



IRF23/3029

Gateway determination report – PP-2023-2531

Balranald Housekeeping Planning Proposal

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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
Balranald Shire Community Heritage Study 2006-2007
Balranald Shire Heritage Review 2013
Balranald Local Strategic Planning Statement

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Balranald
PPA	Balranald Shire Council
NAME	Balranald Housekeeping Planning Proposal
NUMBER	PP-2023-2531
LEP TO BE AMENDED	Balranald Local Environmental Plan 2010
ADDRESS	Various sites
RECEIVED	16/11/2023
FILE NO.	IRF23/3029
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 objectives of the planning proposal are to amend the Balranald Local Environmental Plan (LEP) 2010 to correct identified text and mapping anomalies and implement recommendations of the Balranald Shire Community Heritage Study 2006-2007.

The proposed amendments also seek to introduce a new local provision that allows boundary adjustments in certain rural and environmental zones.

The specific objectives and intended outcomes of the planning proposal are to:

- Ensure the zoning and minimum lot size of lands accurately reflects their actual use and purpose.
- More accurately reflect and ensure protection of areas of environmental significance consistent with the NSW State Vegetation Type Map (Release Date: 28 April 2023, Version: C1.1.M1.1).
- Protect items of heritage significance consistent with previous heritage strategies completed for the Shire.
- Allow for flexibility in the minimum lot size requirements in certain rural zones.
- Delete the Balranald Additional Permitted Uses Map to reflect the fact that Schedule 1 of the LEP is blank.

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

The proposal is identified as a ‘standard’ proposal, however, due to the number of amendments, amount of agency consultation identified and its housekeeping nature, the proposal is categorised as a “principal” proposal.

1.3 Explanation of provisions

The planning proposal includes various proposed amendments that are outlined below. The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.3.1 New local provision

It is proposed to amend the Balranald LEP 2010 to include a clause that allows for boundary adjustments in certain rural zones (subdivision of rural land). The proposal refers to similar clauses that exist in Narromine, Murray, and Wagga Wagga LEPs. The specific wording of this clause is intended to be determined during consultation with Parliamentary Counsel (PC). However, the proposal provides sufficient detail for public exhibition regarding applicable zones and provisions proposed in the new clause.

It is proposed the new clause apply to the following land use zones:

- RU1 Primary Production
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village

The new clause is proposed to include the following provisions:

- subdivision will not create additional lots or the opportunity for additional dwellings,
- the number of dwellings or opportunities for dwellings on each lot after subdivision will remain the same,
- the potential for land use conflict will not be increased because of the subdivision, and
- if the land is zoned RU1 Primary Production or RU3 Forestry – the agricultural viability of the land will not be adversely affected because of the subdivision.

It is also proposed that before determining a development application for the subdivision of land under the clause that the consent authority consider the following:

- the existing uses and approved uses of other land in the vicinity of the subdivision,
- whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the subdivision,
- whether or not the subdivision is likely to be incompatible with a land use on any adjoining land,
- whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the subject land,
- whether the subdivision is likely to have an adverse impact on the heritage vistas, landscapes or agricultural viability of the land.

It is recommended that consultation with Department of Primary Industry – Agriculture be undertaken as the proposed clause will affect rural land. A condition of Gateway determination will be included to this effect.

1.3.2 Schedule 5 amendments

The following items are proposed to be amended in Schedule 5 of the Balranald LEP (identified in red):

Table 3 Existing items to be amended.

Locality	Item name	Address	Property description	Significance	Item number
Balranald	Fish Traps	Murrumbidgee River, downstream of Balranald	Land adjacent to Lot 1, DP 835229 and Lot 2, DP 1009597	Local	I3
Euston	Lock and Weir 15 and Weir Pump Shed	Murray River, downstream of Euston	Lot 1 DP 767662	Local	I5
Euston	Courthouse	43 Murray Terrace	Lot 59, DP 8222092	Local	I6

It is noted that the proposed amendments on item 3, Fish traps, is represented differently on pages 11 and 92 of the planning proposal. It is recommended the description on page 11 be updated to reflect the proposed changes identified on page 92 of the planning proposal.

The following items are proposed to be listed in Schedule 5 of the Balranald LEP.

Table 4 New items to be listed.

Locality	Item name	Address	Property description	Significance	Item number
Balranald	Balranald Island	Balranald	Lot 115, DP 823012	Local	I9
Balranald	Chinese Cemetery (site of)	Ballandella Street	Lot 9, Section 5, DP 758048	Local	I10
Balranald	St Barnabas Anglican Church (Balranald)	101-105 Ballandella Street	Lots 41-42, DP 1175482	Local	I11
Balranald	St Dymphna's Catholic Church	106 Church Street	Part Lots 11 & 12, Section 27, DP 758048	Local	I12
Balranald	Catholic Presbytery	106-108 Church Street	Part Lots 11, 12 & 13, Section 27, DP 758048	Local	I13
Balranald	St Joseph's Catholic School	108-116 Church Street	Part Lots 13-17, Section 27, DP 758048	Local	I14
Balranald	Bridge House Hotel	55-59 Court Street	Lot E, DP 366995	Local	I15

Locality	Item name	Address	Property description	Significance	Item number
Balranald	Aboriginal Church	9 Endeavour Drive	Part Lot 126, DP 751170	Local	I16
Balranald	Wyburn Escape Regulator	Ivanhoe Road	Part Lot 58, DP 751246	Local	I17
Balranald	Balranald Gaol	83 Market Street	Part Lot 71, DP 1127975	Local	I18
Balranald	Wintong Homestead	83 Market Street	Part Lot 71, DP 1127975	Local	I19
Balranald	Horse and Dog Trough	85 Market Street	Part Lot 2, DP 700753	Local	I20
Balranald	Malcom & Son Stock & Station Agent Building Museum	86 Market Street	Lot 3, DP 1017869	Local	I21
Balranald	Theatre Royal	88-92 Market Street	Lots 21-22, DP 1181821 and Lot A, DP 156137	Local	I22
Balranald	CWA Building	120 Market Street	Lot 11, Section 89, DP 758048	Local	I23
Balranald	Masonic Temple Gallery	51 Myall Street	Lot 19, DP 668325	Local	I24
Balranald	Balranald General Cemetery	Moa Street	Lots 1-7, DP 1041259	Local	I25
Balranald	Grave of Josiah Viles	Moa Street	Lot 4, DP 1041259	Local	I26
Balranald	Balranald Stock Pound	O'Connor Street	Lot 76, DP 751170	Local	I27
Balranald	Redbank Weir	Oxley Road	Part Lot 1, DP 553673 and Part Lot 3, DP 553673	Local	I28
Balranald	Site of Balranald River Port	Turandurey Street	Part Lot 7026, DP 1028203	Local	I29
Balranald	Yanga Woolshed	312 Windomal Road	Part Lot 26, DP 751203	Local	I30

Locality	Item name	Address	Property description	Significance	Item number
Balranald	Yanga Regulator No. 102	312 Windomal Road	Part Lot 77, DP 751203	Local	I31
Euston	Euston General Cemetery	2 Cowper Street	Lot 7300, DP 1152749	Local	I32
Euston	Site of Euston River Port	Murray Terrace	Bank of Murray River adjacent to Part Lot 7301, DP 1140998	Local	I33
Euston	Euston Uniting Church	14 Selwyn Street	Lot 1, DP 1027646	Local	I34
Hatfield	Fossilised Wagon Tracks	8527 Hatfield The Vale Road	Part Lot 4262, DP 766950	Local	I35
Kyalite	Site of Talbett's Punt	Kyalite Road	Lot 6, DP 751228	Local	I36
Kyalite	Federation Period Rural house, kitchen and history collection "Norwood"	3003 Yanga Way	Part Lot 277, DP 761085	Local	I37
Mungo	Mungo Woolshed	3046 Turlee Leaghur Road	Part Lot 7303, DP 1173617	Local	I38
Oxley	St Barnabas Anglican Church (Oxley)	Oxley Street	Lot 6, Section 37, DP 758821	Local	I39

The following issues are noted and recommended to be resolved prior to public exhibition:

- Property description of Item 13 varies on pages 10 and 56. Lot 13 is not included in the description on page 10.
- Property description of item 15 varies on pages 10 and 59. Item is described as Lot 13-17 on page 10, and Lots 13-14 on page 59.
- Property description of item 21 varies on pages 11 and 80. Item is described as part lot on page 11 however entire lot is proposed to be mapped on page 80.
- Property description of item 22 varies on pages 11 and 83. Item is described as part lots on page 11 and entire lots on page 83.
- Property description of item 28 varies on pages 11 and 103. Item is described as part Lot 3 on page 11 and not part on page 103.
- Address and property description of item 29 varies on pages 12 and 106. Item is listed as two different addresses and property descriptions. Page 106 should be updated to reflect details on page 12 for this item.

- Property description of item 33 varies on pages 12 and 123. Page 12 includes a Lot/DP in property description that is not included on page 123.

An additional heritage item is proposed in the planning proposal (item I34 - Murray River Approach Bridge No. 3). However, the item has been crossed out indicating it is not being listed. It is recommended this be removed prior to exhibition to avoid confusion.

Several of the proposed listings are on Crown Land. It is recommended that DPHI - Crown Lands be consulted during the public exhibition period. This will form a condition of Gateway determination.

1.3.3 Mapping amendments

Item 6 of the planning proposal requires additional information to support the proposed rezoning and reduction of minimum lot size for the subject land. The proposed amendment is to rezone Lots 1 & 2, Section 38, DP 758048 from RU1 Primary Production to RU5 Village zone. It is understood from the planning proposal that the amendment has been included to better reflect the actual use of the land for a dwelling and small-scale light industrial business. However, given the proposal will create potential subdivision of land for approximately 30 additional lots, further justification regarding the proposed change is required to support the amendment including:

- The need and intended outcome of the amendment.
- Alternative mechanisms that Council considered in achieving the desired outcome.
- Assessment of the suitability of the site for the proposed zoning and MLS given the increased development opportunity afforded by the proposed change.

The clarification required for this amendment forms part of condition 1 of the Gateway determination.

The following maps are proposed to be amended:

Table 5 Proposed map amendments

Map	Proposed amendment
Land zoning maps <ul style="list-style-type: none"> • LZN_005B • LZN_005 	<ul style="list-style-type: none"> • Rezone Lots 1 & 2, Section 38, DP 758048 from RU1 Primary Production to RU5 Village zone. • Rezone Lots 4 & 5, DP 1122923, and Lots 45-49, DP 751203 from C1 National Parks and Nature Reserves to RU1 Primary Production.
Minimum Lot Size maps <ul style="list-style-type: none"> • LSZ_005B 	<ul style="list-style-type: none"> • Reduce minimum lot size (MLS) of Lot 1 & 2, Section 30, DP 758048 from 40 hectares to 600 sqm.
Additional Permitted Use maps <ul style="list-style-type: none"> • APU_002B 	<ul style="list-style-type: none"> • Delete existing additional permitted uses map to reflect the fact that there are no corresponding listings within Schedule 1 of the LEP. Site was mapped in error during the development of the principle LEP.
Heritage maps: <ul style="list-style-type: none"> • HER_002B • HER_002C • HER_005 • HER_005C 	<ul style="list-style-type: none"> • Addition of local heritage items on various maps aligning with the proposed changes to Schedule 5 of the LEP. • Existing map sheet HER_002B is to be renamed HER_002C consistent with current map referencing numbers. • Creation of new map sheets HER_005 and HER_005C for mapping of the corresponding proposed changes to Schedule 5.

1.4 Site description and surrounding area

The proposal seeks to rezone lots 2, Section 38, DP758048 and addressed as 101-109 River Street, Balranald from RU1 Primary Production with a corresponding 40-hectare minimum lot size

to RU5 Village with a corresponding 600m² minimum lot size. It is noted that further communication received from Council on 27 November 2023, clarified that the subject land includes neighbouring lot 1, Section 38, DP 758048 which is mapped but not cited in the planning proposal. The planning proposal should be updated to reflect this prior to exhibition.



Figure 1 Subject land River Street, Balranald (source: planning proposal)

The proposal also seeks to rezone Lots 1-3, DP1124489 addressed as 539 Windomal Road, Balranald and Lots 4 & 5, DP1122923 and Lots 45-49, DP751203 addressed as Sturt Highway, Balranald from C1 National Parks and Nature Reserves to RU1 Primary Production. No change to the MLS is proposed.

This rezoning seeks to correct an anomaly on the land zoning map, which inadvertently mapped land outside of the gazetted boundaries of the Yanga National Park as C1. The correction of this anomaly will align with NSW National Parks and Wildlife Services mapping, as well as the NSW SEED Portal. The proposed rezoning seeks to establish the previous rural zoning that applied to the land before the gazettal of the current LEP. NPWS is recommended to be consulted prior to public exhibition and a condition of Gateway determination will be included to this affect.

The proposal also identifies that the land was acquired in 2010 as an addition to the Yanga National Park, but was later sold and excluded from the Park as it had lesser ecological value as it was being used for cropping.



Figure 2 Subject site Windomal Road, Balranald (source: planning proposal)

The proposal seeks to amend Lot 7300, DP1152749 and addressed as 2 Cowper Street, Euston, commonly known as the Euston Cemetery by removing it from the Natural Resources Sensitivity Map and Wetlands Map and the Riparian Land Map, Waterways Map and Groundwater Vulnerability Map in recognition of the limited environmental values this land presents.

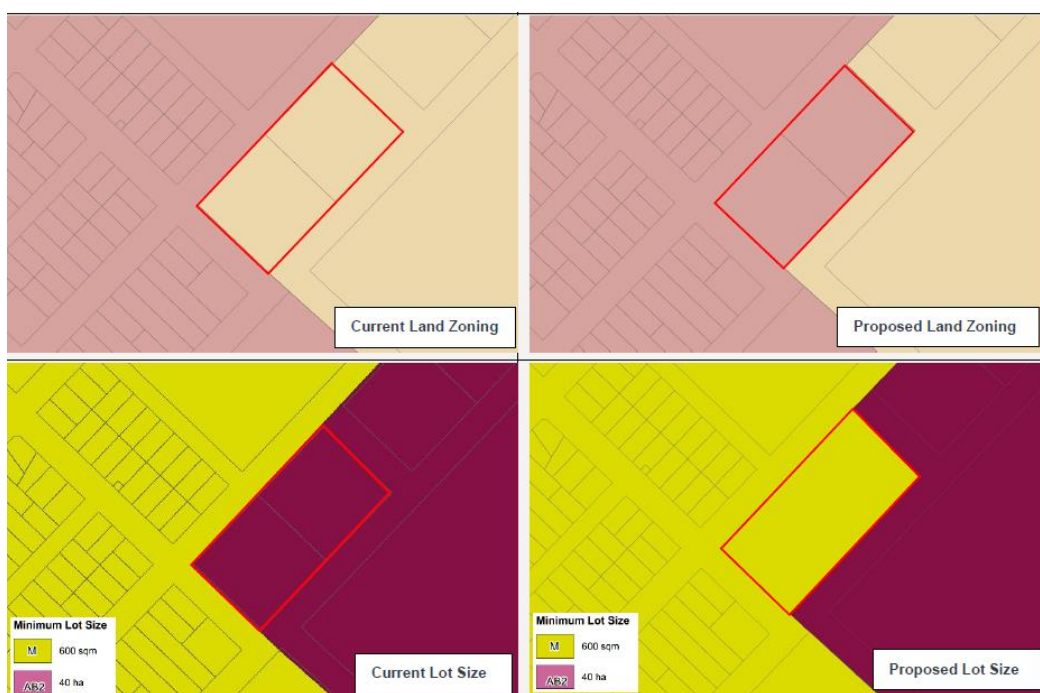
The subject site appears to contain some vegetation according to Nearmap, and is currently zoned RU3 Forestry. It is understood that Council has consulted with Biodiversity, Conservation and Science (BCS) prior to submitting this proposal for gateway determination and no concerns regarding this subject site were raised. For completeness, BCS should be consulted for any further comments on the proposal in its entirety.

**Figure 3 Subject site Cowper Street, Euston (source: planning proposal)**

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the various maps, which are suitable for community consultation. It is also proposed to remove the Additional Permitted Uses map (APU_002B) as there is no corresponding listings in Schedule 1 of the Balranald LEP at this time.

Some of the proposed mapping is included below for reference. The 31 proposed heritage sites to be mapped can be viewed in the planning proposal.



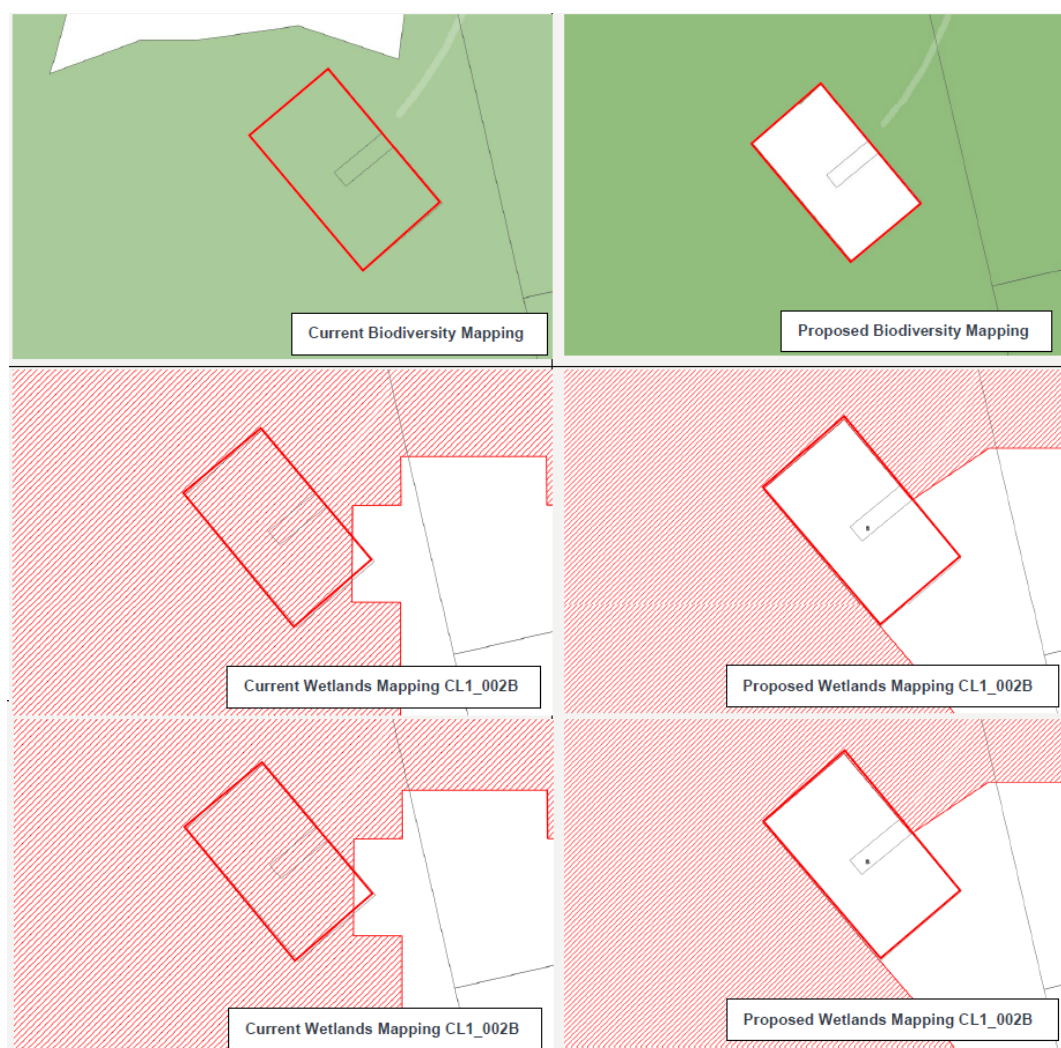


Figure 7 Current and proposed mapping relating to Euston Cemetery – NRB_002B and CL1_002B (source: planning proposal)

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 heritage amendments seek to implement recommendations from the Balranald Shire Community Heritage Study in amending existing listings and inclusion of new listings in Schedule 5 of the Balranald LEP.
- The proposed rezoning and change of MLS seek to ensure that the existing use and purpose of the lands is reflected accurately.
- The proposed new boundary adjustment clause seeks to provide flexibility in the minimum lot size requirements between certain rural zones, to support existing productive agricultural operations.
- The proposed amendments to biodiversity, riparian and waterway mapping seek to better reflect the environmental values of the land and ensure important ecological lands are protected. Council identified several anomalies where developed land that contained no environmental features were included in the mapping. Conversely, Council noted instances of environmentally sensitive land that was not currently mapped and protected in the LEP.
- It is noted that in consultation with BCS, Council removed from the planning proposal other proposed map changes that were of a larger scale that will be considered as part of a larger project and potential biodiversity strategy.

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

The proposed amendments to the Balranald LEP require a planning proposal and it is agreed that this housekeeping proposal is the best means of achieving the objectives of this planning proposal.

It is noted that an alternative option to the proposed new clause would be the granting of a Clause 4.6 variation(s), however given the potentially large variations that could result from minor boundary adjustments, this option is not considered the best means of achieving the desired outcomes.

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 (FWRP) 2036 and draft Far West Regional Plan 2041. It is noted that the draft Far West Regional Plan 2041 is not yet finalised.

Table 6 Regional Plans assessment

Regional Plan Objectives	Justification
FWRP 2036: Direction 2 – Protect productive agricultural land and plan for greater land use compatibility Draft FWRP 2041: Objective 12 – Protect rural and mining industries	The proposed amendments are considered largely consistent as it intends to protect productive agricultural land and avoid land use conflict. It is noted that the new clause proposed will allow for flexibility in the adjustment of boundaries in rural zones. The clause will not allow for the construction of any new dwellings within rural areas and therefore avoids land use conflict.
FWRP 2036 Direction 13 – Protect and manage environmental assets Draft FWRP 2041: Objective 1 – Protect, connection, and enhance biodiversity throughout the region	The proposal is considered consistent as it seeks to better reflect the environmental values and features of the land both where areas of significance are not currently mapped, and development areas incorrectly mapped.
FWRP 2036: Direction 18 – Respect and protect Aboriginal cultural heritage assets Direction 19 – Conserve and adaptively re-use European heritage assets Draft FWRP 2041: Objective 2 – Protect and enhance culture and heritage	The proposal is considered consistent as it seeks to protect and promote areas of heritage and Aboriginal Cultural significance that were recommended as part of the Balranald Shire Community Heritage Study.

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 7 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The proposed amendments are considered consistent with actions outlined in Council's LSPS for the following reasons:</p> <ul style="list-style-type: none"> • amendment of the relevant biodiversity and waterway maps will enable better reflection the environmental values of the land and processing of development applications. • amendment of Schedule 5 and the associated mapping aims to include heritage items. Completion of the Balranald Shire Community Heritage Study and associated amendments is also an action identified in the LSPS. • provides flexibility in minimum lot size requirements between rural zones supporting existing productive agricultural operations.
Balranald Shire Community Heritage Study	The proposed amendments are considered consistent with this study as they will implement recommendations put forward by the study.

3.3 Section 9.1 Ministerial Directions

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

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent or Inconsistent	Reasons
1.1 Implementation of Regional Plans	Consistent	The proposal is considered consistent with this direction. Further assessment against the relevant Regional Plans can be found in Section 3.1 of this report.
1.3 Approval and Referral Requirements	Consistent	The proposed amendments are considered consistent with this direction as it does not propose referral or concurrence requirements.
3.1 Conservation zones	Inconsistent, of minor significance	As the proposal seeks to rezone certain land from C1 to RU1 and remove site specific coverage of biodiversity protection mapping, it is technically inconsistent with Direction 3.1. However, given the amendments are sought to correct mapping anomalies and reflect on-ground conditions (as discussed within this report), the inconsistencies with this direction are of minor significance, The Balranald LEP will continue to include provisions which facilitate the protection and conservation of environmentally sensitive areas.
3.2 Heritage Conservation	Consistent	The proposal is considered consistent with this direction as it contains provisions to conserve heritage and culturally significant sites/items.
4.3 Planning for Bushfire Protection	Inconsistent, consultation required	Subject land on River Road that is proposed to be rezoned with a reduced MLS is partially mapped as bushfire prone land. To satisfy this direction, consultation with Rural Fire Service is required. A condition of the Gateway determination will be included to that affect.

Directions	Consistent or Inconsistent	Reasons
4.4 Remediation of Contaminated Land	Inconsistent, further work required	This direction applies as the proposal includes the rezoning of a subject site from RU1 Primary Production to RU5 Village and reducing the MLS from 40 ha to 600 sqm. This proposed amendment will enable a change of land use and the opportunity for increased residential density. To satisfy consistency with this direction, Council is to obtain and have regard to a preliminary site contamination report. This should be undertaken prior to public exhibition and a condition of gateway will be included to this affect.
9.1 Rural Zones 9.2 Rural Lands	Inconsistent, of minor significance and consultation required	The proposed rezoning of a subject site from a rural zone to a residential zone is considered inconsistent with this direction. However, it is understood that the proposed rezoning is to reflect the current use of the land which include a residential dwelling and a small-scale light industrial business of which are permitted with consent in the proposed RU5 Village zone. The proposed amendment is considered inconsistent, of minor significance, however consultation with DPI – Agriculture is considered appropriate, and a condition of Gateway determination will be included to this affect.

3.4 State environmental planning policies (SEPPs)

The relevant SEPPs to the planning proposal have been assessed and discussed below.

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Reasons for Consistency or Inconsistency
Resilience and Hazards 2021 Chapter 4 Remediation of contaminated land	As outlined in Section 3.3, this SEPP applies as the proposal includes the rezoning of a subject site from RU1 Primary Production to RU5 Village and reducing the MLS from 40 ha to 600 sqm. This proposed amendment will enable a change of land use and the opportunity for increased residential density. To establish consistency with the aims of the SEPP, Council is to obtain and have regard to a preliminary site contamination report.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with relevant amendments outlined in the proposal.

Table 10 Environmental impact assessment

Proposed amendments	Assessment
---------------------	------------

Rezone and reduce MLS of 101-109 River Street	The subject land is already developed for the purposes of a residential dwelling and associated light industrial business. It does contain a number of scattered remnant native trees. The intent of the planning proposal (subject to Council clarification as part of condition 1 of the Gateway determination) is to not facilitate the further development of the land, but rather better reflect its current day use, which is not expected to adversely affect threatened species or their habitats.
Rezone land from C1 National Park and Nature Reserves to RU1 Primary Production	The land was acquired in 2010 as an addition to the Yanga National Park but was later sold and excluded from the park as it had lesser ecological value as it was being used for cropping.
Remove Euston Cemetery from relevant biodiversity, waterway mapping	This proposed amendment seeks to rectify existing anomalies in the mapping to better reflect the environmental values of land. There is limited environmental values on the subject site due to its current use as a cemetery. Removing this subject site from relevant biodiversity and waterway mapping does not change requirements under the <i>Biodiversity Conservation Act 2016</i> in relation to potential impacts on vegetation.

4.2 Social and economic

The proposed amendments are anticipated to have positive social and economic impacts by reflecting existing use, heritage significance, and/or the environmental values on the subject land.

In specific regards to the proposed rezoning of subject land from C1 National Park and Nature Reserves to RU1 Primary Production, this is anticipated to have a positive economic impact by recognising continued and ongoing agricultural use of the land.

4.3 Infrastructure

The proposed amendments to Schedule 5 of the Balranald LEP, and changes to biodiversity, riparian and waterway mapping will not result in additional demand for public infrastructure.

The proposal also states that the proposed rezonings will not result or alter existing infrastructure arrangements. It is noted that the proposed rezoning and reduction of MLS on the subject land 101-109 River Street may enable increase density and development and impacts to existing servicing and infrastructure provision. Condition 1 of the Gateway determination seeks clarification on the intent of this site. If the intent is to intensify the site, the revised planning proposal is required to include details around serviceability.

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days. The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

5.2 Agencies

Council has nominated the following public agencies to be consulted about the planning proposal:

- National Parks and Wildlife Services
- Biodiversity Conservation Science
- Heritage NSW
- Department of Primary Industries

- Civil Aviation Services Authority
- Transport for NSW
- NSW Rural Fire Service
- Water NSW

It is recommended that only the following NSW agencies are consulted with and given 30 working days to comment on the planning proposal:

- Department of Primary Industry – Agriculture
- Department of Planning, Housing and Environment - Crown Land
- Department of Climate Change, Energy, the Environment and Water – NPWS
- Department of Climate Change, Energy, the Environment and Water - Biodiversity, Conservation and Science Division
- NSW Rural Fire Service.

6 Timeframe

Council proposes a 7 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a principal.

The Department recommends an LEP completion timeframe of 12 months in line with its commitment to reducing processing times and with regard to the benchmark timeframes. 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.

As the planning proposal is categorised as principal and requires significant agency consultation, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions outlined in this report. Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Correct errors identified in this report relating to Schedule 5 Heritage items.
- Reflect all lots proposed to be rezoned at 101-109 River Street and provide additional justification for inclusion of this site in the planning proposal, including a preliminary site contamination report.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Direction 3.1 Conservation Zones is of minor significance and
- Note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated Land, 9.1 Rural Zones and 9.2 Rural Lands is unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
 - (a) Insert the correct lot/DP for Item 6 of the planning proposal.
 - (b) The intent of Item 6 in the planning proposal is not clear. To retain this item in the planning proposal the following justification and clarification is required:
 - The need and intended outcome of the amendment.
 - Alternative mechanisms that Council considered in achieving the desired outcome.
 - Assessment of the suitability of the site for the proposed zoning and minimum lot size given the increased development opportunity provided by the proposed change. This assessment includes the undertaking of a preliminary site contamination report.
 - (c) Inconsistent references to heritage item 3, Fish traps, on pages 11 and 92 of the planning proposal are to be updated to reflect the proposed changes identified on page 92 of the planning proposal.
 - (d) The property description of the following heritage Items is to be corrected as described in detail on page 5 of the Gateway determination Report:
 - Items 13, 15, 21, 22, 28, 29 and 33.
 - (e) The proposed heritage item (item I34 -Murray River Approach Bridge No. 3) is to be removed to avoid confusion.
2. Consultation is required with the following public authorities:
 - Department of Primary Industry – Agriculture
 - Department of Planning, Housing and Infrastructure - Crown Land
 - Department of Climate Change, Energy, the Environment and Water – NPWS
 - Department of Climate Change, Energy, the Environment and Water - Biodiversity, Conservation and Science Division
 - NSW Rural Fire Service
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

The timeframe for the LEP to be completed is on or before 12 January 2025.



22/12/2023

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15/01/2024

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