

Planning and Assessment

IRF20/2825

Gateway determination report

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| LGA | Central Darling |
| PPA | Central Darling Shire Council |
| NAME | Rezone Wilcannia water treatment plant from R1 General Residential to SP2 Infrastructure (Water Supply System) at Hood Street, Wilcannia |
| NUMBER | PP_2020_CENTR_003_00 |
| LEP TO BE AMENDED | Central Darling LEP 2012 |
| ADDRESS | 16-34 Hood Street, Wilcannia |
| DESCRIPTION | Lot 1 DP 807546 |
| RECEIVED | 16 June 2020 |
| FILE NO. | IRF20/2825 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose and a political donation disclosure is not required |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal |

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend the Central Darling LEP 2011 to rezone land at 16-34 Hood Street, Wilcannia, from R1 General Residential to SP2 Infrastructure, to accurately reflect the existing use of the land as Wilcannia's water supply infrastructure.

There is no minimum lot size applicable to the land and no proposed change to the minimum lot size.

1.2 Site description

The land is located within the township of Wilcannia. The site has an area of 2.146 hectares, and contains two water treatment tanks, two office/administrative buildings and a shed, in addition to other water treatment infrastructure.



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

Figure 1 – Subject Site



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

Figure 2 – Surrounding area

1.3 Existing planning controls

The subject land is zoned R1 General Residential under the provisions of the Central Darling LEP 2012. There is no minimum lot size applicable to the site. The current use of the site is defined as a Water treatment facility, and is prohibited within the R1

General Residential zone, however the use of the land is able to continue under existing use rights provisions of the Environmental Planning and Assessment Act 1979. No minimum lot size applies to the land.



Figure 3 – Land Use Zoning of subject site

A planning proposal (PP_2020_CENTR_002_00) has received Gateway determination (26 June 2020) to amend the land use table of the R1 zone to permit water treatment facilities with consent. Should PP_2020_CENTR_002_00 proceed, the use of the land would be formally acknowledged through the land use table and no amendment would be required.

1.4 Surrounding area

The subject land is located within a residential area. It is within close proximity to the CBD of Wilcannia (B2 Local Centre zone).

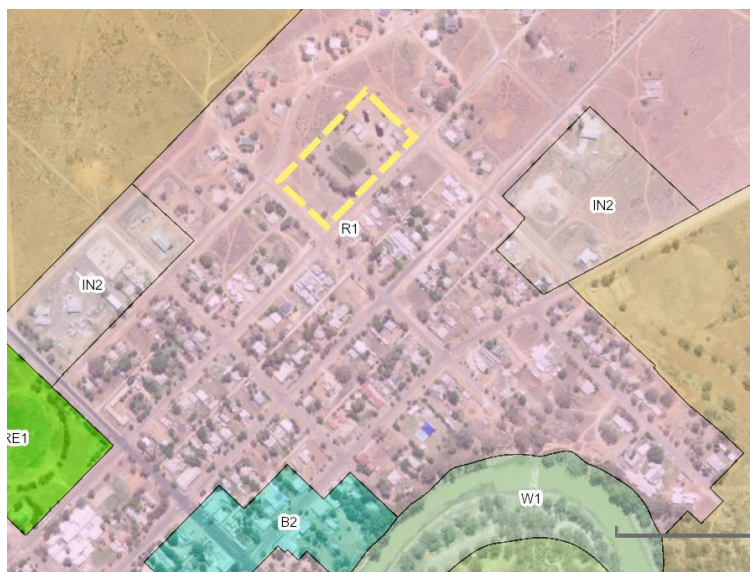


Figure 4 – Surrounding Area

1.5 Summary of recommendation

Proceed with condition – the planning proposal will recognise the current and ongoing use of the land as a water treatment plant, and provide obvious certainty within the land use table for the current and future water supply land use on the site.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to recognise the use of the subject land as a water treatment facility.

2.2 Explanation of provisions

The planning proposal clearly outlines that the rezoning of the site to SP2 Infrastructure will acknowledge the ongoing use of the land as a water treatment facility.

2.3 Mapping

The proposal will require an amendment to Land Zoning Map LZN_006A, to change the zoning of the site from R1 General Residential to SP2 Infrastructure (Water supply system).

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal has stated that the proposal is required to formalise the use of the land as a water treatment facility and to enable future works to be undertaken to the water treatment plant.

The planning proposal is the result of Central Darling Shire Council receiving funding under the NSW Government Safe and Secure Water Program. The planning proposal states that the existing water treatment plant in Wilcannia is reaching the end of its service life, and that for Council to be eligible to utilise the funding under the Safe and Secure Water Program, a water treatment plant must be permissible with consent on the land.

The current use of the site is defined as a Water treatment facility, and is prohibited within the R1 General Residential zone, however the use of the land is able to continue under existing use rights provisions of the Environmental Planning and Assessment Act 1979.

A planning proposal (PP_2020_CENTR_002_00) has received Gateway determination (26 June 2020) to amend the land use table of the R1 zone to permit water treatment facilities with consent. Should PP_2020_CENTR_002_00 proceed, the use of the land would be formally acknowledged through the land use table and no amendment would be required

However, it is acknowledged that facilities such as water treatment facilities are commonly zoned in LEPs as SP2 Infrastructure (Water supply system).

4. STRATEGIC ASSESSMENT

4.1 State

There are no state strategic policies applicable to the proposal.

4.2 Regional

The Far West Regional Plan 2036 applies to the proposal. The objective of the proposal is to change the existing zoning of the site to reflect the current and ongoing public use of the land as a water treatment facility. The proposal is consistent with the Regional Plan as it protects and conserves essential infrastructure to the town of Wilcannia.

4.3 Local

The proposal is consistent with the Central Darling Strategy dated November 2012 as endorsed by the Department on 20/12/2012.

There is no local land use strategy applicable to the Central Darling LGA. The proposal is consistent with the Central Darling Shire Community Strategic Plan Goal 3 – Strategic Focus: Environment, providing ongoing secure water infrastructure for the community.

4.4 Section 9.1 Ministerial Directions

The proposal is consistent with Section 9.1 Directions, with the exception of the following:

3.1 Residential Zones

This Direction applies as the amendment proposes to reduce the availability of residential land within the township of Wilcannia. The proposal is not inconsistent with the applicable land use strategies for the land. The proposal is justified as the subject land, whilst zoned R1 General Residential, is not currently used, or available for use as residential land. The subject site contains the water treatment facility for the township of Wilcannia, and with no other facility available, will continue to be utilised in this way. In this regard, the proposal is therefore considered to be inconsistent with this Direction as there will be a reduction in land zoned for residential purposes. However the inconsistency is considered to be minor significance as the proposal will confirm the use of the land for an essential public infrastructure purpose. No additional work is required.

4.5 State environmental planning policies (SEPPs)

State Environmental Planning Policy (Infrastructure) 2007 is applicable to the proposal. A water treatment facility is permissible development within the SP2 Infrastructure zone. The proposed zoning of the site as SP2 Infrastructure (Water supply system) is consistent with this SEPP and will not inhibit or restrict the ongoing use of the land as a water treatment facility.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social, Environmental, Economic and Infrastructure

The intended outcome of the proposal will ensure the certainty and intended future use and expansion/replacement of the water treatment facility in the Central Darling Local Government Area. Positive social, environmental and economic impacts are expected to result from the proposal, providing secure and reliable water resource infrastructure for the Wilcannia community.

6. CONSULTATION

6.1 Community

As identified in the planning proposal Council intend to notify land owners affected by the proposal via letter. There will also be advertisements digitally in the Barrier Daily Truth, in the Wilcannia News, and in the relevant Council branches in Menindee and Ivanhoe. Public notices will be placed on regularly used noticeboards across the Central Darling Local Government Area, (Menindee, Wilcannia, Ivanhoe, White Cliffs, Tilpa). Due to the current restrictions in relation to Covid-19 and lack of data coverage for internet and low mobile phone use, additional information may be distributed to residents in the form of a brochure or letter, or hard copy. Council intends to place the proposal on exhibition for 28 days. This is considered appropriate.

6.2 Agencies

No Agency consultation is proposed in the planning proposal and this accepted as the land will be rezoned to confirm its essential public use for water supply infrastructure.

7. TIME FRAME

The planning proposal has proposed a 4-month timeframe.

Given the nature of the proposal and that mapping is required to be prepared, nine (9) months is considered a suitable period of time to complete the proposal.

8. LOCAL PLAN-MAKING AUTHORITY

It is acknowledged that Council may have an interest in the land, given it is a Council-owned water treatment plant.

For this reason, it is not considered appropriate to issue Council plan making delegations for this proposal.

9. CONCLUSION

The planning proposal is recommended to proceed with conditions, as it will recognise the current and intended future land use of the site within the Central

Darling Shire, and assist Council's eligibility for funding to upgrade the existing water treatment plant under the NSW Government Safe and Secure Water Program.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 3.1 Residential zones are minor and justified, and no further work is required.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. No agency consultation is required.
3. The time frame for completing the LEP is to be nine (9) months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
5. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017.



3.7.20

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3.7.20

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