

Planning Proposal

Backpackers accommodation

RU1 Primary Production Zone

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- B. Consistency of Planning Proposal with Ministerial Directions

INTRODUCTION

This is a Planning Proposal for an amendment to the *Berrigan Local Environmental Plan 2013* (BLEP) to permit 'Backpackers accommodation' with consent in the RU1 Primary Production zone. Such development is currently prohibited in this zone.

The Planning Proposal has been structured and prepared in accordance with the Department of Planning and Environment's (DPE) *A guide to preparing planning proposals* ("the Guide").

PART 1. INTENDED OUTCOMES

The intended outcome of the Planning Proposal 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.

PART 2. EXPLANATION OF THE PROVISIONS

The provisions proposed in the Planning Proposal will achieve the intended outcomes by removing 'Backpackers accommodation' from Section 4 of the Land Use Table to the RU1 Primary Production zone.

As 'Backpackers accommodation' is a type of 'Tourist and visitor accommodation', which is permissible with consent in the RU1 zone, it does not need to be re-nominated in Section 3 of the Land Use Table.

PART 3. JUSTIFICATION

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Guide.

3.1. Need for the Planning Proposal

- **Is the Planning Proposal a result of any strategic study or report?**

No.

- **Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

'Backpacker accommodation' is currently prohibited within the RU1 zone and consequently the vast majority of rural lands within the Berrigan Shire. There are no other statutory provisions available to set aside or override this prohibition. Consequently the objective providing for backpacker accommodation in the rural areas of the Shire can only be achieved through an amendment to the BLEP via a Planning Proposal.

➤ **Is there a net community benefit?**

There is an overall net community benefit to be gained from the Planning Proposal by encouraging visitors and temporary residents to the Shire. The rural employment provided to backpackers by local primary producers assists in finding employees on a seasonal or short term basis. Local producers often have difficulty in sourcing employees for this type of work, particularly if affordable accommodation is not available. An increase in the Shire's resident population (albeit temporarily) supports existing, and creates opportunities for new, local community and commercial services.

3.2. Relationship to strategic planning framework

➤ **Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?**

There is no adopted regional strategy applicable to the Planning Proposal.

However the *draft Murray Regional Strategy* (draft MRS) was prepared by the former Department of Planning in October 2009 and despite it not having been finalised in the six years since, it remains a matter to be considered in this Planning Proposal. It is noted that no progress has been made on the draft MRS since its exhibition more than five years ago.

The draft MRS recognises that:

Primary production, being agriculture, forestry and mining is a key driver of rural and regional economies, as witnessed in the Murray Region¹.

and:

The value of primary production to the Region is not just reflected in employment in the agricultural, forestry, fishing and mining sectors, but also in terms of its contribution to the Regions gross regional product. It has significant flow on effects to other sectors, in terms of demand for goods and services. These flow on effects boost employment and activity in other sectors, such as manufacturing , transport and storage, wholesale and retail trade, property, education and health services².

The Planning Proposal will create opportunities for employment by allowing backpacker accommodation at or near the source. It is therefore considered to be consistent with the draft MRS.

➤ **Is the Planning Proposal consistent with the local Council's community strategic plan or other local strategic plan?**

Within the *Berrigan Shire 2023 - Community Strategic Plan* it is Council's overall vision that:

In 2023 we will be recognised as a Shire that builds on and promotes our natural assets and advantages to create employment and economic activity to attract residents, families and tourists.

¹ Draft Murray Regional Strategy – page 24

² *ibid* – page 26

The Planning Proposal is consistent with this vision because by providing for backpackers accommodation within the rural areas of the Shire it is attracting tourists and visitors in search of short-term employment.

There are no local strategic plans.

- **Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

Attachment 'A' provides an assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP's).

In summary, many of the SEPP's are not applicable to the Berrigan Shire and even less are applicable to the circumstances of the Planning Proposal. The assessment concludes that the Planning Proposal is not inconsistent with any of the relevant SEPP's.

- **Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 Directions)?**

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of LEP's. A Planning Proposal needs to be consistent with the requirements of the Direction but in some instances can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of "*minor significance*".

An assessment of all S117 Directions is undertaken in Attachment 'B'. In summary, the Planning Proposal is either consistent or has some minor inconsistencies with the relevant Directions. The inconsistencies are justified utilising the provisions within each of the Directions.

3.3. Environmental, social & economic impact

- **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The act of making provision for backpackers accommodation in the RU1 zone of the BLEP itself will have no impact on threatened species etc. When a development application is made for backpackers accommodation in the future, Council has sufficient planning tools to assess such impacts on a site by site basis.

- **Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

There are no other environmental effects resulting from the Planning Proposal.

- **How has the Planning Proposal adequately addressed any social and economic effects?**

There will be a positive social and economic effect for the Berrigan Shire community as a whole from the Planning Proposal 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.

3.4. State & Commonwealth interests

➤ **Is there adequate public infrastructure for the Planning Proposal?**

It is anticipated that the majority of backpacker accommodation within the RU1 zone will be undertaken in existing rural dwellings. These dwellings are already provided with infrastructure and services from the nearest town.

➤ **What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Having regard for the nature of the Planning Proposal, it is anticipated no public authority consultation at this level will be required.

It is acknowledged that the Gateway determination may specify Council undertake consultation with public authorities.

PART 4. MAPS

Having regard for the content of the Planning Proposal, no supporting maps are necessary.

PART 5. COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition following the Gateway process. The Gateway determination will specify the community consultation that must be undertaken for the Planning Proposal, if any. As such, the exact consultation requirements are not known at this stage.

This Planning Proposal will be exhibited for a period of 28 days in accordance with the requirements of section 57 of the EP&A Act and the Guide. At a minimum, the future consultation process is expected to include:

- consultation with relevant Government Departments and agencies, service providers and other key stakeholders, as determined in the Gateway determination;
- public notices to be provided in local media, including in a local newspaper and on Councils' website;
- static displays of the Planning Proposal and supporting material in Council public buildings; and
- electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and prepare a report to Council.

It is considered unlikely that a Public Hearing will be required for the proposal although this can't be confirmed until after the exhibition/notification process has been completed.

PART 6. PROJECT TIMELINE

The project timeline for the planning proposal is outlined in Table 1. There are many factors that can influence compliance with the timeframe including the cycle of Council meetings, consequences of agency consultation (if required) and outcomes from public exhibition. Consequently the timeframe should be regarded as indicative only.

Table 1: – Project timeline

Milestone	Date/timeframe
<i>Anticipated commencement date (date of Gateway determination)</i>	TBA.
<i>Anticipated timeframe for the completion of required studies</i>	2 months from Gateway determination (if such studies are required).
<i>Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)</i>	6 weeks from Gateway determination (if such consultation is required).
<i>Commencement and completion dates for public exhibition period</i>	Commence within 1 week of Gateway determination and complete 4 weeks after commencement
<i>Dates for public hearing (if required)</i>	Within 2 weeks of public exhibition completion (if public hearing required).
<i>Timeframe for consideration of submissions</i>	2 weeks following completion of exhibition.
<i>Timeframe for the consideration of a proposal post exhibition</i>	1 week following completion of exhibition.
<i>Anticipated date RPA will make the plan (if delegated)</i>	2 weeks following consideration of proposal (depending on Council meeting cycle).
<i>Anticipated date RPA will forward to the department for notification (if delegated).</i>	1 week following consideration of proposal.

CONCLUSION

The Planning Proposal is to allow for backpackers accommodation with consent in the RU1 zone of the BLEP. An amendment to the BLEP is necessary for such a change to be made as such development is currently prohibited in the RU1 zone.

In summary, the Planning Proposal is considered to have merit because:

- it will allow for itinerant workers to reside at or in close proximity of employment on rural properties;
- it will provide affordable housing for itinerant workers;
- it will encourage visitors and short-term residents to the Shire;
- it will assist primary producers in sourcing employees;
- there will be a net social and economic benefit for the Shire community;
- it is generally consistent with the broader planning framework (e.g. State provisions); and
- there will no detrimental environmental effects.