



PLANNING PROPOSAL

Clarence Valley Local Environmental Plan 2011

Rezoning of the former Townsend Sewerage Treatment Plant Site Lot 2, DP 634170 Schwonberg Street, Townsend.



Prepared by: Clarence Valley Council

Declaration

Document name: Planning Proposal – Rezoning of the former Townsend Sewerage Treatment Plant 2017

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Position of document author: Senior Strategic Planner, Clarence Valley Council

Qualifications of document author: B.A (Hons) Town and Country Planning

Declaration: I, Deborah Wray, declare that this Planning Proposal constitutes a planning proposal for the purposes of section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and further declare that the document complies with the relevant provisions of the Act and the Department of Planning and Environment's *A guide to preparing planning proposals* (August 2016).

Date: 29 May 2017

Photographs: Deborah Wray

Document History and Version Control				
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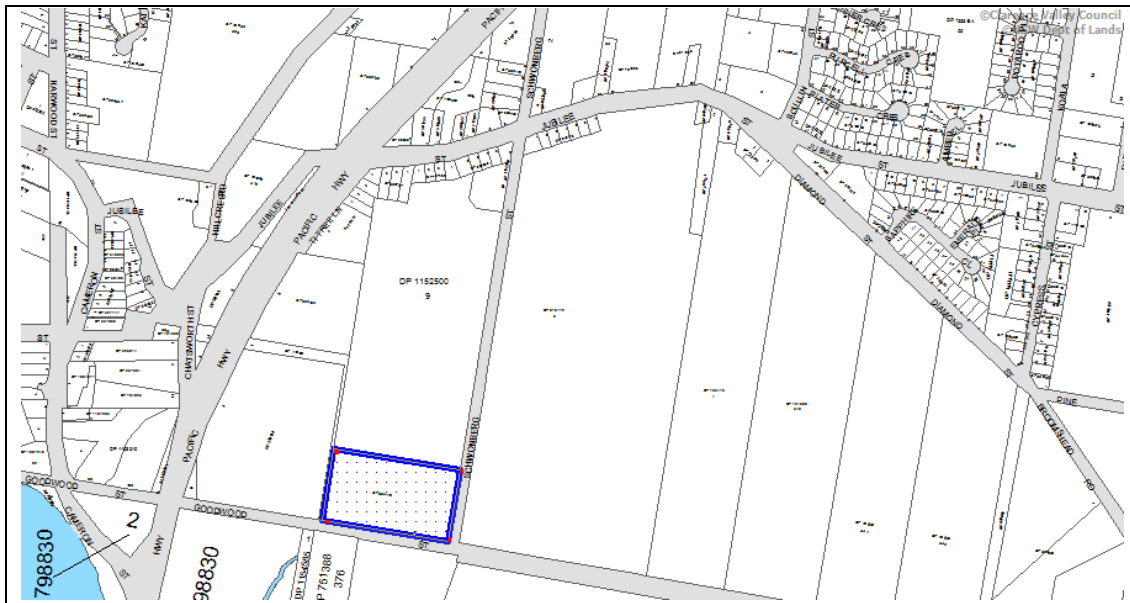
1. PRELIMINARY

1.1 Context

This planning proposal constitutes a document referred to in Section 55 of the Environmental Planning and Assessment Act 1979. It has been prepared in accordance with the Department of Planning and Infrastructure's "A guide to preparing planning proposals" (August 2016). A gateway determination under Section 56 of the Act is requested.

1.2 Subject Land

This planning proposal applies to Lot 2, DP 634170, Schwonberg Street, Townsend as shown on Map 1.



Map 1- Subject Site.



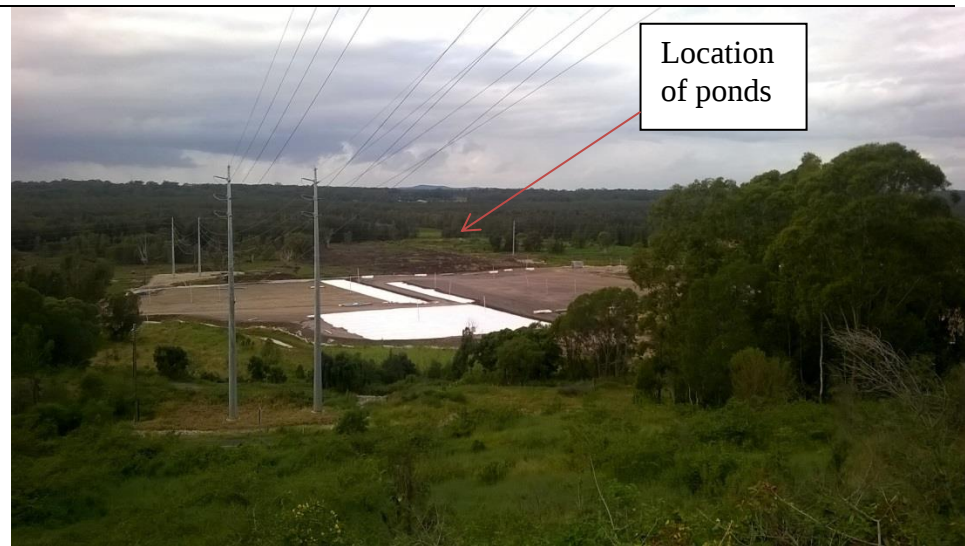
Map 2 - Aerial Photograph of subject site.

1.4 Background

The former Townsend Sewerage Treatment Plant (STP) on Lot 2, DP 634170, Schwonberg Street, Townsend is situated approximately 1.0 km south west of Townsend, a residential and industrial suburb to the east of Maclean. The subject land is situated in rural area adjacent to the Pacific Highway expansion corridor and is surrounded by RU2 and RU1 zoned land

The STP was required to be decommissioned by the Environmental Protection Authority through a Pollution Reduction Program, as the plant could not meet the EPA's desired effluent quality requirements for discharge to receiving waters. The former Townsend Sewerage treatment plant site has been replaced by an upgraded plant on Woodford Island in 2008, and was decommissioned in 2010.

Figure 1
Former
Settlement
Ponds and site
context.



2. OBJECTIVE OR INTENDED OUTCOME

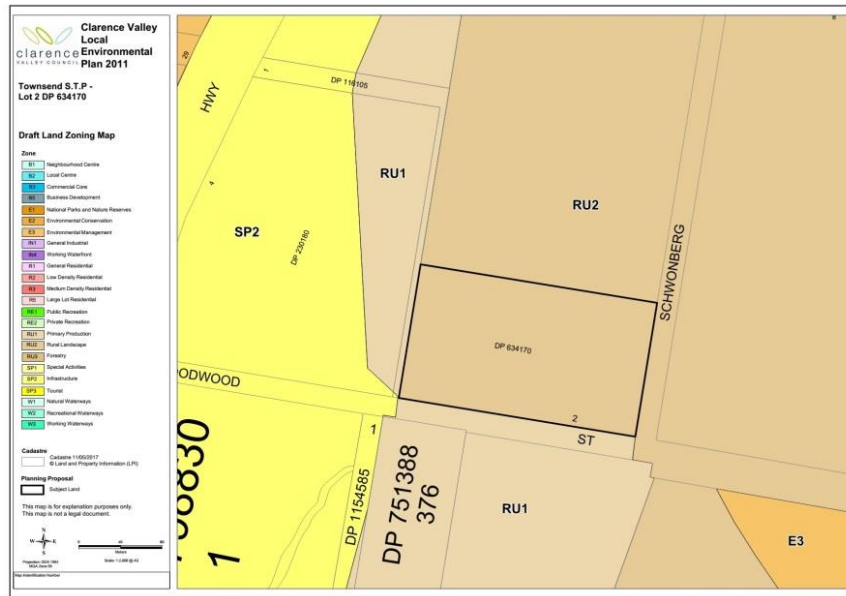
The objectives of the Planning Proposal are:

- To rezone Lot 2, DP 634170 from Zone SP2 Infrastructure to RU2 Rural Landscape by amending the Land Zoning Map.
- To apply a 40ha Minimum Lot Size to Lot 2, DP 634170 on the Minimum Lot Size Map.
- To change the classification of Lot 2, DP 634170 from Community to Operational.

3. EXPLANATION OF PROVISIONS

The planning proposal will amend the CVLEP 2011 as set out below, to enable the land to be used for rural purposes and for the land to be disposed of by Council.

1. To rezone Lot 2 DP 634170 from Zone SP2 Infrastructure to RU2 Rural Landscape by amending the Land Zoning Map in CVLEP 2011 as shown on Map 5.



Map 5 CVLEP 2011 Proposed Land Zoning Map RU2

2. To amend the Minimum Lot Size Map by applying a 40ha minimum size to Lot 2 DP 634170 as shown on Map 6.



Map 6 CVLEP 2011 Proposed Lot Size Map 40ha.

3. To change the classification of from Community to Operational under the *Local Government Act 1993* through an amendment to Schedule 4 of CVLEP 2011 as set out in Table 1 below.

Column 1	Column 2
Locality	Description
Townsend	Lot 2, DP 634170 Schwonberg St, Townsend.

Table 1

4. JUSTIFICATION

4.1 Is the Proposal a result of any strategic study or report?

The planning proposal is consistent with the Clarence Valley Council Strategic Business Plan for Sewerage Services prepared by Hunter Water Australia for 2006 and is due to a change in Council's operational requirements of the land following a decommissioning of the sewerage treatment plant.

4.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered the best and only means of achieving the objectives listed in Part 2.

5. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.1 Consistency with Applicable Regional Strategy – North Coast Regional Plan 2036

The Clarence Valley LGA is subject to the North Coast Regional Plan (NCRP) 2036. The Planning Proposal is consistent with the objectives and actions of this strategy.

5.2 Consistency with Council's local strategies and other local strategic plans

Our Community Plan 2015-2024, is Council's adopted community strategic plan which will guide Council decision making over the next 10 years. This planning proposal is consistent with the outcomes identified in the plan, particularly Strategy

2.3.2 *'Maintaining and renewing the sewerage network infrastructure to ensure provision of an efficient and environmentally sound sewerage service'*, and,

5.1.6 *'Makes prioritised decisions in the long term interests of the broader community and has regard to financial and infrastructure sustainability'*.

The planning proposal is also consistent with Council's Delivery Program 2014-2017, specifically

Action 2.3.2.9 *'Rehabilitate disused Sewage Treatment Plant sites'* (3) and,

Action 5.1.6.3 *'Review of CVLEP and DCPs to address anomalies and prepare draft and refer to Council for pre-Gateway decision'*.

5.3 Consistency with applicable state environmental planning policies

The planning proposal is consistent with the applicable State Environmental Planning Policies. A checklist of the SEPPs is provided at Appendix 1.

5.4 Consistency with applicable Ministerial Directions (s.117 Directions)

The planning proposal is consistent, or justifiably inconsistent with the applicable s117 Ministerial Directions. A Section 117 Direction checklist is provided at Appendix 2.

6. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

6.1 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?

There will be no adverse impact on any of these matters as a result of this Planning Proposal. The subject site comprises cleared land and settlement ponds. It is proposed that it is included in a rural zone consistent with surrounding land.

6.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Remediation of the land is proposed in accordance with the requirements of State Environmental Planning Policy 55. The level of remediation is to be carried out to meet a Residential Level Criteria as recommended by Cavvanba Consulting and agreed to by Council. The proposed rezoning of the site to RU2 would enable it to be used for agricultural purposes. Caveats will be applied on the subject land parcel to further restrict land use based on the final remediation outcomes achieved.

6.3 How has the planning proposal adequately addressed any social and economic effects?

The proposed amendments to CVLEP 2011 maps and Schedule 4 are not likely to create any adverse social or economic impacts.

7. STATE AND COMMONWEALTH INTERESTS

7.1 Is there adequate public infrastructure for the planning proposal?

The planning proposal is a result of the public sewerage treatment facility being redundant due to an upgrade and relocation. Infrastructure in the locality is sufficient for the proposed rural or environmental zoning.

7.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of relevant public authorities have not been sought at this stage as a Gateway Determination has not yet been issued. Consultation will be undertaken with any State government agencies as required by the Gateway determination. The Department of Finance, Services and Innovation (Public Works Advisory) is a stakeholder in the project and is involved in the project design and site remediation.

8. MAPPING

Section 3 outlines the proposed amendments to CVLEP 2011 mapping.

9. COMMUNITY CONSULTATION

Council will undertake community consultation following the issue of a Gateway Determination. For the purpose of public notification, the planning proposal will require 28 days exhibition in accordance with the Department of Planning and Environment's "A guide to preparing local environmental plans".

Notification of the exhibited planning proposal will include:

- a) Placement of an advertisement in a newspaper circulating within the Clarence Valley LGA.
- b) Notification on council's website

Note- Written notification to the owner of the subject property is not required as Council is the owner.

- c) The reclassification of public land from community to operational also triggers the need for a public hearing under *EP&A Act s.57 & LG Act s.29*. After the exhibition period has ended, at least 21 days public notice is to be given before the hearing. This allows the person chairing the hearing sufficient time to consider written submissions and all issues raised. There are specific requirements for the independence of the person chairing the hearing, their preparation of a public hearing report and council making the report publicly available (LG Act s.47G).

10. RECLASSIFICATION FROM COMMUNITY TO OPERATIONAL

Subject Land	Lot 2, DP 634170, Schwonberg Street, Townsend.	
Name of property	Former Townsend Sewerage Works	
Lot No./DP No.	Lot 2, DP 634170	
Current classification	Community	
Proposed classification	Operational	
Current land use	Redundant sewerage infrastructure	
Proposed land use	Rural and environmental protection	
Current Zone CVLEP 2011	SP2 Infrastructure	
Proposed Zoning	RU2 Rural Landscape	
Other Council ref. details	Property no. 114396	Land No. 33519

Statement addressing documentation and justification requirements of Department of Planning and Environment Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan including Attachment 1	
1. Current & proposed classification of the land.	Current classification – Community Proposed classification – Operational
2. Is the land a 'public reserve' as defined in the LG Act?	No.
3. The strategic and site specific merits of the reclassification.	The former Townsend Sewerage Works is a redundant sewerage asset requiring remediation. The proposed classification as operational will allow it to be better remediated and managed free of the restraints of a community land classification.
4. Is the planning proposal is the result of a strategic study or report?	The planning proposal is consistent with the Clarence Valley Council Strategic Business Plan for Sewerage Services prepared by Hunter Water Australia for 2006 and is due to a change in Council's operational requirements of the land following a decommissioning of the sewerage treatment plant.
5. Is the planning proposal is consistent with council's community plan or other local strategic plan?	Yes as above at Item 4.
6. Summary of council's interests in the land.	Nil other than as owner of the land.
7. Are any interests in the land proposed to be discharged?	No interests are to be discharged. However there is an easement for a transmission line to remain on title, which is currently being amended. There is also a lease over this land (currently being processed) to RMS.
8. The effect of the reclassification.	There are no physical or operational changes or effects anticipated as a result of the reclassification.
9. Evidence of public reserve status or relevant interests, or lack thereof.	There is no evidence to indicate that the land is a public reserve or has public reserve status.
10. Current use(s) of the land, and whether uses are authorised or unauthorised.	The current use of the land is a redundant sewerage treatment plant which is to be subject to remediation.
11. Current or proposed lease or agreements; details of duration, terms and controls.	A lease is currently over this land to RMS which is currently being processed.
12. Any agreement for the sale or lease of the land-inc. basic details, timing.	N/A. No agreements for the sale or lease of the land are applicable.

13. Is rezoning of the land proposed in association with the reclassification?	Yes, as outlined in Sections 2 and 3 of this Planning Proposal report.
14. how council may or will benefit financially, and how these funds will be used;	Reclassification to operational will enable the land to be disposed of in the future if surplus to Councils requirements.
15. Expected financial benefit for Council if any?	Funds from the sale of the property are likely to go towards the costs of remediation of the site.
16. How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant.	Not relevant to this proposal. Sewer assets are in a separate fund.
17. Inclusion of a Land Reclassification (part lots) Map, if land to be reclassified does not apply to the whole lot.	N/A.
18. Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	The Department of Finance, Services and Innovation (Public Works Advisory) is a stakeholder in the project and has been working in conjunction with Council.

11. PROJECT TIMELINE

An indicative timeline for the completion of the planning proposal is below. It is anticipated that this amendment should be able to be finalised within 6 months as indicated below.

Task	Timeframe	Completed
Referral of Planning Proposal to Department of Planning & Environment (DP&E) for Gateway determination	June/July 2017	
Gateway determination issued	July 2017	
Amend Planning Proposal in accordance with any requirements of Gateway determination if required	July 2017	
Public exhibition, Public Hearing, and State government agency consultation	July-September 2017	
Consider submissions	September-October-2017	
Report to Council to adopt final Planning Proposal	October-November 2017	
Obtain opinion from Parliamentary Counsel's Office	November – December 2017	
LEP made by Council delegate	November-December 2017	
LEP notified	December-January 2017	

Appendix 1: State Environmental Planning Policies Checklist

STATE ENVIRONMENTAL PLANNING POLICY	CONSISTENCY	COMMENTS
The following State Environmental Planning Policies (SEPPs) are current and are applicable to the Clarence Valley LGA and are required to be considered whether applicable or not in a particular circumstance.		
SEPP 14 Coastal Wetlands	Not applicable	
SEPP 15 Rural Landsharing Communities	Not Applicable	
SEPP 21 Caravan Parks	Not Applicable	
SEPP 26 Littoral Rainforests	Not Applicable	
SEPP 30 Intensive Agriculture	Not Applicable	
SEPP 32 Urban Consolidation (Redevelopment of Urban Land).	Not Applicable	
SEPP 33 Hazardous & Offensive Development	Not Applicable	
SEPP 36 Manufactured Home Estates	Not Applicable	
SEPP 44 Koala Habitat Protection	Not applicable	
SEPP 50 Canal Estate Development	Not Applicable	
SEPP 55 Remediation of Land	Consistent	The subject land is to be remediated to a residential standard as set out in a report by Cavvanba Consulting to address SEPP 55. Caveats will be applied on the land parcels to further restrict land use on the subject land based on the final remediation outcomes achieved.
SEPP 62 Sustainable Aquaculture	Not Applicable	
SEPP 64 Advertising & Signage	Not Applicable	
SEPP 65 Design Quality of Residential Flat Buildings	Not Applicable	
SEPP 71 Coastal Protection	Consistent	The proposal does not raise any inconsistencies with SEPP 71 or the provisions of the Draft Coastal Management SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable	
SEPP Building Sustainability Index: BASIX 2004	Not Applicable	
SEPP (Major Development) 2005	Not Applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent	The permissibility of mining or extractive industries on land affected by any proposed amendments will not be affected.
SEPP (Miscellaneous Consent Provisions) 2007	Not Applicable	

SEPP (Infrastructure) 2007	Consistent	The proposal constitutes works to public facilities which is consistent with the provisions of SEPP Infrastructure 2007.
SEPP (Rural Lands) 2008	Not applicable	
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	
SEPP (Affordable Rental Housing) 2009	Not Applicable	
SEPP (State and Regional Development) 2011	Not Applicable	

Note 1:

The following SEPPs, whilst still current, are not applicable or relevant to the Clarence Valley LGA:

- *SEPP 1 Development Standards*
- *SEPP 19 Bushland in Urban Areas*
- *SEPP 29 Western Sydney Recreation Area*
- *SEPP 39 Spit Island Bird Habitat*
- *SEPP 47 Moore Park Showground*
- *SEPP 52 Farm Dams & Other Works in Land & Water Management Plan Areas*
- *SEPP 59 Central Western Sydney Regional Open Space and Residential*
- *SEPP 60 Exempt & Complying Development*
- *SEPP 70 Affordable Housing (Revised Schemes)*
- *SEPP (Development on Kurnell Peninsula) 1989*
- *SEPP (Sydney Regional Growth Centres) 2006*
- *SEPP (Kosciuszko National Park – Alpine Resorts) 2007*
- *SEPP (Western Sydney Parklands) 2009*
- *SEPP (Western Sydney Employment Area) 2009*
- *SEPP ((Penrith Lakes Scheme) 1989*
- *SEPP (SEPP 53 Transitional Provisions) 2011*
- *SEPP (Sydney Drinking Water Catchment) 2011*
- *SEPP (Urban Renewal) 2010*
- *SEPP (Three Ports) 2013*
- *SEPP - North Coast Regional Environmental Plan*

Note 2:

The following SEPPs have been repealed and therefore are no longer relevant:

- *SEPP 2 Minimum Standards for Residential Flat Buildings (Repealed by SEPP 20)*
- *SEPP 3 Castlereagh Liquid Waste Depot (Repealed by Infrastructure SEPP)*
- *SEPP 4 Development Without Consent and Miscellaneous Complying and Exempt Development (clause 6 and Parts 3 and 4 only)*
- *SEPP 5 Housing for Older People with a Disability (Repealed by Seniors Living SEPP)*
- *SEPP 6 Number of Storeys in a Building*
- *SEPP 7 Port Kembla Coal Loader (Repealed by Infrastructure SEPP)*
- *SEPP 8 Surplus Public Land (Repealed by Infrastructure SEPP)*
- *SEPP 9 Group Homes (Repealed by Infrastructure SEPP)*
- *SEPP 10 Retention of Low Cost Rental Accommodation*
- *SEPP 11 Traffic Generating Developments (Repealed by Infrastructure SEPP)*
- *SEPP 12 Public Housing (dwelling houses) (Repealed by SEPP 53)*
- *SEPP 13 Sydney Heliport (Repealed by Sydney REP 26)*
- *SEPP 15 Multiple Occupancy of Rural Land (Repealed by SEPP 42)*

- SEPP 16 Tertiary Institutions (Repealed by Infrastructure SEPP)
- SEPP 20 Minimum Standards for Residential Flat Buildings (Repealed by SEPP 53)
- SEPP 22 Shops and Commercial Premises
- SEPP 25 Residential Allotment Sizes (Repealed by SEPP 53)
- SEPP 27 Prison Sites (Repealed by Infrastructure SEPP)
- SEPP 28 Town Houses & Villa Houses (Repealed by SEPP 25 Amendment 4)
- SEPP 31 Sydney (Kingsford Smith) Airport (Repealed by Infrastructure SEPP)
- SEPP 34 Major Employment Generating Industrial Development (Repealed by Major projects SEPP)
- SEPP 35 Maintenance Dredging of Tidal Waterways (Repealed by Infrastructure SEPP)
- SEPP 37 Continued Mines & Extractive Industries (Repealed by Mining, Petroleum Production and Extractive Industries SEPP)
- SEPP 38 Olympic games & Related Projects (Repealed by Major Projects SEPP)
- SEPP 42 Multiple Occupancy & Rural Land (Repealed by SEPP 15)
- SEPP 43 New Southern Railway (Repealed by Infrastructure SEPP)
- SEPP 45 Permissibility of Mining (Repealed by Mining, Petroleum Production and Extractive Industries SEPP)
- SEPP 46 Protection & Management of Native Vegetation (Repealed by Native Vegetation Conservation Act 1997)
- SEPP 48 Major Putrescible Landfill Sites (Repealed by Infrastructure SEPP)
- SEPP 51 Eastern Distributor (Repealed by Infrastructure SEPP)
- SEPP 53 Metropolitan Residential Development
- SEPP 54 Northside Storage Tunnel (Repealed by Infrastructure SEPP)
- SEPP 56 Sydney Harbour Foreshores & Tributaries (Repealed by Major Projects SEPP Amendment)
- SEPP 58 Protecting Sydney's Water Supply (Repealed by Drinking Water Catchments REP No 1)
- SEPP 61 Exempt & Complying Development for White Bay & Glebe Island Ports (Repealed by Infrastructure SEPP)
- SEPP 63 Major Transport Projects (Repealed by Infrastructure SEPP)
- SEPP 67 Macquarie Generation Industrial Development Strategy (Repealed by Infrastructure SEPP)
- SEPP 69 Major Electricity Supply Projects (Repealed by Infrastructure SEPP)
- SEPP 72 Linear Telecommunications Development – Broadband (Repealed by Infrastructure SEPP)
- SEPP 73 Kosciuszko Ski Resorts (Repealed by SEPP Kosciuszko National Park – Alpine Resorts)
- SEPP 74 Newcastle Port & Employment Lands (Repealed by Major Projects SEPP)
- SEPP (ARTC Rail Infrastructure) 2004 (Repealed by Infrastructure SEPP) SEPP (Sydney Metropolitan Water Supply) 2004 (Repealed by Infrastructure SEPP)
- SEPP – North Coast Regional Environmental Plan 1988 (NCREP)

Appendix 2: Section 117 Directions Checklist

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Not applicable	
1.2 Rural Zones	Consistent	The planning proposal will not raise any inconsistencies with the use of rural land.
1.3 Mining, Petroleum Production and Extractive industries	Consistent.	The planning proposal will not prohibit or restrict mining or future expansions of State or regionally significant coal, other minerals, petroleum and extractive materials.
1.4 Oyster Aquaculture	Not applicable.	The planning proposal will not result in adverse impacts on oyster aquaculture areas or land uses that are incompatible with these areas.
1.5 Rural Lands	Consistent.	The proposal is consistent with the Rural Planning Principles in the SEPP (Rural Lands) 2008.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	Consistent.	The subject site comprises cleared land which has been used as settling ponds. The proposal has no impact upon environmental protection zones.
2.2 Coastal Protection	Consistent.	The proposal is within the Coastal Zone and the proposal is consistent with the Direction. Existing clause 5.5 of the CVLEP requires consideration of the NSW Coastal Policy and Coastal Design Guidelines in the assessment of development applications.
2.3 Heritage Conservation	Not applicable.	Direction not applicable in this instance.
2.4 Recreation Vehicle Areas	Not applicable.	Direction not applicable in this instance.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Not applicable.	Direction not applicable in this instance.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	Direction not applicable in this instance.
3.3 Home Occupations	Not applicable.	Direction is not applicable in this instance.
3.4 Integrated Land Use and Transport	Not applicable	Direction is not applicable in this instance.

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
3.5 Development Near Licensed Aerodromes	Not applicable.	Direction is not applicable in this instance.
3.6 Shooting Ranges	Not applicable.	Direction is not applicable in this instance.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	Consistent.	The site is mapped as acid sulfate soils Class 3. CVLEP Clause 7.1 will apply to development on any land affected by acid sulfate soils and is consistent with the Direction.
4.2 Mine Subsidence and Unstable land	Not applicable	Direction is not applicable in this instance.
4.3 Flood Prone Land	Consistent	The proposal is consistent with the direction and does not propose a rezoning from a Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.
4.4 Planning for Bushfire Protection	Not applicable.	The subject land is not bushfire prone.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Consistent.	The planning proposal is consistent with the objectives and actions of the North Coast Regional Plan 2036
5.2 Sydney Drinking Water Catchments	Not applicable.	Direction is not applicable in this instance.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	Direction is not applicable in this instance.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	Direction is not applicable in this instance.
5.5 Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.	Direction is not applicable in this instance.
5.6 Sydney to Canberra Corridor	Not applicable.	Direction is not applicable in this instance.
5.7 Central Coast	Not applicable.	Direction is not applicable in this instance.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	Direction is not applicable in this instance.

SECTION 117 DIRECTION	CONSISTENCY	COMMENTS
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	Not applicable.	This planning proposal is not seeking to introduce concurrence, consultation or referral requirements nor does it identify development as designated development.
6.2 Reserving Land for Public Purposes	Not applicable	Direction is not applicable in this instance.
6.3 Site Specific Provisions	Not applicable.	Direction is not applicable in this instance.
7. METROPOLITAN PLANNING		
7.1 Implementation of A Plan for Growing Sydney	Not applicable.	Direction is not applicable in this instance.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.	Direction is not applicable in this instance.