

Coffs Harbour LEP 2013 - Additional Permitted Uses - Caravan Park at Bonville - Lot 1, DP 1208609.

Proposal Title : **Coffs Harbour LEP 2013 - Additional Permitted Uses - Caravan Park at Bonville - Lot 1, DP 1208609.**

Proposal Summary : **This Planning Proposal seeks to amend the Coffs Harbour LEP 2013 by including Lot 1, DP 1208609, 369 Pine Creek Way, Bonville in Schedule 1 Additional Permitted Uses for the purpose of a caravan park and including a 5 year timeframe for granting consent.**

PP Number : **PP_2016_COFFS_001_00** Dop File No : **16/09189**

Proposal Details

Date Planning Proposal Received : **04-Jul-2016** LGA covered : **Coffs Harbour**

Region : **Northern** RPA : **Coffs Harbour City Council**

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

LEP Type : **Precinct**

Location Details

Street : **369 Pine Creek Way**

Suburb : City : **Bonville** Postcode :

Land Parcel : **Lot 1, DP 1208609**

Street : **369 Pine Creek Way**

Suburb : City : **Bonville** Postcode :

Land Parcel : **Lot 1, DP 1208609**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Marten Bouma**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :	5.20	Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	91
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 has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.		

Supporting notes

Internal Supporting Notes : The subject land is located approximately 13km south west of Coffs Harbour with access to both Pine Creek Way and Bonville Station Road. The site currently accommodates an approved caravan park. The land is zoned RU2 Rural Landscape and is approximately 5.2ha in area. Caravan Parks are a prohibited land use in the RU2 zone of the Coffs Harbour LEP 2013 and the business relies on 'existing use rights'.

The site has recently been consolidated from two previous lots that had development consents for the use of the land as a caravan park. A development consent on one of the former lots has been commenced but not completed. This Planning Proposal is required to help facilitate future options for the potential redevelopment of the caravan park.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives adequately describes the intention of the Planning Proposal. The proposal seeks to amend the Coffs Harbour LEP 2013 to permit a caravan park on Lot 1, DP 1208609.

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

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

Comment : The explanation of provisions adequately addresses the intended method of achieving the objectives of the Planning Proposal via Schedule 1 - Additional Permitted Uses of Coffs Harbour LEP 2013. A sunset clause is proposed to be included in the schedule so that a development consent for the redevelopment of the caravan park can only be granted within 5 years. This is to provide an impetus for the redevelopment to occur.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

3.2 Caravan Parks and Manufactured Home Estates

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.3 Site Specific Provisions

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 21—Caravan Parks

SEPP No 36—Manufactured Home Estates

SEPP No 44—Koala Habitat Protection

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

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

**Mid North Coast Regional Strategy;
Council's local settlement strategy 'Our Living City Settlement Strategy 2008' and supporting strategic planning work.**

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The Planning Proposal includes mapping that identifies the location of the subject land and is considered appropriate for community consultation.

Mapping prepared in accordance with the Department's standard technical requirements for LEP maps in relation to the additional permitted use will need to be prepared prior to the legal drafting of the amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has identified a 28 day exhibition period for the proposal. Due to the minor nature of the proposal, a 14 day exhibition period is considered appropriate. Council may decide to extend the exhibition of the Planning Proposal should it wish.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program.**

Council has requested an authorisation to exercise its plan making delegations. As the Planning Proposal deals with matters of only local significance, it is considered appropriate that an authorisation to exercise plan making delegations be issued to Council if the Planning Proposal is supported.

Council has provided a project time line that suggests the LEP Amendment will be completed in December 2016. It is considered that a 9 month time frame would be appropriate to ensure sufficient time to complete the proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Coffs Harbour LEP 2013 was made in September 2013.

Assessment Criteria

Need for planning proposal :

This Planning Proposal is not the result of a strategic study or report. The owners of the land have requested Council amend the LEP to facilitate the ongoing operation and future development of the site.

The subject land (Lot 1, DP 1208609) was recently created by the consolidation of two lots - Lot 104, DP 876697 and Lot 501, DP 606422. Lot 104 had been used as a caravan park for over 40 years and had approval for 43 long term sites. In 2009 development consent was granted to extend the caravan park onto Lot 501. This approval provided for 48 short term sites, a community hall and associated facilities. The currency of that consent has not been confirmed by Council, however, according to the applicant, work on the development consent has commenced.

The Coffs Harbour Local Environmental Plan 2013 zoned the subject land RU2 Rural Landscape and caravan parks became a prohibited use in the zone. As a consequence, the entire caravan park now relies on existing use rights.

Prior to the 2013 LEP, this the land was zoned Rural 1A Agriculture and Environmental Protection 7B Scenic Buffer under the Coffs Harbour City Local Environmental Plan 2000. Under the Coffs Harbour City LEP 2000, caravan parks were permitted with development consent within the Rural 1A Agriculture Zone for short term residency only but were prohibited in the Environmental Protection 7B Scenic Buffer Zone.

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Council has determined that the most appropriate means of securing options for the future development of the caravan park is to seek an amendment to Schedule 1 (Additional Permitted Uses) of LEP 2013. The proposed sunset clause will provide an impetus for the development to proceed.

Other options were considered by Council, including a rezoning of the property to an RE2 Private Recreation Zone, however this was seen to be contrary to the future growth strategies for the Bonville area.

Consistency with strategic planning framework :

Mid North Coast Regional Strategy

This Proposal is generally consistent with the actions of Mid North Coast Regional Strategy. One action states "New caravan parks and manufactured home estates where there is any potential for permanent accommodation to occur, generally should be located in urban areas." It is considered that this proposal will secure and facilitate the development of an existing caravan park rather than create a 'new' caravan park outside of an urban area. It is also noted that under Council's adopted local strategy the likely future use of the land and its surrounds is for urban purposes.

Draft North Coast Regional Plan

The Planning Proposal is considered to be generally consistent with the draft plan with respect to maintaining and generating additional tourist lands (Direction 4.1) and future employment opportunities (Direction 2.1) at the site without compromising the environmental values of the site (Direction 1.3 & 2.3).

Local Planning Strategies

Our Living City Strategy - Coffs Harbour City Council

The Our Living City Settlement Strategy (OLC Strategy) was prepared in 2007 and is part of Council's Growth Management Strategy. The OLC Strategy was prepared pursuant to Clause 38(3) of the North Coast Regional Environmental Plan 1988, and sets out a future for the growth and development of the Local Government Area until 2031.

The OLC Strategy identifies the Bonville area as an area for rural residential development (i.e., large lot housing) and residential development (i.e. conventional housing lots). The OLC Strategy envisages the population of Bonville to grow to 2,830 by the year 2031.

The key strategies for the Bonville area include:

- Develop as a Coastal Hinterland area;
- Enhance riparian corridors to provide ecological links between coast and hinterland;
- Maintain and enhance the rural residential character; and
- Recognise holiday, tourism and recreation appeal.

The subject land is located in a future urban / residential investigation area and in close proximity to a potential future commercial village centre as identified in the OLC Strategy. It is considered that such proximity to the proposed village centre would contribute to the viability of the commercial enterprises, provide an affordable housing option and recognise the tourism appeal of the area. It is considered the continued operation and expansion of a caravan park in this location is not incompatible with the OLC Strategy and the flexible nature of caravan parks allows for potential land use changes in the future in accordance with the Strategy.

SEPPs

The Planning Proposal is considered to be consistent with all the relevant State Environmental Planning Policies including SEPP 44 Koala Habitat Protection, SEPP 55 Remediation of Land, SEPP 64 Advertising and Signage, SEPP Infrastructure and SEPP Rural Lands.

Section 117 Directions

The following s117 Directions are applicable to the Planning Proposal. As discussed below, the proposal is either consistent or justifiably inconsistent with the relevant Directions.

While Council has identified the proposal as being inconsistent with s117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 2.1 Environmental Protection Zones, it is considered that the proposal is not inconsistent with these directions as:

- the proposal does not rezone rural land for urban purposes;
- it is consistent with the rural planning principles of SEPP (Rural Lands) 2008;
- the site has been identified as having a low to moderate environmental value and has been highly disturbed by the existing development.

4.1 Acid Sulfate Soils

This Direction applies to this Planning Proposal as part of the subject land is identified on the Coffs Harbour LEP 2013 Acid Sulfate Soils map as containing acid sulfate soils (Class 5). The inconsistency with this Direction is considered to be of minor significance due to the size of the land parcel involved, the minor nature of any potential excavation of the site and because this issue can be adequately addressed at the development application stage as required by the acid sulfate provisions of Coffs Harbour LEP 2013.

4.3 Flood Prone Land

This Direction is relevant as the Planning Proposal will affect land that is flood prone. The proposal will permit the development of a caravan park on land that is flood prone. The inconsistency with this Direction is considered to be of minor significance due to the existing developed nature and approvals applying to the site, design of the proposed caravan park avoiding areas that are prone to flooding, and the minimal impact the development would have on flood waters. The Coffs Harbour LEP 2013 has standard flood planning control provisions.

4.4 Planning for Bushfire Protection

This Direction is relevant as the Planning Proposal will affect land that is identified as bushfire prone land. The Direction requires the RPA to consult with the Commissioner of the NSW Rural Fire Service before consistency with the Direction can be granted. A bushfire assessment report is included in supporting information with the Planning Proposal but this report is dated 2008. Council has advised that the NSW RFS has been contacted and they raised an objection to the Planning Proposal. Evidence of this correspondence is needed before this Direction can be resolved.

6.3 Site Specific Provisions

The proposal is inconsistent with this Direction as it seeks to apply a 5 year sunset clause for the approval of the caravan park to provide impetus to the development. This inconsistency is considered to be of minor significance due to the existing use rights that apply to the site already and due to the identification of the likely future use of the land as residential under Council's local growth management strategy (with caravan parks permissible within the proposed residential zone).

Environmental social
economic impacts :

The Planning Proposal will have a positive social and economic impact. It will expand upon an existing tourist facility in the local area, generate employment opportunities, and will contribute to the local economy. It will also provide additional long term sites that may increase options for affordable housing in the area.

The Planning Proposal is expected to have a negligible impact on the environment due to the highly modified nature of the land.

Part of the site is subject to a 1:100 year flood event. The proposed development plans avoid these areas and council's existing development controls satisfactorily address the level of development on flood prone land.

Part of the land is identified as being Primary Koala Habitat. Despite this, the identified area contains cleared land occupied by the existing caravan park structures and access roads. The Ecological Report supporting the Planning Proposal found there to be no significant impact on threatened species and a Species Impact Statement is not required. It is considered that due to the current disturbed nature of the site there will be a negligible impact on Koalas or other threatened species in the area due to the proposed expansion of the caravan park. The redevelopment of the land in the future is also considered likely to result in rehabilitation and enhancement requirements that will improve the environmental values of the site.

The Bushfire Assessment Report that supports this Planning Proposal was prepared in 2008 (presumably to support the development application approved in 2009). This report, although dated, indicates that the development of the site is possible with the inclusion of asset protection zones and other mitigating measures. Consultation with the NSW Rural

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Fire Service is required to ensure they are satisfied with the current proposal.

The site has previously included a petrol station which has since been removed and Council has advised the land has been remediated in accordance with Council's standards and the requirements of State Environmental Planning Policy No.55 – Remediation of Land.

A Cultural Heritage assessment was undertaken by the Coffs Harbour and District Local Aboriginal Land Council in 2008 and this Assessment did not identify any objects of Aboriginal origin. It is considered that this report, despite its age, would still be relevant.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	NSW Rural Fire Service		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2016-07-04 Cover Letter.pdf	Proposal Covering Letter	Yes
2016-07-04 Planning Proposal.pdf	Proposal	Yes
2016-07-04 Onsite wastewater disposal Report.pdf	Proposal	Yes
2016-07-04 Ecological Report.pdf	Proposal	Yes
2016-07-04 Bushfire Report.pdf	Proposal	Yes
2016-07-04 Landscape Plan.pdf	Proposal	Yes
2016-07-04 Vegetation Management Plan.pdf	Proposal	Yes
2016-07-04 AHIMS Search Results.pdf	Proposal	Yes
2016-07-04 Stormwater Management Report.pdf	Proposal	Yes
2016-07-04 Traffic Report.pdf	Proposal	Yes

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2016-07-04 Draft LEP Map.pdf
2016-07-04 Map.pdf

Map
Map

Yes
Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 3.2 Caravan Parks and Manufactured Home Estates
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies
 6.3 Site Specific Provisions

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

- 1. The planning proposal be supported.**
- 2. The Planning Proposal be exhibited for 14 days.**
- 3. The Secretary's delegate agree that the inconsistencies with S117 Directions 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 6.3 Site Specific Provisions are justified as of minor significance and note the outstanding potential inconsistency with Direction 4.4 Planning for Bushfire Protection.**
- 4. Consultation with the NSW Rural Fire Service be undertaken in accordance with S117 Direction 4.4 Planning for Bushfire Protection;**
- 5 Draft LEP Maps prepared in accordance with the Department's standard technical requirements for LEP maps in relation to additional permitted uses are to be prepared prior to the legal drafting of the amendment.**
- 6. Delegation to finalise the Planning Proposal be issued to the Council.**

Supporting Reasons : **The Planning Proposal is supported as it is the most appropriate means of securing options for the future development of the caravan park with the proposed sunset clause providing an impetus for the development to proceed.**

Signature:



Printed Name:

Craig Doss

Date:

15 July 2016