No dwelling houses will be proposed as part of the caravan park, however the cabins within Precinct 2 will be constructed to be easily removed from the site by road vehicle.

2. Further to subclause (1), at the time of submission of a building application, a certificate is to be provided from a practicing structural engineer as to the adequacy of this building to be easily dismantled and readily removed from the site by road vehicle.

Comment: Noted.

3. The dwelling shall be located so as to maximise as far as practicable the distance from the nearest point of the building to the riverside boundary of the site with due consideration given to subclause (a) above and to any relevant local government building regulations.

Comment: The major appeal for this site is its proximity to the Clarence River. With this in mind the design of the parks has taken both the benefit from the river and also the risk from river bank erosion into account when designing the park layout. The cabin sites are located in an area which allows easy removal as they have direct access to River Road. This is a suitable balance between safety from river bank erosion and orderly and economic development of the site.

4. Subsequent to any approval being given for a relocatable dwelling, no works shall be carried out on the property which might hinder the ready relocation of the building. Such works might include the construction of wall, fences, screens, enclosures, brick veneering, landscaping or the fixing of joints or structural members by welding or other means.

Comment: A road network is included as part of the caravan park proposal, this will ensure vehicle access to all built structures are maintained and can be removed easily. Garden beds will be proposed as part of the caravan park but these will not present any barrier to relocated built elements if required by river bank erosion.

5. A restriction as to user will be placed on the title pursuant to the provision of section 88B of the Conveyancing Act 1919, stating: The subject land and any improvements erected thereon shall not be used for the purpose of (land use) in the event that the riverbank, as defined by Maclean Shire Council from time to time, comes to within 18 metres of any building or any part thereof at any time erected on the said land.

Comment: Noted and accepted by the Applicant.

6. This development consent shall cease if at any time the riverbank, as defined by Council comes to within 18 metres of any building associated with this development. The buildings shall then be removed by the owner of the land at the owner's expense.

Comment: Noted and accepted by the Applicant.

As shown above, the proposed Caravan Park can easily comply with the Clarence Valley Council DCP Development in Rural Zones Part Q Palmers Island Riverbank Controls and the Palmers Island Riverbank Management Plan 1995.

While the Planning Proposal is seeking a rezoning to allow built works within Precinct 2 (100 Year Management Line) adequate design elements and building styles can be employed to ensure all buildings can be easily be relocated in the event of erosion threatening the park in the next 100 years.

2.3.1.2 Towards 2020: New South Wales Tourism Masterplan (2002)

This state agency Masterplan (Tourism NSW 2002) presented an immediate 3-year strategy towards a 20 year vision for tourism in NSW, and built on the framework devised by previous masterplans formulated in 1995 and 1998. The Masterplan anticipated the annual growth rates of "visitors" in NSW to outstrip those of "resident population", thereby increasing pressure on the demand for goods' services and infrastructure by non-residents at state, regional and local levels.

The Masterplan noted: -

- "visitors" were attaching increasing importance to quality destination experiences;
- the need for facilities that provide authentic and affordable products and services to generate return visits and recommendations;
- the need for increased private investment into the tourism sector to improve accommodation, attractions and tour operations.

Comment: The planning proposal allows for a tourist facility (Caravan Park) which is privately funded and will provide the quality and affordable tourist accommodation the Towards 2020 NSW Tourism Masterplan has identified is required.

2.3.1.3 Through the Looking Glass: The future of domestic tourism in Australia (2008)

This document (Tourism Research Australia 2008) was the final stage (Stage 3) of a federal agency investigation into the domestic tourism market. The key findings of Stage 1 ("*An assessment of the Australian domestic tourism market*" 2006) was that domestic tourism's share of household consumption had declined over the previous 20 years, whilst spending on outbound tourism had increased. Stage 2 ("*Changing consumer behaviour: Impact on the Australian domestic tourism market*" 2007) analysed consumer attitudes and behaviours towards domestic tourism. This final stage document investigated the current and emerging issues that would affect future domestic tourism consumption.

The issues identified by consumers included Australia's shortage of affordable accommodation to cater for domestic tourism, except at the luxury end of the rate scale. Consumers otherwise identified the accommodation that was available as "neutral and characterless".

The document forecast a national decline in domestic consumption of caravan and camping accommodation for the period 2006 to 2011 by 1.1% annually to 39 million visitor nights. However, provided affordable and suitable caravan and camping accommodation is supplied, the document anticipates a national increase in consumption for the period 2011 to 2020 by 1.5% annually to 45 million visitor nights.

Comment: The planning proposal allows for a tourist facility (Caravan Park) which will fill the void in the affordability market as outlined in this report. The park will provide affordable accommodation aimed at the domestic market, thus catering for the predicted increase in demand for this type of tourist accommodation by 2020.

2.3.1.4 New South Wales Tourism Strategy (2008)

This state agency strategy (Tourism NSW Nov. 2008) responded to the O'Neill *"Review into Tourism in New South Wales"* (May 2008), and recognized the need to update the *Towards 2020: New South Wales Tourism Masterplan* (2002).

The strategy identifies the following as additional key areas for regional tourism: -

- promotion of regional partnerships; and
- supply, by government – industry collaboration, of sufficient tour-related infrastructure and services to satisfy increased demand.

The implications of strategy are: -

- strengthened governance arrangements for domestic tourism and related industries;
- increased domestic tourism for regional NSW;
- a new focus on supply side issues including enhancements to aviation, national parks, infrastructure and education.

The strategy anticipates a growth in domestic tourism consumption for the period to 2016 by 2.2% annually.

2.3.1.5 Mid North Coast Regional Strategy (2009)

This state agency strategy (i.e. MNCRS) emphasizes *"the need to ensure that the character and appeal of coastal towns, villages and their hinterland, which are drawcards for visitors, is not lost"* (p.8) in order to protect tourism as a significant component of the regional economy. The Mid North Coast region receives about 5.4 million visitors per year who collectively spend about \$1.4 billion. The MNCRS estimates that tourism employs more than 7000 people in the region.

The existing caravan park is located within the "Coastal Area" shown on the Strategy map, so that the Sustainability Criteria provisions do not apply (as per MNCRS p.45). Regardless, the Strategy map identifies Palmers Island Village as a "Growth Area". Furthermore, the locality has long been serviced by road and utility infrastructure, except reticulated sewer.

The tourism development objectives of the MNCRS include: -

- offering a range of tourism experiences and forms of tourist accommodation in urban areas.

Comment: The proposal will facilitate an increase in the caravan park's capacity from 48 sites under its present license to 145 sites, immediately adjacent to the historic settlement of Palmers Island Village. This will offset some of the anticipated loss of tourist site capacity from elsewhere in the Lower Clarence region (e.g. Blue Dolphin Tourist Park, Yamba), and thereby will protect the economic base gained from the region's tourist attractions. Furthermore, an increase in capacity will generate additional employment opportunities for the region's service industry. Therefore, the proposal is consistent with this objective in that it will offer a form of tourist accommodation that is otherwise diminishing in the region.

- locating development away from the Pacific Highway.

Comment: The proposal will be located about 5.7km east of the Pacific Highway, approximately midway between the highway and Yamba. Therefore, the proposal is consistent with this objective in that it will be located away from the Pacific Highway.

The Environmental & Natural Resources actions of the MNCRS include: -

- Local environmental plans will protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental protection.

Comment: All Riparian land has been included in the proposed 7(a) Environmental Protection (Ecological Significance) Zone.

- Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of land with environmental and rural values.

Comment: Relevant provisions are included under the 7(a) Environmental Protection (Ecological Significance) Zone clauses of the MLEP.

- Regionally significant farmland will not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report (2008).

Comment: The recommendations in the Mid North Coast Farmland Mapping Project Final Recommendations Report, recommend lands identified a Regionally Significant Farmland not be rezoned to Urban or Rural Residential uses. The proposal is seeking to rezone the site from 1(a) Rural (Agricultural Protection) to 1(t) Rural (Tourist) and 7(a) Environmental Protection (Ecological Significance).

- Mapped farmland will be protected from the impacts of new neighbouring development through conflict risk assessment and buffers, consistent with the Mid North Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy.

Comment: Part of the recommendations made by the Clarence Valley Council will be to engage an Agricultural Consultant to ensure adequate buffers are put in place to reduce any conflict with the neighbouring properties.

2.3.1.6 Caravan and Camping Industry Association of New South Wales

The CCIA represents the NSW membership of some 560 owners and operators of tourist parks, manufactured home villages and estates, manufacturers of manufactured homes, caravans, motorhomes, retailers of manufactured homes, recreational vehicles, camping equipment and accessories, and the service industries.

The CCIA, in its media releases, has reported: -

- Coastal NSW experienced a 10% growth in caravan and camping tourism consumption during the 2008/2009 summer. It noted new campers had entered the market, and there was a corresponding increase in cabin accommodation bookings;
- The NSW Mid North Coast and NSW Northern Rivers regions are identified as being in the top three (3) Australian destinations of preference for caravan and camping holidays (i.e. 4.2 million visitor nights for the period March 2008 to March 2009 – cited from 2008 Snapshot released by Tourism Research Australia 2008);
- Holiday parks are now destinations in themselves by offering holiday activities, resort-style swimming pools, and clean and quality facilities in strategic locations; and
- Caravan and camping tourism has been the fastest-growing tourism sector in Australia, and is tipped to boost the slump in domestic tourism into the future (cited from "Through the Looking Glass: The future of domestic tourism in Australia" - Tourism Research Australia 2008).

Comment: As outlined above the Region of the Mid North Coast is an area of with high demand for affordable accommodation within the tourism market. With the caravan and camping style tourism being the fastest growing sector in Australia. The planning proposal allows for a park which can cater for this demand.

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

Yes, the neighbouring zone which the park is looking to extend into is Rural (1a) Agricultural Protection which specifically prohibits the use of that land for caravan parks. A 7(a) Environmental Protection (Ecological Significance) zone is also proposed for all the riparian areas on site and all land within the immediate management line.

2.3.3 Is there a net community benefit

The "Guide to preparing planning proposals" requires a Net Community benefit Test which is outlined in the Draft Centre's Policy – Planning for Retail & Commercial Development. From this document the relevant Evaluation Criteria Points have been extracted and responded to below each point.

- *Will the LEP be compatible with agreed State and regional strategic direction for development in the area.*

There has been a number of State, Regional and National Strategies prepared that document the need for more low to medium cost tourist accommodation, particularly within the Mid North Coast. These documents below have been referred to above in Section 2.3.1 and document the need for more quality tourism accommodation. The proposed LEP will provide the desired outcomes of these State, Regional and National Strategies and Masterplans.

- Towards 2020: New South Wales Tourism Masterplan (2002);
- Through the Looking Glass: The future of domestic tourism in Australia (2008);
- New South Wales Tourism Strategy (2008);
- the Mid North Coast Regional Strategy (MNCRS);
- Caravan and Camping Industry Association of NSW; and
- *Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?*

No.

- *Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?*

There is another caravan park to the north of the Palmers Island Township that is subject to similar constraints. That park is also undertaking a similar rezoning/Planning Proposal process to allow the continued operation of the park. No other caravan parks/landowners exist within the Palmers Island area restricting any precedent to just two land owners.

- *Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?*

No other spot rezoning of this type have occurred in this area.

- *Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?*

Yes. The upgraded and intensification of the caravan park will provide more local employment in the Tourism Industry. Also the upgrading of a caravan park strengthens the tourist industry in the North Coast.

- *Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?*

No.

- *Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is the infrastructure capacity to support future public transport?*

The main mode of transport in the Palmers Island area and greater Yamba-Maclean is the private vehicle. Resulting from this rezoning will be a caravan park which is suitable for touring vehicles and tourists. The park will include specific places for the modern caravan and associated facilities, also large touring vehicle like third wheel type motor homes. Pedestrian and bicycle links are proposed to the town and river. A ferry service may be available taking people to other towns on the Clarence River. A bus service runs along Yamba Street which provides public transport to and from the Palmers Island Area.

The intersection of Yamba Street and Yamba Road may require upgrading to service the increase in traffic to the park.

The proposed use and management of the land will enable managed access to the riverbank area for passive and active recreation.

- *Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?*

No.

- *Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?*

No.

- *Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?*

A 7(a) Environmental Protection (Ecological Significance) zone is also proposed for all the riparian areas on site and all land within the immediate management line to protect the biodiversity values.

The land is constrained by riverbank erosion and flooding impacts from the Clarence River and has been identified as Regional Significant Farmland by the Mid North Coast Farmland Mapping Project.

In response to flooding, adequate measures will be incorporated into the design of the park to mitigate flooding impacts. A Draft Flood Evacuation Plan has been prepared for the Park in conjunction with the State Emergency Service and is attached at **Annexure G**.

As part of the planning proposal, 2.8 ha of land mapped as Regionally Significant Farmland under the Mid North Coast Farmland Mapping Project will be used for a Caravan Park. Of the 2.8ha only a 1.9ha portion has been recently farmed and will change use to a caravan park under a 1(t) Rural (Tourist) Zoning. The remaining 8727m² has been used for a caravan park for a number of years.

The reality of the proposal is the loss of only 1.9ha of land that is currently being farmed. Farmland loss at this scale is of minimal significance. The land will retain its rural zone (1(t) Rural (Tourist)) allowing for farming uses to be re-employed in the future if so desired.

The location of this 1.9ha of land is also more suitable for a Caravan Park than farming uses due to its location to the Village of Palmers Island. Land use conflict between farming uses and residential living has the potential to become an issue while a caravan park use is more suitable as an adjacent land use to residential zoned land and as a buffer between farmland and residential lands, further minimising any landuse conflict.

- *Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?*

The proposal is for the relocation and upgrade to the Shady Nook Caravan Park, which was operating on-site but has recently closed. The park was established in the area and is compatible in the Palmers Island. An upgrade pedestrian access from Yamba Street along the waterfront is also being provided. A Caravan Park use is more suited next to a residential village than an agricultural use. The proposed caravan park use will provide a buffer between the agricultural uses and the Village of Palmers Island. A 7(a) Environmental Protection (Ecological Significance) zone is also proposed for all the riparian areas on site and all land within the immediate management line to protect the biodiversity values.

- *Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?*

The relocation and improvements to the park will increase choice and competition. As has been outlined in Section 2.3.1 there is a need within the Tourism industry for more quality low to medium cost tourist accommodation. This rezoning will allow the creation of a park which can provide for that demand in the Local, Regional and National Tourism market.

- *If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?*

No, the town of Palmers Island is only small with larger towns only a short 20 -30 minute drive away. The proposal is to allow for a caravan park which is highly unlikely to become a centre.

- *What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?*

As documented in Section 2.3.1 there is considerable growth in the Tourist Market (on a Local, Regional and National level) which is creating a demand for more tourist accommodation particularly quality caravan parks on the Mid North Coast. The growth in the Tourism Industry that this park will provide is in the public interest, as the park will strengthen the tourism industry and provide increased tourist revenue within the Palmers Island community.

2.3.4 (Section B) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy

2.3.4.1 Mid North Coast Regional Strategy

The primary purpose of the Strategy (i.e. MNCRS) is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the next 25 years.

This state agency strategy emphasizes "*the need to ensure that the character and appeal of coastal towns, villages and their hinterland, which are drawcards for visitors, is not lost*" (p.8) in order to protect tourism as a significant component of the regional economy. The Mid North Coast region receives about 5.4 million visitors per year who collectively spend about \$1.4 billion. The MNCRS estimates that tourism employs more than 7000 people in the region.

The existing caravan park is located within the "Coastal Area" shown on the Strategy map, so that the Sustainability Criteria provisions do not apply (as per MNCRS p.45). Regardless, the Strategy map identifies Palmers Island Village as a "Growth Area". Furthermore, the locality has long been serviced by road and utility infrastructure, except reticulated sewer.

The tourism development objectives of the MNCRS include: -

- offering a range of tourism experiences and forms of tourist accommodation in urban areas.

Comment: The proposal will facilitate an increase in the caravan park's capacity from 48 sites under its present license to 145 sites, immediately adjacent to the historic settlement of Palmers Island

Village. This will offset some of the anticipated loss of tourist site capacity from elsewhere in the Lower Clarence region (e.g. Blue Dolphin Tourist Park, Yamba), and thereby will protect the economic base gained from the region's tourist attractions. Furthermore, an increase in capacity will generate additional employment opportunities for the region's service industry. Therefore, the proposal is consistent with this objective in that it will offer a form of tourist accommodation that is otherwise diminishing in the region.

- locating development away from the Pacific Highway.

Comment: The proposal will be located about 5.7km east of the Pacific Highway, approximately midway between the highway and Yamba. Therefore, the proposal is consistent with this objective in that it will be located away from the Pacific Highway.

The Environmental & Natural Resources actions of the MNCRS include: -

- Local environmental plans will protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental protection.

Comment: All Riparian land has been included in the proposed 7(a) Environmental Protection (Ecological Significance) Zone.

- Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of land with environmental and rural values.

Comment: Relevant provisions are included under the 7(a) Environmental Protection (Ecological Significance) Zone clauses of the MLEP.

- Regionally significant farmland will not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report (2008).

Comment: The recommendations in the Mid North Coast Farmland Mapping Project Final Recommendations Report, recommend lands identified a Regionally Significant Farmland not be rezoned to Urban or Rural Residential uses. The proposal is seeking to rezone the site from 1(a) Rural (Agricultural Protection) to 1(t) Rural (Tourist) and 7(a) Environmental Protection (Ecological Significance).

- Mapped farmland will be protected from the impacts of new neighbouring development through conflict risk assessment and buffers, consistent with the Mid North Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy.

Comment: Part of the recommendations made by the Clarence Valley Council will be to engage an Agricultural Consultant to ensure adequate buffers are put in place to reduce any conflict with the neighbouring properties.

The planning proposal and its outcomes are consistent with the objectives and actions of the Mid North Coast Regional Strategy.

2.3.4.2 New South Wales Tourism Strategy 2008

This state agency strategy (Tourism NSW Nov. 2008) responded to the O'Neill "Review into Tourism in New South Wales" (May 2008), and recognized the need to update the *Towards 2020: New South Wales Tourism Masterplan* (2002).

The strategy identifies the following as additional key areas for regional tourism: -

- promotion of regional partnerships; and
- supply, by government – industry collaboration, of sufficient tour-related infrastructure and services to satisfy increased demand.

The implications of strategy are: -

- strengthened governance arrangements for domestic tourism and related industries;
- increased domestic tourism for regional NSW;

- a new focus on supply side issues including enhancements to aviation, national parks, infrastructure and education.

The strategy anticipates a growth in domestic tourism consumption for the period to 2016 by 2.2% annually.

The planning proposal and its outcomes are consistent with the objectives and actions of the New South Wales Tourism Strategy 2008.

2.3.5 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan

The Clarence Valley Council produced the Clarence Valley Settlement Strategy in March 1999, a makes references to small river villages like Palmers Island.

- Will aim to maximise access to existing community infrastructure by locating and orienting new development close to the existing village 'heart' area;

Comment The proposed Caravan Park will be adjacent to the Palmers Island Village, south of Yamba Road.

- will aim to preserve special village character or heritage significance by asking the community to identify distinctive lifestyle or landscape elements, and by encouraging compatible design in new development; and

Comment The proposal will undertake significant public consultation in both the Planning Proposal and Development Application stages giving the community ample opportunity to comment on the proposal.

- will aim to fulfil any potential for low-key tourism associated with natural, built, or cultural attributes.

Comment As outlined above the proposed caravan park is replacing an existing park and is being expanded as a result of the increased tourism of the area. The natural attributes of the site will also be protected in an Environmental Zone.

Valley Vision 2020 is the first Corporate Strategic Plan for the Clarence Valley Council. Valley Vision 2020 is to provide long-term strategic direction and integrated action for CVC. This document promotes natural attractions and values of the Clarence Valley Local Government Area.

Comment The Planning Proposal aims to facilitate 'access' to those values by providing tourist accommodation in the form of a caravan park while also maintaining and protecting the riparian areas with an Environmental Protection Zone.

2.3.6 Is the planning proposal consistent with applicable state environmental planning policies

The relevant State Environmental Planning Policies (SEPP's) are referred to below;

2.3.6.1 State Environmental Planning Policy No 21—Caravan Parks.

The aim of this Policy is to encourage:

- the orderly and economic use and development of land used or intended to be used as a caravan park catering exclusively or predominantly for short-term residents (such as tourists) or for long-term residents, or catering for both, and*
- the proper management and development of land so used, for the purpose of promoting the social and economic welfare of the community, and*
- the provision of community facilities for land so used, and*
- the protection of the environment of, and in the vicinity of, land so used.*

A Council may grant a development consent required by this Policy only after it has considered the following, a response to each principle is provided below.

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*

A caravan park has operated on this location previously. The land is suitable for use as a tourist caravan park. The risk of flooding will be mitigated by the design on the park and employment of an Evacuation Plan to ensure the safe removal of persons in the event of a flood. A Draft Flood Evacuation Plan is attached at **Annexure G**.

Permanent residences are not proposed at this park.

- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*

There is a need for more tourist caravan park in the Mid North Coast as many have been closing down in the last 5 years.

- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*

There has been a number of State, Regional and National Strategies prepared that document the need for more low to medium cost tourist accommodation, particularly within the Mid North Coast. These documents are referred to above in Section 2.3.1 and outline the need for more quality tourism accommodation.

- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*

Adequate services are proposed as part of the caravan park. Services are also provided in the nearby towns of Maclean and Yamba.

- (e) any relevant guidelines issued by the Director, and*

Not as yet.

- (f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

This Regulation has been repealed and replaced with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. The proposed caravan park has been designed to and complies with the provisions of this Local Government Regulation.

2.3.6.2 State Environmental Planning Policy (Rural Lands) 2008

The aims of this Policy are as follows:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) to implement measures designed to reduce land use conflicts,*
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*

- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.*

The Rural Planning Principles are as follows, a response to each principle is provided below.

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*

The development made allowable by this planning proposal incorporates a Tea Tree Plantations in-conjunction with the effluent disposal area. This maintains the current and potential productivity of the site. The proposed zone also allows for use of the land for agriculture in the future in the event of the discontinuation of the park.

The areas of Riparian zone onsite have been included within a 7(a) Environmental Protection (Ecological Significance) zone for ongoing management and protection.

- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*

The planning proposal recognizes the changing nature of agriculture practices in the Palmers Island area. The land currently cultivates sugar cane however the viability of this crop in today's market is less desirable, hence the owner is looking to cultivate Tea Tree, a more productive crop which is suitable to be planted within an effluent disposal field.

As part of the planning proposal, 2.8 ha of land mapped as Regionally Significant Farmland under the Mid North Coast Farmland Mapping Project will be used for a Caravan Park. Of the 2.8ha only a 1.9ha portion has been recently farmed and will change use to a caravan park under a 1(t) Rural (Tourist) Zoning. The remaining 8727m² has been used for a caravan park for a number of years.

The reality of the proposal is the loss of only 1.9ha of land that is currently being farmed. Farmland loss at this scale is of minimal significance. The land will retain its rural zone (1(t) Rural (Tourist)) allowing for farming uses to be re-employed in the future if so desired.

The location of this 1.9ha of land is also more suitable for a Caravan Park than farming uses due to its location to the Village of Palmers Island. Land use conflict between farming uses and residential living has the potential to become an issue while a caravan park use is more suitable as an adjacent land use to residential zoned land and as a buffer between farmland and residential lands, further minimising any landuse conflict. Further consultation with Local and State Government Authorities is also proposed along with assessment from an Agricultural Consultant on the loss of caneland.

- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*

A rural land use element will be retained in the proposal development, this will maintain the social and economic benefits of rural communities.

- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,*

The development that will be allowable from the LEP amendment will be a positive impact on the community. The Caravan Park will create jobs, bring tourists to the town and also maintain a cultivation component on part of the land. The areas of Riparian zone onsite have been included within a 7(a) Environmental Protection (Ecological Significance) zone for ongoing management and protection.

- (e) *the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*

The only native vegetation onsite is within the Riparian Zone adjacent to the river, these areas have been included within a 7(a) Environmental Protection (Ecological Significance) zone for ongoing management and protection.

- (f) *the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*

No permanent housing will be proposed as part of the Caravan Park. However these opportunities still remain under the proposed zoning in the future in the event of the discontinuation of the park.

- (g) *the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*

No permanent housing will be proposed as part of the Caravan Park. However these opportunities still remain under the proposed zoning in the future in the event of the discontinuation of the park.

- (h) *ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

Refer to Section 2.3.1.

2.3.6.3 State Environmental Planning Policy 71 – Coastal Policy

Aims

The aims of this Policy are as follows, as response to each aims is provided below where relevant.

- (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and

The rezoning will allow the existing natural attributes to improve and maintain the cultural, recreational and economic attributes to be retained and improved. The areas of Riparian zone onsite have been included within a 7(a) Environmental Protection (Ecological Significance) zone for ongoing management and protection.

- (b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and

The existing public access to the river will be maintained and in the future will be improved as part of the development application for the project.

- (c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and

There is an existing public access to the river adjacent the site, this will be maintained.

- (d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and

The land has been significantly altered through past practices, no Aboriginal heritage is likely to be affected as part of this Planning Proposal. Further consultation with the Yaegl Local Aboriginal Land Council is proposed prior to further public consultation.

- (e) to ensure that the visual amenity of the coast is protected, and

The visual amenity to the park will be improved as the rezoning will allow the park to be relocated away from the river.

(f) to protect and preserve beach environments and beach amenity, and

N/A

(g) to protect and preserve native coastal vegetation, and

The areas of Riparian vegetation onsite have been included within a 7(a) Environmental Protection (Ecological Significance) zone for ongoing management and protection.

(h) to protect and preserve the marine environment of New South Wales, and

N/A

(i) to protect and preserve rock platforms, and

N/A

(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and

(a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

The areas of Riparian zone onsite have been included within a 7(a) Environmental Protection (Ecological Significance) zone for ongoing management and protection. No environmental degradation will result from the rezoning. All future built works will comply with the required flooding and sea level rise controls/requirements.

(b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,

The outcomes from the planning proposal will allow for the development of a Caravan Park that will service the future generations of the area while not impacting negatively on the existing environment. The Environmental Biodiversity will be maintained with the entire Riparian zone being included within a 7(a) Environmental Protection (Ecological Significance) zone.

(c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

The Environmental Biodiversity on site will be maintained as the entire Riparian zone has been included within a 7(a) Environmental Protection (Ecological Significance) zone.

(d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:

Noted best practise techniques and environmentally responsible management techniques will be established and used in the construction and operation of the Caravan Park which will be the product of this planning proposal.

(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and

The outcome of the planning proposal will be to allow the approval, construction and operation of a caravan park. Further details will be provided at Development Assessment stage but the park will maintain the existing waterside character established at Palmers Island.

(l) to encourage a strategic approach to coastal management.

This Planning Proposal complies with the Mid North Coast Regional Strategy, which is the main strategy document guiding future development in this area. The Riverbank areas of the site will be managed under a 7(a) Environmental Protection (Ecological Significance) zone.

Matters for consideration

The matters for consideration are the following a response to each matter for consideration is provided below where relevant.

- (a) the aims of this Policy set out in clause 2,

Noted see above

- (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,

The public access to the river will be maintained and improved as part of the development of the caravan park. By including the riparian areas onsite in a 7(a) Environmental Protection (Ecological Significance) zone its management will be ensured under the zone aims and objectives.

- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,

The existing access will be maintained and improved.

- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,

The planning proposal is to rezone an adjacent portion of land to relocate an existing caravan park. The type, location and design are suitable and will maintain an existing relationship with the locale. The 7(a) Environmental Protection (Ecological Significance) zone will improve the management of the sensitive riparian area.

- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,

The planning proposal will allow the caravan park to relocate further east away from the river. The amenity will be improved with this new location along with further improved management of the riparian zone under the proposed 7(a) Environmental Protection (Ecological Significance) zone.

- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,

These qualities will be maintained.

- (g) measures to conserve animals (within the meaning of the [Threatened Species Conservation Act 1995](#)) and plants (within the meaning of that Act), and their habitats,

All sensitive flora and fauna on site is located within the riparian zone, these areas are included within the proposed 7(a) Environmental Protection (Ecological Significance) zone proposed as part of the Planning Proposal.

- (h) measures to conserve fish (within the meaning of Part 7A of the [Fisheries Management Act 1994](#)) and marine vegetation (within the meaning of that Part), and their habitats

The planning proposal or outcomes from the planning impact will have no adverse impacts on the conservation of fish or marine vegetation. The proposed 7(a) Environmental Protection (Ecological Significance) Zone over the riparian areas onsite will provide improved management being beneficial to fish, marine vegetation and habitat.

- (i) existing wildlife corridors and the impact of development on these corridors,

The riparian zone along the riverbank forms a natural wildlife corridor. The riparian zone will be included within the proposed 7(a) Environmental Protection (Ecological Significance) zone, improving the areas management for the long term.

- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,

Coastal process has created the requirement to relocate the caravan park. The park will be designed with further threat from any coastal process in mind.

- (k) measures to reduce the potential for conflict between land-based and water-based coastal activities,

No conflict will arise, access to the river will be maintained with public land adjacent the river bank.

- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

The land has been significantly altered through past practices, no Aboriginal heritage are likely to be affected as part of this Planning Proposal. Consultation with the Yaegl Aboriginal Land Council is proposed.

- (m) likely impacts of development on the water quality of coastal waterbodies,

There will be no impacts to the nearby water body, the creation of the 7(a) Environmental Protection (Ecological Significance) zone will ensure long term management of the riparian areas.

- (n) the conservation and preservation of items of heritage, archaeological or historic significance,
NA.

- (o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

The planning proposal will allow for the relocation of an existing caravan park, essentially in the same location within the Palmers Island Village.

2.3.7 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

The following are the Section 117 Ministerial Directions which apply to this Planning Proposal. A response where required is provided below each Direction or part of.

2.3.7.1 Ministerial Direction 1.2 Rural Zones

Objective

- (1) The objective of this direction is to protect the agricultural production value of rural land.

Where this direction applies

- (2a) Clause 4(a) of this direction applies to all relevant planning authorities.
- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must:
- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
 - (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

This Planning Proposal is seeking to rezone the subject land from 1(a) Rural (Agricultural Protection) to 1(t) Rural (Tourist). While the zone will remain Rural as required by this direction the intent of the zone will change from Agricultural Protection to Tourist which is not consistent with Clause 4(a). See below for further justification.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
 - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
 - (d) is of minor significance.

As outlined above the proposed rezoning is not completely consistent with Clause 4(a) of this direction, the zone will remain as Rural however the intent will change to tourist. Further justification is required with regard to Clause 5 which allows the rezoning to not strictly comply with the Direction as long as the Director General can be satisfied that the inconsistency's are justified by a strategy.

The Mid North Coast Regional Strategy (MNCRS) is the Strategy which applies to the Palmers Island area and has been prepared by the Department of Planning. Key elements in the Strategy include providing a strategic direction for Residential and Economic growth in the Region along with an understanding of the environment and natural resources within the Mid North Coast Region.

While the Strategy provides it's most direct comments on the larger centres of Port Macquarie, Coffs Harbour, Grafton and Taree, the smaller towns and villages are also considered. The Strategy outlines the use of LEP's as a facilitator to allow for growth in tourism by providing more land for tourist type developments. A result of this Planning Proposal will seek a change in the current LEP to allow for the operation and upgrade to a caravan park, thus being in accordance with the MNCRS and complying with Ministerial Direction 1.2 Rural Zones.

It may also be argued that the change of zone from a 1(a) Rural (Agricultural Protection) zone to 1(t) Rural (Tourist) zone – at this size (1.63ha) is of minor significance.

As outlined previous the planning proposal involves 2.8 ha of land mapped as Regionally Significant Farmland under the Mid North Coast Farmland Mapping Project which will be used for a Caravan Park. Of the 2.8ha only a 1.9ha portion has been recently farmed and will change use to a caravan park under a 1(t) Rural (Tourist) Zoning. The remaining 8727m² has been used for a caravan park for a number for years.

The reality of the proposal is the loss of only 1.9ha of land that is currently being farmed. Farmland loss at this scale is of minimal significance. The land will retain its rural zone (1(t) Rural (Tourist)) allowing for farming uses to be re-employed in the future if so desired.

The MNCRS recognises Regionally Significant Farmland and states that this land should not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report (2008). The recommendations in the Mid North Coast Farmland Mapping Project Final Recommendations Report, recommend lands identified a Regionally

Significant Farmland not be rezoned to Urban or Rural Residential uses. The proposal is seeking to rezone the site from 1(a) Rural (Agricultural Protection) to 1(t) Rural (Tourist) and 7(a) Environmental Protection (Ecological Significance).

The strategy also finds that farmland mapped as regionally significant should be protected from the impacts of new neighbouring developments through conflict risk assessment and buffers, consistent with the Mid North Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy. Part of the recommendations made by the Clarence Valley Council will be to engage an Agricultural Consultant to ensure adequate buffers are put in place to reduce any conflict with the neighbouring properties.

The planning proposal and its outcomes are consistent with the objectives and actions of the Mid North Coast Regional Strategy.

2.3.7.2 Ministerial Direction 1.5 Rural Lands

Objectives

- (1) The objectives of this direction are to:
 - (a) protect the agricultural production value of rural land,
 - (b) facilitate the orderly and economic development of rural lands for rural and related purposes.

Where this direction applies

- (2) (a) This direction applies to all planning proposals to which *State Environmental Planning Policy (Rural Lands) 2008* applies.

When this direction applies

- (3) This direction applies when:
 - (a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or
 - (b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.
- (5) A planning proposal to which clause 3(b) applies must be consistent with the Rural Subdivision Principles listed in *State Environmental Planning Policy (Rural Lands) 2008*.

Refer to Section 2.3.6 which covers all the relevant SEPP's.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - i. gives consideration to the objectives of this direction,
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites, and
 - iii. is approved by the Director-General of the Department of Planning and is in force, or
 - (b) is of minor significance.

The reality of the proposal is the loss of only 1.9ha of land that is currently being farmed. Farmland loss at this scale is of minimal significance. The land will retain its rural zone (1(t) Rural (Tourist)) allowing for farming uses to be re-employed in the future if so desired.

The MNCRS recognises Regionally Significant Farmland and states that this land should not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report (2008). The recommendations in the Mid North Coast Farmland Mapping Project Final Recommendations Report, recommend lands identified as Regionally Significant Farmland not be rezoned to Urban or Rural Residential uses. The proposal is seeking to rezone the site from 1(a) Rural (Agricultural Protection) to 1(t) Rural (Tourist) and 7(a) Environmental Protection (Ecological Significance).

The strategy also finds that farmland mapped as regionally significant should be protected from the impacts of new neighbouring developments through conflict risk assessment and buffers, consistent with the Mid North Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy. Part of the recommendations made by the Clarence Valley Council will be to engage an Agricultural Consultant to ensure adequate buffers are put in place to reduce any conflict with the neighbouring properties.

The proposal complies with the objectives of this direction. The proposal incorporates the continuation of an existing use while adding an innovative agricultural component. Nothing in the proposal will prevent future uses of this entire site being suitable for other rural practices.

2.3.7.3 Ministerial Direction 3.2 Caravan Parks and Manufactured Home Estates

Objectives

- (1) The objectives of this direction are:
 - (a) to provide for a variety of housing types, and
 - (b) to provide opportunities for caravan parks and manufactured home estates.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (4) 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.
- (5) 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 2 of SEPP 36 as to where MHEs should not be located,
 - (b) take into account the principles listed in clause 9 of SEPP 36 (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.

Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and

- (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
- (iii) is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) of minor significance.

This Planning Proposal is to provide further zoned land to maintain the operation of an existing caravan park. The planning proposal will allow for the rezoning of 1.63ha of land from 1(a) Rural (Agricultural Protection) zone to 1(t) Rural (Tourist) zone. The proposal complies with this ministerial direction.

2.3.7.4 Ministerial Direction 3.4 Integrating Land Use and Transport

Objective

- (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:
 - (a) improving access to housing, jobs and services by walking, cycling and public transport, and
 - (b) increasing the choice of available transport and reducing dependence on cars, and
 - (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
 - (d) supporting the efficient and viable operation of public transport services, and
 - (e) providing for the efficient movement of freight.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:
 - (a) *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001), and
 - (b) *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The Planning Proposal will allow for a local caravan park, which is a tourist operation and is therefore subject to this Ministerial Direction. The proposal is for the rezoning of a small 1.63ha portion of land which will allow for the continued operation of an existing caravan park. This site is suitable in terms of vehicle access and has a public transport link to other areas provided by a nearby bus stop (Yamba Street). This proposal is of a very minor scale, while the guidelines and policies referred to in the Ministerial Direction do apply to the site, they are written with regard to much larger land use projects which generate large numbers of traffic. This proposal is for the relocation and expansion of a local caravan park which has been operating in the area for a number of years.

The existing traffic and transport options provided are suitable to service a new development of the minor scale that this rezoning will allow. The proposal does comply with the *Improving Transport Choice – Guidelines for planning and development* and *Right Place for Business and Services – Planning Policy* documents where they are relevant to this planning proposal.

2.3.7.5 Ministerial Direction 4.1 Acid Sulfate Soils

Objective

- (1) 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.

Where this direction applies

- (2) This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils, as shown on Acid Sulfate Soils Planning Maps held by the Department of Planning.

When this direction applies

- (3) This direction 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 Planning Maps.

What a relevant planning authority must do if this direction applies

- (4) The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning 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.
- (5) 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 Director-General, or
 - (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.
- (6) 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 Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.
- (7) Where provisions referred to under paragraph (5) 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 paragraph (5).

Consistency

- (8) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (b) of minor significance.

This planning proposal is to rezoning a small portion of land within the Maclean Local Environmental Plan 2001 (MLEP 2001), which will require only an amendment to the LEP Zoning Map. The MLEP 2001 currently contains Acid Sulphate Soil provisions which will be maintained and apply to this site.

2.3.7.6 Ministerial Direction 4.3 Flood Prone Land

Objectives

- (1) The objectives of this direction are:
 - (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
 - (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Where this direction applies

- (2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).

A Draft Flood Evacuation Plan has been developed for the proposal, it must be noted that at this strategic stage of the project a detailed Flood Evacuation Plan is not possible due to the level of park design. The Draft Flood Evacuation Plan documents a broad approach to flood evacuation planning and shows that there is a considerable amount of time between the onset of a flood threat and the call for an evacuation.

The Flood Evacuation Plan highlights a numbers of Flood Height Triggers which require an action from Caravan Park Staff and Guests with regards to flood evacuation. These trigger heights are based on flood intelligence data provided by the State Emergency Service.

At a flood height of 2 metres at the Maclean Flood Gauge road access to Yamba is cut, hence the evacuation towards the Pacific Highway and further north at this flood height trigger. Inundation of the park occurs at a flood height of 2.95 metres at the Maclean Flood Gauge, by this time all persons will be evacuated from the park. If further clarification of this data is required by Council please contact Mr Michael Stubbs, the Deputy Regional Controller for the Clarence Nambucca Region. Ph 6641 6900.

Further information will be added to the Draft Flood Evacuation Plan at each stage of development process, mainly at Development Application Stage where a final park design is proposed and further details can be added, concluding with an approval for a Caravan Park with a comprehensive site specific Flood Evacuation Plan.

At the Strategic level the consent authority needs to be assured that in the event of a flood on the site there is adequate time for persons on site to evacuate well before any risk to human life. The NSW Office of Environment and Heritage will be consulted in regard to the flooding issues prior to any public consultation.

The following are the sections of the Grafton & Lower Clarence Floodplain Risk Management Plan 2007 (G&LCFRMP) (*Italics*) which relate to the subject site. Each issue is addressed below.

5.5.9 Palmers Island

The village of Palmers Island is located on the west side of Palmers Island, adjacent to the Clarence River, approximately 6km upstream of Iluka. The whole island would be inundated in a 20 year flood. It has been noted that there are 54 premises located within the village, 10 of which are considered to be flooded above flood level in the 100 year flood (Maclean Shire Council, 1999). There is also significant riverbank erosion that has threatened a number of properties, and prompted a voluntary purchase scheme to remove those properties at greatest risk (ie subject to both river bank erosion and flood risk).

Palmers Island is considered to represent a high flood risk, due to the number of buildings potentially affected by flooding and likely isolation problems if early evacuation is not achieved. Any intensification of existing development through future subdivision or rezoning should be avoided. There may still remain one or two dwellings that qualify for voluntary purchase due to the continuing bank erosion and flooding threat. Other dwellings may qualify for inclusion in the valley-wide house raising scheme.

The then Department of Infrastructure Planning and Natural resources **declined** to fund the purchase of two caravan parks which are located on Palmers Island, as a result they both need to be relocated to become viable and comply with the local planning controls. This Planning Proposal is the first step in the relocation and upgrade of the Shady Nook Caravan Park. To comply with the G&LCMRMP a Draft Flood Evacuation Plan has been prepared (**Annexure G**) for the new park to ensure safety for the visitors staying at the park and relocation of transportable recreational vehicles in the event of a flood.

5.7 CARAVAN PARKS

About 26 caravan parks are thought to be located within the Lower Clarence Valley floodplain. SES Flood Plans suggest that many of these parks occupy flood-prone locations. As well as providing tourist accommodation, the majority of these parks (notably in Grafton, South Grafton, Maclean, Palmers Island, Yamba and Iluka) provide at least some sites for long-term stays, which means that residents are permitted to live there. Council needs to pay special attention to this exposure.

Clarence Valley Council could also consider the recommendations of a recent report on management of flood-prone caravan parks in NSW (Yeo & Grech, 2005). These recommendations include:

- *A distinction should be drawn between tourist related developments (traditional caravan parks which often evolve into modern tourist complexes) and permanent housing (residential parks and manufactured home estates).*

No permanent accommodation will be proposed in the Caravan Park.

- *The flood related development controls that would normally apply to standard residential housing, should at a minimum be applied to residential parks (e.g., ground and floor level controls). (This is recognised in the proposed flood DCP). It could be argued that more stringent controls should be imposed, since residents tend to be less equipped to cope with flooding. This must be balanced against the social cost of discouraging affordable housing.*

The flood related development controls have been accounted for in the initial design of the park (Attached at Annexure B). This will be further refined and assessed as part of the Development Application process.

- *Conversely, lower standards could be applied to purely tourist related developments on the basis that the social and economic consequences of flooding would be less than those associated with permanent housing. This position recognises the economic planning imperative of locating tourist related developments in proximity to natural features such as rivers.*

The proposed park will be purely tourist related with no application for permanent residence.

- *There should be no distinction between tourist parks and residential parks when considering risk to human life. If depths and velocities are high, and if the rate of rise of floodwaters is such that people could be trapped in dangerous conditions, then development should not be permitted.*

Noted, a Draft Flood Evacuation Plan has been prepared (**Annexure G**) to ensure the protection of human life.

- *The specific structural characteristics of caravans, rigid annexes and manufactured homes need to be individually recognised within planning controls. Measures to prevent structures floating away during floods, and to minimise physical damage, need to be employed, requiring engineering solutions.*

Noted, these engineering solutions will be employed in the detailed design of the caravan park.

- *More needs to be done to require managers of all flood-prone caravan parks to advise occupants of the risk and to prepare current, site-specific, written Flood Action Plans. An approval system could provide a mechanism to implement, monitor and review awareness programs and evacuation strategies. Means of raising awareness of flood risk include constructing flood markers and displaying the Flood Action Plan in all dwellings. Among other points, plans should take into account the unique circumstances of each park: the extent and depth of the 20 year, 100 year and probable maximum floods; the number and manoeuvrability of dwellings; the number and mobility of tourists and residents; and the route, resources and time required to achieve a safe evacuation.*

These recommendations have been taken into account and a site specific Draft Flooding Evacuation Plan has been prepared for the Park (**Annexure G**). The plan will be continually refined throughout the development process. This will ensure the protection of human life.

Whether to prohibit caravan parks and manufactured home estates within floodplains is ultimately a strategic planning decision. This may not lead to the removal of existing caravan parks and manufactured home estates, but could prohibit new development in highly hazardous areas of floodplains and act as a clear statement of policy to assist in restricting the expansion of existing developments. Development Control Plans (DCPs) can provide an appropriate mechanism to impose controls on new development and the expansion of existing ones. DCPs could be extended in application to provide policies for the continuing licensing of caravan parks under the Local Government Act and Regulations, to manage flood related risks through awareness programs and the establishment of Flood Action Plans.

Given the large number of potentially flood-prone caravan parks located within the area of Clarence Valley Council, it is recommended that Council in liaison with the SES conduct an investigation of flood risk on a site-specific basis. This risk assessment should identify:

- *the location of caravan parks within the floodplain and the degree of hazard they are subject to;*
- *the warning times available to the park and the available evacuation routes;*
- *the resources required to evacuate the people and moveable property from the park; and*
- *policies for both existing parks and future parks within the floodplain.*

The risk assessment should also be mindful of the particular "elements at risk" within each park - the number of permanent residents, the number of tourists during peak season, the number of moveable vans, etc.

The Draft Flood Evacuation Plan has been developed in-conjunction with the State Emergency Service and is attached at **Annexure G**. This provides the required level of safety to ensure the protection of human life in an area subject to flood impacts. To continue the operation of a caravan park all design measures including raising the cabins, current flood and evacuation plans etc will be incorporated to maintain the level of safety required.

6.2.6 Caravan Parks

Given the large number of potentially flood-prone caravan parks located within the area of Clarence Valley Council, it is recommended that Council in liaison with the SES conduct an investigation of flood risk on a site-specific basis. This risk assessment should identify:

- the location of caravan parks within the floodplain and the degree of hazard they are subject to;
- the warning times available to the park and the available evacuation routes;
- the resources required to evacuate the people and moveable property from the park; and
- policies for both existing parks and future parks within the floodplain.

The above recommendations have been included in Draft Flood Evacuation Plan for the caravan park, attached at **Annexure G**.

- (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

The Planning Proposal is seeking to rezone land from No. 1(a) Rural (Agricultural Protection) to No. 1(t) Rural (Tourist) Zone as shown illustrated in the Rezoning Plan at **Annexure A**. Essentially the Zones of the land will remain Rural.

- (6) A planning proposal must not contain provisions that apply to the flood planning areas which:
- (a) permit development in floodway areas,

The land subject to this Planning Proposal is not in a Floodway as shown in Figure 3.3 of the G&LCFRMP.

- (b) permit development that will result in significant flood impacts to other properties,
- No significant flooding impact to other properties will result from the outcomes of this Planning Proposal.

- (c) permit a significant increase in the development of that land,
- The Planning Proposal will allow the increase in size of the existing caravan park however it is not considered significant. No permanent accommodation sites are proposed.

- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
- No increase in government spending will result from the outcomes of this Planning Proposal.

- (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

Development Consent will be required for the Local Council.

- (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).
- (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the *Guideline on Development Controls on Low Flood Risk Areas*) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

Consistency

- (9) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:
- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
 - (b) the provisions of the planning proposal that are inconsistent are of minor significance.

This Planning Proposal is consistent with Ministerial Direction 4.3 Flood Prone Land.

2.3.7.7 Ministerial Direction 5.1 Implementation of Regional Strategies

Objective

- (1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Where this direction applies

- (2) This direction applies to land to which the following regional strategies apply:
- (a) Far North Coast Regional Strategy
 - (b) Lower Hunter Regional Strategy
 - (c) Illawarra Regional Strategy
 - (d) South Coast Regional Strategy
 - (e) Sydney–Canberra Corridor Regional Strategy
 - (f) Central Coast Regional Strategy, and
 - (g) Mid North Coast Regional Strategy.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

What a relevant planning authority must do if this direction applies

- (4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.

The Mid North Coast Regional Strategy (MNCRS) is the Strategy which applies to the Palmers Island area and has been prepared by the Department of Planning. Key elements in the Strategy include providing a strategic direction for Residential and Economic growth in the Region along with an understanding of the environment and natural resources within the Mid North Coast Region.

While the Strategy provides its most direct comments on the larger centres of Port Macquarie, Coffs Harbour, Grafton and Taree, the smaller towns and villages are also considered. The Strategy outlines the use of LEP's as a facilitator to allow for growth in tourism by providing more land for tourist type developments. A result of this Planning Proposal will seek a change in the current LEP to allow for the operation and upgrade to a caravan park, thus being in accordance with the MNCRS and complying with Ministerial Direction 5.1 Implementation of Regional Strategies.

The MNCRS recognises Regionally Significant Farmland and states that this land should not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report (2008). The recommendations in the Mid North Coast Farmland Mapping Project Final Recommendations Report, recommend lands identified as Regionally Significant Farmland not be rezoned to Urban or Rural Residential uses. The proposal is seeking to rezone the site from 1(a) Rural (Agricultural Protection) to 1(t) Rural (Tourist) and 7(a) Environmental Protection (Ecological Significance).

The reality of the proposal is the loss of only 1.9ha of land that is currently being farmed. Farmland loss at this scale is of minimal significance. The land will retain its rural zone (1(t) Rural (Tourist)) allowing for farming uses to be re-employed in the future if so desired.

The strategy also finds that farmland mapped as regionally significant should be protected from the impacts of new neighbouring developments through conflict risk assessment and buffers, consistent with the Mid North Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy. Part of the recommendations made by the Clarence Valley Council will be to engage an Agricultural Consultant to ensure adequate buffers are put in place to reduce any conflict with the neighbouring properties.

The MNCRS emphasizes *"the need to ensure that the character and appeal of coastal towns, villages and their hinterland, which are drawcards for visitors, is not lost"* (p.8) in order to protect tourism as a significant component of the regional economy. The Mid North Coast region receives about 5.4 million visitors per year who collectively spend about \$1.4 billion. The MNCRS estimates that tourism employs more than 7000 people in the region.

The tourism development objectives of the MNCRS include:

- offering a range of tourism experiences and forms of tourist accommodation in urban areas.

The proposal will facilitate an increase in the caravan park's capacity from 48 sites under its present license to 145 sites, immediately adjacent to the historic settlement of Palmers Island Village. This will offset some of the anticipated loss of tourist site capacity from elsewhere in the Lower Clarence region (e.g. Blue Dolphin Tourist Park, Yamba), and thereby will protect the economic base gained from the region's tourist attractions. Furthermore, an increase in capacity will generate additional employment opportunities for the region's service industry. Therefore, the proposal is consistent with this objective in that it will offer a form of tourist accommodation that is otherwise diminishing in the region.

- locating development away from the Pacific Highway.

The proposal will be located about 5.7km east of the Pacific Highway, approximately midway between the highway and Yamba. Therefore, the proposal is consistent with this objective in that it will be located away from the Pacific Highway.

The proposal complies with the objectives of this direction. The proposal incorporates the continuation of an existing use while adding an innovative agricultural component. Nothing in the proposal will prevent future uses of this entire site being suitable for other rural practices.

The Environmental & Natural Resources actions of the MNCRS include: -

- Local environmental plans will protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental protection.

Comment: All Riparian land has been included in the proposed 7(a) Environmental Protection (Ecological Significance) Zone.

- Local environmental plans will include provisions to encourage habitat and corridor establishment in future zoning of land with environmental and rural values.

Comment: Relevant provisions are included under the 7(a) Environmental Protection (Ecological Significance) Zone clauses of the MLEP.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:

- (a) is of minor significance, and
- (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

The MNCRS recognises Regionally Significant Farmland and states that this land should not be available for future urban or rural residential rezoning other than in the limited circumstances as permitted by the Mid North Coast Farmland Mapping Project Final Recommendations Report (2008). The recommendations in the Mid North Coast Farmland Mapping Project Final Recommendations Report, recommend lands identified as Regionally Significant Farmland not be rezoned to Urban or Rural Residential uses. The proposal is seeking to rezone the

site from 1(a) Rural (Agricultural Protection) to 1(t) Rural (Tourist) and 7(a) Environmental Protection (Ecological Significance).

The reality of the proposal is the loss of only 1.9ha of land that is currently being farmed. Farmland loss at this scale is of minimal significance. The land will retain its rural zone (1(t) Rural (Tourist)) allowing for farming uses to be re-employed in the future if so desired.

The strategy also finds that farmland mapped as regionally significant should be protected from the impacts of new neighbouring developments through conflict risk assessment and buffers, consistent with the Mid North Coast Farmland Mapping Project and the Rural Lands State Environmental Planning Policy. Part of the recommendations made by the Clarence Valley Council will be to engage an Agricultural Consultant to ensure adequate buffers a put in place to reduce any conflict with the neighbouring properties.

The planning proposal and its outcomes are consistent with the objectives and actions of the Mid North Coast Regional Strategy.

2.3.8 (Section C) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal

It is highly unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of amending the LEP to allow for the relocation of the Shady Nook Caravan Park. The land on which the park is to move to is clear of any significant vegetation and has been cultivated as a cane farm since the mid 60's.

A 7(a) Environmental Protection (Ecological Significance) zone is proposed across all riparian areas on site including all the land within the immediate management line to protect the biodiversity values. This zoning will ensure the habitat and ecological communities are managed in the long term in accordance with the aims and objectives of the 7(a) Environmental Protection (Ecological Significance) zone.

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

The site had been identified by Clarence Valley Council as being affected by the Grafton and Lower Clarence River Floodplain Risk Management Plan and the Palmers Island Riverbank Management Plan 1995 (PIRMP). These plans have been addressed below.

The Grafton and Lower Clarence River Floodplain Risk Management Plan

The Grafton and Lower Clarence River floodplain risk management plan 1% Annual Exceedence Probability water level in the vicinity of the site is 2.9m AHD and the Probable Maximum Flood Level is 4.4m AHD. Any development on the site needs to be in compliance with the flood plain management controls listed in the Clarence Valley DCP for development in rural zones.

A Draft Flood Evacuation Plan has been developed for the proposal, it must be noted that at this strategic stage of the project a detailed Flood Evacuation Plan is not possible due to the level of park design. The Draft Flood Evacuation Plan documents a broad approach to flood evacuation planning and shows that there is a considerable amount of time between the onset of a flood threat and the call for an evacuation.

Further information will be added to the Draft Flood Evacuation Plan at each stage of development process, mainly at Development Application Stage where a final park design is proposed and further details can be added, concluding with an approval for a Caravan Park with a comprehensive site specific Flood Evacuation Plan.

At the Strategic level the consent authority needs to be assured that in the event of a flood on the site there is adequate time for persons on site to evacuate well before any risk to human life. The NSW Office of Environment and Heritage will be consulted in regard to the flooding issues prior to any public consultation.

The following is an assessment from Part T Floodplain Management Controls of the Development in Rural Zones DCP. This application is for rezoning of the land, which will allow for the DA for a Caravan Park. Further assessment of the proposed Caravan Park will be undertaken in the subsequent DA.

T3.1 Performance Criteria All development requiring Council consent must comply with the following performance criteria:

(a) The proposed development should not result in any increased risk to human life.

The rezoning will not allow a development that will increase any risk to human life. As the caravan park will be a commercial operation all safety regulations will need to be imposed to operate the park. This will ensure the safe operation of the caravan park. A Draft Flood Evacuation Plan is attached at **Annexure G**.

(b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.

The rezoning is to allow for the relocation and improvements to a once existing caravan park. The possible impacts from flooding have been taken into consideration and can be reasonably managed by the owner.

(c) The proposal should only be permitted where effective warning time and reliable access is available for evacuation from an area potentially affected by floods to an area free of risk from flooding. Evacuation should be consistent with any relevant flood evacuation strategy.

The State Emergency Service monitor rainfall events and creek levels in the upper catchment and provide details to the community on the possible threat of incoming flood events. A Draft Flood Evacuation Plan is attached at **Annexure G**.

(d) Development should not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.

The rezoning is to allow for the relocation and improvements to a once existing caravan park. The possible impacts from flooding will not increase the potential for flooding on other developments.

(e) Motor vehicles are able to be relocated, undamaged, to an area with substantially less risk from flooding, within effective warning time.

The existing road network provides adequate vehicle distribution to relocate vehicles in the event of flooding. A Draft Flood Evacuation Plan is attached at **Annexure G** which identifies vehicle routes and destinations and times to evacuate.

(f) Procedures would be in place, if necessary, (such as warning systems, signage or evacuation drills) so that people are aware of the need to evacuate and relocate motor vehicles during a flood and are capable of identifying an appropriate evacuation route.

These will be incorporated as part of the caravan park evacuation procedures.

(g) Development should not result in significant impacts upon the amenity of an area by way of unacceptable overshadowing of adjoining properties, privacy impacts (eg. By unsympathetic house-raising) or by being incompatible with the streetscape or character of the locality.

The rezoning is to allow for the relocation and improvements to a once existing caravan park. The amenity of the area will not be changed or altered from what was existing. Further details of the park will be included in the subsequent DA.

(h) Proposed development must be consistent with Ecological Sustainable Development (ESD) principles.

The DA for the caravan park will be in accordance with ESD principles.

(i) Development should not prejudice the economic viability of any Voluntary Acquisition Scheme.

No Voluntary Acquisition Scheme applies to this site.

T5.1 Performance Criteria Development involving filling of flood liable land must comply with the following criteria:

(a) The filling of flood liable land must not increase the flood risk on other land within the floodplain.

Noted, only minimal filling will be proposed if required. Further investigations into any fill will be undertaken at DA stage.

(b) Filling and associated works must not have any unacceptable associated environmental impacts such as detrimental effects on the ecology of riparian corridors.

Noted, only minimal filling will be proposed if required. The proposal is not within the vicinity of any significant environmental features.

When assessing proposals for development or other activity within the floodplain, Council will take into consideration the following specific matters.

(a) Measures employed to mitigate the potential impact of flooding (eg. house raising) must be undertaken in a manner which minimises the impact upon the amenity and character of the locality.

Any measures taken to mitigate the potential impacts of flooding must be suitable for a caravan park taking advantage of its location next to the Clarence River, thus they will also be character with the locality of Palmers Island

(b) The design of car parking (enclosed or uncovered) and associated driveways should not result in unacceptable environmental or amenity impacts. Unacceptable impacts may include visual intrusion from elevated driveways and parking structures and overshadowing of adjoining residential properties in excess of Council's relevant standards.

Noted, further details will be provided in the subsequent DA.

(c) The proposal must not constrain the orderly and efficient utilisation of the waterways for multiple purposes.

Noted, the caravan park proposal will only improve the utilisation of the waterway.

(d) The proposal must not adversely impact upon the recreational, ecological, aesthetic or utilitarian use of the waterway corridors, and where possible, should provide for their enhancement.

Noted, the caravan park proposal will only improve the utilisation of the waterway.

(e) Proposals for house raising must provide appropriate documentation including:

i) a report from a suitably qualified engineer to demonstrate that the raised structure will not be at risk of failure from the forces of floodwaters in a 100 year flood; and

Noted, if proposed the information will be included in the DA for the Caravan Park.

- ii) the provision of details such as landscaping and architectural enhancements which ensure that the resultant structure will not result in significant adverse impacts upon the amenity and character of an area.

Noted, if proposed the information will be included in the DA for the Caravan Park.

T7.1 Applications must include information that addresses all relevant controls listed above, and the following matters as applicable.

T7.3 Development applications affected by this plan shall be accompanied by a survey plan showing:-

- (a) The position of the existing building/s or proposed building/s;
- (b) The existing ground levels to Australian Height Datum around the perimeter of the building and contours of the site; and
- (c) The existing or proposed floor levels to Australian Height Datum.

Noted, the required information will be provided in the subsequent DA.

T7.4 Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.5m) showing relative levels to Australian Height Datum.

Noted, the required information will be provided in the subsequent DA.

T7.5 For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required. For smaller developments the existing flood study may be used if available and suitable (eg it contains sufficient local detail), or otherwise a flood study prepared in a manner consistent with the "Australian Rainfall and Runoff" publication, any relevant Council Drainage Design Code and the Floodplain Development Manual, will be required. From this study, the following information shall be submitted in plan form:

- (a) water surface contours (including the 100 year flood and PMF extents)
- (b) velocity vectors;
- (c) velocity and depth produce contours;
- (d) delineation of Flood Management Areas relevant to individual floodplains; and
- (e) show both existing and proposed flood profiles for the full range of events for total development including all structures and works (such as revegetation /enhancements).

This information is required for the predeveloped and post-developed scenarios.

The Planning Proposal has taken into account the Grafton & Lower Clarence Floodplain Risk Management Plan 2007 (G&LCFRMP) which includes specific requirements for the Palmers Island Area and Caravan Parks. The G&LCFRMP was developed by Bewsher Consulting Pty Ltd and is consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*. Refer to Ministerial Direction 4.3 Flood Prone Land.

T7.6 Where the controls for a particular development proposal require an assessment of structural soundness during potential floods, the following impacts must be addressed:

- (a) hydrostatic pressure;
- (b) hydrodynamic pressure;
- (c) impact of debris; and
- (d) buoyancy forces. Foundations need to be included in the structural analysis.

Noted, the required information will be provided in the subsequent DA.

Palmers Island Riverbank Management Plan

The Planning Proposal involves land within the 100 year impact line under the Palmers Island Riverbank Management Plan 1995 (PIRMP). The PIRMP has since been incorporated into the Clarence Valley Council DCP Development in Rural Zones Part Q Palmers Island Riverbank Controls. The land within the 100 year impacts line is known as Precinct 2 in the DCP.

A 7(a) Environmental Protection (Ecological Significance) zone is proposed across all riparian areas on site including all the land within the immediate management line to protect the biodiversity values. This zoning will ensure the habitat and ecological communities are managed in the long term in accordance with the aims and objectives of the 7(a) Environmental Protection (Ecological Significance) zone.

The following is an assessment of the relevant controls from Part Q Palmers Island River Bank Controls of the Development in Rural Zones DCP.

Q5.1. Development within this Precinct 2 will be considered on the understanding that any consent granted will be subject to the provision that should the riverbank come within 18 metres of any building then the development consent will cease.

This is understood by the applicant.

Q5.2. If the development consent does cease then the owner of the land will be responsible for the removal of any or all buildings from the site at the owner's expense, or where possible, to a location on the site further than 18 metres from the riverbank.

This is understood by the applicant.

Q5.3. Prior to lodging an application with Council, the developer of the land must determine whether buildings are to be relocated or demolished, should the consent cease.

Noted, all new structures proposed onsite will be design so they can be relocated.

Q5.4. Notwithstanding the above, all Class 1 residential buildings (dwelling-houses) must be relocatable and able to meet the conditions listed below. Extensions to existing dwellings may also be required to be demountable, taking into consideration the additional floor space proposed and the likely effect of the extension on the ability of the building to be relocated in case of an emergency.

No dwelling houses will be proposed as part of the caravan park. However the existing dwelling on site will be used as the managers residence for the proposed caravan park. The required modification will be incorporated into this dwelling to ensure it complies with the flooding requirements.

The following conditions will be imposed due to the possibility of riverbank erosion adversely affecting dwellings within the next 100 years.

1. ***The dwelling-house will be designed and constructed so that it can be easily removed from the site by road vehicle. The plans of the building will include an adequate description of the removal process.***

No dwelling houses will be proposed as part of the caravan park, however the cabins within Precinct 2 will be constructed to be easily removed from the site by road vehicle.

2. ***Further to subclause (1), at the time of submission of a building application, a certificate is to be provided from a practicing structural engineer as to the adequacy of this building to be easily dismantled and readily removed from the site by road vehicle.***

Noted, an engineering certificate will be provided as part of the building application for the Caravan Park once the rezoning has been achieved.

3. *The dwelling shall be located so as to maximise as far as practicable the distance from the nearest point of the building to the riverside boundary of the site with due consideration given to subclause (a) above and to any relevant local government building regulations.*

The major appeal for this site is its proximity to the Clarence River. With this in mind the design of the parks has taken both the benefit from the river and also the risk from river bank erosion into account when designing the park layout. The cabin sites are located in an area which allows easy removal as they have direct access to River Road. This is a suitable balance between safety from river bank erosion and orderly and economic development of the site.

4. *Subsequent to any approval being given for a relocatable dwelling, no works shall be carried out on the property which might hinder the ready relocation of the building. Such works might include the construction of wall, fences, screens, enclosures, brick veneering, landscaping or the fixing of joints or structural members by welding or other means.*

A road network is included as part of the caravan park proposal, this will ensure vehicle access to all built structures are maintained and can be removed easily. Garden beds will be proposed as part of the caravan park but these will not present any barrier to relocated built elements if required by river bank erosion.

5. *A restriction as to user will be placed on the title pursuant to the provision of section 88B of the Conveyancing Act 1919, stating: The subject land and any improvements erected thereon shall not be used for the purpose of (land use) in the event that the riverbank, as defined by Maclean Shire Council from time to time, comes to within 18 metres of any building or any part thereof at any time erected on the said land.*

Noted and accepted by the Applicant.

6. *This development consent shall cease if at any time the riverbank, as defined by Council comes to within 18 metres of any building associated with this development. The buildings shall then be removed by the owner of the land at the owner's expense.*

Noted and accepted by the Applicant.

As shown above, the proposed Caravan Park can easily comply with the Clarence Valley Council DCP Development in Rural Zones Part Q Palmers Island Riverbank Controls and the Palmers Island Riverbank Management Plan 1995.

While the Planning Proposal is seeking a rezoning to allow built works within Precinct 2 (100 Year Management Line) adequate design elements and building styles can be employed to ensure all buildings can be easily be relocated in the event of erosion threatening the park in the next 100 years.

2.3.10 How has the planning proposal adequately addressed any social and economic effects

As outlined in Section 2.3.1 there is considerable demand for affordable tourist accommodation within the Mid North Coast. If affordable and suitable caravan and camping accommodation is supplied, it is anticipated a national increase in consumption for the period 2011 to 2020 to increase by 1.5% annually to 45 million visitor nights.

The planning proposal allows for a tourist facility (Caravan Park) which is privately funded and will provide the quality and affordable tourist accommodation the Towards 2020 NSW Tourism Masterplan has identified is in high demand from the domestic tourist market.

The planning proposal allows for a tourist facility (Caravan Park) which will fill the void in the affordability market as outlined above. The park will provide affordable accommodation aimed at the domestic market, thus catering for the predicted increase in demand for this type of tourist accommodation by 2020.

The Region of the Mid North Coast is an area of with high demand for affordable tourist accommodation. With the caravan and camping style tourism being the fastest growing sector in Australia. This is further magnified by the imminent closure of large caravan park in the area (Blue Dolphin, Yamba). The extra demand created by the closure of the Blue Dolphin Caravan Park and other parks in recent years creates a local opportunity to capture the domestic traveller looking for this type of tourist accommodation. A significant economic benefit will be created with the employment opportunities created during construction and on-going operation of a caravan park.

The land has been significantly altered through past practices, no Aboriginal heritage is likely to be affected as part of this Planning Proposal. Further consultation with the Yaegl Local Aboriginal Land Council is proposed prior to further public consultation.

2.3.11 (Section D) Is there adequate public infrastructure for the planning proposal

The Region is provided with good quality public infrastructure within the towns of Palmers Island, MacLean, Yamba all having good quality road networks, sewer, water, telephone and electricity. The site will only require connections to town water and electricity, and telephone which are all currently available to the site. The existing road network within the Region is of a high standard which will adequately cater for tourist entering and moving about the Region.

2.3.12 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination

This Section of the Planning Proposal is completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination. Following the Gateway Determination it is anticipated/planned to consult with the NSW Office of Environment and Heritage on the flooding issues and the NSW Department of Primary Industries on Regionally Significant Farmland issues.

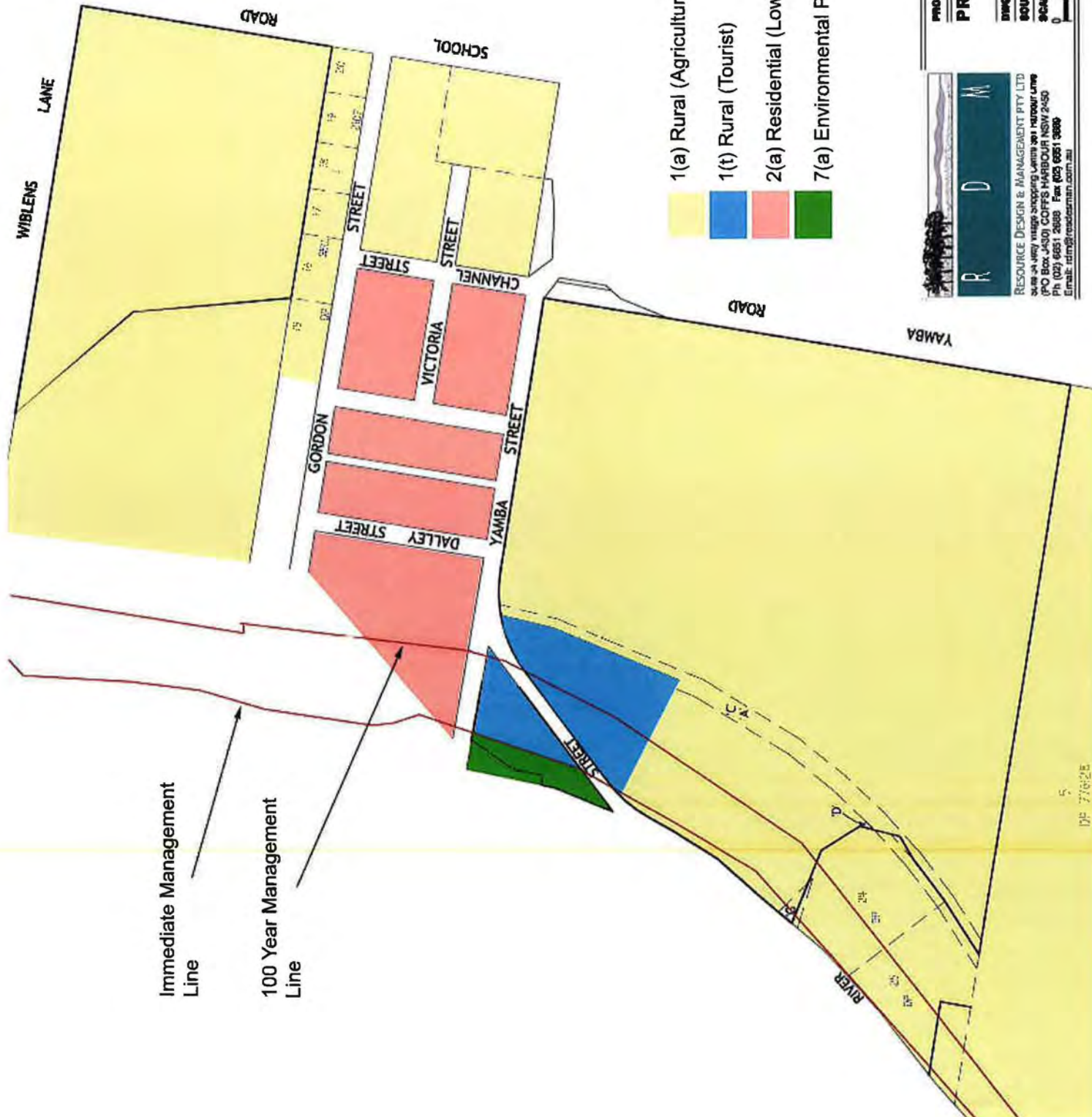
2.4 Community Consultation

This Planning Proposal has outlined the proposed amendment to the Maclean Local Environmental Plan 2001 Zoning Plan to allow for the relocation of the Shady Nook Caravan Park away from the bank of the Clarence River and out of the Immediate Management Line.

This proposal is considered a minor amendment and is generally in accordance with the Mid North Coast Regional Strategy. Very little impacts are foreseen as a result of this amendment, however it is anticipated that this Planning Proposal will require public exhibition.

Prior to the Community Consultation both the local canegrowers (over the loss of cane land and Regionally Significant Farmland) and Yaegl Local Aboriginal Land Council will be consulted on the Planning Proposal.

Annexure A Re-zoning Plan





PROJECT: Planning Proposal
CLIENT: Pridel Pty Ltd
DATE: 18 August 2011
SCALE: Approx. 1:4000 at A3
0 50 100 150 200m

PROPOSED ZONING
DATE: 18 August 2011
SOURCE: R.D.M.
SCALE: Approx. 1:4000 at A3
0 50 100 150 200m

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