

WENTWORTH **SHIRE COUNCIL**

WORTH THE DRIVE

PLANNING PROPOSAL
AMENDMENT TO THE WENTWORTH LOCAL ENVIRONMENTAL
PLAN 2011

THEGOA LAGOON RESERVE REZONING

JANUARY 2022

Document details

Version	Purpose	Author	Review
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INTRODUCTION

This planning proposal relates to the subject land identified as Thegoa Lagoon Reserve (Lot 7323 & 7328 DP 1174216 and waterway). The planning proposal has been prepared following investigations to determine the most appropriate zone for the subject land as recommended by the Sustainable Wentworth Strategy prepared by Wentworth Shire Council and the Management Plan for Thegoa Lagoon Reserve prepared by Thegoa Lagoon Management Steering Committee. These documents are provided in Attachment 1 & 2 respectively.

The zone investigation is provided in Attachment 3.

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

- Amend the Land Zoning Map – Sheet LZN_002B and Land Zoning Map – Sheet LZN_002D applied to the subject land from ‘RU1 Primary Production’ & ‘RU5 Village’ to ‘C2 Environmental Conservation’ (in accordance with the proposed Land Zoning Map shown in Part 4).

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.

Site Location

The subject land known as Thegoa Lagoon Reserve is made up of land (Lots 7323 & 7328 DP 1174216 and Lot 117 DP 756994) and a crown waterway (lagoon). This planning proposal only applies to Lot 7323 & 7328 DP 1174216 and the waterway section of Thegoa Lagoon only. The subject land is located in Far-west NSW within the Wentworth Shire suburb of Wentworth with an area of approximately 404 ha and has access from Adams Street, Cadell Street and Murray Court.

The subject land (Lot 7323 & 7328 DP 1174216) is classified as community land (public recreation and plantation) owned by the Crown with Wentworth Shire Council as the crown land manager with the waterway designated as a crown waterway.

Eight (8) separate allotments are located within the subject land but are **not** included in this planning proposal (Table 1).

Table 1: Land uses of allotments within the subject land

Land Identifier	Zoning	Ownership	Land use	Reason for exclusion
Lot 117 DP 756994	RU1 Primary Production	Crown land reserve	Vegetated un-used site	Undetermined Aboriginal Land Claim on the land.
Lot 119 DP	RU1 Primary	Crown land: Lease	Agriculture	Agriculture use, existing

756994	Production			zoning adequate for land use. Leased land not recommended for rezoning under the Thegoa Lagoon Management Plan.
Lot 120 DP 756994	RU1 Primary Production	Crown land: Lease	Rural residential	Existing zoning adequate for existing land use. Agriculture use, existing zoning adequate for land use. Leased land not recommended for rezoning under the Thegoa Lagoon Management Plan.
Lot 122 DP 756994	RU1 Primary Production	Crown land: Lease	Rural Residential	Existing zoning adequate for existing land use. Agriculture use, existing zoning adequate for land use. Leased land not recommended for rezoning under the Thegoa Lagoon Management Plan.
Lot 123 DP 756994	RU1 Primary Production	Crown Land Reserve	Vegetated rehabilitated site	Land reserved for infrastructure or services not recreation. Potential rezoning into Conservation zone if reserve purpose is amended
Lot 129 DP 756994	RU1 Primary Production	Freehold	Rural Residential	Existing zoning adequate for existing land use
Lot 142 DP 756994	RU1 Primary Production	Crown Land	Vegetated rehabilitated site	Land reserved for infrastructure or services not recreation. Potential rezoning into Conservation zone if reserve purpose is amended
Lot 90 DP 1149815	RU1 Primary Production	Freehold	Sewage treatment plant/Laydown area	Existing zoning adequate for existing land use with C2 zoning not matching this use

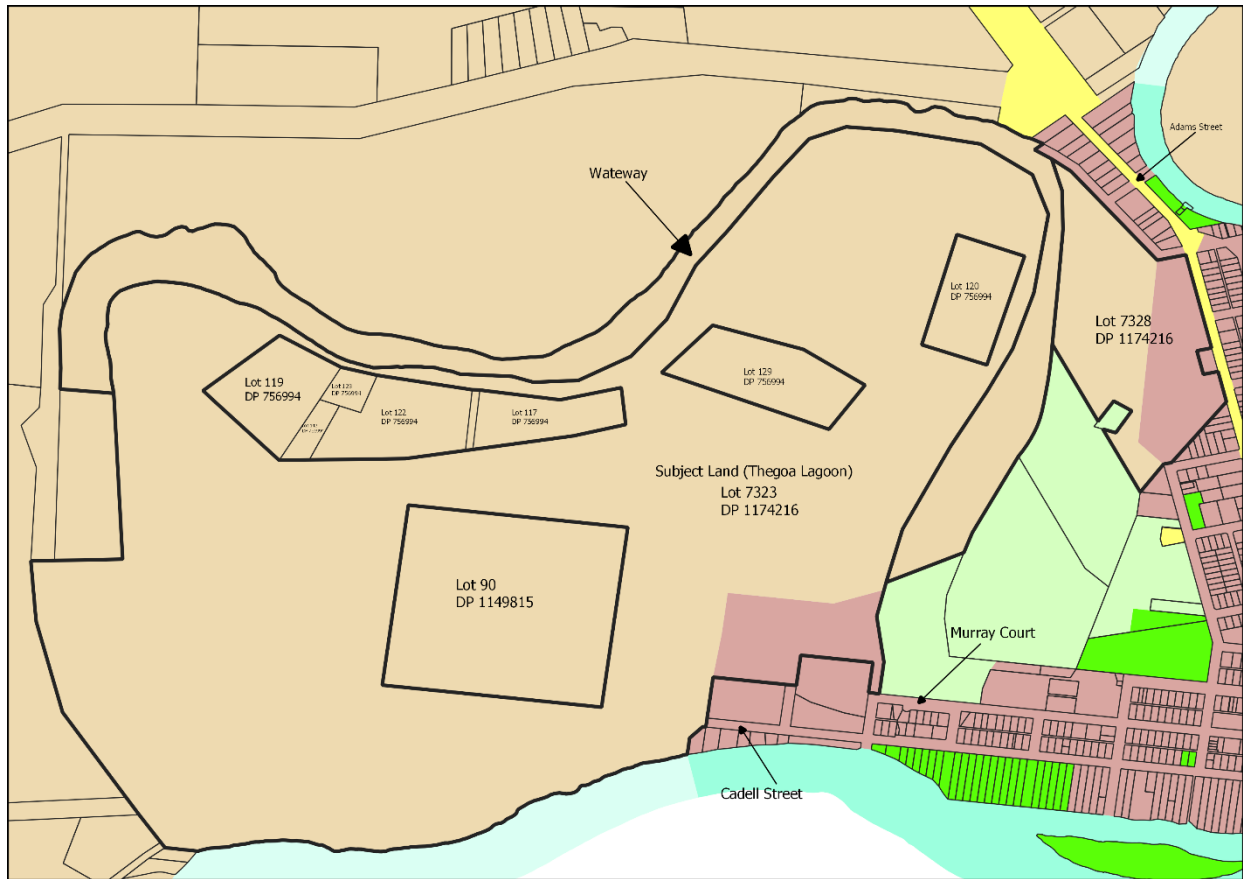


Figure 1: Subject site location

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

To amend the *Wentworth Local Environmental Plan 2011* to identify, protect and manage a high value, natural environment and heritage area by rezoning the split RU1 Primary Production and RU5 Village zoned subject land to an appropriate Conservation zone.

PART 2 – EXPLANATION OF PROVISIONS

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

- Amend the Land Zoning Map – Sheet LZN_002B and Land Zoning Map – Sheet LZN_002D applied to the subject land from 'RU1 Primary Production' & 'RU5 Village' to 'C2 Environmental Conservation' (in accordance with the proposed Land Zoning Map shown in Part 4).

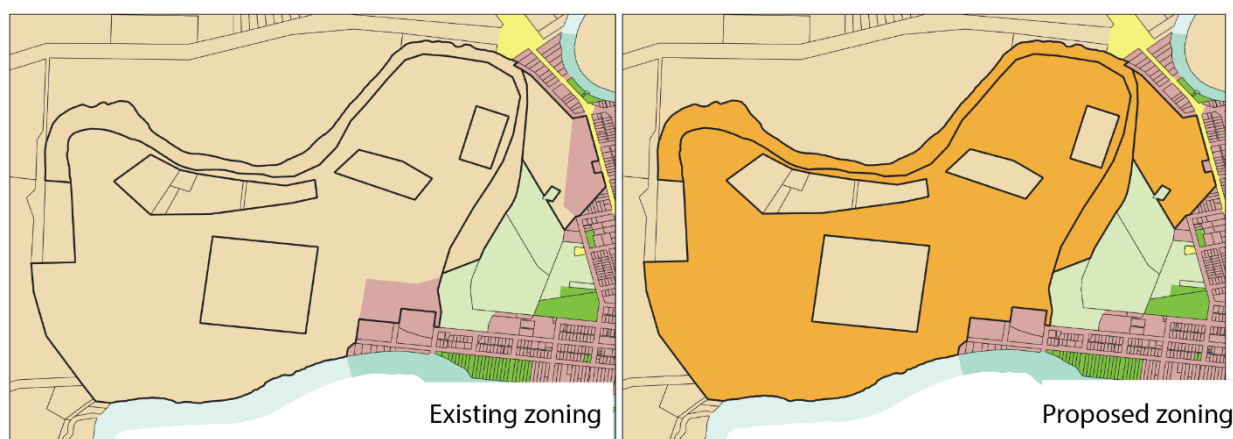


Figure 2: Existing vs Proposed zoning

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?

The planning proposal is consistent with:

- Sustainable Wentworth Strategy (2016),
- Management Plan for Thegoa Lagoon Reserve (2003) and
- Thegoa Lagoon Baseline Study Report (1993)

The Sustainable Wentworth Strategy (SWS) was prepared by Wentworth Shire Council in 2016. The SWS was undertaken to guide the future development of the township of Wentworth and to provide opportunities for alternative uses of specific sites around the township. The subject land was recommended for further investigation of an appropriate zone. This planning proposal is the result

of the investigation conducted to identify an appropriate conservation zone.

The Management Plan for Thegoa Lagoon Reserve (MPTLR) was conducted and prepared by Thegoa Lagoon Management Steering Committee in 2003. The MPTLR was undertaken to guide the integrated management of the reserve by identifying management goals and actions to ensure the natural and cultural features of the Thegoa Lagoon are recognised and protected. The recommended rezoning in section 4.5 of the MPTLR of the subject land from rural to a conservation zone will allow for some of the objectives of the MPTLR to be met. Lot 7328 DP 1174216 was not included in the management plan. However, due to the land being identified as forming part of the Thegoa Lagoon Reserve, its close proximity to the study area and its current land use, the conservation and heritage value of Lot 7328 is identical to the land included in the management plan.

The Thegoa Lagoon Baseline Study Report (TLBSR) was managed by CARNMA CDEP Aboriginal Corporation in conjunction with Council, State agencies and Local aboriginal community in 1993. The main purpose of the report was to identify the current status of the subject land and investigate its potential future uses and management. The results of this baseline study were included in the drafting of the MPTLR.

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

The rezoning of the subject land from 'RU1 Primary Production' & 'RU5 Village' to 'C2 Environmental Conservation' is considered the best means of achieving the objectives and intended outcomes of the Planning Proposal in **Part 1** which are:

.... to identify, protect and manage a high value natural environment and heritage area by rezoning the split RU1 Primary Production and RU5 Village zoned subject land to an appropriate Conservation zone.

Is there net community benefit?

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

The planning proposal will reflect and highlight the value of natural environment while enabling appropriate and suitable development and management of the subject land. This will subsequently provide social and biodiversity benefits such as a healthy environment, cultural heritage protection and enhanced community interaction with the environment.

Thus, this planning proposal provides greater opportunity for continued management and protection of the subject land.

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)?

The regional plans applicable to the planning proposal are:

- Far West Regional Plan 2036
- Draft Murray Regional Strategy 2009-2036

The Far West Regional Plan 2036 is the NSW Government's 20-year development blueprint for the future of Western NSW. The goal of the plan is to create a diverse economy supported by an exceptional natural environment and resilient communities in the Far West region. This planning proposal is consistent with the plan as the rezoning will ensure better protection and management of an environmentally significant and natural area in Wentworth.

The Draft Murray Regional Strategy 2009-2036 is a long-term land use planning strategy prepared by the NSW Government to guide sustainable land use and economic development in the NSW Murray Region over a period of 25 years. Among others, the strategy identifies the need for the maintenance and protection of cultural value areas. The proposed rezoning of the subject land in this planning proposal is consistent with the strategy as it reflects more accurately the importance of the existing natural environment and will ensure better management and land use of a subject land containing significant cultural and environment value.

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, Sustainable Wentworth Strategy 2016 and Council's Community Strategic Plan 2017-2027.

The Wentworth Local Strategic Planning Statement 2020 sets out a broad land use framework for Wentworth Shire concurrently with the Community Strategic Document. The planning proposal to rezone the subject land is consistent with the vision and intent of the plan as it will enhance and protect a significant environmental and cultural heritage area.

The Community Strategic Plan 2017-2027 articulates a vision of making the Wentworth Shire 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 the Wentworth Shire a:

- a) vibrant, growing and thriving shire;
- b) desirable shire to visit, live, work and invest;
- c) community that works to enhance and protect its physical and natural assets; and
- d) caring, supportive and inclusive community that is informed and engaged in its future.

This planning proposal to rezone the subject land is consistent with the goals of the plan in that it will enhance the availability of natural recreational areas, as well as manage and enhance the cultural and environmental values of the subject land. Thus, the objectives and intended outcomes of this planning proposal enable execution of strategies and actions developed to achieve the goals and deliver the vision of the strategic plan.

This planning proposal is consistent with the Sustainable Wentworth Strategy, which was adopted by the Wentworth Shire Council in August 2016. The strategic document was developed to guide development of the Wentworth Township to ensure availability of services that meet the expectations and future needs of the residents.

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

Consistency with applicable State Environmental Planning Policies is outlined below in Table 2.

Table 2: Consistency with SEPPs

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
Murray Regional Environmental Plan No 2—Riverine Land	Y	Y	The planning proposal will better align the land uses with the objectives of this deemed SEPP.
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	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 (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 and Extractive Industries) 2007	N		
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	The subject land for this planning proposal has not been historically used for contaminating activities.
State Environmental Planning Policy 64 – Advertising and Signage	N		
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 will restrict agricultural activities to those that will not significantly impact the environmental status of the land.
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 3.

Table 3: 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 zoning to a residential, business, industrial, village or tourist zone.
1.3 Mining, Petroleum Production and Extractive Industries	Y	Y	The planning proposal will not restrict Mining, Petroleum Production and Extractive Industries.
1.4 Oyster Aqua Culture	N		
1.5 Rural Lands	Y	Y	The planning proposal is for rezoning the subject land from a rural zone (RU1) to a conservation zone (C2).
2. Environment and Heritage			
2.1 Environment Protection Zones	Y	Y	The planning proposal seeks to rezone land from a rural zone (RU1) to an environmental conservation zone (C2).

2.2 Coastal Management	N		
2.3 Heritage Conservation	Y	Y	The planning proposal will facilitate in the protection and management of an area with high heritage value.
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	N		
4. Hazard and Risk			
4.1 Acid Sulfate Soils	N		
4.2 Mine Subsidence and Unstable Land	N		
4.3 Flooding	Y	Y	The planning proposal will not increase the flood risk as it will restrict development that may alter flooding on the land.
4.4 Planning for Bushfire Protection	N		
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	N		
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 amendment to the Wentworth LEP 2011 will facilitate the management and protection of critical habitat or threatened species, populations or ecological communities or their habitats from adverse impacts.

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 negative 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 planning proposal is anticipated to have a positive social and economic effect on the locality by ensuring the availability and protection of natural lands for passive recreational use by community and visitors. This will provide an opportunity for active, healthy lifestyle choices as well as an attractive tourist attraction in Wentworth.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The planning proposal will not result in additional demand for public infrastructure.

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

Council has consulted with the following public authorities:

- Department of Planning, Industry & Environment (Crown Lands): Had no objection and supported the planning proposal.
- Department of Planning, Industry & Environment (Biodiversity and Conservation): No objection to the planning proposal and recommended the C2 Environment Conservation zone for the subject land.

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

Part 4 – MAPPING

This part contains the mapping for this planning proposal in accordance with the guide.

The planning proposal seeks to amend sheet LZN_002B & LZN_002D of the Land Zoning Map of the Wentworth Local Environmental Plan 2011. An indicative land zoning map is shown in Figure 2 below.

Council will request assistance with the preparation of the Wentworth LEP 2011 mapping from the Department of Planning, Industry and Environment and the ability to lodge the template maps at the stage identified under S3.36 of the *Environmental Planning and Assessment Act 1979*, rather than prior to exhibition. The maps provided as part of this planning proposal are considered detailed enough for public exhibition purposes.

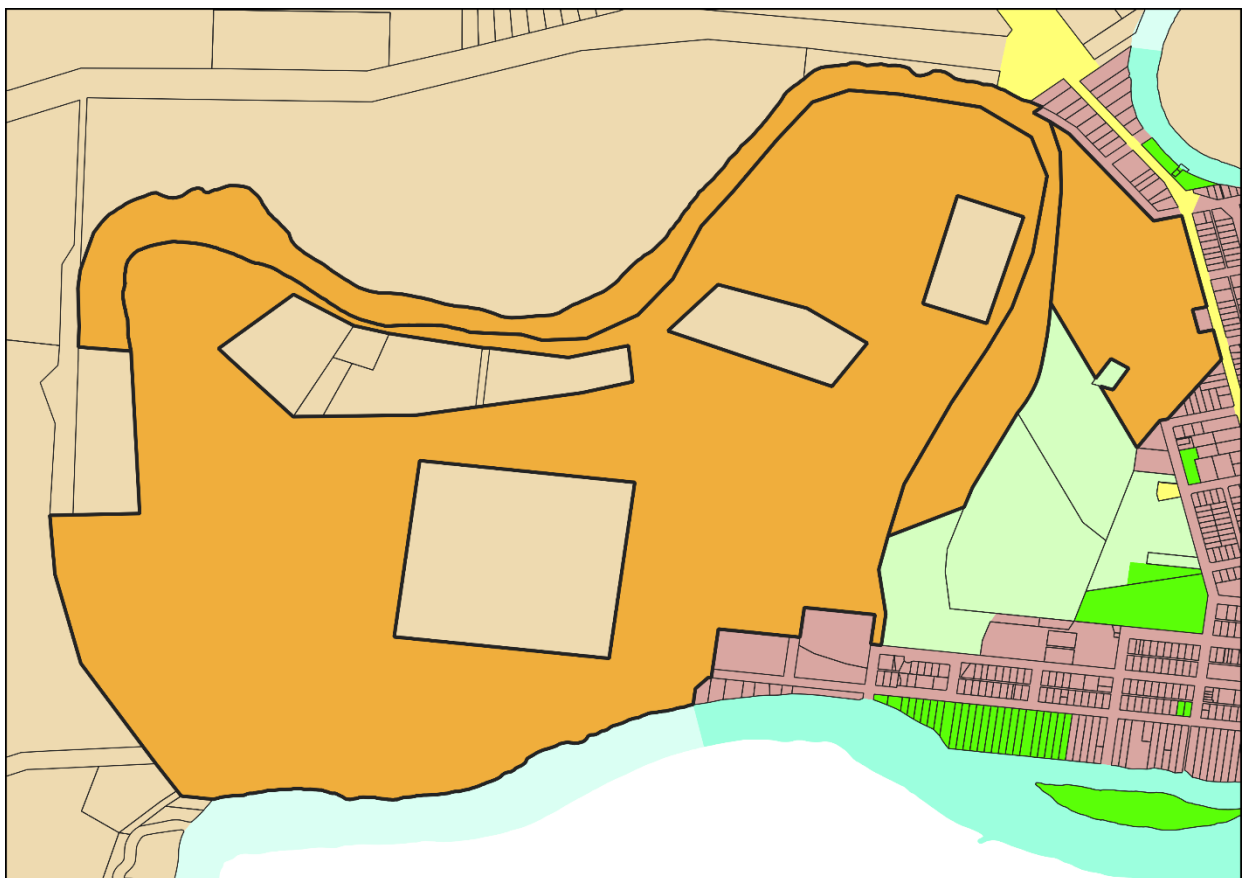


Figure 3: Proposed zone of subject land

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 4 below:

Table 4: Estimated project timeline

Task	Timeframe
Anticipated commencement date (date of Gateway determination)	March 2022
Completion of required technical information	
Public exhibition/Community consultation	April 2022
State agency consultation	April 2022
Public hearing (if required)	
Consideration of submissions	May 2022
Consideration of planning proposal post exhibition (Council report)	June 2022
Request Opinion from Parliamentary Counsel	Map only amendment of WLEP 2011
Submission to the Department to finalise the LEP	July 2022
Date PPA will make the plan (if delegated)	August 2022
Date PPA will forward to the Department for notification	August 2022