

PLANNING PROPOSAL – PP034

Shoalhaven Local Environmental Plan 2014

Browns Road, South Nowra

Caravan Park

Prepared by
Planning, Environment & Development Group
Shoalhaven City Council

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1. Introduction

This Planning Proposal (PP) seeks to amend Shoalhaven Local Environmental Plan (LEP) 2014 to allow the subject land to be used for the purposes of a **caravan park** as an additional permitted use under Clause 2.5 of this plan. The PP will recognise and resolve the subject land's approval history and associated existing use right issues.

This PP was initiated following a request by the landowner seeking to use an area where tourist cabins were approved in 2004 to be used for permanent accommodation, consistent with the majority of the subject land. In effect, this would enable a modest expansion of the existing caravan park.

It is requested that Council be given delegation for the plan making functions for this PP. The evaluation criteria for delegation is provided as **Attachment 4**.

1.1. Subject Land

The subject land is legally known as Lot 1 DP 1078345 and is located at No. 9 Browns Road, South Nowra. It is located on the northern edge of the South Nowra employment lands area. The land adjoins Ison Park to the north, a small residential development to the east of Mumbulla Street, and business uses to the south and west. The site is an established manufactured home estate called the Rest Point Village (RPV).

A map showing the subject land and its location are provided as Figure 1 below:

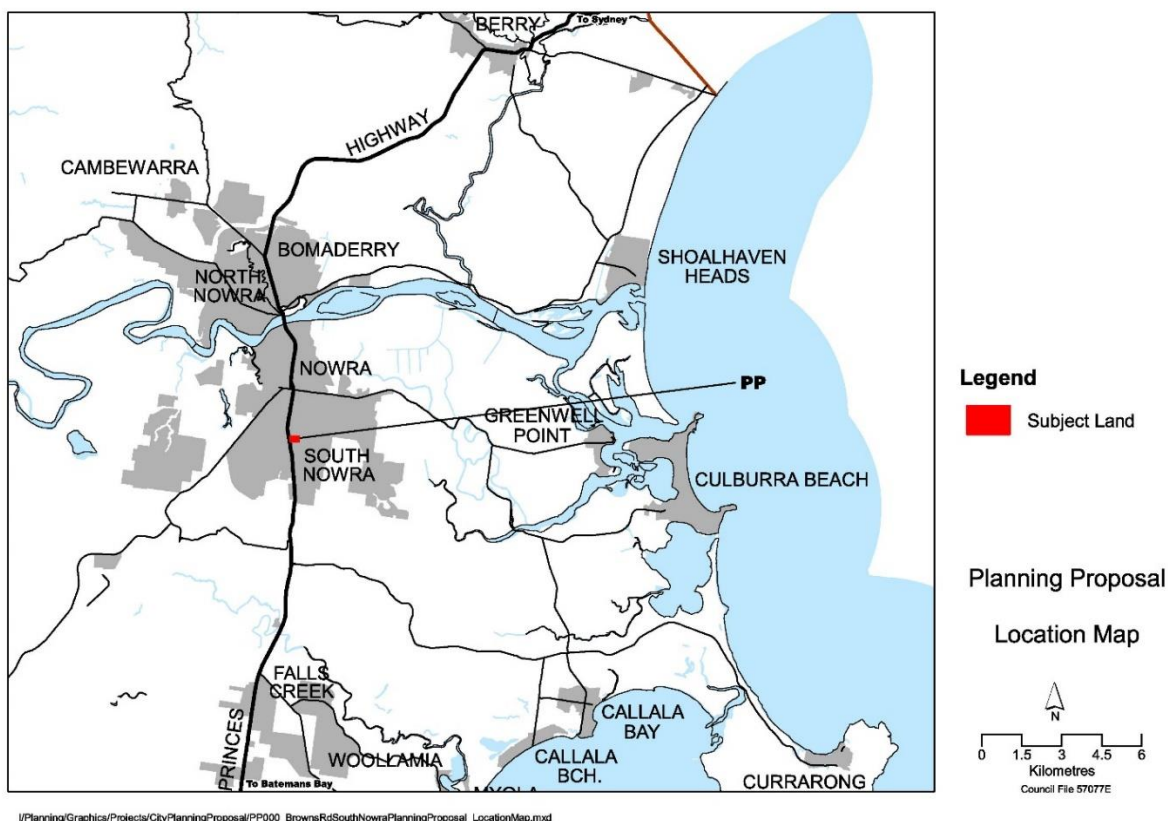


Figure 1: Location Map

Lot 1 DP 1078345 was created in 2005 by the consolidation of lots that had been created in 1987 as part of a service station and fast food development fronting the Princes Highway. The consolidation followed the acquisition of additional land by the operators of the RPV to allow for its expansion. Lot 1 DP 1078345 is shown superimposed over an aerial photograph in Figure 2.

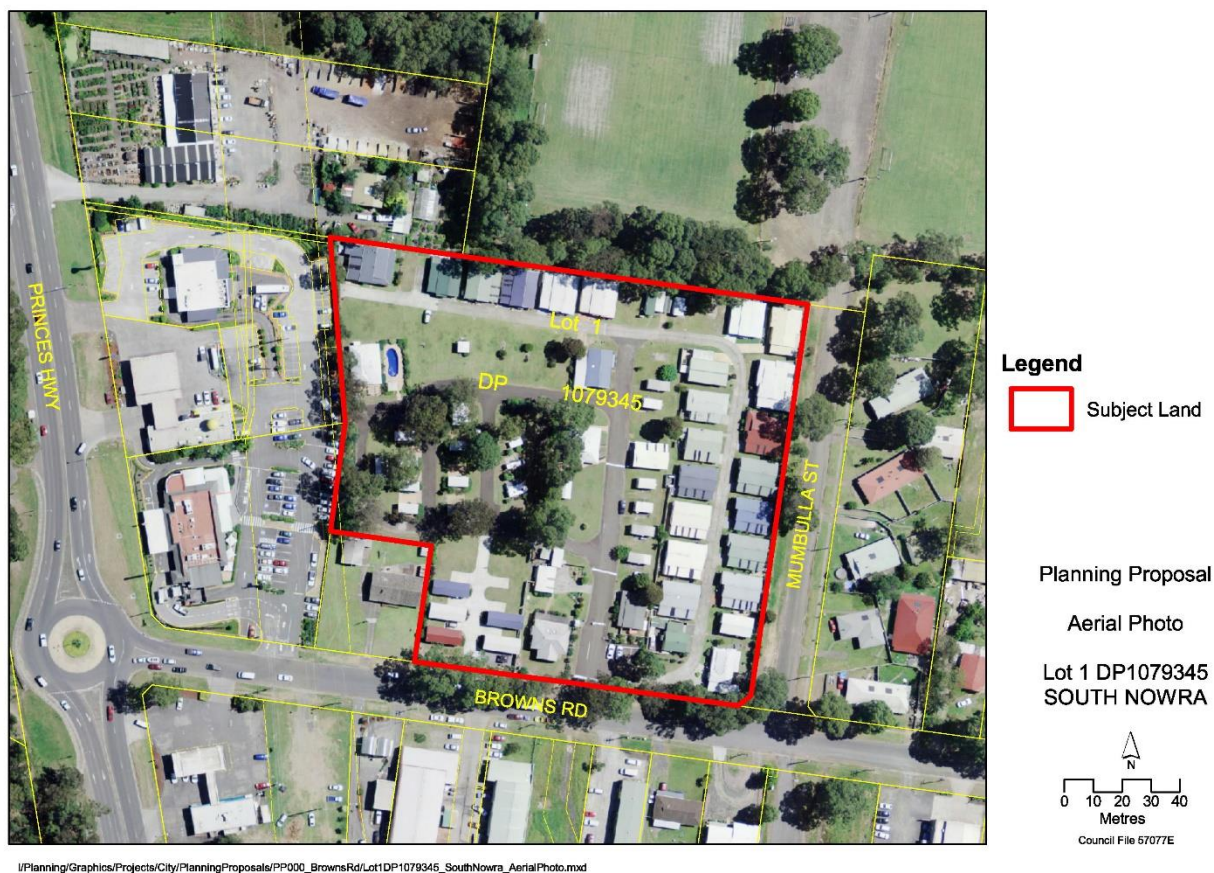


Figure 2: Aerial Photo

The subject land is currently zoned B5 – Business Development under Shoalhaven LEP 2014 – refer to Figure 3. **Caravan parks** are a nominated prohibited use in this zone.

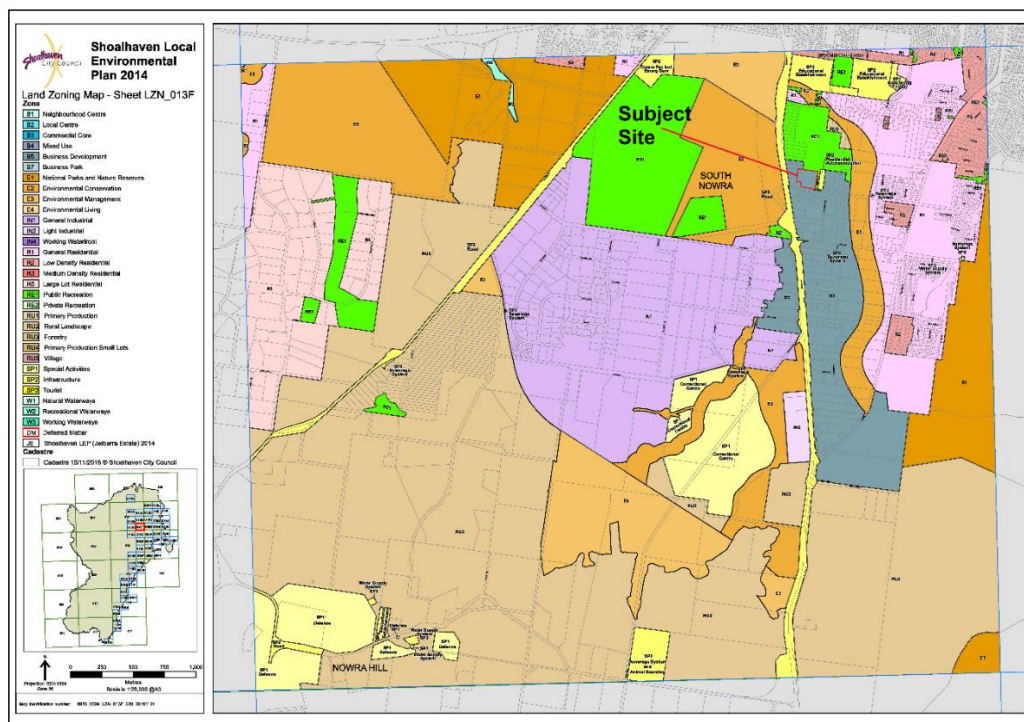


Figure 3: Current Land Zoning Map

1.2. Background

A caravan park has existed on this site for some time. In 1977, a building application (BA77/775) was approved for an office and shed for an existing caravan park on the site. The application stated that the owner/operator had owned the park since 1973 and that they believed the park predated the commencement of Interim Development Order 1 – City of Shoalhaven in 1964.

In 2004, a development application (DA04/2730) was approved by Council reducing the number of visitor accommodation sites from 50 to 15 and the number of permanent dwelling sites from 51 to 46.

In 2014, a further development application (DA14/2153) was approved, allowing all accommodation sites in the caravan park to be occupied on a permanent basis.

In 1996 the operators of the park acquired Lot 3 DP 508774. This land adjoined the caravan park site (Lot 23 DP 747535 and Lot 4 DP 561343) as shown in Figure 3 below.

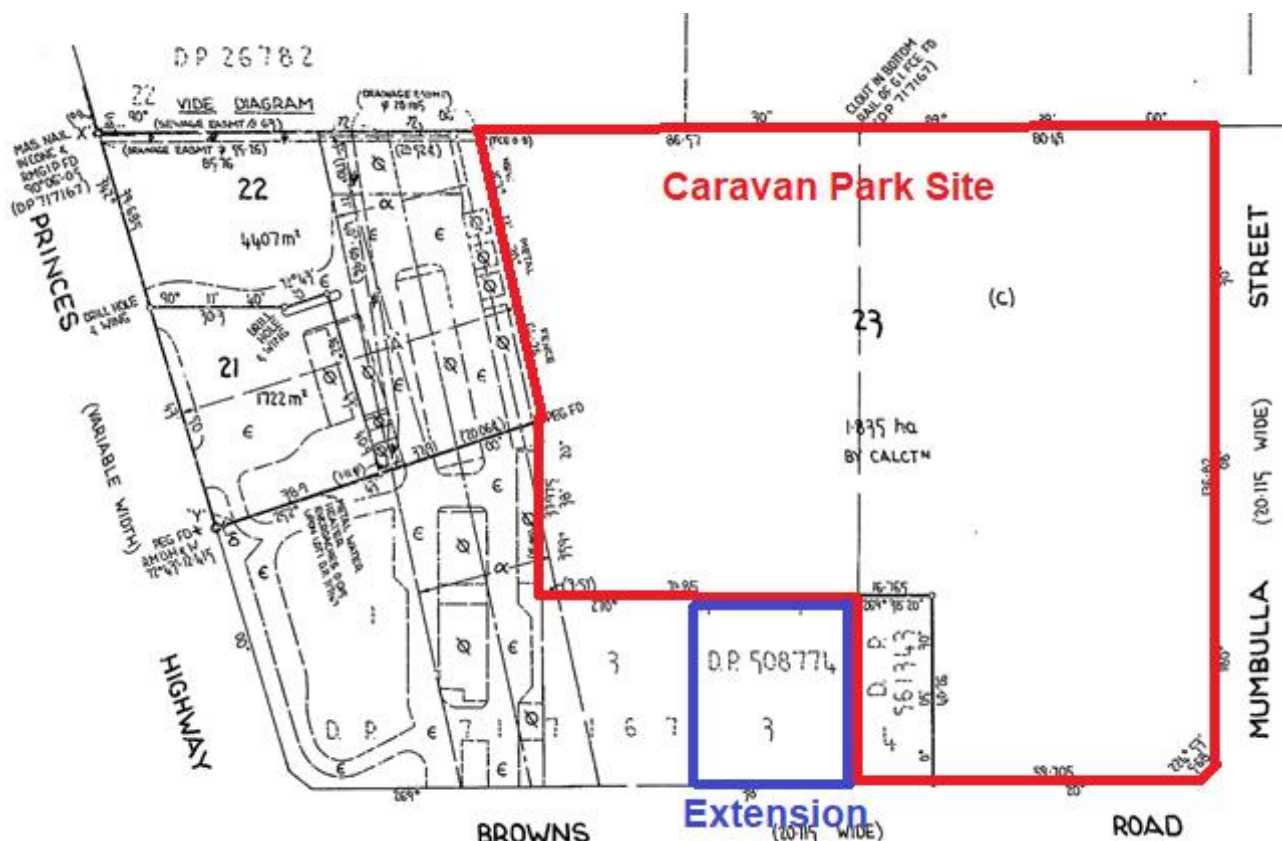


Figure 4: Lot layout prior to consolidation of Lot 23 DP 747535 and Lot 4 DP 561343 to create Lot 1 DP 1078345 in 2005

In 2004 consent was granted for a tourist cabin development on Lot 3 DP 508774 (DA04/2731). A caravan park was prohibited on the land at the time and there was no relevant existing use right over that lot. Consequently, the approval was for a tourist facility and was subject to conditions preventing the occupation of the development by long term residents.

In 2005 Lot 3 was consolidated with Lot 23 DP 747535 and Lot 4 DP 561343 to create the current Lot 1 DP 1079345. The consolidation did not extend the existing use right for a caravan park to cover the former Lot 3.

In November 2017 a PP request was received from Coastplan Consulting on behalf of the land owners. The request included a draft PP that sought to:

1. Amend Schedule 1 (Additional Permitted Uses) of the LEP to identify a caravan park as a permissible use on the subject land.
2. Update the Additional Uses Map to identify the site (Lot 1 DP 1079345) as land to which Schedule 1 applies.

The PP was reported to Council's Development Committee on 13 February 2018. The Committee resolved (under delegation) that Council:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to permit caravan parks as an additional permitted use for Lot 1 DP 1079345, No. 9 Browns Road South Nowra.

2. *Forward this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination and if granted proceed to exhibition in accordance with its requirements, following which the matter be reported back to Council.*
3. *Advise the proponent of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals, including a requirement that the full cost of any necessary specialist studies be borne by the proponent.*

2. Part 1 – Intended Outcome

The intended outcome of this PP is twofold.

Firstly, the PP will recognise and resolve the existing use rights that affect part of the subject land.

Secondly, it will enable the area where the tourist cabins were approved under DA04/2731, to potentially be used for long term accommodation (subject to the necessary approvals) consistent with the majority of the subject land.

Both of these outcomes are proposed to be achieved by making caravan parks an additional permitted use on the subject land.

3. Part 2 – Explanation of Provisions

The following amendments are proposed to Shoalhaven LEP 2014:

- Amend Schedule 1 Additional Permitted Uses by the additional of a new clause, to be numbered sequentially at the time the plan is made, to read:
#. Use of certain land at 9 Browns Road South Nowra
(1) This clause applies to land identified as Sch 1.# on the clauses map, being Lot 1 DP 1079345 Browns Road South Nowra.
(2) Development for the purpose of caravan parks is permitted with development consent.
- Amend the Clauses Map to identify the site as being subject to Sch 1.#.

4. Part 3 – Justification

4.1. Need for the Planning Proposal (Section A)

4.1.1. Is the Planning Proposal a result of any strategic study or report?

No - the use of the subject land for a caravan park is not identified in any strategic study or report. There has been no strategic study undertaken to identify existing use rights in the Shoalhaven and the appropriateness of allowing for minor expansions of such uses as part of a PP.

The PP is considered to be minor and of a kind that is unlikely to be identified in strategic study or report.

4.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The expansion of the caravan park to include the former Lot 3 land cannot be achieved under Part 4 of the EP&A Act unless an EPI provides for the permissibility of this type of development.

Schedule 1 of the LEP is considered the most appropriate planning mechanism to achieve this outcome. The alternatives are:

- Change the land use zone applying to the site. This would have the undesirable consequence of allowing a wider range of additional uses on the site.
- Change the land use table for the B5 zone to allow caravan parks. This would have the effect of permitting Manufactured Home Estates in the zone. This is a form of residential development and, if applied across the entire zone, would be significantly inconsistent with S9.1 Direction 1.1 and the objectives of the zone.
- Modify State Environmental Planning Policy No. 36—Manufactured Home Estates to specifically apply to the land. While this would achieve the desired outcome, we note a broader desire of government to rationalise SEPP provisions into LEPs.

4.2. Relationship to strategic planning framework (Section B)

4.2.1. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Illawarra-Shoalhaven Regional Plan (ISRP)

The PP is not inconsistent with the ISRP. The proposal is minor in nature and the ISRP does not contain provisions relevant to this situation.

4.2.2. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Shoalhaven Community Strategic Plan 2023

The PP is consistent with Council's Community Strategy Plan and the relevant objectives, strategies and actions below:

Objective 2.2 Plan and manage appropriate and sustainable development.

4.2.3. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy No. 21 – Caravan parks (SEPP 21)

This policy does not provide an enabling provision to permit caravan parks on the subject land. The provisions of this policy that regulate caravan parks would apply to the site if the LEP is amended as proposed.

State Environmental Planning Policy No. 36 – Manufactured Home Estates (SEPP 36)

This policy does not currently apply to the subject land because caravan parks are prohibited by Shoalhaven LEP 2014. The enabling provision in Clause 6 of this policy will be engaged if the LEP is amended as proposed, and manufactured home estates will become permissible on the site. The provisions of this policy that regulate manufactured home estates would also apply to the site if this were to occur.

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44)

This SEPP applies to the subject land. There will be no removal of native vegetation attributable to this PP.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The provisions of this policy relating to PPs are not engaged by this PP because no change in land use zoning is proposed.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors)

This policy applies to the subject land because it is an urban zone in which hospitals are permissible with consent. The owner of the land has advised that they do not operate the park strictly in accordance with this SEPP and do not wish to surrender their existing use right to make use of its provisions.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This SEPP applies to the subject land. There will be no removal of native vegetation attributable to this PP.

4.2.4. Is the Planning Proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

1.1 Business and Industrial Zones

The PP will not alter the permissibility of commercial development on the site. It does not give rise to any inconsistencies with this direction.

3.2 Caravan Parks and Manufactured Home Estates

The PP recognises the existing use right that applies to the majority of the site. It will permit caravan parks and manufactured home estates. It is consistent with this direction.

4.4 Planning for Bushfire Protection

The subject land is partly mapped as bushfire prone land, hence this direction requires the PP to be referred to the NSW Rural Fire Service (RFS) before it is publicly exhibited. The proposed use is also potentially a special fire protection purpose. If the RFS requires further investigation in this regard, it will be undertaken to their satisfaction before the PP is exhibited.

Notwithstanding the above, there are no immediate apparent bushfire risks to the site.

5.10 Implementation of Regional Plans

The PP is not inconsistent with the ISRP. The PP is minor in nature and the ISRP does not contain provisions relevant to this situation.

6.1 Approval and Referral Requirements

No new approval or referral requirements are proposed.

6.3 Site Specific Provisions

The PP will allow for an additional permitted use without any special development controls for the land, consistent with this direction.

4.3. Environmental, Social and Economic Impact (Section C)

4.3.1. 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?

The area in question has been cleared for many years. There will be no removal of native vegetation or adverse environmental impacts attributable to this PP.

4.3.2. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No other obvious environmental impacts have been identified at this stage as a result of this PP. Any change of use would require development approval, and any potential environmental impacts would be assessed as part of the application process.

4.3.3. How has the Planning Proposal adequately addressed any social and economic effects?

This PP is minor and is not expected to result in adverse social or economic effects.

4.4. State and Commonwealth Interests (Section D)

4.4.1. Is there adequate public infrastructure for the Planning Proposal?

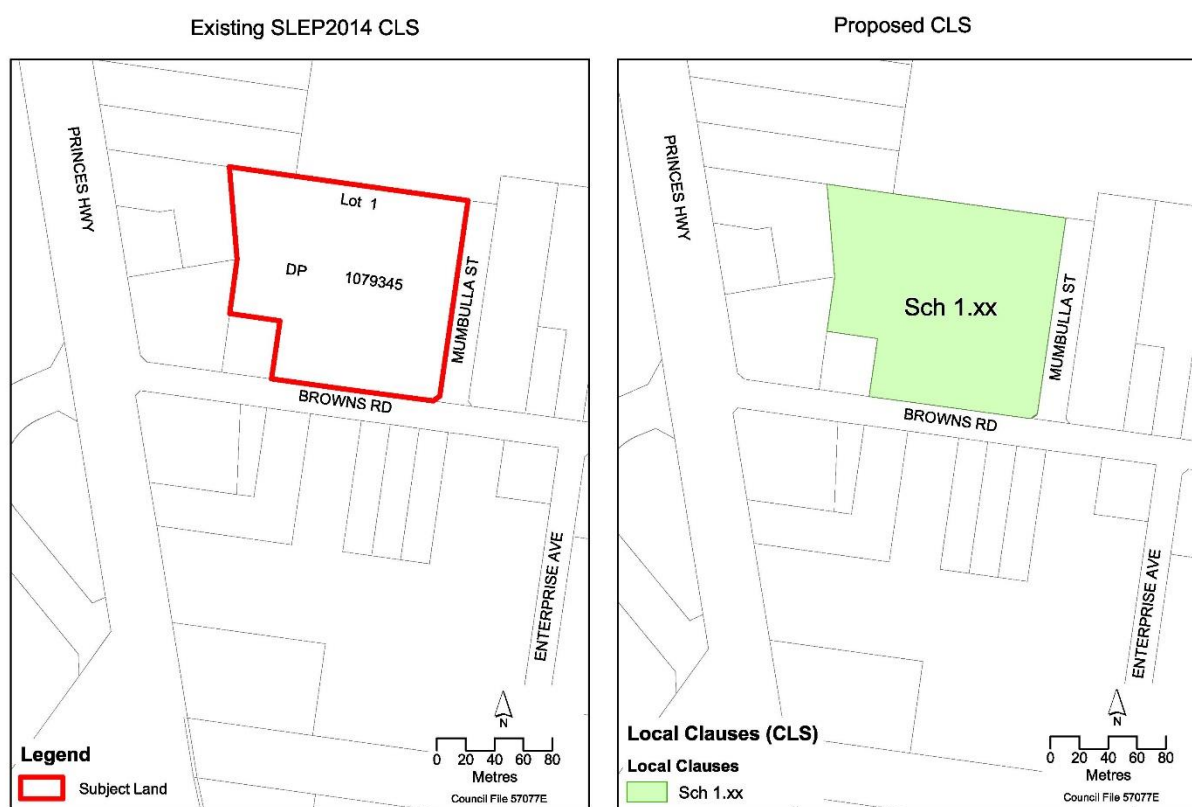
The proposal will not significantly alter demand for public infrastructure.

4.4.2. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with agencies has been undertaken at this stage. It is considered that consultation with RFS is appropriate following the Gateway determination because the use is potentially a special fire protection purpose and a small part of the site is mapped as bushfire prone. No other consultation with agencies is considered necessary for this PP.

5. Part 4 – Mapping

Additional permitted uses in Schedule 1 of Shoalhaven LEP 2014 are generally mapped on the Clauses Map. It is proposed to amend this map to identify the subject land as having an additional permitted use as shown in Map 1.



Map 1: Proposed Amendment to SLEP 2014 Clauses Map

6. Part 5 - Community Consultation

Council proposes to exhibit the PP in accordance with the requirements of Section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and any other requirements as determined by the Gateway process. It is suggested that an exhibition period of 28 days is appropriate in this instance.

Public notification of the exhibition would include notification in the local newspaper(s), a notice on Council's website and a mail out to occupants of the park and adjoining land owners. The PP would also be exhibited at Council's Administrative Building in Nowra.

7. Part 6 – Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	April 2018
Completion of Gateway determination requirements	May 2018
Public exhibition	July 2018
Consideration of submissions	August 2018
Post exhibition consideration of PP	September 2018
Finalisation and notification of Plan	November 2018

Table 1: Project Timeline

Attachment 1: Council Report and Resolution

owners — will leave room and will not take part in the discussion or vote.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Proudfoot and Russ Pigg

AGAINST: Clr Kitchener

CARRIED

**DE18.10 Planning Proposal Request - Proponent Initiated - 9
Browns Road, South Nowra - Caravan Park**

**HPERM Ref:
D17/421697**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to permit caravan parks as an additional permitted use for Lot 1 DP 1079345, No. 9 Browns Road South Nowra.
2. Forward this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination and if granted proceed to exhibition in accordance with its requirements, following which the matter be reported back to Council.
3. Advise the proponent of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals, including a requirement that the full cost of any necessary specialist studies be borne by the proponent.

RESOLVED (Clr Cheyne / Clr Gartner)

MIN18.80

That Council:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to permit caravan parks as an additional permitted use for Lot 1 DP 1079345, No. 9 Browns Road South Nowra.
2. Forward this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination and if granted proceed to exhibition in accordance with its requirements, following which the matter be reported back to Council.
3. Advise the proponent of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals, including a requirement that the full cost of any necessary specialist studies be borne by the proponent.

Note: Clr Watson returned to the meeting, the time being 6.11pm.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE18.11 Planning Proposal - Building Height Review - Southern
Part of Ulladulla CBD**

**HPERM Ref:
D18/17734**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse Planning Proposal (PP030) Building Height Review – Southern Part of Ulladulla CBD (**Attachment 1**) and submit to the NSW Department of Planning & Environment for a Gateway determination.

DE18.10 Planning Proposal Request - Proponent Initiated - 9 Browns Road, South Nowra - Caravan Park

HPERM Ref: D17/421697

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Proponent's Planning Proposal Request - Browns Road South Nowra Caravan Park (under separate cover) [⇒](#)

Purpose / Summary

Detail a proponent initiated request for Planning Proposal (PP) that has been received to enable the use of the whole property as a 'caravan park', including part of the site which has approved tourist cabins, to be used for long term accommodation (consistent with the bulk of the site), and to obtain direction in this regard.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to permit caravan parks as an additional permitted use for Lot 1 DP 1079345, No. 9 Browns Road South Nowra.
2. Forward this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination and if granted proceed to exhibition in accordance with its requirements, following which the matter be reported back to Council.
3. Advise the proponent of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals, including a requirement that the full cost of any necessary specialist studies be borne by the proponent.

Options

1. Request a Gateway determination for the PP to allow caravan parks as an additional permitted use on the subject land.

Implications: This will allow the area with the approved tourist cabins to be used for long term accommodation without changing the underlying zone. This is the lowest impact approach to achieve the outcome being sought by the proponent. It will also effectively recognise the 'existing use right' on most of the site, while retaining the existing B5 – Business Development zone. This is the preferred option.

2. Request a Gateway determination for the PP to rezone the land to a zone in which caravan parks are permissible.

Implications: This would require the zoning to be changed to a non-business zone, fundamentally changing the zone objectives and land use table. Not only would it allow the expansion of the existing caravan park but also other uses that may not be appropriate in this location. While this approach will achieve the outcome being sought

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by the proponent, it could lead to unintended uses on the site and is at odds with established strategic planning directions. This option is not recommended.

3. Not proceed with the PP.

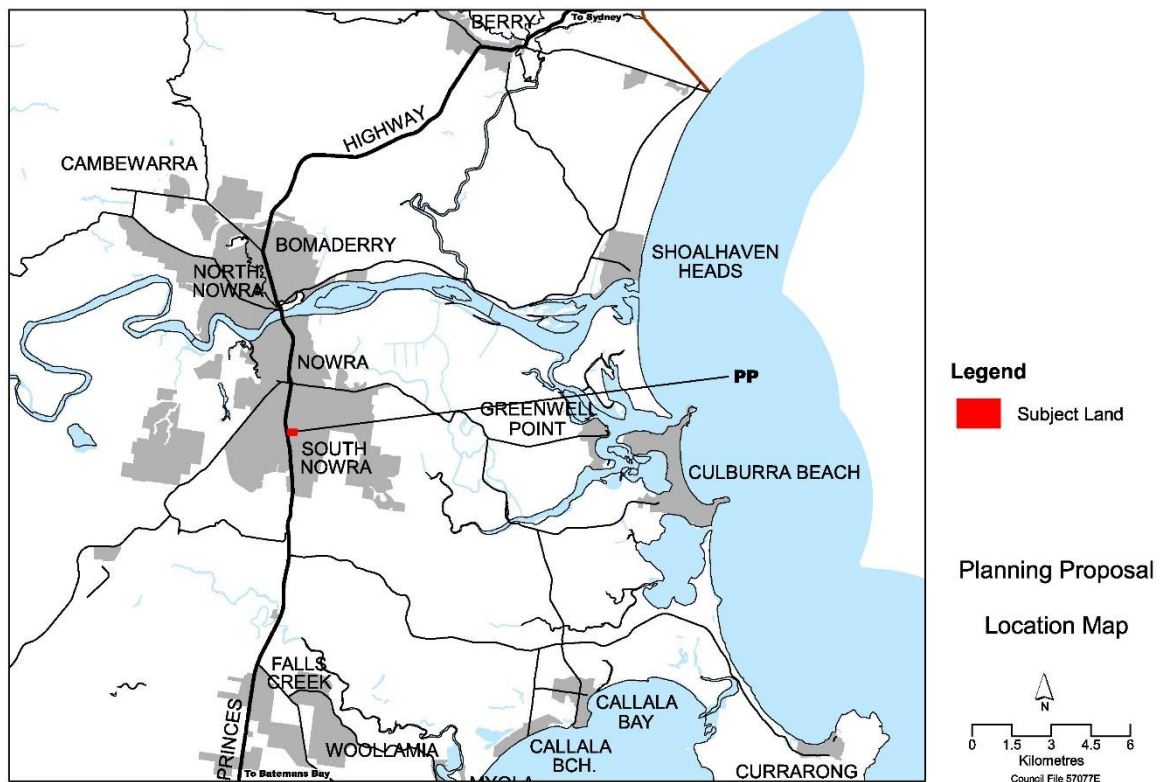
Implications: This would prevent the rationalisation of the uses on the site and would leave a relatively small part of the existing caravan park not able to be used for longer term accommodation. This option is not recommended.

Background

The Site

The subject land is Lot 1 DP 1079345, 9 Browns Road, South Nowra. It is located on the northern edge of the South Nowra employment lands area. The land adjoins Ison Park to the north, a small residential development to the east of Mumbulla Street, and business uses to the south and west. The site is an established caravan park.

Maps showing the subject land and its location are provided below:



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Subject Land – Location

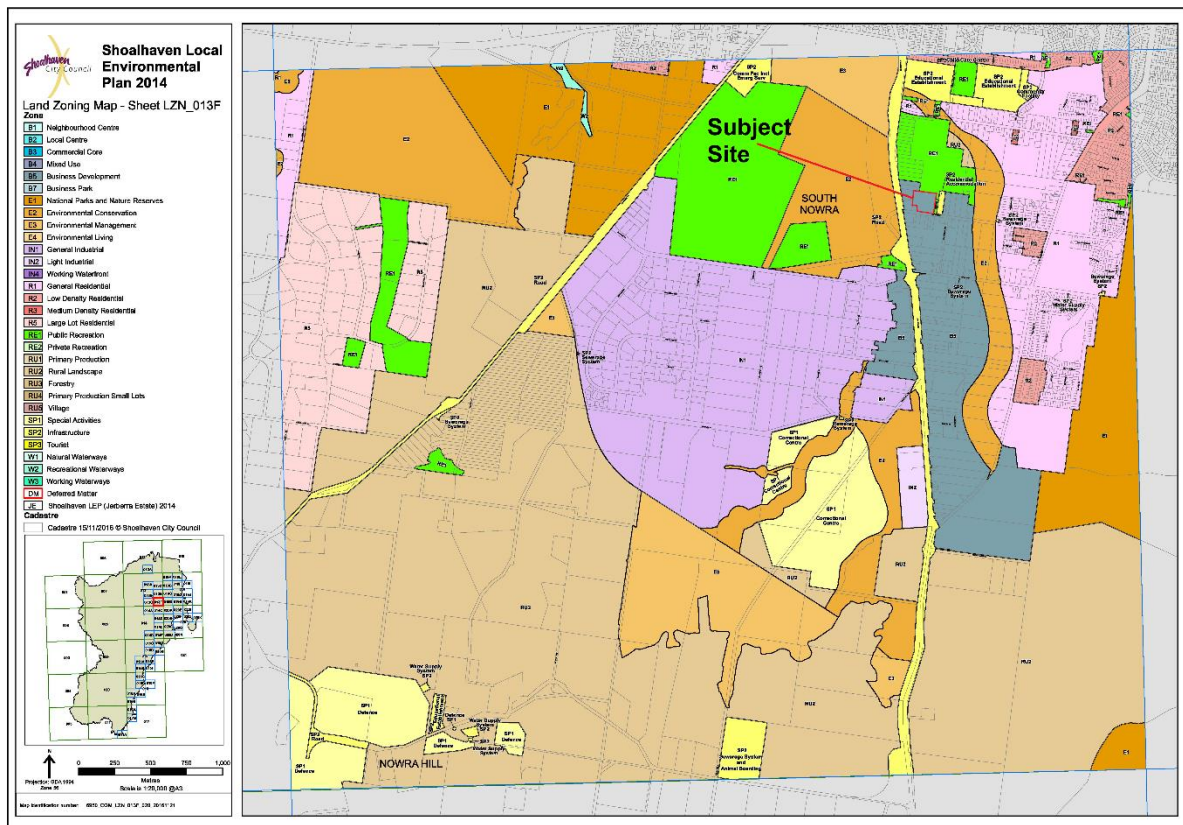
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Aerial Photograph Showing Subject Land - Lot 1 DP 1079345

Shoalhaven Local Environmental Plan (LEP) 2014

The subject land is currently zoned B5 – Business Development under Shoalhaven LEP 2014. The relevant zoning map is provided below.



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In 2004, the owner sought and obtained development consent for a tourist facility on the former Lot 3 (outlined in blue above). This development comprised 8 tourist cabins. These cabins however cannot be occupied by permanent residents under the current LEP provisions.

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In summary, the caravan park currently has 61 long term sites and an area approved for 8 tourist cabins that the proponent also wishes to use for long term accommodation.

The Proponent's PP

The proponent's PP request was received on 2 November 2017 from Coastplan Group (on behalf of the owners, Restpoint Holdings) and seeks to amend Shoalhaven LEP 2014 to allow caravan parks on the entirety of the site as an 'additional permitted use' (via inclusion in Schedule 1 of the LEP). The proponent's submission (see **Attachment 1**) includes a draft PP.

This will essentially allow the whole of the caravan park to be used for long term accommodation.

Preliminary Planning Assessment

The following is an overview of strategic planning documents that are relevant to this proposal.

- *Shoalhaven LEP 2014*

The subject land is currently B5 Business Development under Shoalhaven LEP 2014. The objectives of this zone relate to enabling businesses that require a large floor area, and allowing a diverse range of activities that do not significantly conflict with the operation of existing or proposed development.

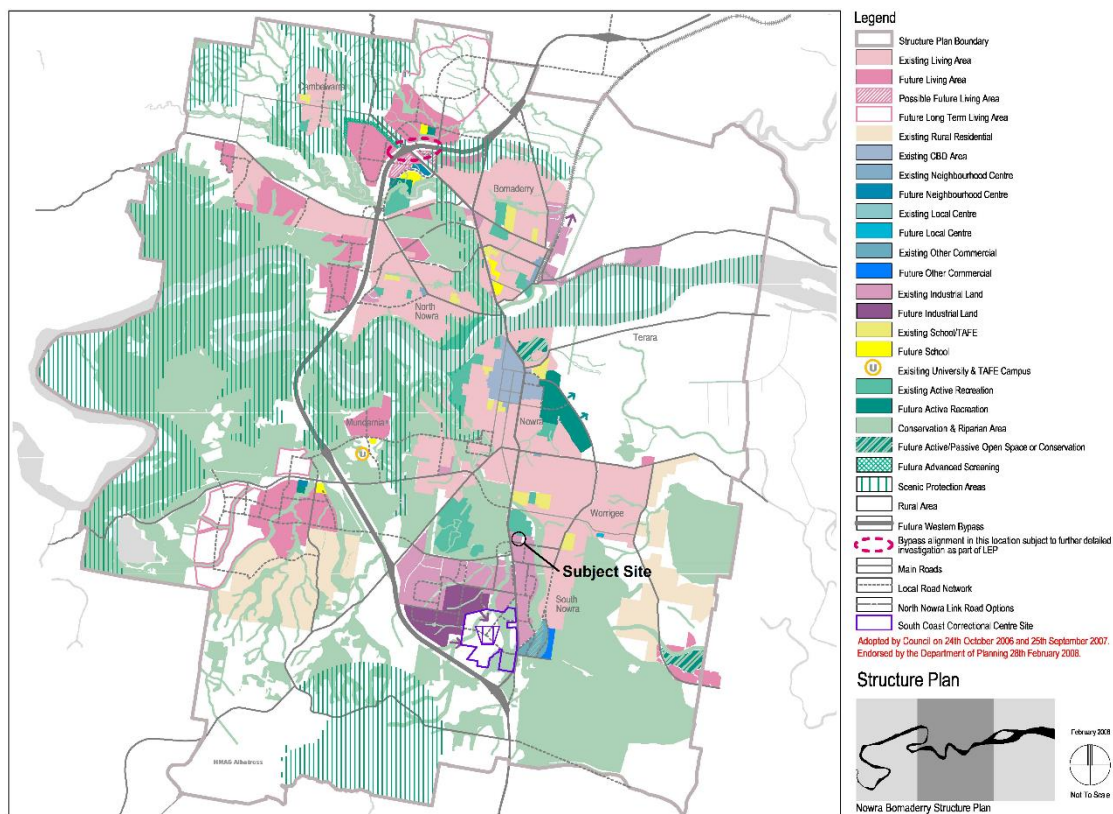
In context of the site's current and historical use, the proposal is not considered to be inconsistent with these objectives, noting that the underlying zoning will be retained.

- *Illawarra-Shoalhaven Regional Plan*

The Regional Plan was released by the NSW Government in late 2015. This PP is minor in nature and is not inconsistent with any of the provisions of this plan given the site's current and historical use.

- *Nowra-Bomaderry Structure Plan*

The land is within the Nowra-Bomaderry Structure Plan area and is identified as being "Existing Industrial Land". The Structure Plan is provided below.



Nowra-Bomaderry Structure Plan

This PP is minor in nature and is not inconsistent with any of the provisions of this plan given the site's current and historical use.

- *Shoalhaven Affordable Housing Strategy*

Council adopted the Shoalhaven Affordable Housing Strategy in December 2017 in response to a range of issues surrounding the availability of affordable housing in Shoalhaven. One of its 'medium term' (within 3-5 years) strategies is to:

Provide opportunities for permanent sites in caravan parks.

The Strategy notes that caravan parks are an important source of affordable housing in Shoalhaven, with on-site vans and manufactured homes being able to be rented by all low-income households and some very low-income households. It is however also noted that there appears to be a decreasing supply of permanent sites in some areas through their conversion to tourist use.

In the case of this PP it is essentially looking at enabling the whole of the current caravan park to be used long term accommodation, given that part (former Lot 3) only currently benefits from 'existing use rights' for tourist use.

The PP is generally consistent with this Strategy as it will provide additional permanent sites within this caravan park.

- *Council's Planning Proposal (Rezoning) Guidelines*

These guidelines detail the circumstances when a PP is likely to be supported by Council and provide a range of detail on the PP process. The guidelines were adopted by Council in 2016 and note that a PP is likely to be supported in the following circumstances:

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- Proposed amendment is supported by Council or State Government strategy or plan.
- Clear zoning anomaly exists on site.
- Proposed amendment is considered to be minor in nature and has been sufficiently justified to Council.

The guidelines also note that the proponents should have pre-lodgement dialogue with Council staff before formally lodging a PP.

The guidelines make it clear that PP's that are not supported by a strategy or plan and are considered speculative will generally not be supported by Council.

Pre-lodgement engagement with the proponents regarding this matter took place during 2016 and the PP is minor in nature (see comments below).

- *NSW Guide to Preparing PPs*

The NSW Guide to Preparing Planning Proposals provides an assessment framework for PP's. This framework requires the planning authority (Council) to answer questions in determining the merit of a PP. These are considered below:

Q1. Is the Planning Proposal a result of any strategic study or report?

The proposal is not the result of any strategic study or report. A minor amendment is proposed in acknowledgement of the specific history of this site. It seeks to allow that part of the site currently used for tourist accommodation so that it can be used for long term stay accommodation.

Council recently adopted the Shoalhaven Affordable Housing Strategy and the role that caravan parks and manufactured homes play in assisting with affordable housing is acknowledged in this strategy. It is also acknowledged that the current short-term sites are not in a desirable tourist location and as such converting them to longer term use will have minimal impact and will potentially assist with affordable housing in the Nowra-Bomaderry area.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP is the only way to permit a caravan park across the entire site given the 'existing use rights' scenario – amending the LEP is the only way to overcome the prohibition that currently applies across the site.

Allowing caravan parks as an additional permitted use is the most appropriate way to amend the LEP in the circumstance and recognise the continuation and minor expansion of an existing use which is currently prohibited under Shoalhaven LEP 2014.

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Illawarra-Shoalhaven Regional Plan is the relevant regional strategy.

The Regional Plan does not contain any provisions that are relevant to this minor PP.

Q4. Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

The Nowra-Bomaderry Structure Plan anticipates that the South Nowra industrial precinct will provide a “mix of industries including storage & large footprint commercial”. The use of the subject land as a caravan park is inconsistent with this expectation, whether it is occupied on a temporary or permanent basis.

This PP will not alter the existing inconsistency between the existing use of the land and the expectation of this plan. It seeks only to allow for the permanent occupation within that part of the park which can only currently be used for short term stays. The PP is minor and in and of itself is not inconsistent with this plan and the underlying B5 zoning will be retained.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

No inconsistencies have been identified at this stage.

It is noted that under the provisions of SEPP 36 – Manufactured Home Estates, any urban land on which a caravan park is permissible may also be developed for a manufactured home estate. This is considered satisfactory in the context of this site as it is largely consistent with the existing development on site.

The NSW Government has released a discussion paper in 2015 that looked at Improving the regulation of manufactured homes, caravan parks, manufactured home estates and camping grounds. The proposed reforms may provide opportunities regarding this matter. Council made a submission to this review, however its status is unknown, and it has not advanced.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions?

There is a minor inconsistency with 117 Direction 1.1 Business and Industrial Zones. This direction requires the protection of employment land in business and industrial zones. This PP would allow for the permanent occupation of that part of the site that is currently used for tourist accommodation. The change from tourist development to residential accommodation is contrary to the protection of employment land. It is considered that this inconsistency is minor. The difference in employment opportunities between 8 tourist cabins and 8 manufactured homes in a fully maintained park are minimal. It is also noted that the underlying B5 zoning will be retained.

Q7. 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?

The site has been extensively cleared and is used as a caravan park. It is not identified in Council's mapping as being an area of ecological significance.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No other environmental effects are likely to result from this minor PP.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

No other social or economic effects are anticipated to result from this PP, which is of a minor nature.

Q10. Is there adequate public infrastructure for the Planning Proposal?

The development is supported by existing infrastructure and the PP will not increase demand.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The required consultation will be undertaken if the PP proceeds. A small part of the site is mapped as bushfire prone land and the PP will need to be referred to NSW Rural Fire Service (RFS) as a result.

Conclusions

As detailed above, the PP is of a minor nature. If Council supports the PP, it is recommended that a Gateway determination be sought requiring no specialist studies to be prepared.

Community Engagement

Upon receipt of the proponent's PP request the surrounding landowners and the park residents were notified in writing. One submission was received raising concerns that caravans would be installed on the site. It was clarified with the submitter that manufactured home estates are permissible in urban areas where caravan parks are permissible.

If the PP proceeds, formal public exhibition will be required including advertising in a local newspaper and a mail out to surrounding landowners.

Policy Implications

The PP is minor and is consistent with Council's adopted Planning Proposal (Rezoning) Guidelines.

Financial Implications

If Council support the PP it will be pursued on a 100% cost recovery basis, to be funded by the proponent, in accordance with Council's adopted fees and charges.

Attachment 2: SEPP Checklist

SEPP	Name	Applicable	Not inconsistent
21	Caravan parks	✓	✓
36	Manufactured home estates	✓	✓
44	Koala habitat protection	✓	✓
55	Remediation of land	×	NA
--	Affordable Rental Housing 2009	×	NA
--	BASIX : 2004	×	NA
--	Housing for Seniors or People with a Disability 2004	×	NA
--	Vegetation in Non-Rural Areas 2017	✓	✓

Attachment 3: S9.1 Checklist

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	✓	✓	Not inconsistent
1.2	Rural Zones	x		
1.3	Mining, Petroleum Production and Extractive Industries	x		
1.4	Oyster Aquaculture	x		
1.5	Rural lands	x		
2 Environment and Heritage				
2.1	Environmental Protection Zones	x		
2.2	Coastal Protection	x		
2.3	Heritage Conservation	x		
2.4	Recreation Vehicle Area	x		
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	x		
3.2	Caravan Parks and Manufactured Home Estates	✓	✓	Not inconsistent
3.3	Home Occupations	x		
3.4	Integrating Land Use and Transport	x		
3.5	Development Near Licensed Aerodromes	x		
3.6	Shooting Ranges	x		
4 Hazard and Risk				
4.1	Acid Sulphate Soils	x		
4.2	Mine Subsidence and Unstable Land	x		
4.3	Flood Prone Land	x		
4.4	Planning for Bushfire Protection	✓	✓	Not inconsistent Referral to RFS required prior to public exhibition
5 Regional Planning				
5.2	Sydney Drinking Water Catchments	x		
5.3	Farmland of State & Regional Significance Far North Coast	x		

5.4	Commercial & Retail Development Far North Coast	x		
5.8	2 nd Sydney Airport: Badgerys Creek	x		
5.9	North West Rail Link Corridor Strategy	x		
5.10	Implementation of Regional Plans	✓	✓	Not inconsistent
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✓	Not inconsistent
6.2	Reserving Land for Public Purposes	x		
6.3	Site Specific Provisions	✓	✓	Not inconsistent

Attachment 4: Request for Delegation of Plan Making Functions

1. Evaluation Criteria for the Delegation of Plan Making Functions

Checklist for the review of a request for delegation of plan making functions to Councils

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP034

Address of Land (if applicable):

The subject land is known as 9 Browns Road South Nowra and is legally described as Lot 1 DP 1079345.

Intent of draft LEP:

The PP seeks to permit caravan parks on the land.

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the PP consistent with the Standard Instrument Order, 2006?	Y			
Does the PP contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the PP contain details related to proposed consultation?	Y			
Is the PP compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the PP adequately address any consistency with all relevant Section 9.1 Planning Directions?	Y			
Is the PP consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the PP seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NA		
Heritage LEPs				
Does the PP seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?		NA		
Does the PP include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NA		

Does the PP potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NA		
Reclassifications				
Is there an associated spot rezoning with the reclassification?		NA		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management (POM) or strategy?		NA		
Is the PP proposed to rectify an anomaly in a classification?		NA		
Will the PP be consistent with an adopted POM or other strategy related to the site?		NA		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		NA		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the PP?		NA		
Has the council identified that it will exhibit the PP in accordance with the Department's Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?		NA		
Has council acknowledged in its PP that a Public Hearing will be required and agree to hold one as part of its documentation?		NA		
Spot Rezonings				
Will the PP result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?		NA		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		NA		
Will the PP deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		NA		
If yes, does the PP contain sufficient documented justification to enable the matter to proceed?		NA		
Does the PP create an exception to a mapped development standard?		NA		

Section 73A matters				
Does the proposed instrument:	Y			
<p>a. Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;</p> <p>c. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>				

2. Any other relevant documentation e.g. letters of support from State Government agencies.