



IRF23/1036

Gateway determination report – PP-2023-848

Amendment to Wentworth Local Environmental Plan 2011 by rezoning land from RU5 Village to E1 Local Centre and SP2 Infrastructure to establish Buronga Gol Gol Commercial Precinct

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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
PP-2023-848 Planning Proposal – Rezone RU5 to E1 and SP2
PP-2023-848 Council report and minutes
Buronga Gol Gol Structure Plan 2020

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Wentworth	
PPA	Wentworth Shire Council	
NAME	Amendment to Wentworth Local Environmental Plan 2011 by rezoning land from RU5 Village to E1 Local Centre and SP2 Infrastructure to establish Buronga Gol Gol Commercial Precinct	
NUMBER	PP-2023-848	
LEP TO BE AMENDED	Wentworth LEP 2011 (WLEP 2011)	
ADDRESS	From 65 Hendy Road to 7386 Sturt Highway Gol Gol	
DESCRIPTION	Part Lot 2 DP 1222570 Lot 6 DP 1029509 Lot 5 DP 1029509 Lot 2 DP 870633 Lot 1 DP 1213735 Part Lot 2 DP 1213735 Part Lot 125 DP 7569646	Lot 1 DP 873390 Lot 2 DP 873390 Part Lot 1 DP 1092845 Lot 11 DP 877693 Lot 1 DP 848480 Part Lot 27 DP 1243078
RECEIVED	24/04/2023	
FILE NO.	IRF23/1036	
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 objective of the planning proposal is to amend the Wentworth Local Environmental Plan 2011 (WLEP 2011) by rezoning RU5 Village zone to E1 Local Centre and SP2 Infrastructure- water supply systems from 65 Hendy Road, Buronga, to 7386 Sturt Highway, Gol Gol. It is noted that 7386 Sturt Highway is not intended to be rezoned and it is recommended the planning proposal be amended to reflect the intended extent of 65 Hendy Road, Buronga to 7388 Sturt Highway, Gol Gol (inclusive).

It is also noted only part of Lot 1 DP 1092845 is intended to be rezoned to zone E1 and the proposal should also be updated to reflect this.

The rezoning intends to give effect to recommendation 7 of the Buronga Gol Gol Structure Plan (BGGSP) in rezoning land for the establishment of Buronga Gol Gol's first formalised retail and business commercial precinct. Lot 1 DP 848480 is to be rezoned to SP2 Infrastructure (water supply system) to reflect its current and future use by Council for water infrastructure. The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

To facilitate the amendments proposed will require a map only amendment to the land zoning map (LZN_004F) in the WLEP 2011. The proposal is to rezone the land only and there will be no other changes to the provisions of the WLEP 2011.

The proposal will result in lots that have split zones and as there will be no MLS applicable future subdivision can proceed. There will be no need to amend clause 4.1B - Minimum subdivision lot sizes for certain zones of the WLEP 2011.

The planning proposal contains an explanation of provisions on page 10 that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject land is located approximately 9 kilometres northeast from Mildura, Victoria across the Murray River. Extending from 65 Hendy Road, Buronga to 7388 Sturt Highway, Gol Gol (inclusive) the subject land is located adjacent to existing and emerging residential development to the north, west and east.

South of the subject land is the Carramar Drive Sporting Complex comprising of a sports oval, cricket pitches, tennis courts and associated buildings. The southern end of the sporting complex has a natural parkland with established walking/cycling tracks and is adjacent to the Murray River.

The subject land has an emerging 'village style' commercial precinct that has been established during the last few years, especially surrounding the Wentworth Shire Council (WSC) Midway Centre.

Development in the subject land includes a supermarket and speciality shops, service station, state agency offices and associated car parking, and two dwellings with associated buildings as shown in Figure 1. Dwellings are permitted with consent in the proposed zone; however, the proposed amendments may result in non-conforming land uses. Current land uses that are not permissible in the proposed E1 zone will continue to have permissibility as 'existing uses' as defined in division 4.11 of the Environmental Planning and Assessment Act 1979. The proposed rezoning will formalise the employment nature of the area rather than the flexible RU5 Village zone. Part of the subject land is currently mapped as urban release area (URA) in the WLEP. The following subject lots are affected as shown in Figure 2:

- Part Lot 1 DP1213735
- Lot 2 DP1213735
- Lot 125 DP756946
- Lot 27 DP1243078

Any future development on these sites will be subject to considerations under Part 6 of the WLEP as part of the development assessment stage.



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

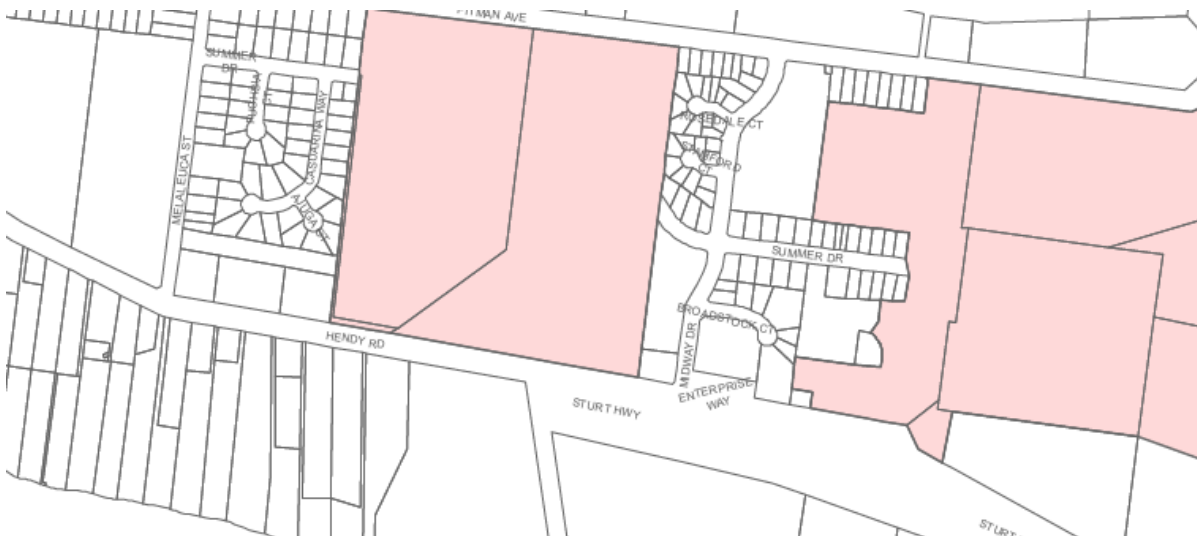


Figure 2 Urban Release Map URA 004F

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning map LZN_004F only, which are suitable for community consultation.

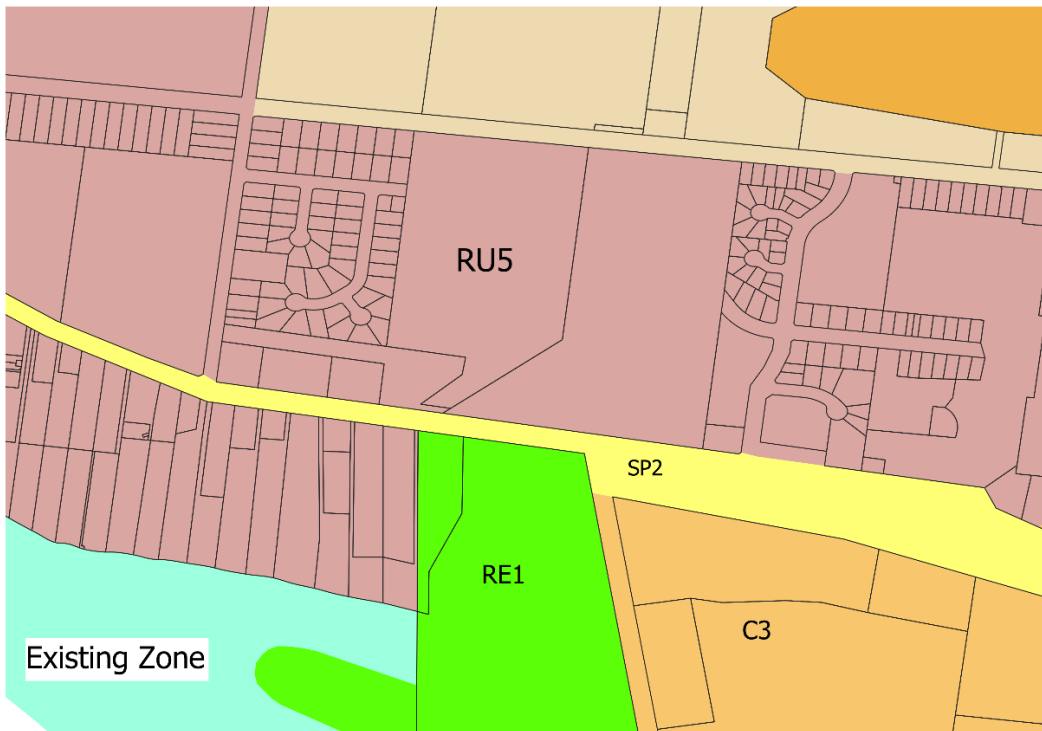


Figure 2 Current zoning map

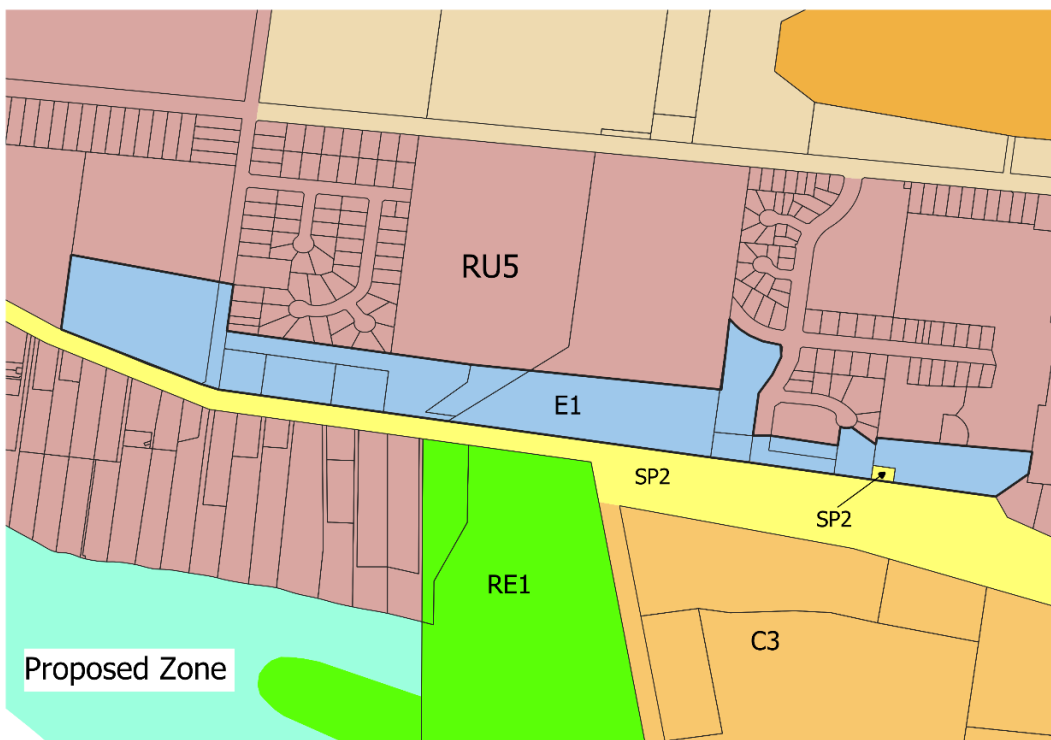


Figure 4 Proposed zoning map

2 Need for the planning proposal

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

The subject land was identified in the Buronga Gol Gol Structure Plan 2020 (BGGSP) and was endorsed by the Department of Planning and Environment in November 2021. Further strategic assessment against the BGGSP is outlined in Section 3.2 of this report.

Council resolved to support the planning proposal at a Council meeting held on 19 April 2023.

The planning proposal is to facilitate the creation of a formal commercial precinct to provide a boost to the local economy for start-up businesses such as cafes, restaurants, boutique shops and miscellaneous stores.

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

The planning proposal is the best mechanism to achieve Council's intended objective as discussed in Sections 1.2 and 1.3 above. The rezoning will ensure the subject land is protected and reserved for commercial development and therefore centralise and consolidate commercial activities in Buronga Gol Gol. It is noted that existing land uses that are not permissible in the proposed E1 Local Centre zone will continue with existing use rights.

It is to be noted that employment uses will still be permitted in the surrounding flexible RU5 Village zone.

3 Strategic assessment

3.1 Regional Plan

The planning proposal provides assessment against relevant aspects of the Far West Regional Plan 2036 (Table 3). It is noted that the Far West Regional Plan 2041 remains in draft form pending approval at the time this planning proposal was developed and lodged. Assessment against relevant aspects of the draft Far West Regional Plan 2041 is outlined in Table 4.

Table 3 Regional Plan 2036 assessment

Far West Regional Plan 2036 Objectives	Justification
Direction 12: Enhance the productivity of employment lands	The planning proposal aims to protect and reserve land for commercial development and therefore centralise and consolidate commercial activities in Buronga Gol Gol. The proposed amendments are consistent with this objective.
Direction 20: Manage change in settlements	The planning proposal aims to protect a centrally located area of land for commercial purposes to provide services and employment to current and future residents. As retail services and employment opportunities grow, it is anticipated that the reliance on travelling into Mildura services will decrease. The proposed amendments are consistent with this objective.
Direction 21: Strengthen communities of interest and cross-regional relationships	<p>This objective outlines the importance of cross-border relationships for supply of land and housing in the Wentworth/Mildura area. People continue to move between settlements in these communities, with Mildura dominating service options such as retail and commercial.</p> <p>The planning proposal outlines the rezoning will enable job creation and retention in the local community and decrease the reliance on travel to Mildura for services. The proposed amendments are consistent with this objective.</p>

Table 4 Draft Regional Plan 2041 assessment

Draft Far West Regional Plan 2041 Objectives	Justification
Objective 10: Plan for connected cross-border communities	<p>This objective outlines the importance of cross-border relationships for supply of employment lands and housing in the Wentworth/Mildura area. People continue to move between settlements in these communities, with Mildura dominating service options such as retail and commercial.</p> <p>The proposed amendments are consistent with this objective.</p>
Objective 14: Protect and leverage transport routes and infrastructure	<p>This objective outlines in the importance of transport routes such including main streets like Buronga Gol Gol. The effectiveness of these corridors needs to be protected and opportunities provided for local businesses to leverage the corridors.</p> <p>The planning proposal aims to protect a centrally located area for commercial purposes will leverage its position on a main freight corridor. The proposed amendments are consistent with this objective.</p>

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
Wentworth Local Strategic Planning Statement 2020	<p>The planning proposal aims to establish a commercial precinct for commercial development within the Midway Drive area and protect the land from being developed for purposes other than commercial.</p> <p>This is consistent with 'Planning Priority 6: Sustainable settlements for Buronga Gol Gol' of the Wentworth LSPS, specifically <i>iii. Support the development of the new local centre at Midway Drive by concentrating new commercial, retail, community and other non-residential development in the vicinity.</i></p>
Wentworth Community Strategic Plan 2022-32	<p>The planning proposal aims to ensure land use and development planning controls are responding to actual and anticipated growth and subsequent development by suitably zoning land for the provision of services.</p> <p>This is consistent with the objectives of the Wentworth Community Strategic Plan in achieving the vision of 'creating a thriving, attractive and welcoming community'.</p>

Buronga Gol Gol Structure Plan 2020

The subject land was identified in the Buronga Gol Gol Structure Plan 2020 (BGGSP) for rezoning to E1 Local Centre (formerly known as B2 Local Centre zoning). The rezoning is intended to establish a centralised and formal commercial precinct and encourage new commercial development to service the growing community of Buronga Gol Gol.

This planning proposal is consistent with the objective and recommendation 7 of the BGGSP.

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 Implementation of Regional Plans	Consistent	As discussed in Section 3.1 above.
1.3 Approval and Referral Requirements	Consistent	The planning proposal does not introduce provisions that require concurrence, consultation, or referral of applications to a Minister or public authority.
3.1 Conservation Zones	Consistent	<p>The planning proposal does not include any sites that are environmentally sensitive.</p> <p>An area to the southeast of the subject land is zoned C3 Environmental Management and will not be impacted by the proposed development facilitated by this planning proposal.</p>
3.2 Heritage Conservation	Consistent	There are no known items of heritage significance on or near the subject land.
3.5 Recreation Vehicle Areas	Consistent	The planning proposal does not enable subject land to be developed for the purpose of recreational vehicle use.

4.1 Flooding	Inconsistent	A small area of the site is mapped on Council's flood planning map. Council has advised the development of a flood study will commence in 2023. In the meantime, land use within the area below the flood planning area will be subject to clause 5.21 of WLEP 2011. Council should update the planning proposal to accurately represent the flood attributes of the land (ie a small area is affected by flood planning level meaning land adjoining the flood planning area within the site would be affected by larger floods) and to consider need for any additional controls (eg. inserting clause 5.22 Special Flood Considerations into WLEP 2011 if sensitive land uses may occur on the site).
4.4 Remediation of Contaminated Land	Inconsistent	Various sites within the subject land are currently used and/or have a history of horticultural purposes and are potentially contaminated. In terms of this Direction Council is to indicate it is satisfied that the land is suitable for the proposed land uses that will be permitted on site. Council is to undertake a preliminary contamination assessment prior to community consultation to satisfy the terms of this Direction on sites currently used for horticultural purposes.
5.1 Integrating Land Use and Transport	Consistent	The planning proposal is supported by the BGGSP that analysed the current layout of residential development, future development and shared pathways when determining the location of the commercial precinct. Council consulted with Transport for NSW (TfNSW) in the development and exhibition of the BGGSP and consultation with TFNSW is proposed as part of this planning proposal.
5.2 Reserving Land for Public Purposes	Consistent	The planning proposal does not seek to rezone or remove land that is currently used or reserved for public purposes.
6.1 Residential Zones	Consistent	The proposed E1 zone does not restrict residential development therefore the proposal is consistent with this direction.

6.2 Caravan Parks and Manufactured Estates	Inconsistent	<p>The current RU5 Village zone permits caravan parks and manufactured home estates with consent and rezoning the subject land to E1 Local Centre will result in these land uses being prohibited.</p> <p>The delegate of the Planning Secretary can be satisfied that the inconsistency is of minor significance as the majority of the Buronga Gol Gol area is zoned RU5 Village providing sufficient opportunities for caravan park and manufactured home estate developments.</p>
7.1 Business and Industrial Zones	Consistent	The planning proposal is consistent with this Direction. The precinct is identified within the BGGSP and is consistent with the strategy.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	To protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation	Yes	Subsequent development as a result of the planning proposal will be subject to a development application where this SEPP may be considered.
SEPP (Resilience and Hazards) 2021	This SEPP contains chapters relating to coastal management, hazardous and offensive development and remediation of land.	Yes	A site within the subject land is currently used for horticulture purposes and Council has advised that an initial contamination evaluation report should be prepared only when development is proposed for the site and will be assessed at the development approval stage. However a preliminary assessment is required at this stage to indicate that the land can be made suitable for the future land uses.

SEPP (Transport and Infrastructure) 2021	This SEPP aims to facilitate the effective delivery of infrastructure across the State.	Yes, consultation required	<p>Council has advised agencies were consulted on the BGGSP and provided a summary of their comments. Council also advised it is currently developing an Integrated Water Management Plan to plan for water in the subject land and wider Buronga Gol Gol area.</p> <p>Further consultation with Transport for NSW is required as the site fronts the Sturt Highway.</p>
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4 Site-specific assessment

4.1 Environmental

There are no known direct environmental impacts as a result of the proposed amendment. From the information provided, Council has advised the site is not inundated. Assessment of potential environmental impacts will be assessed at the development application stage.

4.2 Social and economic

The planning proposal will facilitate the creation of a commercial precinct to provide a boost to the local economy for start-up businesses such as cafes, restaurants, boutique shops and miscellaneous stores.

4.3 Infrastructure

Council has advised that work has commenced on the Integrated Water Management Plan to address and plan for water, sewer and stormwater infrastructure over the subject land and wider Buronga Gol Gol area.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days (20 working days). The exhibition period proposed is considered appropriate and forms to the conditions of the Gateway determination.

5.2 Agencies

Council has nominated Transport for NSW to be consulted about the planning proposal as the land has frontage to the Sturt Highway

6 Timeframe

Council proposes a 10 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also

includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

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.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal as this is a local planning matter that is consistent with the adopted BGGSP.

8 Assessment summary

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

- It is consistent with relevant local, regional and State legislation and policy
- It is not expected to result in adverse environmental, social, economic and infrastructure impacts.
- It is consistent with Council's Buronga Gol Gol Structure Plan and Local Strategic Planning Statement

Based on the assessment outlined in this report, the proposal must be updated before consultation to reflect:

- the intended extent of 65 Hendy Road, Buronga to 7388 Sturt Highway, Gol Gol (inclusive)
- only part of Lot 1 DP 1092845 is to be rezoned

9 Recommendation


It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 6.2 Caravan Parks and Manufactured Estates are minor or justified] and
- Note that the consistency with section 9.1 Directions 4.1 Flooding & 4.4 Remediation of contaminated land are unresolved and will require action.

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

1. The planning proposal be updated prior to public consultation to reflect:
 - clearly clarify the intended extent of the proposed rezoning being 65 Hendy Road, Buronga to 7388 Sturt Highway, Gol Gol (inclusive)
 - only part of Lot 1 DP 1092845 is to be rezoned
 - preliminary contamination assessment being undertaken
 - accurately represent the flood attributes of the land and to consider need for any additional controls
 - council is to advise of any existing development applications within the subject land that will be affected by the proposed amendments
2. Consultation is required with the following public authorities:
 - Transport for NSW

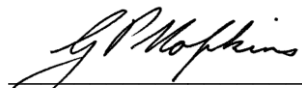
3. The planning proposal should be made available for community consultation for a minimum of 28 days (20 working days) and affected landholders are to be notified of proposed amendments and its effect on their land.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council is to be authorised to be the local plan-making authority.
6. No Public hearing is required.

 (Signature)

30/05/2023 (Date)

Wayne Garnsey

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15/06/2023 (Date)

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