

## Planning Services

IRF18/5830

### Gateway determination report

<b>LGA</b>	Mid-Western Regional
<b>PPA</b>	Mid-Western Regional Council
<b>NAME</b>	APU for an animal training and boarding establishment – (animal boarding or training establishment)
<b>NUMBER</b>	PP_MIDWR_002_00
<b>LEP TO BE AMENDED</b>	Mid-Western Region Local Environmental Plan 2012
<b>ADDRESS</b>	2255 Hill End Road, Grattai
<b>DESCRIPTION</b>	Lot 4 DP 255618
<b>RECEIVED</b>	23/10/2018
<b>FILE NO.</b>	IRF18/5830
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this.

## INTRODUCTION

### Description of planning proposal

The planning proposal seeks to permit Animal boarding or training establishments with consent on the subject site by way of an Additional Permitted Use (APU). It also seeks to increase the minimum lot size to prevent further subdivision of the site.

### Site description

The subject site is located at 2255 Hill End Road on 32.16ha of land zoned R5 Large Lot Residential under the Mid-Western Regional Local Environmental Plan 2012. Currently the site has 2 approved dwellings and facilities to undertake dog breeding. The dog breeding facility currently has no land use approval.

### Existing planning controls

The subject site is currently zoned R5 Large Lot Residential by the Mid-Western Regional Local Environmental Plan 2012. The minimum lot size is 12ha. The subject land is currently not the subject of a listing in Schedule 1. See Maps 1 and 2 for excerpts of the zoning and lot size map sheets.

### Surrounding area

The subject land is surrounded by land zoned R5 Large Lot Residential to the north and east with land zoned RU1 Primary Production to the south and west. A Council owned quarry is immediately to the west. The locality is best described as low input broadacre agricultural (livestock grazing), with some low density large lot residential

development along Hill End Road and nearby Windeyer Road. Lot sizes for the land zoned R5 Large Lot Residential range from approximately 40ha to 12ha. The subject land is 32.33ha in area.

The surrounding land is a combination of zone RU1 with a minimum lot size of 100ha, and land zoned E3 with a minimum lot size of 400ha.

### **Summary of recommendation**

The proposal is suitable to proceed subject to conditions.

## **PROPOSAL**

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### **Objectives or intended outcomes**

The objectives of the proposal are to allow for an animal boarding and training facility and to prohibit further subdivision of the land.

### **Explanation of provisions**

The provisions are clearly understood to facilitate the amendment of Schedule 1 of the Mid-Western Regional LEP 2012 to include the subject land with a notation to permit with consent 'Animal boarding or training establishments'.

### **Mapping**

It is proposed to amend the relevant Lot Size map concerning the subject land to increase the minimum lot size to 33ha or similar in order to act as a preventative to further subdivision. The APU may be able to carry this provision concerning subdivision and the advice of Legal Services Branch will be sought on the appropriate mechanism.

## **NEED FOR THE PLANNING PROPOSAL**

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The Planning proposal requests that an APU is used to allow for the proposed Animal boarding or training establishment to be permitted on this site. This land use is currently prohibited in the zone R5 Large Lot Residential land use tables. Mid-Western Regional LEP 2012 has large areas of land zoned R5 located across the Local Government Area, both in urban and rural locations and the prohibition of this land use in zone R5 is a general measure to minimise potential land use conflict with residential accommodation land uses. Therefore, it is appropriate in this circumstance to allow for the proposed use as APU as the subject site is suitably located and sized to contain any potential land use conflicts within the subject land, given it is a 34ha lot.

The planning proposal also seeks to amend the MLS to prevent any further subdivision of the lot. This proposal is supported as it will reduce the potential for future land use conflict associated with the proposed animal boarding or training establishment.

## **STRATEGIC ASSESSMENT**

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### **State**

NA

### **Regional / District**

The planning proposal addresses the Central West and Orana Regional Plan 2036 which applies to the subject land. There are no directions or actions from the Regional Plan that directly apply to the proposal.

### **Local**

The Department has endorsed the Mid-Western Regional Comprehensive Land Use Strategy. While this strategy does not directly identify, or relate to this subject land, the proposal is not inconsistent with the Land Use Strategy.

### **Section 9.1 Ministerial Directions**

The following ministerial directions are relevant:

**2.1 Environment Protections Zones** – subject land is identified on the LEP Sensitivity Biodiversity Map. Any further development of the subject site will require a development application and an environmental assessment at that stage. The proposal does not involve any further development or works that would result in an impact on the existing vegetation.

**4.4 Planning for bushfire Protection** – The subject land is located within a bushfire prone area. The animal breeding or training facility is already in existence, located on non-vegetated land to the west of the site near Hill End Road. Any further development, including the approval to operate the existing animal breeding and training facility, will require development approval. The proposal is not inconsistent with this ministerial direction.

### **State environmental planning policies (SEPPs)**

The following SEPP is applicable with the proposal:

- SEPP (Vegetation in Non-Rural Areas) 2017 – The planning proposal is consistent with the aims of this SEPP given the proposal does not require any clearing of vegetation.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

There are no known negative social impacts from the proposal. The proposal seeks to formalise and facilitate an existing land use and allow for a development application to be lodged with Council.

### **Environmental**

The planning proposal is not likely to create any known significant environmental issues. The animal breeding or training facility exists and approving the APU and minimum lot size increase is unlikely to create any additional environmental impacts. The subject site is located next to a large Council owned quarry. The development consent for the operation of the existing animal breeding and training facility will be required where the potential environmental impacts will be assessed and mitigated.

### **Economic**

The planning proposal seeks to permit animal breeding or training facility which will allow for the continuation of this business (Subject to Council approval).

## **CONSULTATION**

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### **Community**

The planning proposal will be advertised for 28 days.

## **Agencies**

There is no need for the planning proposal to be made available to any state agencies.

## **TIME FRAME**

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The planning proposal is to be finalised within 12 months.

## **LOCAL PLAN-MAKING AUTHORITY**

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Given the nature of the planning proposal, Councils request to be issued with plan making authority is deemed appropriate and recommended to be given.

## **CONCLUSION**

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The planning proposal is suitable to proceed with a conditional gateway determination.

## **RECOMMENDATION**

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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 28 days.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Council should be the local plan-making authority.



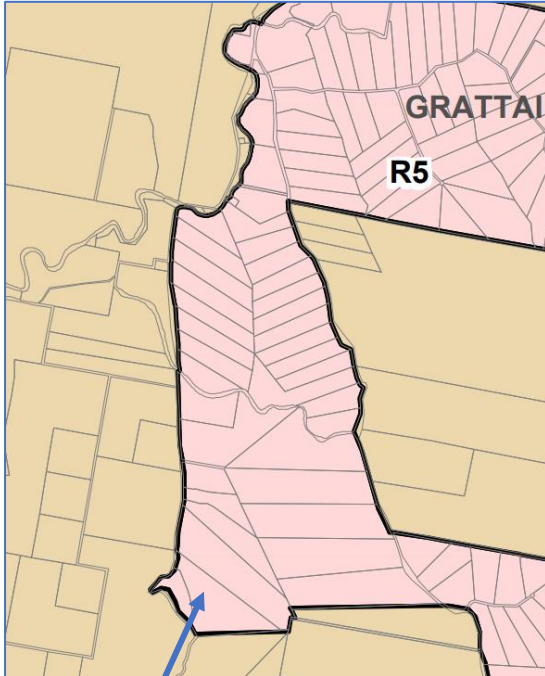
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## MAPS

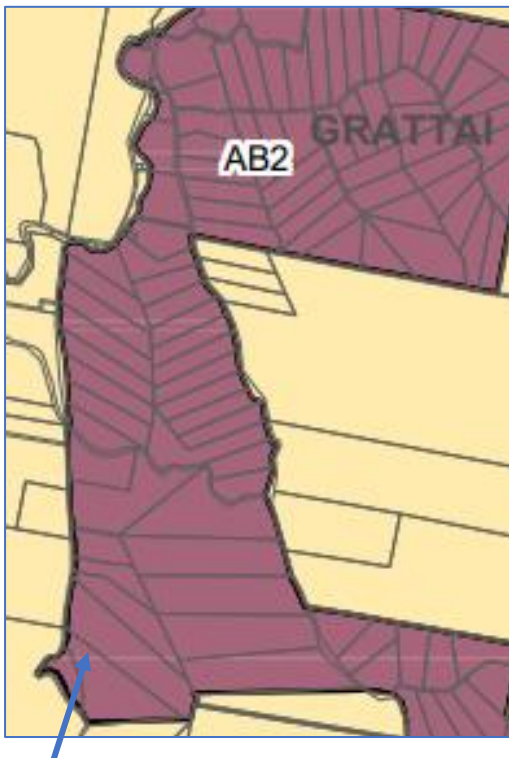


Subject land Lot 4 DP 255618

**Map 1** Excerpt from Land Zoning Map Residential



06; Land use zone R5 Large Lot



**AB2** 12 ha

Subject land Lot 4 DP 255618

**Map 2** Excerpt from Lot Size Map Sheet LSZ\_006



**Map 3** Locality off Hill End Road