



PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Bourke Local Environmental Plan 2012 (Amendment No 1)

Your ref: I. Sinclair
Our ref: MA e2016-027.d06

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.



(D COLAGIURI)
Parliamentary Counsel

16 February 2016



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.