

DEPUTATIONS

At this stage of the meeting, being 2:09pm, Peter Hill made a deputation to the Council regarding Clause 2 of the Director Planning & Environment Report – Development Application 115/13.

At this stage of the meeting, being 2:26pm, Geoff Mackenzie made a deputation to the Council regarding Clause 2 of the Director Planning & Environment Report – Development Application 115/13.

DIRECTOR PLANNING & ENVIRONMENT REPORT CONTINUED

**CLAUSE 2. DEVELOPMENT APPLICATION (115/13)
MANUFACTURED HOME
ZONE: E3 – ENVIRONMENTAL MANAGEMENT
LOT 1, DP851678
3 FORBES STREET, MOAMA
OWNER: GENEVIEVE CANFIELD
APPLICANT: GENEVIEVE CANFIELD**

Councillor GS Campbell declared a pecuniary conflict of interests in this matter, as she is the applicant of the development application 115/13, took no part in discussion, tabled a written notice to the General Manager and left the meeting at 2:06pm.

Moved Councillor NH Gorey **Seconded** Councillor NF Cohen

MOTION that Development Application 115/13, for a manufactured home on Lot 1, DP851678, 3 Forbes Street, Moama, be refused with the grounds for refusal as follows:

1. The application relates to prohibited development under Part 2 of the Murray Local Environmental Plan (LEP) 2011 being a manufactured home to be used for dwelling purposes. The resulting non-compliance results in the development not satisfying Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
2. The application relates to prohibited development under Clause 13 of the Murray Regional Environmental Plan No. 2 - Riverine Land being related a manufactured home to be located on flood liable land. The resulting non-compliance results in the development not satisfying Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
3. The development does not comply with Clause 4.2A 'Erection of dwelling houses on land in certain rural and environmental protection zones' of the Murray LEP 2011 for the following reasons:
 - (a) The development is not a 'dwelling house' as defined under the terms of the Murray LEP 2011.

- (b) The subject site is below the minimum lot size as specified for that land by the Lot Size Map (120 hectares), and
 - (c) The application does not comply with Clause 4.2A (3)(d) as the land had ceased to be an existing holding at the time of lodgement of the application.
- The resulting non-compliance results in the development not satisfying Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
- 4. The development of a manufactured home to be used for dwelling purposes is not consistent with the objectives of the Murray Development Control Plan (DCP) 2012 and in particular the objective of Clause 4.2A to prevent unplanned rural residential development. The resulting non-compliance results in the development not satisfying Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*.
 - 5. The application is deficient in respect of information supplied in relation bushfire hazard applicable to the subject land. As a consequence the application does not provide sufficient justification so as to adequately address:
 - (a) Section 4.14(1)(a) of the *Environmental Planning and Assessment Act 1979* that demonstrates that the development conforms to the specifications and requirements of the document entitled Planning for Bush Fire Protection; and
 - (b) Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as to the suitability of the site for the development.
 - 6. The application is deficient in respect of information supplied in relation flood hazard applicable to the subject land. As a consequence the application:
 - (a) is inconsistent with Clause 7.8(3) of the Murray LEP 2011 resulting in the development not satisfying Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*; and
 - (b) does not provide sufficient justification so as to adequately address Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as to the suitability of the site for the development.
 - 7. The development as proposed is not consistent with the objectives of the Murray DCP 2012 Chapter 11 - Flood Prone Land and in particular Table 1 of the DCP. The resulting non-compliance results in the development not satisfying Section 4.15(3A) of the *Environmental Planning and Assessment Act 1979*.

The motion was LOST unanimously.

FOR: Nil

AGAINST: Councillors Aquino, Bilkey, Cohen, Gorey, Mathers and Wise

Moved Councillor NF Gorey **Seconded** Councillor GW Wise

FORESHADOWED MOTION that Development Application 115/13, for a manufactured home on Lot 1, DP851678, 3 Forbes Street, Moama, be approved by Council, subject to meeting the conditions of consent to be determined by the independent consultant, EDM Group.

Carried Unanimously.

FOR: Councillors Aquino, Bilkey, Cohen, Gorey, Mathers and Wise

AGAINST: Nil

The foreshadowed motion became the resolution.

Moved Councillor NF Gorey **Seconded** Councillor GW Wise

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RESOLVED that Development Application 115/13, for a manufactured home on Lot 1, DP851678, 3 Forbes Street, Moama, be approved by Council, subject to meeting the conditions of consent to be determined by the independent consultant, EDM Group.

Carried Unanimously.

FOR: Councillors Aquino, Bilkey, Cohen, Gorey, Mathers and Wise

AGAINST: Nil

At this stage of the meeting, being 3:00pm, Councillor GS Campbell returned to the meeting.

At this stage of the meeting, being 3:00pm, the General Manager suggested that the order of business in the Director Planning & Environment Report be changed to consider Clauses 8 and 5, as the deputations that were scheduled to be made to the Council at 3:00pm were on time.