

Tweed LEP 2014 - Schedule 1 Amendment for River Retreat Caravan Park, Tweed Heads South

Proposal Title : **Tweed LEP 2014 - Schedule 1 Amendment for River Retreat Caravan Park, Tweed Heads South**

Proposal Summary : **The proposal seeks to amend the Tweed LEP 2014 to allow 'camping ground' as an additional permitted use, with development consent, on the subject site, being part of Lot 1 DP100121**

PP Number : **PP_2015_TWEED_007_00** Dop File No : **15/16468**

Proposal Details

Date Planning Proposal Received : **11-Nov-2015** LGA covered : **Tweed**

Region : **Northern** RPA : **Tweed Shire Council**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **12 Philp Parade**

Suburb : **Tweed Heads South** City : Postcode : **2486**

Land Parcel : **Lot 1 DP100121**

DoP Planning Officer Contact Details

Contact Name : **Daniel Summerhayes**

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RPA Contact Details

Contact Name : **Matthew Zenkteler**

Contact Number : **0266702585**

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DoP Project Manager Contact Details

Contact Name : **Paul Garnett**

Contact Number : **0266416607**

Contact Email : **Paul.Garnett@planning.nsw.gov.au**

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Far North Coast Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes	
If No, comment :	The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.
Have there been meetings or communications with registered lobbyists? :	No
If Yes, comment :	The Northern Region office has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.

Supporting notes

Internal Supporting Notes :

External Supporting Notes : The subject land is currently used for tents and caravans in holiday periods in association with the River Retreat Caravan Park. It is leased by the River Retreat Caravan Park. The proposal will formalise the current land use on the site.

Adequacy Assessment

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

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

Comment : The statement of objectives adequately describes the intention of the proposal. The proposal seeks to allow 'camping ground' as an additional permitted land use, with development consent, for the site under Schedule 1 of the Tweed LEP. The subject site is utilised as an area of overflow for campervans and tents during peak holiday season.

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

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

Comment : The explanation of provisions provided by Council details how the objectives of the proposal will be achieved. The objectives of the proposal will be achieved by:

- Amendment to the map pursuant to Clause 2.5 (Additional Permitted Land Uses Map) to identify land subject to this Planning Proposal as item number 13; and
- Inclusion of an additional item in Schedule 1, permitting 'camping ground' on Lot 1 DP 100121 with development consent.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.2 Coastal Protection

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **N/A**

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

d) Which SEPPs have the RPA identified?

SEPP No 21—Caravan Parks

SEPP No 71—Coastal Protection

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The Planning Proposal does include a map which adequately defines the site that is subject to the proposal. An Additional Permitted Use Map is yet to be finalised. This map will be finalised prior to public exhibition of the proposal. A condition requiring Council to finalise appropriate mapping will be included in the Gateway Determination.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The RPA considers the proposal to be a low impact proposal, as such, a 14 day public exhibition period has been requested.

Proposed notification of the exhibition includes:

- Notification in the Tweed Council's registered newspaper Tweed Link;**
- Notification on the council website;**
- Individual letters to adjoining property owners.**

As required by 'A guide to preparing local environmental plans', a 14 day exhibition period is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

The Planning Proposal generally satisfies the adequacy criteria by:

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1. Providing appropriate objectives and intended outcomes;
2. Providing a suitable explanation of the provisions proposed by the Planning Proposal to achieve the outcomes;
3. Providing an adequate justification for the proposal;
4. Outlining a proposed community consultation program including a 14 day public exhibition period; and
5. Providing a project timeframe which suggests completion within 8 months.
6. Outlining that council is not requesting delegation in this instance.

Timeline

- The Planning Proposal includes a project timeline which estimates completion by May/June 2016 (8 months). Due to the pending Christmas Period (i.e. potential drafting delays) and to fit the 3 monthly thresholds for completion of proposals, it is considered that a 9 month time frame would be appropriate. This does not restrict Council from finalising the LEP amendment sooner.

Delegation.

- Council has not accepted plan making functions nor has it requested delegation to finalise the proposal. It is recommended that an Authorisation for the execution of delegation not be issued to Council in this instance.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Tweed Local Environment Plan 2014 is in force. This planning proposal seeks an amendment to the Tweed LEP 2014.

Assessment Criteria

Need for planning proposal :

The proposal is not a result of a strategic study or report. The proposal seeks to allow 'camping ground' as an additional permitted use, with development consent, for the subject land, comprising approximately 1500sqm. The subject land is surrounded on 3 sides by the River Retreat Caravan Park and is currently leased by the park. The land is not developed and is used to accommodate overflows of caravans and tents during peak holiday seasons. It is considered that the amendment has no potential to generate land use conflicts with the surrounding properties.

The subject land is well suited to include 'camping grounds' as an additional permitted use as it is immediately adjacent to the caravan park.

The land is has been mapped as flood prone though the amendment will only result in additional temporary structures to be permitted. Site controls relating to flooding, flood warning and flood management plans, already exist and the potential risks from flooding impacts are considered to be minor.

The proposal to list 'camping grounds' as an additional permitted use on the land is the most appropriate means of achieving the intent of the planning proposal.

Consistency with strategic planning framework :

Far North Coast Regional Strategy (FNCRS)

The proposal is considered to be generally consistent with the actions and outcomes outlined in the FNCRS. However, there remains one aspect of the proposal which requires further consideration with the FNCRS.

The FNCRS provides that local environmental plans will zone areas subject to high hazard to reflect the capabilities of the land. The subject site is mapped as flood prone land. Whilst the proposal seeks to allow use of the land for 'camping ground' land uses, the development will not result in any permanent accommodation or structures on the site. This land use is considered appropriate given the capabilities and existing use of the site, and therefore is considered not to be inconsistent with the FNCRS.

Local Council's Strategies

Tweed Community Strategic Plan 2011/2021 is the current Council strategy for long term planning for the Tweed area.

Whilst this planning proposal does not directly respond to any key action defined within the plan, it is consistent with the overarching objectives of the plan in strengthening the community.

SEPPs

The proposal is consistent with the provisions of all applicable SEPPs relevant to the site. Consideration of SEPP's of most relevance to the site are detailed below:

SEPP71 Coastal Protection – consistency with this SEPP is supported as:

- the planning proposal will not affect public access to the Terranora Creek foreshore or result in the need for a new access;
- the land use is suited to its locality and will not affect the scenic amenity of the creek's foreshore or cause overshadowing;
- the proposal does not affect threatened species or wildlife corridors;
- the land use will not be affected by coastal processes;
- the proposal will not result in conflict with land and water based activities and is compatible with the surrounding caravan park land use;
- the proposal will not impact on waterbodies; and
- no earthworks or development of permanent structures that may affect cultural heritage will result from the proposal.

SEPP21 Caravan Parks – this proposal is considered to be consistent with the objectives and aims of this SEPP as it encourages orderly and economic use of the site by formally permitting the current use of the site for camping ground purposes.

S117 Directions

A number of 117 Directions are applicable to the planning proposal. Directions requiring further consideration are detailed below.

Direction 4.3 Flood Prone Land

This direction aims to ensure that provisions of an LEP regarding flood prone land are commensurate with flood hazards and potential impacts on or resultant from flooding of the land and requires provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

The site is located within the identified Flood Planning area. Provisions of the Floodplain Development Manual 2005 are implemented through the Tweed Development Control Plan 2008.

The proposal does not aim to permit any additional development as the amendment would permit development of a small area of 8-10 camping sites that is already used as a camping ground and involves no permanent structures.
It is considered that the inconsistency of the planning proposal with Direction 4.3 is justified as the inconsistency is of minor significance.

Direction 3.5 Development Near Licensed Aerodromes

This direction applies when a planning proposal creates, removes or alters a zone or a provision relating to land in the vicinity of a licensed aerodrome.

The subject site is within the vicinity of the Gold Coast Airport and is located within the 25-30 Australian Noise Exposure Forecast contour and Obstacle Limitation Surface (OLS). The proposal will not rezone the land nor permit the erection of structures above the OLS. The proposal will formalise the use of the land for a camping ground associated with an existing caravan park, with no permanent structures, the proposal is not considered to be inconsistent with the direction.

The proposal is considered to be consistent with the remaining S117 directions.

Environmental social
economic impacts :

No adverse environmental impacts are expected to result from the planning proposal. The proposal to list 'camping grounds' as an additional permitted land use for the land will formalise the use of the land for camping purposes associated with the adjoining caravan park development.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

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

Public Authority Consultation - 56(2)(d) : **Other**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

- 2.2 Coastal Protection
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : It is recommended that the General Manager, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that the proposal to allow 'camping ground' as an additional permitted use with development consent for part of Lot 1 DP100121 under the Tweed Local Environmental Plan 2014 should proceed as a minor planning proposal subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the Planning Proposal must be made publicly available for 14 days;
- (b) A3 maps of each of the proposed LEP Map Amendments should be produced and made publicly available with the Planning Proposal during exhibition; and
- (c) the relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.

2. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission).

3. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

4. Section 117 Directions - It is recommended that:

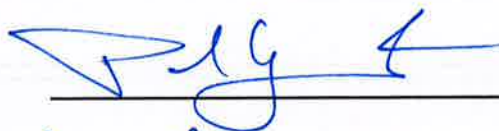
- (a) The Secretary's delegate can agree that the Planning Proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance and is therefore justified in accordance with the terms of the direction.

Supporting Reasons : The reasons for the above recommendations for the Planning Proposal are as follows:

- 1. Allowing for 'camping ground' as an additional permitted use with development consent is a logical amendment to the Tweed LEP that reflects the current use of the site and is compatible with the adjoining caravan park area.
- 2. The proposal is consistent with the strategic planning framework.

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Signature:



Printed Name:

PAUL CARVETT

Date:

17/4/15

Acting Team leader, Local Planning