

TITLE: [PR-PC] Planning Proposal PP19/0003 a Site-Specific Amendment to Lot 30 DP 820048 No. 751 Eviron Road, Eviron

SUBMITTED BY: Strategic Planning and Urban Design

mhm



Leaving a Legacy
Looking out for future generations

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Leaving a Legacy
- 1.4 Managing Community Growth
- 1.4.1 Strategic Land-Use Planning - To plan for sustainable development which balances economic environmental and social considerations. Promote good design in the built environment.

ROLE: **Provider**

SUMMARY OF REPORT:

The purpose of this report is to seek Council support for the preparation of a Planning Proposal to amend the Tweed Local Environmental Plan (TLEP) 2014 to enable the development of a Council pound (same meaning as in the Companion Animals Act 1998) on a Council owned site known as Lot 30 DP 820048 No. 751 Eviron Road Eviron.

By way of background, Council is currently advancing a Masterplan for the Stotts Creek Resource Recovery Centre (SCRRC) that will provide guidance on future development at the site (which adjoins the subject site). As part of a program of works identified through the Masterplan process, the relocation of the current Animal Pound facilities is required prior to a significant number of the early works being able to commence.

Staff are working towards a deadline of August 2019 to finalise the relocation of the current Pound and demolition of existing building and site facilities.

It is therefore envisaged that a development application would need to be prepared concurrent to the Planning Proposal for the subject site, to allow for the construction of the new facility. Given the tight deadline, it is likely that temporary impounding arrangements will be needed until the new facility is available.

The subject site is currently zoned RU2 Rural Landscape under the TLEP 2014 where the development of a pound is currently not a permitted land use. The proposed amendment would seek to introduce a site specific additional permitted use by way of a new Schedule 1 Additional Permitted Use for the purposes of a Council pound.

The nomination of this subject site is in addition to a site previously considered by Council on the adjoining No. 719 Eviron Road, which was also the subject of a planning proposal to enable the use of a Council pound over this site, gazetted on 18 January 2019. Given possible

impacts of the SCRCC on this site, it was considered that this site is not viable at this point of time.

In review, it has been determined that the subject site (Lot 30 DP 820048) is considered superior to the current site and any other alternative sites that have recently been considered on the basis that:

- the site is flood free;
- the site is surrounded on three sides by Council owned land;
- the site's topography is conducive to the construction of the required facility which would include holding pens and car parking;
- there is opportunity for the existing dwelling on the site to be adaptively reused as the pound's administrative functions; and
- the site has good access from Eviron Road.

Notwithstanding these site opportunities the site is subject to a number of environmental constraints that would require assessment during preparation of the planning proposal. These assessments would come at a cost to Council however the overall benefit of relocating the pound from its existing unsuitable site to this new site is justifiable.

RECOMMENDATION:

That Council endorse:

- 1. The preparation of a draft planning proposal seeking an amendment to the Tweed Local Environmental Plan 2014, by way of a new Schedule 1 Additional Permitted Use for the purposes of a Council Pound on Lot 30 DP 820048 No. 751 Eviron Road, Eviron;**
- 2. Once finalised, the draft planning proposal is to be referred to the NSW Department of Planning and Environment for Gateway Determination, in accordance with s3.34 of the Environmental Planning and Assessment Act 1979;**
- 3. On receipt of the Minister's Gateway Determination Notice to continue, any Gateway conditions or other identified study or work is to be duly completed and included within the material for public exhibition;**
- 4. Public exhibition is to occur for a period of not less than 28 days; and**
- 5. Submissions received during public exhibition are to be reported to Council at the earliest time and detailing the issues raised and a recommended planning response.**

REPORT:

Council is currently advancing a Master Plan for the Stotts Creek Resource Recovery Centre (SCRRC) that will provide guidance on future development at the site. As part of a program of works identified through the Master Plan process, the relocation of the current Animal Pound facilities is required prior to a significant number of the early works being able to commence.

Further, the current Pound site is considered a safety and liability risk in terms of its deteriorating state of buildings and services, susceptibility to being cut off from access during major weather and flood incidents as well as its general incompatibility of safety and welfare for both Council staff and volunteers and the impounded animals, as well as poor access and amenity for the public visiting the site.

Lot 1 DP 34555 No. 719 Eviron Road was previously identified as suitable for the relocation of the existing Animal Pound facilities at Stotts Creek and for a new Council Pound and Rehoming Centre. Planning Proposal PP18/0001 sought a Schedule 1 Amendment enabling the use of a Council pound on the site, which was formalised through LEP Amendment No. 10, gazetted on 18 January 2019.

Council has now identified a new superior potential site for the relocated Council Pound, however it is not a permissible use under the zoning table to Tweed LEP 2014.

It is proposed to bring about an amendment to the TLEP 2014 to allow the development and use of the alternative site for a new pound and rehoming facility by engaging the statutory planning proposal process. The planning proposal would seek an amendment to the Tweed LEP 2014 by introducing a new Schedule 1 clause allowing a "Council Pound" on the subject site, and amending the Tweed LEP 2014 "Additional Permitted Uses Map" to identify the subject site.

Council Pound would have the same meaning as in the *Animal Companions Act 1998*, which is:

- a) *A public or private pound established by a council under the Impounding Act 1993, or*
- b) *Any other place approved by a council as a place for the holding of animals for the purposes of this Act".*

Subject Land

The site is legally described as Lot 30 in Deposited Plan 820048, No. 751 Eviron Road, Eviron and is owned by Tweed Shire Council. It is approximately 7 hectares in size, moderately sloped and vegetated. A single storey brick dwelling house in good condition is located at the highest point on the site. It is anticipated this building would be retained and re-purposed.

The site is zoned RU2 Rural Landscape. It is surrounded on three sides by Council owned land zoned SP2 Infrastructure, comprising the Tweed Cemetery to the east and an extensive tract of Council owned land (the subject of the SCRRC Master Plan) to the north and west (Figures 1, 2, 3). The site is bound to the south by Eviron Road and the Pacific Motorway is located approximately 400m to the east.

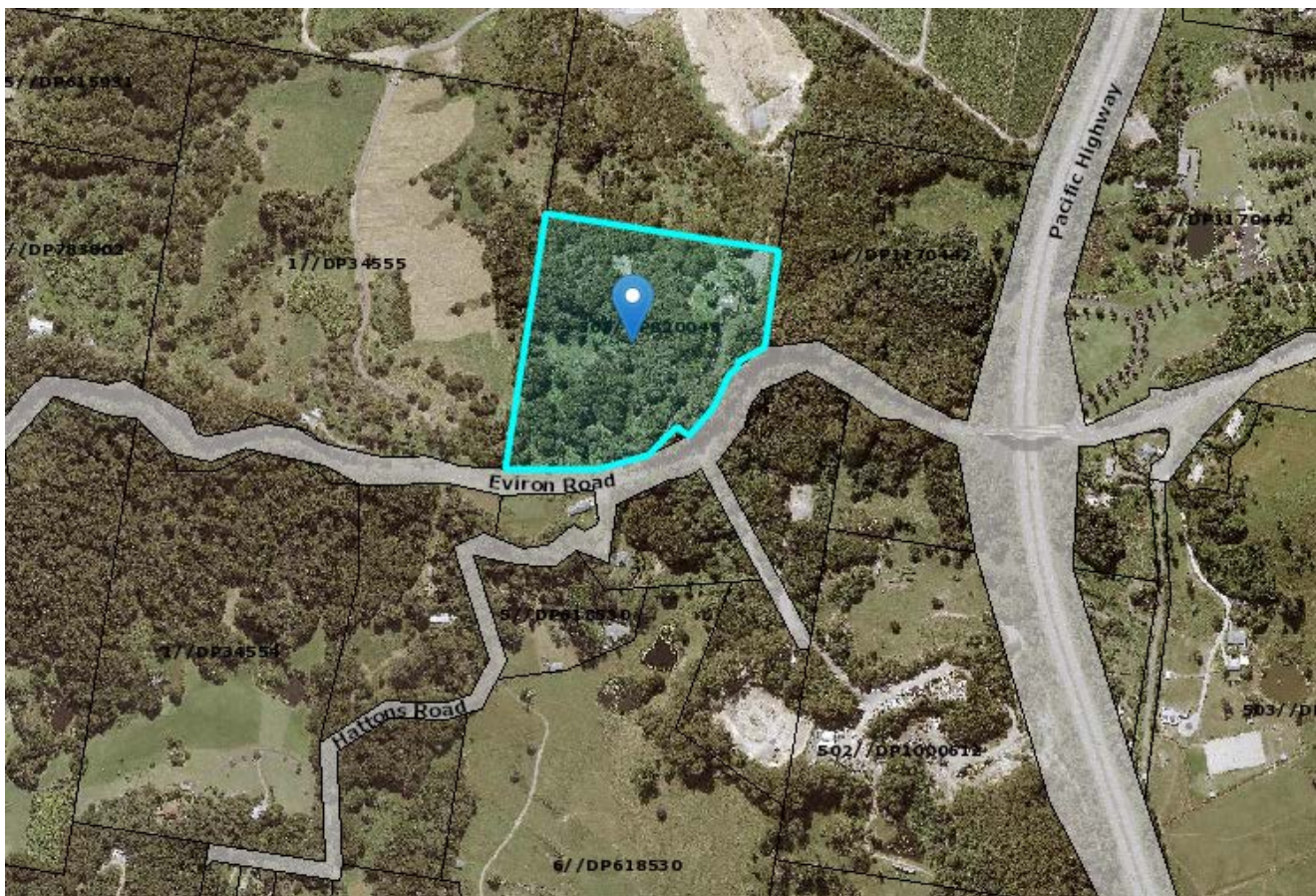


Figure 1 – Aerial photo identifying the subject site.

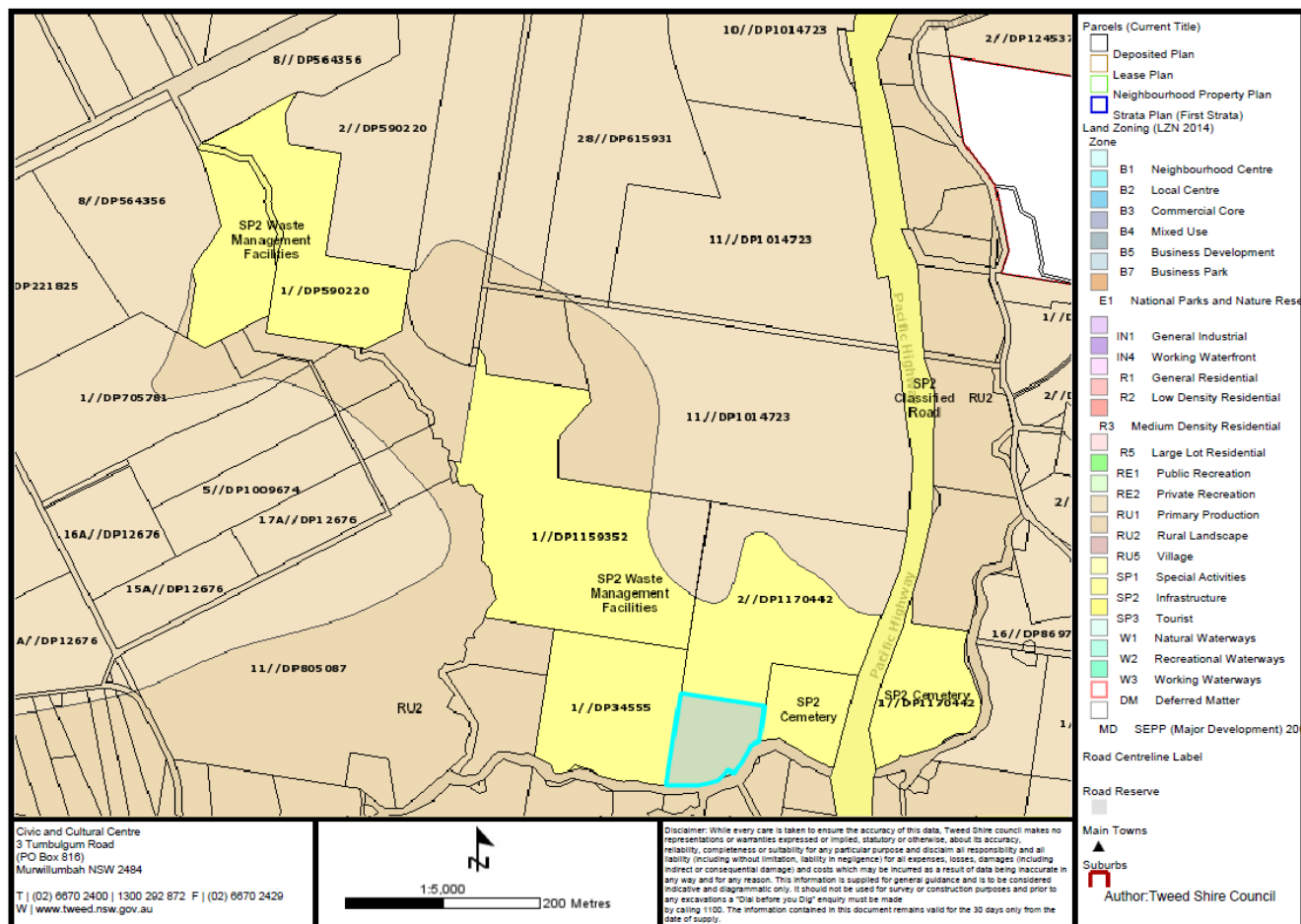


Figure 2 Zoning Map showing subject site zoned RU2 Rural Landscape and highlighted in blue, within the tract of SP2 Special Infrastructure land the subject of the Stotts Creek Resource Recovery Centre Master Plan.



Figure 3 Photos of site showing existing brick dwelling house, cleared land and vegetation.

Land Use Compatibility Implications

The site is considered superior for the relocation of the Council Pound and rehoming facility in terms of access, exclusion of flood zones and minimal potential for disturbance to neighbouring rural dwelling houses. However, it is subject to some environmental constraints and hazards that will require assessment prior to seeking Gateway, including an Aboriginal Cultural Heritage (ACH) due diligence assessment. It is noted that the entirety of the site is mapped as being Predictive under the Aboriginal Cultural Heritage Management Plan mapping. Whilst not a legislative requirement, best practise would necessitate a site assessment with recommendations from the Tweed Byron Local Aboriginal Land Council as to how to proceed. In this regard, an archaeological assessment may also be required.

In addition to ACH considerations there is a possibility that the conditions of Gateway Determination could require the preparation of additional studies and assessment of the following:

- Biodiversity;
- Vegetation and habitat;
- Bushfire risk (site mapped as Category 1 and 2 vegetation);
- Geotechnical assessment for required land forming;
- Traffic and Access assessment for impacts on Eviron Road and neighbouring allotments; and
- Potential noise impact assessment

Whilst the planning proposal would contemplate the land use of the pound and consideration of key site opportunities and constraints, it would not contemplate the future detailed design of the Council Pound facility. This level of assessment would be conducted at the development application stage. Any development proposal for the pound across the site would need to provide a thorough assessment of the potential environmental impacts and propose corresponding mitigation and management measures.

Notwithstanding the above, and pending appropriate management and design responses to alleviate as far as possible any environmental, cultural or social impacts, the subject site provides a logical planning outcome in response to the need for a new pound site. It is surrounded by Council owned land, for which the intended purpose is public infrastructure (waste facility), and is spatially buffered and removed from nearby rural dwelling houses.

Further, facilitating a pound on this site which is already owned by Council would remove the need for purchase of additional land, and would allow a rational use of a site that will in the future be encumbered by the adjoining waste resource facility in terms of possible future use.

OPTIONS:

1. Proceed with the recommendation provided in this report which is to endorse the proposed amendment to the Tweed Local Environmental Plan 2014 for a Gateway Determination; or
2. Do not proceed with the recommended Tweed Local Environmental Plan 2014 amendment.

CONCLUSION:

This report seeks Council support to prepare a planning proposal seeking an amendment to the TLEP 2014, in particular, to the additional permitted uses schedule, to allow a council pound at Lot 30 DP 820048, No. 751 Eviron Road, Eviron.

The amendment correlates with the need to enable the relocation of the existing Council pound through a logical planning outcome. Proceeding with the planning proposal will require adequate budget to facilitate its preparation, including the preparation of any required studies, however the overall benefit of relocating the pound from its existing unsuitable site to this new site in land use terms is considered justifiable.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable

b. Budget/Long Term Financial Plan:

Required budget allocation will be primarily based on the DPE's Gateway Determination conditions in terms of the studies required in order to progress the planning proposal. These may include Aboriginal Cultural Heritage assessment, bushfire risk assessment, ecological and vegetation assessments, or engineering studies such as geotechnical, traffic or noise impact assessments.

Collectively these studies have the potential to result in significant budget implications beyond those normally considered for site works and construction costs for the new facility. Council would need to ensure appropriate funds are allocated and available in order for the planning proposal to proceed.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Consult - We will listen to you, consider your ideas and concerns and keep you informed.

Inform - We will keep you informed.

The draft planning proposal would be placed on public exhibition for a minimum of 28 days, Submissions received during public exhibition would be reported to Council with recommended planning responses to concerns raised.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
