
NOTICE OF MOTION

ITEM 5.1 SF3168 170322 NOTICE OF MOTION - MANUFACTURED HOMES

AUTHOR/ENQUIRIES: David Jones, Councillor**SUMMARY:**

Councillors would be aware of the community angst concerning a proposed development at Scotts Head which could result in a Development Application being submitted to Council for the establishment of a Caravan Park which could also include manufactured homes.

Manufactured Home Estates (MHE) are already prohibited outside of the urban areas of the shire (residential/business land) where the land is not adjacent to or adjoining land zoned for urban use under clauses 6 and 7 of Schedule 6 of the State Environmental Planning Policy (Housing) 2021 (SEPP). This SEPP can be found at the following link: <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714#sch.6> and is State legislation.

Outside of the urban areas, caravan parks are only permissible with consent within the RU2 Rural Landscape zone and the R5 Large Lot Residential Zone (rural residential land) as per the Nambucca Local Environmental Plan 2010 (LEP) land use table. This can be found at the following link: https://legislation.nsw.gov.au/view/html/inforce/current/epi-2010-0401#pt-cq1.Zone_RU2. Council can amend this to make caravan parks (and hence manufactured homes) prohibited within these zones by undertaking a planning proposal. This would result in caravan parks being prohibited outside urban areas.

NOTE: This matter requires a "Planning Decision" meaning a decision made in the exercise of a function of the council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan. Under Section 375A of the Local Government Act 1993 it requires the General Manager to record the names of each Councillor supporting and opposing the decision.

RECOMMENDATION:**THAT:**

- 1 Council forward a planning proposal to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 which prohibits caravan parks outside urban areas (RU2 and R5 zones).
- 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.
- 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the planning proposal.

ATTACHMENTS:

There are no attachments for this report.

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 MARCH 2022

NOTICE OF MOTION - CR JONES

ITEM 5.1 SF3168 170322 NOTICE OF MOTION - Manufactured Homes

MOTION: (Jones/Jenvey)

THAT:

- 1 Council forward a planning proposal to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 which prohibits caravan parks outside urban areas (RU2 and R5 zones).
- 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.
- 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the planning proposal.

AMENDMENT: (Hoban/Vance)

That Council receive a report on the legal implications of the Notice of Motion and staff comment on the broader implications on RU2 and R5 land.

The amendment was carried and became the motion.

97/22 **RESOLVED:** (Hoban/Vance)

That Council receive a report on the legal implications of the Notice of Motion and staff comment on the broader implications on RU2 and R5 land.