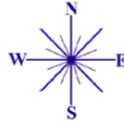


CENTRAL DARLING SHIRE COUNCIL

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PLANNING PROPOSAL FOR AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

LOCAL GOVERNMENT AREA: THE CENTRAL DARLING SHIRE COUNCIL

Proposed amendments to the Central Darling Local Environmental Plan 2012 to rezone
16– 34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure.



CONTENTS

1.	Part 1. Introduction Objectives and intended outcomes	3
	1.0 Description of the locality and site	3
	1.1 Strategic and statutory planning context relevant to planning proposal	6
	1.2 Objectives and intended outcomes – under Section 3.33 (2) (a) of EP&A Act 1979	8
2.	Part 2. Explanation of provisions for the proposed amendments to Central Darling Local Environmental Plan 2012	9
	2.0 Far Western Regional Plan 3036	11
	2.1 Relevant State environmental planning policies	12
	2.2 Ministerial directions	14
	2.3 Local Planning Controls	16
	2.4 The proposed provisions	16
3.	Part 3. Justification for the proposed amendments	16
	3.0 Demonstrate justification	16
	3.1 Section B – Relationship to strategic planning framework	18
	3.2 Section C – Environmental, social and economic impact	18
	3.3 Section D – State and Commonwealth interests	19
	3.4 Section E – Reclassification of public land	20
4.	Part 4. Proposed changes to the CDLEP 2012 mapping	21
5.	Part 5. Community consultation	21
6.	Part 6. Project timeline for the Planning Proposal	21
7.	Part 7. Summary supporting the draft planning proposal	22

FIGURES

Figure 1:	Map of Wilcannia indicating site of water treatment plant	5
Figure 2:	Map of Central Darling Shire within NSW	7
Figure 3:	Map of Central Darling Shire Council area showing towns	8
Figure 4:	Extract from Central Darling Local Environmental Plan 2012 – Land zone map	9
Figure 5:	Far West Regional Plan water resources plan	12

PHOTOGRAPHS

Cover photo:	Photo of site showing water tanks and buildings	
Photo 1:	Wilcannia water treatment plant	4
Photo 2:	Photograph of Wilcannia water treatment plant	5
Photo 3:	Aerial photograph of Wilcannia water treatment plant	6

ANNEXURES

Annexure A:	Safe and Secure Water Program Expression of Interest application form
Annexure B:	Proposed Land Use Zone Map Amendment

No	Author	Version
1	MB Town planning Pty Ltd	Version A - 20 February 2019
2	MB Town planning Pty Ltd	Version B – 12 July 2019
3	MB Town planning Pty Ltd	Version C – 20 December 2019
4	MB Town planning Pty Ltd	Version D – 15 June 2020

1. INTRODUCTION - OBJECTIVES AND INTENDED OUTCOMES

The Central Darling Local Government Area is the largest LGA in NSW by spatial extent, comprising around 53,000 square kilometres, with the smallest population, being 1,833. Its population density is due to the semi-arid climate. The main town within the Central Darling LGA is Wilcannia, centrally located within the local government area and having a population of around 745 people.

This planning proposal by Central Darling Shire Council is for submission to the New South Wales Department of Planning and Environment pursuant to Section 3.33 of the *NSW Environmental Planning and Assessment Act, 1979*.

The Planning Proposal is for amendments to be made to *Central Darling Local Environmental Plan 2012* (CDLEP2012) clarify and rezone land used for Infrastructure as SP2 Infrastructure land use zone. This planning proposal is to rezone 16-34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure (Water Supply Systems).

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act), the Standard Instrument – Principal Local Environmental Plan (Standard Instrument) and guidelines published by the Department of Planning and Environment (DP&E), including A guide to preparing planning proposals and A guide to preparing local environmental plans.

This planning proposal relates only to those matters to be amended in the Central Darling Local Environmental Plan 2012.

1.0 DESCRIPTION OF THE SITE AND LOCALITY

The planning proposal applies to land within Wilcannia town area with street address of 16-34 Hood Street, Wilcannia, and the legal description of Lot 1, DP807546 (Figure 1). The site has a rectangular configuration of dimensions 201.42 metres by 106.52 metres. The subject site has an area of 2.146 hectares. There are no easements on the site.

The site currently has two water treatment tanks, two office/ administration buildings and a shed. There are various other structures on the site for the water treatment process and communications systems (satellite dishes).



Photo 1: Photograph of Wilcannia Water Treatment Plant, taken from Hood Street (source: MB Town planning 2019)

The site - Wilcannia water treatment Plant

The subject site is owned by Central Darling Shire Council and is developed for the Wilcannia Water Treatment Plant (Wilcannia WTP).

The construction of the Wilcannia WTP was completed in 1985 and commissioned in the same year. Water is pumped from the Darling River to a raw water reservoir. The town has a dual water supply, raw (untreated) water is reticulated throughout the town for outdoor use. The raw water also gravitates through the treatment plant to produce potable (drinking) water for indoor use.

The treatment process consists of the addition of a flocculent to settle out suspended soils. Metered amounts of a mild soda are added to control the Ph (alkalinity). The water then passes through a sand filter, is chlorinated to control bacteria then pumped into the filtered water reservoir. Samples of the potable water are regularly tested to ensure compliance with Australian drinking water standards.



Figure 1: Map of Wilcannia showing location of water treatment plant (source: Six Maps)- water treatment plant is marked with star



Photo 2: Photograph of Wilcannia WTP, taken from Hood Street (source: Google Maps 2019)



Photo 3: Aerial photograph of Wilcannia WTP (source: Six Maps 2019)

1.1 STATUTORY AND STRATEGIC PLANNING CONTEXT

Central Darling Local Government Area

The location of the Central Darling Local Government Area (Central Darling LGA). It is in far-western NSW.

The Central Darling LGA is the largest local government area in NSW by spatial extent, comprising around 53,000 square kilometres, but with the smallest population, being 1,833 people according to the 2016 Australian Bureau of Statistics Census. Its low population density reflects its semi-arid nature. The main town within the Central Darling LGA is Wilcannia (a population 745 people).

The nearest substantial town to the Central Darling LGA is Broken Hill which is 198 kilometres (2 hours) road distance west of Wilcannia. Wilcannia is around 712 kilometres northeast of Adelaide and is around 950 kilometres west of Sydney, being connected to both cities by the Barrier Highway.



Figure 2: Location of the Central Darling LGA (highlighted in yellow) within NSW (Source: Six Maps)

The Central Darling LGA is traversed by the Darling River system, which helps support some horticultural uses around Menindee (where the Darling River forms an intermittent lake system). The Central Darling LGA is characterised by large sheep grazing properties, opal mining near to White Cliffs and seasonal tourism.

The Central Darling LGA is home to indigenous people including the Paakantji people and the Ngiyampaa people. Indigenous people are around 38 percent of the population.

The population of the Central Darling LGA has been declining with the current population of 1,833. The Central Darling LGA is affected by social and economic issues due to the remote location in far west NSW and the major issue of poor water security. Other issues are low employment levels and infrastructure maintenance challenges. However, the residents of the Central Darling LGA enjoy their remote location that provides a unique way of life.

Wilcannia is located on the north-western side of the Darling River. The Central Darling Shire is headquartered in Wilcannia. Wilcannia is a major service centre and resting place for travellers along the Barrier Highway.

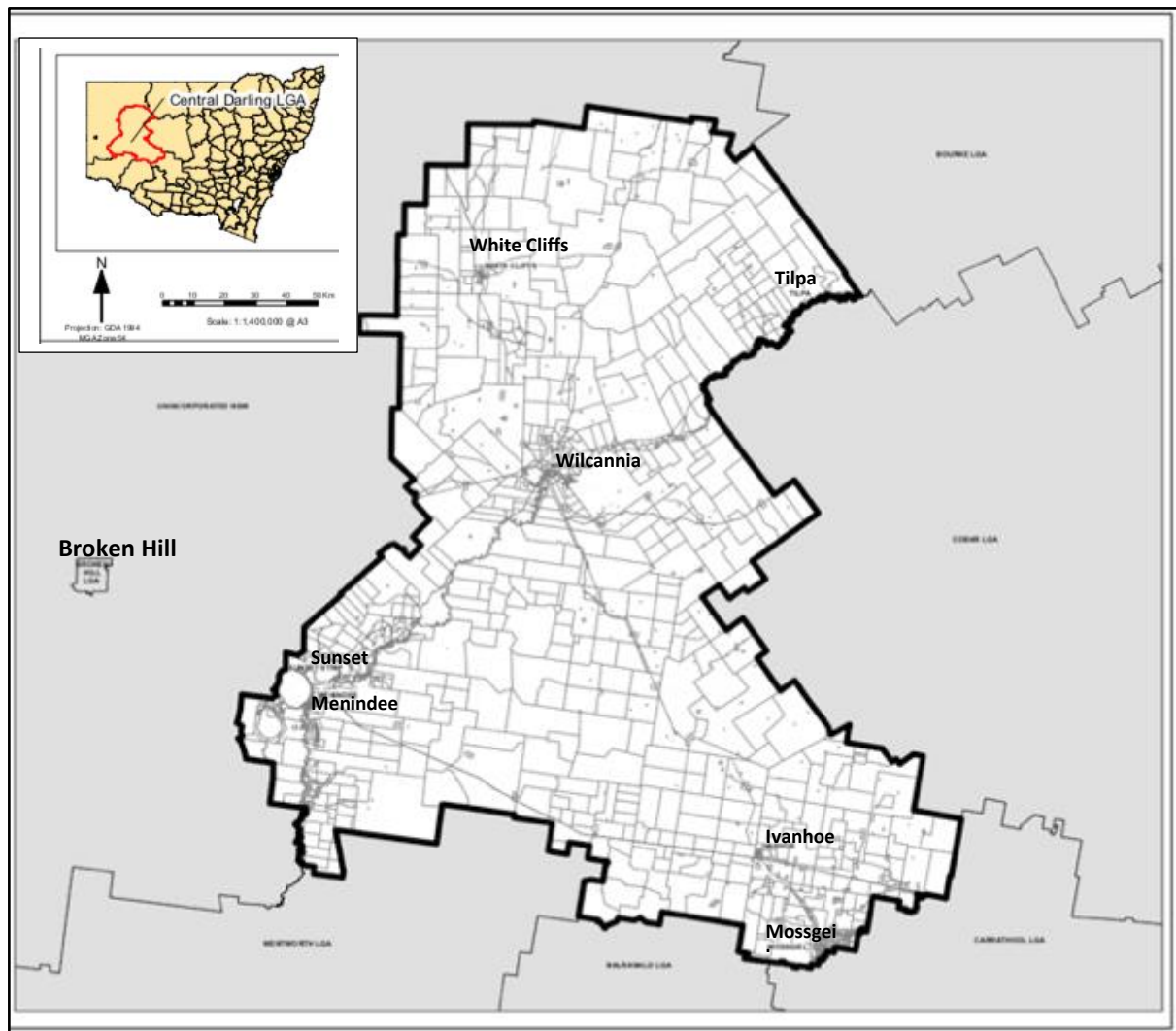


Figure 3: Location of Wilcannia, Broken Hill and the Darling River within the Central Darling LGA (source: Central Darling Local Environmental Plan 2012 application map)

1.2 Objectives and Intended outcomes

The objective and intended outcome of this planning proposal is to amend the Central Darling Local Environmental Plan 2012 (CDLEP2012) to rezone 16-34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure (Water Supply Systems). This will require an amendment to the CDLEP2012 Land Zoning Map (*Sheet LZN_006A*) as addressed in the following document.

The Water Treatment Plant is located on land zoned for R1 General Residential in the CDLEP2012. As detailed above, water treatment facilities are currently a prohibited use in the R1 General Residential zone.

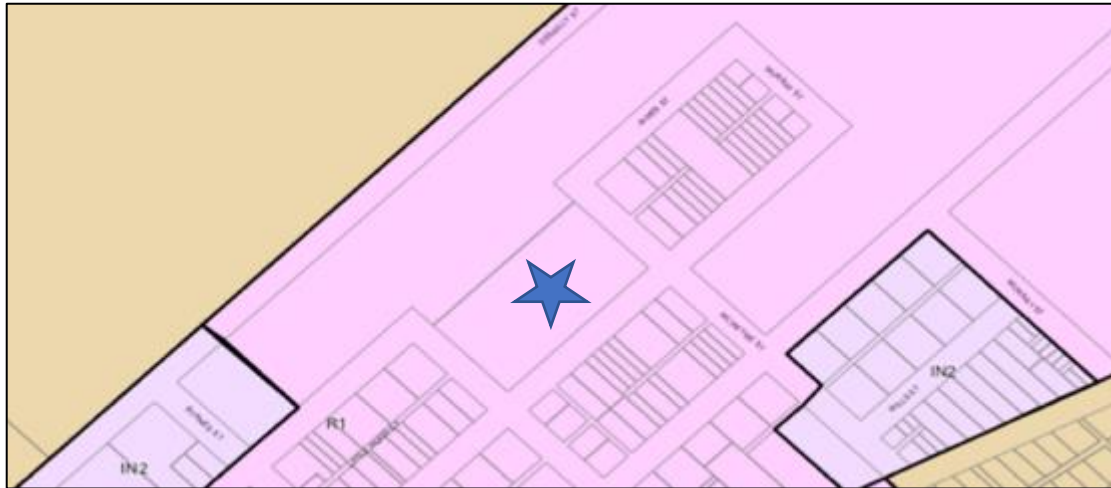


Figure 4: Extract from CDLEP2012 Land Zoning Map (Sheet LZN_006A) showing subject site marked with a star.

PART 2. EXPLANATION OF PROVISIONS FOR THE PROPOSED AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

FOR THE PROPOSED AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

The proposed amendment to the Central Darling Local Environmental Plan 2012 is to change to land zoning of the lot located at 16-34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure (Water Supply Systems). This change is to legalise the current use of the land and to enable future works to the Wilcannia Water treatment plant. Part 3 of the Environmental Planning & Assessment Act facilitates the making and amendments to Local planning instruments.

Section 3, Division 3.1 of the Act relates to strategic planning. Section 3.8(2) provides that, in preparing a planning proposal, the planning proposal authority is to give effect to any district strategic plan applying to the local government area to which the planning proposal relates or, if there is no district strategic plan, to any regional strategic plan applying to the region of which the local government area is part. In that regard, there is no district strategic plan for the Central Darling Local Government Area and the relevant regional strategic plan is the *Far West Regional Plan 2036* (FWRP2036). There is now a draft Local Strategic Planning Statement for the Central Darling Shire Council. The way in which the planning proposal gives effect to FWRP2036 is set out further below.

Section 3.13 of the Act allows the making of an environmental planning instrument for the purposes of achieving the objects of the Act. That can include an instrument that amends an existing instrument, such as the existing CDLEP2012.

The objects of the Act are set out in Section 1.3 and include, amongst other things:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*

- (g) to promote good design and the amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of responsibility for environmental planning and assessment between different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The present planning proposal directly achieves object (c) to promote the orderly and economic use and development of the land. This is because the subject site is currently developed for the Wilcannia WTP but is zoned for R1 General Residential.

Section 3.14 relates to the contents of environmental planning instruments and allows an environmental planning instrument to (amongst other things) make provision for:

- (a) protecting, improving or utilising, to the best advantage, the environment
- (b) controlling (whether by the imposing of development standards or otherwise) development

The planning proposal to rezone the subject site from R1 General Residential to SP2 Infrastructure (Water Supply Systems) is consistent with Section 3.14 clauses (a) and (b).

Section 3.20 relates to the standardisation of environmental planning instruments and provides for a process whereby the *Standard Instrument – Principal Local Environmental Plan* (the Standard Instrument) is to be used. CDLEP2012 is in the form of the Standard Instrument. Section 3.20(6) provides that the instrument may be amended by another amending instrument. The planning proposal involves the rezoning of the subject site in the CDLEP2012 Land Zoning Map (Sheet LZN_006A) from Zone R1 General Residential to Zone SP2 Infrastructure (Water Supply Systems).

Part 3, Division 3.4 of the Act relates to local environmental plans, which are a type of environmental planning instrument. Under Section 3.31, a “local plan making authority” may make a local environmental plan for its local government area. That “local plan making authority” in this instance is Central Darling Shire Council. Under section 3.34, Central Darling Shire Council is also a “planning proposal authority”.

Under Section 3.33, before making a local environmental plan, the planning proposal authority is required to prepare “a document that explains the intended effect of the proposed instrument and sets out the justification for the making of the proposed instrument”, being the planning proposal. It must include:

- (a) a statement of the objectives or the intended outcomes of the proposed instrument,*
- (b) an explanation of the provisions that are to be included in the proposed instrument,*
- (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),*
- (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
- (e) details of the community consultation that is to occur before the making of the proposed instrument.*

The Planning Secretary may issue requirements in respect to the preparation of a planning proposal. No such requirements have been issued at this time. Central Darling Shire Council does not have a strategic planning statement at this time.

2.0 Far West Regional Plan 2036

Far West Regional Plan 2036 is the relevant strategic plan for the Central Darling LGA. The purpose of Central Darling Local Environmental Plan 2012 and amending instruments such as presently proposed is to give effect to **Far West Regional Plan 2036**.

The Far West Region includes seven local government areas and the unincorporated area of far western NSW. The Central Darling LGA is centrally located within that region. It covers 323,477 square kilometres, which comprises 40 percent of NSW.

For the purposes of the FWRP2036, Wilcannia is identified as a “centre”, compared to Broken Hill which is a “strategic centre”. Wilcannia is the only “centre” identified within the Central Darling LGA.

The NSW Government’s vision for the Far West Region is to create “...a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities.”¹

There are goals arising from that vision, being:

- *“Goal 1 - A diverse economy with efficient transport and infrastructure networks*
- *Goal 2 - Exceptional semi-arid rangelands traversed by the Barwon-Darling River*
- *Goal 3 - Strong and connected communities”²*

The planning proposal to rezone the site of the Wilcannia WTP from Zone R1 General Residential to Zone SP2 Infrastructure (Water Supply Systems) is particularly relevant to the first and third goals.

In commentary about management of water resources under the goal 1 - direction 9, the FWRP2036 recognises that

“The availability of water and the security of its supply is critical for the region. Water is a key input for agriculture and mining, as well as for community sustainability.”³

The focus of the plan is mainly on the coordinated approach to water resource management across environmental, industrial and residential uses, as follows:

“The focus for the future is to appropriately locate, monitor and manage development to protect the security of the region’s water supplies.”⁴

In commentary about management of water resources under the goal 3 - direction 20, the FWRP2036 relates to the management and conservation of water resources for communities. The commentary recognises that water supply is critical for communities and to support development and industry growth. Furthermore, it outlines the responsibilities for water supply and sewerage services, as follows:

“At the local level, water supply and sewerage services are provided by councils...These services operate within guidelines issued by the Department of Industry to secure drinking water supplies for country towns and to assist regional water utilities to meet standards for water supply and sewerage services.”⁵

In commentary about management of water resources under goal 3 - direction 24, of the FWRP2036 relates to healthy built environments and specifies that:

1 Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

2 Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

3 Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

4 Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

5 Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

“Councils need to promote water sensitive urban design techniques to improve water use planning and supply, and water security. Wastewater can be re-used on parks, gardens and reserves, or to supplement agricultural uses. The Far West can become a leader in applying water sensitive design techniques.”⁶

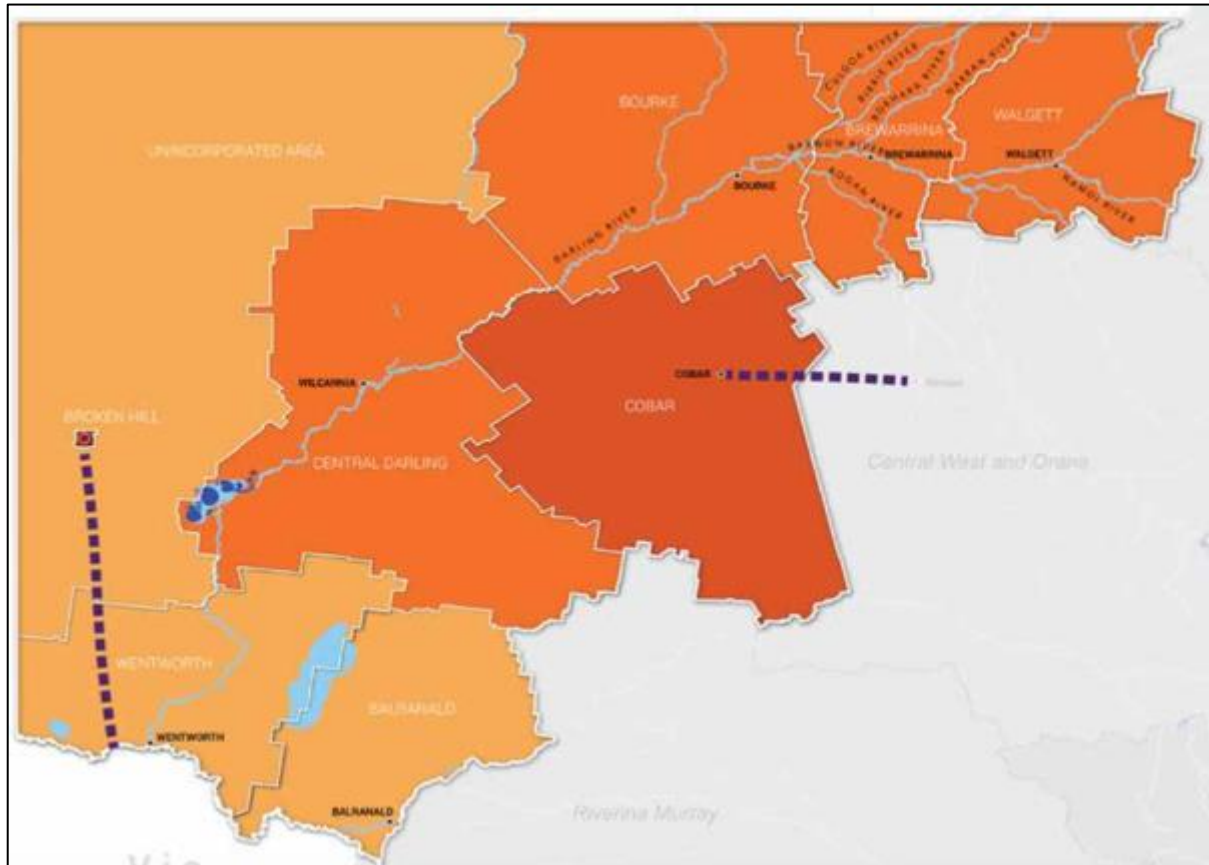


Figure 5: Far West Regional water resources Plan - Far West Regional Plan 2036 (source: New South Wales Department of Planning and Environment Website 2019)

2.1 RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) was introduced to facilitate the delivery of infrastructure across NSW by improving regulatory certainty and efficiency. The Infrastructure SEPP has specific planning provisions and development controls for different types of infrastructure including water supply systems.

Part 3, Division 24 of the Infrastructure SEPP relates to water supply systems and clause 124 specifies that the terms water reticulation system, water storage facility, water supply system and water treatment facility have the same meanings as in the standard Instrument. The definitions of water supply system and water treatment facility in the Standard Instrument are as follows:

“water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,

⁶ Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.”⁷

Standard Instrument – Principal Local Environmental Plan

The Standard Instrument - Principal Local Environmental Plan (Standard Instrument) sets out thirty-five standard zones for councils to use when preparing local environmental plans (LEPs) for their local government area. This includes Zone SP2 Infrastructure, with the following zone objectives:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

LEP practice note PN 11-002 provides an overview of the general purpose of each zone. It states that the general purpose of the SP2 Infrastructure zone is for infrastructure land that is highly unlikely to be used for a different purpose in the future. It further specifies that the Standard Instrument definition for the primary use must be applied to the Land Use Zoning map annotation. This is clarified in LEP PN 10-001 Zoning for Infrastructure in LEPs, as set out below.

LEP Practice Note (PN 10-001) Zoning for Infrastructure in LEPs

The purpose of this practice note is to provide guidance to councils on zoning public infrastructure in standard instrument local environmental plans. It also updates the information provided for Special Purpose ‘SP’ zones, including SP2 Infrastructure.

The practice note specifies that prior to zoning infrastructure land in new LEPs, the following steps should be taken:

“Prior to zoning infrastructure land in new LEPs, the following steps should first be taken:

- Identify whether the **infrastructure type** is covered in the Infrastructure SEPP, including facilities whether the SEPP provisions are associated with public or private infrastructure.
- Identify whether the infrastructure is **currently operating** or is no longer used; whether the land is intended for other future infrastructure purposes or whether the land is now considered to be **surplus public land**.

The Infrastructure SEPP identifies the prescribed zones for various types of infrastructure. This should act as a guide when determining the choice of zone for particular uses.”⁸

In regard to the above, the infrastructure type is covered in the Infrastructure SEPP as a water treatment facility and it is currently operating.

Principle 4.2 –of the Practice Note specifies that the land uses in zones Special Purpose Zones should be annotated on the Land Zoning Map. This annotation should use the infrastructure categories contained in the Infrastructure SEPP or the Standard Instrument dictionary, rather than the specific type of infrastructure. It goes on to clarify that for water treatment facilities the infrastructure category to be used on the land zoning map is water supply system (Figure 7).

⁷ State Environmental Planning Policy (Exempt and Complying Development) 2008 – sourced from Legislation website NSW 2019)

⁸ LEP PN 10-001 Zoning for Infrastructure in LEPs - Department of Planning, Industry and Environment website – 2019.

Infrastructure categories to be used on land zoning maps *	Examples of infrastructure type
Air transport facility	airports, heliport
Correctional centre	prisons, remand centre, detention centre
Educational establishment	high school, primary school, TAFE, university
Health services facility	hospitals, medical centres
Waste or resource management facility	landfill, waste transfer station, waste depot
Water supply system	dams, reservoirs, water treatment facilities

Figure 7: Infrastructure categories to be used on land zoning maps (Source: LEP Practice Note – PN 10-001, Principle 4.1)

2.2 MINISTERIAL DIRECTIONS

Ministerial directions are issued under Section 9.1 of the Environmental Planning and Assessment Act (formerly Section 117 Directions). Local councils must follow these Directions when preparing planning proposals for new LEPS. The Directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making.
- Metropolitan planning

This planning proposal must address whether the implementation of the planning proposal will comply with Ministerial Directions issued under Section 9.1 of the Act, or under the equivalent former provisions (formerly Section 117 Directions).

The Ministerial Directions relevant to this planning proposal are discussed below.

Part 1 of the directions relates to employment and resources.

Part 1.1 of the directions relates to business and industrial zones. It applies where a planning proposal will affect any existing business or industrial zone. The planning proposal does not affect any business or industrial zones.

Part 1.2 of the directions relates to rural zones. It applies where a planning proposal will affect land in an existing or proposed rural zone. The land is not a rural zone so does not relevant to the planning proposal.

Part 1.3 of the directions relates to mining, petroleum production and extractive industries. It seeks to ensure that land is not rezoned in a way that will compromise the potential extraction of minerals and the like. The direction applies where a planning proposal would prohibit the extraction of minerals or the like or restrict such activities by permitting a form of development that would be incompatible with those activities. The

direction is not applicable because the planning proposal would not permit any different land use to the land uses that are already permitted.

Part 1.4 of the directions relates to rural lands. It applies to any planning proposal that seeks to change zone boundaries for rural or environment protection zone lands or to change the minimum lot size for such lands. The direction does not apply to the planning proposal.

Part 2 of the directions relates to environment and heritage.

Part 2.1 of the direction relates to environment protection zones. It provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the extent of existing environment protection zones. The direction does not have to be complied with for matters of minor significance. In that regard, the proposal does not affect existing environment protection zones and is of minor significance. The direction therefore does not apply to the planning proposal.

Part 2.2 of the direction relates to coastal management and is not applicable.

Part 2.3 relates to heritage conservation. Its objective is to conserve items, areas and places of environmental heritage significance and indigenous heritage significance. The planning proposal does not affect any land that is of environmental or indigenous heritage significance of an item, and area, object or a place conserved by an environmental planning instrument, legislation or regulations. The planning proposal only makes the current use – Water treatment facility permissible on the land.

The planning proposal complies with and achieves the objectives of the direction.

Part 2.4 relates to recreation vehicle areas and is not relevant to the planning proposal.

Part 2.5 relates to a different area and is not applicable.

Housing, infrastructure and urban development:

Part 3.1 relates to residential zones. This direction applies when a planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone. The planning proposal will affect land zoned R1 General Residential and it therefore relevant to the planning proposal. However, the direction is not applicable where the provisions that are inconsistent are of minor significance. In that regard, the planning proposal will not significantly affect housing outcomes as the subject site is already developed for the Wilcannia Water Treatment Plant. The planning proposal is not removing residential land from the CDLEP2012 that would otherwise be available for housing as it has been used for water treatment works and public works for over 30 years.

Hazard and risk:

Part 4.1 relates to acid sulfate soils. The planning proposal does not affect any classified acid sulfate soil land.

Part 4.2 relates to mine subsidence and unstable land. The subject site is not affected by mine instability or subsidence.

Part 4.3 relates to flood prone land and restricts specified rezonings within flood prone areas. The subject site is not affected by flood prone land.

Part 4.4 relates to planning for bushfire protection. The subject site is not bushfire prone land.

Local plan making:

Part 6.1 relates to approval and referral requirements and provides that a planning proposal must minimise the reliance upon concurrence authorities and restricts the use of designated development categories. The planning proposal does not involve development requiring concurrence and does not introduce any new category of designated development. The planning proposal is therefore consistent with that direction as the planning proposal is legalising the current use of the land for water treatment works.

Part 6.2 relates to the reservation of land for public purposes and is not applicable, as the land is already public land and used for public purpose. The planning proposal regularises the current use of the land for the water treatment works.

Part 6.3 relates to site specific provisions. The planning proposal does not include such provisions.

Part 7 relates to metropolitan planning and is not relevant to the planning proposal.

2.3 LOCAL PLANNING CONTROLS - Central Darling Local Environmental Plan 2012

The proposal is considered consistent with the clause 1.2(2)(d) of the Central Darling Local Environmental Plan 2012 (CDLEP2012) which aims to “to minimise land use conflict.” This is because the existing use of the site for the WTP conflicts with the zoning of the site for R1 (General Residential). The purpose of the planning proposal therefore, is to regularise the zoning of the subject site for SP2 Infrastructure, for a water supply system use.

The objectives of Zone R1 General Residential follow:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To minimise land use conflict between land uses on land within the zone and land uses on land within adjoining zones.*

Water treatment facilities are prohibited in this zone.

The objectives of Zone SP2 Infrastructure follow:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Water treatment facilities are permitted with consent in the SP2 Infrastructure zone if the purpose is shown on the Land Zoning Map. This includes any development that is ordinarily incidental or ancillary to development for that purpose.

There are no further provisions of the CDLEP2012 of particular relevance to the planning proposal.

There is no Central Darling Development Control Plan and there is no other relevant Development Control Plan.

2.4 THE PROPOSED PROVISIONS

The proposed outcome will be achieved by the rezoning of the land, as follows:

Land Use	Street address	Lot & DP	Current zoning	Proposed zoning
Water treatment facility	16-34 Hood Street, Wilcannia	Lot 1, DP807546	R1 General Residential	SP2 Infrastructure (Water Supply Systems)

PART 3 - JUSTIFICATION FOR THE PROPOSED AMENDMENTS

3.0 – DEMONSTRATE JUSTIFICATION FOR THE PLANNING PROPOSAL

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

The planning proposal is a result of Central Darling Shire Council prepared an expression of interest (EOI)(February 2018) for an application to the NSW Government to obtain funding under the Safe and Secure Water Program (Annexure A). The EOI was for funding to replace the Wilcannia WTP. The EOI was submitted as the existing Wilcannia WTP constructed in 1986 is reaching the end of its service life. Part of the funding condition is that the public infrastructure (water treatment works) must be permissible with consent on the land. This has resulted in the need to rezone the land from Zone R1 General Residential to SP2 Infrastructure

to enable the current and future use of the land for water treatment works to be permitted on the land under the Central Darling Local Environmental Plan 2012.

The submission explained the reasons why the WTP needs replacement, as follows:

The Wilcannia WTP is aging and cannot reliably produce drinking water that meets the Australian Drinking Water Guidelines (ADWG) on a continuous basis. The current plant is costing the Central Darling Shire Council significant funds in ongoing maintenance and repairs and without an upgrade, has the potential for failure which could result in public health issues for the community of Wilcannia.

The Council has been invited by the NSW Government to submit a detailed application for the funding.

As outlined in Part 5 above, the CDLEP2012 prohibits water treatment facilities within Zone R1 General Residential. However, the proposed rezoning to SP2 Infrastructure will allow for the replacement of the Wilcannia WTP on the subject site.

The EOI application provides information on the benefits that the replacement WTP will provide for the council, the community and the plant employees, as follows:

- *Consistently produce treated water that is safe to drink & protects public health*

The Wilcannia water supply is exposed to the following threats that could lead to the treated water quality not meeting the requirements as set out in Council's Drinking Water Management Plan.

- Algal Blooms and associated taste, odours and toxins due to stagnation of water in the weir pool.

- High colour and turbidity in the raw water extracted from the weir pool which is exacerbated during extreme wet weather events and prolonged dry periods.

A new plant would be designed to consistently meet the Critical Control Point (CCP) targets and produce water that is safe to drink even during these events that lead to adverse raw water quality.

- *Improved reliability and ensures continuous water supply to the community*

The age and condition of the existing plant equipment means that the equipment has reached the end of its useful life. As the plant is manually operated it cannot reliably meet the CCP targets and produce water that is safe to drink. As a result, there is a greater reliance on manual operation requiring highly skilled operators that are difficult to attract in this remote regional area.

A new plant will be built to the improved design standards with the latest and modern equipment and control system and will be fully automated, requiring less operator intervention. This will significantly improve the quality of water produced and reliability of the plant.

- *Regulatory Requirement – Provides a safe workplace for Council staff*

The Work Health and Safety Act aims to secure the health and safety of workers and workplaces by protecting workers and other persons against harm to their health, safety and welfare through the elimination, or minimisation of risks arising from work. According to the Act Council has a 'primary duty of care' to ensure the health and safety of its workers. Operation of the current plant involves substantial manual handling and operational housekeeping. There are several work health and safety risks to operational staff at the plant and Council would be failing in its primary duty of care stated in the Act. A new plant would be designed to eliminate or mitigate all WHS risks to operating staff and provide a substantial improvement in workplace health and safety.

- *Operational cost reduction*

There are ongoing failures and breakdowns which require repairs. There is also the need for additional staffing to ensure WHS compliance and safety. Construction of a new plant will reduce these costs substantially presenting a significant saving to Council and the ratepayers.

Depending on the technology selected, a new plant can result in significant reductions in operating costs. A new WTP will operate more efficiently potentially resulting in lower electricity requirements. This represents a significant saving to Central Darling Shire Council.

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

The planning proposal is the best means of achieving the objective, as the subject site is already developed for the Water Treatment Plant (WTP). The WTP was built on the site in 1985 and has been operational since that time. Relocating the WTP to a new site would mean that the infrastructure connections for the incoming raw water and outgoing treated water to the town's reticulated system would need to be replaced.

In addition, there is no shortage of housing land in Wilcannia and the rezoning of the subject site from Zone R1 General Residential to SP2 Infrastructure will not impact upon land for housing supply.

3.1 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the 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 Far West Regional Plan 2036 (FWRP2036) is the regional plan for the Central Darling LGA.

The NSW Government's vision for the Far West Region is to create "...a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities."

There are goals arising from that vision, being:

- Goal 1 - A diverse economy with efficient transport and infrastructure networks
- Goal 2 - Exceptional semi-arid rangelands traversed by the Barwon-Darling River
- Goal 3 - Strong and connected communities

The planning proposal facilitates the more efficient and improved infrastructure for Wilcannia by updating and improving the water treatment plant, so meets the objective of improving infrastructure networks of water treatment works therefore goal 1.

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

The Local Strategic plan is in draft, however the planning proposal is in line with the objectives and is consistent with the Draft Local Strategic Plan and the Community Strategic Plan for the Central Darling Shire Council.

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

The State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) is relevant to the proposal. Division 24 of the Infrastructure SEPP relates to water supply systems. The relevant sections are discussed in earlier in this report - Statutory and strategic planning context. The planning proposal meets the requirements and objectives of the relevant state policies.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Ministerial Directions are addressed earlier in this report - Statutory and strategic planning context, the planning proposal meets the requirements of the Ministerial directions.

3.2 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. 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?

No. The planning proposal is unlikely to adversely impact on any critical habitat, threatened species, population or ecological communities or their habitats as the proposed rezoning of land is within the established Wilcannia residential area, and is located on a Crown Reserve lot classified Community land for community use.

8. 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 likely negative environmental planning effects as a result of this planning proposal. The positive impacts on the environment can be summarised, as follows:

The new WTP at Wilcannia achieve the following outcomes:

- consistently produce water that meets the relevant guidelines and requirements
- appropriately treat the wastewater from the plant and reduce the impact to the environment

These outcomes are described in detail in Section A(1) above.

9. Has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the planning proposal are addressed in Section A(1) above. The new WTP at Wilcannia achieve the following outcomes:

- operate reliably
- be fully automated and have less reliance on operator intervention
- be able to meet the service levels for the water supply scheme
- address all work health and safety issues and provide a safe workplace for council staff

The clarification of the legal use of the subject site will remove substantial red tape (so reduces additional development process costs) for future uses of the land by council, particularly for the water treatment plant and the satellite dishes. This lot has a historic land use – water treatment plant and facility which is a community use, the rezoning of the land to SP2 Infrastructure establishes a clear legal use of the land.

3.2 SECTION D – STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal is for new public infrastructure. An EOI application has been made to the NSW Government's Safe and Secure Water Program to fund this infrastructure project.

The lot is currently used for the water treatment plant with a number of water tanks and other council and telecommunications infrastructure on the lot. Therefore, the proposed extension of the water treatment plant and the installation of up to date equipment improves the public infrastructure for Wilcannia.

11. How many lots or hectares of residential or employment land are proposed?

The proposal rezones residential land to SP2 Infrastructure land, there is no loss of residential land as this Crown Reserve land is already used for Water Treatment works and other public infrastructure uses.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variation to the planning proposal?

Any Gateway Determination issued will specify relevant Commonwealth and State agencies to be consulted.

The planning proposal seeks to amend the written instrument LEP and includes amendments to the land use zone map of the Central Darling Local Environmental Plan 2012.

It is considered appropriate that any Gateway Determination issued requiring public exhibition of the Planning Proposal for a minimum of 28 days, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

The Central Darling Shire Council has engaged MB Town Planning to prepare the draft planning proposal for the gateway determination.

To MB Town Planning's knowledge, there has been no consultation at this stage with State and Commonwealth public authorities, other than the request by the NSW State Government to change the land use zone to enable the water treatment plant/ facility to be permissible on the land with consent.

3.4 SECTION E – RECLASSIFICATION OF PUBLIC LAND

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

The planning proposal is the result of a State Government funded project, Central Darling Shire Council prepared an expression of interest (EOI) application to the NSW Government for funding under the Safe and Secure Water Program (Annexure A). The EOI was for funding to replace the Wilcannia WTP, part of the funding requirement is that the proposed works are permitted with consent on the land. The planning proposal is to change the land zoning from R1 General Residential to SP2 Infrastructure zoning, this will assist in meeting the funding requirements and facilitate future work to the facility which can be undertaken with less red tape, thus producing financial and time savings for council.

The CDLEP2012 prohibits water treatment facilities within Zone R1 General Residential. However, the proposed rezoning to SP2 Infrastructure will allow for the replacement of the Wilcannia WTP on the subject site.

The EOI application provides information on the benefits that the replacement WTP will provide for the council, the community and the plant employees, as follows:

- *Consistently produce treated water that is safe to drink & protects public health*
- *The Wilcannia water supply is exposed to the following threats that could lead to the treated water quality not meeting the requirements as set out in Council's Drinking Water Management Plan.*
- *Improved reliability and ensures continuous water supply to the community*
- *Regulatory Requirement – Provides a safe workplace for Council staff*
- *Operational cost reduction*
- *Depending on the technology selected, a new plant can result in significant reductions in operating costs. A new WTP will operate more efficiently potentially resulting in lower electricity requirements. This represents a significant saving to Central Darling Shire Council.*

14. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

The planning proposal is for the rezoning of residential land to Infrastructure land within the *Central Darling Local Environmental Plan 2012*, this change is to facilitate and improve works to the Wilcannia's water treatment plant and facility which benefits the community. The amendments are consistent with the Central Darling Community Plan and the Draft Central Darling Local Strategic Plan as it has a positive effect for the community, the provision of a cleaner water supply, and saves the council money with the use of better and more efficient water treatment infrastructure.

15. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The planning proposal changes the current land use of the lot from R1 General Residential zone to SP2 Infrastructure. The land has historically been used for community land/ infrastructure uses. The planning proposal is considered important to make the current land use of the Water Treatment Plan to be the lawful use of the land. This also reduces future red tape for any development that may occur on the relevant land in relation to public infrastructure uses.

16. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

The planning proposal changes the land use from residential to infrastructure to legalise the use of the land for water treatment works. The land owner is Central Darling Shire Council. All adjoining

landowners and residents of Wilcannia will be consulted with the proposed amendments to the *Central Darling Local Environmental Plan 2012*.

PART 4. PROPOSED CHANGES TO THE CDLEP MAPPING

Draft mapping has been provided (Annexure B) as part of this proposal to detail the proposed amendment to the Central Darling Local Environmental Plan 2012 Land Zoning Map (Sheet LZN_006A).

The draft mapping will form the basis for the preparation of the amended Land Use Zoning Map as part of the implementation of the planning proposal.

PART 5. COMMUNITY CONSULTATION

It is intended for the planning proposal to be notified by letter to the owners of all properties that are affected or adjacent to the subject site. (except where that owner is Council).

Individualised letters are to be sent to each residential property to explain how the changes to the Central Darling Local Environmental Plan 2012, by the change in land zoning from R1 General Residential zone to the SP2 Infrastructure land use zone. This change in land use zone will make the current use of the land for the water treatment plant and other council infrastructure uses to be permitted with consent.

The notification to the residents of Central Darling Shire Council area will be by advertisements digitally in the Barrier Daily Truth, in the Wilcannia News, and in the relevant Council branches in Wilcannia, Menindee and Ivanhoe. Due to Covid 19 and the demise of the paper copies of the local newspapers (now digital format only) additional information may be distributed to residents in the form of a brochure or letter and other information sent in hard copy. This is due to the low rate of computer and smart phone use in the Central Darling Shire Council area (also lack of mobile and data coverage due to the far western NSW location).

Public notices will be placed on regularly used noticeboards across the Central Darling Local Government Area, (Menindee, Wilcannia, Ivanhoe, White Cliffs, Tilpa). The planning proposal will also be explained prominently on Council's website and Facebook page. It is intended that the notification provides a 28-day period for submissions to be received. A public community consultation meeting will be held within the first week of the exhibition period in Wilcannia.

The material available for inspection in person or on Council's website will include this planning proposal and also a summary document intended for public viewing with a clear summary (in plain English) of each of the proposed amendments.

During the notification period, the relevant Council representative will be available to take enquiries and their telephone number, and a dedicated email address will be provided.

Submissions received will be collated and assessed at the completion of the notification period and will be taken into consideration. Amendments will be made to the Planning proposal if required.

PART 6. PROJECT TIMELINE

To be determined following the assessment of the planning proposal by council and the determination of the gateway process.

The anticipated project timeline is as follows, whilst noting that it is only an estimate and depends on factors outside of the control of the proponent:

Report to Council:	February 2020
Request gateway determination:	June 2020
Receive gateway determination:	July 2020
Public exhibition:	August/ September 2020

Consider submissions and make final report:	September/ October 2020
Submission to Planning NSW for Parliamentary Counsel:	October 2020
Planning proposal is made:	October 2020

PART 7. SUMMARY

This planning proposal requests the rezoning of 16–34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure.

The proposed rezoning will allow for the replacement of the Wilcannia Water treatment plant (WTP) on the subject site. The existing R1 General Residential zone prohibits the use of the site for water treatment facilities. The subject site therefore, cannot be further developed for a new water treatment plant without the rezoning of the site to Zone SP2 Infrastructure (requirement for Government funding for project).

The Wilcannia Water treatment plant is ageing and cannot reliably produce drinking water that meets the Australian Drinking Water Guidelines (ADWG) on a continuous basis. The current plant is costing the Central Darling Shire Council significant funds in ongoing maintenance and repairs, and without an upgrade has the potential for failure which could result in public health issues for the community.

A new Water Treatment Plant at Wilcannia can achieve the following outcomes:

- consistently produce water that meets the relevant guidelines and requirements
- appropriately treat the wastewater from the plant and reduce the impact to the environment
- operate reliably
- be fully automated and have less reliance on operator intervention
- be able to meet the service levels for the water supply scheme
- address all work health and safety issues and provide a safe workplace for council staff

For the reasons outlined above and presented in detail in this report, the planning proposal to rezone the land from general residential R1 to Infrastructure SP2 should be supported.