

8.1. Support of planning proposal for water infrastructure

This report recommends that Council resolve to support the planning proposal to rezone land for infrastructure purposes and forward to the Minister for Planning for a Gateway Determination.

Director Community Environment and Planning

Officer's Recommendation

That Council:

1. Resolve to support the planning proposal to amend *Bega Valley Local Environmental Plan 2013* to rezone 43 Red Gum Road, Yellow Pinch (Part of Lot 882 DP789858) from C3 Environmental Management to SP2 Infrastructure.
2. Authorise Council officers to submit the planning proposal (Attachment 1) and supporting information to the Department of Planning and Environment for Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
3. Authorise Council officers to place the planning proposal on public exhibition following Gateway Determination.
4. Authorise Council officers, subject to the conditions of the Gateway Determination and providing no substantial changes to the planning proposal are required and no objection received during exhibition, to progress the planning proposal to finalisation without a further report to Council.

Executive Summary

The development of a water treatment plant at Yellow Pinch Dam is identified in Council's *Bega Valley Water and Sewer Strategy 2022–2025*. The confirmation of 43 Red Gum Road, Yellow Pinch (Lot 882 DP789858) as the preferred location for the treatment plant and recommendations for its acquisition were adopted by Council at the meeting of 3 November 2021.

Council is seeking to rezone part of the land from C3 Environmental Management to SP2 Infrastructure through an amendment to *Bega Valley Local Environmental Plan 2013* (BVLEP 2013). The purpose of the rezoning is to facilitate the development and management of the facility under the provisions of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Infrastructure SEPP).

Background

Council identified that a new water treatment plant was required at Yellow Pinch Dam in the *Bega Valley Water and Sewer Strategy 2022–2025*. The need was identified to ensure the supply of potable water to the towns connected to the Tantawangalo–Kiah water supply system (which includes Merimbula and Eden) to meet health-based targets for drinking water.

Council was successful in securing \$75,000 from the Restart NSW Safe and Secure Water Program grant funding in 2019 and engaged a consultant to prepare the *Yellow Pinch Water Treatment Plant Scoping Study Report, March 2021* to review a short-list of sites.

At the meeting of 3 November 2021, Council resolved to formalise the acquisition of the preferred site at 43 Red Gum Road, Yellow Pinch (Lot 882 in DP789858) for the purpose of constructing a water treatment plant.

A planning proposal (Attachment 1) has been lodged to rezone a part of the land from C3 Environmental Management to SP2 Infrastructure through an amendment to the BVLEP

2013. This will facilitate the development and management of the facility under the provisions of the Infrastructure SEPP.

Options

Options available to Council are to:

1. Resolve to support the planning proposal and forward it to Department of Planning and Environment (DPE) for Gateway Determination. This is the recommended option.
2. Not support the planning proposal.

Community and Stakeholder Engagement

Engagement undertaken

No community consultation for the planning proposal has been undertaken to date.

Engagement planned

The Gateway Determination will confirm community consultation requirements. It is likely that the planning proposal will be exhibited as a 'low' impact proposal for a period of not less than 28 days in accordance with section 3.34 (2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Council will engage with the local community and government agencies as per the Gateway Determination and Council's *Community Engagement Strategy*. This will include notification on Council's website and in writing to adjoining landowners.

Financial and Resource Considerations

The planning proposal has been prepared by the applicant and the applicable fee received in accordance with Council's adopted Fees and Charges 2022/23.

Legal /Policy

This planning proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the DPE's *Local Environmental Plan Making Guideline (December 2021)*.

Impacts on Strategic/Operational/Asset Management Plan/Risk

Strategic Alignment

This planning proposal is consistent with:

- Theme C Our Environment to 'deliver and support integrated water management' of the *Bega Valley Shire Community Strategic Plan 2042*
- The aim of the *Bega Valley Water and Sewer Strategy 2022–2025* to deliver higher-quality drinking water to all towns and villages and cater for the planned demand through to 2052
- The vision of the *Local Strategic Planning Statement 2040* that land use in the Bega Valley Shire supports activities, infrastructure and natural environment that enhance our quality of life and enable us to become more resilient to challenges
- Goal 3 'Healthy and connected communities' of the *South East and Tablelands Regional Plan 2036*
- Key response area 'safe, healthy and inclusive community' in the *Climate Resilience Strategy 2050*

Environment and Climate Change

A Biodiversity Assessment Report was undertaken to inform the planning proposal and identify whether the subject land is likely to contain critical habitat or threatened species populations

or ecological communities, or their habitats. It is considered that the planning proposal would not result in any adverse impact to critical habitat or threatened species populations or ecological communities, or their habitats.

The new water treatment plant will help to address the impacts of climate change by providing well planned and resilient water infrastructure to support the future predicted population.

Economic

The planning proposal will assist Council to deliver water services efficiently and sustainably by assisting with the delivery of Council's long-term capital works program.

Risk

The planning proposal will reduce project delivery risk by providing a more certain, streamlined approval process for the construction, upgrade and maintenance of these essential infrastructure facilities under the Infrastructure SEPP.

Social / Cultural

The planning proposal will assist with the delivery of major capital works for water supply to meet the needs of the community and to provide safe and secure water.

Attachments

1. Attachment - Planning Proposal Yellow Pinch Water Treatment Plant