

# TOWNSVILLE CITY COUNCIL

OFFICE OF THE CHIEF EXECUTIVE



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## **Senator Anne McEwen**

Chair

Standing Committee on Environment,  
Communications and the Arts

Parliament House

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CANBERRA ACT 2600

email: [eca.sen@aph.gov.au](mailto:eca.sen@aph.gov.au)

Dear Senator McEwen

**Re: Inquiry into operation of Environmental Protection and Biodiversity  
Conservation Act 1999. (Your letter 26 September 2008 – concerning  
development at Cockle Bay Magnetic Island)**

Unfortunately due to an internal matter your letter did not reach my desk until early last week and the issue you have alerted me to has taken considerable research. I apologise for the delay in responding.

You forwarded with your letter of 26 September 2008 an extract from a submission to your Inquiry and invited response from the Townsville City Council. Council's response to the issues raised by a submitter to your Inquiry is now outlined below:

### **Town Planning Status**

Prior to the current Planning Scheme (City Plan 2005), the superseded Scheme designated Lot 1 RP 742477, which is where the Sewerage Treatment Plant (STP) is located as *Community and Government*. The adjoining land identified as Lot 2 on RP 721497 was designated *Residential 1* and was, and still is owned by Townsville City Council.

The current Scheme, City Plan 2005 identifies the whole of Magnetic Island within District 8 which is divided into precincts. Lot 1 containing the STP retained its designation as a Community and Government Precinct whilst Lot 2 became a Green Space Precinct.

## Sewerage Treatment Plant

The 1996 Magnetic Island Wastewater Strategy identified future sewerage effluent disposal problems for various growth scenarios projected from the policies contained within the 1994 Development Control Plan. An option put forward was to reduce the population thereby negating the need for additional infrastructure. This was rejected thereby necessitating the selection of appropriate and suitable locations for sewerage treatment and disposal.

Lot 1 on RP 742477 was identified as the optimal location due to the opportunities to mitigate adverse impacts. The new treatment plant became operational in 2002.

## Industrial Land Supply

In 2005 it became apparent that insufficient land/or inappropriately located land under the City Plan 2005 was available on the Island, to supply the future needs for light and service industries. The Industrial Land Review was released in June 2005 which identified Lot 2 on RP 721497 as the preferred site for future industrial uses on the island. Reasons put forward included the following:

- The site was substantially degraded having been used for extractive industry in the past and now used as an informal rubbish dump (un-lawfully);
- Being adjacent to the STP and additionally could provide a green space buffer to the Picnic Bay Golf Club to the east;
- The nearest residential dwelling was 1km to the east;
- It was vacant and had good access;
- It was owned by Council and
- Despite its designation as Traditional Residential (previously R1) no development had been contemplated for the site in the past and was even less likely with the advent of the STP.

On 12 July 2005 Council endorsed the City Plan recommendation to proceed with the Schedule 1 Amendment. It was further recommended that the industrial land be limited to 4.8 Ha with the remaining 9 Ha being located within the green space precinct. The latter designation was imposed in order to retain sufficient land for irrigation purposes associated with the STP. Furthermore it was recommended that the portion of land allocated to industry be designated *Core Industry* as opposed to *General Industry or Business and Industry* in order to facilitate appropriate opportunity to assess future applications.

Following submission to Department Local Government, Planning, Sport and Recreation (DLGPSR), a response to the Whole of Government (WoG) first State Interest check was received on 20 October 2005.

DLGPSR required additional justification for the zoning allocation and clarification on the boundaries of the proposed precincts. The Environmental Protection Agency recommended that the amendment should not proceed, as it was inconsistent with the policies of the State Coastal Management Plan. Representation was made and discussions took place between Council and the EPA.

It was agreed that:

- there were no significant concerns with the proximity of the site to an erosion prone area;
- existing vegetation to be protected with appropriate buffering;
- future planning approvals to be conditioned in a robust manner in order to reflect desired outcomes;
- the wetland which hitherto was not identified in the Waterways and Wetlands Overlay would be afforded greater protection through a future general amendment to include the wetland;
- the green space was necessary for the STP for irrigation purposes and despite the suggestion made by EPA that the land be designated and included in the National Park, it was nevertheless afforded adequate protection under the assigned designation;
- confirmed that there were no alternative sites on the Island for industrial uses.

In August 2006, DLGPSR endorsed the amendment and instructed Council to proceed with public notification. The public consultation attracted 23 submissions which were assessed by Council. It was found that no new facts or circumstance were raised necessitating an amendment to the proposal as endorsed via the WoG process. In January 2007 the amendment was adopted.

### **Direct Response to the Issues raised in the Submission to the Senate.**

- Council did not compulsorily acquire the land for community purposes;
- The land was originally zoned R1 because it was appropriate and not because of “significant environmental values and constraints”;

- The STP was built on land designated Community & Government to an extremely high standard which is well documented. Its proximity to the wetland (excluded from the Wetlands and Waterways Overlay at that time) does not have a detrimental impact on the environmental values;
- Council did not rezone the land prior to the release of the City Plan. The land remained designated residential although it did change from R1 to Traditional Residential;
- The process of rezoning involves State Interest Checks in accordance with s2.1.5 of the *Integrated Planning Act 1997*;
- The land became available for industrial uses, which initiated an application to Council for determination. Council considered that a lease arrangement was the most effective way of retaining control over the land in terms of land uses and compatibility with the adjoining STP. Furthermore, should Council sell the land then it could be obligated to make repayment arrangements to the State which was to be resisted;
- The land rezoned to industrial amounts to 4.8 Ha and is adjacent to the STP. This land is severely degraded having been used for sporadic extraction previously and a dumping ground for vehicles. The remaining land is zoned Green Space and comprises 9 Ha for irrigation purposes directly associated with the STP. It serves to protect and enhance the natural environment;
- The rezoning of the land was made in response to a detailed assessment of the availability of industrial land on the Island. Lot 2 on RP 721497 was selected following this rigorous process, however only a third has been retained for industrial use with the majority being designated green space for irrigation purposes;
- TCC did not avoid the appeal process. The need to identify future industrial commenced in 2005;
- The discharge area is used for irrigation, i.e. purified excess water is released in a controlled manner over the 9 Ha of land;
- The WoG response addressed State interests and Council responded accordingly. If Council ignored State advice then the amendment would not have proceeded;
- The rezoning has not altered the previous obligation of the State Management Act;
- Council has been proactive in its attempt to deter illegal dumping/activity on the land. Indeed the rezoning will enhance the area, from a degraded landscape to one which respects and enhances the values attributed to the Island.

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I trust the above response allows your Standing Committee a better understanding of Council's actions concerning land development at Cockle Bay, Magnetic Island.

Should your Standing Committee seek further clarification on this matter I may be contacted at the address or contact numbers listed above. This response will also be mailed to your office.

Yours sincerely

**Ray Burton**

Chief Executive Officer