



IRF23/2836

Gateway determination report – PP-2023-2372

Additional permitted use for recreation facility (outdoor)
at West Wyalong Aerodrome, 13510 Newell Highway,
West Wyalong.

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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	
Bland Council report – PP-2023-2372	Bland Community Strategic Plan 2022
Bland Shire Local Strategic Planning Statement (LSPS) 2020	Bland Housing Strategy 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Bland
PPA	Bland Shire Council
NAME	Additional permitted use for recreation facility (outdoor) at West Wyalong Aerodrome, 13510 Newell Highway, West Wyalong
NUMBER	PP-2023-2372
LEP TO BE AMENDED	Bland Local Environmental Plan 2011
ADDRESS	13510 Newell highway, West Wyalong
DESCRIPTION	Lots 10 & 11 DP 1141509
RECEIVED	25/10/2023
FILE NO.	IRF23/2836
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

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:

- provide unique sports tourism opportunity, and
- make use of under-utilised council owned land for recreational uses.

1.3 Explanation of provisions

The planning proposal seeks to amend Schedule 1 of the Bland LEP 2011 to include an additional permitted use (APU) for recreation facility (outdoor) on Lots 10 & 11 DP 1141509, also referred to as West Wyalong Aerodrome located at 13510 Newell Highway, West Wyalong.

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 subject land is located at 13510 Newell Highway, approximately 1.5 kilometres south of the West Wyalong township. The site is part of the West Wyalong Aerodrome which is used for commercial operations to support mining & agricultural operations, recreation activities for local tourism, and emergency service operations.

The subject land is currently zoned SP2 Infrastructure (Air Transport Facility) with no minimum lot size. The proposed APU is to enable a recreation facility (outdoor) consisting of a dragstrip toward the centre of the subject land (refer to Figure 1). Access to the site is along a sealed road from the Newell Highway.

The subject land is surrounded by RU1 Primary Production land (West & South), R5 Large Lot Residential land (East), and RE2 Public Recreation (north) being the West Wyalong Golf Club (refer to Figure 1 & Figure 2).

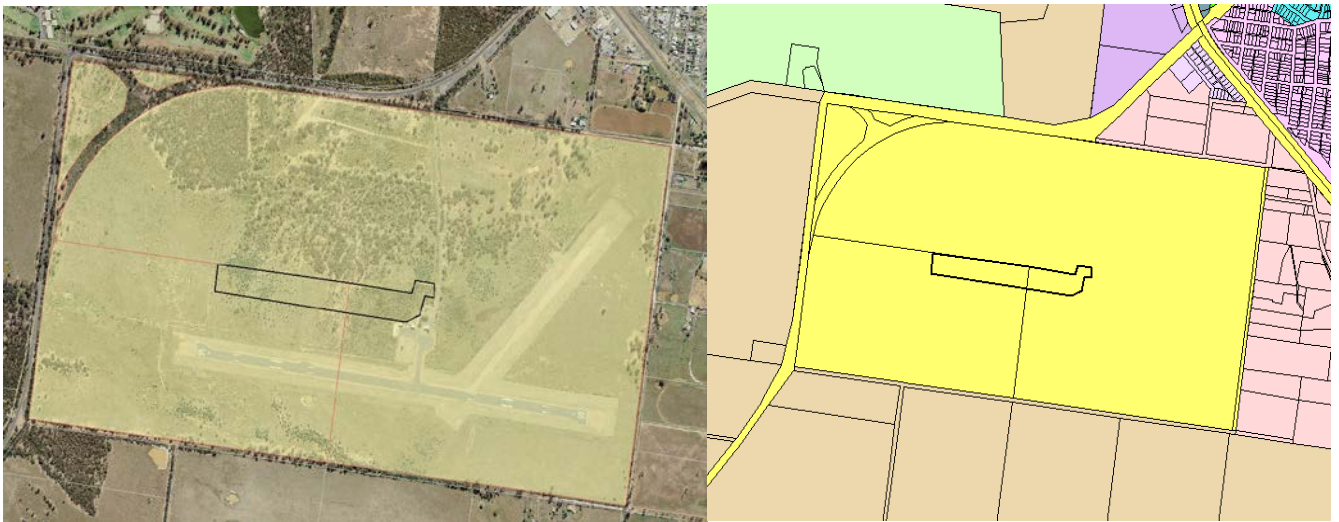


Figure 1 Subject site and land zoning (source: planning proposal)



Figure 2 Site context (source: Six Maps)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Additional Permitted Use map (APU_007D), which is suitable for community consultation.

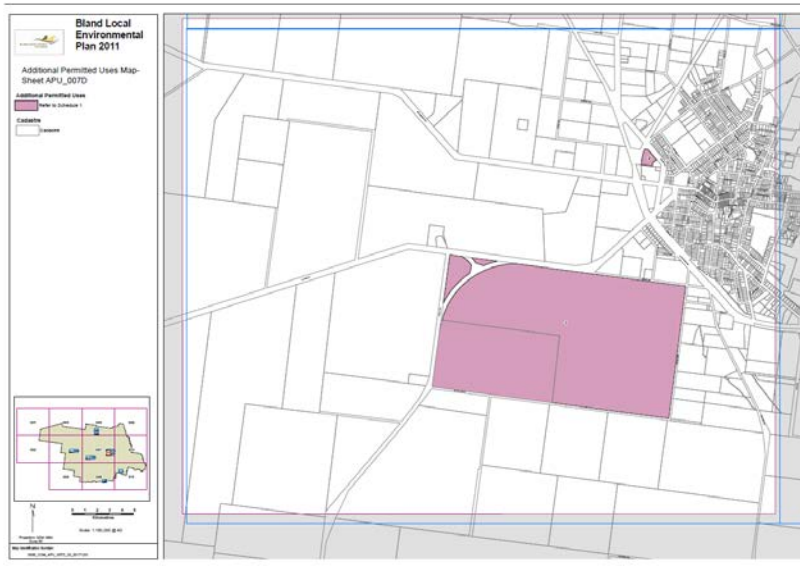


Figure 3 Proposed APU map

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?

The planning proposal is not a result of strategy or report, and the Department is satisfied the proposed amendment is consistent with existing council strategies and reports. Further assessment can be found in Section 3.2 of this report.

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

Rezoning of the subject land to an alternative zone where both air transport and recreational facility (outdoor) are both permissible was considered, however, a suitable zone could not be identified. The RU1 Primary Production zone does permit both uses, however it is considered this zone is not appropriate for the future use of the site.

Several alternative sites were also considered, however as the project was grant funded, and the purchase of private land was not considered economically viable.

An alternative approval pathway under State Environmental Planning Policy (Transport and Infrastructure) 2021 was proposed by DPE to council on 25 September 2023, however Council advised on 26 October that they considered the alternative pathway to not be a reliable option for the proposed dragstrip.

The Department is satisfied that a planning proposal to amend Schedule 1 of the Bland LEP 2011 is Council's preferred means to give effect to the intended outcomes of the proposal and to enable determination of a subsequent development application.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2041 and the Department is satisfied the proposed amendment is consistent with the Regional Plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 1 Protect, connect and enhance biodiversity	<p>This objective identifies the need for implementing the avoid, minimise, and offset principles in strategic and statutory planning.</p> <p>The proposal identifies the subject land contains Biodiversity Values and that a Biodiversity Development Assessment Report (BDAR) will be obtained to accompany the development application for the proposed dragstrip.</p> <p>Due to the preparation of this BDAR, the proposal states the future development will seek to avoid those areas.</p> <p>The subject land also contains areas mapped Sensitive Area on Council's Terrestrial Biodiversity Mapping (BIO_007).</p>
Objective 3 Increase natural hazard resilience	<p>This objective includes requirements for new developments to be located in a way that is commensurate to the risks of unacceptable bushfire, salinity and flooding. The subject land is mapped as bushfire prone land and consultation with Rural Fire Service will be a requirement of the Gateway determination.</p>
Objective 16 Support the visitor economy	<p>The planning proposal supports this objective by enabling a tourism facility to attract visitors to the area and potential opportunities for regional and national events.</p>

3.2 Local

The planning proposal states that it is consistent with the following local plans and endorsed strategies:



- Bland Local Strategic Planning Statement 2020
- Bland Community Strategic Plan 2021

Whilst not a specific identified action from these strategies, the Department is satisfied the proposed amendment is consistent with the strategies as its purpose is to provide a unique recreational facility to attract and enhance local tourism. It will likely also provide positive economic flow on effects to the wider region and state, with the nearest facility being in Victoria.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions are discussed below.

Table 4 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The planning proposal includes assessment against the Riverina Murray Regional Plan 2041 and is consistent with the plan and this Direction.
1.4 Site Specific Provisions	Consistent	The proposed amendment is consistent with 1(c) of this Direction.
3.1 Conservation Zones	Inconsistent, further work required	<p>The subject site includes area mapped Sensitive Area on Bland LEP 2011 Terrestrial Biodiversity Map (BIO_007).</p>  <p>Part of the subject land also contains areas mapped Biodiversity Values (Spatial Viewer).</p>  <p>The planning proposal identifies that future development of the site will avoid areas of the subject land mapped as Biodiversity Values, and a Biodiversity Development Assessment Report (BDAR) will be obtained at the development application stage.</p> <p>Consultation with DPE – Biodiversity Conservation and Science is required in resolving this inconsistency prior to public exhibition.</p> <p>A condition of gateway will be included to this effect.</p>
4.3 Planning for Bushfire Protection	Inconsistent, consultation required	The subject land contains land mapped as bushfire prone and in accordance with the Direction, consultation with Rural Fire Service (RFS) is required. Consultation with RFS is required. This forms a condition of the Gateway determination.

4.4 Remediation of Contaminated Land	Inconsistent, further work required	<p>The planning proposal identifies that the risk of contamination is low, and a preliminary site inspection will be completed to inform the subsequent development. Current use of the site as airport facility is identified as a potentially contaminating land use in the Contaminated Land Planning Guidelines.</p> <p>In accordance with the Direction, it is proposed this preliminary site inspection be undertaken as part of a condition of gateway and the planning proposal updated with its results prior to public exhibition.</p>
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3.4 State environmental planning policies (SEPPs)

The planning proposal's consistency with relevant SEPPs is discussed below.

Table 5 Assessment of planning proposal against relevant SEPPs

SEPPs	Applicable/ Not Applicable	Reasons
SEPP (Biodiversity and Conservation) 2021 Chapter 2 Vegetation in non-rural areas	Applicable	<p>The planning proposal identifies that a Biodiversity Development Assessment Report (BDAR) will be obtained with the development application for the development of the site.</p> <p>As identified above consultation with DPE – Biodiversity Conservation and Science is required prior to public exhibition. A condition of gateway will be included to this effect.</p>
SEPP (Transport and Infrastructure) 2021	Applicable	<p>Due to proximity of the subject site to the aerodrome and Newell Highway, consultation with Transport for NSW is required to obtain consistency with this SEPP given the proposed development may have the size or capacity that generates 50 or more vehicle movements an hour (Schedule 3 of the SEPP). Further assessment regarding transport related impacts is outlined in Section 4.2 of this report.</p>

4 Site-specific assessment

4.1 Environmental

The planning proposal provides an assessment of the potential environmental impacts associated with the future development of the subject site. The proposal states the proposed development will avoid areas mapped as Biodiversity Values and a BDAR would be obtained as part of the development application stage. As outlined in Section 3.3 of this report, the subject land also includes Sensitive Areas on Council's Terrestrial Biodiversity mapping. Consultation with DPE – Biodiversity Conservation and Science is required prior to public exhibition and a condition on the Gateway determination will be included to this effect.

The development is also likely to have potential acoustic impacts on adjoining sensitive receptors. The nearest sensitive receptor (rural dwellings) is located approximately 650m from the proposed dragstrip site. Given the subject site is currently holding similar dragstrip events as well as an operational airport, it is satisfactory that any acoustic assessment and remediation required will be assessed at a future development application stage.

4.2 Infrastructure

The subject site has access to a classified road and the planning proposal indicates that the proposed dragstrip development is not identified in Schedule 3 of the SEPP (Transport and Infrastructure) 2021 as a traffic generating development.

However, Schedule 3 includes consideration of any other development that may have size or capacity for 50 or more vehicles per hour with access to a classified road. As the site is currently used for local motorsport events and the development of a dragstrip may increase the volume of vehicles on the site, it is recommended that consultation with Transport for NSW occur as part of this planning proposal to understand any potential concerns.

5 Consultation

5.1 Community

Council proposes a community consultation period to be undertaken in accordance with conditions of the gateway determination.

An exhibition period of 20 days 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.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Rural Fire Service (RFS)
- Biodiversity Conservation and Science Directorate (BCD)
- Transport for NSW (TfNSW)

6 Timeframe

Council proposes a timeline will be prepared in accordance with the required timeframe as a condition of the gateway determination.

The Department recommends the proposed amendment be finalised by 22 July 2024 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. The Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 3.1 Conservation zones, 4.3 Planning for bushfire protection, and 4.4 Remediation of contaminated land is unresolved and will require justification.

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

1. Prior to commencing community consultation, the planning proposal is to be updated to:
 - a) Include a preliminary site contamination assessment to Council's requirements.
 - b) Include a project timeline to reflect the milestones to complete the proposal in by 22 July 2024.
2. Consultation with DPE – Biodiversity Conservation and Science regarding Ministerial Direction 3.1 Conservation Zones and SEPP (Biodiversity and Conservation) 2021 be undertaken prior to public exhibition.
3. Consultation is required with the following public authorities during public exhibition:
 - Rural Fire Service
 - Transport for NSW
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.
5. The timeframe for completing the LEP is by 22 July 2024.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



31/10/23

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01/11/23

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