

ITEM	14.051/17	PLANNING PROPOSALS FOR THE REZONING OF FORMER SEWERAGE TREATMENT PLANTS AT MACLEAN, ILARWILL AND TOWNSEND
Meeting	Environment, Planning & Community Committee	13 June 2017
Directorate	Environment, Planning & Community	
Reviewed by	Acting Manager - Strategic & Economic Planning (Scott Lenton)	
Attachment	Yes	

SUMMARY

Planning Proposals have been prepared for the rezoning of the former sewerage treatment plant sites at Maclean, Ilarwill and Townsend. The land is surplus to Council's requirements due to upgrade and transfer of sewage treatment to the newer facility at Woodford Island. Hence, rezoning the sites in keeping with the surrounding land and attributes, and reclassifying them from Community to Operational land is now proposed. Remediation of the sites forms part of the overall project in accordance with relevant State policy.

OFFICER RECOMMENDATION

That Council:

1. Adopt the Planning Proposals for the reclassification and rezoning of Sewerage Treatment Plant sites at Lot 1 DP553965 and Lot 3 DP564828; at Maclean, Lot 2313 DP857839 at Ilarwill, and Lot 2 DP634170 at Townsend as contained in Attachments 1, 2, and 3;
2. Forward the Planning Proposals in Attachments 1, 2, and 3 to the Department of Planning and Environment and request a Gateway Determination to enable public exhibition of the proposed rezoning and reclassifications;
3. Subject to a supportive Gateway Determination, proceed to public exhibition and a public hearing in accordance with advice from the Department of Planning and Environment and the requirements of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*;
4. Not accept plan making delegations that may be offered under section 59 of the *Environmental Planning and Assessment Act 1979* should a Gateway Determination to proceed be issued; and
5. Agree to remove the proposed reclassification of land parcels, being Lot 1 DP553965 and Lot 3 DP564828; at Maclean, Lot 2313 DP857839 at Ilarwill, and Lot 2 DP634170 at Townsend, from the Planning Proposal seeking to reclassify various Council lands that Council resolved to prepare in resolution 13.025/16 (17 May 2016), on the basis that these four (4) land parcels are now proposed to be reclassified under the Planning Proposals to reclassify and rezone the respective Sewerage Treatment Sites.

COMMITTEE RECOMMENDATION

Baker/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Simmons, Williamson, Clancy, Ellem

Against: Nil

COUNCIL RESOLUTION – 14.051/17**Baker/Kingsley****That Council:**

- 1. Adopt the Planning Proposals for the reclassification and rezoning of Sewerage Treatment Plant sites at Lot 1 DP553965 and Lot 3 DP564828; at Maclean, Lot 2313 DP857839 at Ilarwill, and Lot 2 DP634170 at Townsend as contained in Attachments 1, 2, and 3;**
- 2. Forward the Planning Proposals in Attachments 1, 2, and 3 to the Department of Planning and Environment and request a Gateway Determination to enable public exhibition of the proposed rezoning and reclassifications;**
- 3. Subject to a supportive Gateway Determination, proceed to public exhibition and a public hearing in accordance with advice from the Department of Planning and Environment and the requirements of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*;**
- 4. Not accept plan making delegations that may be offered under section 59 of the *Environmental Planning and Assessment Act 1979* should a Gateway Determination to proceed be issued; and**
- 5. Agree to remove the proposed reclassification of land parcels, being Lot 1 DP553965 and Lot 3 DP564828; at Maclean, Lot 2313 DP857839 at Ilarwill, and Lot 2 DP634170 at Townsend, from the Planning Proposal seeking to reclassify various Council lands that Council resolved to prepare in resolution 13.025/16 (17 May 2016), on the basis that these four (4) land parcels are now proposed to be reclassified under the Planning Proposals to reclassify and rezone the respective Sewerage Treatment Sites.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Clancy, Ellem, Williamson, Toms, Novak

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Our Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Provide open, accountable and transparent decision making for the community

BACKGROUND

The Maclean, Townsend and Ilarwill sewerage treatment plants (STP)s were decommissioned in 2010 following the opening of a new STP at Woodford Island. The sites are now redundant and are used for rural and environmental purposes. Detailed Planning Proposals have been prepared for each site in accordance with State Government planning guidelines to enable the land to be rezoned and reclassified for future disposal.

Council resolved in May 2016 to prepare a Planning Proposal to reclassify these three (3) Sewerage Treatment Plant sites comprising four (4) land parcels along with another 176 Council-owned land parcels. The Planning Proposals subject of this report now seek Council endorsement to reclassify and rezone these four (4) land parcels independent of that separate Planning Proposal that is also actively being prepared.

KEY ISSUES

Planning Proposals are necessary to achieve the proposed changes to zonings and reclassification of the subject lands. Details of the respective Planning Proposals are contained in the three (3) Attachments to this report.

The proposed change of zoning and reclassification of Council land requires additional transparency and compliance with NSW Government Planning Guidelines. Relevant details of Council's interest in the respective land are contained in the Attachments. A public hearing will be required after completion of any public exhibition period. Due to Council's interest in the subject lands it is proposed that Council not accept any plan making delegations that may be offered through the Gateway Determination.

These sites are considered to be potentially contaminated due to past use for effluent treatment and hence, remediation to enable land uses permissible under the proposed zoning will be necessary. All proposed zonings enable residential development and other sensitive land uses, and hence remediation to residential use standard has been deemed to be appropriate.

The Gateway Determination will specify any further requirements for Council in processing the Planning Proposals and proposed LEP amendments

It is suggested that Council agree to remove the proposed reclassification of these four (4) land parcels from the Planning Proposal seeking to reclassify various Council lands that Council resolved to prepare in resolution 13.025/16 (17 May 2016), on the basis that these four (4) land parcels are now proposed to be reclassified under the Planning Proposals to reclassify and rezone the respective Sewerage Treatment Sites subject of this report. It is likely that taking this option will provide a reclassification outcome for these sites in a shorter timeframe and provide Council with more options in managing these land parcels.

Summary of Proposed Amendments in the Planning Proposals for the reclassification and rezoning of Sewerage Treatment Plant sites:

Site Detail	Proposed LEP Amendment/s	Proposed Re-classification
Maclean Lot 1 DP553965 and Lot 3 DP564828	SP2 Infrastructure to part RU1 and Part E3 Environmental Management. Amendment to 40ha Minimum Lot Size on the Minimum Lot Size Map.	Community to Operational
Ilarwill Lot 2313 DP857839	SP2 Infrastructure to E3 Environmental Management. Amendment to 40ha Minimum Lot Size on the Minimum Lot Size Map.	Community to Operational
Townsend Lot 2 DP634170	Zone SP2 Infrastructure to RU2 Rural.	Community to Operational

COUNCIL IMPLICATIONS**Budget/Financial**

The Planning Proposals have been prepared in house by Council's Strategic Planning section in consultation with Council's Water Cycle Manager. A public hearing will be required to be held to comply with legislative requirements. This hearing must be administered by an independent person, such as a town planning consultant. Professional fees for any such engagement would be sourced from Strategic Land Contractors/Consultants budget with a nominated draft 2017/18 budget of \$5,100.

Asset Management

The decommissioning of the STP sites are part of Council's long term management for these assets and the proposed rezoning and reclassification would enable suitable future land uses and sale of these lands.

Policy or Regulation

The Planning Proposals have been prepared in accordance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulations 2000*, the *Local Government Act 1993*, the Department of Planning and Environment's *A guide to preparing planning proposals* (August 2016) and Department of Planning and Environment *Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan*.

Consultation

Subject to a favourable Gateway Determination being received, public exhibition of the Planning Proposals would be required followed by a public hearing in relation to the land reclassification component. The Water Cycle Manager and consultants engaged to decommission the STP sites have been consulted in preparing the Planning Proposals.

Legal and Risk Management

The Planning Proposals are prepared in accordance with relevant statutory legislation and NSW Government guidance (refer to 'Policy or Regulation' earlier). The rezoning of the subject land is not likely to create any significant risk or legal issues.

Prepared by	Deborah Wray, Senior Strategic Planner
Attachment	A - Planning Proposal for rezoning and reclassification of Maclean STP B - Planning Proposal for rezoning and reclassification of Ilarwill STP C - Planning Proposal for rezoning and reclassification of Townsend STP