Refer 4 page attachment

1 BASIS FOR CONFIDENTIALITY

1.1 It is recommend that this report be considered in Closed Session pursuant to section 275 (1) of the Local Government Regulation 2012 for the reason that the matter involves

(h) other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

1.2 It is recommend that the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2 EXECUTIVE SUMMARY

A review of the Industry, community infrastructure and agriculture land interface area overlay in the City Plan was initiated in response to feedback received from Gold Coast Water & Waste. Gold Coast Water & Waste have undertaken new modelling for sewage treatment plant facilities and have requested the interface areas are reduced to reflect the modelling.

To protect the City’s assets from encroachment by sensitive land uses, Gold Coast Water & Waste are also seeking no increase in yield within the interface area (buffer area) of any of the sewage treatment plants and landfill sites identified on the Industry, community infrastructure and agriculture land interface area overlay map.

These issues have been analysed and resulted in proposed updates to City Plan as detailed in Table 1 below.

<table>
<thead>
<tr>
<th>Summary of key issues</th>
<th>Summary of proposed change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mapping updates to the Industry, community infrastructure and agriculture land interface area overlay</td>
<td>Refine existing Industry, community infrastructure and agriculture land interface area overlay map for two (2) sewage treatment plants (Pimpama and Elanora). This reduces the number of properties affected by the overlay.</td>
</tr>
<tr>
<td>Updates to the Industry, community infrastructure and agriculture land interface area overlay code</td>
<td>Incorporate changes to the City Plan to ensure community facilities (sewage treatment plants and landfill sites) are protected from reverse impacts of sensitive land uses.</td>
</tr>
</tbody>
</table>
This report seeks Council endorsement of updates to City Plan as part of Major update 2.

It is proposed the final drafted content of the entire Major update 2 package will be presented to the City Planning Committee for endorsement, prior to submission to the Minister for Infrastructure and Planning for the first State interest review.

3 PURPOSE OF REPORT

Council endorsed the scope for City Plan Major update 2 on 30 May 2017 (resolution G17.0530.018). The scope includes a review of the sewage treatment plant buffers. The purpose of this report is to propose updates to the City Plan to protect Community facilities identified in the Community infrastructure interface area (buffer area), specifically sewage treatment plants and landfills sites.

4 PREVIOUS RESOLUTIONS

The relevant Council resolutions relating to this scoping item is listed below.

Council resolved 30 May 2017 (G17.0530.018):

2 That Council proposes to commence a major amendment (Major update 2) to the City Plan in accordance with section 117(1) of the Sustainable Planning Act 2009 and Statutory Guideline 01/16 ‘Making and amending local planning instruments’.

3 That the scope list for Major update 2 outlined in Attachment 1 be endorsed.

6 That further reports detailing the City Plan updates for each scope item be brought back for consideration by the City Planning Committee.

An extract of the relevant item of Attachment 1 (as referenced above) is shown here:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Nature and details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects</td>
<td></td>
</tr>
<tr>
<td>17. Sewerage treatment plant buffer</td>
<td>Update mapping and codes to reflect revised sewage treatment plant buffer areas to ensure infrastructure is appropriately protected from future development.</td>
</tr>
</tbody>
</table>
ITEM 15 (Continued)
CITY PLAN MAJOR UPDATE 2 – REVIEW OF INTERFACE AREAS TO COMMUNITY
FACILITIES (SEWAGE TREATMENT PLANTS/LANDFILLS SITES)
PD98/1132/08/01(P1)

5 DISCUSSION

5.1 Existing Policy Position

The Industry, community infrastructure and agriculture land interface area (ICALIA) overlay map identifies areas of:

- community infrastructure (sewage treatment plants, landfill sites, water treatment plants and motorsport facilities);
- agricultural land and the interface area to agricultural land;
- interface area to industry land; and
- identified noise exposure areas surrounding the Gold Coast Airport.

The City has six (6) sewage treatment plants and five (5) landfill sites identified on the ICIALIA overlay map with Community infrastructure interface areas surrounding each facility. The purpose of the Community infrastructure interface area/buffer area is to protect these facilities from encroachment of sensitive land uses¹.

The sewage treatment plants and landfills have interface areas surrounding the mapped facilities. The sewage treatment plants have an approximate 1km interface area, whilst the landfills have an approximate 0.5km interface area. Each of these facilities is shown in Figure 1 below.

¹ A sensitive land use is a: child care centre, community care centre, community residence, dual occupancy, dwelling house, educational establishment, health care services, hospital, hostel, multiple dwelling, relocatable home park, residential care facility, resort complex, retirement facility, rooming accommodation, short-term accommodation, tourist park.
ITEM 15 (Continued)
CITY PLAN MAJOR UPDATE 2 – REVIEW OF INTERFACE AREAS TO COMMUNITY FACILITIES (SEWAGE TREATMENT PLANTS/LANDFILLS SITES)
PD98/1132/08/01(P1)

Figure 1 – Locations of community infrastructure (sewage treatment plants and landfills)

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ITEM 15 (Continued)

CITY PLAN MAJOR UPDATE 2 – REVIEW OF INTERFACE AREAS TO COMMUNITY FACILITIES (SEWAGE TREATMENT PLANTS/LANDFILLS SITES)

In order to achieve the purpose of the ICIALIA overlay code, any proposed Material change of use and Reconfiguring a lot within the Community infrastructure interface area is triggered to code assessment. However, the table of assessment currently excludes Dwelling houses and Dual occupancies from requiring code assessment as shown in Table 2 below. Also, the performance outcomes (POs) and acceptable outcomes (AOs) do not apply to Dwelling houses and Dual occupancies within the ICIALIA overlay code.

Table 2 – Extract of City Plan, Part 5.10 Categories of development and assessment - Overlays

<table>
<thead>
<tr>
<th>Development</th>
<th>Categories of development and assessment</th>
<th>Assessment benchmarks and required outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry, community infrastructure and agriculture land interface area overlay map</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Any material change of use for a sensitive land use (excluding a Dwelling house or Dual occupancy) or reconfiguration of a lot within the ‘Community infrastructure interface area’ as shown on the Industry, community infrastructure and agriculture land interface area overlay map</td>
<td>Code assessment if provisionally made accepted or accepted subject to requirements by another table of assessment</td>
<td>Industry, community infrastructure and agriculture land interface area overlay code</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Development</th>
<th>Categories of development and assessment</th>
<th>Assessment benchmarks and required outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

5.2 Issues raised

Gold Coast Water & Waste have provided feedback regarding the Community infrastructure interface area that apply to the sewage treatment plants and landfill sites. The feedback is summarised below:

1. Mapping updates

Mapping updates are required for two (2) sewage treatment plant interface areas (Pimpama and Elanora Sewage Treatment Plants). Gold Coast Water & Waste have undertaken new modelling for these facilities and have requested the interface areas are reduced to reflect the updated odour modelling. In conjunction with this, the western lot of the Pimpama Sewage Treatment Plant, located at Kerkin Road North, Pimpama (described as Lot 28 on SP105458), is no longer part of the facility and is leased to a private entity. It is recommended this land parcel is removed from the overlay map, which has a resultant impact on the extent of the buffer.

2. Intensification of non-compatible uses

Gold Coast Water & Waste raised concerns with intensification of development occurring within the interface/buffer area of the sewage treatment plants and landfill sites and exclusion of Dwelling houses and Dual occupancies from assessment...
against the industry, community infrastructure and agriculture land interface area overlay code.

Gold Coast Water & Waste currently receive complaints about odour from sewage treatment plants and landfill sites. There is concern that increasing the number of residents within proximity to the sewage treatment plant and landfill facilities adds to the number of residents impacted and likely to complain to Council and the regulator Department of Environment and Heritage Protection (DEHP). There are also risks of compensation claims, relocation costs and infrastructure costs associated with sensitive land uses locating within the interface area as these uses are the most affected by odour/air quality nuisance. Gold Coast Water & Waste have raised that they spend considerable amounts of money to improve quality of living in these interface areas where encroachment occurs.

5.3 Proposed update to City Plan

5.3.1 Options

Upon review of issues raised by Gold Coast Water & Waste, the following options were investigated to inform the proposed updates to City Plan.

Option 1: No change

It is considered that existing provisions in City Plan do not adequately address the issues raised by Gold Coast Water & Waste nor does it resolve the risks and costs associated with impacts of odour by allowing sensitive land uses within the interface area.

As such, this option is not considered to be appropriate.

Option 2: Incorporate changes to zoning of properties within the interface/buffer area

An option to change the zoning of properties within proximity to the sewage treatment plants and landfill sites was considered. The purpose of changing the zoning is to clearly indicate to land owners that development/redevelopment of sensitive land uses would be limited unless they can demonstrate the odour and air quality impacts can be appropriately mitigated.

More detailed modelling would be required to delineate the interface areas to show a specific inner radius (with no potential to mitigate odour/air quality impacts) and an outer radius for where mitigation measures may be able to be demonstrated.

This option would require substantial investigations and further modelling to determine accurate buffers. It is considered this option should be investigated further and a more timely option be undertaken in the interim.

Option 3 (recommended): Incorporate changes to the overlay map and overlay code to protect community facilities
ITEM 15 (Continued)
CITY PLAN MAJOR UPDATE 2 – REVIEW OF INTERFACE AREAS TO COMMUNITY FACILITIES (SEWAGE TREATMENT PLANTS/LANDFILLS SITES)
PD98/1132/08/01(P1) CONFIDENTIAL

From the review, it is apparent that development for Dwelling houses and Dual occupancies is not appropriate in proximity of sewage treatment plants or landfill sites without mitigation of the impacts.

It is proposed that the requirements for new development for sensitive land uses (Dwelling houses and Dual occupancies) within 1km of sewage treatment plants and 500m of landfill sites are tightened in order to protect these community facilities. This is considered an interim measure to protect these community facilities. To achieve a long term solution, further investigation into potential zoning change within an inner buffer (option 2) is required.

Further details of the recommended changes are detailed below.

5.3.2 Recommended changes

Upon review of issues raised by Gold Coast Water & Waste, recommended changes to the ICIALIA overlay are proposed as follows:

A) Mapping updates

It is recommended mapping is updated to refine the interface areas for the Pimpama and Elanora sewage treatment plants as per the feedback received (refer Attachment A). The revised mapping reduces the number of properties affected by the overlay.

B) Intensification of sensitive land uses

It is proposed that Dwelling houses are triggered to accepted subject to requirements and Dual occupancies are triggered to code assessment (or impact assessable in the Rural zone). All other sensitive land use would remain code assessable.

To reflect this proposed policy shift, it is recommended Part 5 Tables of assessment, Part 5.10 Categories of development and assessment – Overlays is amended as shown below:

| Table 5.10.13: Industry, community infrastructure and agriculture land interface area overlay |
|---------------------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------|
| Development                                                  | Categories of development and assessment     | Assessment benchmarks and required outcomes                  |
| Industry, community infrastructure and agriculture land interface area overlay map | Any material change of use for a Dwelling house within the 'Community infrastructure interface area' as shown on the Industry, community infrastructure and agriculture land interface area overlay map | Accepted subject to requirements if provisionally accepted by another table of assessment | Industry, community infrastructure and agriculture land interface area overlay code |
|                                                               |                                                                                           | No change to the categories of development and assessment if not otherwise specified above | Industry, community infrastructure and agriculture land interface area overlay code |
|                                                               | Code assessment if provisionally made accepted or accepted subject to requirements by another table of | Industry, community infrastructure and agriculture land interface area overlay code |

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ITEM 15 (Continued)
CITY PLAN MAJOR UPDATE 2 – REVIEW OF INTERFACE AREAS TO COMMUNITY FACILITIES (SEWAGE TREATMENT PLANTS/LANDFILLS SITES)
PD98/1132/08/01(P1)

Table 5.10.13: Industry, community infrastructure and agriculture land interface area overlay

<table>
<thead>
<tr>
<th>Development</th>
<th>Categories of development and assessment</th>
<th>Assessment benchmarks and required outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>or reconfiguration of a lot within the ‘Community infrastructure interface area’ as shown on the Industry, community infrastructure and agriculture land interface area overlay map</td>
<td>assessment</td>
<td>overlay code</td>
</tr>
<tr>
<td>No change to the categories of development and assessment if not otherwise specified above</td>
<td>Industry, community infrastructure and agriculture land interface area overlay code</td>
<td></td>
</tr>
</tbody>
</table>

These proposed changes mean:
- Dwelling house (including Secondary dwellings) change from accepted development to accepted subject to requirements;
- Dwelling house is triggered to code assessment, where they do not meet the requirements (ROs); and
- Dual occupancies are triggered to code assessment (and remain impact assessable in the Rural zone).

C) Accepted development subject to requirements

As identified in the Categories of development and assessment above, Dwelling house will need to be assessed against the required outcomes. As such, it is recommended that Part 8.2.10 Industry, community infrastructure and agriculture land interface area overlay code is modified to incorporate a new table for accepted development subject to requirements, as shown below:

Table 8.2.10-1: Industry, community infrastructure and agriculture land interface area overlay code – for accepted development subject to requirements

<table>
<thead>
<tr>
<th>Required outcomes</th>
<th>RO1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development in the Community infrastructure interface area for sewage treatment plants and/or landfills</td>
<td>Development does not increase the number of dwellings in the Community infrastructure interface area.</td>
</tr>
</tbody>
</table>

Having regard to this new provision, it is envisaged that a new Dwelling house on vacant land or a Secondary dwelling will be elevated to code assessment as both development scenarios results in an increase in the number of dwellings on the site. However, alterations to existing established uses and minor building works would not be triggered as there is no increase in the number of dwellings.

D) Code Assessment

In accordance with updated Categories of development and assessment, code assessment applies to:

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ITEM 15 (Continued)
CITY PLAN MAJOR UPDATE 2 – REVIEW OF INTERFACE AREAS TO COMMUNITY FACILITIES (SEWAGE TREATMENT PLANTS/LANDFILLS SITES)
PD98/1132/08/01(P1)

- Dwelling house that do not meet the above required outcomes; and
- All other sensitive land uses (including Dual occupancies).

Through the review of this matter, it was acknowledged that applicants may be able to demonstrate that a sensitive land use can be established within the interface/buffer area if odour impacts are appropriately mitigated (through building designs, location of windows, living areas, consideration of prevailing winds, distance, etc.).

Therefore, where triggered to a code assessable application, it is proposed that applicants will now need to demonstrate acceptable levels of air quality and odour mitigation in accordance with the Department of Environment and Heritage Protection guideline. This approach is similar to what was set out in the Guragunbah Local Area Plan (LAP) of the superseded Our Living City – Gold Coast Planning Scheme 2003 (Version 1.2 Amended November 2011). In the Guragunbah LAP, all residential land uses were listed as code or impact and the code (Performance Criteria PC24) required applicants to address odour impacts and prove that a high level of amenity could be achieved within a 1km radius of the Merrimac sewage treatment plant.

To tighten the assessment provisions for sensitive land uses, it is recommended the existing provisions in the ICIALIA overlay code are amended as outlined in Table 3 below.
ITEM 15 (Continued)

CITY PLAN MAJOR UPDATE 2 – REVIEW OF INTERFACE AREAS TO COMMUNITY FACILITIES (SEWAGE TREATMENT PLANTS/LANDFILLS SITES)

Table 3 – Recommended changes to the ICIALIA overlay code

<table>
<thead>
<tr>
<th>Proposed change</th>
<th>Proposed drafted outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overall outcome (OO)</strong></td>
<td>Part 8.2.10.2 Purpose, (2) Development for sensitive land uses mitigates the risk to amenity and health and safety that may arise as a result of odour and/or air quality from community infrastructure facilities associated with sewage treatment plants and landfill sites. Where it is not possible to mitigate the impacts to an acceptable or tolerable level, development avoids the Community infrastructure interface area.</td>
</tr>
<tr>
<td>Incorporate a new overall outcome to restrict development within the Community infrastructure interface area.</td>
<td></td>
</tr>
<tr>
<td><strong>Performance outcome (PO)</strong></td>
<td>Development for residential accommodation (excluding a Dwelling house or Dual occupancy) does not increase the number of dwellings people living in an area affected by noise, dust, or odour from sewerage treatment plant facilities and landfill facilities in a Community infrastructure interface area shown on the Industry, community infrastructure and agriculture land interface area overlay map, unless the risk to amenity is mitigated to an acceptable level. Note: An odour impact assessment is one method for addressing this performance outcome. Refer to the Odour Impact Assessment from Developments guideline provided by the Department of Environment and Heritage Protection which provides a guide to assessment and acceptable odour emission rates and release parameters.</td>
</tr>
<tr>
<td>Amend PO3 to tighten provisions for assessment to mitigate impacts of odour from sewerage treatment plant facilities and landfill facilities.</td>
<td></td>
</tr>
<tr>
<td>Include a note to indicate that the development is assessed against the Department of Environment and Heritage Protection guideline.</td>
<td></td>
</tr>
<tr>
<td><strong>Acceptable outcome (AO)</strong></td>
<td>No acceptable outcome provided.</td>
</tr>
<tr>
<td>Amend AO3 to tighten provisions for assessment to avoid development of dwellings within the Community infrastructure interface area.</td>
<td>Development does not increase the number of dwellings located in the Community infrastructure interface area.</td>
</tr>
<tr>
<td></td>
<td>Reconfiguring a lot does not result in the creation of additional residential lots in the Community infrastructure interface area.</td>
</tr>
</tbody>
</table>

The full set of amendments is included in Attachment A.

6 ALIGNMENT TO THE CORPORATE PLAN, CORPORATE STRATEGIES AND OPERATIONAL PLAN

The City Plan is identified as a key deliverable in ensuring the themes of the Corporate Plan are achieved. Accordingly, all the themes (the best place to live and visit, prosperity built on a strong diverse economy and people contribute to a strong community spirit) of the Corporate Plan are applicable. A robust City Plan is essential to achieve the desired outcomes detailed in the Corporate Plan.

The City Plan is an initiative in the Operational Plan.

7 GOLD COAST 2018 COMMONWEALTH GAMES IMPACT

Not Applicable.

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ITEM 15 (Continued)
CITY PLAN MAJOR UPDATE 2 – REVIEW OF INTERFACE AREAS TO COMMUNITY FACILITIES (SEWAGE TREATMENT PLANTS/LANDFILLS SITES)
PD98/1132/08/01(P1)

8  FUNDING AND RESOURCING REQUIREMENTS

Not Applicable.

9  RISK MANAGEMENT

This activity supports the mitigation of Planning and Environment Directorate Risk number CO000510:

‘City Plan delivers inadequate and/or ineffective strategic/development policy (e.g. poor planning, built form, growth, social and environmental outcomes - including flood impacts).’

10  STATUTORY MATTERS

The proposed changes to City Plan constitute a major amendment under the Statutory guideline 01/16, Making and amending local planning instruments, April 2016 (MALPI).

The proposed updates are included in the scope of the Major update 2 package.

11  COUNCIL POLICIES

Not Applicable.

12  DELEGATIONS

Not Applicable.

13  COORDINATION & CONSULTATION

A number of internal stakeholders were engaged during the course of the project. The feedback provided from officers has been incorporated in the proposed drafting contained in Attachment A.

<table>
<thead>
<tr>
<th>Name and/or Title of the Stakeholder Consulted</th>
<th>Directorate</th>
<th>Is the Stakeholder Satisfied With Drafted Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coordinator Legal Appeals and Research – City Development</td>
<td>Planning and Environment</td>
<td>Yes</td>
</tr>
<tr>
<td>Executive Coordinator - Legal Services</td>
<td>Office of the CEO</td>
<td>No response</td>
</tr>
<tr>
<td>Coordinator Strategic Land Use Planning - Service Sustainability</td>
<td>Gold Coast Water and Waste</td>
<td>Yes</td>
</tr>
<tr>
<td>Coordinator Regional Planning – City Planning</td>
<td>Planning and Environment</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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ITEM 15 (Continued)
CITY PLAN MAJOR UPDATE 2 – REVIEW OF INTERFACE AREAS TO COMMUNITY FACILITIES (SEWAGE TREATMENT PLANTS/LANDFILLS SITES)
PD98/1132/08/01(P1)

City Planning officers will continue to liaise with State Government officers on the content and timing for Major update 2 throughout the MALPI process.

It is important to note that Major update 2 will be required to undergo statutory public notification period of at least 30 business days (with all submissions considered) prior to adoption.

14 STAKEHOLDER IMPACTS

Major updates to the City Plan will have implications for internal and external stakeholders, particularly in terms of planning and assessment of future development.

15 TIMING

The proposed updates outlined in this report are recommended to be progressed as part of City Plan Major update 2 package. It is contemplated that a complete amendment package will be presented to Council in November 2017 for endorsement to proceed to State interest review.

16 CONCLUSION

A review was initiated in response to feedback received from Gold Coast Water & Waste. These issues have been analysed and resulted in proposed updates to City Plan. It is recommended that option 3 as an interim approach is endorsed and the following updates to City Plan are recommended:

i. Update the existing Industry, community infrastructure and agriculture land interface area overlay map for the Pimpama and Elanora sewage treatment plants Community infrastructure interface area.

ii. Incorporate changes to the Industry, community infrastructure and agriculture land interface area overlay code to ensure community facilities (sewage treatment plants and landfill sites) are protected from sensitive uses.

City officers recommend that these proposed updates be endorsed for inclusion in Major update 2.
17 RECOMMENDATION

It is recommended that Council resolves as follows:

1. That the report/attachment be deemed non-confidential except for those parts deemed by the Chief Executive Officer to remain confidential in accordance with sections 171 (3) and 200 (5) of the Local Government Act 2009.

2. The recommended changes to City Plan (Attachment A) be endorsed to be included as part of City Plan Major update 2 including any consequential updates.

3. That further investigation of the interface areas of the Community infrastructure identified on the Industry, community infrastructure and agriculture land interface area overlay are undertaken and reported back as part of a future Major update.

4. The Chief Executive Officer be authorised to make any administrative or editorial amendments related to recommended changes to City Plan (Attachment A).

5. That the City Plan Major update 2 package be brought back to Council for endorsement prior to submission for State interest review.

Author: Authorised by:
Nina Hering/Rowena Michel  Dyan Currie
Planner/Senior Planner  Director Planning and Environment
7 September 2017