

Rezoning of Various Caravan Park Sites

Proposal Title : **Rezoning of Various Caravan Park Sites**

Proposal Summary : **The planning proposal (PP) seeks to rezone eleven (11) existing caravan park sites and associated land within the Shoalhaven Local Government Area to the SP3 Tourist Zone.**

PP Number : **PP_2013_SHOAL_002_00**

Dop File No : **13/19105**

Proposal Details

Date Planning
Proposal Received : **15-Nov-2013**

LGA covered : **Shoalhaven**

Region : **Southern**

RPA : **Shoalhaven City Council**

State Electorate : **SOUTH COAST**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **70 Rockhill Road**

Suburb : **North Nowra**

City : **Shoalhaven**

Postcode : **2541**

Land Parcel : **Shoalhaven Ski Park Lot 1 DP 725938**

Street : **674 Burrier Road**

Suburb : **Burrier**

City : **Shoalhaven**

Postcode : **2540**

Land Parcel : **Grady's Riverside Retreat Part Lot 1 DP 840803**

Street : **29 Deakin Street**

Suburb : **Wrights Beach**

City : **Shoalhaven**

Postcode : **2540**

Land Parcel : **Bush Tail Caravan Park Lot 81 DP 755907**

Street : **66 Wrights Beach Road**

Suburb : **Bream Beach**

City : **Shoalhaven**

Postcode : **2540**

Land Parcel : **Erowal Bay Holiday Co-op Part of Lot 76 DP 755907**

Street : **1 Norman Street**

Suburb : **Lake Conjola**

City : **Shoalhaven**

Postcode : **2539**

Land Parcel : **Conjola Lakeside Van Park Lot 1 DP 1041770**

Street : **Garrad Way**

Suburb : **Lake Conjola**

City : **Shoalhaven**

Postcode : **2539**

Land Parcel : **Lake Conjola Deepwater Resort Part of Lot 250 DP 1125372**

Street : **Dolphin Point Road**

Suburb : **Dolphin Point**

City : **Shoalhaven**

Postcode : **2539**

Land Parcel : **Dolphin Point Tourist Park Part of Lot 12 DP 1104789**

Rezoning of Various Caravan Park Sites

Street : **F425 Princes Hwy**
 Suburb : **Lake Tabourie** City : **Shoalhaven** Postcode : **2539**
 Land Parcel : **Wairo Beach Caravan Park Lots 153 & 149 DP 755972**
 Street : **381 Murramarang Road**
 Suburb : **Bawley Point** City : **Shoalhaven** Postcode : **2539**
 Land Parcel : **Racecourse Beach Tourist Park Lot 30 DP 1183066 (formally Lot 1 DP 579750)**
 Street : **F275A Princes Hwy**
 Suburb : **Burrill Lake** City : **Shoalhaven** Postcode : **2539**
 Land Parcel : **Wairo Beach Bush Missionary Society Caravan Park - Burrill Pines Lots 157, 160 & 161 DP 755972**
 Street : **101 Ethel Street**
 Suburb : **Sanctuary Point** City : **Shoalhaven** Postcode : **2541**
 Land Parcel : **Palm Beach Caravan Park Extension Lot 80 DP 16557**

DoP Planning Officer Contact Details

Contact Name : **George Curtis**
 Contact Number : **0242249465**
 Contact Email : **george.curtis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Bernadette Sharpe**
 Contact Number : **0244293482**
 Contact Email : **sharpeb@shoalhaven.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Mark Parker**
 Contact Number : **0242249468**
 Contact Email : **mark.parker@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :	N/A	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			

Rezoning of Various Caravan Park Sites

Have there been meetings or communications with registered lobbyists? **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : Shoalhaven City Council deferred these sites from its Principal Local Environmental Plan currently being finalised. Submissions to that plan raised concerns that the proposed conversion to an E3 Environmental Management Zone did not permit caravan parks. The SP3 Tourist Zone is seen as a more appropriate zone providing flexibility, recognising the existing use, and allowing for expansion.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The PP indicates that the intended outcome is to provide certainty to the affected landowners by permitting the continuing use of the approved caravan parks and their landholdings through a zoning that specifically permits caravan parks.

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

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

Comment : An explanation of provisions is provided for each site in accordance with table 3 of the PP and summarised as follows:

Site 1 - Shoalhaven Ski Park:

- SP3 Tourist Zone
- Acid Sulfate Soils Map
- Natural Resource Sensitivity - Watercourses Map
- Natural Resource Sensitivity - Scenic Protection Map

Site 2 - Grady's Riverside Retreat:

- SP3 Tourist Zone
- Natural Resource Sensitivity - Watercourses Map

Site 3 - Bushy Tail Caravan Park:

- SP3 Tourist Zone
- Acid Sulfate Soils Map
- Local clause 7.15 - Development within the Jervis Bay Region

Site 4 - Erowal Bay Holiday Co-op:

- SP3 Tourist Zone
- Acid Sulphate Soils Map
- Local clause 7.15 - Development within the Jervis Bay Region

Site 5 - Conjola Lakeside Van Park:

- SP3 Tourist Zone
- Acid Sulfate Soils Map
- Natural Resource Sensitivity - Watercourses Map
- Flood Planning Area Map

Site 6 - Lake Conjola Deepwater Resort:

- SP3 Tourist Zone
- Acid Sulfate Soils Map

Rezoning of Various Caravan Park Sites

- Natural Resource Sensitivity - Watercourse Map
- Flood Planning Area Map

Site 7 - Dolphin Point Tourist Park:

- SP3 Tourist Zone
- Acid Sulfate Soils Map
- Flood Planning Area Map

Site 8 - Wairo Beach Caravan Park:

- SP3 Tourist Zone
- Acid Sulfate Soils Map
- Flood Planning Area Map

Site 9 - Racecourse Beach Tourist Park:

- SP3 Tourist Zone
- Acid Sulfate Soils Map

Site 10 - Wairo Beach Bush Missionary Society Caravan Park:

- SP3 Tourist Zone
- Acid Sulfate Soils Map

Site 11 - Palm Beach Caravan Park:

- SP3 Tourist Zone
- Acid Sulfate Soils Map
- Lot Size Map
- Local clause 7.15 - Development within the Jervis Bay Region

The explanation of provisions meets the requirements of the Department's "A guide to preparing planning proposals".

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

2.1 Environment Protection Zones

2.2 Coastal Protection

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection
Jervis Bay REP 1996

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

The following SEPPs (deemed SEPPs) may also be relevant:

- **SEPP 21 Caravan Parks** - requires caravan parks to be permitted with development consent.

- **SEPP 36 Manufactured Home Estates** - allows manufactured home estates to be permitted with consent wherever caravan parks are permitted.

- **IREP No.1 Illawarra** - applies to all sites except Bushy Tail Caravan Park, Wrights Beach and Erowal Bay Holiday Co-op, Bream Beach. Provides aims, objectives and principles for the preparation of LEPs affecting coastal lands, wetlands and other waterbodies.

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

If No, explain :

a) Local strategy:

The PP is not the result of a local study or strategy. It arose as a result of concerns raised with the exhibited E3 Environmental Management Zone under draft Shoalhaven LEP 2013 and the prohibition of "caravan parks" in that zone.

(b) Section 117 Directions:

The PP identifies that it is inconsistent with the following S117 Directions:

(i) 2.1 Environment Protection Zones:

Council has identified that the PP is inconsistent with the Direction because it would change the zoning of sites 1-10 from their current environmental protection zoning (Environment Protection 7(d1)(Scenic), Environment Protection 7(f3) (Foreshores Protection), Environment Protection 7(f2)(Coastal Reservation) or Environment Protection 7(f1)(Coastal)) under the Shoalhaven LEP 1985 to an SP3 Tourist Zone under the Shoalhaven LEP 2013.

The PP states that the inconsistency with the Direction is of minor significance due to the:

- disturbed/developed nature of the majority of the caravan park sites and the minor significance of any existing environmental values;
- proposed incorporation of any existing environmental value, (notably on sites 1 & 9) on the Terrestrial Biodiversity Map and any other relevant environmental map in the Shoalhaven LEP which will ensure that these environmental values are considered should future development be proposed; and
- the minimal impact on any existing environmental value should future development be considered.

Given the current level of development, amount of disturbance, environmental controls within the Principal LEP to address environmental and hazard concerns that will be applied, it is considered that the Director General can be satisfied that any inconsistencies with the Direction are of minor significance.

(ii) Direction 4.1 Acid Sulfate Soils

The PP states that it is consistent with the Direction because it is not proposing intensification of development on any of the sites. As previously noted, however, the PP would expand the range of permissible uses on sites that potentially contain acid sulfate soils.

Most of the sites are fully developed and only a small number of sites have any land available for potential expansion. However, the affectation of the sites by other constraints and the heads of consideration within Council's new Principal LEP will significantly limit development potential.

The Director General can be satisfied that any inconsistencies with the Direction are of minor significance.

(iii) Direction 4.3 Flood Prone Land

The PP identifies that it is inconsistent with the Direction but that this is of minor significance given the developed nature of the sites and the intent of the proposal is not to change the site's development potential.

Most of the sites are fully developed and only a small number of sites have any land

available for potential expansion. However, the affectation of the sites by other constraints and the heads of consideration within Council's new Principal LEP will significantly limit development potential.

The Director General can be satisfied that any inconsistencies with the Direction are of minor significance.

(iv) Direction 2.2 Coastal Protection

The majority of the caravan park sites are located within the coastal zone and fully or partly within a sensitive coastal location. The PP identifies that it is inconsistent with the Direction but that this is of minor significance because the objective of the PP is to retain a currently permitted use ie caravan park and not to change development potential.

It is noted that the compulsory clause 5.5 "Development within the coastal zone" of draft Shoalhaven LEP 2013 would apply to the applicable sites. Clause 5.5 gives effect to the NSW Coastal Policy which is a requirement for PPs to be consistent with the Direction. For this reason, despite Council's assessment, the PP is not considered to be inconsistent with the Direction.

(v) Direction 3.1 Residential Zones

Site 11 (Palm Beach Caravan Park) is currently zoned Residential 2(a1). The PP states that the PP is inconsistent with the Direction. It, however states that the inconsistency is of a minor significance because the proposed SP3 Zone for the 765sq.m lot is consistent with the adjoining caravan park use and not intended to increase development potential.

It is noted that the lot has an existing dwelling/structure which is associated with the caravan park use. Despite Council's assessment, it is not considered that the PP is inconsistent with the Direction because it does not propose to reduce the permissible residential density of the land.

(vi) Other s117 Directions

The PP identifies that it is consistent with Section 117 Directions 3.2 "Caravan Parks and Manufactured Home Estates" and 4.4 "Planning for Bushfire Protection" and 5.1 "Implementation of Regional Strategies". Council's reasons for the consistency provided in the PP are agreed.

RECOMMENDATION: the Director General can be satisfied that any inconsistencies with s117 Directions are of minor significance.

(d) SEPPs and deemed SEPPs:

The PP identifies that SEPP No. 71 - Coastal Protection and Jervis Bay REP (deemed SEPP) apply. It is considered that the PP is generally consistent with the aims, objectives and policies of these SEPPs because:

- the proposed SP3 Tourist Zone will provide for the proper development and management of the coastal sites; and

- a number of environmental overlays and associated clauses, including a Jervis Bay clause, under the draft Shoalhaven LEP 2013, will ensure that the environmental, cultural and tourism values of the applicable caravan park sites are protected.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Site location maps are provided for each of the 11 sites in the PP. The maps show the**

Rezoning of Various Caravan Park Sites

intent of the proposal and the areas to which it applies. The maps are considered adequate for the purposes of public exhibition and consultation given that the Principal LEP and Maps are yet to be finalised. Council has also indicated that it would also be including relevant environmental mapping (biodiversity, flooding, waterways, acid sulfate soils) as part of the exhibition materials. It is recommended that Council provide maps consistent with the 'Standard technical requirements for LEP maps' when the LEP is submitted for finalisation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council considers the PP "low impact" and proposes to exhibit for 14 days.**

This is considered appropriate.

Additional Director General's requirements

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

If Yes, reasons : **All matters have been satisfactorily addressed.**

Overall adequacy of the proposal

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

If No, comment : **The PP adequately addresses the six parts of a planning proposal provided under section 55(2) of the Act. Council has provided a timeline as required by part six of a PP. The timeline indicates that the PP would be exhibited in January/February 2014 and an LEP notified by March/April 2014.**

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP : **The draft Shoalhaven LEP 2013 is being finalised for notification. The matters subject to this PP are proposed to be deferred from the Shoalhaven LEP because the sites were exhibited as E3 Environmental Management Zone which prohibited caravan parks. It is intended that the PP controls would be incorporated within the final Shoalhaven LEP or, alternatively as an amendment to that LEP.**

Assessment Criteria

Need for planning proposal : **The Planning Proposal is needed to facilitate the zoning/permisibility of 11 caravan park sites that are proposed to be deferred from the draft Shoalhaven LEP 2013.**

Consistency with strategic planning framework : **The PP is consistent with the South Coast Regional Strategy, namely it would facilitate:**

- incorporation of appropriate planning controls into LEPs to protect biodiversity values on land (p.13);**
- zoning of areas subject to hazard to reflect the limitations of the land (p.18); and**
- the identification of appropriate sites for specific "tourism precincts" including nature tourism (p.27).**

Environmental social economic impacts : **Environmental:**

The majority of the caravan park sites are located within sensitive coastal locations, however, they are predominantly cleared and developed. Only two sites could contain any significant habitat, namely Site 1 (Shoalhaven Ski Park) and Site 9 (Racecourse Beach Tourist Park).

The majority of the sites are also constrained by waterbodies, flooding, acid sulfate soils and bushfire. A number of sites are also surrounded by National Park and/or Crown Land, namely Wairo Beach Caravan Park and Wairo Beach Bush Missionary Society Caravan Park at Burril Lake.

The SP3 Zone would also provide a greater range of permissible uses than the E3 Environmental Management Zone, namely tourist and visitor accommodation (includes hotel and motels and serviced apartments) and dwelling houses. However, this needs to be considered in the context of the current zones under Shoalhaven LEP 1985 which permit a range of additional uses in comparison to the proposed E3 Environmental Management Zone.

However, given the current level of development of the sites and the constraints that apply the caravan park sites' location and physical constraints would limit more intensive forms of development. The application of environmental mapping and clauses addressing biodiversity, waterways, acid sulfate soils, flooding, scenic protection and development in the Jervis Bay Region proposed under the Principal LEP would ensure that these matters are addressed during the development assessment process. The PP also identifies the option of applying an E3 Environmental Management Zone to any areas of potential threatened species habitat located on sites 1 & 9.

The PP identifies that an RE1 Public Recreation Zone may be a more appropriate zone for site 10 (Wairo Beach Bush Missionary Society Caravan Park) to reflect the Crown Land tenure of the site and a previous request to rezone the site to RE1 by Crown Lands in its submission to the draft Shoalhaven LEP. The RE1 Zone would also contain an environmental objective.

RECOMMENDATION

It is recommended that Council consult with the Department of Trade and Investment (Crown Lands) during the community consultation period to determine their preferred zoning for site 10.

RECOMMENDATION

It is recommended that Council consult with OEH during the community consultation period to identify any environmentally significant areas that may warrant greater protection.

The Dolphin Point Tourist Park (Site 7) is currently zoned Environment Protection (Coastal Reservation) under the Shoalhaven LEP 1985. The Department, however, advised Council in February 2008 that the site is no longer required for coastal acquisition under the Coastal Lands Protection Scheme and that a more appropriate zoning should be adopted to protect the environmental and social aspects of the land.

Social and economic impacts:

The PP will have a positive social and economic impact by ensuring the ongoing use and growth of the existing caravan parks, hence supporting tourism and its economic and social benefits to the region.

The potential for dwelling houses with no minimum lot size may be a concern. A 40ha minimum lot size currently applies to the sites under the Shoalhaven LEP 1985. Council has advised that, with the exception of site 11 (Palm Beach Caravan Park), it does not intend to apply a minimum lot size to the sites because stand alone dwellings are not intended to be allowed in the SP3 Zone. Council has advised that the proposed SP3 Zone objective "to provide for dwelling houses that form an integral part of a tourist-oriented development" is intended to prohibit stand alone dwellings. It may be appropriate to apply a minimum lot size to clearly prevent any potential for subdivision for dwellings which would still allow tourist use of such structures. This would ensure maintenance of the integrity of the zone.

Rezoning of Various Caravan Park Sites

RECOMMENDATION

Council should consider applying a minimum lot size to prevent subdivision for dwellings that could undermine the integrity of the zone.

The PP considers the option of retaining the exhibited E3 Environmental Management Zone for the sites but adding caravan parks as an additional permitted use via Schedule 1 of the Shoalhaven LEP. Caravan park owners and Council have not, however, supported this option because they are concerned that it would limit the ability for owners to obtain finance given the overlying environmental protection zoning.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage Department of Trade and Investment Office of Environment and Heritage - NSW National Parks and Wildlife Service		

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

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

If no, provide reasons : **The Planning Proposal will facilitate the suitable zoning of 11 existing caravan park sites that are proposed to be deferred from the draft Shoalhaven LEP 2013.**

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
Council_letter.pdf	Proposal Covering Letter	No
Planning_Proposal_pp1-6.pdf	Proposal	No
Planning_Proposal_pp7-10.pdf	Proposal	No
Planning_Proposal_pp 11-14.pdf	Proposal	No
Planning_Proposal_pp 15-20.pdf	Proposal	No
Planning_Proposal_pp21-26.pdf	Proposal	No
Planning_Proposal_pp28-32.pdf	Proposal	No
Planning_Proposal_pp33-38.pdf	Proposal	No
Maps_Sites 1_2_10_11.pdf	Map	No
Maps_Sites_3_4_5_6.pdf	Map	No
Maps_Sites_7_8_9.pdf	Map	No

Planning Team Recommendation

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

S.117 directions:

- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information : **The Deputy Director General, Planning Operations & Regional Delivery, as delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act that an amendment to the Shoalhaven Local Environmental Plan 2013 to rezone eleven (11) caravan park sites at North Nowra, Burrier, Erowal Bay, Lake Conjola, Dolphin Point, Lake Tabourie, Bawley Point and Burrill Lake should proceed subject to the following conditions:**

1. Council should consider applying an appropriate minimum lot size to the sites to prevent subdivision for dwelling houses that could undermine the use of the sites for tourism.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal is to be made publicly available for 14 days; and
(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 local environmental plans (Department of Planning and Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

*** Office of Environment and Heritage**
*** Department of Trade and Services (Crown Lands)**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A 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).

5. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

6. Council is to be authorised to use the Minister's plan-making functions under section 59 of the EP&A Act 1979.

SECTION 117 DIRECTIONS

7. The Director General can be satisfied that any inconsistencies with s117 Directions 2.1, 2.2, 3.3, 4.1 and 4.3 are of minor significance.

8. The Director General can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance.

Rezoning of Various Caravan Park Sites

9. No further referral is required in relation to s117 Directions while the planning proposal remains in its current form.

10. The RPA is to prepare Terrestrial Biodiversity, Watercourses, Acid Sulfate Soils, Flood Planning Area, Scenic Protection and Minimum Lot Size Maps for the affected sites consistent with the Department's "Standard technical requirements for LEP maps" when the planning proposal is submitted for finalisation.

Supporting Reasons :

The planning proposal seeks to apply an appropriate SP3 Tourist Zone to a number of existing caravan parks that have been substantially developed. These areas have been deferred from the Principal LEP which is currently being finalised for notification.

This planning proposal is going to the LEP Panel as a change to Council's planning proposal to introduce a minimum lot size has been recommended.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

4th December 2013