

TITLE: [PR-CM] Proposed Amendments to Tweed DCP Notification Requirements for DAs Affecting Caravan Parks and Manufactured Home Estates

ORIGIN:

Development Assessment

FILE NO: GT1/DCP/A11

SUMMARY OF REPORT:

At its meeting of 15 December 2009, in response to a Notice of Motion brought forward by Councillor Skinner, Council resolved the following-

“That a report be brought forward to Council from the Director Planning and Regulation which identifies appropriate amendments to Section A11 of Tweed Development Control Plan 2008 which will facilitate a more pro-active requirement for Council to advertise and directly notify the owners and residents of all Caravan Parks and Manufactured Home Estates and the like in the Tweed Shire of incoming development applications.”

In response to this resolution, Council officers have prepared this report to seek Council's endorsement to commence a process for the amendment of Section A11 of Tweed Development Control Plan (DCP) 2008, to require additional notification of residents of Caravan Parks and Manufactured Home Estates that are likely to be impacted by development applications

RECOMMENDATION:

That: -

- 1. Council endorses the public exhibition of an amendment to Clause A11.2.1 of Section A11 of Tweed Development Control Plan 2008 for a period of 28 days, in accordance with the Environmental Planning Assessment Act and Regulation, through the insertion of the following:**

Caravan Parks and Manufactured Home Estates

Permanent occupiers of caravan park and manufactured home estates sites are to be notified in the same way as landowners are notified as set out in clause A11.2.1 Who is to be Notified? (affected owners). In this regard notification letters are to be sent to the site manager who will be requested to distribute the letters to the site occupiers. The site manager will also be requested to display a notification letter on a noticeboard where available;

and

2. **A report be submitted back to Council following the public exhibition of the proposed DCP amendment.**

REPORT:

Council Resolution

At its meeting of 15 December 2009, in response to a Notice of Motion brought forward by Councillor Skinner, Council resolved the following -

“That a report be brought forward to Council from the Director Planning and Regulation which identifies appropriate amendments to Section A11 of Tweed Development Control Plan 2008 which will facilitate a more pro-active requirement for Council to advertise and directly notify the owners and residents of all Caravan Parks and Manufactured Home Estates and the like in the Tweed Shire of incoming development applications.”

Current Notification Procedures

The Tweed DCP Section A11 contains the following provisions regarding notification-

A11.2.1 Who is to be Notified? (affected owners)

For applications for development listed in Table 1. The Council will cause notice of an application to be sent to:-

- (a) all persons who, according to Council property rating records, own land immediately adjoining the application site;*
- (b) owners of any land that the Council or delegated staff consider may be detrimentally affected by the application having regard to the following criteria:*
 - (i) the views to, from, and across/over the land;*
 - (ii) overshadowing;*
 - (iii) privacy;*
 - (iv) noise;*
 - (v) the visual quality of the building in relation to the streetscape and neighbouring properties;*
 - (vi) the scale of the proposed buildings;*
 - (vii) the likely effect on the drainage of adjoining sites;*
 - (viii) the siting of the proposed building in relation to the application site boundaries;*
 - (ix) hours of use;*
 - (x) nature of use;*
 - (xi) light spillage or reflection;*
 - (xii) means of access to or provision of private parking on the application site;*
 - (xiii) any covenant or easement benefiting the adjoining or neighbouring land or the Council;*
 - (xiv) the height, materials and position of fences erected on the boundary;*
 - (xv) traffic generation;*
 - (xvi) particular circumstances of the application; and*
- (c) any community group or government agency which may be affected by or have a legitimate interest in the application.*

Currently only adjoining owners and other landowners who may be detrimentally affected in accordance with the above criteria are notified. Whilst Council does not have the names of caravan or MHE site occupiers on a data base, it does hold site maps and site numbers for residents of Caravan Parks and Manufactured Home Estates. These maps could be used to identify the sites that should be notified in accordance with (a) and (b) above.

The letters could be addressed to the site occupier and sent to the site manager to distribute to pigeon holes or equivalent. Additionally the notification letter can be sent to the site manager to post on a notice board where available.

Required amendments to DCP

Under part A11.2.6 *Which other persons are to be Notified?* of the DCP a section could be added regarding notification of occupiers of caravan park and manufactured home estate sites in accordance with the criteria contained in part A11.2.1 (a) and (b)

The section could read-

Caravan Parks and Manufactured Home Estates

Permanent occupiers of caravan park and manufactured home estates sites are to be notified in the same way as landowners are notified as set out in clause A11.2.1 Who is to be Notified? (affected owners). In this regard notification letters are to be sent to the site manager who will be requested to distribute the letters to the site occupiers. The site manager will also be requested to display a notification letter on a noticeboard where available.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Additional resources will be used to prepare notification letters.

POLICY IMPLICATIONS:

The proposal represents a change in policy but is warranted given the long term tenure of the occupants of permanent caravan parks and manufactured home estates. It is not desirable to extend the additional notification to other occupiers as it is not possible to identify addresses, deliver mail effectively and justify notifying a large proportion of short term occupants in rented accommodation.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

Nil.
