

Planning Services

IRF19/1140

Gateway determination report

LGA	Dubbo Regional
PPA	Dubbo Regional Council
NAME	Additional Permitted Use Animal Boarding or Training
NUMBER	PP_2019_DREGI_001_00
LEP TO BE AMENDED	Dubbo LEP 2011
ADDRESS	31 Merrilea Road, Dubbo
DESCRIPTION	Lot 12 DP1154493
RECEIVED	18 February 2019
FILE NO.	IRF19/1140
POLITICAL DONATIONS	There are no known donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no known meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

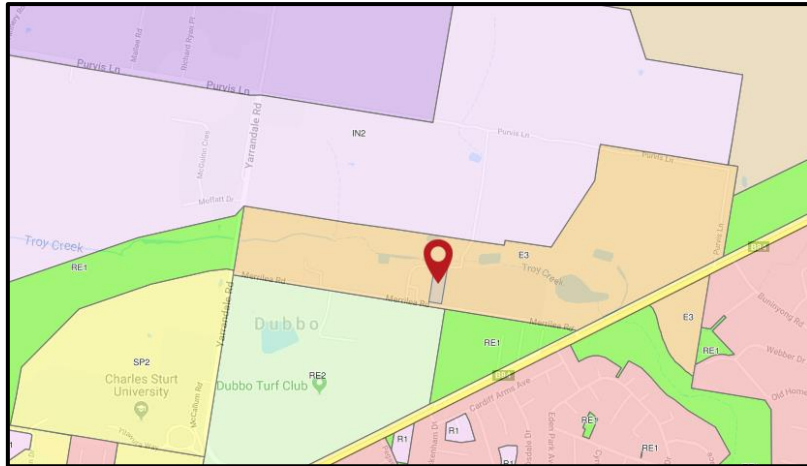
The planning proposal seeks to amend the Dubbo LEP 2011 to permit 'animal boarding or training establishment' as an additional permitted use at 31 Merrilea Road, Dubbo.

Site description

The subject land is identified as 31 Merrilea Road, Dubbo, being Lot 12 DP 1154493, having an area of 9033m². The land contains an existing dwelling house and two sheds.

Existing planning controls

The site is zoned E3 Environmental Management. The use of the subject land for the purposes of an 'animal boarding or training establishment' is prohibited in the E3 zone. Council wishes to allow the additional permitted use of 'animal boarding or training establishment' on the subject land, as an amendment to Schedule 1 of the Dubbo LEP 2011.



Land Zoning Map – 31 Merrilea Road, Dubbo.

Surrounding area

The site is located on the periphery of the Dubbo urban area. The site is bounded by IN2 Light Industrial, RE2 Private Recreation and RE1 Public Recreation zoned land. The land is situated adjacent to the Dubbo Turf Club. There are also dwellings which front Merrilea Road located to the east and west of the subject site.

Summary of recommendation

A conditional Gateway determination is recommended. The timeframe for finalising the plan should be set at 12 months and delegation to finalise the plan should be provided to Council.

PROPOSAL

Objectives or intended outcomes

The objective of the planning proposal is to allow the additional permitted use of animal boarding or training establishment on the subject land in Schedule 1 of the Dubbo LEP 2011.

The use of the subject land for the purposes of an 'animal boarding or training establishment' is prohibited in the E3 zone. The subject land was previously zoned 6(c) Commercial Recreation under the provisions of the former Dubbo LEP 1998 – Urban Areas. Use of the land for the purposes of an 'animal boarding or training establishment' was previously permitted with consent on the subject land.

Council wishes to allow the additional permitted use of 'animal boarding or training establishment' on the subject land, as an amendment to Schedule 1 of the Dubbo LEP 2011.

Explanation of provisions

This planning proposal can be given effect through an amendment to the Dubbo LEP 2011. Council have proposed to amend Schedule 1 Additional Permitted Uses to include the land use 'animal boarding or training establishment' on the subject site. This is an acceptable mechanism to achieve the objective of the proposal.

Mapping

An amendment to Additional Permitted Uses Map – Sheet APU_007C of the Dubbo LEP 2011 will be required. A draft map has been included in the planning proposal, showing the subject site applies to Schedule 1 Additional Permitted Use. This will be required to be placed on exhibition and included in the finalisation of the plan.

NEED FOR THE PLANNING PROPOSAL

The planning proposal has been prepared by Council on behalf of the prospective landowners, who have advised Council they intend on working their horses at the Dubbo Turf Club and wish to utilise the land and existing infrastructure for the purposes of stabling and operating a commercial business on the land. This is consistent with the use of the area that is in close proximity to the Dubbo Turf Club.

The planning proposal is the best way to progress the intended use of the site.

The use of the subject land for the purposes of an 'animal boarding or training establishment' is prohibited in the E3 zone. The subject land was previously zoned 6(c) Commercial Recreation under the provisions of the former Dubbo LEP 1998 – Urban Areas. Use of the land for the purposes of an animal boarding or training establishment was previously permitted with consent on the subject land. Adding 'animal boarding or training establishment' as a permitted use in Schedule 1 Additional Permitted Uses will limit the operation to the subject land, rather than all E3 zones, and therefore achieves the intended outcomes.

STRATEGIC ASSESSMENT

State

There are no identified inconsistencies with the Central West and Orana Regional Plan 2036.

Local

The Dubbo 2040 Community Strategic Plan and the Dubbo Industrial Areas Development Strategy (as part of the Dubbo Urban Areas Development Strategy) are applicable to the planning proposal.

Dubbo 2040 Community Strategic Plan

The planning proposal is broadly consistent with community visions under the Dubbo 2040 Community Strategic Plan.

Dubbo Industrial Areas Development Strategy

The subject land is identified in the Dubbo Industrial Areas Development Strategy as part of the Central District Sub-district North Structure Plan, which is identified to accommodate recreational, horse racing or light industry related uses. The objective of the planning proposal is to facilitate the stabling of horses and commercial operation of a business within the horse racing industry, consistent with the Strategy.

The proposal is considered to be broadly consistent with these strategies.

Section 9.1 Ministerial Directions

The following 9.1 Ministerial Directions are applicable to the planning proposal:

1.5 – Rural Lands

This Direction applies to land within an existing or proposed rural or environmental protection zone. The Direction is applicable to the planning proposal as the subject land is located within an existing environmental zone. There are no changes proposed to the zoning or minimum lot size of the subject land. The proposal is considered to be consistent with this Direction and no further work is required.

2.1 – Environmental Protection Zones

This Direction applies to land within an Environmental Protection Zone. The Direction is applicable as the subject land is zoned E3 Environmental Management, due to the identified flood hazard. The planning proposal will permit the opportunity for additional land use activity on the subject land. Any future development will be assessed by Council in relation to its impacts on flood behaviour. The proposal is considered to be consistent with this Direction and no further work is required.

3.3 – Home Occupations

The planning proposal will not prohibit home occupations from being undertaken on the subject land without the need for development consent. The proposal is considered to be consistent with this Direction and no further work is required.

4.3 – Flood Prone Land

This Direction applies to flood prone land. The direction is applicable as the subject land is flood affected. The planning proposal will permit the opportunity for additional land use activity on the subject land. The proposed animal boarding or training establishment is considered to be a low risk use in this area. Any future development will be assessed by Council in relation to its impacts on flood behaviour. The proposal is considered to be consistent with this Direction and no further work is required.

5.10 – Implementation of Regional Plans

The planning proposal is broadly consistent with the Goals and Directions of the Central West and Orana Regional Plan 2036. The planning proposal is considered to be consistent with this Direction.

State environmental planning policies (SEPPs)

There are no SEPPs applicable to the planning proposal.

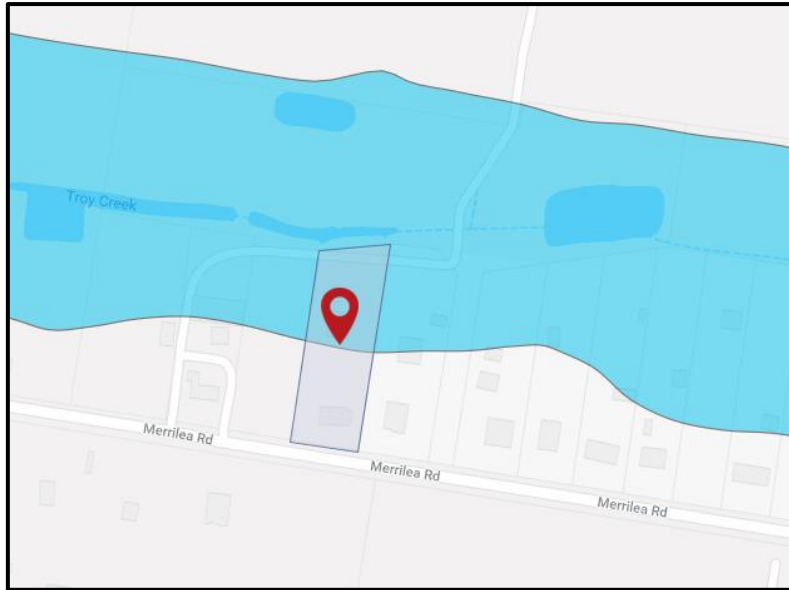
SITE-SPECIFIC ASSESSMENT

Social

The provision of animal boarding or training establishment on the subject land will create additional opportunities for employment, education, training and tourism with the region, catering for recreational and commercial horse racing in the region.

Environmental

The planning proposal acknowledges the subject land is partially impacted by the 1% average recurrent interval (ARI) flood event.



Flood Planning Area – 31 Merrilea Road, Dubbo

The proposal is not likely to significantly affect flood behaviour that would result in detrimental impacts to other properties. Flooding will be further assessed by Council as part of any future development application lodged on the site, which may impact flood prone land.

Economic

It is considered that economic benefits will be realised following the approval of an animal boarding or training establishment on the land.

Infrastructure

There is no known adverse impacts of the planning proposal on existing infrastructure or the provision of new infrastructure in the LGA.

CONSULTATION

Community

Council intended to publicly exhibit the planning proposal for a minimum of 28 days. Council will also undertake consultation with state agencies as required by the Gateway determination.

Agencies

Council has not nominated any specific public authorities or agencies for consultation.

It is recommended that the following agencies and authorities be consulted:

- Office of Environment and Heritage

TIME FRAME

A 12-month period is considered feasible provided that plan remains a priority for the Council.

LOCAL PLAN-MAKING AUTHORITY

Council has requested plan making delegations. Due to the minor nature of the proposal, this is considered to be appropriate.

CONCLUSION

The planning proposal is supported to proceed with conditions outlined in the Gateway determination document.

RECOMMENDATION

It is recommended that the delegate of the Minister 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. Consultation is required with the following public authorities:
 - Office of Environment and Heritage
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. Prior to the submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the *Department's Standard Technical Requirements for Spatial Datasets and Maps' 2017*.
5. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority



4.3.19

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5.3.19

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