

Bourke Shire Council LEP 2012- housekeeping and various amendments

Proposal Title : **Bourke Shire Council LEP 2012- housekeeping and various amendments**

Proposal Summary : **Bourke LEP 2012 - 7 proposed amendments
Proposed large lot residential Hungerford Road North Bourke, permit dwellings at North Bourke, permit dual occupancies detached in zone RU1, rezone zone IN2 land to zone R1 at West Bourke, rezone all cemeteries as zone SP2, amend flood clause to refer to flood planning level and amend heritage maps to show Darling River.**

PP Number : **PP_2015_BOURK_001_00** Dop File No : **14/11602**

Proposal Details

Date Planning Proposal Received :	17-Mar-2015	LGA covered :	Bourke
Region :	Western	RPA :	Bourke Shire Council
State Electorate :	BARWON	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Hungerford Road		
Suburb :	North Bourke	City :	Bourke
		Postcode :	2840
Land Parcel :	Rezone 80ha of zone RU1 to zone R5 mls 2ha		
Street :	Hungerford Road		
Suburb :	North Bourke	City :	Bourke
		Postcode :	2840
Land Parcel :	Permit dwellings on vacant land - Lots 5, 86 & 8 DP 753570 and Lot 660 DP 761689		
Street :	Meek, Church , Anson & Culgoa Sreets		
Suburb :	West Bourke	City :	Bourke
		Postcode :	
Land Parcel :	Rezone land from zone IN2 Light industrial to zone R1 General Residential		
Street :			
Suburb :		City :	
		Postcode :	
Land Parcel :	and various amendments applying to apply to whole LGA		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	103.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	90
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **No known meetings**

Supporting notes

Internal Supporting Notes : **The proposal contains 7 amendments to address the following:**
Item 1 - to rezone 80ha of zone RU1 Primary production land at Hungerford Road North Bourke to zone R5 large lot residential land zoning with 2 ha mls (near airport) - potential yield is about 40 lots, The proposed zoning is consistent with the endorsed Bourke Shire Council Strategy. The reduced mls will permit flexibility.
Item 2 - permit dwellings on Lots 5, 86 & 8 DP 753570 and Lot 660 DP 761570 Hungerford Road North Bourke (fronting river. Land to remain zone RU1 Primary production and consistent with neighbouring development.
Item 3 - Permit dual occupancies (detached) on land zone RU1 Primary production. Dual occupancies - detached are currently permitted.
Item 4 - Rezone zone IN2 Light Industrial to reinstate zone R1 General residential at Meek,

Church, Anson and Culgoa Streets West Bourke. May enable a yield of 50 dwellings.
Item 5 - rezone existing cemeteries to SP2
Item 6 - amend Clause 6.2 (2) Flood planning clause to apply to flood planning level rather than flood liable land. This is consistent with nearby Councils provisions.
Item 7 - Amend heritage maps 003,006, 008, 008A and 008B to label the Darling River as a local heritage item.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objectives of the proposed amendments are clear**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposed provisions are clear**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.2 Rural Zones

1.5 Rural Lands

3.1 Residential Zones

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other
matters that need to
be considered :

The Proposal is consistent with the relevant section 117 Direction and SEPP's noting the following:

SEPP 55 - Remediation of Land needs to be addressed for land at North Bourke at section 59 submission particularly in relation to Items 1 and 2 as it is rural land and was used for agriculture/orchard purposes.

Section 117 Direction 1.1 - Business and industrial zones. Item 4 West Bourke is reducing the industrial land supply by 23ha and is inconsistent with the endorsed Bourke Shire Strategy. The industrial zone was essentially a trial to see if a change could be made to this area. This has not eventuated and the landowners wish to revert back to residential use. There is adequate employment zoned land available in Bourke. The delegate of the Secretary can be satisfied that this inconsistency is minor and no further work is required.

Section 117 Directions 1.2 Rural Zones, 1.5 Rural Areas and 3.5 Development near licensed aerodromes are relevant to Items 1 & 2 as the land is being rezoned to zone R5 and residential density is being increased. The change to zone R5 for Item 1 at North Bourke is consistent with the endorsed Bourke Shire Strategy although the mls has been reduced to 2ha to allow flexibility. The Secretary's delegate can be satisfied the inconsistency is of minor significance due to compatibility with surrounding land use. In relation to section 117 Direction 3.5 it will be recommended that consultation be undertaken with the Civil Aviation Safety Authority and addressed at section 59.

Section 117 Direction 4.3 - Flood Prone Land (re Items 1,2,3,4 & 6)

Bourke Shire is susceptible to flooding, but there are no flood studies or Flood Planning Risk Management Plans to guide development. Council relies on the historic flood events (1974 flood) or geo-morphological information to assist with allocating land uses based on flood risk. The town of Bourke is protected by a flood levee but the level of protection is not known, though it did withstand the 1974 flood event.

Item 6 - Council wishes to use the 1974 level (highest known historical flood level) plus 500mm as the 'flood planning level' rather than 'flood liable land' definition. This proposal is consistent with neighbouring Councils of Wentworth, Moree, Walgett and Narrabri that are located along the Darling/Barwon River system.

In relation Items 1,2,3 & 4 - the flood controls with flood planning level will apply. For items 1 & 2 the planning proposal provides adequate information related to flooding to allow this to proceed. In relation to Item 4 - West Bourke- the land is located inside the levee bank.

Therefore the delegate of the Secretary can be satisfied that this is of minor significance and no further work is required.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Locality maps provided and adequate
LEP maps will need to comply with technical guidelines at section 59**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **28 days proposed and this is acceptable**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Bourke LEP 2012 was notified on 25 January 2013**

Assessment Criteria

Need for planning proposal : **A planning proposal is required to make the proposed amendments to the Bourke LEP 2012**

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Consistency with strategic planning framework :

The Bourke Shire Strategy dated November 2012 was endorsed by the Director General on 19 December 2012.

Item 4 - the rezoning of land (about 23ha) at West Bourke from zone IN2 to zone R1 is inconsistent with the endorsed strategy. This land was township/village under the former Bourke LEP 1998. The light industrial zone replaced the existing township/residential zoned land along the western boundary of the Bourke Township. Due to a number of vacant lots and historic social problems, Council believed the implementation of a light industrial area with a larger minimum lot size would encourage a revitalisation of the area. This has not occurred and Council have advised that the landowners (Aboriginal Housing Authority) wish to rebuild dwellings and reinstate the residential use of the area. Notwithstanding the endorsed Strategy it is considered the change in zone to residential can be supported in this case as the land was residential and is fully serviced. It is to be noted that there is adequate land zoned for industrial use available in Bourke.

Environmental social economic impacts :

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Transport for NSW - Roads and Maritime Services Other		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Address SEPP 55 Remediation of land for the proposed rezoning and dwellings at North Bourke (Items 1 & 2. Council is to address section 117 Direction 3.5 Development near licensed aerodromes after consultation with the Civil Aviation Safety Authority in the section 59 report.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Bourke initial request for gateway.pdf	Proposal	Yes
Bourke Att 4 Delegation evaluation.pdf	Proposal	Yes

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Bourke PP covering letter.pdf
Bourke Planning proposal.pdf

Proposal Covering Letter
Proposal

Yes
Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 3.1 Residential Zones
- 3.5 Development Near Licensed Aerodromes
- 4.3 Flood Prone Land

Additional Information :

1. Community consultation is required under sections section 56(2)(c) and section 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).
2. Consultation is required with the NSW Roads and Maritime Services and the Civil Aviation Safety Authority for the land at North Bourke that has frontage to the Hungerford Road and Mitchell Highway and near the Bourke Airport (Items 1 and 2.)

Bourke Shire Council is to address section 117 Direction 3.5 Development near licensed aerodromes in the section 59 report.

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. Bourke Shire Council is to address State Environmental Planning Policy No 55 - Remediation of land in the section 59 report for Items 1 and 2.
5. The Local Environment Plan Maps that are being amended are to be prepared and be compliant with the Department's 'Standard Technical Requirements for LEP maps with Bourke Shire Council's section 59 report.
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the gateway determination.

Supporting Reasons :

The proposal contains 7 items. Having regard to the matters raised and the reasons provided the planning proposal can be supported.

The General Manager, Western Region , as the delegate of the Minister for Planning can approve this planning proposal under delegation as it corrects minor anomalies and the change in zoning is consistent with surrounding zones and broader government policy.

Signature:



Printed Name:

W Garnsey

Date:

18/3/2015