



Amendment to Murrumbidgee Local
Environmental Plan 2013

Sturt Highway, Darlington Point

OCTOBER 2024

Submitted to Murrumbidgee Council
On behalf of AgField Development Fund

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Executive Summary

This Planning Proposal has been prepared by Habitat Planning on behalf of AgField Development Fund and is submitted to Murrumbidgee Council in support of an amendment to the Murrumbidgee Local Environmental Plan 2013 ('Murrumbidgee LEP') as it relates to land described as lots 149//DP750908 and addressed as Sturt Highway, Darling Point ('subject land').

Specifically, the Planning Proposal seeks to rezone the subject land from RU1 Primary Production to E4 General Industrial. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size Map by removing the current 200 hectare minimum lot size that applies to this land consistent with other industrial (employment) zoned land.

Figures showing the proposed changes sought by the Planning Proposal are provided below.

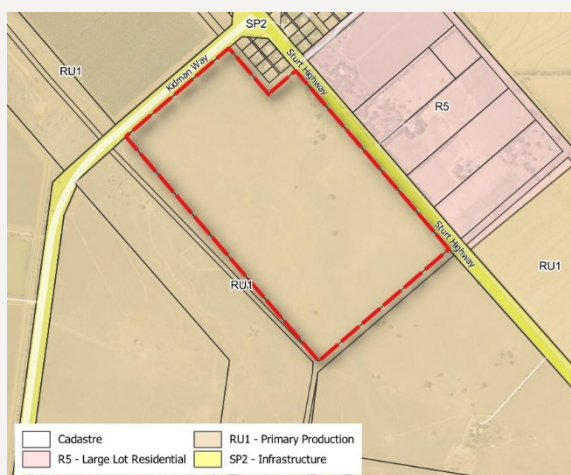


Figure 1 | Land Zoning Map: Existing

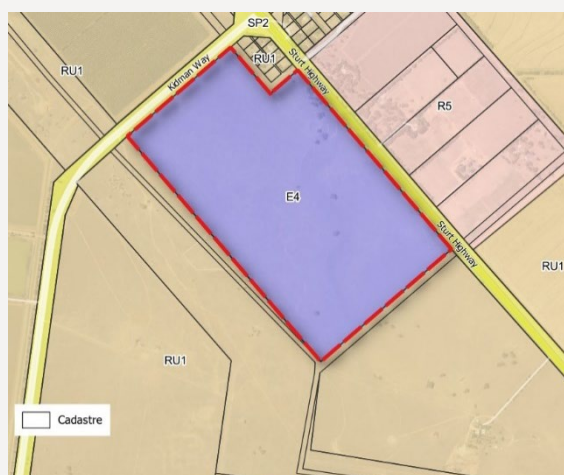


Figure 2 | Land Zoning Map: Proposed

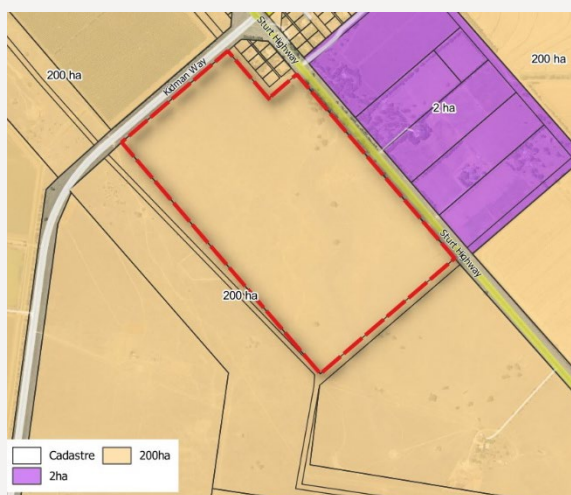


Figure 3 | Minimum Lot Size Map: Existing

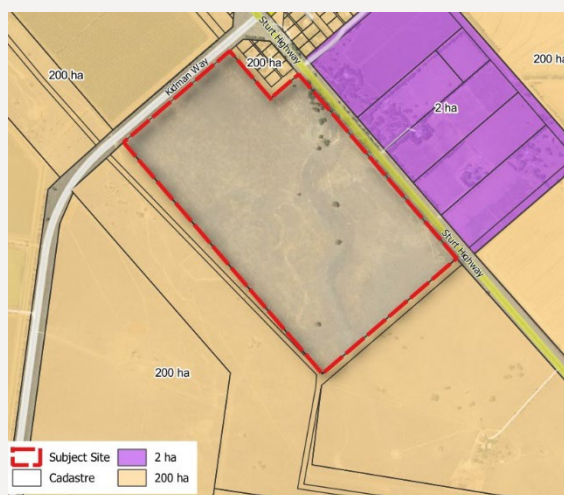


Figure 4 | Minimum Lot Size Map: Proposed

The report has been prepared to address the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Housing & Infrastructure's guideline titled: *Local Environmental Plan Making Guideline* (August 2023).

For the purposes of the Guideline, the application is classified as a 'Standard' Planning Proposal as it relates to a change in the land use zoned where the proposal is consistent with the objectives of the LEP for that proposed zoned. Whilst it is acknowledged that a Land Use Strategy has been prepared for the Murrumbidgee Local Government Area, this Strategy has not been endorsed by the Department.

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is generally consistent or is not inconsistent with the strategic planning framework including State, Regional and local planning strategies as they relate to Darlington Point.
- The proposal seeks to rezone land for industrial purposes consistent with the recommendations of both the Murrumbidgee Land Use Plan and Darlington Point Structure Plan.
- The resultant development of the land will not create any unacceptable environmental or social impacts as the land is unconstrained and separated from sensitive land uses.
- Development of the subject land for industrial purposes can be fully integrated with adjoining development in terms of road access and services.
- There is currently no zoned industrial zoned land within Darlington Point with demand for industrial zoned land that is strategically located on key transport corridors.
- Losses of a relatively small parcel of land for primary production purposes is not expected to impact the community or further abroad given its relatively small size and peripheral location on the urban fringe. The revised zoning boundaries are also not expected to create land use conflicts as they are separated from adjoining uses.
- There will be a net benefit for the Darlington Point community through the provision of industrial zoned land, which will broadly support economic development and jobs.
- The subject land can be provided with all urban services.

It is recommended that Council resolve to support the changes to the LEP as detailed in this Planning Proposal.

1. Introduction

1.1. Overview

This Planning Proposal has been prepared by Habitat Planning on behalf of AgField Development Fund and is submitted to Murrumbidgee Council in support of an amendment to the Murrumbidgee Local Environmental Plan 2013 ('Murrumbidgee LEP') as it relates to land described as lots 149//DP750908 and addressed as Sturt Highway, Darlington Point ('subject land').

Specifically, the Planning Proposal seeks to rezone the subject land from RU1 Primary Production to E4 General Industrial. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size Map by removing the current 200 hectare minimum lot size that applies to this land consistent with other industrial (employment) zoned land.

This proposal has been prepared to address the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Housing & Infrastructure's guideline titled: *Local Environmental Plan Making Guideline* (August 2023).

For the purposes of the Guideline, the application is classified as a 'Standard' Planning Proposal as it relates to a change in the land use zoned where the proposal is consistent with the objectives of the LEP for that proposed zoned.

This report will demonstrate that the proposed rezoning of land is consistent with the intent and objectives of the planning framework and strategic plans and policies. Consequently, this will provide both Council and the NSW Department of Planning, Housing and Infrastructure (DPHI) with the confidence to endorse the proposed amendment as sought by this Planning Proposal.

It is requested that Council forward the Planning Proposal to the Minister for Planning and Public Spaces for Gateway Determination in accordance with Section 3.34 of the EP&A Act. The Gateway Determination by the Minister will decide:

- Whether the planning proposal is supported to proceed or not.
- Any necessary technical studies or supporting studies (not identified as part of pre-lodgement).
- Whether the planning proposal needs to be amended (and possibly resubmitted to the Department) prior to exhibition.
- The duration and extent of community consultation.
- Whether consultation with State or federal authorities (if required).
- Whether a local contributions plan is to be exhibited at the same time as the planning proposal.
- Whether a public hearing is needed.
- The timeframes within which the various stages of the process for making of the proposed LEP are to be completed.
- Whether the council is to be authorised to make the proposed instrument as the Local Plan Making Authority (LPMA).
- Any other conditions.

1.2. Background & Pre-Lodgement Advice

As required by the Department's guideline titled: *Local Environmental Plan Making Guideline* (August 2023), applicants are encouraged to undertake pre-lodgement discussions with Council (if proponent initiated) and/ or the Department (where Council initiated). The purpose of this stage is to provide early feedback and identify and resolve key planning issues upfront to enable a streamlined LEP making process.

The purpose of these pre-lodgement discussions is to identify key information requirements, infrastructure needs and consultation requirements with key government agencies.

Following the completion of the initial Stage 1 Pre-Lodgement phase, a Planning Proposal (this document) is subsequently prepared and submitted to Council.

It is noted that the Planning Proposal is classified as a Proponent-initiated Planning Proposal as it relates to private land.

A flowchart depicting this process is reproduced below:

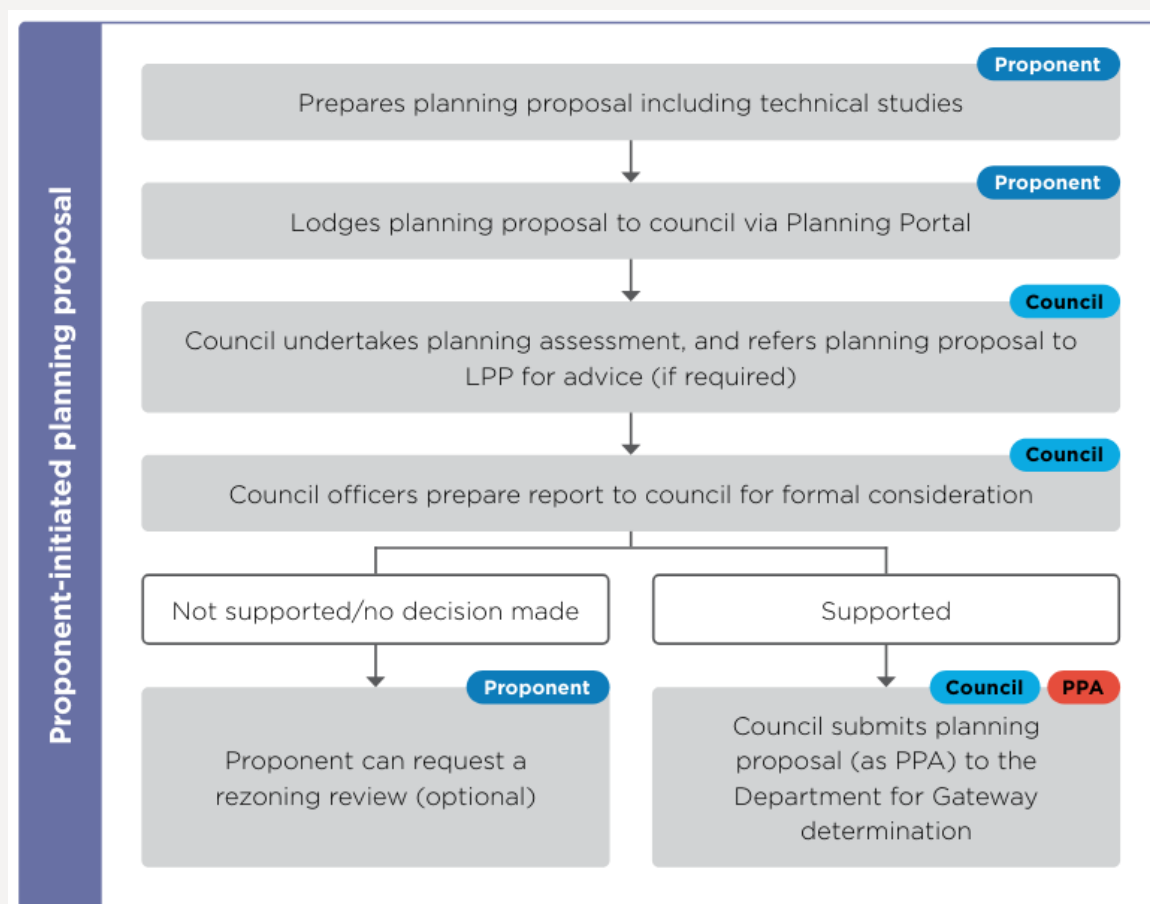


Figure 5 | Flowchart: Stage 2 Proponent-initiated planning proposal

1.3. Scope and Format of Planning Proposal

The Planning Proposal details the merits of the proposed changes to the LEP and has been structured in the following manner:

- Section 1.0 provides an introduction to the Planning Proposal.
- Section 2.0 provides a description of the site, its context and existing development, including identification of the land to which the changes are proposed.
- Section 3.0 contains the Planning Proposal, prepared in accordance with the matters to be considered in the Department of Planning's document titled: *Local Environmental Plan Making Guideline*; and
- Section 4.0 provides the conclusions and recommendations to proceed with the Planning Proposal to Gateway Determination to amend the LEP.
- Appendices contains supporting plans and documentation.

1.4. Supporting Plans and Documentation

The Planning Proposal has been prepared with input from a number of technical and design documents which have been prepared to accompany the application. These documents are included as appendices to this report and are identified in Table 1.

Table 1 | Appendices

No.	Document Name	Prepared by
A	Consistency with Riverina-Murray Regional Plan 2041	Habitat Planning
B	Consistency with State Environmental Planning Policies	Habitat Planning
C	Consistency with Section 9.1 Ministerial Directions	Habitat Planning
D	Proposed Subdivision and Staging Plan	CAF Consulting
E	Biodiversity Values Map and Threshold Report	NSW DCCEE
F	Layer Intersect Tool (LIT) Summary Report - BAM Stage 1 Layer Set	NSW DCCEE
G	Darlington Point Flood Risk Management Study and Plan	Catchment Simulation Solutions
H	Aboriginal Cultural Heritage Review	AREA Environmental and Heritage Consultants
I	Biodiversity Constraints Analysis	AREA Environmental and Heritage Consultants
J	Traffic Impact Assessment	Trafficworks

2. Site Description

2.1. Site Locality

Located at the intersection of the Sturt Highway and Kidman Way, the subject land is located approximately 3 kilometres south of Darlington Point and 38 kilometres south of the regional town of Griffith.

It is generally located at the southern corner of the Sturt Highway and Kidman Way intersection. The Sturt Highway is a major east-west road transport corridor connecting Adelaide to the eastern states, and the north-south Newell Highway (Narrandera) and Hume Highway (Wagga Wagga).

A plan showing the regional context of the site and its surrounds are provided below.

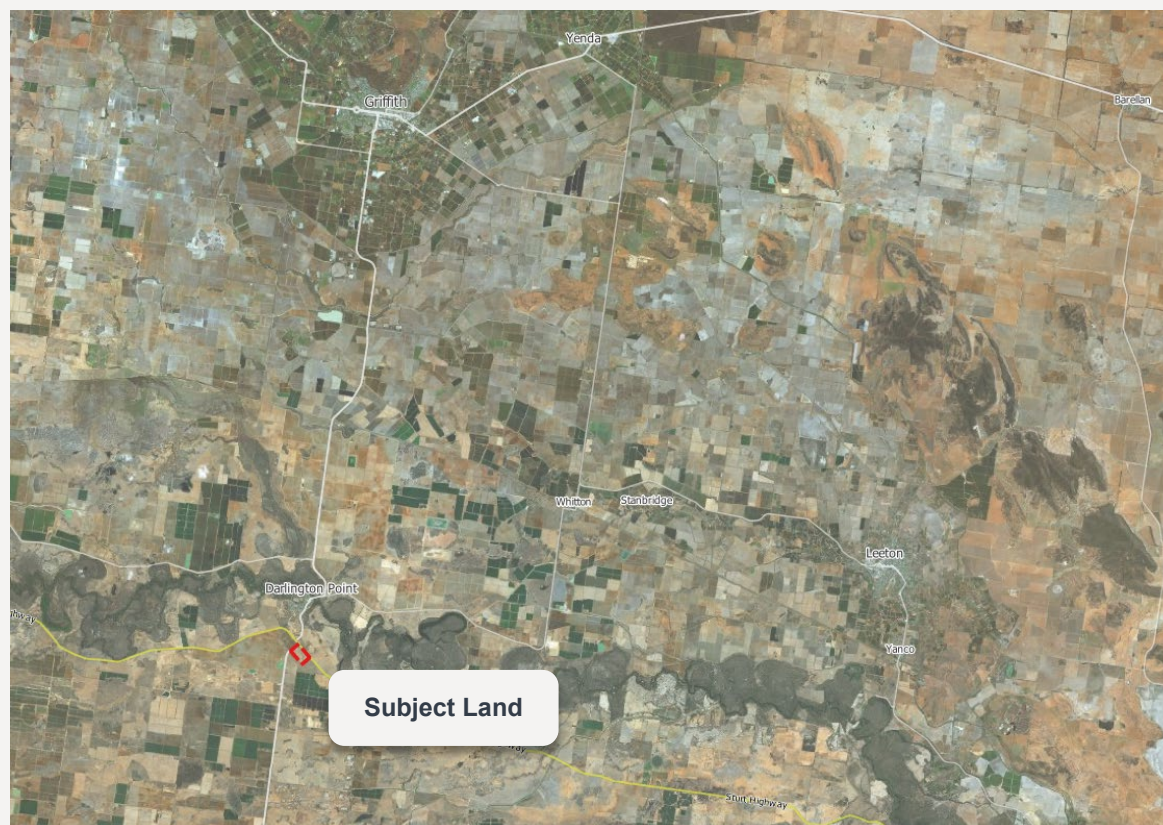


Figure 6 | Locality Plan (Source: NSW SIX Maps, 2024)

2.2. Site Description

The subject land is generally rectangular in shape and has general dimensions of 1126 metres x 611 metres with a total area of approximately 70 hectares. The land comprises a single parcel of land.

The land has been used historically for agricultural purposes and currently contains no buildings or structures.

The topography of the land is generally flat in nature and vegetation on-site is limited to non-native paddock grasses. A dry creek bed transverses the site from north to south and water drains toward a small dam in at the north-east boundary and to the Murrumbidgee River and surrounding wetland areas approximately 2.5 kilometres to the north.

A former petrol station is located directly adjacent to the northern corner and a small cluster of rural-residential dwellings are located opposite, across the Sturt Highway

Other land uses surrounding the subject land are largely limited to broadacre agricultural activities such as cropping and grazing.

A site aerial showing existing conditions is provided below.



Figure 7 | Aerial View of subject land (Source: NSW Six Maps, 2024)

Table 2 | Lots affected by Planning Proposal

Lot/Section/DP	Address	Site Features
149//DP750908	Sturt Highway, Darlington Point	Major lot within subject site, containing no development

3. Planning Proposal

This section of the report addresses the Department of Planning's document titled *Local Environmental Plan Making Guideline* and Section 3.33 of the EP&A Act. Specifically, this section provides:

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification of strategic and site specific merit;
- Mapping
- Community consultation; and
- Project timeline.

3.1. Objectives and Intended Outcomes

The objective of this Planning Proposal is to amend the Murrumbidgee Local Environmental Plan 2013 to rezone the subject land from RU1 Primary Production to E4 General Industrial and amend the Lot Size Map to remove the minimum size requirement for the subject land consistent with other industrial zoned land within the Murrumbidgee LGA.

The intention is to develop the land for industrial purposes, subject to a separate Development Application. Specifically, once the land is rezoned, the intention is to submit a Development Application to develop this land for the purposes of an industrial subdivision, which is to be constructed over four (4) stages as follows:

- Stage 1 – 9 lots
- Stage 2 – 9 lots
- Stage 3 – 6 lots
- Stage 4 – 5 lots

In total, this will equate to 29 lots with lots ranging in size from 28,320m² up to six (6) hectares.

The intended outcome will be an additional land supply of industrial allotments, which will help cater for the ongoing demands for industrial land, which is currently unavailable within Darlington Point.

A plan of the proposed industrial subdivision, including future development options is reproduced below and is contained at Appendix E.

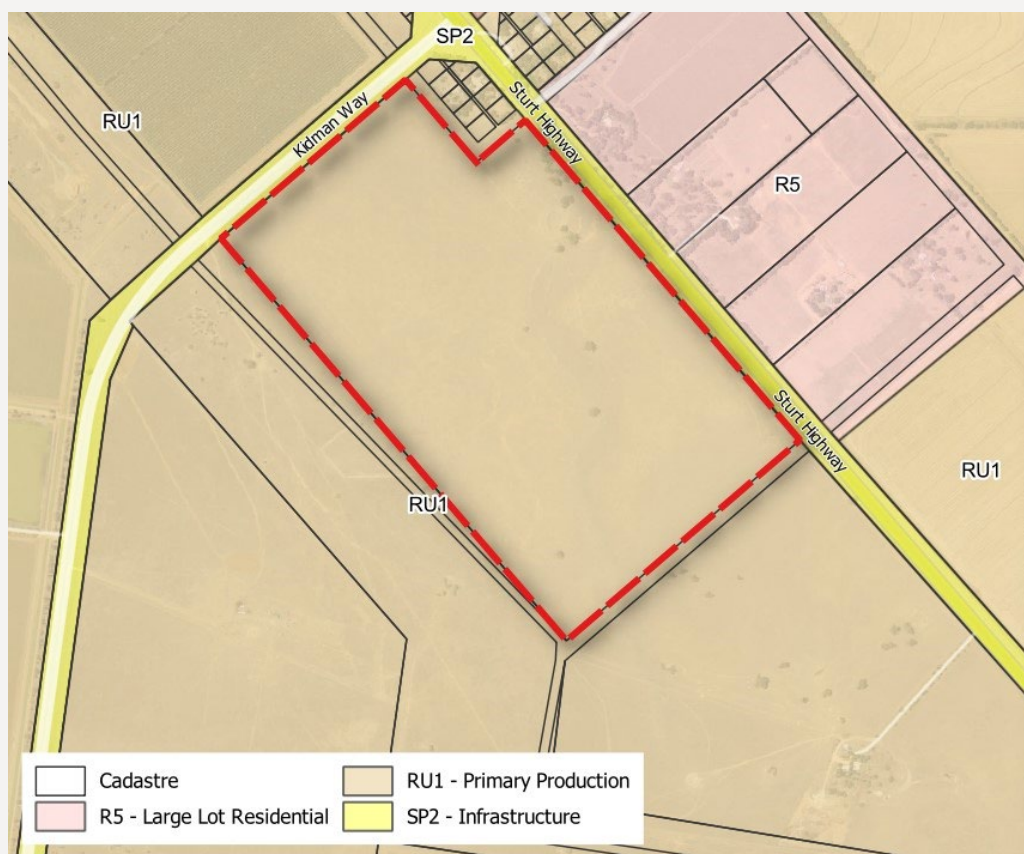


Figure 9 | Zoning Map – Existing



Figure 10 | Zoning Map – Proposed

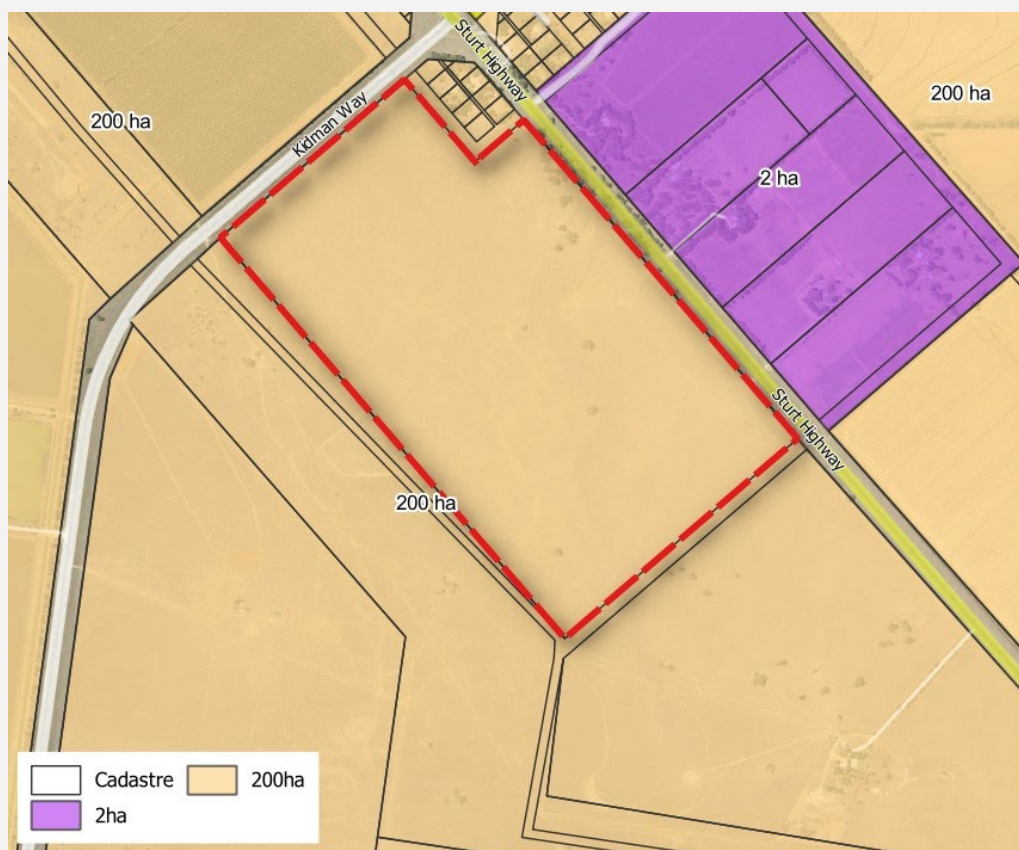


Figure 11 | Lot Size Map – Existing

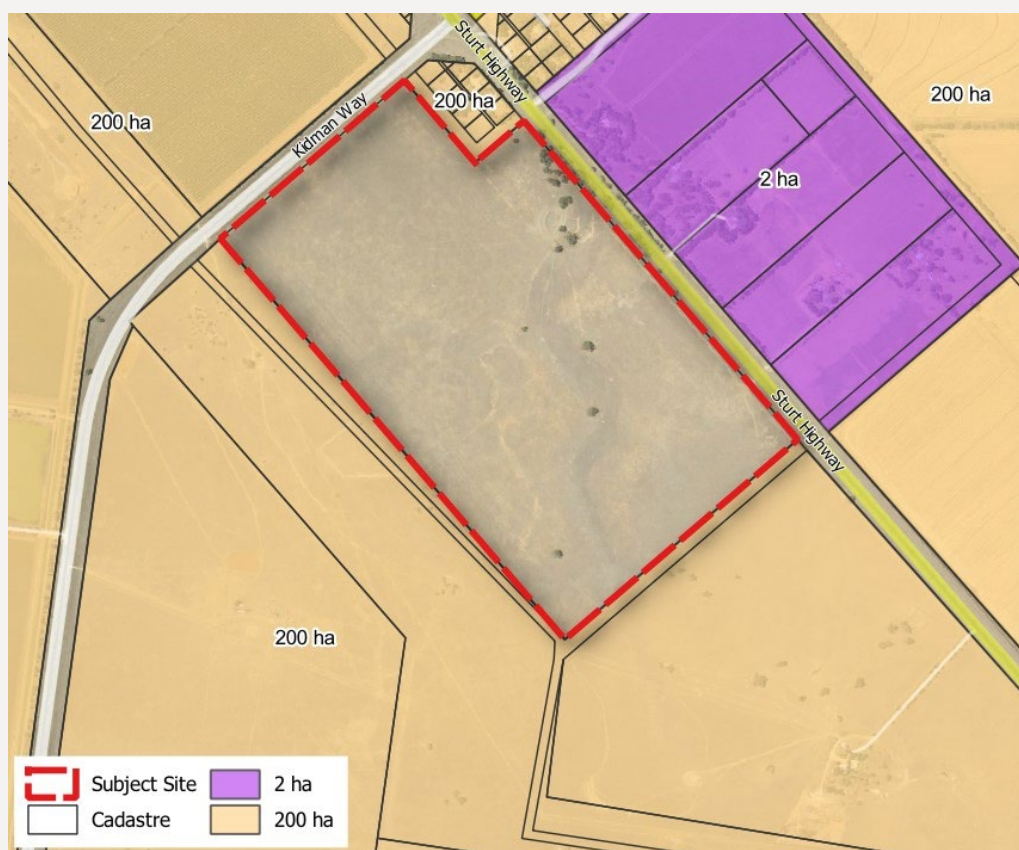


Figure 12 | Lot Size Map – Proposed

3.3. Justification

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, identifies the strategic planning context and outlines what the community benefit will be.

3.3.1. Section A - Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed Local Strategic Planning Statement (LSPS), strategic study or report?

The Planning Proposal has been prepared consistent with the recommendations of the *Murrumbidgee LSPS (2020)* and the *Murrumbidgee Land Use Plan (2022)*.

Murrumbidgee Local Strategic Planning Statement 2020-2040

The *Murrumbidgee Council Local Strategic Planning Statement (LSPS)* sets the land use framework on a local scale for Murrumbidgee Council's economic, social and environmental land use needs over the next 20 years. It addresses the planning and development issues of strategic significance to the Council through planning priorities and actions, spatial land use direction and guidance.

The Murrumbidgee Council Local Strategic Planning Statement (LSPS) establishes a 20 year vision for land use planning in the local area.

The strategic planning vision of the LSPS:

"To experience land use and development outcomes in the future that both benefit the community and minimise environmental impacts."

The LSPS is structured into four key themes, each with supporting strategic agenda items:

- Theme 1 – Built environment.
- Theme 2 – Natural environment.
- Theme 3 – Infrastructure.
- Theme 4 – Economic growth.

The Planning Proposal is consistent with the following strategic agenda items:

- **BE1 – Supply of land:** *To ensure there is 15-20 years supply of zoned land and choice of sites for urban development.*
- **B33 – Location of industrial development:** *To prevent land use conflicts with adjoining non-industrial land.*
- **NE1 – Environmentally sensitive land:** *To ensure environmentally sensitive areas are identified and provided with the appropriate level of safeguards against detrimental environmental impacts.*
- **IP4 – Civil infrastructure in urban and rural area:** *To ensure local infrastructure adequately performs its intended purpose.*
- **EG2 – Supply and choice in commercial development sites:** *To ensure there is always choice of sites for new commercial development.*
- **EG7 – Productive agricultural land:** *To prevent development that reduces the amount of land available for agriculture.*

Murrumbidgee Land Use Plan

The Murrumbidgee Land Use Plan was completed for and endorsed by Council in 2022. This Planning Proposal seeks to implement the land use planning recommendations of the Land Use Plan by rezoning additional lands for industrial development.

- **Recommendation DP15** – Rezone land on the intersection of Kidman Way and Sturt Highway to IN1 General Industrial (now E4 General Industrial) and/or B6 Enterprise Corridor

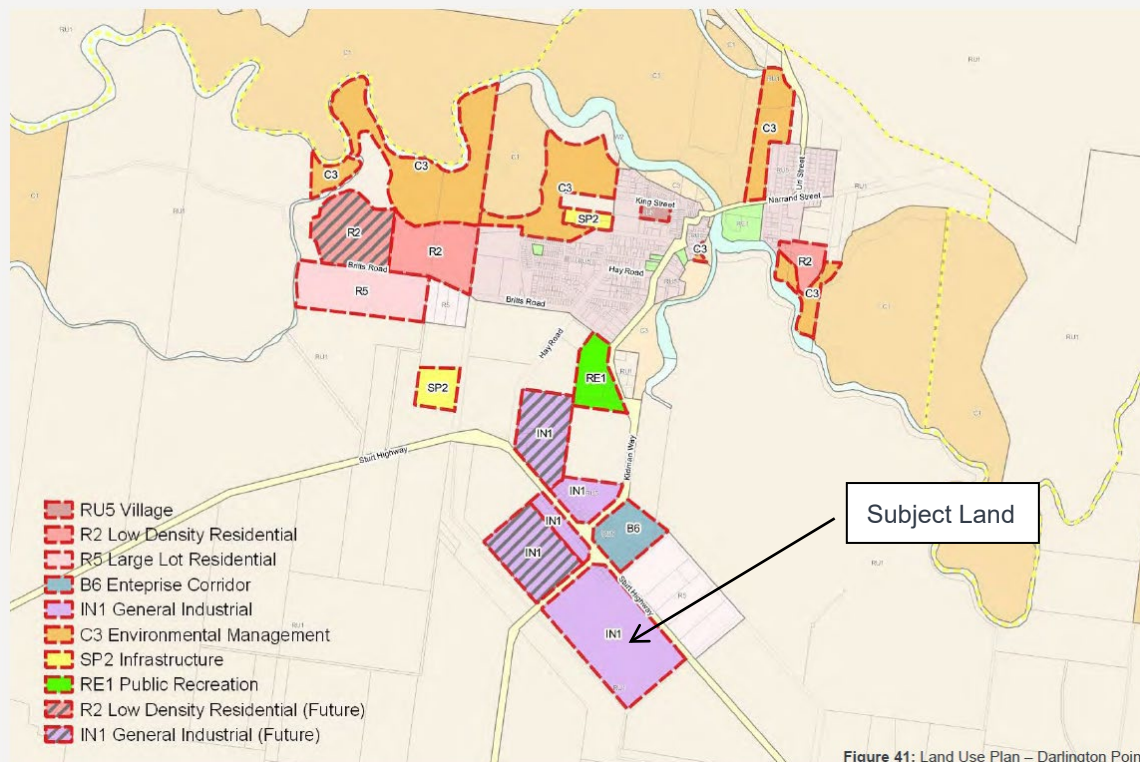


Figure 13 | Extract from Murrumbidgee Land Use Plan (subject site at southernmost point)

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 considered the best means of achieving the objectives or intended outcomes for the subject land as there are limited other alternatives available to achieving industrial development outcomes on-site.

Development of the land for industrial purposes cannot be achieved under the current LEP as it is not permitted in the RU1 Primary Production zone and the land cannot be subdivided for development due to the minimum lot size requirements.

Similarly, opportunities to include the subject land within Schedule 1 of the LEP were investigated, however due to the range of potential uses that may be accommodated on-site, this option was not considered feasible, and it is practically simpler to rezone the site industrial.

The last option is the 'do nothing approach', which is to leave the site zoned RU1. This option is not preferred as it will mean that Darlington Point will continue to have no industrial zoned land, which will lead to the establishment of semi-industrial and commercial businesses within the residential township, which has the potential to create land use conflicts.

3.3.2. Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The *Riverina Murray Regional Plan 2041* (Regional Plan) was adopted by the NSW government in 2022 and is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Murray region for the next 20 years.

The Minister's foreword to the document states that *"This Regional Plan will improve access to public spaces, enhances biodiversity and recognises the urban and rural lifestyles that people so highly value. It has a strong focus on harnessing the region's enormous potential in many ways, including working with government agencies and councils."*

The vision for the Regional Plan:

"A diversified economy founded on Australia's food bowl, iconic waterways and a network of vibrant connected communities."

The Regional Plan is structured into three parts:

- Part 1 – Environment.
- Part 2 – Communities and Places.
- Part 3 – Economy.

The three parts are supported by 18 objectives, incorporating strategies, actions and activities.

An assessment of the Planning Proposal against the relevant goals, directions and actions of the Regional Plan is undertaken in **Attachment A**

In summary the Planning Proposal is consistent with the Regional Plan as the amendment seeks to support growth and development, protecting areas of environmental and heritage significance as detailed in **Attachment A**

Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The *Murrumbidgee Local Strategic Planning Statement* (LSPS) and Murrumbidgee Land Use Plan have been addressed in Section 3.3.1 of the Planning Proposal.

Murrumbidgee Council Economic Development Strategy 2019

The *Murrumbidgee Council Economic Development Strategy 2019* identifies opportunities to support sustainable regional economic development, promote economic diversification, and identify opportunities to increase economic output and value-added production of the Murrumbidgee Council area, Riverina and NSW economies. A key outcome of the Economic Development Strategy is a shared vision for Murrumbidgee Council which has been developed through detailed community engagement and data analysis.

Specifically, the Planning Proposal responds to the following items in the Economic Development Strategy:

Agriculture:

- *the region has large agricultural and manufacturing sectors that require transport and logistics services. As such, transport and logistics play an integral and enabling role in the growth and development of these two important sectors. Focusing transport and freight that align with State*

and regional policies that improve linkages can increase productivity of agriculture and manufacturing.

Transport Links

- *Newell Highway (major freight link between Melbourne and Sydney) and Sturt Highway (major freight between Adelaide and Sydney). With increased population in these cities in recent years, expanding market opportunities are available to the Murrumbidgee Council area.*
- *Opportunity to support projects that improve connections and supply chain efficiencies.*

Industrial Land

- *Lack of industrial land in parts of the Murrumbidgee Council area, which adversely impacts on the attractiveness of the Murrumbidgee Council area to prospective businesses and investors.*

Land Use Planning Constraints

- *It was reported that Council planning regulations are not keeping pace with the changing needs of business and industry growth.*

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

A 20 Year Economic Vision for Regional NSW

The Planning Proposal is consistent with other relevant State or Regional studies and strategic plans including *A 20 Year Economic Vision for Regional NSW*, which was refreshed in 2021.

The foreword to the Strategy states: *The 20 Year Economic Vision for Regional NSW is the NSW Government's plan to drive sustainable, long-term economic growth in regional NSW. It is the roadmap to unlock significant economic potential in regional NSW.*

For the purposes of this Strategy, the Murrumbidgee Local Government Area is located within the 'Inland' region ('Western Riverina'). The overarching objective for Inland Regional Economies is outlined as follows: *"Inland regions will benefit from a strong focus on building community resilience. Accelerating research and investment in key enablers, such as climate-resilient water infrastructure and technology use in agriculture and food production, will help support these economies with more productive and sustainable industries."*

The Planning Proposal also seeks to cater for future industrial growth, which will support the township of Darlington Point

Specifically, the Planning Proposal addresses action item No. 1, which seeks to investigate inland intermodals near the production of agricultural products. In response, the Land Use Plan recommends establishing a new industrial area at Darlington Point including the potential opportunity to create a hub at the intersection of the Kidman Way and Sturt Highway in Darlington Point.

Similarly, the Land Use Plan responds to action item No. 4, which seeks to provide clear signals to attract industries to targeted locations. As outlined above, the Plan seeks to identify specific land use zones to encourage coordinated growth in the right location and discourage ad hoc and unplanned growth within inappropriate locations.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Appendix B provides an assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP's). In summary, many of the SEPP's are not applicable to the Murrumbidgee Local Government Area and even less are applicable to the circumstances of the Planning Proposal.

Notwithstanding, an assessment has been provided in **Appendix C** outlining whether the Planning Proposal is consistent, or where applicable, justifiably inconsistent with relevant SEPP's.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Section 9.1 (formerly s. 117) of the EP&A Act provides for the Minister for Planning and Places to give directions to Councils' regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of LEP's. A Planning Proposal needs to be consistent with the requirements of the Direction but in some instances can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of "minor significance".

An assessment of all s.9.1 Directions is undertaken in **Appendix D**. In summary, the Planning Proposal is either consistent, or justifiably inconsistent with the relevant Directions. Where there is an inconsistency, it has been justified utilising the provisions within each of the Directions.

3.3.3. Section C – Environmental, Social and Economic Impact**Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

Plant Community Type mapping is of a regional scale and may indicate the presence of Threatened Ecological Communities (TECs), though there are multiple criteria that need to be met.

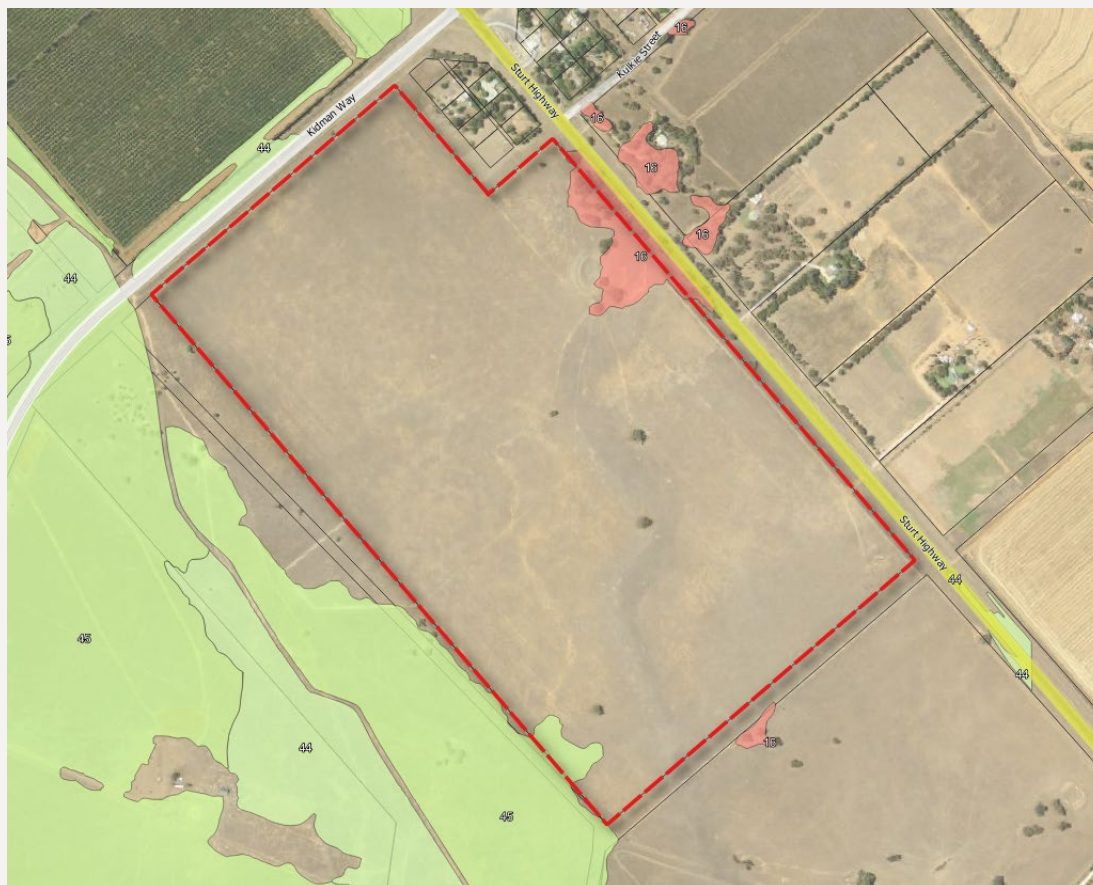


Figure 14 | Plant Community Type Mapping

PCT's located on-site comprise the following:

- **PCT 16** - *Black Box grassy open woodland wetland of rarely flooded depressions in south western NSW (mainly Riverina Bioregion and Murray Darling Depression Bioregion)* PCT16 does not have an associated Threatened Ecological Community

Generally aligning with the dry creek bed/depression at the north-east boundary of the subject site, the area has been avoided for development in the proposed lot layout (Figure 8).

PCT's located adjacent to the site comprise the following:

- **PCT 44** - Forb-rich Speargrass - Windmill Grass - White Top grassland of the Riverina Bioregion
- **PCT 45** - Plains Grass grassland on alluvial mainly clay soils in the Riverina Bioregion and NSW South Western Slopes Bioregion

A Biodiversity Values Map and Threshold Report has been prepared for the subject land, indicating there is not Biodiversity Mapping for the subject land (Appendix E).

Similarly, the land is classified as Category 1 land under the *Local Land Services Act 2013* as outlined in the enclosed Biodiversity Constraints Analysis (Appendix I) that was prepared in support of the Murrumbidgee Land Use Plan.

The proposed lot layout (Figure 8) has avoided encroaching on any potentially significant vegetation.

As part of the research process for this Planning Proposal, the following reports were produced and maps have been appended.

- **Biodiversity Values Map and Threshold Report (Appendix E)**

In this instance, no Biodiversity Values have been mapped on the site.

- **Layer Intersect Tool (LIT) Summary Report – BAM Stage 1 Layer Set (Appendix F)**

Within the subject land, the report notes the subject land is within a broad, mapped area of Groundwater Vulnerability, adjacent to the Murrumbidgee River and mapped wetlands to the north.

It also notes a small area of Crown Land in the northern corner of the site (Dry Land Lease, "Business Purposes"), and adjacent to the south-west boundary (Travelling Stock Routes). Neither of which should affect the development of the subject site as intended in the lot layout (Figure 5).

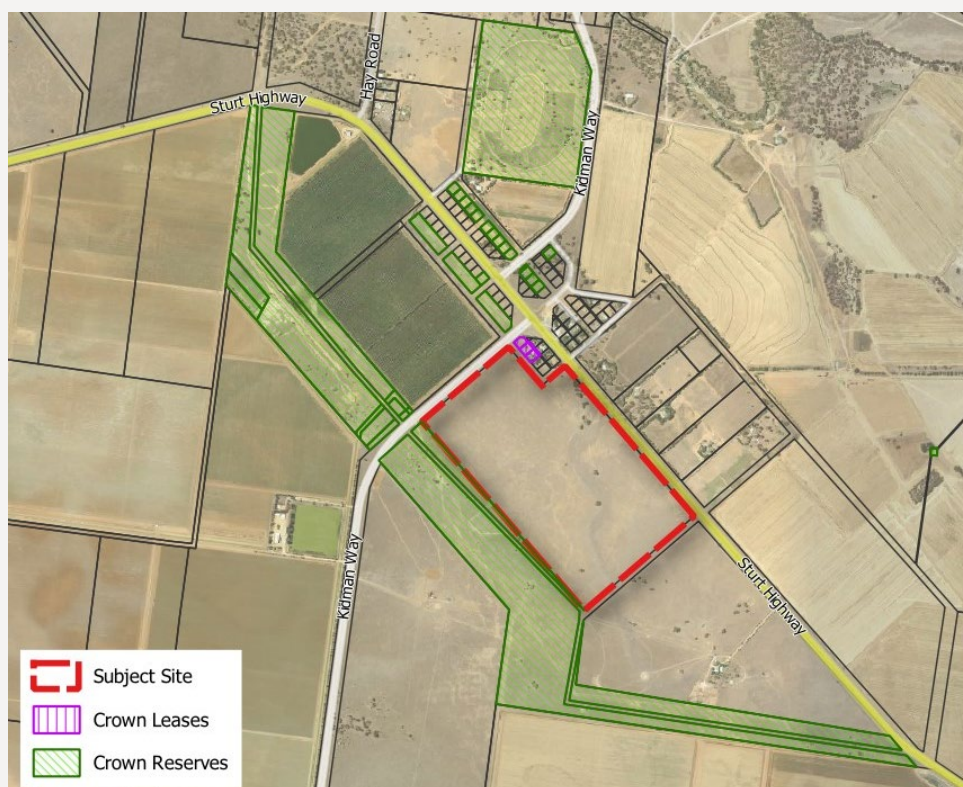


Figure 15 | Crown Land

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire

The subject land is not mapped as being bushfire prone. Notwithstanding, Vegetation Category 3 (Grassland) is yet to be added to the Bushfire Prone Land Map for Murrumbidgee. Given the size and orientation of the proposed lots, the subdivision plan will be able to cater for generous Asset Protection Zones, which can be considered at a development application stage (see Figure 8).

Soil and Erosion

The subject land is not mapped as being land subject to land slip, erosion or salinity.

Contamination

Matters regarding land contamination have also been considered. A review of historical aerial photographs and a desktop site inspection did not reveal any potential or real sources of land contamination on the balance lot proposed for further subdivision given the historical use of the land for broadacre cropping and grazing.

Similarly, the land was not identified on either Council's or the EPA contaminated land register. Consequently, potential opportunities for contamination are considered to be low.

It is however acknowledged that a former service station adjoins the site to the north. Whilst it is acknowledged that this is a potentially contaminating use, given that the Planning Proposal does not relate to this land and is seeking to achieve an industrial (employment) outcome and not a sensitive use such as a child care centre, school, hospital, park or residential accommodation the use of the land is considered fit for purpose.

Flooding

The property is identified as being flood prone on the Murrumbidgee Floodplain Risk Management Study and Plan. Specifically, the subject land is identified as flood fringe in this Study given the relatively large floodplain that exists for Darlington Point due to the flat topography of the land.

Notwithstanding, as outlined in response to Ministerial Direction 4.1, the land is located at the fringe of the main flooding area on land that is subject to inundation of less than 0.25 metres at the 1 in 10 Year ARI Event. For these reasons, the future development of this land is consistent with the recommendations of the Flood Risk Management Study and Plan and is not expected to adversely affect any adjoining land.

Figures showing these constraints are provided below.

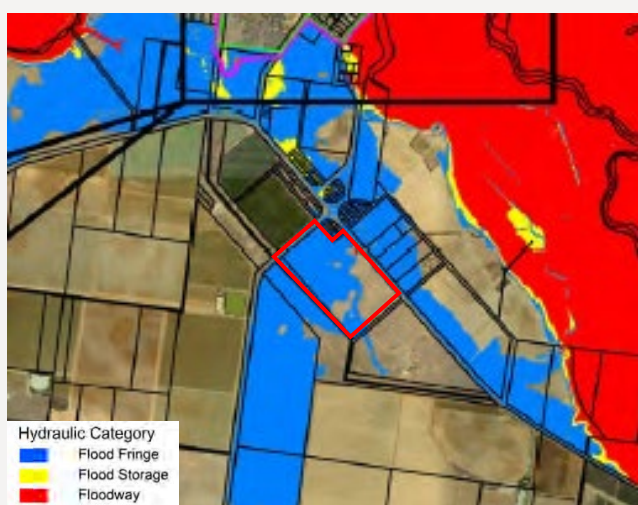


Figure 16 | Extract of 1 in 100 Year ARI Flood Map

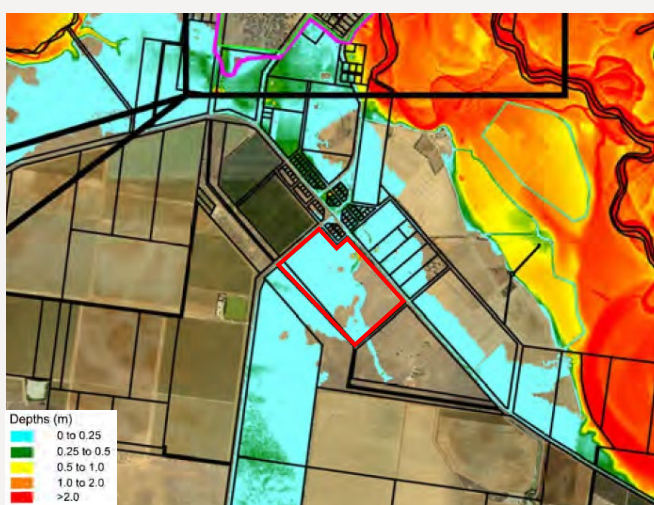


Figure 17 | 1 in 100 Year Flood Depth Map

Consistent with the recommendations of this flood study, any further development of this land for industrial development will be subject to a separate development application to ensure compliance with both council's and the state government's relevant flood planning requirements, including the provision of minimum floor heights.

European Heritage

Following a review of the Heritage Map and Schedule 5 of the LEP, it is confirmed that the subject land is not identified as a heritage item, nor is it located within a Heritage Conservation Area.

Aboriginal Cultural Heritage

The subject land is located south west of the Warangesda Aboriginal Mission and Station (SHR Item No 01810). Contributing to the Murrumbidgee Land Use Plan, an Aboriginal Cultural Heritage Review was prepared by AREA Environmental (**Attachment H**), noting the following for the subject land:

Previously recorded Heritage	Existing Disturbances	Heritage Potential
Nil	Moderate-High: Significant agricultural disturbances throughout (cropping), residential buildings,	There is low heritage potential overall due to significant agricultural impacts. Cultural modification is possible on the

	small area of less intensive agriculture (grazing)	scattered remnant trees. The LEP site is over 500m from reliable water.
--	----------------------------------------------------	-------------------------------------------------------------------------

The presence or likelihood of items of Aboriginal Cultural Significance being present on the subject site is considered low given the historical use of the land for agricultural purposes, which has included ploughing and deep ripping of soil zones. This is confirmed in the below heritage study map.

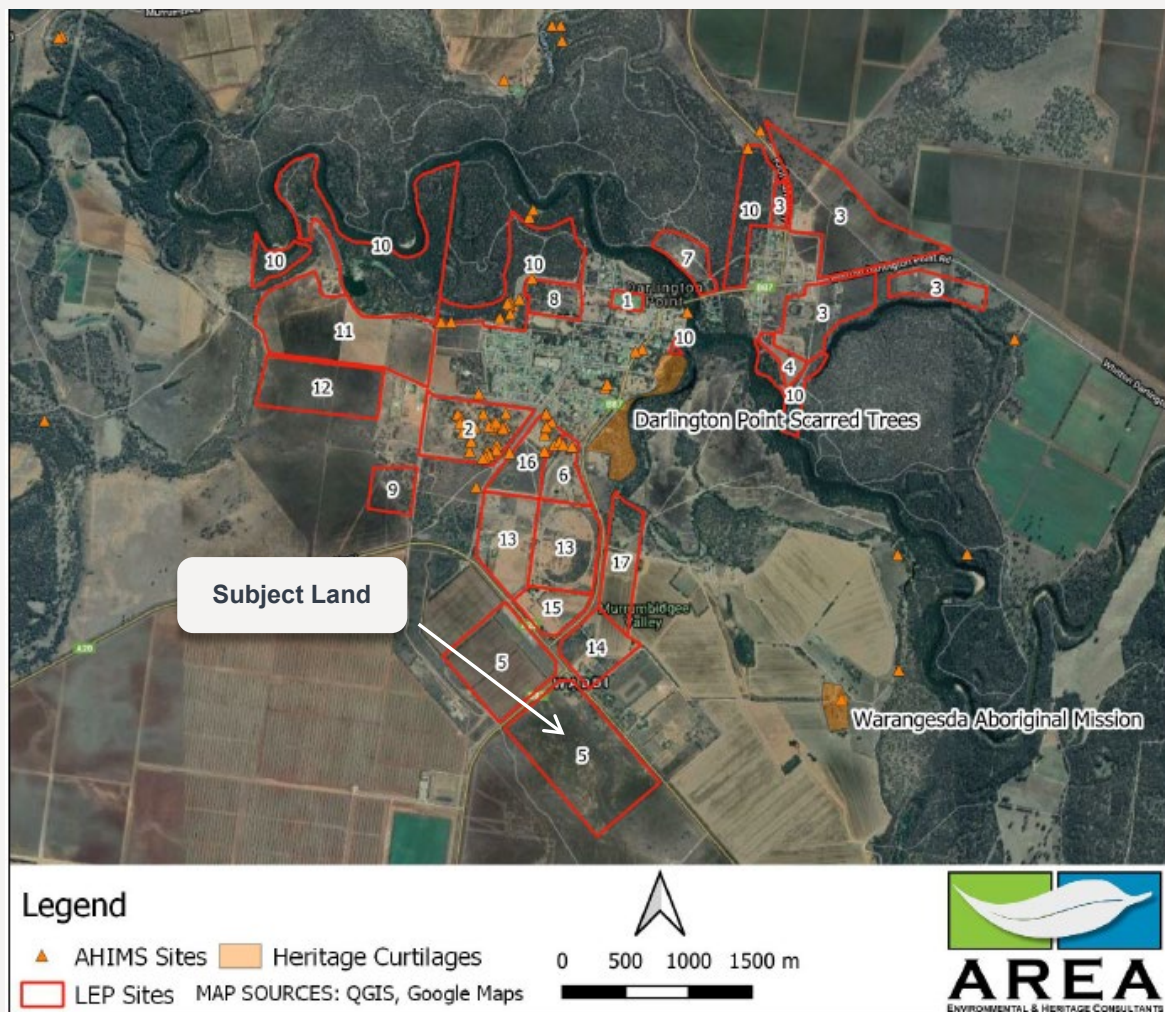


Figure 18 | Extract of the Darlington Point Study Area (Murrumbidgee Land Use Plan Aboriginal Cultural Heritage Review)

Q10. Has the planning proposal adequately addressed any social and economic effects?

The subject land is strategically located and positioned for industrial development. Furthermore, the land has been chosen for rezoning because it is well separated from sensitive land uses and avoids the creation of land use conflicts.

The Planning Proposal will have a positive social and economic impact as it seeks to implement the land zoning recommendations of the Murrumbidgee Land Use Plan.

As outlined in response to Ministerial Direction 7.1, Darlington Point currently does not have any land zoned for industrial (employment) purposes. As a result, this is discouraging development within Darlington Point and is also causing land use conflicts between existing established operating businesses and residential dwellings within the main township, which is zoned RU5 Village.

It is noted that the owner of the subject land in recent times has approached Council about developing this site for a range of industrial activities including rural supplies, logistics, warehousing and manufacturing. The rezoning of this land will allow for the site to be developed for these purposes, which will have both large scale social and economic benefits for the township.

See Murrumbidgee Land Use Plan for further details.

Industrial Land Supply and Demand Analysis

This planning proposal will collate a brief supply and demand analysis supported by a variety of strategic documents prepared for Murrumbidgee Council and neighbouring LGAs with close proximity to Darlington Point. Despite the advantages of its location, Darlington Point does not have any land zoned for industrial purposes.

As shown in Figure 15, the nearest areas include Leeton and Griffith (35km), to the north and north east, Narrandera (50km) to the east and Coleambally (25km) to the south.

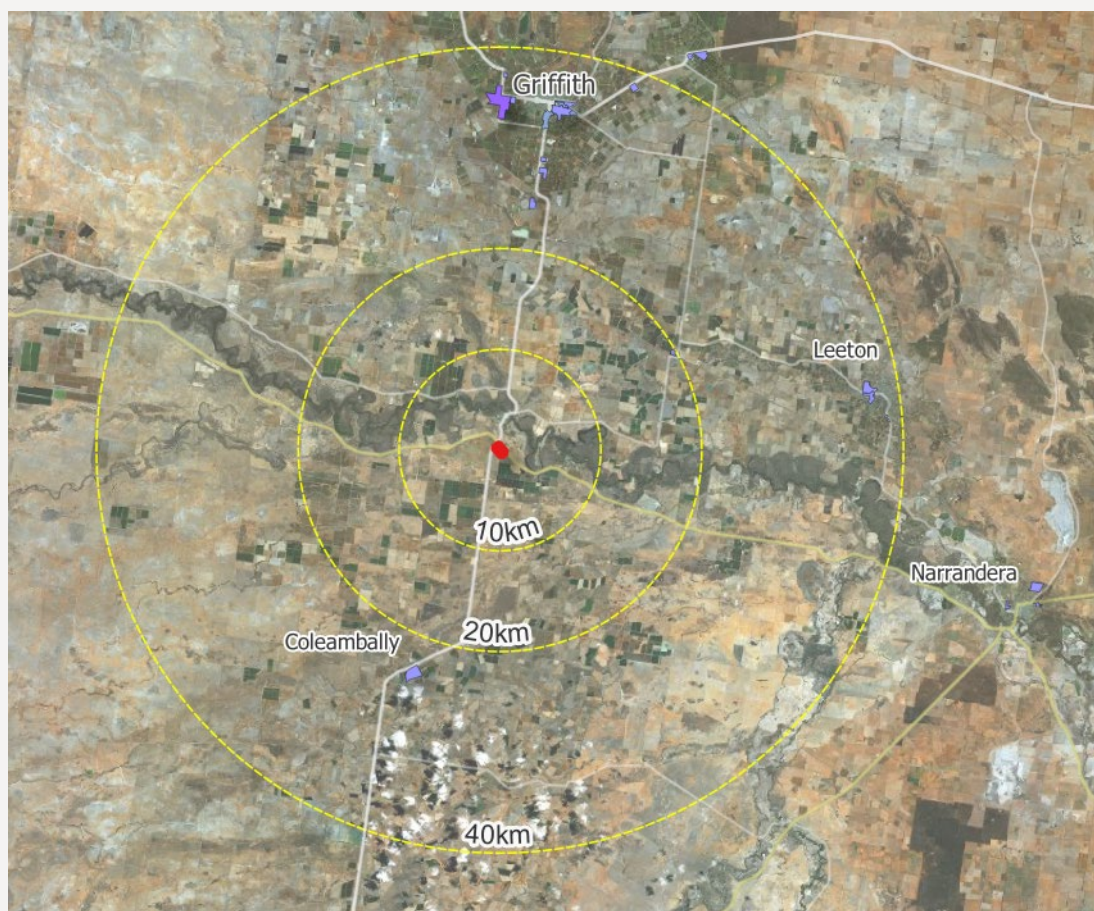


Figure 19 I Industrially Zoned Land – Context Map

An analysis of existing industrial land supply within each of these towns is discussed below. An assessment of industrial land supply within Narrandera has not been provided due to the large geographical distance of the subject land from this town.

Coleambally –

The Murrumbidgee Land Use Plan undertook an analysis of industrially zoned land at Coleambally, which conservatively, has a potential supply of 28 years (assuming three, small 5000m² lots are developed annually).

In addition to the vegetation likely to be cleared to cater for industrial use, the larger areas required in Coleambally for grain storage and agricultural purposes will likely exhaust a supply in a lesser timeframe.

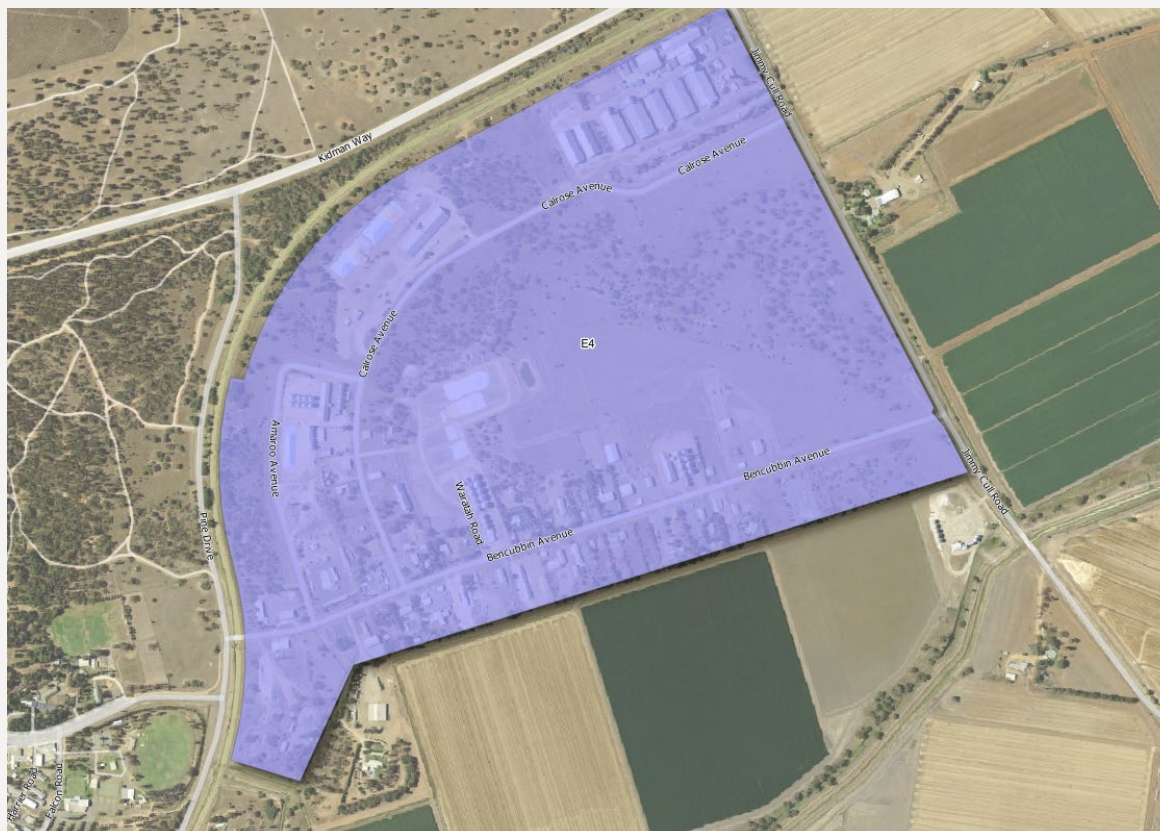


Figure 20 | Coleambally General Industrial Zone

Leeton –

Industrial land is being developed and consumed in Leeton at a rapid pace with much of the already developed land exhausted and developed with the exception of a small 3ha parcel of land on the northern side of Wamoon Avenue.

The currently under-construction Vance Industrial Estate Stage 3, which consists of 14ha and approximately 35 industrial lots will represent the exhaustion of supply of industrially zoned land in Leeton within the next 5-10 years assuming a take up rate of 3 lots per annum.

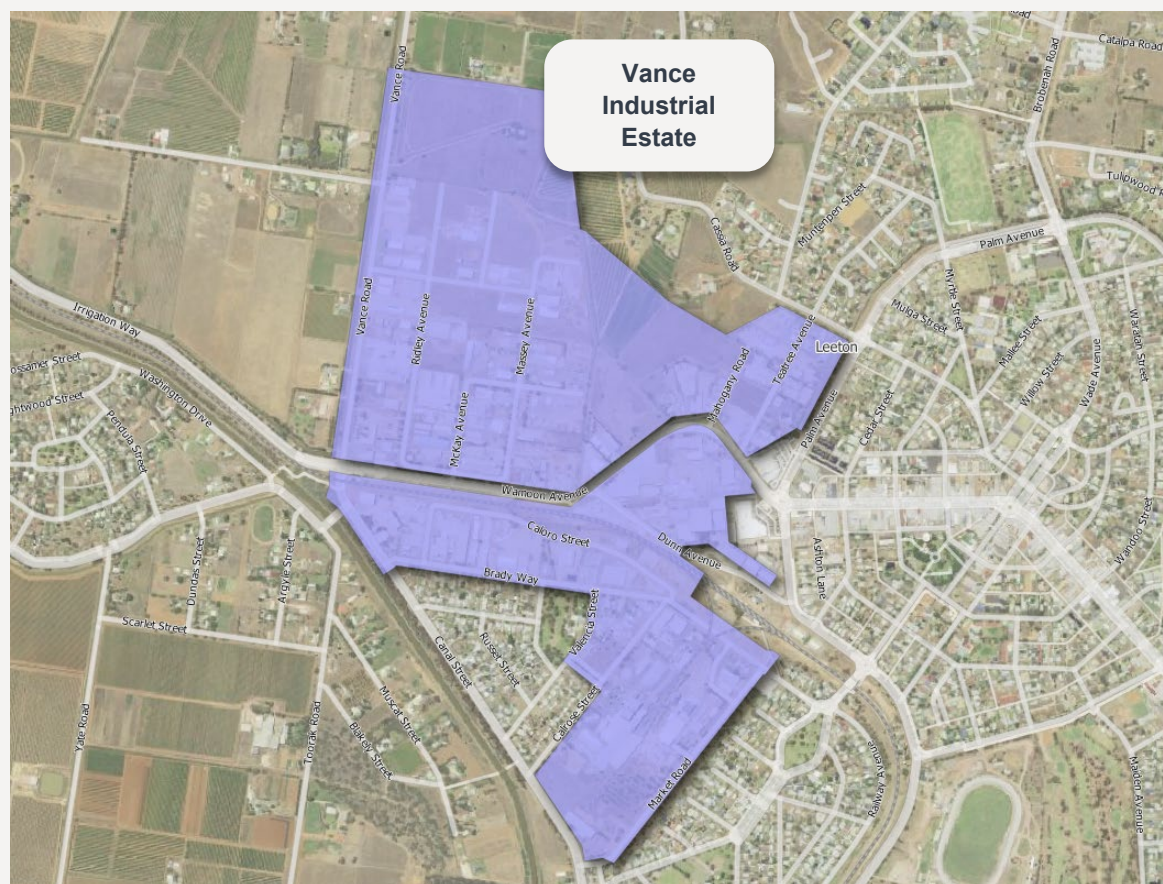


Figure 21 | Leeton General Industrial Zone

Griffith

The *Griffith City Council Employment Lands Strategy (2023)* notes demand for industrial land in Griffith will grow due to the “growth in food and beverage manufacturing and the road transport sector.”

At the time of publication, while Griffith enjoyed enough industrially zoned land to accommodate future growth until 2041, it is inappropriately located and sized to cater for the uses required of it.

“Despite the significant quantum of vacant and underutilised land, the availability and suitability of this land does not necessarily align with the demand for industrial land within Griffith, particularly in terms of location or lot size.”

And

“there is a need to identify the potential for additional E4 zoned land within the city, which is suitably serviced, located and sized.”

Noting the above relative lack of supply of nearby industrial zoned land and the fact that Darlington Point has no appropriately zoned land for industrial purposes, this planning proposal seeks to address a relative lack of industrial zoned land in particular location.

That is, at a major intersection of a strategic road network, servicing both east-west movement between Adelaide and the eastern states, as well as north-south movement between the eastern states via the Newell Highway and Hume Highway. The proponent seeks to provide for advantageously located road transport and agribusiness opportunities to service the local economy.

Land Use Conflicts

The subject land adjoins four (4) established rural dwellings located to the north east of the subject land. These dwellings are located approximately 100 metres from the eastern boundary of the subject land.

Given that the development proposes to achieve industrial outcomes on-site, matters regarding land use conflicts and amenity impacts may arise. Notwithstanding, given that these sites are well separated from nearby rural residential dwellings by existing state roads and a 10 metre wide vegetated buffer, the rezoning of this land is not expected to create any land use conflicts and will be subject to a separate Development Application process.

Visual Impacts

Matters regarding visual impacts have also been assessed and are considered appropriate in this instance. The land is relatively isolated and will be developed with a minimum 10 metre wide vegetated buffer, which will help screen and soften the appearance of the industrial estate from adjoining lands.

The only visual impacts that may result would be to the rural dwellings located to the east. Notwithstanding, given the large setbacks of the subject land (100m+) and the fact that these existing dwellings are encircled with dense perimeter landscaping, this will visually screen and buffer the subject land.

3.3.4. Section D – Infrastructure (Local, State and Commonwealth Interests)

Q11. Is there adequate public infrastructure for the planning proposal?

The subject land can be appropriately serviced with water and sewerage infrastructure. The land also adjoins the Kidman Highway and Sturt Highway and has good road access. Council engineering staff have confirmed that there is enough capacity within the existing infrastructure network to facilitate the development of this land, subject to minor augmentation and/or extension works proposed as part of the development of this land.

Traffic Impact Assessment

A traffic impact assessment (TIA) has been prepared for the subject site noting vehicle access will be provided from Kidman Way.

The TIA notes no safety issues have been identified in the surrounding road network and has considered the staged development of the site and made the following recommendations:

- **Recommendation 1:** turn treatments consisting of a Rural Basic Left-turn Treatment [BAL] for left-turning vehicles and a Rural Basic Right-turn Treatment [BAR] for right-turn vehicles be implemented on Kidman Way at the development access intersection before the statement of compliance is issued for Stage 1 of the development.

- **Recommendation 2:** turn treatments consisting of maintaining the Rural Basic Left [BAL] treatment for left-turn vehicles but upgrading the intersection to a short Rural Channelised Right [CHR(s)] turn treatment for right-turn vehicles on Kidman Way at the development access intersection before the statement of compliance is issued for Stage 2 of the development.
- **Recommendation 3:** turn treatments consisting of maintaining the Rural Basic Left [BAL] for left-turn vehicles but upgrading the previous CHR(S) treatment to a full Rural Channelised Right [CHR] turn treatments for right-turn vehicles on Kidman Way at the development
- **Recommendation 4:** temporary industrial court bowl treatments to be constructed to facilitate turns by the design vehicle at the termination of the internal road through the development at each stage boundary.
- **Recommendation 5:** the 80km/h speed zone along Kidman way to the south of Sturt Highway be extended further south to incorporate the proposed access.

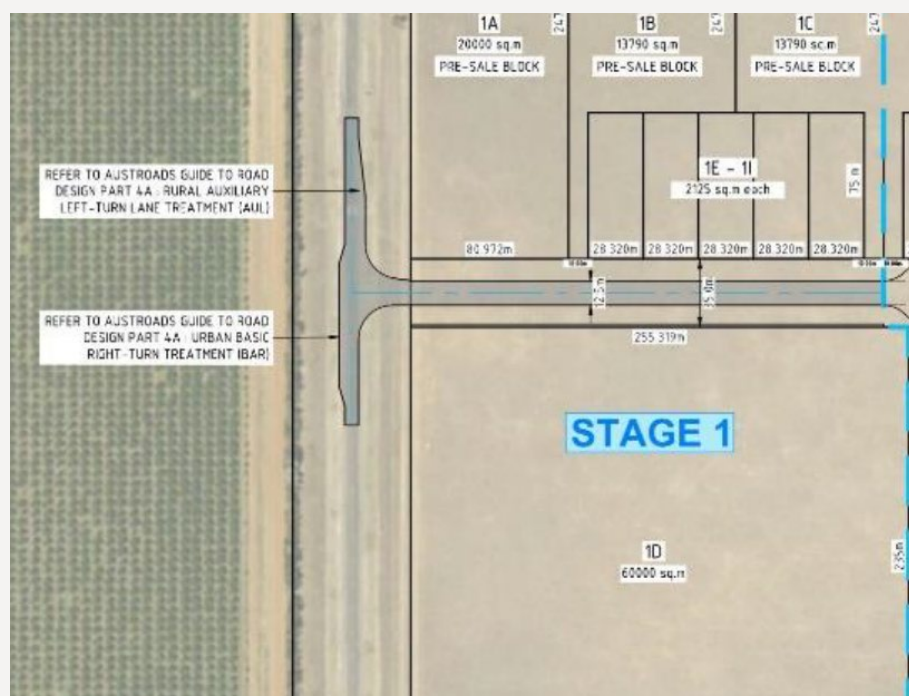


Figure 22 | Excerpt from Traffic Impact Assessment

3.3.5. Section E – State and Commonwealth Interests

Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

While a scoping report has not been prepared for this specific planning proposal, the Murrumbidgee Land Use Plan was widely circulated for comment from relevant stakeholders and agencies, resulting the subject land being recommended for rezoning for industrial use.

Specific agencies to be consulted included Transport for NSW, NSW Department of Primary Industries and Regional Development, Crown Lands, DPHI and NSW Rural Fire Service. In summary, none of these agencies objected to the land being rezoned to industrial (employment) subject to consideration of matters including, road access and land use conflict assessments.

Section 3.5 of this proposal provides further details regarding community consultation.

3.4. Mapping

The Planning Proposal seeks to amend the following maps of the LEP as follows:

- Digital Land Zoning Map
- Minimum Lot Size Map: LSZ_005B

An extract of the existing and proposed Land Zoning and Minimum Lot Size Maps are contained within **Section 3.5** of this proposal.

Mapping pertaining to environmental hazards and risks are contained within **Section 3.3** of this proposal.

The draft LEP maps and associated Map Cover Sheet will be prepared in accordance with the NSW Department of Planning & Environment's: Standard Technical Requirements for Spatial Datasets and Maps (Version 2.0, August 2017).

3.5. Community Consultation

The Planning Proposal will be exhibited in accordance with the requirements of Part 1, Division 1, Clause 4 of Schedule 1 of the EP&A Act, the NSW Department of Planning and Environment's: A Guide to Preparing Local Environmental Plans and any conditions of the Gateway Determination (to be issued).

As the Planning Proposal is categorised as a 'standard' proposal, it expected to be placed on public exhibition for 20 days or as otherwise outlined in Council's Community Participation Plan.

Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, any affected landowner/s adjoining the subject land will be notified in writing, as well as any Public Authorities, Government Agencies and other key stakeholders as determined by the Gateway Determination.

The future consultation process is expected to include:

- written notification to landowners adjoining the subject land.
- public notices to be provided in local media, including in a local newspaper and on Councils' website.
- static displays of the Planning Proposal and supporting material in Council public buildings; and
- electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).

The written notice will contain:

- a brief description of the intended outcomes of the Planning Proposal.
- an indication of the land which is affected by the proposal.
- information on where and when the Planning Proposal can be inspected.
- the name and address of Council for the receipt of submissions.
- the closing date for submissions; and
- confirmation whether the Minister has chosen to delegate Plan Making powers to Council.

During the public exhibition period the following documents will be placed on public exhibition:

- the Planning Proposal.
- the Gateway Determination.

- any technical information relied upon by the Planning Proposal.
- relevant council reports.

An electronic copy of all of the above information to be placed on public exhibition will be made available to the public free of charge.

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and will prepare a report to Council.

3.6. Project timeline

The project timeline for the Planning Proposal is outlined in Table 3.

It is noted however, that there are many factors that can influence compliance with the timeframe including Council staffing resources, the cycle of Council meetings and submissions received, and issues raised. Consequently, the timeframe should be regarded as indicative only

Table 3 | Indicative Timeline

Project Milestone	Anticipated Timeframe
Lodgement Lodge Planning Proposal with council and make any necessary adjustments or changes prior to council accepting the plan	4 weeks for council to review and provide any comments regarding the submitted Planning Proposal and for the report to be updated. TBA.
Council Report (seeking Gateway Determination) Council planning officers to prepare a report to council seeking council endorsement of the Planning Proposal and referral to the NSW DPIE seeking the issuing of a Gateway Determination.	2 weeks to prepare council report and include on council agenda. TBA.
Request Gateway Determination Council to request a Gateway Determination from the NSW Department of Planning to proceed to Planning Proposal to public exhibition (including any delegation of plan-making powers to council)	2 weeks following Council resolution and request for a Gateway determination. TBA.
Public Exhibition Undertake public exhibition of Planning Proposal in accordance with the conditions of the Gateway Determination.	2 weeks to prepare and place a public notice in the paper and 4 weeks to publicly exhibit the Planning Proposal. TBA.
Consider Submissions & Finalise Document Council planning officers to consider, respond and report on submissions received and issues raised (if any) and where necessary, recommended relevant changes to the Planning Proposal.	2 weeks to collate, consider and respond to submissions received (if any). TBA.

Project Milestone	Anticipated Timeframe
Council Report (consideration of submissions) Council planning officers to prepare a report to council post public exhibition that considers any submissions received.	4 weeks to prepare council report and include on council agenda. TBA.
Submission to NSW DPIE/Parliamentary Counsel Forward Planning Proposal to NSW DPE/Parliamentary Counsel (if delegated) for finalisation following public exhibition.	4 weeks. TBA.
Notification Finalisation/gazettal of Planning Proposal	2 weeks TBA.

4. Conclusion

This Planning Proposal has been prepared by Habitat Planning on behalf of AgField Development Fund and is submitted to Murrumbidgee Council in support of an amendment to the *Murrumbidgee Local Environmental Plan 2013* ('Murrumbidgee LEP') as it relates to land described as Lot 149, DP750908 and addressed as Sturt Highway, Darlington Point ('subject land').

Specifically, the Planning Proposal seeks to rezone the subject land from RU1 Primary Production to E4 General Industrial and The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size Map by removing the current 200 hectare minimum lot size that applies to this land consistent with other industrial (employment) zoned land.

The report has been prepared to address the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Infrastructure & Environment's guidelines titled: *Local Environmental Plan Making Guideline* (August 2023).

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is generally consistent or is not inconsistent with the strategic planning framework including State, Regional and local planning strategies as they relate to Darlington Point.
- The proposal seeks to rezone land for industrial purposes consistent with the recommendations of both the Murrumbidgee Land Use Plan and Darlington Point Structure Plan.
- The resultant development of the land will not create any unacceptable environmental or social impacts as the land is unconstrained and separated from sensitive land uses.
- Development of the subject land for industrial purposes can be fully integrated with adjoining development in terms of road access and services.
- There is currently no zoned industrial zoned land within Darlington Point with demand for industrial zoned land that is strategically located on key transport corridors.
- Losses of a relatively small parcel of land for primary production purposes is not expected to impact the community or further abroad given its relatively small size and peripheral location on the urban fringe. The revised zoning boundaries are also not expected to create land use conflicts as they are separated from adjoining uses.
- There will be a net benefit for the Darlington Point community through the provision of industrial zoned land, which will broadly support economic development and jobs.
- The subject land can be provided with all urban services.

The proposed amendment to LEP is appropriate and well-considered and warrants the support of Council before proceeding to a Gateway Determination.

Appendix A: Consistency with Riverina Murray Regional Plan 2041

Table 4 | Consistency with Riverina-Murray Regional Plan 2041

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Part 1 – Environment		
Objective 1 – Protect, connect and enhance biodiversity throughout the region.	Not applicable	Not applicable
Objective 2 – Manage development impacts within riverine environments	Not applicable	<p>The development of this land is not expected to adversely affect the values of the riverine environment as it is well set back from the Murrumbidgee River.</p> <p>The subject land adjoins land already developed for road transport and agricultural purposes and will integrate and connect with this land. The lot layout has sought to avoid drainage pathways leading to the river and details concerning potential contamination can be addressed at a Development Application stage.</p>
Objective 3 – Increase natural hazard resilience	Applicable as the subject land is flood prone.	<p>Consideration of this objective is required as the subject land is partially identified as being flood prone. It was analysed in the Darlington Point Draft Floodplain Risk Management Study and Plan.</p> <p>The subject land is only subject to low hazard flooding and is located in the flood fringe.</p> <p>Therefore, the development of this land for industrial purposes will not be adversely affected by flooding and will not adversely affect the broader flood network. Where</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		required, a minimum Finished Floor Level (FFL) can be assigned to any future buildings constructed on the land.
Part 2 – Communities and places		
Objective 4 – Support Aboriginal aspirations through land use planning.	Not yet applicable, as the subject land is not known to contain any culturally significant land.	The Planning Proposal is consistent with the recommendations of a Council-wide Heritage Study and avoids areas of cultural sensitivity. Consideration of matters regarding Aboriginal Cultural Heritage is required under the NSW <i>National Parks and Wildlife Act 1974</i> .
Objective 5 – Ensure housing supply, diversity, affordability and resilience.	Not applicable	Not applicable, however the creation of more industrial land will support future options and demands within Darlington Point.
Objective 6 – Support housing in regional cities and their sub-regions	Not applicable	Not applicable, however the creation of more industrial land will support future options and demands within Darlington Point.
Objective 7 – Provide for appropriate rural residential development.	Not applicable	Not applicable
Objective 8 – Provide for short-term accommodation	Not applicable.	Not applicable

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Objective 9 – Plan for resilient places that respect local character	Not applicable	Not applicable
Objective 10 – Improve connections between Murray River communities	Not applicable	Not applicable
Objective 11 – Plan for integrated and resilient utility infrastructure	Applicable, as the Planning Proposal seeks to develop land for industrial purposes, which will require servicing.	Matters regarding utilities and infrastructure have been addressed in the main Planning Proposal report and are considered to be appropriate as the land to be rezoned immediately adjoins land that has been developed and located adjacent to a Strategic road network.
Part 3 - Economy		
Objective 12 – Strategically plan for rural industries	Applicable as the proposal seeks to achieve general industry outcomes that will influence rural industries due the broader area having a significant agricultural economy.	<p>Although this Planning Proposal will see a reduction in RU1 Primary Production zoned land, this loss will be relatively small and is located on a strategic road network and transport corridor.</p> <p>Given the general rural context of this area and the size of some of the proposed industrial allotments, the rezoning and development of this land for industrial purposes will support rural agribusiness industries. The location of this land to agricultural activities will also reduce travel times</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		and will improve connections for existing agricultural businesses.
Objective 13 – Support the transition to net zero by 2050	Not applicable	Not applicable
Objective 14 – Protecting and promoting industrial and manufacturing land	Applicable as the proposal seeks general industry outcomes	<p>The Planning Proposal seeks to increase the amount of larger lot industrial land that will better suit businesses that support the agribusiness industry.</p> <p>The land identified for rezoning to E4 General Industrial in this Planning Proposal is strategically located with good access to transport services.</p> <p>The rezoning of this land will establish this portion at the edge of Darlington Point as the defined industrial precinct for this township and will avoid land use conflicts with future urban (residential, commercial) development proposed elsewhere.</p>
Objective 15 – Support the economic vitality of CBDs and main streets	Not applicable.	Not applicable
Objective 16 – Support the visitor economy	Not applicable	Not applicable

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Objective 17 – Strategically plan for health and education precincts	Not applicable	Not applicable
Objective 18 – Integrate transport and land use planning	Access to and from the subject site will need to be considered.	<p>The subject land has access to the sealed Kidman Way to the west, which will be the main point of vehicle access.</p> <p>The intersection of Kidman Way and the Sturt Highway comprises a sealed T-Head Intersection with good sight lines in both an east and west direction.</p> <p>See enclosed TIA for further details.</p>

Appendix B: Consistency with State Environmental Planning Policies

Table 5 | Consistency with State Environmental Planning Policies

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in non-rural areas	Not applicable	Not applicable
Chapter 3 – Koala habitat protection 2020	Not applicable	Not applicable
Chapter 4 – Koala habitat protection 2021	Not applicable	Not applicable
Chapter 5 – River Murray lands	Not applicable.	Not applicable
Chapter 6 – Water Catchments	Not applicable	Not applicable
Chapter 13 – Strategic Conservation Planning	Not applicable	Not applicable.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions.
State Environmental Planning Policy (Housing) 2021		

Policy	Applicable to Planning Proposal	Consistency
Chapter 2 – Affordable housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Diverse housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 4 – Design of Residential Apartment Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 5 – Transport Orientated Development	Not applicable	Not applicable
State Environmental Planning Policy (Industry and Employment) 2021		
Chapter 2 – Western Sydney employment area	Not applicable	Not applicable.
Chapter 3 – Advertising and signage	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Planning Systems) 2021		
Chapter 2 – State and Regional Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
Chapter 3 – Aboriginal land	Applies to land owned by an Aboriginal Land Council.	Not applicable as the land in the current Planning Proposal is not owned by an Aboriginal Land Council.
Chapter 4 – Concurrences and consents	Applies to all land in the State.	Not applicable to the current Planning Proposal.

State Environmental Planning Policy (Precincts – Central River City) 2021

Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Sydney region growth centres	Not applicable	Not applicable.
Chapter 4 – Homebush Bay area	Not applicable	Not applicable.
Chapter 5 – Kurnell Peninsula	Not applicable	Not applicable.
Chapter 6 – Urban renewal precincts	Not applicable	Not applicable.

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

Policy	Applicable to Planning Proposal	Consistency
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Darling Harbour	Not applicable	Not applicable.
Chapter 4 – City West	Not applicable	Not applicable.
Chapter 5 – Walsh Bay	Not applicable	Not applicable.
Chapter 6 – Cooks Cove	Not applicable	Not applicable.
Chapter 7 – Moore Park Showground	Not applicable	Not applicable.
State Environmental Planning Policy (Precincts – Regional) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Activation precincts	Not applicable	Not applicable.
Chapter 4 – Kosciuszko National Park and alpine resorts	Not applicable	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
Chapter 5 – Gosford city centre	Not applicable	Not applicable.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Sydney region growth centres	Not applicable	Not applicable.
Chapter 4 – Western Sydney Aerotropolis	Not applicable	Not applicable.
Chapter 5 – Penrith Lakes Scheme	Not applicable	Not applicable.
Chapter 6 – St Mary's	Not applicable	Not applicable.
Chapter 7 – Western Sydney Parklands	Not applicable	Not applicable.
State Environmental Planning Policy (Primary Production) 2021		

Policy	Applicable to Planning Proposal	Consistency
Chapter 2 – Primary production and rural development	Applicable as there is RU1 Primary Production land affected in the Planning Proposal	<p>The aims of the SEPP in relation to this Planning Proposal is to facilitate orderly economic use and development of lands for primary production, reduce conflict and sterilisation of rural land balancing primary production and residential development.</p> <p>The Planning Proposal is justifiably inconsistent with the provisions of this SEPP including the Rural Planning Principles and Rural Subdivision Principles.</p> <p>A detailed assessment of the proposed rezoning against the rural planning principles and rural subdivision principles has been provided in response to Ministerial Directions 1.2 and 1.5 as outlined in Appendix C.</p> <p>In summary, the proposed land rezoning is considered to be justifiably inconsistent with this SEPP and will not have a long-term adverse impact on the productive agricultural value of rural lands.</p> <p>The proposed rezoning is consistent with the recommendations of the previous Murrumbidgee Land Use Plan. It is noted that consultation was undertaken with NSW Department of Primary Industries and Regional Development who did not object to the proposed rezoning.</p>
Chapter 3 – Central Coast plateau areas	Not applicable	Not applicable.

State Environmental Planning Policy (Resilience and Hazards) 2021

Policy	Applicable to Planning Proposal	Consistency
Chapter 2 – Coastal management	Not applicable	Not applicable.
Chapter 3 – Hazardous and offensive development	Applies to all land in the State.	<p>Not applicable to the current Planning Proposal.</p> <p>Further consideration of this Chapter may be required in the future once the individual land uses are known.</p>
Chapter 4 – Remediation of land	Applies to all land in the State.	<p>As the Planning Proposal seeks to rezone land, consideration of matters regarding land contamination are required prior to rezoning.</p> <p>Following a desktop assessment of the subject land and its surrounds, the land has been historically used for the purposes of broadacre agriculture, being the grazing of cattle or crop production.</p> <p>Therefore, the land has not be subject to high risk activities that may have resulted in land contamination. Similarly, the land does not contain any structure, outbuildings or infrastructure such as sheep dips or other potentially contaminated activities and the land shows no signs of land contamination.</p> <p>In addition, the Planning Proposal seeks to rezone the subject land for general industrial purposes, which will not allow for sensitive land use activities such as residential, child care or recreation purposes, which has the potential to cause contamination or future health concerns.</p> <p>For these reasons, the proposed rezoning of the subject land for industrial purposes is considered to be suitable for this purpose and should not require remediation.</p>

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2 – Mining, petroleum production and extractive industries	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided for in the SEPP.
Chapter 3 – Extractive industries in Sydney area	Not applicable	Not applicable.
State Environmental Planning Policy (Sustainable Buildings) 2022		
Chapter 2- Standards for Residential Development - BASIX	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Standards for Non-Residential Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development consent, assessment and consultation requirements, capacity to

Policy	Applicable to Planning Proposal	Consistency
		undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
Chapter 3 – Educational establishments and child care facilities	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 4 – Major infrastructure corridors	Not applicable	Not applicable.
Chapter 5 – Three ports – Port Botany, Port Kembla and Newcastle	Not applicable	Not applicable.
Chapter 6 – Moorebank Freight Intermodal Precinct	Not applicable	Not applicable.
Draft State Environmental Planning Policies		
Environment SEPP	Not applicable	Not applicable.
Corridor Protection SEPP	Not applicable	Not applicable.

Appendix C: Consistency with Section 9.1 Ministerial Directions

Table 6 | Consistency with Ministerial Directions

No.	Title	Applicable to Planning Proposal	Consistency
1. Planning Systems			
1.1	Implementation of Regional Plans	Yes, as this Direction applies to all Planning Proposals that apply to land where a Regional Plan has been prepared.	The Planning Proposal is consistent with the goals, directions and actions as contained within the <i>Riverina Murray Regional Plan 2041</i> . A full response in relation to this Regional Plan has been provided as Appendix A .
1.2	Development of Aboriginal Land Council Land	Not applicable, as the subject land is not identified on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable.
1.3	Approval and Referral Requirements	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not propose any referral or concurrence requirements or nominate any development as 'designated development'.
1.4	Site Specific Provisions	Yes, as the Planning Proposal relates to an individual site and seeks to allow particular development of a site.	The Planning Proposal is consistent with this Direction as it seeks to allow particular industrial development outcomes to be carried out through rezoning the subject land to another zone already contained within the Murrumbidgee LEP (the environmental planning instrument) and does not impose any development standards or requirements in addition to those already contained in the relevant zones.

No.	Title	Applicable to Planning Proposal	Consistency
1. Planning Systems – Place Based			
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable	Not applicable.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable	Not applicable.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	Not applicable.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable	Not applicable.
1.10	Implementation of Western Sydney Aerotropolis Plan	Not applicable.	Not applicable.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable.	Not applicable.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.	Not applicable.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.	Not applicable.
1.14	Implementation of Greater Macarthur 2040	Not applicable.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.15	Implementation of the Pymont Peninsula Place Strategy	Not applicable.	Not applicable.
1.16	North West Rail Link Corridor Strategy	Not applicable.	Not applicable.
1.17	Implementation of the Bays West Place Strategy	Not applicable.	Not applicable.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable.	Not applicable.
1.19	Implementation of the Westmead Place Strategy	Not applicable.	Not applicable.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.21	Implementation of South West Growth Area Structure Plan	Not applicable.	Not applicable.
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable.	Not applicable.
Design and Place [This Focus Area was blank when the Directions were made]			
Nil			
Biodiversity and Conservation			
3.1	Conservation Zones	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not involve land identified as environmentally sensitive and does not seek to reduce the environmental protection standards that apply to the land.
3.2	Heritage Conservation	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not affect existing provisions within the LEP relating to the protection of known European and Aboriginal heritage.

No.	Title	Applicable to Planning Proposal	Consistency
3.3	Sydney Drinking Water Catchment	Not applicable.	Not applicable.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable.	Not applicable.
3.5	Recreation Vehicle Areas	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not advocate the designation of the subject land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the <i>Recreation Vehicles Act 1983</i> .
3.6	Strategic Conservation Planning	Not applicable, as the land is not identified as avoided land or a strategic conservation area under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .	Not applicable.
3.7	Public Bushland	Not applicable.	Not applicable.
3.8	Willandra Lakes Region	Not applicable.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable.	Not applicable.
3.10	Water Catchment Protection	Not applicable.	Not applicable.

Resilience and Hazards

4.1	Flooding	Yes, as the Planning Proposal seeks to alter a zone or a provision that affects flood prone land.	<p>The provisions of Direction 4.1 apply as the Planning Proposal seeks to rezone flood prone land for industrial purposes, which is inconsistent with subclause (2) of this Direction.</p> <p>Notwithstanding, the proposed land zoning is considered justifiably inconsistent with this Direction for the following reasons:</p> <ul style="list-style-type: none"> • The subject land is not located within a floodway; • The subject land is only located in the flood fringe and represents low level flooding (H1) with a depth of less than 0.25 metres at the 1 in 100 Year ARI event; • The subject land is highly accessible with frontage to two sealed roadways that lead away from the area of flooding. • The future development of this land will not result in significant flood impacts to surrounding properties; • The proposal does not seek to achieve residential outcomes or increase density;
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No.	Title	Applicable to Planning Proposal	Consistency
			<ul style="list-style-type: none"> The proposal does not seek to develop the land for a sensitive use such as a child care, hospital, seniors housing, group home or the like; The rezoning of this land will not allow for development of this land to be carried out without development consent; The rezoning will not require an increase in government spending of emergency management services; The proposed rezoning, whilst seeking to rezone the subject land for industrial purposes can be appropriately managed as part of the Development Application process. The rezoning is consistent with the recommendations of the Darlington Point Floodplain Risk Management Strategy and Plan; The rezoning is consistent with the recommendations of Murrumbidgee Land Use Plan. <p>For these reasons, the proposed rezoning is justifiably inconsistent with this Direction.</p> <p>See Darlington Point Flood Risk Management Study and Plan for further detail.</p>
4.2	Coastal Management	Not applicable.	Not applicable.
4.3	Planning for Bushfire Protection	Not applicable.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
4.4	Remediation of Contaminated Land	Yes, as the subject land has been historically used for agricultural purposes.	<p>Whilst it is acknowledged that the subject land has been used for a purpose referred to in Table 1 to the contaminated land planning guidelines, the provisions of this Direction do not apply as the Planning Proposal does not seek to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital.</p> <p>Instead, the Planning Proposal seeks to rezone the subject land for employment (industrial) purposes, which is not classified as a sensitive land use. Furthermore, following a desktop inspection of the subject land and discussions with the landowner, the site has not been used for intensive and potentially contaminating land use activities.</p> <p>Consequently, the subject land is considered fit for its intended purpose.</p>
4.5	Acid Sulphate Soils	Not applicable.	Not applicable.
4.6	Mine Subsidence & Unstable Land	Not applicable.	Not applicable.
Transport and Infrastructure			
5.1	Integrating Land Use and Transport	Yes, as the Planning Proposal relates to urban land.	Direction 5.1 applies as the Planning Proposal seeks to create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.

No.	Title	Applicable to Planning Proposal	Consistency
			<p>The Planning Proposal is consistent with the objectives of this Direction as it has regard to the transport documents referenced in this Direction and the proposed rezoning is consistent with the recommendations of the Murrumbidgee Land Use Plan.</p> <p>Whilst it is acknowledged that the subject land is located on the main intersection of two key classified roads (Sturt Highway and Kidman), the future development of this land will be required to achieve a coordinate approach to site access, which will restrict the construction of individual driveways onto these higher order roadways.</p> <p>An assessment of traffic impacts has been undertaken via the preparation of a Traffic Impact Assessment (TIA), which confirms that access to the site can achieve relevant road safety requirements. See enclosed TIA for further details.</p>
5.2	Reserving Land for Public Purposes	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not create, alter or reduce any provisions relating to land for public acquisition purposes.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable.	Not applicable.
5.4	Shooting Ranges	Not applicable.	Not applicable.

Housing

No.	Title	Applicable to Planning Proposal	Consistency
6.1	Residential Zones	Not applicable	Not applicable.
6.2	Caravan Parks & Manufactured Home Estates	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction as it does not reduce the opportunities for caravan parks and manufactured homes estates on the subject land.

Industry and Employment

7.1	Business and Industrial Zones	Yes, as the Planning Proposal seeks to rezone land for employment (industrial-purposes).	<p>See response to Section 9.1 Directions contained within the Appendix E of the Murrumbidgee Land Use Plan.</p> <p>An extract of this response as it relates to the subject land is reproduced below.</p> <p>The [supply and demand] analysis did identify the need to rezone industrial lands in both Darlington Point and Coleambally. In particular, it is noted that Darlington Point currently has no designated industrial zoned land, which as a result is discouraging the establishment of new industrial businesses within the town.</p> <p>In addition, this has resulted in the establishment of a number of industrial businesses within the village zone immediately adjacent to sensitive land uses (houses), which is creating amenity impacts such as visual appearance, traffic, noise, dust, odour and the like.</p> <p>For this reason, it is recommended that a new IN1 General Industrial zone be established at the intersection of the Kidman Way and Sturt Highway. This land is</p>
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No.	Title	Applicable to Planning Proposal	Consistency
			<p>strategically located on a key transport route, is not subject to any environmental or natural hazards and is well-separated from the main townships so as to avoid issues of land use conflicts. It is noted that council has already received strong interest for the development of industrial zoned land and the proposed rezoning will satisfy this demand. The rezoning of this land is also consistent with the recommendations of a structure plan previously prepared for this township.</p> <p>Consequently, the subject Planning Proposal is consistent with the objectives of this Direction as it will support the supply of new industrial land and is consistent with the recommendations of the previous Murrumbidgee Land Use Plan.</p>
7.2	Reduction in non-hosted short term rental accommodation period	Not applicable.	Not applicable.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable.
Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable	Not applicable

No.	Title	Applicable to Planning Proposal	Consistency
Primary Production			
9.1	Rural Zones	Yes, as the Planning Proposal will affect land within an existing or proposed rural zone.	<p>The subject Planning Proposal seeks to reduce the amount of rural zoned land and therefore the provisions of Ministerial Directions 9.1 – Rural Zones and 9.2 – Rural Lands apply. A response to these Directions (formerly Directions 1.2 and 1.5) has been provided in the enclosed Land Use Plan.</p> <p>It is noted that the NSW Department of Primary Industries and Regional Development provided a response to the LUP via letter dated 24 February 2022. In summary, the NSW DPI Agriculture confirmed that they have ‘no objection to the draft Plan’s recommendations for rezoning of specific sites to reflect current land use and the harmonisation of the minimum lot size for rural zoned land (RU1) to 200ha’.</p> <p>Further consideration of these Directions is therefore not required in this instance.</p>
9.2	Rural Lands	Yes, as the Planning Proposal will affect land within an existing or proposed rural zone.	See response to 9.1 and enclosed Murrumbidgee Land Use Plan.
9.3	Oyster Aquaculture	Not applicable.	Not applicable.
9.4	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable.	Not applicable.

Appendix D: Proposed Subdivision and Staging Plan

Appendix E: Biodiversity Values Map and Threshold Report

Appendix F: Layer Intersect Tool (LIT) Summary Report - BAM Stage 1 Layer Set

Appendix G: Darlington Point Flood Risk Management Study and Plan

Appendix H: Aboriginal Cultural Heritage Review

Appendix I: Biodiversity Constraints Analysis

Appendix J: Traffic Impact Assessment
