



PLANNING PROPOSAL ASSESSMENT

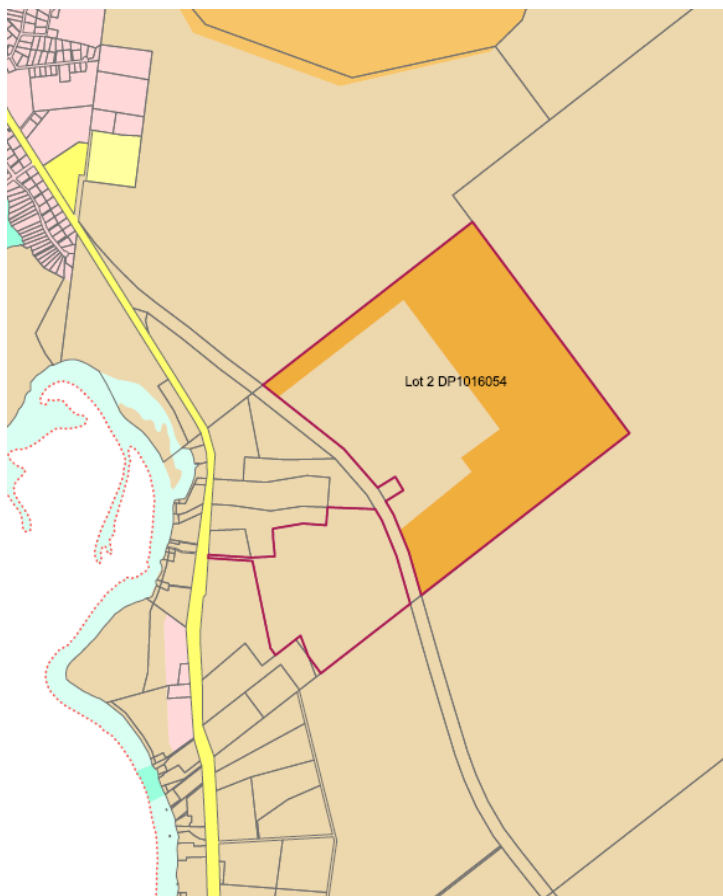
1. Site and Locality Description

Part Lot 2 DP 1016054, 6700 Sturt Highway, Trentham Cliffs known as Belah Heights.

This site is located east of the Sturt Highway and comprises just over 480 hectares. The property is currently a mixed use agricultural enterprise consisting of irrigated crops and pastoral grazing land.

The lot is crown owned and subject to a perpetual Western Lands Lease.

The area under irrigation is zoned RU1 Primary Production with the balance of the land under E2 Environmental Conservation zone with a minimum lot size of 10,000 hectares.

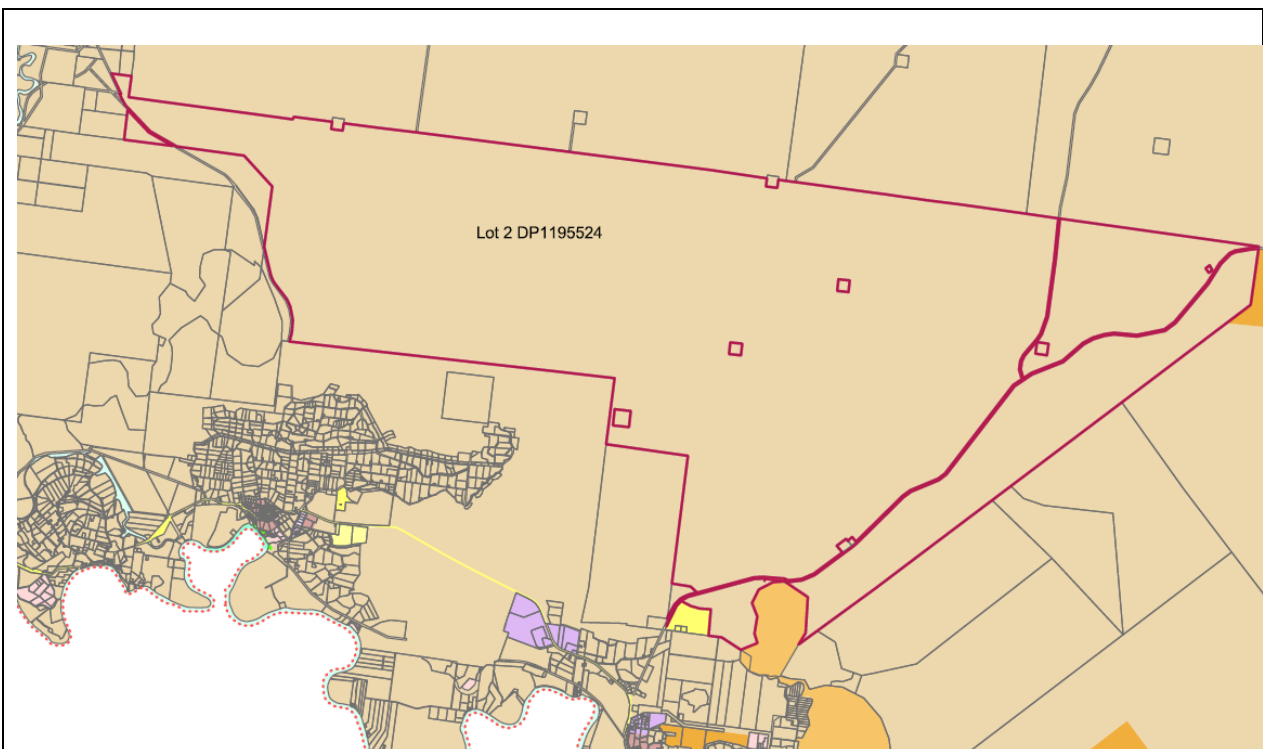


Part Lot 2 DP 1195524, 664 Arumpo Road, Wentworth known as Tapio Station.

This site is located north east of Belah Heights and north of Buronga/Gol Gol and the Coomealla. The lot comprises of 32,802 hectares. The property is used for pastoral grazing.

The lot is crown owned and subject to a perpetual Western Lands Lease.

The site is zoned RU1 Primary Production with a minimum lot size of 10,000 hectares.



2. Objectives of the planning proposal

The planning proposal seeks to rezone the area on Belah Heights currently affected by E2 Environmental Conservation zone, being 217 hectares, to RU1 Primary Production zone. This will allow for an extension to the existing irrigated intensive plant agriculture activities on the site. Intensive plant agriculture is prohibited in the E2 zone.

To allow for the clearing of the land to extend the irrigated intensive plant agriculture on Belah Heights, an area of land on Tapio Station is proposed to be rezoned from RU1 Primary Production to E2 Environmental Conservation zone to protect like for like vegetation in perpetuity.

The area to be zoned E2 will include the relocation of the existing conservation area (being 217 hectares) comprising of 237.46 hectares and the offset area required as part of the clearing approval comprising of 522.2 hectares. In total the E2 Environmental Conservation zone to be applied to Tapio Station will consist of 748.66 hectares.

3. Explanation of provisions

The planning proposal details the following amendments to the Wentworth LEP 2011:

- Maps 4G and 4H = E2 Environmental Conservation zone to RU1 Primary Production zone (217 hectares)
- Map 4 = RU1 Primary Production zone to E2 Environmental Conservation zone (748.66 hectares)

4. Justification for the planning proposal
<i>4.1 Is the planning proposal the result of a strategic study or report?</i>
The planning proposal is not the result of a strategic study or report.
<i>4.2 Is the planning proposal the best means of achieving the objectives or intended outcomes of the proposal?</i>
<p>The planning proposal report identifies that the intent to further develop additional land on Belah Heights for intensive plant agriculture is prohibited where the E2 zone is applied. According to the Wentworth Local Environmental Plan 2011 land use table for the E2 zone this prohibition is correct.</p> <p>Therefore, the only means of achieving the objectives of the proposal is to rezone the land to a zone that permits that type of development.</p> <p>In order to rezone the area currently affected by E2, this zone must be applied to another approved site that will continue to conserve and protect like for like vegetation that is proposed to be removed on Belah Heights.</p> <p>The planning proposal is required to amend the Wentworth Local Environmental Plan 2011 in order to achieve the intended outcomes of the planning proposal.</p>
<i>4.3 Is the planning proposal consistent with the objectives and actions of a sub-regional strategy or plan?</i>
<p>The planning proposal briefly addresses its consistency with Goals 1 and 2 of the Far West Regional Plan.</p> <p>In addition to the planning proposal report, an assessment of the proposal identifies consistency with the plan in regards to the following:</p> <p><i>Direction 2</i> of the FWRP recognises that where there is land with high quality soils with access to water, available labour, located in suitable climates, these areas should be mapped and protected to ensure the availability of fresh food locally and in this case nationally.</p> <p>The objective of the planning proposal aims to open up additional land with those attributes for irrigation purposes to increase the agricultural productivity of that enterprise.</p> <p><i>Direction 13</i> supports and encourages the application of offset and conservation agreements to protect vegetation that is considered to be of significant value and to protect areas that are to be retained in perpetuity.</p> <p>The planning proposal aims to transfer a larger area of the E2 zone to Tapio Station to compensate and protect an area of native vegetation consistent with the approvals granted by Local Lands Services. The net gain of E2 land equates to approximately 511 hectares.</p>
<i>4.4 Is the planning proposal consistent with Council's local strategy or other relevant strategy/plan?</i>
The planning proposal reports refer to the 2017-2017 Community Strategic Plan.

Goal 1 Strategy 1.1 refers to the growth of business and industry where the indicator is an increase in exports from the region. The overall aim of the planning proposal is to allow for the development of additional irrigation activity on Belah Heights, of approximately 237 hectares in area. Facilitation of this scale of development would result in large scale investment and productivity on this property.

The principles of the Wentworth Shire Economic Development Strategy 2011-2016 aim to facilitate sustainable business growth and new investment and to maintain and enhance the environment.

It is considered that the planning proposal is consistent with the intent of these principles.

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

Refer below.

4.6 Is the planning proposal consistent with applicable Ministerial S9.1 Directions?

Refer below.

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Assessment
State Environmental Planning Policy No 1 – Development Standards	N		
State Environmental Planning Policy No 19 – Bushland in Urban Areas	N		
State Environmental Planning Policy No 21 – Caravan Parks	N		
State Environmental Planning Policy No 30 – Intensive Agriculture	Y	Y	The objective of the planning proposal is to allow for more intensive irrigation use of the land. The aims of this policy are to ensure adequate assessment and consideration of cattle feedlots and piggeries.
State Environmental Planning Policy No 33 – Hazardous Development	N		Intensive plant agriculture is not considered to be a type of hazardous development.
State Environmental Planning Policy No 36 – Manufactured Home Estates	N		
State Environmental Planning Policy No 44 – Koala Habitat Protection	Y	Y	The planning proposal identifies that the subject land does not comprise koala habitat or the potential for koala habitat, as defined by the SEPP.
State Environmental Planning Policy No 47 – Moore Park Showground	N		
State Environmental Planning Policy No 50 –	N		

Canal Estate Development			
State Environmental Planning Policy No 52 – Farm Dams and other works in Land and Water Management Plan Areas	N		
State Environmental Planning Policy No 55 – Remediation of Land	Y	Y	<p>Belah Heights has been subject to intensive plant agriculture on the area currently zoned RU1 Primary Production. In this area it is anticipated that there would be historical use of agricultural chemicals.</p> <p>Rezoning the balance of the property from E2 to RU1 does not pose a threat as the intended use of the balance of the property is for intensive plant agriculture which is not considered to be a sensitive use.</p> <p>The historical use of Tapio Station is for grazing purposes as required by the conditions of the Western Lands Lease. Any contamination of this site would be minimal due to the use restrictions imposed by the lease conditions.</p> <p>The future use of this property will not be impaired by the application of the E2 zone over a small portion of the lot. Previous and approved activity will not be restricted by the application of the zone.</p>
State Environmental Planning Policy No 62 – Sustainable Aquaculture	N		
State Environmental Planning Policy No 64 – Advertising and Signage	N		
State Environmental Planning Policy No 65 – Design Quality of residential Apartment Development	N		
State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)	N		
State Environmental Planning Policy (Affordable Rental Housing) 2009	N		

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N		
State Environmental Planning Policy (Coastal Management) 2018	N		
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	N		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Y	Y	The proposal does not conflict with the aims of the policy. Under the Wentworth LEP 2011 <i>intensive plant agriculture</i> which is the objective of the planning proposal is permitted without consent in the RU1 Primary Production zone.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N		
State Environmental Planning Policy (Infrastructure) 2007	N		
State Environmental Planning Policy (Integration and Repeals) 2016	N		
State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	N		
State Environmental Planning Policy (Kurnell Peninsula) 1989	N		
State Environmental Planning Policy (Mining, Petroleum Production and extractive Industries) 2007	N		
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N		
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N		

State Environmental Planning Policy (Rural Lands) 2008	Y	Y	<p>The principles of this SEPP are:</p> <p>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</p> <p>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</p> <p>(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</p> <p>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,</p> <p>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</p> <p>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</p> <p>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</p> <p>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</p> <p>It is considered that the planning proposal is consistent with the principles of the SEPP.</p>
State Environmental Planning Policy (State and Regional Development) 2008	N		
State Environmental Planning Policy (State Significant Precincts) 2005	N		
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N		
State Environmental Planning Policy (Three Ports) 2013	N		

State Environmental Planning Policy (Urban Renewal) 2010	N		
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Y	Y	<p>This policy aims to protect biodiversity values of trees and vegetation and the amenity that natural environments afford to non-rural zoned land in the state.</p> <p>This planning proposal is applicable to the Vegetation in Non-Rural Areas SEPP as the proposal seeks to rezone a conservation area where the E2 Conservation zone is applied back to RU1 Primary Production zone and apply the E2 zone to a new conservation and offset area that is currently zoned RU1 Primary Production.</p> <p>The approval to clear vegetation was granted by Local Lands Services on 12 May 2017, prior to the commencement of this SEPP on 27 August 2017.</p> <p>The proposal is considered consistent with this policy as the planning proposal does not seek approval to remove vegetation but to transfer an existing application of E2 zone to another location and replace that zone with the RU1 zone.</p>
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N		
State Environmental Planning Policy (Western Sydney Parklands) 2009	N		

Section 9.1 Direction	Applicable (Y/N)	Consistent (Y/N)	Assessment
1. Employment and Resources			
1.1 Business and Industrial Zones	N		
1.2 Rural Zones	Y	Y	The planning proposal is consistent with this direction as it does not seek to rezone the RU1 zone area of land to a residential, business, industrial, village or tourist zone.
1.3 Mining, Petroleum Production and Extractive Industries	N		
1.4 Oyster Aqua Culture	N		

1.5 Rural Lands	Y	Y	<p>The planning proposal is consistent with this direction as it effectively swaps the RU1 and E2 zones from one site to another. The application of a larger area of E2 will not detract or restrict the permitted agricultural activities on the land but will protect a greater area of native vegetation and the ecological habitat that relies on that environment.</p> <p>There is no change to the minimum lot size applied to both lots.</p> <p>The proposal is also consistent with the Principles of the SEPP (Rural Lands) 2008.</p>
2. Environment and Heritage			
2.1 Environment Protection Zones	Y	Y	<p>The planning proposal will protect and conserve a larger area of vegetation on Tapio Station which is the location of the conservation and offset area for the clearing approval on Belah Heights.</p> <p>The application of the E2 zone in the WLEP 2011 will provide another level of protection to the offset area in addition to the property vegetation plan.</p>
2.2 Coastal Protection	N		
2.3 Heritage Conservation	Y	Y	There are no registered heritage, aboriginal cultural items or places on the subject sites.
2.4 Recreation Vehicle Areas	Y	Y	The planning proposal does not enable either of the subject sites to be used a recreational vehicle areas.
2.5 Application E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N		
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	N		
3.2 Caravan Parks and Manufactured Home estates	N		
3.3 Home Occupations	N		
3.4 Integrating Land Use and Transport	N		
3.5 Development Near Licensed Aerodromes	N		
3.6 Shooting Ranges	N		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	N		

4.2 Mine Subsidence and Unstable Land	N		
4.3 Flood Prone Land	N		
4.4 Planning for Bushfire Protection	Y	Y	The planning proposal does not provide for the development or establishment of an incompatible development in the bush fire prone area.
5. Regional Planning			
5.1 Implementation of Regional Strategies	Y	Y	The planning proposal and this assessment report adequately addresses any consistency with the Far West Regional Plan.
5.2 Sydney Drinking Water Catchments	N		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	N		
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008)	N		
5.7 Central Coast (Revoked 10 July 2008)	N		
5.8 Second Sydney Airport: Badgerys Creek	N		
5.9 North West Rail Link Corridor Strategy	N		
5.10 Implementation of Regional Plans	Y	Y	The planning proposal does not restrict or detract from the implementation of the Far West Regional Plan.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Y	Y	The planning proposal does not seek to amend any approval or referral requirements currently in the Wentworth LEP 2011.
6.2 Reserving Land for Public Purposes	Y	Y	There is no change to land reserved for public purposes.

6.3 Site Specific Provisions	Y	Y	<p>The planning proposal is seeking to effectively swap two areas from one zone to the other. The restrictions applied by the current E2 zone area on Belah Heights will effectively be applied to the area on Tapio Station.</p> <p>There is no increase to any restrictive site specific planning controls.</p>
7. Local Plan Making			
Metropolitan Planning 7.1 to 7.7	N		

5. Environmental, Social and Economic Impact
<i>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?</i>
<p>The planning proposal explains that an assessment was undertaken by Sunraysia Environmental and was considered by Local Land Services as part of the application and approval process of the Property Vegetation Plan (under the Native Vegetation Act 2003) and Modification of Clearing Consent (granted under the Native Vegetation Conservation Act 1997 and Environmental Planning and Assessment Act 1979). Therefore, consideration of environmental impacts has been assessed.</p>
<i>Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i>
<p>The planning proposal states that there are no additional environmental effects triggered by the proposal. It also refers to the additional area of land that will be zoned E2 that will be both protected and conserved.</p>
<i>Has the planning proposal adequately addressed any social and/or economic effects?</i>
<p>It is considered that the proposal will have little or no social effects on the local community. However, the proposal will allow for a significant increase in the productivity of Belah Heights and increase the level of product exported from the Trentham Cliffs area.</p> <p>It may also contribute to an increase in employment opportunities.</p>

6. State and Commonwealth Interests
<i>Is there adequate public infrastructure to support the planning proposal?</i>
<p>There is adequate public infrastructure available to support the increase in horticulture production on the site.</p>
<i>What State and Commonwealth public authorities have been or should be consulted with as part of the Gateway determination?</i>
<p>The Gateway Determination, if issued to proceed, will outline the public authorities who should be consulted with as part of the planning proposal process to amend the Wentworth Local Environmental Plan 2011.</p> <p>Council has provided a copy of the planning proposal to the Office of Environment and Heritage (OEH) for their review and comment.</p>

A copy of the response received from OEH is attached. The authority has not objected to the proposal but advised Council should ensure that the biodiversity and threatened species habitat values of the area have been considered as part of the assessment of the proposal.

7. Community Consultation details

The planning proposal provides adequate details of the consultation that will should be undertaken.

Any shortfall in this section of the report will include conditions in the Gateway Determination, should this be issued to proceed.

8. Project Timeline

The planning proposal provides an appropriate indicative project timeline.