

Planning Proposal - PP017

Relocation of the Shoalhaven Animal Shelter

Prepared by
Planning and Development Services Group
Shoalhaven City Council

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Version 1 – Gateway Version

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1. Introduction

This Planning Proposal (PP) proposes 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

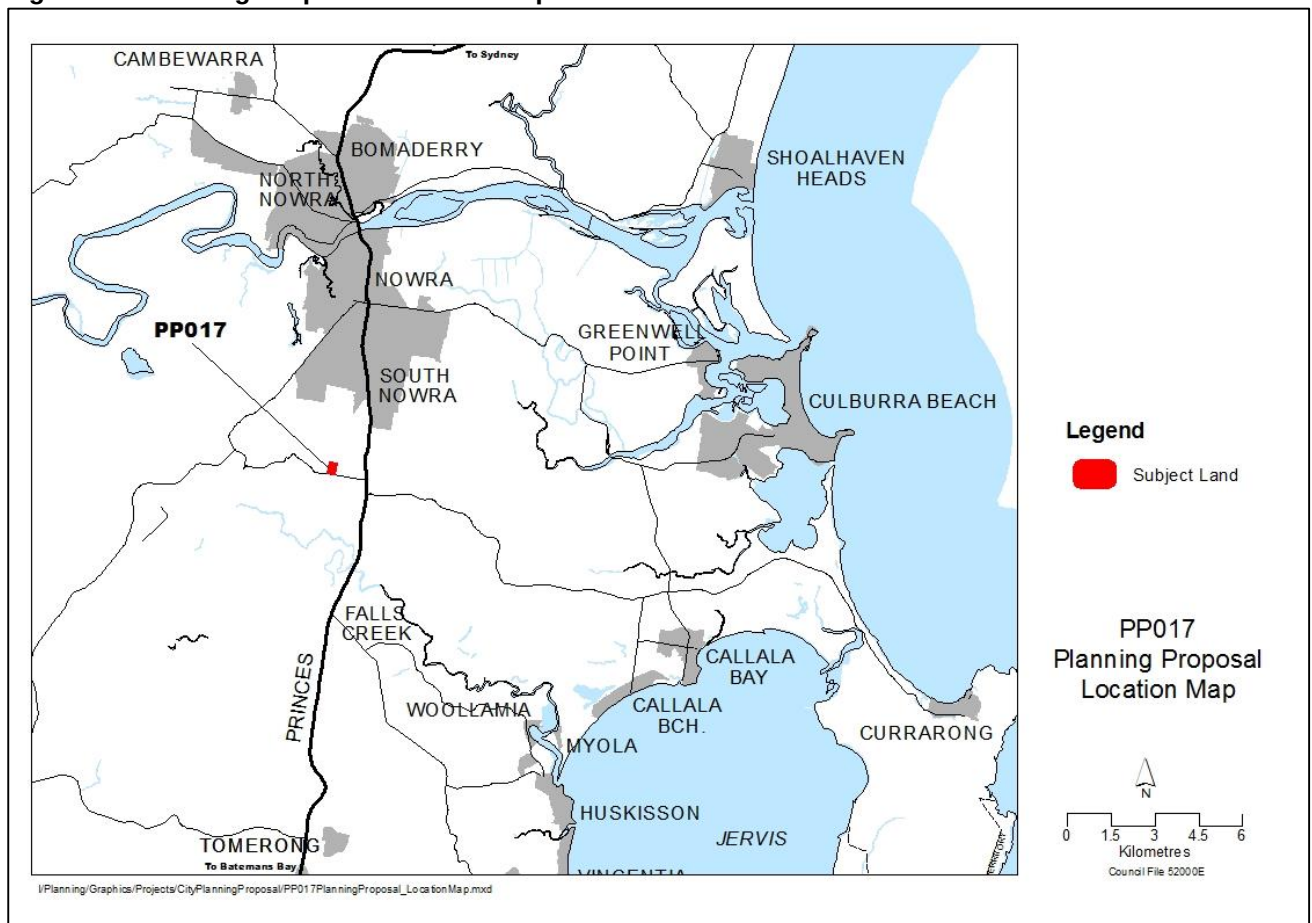


Figure 2 – Subject Land Map

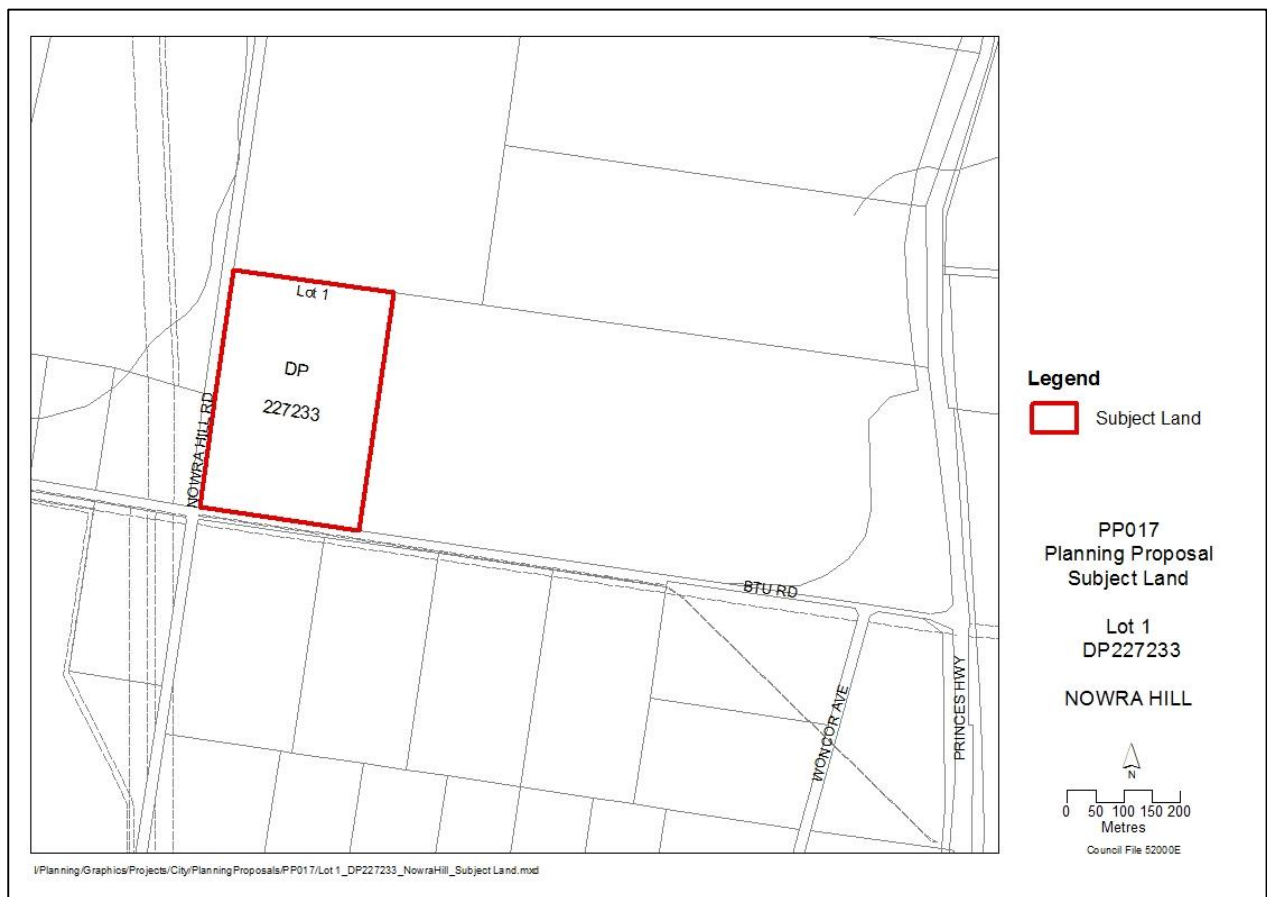


Figure 3 – Aerial Photo

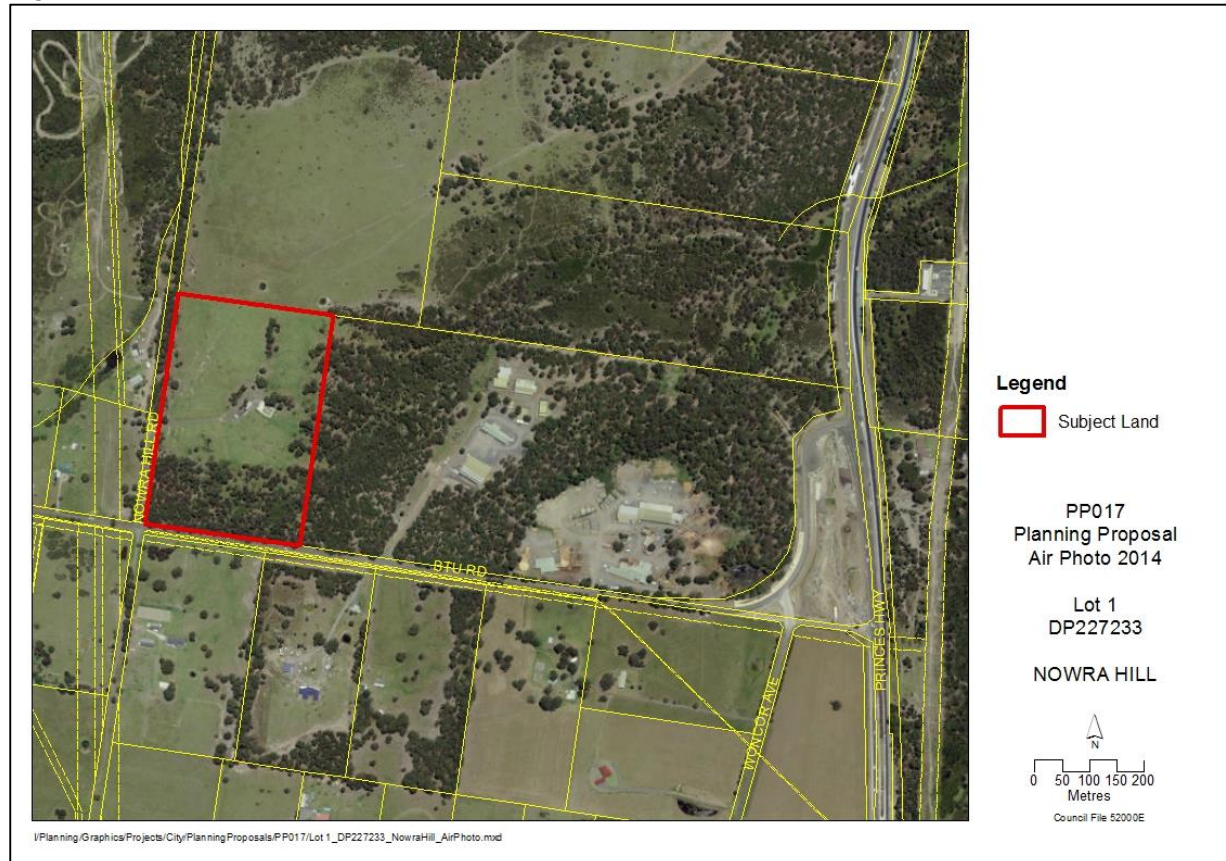
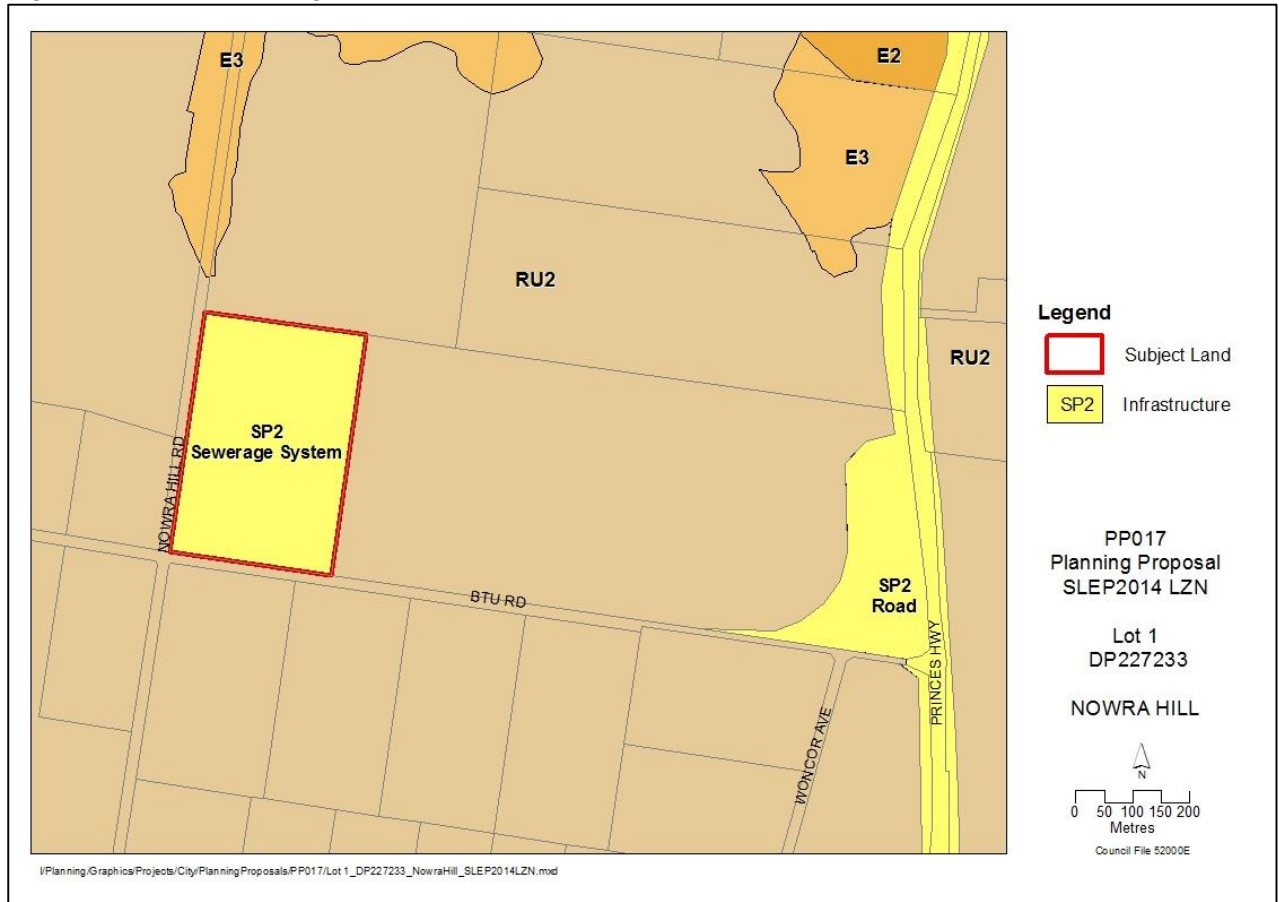


Figure 4 - Current Zoning



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, with a mapped 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 currently 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 a development application for the construction and operation of an animal shelter on the subject land to be lodged and considered. 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 systems & 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 needs to be relocated.

The Animal Shelter Relocation Site Selection Report (Locale Consulting, May 2015) determined that the subject lot was the optimal site for the relocated 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

It is understood that the land may be contaminated as a result of its former use. 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?

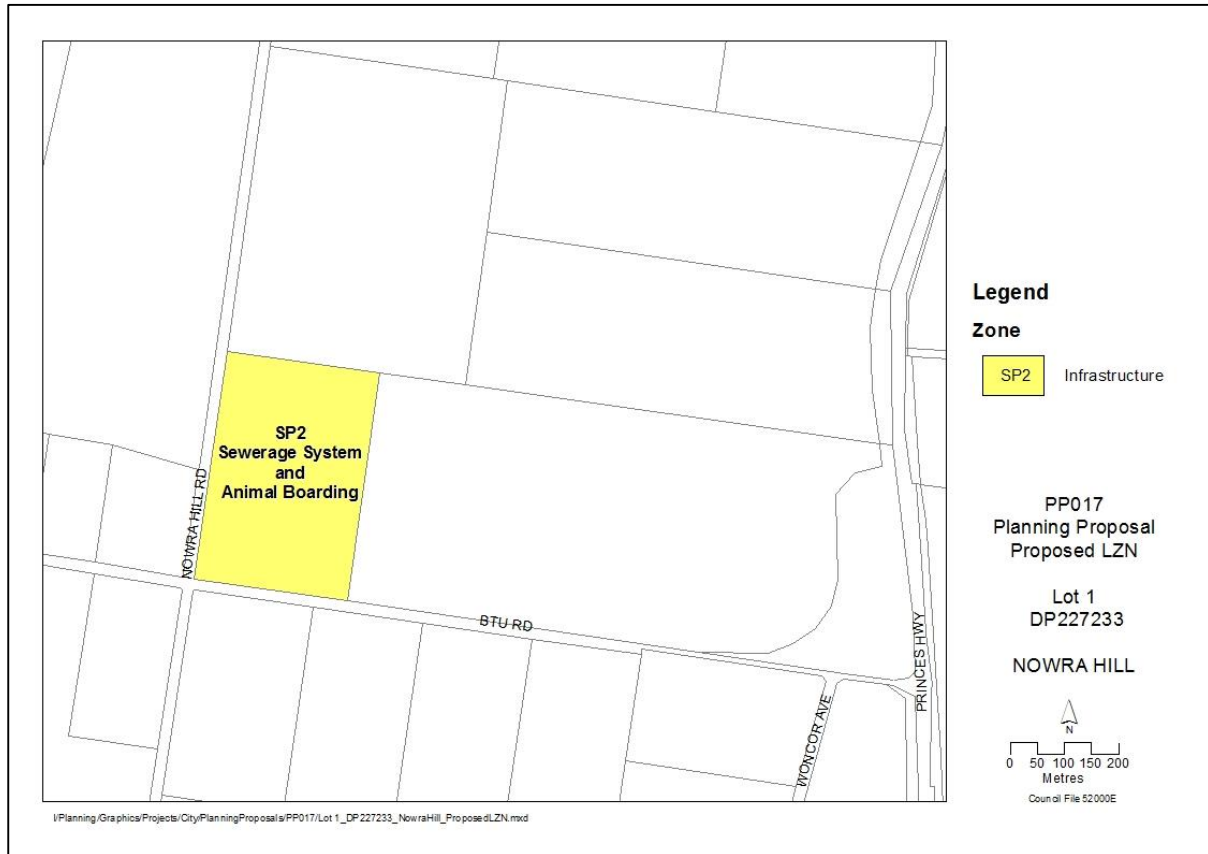
The PP does not create additional requirements for public infrastructure. There is adequate road access to the site and electricity, water, and sewer are all available. The PP facilitates development and use of an animal shelter on the subject lot.

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 Lot 1 DP 227233 from 'Sewerage system' to 'Sewerage systems & 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	✓	✓	✓