

Planning Services

Gateway Determination Report

LGA	Shoalhaven LGA
PPA	Shoalhaven City Council
NAME	Planning Proposal to permit caravan parks as a permitted use at 9 Browns Road, South Nowra (1-2 lots)
NUMBER	PP_2018_SHOAL_003_00
LEP TO BE AMENDED	Shoalhaven Local Environmental Plan 2014
ADDRESS	No. 9 Browns Road, South Nowra
DESCRIPTION	Lot 1 DP 1078345
RECEIVED	20 March 2018
FILE NO.	IRF18/11746
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal (PP) seeks to amend Shoalhaven Local Environmental Plan 2014 (Shoalhaven LEP) to add caravan parks as a permitted use on land located at No. 9 Browns Road, South Nowra (Lot 1 DP 1078345). The PP will recognise existing use rights that apply to the majority of the subject site and provides an opportunity to (subject to development approval) enable a modest expansion of the existing caravan park.

Site description

The subject site is legally described as Lot 1 DP 1078345 and is located at No. 9 Browns Road, South Nowra (Figure 1).

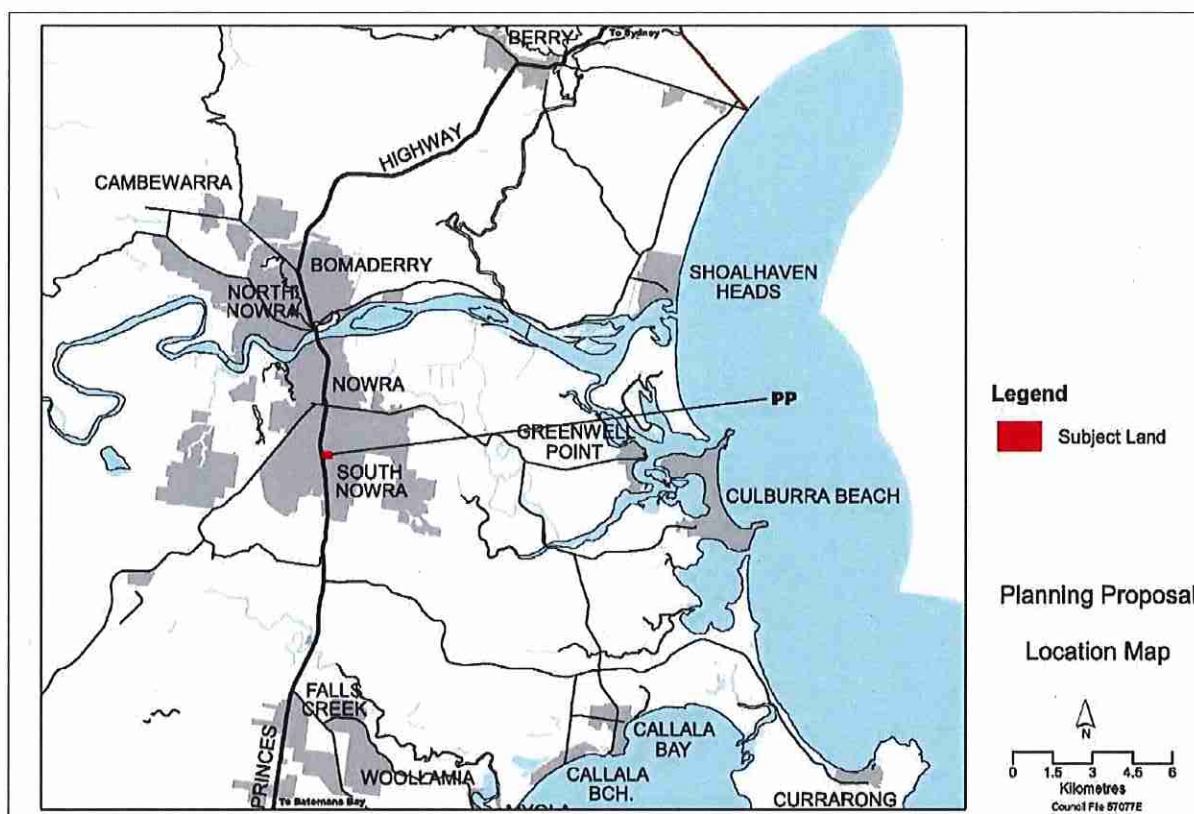
Existing planning controls

The site is zoned B5 – Business Development under the Shoalhaven LEP and caravan parks are prohibited in this zone.

Surrounding area

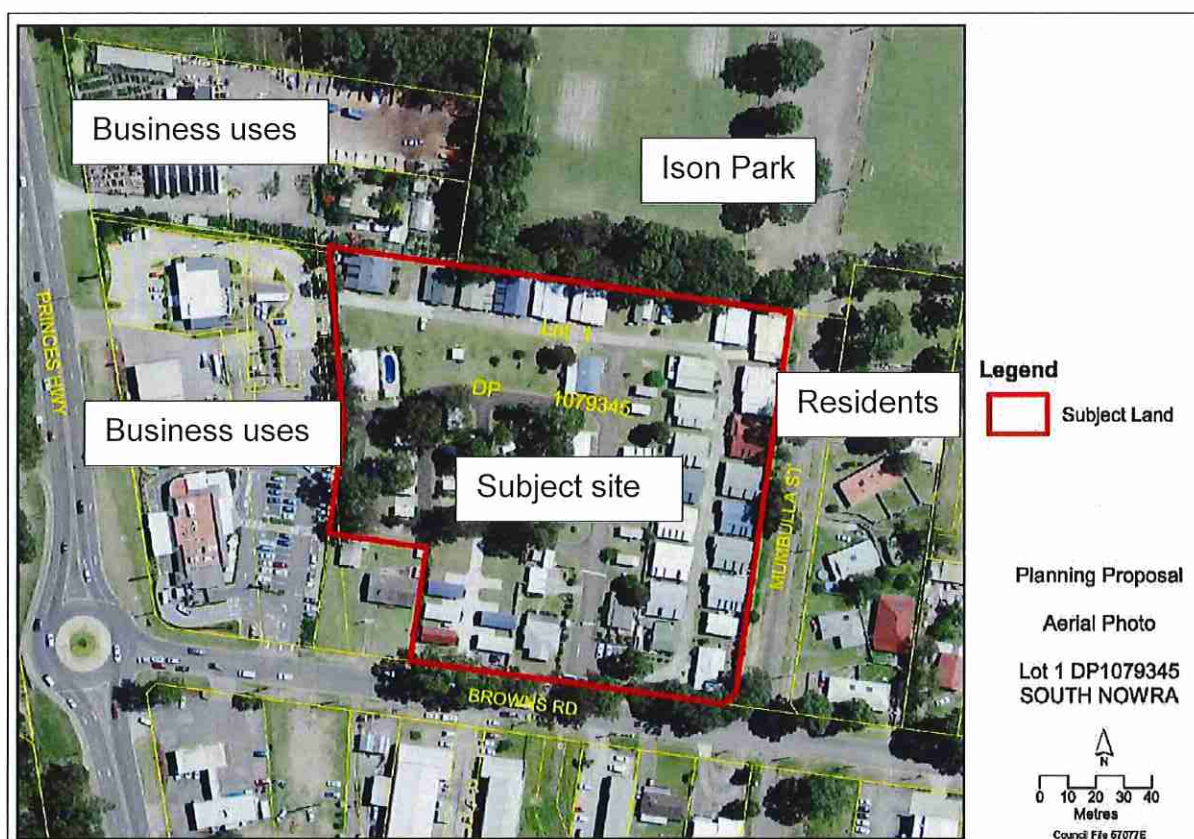
The site adjoins Ison Park to the north, a small residential development to the east of Mumbulla Street and business uses to the south and west (Figure 2).

Figure 1 – Site map



Source – Shoalhaven City Council planning proposal

Figure 2 – Site and surrounding area



Source – Shoalhaven City Council planning proposal

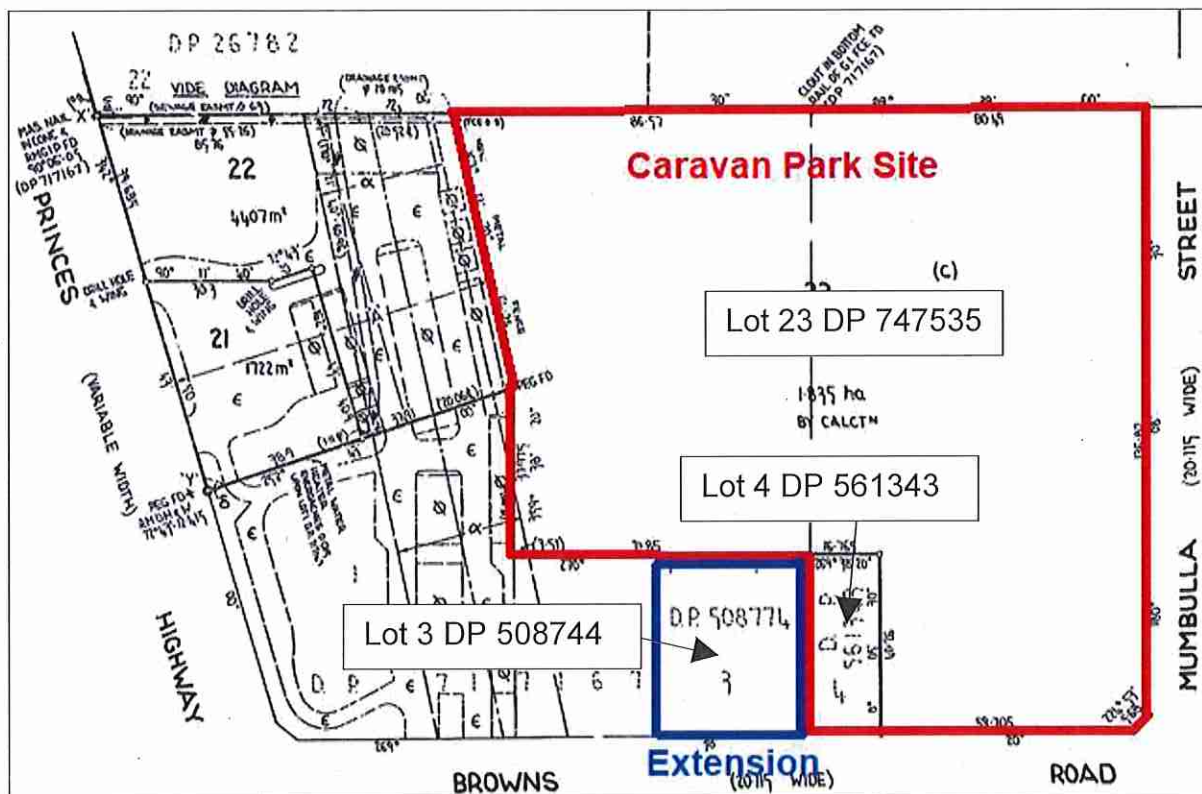
Site history

The majority of the subject site (i.e. land known previously as Lot 23 DP 747535 and Lot 4 DP 561343 - Figure 3) has historically been used as a caravan park and has development consent for this purpose.

In 1996, the operators acquired additional land (land known previously as Lot 3 DP 508744 – Figure 3) and obtained development consent from Council for a tourist cabin development on this lot. At the time, development for the purposes of caravan parks was prohibited and the lot did not have existing use rights. Consequently, the conditions of consent prohibited occupation of the tourist cabins by long-term residents.

In 2005, Lot 23 DP 747535, Lot 4 561343 and Lot 3 DP 508744 were consolidated to form the subject site (Lot 1 DP 1078345), however the existing use rights as a caravan park do not extend to cover the former Lot 3.

Figure 3 – Lot layout prior to consolidation into Lot 1 DP 1078345



Source – Shoalhaven City Council planning proposal

Summary of recommendation

It is recommended that the PP is allowed to progress as submitted as it will recognise existing use rights that apply to the majority of the subject site and provides an opportunity to (subject to development approval) enable a modest expansion of the existing caravan park.

PROPOSAL

Objectives or intended outcomes

The intended outcomes of the PP are to allow:

- caravan parks as an additional permitted use on the subject site; and

- the site of the tourist cabins (former Lot 3) to be used for long-term accommodation (subject to development approval).

The PP will recognise and resolve existing use rights that apply to the majority of the subject site and provides an opportunity to enable a modest expansion of the existing caravan park.

Comment – It is considered the statement of objectives is clear and meets the requirements of the Department's guide to preparing planning proposals.

Explanation of provisions

The explanation of provisions provided in the PP is amend Schedule 1 – Additional Permitted Uses of the Shoalhaven LEP to include an additional clause specifying caravan parks are permissible with consent on the subject site.

Comment – The explanation of provisions is simple and clearly outlines how the intended outcomes of the PP would be achieved. It therefore meets the requirements of the Department's guide to preparing planning proposals.

Mapping

The PP include several maps such as location, cadastre/aerial and current zoning maps. The PP also includes a proposed amendment to the Clauses Map in the Shoalhaven LEP to show the subject site as having an additional permitted use. The maps are considered to be suitable for the purposes of public exhibition.

NEED FOR THE PLANNING PROPOSAL

The PP was initiated by the landowner who intends to lodge a development application to use the site of the tourist cabins (former Lot 3) for long-term accommodation.

The PP considers a number of alternative options to achieve the intended outcomes, including:

- Through the development application process. However, caravan parks are currently prohibited on the site and, as such, this not possible under Part 4 of the EP&A Act;
- To change the land use zoning applying to the site. However, Council does not support this option as it would result in a wider range of undesired uses being permitted on the site; and
- To add caravan parks as a permissible use in the B5 zone generally. However, Council does not support this option as it would have the effect of permitting Manufactured Home Estates on all land zoned B5 zone which is undesired, would be inconsistent with the objectives of the zone and Section 9.1 Direction 1.1 – Business and Industrial Zones.

Comment – A PP to amend the Shoalhaven LEP to include caravan parks as an additional permissible use on the subject site via Schedule 1 is considered the most appropriate mechanism to achieve the intended objectives and outcomes.

STRATEGIC ASSESSMENT

Regional

The PP states the proposal is minor in nature and the Illawarra Shoalhaven Regional Plan (Regional Plan) does not contain any relevant provisions. The PP is not inconsistent with the Regional Plan.

Comment – The Department agrees the PP is minor in nature and is not inconsistent with the Regional Plan. The PP would allow a greater mix of housing on the subject site to suit the needs of residents in the Shoalhaven. The Department considers the PP is therefore consistent with Direction 2.1 to provide sufficient housing supply to suit the changing demands of the region.

Local

The PP states the proposal is consistent with Council's Community Strategic Plan 2023, namely:

- Objective 2.2 – Plan and manage appropriate and sustainable development.

Comment – It is considered that the PP is consistent with the Community Strategic Plan as it would facilitate the orderly and economic use and development of land (i.e. by adding caravan parks as permitted use across the entirety of the subject site) and allowing a greater mix of housing on the subject site to suit population needs.

Section 9.1 Ministerial Directions

The PP has identified that the following Section 9.1 Directions apply:

1.1 Business and Industrial Zones

The PP states the proposal will not alter the permissibility of commercial development on site and does not give rise to any inconsistencies with this Direction.

Comment – It is noted the land is currently being used as a tourist cabin development and caravan park. It is considered that the PP would not reduce areas of existing business zones or prevent the land being used for employment purposes in the future. The PP is therefore not considered to be inconsistent with this Direction.

Recommendation: The Secretary's delegate can be satisfied that the PP is consistent with this Direction.

3.2 Caravan Parks and Manufactured Home Estates

The PP states the proposal recognises existing use rights that apply to the majority of the site and will permit caravan parks and manufactured home estates.

Comment - The PP would facilitate the use of the site for a variety of housing types, specifically caravan parks and manufactured home estates. The site location is not considered unsuitable for caravan parks or manufactured home estates and the PP is therefore considered to be consistent with this Direction.

Recommendation: the Secretary's delegate can be satisfied that the PP is consistent with this Direction.

4.4 Planning for Bushfire Protection

The PP states the subject site is partly mapped as bushfire prone land and must be referred to the NSW Rural Fire Service (RFS) prior to public exhibition. The PP

identifies the proposed use as a potential special fire protection purpose and commits to undertaking further investigation in this regard (if required by the RFS), prior to public exhibition of the PP.

Comment – At this stage of the PP, it is neither consistent nor inconsistent with the Direction as the Direction applies requires consultation with the RFS post Gateway determination and prior to exhibition.

Recommendation: The Secretary's delegate can be satisfied that the requirements of the Direction can be met by including a condition on the Gateway determination requiring consultation with the RFS.

State environmental planning policies

The PP identifies that the following SEPPs apply to the subject site:

- State Environmental Planning Policy No. 44—Koala Habitat Protection;
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; and
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

Comment - The PP is not considered to be inconsistent with applicable State Environmental Planning Policies.

The PP also identifies that State Environmental Planning Policy No. 21 - Caravan Parks and State Environmental Planning Policy No. 36 - Manufactured Home Estates would apply to the subject site should the PP proceed.

Comment – It is acknowledged the provisions of these SEPPs regulating caravan parks and manufactured home estates would apply to the subject site should the PP proceed.

SITE-SPECIFIC ASSESSMENT

Environmental

The PP states the site has been cleared for many years and there will be no removal of native vegetation or adverse environmental impacts.

Comment – Noting the site is cleared and is currently being used as a tourist cabin development and caravan park, it is considered the PP is unlikely to result in adverse environmental impacts. Any change of use would require development consent and potential environmental impacts would be addressed at the development assessment stage.

Social and economic

The PP states the proposal is minor and is not expected to result in adverse social or economic effects.

Comment – It is considered that the PP would have positive social impacts by permitting a greater mix of housing types on the subject site catering for the needs of residents in the Shoalhaven. The PP would not reduce areas of existing business zones or prevent the land being used for employment purposes in the future. As such, it is considered the PP is unlikely to result in adverse economic impacts.

CONSULTATION

Community

Council proposes to exhibit the PP for 28 days including notification in the local newspaper and a mail-out to occupants of the subject site and adjoining landowners. Copies of the PP are proposed be exhibited on Council's website and at Council's Administration Building in Nowra.

Comment - It is considered that the proposed community consultation on the PP is appropriate.

Agencies

The PP identifies the site is bushfire prone land and consultation is required with the RFS prior to public exhibition. The PP does not identify any other specific agency consultation.

Recommendation: That agency consultation be undertaken with RFS as described above.

TIME FRAME

The PP indicates a 7-month timeframe to finalise and notify the plan. It is considered that a 12-month timeframe to prepare and finalise a PP and LEP would be more realistic.

Recommended: That a 12-month timeframe is provided to finalise and notify the plan.

LOCAL PLAN-MAKING AUTHORITY

Council has sought the use of plan making delegations for the PP. It is considered that as the PP is a matter of local planning significance which is consistent with the endorsed strategic planning for the area, Council's request should be supported.

CONCLUSION

The PP recognises and formalises the current use of the site as a caravan park and will facilitate a potential small expansion of the park. The PP is considered to be consistent with the Illawarra Shoalhaven Regional Plan and Council's Community Strategic Plan as it would allow a greater mix of housing on the subject site to suit the needs of residents in the Shoalhaven and facilitate the orderly and economic use and development of land.

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. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with NSW Rural Fire Service.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

4. Given the local nature of the planning proposal, Council should be authorised to exercise delegation to make the plan.



16/4/2018

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