



IRF 22/4410

Gateway determination report – PP-2022-4267

To amend the R1 General Residential Land Use Table to include business premises and office premises as permissible with consent, and rezone land from SP2 Air Transport Facility to IN1 General Industrial at 68B Sid Coleman Way, North Bourke

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal – Report No. 122205_PP – Premise (25 October 2022)
Bourke Shire Council Meeting and Minutes – 28 November 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Bourke
PPA	Bourke Shire Council
NAME	Amend the R1 General Residential Land Use Table and rezone land at 68B Sid Coleman Way, North Bourke
NUMBER	PP-2022-4267
LEP TO BE AMENDED	Bourke LEP 2012
ADDRESS	Zone R1 land in Bourke LGA, and 68B Sid Coleman Way, North Bourke
DESCRIPTION	Land zoned R1 and Lot 62 DP 1027306
RECEIVED	13/12/2022
FILE NO.	IRF22/4410
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal
JOBS/DWELLINGS	0 JOBS/0 DWELLINGS

The planning proposal contains 2 parts:

1. Amending the zone R1 General Residential Land use table to permit business premises and office premises supported by a local provision as permissible with consent, and
2. Rezone land at 68B Sid Coleman Way from SP2 Air Transport Facility to IN1 General Industrial.

Bourke Shire Council (Council) has recently undertaken a review of the current vacancy rates in the Bourke Central Business District (CBD) and identified a lack of appropriate commercial floor space for small-scale business and office space.

The Bourke Shire Community Strategic Plan 2022 has prioritised the need to ensure adequate land is available for new and existing businesses to establish and grow within Bourke, as the existing zone B2 Local Centre is at capacity with no opportunity for expansion due to existing residential dwellings.

The planning proposal seeks to insert business premises and office premises to Part 3 Permissible with Consent of the zone R1 General Residential Land Use Table of the Bourke LEP 2012, supported by an additional local clause. This will allow residential land to be utilised as infill

development for small-scale business and office premises within close proximity to the Bourke business area subject to Council consent.

In addition, the planning proposal seeks to amend zoning at Lot 62 DP 1027306, 68B Sid Coleman Way. A vehicle repair station currently operates from the site, which has been incorrectly zoned SP2 Air Transport Facility, as the land adjoins the Bourke Airport. The planning proposal seeks to correct this by rezoning the land to IN1 General Industrial with no minimum lot size (MLS) consistent with adjoining IN1 land.

1.2 Objectives of planning 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:

- Permit with consent development for the purposes of business premises and office premises in zone R1 General Residential with a supporting local provision to mitigate impacts on the existing residential development and business area; and
- Rezone 68B Sid Coleman Way, North Bourke to IN1 General Industrial, acknowledging the vehicle repair premises which is currently on the site. Note that the employment lands transition will take place in April 2023.

The objectives of this planning proposal are clear and adequate.

The former planning controls under Bourke LEP 1998 identified the current zone R1 land as a flexible zone 2(t) Township Zone that allowed a wide range of development opportunities. This resulted in a mix of uses in the Bourke urban area. Council wish to provide greater flexibility for business and offices premises to be developed in the current zone R1 area.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	SP2 Air Transport Facilities	IN1 General Industrial
MLS	Nil	Nil
Number of dwellings	0	0
Number of jobs	N/A	N/A

The planning proposal also intends to amend the land use table for the R1 General Residential zone to include business premises and office premises as permissible with consent. This will be supported by an additional local clause, providing development control considerations to mitigate impacts on the existing residential development and protect the exiting business zone. The planning proposal provides an example of this on page 10 of the planning proposal, and will be considered and drafted by Parliamentary Counsel at the time of finalisation.

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

1.4 Site description and surrounding area

The proposed changes to the zone R1 General residential land use table applies to all land within the R1 General Residential zone, as shown below in Figure 1:

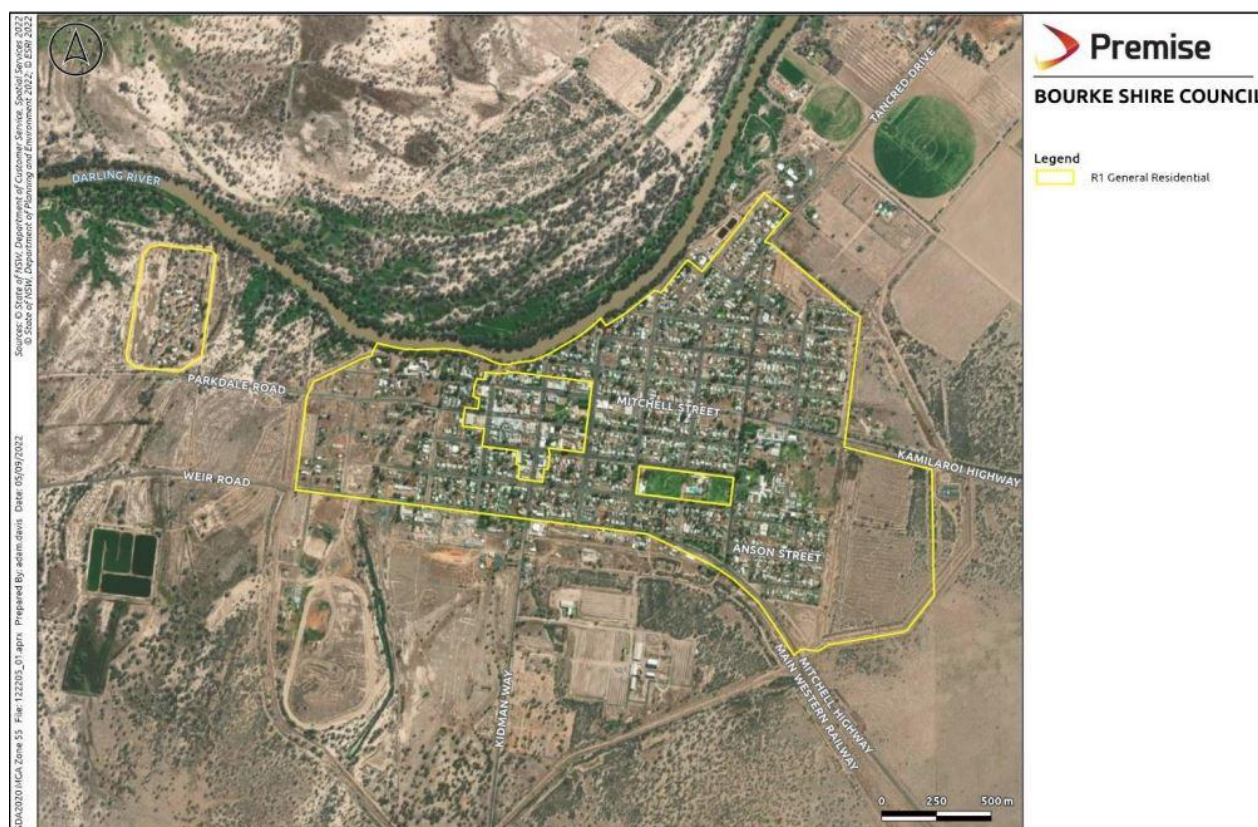


Figure 1 Subject zone R1 General Residential land – Land Use Table amendment (source: Planning Proposal - Premise)

The site at 68B Sid Coleman Way, North Bourke, is described as Lot 62 DP 1027306. The site is approximately 8,000m², adjoins Bourke Airport and is occupied by an existing vehicle repair station. The site is located approximately 7km north of the Bourke town centre and is bound by zone IN1 General Industrial land to the east and west, zone SP2 Air Transport Facility to the north, and zone R5 General Residential land to the south. Refer to Figures 2 and 3.



Figure 2 Subject site – Rezoning Amendment (source: Planning Proposal - Premise)



Figure 3 Site context – Rezoning Amendment (source: ePlanning Spatial Viewer)

1.5 Mapping

The planning proposal includes indicative mapping showing the proposed changes to the LZN_008A maps, which are suitable for community consultation. Refer to Figures 4 and 5.

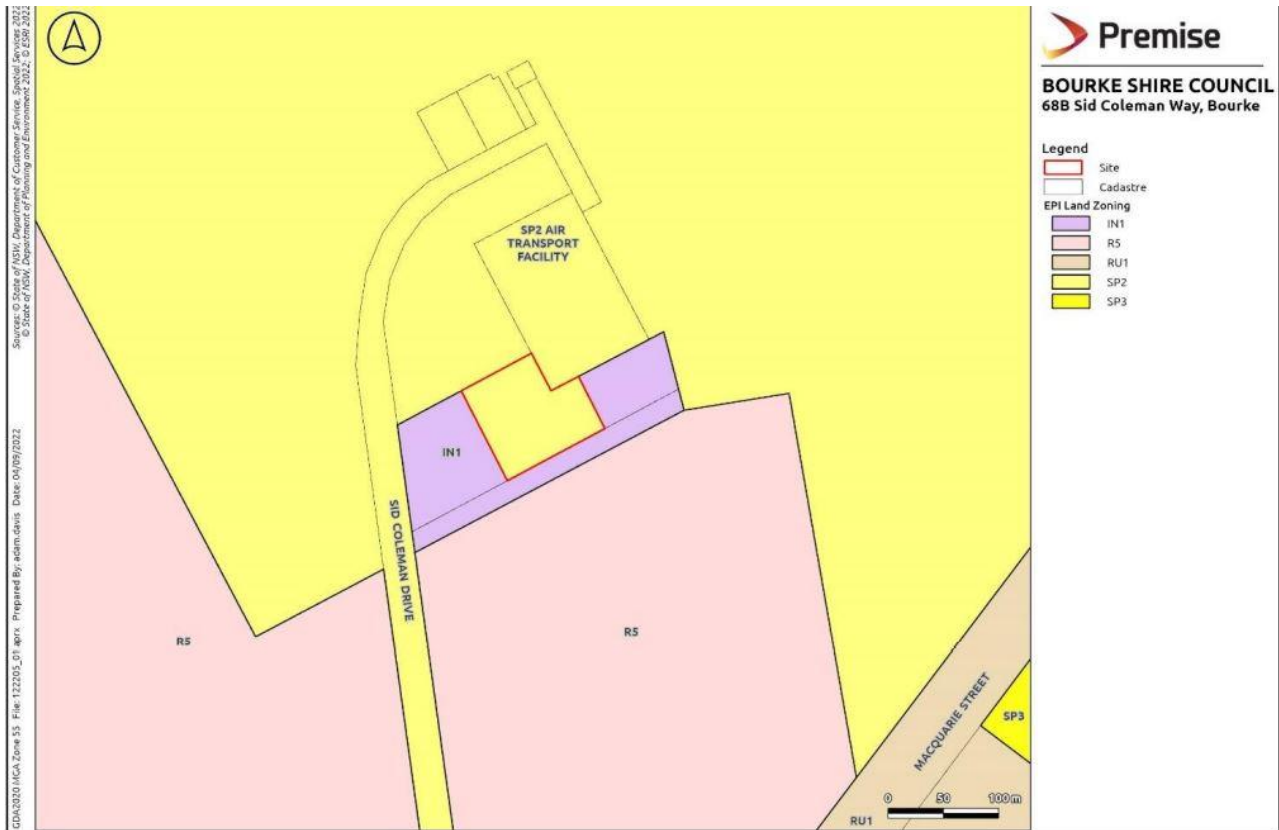


Figure 4 Current zoning map – Rezoning Amendment (source: Planning Proposal – Premise)

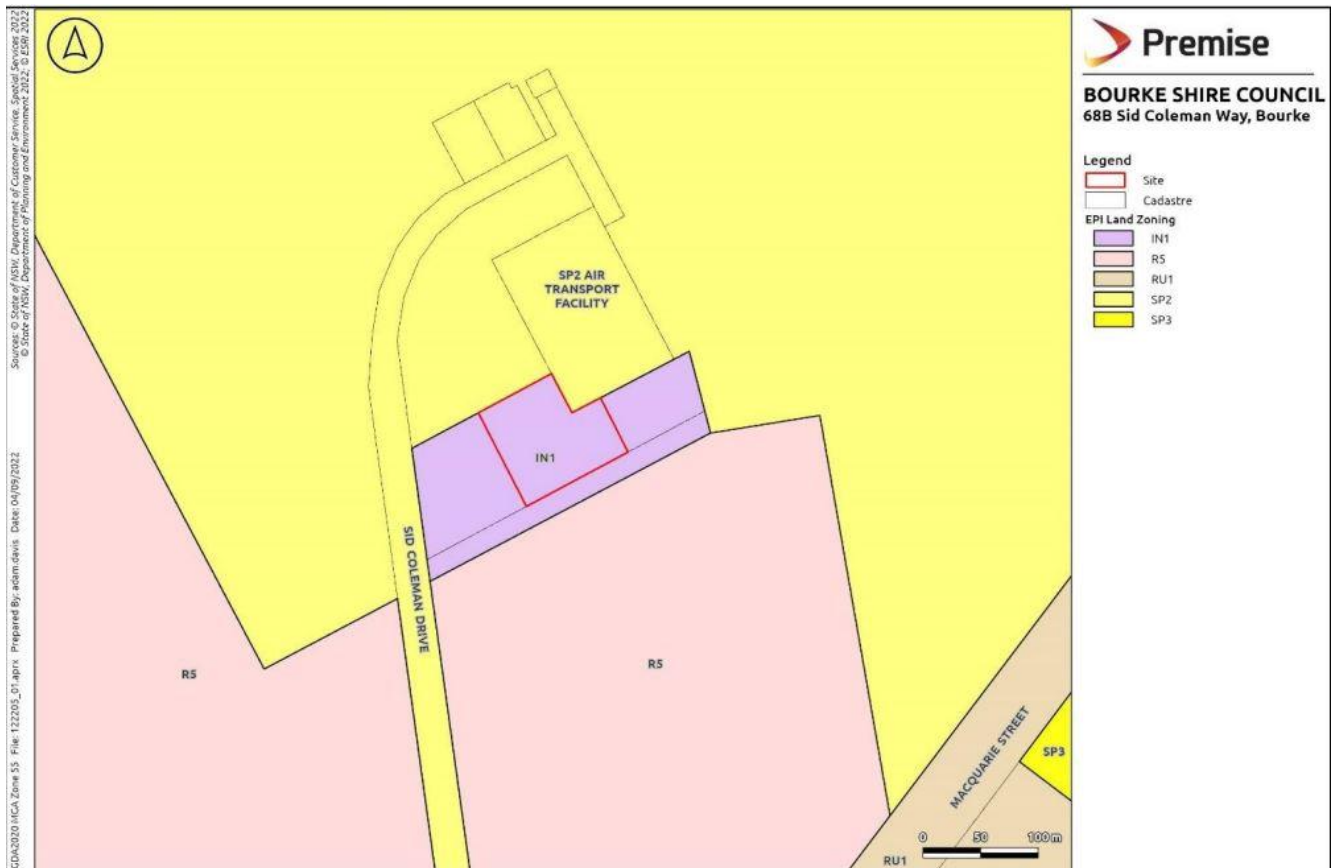


Figure 5 Proposed minimum lot size map – Rezoning Amendment (source: Planning Proposal – Premise)

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Bourke Community Strategic Plan identifies that there is a shortage of commercial and business floorspace in the Bourke commercial centre and that the amendment to the zone R1 General Residential land use table will provide opportunity for infill development of businesses close to the commercial core. The planning proposal (page 14) outlines alternative mechanisms that were considered to resolve this issue.

The proposed rezoning of 68B Sid Coleman Way is not the result of a strategy, however will rectify a zoning anomaly within the Bourke LEP 2012 and acknowledge the historical and future use of the site as a vehicle repair station.

A planning proposal is the only means to achieve the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The planning proposal assesses the Far West Regional Plan 2036 and is considered in the table below.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Goal 1 – A diverse economy with efficient transport and infrastructure networks	<p>The planning proposal is consistent with this goal, providing additional economic opportunity within the Bourke Town Centre.</p> <p>The rezoning of 68B Sid Coleman Way will enable the continued use of the existing vehicle repair station.</p>
Direction 12 – Enhance the productivity of employment lands	<p>The planning proposal is consistent with this Direction, providing additional permissibility for small scale, low impact business space within the existing residential zone. It will provide infill development and maintain the Bourke Town Centre as the commercial core.</p> <p>The rezoning of 68B Sid Coleman Way will enable the continued use of the existing vehicle repair station.</p>
Action 12.6 – Accommodate future commercial and retail activity in existing commercial centres unless there is demonstrated need and positive social and economic benefits for the community	<p>The planning proposal is consistent with this Action. The planning proposal identifies that the existing B2 Local Centre zone is at capacity, and there is no opportunity to extend the zone at this time. By including business and office premises in the zone R1 General Industrial zone Land Use Table there is the opportunity to make additional provision for business and office space close to the existing Bourke commercial centre.</p> <p>The rezoning of 68B Sid Coleman Way is broadly consistent with this Action.</p>

The planning proposal has not considered the draft Far West Regional Plan 2041 (dFWRP). The proposal has been assessed as being consistent with the dFWRP.

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 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The planning proposal is broadly consistent with the Bourke Local Strategic Planning Statement (LSPS).

<p>Bourke Shire Strategy 2012</p> <p>Endorsed by DPE on 19/12/2012</p>	<p>The Bourke Shire Strategy highlights the need to provide commercial services locally, rather than regionally.</p> <p>The planning proposal will seek to facilitate additional economic opportunities within Bourke's urban area, by amending the LEP to allow small scale business and office premises within the R1 General Residential zone and acknowledge the ongoing use of 68B Sid Coleman Way as an industrial site.</p> <p>The planning proposal is considered to be consistent with the Bourke Shire Strategy 2012.</p>
<p>Bourke Community Strategic Plan 2022</p>	<p>The Bourke Community Strategic Plan 2022 identified that the Bourke Town Centre had a shortfall of suitable vacant commercial space in the existing B2 Local Centre zone.</p> <p>The planning proposal seeks to meet community demand and growth by allowing the expansion of small-scale business and office premises into the existing R1 General Residential zone that is supported by a local provision as infill development, occupying vacant housing and capitalising on existing infrastructure services.</p> <p>The planning proposal is consistent with the Bourke Community Strategic Plan 2022.</p>

3.3 Section 9.1 Ministerial Directions

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

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Planning Systems	Consistent	The planning proposal is consistent with this Direction, giving effect to the Far West Regional Plan 2036.
3.2 Heritage Conservation	Consistent	<p>The amendment to the zone R1 General Residential land use table is consistent with this Direction.</p> <p>The R1 General Residential zone contains items of heritage significance. Consideration of these sites for business and office premises will be considered and addressed as part of future development applications. The insertion of the uses into the land use table does not impact heritage uses or impede their conservation at this stage.</p> <p>The planning proposal is considered consistent with this Direction.</p>

4.1 Flooding	Consistent	<p>The amendment to the zone R1 General Residential land use table is consistent with this Direction.</p> <p>The Bourke urban area is protected by a flood levee bank. Flood impacts on future development as a result of this planning proposal will be considered and managed at the development application stage via the existing Bourke LEP and Development Control Plan.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>The planning proposal is consistent with this Direction.</p> <p>New development for business and office premises within the R1 General Residential zone will utilise the existing street network and infrastructure.</p> <p>The rezoning of vehicle repair premises at 68B Sid Coleman Way will also utilise the existing street network and infrastructure.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Consistent	<p>The rezoning of land at 68B Sid Coleman Way is consistent with this direction.</p> <p>The proposal will correct a zoning anomaly to the site by rezoning from zone SP2 Air Transport Facility to zone IN1 General Industrial. An existing vehicle repair station is currently operating on the site, and at this time is not proposing an extension to the operation. Future growth of the business will be considered through a development application and have regard to the airport and have regard to the Airport operations.</p> <p>The operation of the Bourke Airport will not be affected or impacted by the proposed change in zone. The North Bourke planning proposal</p>
6.1 Residential Zones	Consistent	<p>The amendment to the zone R1 General Residential land use table is consistent with this Direction as it still encourages a variety of residential uses and makes use of existing infrastructure.</p> <p>The insertion of business premises and office premises will not compromise the existing supply of housing choice within the zone that will utilise existing infrastructure services. In addition a local provision will protect the existing residential area to ensure that businesses compatible with a residential area will be assessed on merit.</p>

7.1 Business and Industrial Zones	Consistent	<p>The planning proposal is consistent with this Direction.</p> <p>The insertion of business and office premises into the R1 General Residential zone will increase potential floor space for small-scale businesses within the Bourke urban area. In addition a local provision will protect the existing business area to ensure that businesses compatible with a residential area will be assessed on merit.</p> <p>The rezoning of 68B Sid Coleman Way to IN1 General Industrial will correct a zoning anomaly to recognise the operation of the vehicle repair station on the site.</p>
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3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The planning proposal is not considered to result in any environmental impacts.

4.2 Social and economic

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

Table 7 Social and economic impact assessment

Social and Economic Impact	Assessment
68B Sid Coleman Way	The rezoning 68B Sid Coleman way will allow the existing vehicle repair station to continue operating, providing a service to the town of Bourke and employment to the region consistent with the adjoining IN1 zone and uses. Note that this land will be transitioned to the new employment zone reforms in April 2023.

Business and office premises

Positive social and economic benefits are considered through permitting business premises and office premises as permissible with consent within the R1 General Residential zone.

Council's consultant, Premise, conducted an investigation of existing supply of vacant commercial land in zone B2 Local Centre. This identified a total of seven (7) sites within the existing zone B2 are vacant, however not advertised for occupation.

The expansion of business and office premises into the R1 General Residential Zone would provide the opportunity for small-scale business and office premises that fall outside of the 'home business' definition to utilise the existing residential area. This would provide flexibility for additional essential services to Bourke, provide employment and utilise the existing infrastructure services available through the adaptive reuse of residential dwellings and land.

4.3 Infrastructure

The planning proposal identifies that both aspects of the proposal will utilise existing infrastructure available to the sites. No extension of the existing services is required as part of the planning proposal stage. This can also be considered at the development application stage on a merit-basis for future operations.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days.

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

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

Given the nature of the proposal, no agency consultation is required.

6 Timeframe

Council proposes a 5 month time frame to complete the LEP.

The Department recommends a time frame of 6 months to ensure it is completed in line with its commitment to reduce processing times.

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

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is considered to be minor in nature the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- The planning proposal will provide for additional business and office space in the Bourke urban area to provide essential services to the community and region;
- The rezoning of 68B Sid Coleman Way will formalise the existing and ongoing use of a vehicle repair station and provide the correct zoning;
- The planning proposal is consistent with the strategic planning suite of controls.

9 Recommendation

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

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. No agency consultation is required.
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



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