

Restriction to User – No Dwelling Entitlement Policy

1 Document Information

Version Date <i>(Draft or Council Meeting date)</i>	[22 May 2018]
Author	Manager Building & Environment
Owner <i>(Relevant director)</i>	Director of Environmental Services
Status – <i>Draft, Approved, Adopted by Council, Superseded or Withdrawn</i>	Adopted by Council
Next Review Date	Within 12 months of Council being elected
Minute number <i>(once adopted by Council)</i>	18/05/20

2 Summary

That Council adopt the use of Section 88(b) of the Conveyancing Act, 1919, to place a "Restriction as to User" over any Lot approved for agricultural purposes only, such that the erection of a dwelling is prohibited.

3 Approvals

Title	Date Approved	Signature
Director of Environmental Services		

4 History

Minute No.	Summary of Changes	New Version Date
11149		17/09/90
10/02/17	Readopted by Council	15 February 2010
	Tidied up	April 2012
13/09/30	Readopted as per s165(4)	17 September 2013
18/05/20	Readopted as per s165(4)	22 May 2018

5 Reason

To ensure future land owners are aware of the agricultural status of the allotment.

6 Scope

Applies to all and zoned 1(a) or 7(c) by CLEP 1991.

7 Associated Legislation

EP&A Act, CLEP 1991 & DCP No.5

8 Definitions

EP&A Act – Environmental Planning & Assessment Act

CLEP 1991 – Cabonne Local Environmental Plan 1991

DCP – Development Control Plan

9 Responsibilities

9.1 General Manager

The General Manager is responsible for the overall control and implementation of the policy.

9.2 Directors and Managers

Directors and Managers are responsible for the control of the policy and procedures within their area of responsibility.

10 Related Documents

Document Name	Document Location

11 Policy Statement

That Council adopt the use of Section 88(b) of the Conveyancing Act, 1919, to place a "Restriction as to User" over any Lot approved for agricultural purposes only, such that the erection of a dwelling is prohibited. The restriction is to be worded as follows and be lodged with the Plan of Subdivision, accompanied by a Solicitor's undertaking to register the document and supply Council with a copy of such registered document.

(1) No dwelling house, cottage or other erection or construction for the purposes of or capable of use as residential premises or residential use shall be erected, maintained or allowed to remain upon the land hereby burdened.

(2) No person shall dwell or remain in any dwelling house, cottage or other erection or construction for the purposes of or capable for use as residential premises or residential use upon the land hereby burdened".

Further, all costs associated with the creation and registration of the 88(b) instrument are to be met by the subdivider.