CONSULTING ENGINEERS
CIVIL • STRUCTURAL • BUILDING DESIGN • PLANNING

Wagga Wagga
Level 1, 37 Johnston Street
(02) 6921 8333

Griffith
Level 1, 130 Banna Avenue
(02) 6962 9922

admin@mjm-solutions.com
mjm-solutions.com

15th June 2018

MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED
21 JUN 2018
☐ SCANNED
☐ REGISTERED

The General Manager
Mid-Western Regional Council
Po Box 156
MUDGEE NSW 2850

RE: PLANNING PROPOSAL 2255 HILL END ROAD, GRATTAI

Dear Sir/Madam,

We refer to the accompanying documentation and cheque for required fees for a planning proposal for an additional permitted use and amendment to the minimum lot size of 2255 Hill End Road, Grattai.

Please also find enclosed a letter of authority from our client notifying Council of their authorisation for MJM Consulting Engineers to act on behalf of our client in respect of this application. As such, can you please ensure that a copy of all correspondence relating to this application is copied to our office.

Could you please also ensure that MJM Consulting Engineers are notified in writing of the applicable application details once the application is received and lodged with Council.

Should you require further information in relation to the attached application, please do not hesitate to contact our office.

Yours faithfully,
MJM CONSULTING ENGINEERS

Please return to records
for scanning

JENNA AMOS
Planning Manager
Z:\Jobs\180169_Dog breeding faciltiy 2255 Hill End Road Grattai\180169_CVrLtr_060618.docx

$ 8748-
20 JUN 2018
R/N: 405048

MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED
20 JUN 2018
☐ SCANNED
☐ REGISTERED

The General Manager
Mid-Western Regional Council
Po Box 156
MUDGEE NSW 2850

RE: **PLANNING PROPOSAL – 2255 HILL END ROAD, GRATTAI**

Dear Sir/Madam,

I am writing in relation to the accompanying planning proposal in respect of 2255 Hill End Road, Grattai.

I authorise MJM Consulting Engineers to act on my behalf in relation to this proposal, to make any necessary enquiries and to provide additional details. Please also extend a copy of any correspondence to MJM Consulting Engineers.

Please send any correspondence for MJM Consulting Engineers to admin@mjm-solutions.com

Thank you in advance.

E. Batty

Landowner

Elizabeth Batty

Date:

MJM

CONSULTING ENGINEERS

CIVIL • STRUCTURAL • BUILDING DESIGN • PLANNING

PLANNING PROPOSAL

2255 HILL END ROAD, GRATTAI

CLIENT: E. BATTY

Document Verification Schedule

MJM
CONSULTING ENGINEERS
CIVIL • STRUCTURAL • BUILDING DESIGN • PLANNING

Project:
Planning Proposal
2255 Hill End Road, Grattai

Revision	Date	Prepared By		Checked By		Approved By	
Draft	26.04.18	Name	Jenna Amos	Name	Michael McFeeters	Name	Michael McFeeters
Rev A	29.05.18	Name	Jenna Amos	Name	Michael McFeeters	Name	Michael McFeeters
Rev B	1.06.18	Name	Jenna Amos	Name	Michael McFeeters	Name	Michael McFeeters

MJM Consulting Engineers

Wagga Wagga
Level 1, 37 Johnston St
(02) 6921 8333

Griffith
Level 1, 130 Banna Ave
(02) 6962 9922

Email **admin@mjm-solutions.com**
Web **www.mjm-solutions.com**

CONTENTS

INTRODUCTION **3**
SITE DESCRIPTION 3
BACKGROUND 4
PART 1. OBJECTIVES OR INTENDED OUTCOMES **6**
PART 2. EXPLANATION OF PROVISIONS **6**
PART 3. JUSTIFICATION **6**
SECTION A. NEED FOR THE PLANNING PROPOSAL 6
Q1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT? 6
Q2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY? 6
SECTION B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK 6
Q3. IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL, SUB-REGIONAL OR DISTRICT PLAN OR STRATEGY (INCLUDING ANY EXHIBITED DRAFT PLANS OR STRATEGIES)? 6
A) STRATEGIC MERIT 7
B) SITE-SPECIFIC MERIT 7
Q4. IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL'S LOCAL STRATEGY OR OTHER LOCAL STRATEGIC PLAN? 10
Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES? 11
Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S. 9.1 DIRECTIONS)? 11
SECTION C. SECTION C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT 12
Q7. 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? 12
Q8. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED? 13
Q9. HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS? 13
SECTION D. STATE AND COMMONWEALTH INTERESTS 13
Q10. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL? 13
Q11. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION? 13
PART 4. MAPPING **13**
PART 5. COMMUNITY CONSULTATION **14**
PART 6. PROJECT TIMELINE **14**
APPENDICES **14**
APPENDIX A: EMAIL CORRESPONDENCE FROM COUNCIL 15

INTRODUCTION

SITE DESCRIPTION

The property is known as 2255 Hill End road, Grattai. It is legally described as Lot 4 DP 255618 and is located approximately 30.4 km south west of Mudgee, NSW as shown in Figure 1 below.

Figure 1. Location of proposal site (**Source:** https://www.google.com.au/maps)

The site is 32.16 Ha in size and contains two existing approved dwellings, and facilities to undertake dog breeding on the property. An extract from the Deposited Plan for the property is provided in Figure 2 below.

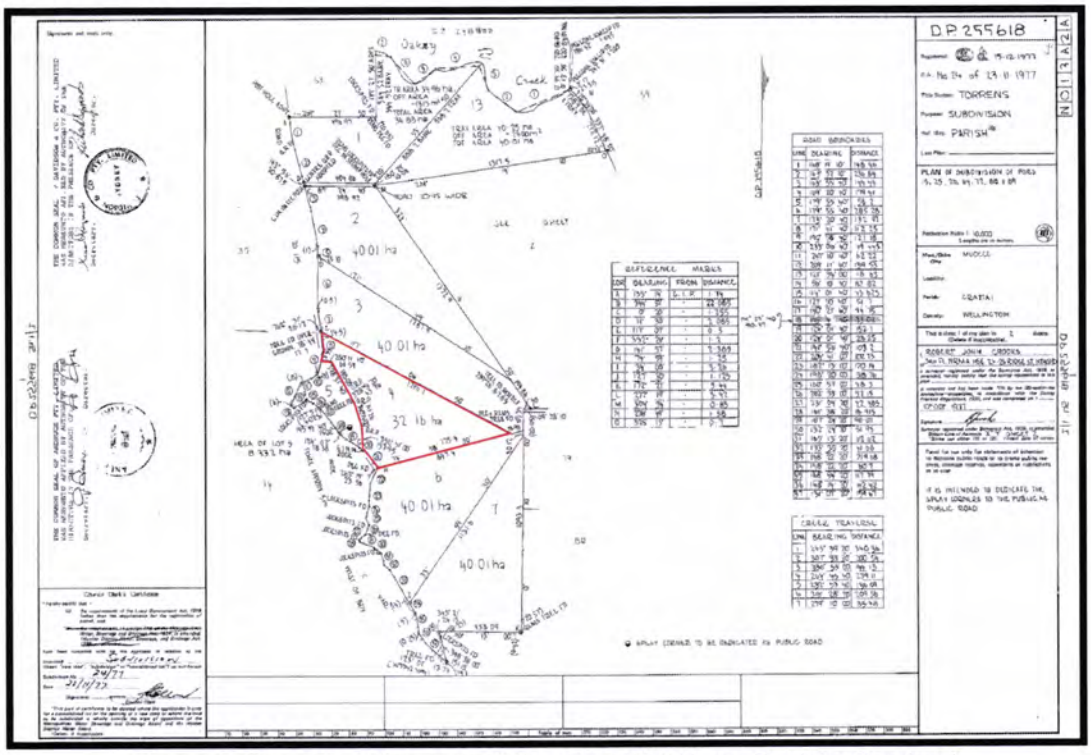

Figure 2. Deposited Plan extract (**Source:** NSW Land Registry Services)

An aerial image of the property and surrounds is provided in Figure 3 below.

Figure 3. Aerial image of proposal site and surrounds (**Source:** https://maps.six.nsw.gov.au/)

BACKGROUND

This planning proposal seeks to add the additional included use of 'animal training and boarding establishment' to the existing R5 Large Lot Residential zoning of the property. This proposal would allow for a development application to be lodged with Council for continued use of the existing dog breeding facility which has been operated on the site for approximately the past ten years. Figure 4 below depicts the area of the property which contains the dog breeding facility, and other development on the site.

Figure 4. Aerial image of existing development on proposal site (**Source:** https://www.google.com.au/maps)

As shown in the above figure, the area of the property utilised for dog breeding, and approved residential purposes, is located within a cleared part of the site adjacent to the Hill End Road frontage.

This proposal has been prepared as directed by Council following discussions between Council and our client over the past 12 months in relation to obtaining development approval for the dog breeding facility. As the property is zoned R5 Large Lot Residential, the use which would permit the undertaking, being 'animal boarding and training establishment', is prohibited within the zone.

Following further discussions with Council in relation to the form of this proposal, Council advised to proceed with a planning proposal for an additional permitted use and minimum lot size amendment for the property. The additional permitted use would be 'animal boarding and training establishment', and the lot size amendment would amend the current minimum lot size from 12 Ha to 32.16 Ha, the existing size of the property, to satisfy Council that the property could not be further subdivided in future with the 'animal boarding and training establishment' use being permitted.

Email correspondence with Council is attached to this proposal for further information as Appendix A.

Part 1. Objectives or Intended Outcomes

The objectives of this Planning Proposal are to amend the Mid-Western Region Local Environmental Plan 2012 to include the additional permitted use of 'animal boarding and training establishment' to the current R5 Large Lot Residential zoning of the subject property, and to amend the lot size map to reflect the minimum lot size of the property to be its existing size of 32.16 Ha to prevent future subdivision of the site.

The intended outcomes of this Planning Proposal are to allow the lodgement of a development application with Council for the continued use of the dog breeding facility, which has been operated on the property for approximately the past ten years, and to satisfy Council that the property cannot be further subdivided with the additional permitted use in place.

Part 2. Explanation of Provisions

The objectives and outcomes described in Part 1 will be achieved by amending the Mid-Western Region Local Environmental Plan 2012 as follows:

- Amendment of *Schedule 1 Additional Permitted Uses* to identify the land subject to this Planning Proposal as *Item 4*, generally in the following terms:

> *"4 Use of certain land at 2255 Hill End Road, Grattai*
> *(1) This clause applies to land at 2255 Hill End Road, Grattai, being Lot 4, DP 255618.*
> *(2) Development for the purposes of animal boarding or training establishment is permitted with development consent."*

- Amendment of the Lot Size Map to identify the land subject to this planning proposal as having a minimum lot size of 32.16 Ha.

Part 3. Justification

Section A. Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcome of this Planning Proposal can only be achieved through a site-specific amendment to the Mid-Western Regional LEP 2012 to permit development related to *animal boarding or training establishment*, with consent.

Section B. Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

There are no objectives or actions of the *Central West and Orana Regional Plan 2036* which are directly applicable to the planning proposal, however the proposal is also not inconsistent with any of the objectives or actions contained within the plan.

a) STRATEGIC MERIT

- Is the planning proposal consistent with the relevant regional plan outside the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?

There are no objectives or actions of the *Central West and Orana Regional Plan 2036* which are directly applicable to the planning proposal, however the proposal is also not inconsistent with any of the objectives or actions contained within the plan.

- Is the planning proposal consistent with a relevant local council strategy that has been endorsed by the Department?

The proposal site is not specifically identified in the *Mid-Western Regional Comprehensive Land Use Strategy*, however the proposal is also not inconsistent with the contents of the strategy.

- Is the planning proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

No, the planning proposal is not responding to a change in circumstances.

b) SITE-SPECIFIC MERIT

- Does the planning proposal respond to the natural environment (including known significant environmental values, resources and hazards)?

The site is identified as having high biodiversity sensitivity and groundwater vulnerability according to the Mid-Western Regional Local Environmental Plan 2012, and the property is also located within a bush fire prone area.

An extract from the Mid-Western Regional LEP 2012 Sensitivity Biodiversity Map is provided in Figure 5 below.

Figure 5. Location of proposal site on MWRLEP2012 Sensitivity Biodiversity Map (**Source:** MWRLEP2012 Sensitivity Biodiversity Map Sheet BIO_006)

The site is already developed for the intended use and as such the purpose of this proposal is to allow lodgement of a continued use development application for the existing dog breeding facility. During assessment of the continued use development application, the affect of the existing dog breeding facility and associated undertaking would be assessed in relation to the biodiversity sensitivity of the land. However, should Gateway approval be granted for the proposal, the Department may require a Biodiversity Assessment to be undertaken in relation to assessing the affect the proposed use would have on the site's high biodiversity sensitivity. Should an assessment be required, the scope of the Biodiversity Assessment is proposed to include:

- Literature Review and Desktop Assessment
  - Flora and fauna database searches, BioNet (Atlas of NSW Wildlife) database search (10 km) for threatened species, populations and migratory species listed under the BC Act and EPBC Act Protected Matters Search Tool for species listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
  - Describe the State and Commonwealth listed flora and fauna species and populations, and ecological communities, that have the potential to occur in the vicinity of the proposed location; and
  - Assess the likelihood of impact upon threatened communities, populations and flora and fauna species identified as known, likely or having the potential to occur within the proposed location.

- Field Survey
  - A one-day field survey will be undertaken to map and validate vegetation and to provide a description of the vegetation communities, flora species and fauna assemblages within the proposed location. Habitat for and any observations of threatened flora and fauna will also be recorded.

- Reporting
  - Information gathered during tasks 1 and 2 will be used to prepare a constraints and opportunities report and will include:
  - General description of the survey site;
  - Description of methodologies;
  - Mapping and a description of the vegetation communities, fauna habitat characteristics, and any threatened flora and fauna species locations within the survey area and surrounding lands and any constraints to future development of the site.

An extract from the Mid-Western Regional LEP 2012 Groundwater Vulnerability Map is provided in Figure 6 on the following page.

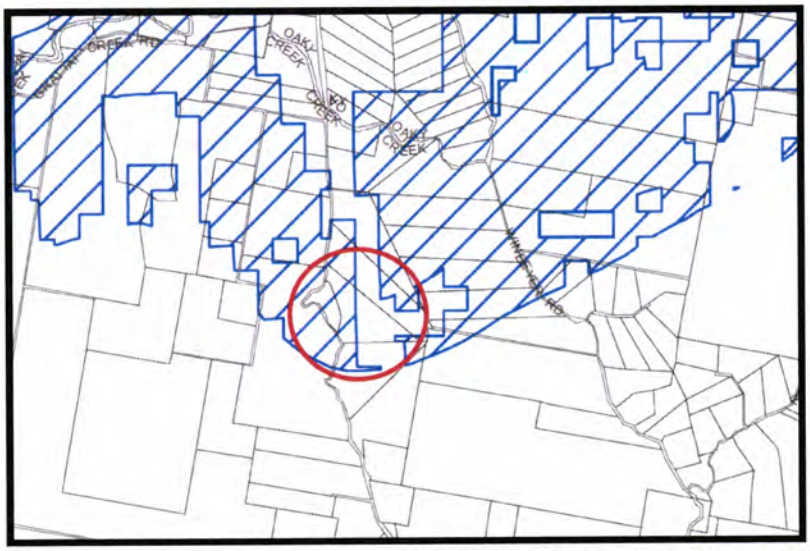

Figure 6. Location of proposal site on MWRLEP2012 Groundwater Vulnerability Map (**Source:** MWRLEP2012 Groundwater Vulnerability Map Sheet GRV_006)

It is not considered that the proposal would affect the groundwater vulnerability of the site, however we are guided by the Department's requirements in relation to this, should a Gateway determination be forthcoming.

The site is also located within a bush fire prone area as shown in Figure 7 below.

Figure 7. Bushfire prone land map of proposal site (**Source:** https://www.planningportal.nsw.gov.au)

The facilities to undertake dog breeding on the site are already established. Their appropriateness in relation to the bush fire risk to the property would be assessed by the NSW Rural Fire Service upon lodgement to Council of an integrated Development Application for continued use of the facilities. Further, as the site is located within a bush fire prone area, should this planning proposal be granted Gateway approval, the Commissioner of the NSW Rural Fire Service would be consulted for comment prior to exhibition of the proposal. Any further development on the site would also be subject to

development consent approval, and integrated assessment of such by the NSW Rural Fire Service.

- Does the planning proposal respond to the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal?

The property is adjoined to the north and part of the western boundary by land zoned R5 Large Lot Residential. The R5 property to the north contains a residential dwelling, located approximately 110 metres from the property boundary, and the R5 property to the west is operated as a quarry.

Further, the remaining parts of the western and southern boundaries are adjoined by land zoned RU1 Primary Production. The additional included use requested by this planning proposal is an unspecified use permitted with consent in the adjoining RU1 zone. Figure 8 below depicts the zoning of the property and surrounding land.

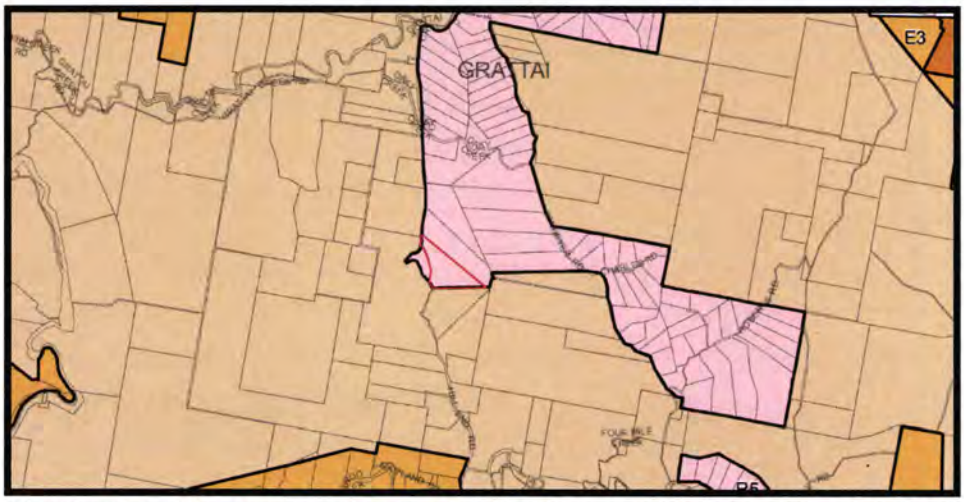

Figure 8. Land zoning of the property and surrounding land (**Source:** MWRLEP2012 Land Zoning Map 006)

The planning proposal is not likely to detrimentally affect the existing, approved and likely future uses of land within the vicinity of the proposal.

- Does the planning proposal provide the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

The planning proposal would not require the provision of additional services or infrastructure as further development would not be required to be undertaken onsite to enable the proposed additional included use.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The proposal site is not specifically identified in the Mid-Western Regional Comprehensive Land Use Strategy, or any other local strategic plan, however the proposal is also not inconsistent with the contents of the strategy. Further, as noted previously in this proposal, Council advised that this proposal was the best way of addressing the existing dog breeding facility located on the site.

Q5. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

Yes, the Planning proposal is consistent with applicable State Environmental Planning Policies as set out in Table 1 below.

Table 1. SEPPs Applicable to the planning proposal

SEPP	AIMS OF POLICY, IF APPLICABLE	CONSISTENCY	ASSESSMENT
SEPP (*Vegetation in Non-Rural Areas*) 2017	The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Yes	The planning proposal will not require the clearing of any vegetation on the property.

Q6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S. 9.1 DIRECTIONS)?

Yes, the Planning proposal is consistent with applicable Ministerial Directions as set out in Table 2 below.

Table 2. SEPPs Applicable to the planning proposal

S.9.1 DIRECTION	REQUIREMENT	CONSISTENT/ INCONSISTENT/ JUSTIFIABLY INCONSISTENT WITH DIRECTION
2 Environment and Heritage		
2.1 Environment Protection Zones	Environmentally sensitive areas should be protected and preserved.	**Consistent**: The land is identified as "High Biodiversity Sensitivity" according to the Mid-Western Regional LEP2012 Sensitivity Biodiversity map. Any further development of the site would be subject to development consent approval, at which time the environmental impacts of the application would be considered by Council. Further, the facilities to undertake dog breeding on the site are already established. The appropriateness of the facility and its affects, if any, on the biodiversity sensitivity of the property would be assessed by Council following lodgement of a Development Application for continued use. The proposal would not require the removal on any vegetation, however should a Gateway determination be forthcoming, a biodiversity assessment could be undertaken, if directed by the Department, as per the scope described previously in this proposal.
4 Hazard and Risk		
4.4 Planning for Bushfire Protection	Life, property and the environmental should be protected from bush fire hazards and bush fire prone areas should be adequately managed.	**Consistent**: The land is located within a bush fire prone area. The facilities to undertake dog breeding on the site are already established, however their appropriateness in relation to the bush fire risk to the property would be assessed by the NSW Rural Fire Service upon lodgement to Council of a Development Application for continued use of the facilities. Any further development on the site would also be subject to development consent approval, and integrated

		assessment of such by the NSW Rural Fire Service.
5 Regional Planning		
5.10 Implementation of Regional Plans	The vision, land use strategy, goals, directions and actions in Regional Plans should be given legal effect.	**Consistent:** The property and its surrounds are not specifically referenced in the *Central West and Orana Regional Plan 2036*, however the proposal is not inconsistent with vision, land use strategy, goals, directions and actions contained within the plan.
6 Local Plan Making		
6.1 Approval and Referral Requirements	LEP provisions should encourage the efficient assessment of development by not unnecessarily including provisions that require the concurrence of development applications to a Minister or public authority.	**Consistent:** The planning proposal does not include any such provisions.
6.3 Site Specific Provisions	Unnecessarily restrictive site specific planning controls are discouraged.	**Consistent:** The planning proposal seeks to amend Schedule 1 of the LEP to permit the use of the site for 'animal boarding and training establishment' purposes, and to amend the lot size map to prevent any further subdivision of the property. It does not propose any unnecessarily restrictive provisions.

Please note, Directions 1.1 to 1.5 inclusive; 2.2 to 2.5 inclusive; 3.1 to 3.6 inclusive; 4.1 to 4.3 inclusive; 5.1 to 5.9 inclusive; 6.2, and 7.1 to 7.7 inclusive, are not applicable to the proposal.

Section C. SECTION C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q7. 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?

As discussed previously in this proposal, the site is identified as having high biodiversity sensitivity according to the Mid-Western Regional Local Environmental Plan 2012. The site is already developed for the intended use and as such the purpose of this proposal is to allow lodgement of a continued use development application for the dog breeding facility. There would be no further development of the site which would affect the natural environment and no clearing of any vegetation would be required.

However, should Gateway approval be granted for the proposal, a Biodiversity Assessment may be required to be undertaken in relation to assessing the affect the proposed use would have on the site's high biodiversity sensitivity. The scope of the Biodiversity Assessment proposed includes:

- Literature Review and Desktop Assessment
  - Flora and fauna database searches, BioNet (Atlas of NSW Wildlife) database search (10 km) for threatened species, populations and migratory species listed under the BC Act and EPBC Act Protected Matters Search Tool for species listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).
  - Describe the State and Commonwealth listed flora and fauna species and populations, and ecological communities, that have the potential to occur in the vicinity of the proposed location; and

- Assess the likelihood of impact upon threatened communities, populations and flora and fauna species identified as known, likely or having the potential to occur within the proposed location.

- Field Survey
  - A one-day field survey will be undertaken to map and validate vegetation and to provide a description of the vegetation communities, flora species and fauna assemblages within the proposed location. Habitat for and any observations of threatened flora and fauna will also be recorded.

- Reporting
  - Information gathered during tasks 1 and 2 will be used to prepare a constraints and opportunities report and will include:
  - General description of the survey site;
  - Description of methodologies;
  - Mapping and a description of the vegetation communities, fauna habitat characteristics, and any threatened flora and fauna species locations within the survey area and surrounding lands and any constraints to future development of the site.

Q8. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

The planning proposal is not likely to result in any other environmental effects. Any potential environmental impacts of the existing dog breeding facility on site would be assessed as part of a future development application to Council for continued use, should the planning proposal be successful.

Q9. HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The economic and social effects of the Planning Proposal are considered to be positive for the local area. The Planning Proposal will facilitate means for Development Application approval to be sought for continued use of the site for licensed dog breeding purposes. Should the planning proposal not succeed, the owners of the property would cease to operate the existing dog breeding facility, the sole source of their income for the past decade, which would may have detrimental effects on the local economy.

Section D. STATE AND COMMONWEALTH INTERESTS

Q10. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

The Planning Proposal would not require any additional public infrastructure to be provided to the site. Adequate public infrastructure is available for the Planning Proposal.

Q11. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The views of the State and Commonwealth public authorities will not be known until after Gateway Determination, should it be forthcoming. The Gateway Determination would specify the public authorities requiring consultation, should there be any.

Part 4. MAPPING

The planning proposal would require amendment to the Mid-Western Regional LEP 2012 Lot Size Map LSZ_006.

Part 5. Community Consultation

The Gateway Determination, should it be forthcoming, will specify the community consultation that must be undertaken for the Planning Proposal. The consultation will be tailored to specific proposals generally on the basis of a 14 day exhibition period for low impact planning proposals and a 28 day exhibition period for all other planning proposals.

Part 6. Project Timeline

Following lodgement of the planning proposal with Council, Council will develop a project timeline including reporting to Council, Gateway determination, public exhibition, reporting, Ministerial (or delegate) approval and implementation.

Appendices

Appendix A: Email correspondence from Council

APPENDIX A: EMAIL CORRESPONDENCE FROM COUNCIL

Jenna Amos

From: Sarah Armstrong <Sarah.Armstrong@midwestern.nsw.gov.au>
Sent: Tuesday, 17 April 2018 8:35 AM
To: Jenna.Amos@mjm-solutions.com
Cc: sortingout@mjm-solutions.com
Subject: RESPONSE: Proposed Rezoning 2255 Hill End Road, Grattai

Hello Jenna,

Council would support the proponent lodging a Planning Proposal for an additional permitted use, maintained the currently zoning and amending the minimum lot size map to reflect the size of the existing lot.

I hope that answers your question.

Kind Regards,

Sarah

From: Jenna Amos [mailto:Jenna.Amos@mjm-solutions.com]
Sent: Friday, 13 April 2018 5:26 PM
To: Sarah Armstrong <Sarah.Armstrong@midwestern.nsw.gov.au>
Cc: sortingout@mjm-solutions.com; sortingout@mjm-solutions.com
Subject: RE: RESPONSE: Proposed Rezoning 2255 Hill End Road, Grattai

Good afternoon Sarah,

Thank you for your below response. In relation to your comments of possibly including 'animal training and boarding establishment' as an additional permitted use for the current zoning with an amendment to the minimum lot size, would Council be supportive of the addition of the use within the current zoning, with the nomination of a specific area of the site which is permitted to have the additional use? This way, Council would be satisfied that the property could not be subdivided in future to allow for this use on multiple lots, and the use would be concentrated in one nominated area of the property.

Alternatively, we would look at pursuing a zoning change to RU1.

Can you please advise if Council's preference would be for the additional permitted use in the current zoning, or the change to RU1?

Kind regards,
[180169]

Jenna Amos
Planning Manager

MJM Consulting Engineers
Structural • Civil • Building Design • Planning

Wagga Wagga
Level 1, 37 Johnston St
(02) 6921 8333

Griffith
Level 1, 130 Banna Ave
(02) 6962 9922

www.facebook.com/MJMConsultingEngineers

If you are not the intended recipient of this email please advise the sender, do not use or disclose the contents, and delete the email and any attachments from your system.

From: Sarah Armstrong [mailto:Sarah.Armstrong@midwestern.nsw.gov.au]
Sent: 13 April, 2018 3:18 PM
To: Simone Jorgensen <simone.jorgensen@mjm-solutions.com>
Cc: sortingout@mjm-solutions.com
Subject: RESPONSE: Proposed Rezoning 2255 Hill End Road, Grattai

Hello Simone,

Please find below a response to your questions

1. *Is Council supportive, in principle, of an application for rezoning for the property from the existing R5 to RU1 which, if successful, would be followed by a Development Application for approval of the dog breeding facility?*

Council can consider a Planning Proposal for the above. However please be advised such a Planning Proposal would be considered 'inconsistent' in determining the application fee. An 'inconsistent' application fee is $8748.00.

2. *If Council is supportive, in principle, of such a planning proposal, are you able to advise the minimum information requirements Council would deem necessary to progress the proposal? It is our assumption that as a minimum, the below specialist studies would be required:*
   a. *Acoustic assessment (carried out late last year);*
   b. *Bushfire assessment;*
   c. *Flora and fauna assessment; and*
   d. *Aboriginal and European heritage assessment;*

I believe the study will be required to be updated in accordance with the current requirements. Please ensure the Planning Proposal is prepared in accordance with DP&Es Guide to Preparing Planning Proposals.

3. *Other than the studies noted above, can Council advise of any further studies they believe may be necessary?*

Not at this stage.

4. *Given the minimum lot size of the surrounding RU1 zone being 100ha, would Council be supportive of a rezoning for the property to RU1 when its lot size is less than this minimum?*

Council has undersized allotments (and some with approved dwellings) with a RU1 zoning across the local government area.

5. *We had a brief discussion in relation to lodging the planning proposal and a development application for the facility with Council simultaneously. Can Council please provide further information on this requirement? We were of the understanding that until such time as a rezoning is successful (if this is the outcome), we would not be able to lodge a development application for the facility as the proposed use (animal boarding and training establishment) is prohibited in the current applicable zone.*

I have spoken to the Department of Planning and Environment and with the recent legislation changes they're not certain as to the mechanism? They have also suggested the Planning Proposal be lodged independently, Council would support this.

6. *Please advise if there are any other comments Council has on the proposal, or any advice Council may be able to offer prior to proceeding.*

It would also be worth exploring included the use as an additional permitted use and changing the MLS map to the current area of the subject lot. I would suggest this may be more likely to gain further staff consideration? This would still attract an inconsistent application fee.

Please let me know if you require any further clarification?

Thanks,
Sarah

From: Simone Jorgensen [mailto:simone.jorgensen@mjm-solutions.com]
Sent: Friday, 13 April 2018 1:59 PM
To: Sarah Armstrong <Sarah.Armstrong@midwestern.nsw.gov.au>
Cc: sortingout@mjm-solutions.com
Subject: FW: Proposed Rezoning 2255 Hill End Road, Grattai

Good afternoon Sarah,

Please see below email, if you could please respond or give us a call as soon as possible it would be greatly appreciated.

Kind regards,
[180169]

Simone Jorgensen
Project Coordinator

MJM Consulting Engineers
Structural • Civil • Building Design • Planning

Wagga Wagga
Level 1, 37 Johnston St
(02) 6921 8333

Griffith
Level 1, 130 Banna Ave
(02) 6962 9922

www.facebook.com/MJMConsultingEngineers

If you are not the intended recipient of this email please advise the sender, do not use or disclose the contents, and delete the email and any attachments from your system.

From: Jenna Amos
Sent: Wednesday, April 11, 2018 1:14 PM
To: sarah.armstrong@midwestern.nsw.gov.au
Cc: council@midwestern.nsw.gov.au; hevs.haven@skymesh.com.au
Subject: Proposed Rezoning 2255 Hill End Road, Grattai

Good afternoon Sarah,

As discussed this morning, we have been approached by the owner of 2255 Hill End Road in relation to preparing a planning proposal to rezone the property from the current R5 Large Lot Residential zone to RU1 Primary Production. The purpose of the rezoning is to enable the owners to legally utilise the land for dog breeding purposes, which is currently a use which is prohibited in the current zoning. In order to provide the owners with a scope of works and quotation for our services, we would like to confirm Council's expectations and requirements in relation to the planning proposal. Could Council please provide information in relation to the following:

1. Is Council supportive, in principle, of an application for rezoning for the property from the existing R5 to RU1 which, if successful, would be followed by a Development Application for approval of the dog breeding facility?
2. If Council is supportive, in principle, of such a planning proposal, are you able to advise the minimum information requirements Council would deem necessary to progress the proposal? It is our assumption that as a minimum, the below specialist studies would be required:
    a. Acoustic assessment (carried out late last year);
    b. Bushfire assessment;
    c. Flora and fauna assessment; and
    d. Aboriginal and European heritage assessment;
3. Other than the studies noted above, can Council advise of any further studies they believe may be necessary?
4. Given the minimum lot size of the surrounding RU1 zone being 100ha, would Council be supportive of a rezoning for the property to RU1 when its lot size is less than this minimum?
5. We had a brief discussion in relation to lodging the planning proposal and a development application for the facility with Council simultaneously. Can Council please provide further information on this requirement? We were of the understanding that until such time as a rezoning is successful (if this is the outcome), we would not be able to lodge a development application for the facility as the proposed use (animal boarding and training establishment) is prohibited in the current applicable zone.
6. Please advise if there are any other comments Council has on the proposal, or any advice Council may be able to offer prior to proceeding.

We would appreciate a written response to the above to be able to proceed with some certainty as to Council's support in principle, or otherwise, in relation to rezoning the property. If you have any questions in relation to the above, please do not hesitate to contact our office on 6921 8333 or respond to this email.

Kind regards,
[180169]

Jenna Amos
Planning Manager

MJM Consulting Engineers
Structural • Civil • Building Design • Planning

Wagga Wagga
Level 1, 37 Johnston St
(02) 6921 8333

Griffith
Level 1, 130 Banna Ave
(02) 6962 9922

www.facebook.com/MJMConsultingEngineers
If you are not the intended recipient of this email please advise the sender, do not use or disclose the contents, and delete the email and any attachments from your system.

PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient you are hereby notified that any dissemination, distribution or copying of this email is strictly prohibited. If you have received this email in error please disregard the contents of the email, delete the email and notify the author immediately. Thank you.

PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient you are hereby notified that any dissemination, distribution or copying of this email is strictly prohibited. If you have received this email in

error please disregard the contents of the email, delete the email and notify the author immediately. Thank you.

PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient you are hereby notified that any dissemination, distribution or copying of this email is strictly prohibited. If you have received this email in error please disregard the contents of the email, delete the email and notify the author immediately. Thank you.

PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL
This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient you are hereby notified that any dissemination, distribution or copying of this email is strictly prohibited. If you have received this email in error please disregard the contents of the email, delete the email and notify the author immediately. Thank you.