



Planning,  
Industry &  
Environment

IRF21/53

## Gateway determination report – PP-2021-12

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Reclassification of four (4) lots in Bourke from  
'Community' to 'Operational' land- 17-19 Darling Street  
Bourke

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning proposal – Amendment to Bourke Local Environmental Plan 2012 to reclassify four (4) allotments at 17-29 Darling Street Bourke from ‘Community’ to ‘Operational’ land
Council Report and Resolution – 25 May 2020

# 1 Planning Proposal

## 1.1 Overview and objectives of planning proposal

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Bourke</b>
<b>PPA</b>	Bourke Shire Council
<b>NAME</b>	Reclassification of four (4) lots from community to operational land
<b>NUMBER</b>	PP-2021-12
<b>LEP TO BE AMENDED</b>	Bourke Local Environmental Plan 2012
<b>ADDRESS</b>	17-29 Darling Street, Bourke, NSW 2840
<b>DESCRIPTION</b>	2//DP227656 2/11/DP758144 3/11/DP758144 1//DP1145233
<b>RECEIVED</b>	5/01/2021
<b>FILE NO.</b>	IRF21/53
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Reclassify four (4) allotments owned by Council from community to operational land.

The reclassification of the allotments will facilitate the transfer ownership to The Frank Widdon Masonic Homes Group for continued use as an Aged Care Facility.

Council has confirmed there are no interests to be discharged. Council is not proposing to change the zoning or minimum lot size provisions of the allotments

The objectives of this planning proposal are clear and adequate.

## 1.2 Explanation of provisions

The planning proposal seeks to amend the Bourke LEP 2012 per the changes below:

**Table 2 Current and Proposed controls**

Control	Current	Proposed
Schedule 4 Classification and reclassification of public land	Part 3 Land classified, or reclassified, as community land	Part 1 Land Classified or reclassified, as operational land – no interests changed

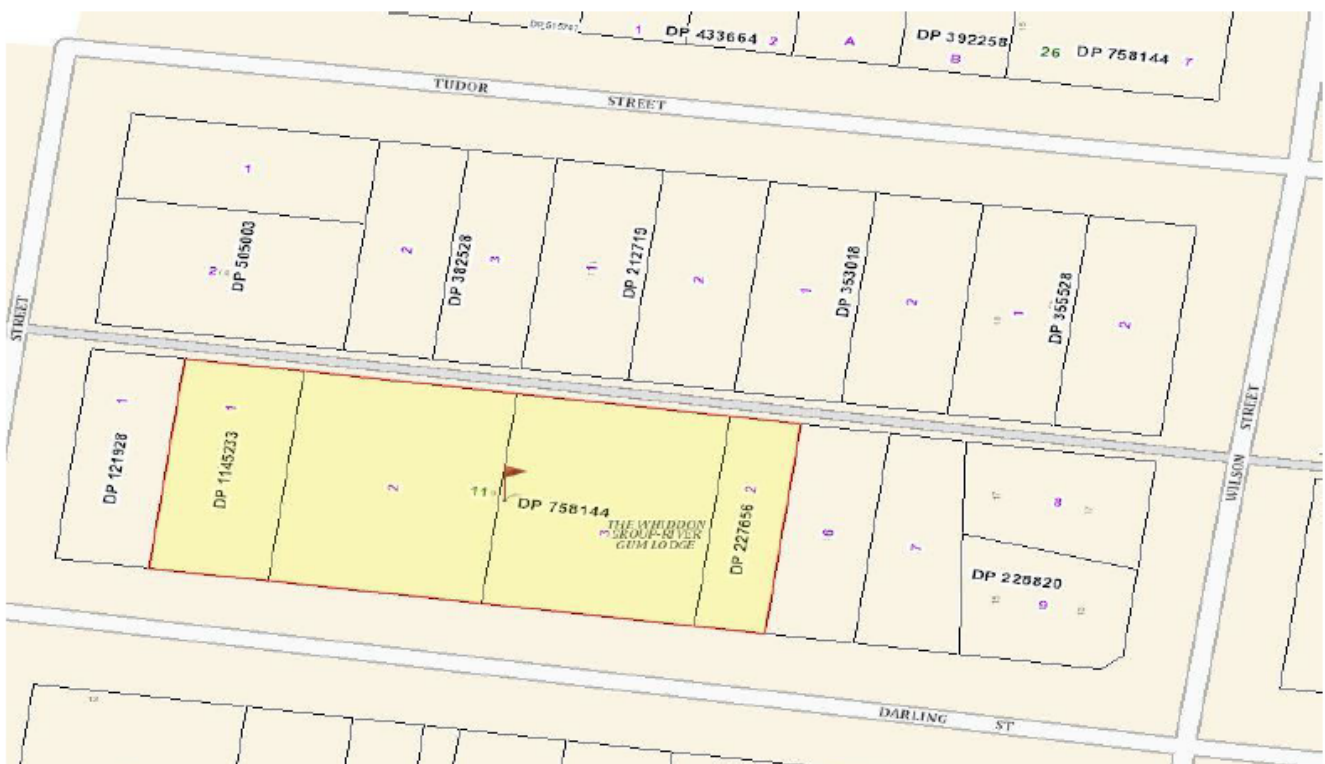
The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.3 Site description and surrounding area

The subject land is described as Lot 1 DP 1145233 (1131m<sup>2</sup>), Lot 2 Section 11 DP 758144 (2057m<sup>2</sup>), Lot 3 Section 11 DP 758114 (2057m<sup>2</sup>) and Lot 2 DP 227656 (670m<sup>2</sup>), 17-29 Darling Street Bourke. Refer to Figure 1 and 2 below. The total area of the subject land is approximately 5,915m<sup>2</sup>.

The site is located to the north of the town centre of Bourke, and approximately 300m south-east of the Darling River. The site and surrounding land are zoned R1 General Residential with a minimum lot size of 800m<sup>2</sup>.

All lots are owned by Bourke Shire Council and currently utilised as the existing Frank Widdon aged care facility being located on Lot 2 DP 227656 and Lot 3 Sec 11 DP 758144 with Lot 2 Sec 11 DP 758144 and Lot 1 DP 1145233 vacant land with no vegetation.



**Figure 1 Subject site (source: Planning Proposal)****Figure 2 Site context (source: Planning Proposal)**

## 2 Need for the planning proposal

The planning proposal is not the result of any strategy, study or report.

The proposal is a result of an enquiry to Council from The Frank Whiddon Masonic Homes Group regarding transfer of the site.

Council advised the site was historically viewed as being owned by the Bourke Care of the Aged Committee; however, it was discovered that Council are listed as the owner of the allotments. The subject four (4) lots are classified as 'community' land under section 26 of the Local Government Act 1990 (LG Act). To enable the land to be transferred or disposed of requires reclassification of the land to 'operational' land by an amending LEP process (section 27 of the LG Act).

The proposal indicates that The Frank Whiddon Masonic Homes Group are proposing to expend funds and undertake capital works at the facility in the near future. Council have provided no other information about the future work.

It is agreed that a planning proposal to change the land classification is the best means of achieving the intended outcomes which will facilitate a land transfer to The Frank Whiddon Masonic Homes Group, who will be able to undertake the necessary upgrades and capital works to the existing facility.

Please note that Council advised (verbal comm. C Crane 29 January 2021) the adjoining land to the west – Lot 1 DP 121928 (north east corner of Glen and Darling Street) - is owned by Council and is classified as 'operational'. Council do not have plans for this land at this time.



## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Far West Regional Plan.

**Table 3 Regional Plan assessment**

Regional Plan Objectives	Justification
Direction 23: Improve access to local health services, aged care and seniors' housing	The planning proposal is consistent with Direction 23 as it will result in the continued use of the aged care facility. The Frank Whiddon Masonic Homes Group are proposing to expend funds and undertake capital works for expansion in the near future.

### 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 4 Local strategic planning assessment**

Local Strategies	Justification
Bourke Land Use Strategy 2012. Endorsed by the Department on 19 December 2012	Section 8.5 objectives of this strategy is to ensure that residents have adequate access to and equity for the provision of services and facilities. The proposal is consistent with this objective as the land will continue to be used as an Aged Care Facility following reclassification.
Bourke Shire Council LSPS	Health is a key theme within the Bourke LSPS. The planning proposal supports the health theme as it will provide opportunity to maintain and expand health care services across the Shire.

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 5 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Residential Zone	Consistent	The proposal will not increase the development potential of the land as the land is appropriately zoned to allow for a range of permissible residential purposes. There will be no change to the zone, minimum lot size or permissible uses.

5.10 Implementation of Regional Plans	Consistent	The planning proposal is consistent with the directions of the Far West Regional Plan as identified above
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No further work is required in relation to these Directions.

### 3.4 State environmental planning policies (SEPPs)

There are no SEPPs specifically relevant to this planning proposal.

## 4 Site-specific assessment

### 4.1 Environmental

There are no potential environmental impacts associated with the proposal to reclassify the land. Any potential environmental impacts posed by site development will be addressed and assessed as part of any future Development Application process.

The site is not located on flood or bushfire prone land, nor does it contain critical or threatened biodiversity or heritage items.

### 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 6 Social and economic impact assessment**

Social and Economic Impact	Assessment
Open Space	<p>The proposal identifies that the reclassification of the subject land will reduce the availability of Council owned lands for public purposes. The allotments identified for reclassification are not formal public spaces, rather vacant blocks (Lot 2 Sec 11 DP 758144 and Lot 1 DP 1145233). It is understood that the reclassification will not result in a loss of formal public space however further analysis is required prior to public exhibition.</p> <p>A condition will be added to the Gateway Determination requiring the planning proposal be updated to include further analysis of existing public land within Bourke township and the impacts of reclassification on land for public use.</p>
Employment Opportunities	<p>The proposal outlines that The Frank Whiddon Masonic Homes Group propose to expend funds and undertake capital works in the near future. This would provide further aged care, and employment opportunities during construction and ongoing operations which is positive for the Bourke community.</p>



## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of a minimum 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

All community consultation is to be undertaken in line with LEP Practice Note PN 16-001 which stipulates a 28-day exhibition period, followed by at least a 21-day notice period prior to the public hearing. These requirements will be Gateway Determination condition.

Under section 29 of the LG Act a public hearing must be held when reclassifying public land from 'community' to 'operational' land and it is important timeframes for notification and the required procedures are followed.

### 5.2 Agencies

Council has nominated the following agency to be consulted about the planning proposal and given 21 days to comment:

- Office of Local Government

No other agency consultation is required. The land is not located within bushfire prone area, nor has impacts on critical or threatened biodiversity or heritage.

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department supports a time frame of 6 months to ensure the LEP amendment process it is completed in line with its commitment to reduce processing times. Council is required to advise the Department when the plan-making milestones are achieved.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

Council cannot be conditioned to be the Local – Plan Making Authority as the subject land is being reclassified.

## 8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the Far West Regional Plan 2036 and relevant section 9.1 Minister Directions
- Council has no interest to discharge
- There are no known environmental impacts
- The Frank Widdon aged care facility is located on the land and the acquisition of additional land will allow future expansion of this important facility for the Bourke community.

Based on the assessment outlined in this report, the proposal is to be updated before consultation to:

- Include further analysis of the impact to availability of land available for open space within Bourke township

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, an analysis of the impact of the removal of Lot 2 Sec 11 DP 758144 (2057m<sup>2</sup>) and Lot 1 DP 1145233 (1131m<sup>2</sup>) from Council's community land stock within Bourke township. This analysis is to be provided to the Department for approval.
2. Consultation is required with the Office of Local Government
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Council cannot be authorised to be the local plan-making authority as the proposal is to reclassify public land.
5. Community consultation is required for a minimum of 28 days and a public hearing is required to be held.



\_\_\_\_\_  
\_\_\_\_04/02/2021\_\_\_\_ (Date)

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\_\_\_\_\_  
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