



Council Chambers,
BERRIGAN 2712

Sir/Madam,

The Ordinary Meeting of the Council of the Shire of Berrigan will be held in the **Council Chambers**, Berrigan, on **20th July, 2016**, when the following business will be submitted:-

9:00AM

Public Question Time

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Items requiring Council Resolution

**5.8 PLANNING PROPOSAL TO AMEND THE
BERRIGAN LOCAL ENVIRONMENTAL PLAN
2013 (LEP)****AUTHOR: TOWN PLANNER****STRATEGIC OUTCOME: Sustainable natural and built landscapes****STRATEGIC OBJECTIVE: 4.2 Strengthen and diversify the local
economy****FILE NO: 07.094.3**

RECOMMENDATION: - that the Council adopts the Planning Proposal to amend the Berrigan Local Environmental Plan 2013 (LEP) to permit Backpackers Accommodation with consent in the RU1 Primary Production Zone, and submits the Planning Proposal to the Minister for Planning requesting that Amendment No. 4 of Berrigan Local Environmental Plan 2013 be made.

REPORT:**Background:**

At the Ordinary Council meeting held on Wednesday, 2 March 2016, Council resolved that a Planning Proposal be prepared and submitted to the NSW Department of Planning and Environment to amend *Berrigan Local Environmental Plan 2013*. This amendment was to permit Backpackers Accommodation with consent in the RU1 Primary Production Zone – and was to be subsequently submitted for a Gateway Determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*. The Council ultimately considered that this proposal could be supported given the overall benefit to the agricultural community; taking into account that in the past, local producers have found difficulty in sourcing employees, particularly if affordable accommodation is not available. Being able to provide accommodation will undoubtedly assist employers in finding employees on a seasonal or short term basis.

Gateway Determination

Following the aforementioned Ordinary Council meeting, both a letter and email was sent on 18 April 2016 requesting a Gateway Determination under Section 56(1) of the *Environmental Planning and Assessment Act 1979* as per minutes of the March meeting. On 18 May 2016, Council received return correspondence detailing that the planning proposal had been determined and that the proposal should proceed subject to conditions. These conditions have been addressed as follows:

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Items requiring Council Resolution

1. Community Consultation

Under section 56(2)(c) and section 57 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the planning proposal must be made publicly available for a minimum of **28 days**; and notice requirements for public exhibition must be complied with as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.

The proposal was placed on public exhibition from 20 May 2016 until 24 June 2016. There were no submissions made during the time which the proposal was on exhibition.

2. Public Hearing

There is an obligation on Council as per section 56(2)(e) of the *EP&A Act* to hold a Public Hearing if necessary.

At this stage, it is not anticipated that a Public Hearing will be required given that there was no submissions received.

3. Timeframe

The timeframe for completing the LEP is to be within 9 months from the week following the date of the Gateway Determination. The Gateway determination was made on 13 May, 2016. Consequently, the Council is still operating well within the timeframe.

Conclusion

This Proposal will create a positive social and economic effect for the Berrigan Shire through an increase in population (albeit temporarily and with a high turnover). It will allow primary producers to provide affordable accommodation for itinerant or seasonal workers at or near their place of employment. Amendment No. 4 of Berrigan Local Environmental Plan 2013 is therefore able to be finalised as the conditions set out in the Gateway Determination have been met. Consequently, it is recommended that Council submit the Planning Proposal to the Department of Planning so that the Local Environmental Plan can be made.