



IRF24/2696

Gateway determination report – PP-2024-2331

Darlington Point, Murrumbidgee

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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 and thanks them for their care of country.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal, Sturt Highway, Darlington Point (Oct 2024)
Darlington Point, Coleambally, and Jerilderie Murrumbidgee Council – LEP Planning, Murrumbidgee LGA, NSW - Biodiversity Constraints Analysis (2021)
Darlington Point Floodplain Risk Management Study and Draft Plan (2021)
Traffic Impact Assessment Report (30/9/2022)
Murrumbidgee Land Use Plan (2022)
Murrumbidgee Land Use Strategy – Aboriginal Cultural Heritage Review (2021)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Murrumbidgee Shire Council
PPA	Murrumbidgee Shire Council
NAME	Rezone RU1 Primary Industries to E4 General Industrial Potential 300 jobs
NUMBER	PP-2024-2331
LEP TO BE AMENDED	Murrumbidgee LEP 2013
ADDRESS	Sturt Highway, Darlington Point
DESCRIPTION	Lot 149 DP750908
RECEIVED	7/11/2024
FILE NO.	IRF24/2696
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

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

The objectives of the planning proposal are to rezone the subject land from RU1 Primary Production to E4 General Industrial and to remove the minimum lot size on the subject land.

1.3 Explanation of provisions.

The planning proposal seeks to amend the Murrumbidgee LEP 2013 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU1 Primary Production	E4 General Industrial
Minimum lot size	200 ha	0
Number of jobs	N/A	unknown

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

1.4 Site description and surrounding area

Darlington Point is located 35 kilometres south of Griffith, 61 kilometres west of Narrandera and 117 kilometres east of Hay. It is a small town adjacent to the Sturt Highway, a major east-west freight route and the Kidman Way, a north-south freight route (See Figure 1). The subject land is located to the south of the town of Darlington Point, and fronts both the Sturt Highway and the Kidman Way (see Figure 2).



Figure 1 - Context map (Source: Google Maps, Jan 2025)

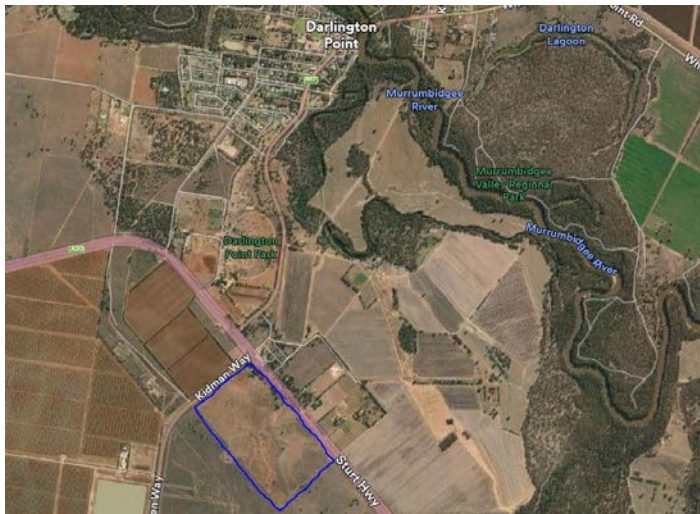


Figure 2 - Locality map Darlington Point (Source: Nearmap, 2025)

The subject site is approximately 70 hectares in size. The land has been used in the past for agricultural purposes and there are no structures or buildings on site. A dry creek bed traverses the site from north to south and drains toward a small dam to the north east boundary and the Murrumbidgee River to the north east (See Figure 3).



Figure 3 - Site map (Source: planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning Map (LZN_11A) and the Lot Size Map. (LSZ_11A). The maps are suitable for community consultation.



Figure 4 - Existing Zone Map and Proposed Zone Map (Source: Planning Proposal)



Figure 5 - Existing Lot Size Map and Proposed Lot Size Map (Source: Planning Proposal)

2 Need for the planning proposal

The planning proposal is the only means of achieving the recommendations of the Structure plan, and will provide for future employment opportunities in the Murrumbidgee Shire. The site is located adjacent to the Sturt Highway and Kidman Way which provides for future freight, and other transport needs that may emerge pending future development applications for industrial and business uses on the subject lands.

The Murrumbidgee Land Use Plan (2022) identifies the subject land as suitable for rezoning for industrial uses as it is strategically located and avoids areas of environmental significance or hazards, as well as nearby sensitive land uses that have the potential to create land use conflicts. This site was identified to be rezoned in the short term as part of a staged approach to providing additional industrial and business opportunities in the town. The Land Use Plan estimated the subject land could provide approximately 76 industrial lots (with an average of 8,000m²) which would provide approximately 25 years of industrial land supply. It is noted, as shown in Figure 4, that the Land Use Plan included a small area adjoining the northern corner of the site (where the Kidman Way (south) joins the Sturt Highway). Part of this land is identified as Crown Land and is subdivided into 9 x (approx.) 2ha lots. However, this small portion of land has not been included in the planning proposal.

The Council resolution of 27 August 2024 proposes to rezone only Lot 149 DP 750908 (the subject land). Therefore, it is assumed that Council supports the rezoning of only part of the land identified in the Land Use Plan and shown in Figure 4.

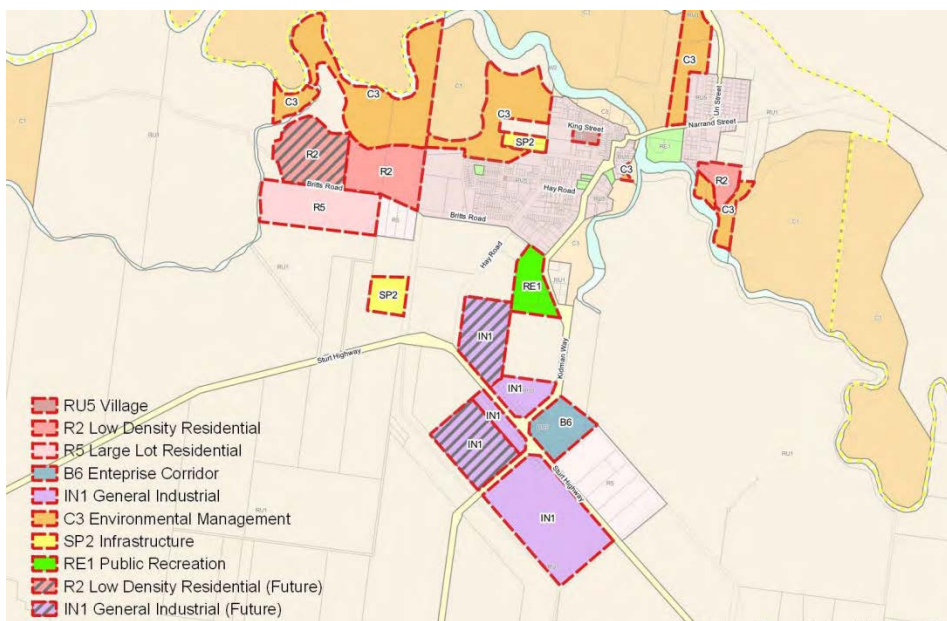


Figure 6 - Extract Murrumbidgee Land Use Plan Oct 2022

The planning proposal is also consistent with Council's Local Strategic Planning Statement as further explained in Section 3.2 of this report.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan.

Table 4 Regional Plan assessment

Riverina Murray Regional Plan 2041 Objectives	Relevance/consistency	Justification
Objective 3 – Increase natural hazard resilience	Consistent	See Section 4.1 of this report for detailed assessment.
Objective 11 – Plan for integrated and resilient utility infrastructure.	Consistent	The subject land is consistent with Strategy 11.1 of the Regional Plan as it provides for development around existing infrastructure (the State road network of the Kidman Way and the Sturt Highway), the site has been identified as feasible to service, Council has not identified any issues with service provision. The proposal will also be consistent with Strategy 11.2 in terms of optimising water.
Objective 14 – Protecting and promoting industrial and manufacturing land	Consistent.	The Planning Proposal seeks to increase the amount of industrial land in Darlington Point. The proposal is consistent with Strategy 14.2 as the subject land is strategically located with good access to transport services and close to the town of Darlington Point without concerns about land use conflicts with other urban uses.
Objective 18 – Integrate transport and land use planning	Consistent	The proposal is consistent with Strategy 18.2 as it will provide for industrial land near freight infrastructure, away from the Darlington Point township and potential land use conflicts.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

The planning proposal is consistent with the LSPS and the Murrumbidgee Land Use Plan 2022.

Local Strategies	Justification
Local Strategic Planning Statement	BE1 – Supply of land: To ensure there is 15-20 years supply of zoned land and choice of sites for urban development.

Local Strategies	Justification
	<ul style="list-style-type: none"> • B33 – Location of industrial development: To prevent land use conflicts with adjoining nonindustrial 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	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. See Section 2 of this report for further detail.

3.3 Section 9.1 Ministerial Directions

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

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans zones.	Yes	As discussed in Section 3.1 of this report, the proposal aligns with the strategies of the Riverina Murray Regional Plan 2041.
1.3 Approval and Referral Requirements	Yes	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 in the relevant zones.	Yes	The Planning Proposal is consistent with this Direction as it does not impose any development standards or requirements in addition to those already in place.
3.1 Conservation Zones.	Yes	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 and Aboriginal heritage Proposals.	Yes	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.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	No	<p>Justifiably inconsistent.</p> <p>Section 4.1 of this report provides further detail however, the planning proposal is inconsistent with the direction as it proposes to rezone land within the flood planning area.</p> <p>The Darlington Point Floodplain Risk Management Study and Plan identifies the subject land as having low hazard risk in the 1% AEP and a moderate to low hazard risk in an extreme design flood (probable maximum flood).</p> <p>The proposal is not inconsistent with items (3), (4) and (5) of the Direction.</p> <p>The proposal is justified in being inconsistent as it is in accordance with a floodplain risk management study or plan adopted by the Council in accordance with the principles and guidelines of the <i>Floodplain Development Manual 2005</i>.</p>
4.4 Remediation of land.	Yes	The planning proposal confirms an Initial Evaluation has been undertaken for the subject land and potential land contamination has not been identified.
5.1 Integrating Land Use and Transport.	Yes	The proposal is consistent with the objectives of the Direction and the documents identified in item (1) of the Direction.
7.1 Business and Industrial Zones	Yes	The proposal is consistent with the Direction as it gives effect to the objectives.
9.1 Rural Zones.	No	<p>Justifiably inconsistent</p> <p>The proposal is inconsistent with the Direction as it proposes to rezone rural zoned land. The inconsistency is justified as the proposal is consistent with the Murrumbidgee Land Use Plan 2022.</p>
9.2 Rural Lands	Yes	The proposal is consistent with this Direction as it has considered the rural land uses on the site and the adjoining rural land and will support primary production through the opportunity to value add in industrial uses close to strategic freight transport routes.

Commented [CC1]: Check

3.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with any SEPPs.

4 Site-specific assessment

4.1 Environmental

4.1.1 Flooding

The Murrumbidgee Land Use Plan (2022) notes that increasing development within the floodplain, particularly below the flood planning level (see Figure 7) should be discouraged. The Darlington Point Floodplain Risk Management Study and Plan (FRMSP) recommended that Council consider changing the zoning in these areas from RU5 and R5 to a non-residential, or less intense residential land use, to minimise flood risk to future developments.

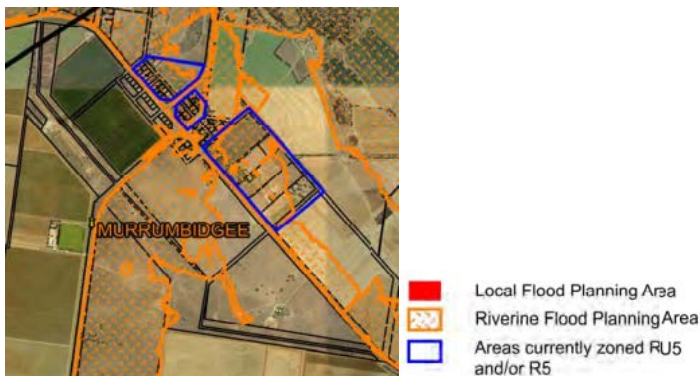


Figure 7 - Flood Planning Level (Source: Darlington Point Floodplain Risk Management Study and Plan)

The planning proposal is consistent with the FRMSP as it proposes general industrial uses, not residential, for the subject land that is mostly within the Riverine Flood Planning Area. The planning proposal also identifies the subject land is at the fringe of the main flooding area and the proposed development is not expected to adversely affect any adjoining land.

The FRMSP identifies the subject land as subject to low level flooding (Hazard Category H1) (see Figure 8)



Figure 8 - Murrumbidgee River main stream for 1% AEP design flood (A) peak floodwater depths, and (B) Hazard Categorisation (Source: Darlington Point Floodplain Risk Management Study and Plan)

The FRMSP also modelled the extreme design flood (also known as the probable maximum flood). The flood levels and hazard categorisation are within levels that can be managed at the development stage (see Figure 9).

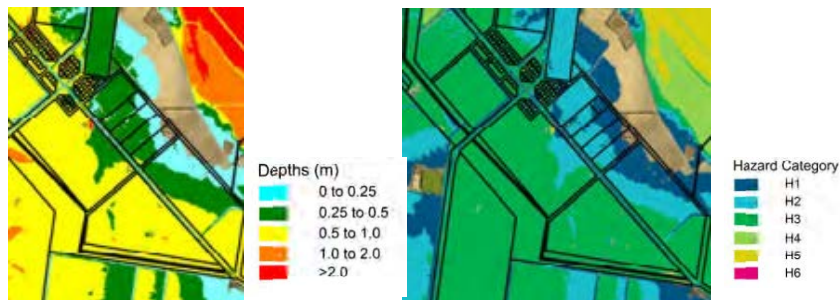


Figure 9 - Murrumbidgee River main stream extreme design flood (A) peak floodwater depths and (B) Hazard Categorisation (Source: Darlington Point Floodplain Risk Management Study and Plan)

Given the likely flood impact, it is appropriate for the Gateway determination to require consultation with the Department of Climate Change, Energy, the Environment and Water and the State Emergency Services to confirm the flood risks can be mitigated or managed in the future.

4.1.2 Biodiversity

While there are no known or mapped biodiversity values on the site, the planning proposal identifies Plant Community Types that may indicate the presence of threatened species. To meet future obligations under the Biodiversity Offset Scheme, the planning proposal commits a future development outcome would avoid encroaching on any potentially significant vegetation through subdivision design.

This analysis of biodiversity is considered adequate for this stage in the planning process and a future development application could ensure that any obligations and legislative requirements of the *Biodiversity Conservation Act 2016* can be met.

4.1.3 Bushfire

The subject land is not mapped as being bushfire prone, noting that Vegetation Category 3 (Grassland) is yet to be added to the Bushfire Prone Land Map for Murrumbidgee. The planning proposal notes that given the size and orientation of the proposed lots, asset protection zones could be adequately accommodated at a development application stage. This is considered adequate for the purposes of managing bushfire risk.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Cultural Heritage	The planning proposal identifies that there is low Aboriginal cultural heritage potential due to the significantly modified site from agricultural impacts and the site's location more than 500m from a reliable water source. This assessment, in accordance with Council's Murrumbidgee Land Use Plan Aboriginal Cultural

	Heritage Review, is adequate and no further assessment is required at this stage in the process.
Industrial land demand/supply	Currently there is no available industrial zoned land available in the Darlington Point area and business development has limited opportunities to expand, limiting future employment and local business opportunities. The planning proposal includes a brief analysis of industrial land demand and supply analysis for other towns in reasonable proximity to Darlington Point, both within the Murrumbidgee Shire and in adjoining local government areas, including Coleambally, Leeton and Griffith. It found that the proposal would provide for a certain type of industrial land opportunity to take advantage of the strategic site location and support a sustainable supply of industrial land within a 40km radius of the site.
Land use Conflicts	The location of the subject land will facilitate strategic industrial development without the potential for land use conflict with more sensitive land uses within the village itself.
Crown land	The subject land adjoins a small portion of Crown Land to the north of the site. The proposed land uses are unlikely to negatively affect the use of the Crown Land site, however it would still be appropriate for the Gateway determination to require consultation with the Crown Lands department.
Social effects	The potential development of this land for industrial uses will provide for additional employment options for local residents.

4.3 Infrastructure

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.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Water and sewerage infrastructure	The subject lot can be serviced with water and sewerage infrastructure. Council staff have confirmed that there is enough capacity within existing services to service the development of this site. There may be some minor augmentation and extensions to works required but it is considered by Council not to be prohibitive.
Road access	<p>The subject site adjoins the Kidman Highway and Sturt Highway, giving the site strategic advantages to north-south and east-west freight routes. A Traffic Impact Assessment has been prepared and is included in the documentation attached to the planning proposal. The planning proposal notes that no safety issues have been identified and the Traffic Impact Assessment made a series of recommendations to facilitate the development and manage the impact on the Kidman Way (the proposed primary access to the site).</p> <p>Given the impact on two State road networks, it is appropriate for the Gateway determination to require consultation with Transport for NSW.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days.

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

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

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

- NSW Department of Climate Change, Energy, the Environment and Water
- NSW State Emergency Service
- Crown Lands (Department of Planning, Housing and Infrastructure)
- Transport for NSW

6 Timeframe

Council proposes a 12 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 1 October 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.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is considered to be a standard planning proposal, and is consistent with regional, local planning and economic development strategies the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with Section 9.1 Direction 4.1 Flooding and Direction 9.1 Rural Zones are justified by studies and adopted plans.

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. Consultation is required with the following public authorities:
 - Department of Climate Change, Energy, the Environment and Water
 - NSW State Emergency Service
 - Crown Lands (Department of Planning, Housing and Infrastructure)

- Transport for NSW
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 1 October 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 1 October 2025.



14/01/2025

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