



# Planning Proposal

## Amendments to the MidCoast LEPs:

- **General Residential zone - Greater Taree LEP 2010**
- **Manufactured Home Estates Local Provision - Greater Taree LEP 2010, Great Lakes LEP 2014 and Gloucester LEP 2010**

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# 1. Introduction

The planning proposal seeks to create consistency and greater public confidence in the application of the residential zones across the MidCoast as a short-term measure.

A comprehensive review of the residential zones will be achieved in the longer term through the completion of growth management strategies and the implementation of the comprehensive MidCoast Local Environmental Plan (LEP).

The planning proposal to amend the R1 General Residential land use table in Greater Taree LEP 2010 was reported to the Council Ordinary Meeting on 28 November 2018 and referred to the NSW Department of Planning and Environment (the Department) for a Gateway determination. On 29 January 2019, the Department recommended a local provision could be included in the Local Environmental Plan that would define “manufactured home estates” and address residential issues experienced across the MidCoast. The planning proposal was updated and reported to the Council Ordinary Meeting on 27 February 2019 and a Gateway determination was issued by the Department in October 2019.

This planning proposal amends the Greater Taree LEP 2010, Great Lakes LEP 2014 and Gloucester LEP 2010 to include a local provision for manufactured home estates. This local provision is supported by findings of the various growth management strategies including the Housing Strategy that is currently being prepared for exhibition. This planning proposal also seeks to amend the R1 General Residential zone land use table in the Greater Taree LEP 2010, so that its intent is consistent with the Great Lakes LEP 2014 and Gloucester LEP 2010.

In association with the above LEP amendments, application requirements and decision-making considerations will be provided by the proposed Development Control Plan (DCP) provisions for Manufactured Home Estates which are outlined in Appendix E. This amendment will be included in the Greater Taree DCP 2010, Great Lakes DCP and Gloucester DCP 2010 and was reported to the Council Ordinary Meeting on 18 December 2020. These amendments will be exhibited with this planning proposal.

This planning proposal outlines the intended effect of, and justification for, the proposed LEP amendments.

Council has received the Department’s delegations to Council to make these amendments.

The planning proposal has been prepared by MidCoast Council in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

## 1.1 Background

MidCoast Council is currently working with three different planning frameworks being Gloucester LEP 2010, Great Lakes LEP 2014 and Greater Taree LEP 2010.

Work has commenced on several strategies and zone reviews to inform a single, consistent planning framework for the comprehensive MidCoast LEP. These strategic planning projects include:

- Housing Strategy
- Rural Strategy
- Infrastructure Zone Review
- Manning Health/ Taree CBD Precinct Plan
- Recreation Zone Review
- Employment Zone Review.

These projects are due for completion in 2021 and a new MidCoast LEP is expected to be completed in 2022.

This planning proposal seeks to make interim changes to:

- the R1 General Residential zone land use table in the Greater Taree LEP 2010. The aim being to structure the zone in a way that is consistent with other residential zones in the Gloucester LEP 2010 and Great Lakes LEP 2014
- insert a manufactured home estate local provision in Greater Taree LEP 2010, Great Lakes LEP 2014 and Gloucester LEP 2010. The aim being to provide consistency and greater public confidence in the application of the residential zones across the MidCoast by defining “manufactured home estates” and applying consistent standards and assessment criteria

In support of the LEP changes, new DCP provisions for Manufactured Home Estates and Caravan Parks is proposed to be included in Greater Taree DCP 2010, Great Lakes DCP and Gloucester DCP 2010 as outlined in Appendix E.

## 2. Objectives or intended outcomes

The objective is to create greater consistency and public confidence in the application of the primary residential zones across the MidCoast area in the short-term, pending the completion of the comprehensive MidCoast LEP over the longer term.

Specifically, this planning proposal will:

- make the R1 General Residential zone in Greater Taree LEP 2010 a closed zone consistent with the other MidCoast Council LEPs, being Great Lakes LEP 2014 and Gloucester LEP 2010. This will remove the ability to apply for innominate uses (uses not defined in the LEP) that are currently permitted with consent
- define “manufactured home estates” and apply consistent assessment criteria through a local provision in the Greater Taree LEP 2010, Great Lakes LEP 2014 and Gloucester LEP 2010.
- permit “manufactured home estates” where “caravan parks” are permissible in the Greater Taree LEP 2010, Great Lakes LEP 2014 and Gloucester LEP 2010.

In association with the above amendments, application requirements and decision-making considerations will be provided by the Development Control Plan for Manufactured Home Estates (refer to Appendix E for the draft Development Control Plan amendments).

It is noted this planning proposal is an interim measure until the finalisation of the strategies being prepared for the whole local government area. The strategies will be used to inform the comprehensive MidCoast LEP. This planning proposal is consistent with the preliminary directions that have been established through consultation on the Housing Strategy and is an interim step given the timeframe and complexity of establishing the consolidated MidCoast LEP.

### 3. Explanation of provisions

The intended outcome of the planning proposal would be achieved by:

#### 1. Review of the R1 General Residential zone in the Greater Taree LEP 2010

The land use table for the R1 General Residential zone in the Greater Taree LEP 2010 is currently structured as an open zone allowing flexibility and permitting (with consent) a broad variety of land uses, unless the uses are specifically prohibited. This differs in structure to the residential land use zones that apply in the Gloucester LEP 2010 and Great Lakes LEP 2014, which identify all permissible (with or without consent) land uses and establish that all others are prohibited. This difference in approach has created unnecessary misunderstanding and confusion within the community.

More specifically, the land use table review will result in a more transparent and consistent approach to the how land use tables are able to be interpreted by removing innominate uses as “permissible with consent”. To ensure that the modified land use table does not inadvertently exclude land use types that are considered to be potentially suitable, additional land uses are to be included as “permitted with consent”, with all remaining land uses being “prohibited”. The changes to the land use table, as set out below, are highlighted in yellow.

The result of a closed land use table in the R1 General Residential zone in the Greater Taree LEP 2010 will ensure “manufactured home estates” are not an innominate use, and that “caravan parks” will remain prohibited in this zone. As such State Environmental Planning Policy No. 36 (SEPP 36) will not enable the submission of development applications for “manufactured home estates” in the R1 General Residential zone. “Multi dwelling housing” will remain permissible in the R1 General Residential zone.

As previously stated, the closed zone approach is consistent with the land use table structure for all other residential zones in the two other MidCoast Council LEPs, being Great Lakes LEP 2014 and Gloucester LEP 2010.

The review aims to have the least possible impact on the current permissibility and prohibition of other land uses in the R1 General Residential zone and does not change the objectives of the zone. The land uses that are not being listed as permissible with consent in the R1 General Residential zone through this review are discussed below:

- “business identification signs” - where appropriate, it can be considered as ancillary to other permissible uses in the zone
- “car parks” - where appropriate, it can be considered as ancillary to other permissible uses in the zone

- “centre-based child care facilities” – part of the group term definition of “early education and care facility”. As such, it does not need to be separately defined in the land use table
- “crematoriums” – this use would potentially not satisfy the objectives of the zone and will remain permissible in other non-residential zones
- “extractive industry” - this use would potentially not satisfy the objectives of the zone and will remain permissible in other non-residential zones
- “farm stay accommodation” - this use would potentially not satisfy the objectives of the zone and will remain permissible in other non-residential zones
- “health services facilities” – medical centres, community health service facilities and health consulting rooms (which are types of health services facilities) have been included as permissible. The scale and type of use are considered appropriate in the R1 General Residential zone. Other uses included in this definition (patient transport facilities and hospital) will not be permissible with consent. This approach is generally consistent with the R2 Low Density Residential zones in both the Great Lakes and Gloucester LEPs
- “highway service centres” - this use would potentially not satisfy the objectives of the zone and will remain permissible in other non-residential zones
- “mining - this use would potentially not satisfy the objectives of the zone and will remain permissible in other non-residential zones
- “schools” – part of the group term definition of “educational establishments” so does not need to be separately listed in the land use table
- “tourist and visitor accommodation” – this is a group term definition. Those land uses within this group that are appropriate are either already separately listed or have been included as permissible in the land use table
- “recreation facilities (outdoor)” this use would potentially not satisfy the objectives of the zone (ie. they are not “day to day needs”). However, recreation facility (indoor) will remain permissible in the zone
- “restricted premises” – currently prohibited in the R2 Low Density Residential zones in both the Great Lakes and Gloucester LEPs. This use would potentially not satisfy the objectives of the zone and will remain permissible in other non-residential zones.
- “wholesale supplies” - this use would potentially not satisfy the objectives of the zone and will remain permissible in other non-residential zones.

A comparison of the existing and proposed R1 General Residential land use table has been included in Appendix A.

The proposed R1 General Residential land use table is as follows:

## 1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

## 2 Permitted without consent

Home occupations.

## 3 Permitted with consent

Advertising structure; Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Boat sheds; Building identification signs; Centre-based child care facilities; Cemeteries; Community facilities; Community health service facilities; Dual occupancies; Dwelling houses; Early education and care facilities; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Medical centres; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Sewerage systems; Service stations; Shop top housing; Take away food and drink premises; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems.

## 4 Prohibited

Any other development not specified in item 2 or 3.

Air transport facilities; Airstrips; Agriculture; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Home occupations (sex services); Industrial training facilities; Industries; Liquid fuel depots; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Public administration buildings; Recreation facilities (major); Registered clubs; Rural industries; Rural workers' dwellings; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste disposal facilities; Waste or resource management facilities; Wharf or boating facilities



## 2. Manufactured Home Estates

Insertion of a new local provision in Greater Taree LEP 2010, Gloucester LEP 2010, Great Lakes LEP 2014. This provision will define “manufactured home estates”, permit “manufactured home estates” where “caravan parks” are permissible and apply consistent standards and assessment criteria.

A similar provision was included in the Lake Macquarie LEP 2014, which provides a base-case for this amendment, as suggested by the Department of Planning, Industry and Environment.

The local provision intends to:

- permit manufactured home estates with consent, where caravan parks are a permitted with consent.
- provide a stronger connection with Council’s draft manufactured home estate provisions in the three Development Control Plans, which provides greater onus on design and locational considerations.

The local provision is provided below.

### ***Manufactured Home Estates***

- (1) *The objective of this clause is to facilitate housing diversity and housing affordability in the form of manufactured home estates, in suitable, adequately serviced locations.*
- (2) *Development for the purposes of a manufactured home estate (and the associated installation or placement and use of a manufactured home) may be carried out with development consent on land to which this Plan applies if development for the purposes of a caravan park is permitted on that land, subject to complying with State Environmental Planning Policy No 36 – Manufactured Home Estates.*
- (3) *Despite any other provision of the Plan, in this Plan **multi dwelling housing** does not include land on which a manufactured home is installed or placed under this clause.*
- (4) *In this clause, **manufactured home** and **manufactured home estate** has the same meaning as in the Local Government Act 1993.*

The wording of the draft local provision may be subject to change when Council works with the Department of Planning, Industry and Environment and Parliamentary Counsel to ensure that the planning intent is achieved.

The intent is that this provision will not impact on the permissibility of eco-tourist facilities, dual occupancies, seniors housing and the like where “manufactured homes” form part of the development. Given these uses are defined in the LEPs and listed in land use tables, their permissibility should not be impacted upon. This will need to be considered in the drafting of the local provision with Parliamentary Counsel and a clarification note may be required.

The outcome of this approach is that manufactured home estates will only be permitted with consent in zones where caravan parks are permitted as outlined in Table 1 and Table 2.

**Table 1 Mid Coast LEP's – Permissibility of Caravan Parks**

Zone	RU1	RU2	RU3	RU4	RU5	R1	R2	R3	R4	RE1	RE2	SP1	SP3	E2	E3	E4
Gloucester LEP 2010	PWC	N/A	PROH	N/A	PROH	N/A	PROH	PROH	N/A	PWC	PROH	PWC*	N/A	PROH	PWC	N/A
Great Lakes LEP 2014	N/A	PWC	PWC	N/A	PWC	N/A	PWC	PWC	PROH	PWC	PWC	N/A	PWC	PROH	PWC	PWC
Greater Taree LEP 2010	PROH	N/A	PROH	PROH	PROH	PROH	PROH	N/A	N/A	PWC	PWC	N/A	PWC	PROH	PROH	PROH

**Table 2 Mid Coast LEP's – Permissibility of MHE**

*As per SEPP 36 – Manufactured Home Estates, MHE is permitted wherever caravan park permitted except for National Parks, Crown Reserves and land in exclusions under Schedule 2.*

Zone	RU1	RU2	RU3	RU4	RU5	R1	R2	R3	R4	RE1	RE2	SP1	SP3	E2	E3	E4
Gloucester LEP 2010	PWC	N/A	PROH	N/A	PROH	N/A	PROH	PROH	N/A	PROH	PROH	PWC*	N/A	PROH	PROH	N/A
Great Lakes LEP 2014	N/A	PWC	PWC	N/A	PWC	N/A	PWC	PWC	PROH	PROH	PWC	N/A	PWC	PROH	PROH	PWC
Greater Taree LEP 2010	PROH	N/A	PROH	PROH	PROH	PROH	PROH	N/A	N/A	PROH	PWC	N/A	PWC	PROH	PROH	PROH

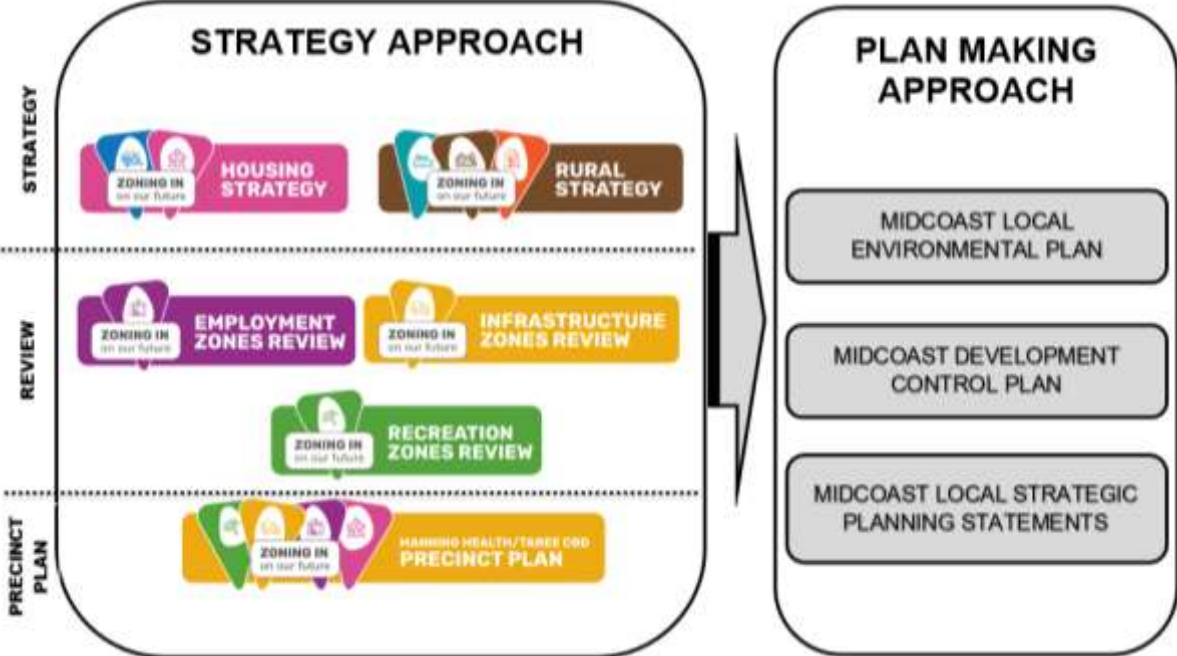
\* in areas nominated as caravan park

Acronym Definitions -

- PWC - Permitted with Consent
- PROH - Prohibited
- N/A - Not Applicable – nominated LEP does not include zone

As stated previously, this is an interim planning proposal to address issues arising in residential zones across the MidCoast. Council is undertaking strategies and zone reviews to inform the development of the MidCoast LEP. The process is outlined in Figure 1 below.

**Figure 1 Process for the development of the comprehensive MidCoast LEP**



Given this planning proposal relates to the permissibility of caravan parks and manufactured home estates, the relevant strategies and reviews are outlined below.

- **Draft MidCoast Housing Strategy**

The draft Housing Strategy was endorsed by Council for public exhibition on the 25 September 2019, placed on exhibition in early 2020 and the submissions are currently being considered.

The draft Housing Strategy was developed following significant consultation with the community and stakeholders. The draft Housing Strategy includes a discussion regarding tourism land uses specifically caravan parks. An extract from the strategy is provided in Appendix F. The recommended actions for caravan parks in the draft housing strategy include the following.

- Support the retention of existing caravan parks through the consistent application of the RE1 - Public Recreation zone to those sites in Council or State Government control, and RE2 - Private Recreation for private facilities.
- Ensure potential for the development of new caravan parks in residential areas by permitting caravan parks in the R1 - General Residential and R3 - Medium Density Residential zones.

As this strategy requires public engagement, this planning proposal will not pre-empt the exhibition process. The recommended changes (following exhibition and Council endorsement) will be contained in the comprehensive MidCoast LEP. This planning proposal is an interim measure for inconsistencies in the residential zones between the Greater Taree LEP 2010, Great Lakes LEP 2014 and Gloucester LEP 2010.

- ***Draft Recreational Zone Review***

The draft Recreational Zone Review (August 2019) was endorsed by Council for public exhibition on the 25 September 2019 and placed in early 2020. This review is consistent with the recommendations in the draft Housing Strategy in that it supports the permissibility of caravan parks in the RE1 - Public Recreation zone and RE2 - Private Recreation under the comprehensive MidCoast LEP. The review states the aim for the permissibility in these zones is to provide a variety of housing types throughout the MidCoast. Similar to the draft Housing Strategy, these recommended changes (following exhibition and Council endorsement) will be contained in the comprehensive MidCoast LEP. This planning proposal is an interim measure for inconsistencies in the residential zones between the Greater Taree LEP 2010, Great Lakes LEP 2014 and Gloucester LEP 2010.

- ***Draft Rural Strategy***

Council is currently developing the draft Rural Strategy. The aim of the Rural Strategy is to ensure land use planning supports growth and diversity in rural areas. The Strategy will identify opportunities and potential barriers to the growth of rural activities.

The draft Rural Strategy includes a discussion and actions regarding housing in rural areas. While the draft Rural Strategy is still being developed, preliminary research suggests that caravan parks are likely to be prohibited in rural and environmental zones, while existing caravan parks located in rural or environmental zones will likely be rezoned to recreational zones to reflect its primary purpose. However, the draft Rural Strategy has not been endorsed by Council and will need community and stakeholder input prior to finalisation.

These strategies do not affect the aim and outcomes of this planning proposal. Once finalised the strategies and zone reviews will be dealt with under a separate planning proposal process for the comprehensive MidCoast LEP.

## 4. Justification

### 4.1 Need for the Planning Proposal

#### 4.1.1 *Is the Planning Proposal a result of any strategic study or report?*

This planning proposal is not the result of a specific strategic study or report, although this issue has been raised in the context of the development of the draft Housing Strategy.

This planning proposal is the result of community consultation and concern raised during the development of the Housing Strategy. It was identified as an interim step towards a consistent planning framework for the MidCoast area. This has included the opportunity to align the structure of the R1 General Residential zone of the Greater Taree LEP 2010, with the structure of the primary residential zones of both the Great Lakes LEP 2014 and Gloucester LEP 2010. It also identified that a local clause that provides better definition and clarity to the development of manufactured home estates was desirable.

Current strategies and reviews relevant to this proposal and the permissibility of caravan parks and therefore manufactured home estates are the Housing Strategy, Rural Strategy and Recreation Zone review. These are being developed for the purposes of informing a comprehensive MidCoast LEP. The actions contained in these strategies and reviews will be dealt with during this process.

It is further noted that the Department of Planning, Industry and Environment has commenced a review of the regulation of manufactured homes and estates, caravan parks and camping grounds. The proposed options and improvements being considered by the review (as outlined in the 2015 Discussion Paper) will have important benefits to the community and stakeholders such as:

- supporting uses in the right locations through clearer definitions and appropriate land use zonings;
- simplifying and streamlining the planning and approval process; and,
- improving the design, location and amenities of future developments.

In November 2019, contact was made with the policy unit at the Department of Planning, Industry and Environment to obtain an update on the progress of the review of the regulation of manufactured homes and estates, caravan parks and camping grounds. The Department stated that no progress has been made since the Discussion Paper was released in 2015 and this is unlikely to change in the near future. Therefore, this review process will not impact on the outcomes of this planning proposal.

This planning proposal responds to and addresses some of the benefits listed above, including the matters of location, simpler planning and clearer land use zonings.

Whilst seeking to prohibit “manufactured home estates” in areas where “caravan parks” are not permissible, this planning proposal also recognises “manufactured home estates” can be considered as a contemporary form of multi dwelling housing that, when well designed and located, can provide an appropriate form of housing and is a legitimate component of the potential housing mix. This planning proposal does not impact the permissibility of multi dwelling housing in the R1 General Residential zone of the Greater Taree LEP 2010.

The planning proposal is therefore considered to be consistent with the review commenced by the Department of Planning, Industry and Environment to improve the regulation of manufactured homes and estates, caravan parks and camping grounds.

This planning proposal also responds to and is consistent with the Department's suggested planning approach (dated 23 January 2019), as reflected in Section 3.

#### **4.1.2 *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

As outlined above, the Department commenced a review to improve the regulation of manufactured homes and estates, caravan parks and camping grounds. Implementation of a state-wide approach to these uses would also be desirable to further assist in the creation of consistency and community understanding.

In lieu of a comprehensive state-wide approach, and given the desire for consistency between the three existing LEPs in the MidCoast, the planning proposal is considered to be a means to implement the Department's desired outcomes. The planning proposal aims to define "manufactured home estates", permit "manufactured home estates" where "caravan parks" are permissible and apply consistent standards and assessment criteria.

In addition, changing the structure of the R1 General Residential zone land use table in the Greater Taree LEP 2010 is the best means to achieve consistency with the other LEPs which apply to the MidCoast area. Council is continuing to move towards long-term consistency across the available residential zones through its Housing Strategy, and this planning proposal supports these directions as an interim measure.

## **4.2 Relationship to Strategic Planning Framework**

#### **4.2.1 *Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

The planning proposal is considered to be generally consistent with the objectives and actions contained within the *Hunter Regional Plan 2036*. The key directions relevant to this planning proposal are outlined below:

- ***Direction 21 – Create a compact settlement***

Action 21.1 aims to promote development that respects the landscape attributes and the character of the metropolitan area, towns and villages. The revised land use table for the R1 General Residential zone will allow this to occur, through permitting most residential housing types, along with compatible land uses to service the day to day needs of towns and villages in Manning region.

Action 21.5 aims to promote small-scale renewal in existing urban areas, in consultation with the community and industry to ensure that this occurs in the right locations. The revised land use table for the R1 General Residential zone will allow this to occur, through permitting most residential housing types.

- ***Direction 22 – Promote housing diversity***

Action 22.2 encourages housing diversity, to match forecast changes in household sizes. The revised land use table for the R1 General Residential zone will support housing diversity, through permitting a variety of residential housing types and the planning proposal does not substantially alter the current range of densities achievable in the R1 General Residential zone.

Further, the proposed local provision will ensure any future applications for manufactured home estates will be subject to Council's development controls (including a new draft Development Control Plan - refer to Appendix E) and SEPP 36 and this will result in consistent application of appropriate design and siting outcomes.

The draft Housing Strategy has been completed and was reported to Council in September 2019 and placed on exhibition for community comment in early 2020. Council is currently developing the draft Rural Strategy. Both these strategies discuss and provide actions for housing diversity. However, the recommendations from this process do not affect the aim and outcomes of this planning proposal. Once finalised the strategies will be dealt with under a separate planning proposal process for the comprehensive MidCoast LEP.

An intended outcome of the current planning proposal is to ensure consistency between all three LEP's across the way that the residential zones are designed. As stated previously the Greater Taree LEP 2010 is currently structured as an "open zone". This differs in structure to the residential land use zones that apply in the Gloucester LEP 2010 and Great Lakes LEP 2014 which are structured as "closed zones". In order to have a consistent approach within all LEP's that apply to the MidCoast LGA, it is proposed to amend the Greater Taree LEP 2010, R1 General Residential zone to a closed land use table. The review will result in a consistent approach to all LEP and as such "manufactured home estates" are not an innominate use, and "caravan parks" will remain prohibited in this zone. Therefore, the change will not allow the submission of development applications for "manufactured home estates" in the R1 General Residential zone.

Applying this consistent approach to the R1 General Residential zone of the Greater Taree LEP 2010 does have an unintended consequence due to the amalgamation of the three LGA's. As "manufactured home estates" will no longer be an innominate use within this zone, it may be argued that housing choice is reduced within these areas - albeit a very wide range of housing types will remain available under the zone including multi dwelling housing, residential flat buildings, dual occupancies and secondary dwellings.

However, the inconsistency is justified as Council is developing strategies and zone reviews as part of the development of the comprehensive MidCoast LEP and this planning proposal does not seek to introduce provisions that are directly inconsistent with the *Hunter Regional Plan 2036*.

This inconsistency is considered to be justified due to the minor significance of this planning proposal.

- ***Direction 23 – Grow centres and renewal corridors***

Action 23.1 aims to concentrate growth in strategic centres, local centres and urban renewal corridors to support economic and population growth and a mix of uses. The revised land use table for the R1 General Residential zone and the proposed local provision will help achieve this through prohibiting "manufactured home estates", which are potentially better located where there is access to more services and infrastructure, whilst retaining the flexibility of the current R1 General Residential zone. This will be further addressed as the Housing Strategy and comprehensive MidCoast LEP are developed and implemented in the longer-term.

#### **4.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

The planning proposal has been assessed against *MidCoast 2030 Shared Vision, Shared Responsibility 2018-2030* - being MidCoast Council's Community Strategic Plan. There are two value strategies that apply, being:

- We balance the needs of our natural and built environments
- We make opportunities available for the community to inform decisions that shape our future.

The planning proposal is consistent with both of these strategies by:

- responding to the informed discussion of the community in the preparation of the MidCoast Housing Strategy, and their desire for consistency in application of planning processes and outcomes;
- ensuring the review of the R1 General Residential land use table and the proposed local provision considers the impact of manufactured home estates on both the built and natural environment. The planning proposal is optimising land use to meet environmental, social, economic and development needs, and will provide an opportunity (via the public exhibiton of the planning proposal) to determine if the community support this land use planning decision; and
- ensuring the community is provided with the opportunity to inform decisions about the housing and development types that are being provided in their local area in a clear and transpenant manner.

As explained previously, several strategies and reviews associated with housing, recreation and rural lands are underway. The outcomes of these strategies and reviews will inform the consolidated MidCoast LEP.

#### **4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?**

The assessment of the planning proposal against the State Environmental Planning Policies (SEPPs) is provided in Appendix B. The applicable SEPPs are considered below.

##### **SEPP 36 Manufactured Home Estates**

The aim of SEPP 36 is to allow manufactured home estates as a form of multi dwelling housing, to provide an alternative to traditional style housing, in suitable locations which are adequately serviced and have access to essential community facilities and services. Further the SEPP aims to provide affordable housing in well-designed estates, with appropriate tenure. The SEPP applies to land where caravan parks are permissible and where manufactured home estates are permissible under an LEP.

In addition, Council is developing strategies and undertaking zone reviews as part of the development of the comprehensive MidCoast LEP. Many of these documents were placed on exhibition for community comment in early 2020 and the submissions are being considered. The draft Housing Strategy includes a discussion regarding tourism land uses, including a section specifically relating to caravan parks. A review of the permissibility of caravan parks in all the land use zones under the MidCoast LEP is therefore currently being considered in this process.



In November 2019, contact was made with the policy unit at the Department of Planning, Industry and Environment to obtain an update on the progress of the review of the regulation of manufactured homes and estates, caravan parks and camping grounds. The Department stated that no progress on this matter had been made since the Discussion Paper was released in 2015 and this is unlikely in the near future. Therefore, this review process will not impact on the outcomes of this planning proposal.

The planning proposal is consistent with SEPP 36, as the SEPP does not dictate zones where an LEP must permit or prohibit manufactured home estates. Further, where caravan parks are permissible, the proposed local provision reinforces the SEPP considerations for the development application.

### **SEPP (Affordable Rental Housing) 2009**

The Affordable Rental Housing SEPP aims to provide a consistent planning regime for the provision of affordable rental housing in the State.

The planning proposal is consistent with the Affordable Rental Housing SEPP, as various land uses that are appropriate for affordable rental housing, including secondary dwellings and group homes, continue to be permissible in the R1 General Residential zone. The proposed local provision includes a definition of manufactured home estates and provides clarity in relation to consistent standards and assessment criteria.

### **SEPP (Housing for Seniors or People with a Disability) 2004**

The Housing for Seniors or People with a Disability SEPP aims to increase the supply and diversity of well-designed residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services.

The planning proposal is consistent with the Housing for Seniors or People with a Disability SEPP, as it does not impact the permissibility of housing to which the SEPP applies in the R1 General Residential zone.

#### **4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions?**

The planning proposal has been considered in relation to applicable Ministerial Directions (known as s.9.1 Directions as they are identified within that Section of the *Environmental Planning and Assessment Act 1979*).

The assessment of the planning proposal against all the Ministerial Directions is provided in Appendix C. The applicable Ministerial Directions are considered in the table below which demonstrates that the planning proposal is consistent with the Ministerial Directions.

#### **Consistency with Ministerial Directions**

<b>Ministerial Direction</b>	<b>Relevance</b>	<b>Consistency</b>
3.1 Residential Zones	This direction applies to this planning proposal as it will affect land within an existing residential zone, being the R1 General Residential zone.  The relevant objectives of this direction are to	This planning proposal, through the review of the R1 General Residential zone land use table and the proposed local provision does: <ul style="list-style-type: none"> <li>include provisions that enables ongoing choice of building types and locations available in the housing market (while it prohibits manufactured home estates, it does continue to permit multi dwelling housing, along with many other types of residential accommodation)</li> </ul>

Ministerial Direction	Relevance	Consistency
	<p>encourage a variety and choice of housing types and to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.</p>	<ul style="list-style-type: none"> <li>• continue to encourage more efficient use of existing infrastructure and services thought the retention of the zone objectives (and overall aims in the Greater Taree LEP 2010)</li> <li>• propose no change to the consumption of land for housing and associated urban development on the urban fringe</li> <li>• propose no change to any provisions that relate to housing design.</li> </ul> <p>As stated previously, Council is developing strategies and zone reviews as part of the development of the comprehensive MidCoast LEP. Many of these documents were placed on exhibition for community comment in early 2020 and the submissions are being considered.</p> <p>The draft MidCoast Housing Strategy includes a discussion regarding tourism land uses including specific comments on caravan parks. A review of the permissibility of caravan parks in all the land use zones under the MidCoast LEP is therefore being considered in this process as well as other actions which encourages a variety of housing choice.</p> <p>While the development of the Rural Strategy is still underway, preliminary research suggests that caravan parks are likely to be prohibited in rural and environmental zones, while existing caravan parks located in rural or environmental zones will likely be rezoned to recreational zones to reflect its primary purpose. However, the draft Strategy has not been endorsed by Council and will need community and stakeholder input prior to finalisation.</p> <p>These strategies do not affect the aim and outcomes of this planning proposal. Once finalised the strategies will be dealt with under a separate planning proposal process for the comprehensive MidCoast LEP.</p> <p>An intended outcome of the current planning proposal is to ensure consistency between all three LEP's across the way that the residential zones are designed. As stated previously the Greater Taree LEP 2010 is currently structured as an "open zone". This differs in structure to the residential land use zones that apply in the Gloucester LEP 2010 and Great Lakes LEP 2014 which are structured as "closed zones". In order to have a consistent approach within all LEP's that apply to the MidCoast LGA, it is proposed to amend the Greater Taree LEP 2010, R1 General Residential zone to a closed land use table. The review will result in a consistent approach to all LEPs and as such "manufactured home estates" are not an innominate use, and "caravan parks" will remain prohibited in this zone. Therefore, the change will not allow the submission of development applications for "manufactured home estates" in the R1 General Residential zone.</p> <p>Applying this consistent approach to the R1 General Residential zone of the Greater Taree LEP 2010 does have an unintended consequence due to the amalgamation of the three LGA's. As "manufactured home estates" will no longer be an innominate use within this zone, it may be argued that</p>

Ministerial Direction	Relevance	Consistency
		<p>housing choice is reduced within these areas - albeit a very wide range of housing types will remain available under the zone including multi dwelling housing, residential flat buildings, dual occupancies and secondary dwellings.</p> <p>However, the inconsistency is justified as Council is developing strategies and zone reviews as part of the development of the comprehensive MidCoast LEP and this planning proposal does not seek to introduce provisions that are justifiably inconsistent with this direction.</p> <p>This inconsistency is considered to be justified due to the minor significance of this planning proposal.</p>
<p>3.2 Caravan Parks and Manufactured Home Estates</p>	<p>This direction applies to this planning proposal as it seeks to prohibit manufactured home estates and innominate uses in the R1 General Residential zone.</p> <p>The relevant objectives of this direction are to provide for a variety of housing types, and to provide opportunities for caravan parks and manufactured home estates.</p>	<p>This planning proposal, through the review of the R1 General Residential zone land use table and the proposed local provision does:</p> <ul style="list-style-type: none"> <li>• ensure manufactured home estates are not permitted in the excluded areas outlined in Schedule 2 of SEPP 36</li> <li>• take into account the principles listed in Clause 9 of SEPP 36</li> <li>• continue to permit manufactured home estates as a contemporary form of multi dwelling housing</li> <li>• permit caravan parks in at least three zones in each of the LEPs proposed to be amended.</li> </ul> <p>As stated previously, Council is developing strategies and zone reviews as part of the development of the comprehensive MidCoast LEP. Many of these documents were placed on exhibition for community comment in early 2020 and the submissions are being considered.</p> <p>The draft Housing Strategy includes a discussion regarding tourism land uses including specific comments on caravan parks. A review of the permissibility of caravan parks in all the land use zones under the MidCoast LEP is therefore being considered in this process as well as other actions which encourages a variety of housing choice.</p> <p>While the development of the Rural Strategy is still underway, preliminary research suggests that caravan parks are likely to be prohibited in rural and environmental zones, while existing caravan parks located in rural or environmental zones will likely be rezoned to recreational zones to reflect its primary purpose. However, the draft Strategy has not been endorsed by Council and will need community and stakeholder input prior to finalisation.</p> <p>The review has considered the Ministerial Direction 3.2 Caravan Parks and Manufactured Home Estates and the actions contained in the strategies and reviews are consistent. These strategies do not affect the aim and outcomes of this planning proposal. Once finalised the strategies will be dealt with under a separate planning proposal process for the comprehensive MidCoast LEP.</p> <p>An intended outcome of the current planning proposal is to ensure consistency between all three LEP's across the way that the residential zones are designed. As stated previously the Greater Taree LEP 2010 is currently structured as an</p>

Ministerial Direction	Relevance	Consistency
		<p>“open zone”. This differs in structure to the residential land use zones that apply in the Gloucester LEP 2010 and Great Lakes LEP 2014 which are structured as “closed zones”. In order to have a consistent approach within all LEP’s that apply to the MidCoast LGA, it is proposed to amend the Greater Taree LEP 2010, R1 General Residential zone to a closed land use table. The review will result in a consistent approach to all LEPs and as such “manufactured home estates” are not an innominate use, and “caravan parks” will remain prohibited in this zone. Therefore, the change will not allow the submission of development applications for “manufactured home estates” in the R1 General Residential zone.</p> <p>While applying a consistent approach to the R1 General Residential zone does have an unintended consequence due to the amalgamation of the three LGA’s, the inconsistency is justified as Council is developing strategies and zone reviews as part of the development of the comprehensive MidCoast LEP and this planning proposal does not seek to introduce provisions that are justifiably inconsistent with this direction or State Environmental Planning Policy No. 36 (schedule 2)</p> <p>This inconsistency is considered to be justified due to the minor significance of this planning proposal.</p>
4.1 Acid sulfate soils	Applies when a planning proposal affects land containing acid sulfate soils.	<p>This planning proposal does not propose new provisions or intensification of land uses on land containing acid sulfate soils. Nor does it alter the relevance or effect of assessment that will be given to the relevant acid sulfate soil controls, which will be considered if a development application was lodged on land to which the planning proposal applies.</p> <p>The planning proposal is <b>consistent</b> with this Direction.</p>
4.2 Mine subsidence and unstable land	Applies when a planning proposal affects land that is within a mine subsidence district or has been identified as unsuitable in a study.	<p>This planning proposal does not impact on any known mine subsidence area. Any future development application would address these issues if they were evident on a site.</p> <p>The planning proposal is <b>consistent</b> with this Direction.</p>
4.3 Flood prone land	Applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.	<p>This planning proposal is not site specific and does not change the zone of land. Nor does it alter the relevance or effect of the relevant flood controls, which will be considered if a development application was lodged on land to which the planning proposal applies.</p> <p>The planning proposal is <b>consistent</b> with this Direction.</p>
4.4 Bushfire protection	Applies when a planning proposal affects or is in proximity to land mapped bushfire prone land.	<p>This planning proposal is not site specific and does not change the zone of land. Nor does it alter the relevance or effect of the relevant bushfire controls, which will be considered if a development application was lodged on land to which the planning proposal applies.</p> <p>The planning proposal is <b>consistent</b> with this Direction.</p>
5.10 Implementation	A planning proposal must be consistent with	The planning proposal is generally consistent with the <i>Hunter Regional Plan 2036</i> – refer section 4.2.1 for further detail.

Ministerial Direction	Relevance	Consistency
of Regional Plans	the relevant Regional Plan.	<p>However, an intended outcome of the current planning proposal is to ensure consistency between all three LEP's across the way that the residential zones are designed. As stated previously the Greater Taree LEP 2010 is currently structured as an "open zone". This differs in structure to the residential land use zones that apply in the Gloucester LEP 2010 and Great Lakes LEP 2014 which are structured as "closed zones". In order to have a consistent approach within all LEP's that apply to the MidCoast LGA, it is proposed to amend the Greater Taree LEP 2010, R1 General Residential zone to a closed land use table. The review will result in a consistent approach to all LEPs and as such "manufactured home estates" are not an innominate use, and "caravan parks" will remain prohibited in this zone. Therefore, the change will not allow the submission of development applications for "manufactured home estates" in the R1 General Residential zone.</p> <p>Applying this consistent approach to the R1 General Residential zone of the Greater Taree LEP 2010 does have an unintended consequence due to the amalgamation of the three LGA's. As "manufactured home estates" will no longer be an innominate use within this zone, it may be argued that housing choice is reduced within these areas - albeit a very wide range of housing types will remain available under the zone including multi dwelling housing, residential flat buildings, dual occupancies and secondary dwellings.</p> <p>However, the inconsistency is justified as Council is developing strategies and zone reviews as part of the development of the comprehensive MidCoast LEP and this planning proposal does not seek to introduce provisions that are justifiably inconsistent with this direction.</p> <p>This inconsistency is considered to be justified due to the minor significance of this planning proposal.</p>
6.1 Approval and referral requirements	A planning proposal must ensure LEP provisions encourage the efficient and appropriate assessment of development.	<p>The planning proposal does not alter the approval or referral requirements for developments and specifically does not contain provisions that relate to concurrence, consultation or referral of development applications to a Minister or public authority.</p> <p>The planning proposal is <b>consistent</b> with this Direction.</p>
6.3 Site specific provisions	Applies when a planning proposal will allow a particular development to be carried out.	<p>The planning proposal does not allow a particular development and will not contain drawings that show a particular development.</p> <p>It amends the R1 General Residential land use table and does not substantially change the range of land uses that are "permissible with consent".</p> <p>The planning proposal is <b>consistent</b> with this Direction.</p>

## 4.3 Environmental, Social and Economic Impact

### 4.3.1 ***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No. The planning proposal seeks to close the R1 General Residential zone in the Greater Taree LEP 2010, and introduce a local provision to define “manufactured home estates”, permit “manufactured home estates” where “caravan parks” are permissible and apply consistent standards and assessment criteria in the short-term.

Future development applications lodged over land to which the planning proposal relates will be assessed on merit and due regard will be given to critical or threatened species/habitats.

A copy of the draft Development Control Plan for Manufactured Home Estates (draft DCP) is contained in Appendix E. The DCP was endorsed by Council on the 18 December 2019 for community engagement purposes. Council will require a thorough ecological assessment to accompany any development application consistent with the *Environmental Planning and Assessment Act 1979*.

### 4.3.2 ***Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?***

No. The planning proposal seeks to close the R1 General Residential zone in the Greater Taree LEP 2010, and introduce a local provision to define “manufactured home estates”, permit “manufactured home estates” where “caravan parks” are permissible and apply consistent standards and assessment criteria in the short-term. Any likely environmental effects will be realised when development applications are lodged over land to which the planning proposal relates in the future. At which stage, Council will assess environmental effects consistent with the *Environmental Planning and Assessment Act 1979*.

### 4.3.3 ***Has the Planning Proposal adequately addressed any social/economic effects?***

Whilst there is a need for housing diversity, including smaller, lower cost homes as a consequence of an ageing population and the socio-economic demographic in the MidCoast Council area (as evidenced by the *Hunter Regional Plan 2036* and Council’s research on land supply), the proposed amendments do not reduce the potential for housing diversity, but do provide a more consistent and transparent approvals pathway.

The planning proposal seeks to close the R1 General Residential zone in the Greater Taree LEP 2010. The review of the land use table seeks to have the least possible impact on the current permissibility and prohibition of other land uses in the R1 General Residential zone and does not change the objectives of the zone. Various types of residential accommodation will remain permissible land uses in the zone. The planning proposal also introduces a local provision to define “manufactured home estates”, permit “manufactured home estates” where “caravan parks” are permissible and apply consistent standards and assessment criteria.

The social and economic effects of the planning proposal are considered minimal and any likely effects will be realised when development applications are lodged over land to which the planning proposal relates in the future. At which stage, Council will assess social and economic effects consistent with the *Environmental Planning and Assessment Act 1979*.

## 4.4 Section D – State and Commonwealth Interests

### 4.4.1 *Is there adequate public infrastructure for the Planning Proposal?*

There are no public infrastructure implications with the planning proposal.

The planning proposal seeks to close the R1 General Residential zone in Greater Taree LEP 2010 and introduce a local provision to define “manufactured home estates”, permit “manufactured home estates” where “caravan parks” are permissible and apply consistent standards and assessment criteria in the short-term. Therefore, the public infrastructure requirements remain generally the same as prior to this planning proposal being prepared.

### 4.4.2 *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?*

Consultation has not yet been undertaken with State and Commonwealth agencies, with the exception of the Department of Planning and Environment response (January 2019) that triggered this version of the planning proposal.

The Gateway determination (Appendix D) requires consultation with NSW Department of Planning Industry and Environment (Housing and Property Group).

Should the proposal be significantly amended as a result of agency consultation, it may be reported back to Council and the Department of Planning, Industry and Environment for an amended Gateway determination.

## 5. Mapping

No mapping changes are required as result of this planning proposal.

## 6. Community consultation

The planning proposal will be made publicly available for a minimum of 28 days and will be exhibited in accordance with Section 3.34(2)(c) of the *Environmental Planning and Assessment Act* 1979. The following will be undertaken:

- notices in the local newspapers;
- exhibition material and all relevant documents will be available at Council’s Administrative Offices; and
- exhibition material and all relevant documents will be available on Council’s website.

Any further consultation required by the Gateway Determination will also be undertaken.

## 7. Project timeline

The project timeline will be subject to Council and the State Government's resources, but it is expected a planning proposal of this nature would be completed within 6 months of the date of the Gateway determination.

The following table provides an indication of the expected timelines for progression of the planning proposal.

Task	Responsibility	Timeframe	Date (approx.)
Gateway determination	Department of Planning and Environment		4 October 2019
Amendments to planning proposal to meet State requirements			April 2020
Public and State agency consultation	MidCoast Council	28 working days	June-July 2020
Consideration of submissions and Planning proposal reported to Council (if required)	MidCoast Council	4 weeks	August 2020
Making of Local Environmental Plan	MidCoast Council	4 weeks	September 2020

## 8. Conclusion

The planning proposal is considered to have strategic merit because it is consistent with the aims of the Department's review to improve the regulation of manufactured homes and estates, caravan parks and camping grounds in NSW, and is consistent with the planning approach recommended by the Department in January 2019. Namely, it addresses the matters of location, simpler planning and clearer land use zonings for manufactured home estates.

The planning proposal maintains the overall objectives of the Greater Taree LEP 2010 R1 General Residential zone and seeks to introduce a local provision to define "manufactured home estates", permit "manufactured home estates" where "caravan parks" are permissible and apply consistent standards and assessment criteria in the short-term.

The planning proposal aims to facilitate housing diversity and housing affordability in the form of manufactured home estates, in suitable, adequately serviced locations, to meet the current and future demographic needs of the community. Importantly, any future applications for this land use will be subject to Council's development controls, and will potentially result in better design outcomes for the end resident.

Further, the planning proposal is consistent with *Hunter Regional Plan 2036* and Council's *Community Strategic Plan – MidCoast 2030 Shared Vision, Shared Responsibility 2018-2030*.



## Appendix A – Comparison of existing and proposed General Residential land uses

Development is "permitted without consent" (WOC), "permitted with consent" (WC), and "prohibited" (P). Development that is not WOC or P, is considered to be WC.

Comparison below is made between the existing and proposed Greater Taree R1 General Residential zone.

✓ or ✗ is written in land use table, ✓ or ✗ in implied from land use table (based upon land use table structure, use of "group term" definitions or other policy ie. SEPPs).

### R1 General Residential Zone Land Use Comparison

Land Use	Existing Greater Taree (R1)			Proposed Greater Taree (R1)		
	WOC	WC	P	WOC	WC	P
Advertising structure		✓			✓	
Air transport facilities			✗			✗
Airstrips			✗			✗
Agriculture (excl. aquaculture)			✗			✗
Amusement centres			✗			✗
Animal boarding & training estab.			✗			✗
Artisan food & drink industry			✗			✗
Attached dwellings		✓			✓	
Backpackers' accommodation		✓			✓	
Bed and breakfast accommodation		✓			✓	
Boarding houses		✓			✓	
Boat building & repair facilities			✗			✗
Boat launching ramps		✓			✓	
Boat sheds			✗		✓	
Brothels			✗			✗
Building identification signs		✓			✓	
Business identification signs		✓				✗
Business premises			✗			✗
Camping grounds			✗			✗
Canal estate development			✗			✗
Car parks		✓				✗
Caravan parks			✗			✗
Cellar door premises			✗			✗
Centre-based child care facilities		✓			✓	
Cemeteries		✓			✓	
Charter & tourism boating facilities			✗			✗
Commercial premises			✗			✗
Community facilities		✓			✓	

Land Use	Existing Greater Taree (R1)			Proposed Greater Taree (R1)		
	WOC	WC	P	WOC	WC	P
Community health service facilities			✗		✓	
Correctional centres			✗			✗
Crematorium		✓				✗
Dairies (pasture based & restricted)			✗			✗
Depots			✗			✗
Dual occupancies (attached & detached)		✓			✓	
Dwelling houses		✓			✓	
Early education & care facility			✗		✓	
Eco-tourist facilities			✗			✗
Educational establishments;		✓			✓	
Electricity generating works			✗			✗
Emergency services facilities		✓			✓	
Entertainment facilities			✗			✗
Environmental protection works		✓			✓	
Exhibition homes		✓			✓	
Exhibition villages		✓			✓	
Extensive agriculture			✗			✗
Extractive industry		✓				✗
Farm buildings			✗			✗
Farm stay accommodation		✓				✗
Feedlot			✗			✗
Flood mitigation works		✓			✓	
Food & drink premises			✗			✗
Forestry			✗			✗
Freight transport facilities			✗			✗
Function centres			✗			✗
Funeral homes			✗			✗
Group homes		✓			✓	
Health consulting rooms		✓			✓	
Heavy industrial storage estab.			✗			✗
Helipads			✗			✗
Heliports			✗			✗
High technology industries			✗			✗
Highway service centres		✓				✗
Home-based child care		✓			✓	
Home businesses		✓			✓	
Home industries		✓			✓	
Home Occupations	✓			✓		

Land Use	Existing Greater Taree (R1)			Proposed Greater Taree (R1)		
	WOC	WC	P	WOC	WC	P
Home occupations (sex services)			✗			✗
Hospitals		✓				✗
Hostels		✓			✓	
Hotel or motel accommodation		✓			✓	
Industrial retail outlets			✗			✗
Industrial training facilities			✗			✗
Industries			✗			✗
Information & education facilities		✓			✓	
Intensive livestock agriculture			✗			✗
Intensive plant agriculture			✗			✗
Jetties		✓			✓	
Kiosks			✗			✗
Landscaping material supplies			✗			✗
Liquid fuel depots			✗			✗
Livestock processing industries			✗			✗
Local distribution premises			✗			✗
Medical centres		✓			✓	
Marinas			✗			✗
Markets			✗			✗
Mining		✓				✗
Moorings		✓			✓	
Mooring pens			✗			✗
Mortuaries			✗			✗
Multi dwelling housing		✓			✓	
Neighbourhood shops		✓			✓	
Neighbourhood supermarkets			✗			✗
Offensive industries			✗			✗
Offensive storage establishments			✗			✗
Office premises			✗			✗
Oyster aquaculture		✓			✓	
Passenger transport facilities			✗			✗
Places of public worship		✓			✓	
Plant nurseries			✗			✗
Pond based aquaculture		✓			✓	
Port facilities			✗			✗
Pub			✗			✗
Public administration buildings			✗			✗
Public utility undertaking		✓			✓	

Land Use	Existing Greater Taree (R1)			Proposed Greater Taree (R1)		
	WOC	WC	P	WOC	WC	P
Recreation areas		✓			✓	
Recreation facilities (indoor)		✓			✓	
Recreation facilities (outdoor)		✓				✗
Recreation facilities (major)			✗			✗
Registered clubs			✗			✗
Residential care facilities		✓			✓	
Residential flat buildings		✓			✓	
Resource recovery facilities			✗			✗
Respite day care centres		✓			✓	
Restaurants or cafes		✓			✓	
Restricted premises		✓				✗
Retail premises			✗			✗
Roads		✓			✓	
Roadside stalls			✗			✗
Rural industries			✗			✗
Rural supplies			✗			✗
Rural workers dwellings			✗			✗
Sawmill or log processing works			✗			✗
School based child care		✓			✓	
Schools		✓			✓	
Secondary dwellings		✓			✓	
Self-storage units			✗			✗
Semi-detached dwellings		✓			✓	
Seniors housing		✓			✓	
Serviced apartments		✓			✓	
Service stations		✓			✓	
Sewage reticulation systems		✓			✓	
Sewage treatment plants		✓			✓	
Sewerage systems		✓			✓	
Sex services premises			✗			✗
Shop			✗			✗
Shop top housing		✓			✓	
Small bar			✗			✗
Specialised retail premises			✗			✗
Stock & sale yards			✗			✗
Storage premises			✗			✗
Take away food & drink premises		✓			✓	
Tank based aquaculture		✓				

Land Use	Existing Greater Taree (R1)			Proposed Greater Taree (R1)		
	WOC	WC	P	WOC	WC	P
Telecommunication facilities	✓	✓		✓	✓	
Timber yards			✗			✗
Transport depots			✗			✗
Truck depots			✗			✗
Turf farming			✗			✗
Vehicle body repair workshops			✗			✗
Vehicle repair stations			✗			✗
Vehicle sales or hire premises			✗			✗
Veterinary hospitals		✓			✓	
Warehouse or distribution centres			✗			✗
Waste disposal facilities			✗			✗
Waste or resource Mgt facilities			✗			✗
Water recreation structures		✓			✓	
Water recycling facilities		✓			✓	
Water reticulation systems		✓			✓	
Water supply systems		✓			✓	
Water treatment facilities		✓			✓	
Wharf or boating facilities			✗			✗
Wholesale supplies		✓				✗

## Appendix B – Consistency with State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Consistency
14. Coastal Wetlands	N/A
19. Bushland in Urban Areas	N/A
21. Caravan Parks	N/A
26. Littoral Rainforests	N/A
30. Intensive Agriculture	N/A
33. Hazardous and Offensive Development	N/A
36. Manufactured Home Estates	Consistent
44. Koala Habitat Protection	N/A
50. Canal Estate Development	N/A
52. Farm Dams and Other Works in Land & Water Management Plans	N/A
55. Remediation of Land	N/A
62. Sustainable Aquaculture	N/A
64. Advertising and Signage	N/A
65. Design Quality of Residential Apartment Development	N/A
70. Affordable Housing (Revised Schemes)	N/A
71. Coastal Protection	N/A
Affordable Rental Housing 2009	Consistent
Building Sustainability Index: BASIX 2004	N/A
Exempt and Complying Development Codes 2008	N/A
Housing for Seniors or People with a Disability 2004	Consistent
Infrastructure 2007	N/A
Integration and Repeals 2016	N/A
Mining, Petroleum Production and Extractive Industries 2007	N/A
Rural Lands 2008	N/A
State and Regional Development 2011	N/A
State Significant Precincts 2005	N/A
Urban Renewal 2010	N/A

## Appendix C – Consistency with S9.1 Ministerial Directions

State Environmental Planning Policy (SEPP)	Consistency
1.1 Business and Industrial Zones	N/A
1.2 Rural Zones	N/A
1.3 Mining, Petroleum Production, Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2.1 Environmental Protection Zones	N/A
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	N/A
2.4 Recreational Vehicle Areas	N/A
3.1 Residential Zones	Justifiability inconsistent
3.2 Caravan Parks and Manufactured Home Estates	Justifiability inconsistent
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	N/A
3.5 Development Near Licensed Aerodromes	N/A
3.6 Shooting Ranges	N/A
4.1 Acid Sulfate Soils	Consistent
4.2 Mine Subsidence and Unstable Land	Consistent
4.3 Flood Prone Land	Consistent
4.4 Planning for Bushfire Protection	Consistent
5.1 Implementation of Regional Strategies	N/A
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State/Regional Significance on Far North Coast	N/A
5.4 Commercial/retail development - Pacific Highway, North Coast	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A
5.9 North West Rail Link corridor Strategy	N/A
5.10 Implementation of Regional Plans	Justifiability inconsistent
6.1 Approval and Referral Requirements	Consistent
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	Consistent
7.1 Implementation of a Plan for Growing Sydney	N/A
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A

## Appendix D – Gateway Determination



Planning,  
Industry &  
Environment

### Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_MCOAST\_005\_00):** to prohibit innominate uses in the Greater Taree Local Environmental Plan 2010 R1 General Residential zone and to introduce a local provision for manufactured home estates in the Greater Taree Local Environmental Plan 2010, Great Lakes Local Environmental Plan 2014 and Gloucester Local Environmental Plan 2010.

I, the Acting Executive Director, Local and Regional Planning at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Greater Taree Local Environmental Plan (LEP) 2010 to prohibit innominate uses in the R1 General Residential zone and an amendment to the Greater Taree LEP 2010, Great Lakes LEP 2014 and Gloucester LEP 2010 to introduce a local provision for manufactured home estates should proceed subject to the following conditions:

1. Prior to community consultation, Council is to:
  - (a) update the planning proposal's explanation of provisions section to remove 'restriction facilities'; and
  - (b) review the permissibility of caravan parks in its land use zones considering section 9.1 Ministerial Directions 3.1 Residential Zones, 3.2 Caravan Parks and Manufactured Home Estates and 5.10 Implementation of Regional Plans and update the planning proposal with the outcomes of this review.
2. Council is to include its proposed development control plan provisions for manufactured home estates as part of the planning proposal exhibition package.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
4. Consultation is required with the Housing and Property group of the Department of Planning, Industry and Environment under section 3.34(2)(d) of the Act. They are 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.



5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
6. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
7. Prior to finalising the plan under section 3.36(2) of the Act, the planning proposal is to be updated to demonstrate consistency with any changes made to the regulatory framework for manufactured homes and manufactured home estates, including any changes to State Environmental Planning Policy No 36 – Manufactured Home Estates or the publication of guidelines for manufactured home estates.
8. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 4<sup>th</sup> day of October 2019.



**Monica Gibson**  
**Acting Executive Director, Local and**  
**Regional Planning**  
**Planning and Assessment**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**

PP\_2018\_MCOAST\_005\_00 (IRF19/4939)

## Appendix E – Draft Development Control Plan (DCP) – Manufactured Home Estates and Caravan Parks

*The following outlines DCP provisions for manufactured home estates and replaces any provisions relating to caravan parks. In general, the provision is to be inserted into:*

- *Great Lakes DCP as a new section*
- *Greater Taree DCP under Part H3. In addition, the parking space requirements for caravan parks in Part G1.3 – Parking requirements for specific land uses, is to be removed and replaced with reference to the new Part H3 provision*
- *Gloucester DCP as a new section under Part 4 and insert the relevant zones that the section applies to. In addition, Section 4.3 – Tourist Development Guidelines are to be amended to remove all reference to caravan parks*

*Note: the Table of Contents, headings and numbering will be amended accordingly.*

### Manufactured Home Estates and Caravan Parks

The Part only applies to certain development:

- manufactured home estates or caravan parks;
- on a single development site of one hectare or greater; where
- manufactured homes are to be installed for resident or visitor accommodation.

The objectives and controls within this section of the DCP are to be read in conjunction with the provisions and requirements of:

*State Environmental Planning Policy No 21 – Caravan Parks (or as amended)*  
*State Environmental Planning Policy No 36 - Manufactured Home Estates (or as amended)*  
*Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*

#### Objectives

- Encourage high quality developments which feature a high standard of urban design and provide a high level of amenity for residents;
- Ensure sufficient site area is provided to accommodate communal and private open space areas, including areas for deep soil planting and natural site drainage;
- Ensure the development layout and design, streetscape treatment and built form demonstrate visual compatibility and cohesion with the surrounding neighbourhood; and
- Ensure that adequate infrastructure and community/support services are available to meet the needs of residents

#### Development Controls

##### 1. Setbacks and Separation

- a) Setbacks for dwellings fronting the same access road are to be staggered, with no more than four consecutive dwellings having the same setback.
- b) Buildings, dwellings and sites are to be grouped/clustered to provide a high level of pedestrian permeability. Each group is to be separated by an access road or a pedestrian path, with communal landscaped areas.
- c) The setbacks provided between buildings and dwellings, are to be designed to ensure acoustic and visual privacy to residents.

- d) The property boundary setbacks to buildings and dwellings are to be maximised, to provide visual separation from the street and adjoining properties.
  - e) Setbacks shall be sufficient to avoid any land use conflicts with adjoining zones and uses.
2. Landscaping
- a) Setbacks are to be screened, fenced and landscaped to ensure an attractive streetscape. Setbacks are not to be used for administrative buildings, community buildings/amenities, camping sites or parking facilities.
  - b) Deep soil planting and semi-mature street trees are to be provided in the property boundary setbacks and between dwelling groups/clusters, to provide visual buffers and shaded areas in communal open spaces.
3. Building Design
- a) Building articulation and habitable rooms in dwellings must enable passive surveillance of access roads.
  - b) Building materials and colour schemes must be selected to demonstrate compatibility with surrounding residential development.
  - c) Building designs on corner lots should avoid blank walls and include design features that provide visual interest to, and passive surveillance of, access roads.
4. Visitor Parking
- a) Visitor parking is required to be accessible at all times by residents and visitors to the development.
  - b) Where the number of dwellings and/or sites is 100 or fewer, a centralised visitor car parking facility is to be provided.
  - c) Where the number of dwellings and/or sites is more than 100, visitor parking is to be spread throughout the development site. A minimum of 4 spaces and maximum of 10 spaces per parking facility are to be provided in any location.
5. Caravan and Boat Storage
- a) Where a separate parking facility is to be provided for caravan and boat storage, the facility is to incorporate a wash down facility.
  - b) The siting, design and security of this facility is to have regard to the need to minimise the opportunity for crime.
6. Services and Infrastructure
- a) The entrance of a development with more than 25% long-term/permanent occupancy sites, is to be within 400m of a bus stop serviced with daily bus services or provided with a private daily bus service for residents.
  - b) Any onsite administration, retail, community facilities and amenity buildings are to be accessible to all residents.
  - c) Garbage facilities on the site are to be designed to be accessible to all residents and provided with screening from dwelling and long-term/permanent occupancy sites, adjoining properties and public areas.

### **Additional Lodgement Requirements**

1. A Visual Impact Assessment which addresses:

- a) The landscape and visual context of the locality;
- b) The potential impact of the development, in particular, when viewed from surrounding residential development, public spaces and/or facilities; and
- c) Any relevant 'local character' statements for the town, village or locality.

The Visual Impact Assessment is to include illustrations, photomontages and/or artists' impressions.

2. An Access Audit that provides details on the following:
  - a) Gradients, widths and lengths of pedestrian pathways; and
  - b) Access to and within administrative and communal buildings and structures.
3. A Social Impact Assessment which considers:
  - a) An assessment of how the development location and design addresses the requirements of residents; and
  - b) Connectivity between the development site, surrounding neighbourhood and community.
4. A Traffic assessment which considers the impact of traffic generated by the development upon the existing road network. Note: dependent upon the scale of the development relative to its location, a full Traffic Impact Assessment may be required.
5. A water and sewer servicing plan detailing:
  - a) The capacity of the reticulated water and sewerage systems in the locality; and
  - b) Details of any additional infrastructure (on and off-site) required to connect to existing systems and/or provide sufficient capacity to cater for the increase in demand.
6. Manufactured home estates and caravan parks proposing 25% or more sites for long-term/permanent occupancy, are to provide:
  - a) a minimum of five dwelling designs, including at least one design appropriate for corner blocks (where relevant); and
  - b) information on the design and location of any centralised mail facility for residents.
7. Caravan parks and manufactured home estates require a community plan to be lodged that identifies the location and nature of occupancy, of all resident and visitor sites.
8. Caravan parks and manufactured home estates may also be required (depending on scale and location) to provide an Economic Impact Assessment which considers:
  - a) The potential impact on local businesses, services and facilities within the town, village and/or locality; and
  - b) The potential impact on local businesses, services and facilities within the MidCoast region.
9. All applications for caravan parks and manufactured home estates are required to demonstrate how they meet the *Crime Prevention Through Environmental Design* (CPTED) principles.

## 5.1 Catering for Tourism

This Housing Strategy has examined tourism in the MidCoast with respect to three key issues:

- o How tourism impacts on housing availability as a consequence of the growth in short-term holiday letting, and uptake of holiday housing more generally.
- o How the Tourism Zone is being used and whether the changing face of tourism means these zones are no longer relevant.
- o How caravan park locations should be zoned.

The first two of these issues are inter-twined. With the increased popularity of online holiday letting and accommodation booking platforms such as Airbnb and Stayz, holiday makers are becoming less reliant on more traditional tourism providers, such as resort / hotel chains and local real estate agents. The use of dwellings and units for holiday accommodation also results in high "vacancy rates" of dwellings, being up to almost 50% in some areas.

Caravan Parks are currently zoned differently between the former Council areas. Establishing a standardised approach is important into the future. Responses to these issues are discussed below.

### Short-term holiday letting

Short-term holiday letting is an important component of the overall tourism accommodation offering in the MidCoast and has been for many years. However, the pace of change in this industry is one that is being recognised across all areas of NSW, with the NSW State Government recently introducing new regulation of the industry including:

- o Potential for councils to introduce restrictions on the extent of use when the host is not on site - limiting these to as low as 180 days per annum.
- o A mandatory code of conduct that can result in exclusion of dwellings and hosts from offering services.
- o Clarifying strata by-laws to enable short-term holiday letting, but only where the dwelling is not a host's principal place of residence.

With these new arrangements in place, there are now options available to deal with the occasional issues that are known to arise from short-term holiday letting. As such, it is recommended not to include any separate specific clauses in a consolidated MidCoast LEP.

### Recommended Actions

- 5.1.1 Continue to monitor the short-term holiday letting industry and statewide regulation changes. Utilise legislative controls where possible to address impacts and issues as they arise, before considering any additional land use planning controls in the medium to longer-term.

### Tourism Zone (SP3)

The SP3 Tourism zone is currently utilised in both the Greater Taree and Great Lakes LEPs in a total of six locations. This zone essentially reserves land for the development of tourism infrastructure - particularly for accommodation and related facilities. However, whilst many of these have been the subject of larger master plans or development approvals, only North Diamond Beach has progressed. Reasons for this are varied, though the recovery from the 2008 global financial crisis, the rise of short-term holiday lettings, and the financial constraints of the zone are likely to be key factors for many.

What is apparent is that the type of developments that have been proposed on some sites zoned for tourism continue to be desired by the tourism industry, particularly in terms of conference facilities and associated accommodation offerings for business markets. As such, the retention of those areas where these opportunities remain, or have been planned / approved is recommended.

There are however, some areas where an alternative zone may be more appropriate. These would include the Old Bar, North Diamond Beach, Red Head and Club Forster sites, where alternative residential zones are still likely to result in a mix of tourism and permanent resident populations through short-term holiday letting.

The Club Forster site, being centrally located, is considered appropriate for medium density use. The North Diamond Beach and Red Head sites are also considered suitable for medium density residential. However, further master-planning is needed for these sites to ensure the development is connected and has services to meet the demand of future residents. This master plan will be required prior to development (as an identified Urban Release Area). The Old Bar site requires more rigorous strategic planning justification before an appropriate zone is determined. This can be achieved through a rezoning application.

#### Recommended Actions

- 5.1.2 Continue to use the SP3 Tourism zone in locations where such development has been or is proposed as part of larger master planned projects.
- 5.1.3 Transition the Club Forster site to the Medium Density zone given its close proximity to the Forster town centre, land size and general separation from adjoining residential land.

- 5.1.4 Transition the North Diamond Beach and Red Head lands to the medium density zone and identify as an Urban Release Area that requires master planning prior to development of the land.

- 5.1.5 Consider the transition of the Old Bar lands to an appropriate residential zone pending detailed planning for this area.



**Former Ramada Resort - North Diamond Beach**

## Caravan Parks

There are a total of 33 caravan parks in the MidCoast area. The size and style of these differ greatly between areas - from large beachfront tourism orientated facilities through to smaller parks with predominantly permanent residents. The zoning of these sites also differs between and in each of the former Council areas, including a number of rural, recreation and residential zones.

The caravan park sector has also undergone change in more recent times. Whilst these trends are not uniform, it is notable that coastal parks have been moving more strongly towards higher quality cabins, reducing areas for camping and caravanning over time. Non-coastal areas have seen a trend towards higher proportions of permanent residents, promoted as lifestyle resorts for retirees in some cases.

Either way, these provide important elements of the housing mix - encouraging diverse tourism options and establishing more affordable housing. Moving forward it is therefore important that existing caravan parks are recognised and retained where possible, including the potential for new parks to be developed in the future.

For consistency, it is suggested that in urban areas or as part of the urban/rural interface, existing caravan parks be zoned *RE1 - Public Recreation* or *RE2 - Private Recreation* based on their ownership. The exceptions to this principle are:

- o Oxley Anchorage Caravan Park, Harrington - currently in the General Residential Zone and located in an area where redevelopment is encouraged
- o Twilight Caravan Park, Taree - currently in a business zone

The future of caravan parks in rural areas will also be considered by the MidCoast Rural Strategy.

## Recommended Actions

- 5.1.6 Generally support the retention of existing caravan parks through the consistent application of the *RE1 - Public Recreation* zone to those sites in Council or State Government control, and *RE2 - Private Recreation* for private facilities.
- 5.1.7 Ensure potential for the development of new caravan parks in residential areas by permitting caravan parks in the *R1 - General Residential* and *R3 - Medium Density Residential* zones.

## 5.2 Housing for an aging population

The MidCoast's urban areas have some of Australia's oldest resident populations - including centres such as Forster / Tuncurry and Hawks Nest / Tea Gardens. Whilst these areas are well above average, they are also part of a national trend towards an aging population and highlights the importance of planning for a broad range of lifecycles.

Housing responses to this demographic change vary between:

- o Housing that can be adapted to the changing needs of its occupants over their lifecycle.
- o Ensuring that smaller and more affordable dwellings are available when people seek to downsize.
- o Facilitating a range of housing options for older people, including aged care accommodation facilities.

The depth of the decision to move from the private home to other forms of accommodation, combined with often limited availability of accessible aged care facilities and the advent of home care options means that people are staying in their own private homes for longer. With this comes the need to ensure that those dwellings are capable of meeting the ongoing lifecycle requirements of their occupants through being adaptable to their future needs.