



Rezoning and Reclassification of Ilarwill Sewerage Treatment Plant

Proposal Title : Rezoning and Reclassification of Ilarwill Sewerage Treatment Plant

Proposal Summary : The proposal seeks to amend the Clarence Valley Local Environmental Plan (LEP) 2011 by rezoning the now decommissioned Ilarwill Sewerage Treatment Plant from SP2 Infrastructure to E3 Environmental Management.

The proposal seeks to reclassify the subject lands from 'Community' to 'Operational' pursuant to section 27 of the Local Government Act 1993. The proposed will amend Clarence Valley LEP 2011 Schedule 4 Classification and reclassification of Public Land.

PP Number : PP_2017_CLARE_005_00

Dop File No : 17/09619

Proposal Details

Date Planning
Proposal Received : 27-Jul-2017

LGA covered : Clarence Valley

Region : Northern

RPA : Clarence Valley Council

State Electorate : CLARENCE

Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street :

Suburb :

City : Ilarwill

Postcode : 2463

Land Parcel : Lot 2313 DP 857839

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	North Coast Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : The Department of Planning and Environment's Code of Practice in relation to communication and meetings with Lobbyists has been complied with to the best of the Region's knowledge.

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : The Northern Region has not met any lobbyists in relation to this proposal, nor has the Region been advised of any meeting between other officers within the agency and lobbyists concerning this proposal.

Supporting notes

Internal Supporting Notes :

External Supporting Notes : Section 27 of the Local Government Act provides that the classification or reclassification of public land occurs by means of a local environmental plan. Section 29 of the Local Government Act provides that a public meeting hearing is required as part of the process.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The statement of objectives adequately describes the intention of the planning proposal, which is to rezone the subject land to reflect the prevailing zones and reclassify the land from Community to Operational. The change to the classification will allow Council facilitate the remediation process and potentially sell the remediated land.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions adequately addresses the intended changes to the Clarence Valley LEP 2011. The proposal seeks to rezone Lot 2313 DP 857839 from SP2 Infrastructure to E3 Environmental Management consistent with the surrounding land.

The decommissioned Sewerage Treatment Plan (STP) is surplus to Council's needs. The STP has been replaced with an upgraded STP on Woodford Island and is no longer required to retain its Community land classification. The reclassification to Operational will

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require amendments to Clarence Valley LEP 2011 - Schedule 4 - Classification and Reclassification of public land.

The planning proposal will require amendments to the Land Zoning map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.6 Rural Lands

2.1 Environment Protection Zones

2.2 Coastal Protection

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.2 Reserving Land for Public Purposes

5.10 Implementation of Regional Plans

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

SEPP (Infrastructure) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

e) List any other matters that need to be considered :

The land has been identified as having a mortgage (from a previous owner) listed as an interest. This interest is not required to be discharged under section 30(2) of the Local Government Act 1993. The planning proposal will be updated prior to community consultation to remove references to the discharge of this mortgage.

Title searches for the site should be undertaken and included in the exhibition material during the community consultation period.

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The planning proposal include current and proposed Land Zoning mapping which adequately reflect the proposed amendments. These maps are suitable for exhibition purposes.

Amendments to the Land Zoning map are to be prepared in accordance with the Standard Technical Requirements for Spatial Datasets and Maps prior to finalisation of the LEP.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

The planning proposal has indicated 28 day community consultation period. Council has also indicated that a Public Hearing will be commenced post public exhibition of the planning proposal. This is consistent with the Departments guidelines and requirements under the Local Government Act 1993.

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Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : The planning proposal satisfies the adequate criteria by:

- 1) Providing appropriate objectives and outcomes;
- 2) Providing a suitable explanation of the provisions for the LEP to achieve the outcomes;
- 3) Providing an adequate justification for the proposal; and
- 4) Outlining a proposed community consultation program.

Timeline

- The planning proposal includes a project timeline which suggests a completion time within 7 months. To allow adequate time for completion it is recommended that a 9 month period be accepted.

Delegation

- Council has resolved not to apply for plan making delegation for this proposal. As the proposal deals with only matters of local significance, it is recommended that an authorisation to exercise plan making delegation be issued to Council in regard to this matter.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Clarence Valley Local Environmental Plan (LEP) 2011 is in force. This planning proposal seeks an amendment to the Clarence Valley LEP 2011.

Assessment Criteria

Need for planning proposal :

The decommissioning of this plant is supported by Council's Strategic Business Plan for Sewerage Services published in 2006 which highlighted the decommissioning of the Ilarwill STP as part of the EPA's Pollution Reduction Program. The Ilarwill Sewerage Treatment Plant (STP) was decommissioned due to its inability to satisfy the Environmental Protection Authority (EPA) pollution requirements and was replaced by a upgraded plant that could cope with increased loads and the stricter EPA conditions.

The reclassification of the subject lots from Community to Operational will reflect the future uses of the site that no longer suits a Community classification. Council's long term management of the sites involves appropriate land uses and potential sale of these lands which is unable to be achieved with the current classification. The reclassification to Operational would facilitate the potential sale of these parcels for non-public purposes.

The rezoning of the subject land is required as the land is no longer utilised for a Special Purpose (STP) and the land will be suitable (after remediation) to be utilised for environmental pursuits similar to the surrounding land. The E3 zone also enables low impact farming pursuits likely to be compatible with the residue contamination of the site. The land is identified as flood prone and removed from urban areas and therefore not suitable for extensive residential or rural residential development. The proposed E3 zoning is also compatible with the surrounding zones.

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Consistency with strategic planning framework :

The rezoning to E3 and the reclassification of this site to Operational is supported.

NORTH COAST REGIONAL PLAN (NCRP) 2036

The NCRP does not contain any provisions related to Council sewerage infrastructure or any provisions relating to classification. The proposal is not inconsistent with any provisions of this plan.

The planning proposal is consistent with Council's Community Strategic Plan 2015-2024 which is to ensure Council's infrastructure network is environmentally sound and sustainable.

The actions and outcomes identified in Council's adopted Delivery Program 2014-2017 are consistent with the planning proposal which includes rehabilitation of disused STP.

SEPP'S

The proposal is consistent with all applicable SEPP's.

SEPP 55 - Remediation of Land

The planning proposal is not considered inconsistent with the SEPP. The lot is considered to be potentially contaminated due to it being utilised for effluent disposal. Remediation in accordance with the requirements of SEPP 55 is necessary to allow for the permissible uses within the zones.

S117 DIRECTIONS

The proposal is consistent with all relevant s117 Directions except in relation to the following:

4.1 Acid Sulfate Soils

The proposal is inconsistent with this direction as it contains Class 2 Acid Sulfate Soils (ASS) and is not supported by an ASS study or clauses requiring consideration of this matter. This inconsistency is of minor significance as further consideration regarding this issue can be adequately addressed at development application stage as required by the existing ASS provisions of Clarence Valley LEP 2011.

Environmental social economic impacts :

The planning proposal is not likely to adversely impact on threatened species, populations or ecological communities or their habitat.

Contamination of the sites is a high probability due to it being utilised for effluent disposal. Council are consulting with the Department of Finance, Services and Innovation (Public Works Advisory) as it is involved in the site remediation.

The surrounding land is low lying flood liable and cleared with the exclusion of the settlement ponds and is suitably zoned E3 Environmental Management. The location of the settlement ponds is not suitable for any type of residential development. After appropriate remediation natural revegetation of these areas could occur and the E3 zone would be considered appropriate.

The planning proposal is unlikely to create any social or economic impacts. No determination has been made on any sale or lease of the land after its proposed reclassification to Operational or any economic gain proposed from any potential sale.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	Document Type Name	Is Public
Planning Proposal Cover Letter STP Ilarwill.pdf	Proposal Covering Letter	Yes
2017-07-03 Planning Proposal rezoning of former Ilarwill Sewerage Treatment Plant.pdf	Proposal	Yes
2017-07-03 ORDINARY COUNCIL MEETING MINUTES 27 JUNE 2017.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.2 Reserving Land for Public Purposes
- 5.10 Implementation of Regional Plans

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Additional Information : It is recommended that the Director Regions, Northern as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Clarence Valley LEP 2011 to rezone land at the decommissioned Ilarwill Sewerage Treatment Plant from SP2 Infrastructure to E3 Environmental Management, and reclassify the land to Operational should proceed subject to the following conditions:

1. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specification for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 a 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013);
- (c) Council is to conduct a public hearing (21 days after completion of the public exhibition period) in accordance with the requirements of section 29 of the Local Government Act 1993 as the planning proposal involves reclassification of land.

2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

- Department of Finance, Services and Innovation (Public Works Advisory)

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligations under the Local Government Act 1993 stated above.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

It is also recommended the Director Regions, Northern as delegate of the Secretary agrees:

1) That the planning proposal's inconsistencies with s117 Direction 4.1 is justified as minor significance.

Supporting Reasons : The proposal by Council to rezone and reclassify land within Clarence Valley LGA from SP2 Infrastructure to E3 Environmental Management and reclassify from Community to Operational to reflect the future use of the STP site that no longer suit a community classification, is appropriate to proceed.

Signature:

T. Rentice

Printed Name:

Tamara Rentice

Date:

9/8/17.

