

REPORT TITLE:	4. AMEND MOREE PLAINS LOCAL ENVIRONMENTAL PLAN 2011 TO PERMIT MANUFACTURED HOME AS PRINCIPAL DWELLING
REPORT FROM:	DIRECTOR OF PLANNING AND DEVELOPMENT
FILE NUMBER:	FILE 14/115

SUMMARY:

This report recommends Council's endorsement of a Planning Proposal to facilitate increased housing diversity under the Moree Plains Local Environmental Plan 2011 (LEP 2011). The Planning Proposal (the Proposal) would permit, with consent, a manufactured home as a principal dwelling where a dwelling house is permissible with consent.

The draft Proposal is attached as **Appendix 3**.

16/04/31 RESOLVED (PRICE/MUNN):

That Council move into workshop mode.

The Council moved into workshop mode at the time being 3.30pm. Councillor Gall left the meeting at the time being 3.31pm and returned at the time being 3.34pm.

16/04/32 RESOLVED (MUNN/PRICE):

That Council move out of workshop mode.

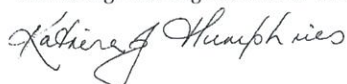
The Council moved out of workshop mode at the time being 3.38pm.

RECOMMENDATION:

That Council:

1. Endorse the Planning Proposal (the Proposal) for Manufactured Homes as principal dwellings under Moree Plains Local Environmental Plan 2011 and forward the Proposal to the Department of Planning and Environment with a request for a Gateway Determination.
2. Delegate to the General Manager any necessary amendments required to the Proposal as a result of considerations by the Department of Planning and Environment or as a result of the Gateway Determination.

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16/04/33 RESOLVED (MUNN/GALL):

That Council:

1. Endorse the Planning Proposal (the Proposal) for Manufactured Homes as principal dwellings under Moree Plains Local Environmental Plan 2011 and forward the Proposal to the Department of Planning and Environment with a request for a Gateway Determination.
2. Delegate to the General Manager any necessary amendments required to the Proposal as a result of considerations by the Department of Planning and Environment or as a result of the Gateway Determination.
3. Amend the Moree Plains Development Control Plan 2013 to include neighbourhood character controls to ensure manufactured homes are compatible with their local environment.

REPORT

BACKGROUND:

There is currently a discrepancy in the LEP 2011 whereby 'Manufactured Home', as defined in the *Local Government Act 1993* is not explicitly permitted with consent. This has arisen due to the standard instrument (SI) that sits behind the Local Environmental Plan. The dictionary in the SI did not include the term and Council was not permitted to add additional definitions to it. This can now be addressed through a special clause in the LEP 2011 which includes a specific definition.

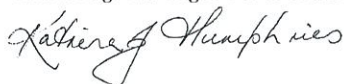
The Proposal intends to rectify this issue by permitting 'Manufactured homes' with consent wherever a 'Dwelling house' is permitted with consent.

The LEP 2011 currently permits 'Dwelling houses' in the following land use zones:

- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production
- RU4 Primary Production Small Lots
- RU5 Village
- B6 Enterprise Corridor
- RE2 Private Recreation
- E3 Environmental Management
- E4 Environmental Living

Kwon as a Gateway Determination, the Department of Planning and Environment (the Department) would review the Proposal and forward it to the relevant committee in Sydney who

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would indicate if they consider the Proposal suitable for exhibition. If supported, the committee may also place conditions on any approval for exhibition.

Following exhibition of the Proposal and the necessary accompanying material, as indicated in the Proposal and the Gateway Determination, the matter would be returned to Council for further consideration. Any submissions on the matter would be outlined at that time and recommendations made.

Council can also now take advantage of delegations recently granted for the plan-making process which would speed up the process. Accordingly, a recommendation to utilise delegations from the Department has been made.

The estimated time frame for the LEP 2011 amendment process is outlined in the Proposal.

COMMUNITY IMPLICATIONS:

No significant community implications have been identified.

ECONOMIC IMPLICATIONS:

The Proposal will have a positive impact on the following Community Strategic Plan and Delivery Program/Operational Plan outcome:

Ec1. Our Shire is a place that attracts and retains new businesses and residents

The Proposal would have a positive outcome as it would facilitate greater diversity in housing provision, in particular, affordable housing of good quality.

ENVIRONMENT IMPLICATIONS:

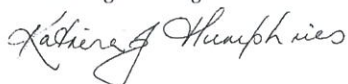
No significant environmental implications have been identified.

LEADERSHIP/LEGAL IMPLICATIONS:

No significant leadership/legal implications have been identified.

FINANCIAL/OPERATIONAL PLAN IMPLICATIONS:

No significant financial/Operational Plan implications have been identified.



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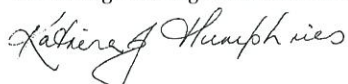


APPENDIX 3

Report 4

PLANNING PROPOSAL

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PLANNING PROPOSAL – MOREE PLAINS LOCAL ENVIRONMENTAL PLAN 2011 DRAFT AMENDMENT
NO. 6 – MANUFACTURED HOME AS PRINCIPAL DWELLING

April 2016

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend Moree Plains Local Environmental Plan 2011 (LEP) in order to permit, with consent, a manufactured home as a principal dwelling where a dwelling house is permissible with consent.

PART 2 – EXPLANATION OF PROVISIONS

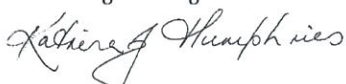
The proposed objective will be achieved by amending the LEP 2011 by:

Amendment applies to	Explanation of provision
New clause under Part 7 Additional Local Provisions as follows:	7.8 Manufactured homes (1) The objective of this clause is to facilitate housing diversity and affordability by applying the provisions of this Plan that permit development for the purposes of dwelling houses to the development of manufactured homes. (2) Development for the purposes of the 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 dwelling house is permitted on that land. (3) The provisions of this Plan that apply to the subdivision or use of land for the purposes of the erection of a dwelling house apply to the installation or placement and use of a manufactured home under this clause. (4) Despite any other provision of this Plan, in this Plan <i>caravan park</i> does not include land on which a manufactured home is installed or placed as a dwelling house under this clause. (5) In this clause, <i>manufactured home</i> has the same meaning as in the <i>Local Government Act 1993</i>.

Under the clause to be introduced, a manufactured home will be permissible with consent in any zone where a dwelling house is permissible with consent as follows, or in any other location where a dwelling house is permissible with consent pursuant to LEP 2011:

- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential
- RU1 Primary Production
- RU4 Primary Production Small Lots
- RU5 Village
- B6 Enterprise Corridor
- RE2 Private Recreation
- E3 Environmental Management

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E4 Environmental Living

All LEP development standards and local development controls that apply to a dwelling house within the Local Government Area will also apply to a manufactured home.

Consent will still be required for the installation of a manufactured home under the provisions of the Local Government Act and Regulations until Council's Local Approvals Policy is finalised.

It should be noted that a manufactured home cannot be considered a dwelling house under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

PART 3 – JUSTIFICATION

Section A. Need for the Planning Proposal

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

The Planning Proposal is not the result of a strategic study or report. Council seeks to provide housing diversity and affordability. Permitting manufactured homes with consent as a principal dwelling will contribute to a form of housing stock not currently permitted and provides an alternative house construction option to the traditional dwelling house construction.

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

In order to achieve the intended outcome the following options were considered:

Option 1

The addition of *dwelling*s to the land use table wherever a dwelling house is permissible with consent.

Option 2

The addition of *residential accommodation* to the land use table wherever a dwelling house is permissible with consent, while prohibiting unwanted uses under the definition of *residential accommodation*.

Option 3

The addition of a new clause under Part 7 to permit with consent a manufactured home as a principal dwelling where a dwelling house is currently permitted with consent.

Option 4

The addition of a new clause under Part 7 to permit with consent a manufactured home as a principal dwelling where a dwelling house is currently permitted with consent. However the definition of 'manufactured home' would be amended as follows:

manufactured home means a self-contained dwelling or proposed self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

(a) that comprises one or more major sections, and

(b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the Road Transport Act 2013,

and includes any associated structures that form part of the dwelling.

Option 3 is preferred as it provides a clearer and more direct approach in achieving the intended outcome.

Section B. Relationship to Strategic Planning Framework

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

The proposal is consistent with the objectives and actions of the applicable regional strategy. In particular, the proposal has been considered against the provisions of the New England North West Strategic Regional Land Use Plan.

The proposal is considered to be consistent with the following identified relevant areas for the reasons as stated:

-Economic Development and Employment

The proposal would facilitate the use of land for development.

Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The proposal is consistent with the Moree Growth Management Strategy. The intended changes are of minor consequence and are not contrary to the relevant planning strategies.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

It should be noted that a manufactured home cannot be considered a dwelling house under the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

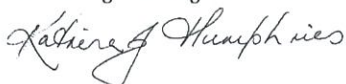
Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

An assessment of the Planning Proposal has been completed against Ministerial Directions (see Table 1) with no inconsistencies being identified.

Table 1: Consistency with applicable Section 117(2) Ministerial Directions

Ministerial Direction	Objective/s	Consistency / Comment
1.1 Business and Industrial Zones	(a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified strategic centres.	The Planning proposal does not propose to rezone land and will not affect provisions relating to this Direction.
1.2 Rural Zones	Protect the agricultural production value of rural land.	The Planning proposal does not propose to rezone land and will not affect provisions relating to this Direction.
1.3 Mining, Petroleum Production and	Ensure that the future extraction of State or	The Planning proposal does not affect

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Extractive Industries	regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	provisions relating to this Direction.
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	The Planning proposal does not propose to rezone land and will not affect provisions relating to this Direction.
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	The Planning Proposal does not affect coastal policy provisions.
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The Planning Proposal does not affect heritage provisions.
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	A recreation vehicle area is not proposed.
3.1 Residential Zones	(a) Encourage a variety and choice of housing types to provide for existing and future housing needs, (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) Minimise the impact of residential development on the environment and resource lands.	The Planning Proposal will contribute to housing diversity and affordability through the addition of manufactured homes as a alternative construction style.
3.2 Caravan Parks and Manufactured Home Estates	(a) Provide for a variety of housing types, and (b) Provide opportunities for caravan parks and manufactured home estates.	The Planning Proposal does not affect provisions relating to Caravan Parks or Manufactured Home Estates.
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	The Planning Proposal will retain the provisions of the principal LEP in this regard.
3.4 Integrating Land Use and Transport	Ensure that urban structures, building forms, land use locations, development designs, subdivision and street	The Planning proposal does not affect provisions relating to the integration of land use and transport.

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	layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	
3.5 Development Near Licensed Aerodromes	(a) Ensure the effective and safe operation of aerodromes, and (b) Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) Ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	The Planning proposal does not affect provisions relating to this Direction.
3.6 Shooting Ranges	(a) Maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) Reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) Identify issues that must	The Planning proposal does not affect provisions relating to shooting ranges.

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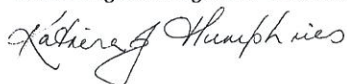
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	be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The Planning Proposal does not affect provisions relating to Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The Planning Proposal does not affect provisions relating to mine subsidence or unstable land.
4.3 Flood Prone Land	(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and (b) Ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The Planning Proposal does not affect provisions relating to flood prone land.
4.4 Planning for Bushfire Protection	(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) Encourage sound management of bush fire prone areas.	The Planning Proposal does not affect bushfire planning provisions.
5.1 Implementation of Regional Strategies	Give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The provision of manufactured homes as principal dwellings will contribute to a mix of housing types within the local government area.
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The proposal will be consistent with this requirement.
6.2 Reserving Land for	(a) Facilitate the provision of	The proposal does not seek

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Public Purposes	public services and facilities by reserving land for public purposes, and (b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	to alter the provision of land available for public use.
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal does not propose any site specific provisions.

Section C. Environmental, Social and Economic Impact

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 additional adverse effects are anticipated, subject to normal merit assessment of development.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No significant environmental effects are anticipated.

How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal provides social and economic benefits associated with further housing choice. It is not envisaged that there will be any adverse social or economic implications.

Is there adequate public infrastructure for the planning proposal?

There are no additional infrastructure implications from the proposal.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

No specific consultations have been undertaken.

PART 4 – MAPPING

The subject amendments would not involve changes to existing mapping.

PART 5 – COMMUNITY CONSULTATION

Community consultation would commence by giving notice of the public exhibition of the planning proposal:

Kathleen Humphries

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- a) in the Council's news page of the Moree Champion; and on Council's web-site at www.mpsc.nsw.gov.au;

Public exhibition of the Planning Proposal would be for 14 days.

The written notice would provide:

- b) a description of the objectives or intended outcomes of the planning proposal; the land affected by the planning proposal; advise and when the planning proposal can be inspected; give the name and address of the Council for the receipt of submissions; and indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- c) the planning proposal, in the form approved for community consultation by the Director General of Planning; the gateway determination; and any studies or reports relied upon by the planning proposal (such as the Growth Management Strategy and the Report to Council).

Public exhibition of the Planning Proposal would be carried out in accordance with the requirements of the EPA Act, EPA Regulations and the Gateway determination.

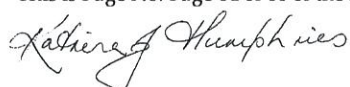
PART 6 – PROJECT TIMELINE

The anticipated project timeline for completion of the Planning Proposal is outlined in Table 1.

Table 1 - Project Timeline

Task	Anticipated timeframe
Date of Gateway Determination	May 2016
Completion of required technical information, studies	
Government agency consultation (pre exhibition as required by Gateway Determination)	No additional pre-exhibition consultation is anticipated.
Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	No specific changes are anticipated.
Commencement and completion dates for public exhibition.	Early July 2016
Dates for public hearing	None likely to be required
Consideration of submissions, report from public hearing and Planning Proposal post exhibition	None likely to be required
Date of submission of proposal to Department to finalise the LEP.	Late July 2016

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