



### Amendment to permit caravan parks and relocatable/ manufactured homes at Erina.

Proposal Title : **Amendment to permit caravan parks and relocatable/ manufactured homes at Erina.**

Proposal Summary : **The proposal is to permit caravan parks and relocatable/ manufactured homes on land currently zoned 2(c) Residential in the Gosford Planning Scheme Ordinance (GPSO). The site is located at 75-83 Karalta Road, Erina.**

PP Number : **PP\_2012\_GOSFO\_006\_00**      Dop File No : **12/04997**

#### Proposal Details

Date Planning Proposal Received : **12-Mar-2012**      LGA covered : **Gosford**

Region : **Hunter**      RPA : **Gosford City Council**

State Electorate : **TERRIGAL**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

#### Location Details

Street : **75-83 Karalta Road**

Suburb : **Erina**      City :      Postcode : **2250**

Land Parcel : **Lot 1 DP 1030621**

#### DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**

Contact Number : **0243485003**

Contact Email : **ben.holmes@planning.nsw.gov.au**

#### RPA Contact Details

Contact Name : **Peta James**

Contact Number : **0243258871**

Contact Email : **Peta.James@gosford.nsw.gov.au**

#### DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

#### Land Release Data

Growth Centre : **N/A**      Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Central Coast Regional Strategy**      Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	112
Gross Floor Area :	0	No of Jobs Created :	5

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

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

If Yes, comment :

### Supporting notes

Internal Supporting Notes :

#### Jobs and dwellings:

The Council report states that 112 caravan/ relocatable homes would result from the proposal. Five long term jobs would result (with 50 short term jobs associated with construction).

#### Erina Town Centre (background):

Erina is identified as a Town Centre under the Central Coast Regional Strategy (CCRS) and will likely experience ongoing growth due to the continued expansion of its business/ retail functions. Currently, the centre is a mix of business park style offices, retail outlets, light industries and contains the LGA's largest shopping complex (Erina Fair). Bounding these uses is a mix of low rise residential, seniors housing, manufactured housing estates and land zoned for conservation/ scenic protection.

#### Neighbouring caravan parks/ manufactured housing estates (background):

This site is a proposed extension to the Pine Needles Lifestyle Village, one of three caravan parks/ manufactured housing estates on Karalta Road at Erina. It is understood that these parks may have originally been developed under the former 7(c3) Coastal South zone of the Interim Development Order 122 (pre early 1980's) and then later converted to manufactured housing estates using SEPP 36 Manufactured Housing Estates. The parks now operate under existing use rights in Council's 2(c) Residential zone in the GPSO.

These parks (amongst others in the LGA) were the subject of a specific LEP gazetted in 2004. The LEP was made in response to concerns that park residents were at risk of being displaced due to the sites being redeveloped. The LEP requires Council, before determining a DA which may result in residents being displaced, to be satisfied that there is sufficient comparable accommodation available elsewhere and that adequate arrangements have been made to assist those who would be displaced. Council intends to retain this clause in its comprehensive LEP, however has not indicated in the current PP whether the clause would apply to the site that is the subject of the submitted planning proposal.

External Supporting Notes :

### Adequacy Assessment

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

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

Comment : **The statement of objectives is concise and sets out what Council seeks to achieve. It is generally consistent with the Department's 'A guide to Preparing Local Environmental Plans'.**

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

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

Comment : **The explanation of provisions explicitly states how the LEP would be amended so as to achieve the objectives of the planning proposal. It is generally consistent with the Department's 'A guide to Preparing Local Environmental Plans'.**

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA :

**2.2 Coastal Protection**

**2.3 Heritage Conservation**

\* May need the Director General's agreement

**3.1 Residential Zones**

**3.2 Caravan Parks and Manufactured Home Estates**

**4.3 Flood Prone Land**

**4.4 Planning for Bushfire Protection**

**5.1 Implementation of Regional Strategies**

**6.1 Approval and Referral Requirements**

**6.3 Site Specific Provisions**

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 21—Caravan Parks**

**SEPP No 36—Manufactured Home Estates**

**SEPP No 55—Remediation of Land**

**SEPP No 71—Coastal Protection**

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

**s117 direction 3.4 Integrating Land Use and Transport also applies.**

**SEPP 19 also applies.**

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

**Council states the PP is inconsistent with s117 direction 4.4 Planning for Bushfire Protection. Further discussion on SEPPs and s117 directions is provided in the 'Consistency with Strategic Framework' section.**

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **Council has provided maps for information purposes for the proposal. They are considered adequate for community consultation on the proposal as submitted by Council.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **A 28 day community consultation period is proposed by Council and is supported.**

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### Additional Director General's requirements

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

If Yes, reasons :

### Overall adequacy of the proposal

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

If No, comment : **The proposal is adequate for progression to a Gateway Determination.**

### Proposal Assessment

#### Principal LEP:

Due Date : **June 2012**

Comments in relation  
to Principal LEP :

The site is currently zoned 2(c) Residential in the Gosford Planning Scheme Ordinance (GPSO). In the draft Gosford comprehensive LEP, Council proposes to convert the 2(c) zoned land to R1 General Residential. Council's proposed height, FSR and minimum lot size development standards that would apply to the R1 zone in this locality, would apply to the site. The R1 zone is one of two residential zones that would apply in the LGA (the other is R2 Low Density Residential).

Council states that the proposed use would be a "camping ground or caravan park" in the GPSO, an innominate prohibited use in the 2(c) zone. In the draft comprehensive LEP the proposed use would be "caravan parks" and this is an innominate prohibited use in the draft R1 zone.

In order to permit the use, Council could either 1) permit "caravan parks" in the R1 zone (or 2(c) in the GPSO); 2) rezone the site to a zone that permits "caravan parks"; 3) rezone the site to a different zone and permit "caravan parks" in that zone; or 4) include the site/ use in Schedule 1 Additional Permitted Uses (or an enabling clause in the GPSO). Council proposes the latter option. The merits of each option is discussed as follows:

#### 1. Permit "caravan parks" in the R1 zone (or 2(c) in the GPSO):

The R1 zone is Council's medium density zone and it generally would apply to land located in the Gosford Regional City, the town centres of Woy Woy and Erina, as well as parts of several villages (eg Terrigal, East Gosford, Umina). It permits a range of residential uses as well as education and health services facilities.

It is possible that concerns could arise if "caravan parks" were permitted in the R1 zone. Potentially this approach could result in caravan parks/ relocatable housing estates throughout the LGA's centres. Whether this would occur though is questionable. Caravan parks/ relocatable home estates typically require large sites and there are limited, undeveloped, large sites that are to be zoned R1 in the LGA. This may make similar developments in other centres difficult to achieve because of the costs associated with acquiring numerous adjoining lots that have already been developed. This said, if similar developments were to occur, it would not be without some benefit by potentially increasing low cost/ affordable housing stock within the LGA. It would also remove the dependency of the adjoining residential parks on existing use rights (although it is noted that these sites are already largely developed).

Council is best placed to identify any locations where adverse consequences could arise from including caravan parks as a permitted use in the R1 zone.

#### 2. Rezone the site to a zone that permits "caravan parks" (RE1 Public Recreation (6(a) Open Space) or E4 Environmental Living (7(c3) Scenic Protection - Tourist Accommodation in the Gosford Interim Development Order 122)):

Council's proposed RE1 Public Recreation and E4 Environmental Living zones are the only zones in the proposed comprehensive LEP that would permit "caravan parks". Given that

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the site is not public land and lies within the Erina town centre (ie an area targetted for more intense residential development), rezoning the site to either of these zones is not supported.

### 3. Rezone the site to a different zone and permit "caravan parks" in that zone:

As the site is located within the Erina town centre and is suitable for more intensive residential development, the proposed R1 zone is appropriate and is consistent with the Regional Strategy. Retaining the proposed R1 zone would mean that more intensive residential development could still occur on the site over the medium to long term. Alternative R zones which still provide for intensive development (eg R3 Medium Density Residential, R4 High Density Residential) are not supported as this would require introducing a new zone to the comprehensive LEP, falling outside the scope of this site-specific proposal. Rezoning the site to a different zone and permitting "caravan parks" in that zone is therefore not supported.

### 4. Schedule 1 Additional Permitted Uses (or an enabling clause in the GPSO):

Council states that this approach would permit the development while allowing higher density development to still occur on the site at a later time - should demand/ market conditions improve so as to make more intensive residential development viable.

As this is Council's proposed approach, it needs to be considered. The difference between this approach and permitting "caravan parks" in the R1 zone, is that this site-specific approach would not allow caravan parks/ relocatable home estates to be developed in other centres.

#### Recommended approach:

Options 1 and 4 would both achieve the intended outcome of making caravan parks a permitted use on Lot 1 DP 1030621.

Although Gosford's existing planning instruments contain a number of site specific clauses containing variations or provisions additional to those set out in the Land Use Tables, the Department's current approach is to not support such provisions. Based on the Department's current preferred approach to avoid site-specific provisions wherever possible, the recommended approach in this case is therefore to permit 'caravan parks' in the existing 2(c) and future R1 zones.

This approach would require the PP to be amended in a number of places as it would no longer affect a single site but would affect a number of lots in a number of locations across the City. Council would also need to reconsider the application and consistency with s.117 directions and SEPPs, revise mapping, and confirm that there is no additional agency consultation required.

The earlier sections of this report and the following assessment, are based on the site-specific planning proposal as submitted by the Council. Different responses would be given in places if the PP being considered was proposing to add a new use to the R1 zone.

### Assessment Criteria

Need for planning proposal :

Council states that the proposal did not result from a strategic study or report, but rather from market demand identified by the landowner. The landowner owns the existing 'Pine Needles Lifestyle Village', a caravan park/ relocatable home estate which adjoins the site.

Council has undertaken a net community benefit test and concluded that a net community benefit would result ie low cost/ affordable housing and some short and long term employment would be created. This conclusion is supported, noting also that the proposal would help improve the diversity of housing types in the LGA.

In light of the above, the need for the planning proposal is justified.

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Consistency with strategic planning framework :

### **Central Coast Regional Strategy:**

The site lies within the Erina town centre, an area targetted for more intense residential development. Currently the site is largely underused. Permitting a caravan park/ relocatable housing estate would increase residential density and so could be considered broadly consistent with the Regional Strategy's direction for Erina. This said, retaining the proposed R1 zoning would also allow further intensification of the site over the medium to long term, thereby seeing the Regional Strategy's direction for the site fulfilled.

In addition, the proposal would increase low cost/ affordable housing supply and improve the diversity of housing types in the LGA. It would also result in a small increase in local employment.

On this basis, the proposal is considered generally consistent with the Regional Strategy.

### **Community Strategic Plan - Gosford 2025 (local strategy):**

Council states that the proposal is consistent with several of this high level plan's objectives relating to jobs and business growth. This is supported.

### **Affordable Housing Strategy 2005 (local strategy):**

Council states that the proposal is consistent with this strategy. This is agreed, noting that the proposal broadly supports some of the strategy's goals.

### **State Environmental Planning Policies (SEPPs):**

**SEPP 19 Urban Bushland** - Requires the Council to have regard to the general and specific aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland. The planning proposal should be amended to address these requirements.

**SEPP 21 Caravan Parks** - Council lists this SEPP as applying. It relates more to development applications than planning proposals. As such, the proposal is not considered inconsistent with this SEPP at this time.

**SEPP 36 Manufactured Housing Estates** - Council lists this SEPP as applying. It details development application matters but also provides that Manufactured Housing Estates may occur where "caravan parks" are permitted (subject to certain restrictions). The proposal is not considered inconsistent with this SEPP at this time. Note that Schedule 2 of SEPP 36 is also referred to in s.117 direction 3.2 which is considered below.

**SEPP 55 Remediation of Land** - The discussion on this SEPP in the planning proposal is unclear. It refers to a preliminary assessment having been undertaken which confirmed that the site is suitable for the proposed use. However, it also states that a preliminary site investigation would be needed as part of a future development application. It is not clear then whether the Stage 1 Preliminary Investigation required by the Contaminated Land Planning Guidelines has been undertaken. It is suggested that Council satisfy itself that a Stage 1 assessment has occurred and if not, undertake it. This section of the planning proposal should then be updated accordingly so that it is clear to the community.

**SEPP 71 Coastal Protection** - Requires Council to consider a range of matters for development in the coastal zone. The planning proposal is consistent with this SEPP at this time but it would be further addressed as part of a development application.

### **s117 directions:**

The PP is considered consistent with the relevant s117 directions, except the following directions which need either further discussion or are inconsistent.

**3.2 Caravan Parks and Manufactured Home Estates** - Direction 3.2 requires a Council, in considering suitable locations for MHEs, to consider the categories of land set out in Schedule 2 of SEPP 36 which includes land affected by flooding and land with significant vegetation. The PP includes a map showing the land is affected by flooding and notes the

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existence of an Endangered Ecological Community on the site. Once Council has addressed these issues (see direction 4.3 and need for consultation with OEH below) it should satisfy itself that the proposal is consistent with this direction and, if not consistent, seek the Director General's agreement to an inconsistency.

**3.4 Land Use and Transport** - The proposal is situated within the Erina town centre and is in close proximity to Erina Fair, a retail and transport hub. This aligns with the general objectives of the documents listed in this direction and so the proposal is consistent.

**4.3 Flood Prone Land** - Council has not specifically indicated whether the proposal is consistent with this direction. It does however note that the land is flood affected but that these matters can be resolved through the development application process. It is suggested that Council satisfy itself that the proposal is consistent with this direction and, if not consistent, seek the Director General's agreement to an inconsistency.

**4.4 Planning for Bushfire Protection** - As the proposal would affect land that is bushfire prone, consultation with the RFS would need to occur before consistency with this direction can be determined.

Environmental social economic impacts :

**Environmental:**

**Flooding** - As discussed in s117 direction 4.3 Flood Prone Land, the land is affected by flooding. Council has concluded that this issue can be satisfactorily addressed at the development application stage. While this conclusion could be supported, Council should satisfy itself that the proposal is consistent with the s117 direction and seek the Director General's agreement if the proposal is inconsistent.

**Ecology** - Council states that the site has regionally significant vegetation and an endangered ecological community. It also notes that the site has been disturbed and does not provide direct connectivity to other bushland. Council concludes that the conservation significance of the vegetation would be low and that a future proposal for the site could be designed to minimise impacts. As the site could already be developed for medium density residential, this matter could be resolved at the development application stage. Given the existence of the EEC, consultation with OEH under s.34A of the Environmental Planning and Assessment Act, 1979 should occur.

**Traffic** - it is likely that the proposal would generate additional traffic but as the land could already be developed for medium density residential purposes, any traffic issues could be dealt with through the development application process.

**Social/ economic:**

As discussed already, the proposal is likely to have a net community benefit by increasing the low cost/ affordable housing supply, increasing the mix of housing types in the LGA and by providing a small increase in local employment.

**Assessment Process**

Proposal type :	<b>Routine</b>	Community Consultation Period :	<b>28 Days</b>
Timeframe to make LEP :	<b>6 Month</b>	Delegation :	<b>DDG</b>
Public Authority Consultation - 56(2)(d) :	<b>Office of Environment and Heritage NSW Rural Fire Service</b>		

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

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

If no, provide reasons :

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
<b>Council_Covering_Letter.pdf</b>	<b>Proposal Covering Letter</b>	<b>Yes</b>
<b>Planning_Proposal.pdf</b>	<b>Proposal</b>	<b>Yes</b>
<b>Council_Resolution.pdf</b>	<b>Proposal</b>	<b>Yes</b>
<b>Landowner_PP_to_Council.pdf</b>	<b>Study</b>	<b>No</b>

### Planning Team Recommendation

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

S.117 directions:

- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**

Additional Information : **It is suggested that the following conditions could be applied in order to progress the PP in the form submitted by Council:**

- Council be satisfied that the requirements of SEPP 55 relating to undertaking a preliminary investigation per the contaminated land planning guidelines has occurred and make this clear in the planning proposal;
- Council be satisfied that the proposal is consistent with s117 directions 3.2 and 4.3 and if not, seek the DG's agreement to any inconsistency;
- consult with the RFS per s117 Direction 4.4;
- consult with OEH under s.34A;
- consider SEPP 19 in the PP;
- include discussion on whether cl. 49DL of the Gosford Planning Scheme Ordinance would apply to the site.

**In order to progress the PP without site specific provisions, the PP should be further amended as follows:**

- amend the proposal such that "camping ground or caravan park" is permissible with

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development consent in the 2(c) zone in the Gosford Planning Scheme Ordinance (or "caravan parks" in the R1 General Residential zone in the comprehensive LEP);

- update the PP to reflect the above amendment including explanation of provisions, mapping, consideration of 117 directions and SEPPs and determine if any additional agencies should be consulted;
- 28 days community consultation; and
- 6 month timeframe.

Supporting Reasons :

- ensure SEPP 55 is satisfied and that this is clear to the community
- to determine consistency with s117 directions 3.2 and 4.3 as it is currently not clear in the planning proposal
- consult with the RFS to determine consistency with s117 direction 4.4
- presence of EEC triggers requirement for consultation with OEH
- SEPP 19 applies
- cl. 49DL is an existing clause that applies to other similar developments in Gosford.
  
- amend the 2(c)/R1 zone in line with the Department's current position on enabling clauses
- update relevant sections of the PP to reflect the broadening of the PP to include a new use across the R1 zone
- community consultation and time frame consistent with complexity of the proposal.

Signature:



Printed Name:

GARRY HOPKINS Date: 23 MARCH 2012

