



IRF24/65

Gateway determination report – PP-2023-2559

Rezone land and amend minimum lot size at Part Lot 1 DP
1300239, Corbett Avenue, Buronga.

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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
Wentworth Local Strategic Planning Statement
Buronga Gol Gol Structure plan
PP-2023-2559 – Planning proposal
PP-2023-2559 – Council report and resolution
PP-2023-2559 – Council assessment report

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Wentworth
PPA	Wentworth Shire Council
NAME	Rezone land and amend lot size at Part Lot 1 DP 1300239, Corbett Avenue, Buronga.
NUMBER	PP-2023-2559
LEP TO BE AMENDED	Wentworth Local Environmental Plan 2011
ADDRESS	Corbett Avenue, Buronga
DESCRIPTION	Part Lot 1 DP 1300239*
RECEIVED	15/01/2024
FILE NO.	IRF24/65
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

*Further advice received from Council on 23 January 2023 noted that since the lodgement of the proposal, the subject land has been subject to a boundary adjustment, resulting in new lot details for the two lots identified in the planning proposal. The planning proposal is recommended to be updated to reflect the new lot details and a gateway condition will be included. **This report reflects the new lot details noting the conflict with the current planning proposal details.**

1.2 Objectives of planning proposal

The objectives of this amendment are to provide additional industrial land to meet the rising demand for general industrial zoned land in the area and offer an alternative location for industrial expansion.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Wentworth LEP 2011 by rezoning the subject land from RU5 Village Zone to E4 General Industrial Zone and amend the minimum lot size (MLS) provisions from no MLS to 1000m² on the subject land.

The proposal only applies to the LEP maps and will require an amendment of the digital land zone mapping and the LSZ_004F LEP map.

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

Lot 1 DP 1300239 is partially situated in the Buronga Industrial Estate. The portion of the lot proposed for rezoning (refer to Figure 1) is currently zoned RU5 Village but has not been

developed for village uses. It is currently utilised for horticultural activities and has no native vegetation.



Figure 1 Subject site outlined orange (source: eplanning spatial viewer)

To the north of the subject land lies the Buronga Industrial Estate and both existing and planned residential development lies south. The eastern side of the subject land is currently used for horticultural activities (Figure 2).



Figure 2 Site context (source: planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the relevant zoning (digital) and lot size (LSZ_004F) maps. It is noted the maps provided in the planning proposal are

of a scale that is difficult to interpret and do not reflect the changes made as part of the employment lands reforms (ie. new employment zones replaced industrial and commercial zones). It is recommended that a condition be included in the Gateway determination that these maps be updated to a more appropriate scale and reflect the correct employment zones prior to community consultation.

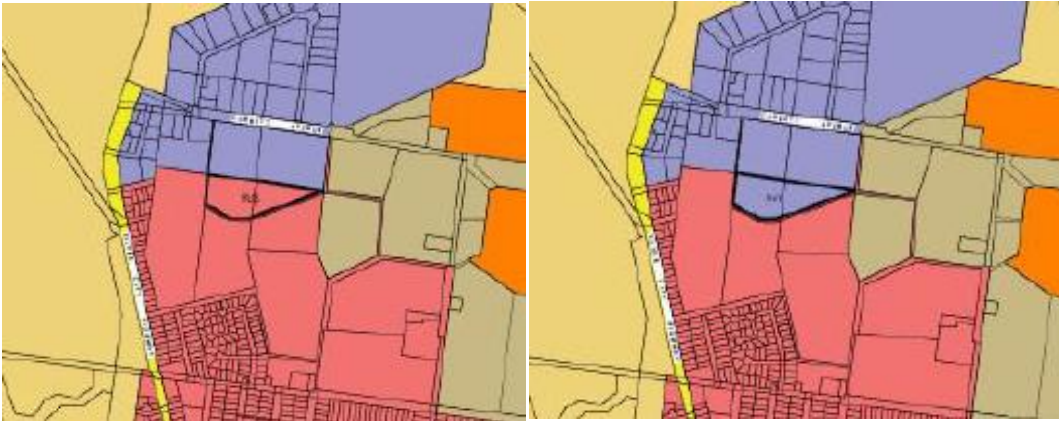


Figure 3 Current (left) and proposed (right) zoning map

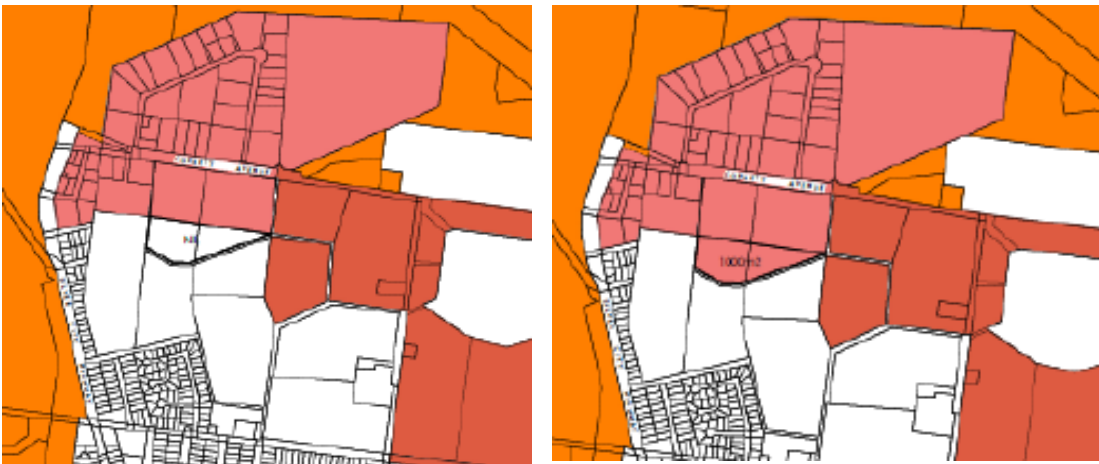


Figure 8 Current and proposed minimum lot size map

2 Need for the planning proposal

The planning proposal is partly but not wholly a result of the Buronga Gol Gol Structure Plan (BGGSP). Focused on short-term industrial land provision, particularly Recommendation 13 of the BGGSP, the proposal aims to address challenges arising from discrepancies in the anticipated commencement staging of future industrial land. Council has advised this misalignment is attributed to the growing demand for industrial land and obstacles in rezoning other identified lands.

In 2020, when the BGGSP was prepared, Council's preference was that "industrial land use should be concentrated to the northern end of Buronga with extension possibilities to the north of the existing industrial area". However, it noted that 25ha of the 33ha available undeveloped zoned industrial land had recently been planted to citrus with the landowner not intending to redevelop in the short to medium term. To address this expected delay in developing industrial land, Council identified an additional 16ha parcel of land adjoining the existing industrial area to the east as having potential to be rezoned for additional industrial development. With this additional land, Council was confident the amount of available industrial land would satisfy any long term supply in Buronga Gol Gol (see Figure 4).

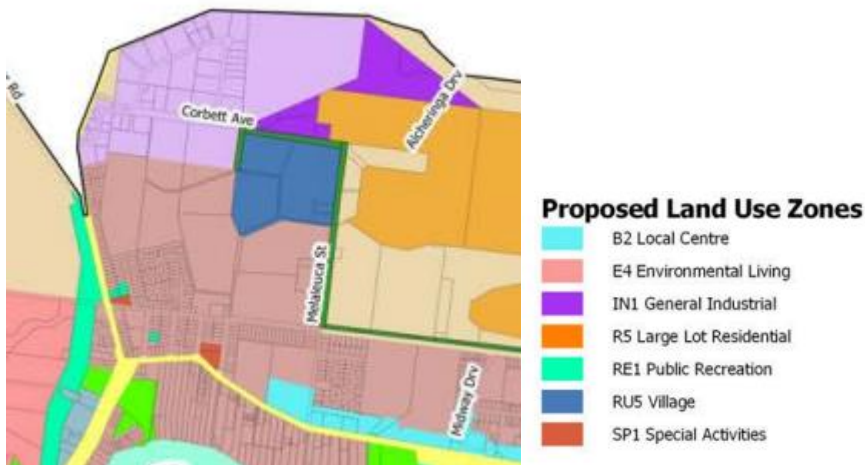


Figure 4 Extract Buronga Gol Gol Structure Plan proposed land uses

It's worth noting that the future industrial expansion area identified in the BGGSP (see Figure 5) faces environmental and cultural constraints, including Crown Land and Native Title implications. Moreover, the replanting of a significant portion of currently E3 zoned employment land with horticultural crops in the last 5 years has reduced the availability of employment-zoned land in the industrial estate.



Figure 5 Extract Buronga Gol Gol Structure Plan – Recommendation area 13

Figure 6 shows an extract of the BGGSP staging and release plan. The subject land was identified as future residential land that would not be required until 2036-2041 and the proposed industrial expansion area was identified for release around 2028-2032.

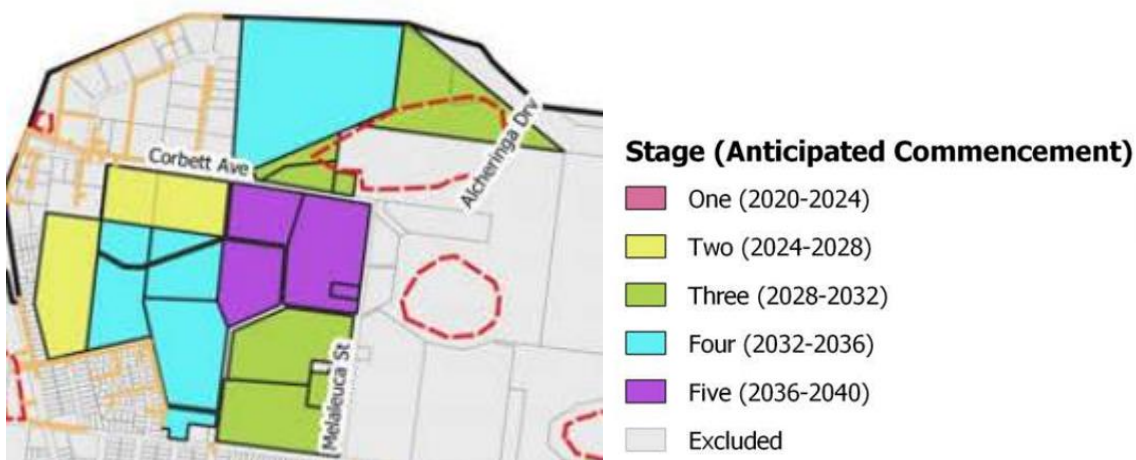


Figure 6 Extract Buronga Gol Gol Structure Plan staging plan

While the proposed amendment may show some inconsistency with the BGGSP, the significance is deemed minor. The reasons include the changing dynamics of demand for industrial land, specific impediments on identified future development lands, and the subject site's unique suitability for short-term employment land provision.

Despite these challenges, the planning proposal is the most appropriate solution for the short-term provision of industrial land in the area. This is based on various factors, including the subject site's favourable attributes such as connectivity with existing industrial land, efficient servicing, and minimal land use conflict. The proposal aligns with the BGGSP's overarching objective of rezoning lands to meet evolving needs.

This situation underscores the ongoing validity of the BGGSP and emphasizes the need for its review and update to align with the evolving needs and challenges of development in Buronga Gol Gol. The proposed amendment serves as a pragmatic response to current demands while pointing towards the necessity of continuous planning adjustments to maintain the plan's relevance and effectiveness.

3 Strategic assessment

3.1 Regional Plan(s)

The Far West Regional Plan 2036 applies to the proposal, however the new Far West Regional Plan 2041 (not yet released) could also be considered, given the plan was publicly exhibited.

The proposed amendment is potentially inconsistent with the regional plans by intending to remove residential zoned land, but this inconsistency is deemed minor in significance due to the availability of alternative residential lands and the ongoing expansion of residential areas in the vicinity.

Additionally, the amendments are consistent with other relevant objectives of both plans by fostering industrial growth, improving efficiency, and maximizing transport-related opportunities, in accordance with broader prosperity goals.

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 3 Local strategic planning assessment

Local Strategies	Justification
Wentworth Local Strategic Planning Statement (LSPS)	The proposed amendment is considered consistent with Council's LSPS, in addressing Planning Priority 4 for efficient transport networks and Planning Priority 6 for sustainable settlements. It aims to expand employment lands. The proposal adheres to the Primary Settlement Areas Strategy, keeping new urban development within the settlement boundary. Additionally, it supports the LSPS vision of leveraging rural, industrial, and residential strengths for economic growth.
Buronga Gol Gol Structure Plan (BGGSP)	As discussed in Section 2 of this report, the proposal is considered inconsistent with the principles of the BGGSP, although this inconsistency is considered justifiable.

3.3 Section 9.1 Ministerial Directions

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

Table 4 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons
1.1 Implementation of Regional Plans	Inconsistent, of minor significance	As discussed in Section 3.1, the proposed amendment is considered inconsistent with housing related objectives of the relevant regional plans, however this is considered minor. The proposed amendment is considered consistent with other relevant objectives of the regional plans.
4.4 Remediation of Contaminated Land	Consistent	A preliminary site assessment has been conducted on the subject site that will be considered at development application stage. No further work required.
5.1 Integrating Land Use and Transport	Consistent	Council has advised that the subject site is located on a connector road and has access to services and infrastructure. Any impact on transport infrastructure as a result of the increased development potential is considered minor and consistent with the Direction.
6.1 Residential Zones	Inconsistent, of minor significance	The proposed amendment will decrease the existing supply of residential land in the RU5 Village zone by changing the subject land's zoning from residential to industrial. This inconsistency with the direction is of minor significance due to other available residential lands and the ongoing expansion of residential land in the vicinity. No further work required as part of this direction.
7.1 Employment Zones	Consistent	The proposal is consistent with the objectives of this direction to encourage employment growth in suitable locations.

3.4 State environmental planning policies (SEPPs)

The assessment of the planning proposal with relevant SEPPs are discussed in the table below.

Table 5 Assessment of planning proposal against relevant SEPPs

SEPPs	Reasons
Biodiversity and Conservation 2021	As identified in Section 1.4 of this report, the subject land is largely devoid of native vegetation, containing largely planted horticultural crop and ornamental non-native vegetation. The subject land is also not considered potential or core koala habitat and is not riverine land. No further work is required in relation to this SEPP.
Resilience and Hazards 2021	The subject land is currently used for horticultural purposes and is zoned village. A preliminary site contamination investigation has been obtained and will be considered during development application stage.
Transport and Infrastructure 2021	Council has advised the subject site is located on a connector road and has access to services and infrastructure. As identified in the above section, any potential impacts to existing transport infrastructure will be considered as part of the development application process.

4 Site-specific assessment

4.1 Infrastructure

As identified in Sections 3.3 and 3.4 of this report, Council has advised there are adequate services and infrastructure that can be provided to support the proposed development. Council also noted in its assessment that industrial land to the north has a subdivision approval with services being designed to incorporate the proposed future industrial subdivision of the subject land.

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 states that the gateway determination will provide advice on which agencies should be consulted. Agency consultation is not recommended for the proposal.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP. It is noted that since the Department received this planning proposal, Council has experienced a reduction in resources within its planning department and it may be appropriate to provide additional time to recognise this constraint.

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

The Department recommends a completion date of 3 December 2024 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 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:

- Agree that the inconsistency with section 9.1 Direction 1.1 Implementation of Regional Plans, and 6.1 Residential Zones is minor or justified.

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 prior to public exhibition to:
 - reflect the recently changed land title information affecting the subject land, and
 - include accurate mapping that reflects a better map scale and the 2023 change of industrial zones to employment zones.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise Council to be the local plan-making authority and that an LEP completion date of 3 December 2024 be included on the Gateway.

The timeframe for the LEP to be completed on or before 3 December 2024



18 February 2024

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