

Gilgandra Shire Council

Planning Proposal

Amendment of Gilgandra Local Environmental Plan 2011

Lot 1 and Part Lot 2 DP 1070081, Oxley Highway, Gilgandra

V1 Gateway Version

Date: May 2024



Document History

Doc No.	Date	Details Comments eg Resolution No.
	May 2024	Planning proposal for gateway submission
		Planning proposal timeline and title page updated to reflect exhibition
		Planning proposal updated post exhibition

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Part 1 Introduction

1.1 Objective and intended outcomes

The objective of this planning proposal is to rezone certain rural land so that it can be used for industrial purposes.

1.2 Property details and existing zones

The subject land is as follows:

Land to be zoned for industrial purposes is Lot 1 DP 1070081 and part Lot 2 DP 1070081, Oxley Highway, Gilgandra. It is identified in Figure 1.

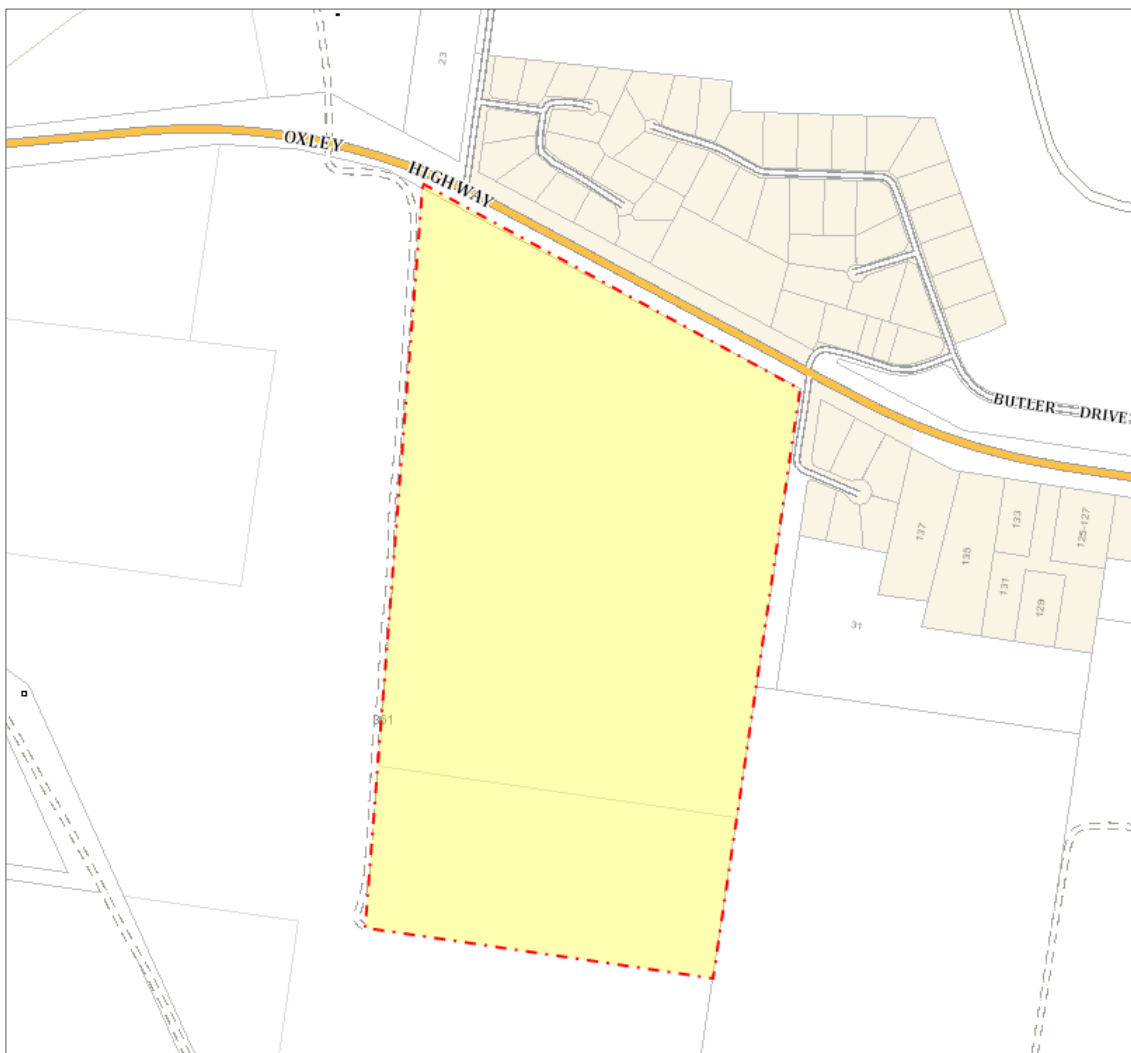


Figure 1: Subject land at Oxley Highway, Gilgandra

The Oxley Highway land is currently zoned RU1 Primary Production under Gilgandra LEP 2011 (Figure 2).

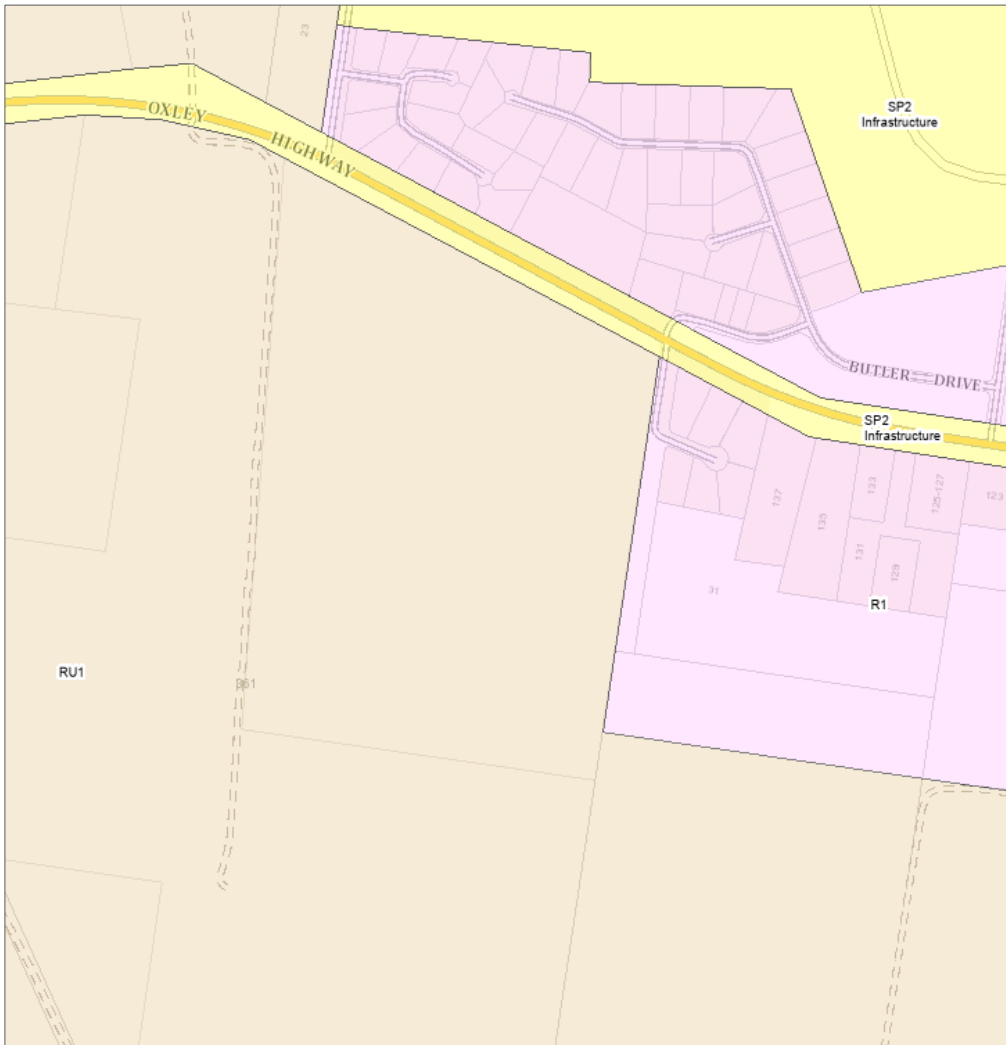


Figure 2: Oxley Highway existing land use zones in Gilgandra LEP 2011

The Oxley Highway land has a minimum lot size of 500 hectares (Figure 3). It does not have a floor space ratio (FSR) or Height of Building control.

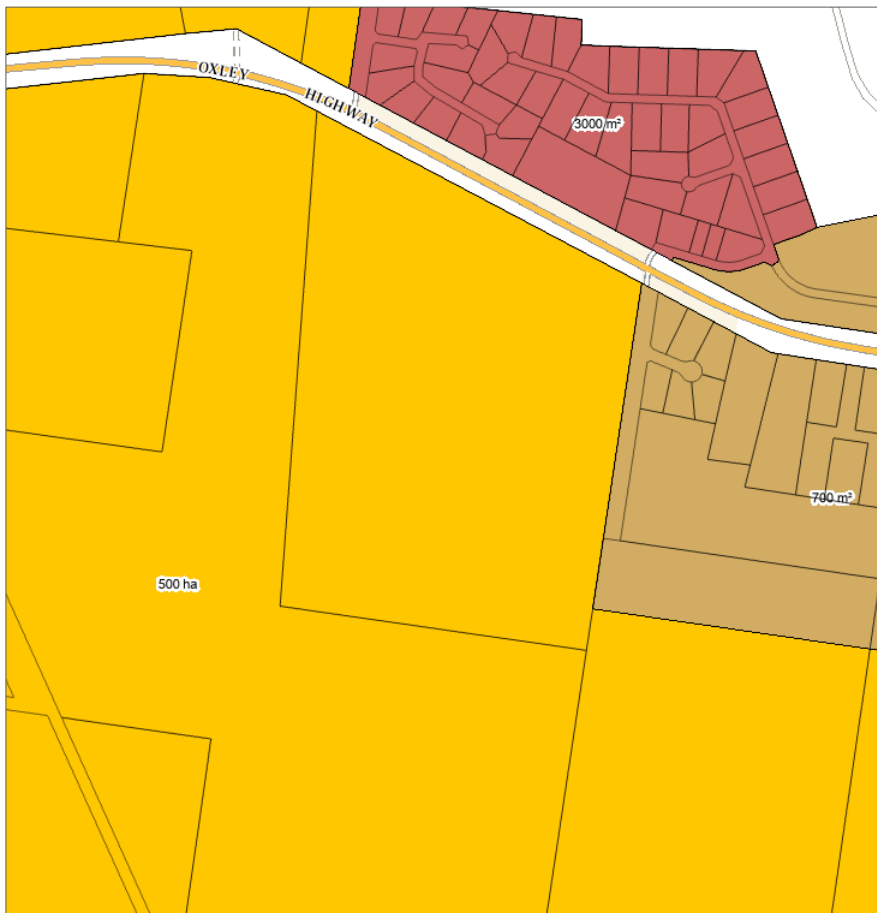


Figure 3: Oxley Highway minimum lot size as mapped in Gilgandra LEP 2011

1.3 Background

Gilgandra Shire has a limited supply of undeveloped industrial land and Gilgandra Shire Council (GSC) is keen to reduce the leakage of employment to other centres. GSC has been negotiating to develop the zoned industrial land on the Newell Highway, but the land owner has withdrawn its support. The Oxley Highway site is the logical alternative.

The Oxley Highway site is approximately 52 hectares in size. GSC intends to purchase and develop the northern-most 21-hectare section with frontage to the Oxley Highway as a fully serviced industrial area. It will not require access from Aralee Road. It is anticipated that a single access off the Oxley Highway will be established and a network of internal roads will feed off this access. The site is large enough that a buffer to residential land to the east can be incorporated. The balance of the site includes an area approved for a solar farm.

A report to Council on 21 November 2023 resulted in GSC resolving as follows (Res 221/23):

That Council:

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

Part 2 Explanation of provisions

The planning proposal seeks to amend Gilgandra LEP 2011 by rezoning the Oxley Highway site from RU1 Primary Production to E4 General Industrial with a minimum lot size of 5,000 m² and no height limit or FSR (Figure 4 and Figure 5). It will not be included in the Urban Release Area map.

The outcome is that employment related uses will be undertaken at the Oxley Highway site.

This can be achieved with map amendments.

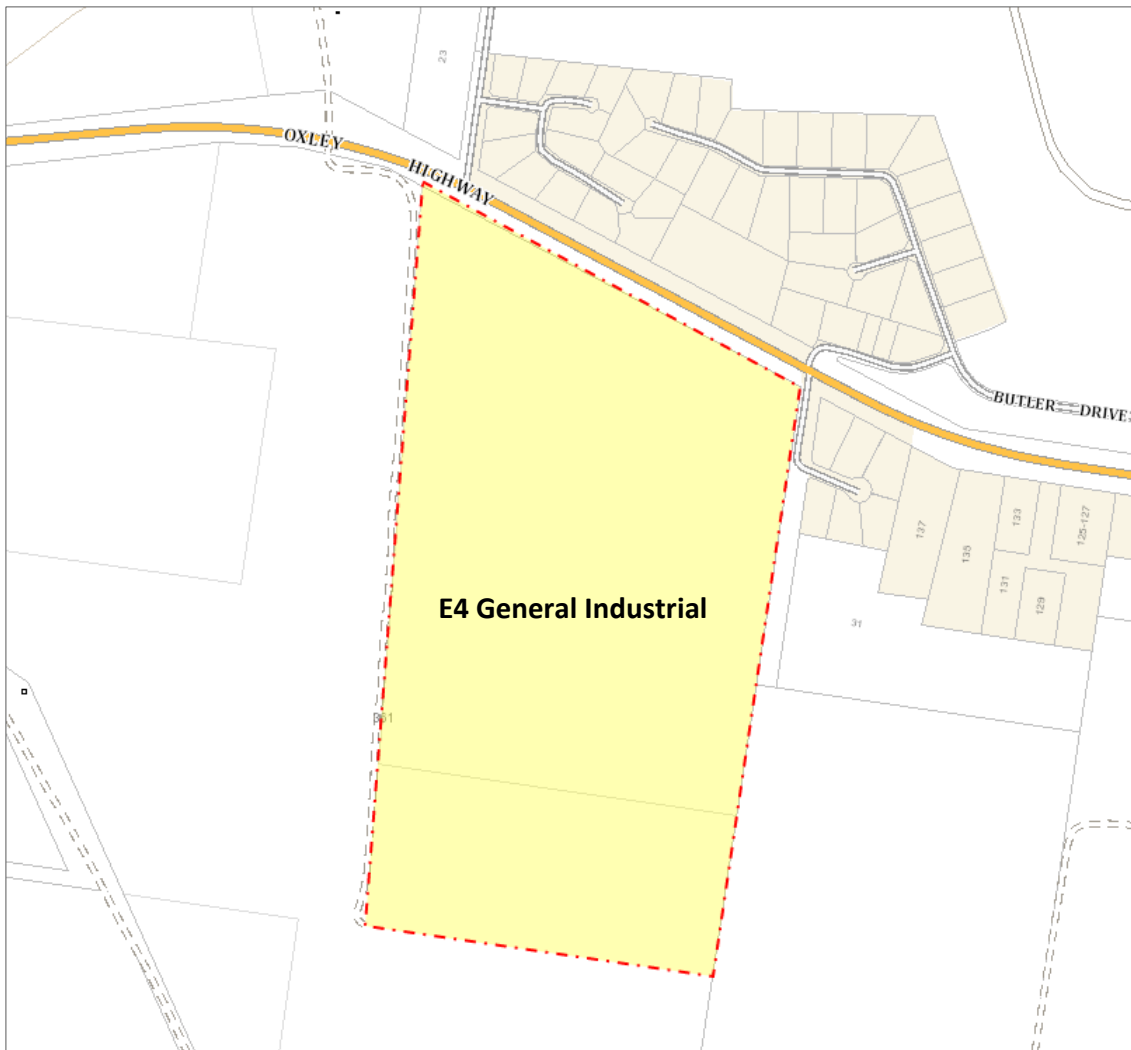


Figure 4: Oxley Highway proposed land use zone in Gilgandra LEP 2011

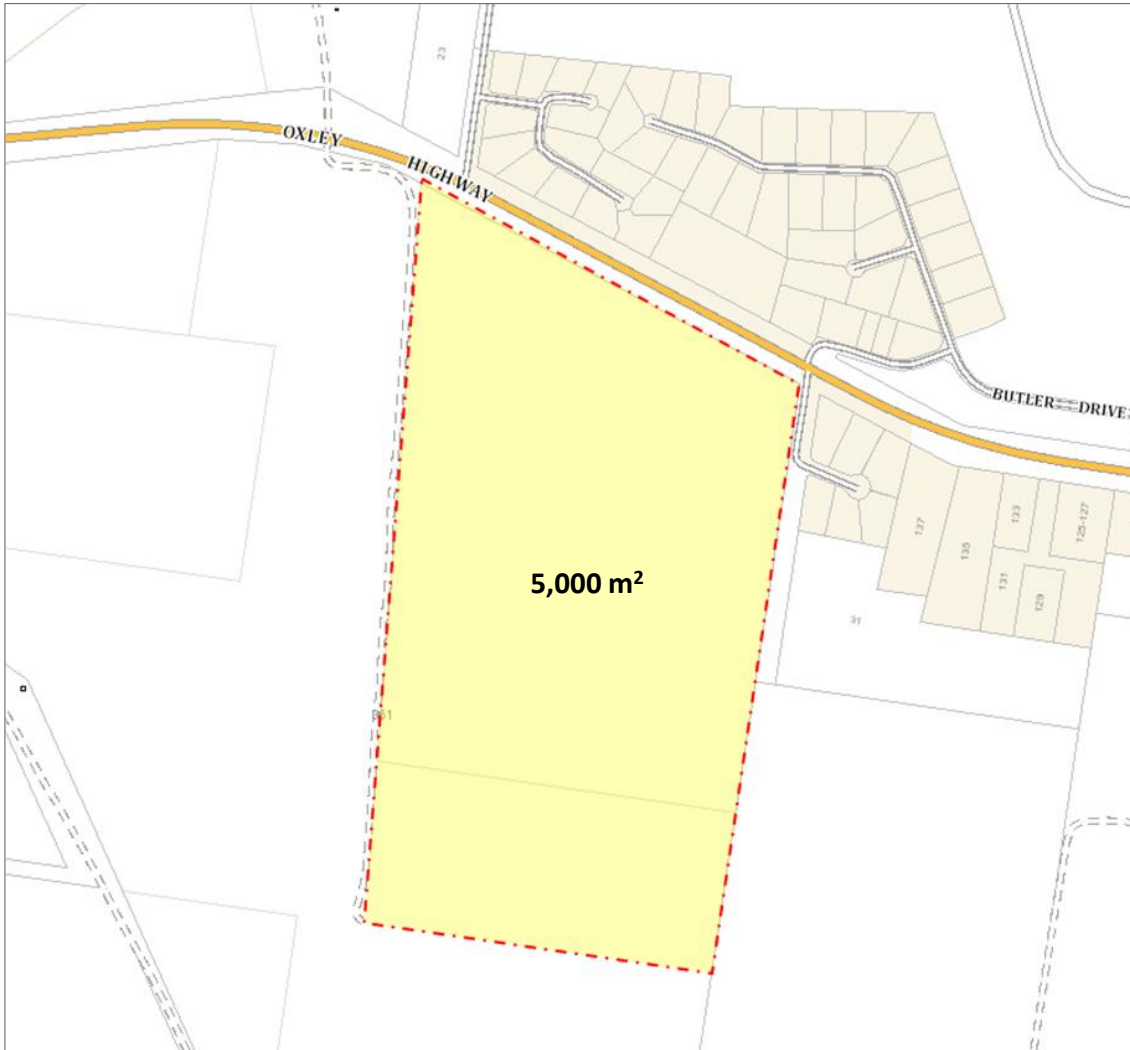


Figure 5: Oxley Highway proposed minimum lot size in Gilgandra LEP 2011

Part 3 Justification

Section A Need for the planning proposal

Q1. Is the planning proposal a result of any endorsed local strategic planning statement, strategic study or report?

Yes. GSC adopted its Local Strategic Planning Statement (LSPS) in June 2020. The LSPS states on page 12:

*Known as an innovative transport hub, Gilgandra boasts a diversified and prosperous economy, leveraging both road and rail options. With its strategic positioning at the junction of three major highways, Gilgandra's location is a major advantage in attracting new growth industries which require road/rail connectivity. Our **new industrial estate** will be essential to attracting new and diverse business to our town.*

This planning proposal will result in a new industrial estate with good access to both road and rail links. It is also close to the local aerodrome.

The LSPS (page 13) includes the following:

THEME TWO—A diversified and prosperous economy

Planning Priority 4—Industry diversification

Planning Priority 5—Attract and retain business and industry

This planning proposal will assist with industry diversification, new industry, and retaining business and industry.

Council also recently commissioned an Industrial Land Supply and Demand Analysis (Appendix A) to quantify any potential shortfall of serviced industrial land in the LGA. This analysis concluded:

The loss of a large zoned industrial area south of Gilgandra has created a shortfall in supply that can only be resolved by the addition of more zoned and serviced industrial land to current supplies. The shortfall is somewhere between 16 and 31.5 hectares. The existing vacant and zoned industrial land is likely to be totally exhausted within five years.

Given that industrial land is an important economic contributor to the LGA but is often slow to develop and bring to market, it is vital that Council does not delay the rezoning of additional land. As existing serviced land supplies run out, there will be nowhere for existing businesses to relocate or expand. There will be pressure for industrial development to move to other locations such as Dubbo.

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

The planning proposal is the best means to achieve the objective of permitting employment related land uses in the form of a new industrial estate on the western edge of the Gilgandra urban area.

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 (in this case the Central West and Orana Regional Plan 2041)?

Yes. The *Central West and Orana Regional Plan 2041* (plan) considers a 20-year timeframe with a focus on the next five years. It was published in December 2022. Specifically, the planning proposal is consistent with:

Objective 2 (page 20)—Support the State’s transition to Net Zero by 2050 and deliver the Central–West Orana Renewable Energy Zone

Comment: A reliable supply of serviced industrial land will assist in delivering the Renewable Energy Zone (Figure 6).

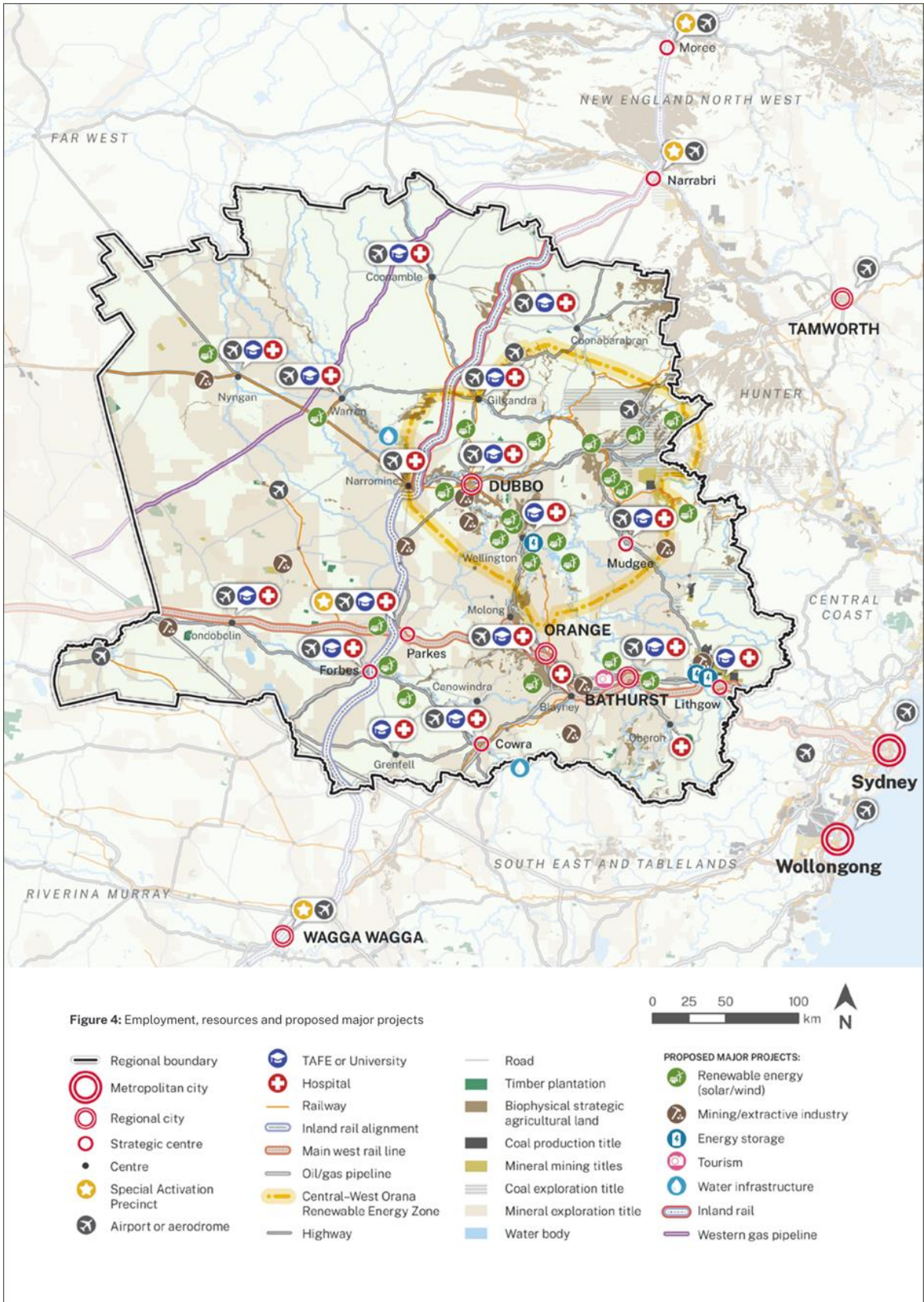


Figure 6: Central West Orana Renewable Energy Zone can be serviced by employment lands near Gilgandra

Strategy 7.1 (page 43)—locate development away from areas of known high bushfire, salinity and flooding risk.

Comment: The Oxley Highway site is mostly free from natural hazards. It is not flood prone and does not have a high bushfire risk.

Strategy 18.1 (page 87)—Use strategic planning and local plans to:

- identify and protect employment lands from the encroachment of incompatible development
- identify local and sub regional employment specialisations
- identify future employment land and the infrastructure needed to support it, including telecommunications infrastructure
- consolidate isolated, unused or underused pockets of industrial land
- respond to characteristics of the resident workforce and that in neighbouring LGAs
- provide flexibility in local planning controls
- respond to future changes in industry to allow a transition to new opportunities
- identify relevant water sources and pathways to accessing water to support enterprise

Comment: Rezoning the Oxley Highway site will implement these land use objectives.

Strategy 20.1 (page 94)—Strategic planning and local plans should consider opportunities to:

- protect and improve existing and emerging freight transport networks to new infrastructure such as the Parkes SAP, the Central–West and Orana REZ, major freight facilities and connections to the Inland Rail
- minimise the negative impacts of freight movements and deliveries on urban amenity, particularly with proposed town and heavy vehicle bypass and distributor roads
- enhance freight and logistics facilities by limiting the encroachment of incompatible and sensitive land uses

Comment: The rezoning will not negatively impact on transport networks.

Strategy 20.2 (page 95)—Support the operation and future land use potential of regional airports and aerodromes through strategic planning and local plans which should consider opportunities to:

- identify and activate employment lands surrounding airports and aerodromes
- encourage investment in compatible industries that benefit from either being close to the airport or aerodrome or that can utilise their respective locational and infrastructure advantages

Comment: The proposed employment lands are in proximity to the local aerodrome.

LGA Priorities (page 107)—Gilgandra Shire Council's priorities for the LGA are:

- Gilgandra and Tooraweenah
- value-add and diversification opportunities in the agribusiness sector
- opportunities from the area's rural character to support value-adding industries, tourism, and energy generation
- provision and continued development of major regional sports, recreation and cultural events and facilities
- development of transport and logistics sectors and associated businesses to maximise Gilgandra's location at the junction of the Newell, Oxley, and Castlereagh highways
- reviewing the Gilgandra Activation Blueprint
- smart city services, community engagement and data equity
- flood protection for Gilgandra
- housing availability in Gilgandra
- opportunities from Inland Rail including proposed industrial subdivision adjacent to the existing rail corridor
- identifying opportunities for the LGA, as the region's economy diversifies, and leveraging its accessibility to the Inland Rail, the Dubbo to Coonamble line at Curban and the Central West–Orana REZ.

Comment: The proposed employment lands will achieve a number of LGA priorities through creating value-add industrial opportunities; facilitating the transport and logistics sectors; and leveraging off the Inland Rail project.

Q4. Will the planning proposal give effect to Council's endorsed local strategic planning statement, or other local strategic plan?

This planning proposal will give effect to the adopted LSPS (see response to Question 1).

Council also adopted a 10 year + Community Strategic Plan (CSP) 2017/18 – 2026/27. The CSP is based on key themes including Economic Development (page 28). The outcome of this theme is “A community with a strong and diverse economic base that supports and improves the lifestyle of its residents.”

Strategy 5.1.1 to achieve this outcome is “Take a proactive and flexible approach to the pursuit of new businesses with a particular focus on increasing the diversity of local industry and promoting our highway location.”

The Measure of Success of this outcome is as follows:

- Number of new businesses established
- Number of businesses in agricultural supply chain
- Agricultural industry contribution to local economy
- Industrial land availability
- Vacant industrial land

On this basis, the planning proposal is consistent with implementing Council's CSP.

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

Yes. In 2009, GSC worked with the NSW Department of Planning and neighbouring councils to prepare the Western Councils Sub Regional Land Use Strategy. This strategy identified both the Newell Highway and Oxley Highway lands as being potential sites for industrial land use (Figure 7). The Newell Highway site was subsequently zoned for industrial purposes but has never been developed.

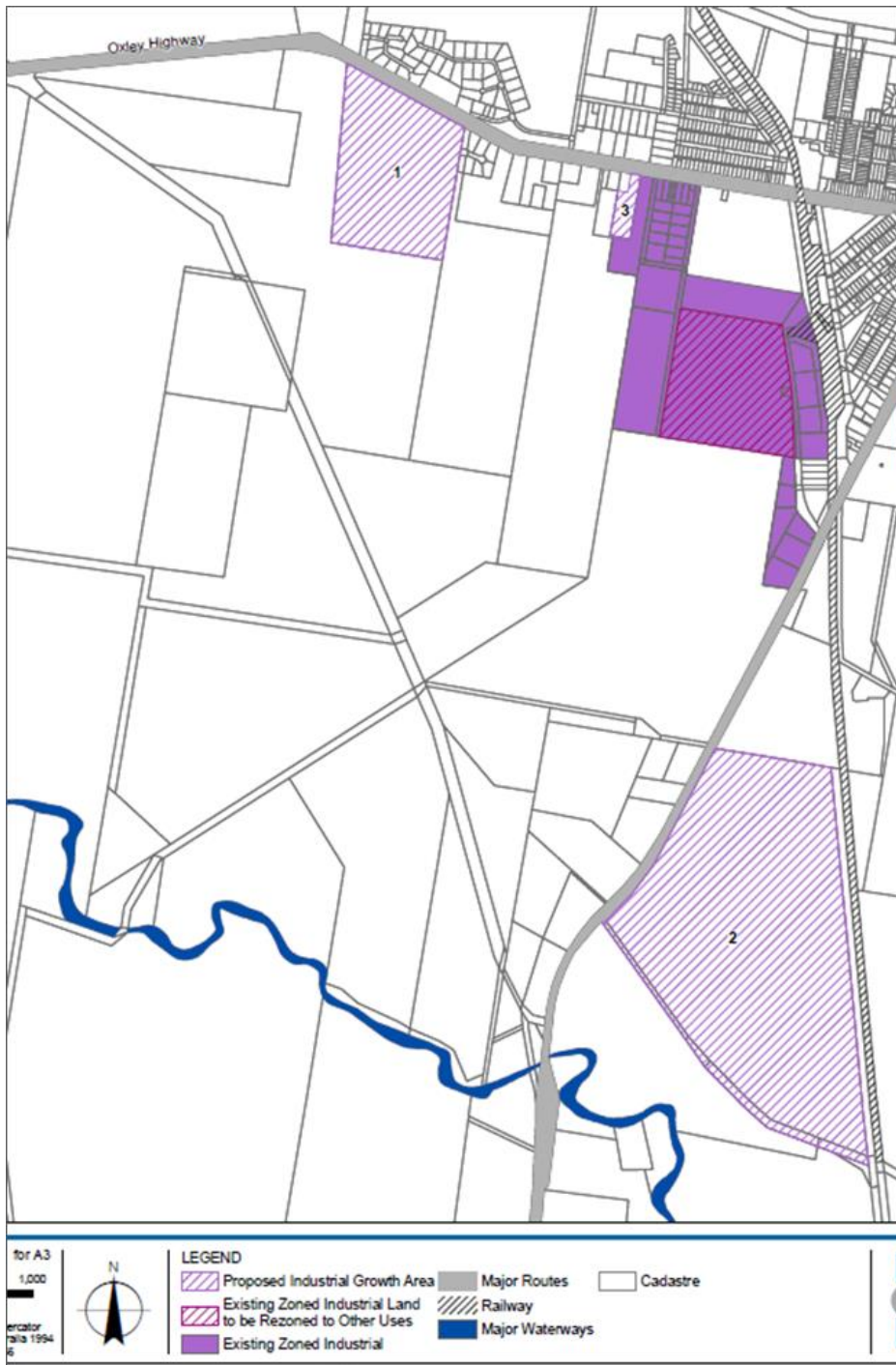


Figure 7: Extract from sub regional strategy showing proposed industrial land

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

The State Environmental Planning Policies relevant to this planning proposal are as follows:

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
SEPP (Biodiversity and Conservation) 2021	<p>Chapter 3 (Koala habitat protection 2020) of SEPP (Biodiversity and Conservation) 2021 applies because Gilgandra is identified as an applicable LGA in Schedule 2. The SEPP applies to land zoned RU1 Primary Production, which includes the Oxley Highway site. The SEPP requires that in amending its LEP, Council <i>“include land identified as a core koala habitat within an environment protection zone, or to identify land that is a core koala habitat and apply special provisions to control the development of that land.”</i></p> <p>The ecological assessment undertaken for this land did not identify any core koala habitat.</p> <p>The planning proposal is consistent with this SEPP.</p>

Q7. Is the planning proposal consistent with the applicable Ministerial Directions (s9.1 Directions) or key government priority?

Consistency with the s9.1 Directions is assessed in the following tables:

1. Planning Systems

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
1.1 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	<p>This planning proposal affects land subject to the Central West and Orana Regional Plan 2041 (CWORP).</p> <p>The CWORP is a high level strategic document that does not directly address the rezoning of industrial land in Gilgandra LGA. However, the planning proposal is consistent with a range of objectives and strategies as outlined in Section B (Question 3) above.</p>	Consistent

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
1.2 Development of Aboriginal Land Council land	Applies to all relevant planning proposal authorities when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> .	This planning proposal does not apply to Aboriginal Land Council land.	N/A
1.3 Approval and Referral Requirements	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority; and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), <p>prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</p>	This planning proposal does not introduce any of these matters.	N/A

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
<p>1.4 Site Specific Provisions</p>	<p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	<p>This planning proposal will rezone the Oxley Highway site to a zone that already exists in the LEP.</p> <p>It will not impose development standards or requirements in addition to those already contained in the LEP.</p> <p>The planning proposal does not contain any drawings.</p>	<p>Consistent</p>

3. Biodiversity and Conservation

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
<p>3.1 Conservation Zones</p>	<p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/ protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2(2) of “Rural Lands”.</p>	<p>This planning proposal does not alter or remove any environment protection zone. No environmental standards will be reduced by the proposed LEP changes.</p> <p>The subject land does not contain environmentally sensitive areas or high environmental value vegetation (HEV).</p>	<p>Consistent</p>
<p>3.2 Heritage Conservation</p>	<p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the</p>	<p>There are no European heritage items located on or near the site. Two locally listed buildings are located across the Oxley Highway on Council land. They will not be impacted by this planning proposal.</p> <p>There are no Aboriginal sites located on or in proximity to the subject land.</p> <p>Gilgandra LEP 2011 already contains clauses that facilitate the conservation of Aboriginal and European heritage in Gilgandra Shire. Sites and relics are also protected under State legislation.</p> <p>The planning proposal is consistent with this direction.</p>	<p>Consistent</p>

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p><i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>		
<p>3.5 Recreation Vehicle Areas</p>	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).</p>	<p>This planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.</p>	<p>N/A</p>

4. Resilience and Hazards

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.1 Flooding	Applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The subject land is not flood affected.	Consistent
4.3 Planning for Bushfire Protection	In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.	<p>The Oxley Highway land is partly grassland and is affected by bushfire hazard. Woodland vegetation at the eastern and northern edge is also affected by bushfire hazard.</p> <p>A Bushfire Hazard Report has been provided with this planning proposal and it identifies appropriate buffers.</p> <p>The planning proposal will not result in inappropriate development in hazardous areas.</p> <p>The planning proposal will not prohibit bushfire hazard reduction.</p> <p>The planning proposal will still need to be referred to the Rural Fire Service and the inconsistency remains until that occurs.</p>	Inconsistent (referral to RFS is required)

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
<p>4.4 Remediation of Contaminated Land</p>	<p>Applies when a relevant planning authority prepares a planning proposal that applies to:</p> <ul style="list-style-type: none"> (a) land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: <ul style="list-style-type: none"> i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). 	<p>The Oxley Highway land has a history of broadacre agriculture and grazing, and has not been used for land uses that could be a possible source of contamination.</p> <p>Council has undertaken a preliminary assessment of contamination from past land use, including soil sampling. No evidence of contamination has been established.</p> <p>The land is suitable for the proposed employment related uses.</p>	<p>Consistent</p>

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.5 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.	The subject land is not affected by acid sulfate soils (ASS).	N/A
4.6 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the <i>Coal Mine Subsidence Compensation Regulation 2017</i> pursuant to section 20 of the <i>Coal Mine Subsidence Compensation Act 2017</i> , or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.	This planning proposal does not impact any mine subsidence area. Neither is the site steep or potentially unstable.	Consistent

5. Transport and Infrastructure

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.1 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	<p>This planning proposal is proposing to zone the Oxley Highway land for employment purposes.</p> <p>It is well located in terms of road access and is also near to rail and air transport nodes. Public transport is limited in the LGA generally, but this site is easy walking and cycling distance from residential development.</p> <p>It is also well placed to access major freight routes such as the Oxley and Newell highways.</p> <p>It will provide transport choice and will be a good location to establish new businesses in Gilgandra.</p>	Consistent
5.2 Reserving Land for Public Purposes	<p>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p>	<p>This planning proposal does not alter an existing zone or reservation of land for public purposes.</p>	N/A
5.3 Development Near Regulated Airports and Defence Airfields	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>	<p>There are no regulated airports or defence airfields in the vicinity of this planning proposal.</p> <p>It is in proximity to the Gilgandra aerodrome but the proposed employment related uses will not create an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</p>	N/A

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.4 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	There are no shooting ranges in the vicinity of this planning proposal.	N/A

6. Housing

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
6.1 Residential Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.	This planning proposal does not involve any residential land and will not permit residential accommodation as a land use.	N/A
6.2 Caravan Parks and Manufactured Home Estates	<p>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP, zone the land in accordance with an appropriate zone under the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> that would facilitate the retention of the existing caravan park.</p>	This planning proposal will not alter the permissibility of caravan parks or manufactured home estates on any land.	N/A

7. Industry and Employment

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
7.1 Employment Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of Employment zones, (c) not reduce the total potential floor space area for employment uses and related public services in Employment Zones. (d) not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and (e) ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary. 	<p>This planning proposal will rezone 52 hectares of land for employment purposes.</p> <p>It will increase the potentially usable industrial land by 52 hectares.</p> <p>It is consistent with the objectives of this direction.</p> <p>The proposed Oxley Highway site is in accordance with a strategy that is approved by the Planning Secretary.</p> <p>Gilgandra Shire Council is the lead developer in employment land in the LGA. If Council does not pursue this planning proposal, it is unlikely any employment land will come to market.</p>	Consistent

8. Resources and Energy

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
8.1 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	This planning proposal will not alter or restrict mining or extractive industries on any land.	N/A

9. Primary Production

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
<p>9.1 Rural Zones</p>	<p>A planning proposal must not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.</p>	<p>The subject land is affected by an existing rural zone.</p> <p>This planning proposal will rezone 52 hectares of rural zoned land at the Oxley Highway site to an employment zone. This is inconsistent with the direction; however, the inconsistency is justified by a strategy approved by the Planning Secretary which:</p> <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites). <p>The endorsed strategy is the Western Councils Sub Regional Land Use Strategy (2009).</p>	<p>Justifiably inconsistent</p>
<p>9.2 Rural Lands</p>	<p>Applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the <i>Greater Sydney Commission Act 2015</i>) other than Wollondilly and Hawkesbury, that:</p> <ul style="list-style-type: none"> (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary), or (b) changes the existing minimum lot size on land within a rural or conservation zone. 	<p>The subject land will affect an existing rural zone.</p> <p>This planning proposal will both alter the rural zone and change the minimum lot size to allow employment land uses rather than broadacre rural land uses. It will not affect any State or regionally significant agricultural land, or exacerbate any rural land use conflicts. No rural residential uses are proposed.</p> <p>The inconsistency is justified by a strategy approved by the Planning Secretary, and is in force, which:</p> <ul style="list-style-type: none"> i. gives consideration to the objectives of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites). 	<p>Justifiably inconsistent</p>

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?

No. The subject land has a history of grazing and cropping. A biodiversity assessment was completed (Appendix B). The assessment found:

The proposed development comprises approximately 52ha and ground-truthing of the vegetation present revealed that approximately 1.96ha of disturbed PCT 206 - Dirty Gum – White Cypress Pine Woodland of alluvial sand (sand monkeys) in Darling Riverine Plains Bioregion and Brigalow Belt South Region would be impacted within Stage 1 development works [Figure 8]. Vegetation onsite was observed to be highly disturbed with a managed ground layer comprised primarily of exotic grasses. Exotic tree and shrub layer bounded the northern and eastern boundaries of the site. There is no likelihood of threatened species, populations or ecological communities being affected by future employment related land uses on the subject land. The narrow remnant vegetation strips along boundaries will be retained in buffers in any case.

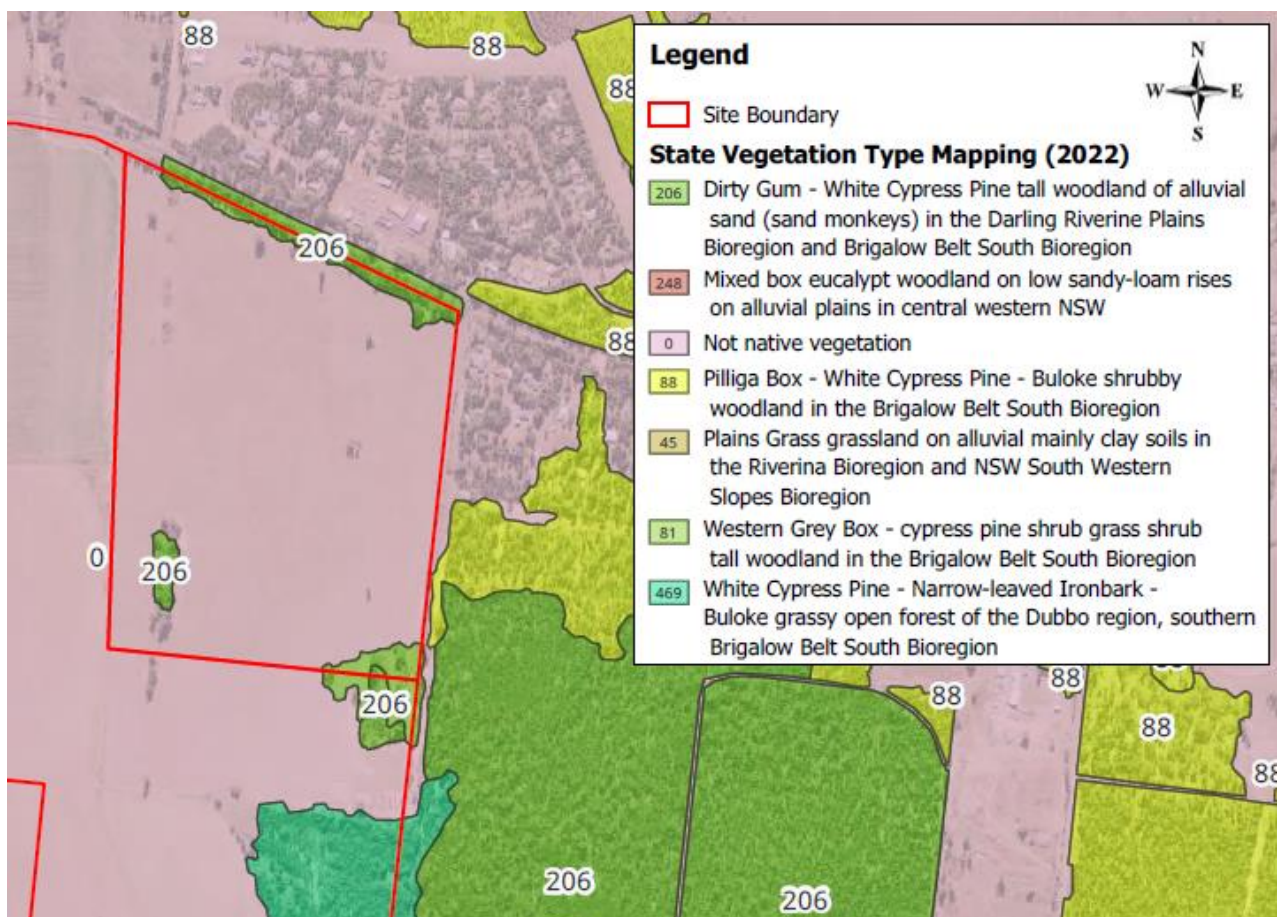


Figure 8: Native vegetation mapping on the subject land

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

No. The subject land is not flood prone in the 1% ARI design flood (Figure 9). It has no history of being inundated in the past.

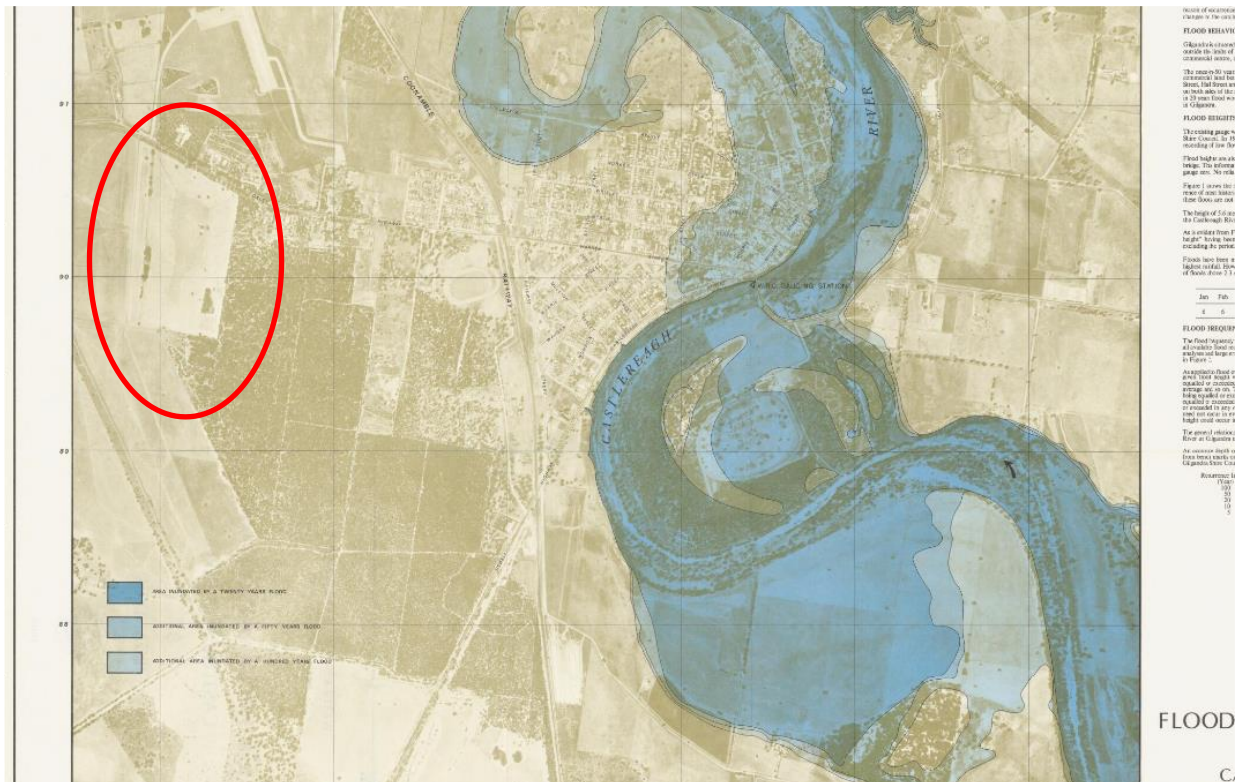


Figure 9: 1% flood level does not come close to the subject site

The Oxley Highway land includes woodland vegetation at its eastern and northern edges that is affected by a buffer zone to Category 1 Bushfire Prone Vegetation. The open grassland is vegetation Category 3 (although not mapped as such), but it will mostly be used for industrial land uses (Figure 10).

A Strategic Bushfire Study has been provided with this planning proposal (Appendix C) and it identifies appropriate asset protection buffers for future development.

The planning proposal will not result in inappropriate development in hazardous areas and will not exacerbate bushfire hazard on this or other land.

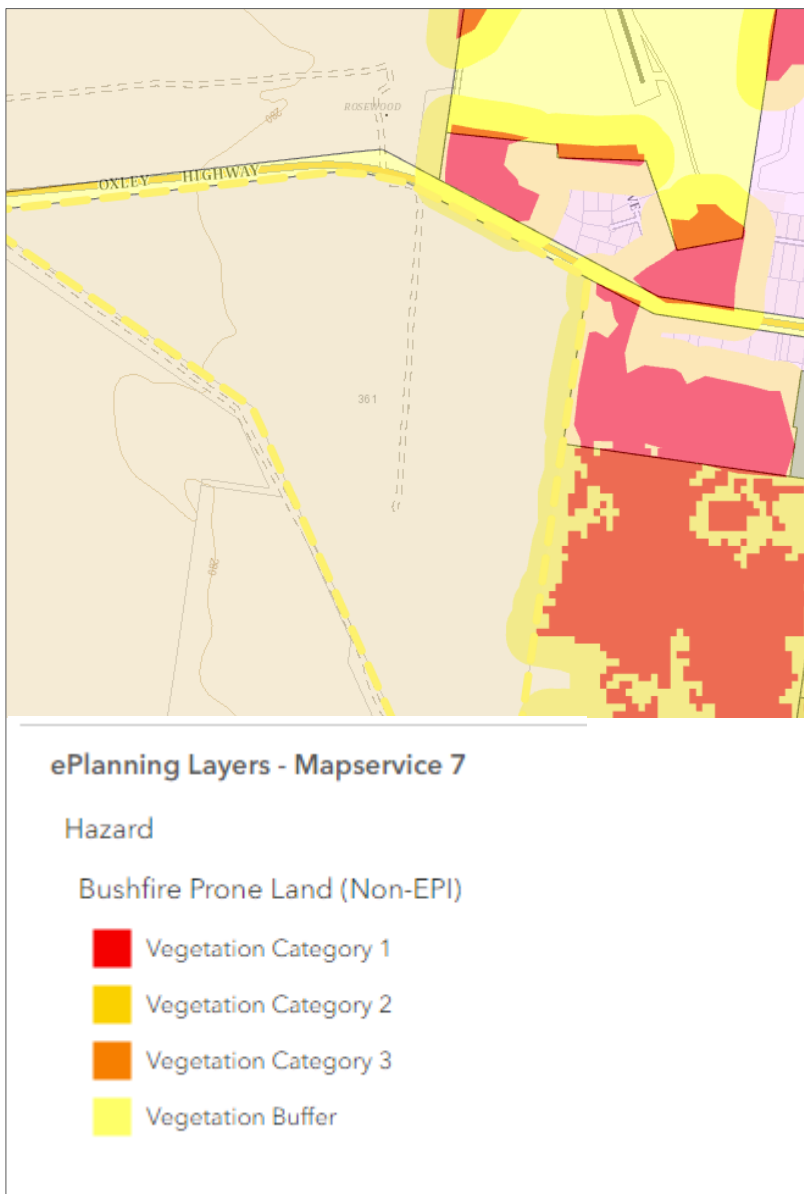


Figure 10: Bushfire hazard mapping for the subject land

This planning proposal will rezone 52 hectares of rural land at the Oxley Highway site to an industrial zone and this will in due course take it out of agricultural production. On balance, there will be a net decrease in land able to be used for agriculture. However, the volume of agricultural land to be lost is small in the context of the wider agricultural sub region. The ABS estimates that in 2011, the Central West Sub Region had cropping and grazing modified pastures that occupied 3,121,900 hectares of land.

The land being removed from agricultural production at the Oxley Highway is not mapped as biophysical strategic agricultural land (BSAL) (Figure 11). It is not mapped in the 2021 Draft State Significant Agricultural Land mapping (Figure 12). It is Class 4 Agricultural land as mapped by the NSW Land Capability mapping (Figure 13).



Figure 11: BSAL mapping does not affect the subject land



Figure 12: The 2021 Draft State Significant Agricultural Land mapping does not affect the subject land

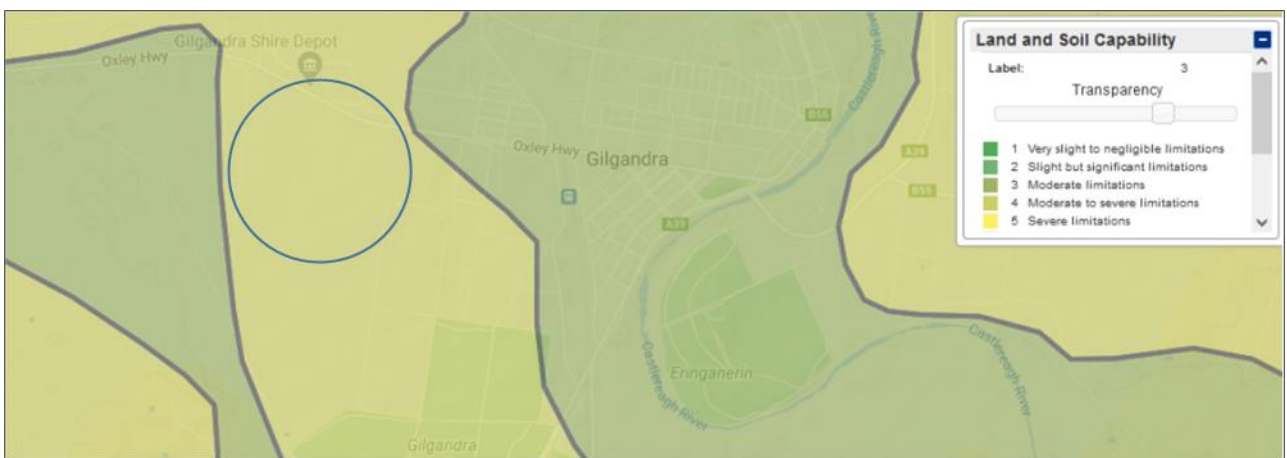


Figure 13: The subject land is Class 4 according to the NSW Land and Soil Capability mapping

Council has also undertaken a Land Use Conflict Risk Assessment (LUCRA) (Appendix D). The LUCRA recommends a combination of fencing and buffers (both vegetated and open) to be implemented at subdivision stage to ameliorate the potential impacts of future development.

Council has also commissioned a preliminary land contamination assessment (Appendix E). This found that the subject land has no history of being used for purposes that are likely to have resulted in contamination. There was no evidence of sheep dips, intensive agriculture, mines or other signs of contamination. Soil samples taken from the site did not show elevated levels of heavy metals. On balance, the site is unlikely to be contaminated from past use and is suitable as a future industrial area.

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

The planning proposal will have mostly positive social and economic effects as the subject land will be used for a variety of employment related land uses that will generate jobs and allow industry to establish and grow.

It is an appropriate location for these uses as it is located on the edge of town, with good road access and potentially good pedestrian and cycle access. It is also close to a local rail line and a local aerodrome.

The subject land is large enough that the future industrial uses can be separated from the nearest residential land by a buffer (and Aralee Road), and impacts on residential dwellings are unlikely. This issue is addressed in a LUCRA for the subject land.

Council commissioned an Aboriginal Archaeological Technical Report for the subject land (Appendix F). A survey of the study area was undertaken in November 2023 by OzArk Archaeologists with two representatives of the Gilgandra Local Aboriginal Land Council. No Aboriginal sites or areas of archaeological sensitivity were identified during the survey, nor was there any information indicating that sites or other specific cultural heritage values may be present. It was recommended that the rezoning proposal may proceed without further archaeological investigation.

Two locally listed heritage items are located in the Council depot across the Oxley Highway from the subject land. These will not be affected by the planning proposal.

Section D State and Commonwealth interests

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

The proposed use of the subject land will rely on extending existing water and sewer connections as well as power and communications from the adjacent urban area. A study of the water and sewerage capacity and the upgrades required to service the initial 21 hectares has been commissioned by Council and is attached at Appendix G. It will be placed on public exhibition with this planning proposal.

The subject land is well connected with Gilgandra by the Oxley Highway and Warren Road. It is an easy walking and cycling distance from residential areas. A traffic impact assessment has been completed by consultants focussing on the initial 21 hectares that is likely to be stage 1 of the development (Appendix H). The assessment concluded:

- *Access is expected to be provided via a new priority-controlled intersection with Oxley Highway. The proposed site access intersection is expected to operate with a good level of service based on estimated lot yields.*
- *It is proposed to provide BAR and CHL turn treatments at the site access on Oxley Highway.*
- *The site access has been designed to provide suitable sight distance in accordance with the Austroads Guidelines.*
- *The increase in traffic movements is not expected to generate any notable safety issues at the railway level crossing on Oxley Highway near the Gilgandra Railway Station.*
- *Overall, it is concluded the car parking and traffic demands generated by the proposal can be readily accommodated on the surrounding road network.*

Council anticipates there will be adequate public infrastructure to accommodate the future use of the subject land as proposed by the planning proposal.

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

The gateway determination has yet to be issued. It is anticipated that the Rural Fire Service, Department of Planning, Housing and Infrastructure (DPHI), Department of Climate Change, Energy, Environment and Water (DCCEEW), DPI Agriculture, and Transport for NSW will be contacted for comment during the public exhibition.

Gilgandra LALC has inspected the site and raised no concerns. The LALC will be given a further opportunity to comment during the public exhibition.

A scoping report was prepared and circulated to a range of State agencies and the Gilgandra LALC. The following feedback has been received:

The Biodiversity, Conservation and Science Directorate (BCS) agrees that the site assessment should include a study of the ecological values of the land and determine whether the biodiversity offsets scheme will be triggered. BCS will be happy to review

the planning proposal and ecological report once completed. Evidence of an absence of flooding on the land should be included in the planning proposal.

The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire.

NSW DPI Agriculture supports the planning proposal to rezone the Oxley Highway site for employment purposes.... The subject land is specifically identified in local strategic plans and is a logical progression of urban development in Gilgandra. It is appropriate for Council to prepare a Land Use Conflict Risk Assessment (LUCRA) as part of the planning proposal to address the compatibility of the proposal with adjoining land uses, both rural and urban. The LUCRA process may also give guidance on the need for any formal vegetated buffers to adjoining land uses to mitigate potential impacts such as noise, dust and traffic movements associated with the Oxley Highway site and assist in managing expectations for neighbouring development.

TfNSW reviewed the Scoping Report and assessment of the greater context to the existing transport network, and is generally supportive of the Planning Proposal subject to Council's consideration of recommendations. It is expected that the prospective development on the affected lot will require new local road connections with the classified (State) road network. A Traffic Impact Assessment (TIA) should be prepared by a suitably qualified traffic consultant.

At this early stage, it appears unlikely that there will be any issues of interest to Commonwealth authorities. State government authorities will be further consulted during the public exhibition period in accordance with the gateway requirements.

The following table provides a summary of the relevant public authorities that, in the opinion of Council, should be consulted in accordance with the gateway determination:

Public authority/stakeholder	Issue requiring comment
Department of Planning, Heritage and Infrastructure	Consideration of strategic planning merit – Supply and Demand Analysis prepared
Transport for NSW	Impacts on the Oxley Highway – TIA prepared
DPI Agriculture	Impacts on agricultural land – LUCRA prepared
Department of Climate Change, Energy, Environment and Water	Ecology and biodiversity – Ecology report prepared
Rural Fire Service	Bushfire issues – Bushfire report prepared
Gilgandra LALC	Aboriginal cultural heritage and archaeological matters – Archaeological report prepared

Part 4 Mapping

The planning proposal will amend the following maps:

Land Zone Map: LZN_002A and LZN_002B

Lot Size Map: LSZ_002A and LSZ_002B

Part 5 Community consultation

Council will commence community consultation in accordance with the gateway determination. For the purposes of public notification, the planning proposal is not considered to be low impact as outlined in the (then) NSW DPE's "A guide to preparing local environmental plans" because it is inconsistent with some section 9.1 Directions. A 28-day public exhibition period is recommended.

Notification of the exhibited planning proposal will include the websites of Gilgandra Shire Council and the NSW DPHI.

Part 6 Project timeline

The proposed timeline for the completion of the planning proposal is as follows:

Plan making step	Estimated completion
Decision by Council to support the planning proposal and submit for gateway determination by the NSW DPHI.	November 2023
Gateway determination issued by the NSW DPHI.	June 2024
Public exhibition of planning proposal. Further government agency consultation.	July 2024
Analysis of public submissions. Preparation of Council report.	August/September 2024
Decision by Council to endorse the planning proposal and submit to the NSW DPHI under delegation for finalisation.	October 2024

Conclusion

The planning proposal seeks to amend Gilgandra LEP 2011 to rezone certain Oxley Highway rural land so that it can be used for industrial purposes. This will be achieved by making LEP mapping changes as required.

The planning proposal will apply to the following land:

Land to be zoned for industrial purposes is Lot 1 DP 1070081 and part Lot 2 DP 1070081, Oxley Highway, Gilgandra.

The planning proposal will support the economy by being used for a variety of employment related land uses that will generate jobs and allow industry to establish and grow.

The planning proposal applies to land that has minimal environmental values, with minimal likelihood of significant environmental impact. The site has good road access. Cycle and pedestrian access can be supplied. Water and sewerage, power and communication infrastructure can also be made available.

This planning proposal will rezone 52 hectares of rural land (that is not mapped as significant) at the Oxley Highway site to an industrial zone and this will in due course take it out of agricultural production. On balance, there will be a small (but acceptable) loss in land able to be used for agriculture.

An assessment of the planning proposal indicates that it is consistent with relevant SEPPs. It is consistent with most of the relevant section 9.1 Directions, and where inconsistencies occur, they can be justified.

The planning proposal is consistent with a range of strategic planning documents including the Central West and Orana Regional Plan 2041; the Western Councils Sub Regional Land Use Strategy 2009; the Gilgandra LSPS and the Gilgandra Activation Blueprint (GAB) 2019.

It is appropriate that it be sent to the NSW DPHI for a gateway determination in order that the planning proposal can proceed to public exhibition (subject to compliance with any gateway conditions).

A range of studies have been undertaken to support the planning proposal and will be available online to assist agencies and the public make informed submissions. They are listed as Appendices to this planning proposal.

Appendices

- Appendix A: Industrial Land Supply and Demand Analysis
- Appendix B: Biodiversity Assessment
- Appendix C: Strategic Bushfire Study
- Appendix D: Land Use Conflict Risk Assessment (LUCRA)
- Appendix E: Preliminary Land Contamination Assessment
- Appendix F: Aboriginal Archaeological Technical Report
- Appendix G: Water and Sewerage Assessment
- Appendix H: Traffic Impact Assessment

Appendices A to H are provided under separate cover