

SECTION 59 PLANNING REPORT

Planning proposal details:

PP_2016_BERRI_002_00

Planning proposal summary:

To amend *Berrigan Local Environmental Plan 2013* (Amendment No.4) to permit Backpackers Accommodation with consent in zone RU1 Primary Production.

Date of Gateway determination:

13 May 2016

1.0 SUMMARY

- *any relevant background issues related to council policy/rationale for proceeding with the proposal,*

At the Extraordinary 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 to permit Backpackers Accommodation with consent in zone RU1 Primary Production. The Council ultimately considered that this proposal to assist rural landowners with the employment of temporary/casual workers during busy seasons, such as harvest.

- *an overview of the zones/development standards to be amended*

This proposal amends the RU1 Primary Production Zone by removing Backpackers Accommodation from the prohibited land uses within the Land Use Table.

- *summary of key exhibition dates and main points raised in submissions*

The proposal was placed on public exhibition from 20 May 2014 until 24 June 2016. It was advertised in the *Southern Riverina News* on both 15 June 2016 and 22 June 2016. There were no submissions made during the time which the proposal was on exhibition.

- *a summary of any key amendments made to the planning proposal as a consequence of public exhibition or agency consultation*

Overall, there have been no amendments made to the planning proposal as a consequence of public exhibition or agency consultation

2.0 GATEWAY DETERMINATION

- *date Determination issued*

The Gateway Determination was made by the Delegate of the Minister for Planning on 13 May 2016.

- *timeframe for completion of proposal*

The timeframe for completing this proposal is by 12 February, 2017

- *whether the Gateway determination was subject to a review request and the outcomes of that request*

The Gateway Determination was not subject to a review request.

- *whether the conditions included in the Gateway determination have been complied with and if not, the justification for the non-compliance and the impacts non-compliance may/will have on the LEP*

The following conditions have been addressed as follows:

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. It was deemed that a Public Hearing was not necessary.

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.

3.0 COMMUNITY CONSULTATION

Below are the particular details in relation to the Community Consultation undertaken:

- *dates of exhibition*

The proposal was placed on public exhibition from May 2016 until 24 June 2016.

- *number of submissions received*

As mentioned above, there were no submissions made during the time which the proposal was on exhibition.

- *whether the planning proposal was re-exhibited and if so, all relevant details as above*

The planning proposal was not re-exhibited.

- *whether the consultation requirements included in the Gateway determination were complied with*

There were no consultation requirements included in the Gateway determination

- *what amendments were made to the planning proposal to respond to the issues raised during public exhibition*

There have been no amendments made to the planning proposal in response to the issues raised during public exhibition.

4.0 VIEWS OF PUBLIC AUTHORITIES

There has been no other view put forward from a Public Authority.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

Applicable Directions under section 117(2) of the *Environmental Planning and Assessment Act 1979*

Ministerial Direction	Title	Consistency
1. Employment and Resources		
1.1	Business & Industrial Zones	Not applicable as the Planning Proposal does not affect any commercial or industrial zone.
1.2	Rural Zones	This direction is relevant because the Planning Proposal affects land within an existing rural zone. The proposal is arguably inconsistent with the direction because it has the potential to “<i>increase the permissible density of land</i>” in the RU1 zone. The extent to which creating the opportunity for backpackers accommodation will increase residential density within the rural areas of the Shire is debateable. It is anticipated that in most instances backpackers accommodation will be taken up within existing rural dwellings as the feasibility of constructing such purpose built accommodation is unlikely to be feasible. In any case the Director-General can be satisfied as to the extent of any inconsistency on the grounds it is of “<i>minor significance</i>”.
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable as this Planning Proposal does not impact on mining.
1.4	Oyster Aquaculture	Not applicable as RU1 zoned land in Berrigan Shire is not within a Priority Oyster Aquaculture Area.
1.5	Rural Lands	This direction is relevant because the Planning Proposal affects land within an rural zone. The direction requires that the planning proposal must be consistent with the following Rural Planning Principles expressed in the SEPP (Rural Lands). a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues

in agriculture in the area, region or State,
c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The planning proposal can be considered consistent with these principles for the following reasons:

a) The provision of backpackers accommodation principally for the purposes of housing employees associated with local primary industry is consistent with this principle.
b) Backpackers are a source of relatively cheap labour for rural enterprise and are an asset that otherwise can be hard to find in rural areas. Backpackers are a relatively recent trend and are encouraged by the visa requirements relating to work and holidaying in Australia. Within this context, backpackers accommodation is responding to changes in the availability of labour for primary producers.
c) Backpackers contribute to the local economy and communities just by residing in the area. This is a positive contribution to make.
d) The interests of the community are served by backpackers. There is not considered to be any detrimental impacts arising from backpackers being present in the community.
e) The natural environment will be unaffected by the presence of backpackers in rural areas of the Shire.
f) Backpackers in the main are young overseas persons on a working holiday. These characteristics can make a positive

		contribution to local communities. g) Backpackers accommodation will have no impact on services and infrastructure over and above what is already available to rural communities. h) There are no adopted strategies endorsed by the Director-General applicable to RU1 zoned land in the Shire (including the stalled Murray Region Strategy).
2. Environment and Heritage		
2.1	Environment Protection	This direction is relevant because it applies to all planning proposals. The Planning Proposal is consistent with the direction because the opportunity for backpacker accommodation is only being provided within the RU1 zone. It is not being provided to any environment protection zone (including the E3 zone in the Shire).
2.2	Coastal Protection	Not applicable as land in the Shire is not within a coastal zone.
2.3	Heritage Conservation	This direction is relevant because it applies to all planning proposals. As written, the Planning Proposal is inconsistent with this direction because it does not include "provisions that facilitate the conservation" of heritage items and Aboriginal objects etc. That said, these provisions already exist within the BLEP at clause 5.10. To the extent of any inconsistency, the Director-General can be satisfied on the grounds the Planning Proposal is of "minor significance".
2.4	Recreation Vehicle Areas	This direction is relevant because it applies to all planning proposals. The Planning Proposal is consistent with the direction because it does not advocate the designation of any land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the Recreation Vehicles Act 1983.
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	This direction is not relevant because the Planning Proposal is backpackers' accommodation within the RU1 zone is not considered to be "significant residential development".
3.2	Caravan Parks & Manufactured Home Estates	This direction is relevant because it applies to all planning proposals. The Planning Proposal is not inconsistent with this direction because it does not contemplate "suitable zones, locations and provisions" for caravan parks and manufactured homes estates.
3.3	Home Occupations	This direction is relevant because it applies to all planning proposals. The Planning Proposal

		will not prevent future dwellings being used for 'home occupations' and hence is consistent with this direction.
3.4	Integrating Land Use and Transport	This direction is not relevant because the Planning Proposal does not involve urban land.
3.5	Development Near Licensed Aerodromes	Not applicable as there are no licensed aerodromes in the Shire.
3.6	Shooting Ranges	This direction is relevant because the Planning Proposal advocates a change to a zone (RU1) that may also include a shooting range. However there is no response required by Council as the change is not a rezoning.
4. Hazard and Risk		
4.1	Acid Sulphate Soils	Not applicable as there are no known acid sulphate soils within the RU1 zone in the Shire.
4.2	Mine Subsidence & Unstable Land	Not applicable as there are no known Mine Subsidence Districts within the RU1 zone in the Shire.
4.3	Flood Prone Land	Not applicable because whilst the Shire contains flood prone land in the RU1, the Planning Proposal does not change anything in the BLEP that would affect such land and Council flood mapping does not identify the Land as flood prone land
4.4	Planning for Bushfire Protection	Not applicable because whilst the Shire contains bushfire prone land in the RU1 zone, the Planning Proposal does not change anything in the BLEP that would affect such land.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Consistent: This proposal is consistent with the <i>Draft Riverina-Murray Regional Plan</i> .
5.2	Sydney Drinking Water Catchment	Not applicable as the Shire is not within the Sydney Drinking Water Catchment.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable as the Shire is not one of the local government areas nominated in this direction.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable as the Shire is not near the Pacific Highway.
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked in 2010.
5.6	Sydney to Canberra Corridor	Revoked in 2008.
5.7	Central Coast	Revoked in 2008.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable as the Shire is not near the site for a second Sydney airport.
5.9	North West Rail Link	Not applicable as the Shire is not near this

	Corridor Strategy	corridor.
6. Local Plan Making		
6.1	Approval and Referral Requirements	This direction is relevant because it applies to all planning proposals. The Planning Proposal is consistent with this direction because it does not propose any referral requirements or nominate any development as 'designated development'.
6.2	Reserving Land for Public Purposes	This direction is relevant because it applies to all planning proposals. The Planning Proposal is consistent with this direction because it does not remove or propose any public land.
6.3	Site Specific Provisions	Not applicable as the Planning Proposal does not propose any site specific provisions.
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Not applicable as the Shire is not one of the local government areas nominated in this direction.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable as the Shire is not one of the local government areas nominated in this direction.

Applicable State Environmental Planning Policies

Planning Policy	Consistent	Assessment
Murray Regional Environmental Plan No. 2 Riverine Land	Yes	Parts of the RU1 zone in the Shire along the Murray River are within the area to which MREP2 applies. By providing for backpackers accommodation in the RU1 zone the Planning Proposal creates the opportunity for such development to be undertaken within proximity of the Murray River. The planning principles contained within MREP2 are framed more to address specific development proposals rather than policy on a broad areas. The Planning Proposal involves all land zoned RU1 in the BLEP, which represents more than 90 percent of the land area of the Shire. Any development proposal for backpackers' accommodation within the area of MREP2 will need to address these planning principles as well as potentially clauses 6.2 through to 6.7 in the BLEP and Chapters 10 and 11 of the Berrigan Development Control Plan (BDCP). These controls are more than adequate to consider and control such development in vicinity of the river.
SEPP (Affordable Rental	Yes	This SEPP triggers the requirement for

Housing) 2009		development consent to convert a building to backpackers' accommodation. This is consistent with the Planning Proposal that will also require development consent. The conversion of some rural dwellings to backpackers' accommodation is not considered to be reducing the supply of affordable rental housing in the Shire.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The Planning Proposal does not derogate from the aims and development consent requirements relating to BASIX affected building(s) that seeks to reduce water consumption, greenhouse gas emissions and improve thermal performance as provided in the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal does not derogate from the aims and functions of this SEPP with respect to exempt and complying development provisions.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The Planning Proposal does not derogate from the aims, development consent, location, design, development standards, service, assessment, and information requirements as provided in the SEPP.
SEPP (Infrastructure) 2007	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Infrastructure) 2007</i> .
SEPP (Kosciuszko National Park – Alpine Resorts) 2007		Not applicable to Berrigan Shire.
SEPP (Kurnell Peninsula) 1989		Not applicable to Berrigan Shire.
SEPP (Major Development) 2005		Not applicable to the Planning Proposal as there are no nominated State significant sites in the Shire.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	The Planning Proposal does not derogate the aims of <i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</i> .
SEPP (Miscellaneous Consent Provisions) 2007	Yes	The Planning Proposal does not derogate from the aims, permissibility, development assessment requirements relating to temporary structures as provided in the SEPP.
SEPP (Penrith Lakes Scheme) 1989		Not applicable to Berrigan Shire.
SEPP (Port Botany and Port Kembla) 2013		Not applicable to Berrigan Shire.
SEPP (Rural Lands) 2008		Not applicable because the provisions of the SEPP don't apply to backpackers accommodation.
SEPP (SEPP 53 Transitional Provisions) 2011		Not applicable to Berrigan Shire.
SEPP (State and Regional Development) 2011		Not applicable as the Planning Proposal is not for State significant development
SEPP (Sydney Drinking Water	Yes	Not applicable to Berrigan Shire.

Catchment) 2011		
SEPP (Sydney Region Growth Centres) 2006		Not applicable to Berrigan Shire.
SEPP (Three Ports) 2013		Not applicable to Berrigan Shire.
SEPP (Urban Renewal) 2010		Not applicable to Berrigan Shire.
SEPP (Western Sydney Employment Area) 2009		Not applicable to Berrigan Shire.
SEPP (Western Sydney Parklands) 2009		Not applicable to Berrigan Shire.
SEPP No. 1 – Development Standards		Not applicable since gazettal of the BLEP 2013.
SEPP No. 14 – Coastal Wetlands		Not applicable to Berrigan Shire.
SEPP No. 15 – Rural Landsharing Communities		Not applicable to Berrigan Shire.
SEPP No. 19 – Bushland in Urban Areas		Not applicable to Berrigan Shire.
SEPP No. 21 – Caravan Parks	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 21 – Caravan Parks</i> .
SEPP No. 26 – Littoral Rainforests		Not applicable to Berrigan Shire.
SEPP No. 29 – Western Sydney Recreation Area		Not applicable to Berrigan Shire.
SEPP No. 30 – Intensive Agriculture	Yes	The Planning Proposal does not derogate the aims of <i>SEPP No. 30 – Intensive Agriculture</i> .
SEPP No. 33 – Hazardous and Offensive Development	Yes	The Planning Proposal does not derogate from the objectives and provisions of this SEPP.
SEPP No. 36 – Manufactured Home Estates	Yes	The Planning Proposal does not derogate from the aims, strategies, development consent, assessment and location provisions as provided in the SEPP.
SEPP No. 39 – Spit Island Bird Habitat		Not applicable to Berrigan Shire.
SEPP No. 44 – Koala Habitat Protection	Yes	This SEPP is technically applicable because Berrigan Shire is listed in Schedule 1 of the SEPP and the land to which the Planning Proposal applies (the RU1 Zone) exceeds the area threshold. The extent of potential or core koala habitat within the Shire is not known. It is noted that the 2008 approved <i>Recovery plan for the koala</i> in NSW acknowledges there is no record of Koalas in the Shire and that the probability of koalas being present in the 'far west and south west' region of NSW (which includes the Shire) is low. In addition, the consequence of the Planning Proposal is that backpacker accommodation can be considered within

		the rural areas of the Shire, and the impact of this on any Koala habitat would be very low to non-existent. Backpacker accommodation is most likely to be undertaken within existing dwellings rather than new development that may impact on Koalas through disturbance of their habitat. Consequently the proposal can be supported without the need for a koala management plan
SEPP No. 47 – Moore Park Showground		Not applicable to Berrigan Shire.
SEPP No. 50 – Canal Estate Development	Yes	The Planning Proposal does not derogate from the aims and canal estate development prohibitions as provided in the SEPP.
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Yes	This SEPP is applicable because parts of Berrigan Shire are within the Murray Irrigation area of operation. The Planning Proposal does not derogate from the objectives and provisions of this SEPP.
SEPP No. 55 – Remediation of Land		Not applicable because the Planning Proposal is not proposing a change of zone.
SEPP No. 59 – Central Western Sydney Regional Open Space and Residential		Not applicable to Berrigan Shire.
SEPP No. 62 – Sustainable Aquaculture	Yes	The Planning Proposal does not derogate from the aims and provisions of this SEPP No. 62 – Sustainable Aquaculture
SEPP No. 64 – Advertising and Signage	Yes	The Planning Proposal does not derogate from the aims, development consent requirements and assessment criteria for advertising and signage as provided in the SEPP.
SEPP No. 65 – Design Quality of Residential Flat Development	Yes	Not applicable as residential apartment development is not permissible in the RU1 zone.
SEPP No. 70 – Affordable Housing (Revised Schemes)		Not applicable to Berrigan Shire.
SEPP No. 71 – Coastal Protection		Not applicable to Berrigan Shire.

Applicable aims of the *Draft Murray Regional Strategy 2009*

Protect and manage the sensitive Riverine environment of the Region's major waterways (such as the Murray River) to safeguard the future health and wellbeing of one of Australia's most	Consistent: Parts of the RU1 zone in the Shire along the Murray River. By providing for backpackers accommodation in the RU1 zone the Planning Proposal creates the opportunity for such development to be
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important natural catchments, its associated \$1 billion agricultural industry, the needs of downstream users and the \$400 million tourism industry.	undertaken within proximity of the Murray River. Any development proposal for backpackers accommodation within the area of MREP2 will need to address these planning principles as well as potentially clauses 6.2 through to 6.7 in the BLEP and Chapters 10 and 11 of the Berrigan Development Control Plan (BDCP). These controls are more than adequate to consider and control such development in vicinity of the river.
Cater for a housing demand of 13,900 new dwellings by 2036 to accommodate the combined pressure of the forecast population increase, the needs of a significantly changing population and growing tourism demands for new dwellings	Not Relevant
Prepare for and manage the significantly aging population and ensure that new housing meets the needs of smaller households and aging populations be encouraging a shift in dwelling mix and type	Not Relevant
Reinforce the role of Albury as the Region's major regional centre and the opportunities in taking advantage of its strategic location and emerging economic strengths, including transport, distribution, manufacturing, health services and education	Not Relevant
Ensure an adequate supply of employment land, particularly in Albury and other major towns to accommodate a projected 3,100 new jobs	Not Relevant
Protect the rural landscape and natural environment by limiting urban sprawl, focusing new settlement in areas identified on local strategy maps and restricting unplanned new urban or rural residential settlement	Consistent: The planning proposal is considered to be of low impact to the rural landscape of the Berrigan Shire.
Only consider additional development sites outside of agreed local strategies if they can satisfy the Regional Strategy's Sustainability Criteria	Not Relevant
Ensure that the land use planning system can respond to changing circumstances for settlement and agricultural activity arising from water trading, by setting a strategic framework for decisions on land use change and investment in irrigation infrastructure	Consistent: This planning proposal's intended outcome is to allow backpackers accommodation to be undertaken within the rural areas of the Shire. This will allow primary producers to provide affordable accommodation for itinerant or seasonal workers at or near their place of employment. This is a great example of the

	land use planning system responding to changing circumstances surrounding agriculture.
Recognise, value and protect the cultural and archaeological heritage values of the Region for both Aboriginal and European cultures, including the visual character of rural towns and the cultural landscapes of the Aboriginal people	Not Relevant
Where development or rezoning increases the need for State infrastructure, the Minister for Planning may require a contribution to the provision of such infrastructure, having regard to the NSW Government State infrastructure Strategy and equity considerations	Not Relevant

Applicable aims of the *Berrigan Shire 2023 Community Strategic Plan*

Aims of the Berrigan Shire 2023 Community Strategic Plan		Planning Proposal consistency
Strategic Outcome 1: Sustainable Natural and Built Landscapes		
Strategic Objectives	Actions	
1.1 Support sustainable use of our natural resources and built landscapes	1.1.1 Coordinate strategic land-use planning	Consistent: The proposal is seen as an overall benefit to the community, given that rural employment provided to backpackers by local primary producers assists in finding employees on a seasonal or short term basis.
	1.1.2 Enhance the visual amenity, heritage and liveability of our communities	Not Relevant
1.2 Retain the diversity and preserve the health of our natural landscapes and wildlife	1.2.1 Partner with community groups and agencies on projects that retain and preserve the health of our natural landscapes and wildlife	Not Relevant
1.3 Connect and protect our communities	1.3.1 Coordinate flood levee, local road, water sewer and storm water asset management and planning	Not Relevant
	1.3.2 Manage landfill, recycling and waste disposal	Not Relevant
Strategic Outcome 2: Good Government		
Strategic Objectives	Actions	
2.1 Berrigan Shire	2.1.1 Council operations,	Not Relevant

2023 objectives and strategies inform Council planning and community led projects	partnerships and coordination of resources contribute toward implementation of Berrigan Shire 2023	
2.2 Ensure effective governance by Council of Council operations and reporting	2.2.1 Meet legislative requirements for Council elections, local government and integrated planning and reporting	Not Relevant
	2.2.2 Council operations support ethical, transparent and accountable corporate governance	Not Relevant
2.3 Strengthen strategic relationships and partnerships with community, business and government	2.3.1 Participate in networks that promote regional and cross-border collaboration, planning and service delivery	Not Relevant
Strategic Outcome 3: Supported and Engaged Communities		
Strategic Objectives	Actions	
3.1 Create safe, friendly and accessible communities	3.1.1 Build communities that are home to more families and young people	Consistent: The Planning proposal will facilitate the Berrigan LGA being a home to more young people (albeit temporarily and with a high turnover) to respond to regional part-time jobs on a seasonal harvest basis.
	3.1.2 Facilitate all age healthy lifestyles and ageing in place	Not Relevant
	3.1.3 Strengthen the inclusiveness and accessibility of our community	Not Relevant
	3.1.4 Coordinate and facilitate the delivery of potable water, public health and safety services	Not Relevant
3.2 Support community engagement through life-long learning, culture and recreation	3.2.1 Provide opportunities for life-long learning, cultural expression and recreation	Not Relevant
	3.2.2 Facilitate and partner with local communities in the development of township plans	Not Relevant
Strategic Outcome 4: Diverse and Resilient Business		
Strategic Objectives	Actions	
4.1 Invest in local job	4.1.1 Identify opportunities	Consistent: There will be a positive

creation, retention and innovation	for strategic investment and job creation	social and economic effect for the Berrigan Shire community as a whole through an increase in population (albeit temporarily and with a high turnover). This effect will result in an increase in demand and subsequent provision of both community and commercial services. In the past, local producers have found difficulty in sourcing employees, particularly if affordable accommodation is not available.
4.2 Strengthen and diversify the local economy	4.2.1 Partner with government and industry to renew and promote the development of the Shire's economic assets	
	4.2.2 Support local enterprise through economic development initiatives	
	4.2.3 Engage local business through regular meetings, electronic newsletter, Council bulletin and media publications	Not Relevant
4.3 Diversify and promote local tourism	4.3.1 Implement the Berrigan Shire Visitor Events Plan	Not Relevant
	4.3.2 Partner regional Tourism Boards (Sun Country and Murray River)	Not Relevant
4.4 Connect local, regional and national road, rail and aviation infrastructure	4.4.1 Develop and promote Berrigan Shire regional transport and freight infrastructure	Not Relevant

Applicable aims of the *Draft Riverina Murray Regional Plan*

The Planning Proposal does not derogate the aims of *the Draft Riverina Murray Regional Plan*.

6.0 PARLIAMENTARY COUNSEL OPINION

Parliamentary Counsel Opinion has been sought following an email which was sent on 27 July 2016 containing relevant documentation. On 3 August 2016, Parliamentary Council returned to Berrigan Shire via email a draft instrument and Parliamentary Counsel's Opinion which was that the draft instrument could be legally made.

7.0 OTHER RELEVANT MATTERS

There are no other relevant matters.

8.0 MAPPING

Nil

9.0 RECOMMENDATION

That the Berrigan Local Environmental Plan 2013 (LEP) is amended to permit Backpackers Accommodation with consent in zone RU1 Primary Production

ATTACHED

Relevant documents referred to in the summary report, which are properly tagged and clearly identified.