

Attachment A – Special Development Committee Council report and resolution to prepare a Planning Proposal.

REPORTED AND ADOPTED BY DELEGATED AUTHORITY AT SPECIAL DEVELOPMENT COMMITTEE COUNCIL MEETING HELD ON 17 JULY 2013

Council Report

Issue 4.2: E3 Zoning over Existing Caravan Parks-Submissions

Number of Submissions-E3 zoning over Caravan Parks

Type	Number
Individual	6
Petitions	0
Local, State and Federal Agencies	1
Rezoning requests	0
CCBs and other community groups	0
Internal	0
Total	7

Key Issues – E3 zoning over Caravan Parks

Table 4.2 – Summary of Submissions Issues, Comments and Recommendations

Issue	Comment and Recommendation
Six(6) submissions were received by or on behalf of caravan park owners objecting to the E3 zoning of their land given it does not permit 'caravan parks'. This would mean these caravan parks would have to rely on "existing use rights". It is inequitable that caravan parks on nearby public land in similar locations will remain a permissible use in the proposed RE1 Public Recreation zones. Concern that the E3 zoning will impact on the value of the land. One (1) submission from Crown Lands raised concern with the E3 zoning at Wairo Beach – where the Bush Missionary Society Caravan Park is located.	The caravan parks referred to are all located in existing environment protection zones under SLEP 1985. A number of the environmental protection zones under SLEP 1985 allow 'caravan parks' with consent. In the compression of the existing 8 environmental protection zones, 'caravan parks' became a prohibited use in the E3 zone. As a result, these existing caravan parks would have to rely on existing use rights. An addition to Schedule 1 would avoid reliance on existing use rights and provide certainty to the landowners. This would allow continued use without widening the potential uses on the sites via a

The existing caravan parks raised in the submissions are: • Wairo Beach – Bush Missionary Society Caravan Park, F275A Princes Hwy, Burrill Lake (Lots 157, 160 & 161 DP 755972) • Wairo Beach Caravan Park F425 Princes Hwy, Lake Tabourie (Lots 143 & 149 DP 755972). • 285 Murramarang Road, Bawley Point. • 381 Murramarang Road, Bawley Point - Racecourse Beach Caravan Park (Lot 1 DP 579750). • 635 Murramurung Road, Kioloa - Kioloa Beach Holiday Park (Lot 128 DP 40869). • 1 Norman Street, Lake Conjola - Lake Conjola Lakeside Van Park (Lot 1 DP 1041770). The submissions generally request a change of zone to RE1, RE2, SP3 or the inclusion of a Schedule 1 Clause to allow the ongoing use of these sites.	zone change, particularly to RE3 or SP3. The LEP “ground rules” included that where practical, the new LEP will recognise existing use. As such given that the subject land could be considered to be an “existing use rights” situation then there was merit in reconsidering the planning provisions applying to the affected properties of this land. <u>Recommendation</u> Amend Schedule 1 development for additional purposes to include the development for the purposes of a ‘caravan park’ for the following properties: • Lots 157, 160 & 161 DP 755972, F275A Princes Hwy, Burrill Lake; • Lots 143 & 149 DP 755972, F425 Princes Hwy, Lake Tabourie; • Lot 2 DP 579750, 285 Murramarang Road, Bawley Point • Lot 1 DP 579750, 381 Murramurung Road, Bawley Point; • Lot 128 DP 40869, 635 Murramurung Road, Kioloa; and • Lot 1 DP 1041770, 1 Norman Street, Lake Conjola. • Other similarly affected existing caravan parks that may be identified prior to finalising the plan.
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Recommendation 4.2:

Support the recommendations in Table 4.5 and amend the draft LEP 2013 Amend Schedule 1 development for additional purposes to include the development for the purposes of a ‘caravan park’ for the following properties:

- ***Lots 157, 160 & 161 DP 755972, F275A Princes Hwy, Burrill Lake;***
- ***Lots 153 & 149 DP 755972, F425 Princes Hwy, Lake Tabourie;***
- ***Lot 2 DP 579750, 285 Murramarang Road, Bawley Point***
- ***Lot 30 DP 1183066, 381 Murramarang Road, Bawley Point;***

- ~~Lot 128 DP 40869, 635 Murramarang Road, Kioloa; and~~
- Lot 1 DP 1041770, 1 Norman Street, Lake Conjola;
- Lot 250 DP 1125372, Garrad Way, Lake Conjola; and
- Other similarly affected existing caravan parks located on E3 zoned land that may be identified prior to finalising the plan.

Minute number 13.1.4.2

Recommendation 4.2:

Note: Russ Pigg left the meeting

MOTION:

Moved: Watson / Second: Guile

RESOLVED that the Special Development Committee, under delegated authority, that:

- a) Caravan parks specifically identified in section 4.2 and other existing caravan parks identified by staff that are proposed to be zoned E3 be deferred from the Plan and included in a planning proposal to be commenced immediately;
- b) The General Manager be given delegated authority by Council to progress the planning proposal; and
- c) The Planning proposal seek to zone these caravan parks to SP3 and if possible the planning proposal be incorporated into the gazettal of the LEP 2013.

Note: Cllr Watson requested an apology from Cllr Findley. Cllr Findley declined to apologise.

CARRIED

FOR: Tribe, Robertson, Anstiss, Gash, Wells, Baptist, Guile, Watson, Kitchener, White

AGAINST: Nil

Attachment B – Special Development Committee Council report and resolution to prepare a Planning Proposal – 101 Ethel Street Sanctuary Point.

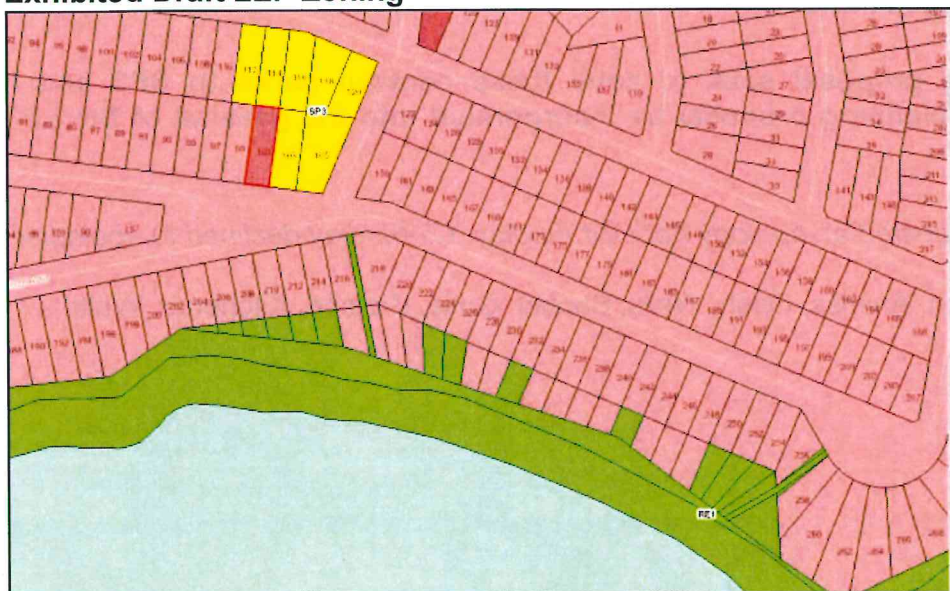
REPORTED AND ADOPTED BY DELEGATED AUTHORITY AT SPECIAL DEVELOPMENT COMMITTEE COUNCIL MEETING HELD ON 17 JULY 2013

Council Report

Request No. J

Submission No.	Property Address	SLEP 1985 zoning	Draft SLEP 2009 zoning	Draft SLEP 2013 zoning
J D13/137568 Andy van den Oever – Owner/operator of Palm Beach Caravan Park on adjoining land.	Lot 80 DP 16557 101 Ethel Street Sanctuary Point	Residential 2(a1)	R2 Low Density Residential	R2 Low Density Residential

Exhibited Draft LEP Zoning

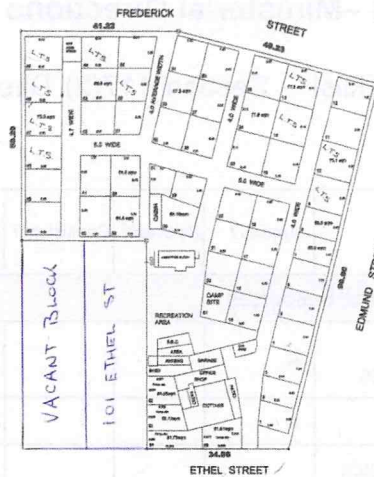


Requested Change	Comment and Recommendation
Request: Zone SP3 Tourist, not R2 Low Density Residential The zone change would allow for the relocation of 5 approved powered sites which surround the main residence. If re-zoned, land could become part	This proposal has some merit considering the purpose of the request is to relocate 5 sites that surround the main residence. The owner/operators of Palm Beach Caravan Park own the existing seven (7) lots zoned SP3 which form part of the Caravan Park.

of the Caravan Park and would be used for the 5 relocated powered sites.

At present, very few tourist's like the idea of setting up their vans outside the owners Lounge, Kitchen and Dining room windows.

Would not increase the number of approved sites - would remain at 55 sites.



Extract of Community Map/Site Plan from landowner's submission

This request would effectively permit an extension of the existing Caravan Park. Appropriate community consultation is warranted for such a proposal and it is recommended that the request be considered as a future Planning Proposal.

Recommendation

Receive for information and advise the landowners to submit a future Planning Proposal to amend the zoning of Lot 80 DP 16557, 101 Ethel Street Sanctuary Point from R2 to SP3.

Recommendation 4.5.J

Receive for information and advise the landowners to submit a future Planning Proposal to amend the zoning of Lot 80 DP 16557, 101 Ethel Street Sanctuary Point from R2 to SP3.

Council Minute

Recommendation 4.5.J

MOTION:

Moved: Watson / Second: Gash

RESOLVED that the Special Development Committee, in accordance with its delegated authority, include the proposal to amend the zoning of Lot 80 DP 16557, 101 Ethel Street Sanctuary Point, to SP3 in the “gateway” process to be undertaken other caravan parks proposed to be zoned E3.

CARRIED

FOR: Tribe, Baptist, Anstiss, Watson, Kitchener, Gash, Russ Pigg, White

AGAINST: Findley

Attachment C –Ministerial Directions**Draft LEP Checklist – Section 117(2) Directions – Rezoning of Caravan Parks Planning Proposal**

Direction No:	Subject	Applies?	Relevant?	Consistent?	Comment
1	Employment and Resources				
1.1	Business and Industrial Zones	N			
1.2	Rural Zones	N			
1.3	Mining, Petroleum Production and Extractive Industries	N			
1.4	Oyster Aquaculture	N			
1.5	Rural lands	N			
2	Environment and Heritage				
2.1	Environmental Protection Zones	Y	Y	N	The draft LEP is inconsistent with this direction but of minor significance. However, due to the disturbed / developed nature of the relevant caravan park sites and the minor significance of any environmental values it is considered the impact on any existing environmental value will be very minimal. Further, any relevant overlays referring to the environmental attributes of the sites will be included and therefore trigger the need to consider these environmental values should future development be considered.
2.2	Coastal Protection	Y	Y	N	The draft LEP is inconsistent with this direction. However, the objective of the Planning Proposal is to include a currently permitted use and not to change development potential and therefore the proposal is of minor significance.
2.3	Heritage Conservation	N			
2.4	Recreation Vehicle Areas	N			
3	Housing, Infrastructure and Urban Development				
3.1	Residential Zones	Y	Y	N	Lot 80 DP16557 Palm Beach Caravan Park is currently within a residential zone. This direction is inconsistent, however, the Planning Proposal justifies the request to rezone to SP3 for consistency with the adjoining caravan park use and not intended to increase development potential. The lot is consistently owned with the remainder of the caravan park holding and has been for some time. This is of minor significance.
3.2	Caravan Parks and Manufactured Home Estates	Y	Y	Y	The draft LEP is consistent with this direction.
3.3	Home Occupations	N			
3.4	Integrating Land Use and Transport	N			
3.5	Development Near Licensed	N			