

Planning and Assessment

IRF21/3056

Gateway determination report

LGA	Midcoast
PPA	Midcoast Council
NAME	Gloucester Sewage Treatment Plant
NUMBER	PP-2021-4563
LEP TO BE AMENDED	<i>Gloucester Local Environmental Plan 2010</i>
ADDRESS	84 Showground Road Gloucester
DESCRIPTION	Lot 405 DP 980328
RECEIVED	16/07/2021
FILE NO.	IRF21/3056
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Site description

The site at 84 Showground Road, Gloucester comprises Lot 2 DP 1161870 and Lot 405 DP 980328 (Figure 1 Property boundary). the adjoining lot accommodates the existing sewage treatment plant that has operated since the 1930s.

The remainder of 84 Showground Road, Lot 405 DP 980328, is cleared land previously serving agricultural purposes. This planning proposal refers to only Lot 405 DP 980328 (Figure 2 Site Plan).

This site is owned by MidCoast Council and was classified operational land in the 1930s when acquired by Council. The site was purchased for the purpose of 'sewerage works' expansion should it be required.

The site's eastern border runs along the Gloucester River.



Figure 1 Gloucester Sewage Treatment Plant property boundary



Figure 2 Site Plan Lot 405 DP 980328

1.2 Existing planning controls

The site (Lot 405 DP 980328) is zoned E3 Environmental Management (Figure 3 Existing Land Zoning). This is based on the previous zoning in the *Gloucester Local Environmental Plan 2000* as 7d Environmental Protection (Scenic) zone.

There is currently a 7.5 metre height of building control over the lot (Figure 4 Existing Height of Building Controls).

The adjoining Lots 1-2 DP 1161870 (to the north) are zoned SP2 Infrastructure and the 7.5 metre height of building controls extending over these adjoining lots. The height of building controls on this site will be reviewed under the new consolidated Midcoast local environmental plan that will review the consistency between the properties.

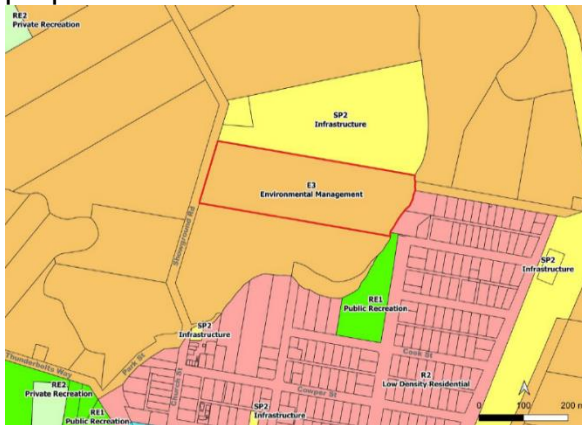


Figure 3 Existing Land Zoning



Figure 4 Existing Height of Building Controls



Figure 5 Proposed Land Zoning



Figure 6 Proposed Height of Building Controls

1.3 Surrounding area

Surrounding the site there is E3 Environmental Management zoned land that extends to the west. This land is open grassland with minimal vegetation. Further west is the Gloucester showground alongside Thunderbolts Way. Gloucester residential precinct to the south-east of the site across the Gloucester River there is a large residential zone that extends down towards the town centre.

2. PROPOSAL

2.1 Description of planning proposal

The planning proposal (**Attachment A**) is to amend the zoning of Lot 405 DP 980328 from E3 Environmental Management to SP2 Infrastructure and remove the current height of building controls.

2.2 Objectives or intended outcomes

The planning proposal intends to facilitate a new sewage treatment plant replacing the existing structure on Lots 1-2 DP 1161870. The new plant is proposed to be built on Lot 405 DP 980328 after a SP2 Infrastructure rezoning is applied.

The objectives of the proposal are clear and do not require amendment prior to community consultation.

2.3 Explanation of provisions

The planning proposal involves amendments to the land use zone and height of building controls of *Gloucester Local Environmental Plan 2010* for the site by:

- changing the land use zone from E3 Environmental Management to SP2 Infrastructure; and
 - identifying the site as ‘SP2 Sewerage Systems’ on the face of the Land Zoning Map - Sheet LZN_008 and Sheet LZN_009
- removing the height of building control of 7.5 metre to rely on building height controls in the MidCoast Development Control Plan.

As defined by the *Gloucester Local Environmental Plan 2010*, ‘sewerage system’ is the parent term for the following uses;

- (a) *biosolids treatment facility*,
- (b) *sewage reticulation system*,
- (c) *sewage treatment plant*,
- (d) *water recycling facility*,
- (e) *a building or place that is a combination of any of the things referred to in paragraphs (a)–(d)*

2.4 Mapping

This planning proposal will result in the amendment of the following local environmental plan maps:

- LZN- Land Zoning; and
- HOB- Height of Buildings.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of strategic study.

The planning proposal seeks to rectify a zoning anomaly and reinstate the original intent of the site, being 'sewerage works'. The anomaly was a result of previous zoning in the *Gloucester Local Environmental Plan 2000* as 7d Environmental Protection (Scenic) zone, which was due to the undefined infrastructure zone. This zoning was carried over as E3 Environmental Management in the *Gloucester Local Environmental Plan 2010*.

The current Sewage Treatment Plant on Lots 1-2 DP 1161870 has been operating for 80 years. The replacement of the existing sewage treatment plant is identified as a priority in *MidCoast Water's Integrated Water Cycle Management Strategy 2015 – Our Water Our Future 2045*.

MidCoast Council has received correspondence from Department of Planning, Industry and Environment (Water) approving the construction of a new sewage treatment plant.

4. STRATEGIC ASSESSMENT

4.1 Regional

Hunter Regional Plan 2036

The planning proposal is consistent with relevant objectives and actions set out in the *Hunter Regional Plan 2036*. The planning proposal intends to amend the planning controls to deliver critical infrastructure to the growing community and tourism industry that is supported in many of the regional plan actions.

4.2 Local

Midcoast Community Strategic Plan 2010-2030

This planning proposal aligns with Goal 2 of the *Community Strategic Plan 2010-2030*, being "The community is satisfied with the overall services Council provides".

Replacing the existing sewage treatment plant will ensure the towns services remain adequate and will improve Council's ability to service the Gloucester and Barrington population in the future.

Midcoast Local Strategic Planning Statement

The planning proposal is consistent with the Midcoast Local Strategic Planning Statement's Priority 9- Improving our infrastructure and becoming a location of choice as it intends to deliver critical infrastructure for current and future residents.

4.3 State environmental planning policies (SEPPs)

SEPP (Infrastructure) 2007

Amending the zoning of Lot 405 DP 980328 from E3 Environmental Management to SP2 Infrastructure will allow Division 18 of the SEPP to apply allowing efficient development to be carried out. Under Division 18 Clause 106(2), the new sewage treatment plant can be carried out without development consent under Part 4 of the *Environmental Planning and Assessment Act 1979 (the Act)* as it will be carried out by Council (a public authority), and would be located in a prescribed zone, being SP2 Infrastructure, as a result of this planning proposal.

The approval for the sewage treatment plant will be carried out under the *Local Government Act 1993*.

4.4 Section 9.1 Ministerial Directions

1.5 Rural Lands

Direction 1.5 applies to the planning proposal as it will affect land within an existing environment protection zone, including the alteration of an environment protection zone boundary.

The impact on water resources will be managed and mitigated through the introduction of a sewer treatment works approved and constructed to meet contemporary standards.

The inconsistency is of minor significance as the impact on water resources is currently experienced through the existing system and water quality controls will be improved through a new contemporary sewerage treatment plant.

2.1 Environmental Protection Zones

The planning proposal is inconsistent with Direction 2.1 as it removes E3 Environmental Management zoned land. The majority of the land comprises exotic pasture grassland, where there are no special biodiversity values or anticipated threatened species. There is a riparian vegetation along the Gloucester River on the site's eastern boundary however the sewerage treatment plant will not affect this part of the site (see Figure 8).

Additionally, the planning proposal seeks to rectify a zoning anomaly and reinstate the original intent of the site, being 'sewerage works'.

The planning proposal is consistent with the Hunter Regional Plan 2036 and the inconsistency is of minor significance.

2.3 Heritage Conservation
An AHIMS desktop search has been undertaken and has identified no heritage artefacts or aboriginal sites on the site. Further Aboriginal investigations have been proposed to be undertaken through the Review of Environmental Factors required for approval under Section 60 of the *Local Government Act 1993* for the sewerage treatment plant.

The planning proposal is consistent with this direction.

4.3 Flood Prone Land

The site is flood affected (Figure 7), therefore Direction 4.3 applies. The planning proposal is inconsistent with subclause (5) as it rezones land within the flood planning area from Environmental Protection Zone to Special Purpose Zone.

Subclause 6(h) requires that provisions for a hazardous industry or hazardous storage establishment may not be permitted where hazardous materials cannot be effectively contained during the occurrence of a flood event.

The sewage treatment plant will be on the western edge of the site approximately 350m away from the Gloucester River. Runoff impacts have been mitigated through practice in the existing sewage treatment plant and should be continued in the new structure.

It is recommended the planning proposal be referred to the Biodiversity Conservation Division to determine if the inconsistency is of minor significance.



Figure 7 Flood Prone Land

5.10 Implementing Regional Plans

The planning proposal reflects many of the objectives, strategies, and actions from the *Hunter Regional Plan 2036*. The planning proposal helps to provide necessary infrastructure to the community and additional tourists entering the town through to Barrington Tops. The planning proposal is consistent with the direction.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

Gloucester is a steadily increasing population rising 3% between 2011 and 2016. Population and increased tourism are projected for the area and therefore is necessary the town have the critical infrastructure to accommodate. The new sewage treatment plant will replace the existing plant and provide the town with a new reliable service.

5.2 Environmental

The condition assessment report outlines the sewerage treatment plant has deteriorated and is nearing its operational lifespan. The condition of the existing plant risks Council meeting its effluent discharge license requirements in the future.

The sewage treatment plant disposal will remain unchanged and will continue into Gloucester River utilising the existing disposal structure (Figure 8). A water quality-based assessment of the likely environmental impact arising from the release of effluent into the Gloucester River from the new sewage treatment plant was conducted by an independent consultant in July 2020. The assessment identified no impacts on critical habitat or threatened species. The structure will be built on the west side of the lot approximately 350m from the Gloucester River.

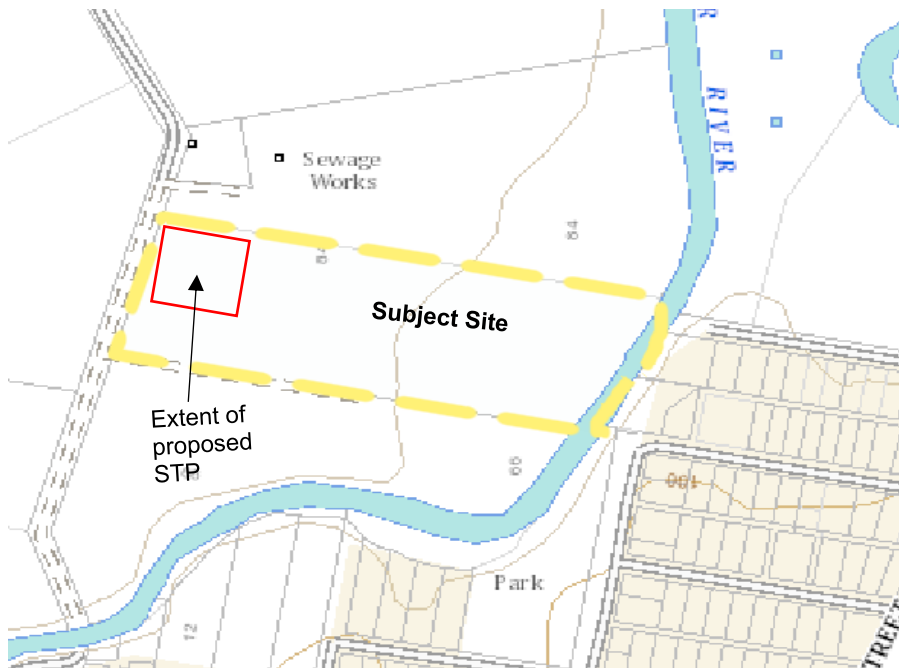


Figure 8 Proposed extent of new Sewage Treatment Plant

5.3 Economic

Economic growth for Gloucester and Barrington is reliant on the ability to accommodate critical infrastructure. By updating the sewage treatment plant, the community will have the critical infrastructure that can service these people.

6. CONSULTATION

6.1 Community

Council has proposed the planning proposal is made publicly available for a minimum of 28 days. This consultation will include publication in/on:

- Council website
- Local newspaper
- Direct mail notification
- Information session by appointment
- Documents available at Councils Administrative and Gloucester Office

The planning proposal is considered low impact and therefore should be exhibited for a minimum of 14 days.

6.2 Agencies

Council has consulted with agencies prior to this planning proposal submission. There is support for this planning proposal. Additional consultation is to be undertaken with Biodiversity Conservation Division to address the section 9.1 Ministerial direction 4.3 Flood Prone Land.

7. TIME FRAME

Council have proposed a 6-month timeline from Gateway determination with the local environmental plan anticipated to be made February 2022. It is recommended that a timeframe of 12 months is provided.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested the delegations remain with the Department, given the site is Council-owned land. It is recommended the Department will remain the plan making authority for this planning proposal.

9. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. **agree** that any inconsistencies with section 9.1 Ministerial directions: 1.5 Rural Lands and 2.1 Environmental Protection Zones are justified; and
2. **note** the consistency with section 9.1 Ministerial direction 4.3 Flood Prone Land is unresolved and will require justification prior to finalisation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with Biodiversity Conservation Division.
3. The time frame for completing the Local Environmental Plan is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



19/08/2021

Dan Simpkins

Director

**Central Coast and Hunter Region
Planning and Assessment**

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Attachments

Attachment	Title
Report	Gateway determination report
A	Planning proposal
B	Gateway determination
C	Letter to Council