

**COUNCIL MEETING
15 JULY 2009**

ATTACHMENT A

CCL 15/09/2009

2009 AMENDMENTS TO THE NEWCASTLE LEP

**Attachment A - PLANNING PROPOSAL
TO PERMIT DEVELOPMENT OF A CARAVAN PARK
AT 35 EASTERN AVENUE TARRO**

Part 1 - Objectives or Intended Outcomes

To enable extension of the adjoining caravan park over 35 Eastern Avenue, Tarro.

Part 2 - Explanation of Provisions

Amendment of *Schedule 8 Development for certain additional purposes* of the Newcastle LEP 2003, to permit 'camping ground or caravan park' at Lot 2 DP 1129904, known as 35 Eastern Avenue, Tarro, being the subject site shown in Appendix 3.

Part 3 – Justification

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

A number of studies identify the need for additional provision of affordable housing in the form of caravan parks in the Lower Hunter.

A report from the Centre for Affordable Housing (CAH) in 2008 identified caravan parks as providing housing choice to people with limited housing options, or who need the flexibility. The CAH identified a decline in caravan park accommodation across the state which reduces the housing options available for people of low incomes.

Allowing extension of the caravan park will supply additional affordable accommodation in the area. The site is suitable to supply additional affordable housing as it is within 800m of a train station and consistent with the surrounding land uses.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Due to the current restrictions on the permissibility of 'caravan parks' in the 2(a) Residential zone, a planning proposal is required to amend the Newcastle LEP 2003 to allow 'camping grounds and caravan park' as a permissible use over the site.

The Newcastle LEP 2003 currently restricts development for the purposes of a caravan to 7(a) Conservation, 6(a) Open Space and Recreation, and 1(a) Rural Residential Zones. In preparing the planning proposal, the above zones were considered as an option as part of rezoning the subject site. However, the zone objectives of these zones are inconsistent with development of the site as caravan park. In particular the density of the caravan park is clearly contrary to the environmental objectives of the 7(a) Conservation Zone to:

- (a) To provide for the conservation of the rural and bushland character of the land that forms the scenic edge of and the gateway to urban Newcastle.*
- (b) To provide for the conservation, enhancement and protection of environmentally sensitive land, such as remnant bushland, in both urban and rural localities.*

. The objective of the 2(a) Residential Zone is considered more appropriate:

- (a) To accommodate a diversity of housing forms that respect the amenity, heritage and character of surrounding development and the quality of the environment.*
- (b) To accommodate home-based business and community facilities that do not unreasonably or significantly detract from the amenity or character of the neighbourhood and the quality of the environment.*
- (c) To require the retention of existing housing stock where appropriate, having regard to ESD principles.*

The planning proposal to enable extension of the adjoining caravan park will accommodate a diversity of housing while maintaining the character of surrounding development.

A enabling clause is proposed to allow the development of a caravan park on the subject site. It is not justified in allowing caravan parks in the 2(a) Residential Zone for the entire local government area, as caravan parks are not appropriate in all urban areas due to character and surrounding land uses.

Consideration was also given to deferring the planning proposal until the comprehensive Newcastle LEP 2011. However, as the Newcastle LEP 2011 is a 'straight' conversion of existing zones consistent with the standard instrument, it is considered appropriate to prepare any mapping amendment to the existing zoning map now, so the 2011 conversion timeframe can be met.

3. Is there a net community benefit?

The planning proposal will enable development of the site for a caravan park. As discussed there will be a net community benefit in providing a diversity of housing which will increase options for people on low incomes.

Section B - Relationship to strategic planning framework.

4. 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)?

The planning proposal is consistent with the Lower Hunter Regional Strategy, particularly with the following actions:

Council will plan for a range of housing types of appropriate densities, location and suitability that are capable of adapting and responding to the ageing population.

The planning proposal will allow additional mobile home dwellings, of which a shortfall has been identified. The planning proposal will also respond to the ageing population as the CAH identified a high proportion (43%) of people aged over 65 living in caravan parks.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Newcastle Urban Strategy is Council's local strategic planning document. The planning proposal is consistent with the document in that the following objectives relating to Beresfield / Tarro can be achieved:

- *Increase housing choice as areas redevelop*
Development of the site for caravan sites provides an increase in housing choice for the area. As discussed in section A(1), a shortage of affordable housing in the form of caravan has been identified.

The Community Strategic Plan is currently under review as part of 2011 timetable.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with State Environmental Planning Policies (refer to Appendix 1).

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with Section 117 directions (refer to Appendix 2).

Section C - Environmental, social and economic impact.

8. 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 land is cleared of vegetation, and no critical habitat or threatened species, populations or ecological communities.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Development of the site for caravan park is likely to result in minor environmental effects. It is anticipated environmental effects such as traffic, noise and drainage can be dealt with adequately at the development assessment stage.

10. How has the planning proposal adequately addressed any social and economic effects?

No items or places of European or aboriginal heritage significance were identified over the site.

As discussed in section A(1), the proposal will result in additional low-cost accommodation in the Tarro locality. Consideration of the social effects any resulting development on adjoin residential areas has also been taken into account.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal is for an additional use to be permitted on the site which may result in approval of up to 26 caravan sites. Sufficient public infrastructure is provided in the area to accommodate the planning proposal.

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

No consultation has been carried out at this stage. Consultation will occur with relevant State and Commonwealth Public Authorities identified as part of the gateway determination.

Part 4 – Community Consultation

The planning proposal is considered to be of low impact, in that:

- it is consistent with the pattern of surrounding land uses;
- is consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- is not a principle LEP; and
- does not reclassify public land.

In accordance with “A guide to preparing local environmental plans” it is proposed to publicly exhibit the planning proposal for a period of 14 days.

Appendix 1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No	n/a	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	Yes	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	n/a	
State Environmental Planning Policy No 14—Coastal Wetlands	No	n/a	
State Environmental Planning Policy No 15—Rural Landsharing Communities	No	n/a	
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	n/a	
State Environmental Planning Policy No 21—Caravan Parks	Yes	Yes	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	n/a	
State Environmental Planning Policy No 26—Littoral Rainforests	No	n/a	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	n/a	
State Environmental Planning Policy No 30—Intensive Agriculture	No	n/a	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	Yes	Yes	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No	n/a	
State Environmental Planning Policy No 36—Manufactured Home Estates	Yes	Yes	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	n/a	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	n/a	
State Environmental Planning Policy No 44—Koala Habitat Protection	No	n/a	

State Environmental Planning Policy No 47—Moore Park Showground	No	n/a	
State Environmental Planning Policy No 50—Canal Estate Development	No	n/a	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	n/a	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	n/a	
State Environmental Planning Policy No 55—Remediation of Land	No	n/a	
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	n/a	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	n/a	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	n/a	
State Environmental Planning Policy No 64—Advertising and Signage	No	n/a	
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	n/a	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	n/a	
State Environmental Planning Policy No 71—Coastal Protection	No	n/a	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	n/a	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	n/a	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	n/a	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Yes	
State Environmental Planning Policy (Infrastructure) 2007	Yes	Yes	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	n/a	
State Environmental Planning Policy (Major Development) 2005	Yes	Yes	

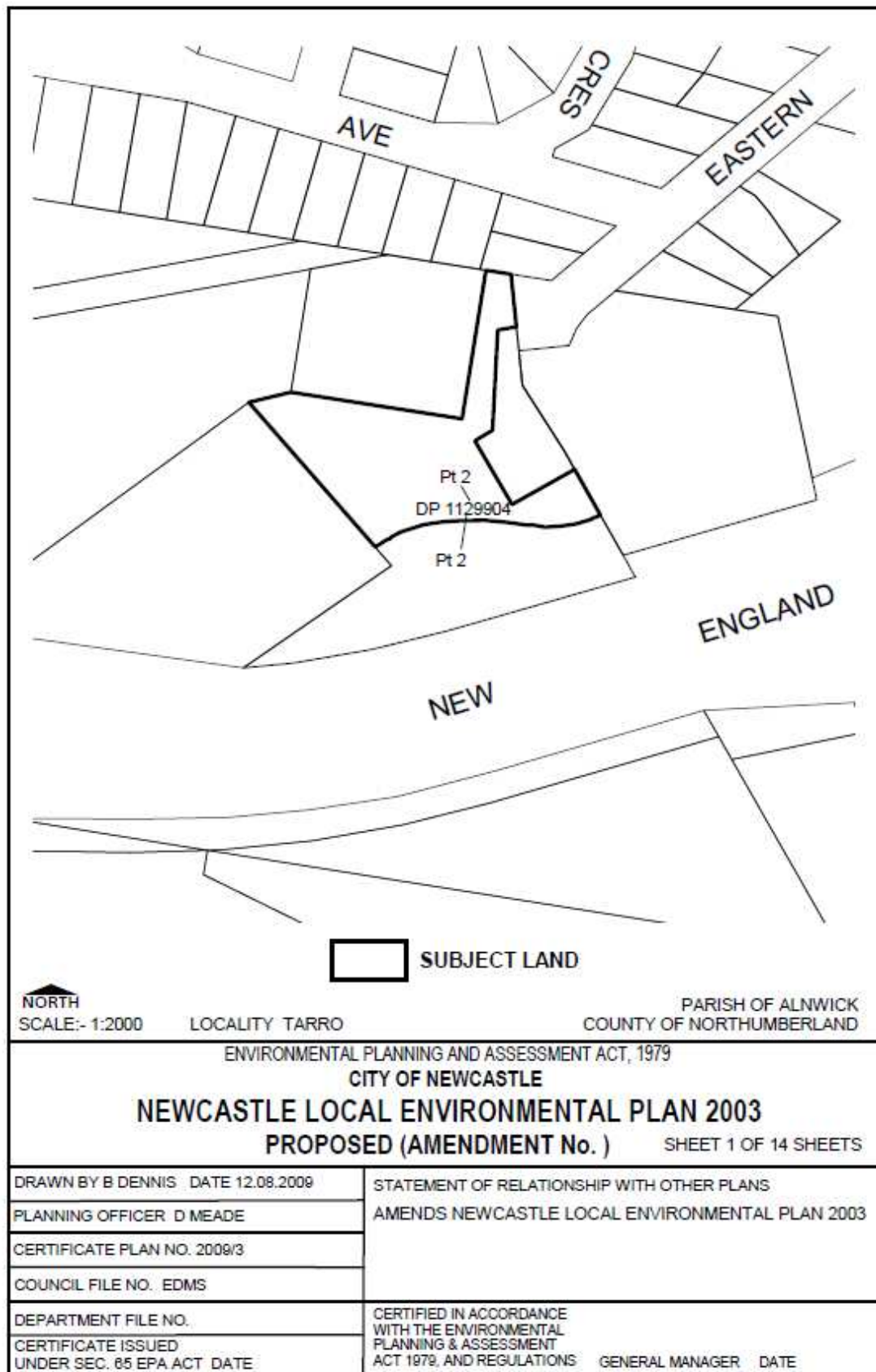
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes	
State Environmental Planning Policy (Rural Lands) 2008	No	n/a	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	n/a	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	n/a	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	n/a	

Appendix 2: Consistency with Section 117 Directions

	Applicable	Consistent	Reason for inconsistency
1. Employment and Resources			
1.1 Business and Industrial Zones	No	Not applicable	
1.2 Rural Zones	No	Not applicable	
1.3 Mining, Petroleum Production and Extractive Industries	No	Not applicable	
1.4 Oyster Aquaculture	No	Not applicable	
1.5 Rural Lands	No	Not applicable	
2. Environment and Heritage			
2.1 Environment Protection Zones	No	Not applicable	
2.2 Coastal Protection	No	Not applicable	
2.3 Heritage Conservation	No	Not applicable	
2.4 Recreation Vehicle Areas	No	Not applicable	
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	
3.3 Home Occupations	Yes	Not applicable	
3.4 Integrating Land Use and Transport	Yes	Yes	
3.5 Development Near Licensed Aerodromes	No	Not applicable	
4. Hazard and Risk			

4.1 Acid Sulfate Soils	Yes	Yes	
4.2 Mine Subsidence and Unstable Land	No	Not applicable	
4.3 Flood Prone Land	Yes	Yes	
4.4 Planning for Bushfire Protection	No	Not applicable	
5. Regional Planning			
5.1 Implementation of Regional Strategies	Yes	Yes	
5.2 Sydney Drinking Water Catchments	No	Not applicable	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	Not applicable	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	Not applicable	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	Not applicable	
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	
6.2 Reserving Land for Public Purposes	Yes	Yes	
6.3 Site Specific Provisions	Yes	Yes	

Appendix 3: Proposed Amendments to the Newcastle LEP 2003 Zoning Map



Appendix 3: Proposed Amendments to the Newcastle LEP 2003 Zoning Map

Appendix 4: Aerial view of the subject land





NORTH

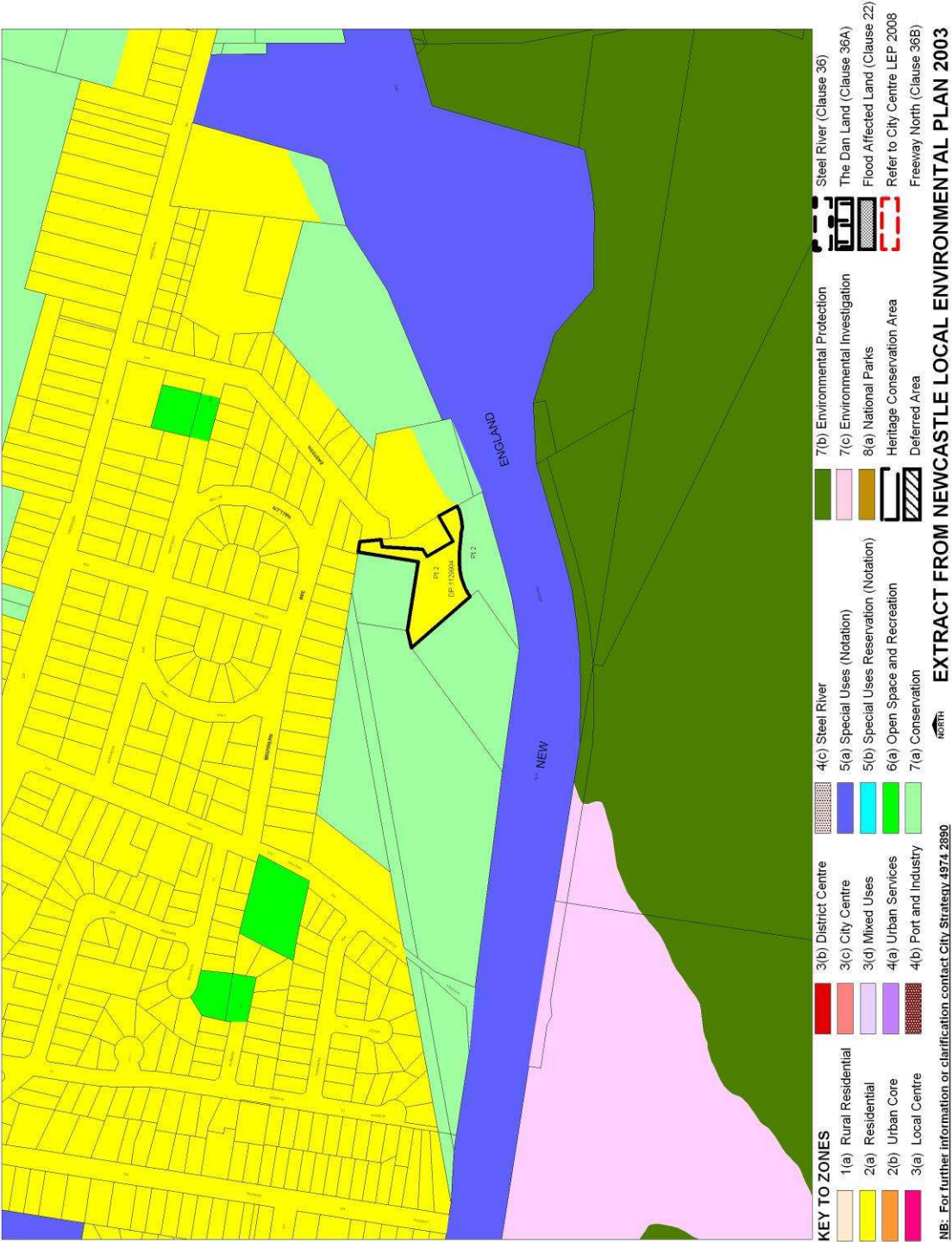


Subject Site

SCALE:- 1:5000 LOCALITY TARRO

PARISH OF ALNWICK
COUNTY OF NORTHUMBERLAND

Appendix 5: Current zoning of the subject land



Appendix 6: Location view of the subject land

