



Bourke Shire Council – Amend Bourke LEP 2012 to permit with consent residential accommodation in zone RU1 Primary Production and zone R5 large Lot Residential.

Proposal Title : Bourke Shire Council – Amend Bourke LEP 2012 to permit with consent residential accommodation in zone RU1 Primary Production and zone R5 large Lot Residential.

Proposal Summary : Amend Bourke LEP 2012 to permit with consent residential accommodation in zones RU1 Primary Production and R5 Large Lot Residential. The intention of the planning proposal is to permit manufactured homes on land zone RU1 & R5 with development consent. Legal Service Branch advice recommended the best way to achieve this is to make the parent land use, residential accommodation, permitted with consent.

PP Number : PP_2017_BOURK_001_00 **Dop File No :** 17/06544

Proposal Details

Date Planning Proposal Received :	26-May-2017	LGA covered :	Bourke
Region :	Western	RPA :	Bourke Shire Council
State Electorate :	BARWON	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Bourke		
Suburb :	Bourke	City :	Bourke
		Postcode :	2840
Land Parcel :	Applies to all land zones RU1 and R5 land use zones		

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Far West Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 :			

Supporting notes

Internal Supporting Notes : Amend Bourke LEP 2012 to permit residential accommodation with consent in zone RU1 Primary Production and R5 Large Lot Residential. The intention of the planning proposal is to permit manufactured homes on land zone RU1 & R5. Given manufactured homes cannot be defined as a dwelling house, manufactured homes are not permitted in zones RU1 & R5. Legal Service Branch advice recommended the best way to achieve this is to make the parent land use, residential accommodation, permitted with consent.

The parent term 'residential accommodation' includes the following land uses:

- attached dwellings,
- boarding houses,
- dual occupancies,
- dwelling houses,
- group homes,
- hostels,
- multi dwelling housing,
- residential flat buildings,
- rural workers' dwellings,
- secondary dwellings,
- semi-detached dwellings,
- seniors housing,
- shop top housing.

The planning proposal recommends to amend Part 4 of the RU1 land use table to prohibit the following land uses;

- attached dwellings,
- boarding houses,
- group homes,
- hostels,
- multi dwelling housing,
- residential flat buildings,
- secondary dwellings,
- semi-detached dwellings,

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- seniors housing,
- shop top housing.

The planning proposal also recommends to amend Part 4 of zone R5 land use table to prohibit the following land uses;

- attached dwellings,
- boarding houses,
- hostels,
- multi dwelling housing,
- residential flat buildings,
- secondary dwellings,
- semi-detached dwellings,
- seniors housing,
- shop top housing.

Land uses not listed above will be permitted with consent in the respective zones. The proposal clarifies that manufactured homes require development consent where at the moment they do not. This issue is being reviewed and will be rectified but at this will not occur till late 2017. Council requires the matter to be resolved now.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives clearly states the intent of the planning proposal is to allow for manufactured homes to be permitted with development consent on land use zones RU5 Primary Production and R5 Large Lot Residential.

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

Is an explanation of provisions provided? Yes

Comment : The planning proposal can be achieved by amending the Bourke Local Environmental Plan 2012 to insert the term, 'residential accommodation' into part 3 of zones RU1 Primary Production and R5 Large Lot Residential land use tables.
The other child land uses under residential accommodation term are to be prohibited by way of specifying them in part 4 of zones RU1 and R5 land use tables, except the definitions that are intended to be permitted with consent being;
RU1: dual occupancies, dwelling houses and rural workers' dwellings.
R5: dual occupancies, dwelling houses, rural workers' dwellings, group homes.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : 1.2 Rural Zones

* May need the Director General's agreement 1.5 Rural Lands
3.1 Residential Zones

Is the Director General's agreement required? No

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

d) Which SEPPs have the RPA identified? SEPP (Rural Lands) 2008

e) List any other matters that need to be considered : 1.2 Rural Zones: The Ministerial Direction is relevant to the planning proposal as the proposal affects land within existing rural zones. The Direction requires a planning proposal must not rezone land from a rural zone to a residential zone or contain provisions that will increase the permissible density of land within a rural zone. The

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Director Regions, Western can be satisfied the planning proposal is consistent with the Direction as it does not propose to amend the land use zone or permit an increased density of residential development over and above existing dwelling houses on the land.

1.5 Rural Lands: The Ministerial Direction is relevant to the planning proposal as the planning proposal affects land within a rural zone. The Direction requires the planning proposal be consistent with the rural planning principles and rural subdivision principles in the SEPP (Rural Lands) 2008.

While the planning proposal affects land zoned RU1 Primary Production, The Director Regions, Western can be satisfied that the planning proposal is consistent with this Direction and supports productive sustainable economic activities by providing a mechanism which allows for manufactured homes to be permitted with consent. The proposal does not permit the creation of additional allotments or provide additional dwelling house entitlements. It will not result in the fragmentation of rural land and does not impact on services and infrastructure.

3.1 Residential Zones: The Ministerial Direction is relevant to the planning proposal as the planning proposal affects land within a residential zone, being zone R5 Large Lot Residential. The Director Region, Western can be satisfied the planning proposal is consistent with the Direction as it does not propose to amend the area of landed zoned residential land or change the density of residential development permitted on any particular land.

SEPP (Rural Lands) 2008: The SEPP is relevant as the planning proposal affect rural land. The planning proposal is consistent with the rural planning and rural subdivision principles of the SEPP in that it does not remove or minimise dwelling house opportunities and clarifies that manufactured homes require development consent. .

Have inconsistencies with items a), b) and d) being adequately justified? N/A

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment : The planning proposal seeks to amend the zones RU1 Primary Production and R5 Large Lot Residential land use tables. There are no mapping changes associated with this amendment.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council's proposed community consultation is acceptable. Council has recommended a community consultation period of 14 days given the proposed amendment is minor in nature.

Council proposes community consultation that will include notification on Council's website and local newspaper.

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 : The planning proposal is adequate in the information provided.

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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 :	The planning proposal is required as an amendment to the zones RU1 and R5 land use tables to allow for residential accommodation to be permissible with consent and to prohibit residential accommodation uses that are not appropriate in these zones. This does not change the current situation.
Consistency with strategic planning framework :	The planning proposal is consistent with the Bourke Shire Council – Bourke Shire Strategy 2012.
Environmental social economic impacts :	The planning proposal will provide greater certainty for Council, landowners and the community. The proposed provision does not permit fragmentation of rural land or create demand for services and infrastructure given that no additional dwelling entitlements are being permitted. There are no known significant environmental, social or economic outcomes identified. However, the planning proposal will result in positive social and economic outcomes as it will remove an economic prohibition that exists due to the high cost of engaging building contractors in remote locations.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	14 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :			

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. :

If Other, provide reasons :

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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
22 May 2017 Council Resolution.pdf	Proposal	Yes
Planning Proposal Cover Letter.pdf	Proposal Covering Letter	Yes
BSC Planning Proposal May 2017.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: 1.2 Rural Zones
 1.5 Rural Lands
 3.1 Residential Zones

Additional Information : The planning proposal to proceed subject to the following conditions:
1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
(a) the planning proposal must be made publicly available for a minimum of 14 days;
(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 & Infrastructure 2013).

2. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal will allow for manufactured homes to be permitted with consent in the RU1 Primary Production zone.

Signature:



Printed Name:

Tim Collins

Date:

01/06/2017

 01/06/2017