



DUBBO REGIONAL
COUNCIL

REPORT: R20-3 Nanima Sewage Treatment Plant (STP) Rezoning

AUTHOR: Growth Planning Projects Leader -
Digital Futures
REPORT DATE: 13 October 2020
TRIM REFERENCE: ID20/1223

EXECUTIVE SUMMARY

Council is in receipt of a Planning Proposal to rezone part of Lot 244 DP 756920 (No. 300 Nanima Village Road, Wellington) from RU5 Village to SP2 Infrastructure in the Wellington Local Environmental Plan (LEP) 2012 in order to facilitate an upgrade of the existing Nanima Village Sewage Treatment Plant (STP). A copy of the Planning Proposal is provided here in **Appendix 1**.

In 2017, Public Works Advisory identified that the existing STP ponds are leaking. Upgrade of the existing STP is considered the most economical option to stop leakage and to ensure that the STP meets the needs of the Nanima Village community and relevant regulatory wastewater requirements.

The subject site is zoned RU5 Village in the Wellington LEP 2012. However, STPs are a prohibited land use in this zone. Rezoning the site to SP2 Infrastructure will facilitate a streamlined approval of the upgrade works required and will more accurately reflect the existing use of the site.

Council's assessment indicates that the Proposal has strategic merit and it is recommended that it be submitted to the Department of Planning, Infrastructure and Environment (DPIE) to seek a Gateway Determination.

It is also recommended that Council request to use its delegations under Section 3.36 of the Environmental Planning and Assessment Act, 1979 to draft the subject amendments. Following receipt of the Gateway Determination, Council will place the draft amendment on public exhibition and undertake consultation in accordance with the Gateway Determination.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

The Planning Proposal is provided for consideration and endorsement to seek a Gateway Determination from the DPIE. Receipt of a Gateway Determination from the DPIE will allow

Council to conditionally undertake an amendment to the Wellington LEP 2012.

RECOMMENDATION

- 1. That the report of the Growth Planning Project Leader – Digital Futures dated 13 October 2020 be noted.**
- 2. That the Planning Proposal provided here in Appendix 1 be submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination to rezone part of Lot 244 DP 756920 from RU5 Village to SP2 Infrastructure;**
- 3. That Council seek authority from the Department of Planning Industry and Environment to exercise its Delegations in relation to the plan making functions under Section 3.36 of the Environmental Planning & Assessment Act 1979.**
- 4. That subject to issue of a Gateway Determination, following the completion of the public exhibition period, a further report be provided to Council detailing the results of the public exhibition and for further consideration of the Planning Proposal.**

Carmel O'Connor

Growth Planning Projects Leader - Digital Futures

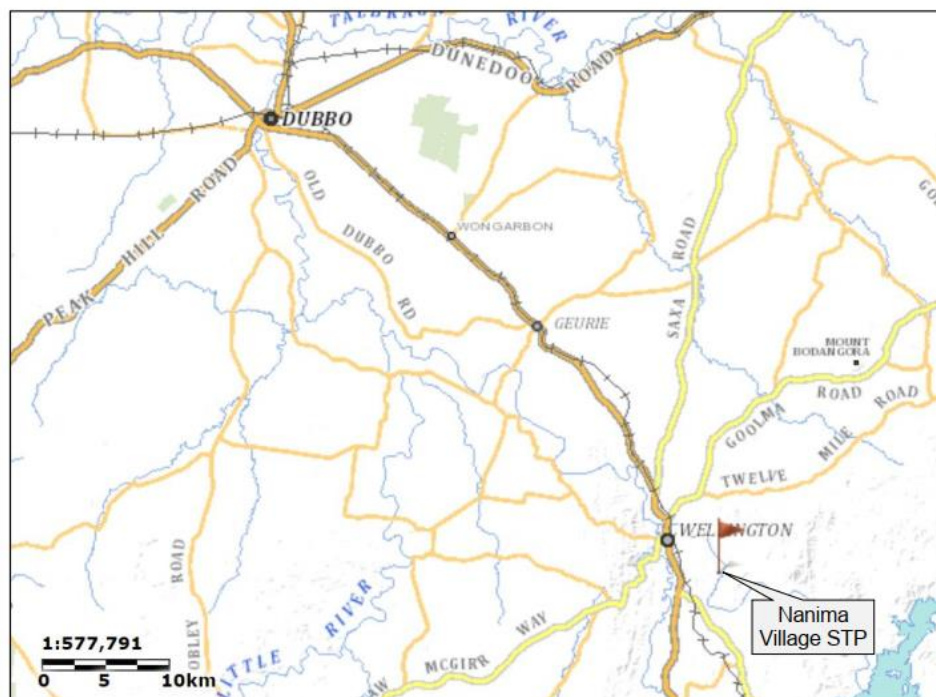
BACKGROUND

Council is in receipt of a Planning Proposal to rezone part of No. 300 Nanima Village Road, Wellington (part Lot 244 DP 756920) from RU5 Village to SP2 Infrastructure in the Wellington LEP 2012.

Figure 1 - Subject Site



Figure 2 - Local Context



The site is currently zoned RU5 Village in accordance with the Wellington LEP 2012 (Figure 3). The subject site is at the north eastern corner of the property and is the site of the current Nanima Village STP.

The existing STP is owned by the Wellington Local Aboriginal Land Council, managed by DPIE-Water and operated under contract by Dubbo Regional Council (DRC). The DPIE-Water and DRC have identified a need to upgrade the existing STP in order to overcome a number of issues with the current STP, including to refurbish the existing treatment ponds which show evidence of leakage and the construction of a new oxidisation pond to ensure adequate treatment of exiting sewage loads.

The site is zoned RU5 Village in accordance with the Wellington LEP 2012. As STPs are prohibited in the RU5 zone, an amendment to the LEP is required to allow for the required upgrades.

The Planning Proposal seeks to rezone the site (Figure 4) of the existing STP from RU5 Village to SP2 Infrastructure. The SP2 Zone is listed as a 'prescribed zone' under State Environmental Planning Policy (Infrastructure) 2007, which means that if the site is rezoned to SP2 Infrastructure, the upgrade works could be delivered through a streamlined planning process under the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979*.

REPORT

1. Site Description

The subject site is located approximately 3.4 km to the south-east of the town of Wellington and 180 m to the east of Nanima Village. At its closest, the site is approximately 15 m from the Macquarie River.

The site of the proposed rezoning is approximately 1.3 Ha in area and is surrounded by Nanima Village to the west, agricultural activities to the north and the Macquarie River to the east.

2. Wellington LEP 2012

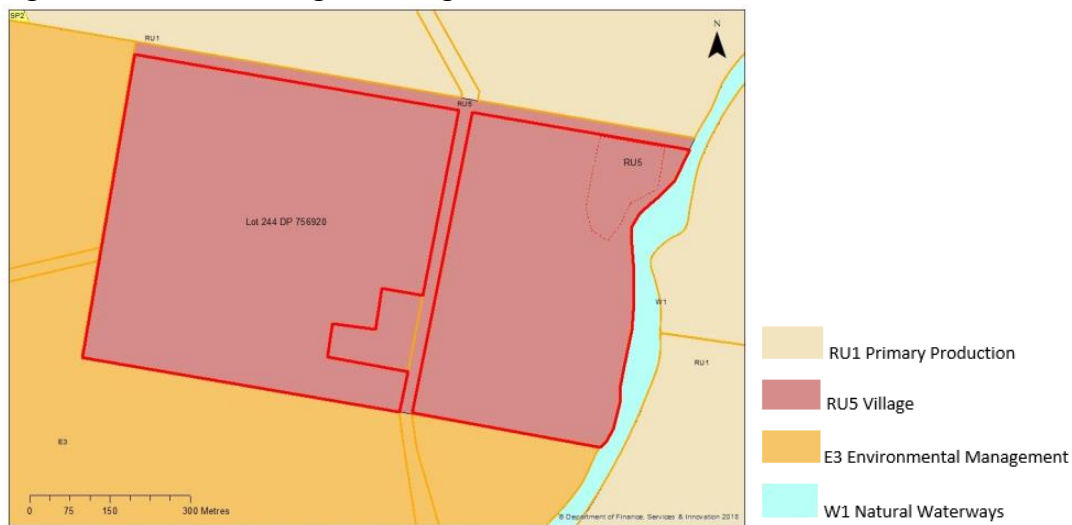
(a) Zoning

The subject site is zoned RU5 Village in accordance with the Wellington LEP 2012 (refer Figure 3). The objectives of the RU5 Village Zone in accordance with the Wellington LEP 2012 are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To encourage and provide opportunities for population and local employment growth commensurate with available services.*

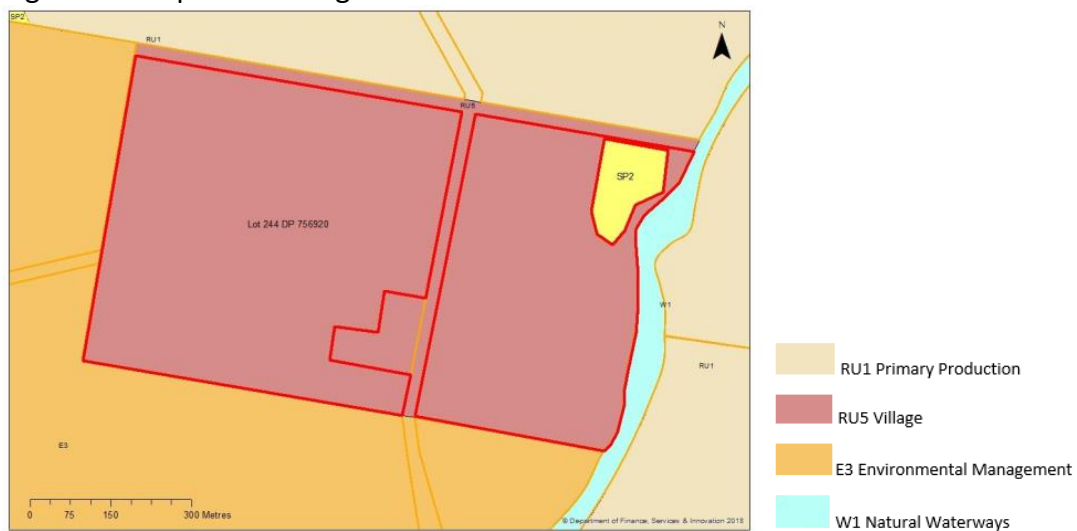
- *To minimise the impact of non-residential uses and ensure these areas are in character and compatible with the surrounding residential development.*

Figure 3 - Current Zoning – Wellington LEP 2012



Source: Public Works Advisory, 2020

Figure 4 - Proposed Zoning



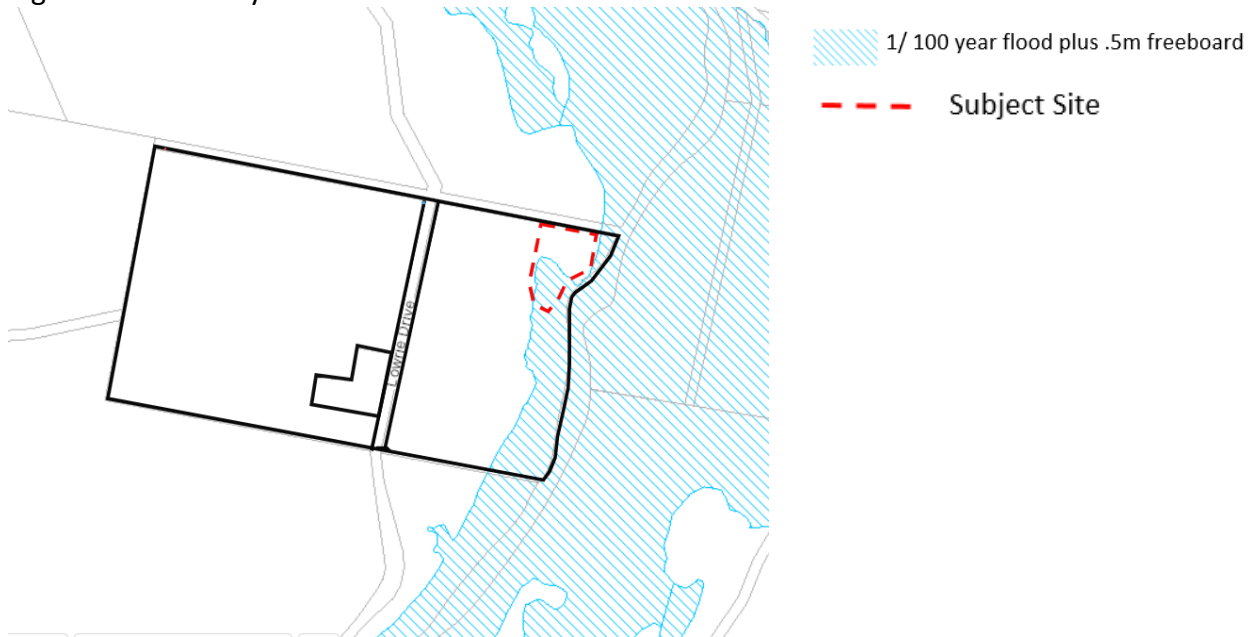
Source: Public Works Advisory, 2020

It is considered that the existing zoning does not accurately reflect the current use of the site as an STP.

(b) Flooding

The site is not identified as being within the Flood Planning Area in accordance with the Wellington LEP 2012. However Council's internal flood mapping indicates that the site is partially within the 1 in 100 year flood event plus .5 m freeboard level (Figure 5).

Figure 5 - 1 in 100 year flood event + .5 m freeboard level

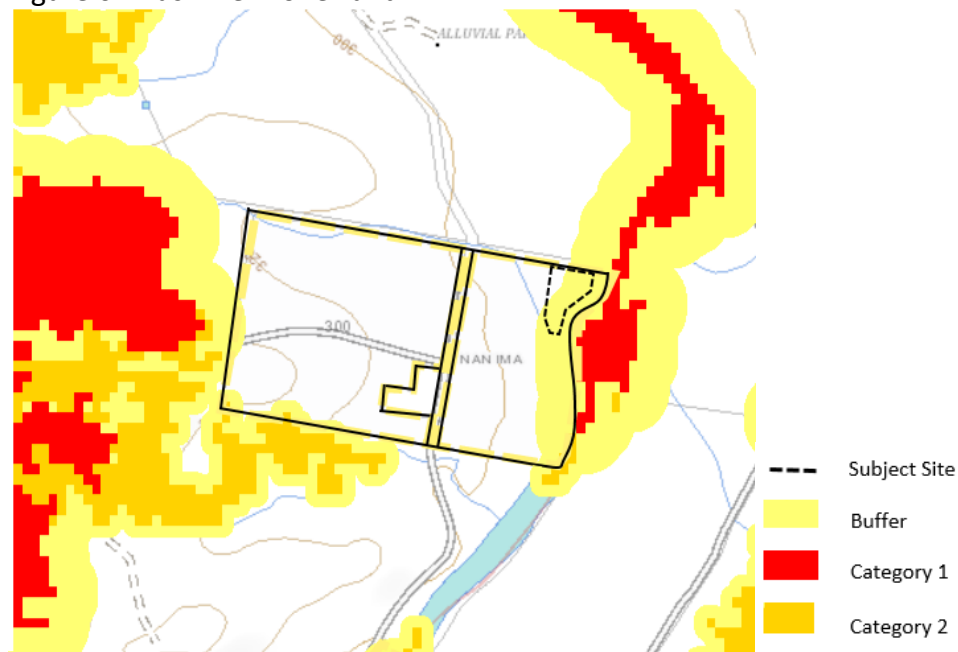


Source: Dubbo Regional Council, 2020

(c) Bushfire Prone Land

The site is identified as partially subject to bushfire buffer in accordance with the draft Wellington Bushfire Prone Land Map (Figure 6).

Figure 6 - Bushfire Prone Land

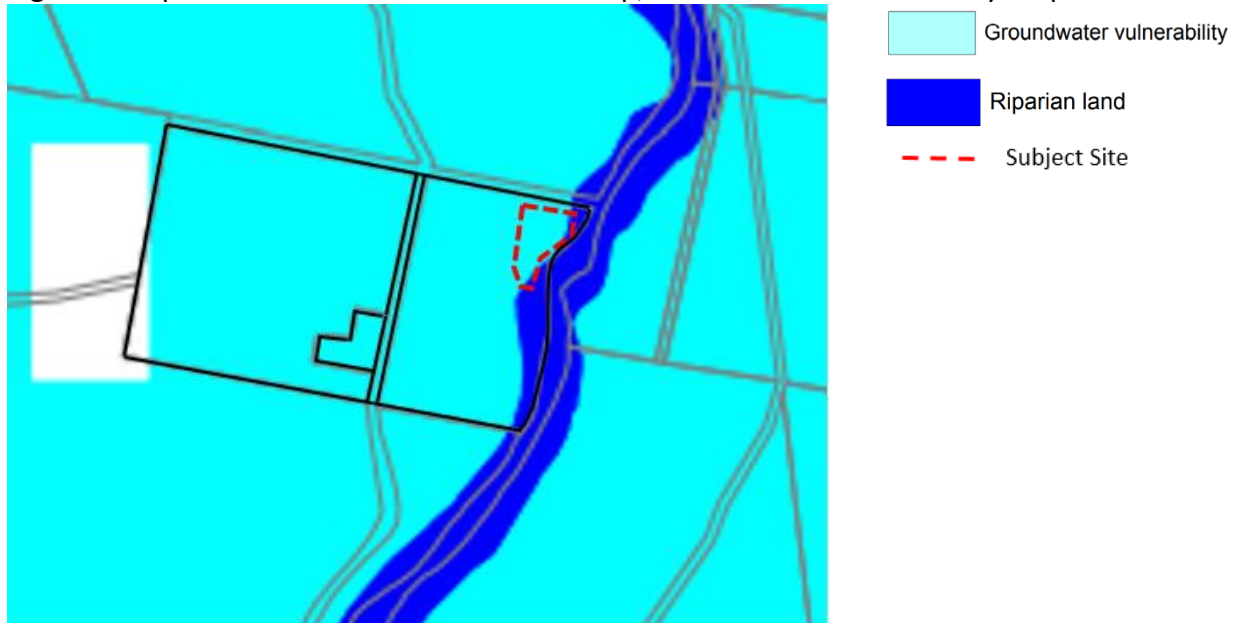


Source: NSW Planning Portal, 2020

(d) Riparian Lands/Groundwater Vulnerability

The site is identified as subject to groundwater vulnerability and contains riparian lands in accordance with the Wellington LEP 2012 (Figure 7).

Figure 7 - Riparian Lands and Watercourses Map, Groundwater Vulnerability Map



Source: Wellington LEP, 2012

3. Assessment

(a) Flooding

The site is not identified as subject to the Flood Planning Area in accordance with the Wellington LEP 2012. However Council's internal flood mapping indicates that the site is partially within the 1 in 100 year event plus .5 m freeboard level.

The proposed rezoning will facilitate upgrade works to the existing STP resulting in improved environmental outcomes including flood impact mitigation. Future upgrade works to the STP will be undertaken utilising the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979*, which will require consideration of flooding impacts at the assessment stage.

(b) Biodiversity

The subject site is highly disturbed and has been completely cleared of native vegetation as a result its long term use as an STP. Upgrade of the existing facility will result in improved environmental outcomes.

Future upgrade works to the STP will be undertaken utilising Part 5 of the *Environmental Planning and Assessment Act 1979* which will require consideration of flooding impacts at the assessment stage.

(c) Aboriginal Archaeology

An Aboriginal heritage due diligence assessment was undertaken by OzArk Environment and Heritage Management in 2020. The assessment did not find items of

Aboriginal cultural heritage present on the site. State and Commonwealth Heritage Registers also indicate that there are no listed items present on the site.

(d) Groundwater Vulnerability/Water Quality

The site is identified as being subject to groundwater vulnerability in accordance with the Wellington LEP 2012 and is located adjacent to the Macquarie River. The existing facility was constructed in the 1990s and consists of a gravity reticulation system and two oxidation ponds and one evaporation pond. Investigations by Public Works Advisory have identified leakage of existing oxidation ponds, likely into the Macquarie River via sub-surface route.

The proposed rezoning will facilitate upgrade works to the STP, including lining of existing treatment ponds to prevent subsurface leakage into the Macquarie River, thereby improving water quality outcomes.

Future development on the site will be undertaken through Part 5 of the *Environmental Planning and Assessment Act 1979*, any impacts on groundwater or water quality will be addressed at this stage.

(e) Bushfire

The site is identified as partially within the bushfire zone in accordance with the draft Wellington Bushfire Prone Land Maps.

The proposal will be referred to the Rural Fire Service in accordance with the Gateway Determination and assessment of bushfire impacts of any future development on the site will be assessed as part of the environmental assessment phase undertaken under Part 5 of the *Environmental Planning and Assessment Act 1979*.

(f) Wellington LEP 2012

The objectives of the SP2 Zone in accordance with the Wellington LEP 2012 are:

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

It is considered that the existing STP and proposed upgrade works are consistent with the above objectives of the SP2 Zone. The proposed rezoning will more accurately reflect the current use of the site for an infrastructure related purpose as well as reducing potential landuse conflict by ensuring correct landuse identification.

4. Strategic Merit Test

In August 2016, the Department of Planning and Environment, introduced the Strategic Merit Test to determine if a Planning Proposal demonstrates strategic and site specific merit to proceed to the Gateway.

Based on the Strategic Merit Test outlined in the Department's publication, A Guide to Preparing Local Environmental Plans, December 2018, a brief summary of the Strategic Merit Test is provided below:

(a) Will the proposal give effect to the relevant regional plan outside of the Greater Sydney Region?

Central West and Orana Regional Plan

The Proposal will assist in achieving the directions and actions of the Central West and Orana Regional Plan as described below:

Direction 12. Plan for Greater Compatibility of Use

The Proposal will more accurately reflect the existing use of the site as a STP and will result in greater land use compatibility with the adjoining Nanima Village and will facilitate improvement to the existing operations and improved public health outcomes for the residents of Nanima Village.

Direction 13. Protect high environmental value assets through local environmental plans.

The Proposal seeks to rezone the subject site to reflect its current use as a STP. This proposed rezoning would facilitate upgrade works to the existing facility through Part 5 of the *Environmental Planning and Assessment Act 1979* which would ultimately result in an improved treatment plant and prevent groundwater pollution adjacent the Macquarie River.

Direction 14. Manage and conserve water resources for the environment.

The Proposal will facilitate maintenance and augmentation works to improve the existing STP operations which have resulted in groundwater leakage into the Macquarie River from existing sewerage treatment ponds.

Direction 21. Coordinate utility infrastructure investment

The Proposal will result in the efficient and streamlined delivery of maintenance and augmentation works to the existing STP. The proposal will also prevent the need to establish and construct STP infrastructure in a new location thereby encouraging and facilitating investment in existing infrastructure.

Direction 24. Collaborate with Aboriginal Communities

The subject site is owned by the Wellington Aboriginal Land Council, the Proposal has been prepared on behalf of DPIE-Water who manages the facility on the Land Council's behalf. The Proposal will facilitate the improved operation of the existing STP for the residents of Nanima Village.

(b) Is the Planning Proposal responding to a change in circumstances; such as investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans?

The Planning Proposal seeks to rectify an anomaly that resulted in the site's current RU5 Village Zoning under the Wellington LEP 2012. The site should be correctly identified as SP2 Infrastructure which will enable future maintenance and augmentation work under Part 5 of the *Environmental Planning and Assessment Act 1979*.

(c) Does the Proposal have site specific merit having regard to the following?

(i) The natural environment (including known significant environmental values, resources or hazards)?

The subject site has been occupied by the Nanima Village STP since the early 1990s, as a consequence it is highly disturbed and completely cleared of native vegetation.

Council's internal mapping identifies the site as partially within the 1 in 100 year flood plus .5 m freeboard level.

Environmental impacts are addressed in section 3 of this Report.

(ii) The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.

The Proposal is not responding to a change in circumstances, it will not change the use of the subject site for STP infrastructure, rather it will ensure it is zoned correctly, thereby preventing future landuse conflict.

The Proposal will also facilitate upgrade of the existing STP resulting in improved environmental outcomes for the locality and will ensure it can cater for any future expansion of the Nanima Village and can comply with public health regulations.

- (iii) **The services and infrastructure that are available to meet the demands arising from the Proposal and any proposed financial arrangements for infrastructure provision.**

The Proposal will facilitate upgrade of the existing Nanima Village STP and will ensure it can cater for any future expansion of the Nanima Village. The proposal is the most cost effective option for upgrade of the existing STP infrastructure.

- d) Is the Proposal consistent with a Council's local strategy or other local strategic plan?**

Dubbo Regional Local Strategic Planning Statement

It is considered that the Proposal will give effect to *Planning Priority 1. Plan for the delivery of infrastructure to support growth*, through facilitating augmentation works to improve the operation of the existing Nanima Village STP to support Nanima Village now and in the long term.

The Proposal is also consistent with *Planning Priority 11: Plan for growth in villages* as the Proposal will ensure that the existing STP can adequately provide for the existing village and any potential future expansion.

- i) 2040 Community Strategic Plan*

The Community Strategic Plan is a long term plan produced by Council that aims to guide and influence the actions and initiatives of the Dubbo Regional Council, State Government and the community to 2040.

The Plan sets out five (5) visions to reflect the priorities of the local community. The proposal is consistent with and will give effect to the Infrastructure and Liveability visions as summarised below:

Infrastructure Vision

Strategy 2.3.1 ‘..water and sewer infrastructure and services comply with appropriate regulations to meet the current and future needs of the community..’

The Proposal will ensure appropriate zoning for an existing STP and in doing so, will facilitate the streamlined planning pathway for its future augmentation and maintenance. This work will ensure that the STP operation satisfies relevant public health guidelines.

Liveability Vision

5.1.1 ‘Our towns and villages are sustainable and promoted for their range of lifestyle opportunities and being attractive and welcoming’

The Proposal will facilitate upgrade works to the existing Nanima Village STP, ensuring sustainability by improving local environmental outcomes and the existing STP can cater for expansion of Nanima Village.

5.3.3 *'The health, education and socio-economic status of the Aboriginal Community is improved'*.

Proposal will facilitate an upgrade of the existing Nanima Village STP and future proof the facility against potential negative public health impacts. Upgrade works will deliver infrastructure quality of standard that can cater for resident growth of Nanima Village.

Section 9.1 Directions

A number of Section 9.1 Directions are applicable to the subject proposal. As provided in Attachment 1, it is considered that the proposal is consistent with the majority of relevant directions and presents only a minor inconsistency.

State Environmental Planning Policies

A number of State Environmental Planning Policies apply to the proposal. As provided in Attachment 1, it is considered that the proposal is consistent with the relevant SEPPs.

5. Environmental Social and Economic Impact

(a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land is highly disturbed and there is currently no native vegetation present. It is not considered that the Planning Proposal would result in any adverse impact to critical habitat or threatened species populations or ecological communities, or their habitats.

(b) Are there any other environmental factors as a result of the proposal and how are they proposed to be managed?

The Proposal will facilitate upgrade of the existing Nanima Village STP which may generate environmental impacts. However the subject site has been used for STP infrastructure since the early 1990s and the intent of the upgrades is to improve environmental outcomes in the locality.

It is anticipated that future upgrades works would be carried out under Part 5 of the *Environmental Planning and Assessment Act 1979* at which time an environmental assessment of proposed works would be undertaken.

(c) Has the Planning Proposal addressed any social and economic impacts?

The Proposal has adequately addressed the economic and social impacts of the proposal.

The Proposal will result in a more accurate landuse zone for the existing STP resulting in more certainty and security for the landowners. The Proposal will also ensure that the existing facility can accommodate any future expansion of Nanima Village as well as improved environmental outcomes for the local community and compliance with public health regulations.

SUMMARY

Council is in receipt of a Planning Proposal to rezone the site of the existing Nanima Village STP from RU5 Village to SP2 Infrastructure in the Wellington LEP 2012. The proposal was submitted by Public Works Advisory on behalf of DPIE Water. The site is owned by the Wellington Local Aboriginal Land Council.

The purpose of the Proposal is to facilitate upgrade works to the existing STP that are required to prevent pond leakage into the Macquarie River, ensure compliance with public health requirements and to accommodate residential growth of Nanima Village.

The Proposal is considered consistent with the relevant State and Local Government Strategic Plans and it is recommended that it be forwarded to the DPIE for Gateway Determination and that Council request to use its delegation under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to draft the subject amendments.

Appendices:

- 1** Planning Proposal - Nanima Village Sewage Treatment Plant