

WENTWORTH **SHIRE COUNCIL**

WORTH THE DRIVE

PLANNING PROPOSAL
AMENDMENT TO THE WENTWORTH LOCAL ENVIRONMENTAL
PLAN 2011

RURAL LAND PLANNING CONTROLS

April 2022

Version 2

Document details

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Table of Contents

INTRODUCTION	4
PART 1 – OBJECTIVES AND INTENDED OUTCOMES	5
PART 2 – EXPLANATION OF PROVISIONS	5
PART 3 – JUSTIFICATION	11
Part 4 – MAPPING	21
Part 5 – COMMUNITY CONSULTATION	21
Part 6 – PROJECT TIMELINE	22

List of Tables

Table 1 Proposed RU1 Primary Production zone land use table	5
Table 2 Proposed Part 4 Principal Development Standards	6
Table 3 Proposed Part 5 Miscellaneous provisions Clause 5.5	9
Table 4 Schedule 1 Additional permitted uses	9
Table 5 Additional development criteria for new permissible uses	10
Table 6 Consistency with SEPPs	12
Table 7 Consistency with S9.1 Ministerial Directions	16
Table 8 Non-supported uses and justification	20
Table 9 Estimated project timeline	22

INTRODUCTION

This planning proposal relates to rural land, particularly, that being land affected by the RU1 Primary Production zone and has been prepared to enact the recommendations from the Review of Rural Land Planning Controls (RLPC) paper developed by Wentworth Shire Council. This document is provided in Attachment 1.

The planning proposal seeks to amend the following Wentworth Local Environmental Plan 2011 provisions:

- RU1 Primary Production land use table
- Part 4 Principal development standards relating to rural land
- Part 5 Miscellaneous provisions Clause 5.5
- Schedule 1 Additional permitted uses

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment *Planning Proposals: A guide to preparing planning proposals August 2016*.

The planning proposal seeks a Gateway Determination to proceed under Section 3.34 of the Environmental Planning and Assessment Act 1979.

Wentworth Shire Council is seeking delegation to make this plan as the matters contained in the planning proposal are of local significance. The checklist for the evaluation criteria for the delegation of plan making function will be provided separately.

A completed Information Checklist is provided separately.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

This planning proposal proposes to amend the current RU1 Primary Production zone land use table, rural related principal development standards, miscellaneous provisions and additional permitted uses in the Wentworth Local Environmental Plan (WLEP) 2011 as recommended by the RLPC.

The specific objectives and intended outcomes of the planning proposal are to:

- a) Allow for rural landholders to diversify and value add to their existing enterprise.
- b) Facilitate a range of tourism uses on rural land.
- c) Enable a broader range of residential development on rural land.
- d) Facilitate boundary adjustments where existing or created allotments do not meet the minimum lot size or create additional allotments.
- e) To remove provisions that have expired.

PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes will be achieved by amending the Wentworth Local Environmental Plan 2011 as follows:

- Replace the current RU1 Primary Production zone land use table as per Table 1 below.
- Amend the rural related Part 4 Principal development standards as per Table 2 below.
- Amend Part 5 Miscellaneous provisions Clause 5.5 as per Table 3 below.
- Amend Schedule 1 Additional permitted uses as per Table 4 below.

Disclaimer: Please be advised that the proposed amendments detailed in the tables below may be subject to change during the legal and Parliamentary Counsel drafting process.

Table 1 Proposed RU1 Primary Production zone land use table

Proposed RU1 Primary Production zone land use table
<p>RU1 Primary Production zone</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none">• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.• To encourage diversity in primary industry enterprises and systems appropriate for the area.• To minimise the fragmentation and alienation of resource lands.• To minimise conflict between land uses within this zone and land uses within adjoining zones.• To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.• To ensure land is available for intensive plant agricultural activities.• To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.• To enable restaurants and cafes as part of an agritourism development. <p>2 Permitted without consent</p> <p>Agriculture; Environmental protection works; Forestry; Home-based child care; Home business; Home occupations; Roads; Water reticulation system</p>

3 Permitted with consent

Air transport facility; Aquaculture; Artisan food and drink industry; Backpackers' accommodation; Bed and breakfast accommodation; Camping ground; Caravan Parks; Cellar door premise; Dual occupancies; Dwelling house; Eco-tourist facility; Extractive industry; Farm building; Farm stay accommodation; Heavy industry; Helipad; Home industry; Intensive livestock agriculture; Kiosk; Landscaping material supplies; Market; Plant nursery; Restaurant or café; Roadside stall; Rural industry; Rural supplies; Rural workers' dwelling; Secondary dwelling; Self storage units; Sewerage system; Transport depot; Truck depot; Waste or resource management facility; Any other development not specified in item 2 or 4

4 Prohibited

Airport; Amusements centre; Centre-based child care facility; Commercial premises; Correctional centre; Crematorium; Early education and care facility; Entertainment facility; Exhibition home; Exhibition village; Function centre; Health services facility; Heliport; Highway service centre; Hospital; Industry; Information and education facility; Light Industry; Liquid Fuel Depot; Marina; Mortuary; Passenger transport facility; Place of public worship; Port facility; Recreation facility (indoor); Residential accommodation; Respite day care centres; Restricted premises; Service station; Serviced apartment; Sex services premise; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshop; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

Table 2 Proposed Part 4 Principal Development Standards

Proposed Part 4 Principal Development Standards
<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none">(a) to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,(b) to establish minimum areas for lots that are consistent with the relevant zone objectives,(c) to prevent the fragmentation of productive rural lands,(d) to ensure that subdivision does not inappropriately impact on the natural environmental values of the area,(e) to provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water. <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <ul style="list-style-type: none">(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or(b) by any kind of subdivision under the Community Land Development Act 1989.
<p>4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none">(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the *Community Land Development Act 1989* of land in any of the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management,
- (c) Zone E4 Environmental Living,
- (d) Zone R5 Large Lot Residential,

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the *Community Land Development Act 1989*) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause applies despite clause 4.1.

4.1B Minimum subdivision lot sizes for certain split zones

(1) The objectives of this clause are as follows—

- (a) to provide for the subdivision of lots that are within more than one zone and cannot be subdivided under clause 4.1,
- (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

(2) This clause applies to each lot (an *original lot*) that contains—

- (a) land in a village, residential, business or industrial zone, and
- (b) land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living.

(3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the *resulting lots*) unless—

- (a) one of the resulting lots will contain—
 - (i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and
- (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

4.2A Strata plan subdivision in certain rural zones

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management,
- (c) Zone E4 Environmental Living,
- (d) Zone R5 Large Lot Residential.

(3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that lot.

4.2B Erection of dwelling houses on land in certain residential, rural and environmental zones

(1) The objectives of this clause are as follows—

- (a) to minimise unplanned rural residential development,

- (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management,
 - (c) Zone E4 Environmental Living,
 - (d) Zone R5 Large Lot Residential.
- (3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is—
 - (a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or
 - (b) a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.

4.2C Rural workers’ dwellings and secondary dwellings

- (1) The objectives of this clause are –
 - (a) to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries, and
 - (b) to ensure that the erection of rural worker’s dwelling or secondary dwellings does not have an adverse impact on the agricultural or rural industries use of the land.
- (2) This clause applies to land in Zone RU1 Primary Production.
- (3) Development consent must not be granted to the erection of a rural worker’s dwelling or a secondary dwelling on land to which this clause applies unless the consent authority is satisfied that the development will not impair the use of the land for agricultural or rural industries.

4.2D Boundary adjustments in Zones RU1 and E3

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more of the lots created do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to the land but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies by way of a boundary adjustment between adjoining lots where one or more of the lots created by the subdivision do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that—
 - (a) the subdivision will not create additional lots, and
 - (b) the number of dwelling houses or opportunities for dwelling houses on each lot after the subdivision will remain the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) if the land is in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and

- (e) if the land is in Zone E3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and
- (f) the subdivision will not result in any increased bush fire risk to existing buildings.
- (4) In determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
 - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether the subdivision is likely to be incompatible with a land use on any adjoining land,
 - (d) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (e) whether the subdivision is likely to have a significant adverse impact on the environmental values of the land.
- (5) This clause does not apply—
 - (a) in relation to the subdivision of lots in a strata plan or community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

Table 3 Proposed Part 5 Miscellaneous provisions Clause 5.5

5.5 Controls relating to secondary dwellings on land in a rural zone
<p>If development for the purposes of a secondary dwelling is permitted under this plan on land in a rural zone –</p> <ul style="list-style-type: none"> (a) The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater – <ul style="list-style-type: none"> (i) 110 square metres (ii) 60% of the total floor area of the principal dwelling.

Table 4 Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses
<p>1 Use of land marked “Community facilities” in Zone SP1 Special Activities</p> <ul style="list-style-type: none"> (1) This clause applies to land within Zone SP1 Special Activities and marked “Community facilities” on the Land Zoning Map. (2) Development for the purposes of dwelling houses or educational establishments is permitted with development consent. <p>2 Use of certain land at Sturt Highway, Trentham Cliffs</p> <ul style="list-style-type: none"> (1) This clause applies to the following land at Sturt Highway, Trentham Cliffs— <ul style="list-style-type: none"> (a) Lot 38 and part of Lot 42, DP 756936, identified as “B” on the Additional Permitted Uses Map, (b) part of Lot 1, DP 1128099, identified as “C” on the Additional Permitted Uses Map. (2) Development for the purposes of— <ul style="list-style-type: none"> (a) a highway service centre is permitted with development consent on land referred to in subclause (1)(a), and (b) a caravan park is permitted with development consent on land referred to in subclause (1)(b).

Table 5 Additional development criteria for new permissible uses

Caravan Parks
<ul style="list-style-type: none">- The site must be provided with adequate all-weather access to service the development- The development is complementary to the surrounding rural and natural environment- The development will not have a significant adverse impact on surrounding agricultural production- The development will not create land use conflict- The development will not have an adverse impact on the scenic amenity or significant natural features and biodiversity of the area- Adequate on-site waster systems must service the development whilst not having an adverse impact on the water quality in the area- Adequate water supply must be provided for potable and firefighting purposes- Demonstrated access to other services required to support the development (power, waste collection etc.)- The development is not located on flood prone land or within the riverfront area, as defined by the Wentworth LEP 2011, of the Murray and Darling Rivers
Heavy Industry
<ul style="list-style-type: none">- The site must be provided with adequate all-weather access to service the development- The development will not have a significant adverse impact on surrounding agricultural production- The development will not create land use conflict- The development will not have an adverse impact on the scenic amenity or significant natural features and biodiversity of the area- Adequate on-site waster systems must service the development whilst not having an adverse impact on the water quality in the area- Adequate water supply must be provided for potable and firefighting purposes- Demonstrated access to other services required to support the development (power, waste collection etc.)- The development is not located on flood prone land- A buffer of a minimum of 1000m must be provided between the subject site and any existing dwelling and riverfront area

PART 3 – JUSTIFICATION

This section sets out the reasons for the intended outcomes and provisions in this planning proposal.

Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is consistent with the Review of Rural Land Planning Controls that was conducted and prepared by Wentworth Shire Council in 2021.

The RLPC was undertaken to identify current major issues relating to the use and development of rural land, to discuss those issues and identify justifiable amendments that would result in the resolution of those issues.

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

This planning proposal is considered to be the best means of achieving the objectives and intended outcomes for the future use and development of rural land in accordance with the Environmental Planning and Assessment Act 1979.

The aim of the planning proposal is to amend the WLEP to provide greater flexibility of permissible uses in the RU1 zoned land that are compatible with the current use of land, including tourism, value-added and diversification development and boundary realignments that will support and facilitate improved management and sustainable financial outcomes for rural enterprises and landholders.

It is believed that the intended outcomes can only be achieved satisfactorily through a planning proposal to amend the current rural land planning controls contained in the WLEP.

Is there net community benefit?

There is net community benefit from the planning proposal through the generation of economic and social gains in the Wentworth local government area.

The planning proposal will enable existing rural enterprises to expand their current activities to include compatible uses that will increase their financial capacity and sustainability, provide opportunity for growth in localised employment, provide additional activities for the resident community and increased attractions for visitors. All of which will have a flow on effect for existing and future local businesses.

Section B – Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Consistency with applicable state and local strategies and plans is provided in detail in Appendix 1 to the RLPC paper.

The planning proposal is considered to be consistent with the objectives and directions of the following state and regional planning framework:

- Far West Regional Plan 2036
- Regional Development Framework (2017): Making it happen in the regions
- 20 Year Economic Vision for Regional NSW (2018)

- Agricultural Industry Action Plan (2014)
- NSW Government Right to Farm Policy (2015)

Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is considered to be consistent with the planning priorities and strategic directions of the Wentworth Local Strategic Planning Statement 2020. Refer to Appendix 1 to the RLPC paper.

The planning proposal is also consistent with the Wentworth Shire Council 2017-2027 Community Strategic Plan. The plan sets out a vision for the region to be *A thriving region, supported by a robust economic base, distinctive open spaces and strong local governance and leadership*. The four strategic goals of the plan are to make Wentworth Shire a:

- Vibrant, growing and thriving shire;
- Desirable shire to visit, live, work and invest;
- Community that works to enhance and protect its physical and natural assets; and
- Caring, supportive and inclusive community that is informed and engaged in its future.

The planning proposal gains consistency with the WSC Community Strategic Plan by seeking to ensure greater flexibility in the type of uses permissible on rural land which will support current and emerging trends in agriculture, promote rural enterprise growth and prosperity, creation of localised employment, provide tourism investment opportunity and build on the visitor experience and tourism economy.

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

Consistency with applicable State Environmental Planning Policies is outlined below in Table 5.

Table 6 Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy (Aboriginal Land) 2019	N		
State Environmental Planning Policy (Activation Precincts) 2020	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 (Concurrences and Consents) 2018	N		
State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017	N		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Y	Y	The planning proposal will not alter the application of this SEPP for development that satisfies the development standards of the code.
State Environmental Planning Policy (Gosford City Centre) 2018	N		
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 (Koala Habitat Protection) 2020	Y	Y	The planning proposal will not reduce or cause impediment to koala habitat.
State Environmental Planning Policy (Koala Habitat Protection) 2021	Y	Y	The planning proposal will not reduce or cause impediment to koala habitat.
State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	N		
State Environmental Planning Policy (Kurnell Peninsula) 1989	N		
State Environmental Planning Policy (Major Infrastructure Corridors) 2020	N		
State Environmental Planning Policy (Mining, Petroleum Production	N		

and Extractive Industries) 2007			
State Environmental Planning Policy 19 - Bushland in Urban Areas	N		
State Environmental Planning Policy 21 – Caravan Parks	N		
State Environmental Planning Policy 33 – Hazardous and Offensive Development	N		
State Environmental Planning Policy 36 – Manufactured Home Estates	N		
State Environmental Planning Policy 47 – Moore Park Showground	N		
State Environmental Planning Policy 50 – Canal Estate Development	N		
State Environmental Planning Policy 55 – Remediation of Land	Y	Y	Consideration of potential contamination of land and how it impacts new or future development will need to be considered at the development assessment stage.
State Environmental Planning Policy 64 – Advertising and Signage	Y	Y	Where there is new development requiring signage, as a result of greater flexibility in the rural zone, this SEPP will need to be addressed regardless of whether development approval is required or not.
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development	N		
State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes)	N		
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N		
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Y	Y	This planning proposal does not change or alter in any way the application of this SEPP on new development in the rural zone.

State Environmental Planning Policy (State and Regional Development) 2011	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	N		
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	N		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N		
State Environmental Planning Policy (Western Sydney Parklands) 2009	N		

Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

Consistency with relevant Section 9.1 Ministerial Directions are detailed below in Table 6.

Table 7 Consistency with S9.1 Ministerial Directions

Section 9.1 Direction	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
1. Employment and Resources			
1.1 Business and Industrial Zones	N		
1.2 Rural Zones	Y	Y	The planning proposal is not altering or changing the current application of the RU1 Primary Production zone.
1.3 Mining, Petroleum Production and Extractive Industries	N		
1.4 Oyster Aqua Culture	N		
1.5 Rural Lands	Y	Y	<p>While the planning proposal is not triggered by a recommendation contained in a strategic study or plan, it is justified through the Review of Rural Land Planning Controls paper prepared by Wentworth Shire Council.</p> <p>The review paper highlights the importance of rural land in the Wentworth LGA and the necessity to support rural landholders by providing a level of flexibility in permissible uses to facilitate financial stability and sustainability.</p> <p>The proposed amendments to the WLEP 2011 will not cause adverse impacts on our valuable natural and historic assets, including our biodiversity, native vegetation, cultural and built heritage and the local natural waterways. Quite the opposite, it will provide rural landholders the opportunity to showcase and share their properties with visitors to the far west NSW region.</p> <p>The outcomes of the planning proposal will not:</p> <ul style="list-style-type: none"> - result in the fragmentation in productive agricultural land - cause land use conflict between agricultural activities and dwellings on rural land - adversely affect existing or future rural land uses, but will actually facilitate the development of value-

			added activities to build economic capacity and financial sustainability. The review paper satisfactorily addresses the net community benefit of the social, economic and future interests of the Wentworth community.
2. Environment and Heritage			
2.1 Environment Protection Zones	N		
2.2 Coastal Protection	N		
2.3 Heritage Conservation	N		
2.4 Recreation Vehicle Areas	N		
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N		
2.6 Remediation of Contaminated Land	Y	Y	Agricultural and horticultural activities are included in Table 1 of the Managing Land Contamination Planning Guidelines. The guidelines generally refer to planning proposals that seek to rezone land, of which this planning proposal does not seek to rezone the land. Therefore, under SEPP 55 Remediation of Land, consideration of potential contamination of land and how it impacts new or future development will need to be considered at the development assessment stage.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	N		
3.2 Caravan Parks and Manufactured Home estates	N		
3.3 Home Occupations (Revoked)	-		
3.4 Integrating Land Use and Transport	N		
3.5 Development Near Regulated Airports and Defence Airfields	N		
3.6 Shooting Ranges	N		
3.7 Reduction in non-hosted short term rental	N		

accommodation period			
4. Hazard and Risk			
4.1 Acid Sulfate Soils	N		
4.2 Mine Subsidence and Unstable Land	N		
4.3 Flooding			
4.4 Planning for Bushfire Protection			
5. Regional Planning			
5.1 Implementation of Regional Strategies (Revoked)	-		
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 (Revoked)	-		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked)	-		
5.6 Sydney to Canberra Corridor (Revoked)	-		
5.7 Central Coast (Revoked)	-		
5.8 Second Sydney Airport: Badgerys Creek (Revoked)	-		
5.9 North West Rail Link Corridor Strategy	N		
5.10 Implementation of Regional Plans	Y	Y	The planning proposal is consistent with the Far West Regional Plan 2036.
5.11 Development of Aboriginal Council land	N		
6. Local Plan Making			
6.1 Approval and Referral Requirements	Y	Y	The planning proposal does not include provisions that require concurrence, consultation or referral to a Minister or public authority.

6.2 Reserving Land for Public Purposes	N		
6.3 Site Specific Provisions	Y	Y	The planning proposal does not include site specific provisions as it applies to all land within the RU1 Primary Production zone.
7. Metropolitan Planning			
Not applicable to Wentworth Shire Council	N		

Section C – Environmental, social and economic impact

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?

The proposed amendments to the Wentworth LEP 2011 will not have adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

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

There are no other foreseen significant environmental effects associated with the proposed amendments to the Wentworth LEP 2011.

How has the planning proposal adequately addressed any social and economic effects?

The social and economic effects are outlined in the Review of Rural Land Planning Controls paper attached to the planning proposal.

The planning proposal will provide opportunities for economic growth and sustainability for rural landholders by allowing additional, compatible uses to be permissible with consent within the RU1 Primary Production zone. Additionally, an increase in rural enterprise income usually results in an increase in spending at a local level, which has positive flow on effects for the business community.

Social benefits for both rural landholders include growth in visitor numbers to the region, meeting new national and international visitors and growth in employment opportunities in the tourism and business sectors.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal aims to increase additional use permissibility in the RU1 Primary Production zone. Where new development is proposed, there may be the requirement for improved or new public infrastructure, such as all-weather roads, power and telecommunications facilities.

Where there is a demand for additional public infrastructure or services, the expectation will be that the cost will be borne by the developer, unless, that infrastructure will benefit existing or potentially future landholders. Council's and developers' expectations will need to be discussed in detail in the pre-planning stage of each development.

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

Council has consulted with Department of Primary Industries – Agriculture to ensure consistency with their state agricultural land policies.

The RLPC paper has been amended to remove the proposal to amend the current minimum lot sizes as this was not supported by DPI Agriculture.

The proposed additional permissible uses that were not supported by DPI Agriculture have been individually listed and justified below:

Table 8 Non-supported uses and justification

Backpackers accommodation	This use will serve three purposes: 1) provide additional and variety of tourism accommodation facilities for visitors to the region 2) fill a major gap in the provision of accommodation for seasonal workers 3) facilitates an additional income stream for rural landholders.
Boat building and repair facility	This type of activity requires space and ease of access to a river and should preferably be located outside of urban environments. Industrial zones are not located within close proximity to rivers and therefore, this use should be permissible in the RU1 zone.
Caravan parks	To take advantage of the natural outback environment and provide a variety of rurally located accommodation facilities, similar to other far west local councils such as Balranald, Central Darling, Bourke and Carrathool.
Emergency services facility	To legalise the existence of numerous Rural Fire Services facilities that are located in remote districts and managed by the RFS volunteers and facilitate the development of additional remote services if required.
Heavy industry	This type of development requires separation from other more sensitive developments, particularly away from townships. While normally it would be located in a heavy industrial zone, where that land would have previously been RU1 zone, Wentworth LGA does not have sufficient enquiry or demand to warrant rezoning tracks of rural land to facilitate the establishment of this type of use. However, by permitting this use in the RU1 zone, Council facilitates the establishment of this type of development in locations where there would be adequate separation from sensitive uses and space.
Industrial retail outlet	This use is generally used in conjunction with rural industry (and industry which will remain prohibited) and permits the sale of goods that have been manufactured on the land on which the rural industry is located.
Kiosk	This use facilitates the provision of refreshments or convenience items where there are other uses or activities occurring on the site. For example, uses such as camping ground, eco-tourist accommodation and the proposed farm experience premises uses in the Agritourism amendment would benefit from including the provision of quick/light food and drinks to those who are utilising

	those services. A kiosk is a small-scale activity as per Section 5.4(6) of the WLEP.
Light industry	This use includes artisan food and drink industry (new use supported by DPI Agriculture), home industry (currently permissible), high technology industry (currently prohibited) and creative industry (currently prohibited). It is considered that there is no compelling reason not to include home industry and artisan food and drink industry as permissible in the RU1 zone.
Restaurant/Café	There is a growing trend in the rural sector of processing and manufacturing raw produce for retail sale on site. This activity can be successfully operated in conjunction with an associated restaurant or cafe, similar to cellar door sales with associated food provision services. These types of rural enterprises are becoming increasingly popular with tourists and the local community. This type of development would form part of an agritourism development.
Transport depot	May require larger areas of land to operate this type of use and would be more suitable outside of town boundaries. Considered compatible with rural land uses.
Truck depot	May require larger areas of land to operate this type of use and would be more suitable outside of town boundaries. The type of machinery stored and serviced also includes farm machinery. Considered compatible with rural land uses.
Vehicle repair station	This type of use includes the permissibility to repair all machinery including agricultural machinery and is considered compatible with rural land uses. It would also facilitate an additional income stream for rural land holders

No further pre-gateway determination consultation with any other State or Commonwealth public authority has been undertaken for this planning proposal.

Part 4 – MAPPING

The planning proposal does not recommend any amendments to the Wentworth LEP 2011 mapping.

Part 5 – COMMUNITY CONSULTATION

Public exhibition and community consultation will be undertaken by Council as part of the Gateway determination process.

It is proposed that the planning proposal is exhibited for a period of 28 to 42 days in accordance with Clause 4 of Schedule 1 of the Environmental Planning & Assessment Act 1979 and the NSW Department of Planning and Environment's: *A guide to preparing local environmental plans 2016*.

A public hearing will not be conducted as part of the public exhibition process.

Part 6 – PROJECT TIMELINE

The indicative timeframe for completing the planning proposal is outlined in Table 7 below:

Table 9 Estimated project timeline

Task	Timeframe
Anticipated commencement date (date of Gateway determination)	March 2021
Completion of required technical information	N/A
Public exhibition/Community consultation	May 2022
State agency consultation	May 2022
Public hearing (if required)	N/A
Consideration of submissions	May 2022
Consideration of planning proposal post exhibition (Council report)	July 2022
Request Opinion from Parliamentary Counsel	July 2022
Submission to the Department to finalise the LEP	September 2022
Date RPA will make the plan (if delegated)	October 2022
Date RPA will forward to the Department for notification	November 2022