

Planning Services

Gateway Determination Report

LGA	Shoalhaven
PPA	Shoalhaven City Council
NAME	134 Kinghorne Street Nowra – RE1 to B4 to permit transitional group home (1 homes, 2 jobs)
NUMBER	PP_2018_SHOAL_005_00
LEP TO BE AMENDED	Shoalhaven Local Environmental Plan 2014
ADDRESS	134 Kinghorne Street Nowra
DESCRIPTION	Lot 2 DP 329271
RECEIVED	27 April 2018
FILE NO.	IRF18/2410
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The proposal will rezone 134 Kinghorne Street Nowra from RE1 Public Recreation to B4 Mixed Use. The purpose is to enable an existing building on the site to be used as a transitional group home.

Site description

The site is located immediately south of the Nowra CBD to the west of the Princes Highway – see location map on page 6 of the planning proposal.

The lot is situated on the north-west corner of Marriott Park and contains an existing structure which, until recently, was used as the Nowra Neighbourhood Centre. The property is next door to the Nowra Youth Centre - see aerial photo on page 7 of the planning proposal.

The site was acquired by Council in 1974 with the intention of expanding Marriott Park. Council was unable to acquire other nearby properties so the expansion plans were put on hold.

Existing planning controls

The site is zoned RE1 Public Recreation under the Shoalhaven Local Environmental Plan 2014. Transitional group homes are not permitted in the RE1 zone.

The land is classified as community land under the *Local Government Act 1991*. This proposal does not seek to reclassify the site so it will remain community land.

Surrounding area

The site is located just outside of the Nowra CBD to the south.

The land to the north and east of the subject site is zoned B4 Mixed Use. Land to the south of the site is zoned RE1 Public Recreation and known as Marriott Park.

Summary of recommendation

It is recommended that the proposal proceed as submitted.

PROPOSAL

Objectives or intended outcomes

The intended outcome is clearly described in Part 1 of the proposal.

The proposal will rezone the subject land from RE1 Public Recreation to B4 Mixed Use to permit the use of the site as a transitional group home which will provide shelter for the homeless.

Explanation of provisions

The proposal involves a change to the relevant zone map.

The explanation of provisions contains some unnecessary information, however it is clear from the information provided that the site will be rezoned from RE1 to B4 so it is not considered that changes are required to this section of the proposal.

There are no changes to the written instrument as a result of the proposal.

Mapping

Council has including mapping in the proposal that clearly identifies the site and the change in zoning. This is considered adequate for exhibition purposes.

NEED FOR THE PLANNING PROPOSAL

Council has identified that homelessness is increasing in the Shoalhaven LGA and has identified the subject land as a suitable location for a transitional group home. This proposal will permit the use of the existing – currently vacant – council owned building on the site as a shelter for the homeless as they are transitioning into housing.

The RE1 Public Recreation zoning does not permit transitional group homes so a change to the Shoalhaven LEP 2014 is required.

Council has proposed rezoning the site to B4 Mixed Use consistent with land to the north and east of the site – creating a rectangle of B4 zoned land. Transitional group homes are permitted under the B4 Mixed Use zoning.

While the B4 zone theoretically permits a much greater range of uses, these will be restricted by the site's classification as community land. The adjoining council owned land to the north of the subject land is zoned B4 Mixed Use and is used as a youth centre, providing further evidence of council's commitment to focus community facilities in this area.

The other option for achieving the intended outcome would be to add the site to Schedule 1 – Additional Permitted Uses in the LEP. However, the Department

generally prefers to limit the use of Schedule 1 to circumstances where the outcome cannot be achieved through the application of an appropriate zone. The B4 zone is considered to be an appropriate zone in this case.

STRATEGIC ASSESSMENT

Illawarra Shoalhaven Regional Plan

Council has assessed the proposal against the Illawarra Shoalhaven Regional Plan and notes that it is consistent with the plan, specifically:

Goal 2 – a variety of housing choices, with homes that meet needs and lifestyles; and

Goal 3 – a region with communities that are strong, healthy and well-connected.

The Southern Region agrees with Council's assessment that the proposed outcomes will be consistent with the above Goals of the Regional Plan by providing housing to the homeless.

Local Strategies

The proposal is consistent with the Shoalhaven Community Strategic Plan which highlights the need for resilient, safe and inclusive communities.

Section 9.1 Ministerial Directions

The planning proposal lists applicable section 9.1 Directions and does not consider that the proposal is inconsistent with relevant Directions.

Directions of particular relevance are discussed below:

2.1 Business and Industrial Zones

This Direction states that a proposal must not reduce the areas and locations of existing business zones and must not reduce the total potential floor space area for employment uses and related public services in business zones.

This proposal is not inconsistent with this Direction as it will not result in a reduction of employment zoned land or potential floor space.

The Secretary's delegate can be satisfied that the proposal is consistent with this Direction.

6.2 Reserving Land for Public Purposes

The relevant objective of this Direction is to facilitate the provision of public services and facilities by reserving land for public purposes.

The Direction states that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the public authority and the Secretary of the Department of Planning and Environment.

This proposal will rezone land from an RE1 Public Recreation however the land will retain its community classification and will be used to provide a community service.

The proposal will be consistent with the Direction if the Secretary approves the rezoning.

It is recommended that the Secretary's delegate approve the rezoning and agree that the proposal is therefore consistent with this Direction.

The proposal is considered to be consistent with other applicable Directions:

2.1 Environment Protection Zones

2.3 Heritage Conservation

2.4 Recreational Vehicle Areas

3.2 Caravan Parks and Manufactured Homes Estates

3.3 Home Occupations

3.4 Integrated Land Use and Transport

4.1 Acid Sulfate Soils

5.10 Implementation of Regional Plans

6.1 Approval and Referral Requirement

6.3 Site Specific Provisions

RECOMMENDATION

It is recommended that the Secretary's delegate agree to rezone the land from a public recreation zone under Direction 6.2 Reserving Land for Public Purposes.

It is recommended that the Secretary's delegate be satisfied that the proposal is consistent with all relevant Section 9.1 Directions and that no further approval is required.

State environmental planning policies

The proposal is considered consistent with relevant State environmental planning policies.

SITE-SPECIFIC ASSESSMENT

Social and economic

The proposal will allow council to enter into an agreement with a community service provider to use the existing structure on the site as a temporary home for people experiencing homelessness as they transition into housing. This is a positive social and economic outcome.

Environmental

The proposal should not have any negative environmental impacts. The land is cleared and currently contains a building that will be used as a transitional group home.

CONSULTATION

Community

Council has proposed a 14-day exhibition period. Given the nature of the proposal this is considered adequate.

Agencies

Council has not identified the need to consult with agencies on this proposal. This is considered appropriate.

TIME FRAME

Council has indicated that it expects to finalise the proposal within 5 months. It is recommended that the Gateway provide a 6-month timeframe.

LOCAL PLAN-MAKING AUTHORITY

Council has asked for plan making authority in relation to this proposal. This is considered appropriate, as the proposal is minor in nature

CONCLUSION

This is a minor planning proposal that will provide a positive social and economic benefit through the provision of temporary housing for people experiencing homelessness.

It is recommended that the proposal be supported.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree to the proposed reduction in land zoned RE1 Public Recreation as required by Section 9.1 Direction 6.2 Reserving Land for Public Purposes;
2. agree that the proposal is consistent with all relevant Section 9.1 Directions and that no further approval is required.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan



10/5/18

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