
**TITLE PLANNING PROPOSAL 83/2015 ENABLING CLAUSE TO PERMIT
ADDITIONAL USE AT 47 CAROLINA PARK ROAD, AVOCA BEACH (LOT
241 DP237227) - CARAVAN PARK (IR 22009547)**

Department: Governance & Planning
Service Unit: Development & Compliance

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

OLG GUIDELINES

As Gosford City Council (GCC) is in a Merger Proposal Period the NSW Office of Local Government *Section 23A Guidelines – Council Decision Making During Merger Proposal Period* (Guidelines) in relation to the decision making process are currently in operation.

The recommendation contained within this report is consistent with these Guidelines as it represents the opinion of Council's professional staff. Should Council be of a mind to consider taking contrary action it would be appropriate for this matter to be deferred to allow the preparation and provision of a confidential legal prospects advice as to whether the decision would withstand legal challenge.

Proposed Recommendation if deferred: That this matter be deferred to allow the preparation and provision of a legal prospects advice to Council, noting that such advice would be confidential (legal professional privilege).

Should Council resolve to take contrary action, it is recommended that the minutes reflect that this was done contrary to the advice of the Chief Executive Officer.

SNAPSHOT

Planning Proposal Purpose

Creation of an enabling clause to allow 'caravan parks' as a use permitted with the consent of Council at 47 Carolina Park Road, Avoca Beach.

Disclosure of Political Donations and Gifts (S147 of EPA Act)

No disclosure was made by the applicant.

Reason for Referral to Council

This report seeks Council's decision to prepare a Planning Proposal, pursuant to Section 55 of the *Environmental Planning & Assessment Act, 1979*. Officers do not have delegated authority to commence this process.

Application Received

September 2015

Recommendation

Council give in principle support to the proposal and seek a Gateway Determination to enable it to proceed.

The tabled item associated with this agenda item contains a copy of the full Planning Proposal and Mapping.

REPORT

Background

Site Location & Description

The subject property is described as Lot 241 DP237227. The street address is 47 Carolina Park Road, Avoca Beach. The site is approximately 11,560sqm in area and is irregular in shape. Surrounding property is similarly zoned containing detached dwelling houses to the east fronting Carolina Park Road and an existing caravan park to the west. Access to the subject site currently exists to Carolina Park Road.

To the south of the site is an unmade section of Solander Road. To the south of this unmade road, and part of the southern area of the existing Palms Park, is included within a Deferred Matter area and therefore not governed by the GLEP 2014. It is noted that the subject land is separated from The Palms by an unnamed creek.



Site Zoning and Relevant Planning Controls

R2 – Low Density Residential.

Land Use History

The land has been zoned for residential purposes since the Gosford Planning Scheme was gazetted in 1968. In 2006 Council granted consent for a 9 lot subdivision (DA 25861/2004). A construction certificate for the subdivision was issued by Council in 2012 for the subdivision (CC 25861/2004). No development has taken place on the land.

The caravan park will act as an extension of the adjoining Palms caravan park that has been in operation for over 40 years which provides for 130 long and 40 short term stays.

The Planning Proposal involves the creation of an enabling clause to allow 'caravan parks' as a use permitted with the consent of Council on the subject land. Any future application for such development would be subject to formal planning assessment.

Supporting Information

The applicant has provided the following overview of the Planning Proposal;

The applicant has stated that the subdivision of the land is not financially viable due to the high costs associated with road construction to service the subdivision. The land has been approved for a 9 lot subdivision and it has therefore been demonstrated that residential uses can be accommodated on the land.

The owner of the land has explored other development options that are permitted in the R2 zone but believe that the expansion of the caravan park will result in the best outcome for the area and the environment.

The proposed caravan park on the land will be an extension of the adjoining Palms caravan park that has been in operation for over 40 years.

Assessment

Strategic Context

The Planning Proposal is not the result of a strategic study or report but it is the best means of achieving the intended outcomes on the site. The proposed use is not permitted in the R2 – Low Density Residential zone.

The Central Coast Regional Strategy 2006 – 2031 provides a regional context for the proposal. The Planning Proposal will assist Council in meeting the targets set by the State Government in the Regional Strategy for provision of housing. This Planning Proposal is consistent with a number of actions of the Regional Strategy including the following:

Action 4.2 Councils are to provide for a mix of housing types including housing that will accommodate an aging population and smaller household sizes through the preparation of LEPs and strategies.

The Planning Proposal will provide smaller housing for lower income groups in a location which has a limited supply of affordable housing.

Action 4.15 Councils are to consider the appropriateness of the locations in which residential parks or caravan parks are permissible during preparation of principal LEPs including their access to services. This review is to have regard for protection of existing affordable housing stock.

Although this is not a principal LEP the Action is relevant. The additional use will not be located in an isolated area and services such as public transport are within walking distance of the site. The Planning Proposal will also add to the available housing stock.

The Planning Proposal has strategic merit as it will contribute to the supply of affordable housing at a time when there is a significant demand for affordable housing in the City. The land is located in an area where all necessary physical services are available and the use will be a minor extension to the existing long established The Palms caravan park.

The subject land has previously been approved for a 9 lot residential subdivision. The additional use of 'caravan park' does not present any additional significant impact. It is anticipated that the land could accommodate a potential total of 13 moveable dwellings sites.

Surrounding land uses consist of the existing The Palms caravan park and low density residential development. The additional use of caravan park use is considered to be compatible with the development that surrounds the land. No significant change to surrounding land uses is anticipated in the future.

Water and sewer infrastructure is available to the land. Vehicle access is proposed to be gained to the land from the existing caravan park. This access will need to cross an existing creek. An existing crossing is in place but formalisation of this crossing will need to be given by the NSW Office of Water. This will occur as part of development application considerations.

The Planning Proposal is consistent with the relevant Council strategic plans and in particular Council's Community Strategic Plan in the following sections.

A3.4

Increase the availability of appropriate housing

The Planning Proposal will provide additional housing choice in an affordable form in a locality that is generally in the higher price range within Gosford City.

B6.3

Plan for population growth within existing developed footprint

The Planning Proposal will result in existing R2 – Low Density Residential land being used for denser development hence making better use of the existing urban zoned footprint.

Outstanding Issues

Small stockpiles of fill material were observed during a site inspection. As such an assessment under State Environmental Planning Policy No. 55 (Contamination of Lands) would be required and in this instance a Stage 2 Detailed Site Investigation is recommended.

Additionally the site inspection of the site confirmed that the vegetation is consistent with Bells mapping adopted by Council. The inspection revealed that the site contains no understorey or midstorey however canopy tree cover is evident. The large trees on the site contain hollows and therefore a hollow bearing tree assessment would be required to progress this Planning Proposal application.

In principle support can be provided for the Planning Proposal with the above issues being determined by investigation after a Gateway Determination has been made. This approach has been accepted by Council in its consideration of previous Planning Proposals.

A number of issues will need to be addressed at development application stage including,

- The existing access across the creek to The Palms,
- Riparian setbacks to the creek,
- The siting of moveable homes on steeper portions of land.

However these matters will not prevent the progression of the planning proposal.

Conclusion

The Planning Proposal involves the creation of an enabling clause to permit 'caravan parks' as a use permitted with the consent of Council on the land. The land is currently zoned R2 – Low Density Residential. The Planning Proposal would facilitate caravan park on the land which would form an extension of The Palms which is an existing caravan park.

It is considered that the Planning Proposal can be recommended to be forwarded to the Department of Planning and Environment. Subject to a positive Gateway Determination the applicant will need to provide additional information in relation to hollow bearing tree assessment and SEPP 55 assessment relating to fill located on the site.

It is therefore recommended that Council give in principle support to the proposal and forward it to the Department of Planning and Environment with required supporting information to seek a Gateway Determination to enable it to proceed.

FINANCIAL IMPACT STATEMENT

The recommendation does not impact on Council's financial position.

Attachments: Nil

Tabled Items: Planning Proposal & Associated Mapping (IR 22009547)

RECOMMENDATION

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report for Lot 241 DP 237227 No.47 Carolina Park Road Avoca Beach to enable its use for the purpose of a Caravan Park.
- B Council notify the Department of Planning & Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report.
- C Council requests that the Gateway determination include a requirement to undertake the following studies prior to exhibition, which will be required to be carried out by the applicant:
 - Hollow bearing tree assessment
 - An assessment under State Environmental Planning Policy No. 55 (Contamination of Lands) - Stage 2 Detailed Site Investigation relating to fill on the site.
- D After public exhibition of the Planning Proposal, should the Minister for Planning support it, if no submissions objecting to the Planning Proposal are received, the Planning Proposal is to be processed in order to make the plan.
- E The applicant be advised of Council's resolution.
- F Council seeks delegations from the Department of Planning & Environment for this Planning Proposal.

Any delegation to Council is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.

