

Development Committee

Meeting Date: Monday, 10 October, 2016

Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

Time: 4.00pm

Membership (Quorum - 7)

All Councillors

General Manager or nominee

Please note: Council's Code of Meeting Practice, permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

Election of Chairperson

1. Apologies / Leave of Absence

2. Confirmation of Minutes

- Development Committee – 2 August 2016

3. Declarations of Interest

Deputations

4. Reports

| | | |
|--------|---|----|
| DE16.1 | Development Application – 25 Junction Street, Nowra – Lot 1 DP 81167 | 3 |
| DE16.2 | Planning Proposal (PP 017) - Shoalhaven LEP 2014 - Shoalhaven Animal Shelter - Assessment of Submissions | 16 |
| DE16.3 | NSW Heritage Grants Program 2016/2017 - Shoalhaven Local Heritage Assistance Fund Program..... | 39 |

5. Confidential Reports

Nil

Development Committee

Delegation:

Pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations::

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a s82A or s96AB EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council.

Schedule:

1. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
2. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 4 of the EPA Act.
3. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
4. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which breaches a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
5. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
6. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
7. Review of all determinations of development applications under sections 82A and 96AB of the EP&A Act.
8. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.

MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY, 2 AUGUST, 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.01PM

The following members were present:

Clr White - Chairperson
Clr Tribe
Clr Robertson – arrived 4.01pm
Clr Kearney
Clr Gash
Clr Wells – arrived 4.01pm
Clr Baptist
Clr Findley – arrived 4.02pm
Clr Watson – arrived 4.01pm
Clr Kitchener
Russ Pigg – General Manager

Apologies:

Apologies were received from Clr Anstiss

1. Confirmation of the Minutes of the Development Committee meeting held on Monday 18 July 2016
-

MOTION:

Moved: Kearney / Second: Baptist

(MIN16.617) RESOLVED that the Minutes of the Development Committee meeting held on Monday 18 July 2016 be confirmed.

CARRIED

Note: As this was the last meeting of the Development Committee for the current term of Council, the Chairperson, Clr White thanked the Councillors for their participation in debates and thanked staff for the quality of the reports and information.

Note: Clrs Wells, Robertson, Watson and Findley arrived at the meeting.

PLANNING AND DEVELOPMENT

2. Development Application 16/1649 – New detached Dual Occupancy and Subdivision at Lot 35 DP 264082, 2 Coconut Drive, North Nowra. Applicant/ Owner: D. L. Tooley
File DA16/1649 (PDR)
-

MOTION:

Moved: Wells / Second: Baptist

(MIN16.618) RESOLVED, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Confirm support for the variation of the side boundary setback to Coconut Drive contained in section 5.4 of Chapter G13 to 1.1m for the proposed pergola and the variation corner lot frontage requirements under section 5.24 of Chapter G11 of Shoalhaven DCP 2014;

- b) That the application be determined under delegated authority.

CARRIED

FOR: Tribe, Robertson, Kearney, Gash, Wells, Baptist, Findley, Watson, Kitchener, White and Russ Pigg

AGAINST: Nil

3. Land Acquisition Request to facilitate the construction of Enterprise Avenue, South Nowra (Contributions Plan Project 01ROAD2143) File 28709E (PDR)

MOTION: Moved: Gash / Second: Wells

(MIN16.619) RESOLVED, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Give in principal support to acquire part of Lot 2 DP 1170503 to facilitate the construction of Enterprise Avenue.
- b) Enter into a planning agreement with the affected/benefitting landowners to carry out the required land acquisition, design and construction of Enterprise Avenue (01ROAD2143).
- c) Instruct staff to further investigate the funding arrangements to facilitate the acquisition of land and surveys of Enterprise Avenue road reserve; and
- d) Consider waiving fees associated with the lodgement of any future Development Applications or Construction Certificates over the subject land as part of the Planning Agreement process.

CARRIED

FOR: Tribe, Robertson, Kearney, Gash, Wells, Baptist, Findley, Watson, Kitchener, White and Russ Pigg

AGAINST: Nil

4. Simplified NSW Housing Code - Proposed Submission File 31157E

MOTION: Moved: Wells / Second: Baptist

(MIN16.620) RESOLVED, in accordance with the Committee's delegated authority from Council, that a submission (Attachment "A") be provided to the NSW Department of Planning and Environment on the proposed simplified NSW Housing Code.

CARRIED

There being no further business, the meeting concluded, the time being 4.04pm.

Clr White
CHAIRPERSON

DE16.1 Development Application – 25 Junction Street, Nowra – Lot 1 DP 81167

DA. No: DA16/1369

HPERM Ref: D16/301955

Group: Planning & Development Services Group
Section: Development Services

Attachments: 1. Variation Statement [↓](#)

Description of Development: Erection of three (3) single storey residential units and community title subdivision

Owner: Janack Nominees Pty Ltd

Applicant: Hotondo South Coast Pty Ltd

Notification Dates: 5 to 20 April 2016, 1 to 16 June 2016 and 1 to 12 August 2016

No. of Submissions: Seven (7) objections during the first notification period; six (6) during the second notification period; none in the third notification period.
Zero (0) in support

Purpose / Reason for consideration by Council

The reason for referring this Development Application (DA) to Council is to seek direction with respect to a policy variation regarding the proposed Community Title subdivision. The size of the lots in the proposed Community Title subdivision are all more than 10% below the minimum lot size of 350 square metres prescribed in clause 4.1C of Shoalhaven Local Environmental Plan 2014 (SLEP 2014).

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Confirm that it supports the variation to the minimum lot size for lots 1-4 to 265, 195, 155 and 204.5 square metres respectively; and
2. The Development Application be determined under delegated authority.

Options

1. Resolve to support the proposed variation in the side setback.

Implications: This would enable the development and subdivision, as submitted, to proceed subject to the granting of development consent.

2. Resolve not to support the proposed variation.

Implications: This would result in the applicant needing to reconsider the design of the proposal, potentially reducing the density of the development.

Location Map



Zoning Map



Site: 25 Junction St, Nowra.
Zone: R1 – General Residential, Shoalhaven Local Environmental Plan 2014e

Background

This application is for:

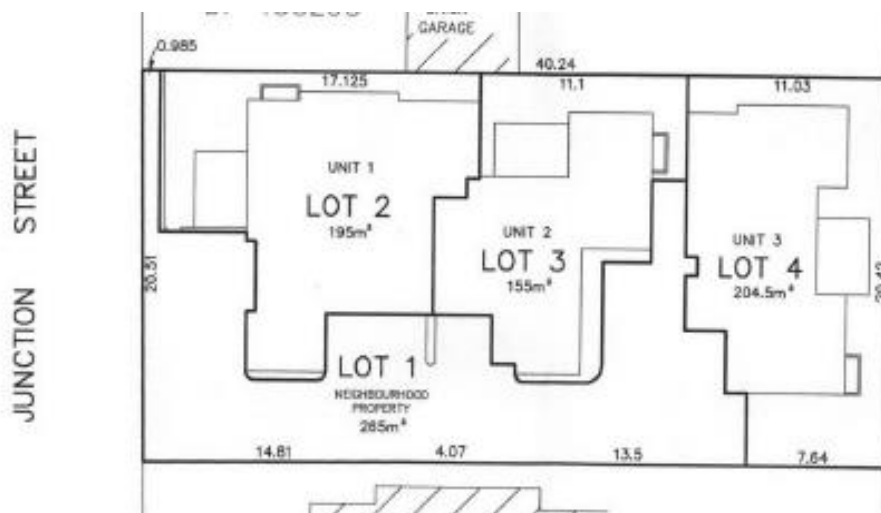
- the demolition of an existing shed;
- the erection of 2 x 3 bedroom and 1 x 2 bedroom single storey dwellings;
- a community title subdivision of the completed development.

DE16.1

(The applicant confirmed on 18 August 2016 that the 'relocation' of the existing dwelling, which was part of the original application, was not to be pursued in the DA. The 'relocation' is instead, to be covered by a Complying Development Certificate (CDC).)

The subdivision proposes a four (4) lot community title subdivision with three (3) residential lots of 155, 195 and 204.5 square metres and a neighbourhood property lot of 265 square metres as illustrated below.

Proposed subdivision layout



DE16.1

Subject Land

The subject land is described as lot 1 DP 81167, 25 Junction Rd, Nowra and is a rectangular shaped lot of 815.69 m² in area.

Site & Context

The subject site:

- is located within a residential zoned area (R1 General Residential under SLEP 2014;
- has frontage to Junction Street, Nowra. The street is a heritage item under SLEP 2014 and is within the vicinity of several other heritage items, but no. 25 is not itself heritage listed;
- is adjoined on each side by single dwellings and on its rear boundary by the playing fields of St Michael's Catholic Primary School;
- is currently occupied by a single storey weatherboard and iron cottage located and a fibro single garage;
- is subject to a 'concessional' minimum lot size of 350 square metres for multi-dwelling housing where the erection of the dwellings and subdivision are proposed in a single development application (clause 4.1C SLEP 2014).

History

There are no records in Council's Records system of any applications previous to the current one. The Heritage Advisor states that the existing house appears to date from the late interwar period.

Issues

Clause 4.1C of Shoalhaven LEP 2014

Clause 4.1C states:

- (1) *The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) *This clause applies to development on land in Zone R1 General Residential.*
- (3) *Development consent may be granted to a single development application for development to which this clause applies that is both of the following:*
 - (a) *the subdivision of land into 3 or more lots,*
 - (b) *the erection of a dwelling house, an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 350 square metres.*

The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity. It applies to land in Zone R1 General Residential. The clause provides that development consent may be granted to a single development application for development that is for both the subdivision of land into three (3) or more lots and the erection of a dwelling house, and attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, provided that each lot is no less than 350 square metres in size.

As mentioned earlier, the size of each lot is below this minimum.

The R1 zone, has a series of objectives which importantly states that the zone is intended to provide for housing needs of the community and a variety of housing types and densities. Further details are provided later in this report.

Applicant's Submission

The applicant has submitted a detailed statement seeking to justify the non-compliance with the 350 square metres lot size development standard (see copy at **Attachment A**).

The statement provides a description of the development, identifies the 350 square metres development standard, details the justification for the non-compliance, and puts forward environmental planning grounds for supporting the non-compliance.

It is noted that the applicant has cited clause 4.1A of SLEP 2014 whereas the clause that permits the development in question is clause 4.1C. The fine difference is that 4.1A applies to the subdivision of an **existing** development, whereas 4.1C applies to an application to erect and subdivide a residential development in the one application.

Discussion

The applicant needs to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. Council cannot grant consent for such a development unless it is satisfied that the applicant has adequately addressed the above matters and that the proposal will be in the public interest because it is consistent with the objectives of both the development standard and the zone in which the development is proposed.

These considerations are called up by clause 4.6 contained in SLEP 2014, which enables variations to a development standard to be considered.

The Department of Planning and Environment (DPE) Varying development standards: A guide 2011 (The Guide), advises that any DA that proposes a variation under clause 4.6 greater than 10% of the development standard must be determined by the Development Committee of Full

Council, not the General Manager, or nominated staff. This application includes lots exceeding 10%.

The objective of the development standard (lot size) is:

‘to encourage housing diversity without adversely impacting on residential amenity.’

The objectives of the R1 General Residential zone (in full) are:

- *to provide for the housing needs of the community;*
- *to provide for a variety of housing types and densities;*
- *to enable other land uses that provide facilities or services to meet the day to day needs of residents;*
- *to identify land suitable for future urban expansion.*

It is considered that:

- the applicant has adequately addressed the required matters; and
- the proposal will be in the public interest because it is consistent with the objectives of both the development standard and those of the R1 General Residential zone.

To support the proposal, the applicant has submitted that:

- there will be no adverse environmental impacts such as the loss of privacy;
- the proposal will provide housing diversity and choice of stock;
- there is adequate residential amenity within the development;
- the proposal is consistent with the objectives of the zone.

The subdivision of the development does not give rise to any other issues of significance to environmental planning. In particular, this development will be consistent with the second objective of the R1 General Residential zone (ie *to provide for a variety of housing types and densities*) and the objective of the development standard in clause 4.1C of the LEP (ie *to encourage housing diversity without adversely impacting on residential amenity*).

The subdivision of the development will not materially alter the appearance of the development or adversely impact on the amenity of future occupants or adjoining residents. Further, it is important to note that with this type of land title, there is common property. The common property is something that all owners will benefit from, for example the driveway.

| Lot number | Lot Size | % Variation form 350m ² standard. |
|---|---------------------|--|
| 1 (Neighbourhood) property held in common ownership and includes the driveway area. | 265m ² | 24.3% |
| 2 | 195m ² | 44.3% |
| 3 | 155m ² | 55.7% |
| 4 | 204.5m ² | 41.6% |

Planning Assessment

The DA assessment will be finalised under s79C of the Environmental Planning and Assessment Act 1979 following consideration of the policy issue subject of this report. This

will include the consideration of the relevant chapters of Council's Shoalhaven Development Control Plan 2014 (SDCP 2014) which contains the guidelines for this type of development.

Policy Implications

Consultation and Community Engagement:

In accordance with Council's Community Consultation Policy, the development application was notified on three (3) occasions, the latter two (2) following the submission of amended plans that attempted to address issues raised by Council staff in preliminary assessment and those raised in submissions.

The first notification period was from 5 to 20 April 2016. Fifteen (15) neighbours were notified within a sixty (60) metre radius. Seven (7) submissions were received during this period. The second notification period was from 1 to 16 June 2016 and only respondents to the first notification were re-notified. Submissions were received from six (6) of the earlier respondents during this period. After the submission of the second set of amended plans, previous respondents were advised by email of the lodgement of these plans and that Council would receive further submissions until 12 August 2016. No further submissions were received in this last period.

Key issues raised as a result of the notification are provided below. As can be seen, the issues relate to the physical building aspects of the development and are not particularly relevant to the subdivision component.

| Issue | Comment |
|--|--|
| First set of plans | |
| Development will have a significant impact on the heritage significance of Junction Street and its important role in the cultural life of the town | This will be considered in the assessment of the application. The second set of amended plans made adjustments to the roof form (removing the modern skillion design). Roof forms are considered an important streetscape element. The site is not heritage listed. |
| Existing interwar house is a prime example of the architecture of the period and its removal will detract from the streetscape. | As the site is not itself heritage-listed, removal or demolition of the house is a Complying Development and does not require development approval. Advice from the Heritage Advisor is that it would be preferable to retain the existing dwelling. Whilst preferable, the planning framework does not prevent the removal. |
| Development will irreversibly change the attractiveness and ambience of the neighbourhood and Nowra's heritage precinct. | The second set of amended plans including a more compatible roof form and are considered to be acceptable. |
| Plans and documentation initially submitted with the application are inadequate. | Shortcomings have been addressed. |
| Development is not sympathetic to existing development. | The second set of amended plans are considered to better integrate the development into the locality. |
| Will have social and economic impacts and impacts on amenity of surrounding residences. | Social and economic impacts of one modest single storey three (3) unit development will be minimal. Amenity impacts will be considered in the final assessment with regard to chapter G14 of the SDCP 2014. |

| Issue | Comment |
|--|--|
| Loss of visual and acoustic privacy | Development is single storey. |
| Additional vehicle movements will increase hazards to vehicular and pedestrian traffic | Additional vehicle movements will result but are considered to be marginal. Junction Street is wide and has relatively low levels of traffic. |
| Does not provide minimum of 35 square metres private open space | Units 1 and 3 comply. Unit 2 is deficient by 30% (35 square metres required, 25 square metres is provided). However the clothesline and water tank are located in the narrower parts of the open space that does not count towards the 35 sq m, so the resulting area is functional. |
| Acoustic privacy of neighbours will be affected by driveway | Adequate acoustic privacy will be obtained for adjoining residences with condition for 1.8m boundary fence. A standard condition could also imposed on the development if approval is granted. |
| Application does not address SEPP 71 | Will be addressed in Council's assessment.. |
| Heritage impact not adequately addressed | Council's Heritage Advisor considered initial and amended plans and found the amended plans acceptable subject to upgraded landscaping. |
| Inadequate on-site parking will lead to parking congestion in Junction Street | Parking complies including a reduction of 1 car space (deletion of visitor's space) in accordance with CBD parking bonus. Overflow parking may occur from time to time in Junction St. |
| Three (3) units in this location is an overdevelopment | The proposal is consistent with zoning and DCP floor space density measures. Whilst the development is 9.8% below the minimum landscaped area, this is largely the result of the development having a large footprint due to it being all single storey. |
| Development will cause conflict in the local community | There is no evidence that this will occur. |
| Infrastructure in the area is inadequate to cater for increased density | Infrastructure is generally quite adequate for the development. |
| Development will have an adverse impact on the economic and tourism values and benefits flowing from the retention of the historical character of this part of Nowra | With the changes in the second set of amended plans, the impact of the development on the streetscape will be minimised. There is no evidence that this development will have an adverse economic or tourism impact. |
| Existing house should be retained and/or adaptively reused or kept as part of a dual occupancy with a new dwelling at the rear. | The existing house is not heritage listed so it can be removed without the need for development consent. |
| Drainage is an issue in the vicinity and development will exacerbate that. Excessive impervious area will cause drainage problems | A concept drainage design has been provided that drains all roofed and sealed areas to the street gutter. |
| Additional noise from garbage collection vehicles | Two (2) additional collections at this location is considered to have a very minor impact. |

| Issue | Comment |
|--|--|
| Additional impact from light emissions | Minor if any impact noting that it is residential development in an urban context. |
| Development will have an impact on the bird and wildlife population in the area | There is no evidence for this. There will be more plantings in the new development than exist at the present, with between 25 and 30 native shrubs and small trees, potentially providing more habitat for birds in particular. |
| Development will decrease the value of surrounding properties | There is no evidence supporting this assertion. |
| Development environment that allows this type of development is due to short-sighted and mistaken legislative framework foisted on local communities by the State government | This is not an issue for Council to consider in assessing this application. |
| Amended plans | |
| Amended plans have deleted the visitors car space – loss of on-site parking | Deletion of visitor's space is consistent with the SDCP 2014 Chapter 21 Nowra CBD 200m parking discount area. |
| Driveway still of gunbarrel design | The applicant has provided as much landscaping around driveway as is consistent with adequate vehicular manoeuvring areas. It is noted that Council's DCP contains a diagram not dissimilar to that proposed (Figure 1, page 7 in Chapter G14, of SDCP 2014). |
| SEE is inconsistent with plans | Later version of SEE submitted with second set of amended plans has addressed the inconsistency. |
| Amended timber slat fence is no more sympathetic to the locality | The fence is modelled on similarly styled but lower fences in Junction St (eg No. 31 Junction St). |
| Amended plans do not respond adequately to heritage advisor's concerns | The Heritage Advisor has considered initial and amended plans and finds the amended plans acceptable subject to upgraded landscaping. |
| Landscape area does not meet Council's minimum requirements | Development is below the minimum landscaped area. This is the result of the development having a large footprint due to being all single storey. |
| Clothesline and water tank in front yard of Unit 1 do not make for better presentation | The water tank has been relocated to behind front building line. The clothes line will be screened by the 1.8 m high front fence and landscaping. |
| Development is still not sympathetic | The second set of amended plans are considered to be acceptable noting the substantial change to the roof form from modern skillion to a more traditional hip. |
| Drainage still an issue | A concept drainage design has been provided that drains all roofed and sealed areas to the street gutter. |
| SEE is incorrect is stating that there are no heritage items within 250m | Agreed – White House (30 Junction St) is opposite and former convent (22 Junction St) is within 80 metres. Junction St and the grounds of St Michael's Catholic Church directly adjoin the site. The issue of heritage has been explored by Council's Advisor. |

| Issue | Comment |
|--|--|
| Sewerage system appears not to have sufficient capacity for existing development | Shoalhaven Water has advised that system has adequate capacity (Council's reference D16/206663). |

Financial Implications:

If the application is contested (appealed in the Land and Environment Court) it will result in potential costs to Council as a result of defending the appeal..

Legal Implications

If the application is refused, or if the applicant is dissatisfied with Council's determination, or if the applicant has the right of appeal, the applicant is entitled to appeal to the Land and Environment Court. The applicant could also elect to have the matter reviewed via section 82A of the Environmental Planning and Assessment Act 1979.

Summary and Conclusion

Whilst the numerical departure from the subdivision standard appears relatively large, the subdivision does not compromise amenity with site facilities and adequate function open space areas available.

The variation in the subdivision lot size as proposed in this application is considered capable of support for the reasons outlined in this report, including (but not limited to) that it is not inconsistent with the objectives of the zone in that it will provide for a variety of housing types.

SURVEYING | ENGINEERING | TOWN PLANNING

DIRECTORS

S.H. APPERLEY RFD, B.SURV, M.LS NSW, MSSS

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14 April 2016

The General Manager
Shoalhaven City Council
P.O. Box 42
Nowra NSW 2541 Australia

Our Ref: L103343

DA16/1369/1

Attention: Mr John Clague

Dear Sir,

Justification Statement – Non-compliance with Clause 4.1A Shoalhaven Local Environmental Plan 2014

RE: Lot 1 DP 81167, No. 25 Junction Street, Nowra.

This submission is prepared on behalf of Hotondo Homes Pty Ltd to support a development application for a proposed multi-dwelling housing development with a three lot community title subdivision (DA16/1369).

Lot 1 DP 81167 No. 25 Junction Street, Nowra has an area of 812.2m². This request seeks to provide justification to the departure from the provisions of Clause 4.1A of the Shoalhaven LEP 2014 (SLEP) which stipulates that;

- 4) *Development consent may be granted to the subdivision of land in Zone R1 General Residential or Zone R3 Medium Density Residential on which development for the purpose of multi dwelling housing has been carried out if the area of each resulting lot will be equal to or greater than 350 square metres.*

The subject site is identified as "Area 1" on the Lot Size Map. Clause 4.1A therefore permits subdivision of multi-dwelling housing where each lot created has an area of 350m². The proposed lot sizes are:-

Table 1: Proposed Lot Sizes

| Proposed Lot | Required Lot Size | Proposed Lot Size |
|---------------------------|-------------------|-------------------|
| Lot 1 (Neighbourhood Lot) | 350m ² | 265m ² |
| Lot 2 | 350m ² | 195m ² |

| | | |
|--------------|-------------------|-------------------|
| Lot 3 | 350m ² | 155m ² |
| Lot 4 | 350m ² | 204m ² |

As illustrated in Table 1 the proposed Lots do not comply with the minimum lot size requirements under Clause 4.1A of SLEP 2014. Clause 4.6 of SLEP 2014 provides the opportunity to seek an exception to a development standard and specifies the following;

Clause 4.6 Exceptions to development standards

The relevant objectives of this clause are as follows:-

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances,*

Sub-clause 3 and 4 state that:-

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

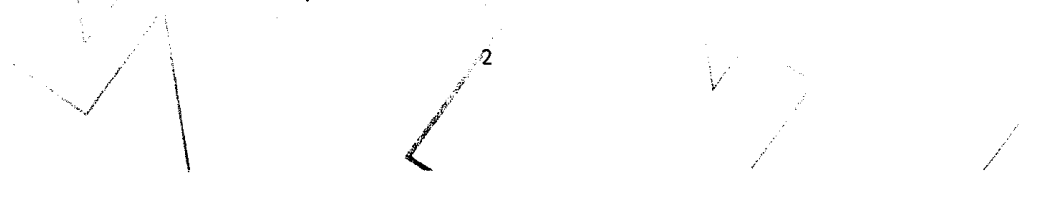
- a) *the consent authority is satisfied that:*
 - i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- b) *the concurrence of the Director-General has been obtained.*

This submission will demonstrate that compliance with Clause 4.1A of SLEP 2014 in respect of the lot size of proposed Lots 2, 3 and 4 is unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify the non-compliance.

The Proposal

The application seeks Council's approval for a multi-dwelling development and subsequent Community Title subdivision as submitted under DA16/1369 on Lot 1 DP 81167. The proposed sizes are detailed in Table 1.

The relevant matter to determine is whether strict compliance with the minimum lot size would be unreasonable or unnecessary in the circumstances of this case.



Justification for non-compliance

- a) Strict compliance with the Development Standard in Clause 4.1A, that a minimum area of 350m² be attained is unreasonable in this instance, as the construction of the proposed multi-dwelling development is permissible in the zone and the placement of a notional boundaries around the driveway between each dwelling will not result in any further environmental impact.
- b) Strict compliance with the Development Standard in Clause 4.1A, that a minimum area of 350m² is unnecessary in this instance as the proposed multi-dwelling development and subsequent Community Title subdivision complies in full with the requirements of the Shoalhaven City Council DCP (2014).
- c) The proposed subdivision will achieve the Clause 4.1A objective despite non-compliance with the minimum lot size in the specific circumstances of this case. The objective provides the principle behind the development standard contained in Clause 4.1A. The objective of Clause 4.1A is:

"...to encourage housing diversity without adversely impacting on residential amenity."

The proposed Community Title subdivision will provide three small lot residential dwellings that are consistent with the market demand for affordable housing and increase the diversity of housing options available. The variation to the proposed Development Standard will not reduce privacy, cause overshadowing or result in the degradation of local amenity or streetscape.

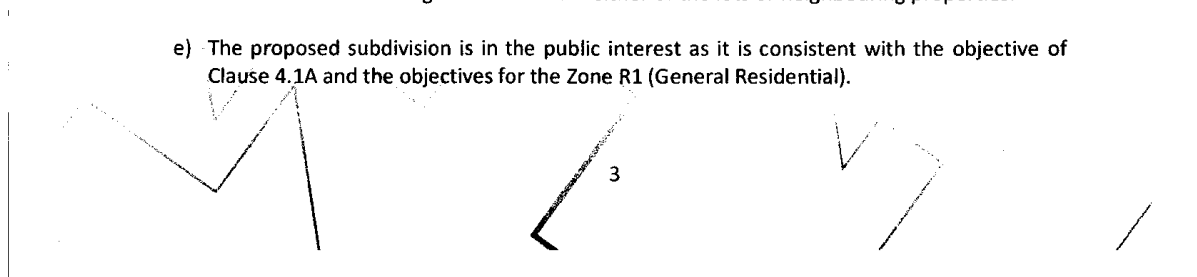
The under size lots (proposed Lots 2, 3 and 4) have ample private open space area provided at the rear of the each dwelling along with storage and utility areas. Furthermore, proposed Lots 2, 3 and 4 will have access to all the required infrastructure services.

- d) The proposed subdivision is consistent with the objectives of the General Residential Zone (R1). The objectives of the R1 zone are;
 - *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To identify land suitable for future urban expansion.*

The proposed subdivision meets the community need for a mix of housing types within a general residential environment by providing three single storey attached dwellings.

The proposed Community Title subdivision will not affect the capability of appropriate business activities being conducted from either of the lots or neighbouring properties.

- e) The proposed subdivision is in the public interest as it is consistent with the objective of Clause 4.1A and the objectives for the Zone R1 (General Residential).



Environmental planning grounds for non-compliance

This submission is also required to demonstrate that there are sufficient environmental planning grounds to justify non-compliance with the minimum lot size requirement.

- The proposal is consistent with state and regional planning provisions as they apply to the subject land.
- This proposal to subdivide Lot 1 DP 81167 complies with the overriding objectives of the R1 General Residential Zone as follows:
 - i) The proposal provides Community Title lots that meet a community need for housing choice.
 - ii) The proposal would add to the variety of housing types and densities in the area.
 - iii) This proposal adds to the viability of the other land uses and facilities that may be provided to satisfy the needs of residents.
- The proposal in its current form is consistent with the Clause 4.1A objective despite non-compliance with minimum lot size requirement.
- The construction of a multi-dwelling development is in line with the requirements of Shoalhaven City Council DCP (2014) and the placement of a notional boundaries will not have any additional environmental, economic, visual and social impact.

Considering the above justification we are of the opinion that the project demonstrates that it is in the public interest to grant exception to the Development Standard in this instance as the subdivision is consistent with the zone objectives plus the objectives of the Clause 4.1A Development Standard. We are firmly of the belief that the Clause 4.1A Development Standard is unnecessary and unreasonable in this instance and therefore seek Council support to the proposal as requested.

If you require any further clarification or have any questions in relation to this correspondence please do not hesitate to contact me at our office.

Yours faithfully

SET CONSULTANTS PTY LIMITED



David Cannon
Environmental Engineer

DE16.2 Planning Proposal (PP 017) - Shoalhaven LEP 2014 - Shoalhaven Animal Shelter - Assessment of Submissions

HPERM Ref: D16/298138

Group: Planning & Development Services Group
Section: Strategic Planning

Attachments: 1. Animal Shelter Planning Proposal [↓](#)

Purpose / Summary

Consider feedback received during the public exhibition of the Animal Shelter Planning Proposal (PP017) which seeks to amend the Shoalhaven Local Environmental Plan (LEP) 2014 to allow for the relocation of the Shoalhaven Animal Shelter to Lot 1 DP 227233, 19 BTU Road, Nowra Hill which is currently zoned SP2 Infrastructure – Sewerage System.

Recommendation (Item to be determined under delegated authority)

That the Development Committee:

1. Adopt the Planning Proposal as exhibited; and
2. Forward the Planning Proposal to the NSW Parliamentary Counsel to draft the amendment to the Shoalhaven Local Environmental Plan 2014 and enable it to proceed to finalisation.

Options

1. As recommended

Implications: this is the preferred option as it will enable the Animal Shelter Planning Proposal (PP) to be finalised. This will ultimately enable the Shoalhaven Animal Shelter to be relocated, which in turn will enable expansion of the West Nowra Recycling and Waste Facility

2. Adopt an alternative recommendation

Implications: this may result in changes to the PP that could complicate the desired outcome. There may be additional costs to Council in regard to infrastructure, development costs and further studies.

3. Not adopt the recommendation

Implications: this option would delay the relocation of the current Shoalhaven Animal Shelter and the expansion of the West Nowra Recycling and Waste Facility.

Background

As a result of the plans for the proposed expansion of the West Nowra Recycling and Waste Facility, the existing Shoalhaven Animal Shelter needs to be relocated to a new site. A site

selection study was undertaken which identified Lot 1 DP 227233, 19 BTU Road, Nowra Hill (the subject land) as the most appropriate site for the new Animal Shelter.

The proposed site is located approximately 1.3km from the Princes Highway, west of the Boral Sawmill. Similar uses including an animal boarding kennel (to the south at 154 Woncor Avenue) and a veterinary hospital (to the south east at 54 Woncor Avenue) are located nearby. There are approximately seven dwellings within 500 metres of the proposed animal shelter site, the nearest being approximately 150 metres away.

The land is owned by Council and is classified “operational” under the Local Government Act. The site was previously used as a sanitary depot during the 1960s and 1970s and is currently used intermittently by Shoalhaven Water as a service depot. The site is mostly vacant with some basic depot buildings near the centre of the site.

The proposed site of the new animal shelter is shown in Figure 1.



Figure 1 Subject lot

The subject land is currently zoned SP2 Infrastructure – Sewerage System under Shoalhaven LEP 2014 and is located within a broader area that is zoned RU2 Rural Landscape. It is noted that Animal Shelters are permissible under the land use term ‘animal boarding or training establishment’ in the RU2 zone.

This PP seeks to amend the Land Zoning Map of the Shoalhaven LEP 2014 to change the mapping notation of the subject lot from ‘SP2 Sewerage System’ to ‘SP2 Sewerage System and Animal Boarding’ (note: the shortened term ‘Animal Boarding’ will be used given the standard mapping limitations on maximum number of characters).

Council resolved to proceed with the PP on 18 January 2016 and it was initially submitted to the NSW Department of Planning and Environment (DP&E) in February 2016. The required Gateway determination was issued on 19 February 2016, allowing the PP to be publicly exhibited. The Gateway determination also required the PP to be sent to the NSW Rural Fire

Service and the NSW Environmental Protection Authority for comment prior to public exhibition.

Public Exhibition

The PP was publicly exhibited from 1 June to 1 July 2016. A notice was placed in the South Coast Register on 1 June 2016. All landowners within a radius of two kilometres were notified in writing, and notification was sent to relevant government agencies.

A copy of the exhibited PP is provided as **Attachment 1**.

No submissions were received from the community. Submissions were received from the Rural Fire Service (RFS) and Road and Maritime Services (RMS) which did not object to the PP.

Response to submissions

Given that no submissions were received objecting to the PP, it is recommended that it be adopted as exhibited to enable staff proceed to finalise the resultant amendment to the LEP.

Community Engagement

The PP was publicly exhibited in accordance with Council's Community Engagement Policy at Level 1 to 'inform' and 'consult', and DP&E's Gateway determination. Two Government Agency submissions were received and no objections were raised.

Policy Implications

This PP has arisen from Council's plans for the proposed expansion of the West Nowra Recycling and Waste Facility, which require the existing Shoalhaven Animal Shelter to be relocated to a new site

Financial Implications

Finalisation of the PP will be resourced within the existing budget.

ATTACHMENT A

PLANNING PROPOSAL – PP017

Shoalhaven Local Environmental Plan 2014
Relocation of the Shoalhaven Animal Shelter

Prepared by
Planning & Development Services Group
Shoalhaven City Council

File: 52000E

Version 2 – Exhibition Version

Date: May 2016

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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Disclaimer

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Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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*.

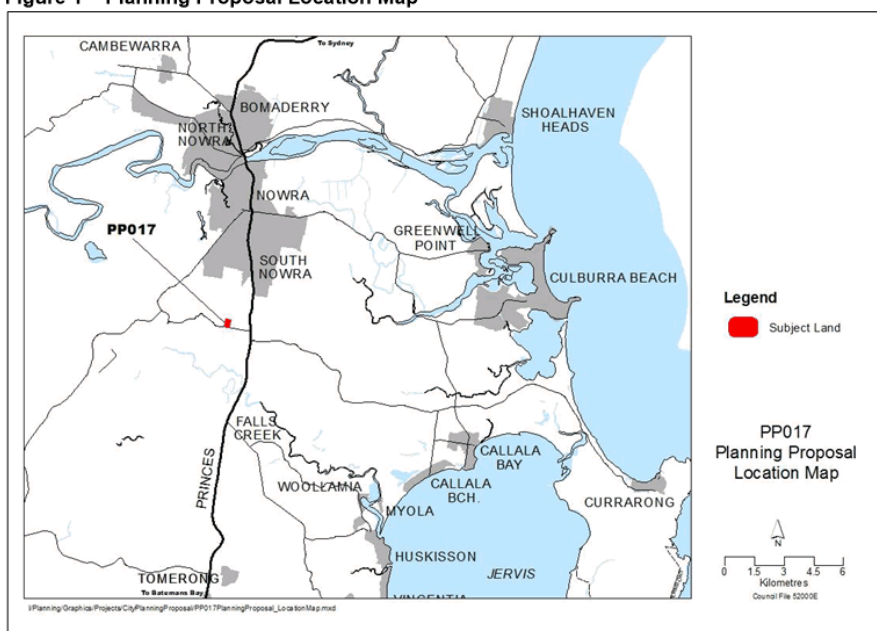
1.1 Subject Land

The subject land is identified as 19 BTU Road, Nowra Hill. The lot has an area of 12.14ha.

The land is owned by Council, and classified for Operational use. The site has a previous use as a sanitary depot during the 1960s and 1970s, currently it is infrequently used by Shoalhaven Water as a service depot. The site is mostly vacant with some basic depot buildings near the centre of the site. Roughly two thirds of the site is cleared grasslands with some small clumps of trees with the remaining third being vegetated with Spotted Gum Forest.

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



Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

Figure 2 – Subject Land Map

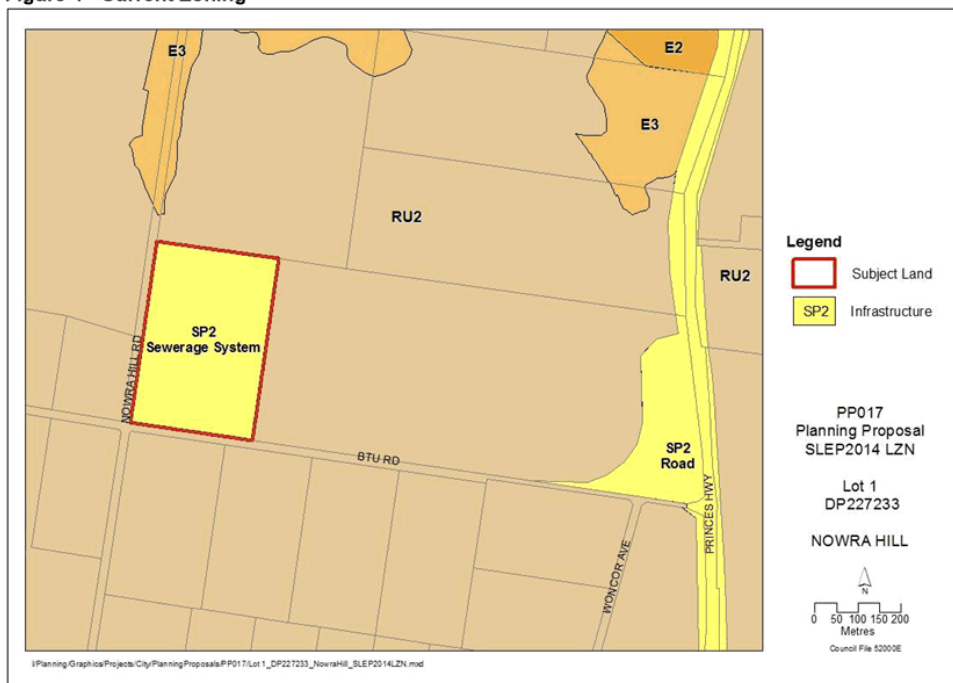


Figure 3 – Aerial Photo



Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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"**.

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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 and animal boarding';
- 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 system and animal boarding'.

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"**.

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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.

Goal 5 – A region that protects and enhances the natural environment

Direction 5.3 – Improve the environmental outcomes for waste management and air quality

Action 5.3.1 – Develop long term waste management capacity as the population and development of the region increases

The PP will facilitate the relocation of the animal shelter which will enable the construction of a Resource Recovery Park adjacent to the West Nowra Waste and Recovery Facility.

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

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

- | | |
|----------------|--|
| 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).

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

A draft bushfire assessment was completed and is included as **Attachment “F”**. The assessment finds that the proposed development is appropriate and consistent with Clause 4.4 Planning for Bushfire Protection of the Section 117 Directions.

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?

The environmental constraint on the land is the Spotted Gum Forest. It is not intended to locate any part of the proposed animal shelter in the vegetated part of the site.

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

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

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?

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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.

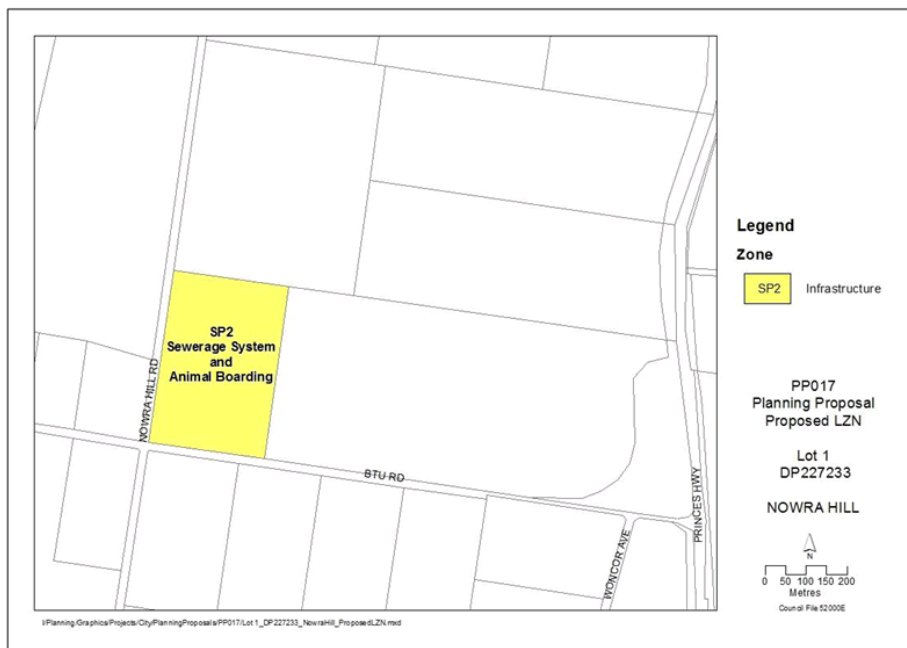
4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

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.

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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 system and animal boarding'. The proposed map change is shown below:



Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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 |

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

Attachment A – Council Report and Resolution

DE16.2 - Attachment 1

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

Attachment B - Shelter Relocation Site Selection Report

DE16.2 - Attachment 1

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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 | ✓ | ✓ |

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

**Attachment D – Preliminary Environmental Site Assessment
Incorporating Soil Sampling**

DE16.2 - Attachment 1

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

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 | ✓ | ✓ | ✓ |

Draft Planning Proposal PP017 – Relocation of the Shoalhaven Animal Shelter (52000E)

Attachment F – Amended Bushfire Assessment

DE16.2 - Attachment 1

DE16.3 NSW Heritage Grants Program 2016/2017 - Shoalhaven Local Heritage Assistance Fund Program

HPERM Ref: D16/300392

Group: Planning & Development Services Group
Section: Strategic Planning

Attachments: 1. Suggested Shoalhaven Local Heritage Assistance Fund Program 2016 2017 [↓](#)

Purpose / Summary

Outline the 2016/2017 NSW Heritage Grants Program, summarise the applications received for the 2016/2017 Local Heritage Assistance Fund and seek endorsement to allocate funding to eligible applicants.

Recommendation (Item to be determined under delegated authority)

The Committee endorse the allocation of Shoalhaven Local Heritage Assistance Funds for the 2016/2017 program listed in Attachment 1 to this report.

Options

1. Adopt the recommendation.

Implications: This will see the allocated budget amount being delivered to appropriate local heritage projects.

2. Adopt an alternate recommendation.

Implications: This would not be in keeping with the established process which involved seeking applications from interested owners.

Background

Council has continued its commitment to local heritage projects in Shoalhaven with the provision of small grant funds to support a pro-rata grant from the NSW Office of Environment and Heritage (OEH) for 2016/2017. Funding is provided to Council to run a Local Heritage Fund that provides small monetary assistance grants for a wide range of small local heritage projects, including but not limited to:

- Sympathetic alterations/additions to heritage items;
- Conservation works and general maintenance works;
- Adaptive reuse;
- Urban design projects that support heritage;
- Interpretation projects; and
- Conservation management plans.

The conservation of Shoalhaven's cultural heritage by its owners is clearly beneficial to the broader community and visitors to the area. These grants, although small, show that Council and NSW State Government are committed to assisting owners to conserve and enhance their properties, for the benefit of future generations. The monetary component is included in the annual State of the Environment report and demonstrates Council's continuing commitment to heritage conservation management and promoting cultural sustainability, heritage tourism and the Community Strategic Plan.

NSW Heritage Grant Program 2016 – 2017

Council has accepted funding offers from OEH as part of the NSW Heritage Grant Program for the 2016-2017 financial year under two 'streams', which include:

- Local Government Heritage Places Grants - LGP2016024 (Shoalhaven Local Heritage Assistance Fund); and
- 2016-2017 Local Government Heritage Advisors - LGA2016022 (Shoalhaven City Council Heritage Advisor Service).

Council was not offered grant funding for the 2016/2017 Local Government Heritage Planning Studies Application (Heritage Conservation Area: Berry Township). This application arose from a resolution following the Shoalhaven Local Environmental Plan LEP 2014 exhibition. Council will re-apply as part of the 2017-2018 funding round and will continue to seek any alternative/additional grant funding opportunities for this project.

Process

An advertisement in local newspapers on 3 August 2016 called for applications from the owners of heritage items to participate in the 2016/2017 Local Heritage Assistance Fund Program. Council also wrote to potential applicants who had previously expressed an interest in the program to inform them of the call for applications. Successful applications are required to match the value of the grant offered by Council on a dollar-for-dollar basis and to complete the required works by 31 March 2017.

At the close of the application period on 31 August 2016, six (6) applications were received for proposed works with an estimated total value of \$68,485. Details of the applications together with the recommended grant amounts are shown in **Attachment "1"**.

The applications were assessed and approved by Council's Heritage Advisor against the State Government criteria as required under the terms of the State Government funding offer. The Heritage Advisor has inspected each heritage item being considered for funding, to ensure that the works proposed are appropriate heritage works and a priority for that site.

Funding is used to assist heritage listed items in Shoalhaven Local Environmental Plan 2014 as a first priority, over non-listed heritage items. The Heritage Advisor deemed that all applications qualified for grant funding.

Community Engagement

The Shoalhaven Local Heritage Fund Program 2016/2017 was advertised in local newspapers on 3 August 2016 and included a link to Council's website for relevant information on eligibility and assessment criteria. Direct advice was also provided to people who had previously expressed an interest in the program.

Financial Implications

Local Heritage Places Grant 2016/2017

The funding agreement for the OEH Local Heritage Places Grant uses a funding formula of \$1 for every \$2 that Council spends, with Council able to receive a maximum grant amount of up to \$8,500 (ex GST). Therefore, to claim the maximum grant amount, Council must provide a minimum amount of \$17,000 in grant allocations.

The suggested total overall funding amount for the 2016/2017 Local Heritage Assistance Fund is \$25,500, which will include the OEH Local Government Heritage Places maximum grant amount of up to \$8,500 (ex GST) and \$16,293 currently in the Council budget (Job No. 15263). Therefore, for the Shoalhaven Local Heritage Fund Program 2016/2017, to be fully funded, an additional \$707 will need to be allocated and this will be resolved within the existing strategic planning budget.

To claim reimbursement of the OEH Local Heritage Places Grant, Council must submit a list of completed projects and an annual report to OEH by 15 May 2017.

2016/2017 Local Government Heritage Advisors Grant

The OEH funding agreement for the Local Government Heritage Advisors Grant has a funding formula of \$1 for every \$2 that Council spends, with Council able to receive a maximum available grant of up to \$8,500 (ex GST). The cost of providing the Heritage Advisor service is generally more than the required minimum amount of \$17,000 and this is funded through the Planning & Development Group budget (Job No. 24022).

To claim reimbursement of the OEH Local Government Heritage Advisors Grant funding, Council must submit an annual Heritage Strategy Action Report for the 2016/2017 financial year and updated Shoalhaven Heritage Strategy covering 2017-2018 to OEH by 15 May 2017.

Shoalhaven Local Heritage Assistance Fund Program 2016/2017

| Owner / Applicant | Project Location | Heritage Item and Level of Significance | Description of Project | Project Cost | Suggested Grant Amount |
|-------------------------|--|---|--|--------------------|------------------------|
| Paul and Meredith Jaffe | 24 Evans Lane, Woodstock | "Woodlands"—weatherboard and iron farmhouse LOCAL | Restore stone wall and footing under verandah. | \$14,795.00 | \$6,000.00 |
| Jennifer De Lacey | 91 Greenwell Point Rd, Greenwell Point | Colonial weatherboard cottage (former Greenwell Point schoolhouse) LOCAL | New window awnings to match adjacent property. | \$2,000.00 | \$1,000.00 |
| Helen and David Esdaile | 6 Tarawara Street, Bomaderry | Victorian weatherboard residence LOCAL | Roof replacement to main roof excluding verandah and skillion roofs. | \$15,660.00 | \$6,000.00 |
| Francesca Pami | 19 Ferry Lane, Nowra | Victorian Georgian style timber slab cottage LOCAL | Repairs to roof and replacement in part with galvanised roofing. | \$9,200.00 | \$4,600.00 |
| Donna Payne | 73 Wason St, Milton | Late Victorian weatherboard residence LOCAL | Replacement of selected damaged verandah deck timbers. | \$1,830.00 | \$915.00 |
| Marama Warren | 47 Church St, Milton | Victorian Georgian worker's cottage LOCAL | Replacing piers and pad footings to the cottage. | \$25,000.00 | \$6,985.00 |
| TOTAL | | | | \$68,485.00 | \$25,500.00 |

LOCAL GOVERNMENT ACT 1993

Chapter 3

Section 8(1) - The Council's Charter

(1) The council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- to have regard to the long term and cumulative effects of its decisions
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.