

File No:	T5.3
Report: 206/2017	Planning Proposal to Amend LEP
Responsible Officer:	Dwayne Willoughby, Manager Environmental Services

Introduction

At the April ordinary meeting, Council resolved to endorse a draft planning proposal to amend the Local Environmental Plan (LEP) to allow manufactured homes on RU1 – Primary Production Zoned land.

Department of Planning & Environment (DP&E) have identified that the R5 – Large Lot Residential zone should also be included in this proposal, as there would be some demand for manufactured homes on large lot residential land.

Due to the minor change, a new resolution is sought to allow the proposal to be formally submitted to the Department of Planning for their consideration.

DP&E have advised that it is intended to provide a solution to this matter at a state level via changes to the definition of a building within the Environmental Planning and Assessment Act 1979 however, the timing for this change is not able to be confirmed.

Until the change to the Act is made, the short term consequence of this proposed amendment is that it will technically be permissible for manufactured dwellings to be erected on land within the RU1 zone that does not achieve the minimum lot size as required by clause 4.2B of the LEP. This is due to the fact that clause 4.2B refers only to dwelling houses, and as noted in the attached planning proposal, manufactured dwellings are not dwelling houses.

Notwithstanding this, Council would still assess each development on its merits and, where it is determined that installation of a manufactured dwelling has the potential to detrimentally affect the right to farm of adjacent properties, it would be possible to refuse the application by reference to the RU1 zone objectives and the provisions of clause 10 of the *State Environmental Planning Policy (Rural Lands) 2008*.

Resolution

180/2017 That Council:

1. "Endorse the attached draft Planning Proposal to enable the amendment of the Bourke Local Environmental Plan 2012 to include residential accommodation in Part 3 of the RU1 – Primary Production and R5 – Large Lot Residential Land Use Tables and update Part 4 of these Land Use Tables to ensure those forms of residential accommodation that are currently prohibited in the RU1 and R5 zones remain prohibited; and
2. Forward the endorsed draft Planning Proposal to the DP&E with a request for a Gateway determination and proceed to public exhibition subject to advice received; and
3. Request that the Gateway delegate to Council plan making functions under Sections 59(2) and (3) of the Environmental Planning and Assessment Act 1979, in this instance."

Moved Cr Dorrington

Seconded Cr Barton

Carried