
REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

MONDAY, 18TH JANUARY 2016

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

1. **Planning Proposal (PP017) – Shoalhaven LEP 2014 – Shoalhaven Animal Shelter Relocation** **File 52000E**

SECTION MANAGER: Gordon Clark.

PURPOSE:

Consider a Planning Proposal (PP) that seeks to amend the Shoalhaven Local Environmental Plan (LEP) 2014 to allow the construction and use of an animal shelter on an alternative site to replace the existing Shoalhaven Animal Shelter.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, the Planning Proposal (PP017) – Shoalhaven Animal Shelter be submitted to the NSW Department of Planning and Environment for initial Gateway determination.

OPTIONS

1. Adopt the recommendation. This is the preferred option as it would allow Council to seek a Gateway determination from the NSW Department of Planning and Environment (DP&E) to commence the rezoning process to facilitate a replacement animal shelter on the subject site.
2. Adopt an alternative recommendation. This may result in a location for the animal shelter that is not optimal or appropriate for the required needs. As a result there may be additional costs to Council in regard to infrastructure, development costs and further studies.
3. Not adopt the recommendation. This option would delay the relocation of the current animal shelter, and also the expansion of the West Nowra Recycling and Waste Facility until an appropriate location is confirmed.

DETAILS

Background

As a result of the proposed expansion of the West Nowra Recycling and Waste Facility, the existing animal shelter needs to relocate to a new site.

-
- # The report that was prepared for Council, Shoalhaven Animal Shelter Relocation Site Selection Report (Locale Consulting, July 2015) (**Attachment “A”**) identified Lot 1 DP 227233, 19 BTU Road, Nowra Hill as the most appropriate site for the relocation of the animal shelter.

Under Shoalhaven LEP 2014, the subject site is currently zoned SP2 Infrastructure - Sewerage System and is located within a broader area that is zoned RU2 Rural Landscape to the south of Nowra. The site is easily accessible, being approximately 1.3km from the Princes Highway, and is central to the main population base of Shoalhaven.

The site is located west of the Boral Sawmill on BTU Road. There are similar uses nearby with an animal boarding kennel to the south at 154 Wuncor Avenue, and a veterinary hospital to the south east at 54 Wuncor Avenue. There are also existing dwellings on nearby lots.

Overview

- # A Planning Proposal (PP) was submitted by Waste Services on 8 September 2015 (**Attachment “B”**). This PP proposed options for changes to the Shoalhaven LEP 2014 which would allow for the construction and use of the site as an Animal Shelter.

The PP completed by Strategic Planning (**Attachment “C”**) proposes to amend the Shoalhaven LEP 2014 Zone Map for the subject lot to include the use “Animal boarding and training establishments”. This option is the simplest way to amend the LEP to allow for the use and construction of the proposed animal shelter and also allows the continued use of the site for ‘sewerage systems’.

The subject lot is currently identified as potentially contaminated land. An assessment of the site was completed which *“did not identify any evidence of gross ground contamination”*. It also stated that *“the site does not pose an unacceptable risk to human health or to the environment and is suitable for the proposed ‘commercial and industrial landuse (NEPM D)’”*.

- # The PP that is proposed to be submitted for Gateway determination is provided as **Attachment “C”**.

CONCLUSION:

Should the recommendation be adopted, the PP will be submitted to the DP&E for Gateway determination. Should Gateway approval be given, the PP will then be publicly exhibited for the community to view and make comment on. Further reports will be provided as this matter progresses through the PP process.

FINANCIAL IMPLICATIONS:

The PP will be resourced through the existing Waste Services and Strategic Planning budgets.

COMMUNITY ENGAGEMENT:

Council's Waste Services conducted a pre-lodgement mail out to surrounding residents consisting of a flyer outlining the proposing and inviting comments and feedback. One (1) written response was received citing noise, traffic and pest issues that would impact nearby residents.

Should the PP be granted Gateway approval, it will be exhibited for comment in accordance with Council's Community Engagement Policy at Level 1 to 'inform' and 'consult', and in accordance with the relevant legislative requirements. The Gateway approval will specify the minimum exhibition period and any government agencies with whom Council must consult. The community will be able to provide formal comment on the PP at that time.

Should the PP be granted Gateway approval, it will be exhibited for comment in accordance with Council's Community Engagement Policy at Level 1 to 'inform' and 'consult', and in accordance with the relevant legislative requirements. The Gateway approval will specify the minimum exhibition period and any government agencies with whom Council must consult.

Shoalhaven Animal Shelter
Relocation Site Selection Report



prepared for **Shoalhaven City Council**
by Locale Consulting Pty Ltd

July 2015



Development Committee 18 January 2016 - Item 3 - Attachment A

Locale Consulting Pty Ltd ABN: 73 140 973 735

South Coast Office: Shoalhaven

North Coast Office: Woolgoolga

Postal: PO Box 53, Woolgoolga NSW 2456

t: 0419 700 401 e: info@localeconsulting.com.au w: localeconsulting.com.au

Document Control

Job Number: 2015/253

Job Name: Waste Services Assistance

Client: Shoalhaven City Council

Job Contact: Giordano Bianco

Document Name: Shoalhaven Animal Shelter Relocation Site Selection Report

Version	Date	Author	Reviewed/Approved
Draft	19.03.15	Cinnamon Dunsford	Steve Thompson
Draft (Version 2)	24.04.15	Cinnamon Dunsford	
Final	27.05.05	Cinnamon Dunsford	Steve Thompson
Final (Version 2)	9.07.05	Cinnamon Dunsford	Steve Thompson

Disclaimer:

Whilst care and diligence has been exercised in the preparation of this report, Environment & Natural Resource Solutions and Locale Consulting Pty Ltd does not warrant the accuracy of the information contained within and accepts no liability for any loss or damage that may be suffered as a result of reliance on this information, whether or not there has been any error, omission or negligence on the part of Environment & Natural Resource Solutions or Locale Consulting Pty Ltd, their employees or sub-contractors.

Contents

Executive Summary	1
1. Introduction	2
1.1 Project Overview	2
1.2 Purpose of the Report	2
1.3 Existing Situation and Need for Replacement Shelter	2
1.4 Site Parameters Envisaged	3
1.5 Policy and Legislative Context	3
2. Initial Consultation	5
2.1 Council Consultation	5
2.2 State Agency Consultation	6
3. Methodology and Assessment	7
3.1 Methodology Overview	7
3.2 Stage 1: Search for Land Within Set Parameters/ Criteria	7
3.3 Stage 2: Planning Comparison of Stage 1 Outcomes & Summary of Possible Sites	7
4. Preferred Sites and Next Steps	12
4.1 Next Steps	12

Executive Summary

Locale Consulting was engaged by Shoalhaven City Council's Waste Services Unit to assist in planning for a replacement animal shelter to enable the development of a Resource Recovery Park (RRP) on the site of the existing animal shelter at Flatrock Road, Mundamia. In this regard there is a relatively short timeframe in which the RRP needs to be approved and developed.

This report forms an initial process of desk top site identification to enable Council discussions about a preferred site for the replacement animal shelter to be developed. This will then allow the appropriate designs and approvals to be pursued.

The preliminary identification of potential sites has been based upon a three stage methodology. The three stage methodology entailed:

- Stage 1: Review of legislative requirements including *Shoalhaven Local Environmental Plan 2014*, *Shoalhaven Development Control Plan 2014* and *Prevention of Cruelty to Animals (Dogs and Cats in Council Pounds and Animal Shelters) Standards 2014 No 1 (Consultation Draft)* and the NSW Department of Primary Industries Code of Practice.
- Stage 2: Liaison with key stakeholders within Council, including Ranger Services and Property Unit. This included a site visit to the existing animal shelter and identification of key site construction and operational needs.
- Stage 3: Setting of parameters/ criteria for GIS map based site selection.

Outcomes of the work indicate that there are a limited number of appropriate sites that Council can consider for a replacement animal shelter, should they wish to enact the relocation in the shortest possible timeframe.

1. Introduction

1.1 Project Overview

Locale Consulting (**the consultant**) was engaged by Shoalhaven City Council (**Council**) to provide planning assistance to the Waste Services Unit to identify potential sites for the relocation of the existing animal shelter from its current site at 114 Flatrock Road, Mundamia. The Shoalhaven animal shelter was built in the early 1980s and another site is required so a proposed Resource Recovery Park (**RRP**) can be located on the site of the current animal shelter. This report forms the first stage of site identification for a replacement animal shelter facility.

1.2 Purpose of the Report

This report sets parameters and provides a preliminary assessment of planning, environmental, locational and other considerations that are likely to inform the location of a replacement animal shelter. The report is desk-top based and utilises data provided by Council, as well as local knowledge of the locality and the practical and legislative requirements for such a facility.

The Report is divided into four key sections as follows:

- Section 1: Introduction – being this section, which provides background information and rationale for the need for the project;
- Section 2: Initial Consultation – provides an overview of consultation activities undertaken during the preparation of the report;
- Section 3: Methodology and Assessment – outlines the process undertaken in preparing the desk top based site assessment report, including a comparative assessment of possible sites;
- Section 4: Preferred Sites and Next Steps – provides a summary of key outcomes and recommendations for further work to be undertaken to determine a site and confirm suitability of land for the stated purpose.

1.3 Existing Situation and Need for Replacement Shelter

The Shoalhaven animal shelter is owned by Council and operated by the RSPCA. It is one of ten shelters in NSW operated by the RSPCA, where accommodation and care is provided to surrendered, neglected, unwanted, sick or injured animals (including but not limited to: dogs, cats, cattle, horses, pigs and rabbits). After being assessed medically and behaviourally, animals with the potential to be rehomed are given every opportunity to find a home. The Shoalhaven animal shelter services the entire local government area.

The existing animal shelter site is located around 7.5km by road to the west of Nowra. The site is approximately 3.6ha in area. The site has some sparse vegetation along the southern boundary and is then primarily cleared around the buildings (which are sited towards the southern side of the site). The remainder of the site is made up of paddocks and vegetated areas.

The main building on site (that houses the office, customer service counter, animal assessment rooms, laundry and storage areas), animal enclosures and car parking areas were built in 1981. Additional structures (including car ports, cat room, additional animal enclosures and storage) have been added to the site in an ad-hoc manner over the last 30 or so years. A caretakers cottage that was located in the south-western corner of the site was burnt down during a bushfire and two shipping containers are now located on the site of the former caretakers cottage. There is a shortage of storage on the site.

Given the age and condition of the existing animal shelter, and the opportunity that the site affords for the RRP to be located adjacent to the current West Nowra Recycling and Waste Facility, it is considered prudent to identify potential sites for a replacement animal shelter to be developed at an alternative location.



Figure 1: Location Map - Shoalhaven Animal Shelter

Source: maps.six.nsw.gov.au

1.4 Site Parameters Envisaged

The purpose of this Report is to identify possible locations for a replacement animal shelter. For the purpose of determining the appropriate attributes of another site, the following assumptions have been made in relation to the possible site:

- will have a minimum area of 2 hectares;
- will be Council owned, operational land or Crown land, located between the main population centres of Nowra-Bomaderry and the “Bay and Basin” areas;
- will have the ability to be connected to town water;
- will be zoned RU1, RU2, SP1, SP2 or E3 (which enable the proposed use without rezoning);
- the site (or a major part of the site) will not be effected by SLEP 2014 flood planning areas, terrestrial biodiversity overlay or the riparian & watercourse overlay.
- will provide road accessibility for those vehicles which have a need to access the site (including trucks);
- will have a reasonable buffer to residential areas/ homes; and
- will be capable of satisfying the *Draft Prevention of Cruelty to Animals (Dogs and Cats in Council Pounds and Animal Shelters) Standards 2014 No 1* issued by the Department of Primary Industries.

1.5 Policy and Legislative Context

1.5.1 Overarching Council Requirements

Council’s overarching policy for delivery of services is encapsulated in the *Community Strategic Plan – Shoalhaven 2023 (CSP)*. The CSP identifies within its “Place” chapter, *Strategy 2.4.1 - Develop and acquire new infrastructure and assets to meet the needs of the City’s growing population and economy while*

maintaining current asset service levels and *Strategy 2.4.6* relating directly to the management of landfill operations and the consideration of future landfill options. This report delivers on these two strategies, by identifying possible sites for a replacement animal shelter so the current site can provide an opportunity for future expansion of waste services in the LGA.

1.5.2 Local Land-Use Planning Requirements

Council's Local Environmental Plan (**Shoalhaven LEP**) 2014 was gazetted in April 2014 and provides the basis for land use planning in the LGA. An animal shelter of the nature being considered in this document is defined as an *animal boarding or training establishment* and is permissible in the RU1 (*Primary Production*), RU2 (*Rural Landscape*) and E3 (*Environmental Management*) zones.

The use is also permissible under the Business zones (B1 (*Neighbourhood Centre*), B2 (*Local Centre*), B3 (*Commercial Core*), B4 (*Mixed Use*), B5 (*Business Development*), B7 (*Business Park*)) and the IN4 (*Working Waterfront*) zone, however as the definition covers a wide range of animal establishments, a Council animal shelter is not considered best suited to these zones in this case and these zones have been excluded from further consideration.

Further, the land use could also be permissible in the special purpose activity and infrastructure zones (SP1 and SP2) where annotated with such uses (as is the case with the current animal shelter). Should land in other zones be identified as being suitable, a "Planning Proposal" (rezoning) could be undertaken to modify the land use zone to enable such a development to be permissible with consent. However, this would delay the relocation of the animal shelter.

Council's Development Control Plan (**Shoalhaven DCP**) 2014, came into effect in October 2014. Some generic chapters would be applicable for a development application for a replacement animal shelter, and dependent on the final site selected for the replacement facility, area specific chapters may also be applicable.

1.5.3 State Planning Requirements

Animal welfare and management is generally overseen by the Department of Primary Industries (**DPI**). They administer the *Prevention of Cruelty to Animals Act 1979* and *Regulation 2006*. Within the Regulation is the *Prevention of Cruelty to Animals (Dogs and Cats in Council Pounds and Animal Shelters) Standards* (Draft Standards), which are of relevance to this overall project. They are also responsible for the *NSW Animal Welfare Code of Practice No 5 - Dogs and Cats in Animal Boarding Establishments*, which applies to the design and operation of Council animal shelters.

Both the Draft Standards and the Code of Practice set requirements for matters such as animal housing, transport, diet, cleanliness, health, exercise and disposal of animals.

There are no specific state planning requirements that have been identified for site selection for an animal shelter.

2. Initial Consultation

Initial consultation has been undertaken with key stakeholders within Council relating to the potential for a replacement animal shelter facility to be developed. It is noted that the primary stakeholder is the Ranger Services Unit, who have direct responsibility for the operation of Council's animal shelter. Further consultation is recommended as the project progresses to more detailed site studies and other considerations. This section provides an overview of preliminary consultations that have been undertaken to date.

2.1 Council Consultation

Formal meetings were conducted with Council on 5 and 9 March and 23 April 2015 regarding the project. These meetings were attended by staff from Ranger Services, the Property Unit and Planning & Development Services. Telephone conversations have also been held with Strategic Planning regarding access to Council's GIS data.

2.1.1 Ranger Services

Ranger Services co-ordinated and conducted a site inspection of the existing animal shelter with Steve Thompson and Cinnamon Dunsford on Thursday 5 March 2015. During the inspection Ranger Services provided access to all built structures on the site and details of the day to day operation of the shelter. It was clear that the current shelter suffers from lack of:

- Storage space;
- Ability to maintain an aging building;
- Undercover parking for animal management vehicles; and
- Animal assessment and treatment space.

Given the state of the existing facilities and need for consideration of more modern standards/ current suitability for purpose, the Ranger Services Unit is supportive of developing replacement facilities, though have no direct budget to assist in the project.

2.1.2 Property Unit

A face to face meeting was held with the Property Unit to obtain feedback on the preliminary advice they had provided to the Waste Services Unit in relation to possible acquisition of privately owned land near to the current animal shelter (being 3, 41 & 43 Flatrock Road, Mundamia, Lots 1, 2 & 4, DP 837697), and to enable them to comment on any Council owned land on which to locate a replacement animal shelter. The Property Unit did not support the acquisition of privately owned land should appropriate Council or Crown land be available and based on a preliminary review of the GIS they suggested a possible site: 19 BTU Road, Nowra Hill, Lot 1, DP 227233 (Council's Ex Sanitary Depot). This site is discussed further in Section 3 – Methodology and Assessment, below.

It is, however, noted that the privately owned land near the current animal shelter may need to be purchased should the land be required as a buffer for the expansion of the current landfill site sometime in the near future.

2.1.3 Strategic & Statutory Planning

Council's Strategic Planning Section were consulted a number of times in relation to the procurement of data (GIS mapping) for the project. Following the shortlisting of some sites a face to face meeting was also held with senior staff in the Strategic and Development Planning sections of Council, to obtain feedback on the shortlisted sites. Concern was raised with the possible location of a replacement animal shelter in the

proposed Nowra Bomaderry Western By-Pass alignment, based upon the longevity of a replacement animal shelter building and associated structures, the unknown timing of the Western By-Pass and the final location of the road infrastructure in the corridor that has been set aside for the purpose. These sections of Council felt possible land use conflict/ community concern would be minimised if the replacement animal shelter could be located in close proximity to the current location, and they also supported further investigation into the possible use of part of the Ex Sanitary Depot, subject to the obvious contamination investigations which would be required. They also felt that focussing on Council owned land would lead to a quicker relocation process than considering Crown Land, where negotiations may be lengthy. Further consultation with both the Strategic and Statutory planning areas of Council will be required as the project moves forward.

2.2 State Agency Consultation

The state agency with the strongest relationship to the project is the DPI and as this is the preliminary site identification report, contact should be made with the DPI at the shelter design stage. Other state agencies may also need to be consulted as the site selection and shelter design process continues.

3. Methodology and Assessment

3.1 Methodology Overview

3.2 Stage 1: Search for Land Within Set Parameters/ Criteria

This section provides reasoning for the parameters/ criteria for the suitable land search.

The parameters/ criteria outlined in Section 1.4 above are quite constrained, for good reason. An animal shelter is a specific land use that has specific needs and careful consideration to its location is important for all users of the facility and the whole Shoalhaven community. The parameters/ criteria have been set in conjunction with relevant stakeholders and are based on the operational needs of the current facility and state planning requirements. It would be preferable for such a facility to be located away from all residences, but this is difficult given the number of rural residences located in the search area.

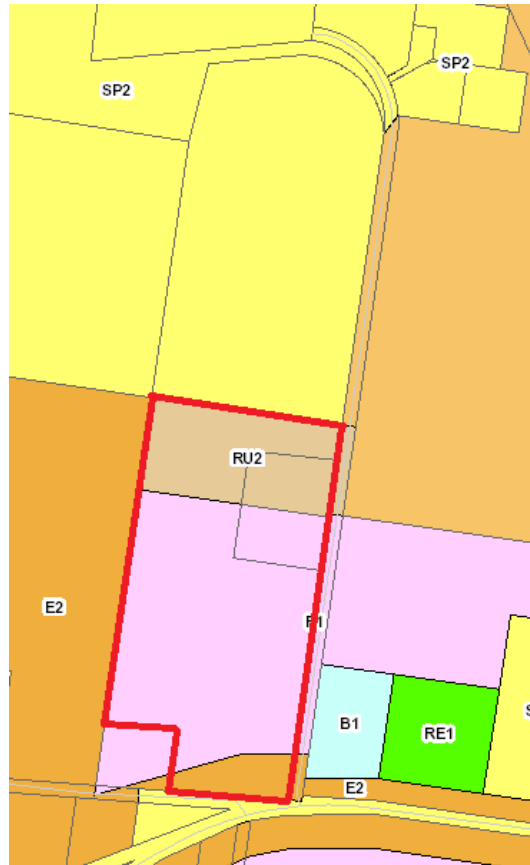
Each parameter/ criteria that could be identified on GIS mapping was created as an individual overlay. The map overlays were then amalgamated to identify possible sites that satisfied all parameters/ criteria that could be mapped.

Stage 2 below outlines the sites that satisfied the parameters/ criteria for the relocation of the animal shelter.

3.3 Stage 2: Planning Comparison of Stage 1 Outcomes & Summary of Possible Sites

This section provides a comparative desktop review of sites identified through Stage 2 above. Additional information has been sourced where available to supplement data provided by Council and other readily available sources.

Lots 1, 2 & 4, DP 837697 - 3, 41 & 43 Flatrock Road, Mundamia



This land is located on the same road as the existing animal shelter and the existing waste facility. The land is privately owned and is zoned part RU2 (*Rural Landscape*), R1 (*General Residential*) and E2 (*Environmental Conservation*). Should the replacement animal shelter be located on any part of the land zoned R1 then a rezoning/ planning proposal under Shoalhaven LEP 2014 would be required. It is noted that the E2 land would not be required. As the R1 land was rezoned for the purposes of Urban Release Area under Shoalhaven LEP 2014 then it is unlikely the rezoning would be supported in this location.

Although there may be sufficient space to locate the replacement animal shelter on the RU2 zoned land it is likely this land will become a buffer to any future expansion of the existing landfill site. Further consideration needs to be given to whether the animal shelter could be located within the buffer.

Notwithstanding the proceeding comments this site is favourable as it is located in close proximity to the existing animal shelter, it is primarily cleared of vegetation and as Council may be required to purchase this land as part of a buffer to any future landfill expansion process.

Lot 7314, DP 1163622 - Forest Road, South Nowra (Rifle Range)



This land is located south of the highway at the southern extremity of the Nowra Bomaderry urban area. The land is zoned RU2 (*Rural Landscape*) and is owned by the Crown. A rifle range is currently located in the north-western corner of the site, and the land is primarily vegetated.

Although it is a large site, offering good highway access and an animal shelter is a permissible land use in the zone, it is likely any tenure arrangement would be difficult to negotiate with the Crown and the rifle range club, and would create a major delay to the animal shelter relocation project. It is also noted there is no direct access to town water at this site.

Lot 1, DP 227233 - 19 BTU Road, Nowra Hill (Ex Sanitary Depot)

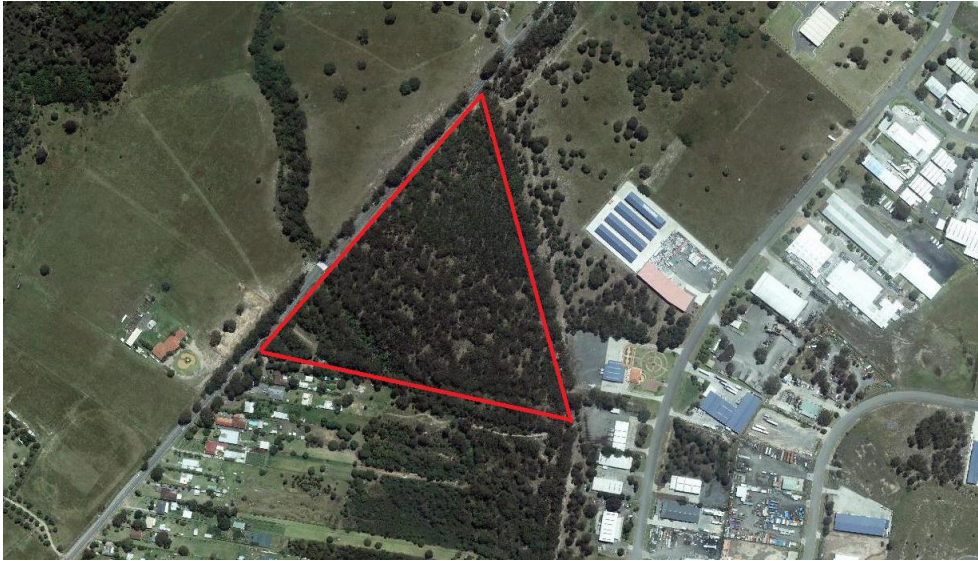


The land is located on the southern extremity of the Nowra Bomaderry urban area and is owned by Council. This land has an operational classification under the *Local Government Act, 1993* and has access to town water located in BTU Road. The land is zoned SP2 (Sewerage System). The land has an approximate area of 12.14ha and as only 2.5ha (approximately 300m x 85m) is required for the animal shelter, a cleared area that creates a maximum buffer to existing rural housing would be considered most appropriate in this case (possibly in the north-eastern corner of the site). The site has excellent access to the highway, direct access to the site is currently from Nowra Hill Road and access to town water.

Council's records indicate this land is "potentially contaminated land" and the previous use of the land as a sanitary depot obviously means contamination issues would require further and detailed investigation. Such investigations would need to consider possible associated costs, approvals processes and timeframes. It is understood that part of the land has recently been used for storage/ land farming of contaminated soil.

Should the replacement animal shelter be located on any part of this land then a minor planning proposal under Shoalhaven LEP 2014 is likely to be required to change the label on the SP2 zoning from "Sewerage System" to something that would permit the animal shelter and other Council uses on the land. This would be a simpler planning proposal than a full rezoning process, as advised by Department of Planning & Environment (Wollongong Office).

Lot 40, DP 802671 - Albatross Road, South Nowra



The land is located on the western side of the South Nowra Industrial Area and owned by Council. This land has an operational classification under the Local Government Act, 1993 and has access to town water located in Albatross Road. The land is zoned E3 (*Environmental Management*) and is located within the Nowra Bomaderry Western By-Pass alignment.

Although an animal shelter is a permissible land use in the E3 zone it may be difficult to satisfy the objectives of the zone in this case, particularly as most of the site is vegetated. Further, consultation with Planning & Development Services suggests they would not support the location of animal shelter in the Western By-Pass alignment.

Lot 3, DP 1010322 - Land South of Links Road, South Nowra



The land is located on the western side of the South Nowra Industrial Area and is owned by Council. This land has an operational classification under the *Local Government Act, 1993* and has access to town water located in The Links Road. The land is zoned E3 (Environmental Management) and is located within the Nowra Bomaderry Western By-Pass alignment.

Although an animal shelter is a permissible land use in the E3 zone it may be difficult to satisfy the objectives of the zone in this case, particularly as most of the site is vegetated. Further, consultation with Planning & Development Services suggests they would not support the location of animal shelter in the Western By-Pass alignment.

Lot 77, DP 1032397 – 21 Norfolk Avenue, South Nowra



The land is located within the South Nowra Industrial Area and is owned by Council. It is commonly referred to as the “ex SITA site”, being Council’s former domestic waste service collection contractor. This land has an operational classification under the *Local Government Act, 1993* and has access to town water. The land is zoned IN1 (General Industrial) and is currently a disused site though understood to have been recently leased, with some industrial infrastructure located on it.

An animal shelter is not a permissible land use in the IN1 zone, the land is under the minimum 2 hectares required for the animal shelter and does not present opportunity for paddocks for animals such as horses, cattle and sheep. For this reason this site is not considered preferable for the relocation of the animal shelter.

4. Preferred Sites and Next Steps

The report has identified a small number of potential alternatives for the siting of a replacement animal shelter, due to the specific parameters/ criteria that apply to the siting of such a land use.

Preferred Sites

As outlined in Section 3, based on a preliminary assessment and initial consultation with Council stakeholders, the two sites that warrant further investigation are:

- Lots 1, 2 & 4, DP 837697 - 3, 41 & 43 Flatrock Road, Mundamia; and,
- Lot 1, DP 227233 - 19 BTU Road, Nowra Hill (Ex Sanitary Depot).

It is noted that both these sites have potential obstacles that need to be thoroughly investigated, as outlined in the next steps below. Should the potential obstacles associated with the preferred sites lead to the animal shelter relocation not being possible on those sites, then it will be necessary to review the parameters/ criteria set as part of this report.

4.1 Next Steps

From the preliminary assessment undertaken, there are a number of issues that would require additional information to inform a final decision about the relocation of the animal shelter. The following steps are recommended from here:

Lots 1, 2 & 4, DP 837697 - 3, 41 & 43 Flatrock Road, Mundamia

- As it is likely the animal shelter could be located within the buffer zone to the landfill facility determine the extent of the buffer and if the facility can be located within the RU2 zoned part of the land. As part of this process a submission to the interrelated *NSW EPA Draft Environmental Guidelines - Solid Waste Landfills* is recommended.
- Should the RU2 zoned land not be sufficient for the replacement animal shelter investigate a rezoning of part of the R1 zoned. The rezoning could also consider the classification of the land. It is noted the Department of Planning & Environment would be unlikely to support a rezoning of the R1 land, without strong strategic justification, as it is included in SLEP 2014 as part of an Urban Release Area.
- Should the RU2 zoned land be sufficient for the replacement animal shelter undertake planning and design for the animal shelter to gain some certainty regarding cost and approval of the land use on the site, before final site selection (and determining an acquisition process). Consideration would also need to be given to the area of land to be acquired to accommodate the animal shelter and a buffer zone to the landfill facility (including the possibility of future expansion of that facility).

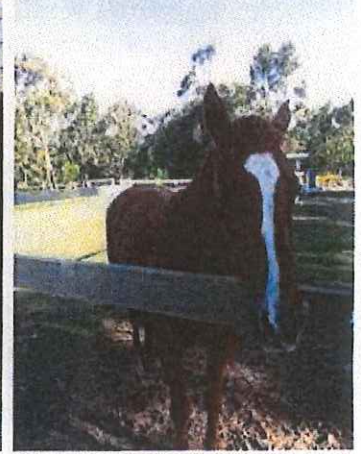
Lot 1, DP 227233 - 19 BTU Road, Nowra Hill (Ex Sanitary Depot)

- Undertake detailed investigations into the potential contamination of the site, focussing specifically on the cleared land that is the furthest distance from adjoining rural dwellings.
- Continue liaison with Shoalhaven Water and other internal stakeholders/ site users regarding the possible use of part of the site for a replacement animal shelter.
- Once detailed contamination investigations have been undertaken and liaison with internal stakeholders is complete, undertake preliminary planning and design for the animal shelter to gain some certainty regarding cost and approval of the land use on the site, before final site selection occurs.

It is also suggested discussions be held with relevant stage agencies, specifically the NSW DPI, before final site selection occurs.

ATTACHMENT B

Shoalhaven Animal Shelter **Planning Proposal**



prepared for

Shoalhaven City Council - Waste Services

by

Locale Consulting Pty Ltd

September 2015



Locale Consulting Pty Ltd ABN: 73 140 973 735

South Coast Office: Shoalhaven

North Coast Office: Woolgoolga

Postal: PO Box 53, Woolgoolga NSW 2456

t: 0419 700 401 e: info@localeconsulting.com.au w: localeconsulting.com.au

Document Control

Job Number: 2014/248

Job Name: Shoalhaven Animal Shelter Relocation

Client: Shoalhaven City Council - Waste Services

Job Contact: Giordano Bianco - Environmental Projects Engineer

Document Name: Planning Proposal

Version	Date	Author/Approved	Reviewed
Draft	20.08.2015	Steve Thompson	Cinnamon Dunsford
Final (Version 1)	26.08.2015	Cinnamon Dunsford	Steve Thompson
Final (Version 2)	02.09.2015	Cinnamon Dunsford	Steve Thompson

Disclaimer:

Whilst care and diligence has been exercised in the preparation of this report, Locale Consulting Pty Ltd does not warrant the accuracy of the information contained within and accepts no liability for any loss or damage that may be suffered as a result of reliance on this information, whether or not there has been any error, omission or negligence on the part of Locale Consulting Pty Ltd, their employees or sub-contractors.

Contents

1.	Introduction	1
1.1	Purpose of the Planning Proposal	1
1.2	Project Background	1
1.3	Site Description	2
2.	Intended Outcomes	4
3.	Explanation of Possible Provisions	5
4.	Justification	6
4.1	Need for the Planning Proposal (Section A)	6
4.2	Relationship to Strategic Planning Framework (Section B)	7
4.3	Environmental, Social and Economic Impact (Section C)	9
4.4	State and Commonwealth Interests (Section D)	11
5.	Mapping	12
6.	Community Consultation	13
7.	Project Timeline	14

1. Introduction

1.1 Purpose of the Planning Proposal

This Planning Proposal (PP) has been prepared and submitted to Shoalhaven City Council (Council) by Locale Consulting on behalf of their Waste Services Section (Waste Services). The purpose of the PP is to provide strategic merit to enable the following proposed amendment to Shoalhaven Local Environmental Plan (SLEP) 2014 to proceed:

- o Amend the SP2 Infrastructure land use zone map description/ annotation (Sewerage System) over part of the land at 19 BTU Road South Nowra (Lot 1 DP 227233) (the Site) to enable an Animal Shelter to be a permissible use on part of the land.

This PP has been prepared in accordance with Section 55 of the *Environmental Planning & Assessment Act, 1979*, and associated guidelines prepared by the Department of Planning & Environment (Department).

The PP is structured as follows:

- o Section 1 provides an overview and background to the proposal, including detailed site description;
- o Section 2 describes the intended outcomes;
- o Section 3 provides an explanation of the possible provisions;
- o Section 4 documents the justification for the proposal;
- o Section 5 addresses mapping;
- o Section 6 outlines the community consultation; and
- o Section 7 suggests a project timeline.

1.2 Project Background

As a result of the proposed expansion of the West Nowra Recycling and Waste Facility, the existing Shoalhaven Animal Shelter is required to be relocated to a new site. The expansion of the West Nowra Recycling and Waste Facility will meet the waste needs of the Shoalhaven community going into the future, using the latest waste technology. Having undertaken a strategic Animal Shelter Relocation Site Selection Report (Locale Consulting May 2015), and having confirmed the suitability of the proposed site through a Preliminary Environmental Site Assessment (ENRS June 2015), the Site identified within this PP was identified as the preferred site for the relocation.

The subject Site is located within an area of rural land (RU2 rural landscape zoning) to the south of the main Nowra - Bomaderry urban area. The site is easily accessible from the Princes Highway and central to the main population bases of the Shoalhaven which the proposed Animal Shelter will service. The Site is owned by Council and has been used for a number of activities since rural activities commenced in the area in the 1940s¹. Curved concrete roof bunker style buildings remaining at the Site suggesting historic use as a storage facility by the Military, with the Site more recently being used as a sanitary depot during the 1960's and 1970's with land farming of night soil and bitumen treatment of sanitary pans.

¹ All historical use references from ENRS - Stage 1 Preliminary Environmental Site Assessment Incorporating Soil Sampling - June 2015

The southern portion of the Site is infrequently used by Shoalhaven Water as a service depot (for temporary storage of material and equipment purposes), though no distinct activities are noted within the northern portion of the Site (approximately 2.4ha) where the Animal Shelter is proposed to be located. The northern portion of the Site is currently vacant and comprises grass with some trees with access via a gravel road. To the east is a large sawmilling operation - being the Boral Timber - South Coast Hardwoods facility, located on land zoned as RU2 Rural Landscape. To the north, west and south, land is generally open grazing land all located on land zoned RU2 Rural Landscape zone. An area of land zoned E3 - Environmental Management is also located further to the north.

The existing zoning of the land, SP2 - Infrastructure (Sewerage System), reflects the ownership of the land by Council and operational management of the Site by Shoalhaven Water. However Shoalhaven Water only utilise the central and southern parts of the Site and have indicated that the area to the north could be made available for the proposed use which would only comprise approximately 2-3 hectares of the 12 hectare site.

1.3 Site Description

The land subject to the PP is located off BTU Road, approximately 1.3km west of the Princes Highway in South Nowra. The land is Council owned land, is classified as "operational" land under the *Local Government Act 1993*, and is administered by Shoalhaven Water. The land is legally described as Lot 1 DP 227233.

The land incorporates some basic depot style facilities in the central and southern parts of the Site, utilised from time to time for storage of materials and equipment by Shoalhaven Water. The northern portion of the Site is currently vacant and comprises grass with some scattered trees. Access to the Site is provided via an all-weather paved access along Nowra Hill Road (from BTU Road) to the site entry located midpoint along its western boundary. Internal access within the Site currently comprises of a basic gravel road.

Whilst there is not expected to be any vegetation removal, parts of the Site contain Spotted Gum Forest according to Council's State of the Environment mapping. A Category 2 watercourse is located in the south-eastern corner of the Site, but is not impacted by the proposal. It is also noted that there is an area of Scenic Protection identified in Shoalhaven LEP 2014 to the west and south-west of the Site. The Site is outside this area and the area of the Site subject to the proposal is unlikely to be visible from any of these areas.

The existing site and surrounding features are shown in the aerial photo in Figure 1.



Figure 1: Existing Site Areas

Source: maps.six.nsw.gov.au

2. Intended Outcomes

The intended outcome of the PP is to enable the lodgement of a development application for the construction and operation of an Animal Shelter. The Animal Shelter will replace the existing facility at Flatrock Road, Mundamia and will be operated by Council in accordance with the requirements of the *Companion Animals Act 1998*.

To achieve the intended outcome, it is not proposed to change the zoning of the land, but rather to modify the relevant SP2 description / annotation for the subject site. This could involve:

- changing the existing description over the entire subject site from "Sewerage System", to "Sewerage System" as well as a term that permits the Animal Shelter,

OR

- having a split description/ annotation over the two parts of the Site, with the northern area shown in Figure 1 having a description/ annotation change to permit the Animal Shelter.

3. Explanation of Possible Provisions

The intended outcome of the PP would be achieved by amending SLEP 2014 to permit the Animal Shelter on the subject site. This could occur either by:

- Modifying the description/ annotation after the SP2 zone title on the SLEP 2014 Land Zoning Map;

OR

- Inserting an "additional permitted use" for the subject site in Schedule 1 of SLEP 2014, with a corresponding amendment to the SLEP 2014 Clauses Map;

OR

- Inserting an additional local provision in Part 7 of SLEP 2014, with a corresponding amendment to the SLEP 2014 Clauses Map;

OR

- Changing the land use zone for the relevant part of the Site to match the surrounding RU2 - Rural Landscape zone in which "animal boarding or training establishment" is a permissible land use under SLEP 2014.

4. Justification

4.1 Need for the Planning Proposal (Section A)

4.1.1 Is the Planning Proposal a result of any strategic study or report?

The relocation of the animal shelter to the proposed site is consistent with the following strategic studies or reports.

Desktop Landfill Site Identification Study - June 2014

A site identification study was completed in June 2014 to identify potential new locations for a new landfill within the Shoalhaven LGA. The assessment was required due to the existing facilities having been identified as being within 10 years of its useful life. The assessment identified a limited number of sites, all of which would require significant infrastructure and planning approvals, as well as the potential to expand the existing West Nowra Recycling and Waste Facility through the re-design of the existing facility and incorporating the current Animal Shelter site (at Flatrock Road, Mundamia) which was already zoned for waste purposes.

The report concluded that retention of the existing landfill location (and relocation of the Animal Shelter) would be preferable for a range of social, environmental and economic reasons and has subsequently been pursued by Council, including applications the development of an on-site Resource Recovery Park and landfill expansion to provide for 30+ years of landfill life utilising the existing facilities.

Shoalhaven Animal Shelter - Relocation Site Selection Report

A Site Selection Report was prepared in May 2015 to review and identify potential locations to which the Shoalhaven Animal Shelter could be relocated. The report identified a number of sites based on criteria including site size, surrounding land use, environmental impacts, ownership and accessibility. The BTU Road site (subject to this PP) was identified as a preferred site, along with a site to the immediate south of the West Nowra Recycling and Waste Facility. Given the proximity of the alternative site to an existing area land zoned R1 - General Residential land and the risks of an approval not being successful (as well as the need to fund the purchase of the land), the BTU Road site was selected subject to the undertaking of preliminary environmental and contamination assessments.

Stage 1 Preliminary Environmental Site Assessment Incorporating Soil Sampling

Following the identification of the BTU Road site, preliminary environmental and soil sampling was undertaken to confirm the suitability of the Site for the proposed use. While the laboratory results from test pit excavations reported concentrations of potential contaminants, including heavy metals, hydrocarbons, PAHs, PCBs and pesticides in soil, all findings were below the relevant National Environment Protection Measures (NEPM) C (Recreational) and NEPM D (Commercial / Industrial) land use criteria. Elevated levels of E.coli in Test Pit 2 also indicated faecal pathogens remain in shallow soil.

Groundwater results indicate the shallow groundwater at the Site presents a moderate risk of contamination likely due to the migration of leachate from historical application of night soil across the Site. The groundwater results indicate the groundwater is not suitable for application including irrigation, drinking water or discharge to the environment.

Measures were identified to be considered during more detailed studies and design requirements, including improved soil drainage and lime application to manage potential soil pathogens.

Additional soil testing for soil pathogens was also recommended to support management protocols moving forward.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Options for progressing the project without a Planning Proposal have been considered, including the use of Clause 7.12 of SLEP 2014 which allows Council to undertake certain works without consent. However the project involved the construction of buildings that are within the scope of "class 1-9 building under the Building Code of Australia", and therefore unable to be developed under this clause.

Consideration was also given to the potential for the proposal to be progressed under s73A of the *Environmental Planning & Assessment Act 1979* in that the proposal was thought to be relatively minor. Advice was sought as to the applicability of the section, however given that the change will propose to allow a new use that is currently prohibited, the application of this section was deemed to be inappropriate.

State Environmental Planning Policy (Infrastructure) (ISEPP) was also reviewed to determine if the animal shelter could be relocated under the permissible uses contained in the SEPP. However, animal shelters are not addressed in ISEPP.

As such, to clearly enable the lawful establishment of the proposed use an amendment to SLEP 2014 is required and a PP is the best way of achieving the desired outcome.

4.2 Relationship to Strategic Planning Framework (Section B)

4.2.1 Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

South Coast Regional Strategy

The South Coast Regional Strategy (SCRS) applies to the Shoalhaven Local Government Area (LGA) and aims to support economic growth in the region, while limiting development constrained by coastal processes, flooding, wetlands and significant and cultural landscapes.

The proposal utilises vacant land in a way that provides a centralised and accessible Council service whilst having adequate separation of noise sensitive users. The proposed land use would be permissible on all surrounding land and is not impacting on any sensitive environments.

While there are no specific actions or objectives that are directly relevant to this PP, the proposed SLEP 2014 amendment has the potential to support nearby growth areas of Nowra - Bomaderry and the Bay and Basin through the provision of government operated services in an accessible location. The proposed Animal Shelter location is also positioned to be in close proximity not only to the main existing population base in the Shoalhaven, but also in close proximity to where population growth will be targeted, under the SCRS.

Draft Illawarra Regional Growth and Infrastructure Plan

The Draft Illawarra Regional Growth and Infrastructure Plan (IRGIP) was released by the State Government on 9 October 2014 and was on exhibition until 7 December 2014. The draft IRGIP applies to Shoalhaven LGA, and therefore the subject site.

Similar to the SCRS, the draft IRGIP aims to address strategic planning issues over a 20 year period, such as: housing, jobs, economy, natural environment/resources, infrastructure and heritage.

The draft IRGIP talks about the provision of infrastructure at the right time and in the right place, and its importance to the proper functioning and wellbeing of the community. The PP is consistent with this broad aim.

4.2.2 Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

Shoalhaven Community Strategic Plan

The PP is consistent with the Community Strategic Plan (CSP) in the delivery of the "people" objectives of the plan including the relevant strategy below:

Strategy 1.2.1 *"Develop community, cultural and recreational facilities that are accessible, safe and provide for community needs".*

The Animal Shelter is required so Council can satisfy its commitments to the community under the *Companion Animals Act 1998*.

Whilst not a facility that is specifically identified in the CSP, the relocation of the Animal Shelter is also related to the management of the LGA's waste landfill resources, including the following strategy:

Strategy 2.4.6 *"Manage the City's limited landfill capacity, including improved management of green waste and consideration of future landfill options".*

Based on the strategic studies and directions set out earlier, the proposed relocation is considered to be consistent with Council's local strategy.

4.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The only State Environmental Planning Policy (SEPP) that is considered to be applicable to this PP is SEPP No. 55 – Remediation of Land. This SEPP relates to the appropriate identification and treatment of land which is, or may be contaminated. Clause 6 specifically identifies the considerations to be made in zoning or rezoning proposals. A preliminary assessment of contamination has been undertaken in accordance with sub-clause 6(2), with conclusions being that the Site is generally suitable to the proposed use provided certain management measures and treatments are undertaken in conjunction with the development, which is proposed to be located only on the northern portion of the Site (approximately 2.4ha).

It is proposed that further details will be provided in conjunction with the development application to ensure the appropriate ongoing management of any contamination issues. It is noted that for the purposes of the planning proposal, there is no residential, educational, recreational, child care or hospital uses proposed for the Site, and that it is considered that the identified levels of contamination are such that they can be managed through the design and construction process.

For these reasons, the PP is consistent with SEPP No. 55 – Remediation of Land.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The PP is consistent with the applicable s.117 Ministerial Directions as discussed below:

4.4 Planning for Bushfire Protection

The objectives of this s.117 direction is to:

- protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and
- encourage sound management of bush fire prone areas.

This s.117 direction applies to the PP in this case as the subject site is mapped as bushfire prone land. The PP is consistent with the s.117 direction as consultation with the NSW Rural Fire Service (RFS) is intended to be undertaken following receipt of a Gateway Determination to proceed with the PP. The project site has sufficient space for incorporation of Asset Protection Zones (APZs) and any building would provide for requirements as may be necessary under *Planning for Bushfire Protection 2006*, as outlined further in Section 4.3.2.

5.1 Implementation of Regional Strategies

The objective of this s.117 direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies. This PP is considered to be consistent with the SCRS as outlined in Section 4.2.1 above.

6.3 Site Specific Provisions

The objective of this s.117 direction is to discourage unnecessarily restrictive site specific planning controls. This direction applies when a planning proposal has the effect of allowing a particular development to be carried out. The direction is relevant as the PP seeks to enable a specific new use to be allowed within a specific site. The purpose of this direction is to enable a second use of the Site given that it is currently underutilised, but will remain within Council's ownership. The SP2 - Infrastructure zone remains relevant, but is restricted by the associated description/annotation applying to the land on the SLEP 2014 Land Zoning Map. The PP seeks to allow the land use (Animal Shelter) on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. This approach is consistent with Part 4(c) of this direction.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Based upon a desktop assessment, including a review of Council's vegetation mapping and SLEP 2014 overlay mapping there is little likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. Council records do not indicate the subject site includes any critical habitat or threatened species, populations or ecological communities, or their habitats. Further, given the existing open nature of the Site, the proposal is unlikely to result in the removal of many (or any) trees, and appropriate assessments would be undertaken at the development application stage should such minimal impacts be proposed.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are limited environmental effects as a result of this PP. Generally there are two key issues to consider, bushfire protection and land contamination (Note: Noise impacts are considered in Section 4.3.3 below).

The Site and adjoining land is mapped as being almost entirely within Category 1 vegetation or its 100m buffer zone, though noting that there is only a small number of trees in the north-eastern portion of the Site where the main component of the proposal would be located (i.e. this area is primarily within the 100m buffer area). The Site has not been impacted by any bushfires as mapped on Council's State of the Environmental mapping, though the Touga fire of 2002 did extend to properties to the immediate south of the Site. Bushfire threat is only generally present the north-east and potentially as grass fires from the south or west.

It is envisaged that post Gateway Determination a detailed bushfire assessment would be undertaken that would consider the type of surrounding vegetation and topographic conditions, along with all relevant requirements of *Planning for Bushfire Protection 2006*. As a minimum, this would address the following matters:

- Provision of appropriate defensible space;
- Vehicular ingress/ egress arrangements and internal roads;
- Clustering of uses and utilising existing cleared areas to reduce the impacts on establishing bushfire protection measures such as APZs; and
- Provision of a Bushfire Emergency Evacuation Plan.

Whilst the area is affected by bushfire, the size and open nature of much of the Site enables a flexible approach to implementing the necessary bushfire protection measures.

With respect to contamination, the Preliminary Environmental Site Assessment identifies some contaminants at the Site, concluding that the groundwater is not suitable for application including irrigation, drinking water or discharge to the environment. Soils also tested for contaminants, but below the relevant NEPM levels. It is noted that this historic use of the Site is not related to the proposed use, but will be managed in conjunction with the proposal to the overall improvement of the receiving areas.

4.3.3 Has the Planning Proposal adequately addressed any social and economic effects?

The provision of an animal shelter provides for a necessary social service that assists the management of companion and other animals. Such facilities are typically provided by local government and are designed to meet community needs and the relevant welfare standards of the animals, especially in regional areas.

Inherent in the provision of such a facility is the creation of noise resulting from the facility. Such noise can be a nuisance if not appropriately managed. The BTU Road site was identified due to its close proximity to major population centres in the Shoalhaven, whilst having reasonable separation from individual dwellings. In this case, the nearest dwellings (from the areas proposed for the keeping of dogs - being the animals which create the most noise) are described below:

- 20 Nowra Hill Road: Approx. 250m to the west over a small rise/ridge line;
- 150 BTU Road: Approx. 430m to the south-west over a rise/ridge line - unlikely to have any direct line of sight;
- 158 BTU Road: 500m+ to the south west over a rise/ridge line - unlikely to have any direct line of sight;
- 93 BTU Road: Approximately 450m to south - including approx. 150m of bushland separation; and
- 4260 Princes Highway: 1,000m+ to north-east - including areas of bushland.

Other prominent uses in the locality include dog boarding kennels in Woncor Road (750 m to the south of the proposed site), the South Coast Correctional Centre located 1.5km to the north and Boral sawmilling operations approx. 350m to the east through dense bushland.

Based on the above distances, and opportunity to orientate the facility to the north and thereby minimise noise impacts to the south and south-west, the noise impacts are considered to be manageable and would form part of the design / development application process.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

One of the specific needs that was considered as part of the Site selection process was access to water, and it is noted that sufficient water infrastructure to service the site is located along BTU Road. Further road access by trucks will be possible due to the recent upgrade of the nearby highway intersection (Princes Highway/ BTU Road). As the Site is located on the edge of Nowra/ Bomaderry there is also other infrastructure that is adequate to service the Site. The PP does not create additional requirements for major public infrastructure.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Given the relatively minor nature of the PP, there has been limited consultation with public authorities regarding the project (with the exception of sections within Council that have an interest in the project). These sections of Council include: Shoalhaven Water and Planning & Environmental Services. Consultation with RFS and the EPA are to be undertaken as required in the preparation of the Animal Shelter development application.

Further as part of the site selection process the *Draft Prevention of Cruelty to Animals (Dogs and Cats in Council Pounds and Animal Shelters) Standards 2014 No 1* issued by the NSW Department of Primary Industries was reviewed and referenced, to ensure the Site could satisfy the draft guidelines.

It is noted that the project is related to two State Significant Development (SSD) applications that have been made by Council in progressing upgrades to the West Nowra Recycling and Waste Facility including for a Resource Recovery Park (SSD 15_7015) and for expansion of the landfill area (SSD 15_7187). Relevant State authorities (such as the EPA) are therefore aware of the project and would be consulted further through a combination of the projects being pursued.

5. Mapping

The mapping modification required for this PP is a simple change to the description/ annotation after the SP2 - Infrastructure zone shown on the SLEP 2014 Land Zoning Map.

6. Community Consultation

It is understood Council would exhibit the PP in accordance with the requirements of Section 57 of the *Environmental Planning & Assessment Act, 1979* and any other requirements determined by the Gateway process.

Prior to the exhibition of the PP, the Waste Services Unit will undertake an initial community engagement process, as outlined below:

- The 8 week engagement process will commence with the circulation of an information "flyer" to adjoining residents/ landowners within a 1km radius of the BTU Road site and all Councillors. The flyer will include information about Council's decision to relocate the animal shelter to the BTU Road site. It will also be circulated to other "interested parties" via the existing animal shelter, the local animal welfare league, ranger services unit and Council's front counters at Nowra and Ulladulla. Notification will also be placed in the local newspaper, Council's website and Council's Facebook page. Based upon feedback received an information session may be held, but this will be determined once some stakeholder feedback has been received.

Further, the Waste Services Unit intends the PP to be exhibited in conjunction with a development application for the animal shelter, so the community are informed of the reason for the PP and the ultimate use of the land.

7. Project Timeline

The project timeline will be subject to Council and the Department's resources, but it is expected a PP of this nature would be completed within 3-6 months of the date of the Gateway determination.



Draft

Planning Proposal - PP017

Relocation of the Shoalhaven Animal Shelter

Prepared by
Planning and Development Services Group
Shoalhaven City Council

File 52000E

Version 1 – Gateway Version

December 2015



Shoalhaven City Council
PO Box 42
NOWRA NSW 2541
telephone (02) 4429 3111
facsimile (02) 4422 1816
e-mail council@shoalhaven.nsw.gov.au
internet www.shoalhaven.nsw.gov.au

Disclaimer

Every effort has been made to provide accurate and complete information.

However, Shoalhaven City Council assumes no responsibility for any direct, indirect, incidental, or consequential damages arising from the use of information in this document.

Copyright Notice

No part of this publication may be reproduced in any form, or stored in a database or retrieval system, or transmitted or distributed in any form by any means, electronic, mechanical photocopying, recording, or otherwise without written permission from Shoalhaven City Council. All rights reserved.

Copyright © 2015, Shoalhaven City Council

Table of Contents

1.	Introduction	5
1.1	Subject Land.....	5
1.2	Background.....	8
2.	Part 1 – Objectives or intended outcomes	9
3.	Part 2 – Explanation of provisions	9
4.	Part 3 – Justification	9
4.1	Section A - Need for the Planning Proposal	9
4.1.1	Is the Planning Proposal a result of any strategic study or report?	9
4.1.2	Is the Planning Proposal the best means of achieving the objectives or intended outcomes?	10
4.2	Section B – Relationship to strategic planning framework	10
4.2.1	Is the Planning Proposal consistent with the objectives and actions of the Illawarra-Shoalhaven Regional Plan?.....	10
4.2.2	Is the Planning Proposal consistent with Shoalhaven 2023?.....	10
4.2.3	Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?	11
4.2.4	Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?.....	11
6.4	Section C – Environmental, Social and Economic Impact	12
4.3.1	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?	12
4.3.2	Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?.....	12
4.3.3	Has the Planning Proposal adequately addressed any social or economic effects? 12	
6.5	Section D – State and Commonwealth interests	12
4.4.1	Is there adequate public infrastructure for the Planning Proposal?.....	12
4.4.2	What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?	12
7	Part 4 – Mapping	13
8	Part 5 – Community consultation.....	14
9	Part 6 – Project timeline	14
	Table 1 - Planning Proposal Project Timeline	14
	Attachment A – Council Report and Resolution.....	15

Attachment B - Shelter Relocation Site Selection Report	16
Attachment C – Checklist of State Environmental Planning Policies.....	17
Attachment D – Preliminary Environmental Site Assessment Incorporating Soil Sampling	18
Attachment E – Checklist of Ministerial Directions.....	19

1. Introduction

This Planning Proposal (PP) seeks to amend Shoalhaven Local Environmental Plan (LEP) 2014 to allow for the construction and operation of an animal shelter at Lot 1 DP 227233, 19 BTU Road, Nowra Hill.

This PP has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

1.1 Subject Land

The subject site is located at Nowra Hill as indicated on the Location Map, Subject land Map, and Aerial Photo below. A current zoning map is also shown below.

Figure 1 – Planning Proposal Location Map

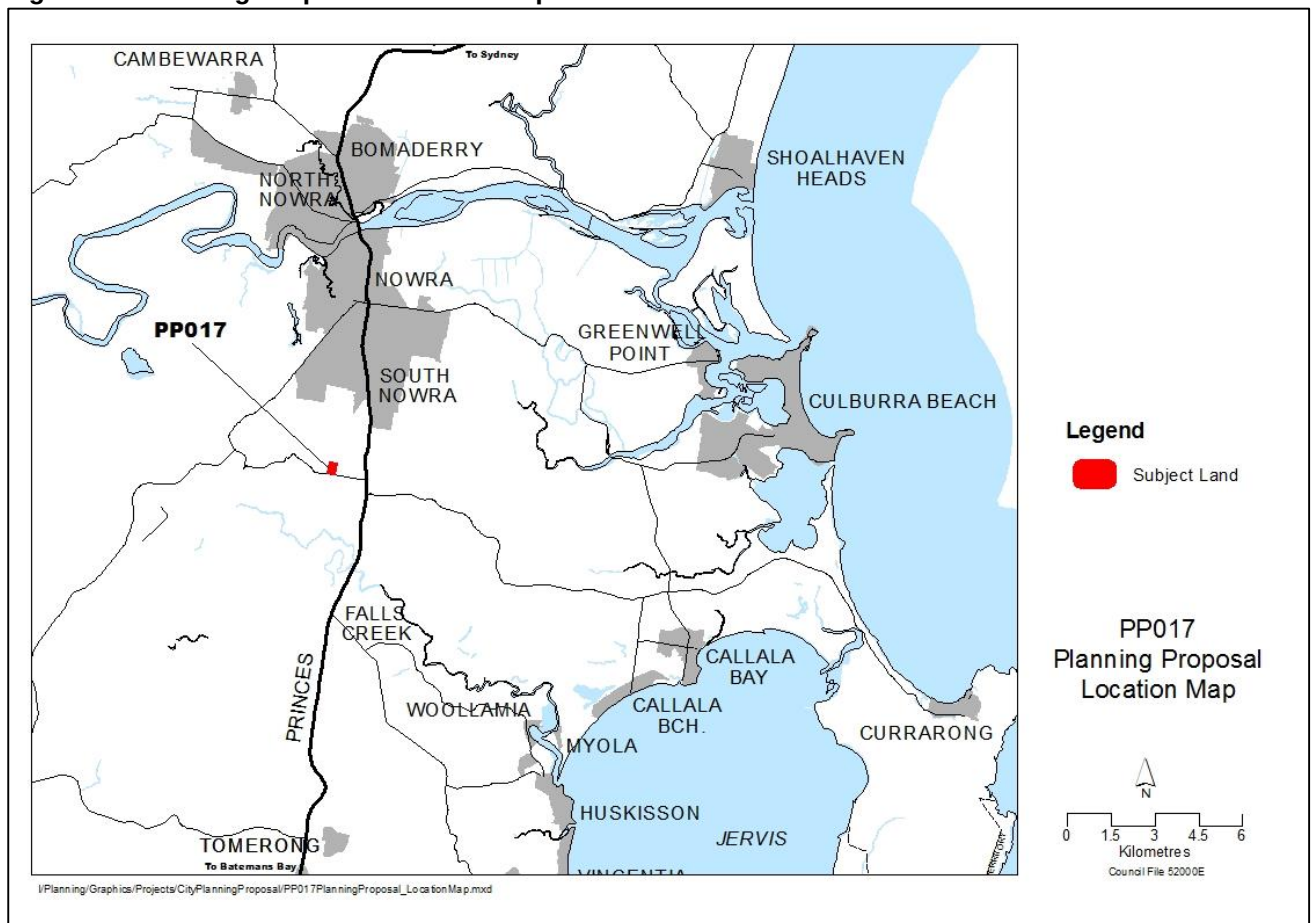


Figure 2 – Subject Land Map



Figure 3 – Aerial Photo

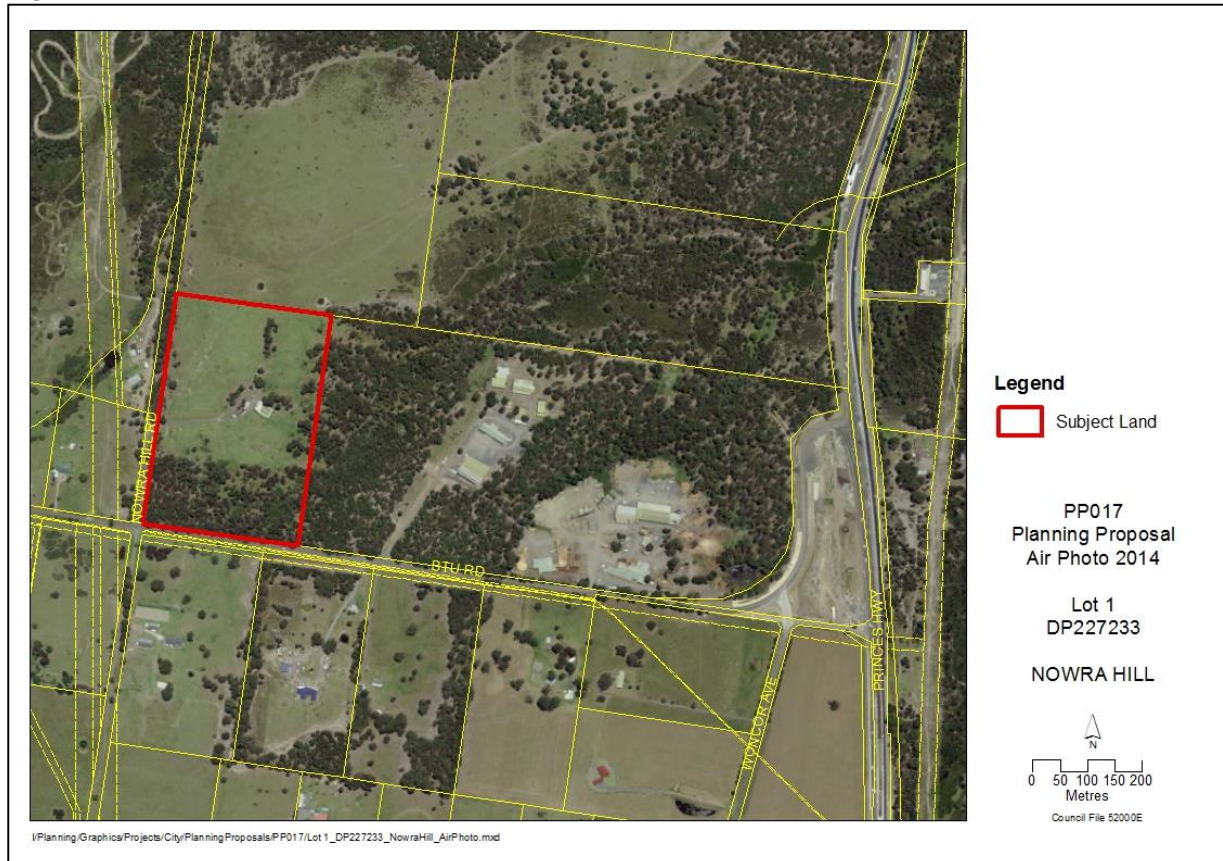
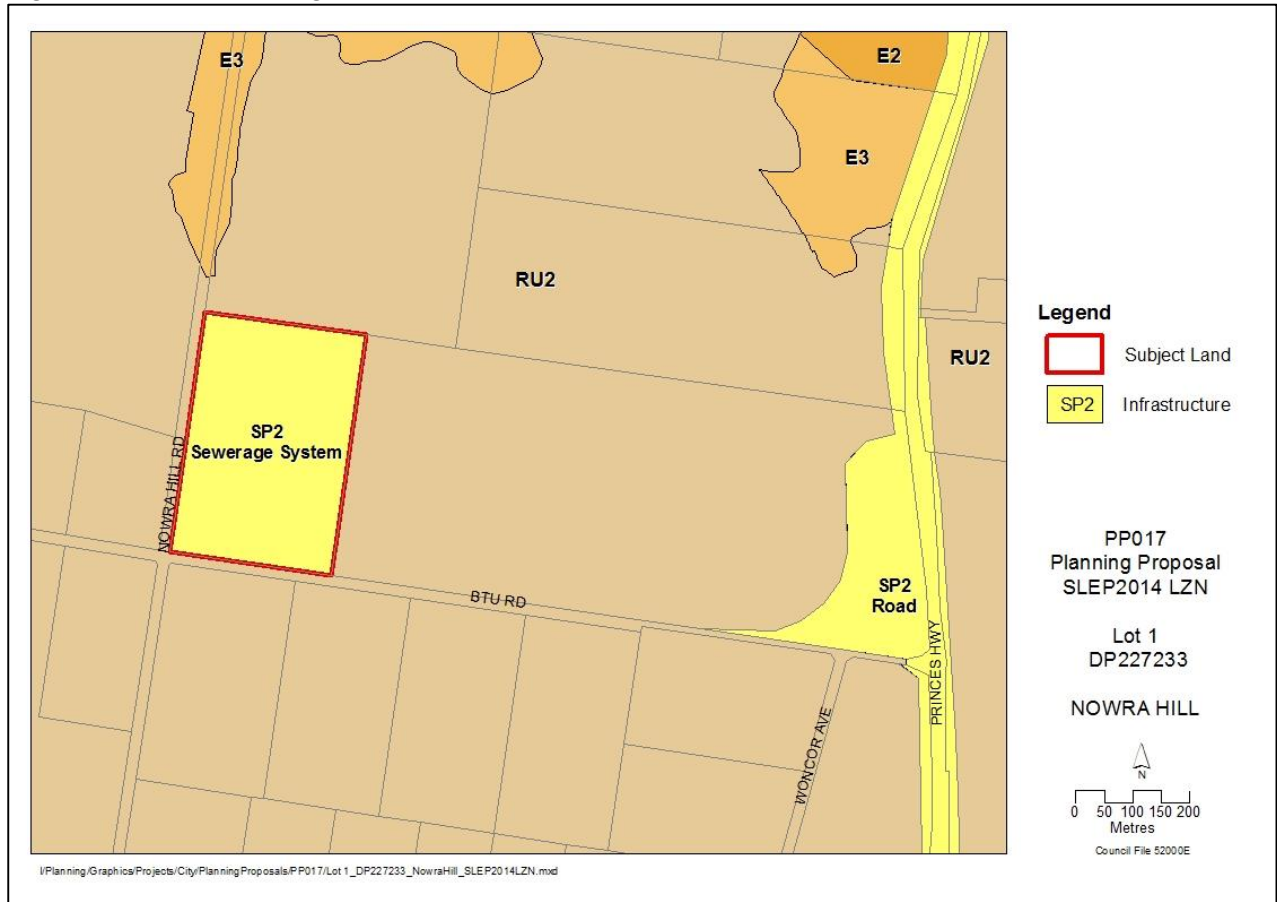


Figure 4 - Current Zoning

1.2 Background

Council has proposed to construct a Resource Recovery Park adjacent to the West Nowra Waste and Recovery Facility on this site currently occupied by the Shoalhaven Animal Shelter. Therefore, the animal shelter will need to be relocated to an appropriate site.

The *Animal Shelter Relocation Site Selection Report (Locale Consulting, May 2015)* recommended the subject site for the location of the animal shelter.

Lot 1 DP 227233 is currently zoned SP2 Infrastructure and with a purpose of 'Sewerage system'. The land use table for the SP2 zone only permits 'roads; the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose'. This means that an animal shelter, being an 'animal boarding or training establishment', cannot be approved on the site.

The Council report and resolution are included as **Attachment "A"**.

2. Part 1 – Objectives or intended outcomes

The intended outcome of this PP is to enable the lodgement of a development application for the construction and operation of an animal shelter on the subject land. This will be achieved by amending Shoalhaven LEP 2014 to permit ‘animal boarding or training establishments’ on the subject site.

3. Part 2 – Explanation of provisions

The intended outcome could be achieved in a number of ways by:

- Retaining the SP2 zone and modifying the purpose on the Land Zoning Map to allow the lot to be used for the animal shelter to ‘Sewerage system & animal boarding and training establishment’;
- Changing the zone for the lot, or that part of the lot to be used for the animal shelter, to RU2 Rural Landscape as per the surrounding land as this zone permits ‘animal boarding and training establishments’; or
- Inserting a clause in Schedule 1 Additional permitted uses to permit ‘animal boarding and training establishments’ on the lot.

The preferred option is to amend the purpose on the Land Zoning Map from ‘sewerage system’ to ‘sewerage systems and animal boarding and training establishments’.

Of the available options that would allow the specific use on the subject land, this would be the simplest way to achieve the intended outcome.

4. Part 3 – Justification

4.1 Section A - Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any strategic study or report?

As a result of the proposed expansion of the West Nowra Recycling and Waste Facility, the existing Shoalhaven Animal Shelter is required to be relocated.

The Shelter Relocation Site Selection Report (Locale Consulting, May 2015) determined that the subject lot was the optimal site for the relocation of the animal shelter. This document is included as **Attachment “B”**.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes?

Yes. A PP is the only means of altering the SP2 zone purpose on the Land Zoning Map. There is no other way to achieve the required outcome.

4.2 Section B – Relationship to strategic planning framework

4.2.1 Is the Planning Proposal consistent with the objectives and actions of the Illawarra-Shoalhaven Regional Plan?

Yes. The PP is consistent with the objectives and actions of the Illawarra-Shoalhaven Regional Plan.

The proposed amendment will ensure that Council can continue to provide the animal shelter service that will assist the current and future population in Shoalhaven.

4.2.2 Is the Planning Proposal consistent with Shoalhaven 2023?

Yes. The PP is consistent with Council's Community Strategic Plan, Shoalhaven 2023 and the relevant objectives and strategies below:

Place

- | | |
|-----------------|---|
| Objective 2.4.1 | Develop and acquire new infrastructure and assets to meet the needs of the City's growing population and economy while maintaining current asset service levels |
| Objective 2.4.6 | Manage the City's limited landfill capacity, including improved management of green waste and consideration of future landfill options |

Environment

- | | |
|-----------------|---|
| Objective 2.4.1 | Develop and acquire new infrastructure and assets to meet the needs of the City's growing population and economy while maintaining current asset service levels |
|-----------------|---|

Leadership

- | | |
|----------------|--|
| 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 |
| Strategy 4.4.6 | Ensure that the properties held in Council's ownership are financially viable, suitable and necessary to meet community needs |

4.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Yes. The PP is consistent with the applicable state environmental planning policies (SEPPs). Please see **Attachment “C”** – Checklist of State Environmental Planning Policies. Those that are relevant are discussed below.

SEPP 55 – Remediation of Land

Council, as the planning authority, understands that land may be contaminated. A land use identified in Table 1 of the Managing Land Contamination – Planning Guidelines, being ‘waste storage and treatment’, has been identified on the site.

A preliminary assessment of the site to be used for the proposed development “*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 landuse (NEPM D)*”. Full report is included as **Attachment “D”**.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

Yes. The PP is consistent with the applicable Ministerial Directions as shown in **Attachment “E”** – Checklist of Ministerial Directions. Those that are relevant are discussed below.

4.4 Planning for Bushfire Protection

This direction applies as the subject land is mapped as bushfire prone land and is consistent as:

- Council will consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.
- The PP:
 - o Has regard to *Planning for Bushfire Protection 2006*,
 - o Will avoid placing inappropriate development in hazardous areas, and
 - o Ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

5.1 Implementation of Regional Strategies

The PP is consistent with the Illawarra-Shoalhaven Regional Plan (2015).

6.3 Site Specific Provisions

This direction applies as the PP will allow a particular development to be carried out. It is consistent as it will allow the land use to be carried out in the zone the land is situated on being the SP2 zone.

6.4 Section C – Environmental, Social and Economic Impact

4.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

There are some environmental constraints on the subject land, specifically in the south east portion of the lot. Any development on the site will avoid this area.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the PP.

4.3.3 Has the Planning Proposal adequately addressed any social or economic effects?

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

6.5 Section D – State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

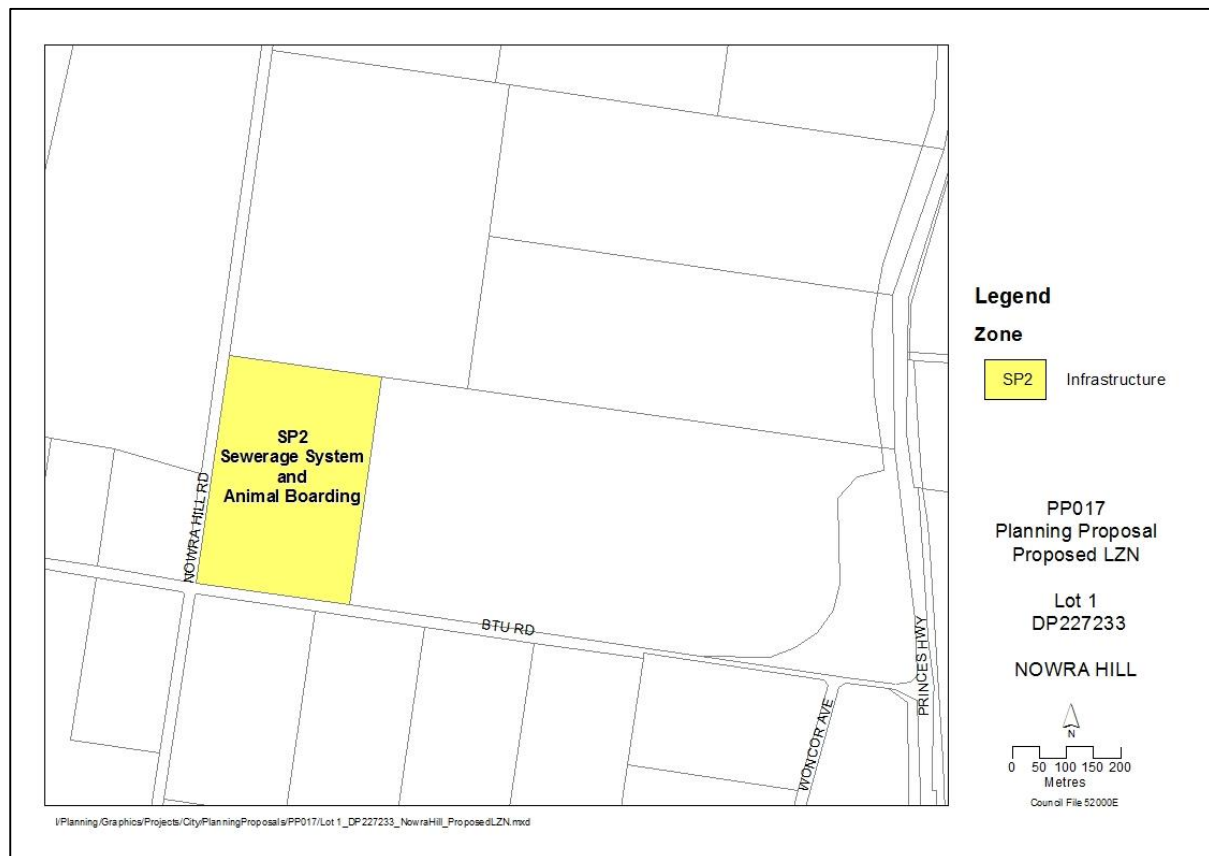
The PP does not create additional requirements for public infrastructure. There is adequate road access to the site and electricity, water, and sewer are all available. The PP facilitates development and use of an animal shelter on the subject lot.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Council has not consulted with any State or Commonwealth public authorities in relation to the PP. Council proposes to consult with relevant public authorities as part of the exhibition process.

7 Part 4 – Mapping

It is proposed to amend Land Zoning Map Sheets LZN_013F and LZN_014C to change the purpose on part of Lot 1 DP 227233 from 'Sewerage system' to 'Sewerage system & animal boarding & training'. The proposed map change is shown below:



8 Part 5 – Community consultation

Council proposes to exhibit the PP in accordance with the requirements of Section 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and any other requirements as determined by the Gateway process. It is intended that an exhibition period of 28 days apply given the potential community interest in this PP.

Public notification of the exhibition will include notification in the local newspapers, letters to affected landowners and residents, and a notice on Council's website. Hard copies of the PP would be made available at Council's Administrative Buildings in Nowra and available for viewing at Council's Ulladulla Administrative Building.

9 Part 6 – Project timeline

The following milestone timeframes are anticipated; they will be revised if any significant delays are encountered.

Table 1 - Planning Proposal Project Timeline

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	February 2016
Completion of Gateway determination requirements	March 2016
Public exhibition	April 2016
Consideration of submissions	May 2016
Post exhibition consideration of Planning Proposal	June 2016
Finalisation and notification of Plan	August 2016

Attachment A – Council Report and Resolution

Attachment B - Shelter Relocation Site Selection Report

Attachment C – Checklist of State Environmental Planning Policies

Draft LEP Checklist – State Environmental Planning Policies – Shoalhaven Animal Shelter

SEPP	Date	Name	Applicable	Not inconsistent
1	17.05.02	Development Standards	✓	✓
14	12.12.85	Coastal wetlands	✗	n/a
15	14.01.11	Rural Land sharing Communities	✗	n/a
19	22.02.14	Bushland in Urban Areas	✗	n/a
21	24.04.92	Caravan parks	✓	✓
26	05.02.88	Littoral rainforests	✗	n/a
30	08.12.89	Intensive agriculture	✗	n/a
32	15.11.91	Urban consolidation (Redevelopment of urban land)	✗	n/a
33	13.03.92	Hazardous and Offensive development	✓	✓
36	16.07.93	Manufactured home estates	✗	n/a
44	06.01.95	Koala habitat protection	✓	✓
50	10.11.97	Canal estate development	✓	✓
52	22.02.14	Farm Dams and Other Works in Land and Water Management Plan Areas	✗	n/a
55	28.08.98	Remediation of land	✓	✓
62	25.09.00	Sustainable aquaculture	✗	n/a
64	16.03.01	Advertising and signage	✗	n/a
65	26.07.02	Design quality of residential flat development	✗	n/a
70	31.07.09	Affordable Housing (Revised Provisions)	✗	n/a
71	01.11.02	Coastal protection	✗	n/a
--	31.03.04	Housing for Seniors or People with a Disability 2004	✗	n/a
--	25.06.04	BASIX : 2004	✗	n/a
--	01.08.05	Major Development 2005	✗	n/a
--	16.02.07	Mining, Petroleum Production and Extractive Industries 2007	✓	✓
--	26.10.07	Miscellaneous Consent Provisions 2007	✓	✓
--	01.01.08	Infrastructure 2007	✓	✓
--	09.05.08	Rural Lands 2008	✓	✓
--	12.12.08	Exempt and Complying Development Codes 2008	✓	✓
--	31.07.09	Affordable Rental Housing 2009	✗	n/a
--	15.12.10	Urban Renewal 2010	✗	n/a
--	21.01.11	Sydney Drinking Water Catchment 2011	✗	n/a
--	28.09.11	State and Regional Development 2011	✓	✓

Attachment D – Preliminary Environmental Site Assessment Incorporating Soil Sampling

Attachment E – Checklist of Ministerial Directions

Draft LEP Checklist – Section 117(2) Directions – Shoalhaven Animal Shelter

	Direction	Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	✓	✗	n/a
1.2	Rural Zones	✓	✗	n/a
1.3	Mining, Petroleum Production and Extractive Industries	✓	✗	n/a
1.4	Oyster Aquaculture	✗	✗	n/a
1.5	Rural lands	✓	✗	n/a
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✗	n/a
2.2	Coastal Protection	✗	n/a	n/a
2.3	Heritage Conservation	✓	✗	n/a
2.4	Recreation Vehicle Area	✓	✗	n/a
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✗	n/a	n/a
3.2	Caravan Parks and Manufactured Home Estates	✓	✗	n/a
3.3	Home Occupations	✓	✗	n/a
3.4	Integrating Land Use and Transport	✗	n/a	n/a
3.5	Development Near Licensed Aerodromes	✗	n/a	n/a
3.6	Shooting Ranges	✗	n/a	n/a
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✗	n/a	n/a
4.2	Mine Subsidence and Unstable Land	✗	n/a	n/a
4.3	Flood Prone Land	✗	n/a	n/a
4.4	Planning for Bushfire Protection	✓	✓	✓
5 Regional Planning				
5.1	Implementation of Regional Strategies	✓	✓	✓
5.2	Sydney Drinking Water Catchments	✗	n/a	n/a
5.3	Farmland of State & Regional Significance Far North Coast	✗	n/a	n/a
5.4	Commercial & Retail Development Far North Coast	✗	n/a	n/a
5.8	2 nd Sydney Airport: Badgerys Creek	✗	n/a	n/a
5.9	North West Rail Link Corridor Strategy	✗	n/a	n/a
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✗	n/a
6.2	Reserving Land for Public Purposes	✓	✗	n/a
6.3	Site Specific Provisions	✓	✓	✓