

**12.1 Wentworth Local Environmental Plan 2011 - Planning Proposal - Rezone part of Lot 2 DP 1016054 from E2 Environmental Conservation zone to RU1 Primary Production zone and rezone Part of Lot 2 DP 1195524 from RU1 Primary Production zone to E2 Environmental Conservation zone**

File Number: RPT/18/769

Responsible Officer: Michele Bos - Acting Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Acting Director Health and Planning

Objective: 1.0 Wentworth is a vibrant, growing and thriving Shire

Strategy: 1.1 Grow the potential for business and industry to develop and expand

### **Summary**

Wentworth Shire Council has received a Planning Proposal from James Golsworthy Consulting on behalf of the landowners of Belah Heights and Tapio Station to rezone a portion of each of their holdings.

The Planning Proposal seeks to amend the Wentworth Local Environmental Plan 2011 (WLEP) by rezoning part of Lot 2 DP 1016054 (Belah Heights) from E2 Environmental Conservation zone to RU1 Primary Production zone and part of Lot 2 DP 1195524 (Tapio Station) from RU1 Primary Production zone to E2 Environmental Conservation zone.

### **Recommendation**

That Council resolves to submit the Planning Proposal to amend the Wentworth Local Environmental Plan 2011, by rezoning part of Lot 2 DP 1016054 from E2 Environmental Conservation to RU1 Primary Production zone and Part of Lot 2 DP 1195524 from RU1 Primary Production to E2 Environmental Conservation zone, to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.

### **Detailed Report**

#### **Purpose**

The purpose of this report is to provide Council with the information required to make an informed decision with respect to the planning proposal submitted by James Golsworthy Consulting.

Refer to Attachment 1 – Planning Proposal.

#### **Background**

Lot 2 DP 1016054, 6700 Sturt Highway, Trentham Cliffs is known as Belah Heights. The property is located east of Gol Gol and the Sturt Highway and comprises approximately 480 hectares.

The site falls under two zones, being RU1 Primary Production zone (263 hectares) and E2 Environmental Conservation zone (217 hectares).

The property is currently a mixed use agricultural enterprise consisting of irrigated crops and pastoral grazing.

The area under E2 Environmental Conservation zone was established as a conservation area as the offset for the clearing of native vegetation permitted by approvals issued by Western Local Lands Services in 2001 and 2003.

Part Lot 2 DP 1195524, 664 Arumpo Road, Wentworth is known as Tapio Station.

This site is located north east of Belah Heights and north of Buronga/Gol Gol and the Coomealla irrigation district. The lot comprises of 32,802 hectares.

The property is zoned RU1 Primary Production and used for pastoral grazing.

Matters under consideration

Belah Heights received a modification consent on 12 May 2017 from Western Local Lands Services (WLLS) to remove the existing conservation and offset area from the property and re-establish this area on Tapio Station.

This approval forms part of the Property Vegetation Plan PVP00497 that was issued by WLLS which details the native vegetation clearing, offset and conservation conditions. The PVP has been included as Attachment 3 of the Planning Proposal submitted by James Golsworthy Consulting.

The Planning Proposal explains that the purpose in obtaining the modification consent is to allow for the property owners to remove native vegetation to provide for the expansion of their irrigation activities on the site.

The Planning Proposal identifies that the purpose of the rezoning request is to rezone the area currently under E2 zone to RU1 zone to allow for the expansion of irrigation activities on the site. The land use table of the E2 zone prohibits irrigation activities on the property where that zone is applied.

In accordance with the PVP, the conservation and offset areas are approved to be transferred to and established on a portion of land on Tapio Station.

An assessment of the Planning Proposal has been undertaken and a copy of that assessment is attached.

Refer to Attachment 2 – Planning Proposal Assessment Report.

Prior to preparing this report, consultation with the Office of Environment & Heritage (OEH) has been undertaken to obtain their advice and comment.

The response received did not object to the proposal. However, the letter received did advise Council that consideration for the biodiversity and threatened species habitat values was required as part of Council's decision to either support or not support the proposal.

Refer to Attachment 3 – Response from Office of Environment & Heritage.

In terms of the advice received from OEH with regard to the environmental impact, Appendix 4 of the Planning Proposal provides a details of the impact that the clearing will have on the area. An assessment of the environmental impacts undertaken by Sunraysia Environmental determined that the offset and conservation areas proposed on Tapio Station, being a larger area than the existing on Belah Heights, will result in additional biodiversity value to the landscape and will also provide better conditions for threatened flora and fauna species.

It should also be noted, that the PVP was issued by WLLS prior to the new native vegetation legislation and therefore, Council has no authority to prevent the clearing of the vegetation already approved by WLLS.

Separate to the Planning Proposal as submitted, the Western Lands Lease 14338 applicable to Belah Heights has been amended to allow for the revocation of the Southern Mallee Conservation Area.

Refer to Attachment 4 – Department of Industry letter.

Options

Based on the information contained in this report, the options available to address this matter are to:

- Submit the Planning Proposal to the Minister for the Department of Planning and Environment for consideration of a Gateway Determination, or

- Refuse to support the Planning Proposal.

#### Conclusion

The Planning Proposal submitted by James Golsworthy Consulting requests Council's support for the transferring of the E2 Environmental Conservation zone from Belah Heights to Tapio Station. The ultimate objective of this Planning Proposal is to allow the owners of Belah Heights to expand their irrigation activities on their property.

The assessment of the Planning Proposal determines that the proposal is justifiably supportable and adequately responds to the requirements of the Guide to Preparing Planning Proposals, Ministerial Directions and application State Environmental Planning Policies.

#### Attachments

1. Planning Proposal.
2. Planning Proposal Assessment Report.
3. Office of Environment & Heritage Response to Planning Proposal.
4. Department of Industry Letter of Advice to change Western Lands Lease.