

Bourke Shire Council

**Amendment to the Bourke Local Environmental Plan
2012 – 9A Gorrell Avenue, Bourke**

SCOPING REPORT

Job No: P002566

Rev: 001B




11 December 2024



Premise

© Premise 2024

This report has been prepared by Premise Australia for Bourke Shire Council; may only be used and relied on by Bourke Shire Council; must not be copied to, used by, or relied on by any persons other than Bourke Shire Council without the prior written consent of Premise. If Bourke Shire Council wishes to provide this Report to a third party recipient to use and rely upon, the recipient agrees: to acknowledge that the basis on which this Report may be relied upon is consistent with the principles in this section of the Report; and to the maximum extent permitted by law, Premise shall not have, and the recipient forever releases Premise from, any liability to recipient for loss or damage howsoever in connection with, arising from or in the respect of this Report whether such liability arises in contract, tort including negligence.

DOCUMENT AUTHORISATION					
Revision	Revision Date	Proposal Details			
A	10/12/24	Draft to Client			
B	11/12/24	Final Report			
Prepared By		Reviewed By		Authorised By	
Jennifer Evans		Jack Morrissey		Jack Morrissey	

CONTENTS

EXECUTIVE SUMMARY	2
1.1 Structure of the report	2
2. THE PROPOSAL.....	3
3. STRATEGIC MERIT	5
3.1 Far West Regional Plan 2036.....	5
3.2 Bourke Community Strategic Plan 2022	6
3.3 Bourke Local Strategic Planning Statement 2019	6
3.4 State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP)	6
4. SITE-SPECIFIC CONSIDERATIONS	7
4.1 Existing development and uses	7
4.2 Site features, opportunities and constraints analysis.....	7
4.2.1 ACCESS AND TRANSPORT	7
4.2.2 ESSENTIAL SERVICES (WATER, WASTEWATER, STORMWATER ETC)	7
4.2.3 NATURAL HAZARDS.....	7
4.2.4 CONTAMINATED LAND	8
5. PRELIMINARY ENVIRONMENTAL CONSIDERATIONS	8
6. DISCUSSION POINTS	8

FIGURES

Figure 1 - Subject Site	3
Figure 2 - Subject Site zoning	4

EXECUTIVE SUMMARY

Premise Australia Pty Ltd has been commissioned by Bourke Shire Council to prepare a Planning Proposal to amend Schedule 1 of the *Bourke Local Environmental Plan 2012* (BLEP) with regard to Lot 3 DP 1136910, 9A Gorrell Avenue, Bourke ('subject site').

The Planning Proposal seeks to include *centre-based child care facility* as an additional permitted use (APU) at the subject site.

This Scoping Report provides a preliminary overview of the Planning Proposal and key planning considerations impacting the subject site.

Following initial scoping and review of key planning matters, the proposed APU is considered to present a timely development opportunity for Council with substantial strategic merit given:

- > Bourke has some of the highest gaps in childcare services statewide and is in urgent need of additional childcare spaces;
- > Bourke Shire Council is the recipient of the Western NSW Workforce Activation Package funding to expand Bourke & District Children's Services at the site to create 20 additional childcare places for children aged 0-3, and create 4 full time jobs;
- > The subject site is the most appropriate development site given its historical use;
- > The subject site is connected to all essential services required for the development and its proposed ongoing use;
- > The proposed APU is consistent with the NSW Government Department Western NSW Workforce Activation Program objective to improve workforce participation in Western NSW by expanding or upgrading early childhood education and care services;
- > The expansion of Bourke & District Children's Services will change the use to *centre-based child care facility*, is currently prohibited in the zone, therefore requiring the Planning Proposal to include the proposed use as an APU.

It is requested that Bourke Shire Council and State Government Agencies review the contents of this Scoping Report and provide written advice confirming the requirements for lodgement of the Planning Proposal.

1.1 Structure of the report

This Scoping Report has been prepared in accordance with Section 3.33 of the Environmental Planning and Assessment Act, 1979 and the NSW Department of Planning's advisory documents '*Local Environmental Plan Making Guideline*' and '*Attachment A - Scoping Proposal Template*'. The latter document requires the Scoping Report to be provided in five (5) parts, those being:

- > **Section 2** The Proposal;
- > **Section 3** Strategic Merit;
- > **Section 4** Site-specific Considerations;
- > **Section 5** Preliminary Environmental Considerations; and
- > **Section 6** Discussion Points.

2. THE PROPOSAL

To amend Schedule 1 of the *Bourke Local Environmental Plan 2012* to include the additional permitted use, *centre-based child care facility*, at 9A Gorrell Avenue, Bourke (Lot 3 DP 1136910), to enable Council to expand the existing childcare services and to expend funds under NSW Government Department Western NSW Workforce Activation Program. The subject site is depicted in **Figure 1**, and the existing land use zoning is provided in **Figure 2**.

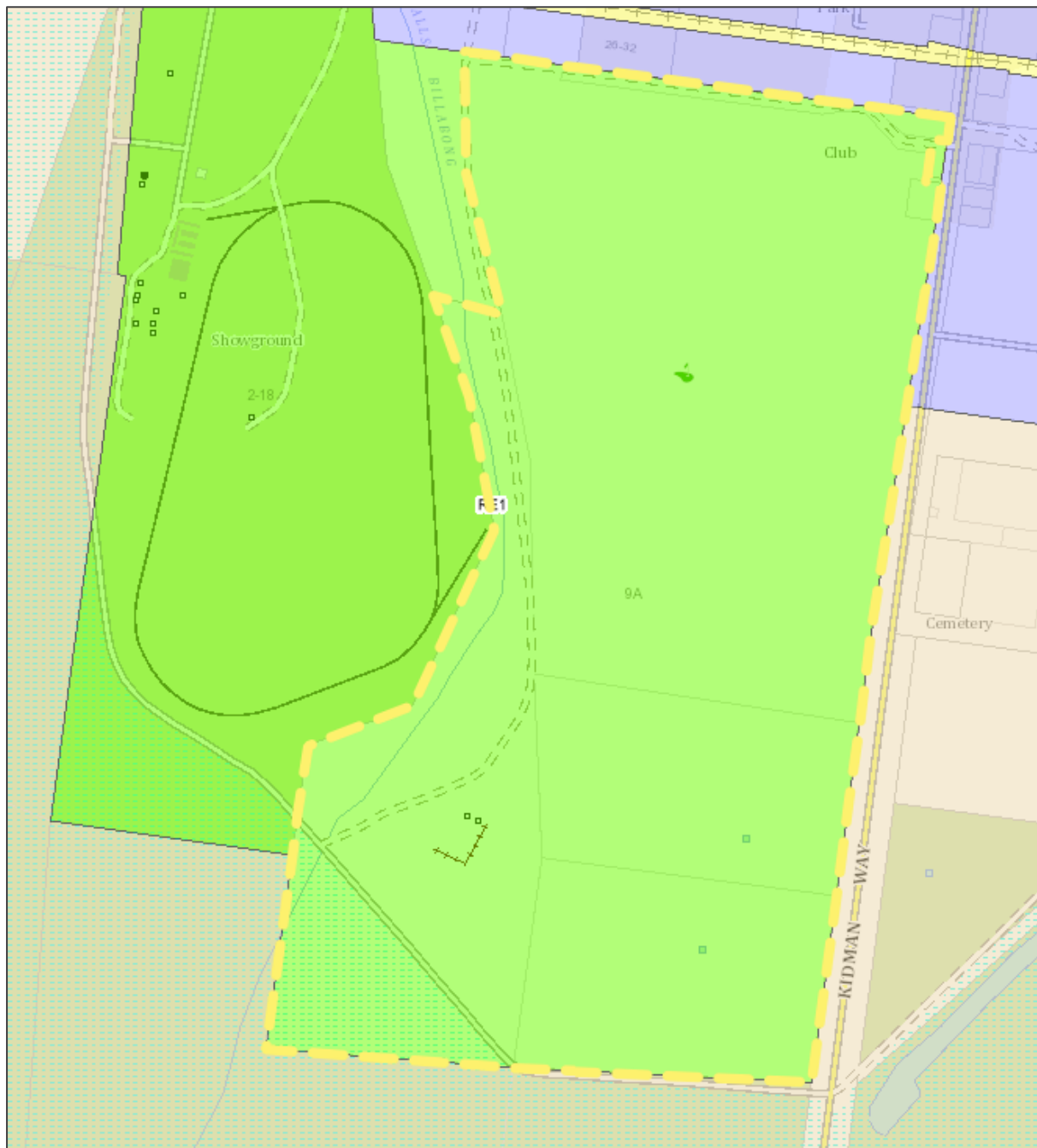


Figure 1 - Subject Site (ePlanning Spatial Viewer)

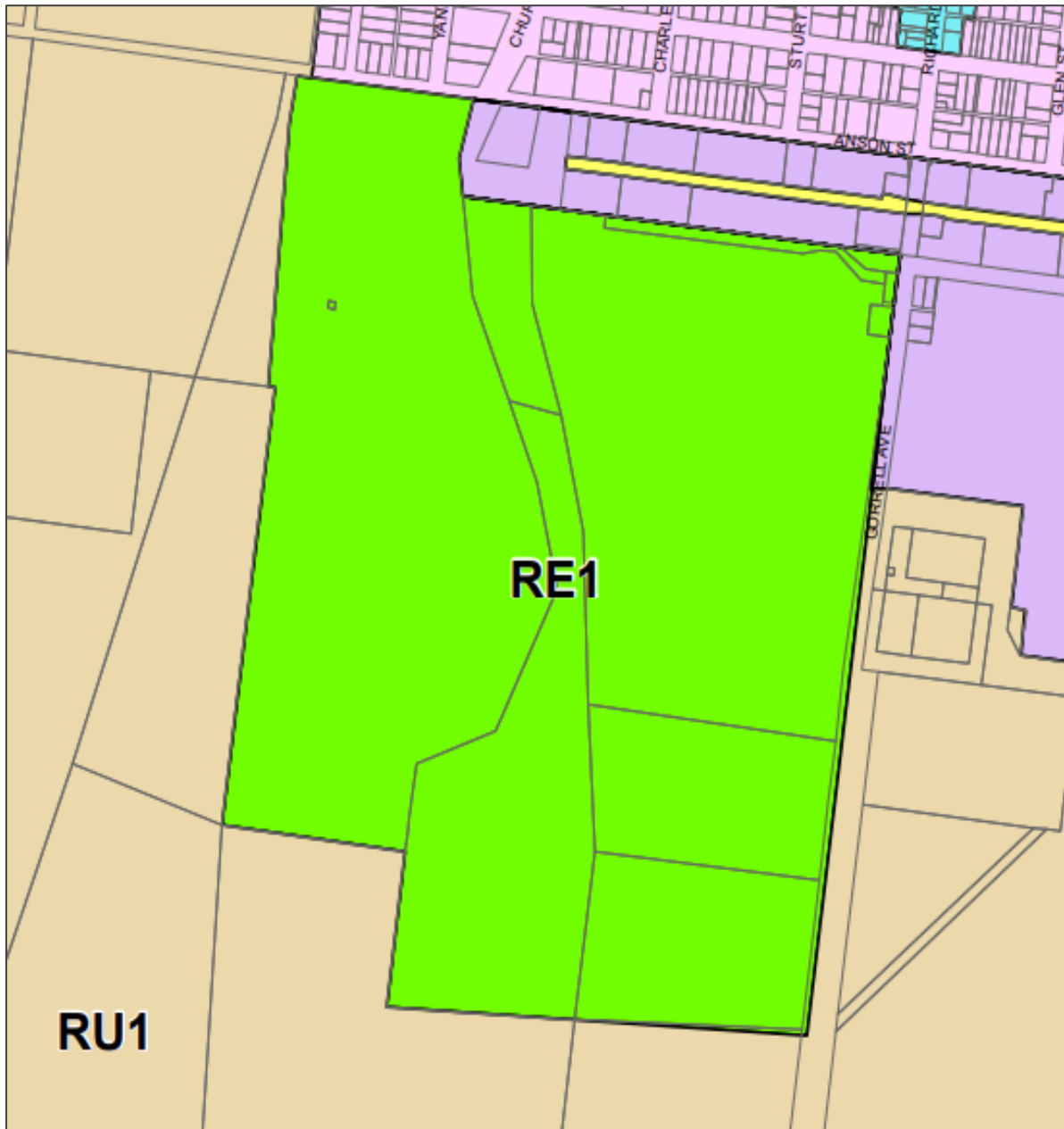


Figure 2 - Subject Site Zoning (Bourke Local Environment Plan 2012)

The subject site is zoned RE1 Public Recreation; the objectives of the zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

While the existing service operates under the definition of *community facilities*, the expansion of the centre will see the classification become *centre-based child care facility* which is currently prohibited.

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Water recreation structures; Water recycling facilities; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

It is considered, that given the historical use of the site, that the proposed *centre-based child care facility* is consistent with the zone objectives and is considered a compatible land use activity with the existing recreation facilities at the subject site.

Subject to endorsement of the Planning Proposal by the planning authority, timing of the amendment to the LEP would be the first half of 2025.

3. STRATEGIC MERIT

3.1 Far West Regional Plan 2036

The vision of the *Far West Regional Plan 2036* is to be a unique part of Western NSW with a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities. To achieve this vision, the following goals have been set:

Goal 1: A diverse economy with efficient transport and infrastructure networks

Goal 2: Exceptional semi-arid rangelands traversed by the Barwon-Darling River

Goal 3: Strong and connected communities

In particular, the Planning Proposal is required to support directions 20 and 24 of *Goal 3: Strong and connected communities*.

3.2 Bourke Community Strategic Plan 2022

The *Bourke Community Strategic Plan 2022* embodies the long-term vision for the community, developed by the community, key areas identified in the plan for action are:

- > Environmental Sustainability;
- > Vibrant and liveable community;
- > Economic Prosperity;
- > Governance and organisational performance; and
- > Infrastructure.

Specifically, the Planning Proposal is consistent with community objectives 2 and 3.

The Planning Proposal will assist in addressing key community challenges by supporting community growth by encouraging new residents and businesses to the region, promoting Bourke as a regional centre.

3.3 Bourke Local Strategic Planning Statement 2019

The *Bourke Local Strategic Planning Statement 2019* (LSPS) sets the framework for the economic, social and environmental land use needs over the next 20 years.

The LSPS identifies three major planning priorities to achieve this vision:

- > Industry Diversification and Sustainability;
- > United Sustainable Prosperity;
- > Protect our natural environment

Specifically, the Planning Proposal will give effect to planning priority two, united sustainable prosperity by way of supporting infrastructure and changing demographics including ongoing employment and services to the community.

3.4 State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP)

The SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the NSW. The aims of the SEPP are:

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and*
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and*
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and*

- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and*
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and*
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and*
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and*
- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.*

Specifically, the Planning Proposal will give effect to aims (b) (d) (e) (g) and (h).

4. SITE-SPECIFIC CONSIDERATIONS

4.1 Existing development and uses

The subject site currently features the Darling River Bourke Golf Club, Bourke and District Children's Services (Preschool and Childcare) and provides shared access to the adjacent heavy vehicle checking station from state classified road, Gorrell Ave.

4.2 Site features, opportunities and constraints analysis

4.2.1 ACCESS AND TRANSPORT

The subject site has existing site access to Gorrell Avenue (state classified road) located to the east, providing adequate access and safe site distances.

4.2.2 ESSENTIAL SERVICES (WATER, WASTEWATER, STORMWATER ETC)

The subject site is connected to all essential services (electricity, stormwater, suitable vehicular access, reticulated water and sewer) required for the future expansion of Bourke and District Children's Services.

4.2.3 NATURAL HAZARDS

The subject site is protected from the Darling River flood waters by the Bourke levee bank.

The southern portion of the subject site is identified as bushfire prone land being defined as vegetation buffer and vegetation category 3. The location of the existing *community facility* is a substantial distance from the bushfire prone land. It is believed any additional bushfire risk assessment is not required.

4.2.4 CONTAMINATED LAND

The State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4 provides a Statewide approach to the remediation of contaminated land. Given the historical uses of the land, as a golf course and community facility (childcare services), are considered low-risk activities in terms of potentially hazardous land uses. As such, it is believed the site is not contaminated and additional investigation is not required.

5. PRELIMINARY ENVIRONMENTAL CONSIDERATIONS

Given the site specific considerations, it is not anticipated that technical reporting will be required to accompany the Planning Proposal.

Consultation with local community will be undertaken with the exhibition period of the Planning Proposal.

6. DISCUSSION POINTS

We request that Bourke Shire Council and State Government Agencies review the contents of this Scoping Report and provide written advice confirming the requirements for lodgement of the Planning Proposal.

Should a pre-lodgement meeting be beneficial or required following consideration of the scoping report, please contact Premise's Senior Town Planner, Jack Morrissey on 0423 040 816 or alternatively via email on jack.morrissey@premise.com.au

Yours sincerely,



JACK MORRISSEY
Senior Town Planner

