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Michele Bos  
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Via email: [michele.bos@wentworth.nsw.gov.au](mailto:michele.bos@wentworth.nsw.gov.au)

11 August 2021

Dear Ms Bos

**Subject: Planning Proposal - Thegoa Lagoon & Reserve rezoning**

Thank you for your letter dated 21 July 2021 seeking comments from the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (the Department) on the proposal to rezone the Thegoa Lagoon Reserve.

BCD has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats) and flooding.

BCD considers that the most appropriate zoning for the Thegoa Lagoon and Reserve area is E2 (Environmental Conservation) under the Wentworth Shire Local Environment Plan 2011. We anticipate the best environmental outcomes if the land is zoned E2.

Changing the zoning to E2 will change how clearing is regulated in two ways:

- The subject land becomes excluded from the *Local Land Services Act 2013*.  
That would make Wentworth Shire Council the regulator for clearing on the subject land.
- The permissibility of land uses will change.

The list of matters requiring assessment consistent Part 7 of the *Biodiversity Conservation Act 2013* is greater for E2 land than it is for land zoned RU1 (Primary Production).

We recommend that Council consider adding local clearing controls to the Wentworth Development Control Plan to assist with future development applications.

We recommend that the minimum lot size remain as 10,000 hectares as the subject land is not appropriate for closer development. That will have no effect on how clearing regulations are applied.

As evidence that the subject land has environmental significance, several environmental watering events have been coordinated by the Department to aid fish and wetland health.

To minimise objections to the proposal, we support that occupied lots remain RU1.

If you have any questions about this advice, please contact Michael Todd, Senior Conservation Planning Officer via [rog.southwest@environment.nsw.gov.au](mailto:rog.southwest@environment.nsw.gov.au) or 03 5021 8915.

Yours sincerely

Andrew Fisher  
**Senior Team Leader Planning**  
**South West Branch**  
**Biodiversity and Conservation Division**  
**Department of Planning, Industry and Environment**