

Relocation of the Shoalhaven Animal Shelter

Proposal Title : **Relocation of the Shoalhaven Animal Shelter**

Proposal Summary : **The planning proposal seeks to permit an animal boarding or training establishment at Lot 1 DP227233, 19 BTU Road Nowra Hill so the existing Shoalhaven animal shelter may be relocated to the site.**

PP Number : **PP_2016_SHOAL_001_00**

Dop File No : **16/02731**

Proposal Details

Date Planning : **08-Feb-2016**

Proposal Received :

LGA covered :

Shoalhaven

Region :

Southern

RPA :

Shoalhaven City Council

State Electorate :

SOUTH COAST

Section of the Act :

55 - Planning Proposal

LEP Type :

Spot Rezoning

Location Details

Street : **19 BTU Road**

Suburb : **Nowra Hill**

City : **Nowra Hill**

Postcode : **2540**

Land Parcel : **Lot 1 DP227233**

DoP Planning Officer Contact Details

Contact Name : **Lisa Kennedy**

Contact Number : **0242249457**

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RPA Contact Details

Contact Name : **Steven Horvath**

Contact Number : **0244290111**

Contact Email : **council@shoalhaven.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Graham Towers**

Contact Number : **0242249467**

Contact Email : **graham.towers@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name :

Regional / Sub : **South Coast Regional**

Consistent with Strategy :

Yes

Regional Strategy : **Strategy**

Relocation of the Shoalhaven Animal Shelter

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

N/A

:

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings 0

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

The planning proposal arises from the need to relocate the existing Shoalhaven animal shelter due to a proposal to expand the adjoining West Nowra Recycling and Waste Facility. A number of sites around Nowra were investigated by Council for their suitability. (Animal Shelter Relocation Site Selection Report, Locale Consulting, May 2015).

Lot 1 DP227233 is considered by Council to be the optimal site for the relocated animal shelter. The Lot is currently zoned SP2 Infrastructure with a mapped purpose of 'Sewerage system'.

The site is owned by Council and is classified as operational. It was previously used as a sanitary depot during the 1960's and 1970's but is now used infrequently by Shoalhaven Water as a service depot. The site is mostly vacant with some basic depot buildings near the centre of the site. Roughly two thirds of the site is cleared grasslands with some small clumps of trees with the remaining third being vegetated with Spotted Gum Forest.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objective of the planning proposal is to permit 'animal boarding or training establishment' on the site to enable the relocation of the existing Shoalhaven animal shelter.

The SP2 Infrastructure Sewerage System zoning of the site does not permit the construction and operation of an animal shelter on the land.

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

Is an explanation of provisions provided? Yes

Comment :

The planning proposal proposes to retain the SP2 zone and modify the purpose on the Land Zoning Map to allow the lot to be used for 'Sewerage systems and animal boarding or training establishment' in order to permit the proposed animal shelter.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

4.4 Planning for Bushfire Protection

* May need the Director General's agreement

5.1 Implementation of Regional Strategies

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

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

If No, explain :

Council considers the proposal to be consistent with the objectives and actions of the Illawarra-Shoalhaven Regional Plan. The amendment will ensure that Council can continue to provide the animal shelter service that will assist with the current and future population in the Shoalhaven. It will also allow for the development of long term waste management capacity as the population and development of the region increases.

The planning proposal identifies that s117 Direction 4.4 Planning for Bushfire Protection applies as the land is bushfire prone. Council considers that the proposal is consistent with the direction as Council will consult with the Commissioner of the NSW Rural Fire Service prior to community consultation and the planning proposal has regards to Planning for Bushfire Protection, 2006; will avoid placing inappropriate development in hazardous areas; and ensure that bushfire hazard reduction is not prohibited within the asset protection zone.

Recommendation: In accordance with the s117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and to confirm that notwithstanding any non-compliance with the provisions for Planning for Bushfire Protection, the Rural Fire Service does not object to the progression of the Planning Proposal.

Council considers the planning proposal to be consistent with the s117 Directions 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions. The proposal will allow a particular development to be carried out.

Recommendation: The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions.

SEPPs

The planning proposal has identified that the land may be contaminated as a result of its former use, however, the proposal is consistent with SEPP55 Remediation of Land. A preliminary assessment of the site contamination 'did not find any evidence of gross ground contamination' and 'the site does not pose an unacceptable risk to human health or to the environment and is suitable for the proposed commercial and industrial land uses'(Preliminary Environmental Site Assessment Incorporating Soil Sampling, Environment & Natural Resource Solutions, October 2015).

It is considered that this level of investigation is satisfactory at this stage and further investigation can be carried out through any development assessment process.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The Land Zoning Map (Sheets LZN_013F and LZN_014C) is to be amended to change the purpose on Lot 1 DP227233 from 'Sewerage system' to 'Sewerage system and animal boarding or training establishment'. The map in the planning proposal does not have the correct naming.

The map will need to be prepared in accordance with the Department's 'Standard technical requirements for LEP maps' and incorporated into the planning proposal for public exhibition.

Recommendation: The draft Land Zoning Map is to be prepared in accordance with the Department's 'Standard technical requirements for LEP maps' and included in the planning proposal prior to its exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council requests that the planning proposal be publicly exhibited for a minimum of 28 days. Public notification of the exhibition will include local newspaper notifications, letters to affected landowners, notice on Council's website, hard copies will be available at Council's administration buildings.

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 addresses the Department's "A guide to preparing planning proposals" and is considered adequate for a Gateway Determination with conditions.

Council has a project timeframe of six months to complete the rezoning process. It is considered reasonable to allow 12 months to ensure the matter will be finalised within the timeframe.

Council is not seeking Delegation to make the draft LEP under Section 59 of the EP&A Act as it owns the land. It is considered appropriate that the delegation of plan making functions be given to Council due to the matter being of local significance, the site is in a rural locality where 'animal boarding or training establishment' is generally a permitted land use and the lot is currently used for special purposes. There are measures that Council may put in place to manage any perceived conflict of interest.

Recommendation: The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Recommendation: Delegation to be provided to Council.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

The planning proposal is an amendment to Shoalhaven LEP, 2014 and has been prepared in accordance with the guidelines for preparing Standard Instruments.

Assessment Criteria

Need for planning
proposal :

Council considers that the planning proposal is the only means of allowing the proposed use on the site.

The supporting report (Animal Shelter Relocation Site Selection Report, Locale Consulting, May 2015) identifies that the intention could be achieved in a number of ways including by:

- Changing the zone for the lot or that part of the lots to be used for the animal shelter to RU2 Rural landscape as per the surrounding land as this zone permits animal boarding or training establishments;
- Inserting a clause in Schedule 1 additional permitted uses to permit 'animal boarding or training establishments' on the lot.

The planning proposal acknowledges that the simplest way and preferred option to achieve the intended outcome is to amend the purpose on the land Zoning Map from 'sewerage system' to 'sewerage system and animal boarding or training establishments'.

Consistency with
strategic planning
framework :

As previously identified, Council considers that the planning proposal is consistent with the Illawarra-Shoalhaven Regional Plan.

The proposal is consistent with Council's Community Strategic Plan in that it meets Strategy 4.4.3 – make sure that new infrastructure and assets will provide social, environmental and economic benefits that exceed the costs of this infrastructure on a whole of life basis and Strategy 4.4.6 – Ensure that the properties held in Council's ownership are financially viable, suitable and necessary to meet community needs.

The proposal is consistent with Council's report - Animal Shelter Relocation Site Selection Report, Locale Consulting, May 2015.

Environmental social
economic impacts :

The Planning proposal identifies that there are some environmental constraints on the land, specifically in the south east portion of the lot and any development on the site will avoid this area. Council has clarified that the environmental constraints is the Spotted Gum Forest.

The planning proposal also considers that the proposal is likely to have positive social effects as it allows for the continued operation of the Shoalhaven Animal Shelter in an appropriate location.

The planning proposal does not raise the effect of noise from the animal shelter on neighbouring residences as a social impact. The Animal Shelter Relocation Site Selection Report, Locale Consulting, May 2015 does address noise issues.

Council has since provided further information that noise is a consideration and advises that:

- * The site was selected to minimise impact on neighbours (5 dwellings in the general vicinity) while being accessible to Shoalhaven's largest population base being Nowra.
- * Other prominent uses in the locality include a dog boarding kennel, the South Coast Correctional Centre and Boral sawmilling operations.
- * Given the distances to the dwellings and the natural topography of the land, the noise impacts are considered to be manageable and would form part of the design/development application process.
- * Further, in initial consultation with surrounding landowners, only one submission was

Relocation of the Shoalhaven Animal Shelter

received raising concern over noise impacts.

It is considered that noise issues could be addressed through the development assessment process.

Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority **NSW Rural Fire Service**
Consultation - 56(2)(d) **Other**

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

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

If no, provide reasons : **Council has not consulted with any State or Commonwealth public authorities when developing the planning proposal but proposes to do so as part of the exhibition process. Council has provided clarification that it proposes to consult with the NSW Rural Fire Services and Environmental Protection Agency.**

Recommendation: Council is to consult with the NSW Rural Fire Services and Environmental Protection Agency.

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

If Yes, reasons :

Identify any additional studies, if required. :

Bushfire

If Other, provide reasons :

The planning proposal includes the proponent's planning proposal; Council's Development Committee Report and Minute; Animal Shelter Relocation Site Selection Report, Locale Consulting, May 2015; and Preliminary Environmental Site Assessment Incorporating Soil Sampling, Environment & Natural Resource Solutions, October 2015.

Recommendation: A bushfire assessment report is to be prepared to address the S117 direction 4.4 Planning for Bush Fire Protection.

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 : **The planning proposal states that the proposal does not create further requirements for public infrastructure. There is adequate road access to the site and electricity, water and sewer are available.**

Documents

Document File Name	DocumentType Name	Is Public
160204 Animal Shelter Planning proposal letter SCC to DoPE request for gateway determination.pdf	Proposal Covering Letter	Yes
160203 Animal Shelter Planning Proposal Relocation Shoalhaven Animal Shelter.pdf	Proposal	Yes

Relocation of the Shoalhaven Animal Shelter

160203 Animal Shelter Planning Proposal Animal Shelter Relocation Site Selection Report Locale consulting 2015.pdf	Study	Yes
160203 Animal Shelter planning proposal Preliminary environmental site assessment incorporating soil sampling ENRS 151027.pdf	Study	Yes
160203 Animal Shelter Planning Proposal - Development Committee 160118 Report.pdf	Proposal	Yes
160203 Animal Shelter Planning Proposal - Development Committee 160118 Minutes.pdf	Proposal	Yes
160208 Animal Shelter planning proposal email SCC to DoPE further information.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **4.4 Planning for Bushfire Protection**
 5.1 Implementation of Regional Strategies
 6.3 Site Specific Provisions

Additional Information : **The Acting Director Regions, Southern, as delegate of the Minister for Planning, determines under section 56(2) of the EP&A Act that an amendment to the Shoalhaven Local Environmental Plan 2014 to add "animal boarding or training establishment" to the zoning map in order to permit an animal shelter at Lot 1 DP227233, 19 BTU Road Nowra Hill should proceed subject to the following conditions:**

- 1. The preparation of a bushfire assessment report.**
- 2. The planning proposal is to be updated prior to public exhibition to include the additional information provided by Council on 8 February 2016.**
- 3. The Land Zoning map included in the exhibited planning proposal is to reflect that it is proposed to add "animal boarding or training establishment" as a permitted use on the site (the current map in the proposal only adds "Animal Boarding").**
- 4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**
 - (a) the planning proposal is to be made publicly available for a minimum 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).**
- 5. Consultation is required with the following government agencies prior to exhibition, in accordance with the Act and to comply with the requirements of relevant s117 Directions**
 - NSW Rural Fire Services (s117 Direction 4.4 Planning for Bushfire Protection) and**
 - Environmental Protection Agency.**

The agencies are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal. Any agency advice received and council's proposed response to this advice should be placed on public exhibition with the planning proposal.

6. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Relocation of the Shoalhaven Animal Shelter

8. Council be authorised to use its delegation of the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

9. The Secretary's delegate can be satisfied that the planning proposal is consistent with the s117 Directions 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions.

10. The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are only of minor significance.

Supporting Reasons : The proposal will facilitate the relocation of an important facility to a site considered to be appropriate by Council.

Signature:

Graham Towers Team Leader, Southern Region

Printed Name:

Graham Towers

Date:

12/2/16