



Planning Proposal
Installation of a manufactured home as a principal dwelling

**Draft Amendment No. 10 to Lake Macquarie Local Environmental Plan
 2014**

Local Government Area:	Lake Macquarie City Council (LMCC)	
Name of Draft LEP:	Lake Macquarie Local Environmental Plan (LMLEP) 2014 (Draft Amendment No. 10) manufactured home as principal dwelling	
Subject Land:	Citywide	
Land Owner:	N/A	
Applicant:	N/A	
Folder Number:	RZ/8/2014	
Date:	26 October 2015	
Author:	Matthew Hill - Senior Strategic Landuse Planner	
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Table	1	Consistency with applicable Section 117(2) Ministerial Directions

Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) 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 LMLEP 2014 by:

Amendment Applies to	Explanation of provision
<p>New clause under <i>Part 7 Additional local provisions</i> as follows:</p>	<p>7.23 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 caravan park does not include land on which a manufactured home is installed or placed as a dwelling house under this clause. (5) In this clause, manufactured home has the same meaning as in the <i>Local Government Act 1993</i>.</p>

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 LMLEP 2014:

- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU6 Transition
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- E2 Environmental Conservation
- E3 Environmental Management
- 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

1. *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.

2. *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 3 is preferred as it provides a clearer and more direct approach in achieving the intended outcome.

Section B – Relationship to Strategic Planning Framework

3. *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)?*

Lower Hunter Regional Strategy (LHRS)

The primary purpose of the LHRS is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region's population until 2031. The LHRS works with the Regional Conservation Plan to ensure that the future growth of the Lower Hunter makes a positive contribution to the protection of sensitive environments and biodiversity.

Manufactured homes offer a means of construction, which contributes to affordability and choice to the purchaser. The quality and diversity of manufactured homes has improved in recent years, and is seen as a genuine form of residential housing. The proposal is consistent with the LHRS as it will contribute to the provision of housing diversity and affordability.

Newcastle – Lake Macquarie Western Corridor Planning Strategy

The Newcastle–Lake Macquarie Western Corridor Planning Strategy identifies key planning principles and known infrastructure requirements that will guide future urban expansion and conservation in the western corridor. The planning principles and infrastructure requirements provide the key considerations in the preparation of environmental studies that accompany rezoning proposals.

The proposal would permit manufactured homes as a principal dwelling within the Western Corridor as well as the City more broadly. This is consistent with the Strategy in terms of facilitating housing choice.

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Lifestyle 2030 Strategy (LS2030)

The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City and is a long-range land use strategic plan and policy document.

The Strategic Directions identified in the LS2030 describe the overall desired outcomes and general intentions sought by Council for future development in the City. In particular, the Planning Proposal aligns with seeking housing diversity to meet users' needs and seeking affordable housing outcomes.

4. *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.

5. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 (2) 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 Extractive Industries	Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	The Planning proposal does not affect 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.

Ministerial Direction	Objective/s	Consistency / Comment
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. This construction style has the potential to have fewer impacts on steeply sloping residential sites, due to less disturbance of the ground surface during construction.
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 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.	The Planning proposal does not affect provisions relating to the integration of land use and transport.

Ministerial Direction	Objective/s	Consistency / Comment
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 be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	The Planning proposal does not affect provisions relating to shooting ranges.
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.

Ministerial Direction	Objective/s	Consistency / Comment
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 Public Purposes	(a) Facilitate the provision of 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.	The proposal does not seek 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

6. *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?*

The Planning Proposal will support housing diversity and contribute to affordability to the housing market. The method of construction allows for efficiencies and delivery of a housing product at a lesser cost than traditional construction for a similar outcome. The provision of a

manufactured home as a principal dwelling provides additional choice to home purchasers, and contributes to the housing mix. The proposal will not alter provisions relating to threatened species, populations or ecological communities.

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

The Planning Proposal offers the addition of a manufactured home as a principal dwelling with consent, and does not alter any other provisions which would have adverse environmental implications.

8. 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.

Section D – State and Commonwealth Interests

9. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal does not have any implications in terms of public infrastructure.

10. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth public authorities has been determined as part of the Gateway determination. Council has undertaken consultation with the following authorities with no objections being raised:

- NSW Rural Fire Service
- Mine Subsidence Board

Part 4 – MAPPING

Nil.

Part 5 – COMMUNITY CONSULTATION

The Planning Proposal was required to be placed on public exhibition for a period of 14 days. The Planning Proposal was placed on exhibition from 6 June to 22 June 2015, and 27 June to 13 July 2015. No submissions were received during the exhibition periods.

Part 6 – PROJECT TIMELINE

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	February 2015
Anticipated timeframe for completion of required technical information	N/A
Timeframe for government agency consultation (pre exhibition)	21 days
Public exhibition (commencement and completion dates)	14 days
Date of Public hearing (if required)	N/A
Consideration of submissions	7 days

Timeframe for government agency consultation (post exhibition if required)	21 days
Post exhibition planning proposal consideration / preparation	1 month
Submission to Department to finalise LEP	September 2015
Date RPA will make Plan (if delegated)	November 2015
Date RPA will forward to the Department for notification (if not delegated)	November 2015