

8.4.3 PLANNING PROPOSAL - 142 SWAN HILL ROAD, MURRAY DOWNS - REZONING TO R1 GENERAL RESIDENTIAL

File Number: -

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RECOMMENDATION

That Council

1. Endorse the planning proposal in conjunction with Murray River Council's Addendum effecting Lots 1 – 16 DP286903, 142 Swan Hill Road, Murray Downs.
2. Approve staff to undertake all required steps to complete an amendment to the Wakool Local Environmental Plan 2013 (or the relevant operating Local Environmental Plan at the time) to:
 - (a) Rezone the land from RE2 Private Recreation to R1 General Residential.

BACKGROUND

This Planning Proposal applies to the land known as Lots 1 – 16 DP286903, 142 Swan Hill Road, Murray Downs. These parcels of land are currently zoned RE2 Private Recreation under the Wakool Local Environmental Plan 2013.

The following timeline of information provides background to this Planning Proposal:

- Application to rezone the whole site (previously known as Lot 1 DP1134973) from RU1 Primary Production to R5 Large Lot Residential was refused at the Wakool Shire Council meeting in September 2014 based on inconsistency with the Wakool Land Use Strategy Report 2009 which identified the site as a tourism area.
- Application to rezone the whole site from RU1 Primary Production to RE2 Private Recreation (for the purposes of a Manufactured Homes Estate) was endorsed by Wakool Shire Council at the February 2015 meeting and the amendment to the Wakool Local Environmental Plan 2013 was formally published in February 2018.
- The development application was approved by Murray River Council as a "Manufactured Home Estate" (Community Title 12 Lots) on 10 October 2018, which only allowed manufactured homes to be constructed offsite and transported to the site for installation (DA18/16).
- An amendment to this development consent was approved on 26 July 2019 to add 4 lots, resulting in a 16-lot Community Title subdivision.

DISCUSSION

The sixteen new lot owners have agreed to pursue a planning proposal together to rezone each lot from RE2 Private Recreation to R1 General Residential to allow traditional dwellings to be applied for and developed. A Planning Proposal has been prepared Roy Costa Planning and Development to facilitate the Gateway process, and Council have prepared an addendum providing further clarity in relation to this proposal (see Attachments). The Planning Proposal is to be considered in conjunction with the Addendum.

- Limitations of the manufactured homes regulations

The applicable legislation for the manufactured home estate is the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

There are limitations on how a manufactured home can be constructed and installed as per Section 135 cited below.

135 Relocatable homes to be constructed and assembled off-site

(1) A relocatable home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the caravan park from, a place of manufacture outside the caravan park.

(2) However, the fixing of cornices, the setting of wall lining joints, the fitting of skirting boards and architraves and the grouting of tiles may be done on the dwelling site.

The definition for major section is outlined at Section 4 of the regulations as below.

major section means a single portion of a manufactured home or relocatable home, being a portion—

(a) that contains a total living space (excluding the living space contained in any associated structure) of at least 20 cubic metres, and

(b) that comprises all of the major components of that portion of the home, including the chassis or frame, the external and internal walls, the roof and ceilings, the floors, the windows and doors, the internal plumbing and wiring, the tiling, the kitchen, bathroom and laundry fittings (other than stoves, refrigerators, washing machines and other whitegoods) and the built-in cupboards and cabinets.

The Planning Proposal outlines how the Swan Hill Bridge infrastructure cannot cater for the transport of major sections. This is an issue for the current lot owners to construct manufactured homes onsite as the major sections are sourced from Victoria. Alternative transport routes via Moama for example significantly increases costs. As outlined in the Murray River Local Strategic Planning Statement (LSPS) “the Swan Hill Bridge is due to be upgraded in the coming years as the first priority of investment”. However, the specific timing of this upgrade is still unknown. The lot owners therefore wish to pursue being able to construct traditional dwellings.

The legislation stipulates that a manufactured home cannot be installed outside of a manufactured home estate or caravan park. Council is reviewing planning controls to enable manufactured homes to be recognised as a form of dwelling houses in Murray River Council. The aim would be to allow a manufactured home to be erected anywhere a dwelling house is permissible (subject to assessment). In the event that a future lot owner wishes to construct a manufactured home on the rezoned site, Council may be able to consider this.

- Risk management

For the construction of traditional dwellings there is a higher level of engineering and planning controls to mitigate risks, as opposed to the construction/installation process of manufactured homes.

It is noted that as per the development consent for the subdivision, the infrastructure is privately owned and managed. Council is only responsible for infrastructure connections to the boundary of Council owned land. Vehicle access is via a private accessway, and Council has no intention of taking over management of the existing road network within the subdivision.

- Strategic studies or reports

The Planning Proposal references Planning Priority 4 of the LSPS which identifies housing growth in our LGA and the need to supply a variety of housing types to meet demographic needs. The proposed rezoning to R1 will allow for a further variety of housing types than what is permissible within the current RE2 zone.

Residential land supply and demand will be investigated in the upcoming housing strategy (Action 4.1 of the LSPS). This will include review of the current residential development within Murray Downs. The area around the subject land could be favourable for residential development, infilling

the current gaps between the township. The strategic merit of this potential will be tested as part of the upcoming strategy. Council cannot provide any guarantees as to the eventual outcomes of the final strategy. The findings from the housing strategy will inform the future land use strategy for the whole LGA.

Consultation

It is also noted that public consultation and referral to state government agencies of the planning proposal will occur through the Gateway process.

STRATEGIC IMPLICATIONS

1 - Strategic Theme 1: Built/Physical Environment

1.3 - Improve and maintain community infrastructure

1.3.5 - Encourage greater housing choice and development to meet our changing population needs

BUDGETARY IMPLICATIONS

The Planning Proposal was funded solely by the lot owners via Roy Costa Planning and Development.

POLICY IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Local Government (Manufactured Homes Estate, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

Environmental Planning & Assessment Act 1979.

Wakool Local Environmental Plan 2013

RISK ANALYSIS

- **What can happen?**

The lot owners experience cost and time delays in an attempt to develop their land or the land may not be developed..

- **How can it happen?**

Council does not resolve to support the Planning Proposal and therefore it cannot proceed to Gateway.

- **What are the consequences of the event happening?**

The lot owners will be limited to building only manufactured homes which are cost prohibitive as detailed above and could devalue the land. This also limits the type of housing product to be constructed. This could also be a reputation issue for Council.

- **What is the likelihood of the event happening?**

Possible.

- **Adequacy of existing controls?**

Rezoning is considered the best approach to allow traditional dwellings to be applied for on the subject lots, as it is not permissible within the current zoning.

- **Treatment options to mitigate the risk?**


Support the Planning Proposal and resolutions of this report.

CONCLUSION

Council officers have reviewed the planning proposal received from Roy Costa Planning & Development and provided additional comments in the addendum that supports the rezoning proposal.

The Planning Proposal (including Addendum) is consistent with all relevant assessment provisions as well as local and regional strategy. The proposal seeks an alternative approach to a logistical issue surrounding construction of manufactured homes specific to these lots. Additionally, it provides further housing choice for the lot owners which aligns with our strategic aims.

ATTACHMENTS

1. **Planning Proposal - Rezoning to R1 - 142 Swan Hill Road, Murray Downs (under separate cover)** 
2. **Murray River Council Addendum to Planning Proposal - Rezoning to R1 - 142 Swan Hill Road, Murray Downs (under separate cover)** 