

PLANNING PROPOSAL

This Planning Proposal (PP) was prepared under Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to seek an amendment to the Bland Local Environmental Plan 2011 (Bland LEP). The PP would enable an additional permitted use on land at 13510 Newell Highway, West Wyalong. The West Wyalong Airport is also located on this land.

The subject land is legally described as Lots 10 and 11 DP1141509, however the additional permitted use would only apply to part of the land, as shown in Figure 1.

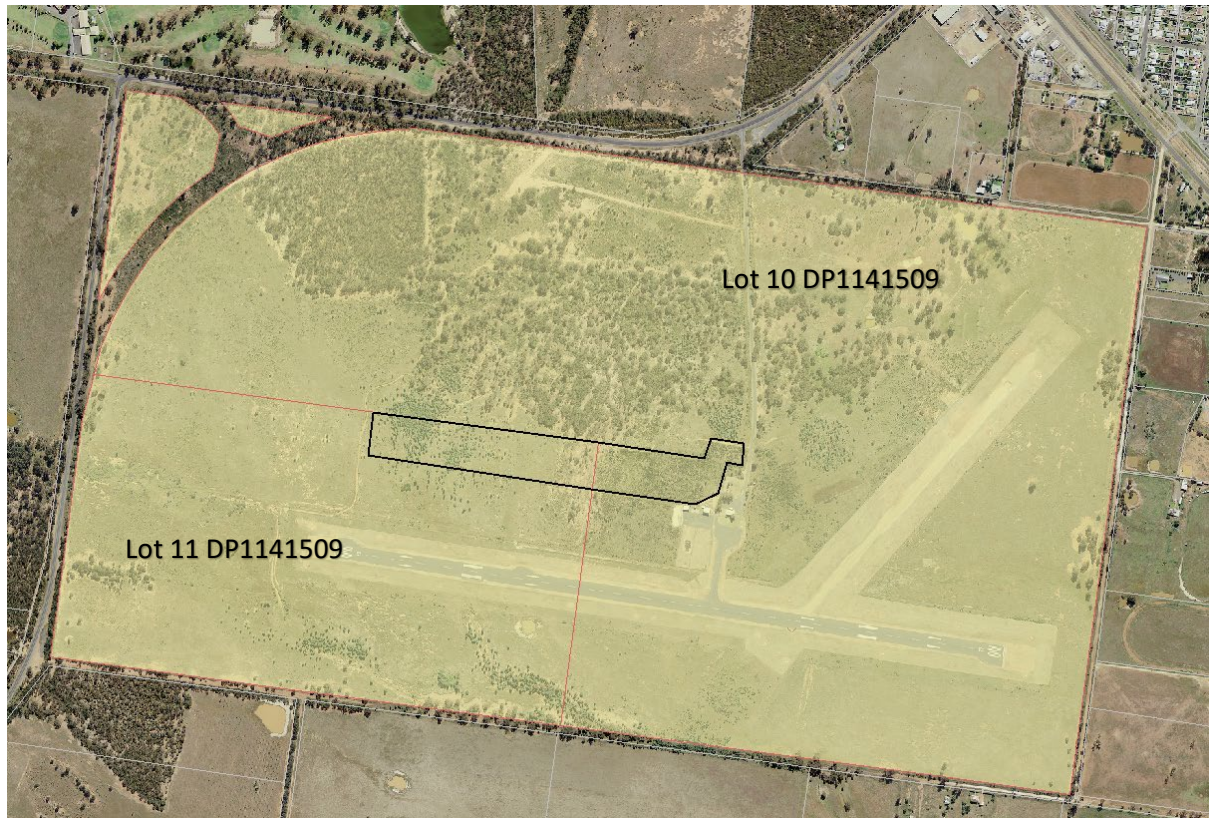


FIGURE 1: LAND APPLICATION FOR THIS PP (IDENTIFIED BY BLACK LINE) ON LOTS 10 & 11 DP1141509.

The PP requires the Planning Proposal Authority, Bland Shire Council (Council) to exercise its function under Division 3.4 of the EP&A Act in relation to the land and amend Schedule 1 of the Bland LEP to include:

Use of certain land at 13510 Newell Highway, West Wyalong

- (1) The use would apply to part of Lot 10 DP1141509 and part of Lot 11 DP1141509, Newell Highway, West Wyalong**
- (2) That development for the purpose of a recreation facility (outdoor) be permitted with development consent.**

The planning proposal does not seek to amend the land use zone or development standards applying to the land.

The PP was prepared in accordance with the Local Environmental Planning Making Guideline (DPIE, 2021) and outlines the effect of, and provides justification for, the proposed amendment to the Bland LEP. The PP demonstrates consistency with the applicable regional and local strategic framework, State Environmental Planning Policies, and the Local Planning Directions under Section 9.1 of the EP & A Act.

Background

Summary of the project and funding.

The legal description of the subject land and land ownership is described in Table 0-1.

<i>Table 1 Subject Land and Land Ownership</i>	
Subject Land	Landholder
13510 Newell Highway, West Wyalong Lots 10 & 11 DP 1141509	Bland Shire Council

The subject land is located on the Newell Highway approximately 1.5 kilometres south of West Wyalong. The land is the site of the West Wyalong Airport which is in use for commercial operations which includes charter flights for FIFO workers to support the Lake Cowal Gold mine, agricultural aerial spraying operations, recreational aviation including private light aircraft, and emergency services flights which includes Rural Fire service aerial water bombing and Royal Flying Doctors

The land is zoned SP2 Infrastructure (Air Transport Facility) and does not have a minimum lot size for subdivision. The proposed dragstrip is located towards the centre of the subject land as shown in Figure 1 above. The adjoining areas to the south and west of the land are zoned RU1 Primary Production. To the west of the site the land is zoned R5 Large Lot Residential. The West Wyalong Golf Club is located to the north of the site and is zoned RE2 Private Recreation.

The total area of the land subject to this planning proposal is 318.7 hectares (Lot 10 – 237.8 ha and Lot 11 80.9 ha). The area of land that would be subject to the development of the drag strip is 9.38 hectares). Existing on land is the airport terminal, tarmac runway, gravel runway, 3 hangars, refuelling facility and car parking. The facility is also utilised by the local motorsports club for events such as show and shine and have approval to run some restricted drag racing activities from the existing runway.

Access to the site of the proposed dragstrip is along a sealed access road from the Newell Highway.

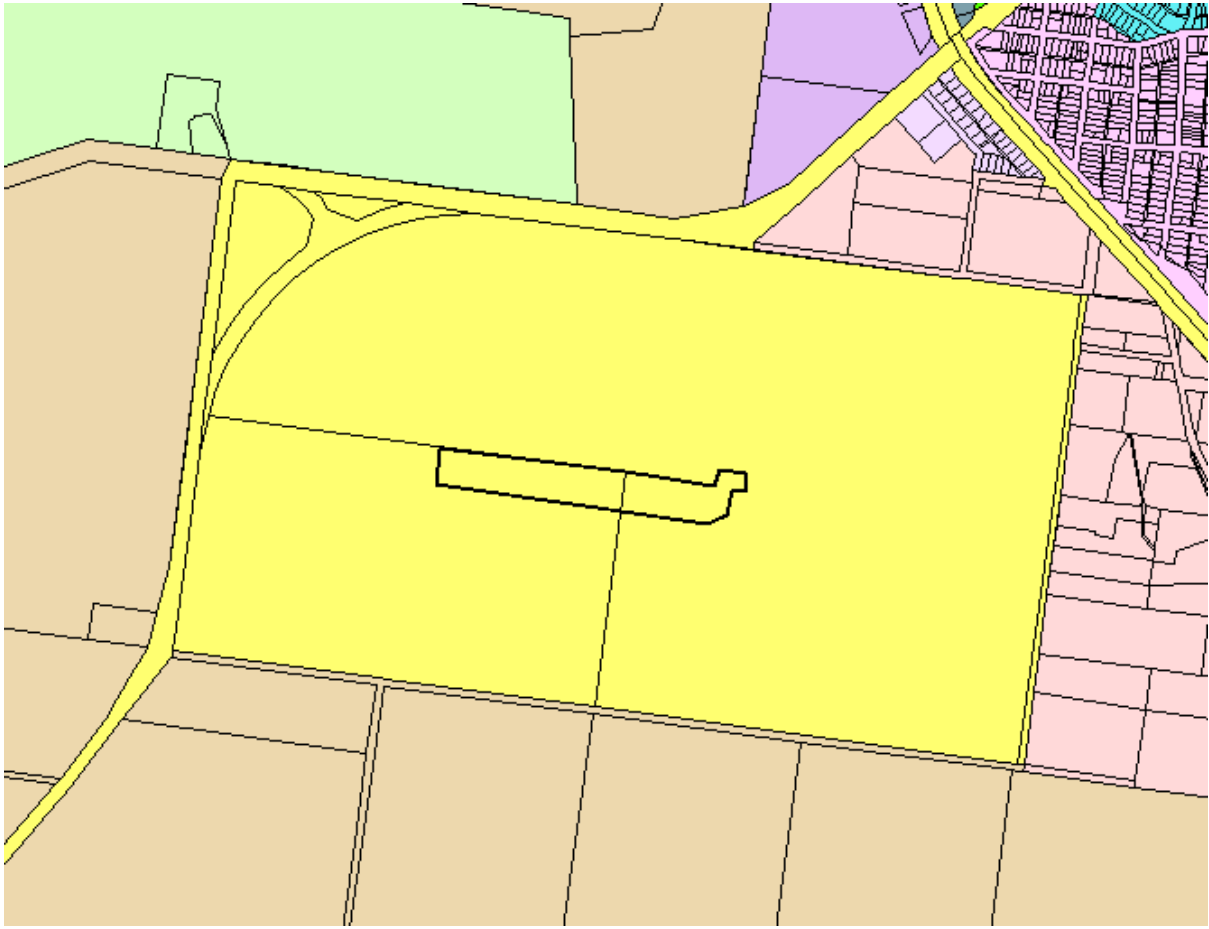



FIGURE 2: LAND USE ZONING UNDER BLAND LEP 2011, SHOWING THE LAND APPLICABLE TO THE PROPOSED RECREATIONAL FACILITY (OUTDOOR) IN BLACK OUTLINE

PART 1 OBJECTIVE OR INTENDED OUTCOMES

The intent of this planning proposal is to amend the Bland Local Environmental Plan 2011 to enable the development of a recreation facility (outdoor) on part of the subject land.

Furthermore, the PP seeks to achieve the following objectives:

- Provide a unique sports tourism opportunity within the region to attract visitors to the Bland Shire.
- Makes use of under-utilised council owned  with potential for recreational uses that require open spaces such as motorsport in a safe and controllable manner

PART 2 EXPLANATION OF PROVISIONS

The proposed outcome of the PP would be achieved by amending Schedule 1 Additional permitted uses of the Bland Local Environmental Plan 2011, to insert as an additional item the following:

3 Use of certain land at 13510 Newell Highway, West Wyalong

- 1) This clause applies to part of the land at Part Lot 10 and Part Lot 11 DP1141509, 13510 Newell Highway, West Wyalong, shown as 3 on the Additional Permitted Uses Map.
- 2) Development for the purpose of a recreation facility (outdoor) is permitted with development consent.

The proposed outcome of the planning proposal would also include amendment to the Additional Permitted Uses Map within the Bland Local Environmental Plan 2011, to identify the applicable land as shown in Appendix 1.

3 JUSTIFICATION

3.1 SECTION A – NEED FOR THE PLANNING PROPOSAL

3.1.1 Is the PP a result of an endorsed LSPS, strategic study or report

The planning proposal is not the result of an endorsed LSPS, strategic study or report. The Planning Proposal, however, is not inconsistent with:

- Bland Shire Housing Strategy (Habitat Planning, 2022)
- Bland Shire Local Strategic Planning Statement (BSC, 2020)
- Bland Community Strategic Plan (BSC, 2022)

Specifically, the following provisions show the proposal would be compatible with the Bland Community Strategic Plan and the strategic objectives of the Riverina Murray Destination management Plan:

Bland Community Strategic Plan

- *14.2 Attract a diverse range of visitors to the Shire*
 - The proposed development of a motorsports park on the subject land would provide an opportunity to for the Bland LGA to attract motorsports enthusiasts to the region. The nearest similar facility is located in Shepparton, Victoria.

Riverina Murray Destination Management Plan

- *Support the development and delivery of contemporary events and festival across the Riverina Murray to attract new visitors*
 - The proposed dragstrip has the potential to attract new visitors to the region. There is the potential of the site to host national events in the future which would attract visitors to the region from across Australia.

It is considered that current permissible uses prevents the best outcomes for the site being realised. Amendment of the Bland Local Environmental Plan 2011 is the only means to deliver the project.

3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to Schedule 1 of the Bland Local Environmental Plan 2011 to enable a currently prohibited land use on the subject land is considered the best means to giving effect to the objectives of the planning proposal (and enable determination of a subsequent DA consistent with the Concept Design in Appendix A).

The applicable land is within Zone SP2 Infrastructure (Air Transport Facility) under the Bland LEP. The whole site area is over 300 hectares most of which is superfluous to current airport operations.

Rezoning of the land to an alternative zone where both an air transport facility and recreation facility (outdoor) were both permissible was considered, however a suitable zone could not be identified, as shown in Table 2 below:

Table 2 Permissibility in Existing Bland LEP zones		
Zone	Recreation Facility (Outdoor)	Air Transport Facility
RU1 Primary Production	Permitted with Consent	Permitted with Consent
RU3 Forestry	Prohibited	Prohibited
RU5 Village	Permitted with Consent	Prohibited
R1 General Residential	Permitted with Consent	Prohibited
R5 Large Lot Residential	Permitted with Consent	Prohibited
E1 Local Centre	Permitted with Consent	Prohibited
E3 Productivity Support	Permitted with Consent	Prohibited
E4 General Industrial	Prohibited	Prohibited
SP2 Infrastructure	Prohibited	Permitted with Consent
RE1 Public Recreation	Permitted with Consent	Prohibited
RE2 Private Recreation	Permitted with Consent	Prohibited
C1 National Parks and Nature Reserves	Prohibited	Prohibited
C3 Environmental Management	Permitted with Consent	Prohibited

The only zone where both uses are permitted with consent is the RU1 Primary Production zone. It is not considered that this zone is appropriate for the future use of the site as an air transport facility. A number of sites were considered for the proposed new recreation facility however as the project is grant funded the purchase of private land was not economically viable.

3.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Riverina Murray Regional Plan 2041

The Riverina Murray Regional Plan 2041 (NSW Gov.,2023) establishes a framework for land uses over the next 20 years for the Riverina and Murray region. The subject land is located within Bland LGA on the northern fringe of the Riverina region. The plan includes objectives, strategies and actions across three themes - environment, communities and places, and the economy to guide land use planning priorities and decision-making. The following provisions from the plan are relevant to the PP, as outlined in Table 3.

Table 3: Considerations under the Riverina Murray Regional Plan 2041	
Part 1 Environment	
Objectives	Comment
1: Protect, connect and enhance biodiversity	A Biodiversity Development Assessment Report will be submitted with a development application for the proposed new use of the site.
2: Manage development impacts within riverine environments	Not applicable – the site is not located within or near a riverine environment.
3: Increase natural hazard resilience	The land is mapped as bushfire prone land. Appropriate consultation with the Rural Fire Service will be undertaken if required in the gateway determination.
Part 2 Communities and Places	
Objectives	Comment
4: Support Aboriginal aspirations through land use planning	Not applicable to this proposal – the land is not subject to an Aboriginal Land Claim or Native Title Claim.
5: Ensure housing supply, diversity, affordability and resilience	Not applicable – the proposal does not relate to housing.
6: Support housing in regional cities and their sub-regions	Not applicable – the proposal does not relate to housing.
7: Provide for appropriate rural residential development	Not applicable – the proposal does not relate to rural residential development.
8: Provide for short-term accommodation	Not applicable – the proposal does not relate to short-term accommodation.

9: Plan for resilient places that respect local character	The site is not located within a heritage conservation area and there have been no heritage items identified on the site. Appropriate conditions can be applied as part of a Development Application in relation to the protection of Aboriginal Heritage and Non-Aboriginal Heritage that may be encountered during the construction phase of the development.
10: Improve connections between Murray River communities	Not applicable to the Bland LGA.
11: Plan for integrated and resilient utility infrastructure	The proposed use of the site will not require infrastructure to that already available at the existing air transport facility.
Part 3 Economy	
Objectives	Comment
12: Strategically plan for rural industries	Not applicable – the proposal does not relate to rural industries or rural zoned land.
13: Support the transition to net zero by 2050	Not applicable – the proposal does not relate to renewable energy projects or the South West Renewable Energy Zone.
14: Protecting and promoting industrial and manufacturing land	Not applicable – the proposal does not relate to employment lands
15: Support the economic viability of CBDs and main streets	Not applicable – the proposal will not impact the CBD of West Wyalong.
16: Support the visitor economy	The planning proposal supports Strategy 16.1 by providing a sports tourism facility that will attract visitors to West Wyalong at a regional level with the potential for the staging of National events.
17: Strategically plan for health and education precincts	Not applicable – the proposal does not relate to health or education precincts.
18: Integrated transport and land use planning	Not applicable – the planning proposal will not impact on the use of the air transport facility and will not prevent access to air freight opportunities should they arise.

3.2.2 Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement

The Bland Local Strategic Planning Statement is applicable to the subject land. The following themes, planning priorities and actions from the LSPS are relevant to the Planning Proposal as discussed in Table 4.

Table 4: Considerations under Bland Local Strategic Planning Statement	
Priority 1: Community	
There are no actions identified in this priority that are relevant to this planning proposal.	
Priority 2: Economy	
The planning proposal is consistent with the planning priority in that it provides a unique recreational facility which provides an opportunity to attract visitors to the local area and the wider region.	
Priority 3: Agriculture	
There are no actions identified in this priority that are relevant to this planning proposal.	
Priority 4: Environment	
There are no actions identified in this priority that are relevant to this planning proposal.	
Priority 5: Infrastructure	
There are no actions identified in this priority that are relevant to this planning proposal.	

Bland Community Strategic Plan

The Bland Community Strategic Plan (BSC, 2021) is applicable to the subject land. The objective and relevant actions from the Community Strategic Plan are discussed in Table 5.

Table 5: Considerations under the Community Strategic Plan 2017-2027	
Our People – A strong, healthy, connected and inclusive community	
Objective	Comment
1. Health and support services address the needs of the community	Not relevant to this planning proposal
2. Partner with organisations to strengthen community health and safety	Not relevant to this planning proposal
3. Nurture a strong sense of community and enrich the cultural life of the residents	Not relevant to this planning proposal
4. Services are accessible for all residents	Not relevant to this planning proposal

Our Places – Maintain and improve the Shire’s assets and infrastructure	
Objective	Comment
5. Work in partnership with key stakeholders to provide equitable access to Council’s road infrastructure, services and facilities	Not relevant to this planning proposal
6. Manage waste and recycling to improve utilisation of existing resources, including exploring new technologies	Not relevant to this planning proposal
7. Manage water and sewerage resources	Not relevant to this planning proposal
8. Public places and facilities are well maintained and easily accessible	Not relevant to this planning proposal
9. Appropriate programs, plans and budgets are developed, implemented and monitored for the effective and efficient management of Council’s assets and infrastructure	Not relevant to this planning proposal
Our Leadership – A well run Council acting as the voice of the community	
Objective	Comment
10. Quality leadership, governance and management helps develop strong community partnerships	Not relevant to this planning proposal
11. Provide opportunities for all stakeholders to contribute to Council’s decision	Not relevant to this planning proposal
12. Lead the community	Not relevant to this planning proposal
13. Develop and maintain a framework of plans and policies that provides open and transparent Council information	Not relevant to this planning proposal
Our Prosperity – Growing our population and jobs	
Objective	Comment
14. Visitors and tourists are welcomed	Action 14.2- Increase Visitors to the Shire is applicable to this planning proposal. The proposed development of a motorsports park on the subject land would provide an opportunity to for the Bland LGA to attract motorsports enthusiasts to the region. The nearest similar facility is located in Shepparton, Victoria.
15. Bland Shire is promoted as a place to do business	Not relevant to this planning proposal

16. Work with communities and businesses to use resources in a sustainable way for the future of the Bland Shire	Not relevant to this planning proposal
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3.2.3 Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

There are no further applicable State and regional studies or strategies, other than those addressed elsewhere within this planning proposal.

3.2.4 Is the Planning Proposal consistent with applicable SEPPs?

Table 6 Considerations under the relevant State Environmental Planning Policies	
Relevant SEPP	Comment/consistency with SEPP
SEPP (Biodiversity and Conservation) 2021	Applies
Chapter 2 Vegetation in non-rural areas	Clearing is proposed as part of the future development of the site which will exceed the biodiversity offset scheme threshold. Therefore, as part of any future development application a Biodiversity Development Assessment Report will be required to be carried out by an accredited assessor.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable to this planning proposal.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable to this planning proposal.
SEPP (Housing) 2021	Not applicable to this planning proposal.
SEPP (Industry and Employment) 2021	Not applicable to this planning proposal.
SEPP No. 65 – Design Quality of Residential Apartment Development	Not applicable to this planning proposal.
SEPP (Planning Systems) 2021	Not applicable to this planning proposal.
SEPP (Precincts – Central River City) 2021	Not applicable to the Bland LGA.
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable to the Bland LGA.
SEPP (Precincts – Regional) 2021	Not applicable to the Bland LGA.
SEPP (Precincts – Western Parkland City) 2021	Not applicable to the Bland LGA.

SEPP (Primary Production) 2021	Not applicable to this planning proposal.
SEPP (Resilience and Hazards) 2021	Applies
Ch 4 Remediation of land	There have been no potential contaminating activities identified as having taken place on the site.
SEPP (Resources and Energy) 2021	Not applicable to this planning proposal.
SEPP (Sustainable Buildings) 2022	Not applicable to this planning proposal.
SEPP (Transport and Infrastructure) 2021	Not applicable to this planning proposal.

3.2.5 Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

The following Ministerial Directions (dated 20 February 2023) are applicable to the planning proposal, as outlined in Table 7.

Table 7: Consideration of Ministerial Directions	
Focus Area 1: Planning Systems	
Direction	Comment
1.1 Implementation of Regional Plans	The Riverina Murray Regional Plan is applicable to this proposal. It is considered that the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions or actions.
1.2 Development of Aboriginal Land Council Land	Not applicable
1.3 Approval and Referral Requirements	No new unnecessary referral or concurrent conditions are proposed as part of the planning proposal.
1.4 Site Specific Provisions	This planning proposal seeks to amend the Bland LEP 2011 in order to allow a particular land use to be carried out on the land consistent with subsection (1)(c).
Focus Area 1: Planning Systems Place-based	
Directions 1.5 to 1.22 are not applicable to the Bland LGA	
Focus Area 2: Design and Place	
At the time of writing this planning proposal, there were no directions issued for Focus Area 2	

Focus Area 3: Biodiversity and Conservation	
Direction	Comment
3.1 Conservation Zones	<p>Direction 3.1 aims to protect and conserve environmentally sensitive areas. Proposed future development of the site will avoid those areas mapped on the terrestrial biodiversity map as shown in Figure XX. The area shown as purple on the Biodiversity Values Map will also be avoided.</p> <p>Notwithstanding, the site still contains native vegetation. As such, a BDAR will be prepared to investigate biodiversity as part of any future development application relating to this site.</p> <p>It is considered that any inconsistency with this direction is of minor significance.</p>
3.2 Heritage Conservation	<p>Direction 3.2 aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal does not propose changes to the LEP clause or Maps relating to Heritage.</p> <p>All future Das submitted will be required to comply with the relevant provisions within the LEP, <i>National Parks and Wildlife Act 1974</i> and <i>Heritage Act 1977</i>.</p> <p>The planning proposal is consistent with this Direction.</p>
3.3 Sydney Drinking Water Catchments	Not applicable to the Bland LGA
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to the Bland LGA
3.5 Recreational Vehicle Areas	Not applicable to this planning proposal
3.6 Strategic Conservation Planning	<p>A BDAR will be prepared to investigate biodiversity as part of any future development application relating to this site.</p> <p>It is considered that any inconsistency with this direction is of minor significance.</p>
3.7 Public Bushland	Not applicable to the Bland LGA
3.8 Willandra Lakes Region	Not applicable to the Bland LGA

3.9 Sydney Harbour Foreshores and Waterway Area	Not applicable to the Bland LGA
3.10 Water Catchment Protection	Not applicable to the Bland LGA
Focus Area 4: Resilience and Hazards	
Direction	Comment
4.1 Flooding	Not applicable to this planning proposal – the Planning Proposal does not create, remove or alter a zone or provision that affects flood prone land.
4.2 Coastal Management	Not applicable to the Bland LGA
4.3 Planning for Bushfire Protection	The part of the land is mapped as being bushfire prone land. The NSW Rural Fire Service will be consulted in accordance with a gateway determination
4.4 Remediation of Contaminated Land	The planning proposal is for the inclusion of recreation facility (outdoor) in the SP2 Infrastructure zone. It is considered that the risk of contamination is low, however, a preliminary site inspection will be completed to inform a subsequent DA for the land.
4.5 Acid Sulfate Soils	Not applicable to the Bland LGA
4.6 Mine Subsidence and Unstable Land	Not applicable – the land is not within a declared mine subsidence district. There is no evidence that mining has taken place in the vicinity of the site.
Focus Area 5: Transport and Infrastructure	
Direction	Comment
5.1 Integrating Land Use and Transport	The planning proposal seeks to add recreational facility (outdoor) as an Additional Permitted Use in the current SP2 Infrastructure zone. It is considered that any inconsistency with this direction is of minor significance.
5.2 Reserving Land for Public Purposes	The planning proposal does not seek to reserve land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	Bland Shire Council is the operator of the West Wyalong Airport. It is considered that the use of land adjoining the airport is suitable for a drag strip and will not affect the operation of the airport. Any inconsistency with this direction is of minor significance.
5.4 Shooting Ranges	Not applicable - The subject land is not located in the vicinity of a shooting range.
Focus Area 6: Residential Zones	
6.1 Residential Zones	Not applicable – The subject land is not within an existing or proposed residential zone.

6.2 Caravan Parks and Manufactured	The proposed development is not a caravan park or manufactured home estate.
Focus Area 7: Industry and Employment	
7.1 Business and Industrial Zones	Not applicable – The planning proposal does not affect land in an existing or proposed employment zone
7.2 Reduction in non-hosted short-term renal accommodation period	Not applicable to the Bland LGA
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to the Bland LGA
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Mining, Petroleum Production and Extractive Industries are prohibited in the existing SP2 Infrastructure zone of the Bland LEP 2011.
Focus Area 9: Primary Production	
9.1 Rural Zones	Not applicable – the planning proposal does not seek to rezone land from a rural zone.
9.2 Rural Lands	Not applicable – the planning proposal does not seek to rezone land in an existing or proposed rural or conservation zone.
9.3 Oyster Aquaculture	Not applicable to the Bland LGA
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to the Bland LGA

3.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be affected because of the planning proposal?

Proposed future development of the site will avoid areas mapped on the terrestrial biodiversity map and as shown purple on the Biodiversity Values Map will also be avoided (see figure XX).

A subsequent development application for the recreation facility will require the submission of a Biodiversity Development Assessment Report prepared by an accredited assessor.

The following plant community types are located within the site:

Western Grey Box tall grassy woodland on alluvial loam and clay soils in the NSW South Western Slopes and Riverina Bioregions – PCTID 76

Mugga Iron Bark – Western Grey Box – cypress pine tall woodland on footslopes of low hills in the NSW South Western Slopes Bioregion – PCTID 217

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

There have been no other environmental issues identified on the site. All potential environmental effects associated with any future construction and operation would be addressed at the development application stage.

3.3.3 Has the Planning Proposal adequately addressed any social and economic effects?

The planning proposal is unlikely to result in adverse social or economic impacts.

3.4 SECTION D: Infrastructure (Local, State and Commonwealth)

3.4.1 Is there adequate public infrastructure for the Planning Proposal?

The site has access to a classified road, however, the proposed additional use is not considered to be traffic generating development as provided in Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

The proposal is unlikely to have any significant impacts on the demand for, or provision of, infrastructure.

3.5 Section E – State and Commonwealth Interests

3.5.1 What are the views of State and Federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation had not yet been carried out with any State or Commonwealth public agencies or service providers. Consultation will be undertaken in accordance with the requirements of the gateway determination.

PART 4 Mapping

The planning proposal will result in an amendment to the Additional Permitted Uses Map (Sheet APU_007D), in the Bland LEP 2011.

The proposed amendment is shown in Appendix 1

PART 5 Community Consultation

Community consultation will be undertaken by Council in accordance with the conditions of the gateway determination.

PART 6 Project Timeline

The project timeline will be prepared by Council in accordance with the required timeframe set as a condition of the gateway determination.

APPENDIX 1

Additional Permitted Uses Map

