

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**

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, Errowal 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

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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.

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.

Panel Recommendation

Recommendation Date : 12-Dec-2013

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Council is to update the planning proposal to include Terrestrial Biodiversity, Watercourses, Acid Sulfate Soils, Flood Planning Area and Scenic Protection Maps, which are at an appropriate scale and clearly identify the subject lands and are consistent with the Department's 'Standard technical requirements for LEP maps'. This is to be done prior to making the plan.

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 classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 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 LEPs (Department of Planning & Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Office of Environment and Heritage
- NSW Trade and Investment (Crown Lands)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under

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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 9 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has requested delegations for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Signature:



Printed Name:

MEN SELMAN

Date:

18/12/13