

studies, including inadequate cooling and cold holding temperatures, food prepared ahead of planned service, inadequate hot holding temperatures, poor personal hygiene and infected (sick) food handlers, inadequate reheating and inadequate cleaning and sanitising of equipment and premises.

Council staff recorded that this reporting year there has been an increase in compliance with the relevant food safety standards, with the number of re-inspections needed after breaches falling from previous years. Technical advice was provided to businesses about compliance utilising factsheets and handouts. Staff also reported that a large percentage of food businesses in Bourke had a current food safety supervisor certificate.

Recommendation:

For the information of Council

Resolution

288/2015 That Council note the information in the Environmental Services Report regarding the Food Surveillance Activity Report 2014/15 as presented to Council on Monday, 24th August 2015.

Moved Cr Ford

Seconded Cr Bartley

Carried

File No:	T5.3
Report: 205/2015	Planning Proposal – Amendment of LEP
Responsible Officer:	Dwayne Willoughby, Manager Environmental Services

Introduction

Council resolved to prepare a Planning Proposal to amend the Bourke LEP to rectify a number of anomalies as well as introducing some new zonings and provisions.

The Planning Proposal

The Planning Proposal made amendments to the Bourke LEP in the following manner:

- (a) Allow for more large lot residential development at North Bourke;
- (b) Permit dwelling houses on specific land between the Mitchell Highway and the Darling River at North Bourke;
- (c) Permit detached dual occupancies in the Primary Production RU1 Zone
- (d) Rezone land in West Bourke from light industrial to residential;
- (e) Amend the flooding clause to reflect the 1:100 flood and not the Probable Maximum Flood; and
- (f) Amend the heritage map to show the Darling River on the Bourke map sheet and other relevant map sheets as a heritage item.

The Planning Proposal provided the details about the matters outlined above.

Exhibition

The Planning Proposal was exhibited from 9 April to 8 May 2015.

There were two submissions received. One was from the Roads and Maritime Service (RMS) and the other from Air Services Australia.

The Air Services Australia have no objections to the Planning Proposal and the RMS have raised two concerns as follow:

- The land proposed to be rezoned to Large Lot Residential development at North Bourke has frontage to Hungerford Rd, which is a Classified Road. The RMS has suggested that a Masterplan be developed for the land to provide for "safe and limited access to the classified road network". It goes on to note that consent for a new connection (driveway or public road) to a classified road cannot be granted without the concurrence of the Roads and Maritime Service.
- Comment: This is a reasonable request and it is recommended that the only access to Hungerford Rd should be from the existing dwelling house on the property. All access from the subdivision should be via an internal road having access to Warrego or Macquarie Streets. This should be done via a specific clause in the Development Control Plan. This will be discussed in the next section.
- Land on the Mitchell Highway at North Bourke that is to be given dwelling entitlements should have safe vehicle access. The RMS have recommended that, where practical, vehicular access to the lots should be combined with access to the adjoining lots.
- Comment: It is noted that each of these lots has an existing vehicular access and there are good sight lines at each of the entrances.

Having regard to the submissions received, there is no need to amend the planning proposal. It is therefore recommended that the Council resolve to adopt the planning proposal.

The Department of Planning and Environment has delegated the plan making powers to the Council and it would be appropriate for the Council to delegate them to the General Manager so that the LEP can be made without having to be reported back to Council. The final stage of the process is for the Planning Proposal to be sent to the Parliamentary Counsel who will then make the LEP which is sent back to Council for checking before the plan is made. By delegating this function to the General Manager will avoid having to report the matter to the Council for what is a procedural matter and not one of any policy significance to the Council.

Development Control Plan (DCP)

The Bourke DCP 2012 is the document that guides the development that is permitted by the LEP.

It is noted that the RMS have requested that minimal access be granted to the Hungerford Road from any subdivision that is to eventuate from the proposal to rezone land at North Bourke to Large Lot Residential. It is considered appropriate that all lots from the subdivision should have access from an internal road that joins to the adjoining roads being Warrego and Macquarie Streets Road. This will require an amendment to the Bourke DCP.

Amending a DCP is a straightforward process that involves the Council resolving to amend the DCP and placing it on exhibition for public comment for 28 days. The matter is then reported to Council who can then decide to make the plan and it comes into effect when it is notified in the paper that the Council has made the DCP.

The DCP should be amended by inserting a new clause in section 4.6 which deals with subdivision of land. The new clause would be 4.6.20 and should be as follows:

4.6.20 Subdivision of Land at North Bourke

- This clause applies to subdivision of lot 212 DP 787811, Warrego St, North Bourke.
- All lots in the subdivision of this lot are to have access to an internal road which is to join to either Warrego or Macquarie Streets, North Bourke.
- No access from a subdivision is to be permitted to Hungerford Road except for the existing dwelling on lot 212 DP 787811.

It would be appropriate therefore for the Council to resolve to amend Bourke DCP 2012 as discussed above and to place the amendment on public exhibition for 28 days.

Resolution

289/2015

1. **That Council adopt the Planning Proposal to amend Bourke LEP 2012 and make the plan in accordance with the delegations from the Department of Environment and Planning.**
2. **That Council delegate its powers to make the LEP to the General Manager**
3. **That Council resolve to make amendments to the Bourke DCP 2012 to insert a new clause in section 4.6 which will apply to the Large Lot Residential Zone at North Bourke to ensure that the lots in the subdivision have access to either Warrego or Macquarie Streets.**
4. **That the proposed amendment to the DCP be publicly exhibited**

Moved Cr Hollman

Seconded Cr Bartley

Carried



New South Wales

Bourke Local Environmental Plan 2012 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning

Bourke Local Environmental Plan 2012 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Bourke Local Environmental Plan 2012 (Amendment No 1)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land to which *Bourke Local Environmental Plan 2012* applies and, in particular, to the following:

- (a) the Darling River at Bourke (referred to as item I10 in Schedule 5 to that Plan),
- (b) land in Zone RU1 Primary Production under that Plan,
- (c) land at Hungerford Road and the Mitchell Highway, North Bourke, being Lot 212, DP 787811,
- (d) land at the Mitchell Highway, North Bourke, being Lot 660, DP 761689 and Lots 5, 8 and 86, DP 753570,
- (e) certain land at West Bourke bounded by Meek Street to the north, Church Street to the east, Anson Street to the south and Culgoa Street to the west.

4 Maps

The maps adopted by *Bourke Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

Schedule 1 Amendment of Bourke Local Environmental Plan 2012

[1] Land Use Table

Omit “Dual occupancies (attached);” from item 3 of Zone RU1 Primary Production.
Insert instead “Dual occupancies;”.

[2] Clause 6.2 Flood planning

Omit “flood liable land” from clause 6.2 (2).
Insert instead “land at or below the flood planning level”.

[3] Clause 6.2 (3) (b) and (d)

Omit “is not likely to” wherever occurring. Insert instead “will not”.

[4] Clause 6.2 (5)

Insert after clause 6.2 (4):

(5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

[5] Schedule 1 Additional permitted uses

Omit “(When this Plan was made this Schedule was blank)”.

Insert instead:

1 Use of certain land at Mitchell Highway, North Bourke

- (1) This clause applies to the following land at North Bourke located between the Mitchell Highway and the Darling River:
 - (a) Lots 5, 8 and 86, DP 753570,
 - (b) Lot 660, DP 761689.
- (2) Development for the purpose of dwelling houses is permitted with development consent.

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2015_BOURK_001
Date Sent to Department under s56	10 March 2015
Date considered at LEP Review Panel	Considered by MIninsters Delegate and not considered by Panel
Gateway determination date	25 March 2015

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited	9/4/2015 - 8/5/2015	
Date of public hearing (if held)		
Date sent to PCO seeking Opinion	5/2/2016	
Date Opinion received	16/2/2016	
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation	22/3/2016	
Date sent to DP&I requesting notification	22/3/2016	

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	1/4/2016

Additional relevant information: