



IRF24/1234

Gateway determination report – PP 2024-1044

Rezone land in 361 Oxley Highway (Lot 1 DP 1070081 and part Lot 2 DP 1070081), Gilgandra from RU1 Primary Production to E4 General Industrial.

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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
Attachment A - Planning proposal (May 2024), Gilgandra Shire Council
Attachment B - Council Report (21 November 2023), Gilgandra Shire Council
Attachment C - Gilgandra Industrial Land Supply and Demand Analysis (9 May 2024), MikeSvikisPlanning
Attachment D - Biodiversity Assessment Report (January 2024), Anderson Environment & Planning
Attachment E - Strategic Bushfire Study (5 December 2023), Australian Bushfire Protection Planners Pty Limited
Attachment F - Land Use Conflict Risk Assessment (23 April 2023), MikeSvikisPlanning
Attachment G - Preliminary Contamination Investigation (6 December 2023), Envirowest Consulting
Attachment H - Aboriginal Archaeological Technical Report (March 2024), OzArk Environment & Heritage
Attachment I - Traffic Impact Assessment (16 April 2024), Amber Organisation
Attachment J - Water and Sewer Servicing Report (20 May 2024), Wallace Design Group Pty Ltd

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Gilgandra
PPA	Gilgandra Shire Council
NAME	Rezone land at 361 Oxley Highway, Gilgandra from RU1 Primary Production to E4 General Industrial and amend the minimum lot size from 500 hectares to 5000 square metres.
NUMBER	PP-2024-1044
LEP TO BE AMENDED	Gilgandra Local Environmental Plan 2011
ADDRESS	361 Oxley Highway, Gilgandra
DESCRIPTION	Lot 1 DP 1070081 Part Lot 2 DP 1070081
RECEIVED	22/05/2024
FILE NO.	IRF24/1234
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
MAP ONLY/PCO ONLY/PCO & MAPS	Map only

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) and supporting material (**Attachments D-J**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Rezone land from RU1 Primary Production to E4 General Industrial;
- Amend the minimum lot size from 500 hectares to 5000 square metres; and
- Facilitate future industrial development on the site.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Gilgandra LEP 2011 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production	E4 General Industrial
Minimum lot size	RU1 - 500ha	E4 – 5000 m ²

The proposal seeks to rezone RU1 primary production land to E4 General Industrial, and amend the minimum lot size from 500ha to 5000 m² (nearby E4 zoned land with MLS 1ha).

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

To achieve the above, the following amendments are required:

Amending the NSW Planning Portal Digital EPI at Lot 1 and part Lot 2 DP 1070081 for:

- Gilgandra LEP 2011 Land Zoning Map (PDF Land Zoning Map - Sheet LZN_002A & Sheet LZN_002B) from RU1 Primary Production to E4 General Industrial.
- Gilgandra LEP 2011 Lot Size Map (PDF Lot Size Maps -Sheet LSZ_002A & Sheet LSZ_002B) from 500 ha MLS to 5000 m² MLS.

A 'map-only' amendment would not need to be drafted by the Parliamentary Counsel Office (PCO) prior to finalisation.

1.4 Site description and surrounding area

The subject site is located 5km west of the Gilgandra town centre (**Figure 1**).



Figure 1 Site context (source: Google Maps, accessed April 2024)

The subject site has an area of 52 hectares and is predominately comprised of open grassland with groups of vegetation clustered to the northern boundary, south-east corner of the site and south-west.

The subject land is bounded to the north and part of the east by partially developed residential land, heavily vegetated rural land bounds the remainder of the eastern boundary of the site. Gilgandra Shire Depot is located opposite the site on the northern side of the Oxley Highway on land zone R1 General Residential (See Figure 2 below for site context).

The southern area of the lot is the site of approved Gilgandra 1A Solar Farm (ITP Renewables). The 5MW solar farm covers 12ha of the site and is proposed to be accessed by Aralee Road which aligns with the eastern site boundary. The solar farm has an estimated lifespan of 35 years and is yet to be constructed.

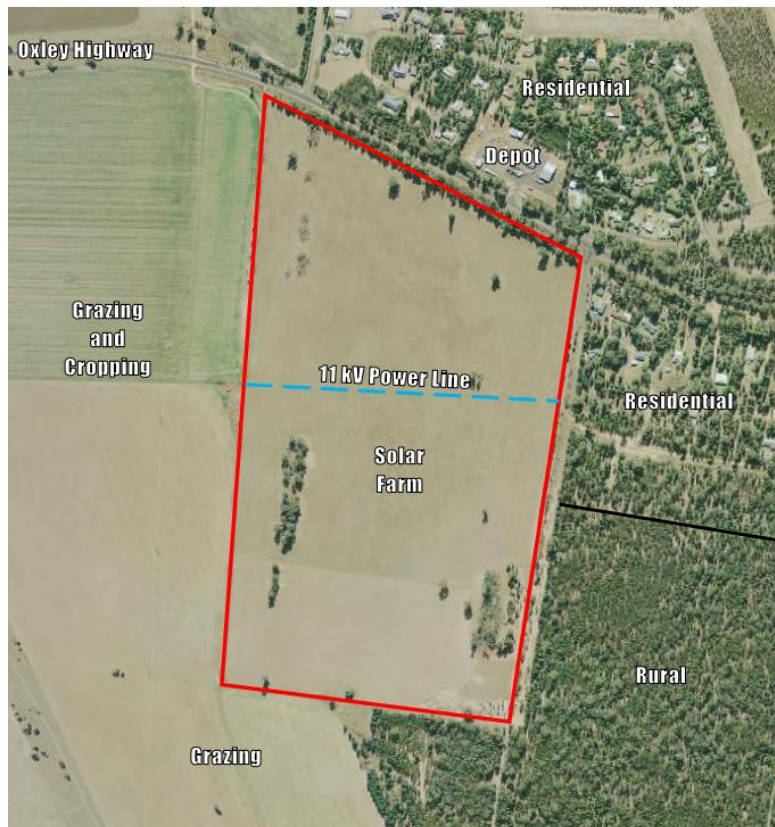


Figure 2 Subject site and context with surrounding areas (source: Land Use Risk Conflict Assessment (MikeSvikisPlanning April 2023))

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning and minimum lot size maps. However, they do not clearly identify the proposed zone and minimum lot size (colour and labels) using the LEP map series legend. It is recommended these maps are updated prior to public exhibition to appropriately show the existing and proposed zoning and minimum lot size.

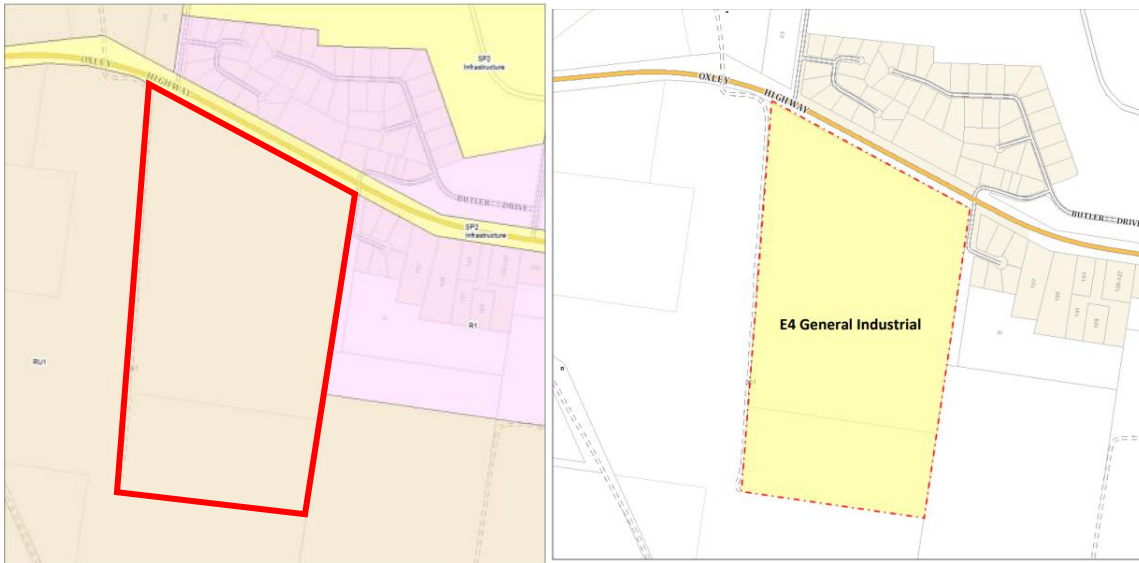


Figure 3 Current zoning map (left) and proposed zoning map (right) (Source: Planning Proposal)

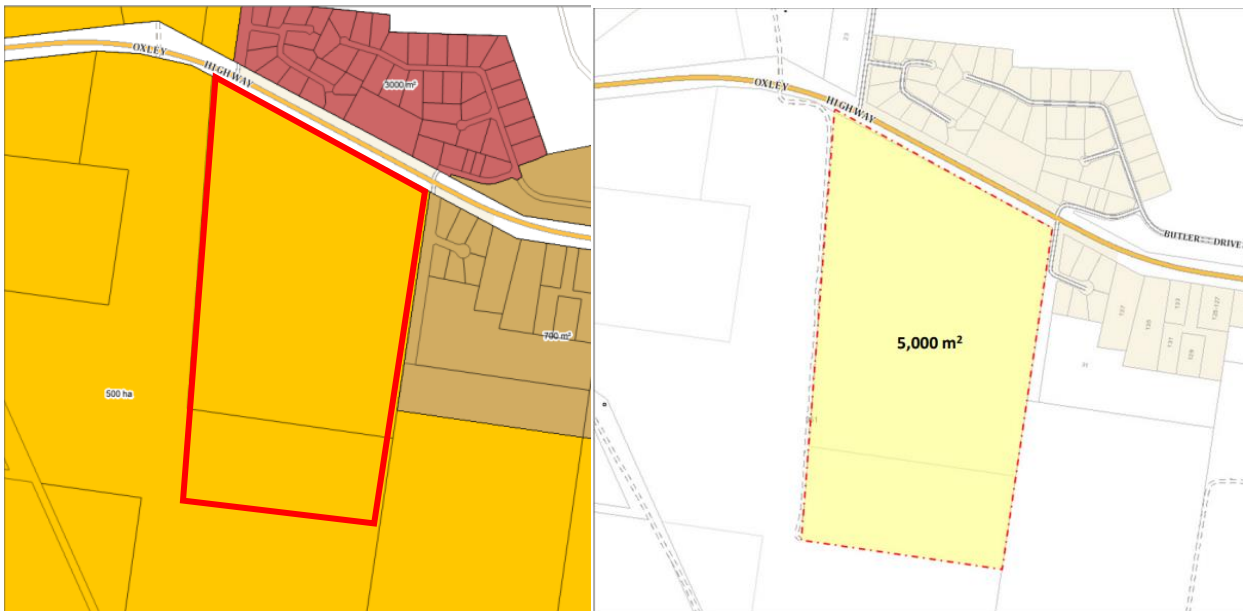


Figure 4 Current lot size map (left) and proposed lot size map (right) (source: Planning Proposal)

1.6 Background

The planning proposal recognises the need to expand the supply of industrial land in Gilgandra to secure an industrial estate that will enable new industry, industry diversification and retain local business.

The Western Council's Sub Regional Land Use Strategy (the Strategy) was prepared in 2009 and endorsed by the Department as the basis for the strategic direction of the Gilgandra LGA for the next 25 years. The site subject to the planning proposal is identified as Area 1 in the Strategy. The existing zoned industrial land on the Newell Highway (144ha) was also strategically identified in the Strategy (as Area 2) and subsequently zoned for industrial use in 2011. The Strategy recommended back zoning existing industrial zoned land where barriers limited future development.

The planning proposal is supported by an Industrial Land Supply and Demand Analysis (**Attachment C**) completed in May 2024. The analysis applies the assumption that industrial zoned land referred to as Area 2 in the Strategy (and Area 5 in the Supply and Demand Analysis) will not be developed in the short term due to landowner preferences. The analysis finds a shortfall supply of between 16ha and 31.5 ha over the next 20 years and states the current supply of industrial land is likely to be exhausted within five years.

The supporting studies accompanying the planning proposal detail a Concept Plan for a Stage 1 27 lot subdivision of the northern portion of the site, covering 18ha.

Council supported the proposal at its meeting on 21 November 2023, with the following resolution that Council:

1. *Staff prepare a planning proposal to Rezone RU1 Primary Production land for employment purposes to E4 General Industrial being Lot 1 DP 1070081 and part Lot 2 DP 1070081, Oxley Highway, Gilgandra.*
2. *Submit the planning proposal to the NSW Department of Planning and Environment seeking a “Gateway Determination”.*
3. *Exhibit the planning proposal and undertake government agency consultation based on the Gateway Determination issued by the NSW Department of Planning and Environment. The exhibition will include any required studies or supporting information.*
4. *Note that a further report will be brought back to Council for consideration following public exhibition of the planning proposal. This will include any submissions and any recommended changes to the planning proposal.*

2 Need for the planning proposal

The planning proposal cites the following actions outlined in the Gilgandra Local Strategic Planning Statement (LSPS) and states that the planning proposal is a direct response to the actions:

- THEME TWO—A diversified and prosperous economy
- Planning Priority 4—Industry diversification
- Planning Priority 5—Attract and retain business and industry

The planning proposal seeks to rezone land to accommodate industrial development and associated activities.

The planning proposal is the most suitable means of achieving the intended outcome; to meet the demand for a desired employment land product.

The planning proposal is accompanied by the necessary studies/investigations to support site suitability and presents a logical and economical expansion of industrial land in Gilgandra.

2.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Central West and Orana Regional Plan 2041.

Table 4 Regional Plan assessment – Central West and Orana Regional Plan 2041

Regional Plan Objectives	Justification
Objective 18 Leverage existing industries and employment areas and support new and innovative economic enterprises	Consistent – the proposal will enable future industrial development in a logical location where services are accessible to meet the demand. Rezoning to E4 will support rural industries and agribusiness.
Objective 20 Protect and leverage the existing and future road, rail and air transport networks and infrastructure	Consistent – The proposal related to sites adjacent to a classified road – Oxley Highway (State Road). Road and intersection upgrades are identified in the Traffic Impact Assessment (TIA). Consultation with Transport for NSW (TfNSW) forms part of the Gateway conditions.
Part 5 Gilgandra Shire Council's priorities * Identifying opportunities for the LGA, as the region's economy diversifies, and leveraging its accessibility to the Inland Rail, the Dubbo to Coonamble line at Curban and the Central West–Orana REZ.	Consistent – the proposal is consistent with Gilgandra Shire Council's priority in providing industrial opportunities that are currently under pressure from expanding industries and larger surrounding centres.

2.2 Local

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

Table 5 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The proposal states it aligns with priorities 4 and 5 under Theme Two – A diversified and prosperous economy in the Local Strategic Planning Statement (LSPS). The proposal achieves this by enabling the uptake of new business/industry opportunities within the site as Gilgandra's new industrial estate.
Community Strategic Plan (CSP)	The planning proposal states it is consistent with implementing Council's CSP by taking proactive and flexible approach to pursuit of new business with a particular focus on increasing the diversity of local industry and promoting the highway location.

Western
Councils
Comprehensive
Land Use
Strategy

This strategy has been endorsed by the Department. The Strategy identified the site as a potential site for industrial land use (Figure 5).

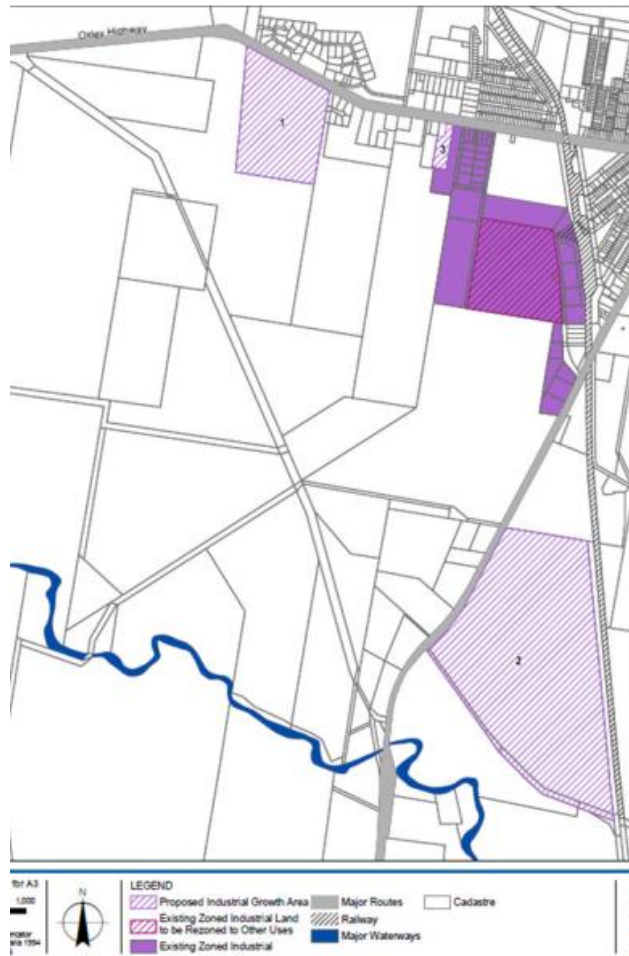


Figure 5 Extract from sub regional strategy showing proposed industrial land

Other –
Industrial Land
Supply and
Demand
Analysis

The proposal has also provided an assessment of supply and demand (**Attachment C**) to justify the need for additional industrial land. The analysis finds a shortfall supply of between 16ha and 31.5 ha over the next 20 years and states the current supply of industrial land is likely to be exhausted within five years.

The proposal seeks to rezone an additional 52 ha of industrial land.

2.3 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	Yes	As discussed in Section 3.1 of this report, the proposal aligns with the strategies of the Central West and Orana Regional Plan 2041.

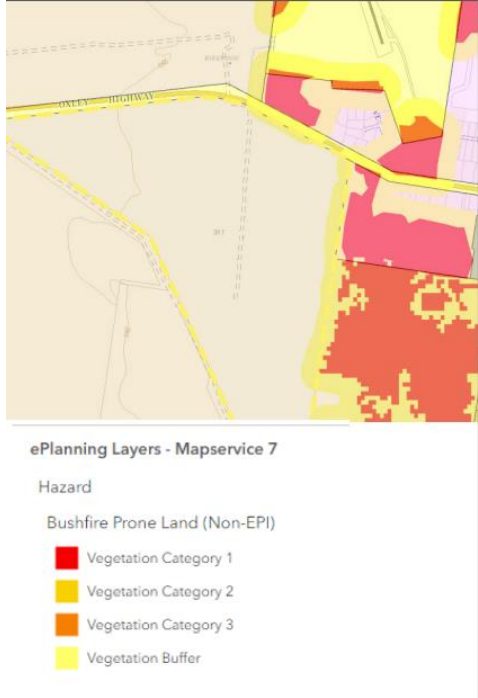
3.1 Conservation Zones	Yes	The planning proposal is not intended to alter or remove any environment protection zone and the land is not identified as environmentally sensitive area or high environmental value vegetation. However due to the vegetation presented on the site, particularly along the northern edge which forms the site access, it is recommended that consultation with Department of Climate Change, Energy, Environment and Water (DCCEEW) be required as a gateway condition.
3.2 Heritage conservation	Yes	<p>There are no known heritage items on site.</p> <p>There are two locally listed buildings located across the Oxley Highway on Council land, which will not be impacted by the planning proposal. All subject sites are highly disturbed including historical agricultural interference. Further detail and investigation can be provided at any future DA stage.</p> <p>An Aboriginal Archaeological Technical Report (Attachment H) was prepared and concluded that no Aboriginal sites or areas of archaeological sensitivity were identified during the survey, nor was there any information indicating that sites or other specific cultural heritage values may be present.</p>
4.1 Flooding	Yes	The subject site is not flood prone.
4.3 Planning for Bushfire Protection	Inconsistent, consultation required	<p>The land is partly affected by bushfire hazard along the northern edge and eastern boundary.</p> <p>A Bushfire Hazard Report (Attachment D) is provided with the planning proposal with buffers identified to appropriately protect future development.</p> <p>It is recommended to refer to NSW Rural Fire Service to ensure adequate protection for Bushfire Hazards have been considered.</p> 

Figure 6 Bushfire hazard mapping for the subject site

4.4 Remediation of Contaminated Land	Yes	Council has undertaken a preliminary assessment of contamination (Attachment G) from past land use, including soil sampling. The site is suitable for the proposed employment related uses and no evidence of contamination has been established.
5.1 Integrating Land Use and Transport	Yes	<p>This direction applies as it seeks to alter a zone and provision relating to urban land for employment purposes.</p> <p>The proposal states it is consistent with this direction. A Transport Impact Assessment (TIA) (Attachment I) has been provided with this planning proposal which concluded that traffic demands generated by the proposal can be readily accommodated on the existing road network. The TIA states that access for the industrial subdivision is able to be suitably accommodated via Oxley Highway with no notable impacts to traffic safety or efficiency. New turn treatments at the site access are identified in the TIA. The TIA assumes no additional traffic generation beyond the 27 proposed lots (18ha) identified in the indicative site layout (until after the solar farm approved for development at the southern end of the site reaches the end of its productive life – 35 years).</p> <p>It is recommended that consultation with TfNSW is required to ensure adequate consideration of traffic impact.</p>
7.1 Employment Zones	Consistent	<p>This direction applies as the proposal includes rezoning land to an employment zone.</p> <p>The planning proposal will increase the industrial land by 52 hectares and it is considered to be consistent with the objectives of this direction.</p>
9.1 Rural Zones 9.2 Rural Lands	Justified inconsistency	<p>The proposal is inconsistent with this Direction as it seeks to rezone land from a rural zone to employment zones and change the uses of rural land to industrial activities.</p> <p>The proposal has justified this inconsistency as the site is identified in a Strategy endorsed by the Department and is largely consistent with the recommendations of the LSPS. The planning proposal is supported with a Land Use Conflict Risk Assessment (Attachment F) which has address the potential conflicts and recommended buffers to be introduced to ameliorate the risk of conflict with the neighbouring land uses.</p> <p>A condition has been included to consult NSW Department of Primary Industries.</p>

2.4 State environmental planning policies (SEPPs)

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

SEPP (Biodiversity and Conservation) 2021

The planning proposal is supported by a Biodiversity Assessment Report (**Attachment D**) which did not identify any core Koala habitat. It is recommended that a Vegetation Management Plan be prepared for the future development of the land.

The proposal is not inconsistent with the SEPP, and the relevant clearing of the land or any specialist studies will be addressed at Development Application stage.

3 Site-specific assessment

3.1 Environmental

The following provides an assessment of the potential environmental impacts associated with the proposal.

As discussed in earlier sections of this report, the site is not mapped as containing significant sensitive biodiversity, however several species have been identified as being impacted during the preliminary ecological investigation (Figure 7).

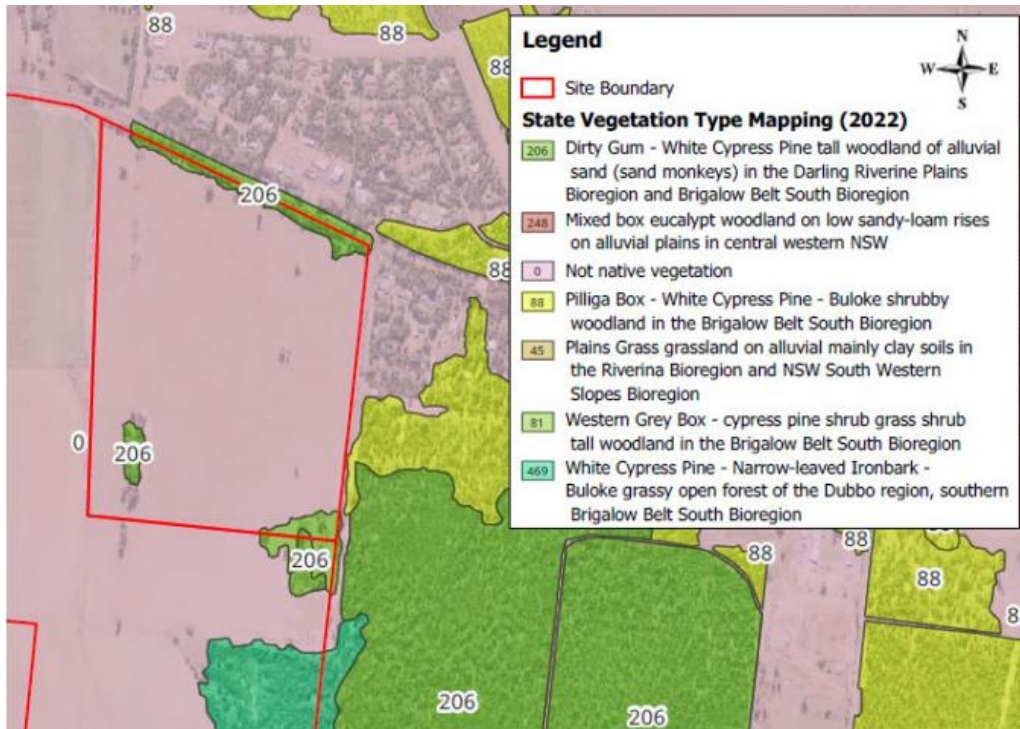


Figure 7 Native vegetation mapping on the subject land

Due to biodiversity values present on site, a recommendation for Council to consultation with DCCEEW is included as a condition of gateway.

3.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal. The proposal states it will have a generally positive social and economic impact, by increasing supply to keep up with demand, creating more consistent land use zones, mitigating land use conflict through the Gilgandra DCP.

Table 7 Social and economic impact assessment

Social and Economic Impact	Assessment
Social - land use conflict	<p>The Land Use Risk Conflict Assessment (LUCRA) (Attachment F) notes the potential for land use conflict between existing residential use and proposed E4 zoned areas along the eastern boundary. At present, existing vegetation serves as a buffer between the existing residential use and proposed industrial uses.</p> <p>The proposal has addressed land use conflict stating it can be mitigated, for example with physical buffers and the additional landscape screening. The LUCRA recommends a 20 metre buffer on the eastern side of the site adjoining Aralee Road comprising a 10 metre vegetated mount and 10 metre open strip to serve as bushfire access and buffer. Combined with Aralee Road reserve this buffer is stated to provide a 50m buffer to dwellings to address visual, acoustic and odour impacts.</p> <p>Additional buffers are recommended, and a recommendation for the planning proposal to be updated to reflect the intent to introduce a buffer is included as a condition of gateway.</p>
Demand and supply	<p>The proposal justifies the need for proposed rezoning as it provides supply that aligns with and allows for employment land to expand, reflects current land uses and creates a more consistent land use pattern and is not constrained by natural hazards. Therefore, the proposal would help to facilitate development that is well-located and needed.</p>

3.3 Infrastructure

A Water and Sewer Servicing Strategy (**Attachment J**) was submitted with the planning proposal. The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Council intends to utilise the existing s7.11 Contributions Plan as a funding mechanism for road intersection upgrades and infrastructure servicing at the site access on Oxley Highway. Council is also considering a review of this Contribution Plan to ensure future services and infrastructure can be met.

Table 8 Infrastructure assessment

Infrastructure	Assessment
Reticulated water and sewer	<p>The site is proposed to be serviced by an extension of an existing watermain, providing all lots in the proposed Stage 1 development (27 Lots/18ha) with a point of connection to the reticulated water system. The Servicing Strategy (Attachment J) outlines the estimated cost of works.</p> <p>Council proposed to construct a new Sewer Pump Station within the proposed subdivision site at Nadan Drive. The proposal states this will adequately service the site with a gravity reticulation sewer system. There is sufficient capacity in the Sewerage Treatment Plant to service the Stage 1 industrial development. It is noted replacement of pumps and electrics are expected to be needed within the 35 year time frame before Stage 2 can be connected to sewer infrastructure.</p>

Infrastructure	Assessment
Electricity supply	Available via extension of existing services. Consultation with Transgrid is recommended.
Telecommunications	Available via extension of existing services.
Transport	The proposed development will be able to directly access via Oxley Highway. Public transport would not be available in proximity to the site.

4 Consultation

4.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

4.2 Agencies

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

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Department of Primary Industries
- Department of Climate Change, Energy, the Environment and Water
- NSW Rural Fire Services
- Transport for NSW
- Transgrid

5 Timeframe

Council proposes a 4 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 standard.

The Department recommends an LEP completion date of 24 April 2025 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.

6 Local plan-making authority

Council requests delegation to be the Local Plan-Making authority.

As the planning proposal is strategically justified and is of local significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

7 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 9.1 Rural Zones and 9.2 Rural Lands are minor or justified; and
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and may 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) Include accurate mapping including labels on the land zoning and lot size map to identify the existing and proposed development standards.
 - (b) Reflect the intent to introduce a buffer between the proposed industrial land and the existing residential land along the eastern boundary in consistent with the recommendation of the Land Use Conflict Risk Assessment.
2. Prior to exhibition, the Rural Fire Services is to be consulted in accordance with section 9.1 Direction 4.3 Planning for Bushfire Protection.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days;
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Department of Primary Industries
 - Department of Climate Change, Energy, the Environment and Water
 - Transport for NSW
 - Transgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority.
7. The timeframe for the LEP to be completed is on or before 24 April 2025



05/07/2024

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