

#### **4 PLANNING PROPOSAL - MANUFACTURED HOME ESTATES**

Report Author                Sue Calvin, Senior Strategic Planner  
File No/JECM Index        \$671/06  
Date of Meeting             27 February 2019  
Authorising Director      Paul De Szell – Acting Director Planning & Natural Systems

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##### **SUMMARY OF REPORT**

This report proposes to amend the original planning proposal in relation to manufactured home estates in order to provide a greater level of consistency in the application of residential zones and to clarify where manufactured home estates are permissible across the MidCoast.

##### **SUMMARY OF RECOMMENDATION**

That the original planning proposal (to "close" the land use table for the R1 General Residential zone in the Greater Taree Local Environmental Plan 2010) be amended to include a new local provision that defines manufactured home estates in the Greater Taree Local Environmental Plan 2010, Great Lakes Local Environmental Plan 2014 and Gloucester Local Environmental Plan 2010.

That the revised planning proposal (as attached) be forwarded to the NSW Department of Planning and Environment for a Gateway determination in order to proceed to community consultation.

##### **FINANCIAL/RESOURCE IMPLICATIONS**

Costs associated with the planning proposal are covered in the existing Strategic Planning budget.

##### **LEGAL / RISK IMPLICATIONS**

A Planning Proposal must be considered by Council in a manner consistent with its obligations under the Environmental Planning and Assessment Act (the Act) 1979 and its corresponding Environmental Planning and Assessment Regulation (the Regulation) 2000.

##### **ATTACHMENTS**

A: Planning Proposal.

Attachment A has been circulated in hard copy to the Councillors and Senior Staff, and this attachment is publicly available on Council's website.

##### **BACKGROUND**

At the Ordinary Meeting on 28 November 2018, Council endorsed a planning proposal that amended the R1 General Residential zone in the Greater Taree Local Environmental Plan 2010.

The need for the planning proposal arose from the "open" structure of the R1 General Residential land use table in Greater Taree Local Environmental Plan 2010, compared to the "closed" residential zones in the Gloucester Local Environmental Plan 2010 and Great Lakes Local Environmental Plan 2014.

A "closed" zone is structured so that land uses that are permissible (with or without consent) are identified in the land use table, and states that "any other development not specified" are prohibited.

The different approaches have created misunderstanding and confusion in the community, mainly through the permissibility of land uses that are considered to be an "innominate" use (a use not defined in the Local Environmental Plan). In particular, one land use that has been considered innominate in the R1 General Residential zone is "manufactured home estates".

Council has made numerous submissions to the Department on the need for a definition of manufactured home estates in the Local Environmental Plan. On 23 January 2019, in response to the Planning Proposal to amend the R1 General Residential zone, the Department suggested including a local provision in the Greater Taree, Gloucester and Great Lakes Local Environmental Plans that would define manufactured home estates.

This report reviews the Department's suggestion and proposes to amend the original planning proposal accordingly.

## DISCUSSION

On review of Council's original planning proposal, the Department suggested the following:

### 1. Manufactured Home Estates

The planning proposal is expanded to address the issue of permissibility of manufactured home estates by inserting a local provision into the Local Environmental Plans that defines manufactured home estates and applies consistent standards and assessment criteria.

The definition would be consistent with the existing definition in the *Local Government Act 1993* and the criteria would be consistent with existing requirements of *State Environmental Planning Policy No 36 – Manufactured Home Estates*.

A similar provision was included in the Lake Macquarie Local Environmental Plan 2014, which provides a precedent for this form of amendment.

To provide a consistent approach across the MidCoast, it is proposed to insert the local provision in all three Local Environmental Plans (Greater Taree Local Environmental Plan 2010, Great Lakes Local Environmental Plan 2014 and Gloucester Local Environmental Plan 2010).

Accordingly, the planning proposal has been amended (refer attachment A) to include a local provision that intends to:

- clarify in the Local Environmental Plans that manufactured home estates are permitted with consent, only where caravan parks are a permitted with consent; and
- provide a stronger connection between the Local Environmental Plans and Council's draft manufactured home estate provisions in the three Development Control Plans, which provides additional guidance on design and locational considerations.

The wording of the draft local provision (below) may be subject to change when Council works with the Department and Parliamentary Counsel (using their legal expertise) to ensure that the planning intent is achieved.

### **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) In this clause, 'manufactured home' and 'manufactured home estate' has the same meaning as in the Local Government Act 1993.

To ensure that there are no unintended consequences both the Department and Parliamentary Counsel will be informed that the intent of the clause is to not impact on the permissibility of eco-tourist facilities, dual occupancies, seniors housing and the like where "manufactured homes" may form part of the development.

Given these land uses are separately defined in the Local Environmental Plan and may be separately listed as permissible or prohibited in land use tables, their permissibility should not be impacted by the local clause.

The intended outcome of this approach is that the Local Environmental Plans will clarify that manufactured home estates will only be permitted with consent where caravan parks are permitted, as outlined in the table below.

Use	Greater Taree LEP	Great Lakes LEP	Gloucester LEP
Caravan parks permitted with consent	<ul style="list-style-type: none"><li>• Tourist (SP3)</li><li>• Public Recreation (RE1)</li><li>• Private Recreation (RE2)</li></ul>	<ul style="list-style-type: none"><li>• Low Density Residential (R2)</li><li>• Medium Density (R3)</li><li>• Tourist (SP3)</li><li>• Public Recreation (RE1)</li><li>• Private Recreation (RE2)</li><li>• Rural Landscape (RU2)</li><li>• Village (RU5)</li></ul>	<ul style="list-style-type: none"><li>• Public Recreation (RE1)</li><li>• Primary Production (RU1)</li><li>• Special Activities (SP1)</li></ul>

The Local Environmental Plan most impacted by this local provision is the Greater Taree Local Environmental Plan 2010. Combined with the proposed changes to the R1 General Residential zone, manufactured home estates will no longer be considered as an innominate use and will be prohibited in the residential zone.

It needs to be noted that this is a short term approach and a manufactured home estate could still meet the definition of "multi dwelling housing" and an application could be lodged with Council under this definition.

The MidCoast Housing Strategy is currently being developed which considers long-term options for these development types, for incorporation in a new MidCoast LEP.

## **2. Review of the R1 General Residential zone**

The Department has requested more detail be included in the planning proposal to show the proposed changes to the land use table. The planning proposal was amended accordingly.

## CONSULTATION

Council's Development Planners were consulted in regard to this report.

Although the Housing Strategy community workshops (held October 2018) were not specifically related to this Local Environmental Plan amendment, there was general community support for this proposal as an interim step prior to the consolidated MidCoast Local Environmental Plan.

The revised planning proposal is also consistent with the broader directions and recommendations of the Housing Strategy, which is currently being drafted.

Community consultation for the revised planning proposal will occur for a minimum of 28 days and will involve the following:

- notices in the local papers; and
- the planning proposal will be available on Council's website and in Council's Administration Buildings.

## COMMUNITY IMPACTS

The planning proposal aims to define "manufactured home estates" and improve consistency between residential zone structures in the existing Local Environmental Plans of the MidCoast Local Government Area, providing a positive community impact. Any impacts identified by the community through consultation will be reported back to Council, if objections are received.

## ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The proposed Local Environmental Plan amendment 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 community in the preparation of the MidCoast Housing Strategy, and their desire for consistency in application of planning processes and outcomes.
- ensuring the R1 General Residential zone land use table and the draft local provision facilitates housing diversity and housing affordability in the form of "manufactured home estates", in suitable, adequately serviced locations.

The planning proposal is optimising the land use table to meet environmental, social, economic and development needs, and will provide an opportunity (via public exhibition 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 transparent manner.

## TIMEFRAME

The timeframe for completion of the planning proposal will be determined by the Department. A planning proposal of this nature is expected to 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		March 2019
Public and State agency consultation	MidCoast Council	4 weeks	April 2019
Consideration of submissions	MidCoast Council	4 weeks	May 2019
Planning proposal reported to Council (if required)	MidCoast Council	4 weeks	June 2019
Making of Local Environmental Plan	MidCoast Council	4 weeks	July 2019

## RECOMMENDATION

It is recommended that:

1. The Planning Proposal to amend the R1 General Residential Zone and introduce a local provision for manufactured home estates in Attachment A be forwarded to the NSW Department of Planning and Environment for a Gateway determination.
2. The NSW Department of Planning and Environment be advised that Council wishes to be the local plan making authority to make the draft Local Environmental Plan associated with the planning proposal.
3. Community consultation be undertaken in accordance with the Gateway determination.
4. In the event no objections are received to the exhibited planning proposal, that the associated Local Environmental Plan amendments be drafted and made without referral back to Council.

# Minutes of the Ordinary Council Meeting

held at the Council Chambers  
2 Pulteney Street, Taree

27 February 2019

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### RECOMMENDATION

It is recommended that:

1. The Planning Proposal to amend the R1 General Residential Zone and introduce a local provision for manufactured home estates in Attachment A be forwarded to the NSW Department of Planning and Environment for a Gateway determination.
2. The NSW Department of Planning and Environment be advised that Council wishes to be *the local plan making authority* to make the draft Local Environmental Plan associated with the planning proposal.
3. Community consultation be undertaken in accordance with the Gateway determination.
4. In the event no objections are received to the exhibited planning proposal, that the associated Local Environmental Plan amendments be drafted and made without referral back to Council.

### 44/19 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Smith)

That the above recommendation be adopted.

FOR VOTE - Cr D West, Cr K Smith, Cr B Christensen, Cr L Roberts, Cr D Keegan, Cr C Pontin,  
Cr K Bell, Cr J McWilliams, Cr T Fowler, Cr K Hutchinson, Cr P Epov  
AGAINST VOTE - Nil  
ABSENT. DID NOT VOTE - Nil