

Planning Services

Gateway Determination Report

LGA	Cobar Local Government Area
PPA	Cobar Shire Council
NAME	Camping ground as an additional permitted use for Newey Reserve, Cobar (Lot 25 DP 837494)
NUMBER	PP_2018_COBAR_001_00
LEP TO BE AMENDED	Cobar Local Environmental Plan 2012
ADDRESS	Knight Drive, Cobar 2835
DESCRIPTION	Lot 25 DP837494
RECEIVED	31/07/2018
FILE NO.	IRF18/4159
POLITICAL DONATIONS	There are no donations known or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend Cobar LEP 2012 to allow for 'camping ground' at Newey Reserve, Cobar. Cobar Shire Council does not want 'camping ground' to be permitted with or without consent in all RE1 zoned land. Therefore, Council propose to amend Cobar LEP 2012 to allow 'camping ground' only at Newey Reserve under Schedule 1 Additional Permitted Uses.

Site description

The Newey Reserve is located within the town of Cobar, NSW. It is bounded by Knight Drive and includes Lot 25 DP837494.

Existing planning controls

The site is zoned RE1 Public Recreation and is Crown Land. Crown Lands as the owner in a letter dated 1 December 2017 advised they do not object to the proposal however there is Crown Lands legislative requirements that Council must comply with prior to using the land as a camping ground.



Land Zoning Map – Newey Reserve Cobar

Surrounding area

The site is located on the periphery of the Cobar urban area. Surrounding land uses include R2 Low Density Residential, RE2 Private Recreation, IN1 General Industrial and RU1 Primary Production.

Summary of recommendation

A conditional Gateway determination is recommended. The timeframe for finalising the plan should be set at 12 months and delegation to finalise the plan should not be issued as Council has an interest in the proposal.

PROPOSAL

Objectives or intended outcomes

The objective of this planning proposal is to amend Cobar LEP 2012 to allow for 'camping ground' in Newey Reserve, Cobar. Newey Reserve is currently zoned RE1 Public Recreation which prohibits 'camping ground' as this land use is not listed as being permitted with or without consent.

Cobar Shire does not wish for 'camping ground' to be permitted with or without consent in all RE1 zoned land. Therefore, Council propose to amend Cobar LEP 2012 to allow 'camping ground' only at Newey Reserve under Schedule 1 Additional Permitted Uses.

The subsequent preparation of a Plan of Management for the reserve will then provide that camping grounds within the Newey Reserve will be limited to 'primitive camping', as defined in the Local Government (Manufactured Homes Estates, Caravan parks, Camping grounds and Moveable dwellings) Regulation 2005.

Explanation of provisions

Cobar Local Environmental Plan 2012

This planning proposal is able to be given effect through an amendment to the Cobar LEP 2012. Council have proposed to amend Schedule 1 Additional Permitted Uses to include the land use 'camping ground' within the Newey Reserve. This is an acceptable mechanism to achieve the objective of the proposal.

Crown Land Management (CLM) Act 2016 and Local Government (LG) Act 1993

In accordance with Division 3.4 of the CLM Act 2016, council will be required to manage dedicated or reserved Crown land as if it were 'community land' under the LG Act 1993. In the event that the planning proposal is approved, Council would be required to prepare a Plan of Management (PoM) for the Newey Reserve, to be approved by Crown Lands and Water. Crown Lands specifies that gazettal of additional reserve purposes must be requested by Council to ensure that free camping remains consistent with the gazetted reserve purpose. Council is required to continue to consult with Crown Lands to satisfy their legislative requirements.

Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005

In the event that the planning proposal is approved, Council will ensure that the provision of 'primitive camping' within the Newey Reserve is consistent with the *LG Regulation 2005*, which is required under the *Crown Lands Management Act*. This will restrict the definition of 'camping ground' to 'primitive camping' at Newey Reserve as per the regulation

Mapping

Maps have not been provided with the planning proposal. Council will need to create mapping to show Newey Reserve applies to Schedule 1 Additional Permitted Uses.

NEED FOR THE PLANNING PROPOSAL

The planning proposal has been prepared by Council to address the wishes of the Cobar community, who have advocated for the allowance of camping within the Newey Reserve. Cobar Shire Council believe the allowance of primitive camping with the Newey Reserve will help achieve the outcomes of the Cobar Community Strategic Plan 2030 through maintaining a healthy and active community and providing well managed public lands.

The planning proposal is considered to be the best manner to progress the intended use of the site. The option of inserting 'camping ground' into the Land Use Table that is permissible in RE1 Public Recreation Zoning was considered by Council, however Council does not wish for 'camping to be permitted in all RE1 zones. Adding

'camping ground' as a permitted use within Newey Reserve in Schedule 1 Additional Permitted Uses will limit camping to a particular land parcel of land rather than all RE1 zones, and therefore achieves the desired outcome.

STRATEGIC ASSESSMENT

State

There are no identified inconsistencies with the Far West Regional Plan 2036 (FWRP). Council indicate they will undertake an Aboriginal Due Diligence Assessment in accordance with the OEH *Due Diligence Code of Practice for Protection of Aboriginal Objects in New South Wales*, as required under part 6 of the *National Parks and Wildlife Act 1974*, before works to allow primitive camping within the Newey Reserve.

Local

Cobar Shire Council does not have an endorsed Land Use Strategy. There are no identified inconsistencies with the Cobar Community Strategic Plan 2030. In the event that the planning proposal is approved, Council will prepare a Plan of Management for the Newey Reserve to align with the Management of crown land direction.

Section 9.1 Ministerial Directions

The planning proposal adequately addresses all Section 9.1 Ministerial Direction with no inconsistencies.

State environmental planning policies

SEPP 21 – Caravan Parks

Due to the definition of 'caravan parks' in SEPP 21 – Caravan Parks, adding 'camping ground' to Schedule 1 of Cobar LEP will also make 'caravan parks' permissible under SEPP 21 with development consent within Newey Reserve. Section 8 of SEPP 21 states that before granting consent, Council must determine the number of sites (if any) Council considers suitable for long term residence.

Whilst 'caravan park' would therefore become permissible with development consent within Newey Reserve. Council proposes to limit the ability to have a caravan park through identification of the maximum number of sites in accordance with the *Local Government (Manufactured Homes Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. The preparation of a Plan of Management under the LG Act stating the intended uses of Newey Reserve for primitive camping may restrict the land from being used as a caravan park.

SEPP - Infrastructure

In accordance with Section 65(2)(d) of the Infrastructure SEPP, development may be carried out without consent on land that is a Crown reserve or on behalf of a reserve trust.

To establish the camping ground and associated facilities, an environmental assessment and determination of the proposal will be undertaken in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*. Council would be both a public authority proponent and a determining authority. A Review of Environmental Factors would be prepared in accordance with section 5.5 of the *Environmental Planning and Assessment Act 1979*.

SITE-SPECIFIC ASSESSMENT

Social

The provision of primitive camping in Newey Reserve will encourage both locals and tourists to utilise further recreational facilities within Cobar, inevitably leading to a boost in tourism within the LGA and region. Previous community consultation indicated that the community is supportive of the planning proposal.

Environmental

The planning proposal acknowledges the presence of known threatened bird species on the lot, which could be impacted through construction of amenities and roads, as well as increased human occupation of the site. Environmental impacts will be assessed via an environmental assessment under Part 5 of the EP&A Act.

Council will prepare a PoM under the LG Act for the Newey Reserve, to address the future management, including biodiversity, of the site. This will include the dedication of a biodiversity and conservation area to protect existing native vegetation and improve/enhance the area by arranging community-based revegetation and conservation programs. The PoM will also address mitigating measures to conserve and improve native fauna habitat for threatened bird species that are known to occur within the area.

Camping in Newey Reserve has the potential to impact on other environmental factors including visual amenity through litter and degradation of the area, noise, overcrowding of the reserve's facilities and increased pressure on the reserve's infrastructure. Such environmental effects will be addressed and managed in accordance with the PoM.

Economic

It is considered that economic benefits will be realised through potential increase in tourism upon the allowance of primitive camping in Newey Reserve.

Infrastructure

There is no known adverse impacts of the planning proposal on existing infrastructure or the provision of new infrastructure in the LGA.

CONSULTATION

Community

Council intends to publicly exhibit both the planning proposal and Plan or Management for a minimum of 28 days, Council will also undertake consultation with state agencies as required by the Gateway determination.

Agencies

Council intends to consult with the following relevant state agencies as part of the Gateway determination consultation process. These agencies include:

- Office of Environment and Heritage
- Crown Lands and Water
- Rural Fire Service
- NSW Police

TIME FRAME

A 12-month period is considered feasible provided that plan remains a priority for the Council.

LOCAL PLAN-MAKING AUTHORITY

Council has not requested plan making delegation. Delegation to make the plan should remain with the Department as Council has interests in the land.

CONCLUSION

The planning proposal is supported to proceed with conditions outlined in the Gateway determination document.

RECOMMENDATION

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

1. Community consultation is required under sections 2.22 and 3.34(2)(c) of the *Environmental Planning and Assessment Act 1979* as follows:
 - a. The planning proposal is required to be made publicly available on exhibition for 28 days as described in *A Guide to Preparing LEPs* (Department of Planning and Environment, 2016).

- b. 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 LEPs*.
2. Consultation is required with the following public authorities under section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979* and/or to comply with the requirements of relevant section 9.1 Directions:
- Office of Environment and Heritage;
 - Department of Industry – Crown Lands and Water;
 - Rural Fire Service; and
 - NSW Police
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 or if reclassifying land).
4. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the *Department's Standard Technical Requirements for Spatial Datasets and Maps' 2017*.
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.



10.8.18

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13.8.18

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