

Amendment 2 - Schedule 1 Additional Permitted Use - Animal boarding and training establishment - 31 Ranken Street Woodstock

Proposal Title :	Amendment 2 - Schedule 1 Additional Permitted Use - Animal boarding and training establishment - 31 Ranken Street Woodstock		
Proposal Summary :	The planning proposal seeks to amend Schedule 1 of the Cowra LEP 2012 to include 'Animal Training and Boarding Establishment' as an Additional Permitted Use on Lot 5 and 6 Section 10 DP 759112, 31 Ranken Street, Woodstock.		
PP Number :	PP_2016_COWRA_001_00	Dop File No :	16/07649-1

Proposal Details

Date Planning Proposal Received :	12-Jul-2016	LGA covered :	Cowra
Region :	Western	RPA :	Cowra Shire Council
State Electorate :	BURRINJUCK	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Ranken Street		
Suburb :	Woodstock	City :	Woodstock
		Postcode :	2793
Land Parcel :	Lot 5 and 6 Section 10 DP 759112		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :		Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **There have been no known meetings with registered lobbyists.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **There have been no known meetings with registered lobbyists.**

Supporting notes

Internal Supporting Notes : **The planning proposal seeks to amend Schedule 1 of the Cowra LEP 2012 to include 'Animal Boarding and Training Establishment' as an Additional Permitted Use on Lot 5 and 6 Section 10 DP 759112, known as 31 Ranken Street, Woodstock.**

The land is located on eastern edge of Woodstock Village, on the corner of Ranken Street and East Street, spread across two lots under the same ownership and with a combined area of 4050 m2. The land is adjoined by land also zoned RU5 Village on the north, south and western sides and adjacent to land zoned RU1 Primary Production on the eastern side of East Street.

The operation of an 'Animal Training and Boarding Establishment' on the subject site has been ongoing since 2000 and under the current owners since 2007. The operation commenced without prior development consent from Council and the land owners have recently been informed of the need to prepare a planning proposal to continue the use. Council has received two (2) complaints since 2007 in relation to negative environmental impacts occurring as a result of the operation. Council has otherwise indicated the amenity and management of the business is well regarded.

The planning proposal is required as Cowra Shire Council has received a development application seeking approval to continue to operate an 'Animal Training and Boarding Establishment' on the subject land. The land is zoned RU5 Village, which prohibits the use of land as an 'Animal Training and Boarding Establishment'. Subsequently, Council is unable to issue development consent for the continued operation of an 'Animal Training and Boarding Establishment' on the land under the Cowra LEP 2012. The Development Application has been withdrawn by the applicant, in anticipation of the outcome of the planning proposal.

The proposal is to use Schedule 1 of the Cowra LEP 2012 to identify development for the purposes of an 'Animal Boarding and Training Establishment' as an Additional Permitted Use on Lot 5 and 6 Section 10 DP 759112, No. 31 Ranken Street Woodstock. The subject land will also be required to be mapped on the Additional Permitted Use Map APU_003A. The planning proposal explored two (2) alternative options for the permissibility of the current land use, including a spot rezoning of the subject land to RU1 Primary Production or E3 Environmental Management, or an amendment to the RU5 Village zone to remove 'Animal Boarding and Training Establishment' as a prohibited use in the Cowra LEP 2012.

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It is considered appropriate in this case to utilise Schedule 1 of the Cowra Local Environmental Plan 2012 to identify the development for the purposes of an 'Animal Boarding and Training Establishment' to be permissible with consent on the subject land. This approach ensures the overall objectives of the RU5 Village zone is maintained, and with regard to the locational advantage of the subject land being on the edge of Woodstock village and adjacent to land zoned RU1 – Primary Production, on which the use would be permissible with consent.

It is deemed any negative environmental impacts arising out of the Additional Permitted Use as an 'Animal Boarding and Training Establishment' can be assessed and mitigated by Council with conditions of consent at the Development Application stage.

It is therefore recommended the Minister's delegate issue a Gateway determination with conditions.

Council has requested delegation to complete the planning proposal and this is considered appropriate given the matter is of local significance.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The statement of objectives clearly states the purpose of the planning proposal is to amend Schedule 1 of the Cowra Local Environmental Plan 2012 to allow development for the purposes of an 'Animal Boarding and Training Establishment' as an 'Additional Permitted Use' on Lot 5 and 6 Section 10 DP 759112, No. 31 Ranken Street, Woodstock.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions clearly states the objective of the planning proposal will be achieved on completion of the use of the Additional Permitted Use Map and Schedule 1 of the Cowra Local Environmental Plan 2012 to identify development for the purposes of an 'Animal Boarding and Training Establishment' as an 'Additional Permitted Use' on Lot 5 and 6 Section 10 DP 759112, No. 31 Ranken Street, Woodstock. This is considered a suitable mechanism to achieve the objective of the planning proposal, rather than a spot rezoning or broader changes to the permissible uses under the RU5 Village zone.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

3.1 Residential Zones
3.2 Caravan Parks and Manufactured Home Estates
3.3 Home Occupations
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards
SEPP No 21—Caravan Parks
SEPP No 33—Hazardous and Offensive Development
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP (Building Sustainability Index: BASIX) 2004

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SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

3.1 Residential Zones – The Ministerial Direction is relevant because the planning proposal will affect land within an existing residential zone. The planning proposal does not raise inconsistencies with the objectives of the direction as it seeks to provide an Additional Permitted Use without affecting provisions for residential development on the subject site and its surroundings.

6.3 Site Specific Provisions – The Ministerial Direction is relevant because the planning proposal seeks to amend Cowra LEP 2012 in order to allow a particular development at 31 Ranken Street Woodstock that would otherwise be prohibited under the existing RU5 – Village zoning. The planning proposal does not seek to allow development for the purposes of an 'Animal Boarding and Training Establishment' on all RU5 – Village zoned land within the Cowra LGA, and does not seek to change the zoning of the subject site to a zone that permits development for the purposes of an 'Animal Boarding and Training Establishment'. Instead the planning proposal seeks to utilise Schedule 1 of the Cowra LEP 2012 to nominate 'Animal Boarding and Training Establishment' as an Additional Permitted Use for Lot 5 and 6 Section 10 DP 759112. This approach is consistent with subclause (4)(c) of Section 117 Ministerial Direction 6.3 – Site Specific Provisions.

SEPP No. 55 Remediation of Land – The Policy requires the potential for land contamination to be considered in the preparation of an environmental planning instrument. The planning proposal states that the site is not known to be affected by contamination. The matter for potential contamination on the site can be investigated further if required at the Development Application stage, upon negotiations with Council.

The planning proposal identifies the following s117 Ministerial Directions and SEPPs to be relevant and provides comments in relation to each. Upon assessment, it is determined that these SEPPs and s117 Directions are not relevant in this case and do not require further elaboration.

- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3. Home Occupations
- 6.1 Approval and Referral Requirements
- SEPP No. 1 – Development Standards
- SEPP No. 21 – Caravan Parks
- SEPP No. 33 – Hazardous Development
- SEPP No. 64 – Advertising and Signage
- SEPP BASIX 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Infrastructure) 2007
- SEPP (Miscellaneous Consent Provisions) 2007

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

**Council has provided mapping of the proposed Additional Permitted Uses map (Map Sheet APU_003A) identifying the subject land at Lot 5 and 6 Section 10 DP 759112, No. 31 Ranken Street, Woodstock. This is deemed adequate.
Final LEP mapping is to be submitted for assessment as part of the section 59 (Making of local environmental plan by Minister) process.**

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Community consultation has been proposed as "in the prescribed manner under the Gateway procedures" with no description of the proposed duration or method of consultation.**

It is recommended the planning proposal be publicly exhibited on the Council's website as well as in a local newspaper on at least one occasion. Council should also notify in writing all surrounding land owners that may be affected by the planning proposal.

A notification period of 28 days is recommended in this case.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Cowra Local Environmental Plan 2012 was notified on 25/01/2013.**

Assessment Criteria

Need for planning proposal : **The proposal aims to identify an 'Additional Permitted Use' that is otherwise prohibited on the subject land under the RU5 Village zone of the Cowra LEP 2012. The proposal is needed to identify 'Animal Boarding and Training Establishment' as an Additional Permitted Use on Lot 5 and 6 Section 10 DP 759112, known as 31 Ranken Street, Woodstock.**

The planning proposal is required in order to formalise the continued operation of the animal boarding and training establishment at the subject site. Council is unable to issue development consent for the continued operation, given the use is currently prohibited under the RU5 Village zone.

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Consistency with strategic planning framework :

The draft Central West and Orana Regional Plan applies to the Cowra Local Government Area, in which the village of Woodstock is not identified. The Regional Plan outlines the broader vision for the Central West and Orana region. The proposal is a local planning matter.

The Cowra LEP 2012 was prepared based on strategic recommendations from the endorsed Cowra Shire Land Use Strategy and the Cowra LEP Justification Report. The strategic process did not identify the RU5 Village zone as a suitable zone in which an 'Animal Boarding and Training Establishment' would be permitted with consent. It should be noted that most Local Environmental Plans identify 'Animal Boarding and Training Establishment' as a prohibited use within the RU5 Village zone.

However, given the locational advantage of the subject land, on the fringe of the RU5 Village zone within Woodstock village and adjacent to lands zoned RU1 Primary Production, it would be acceptable in this case to utilise Schedule 1 - Additional Permitted Use provisions to identify 'Animal Boarding and Training Establishment' as a use that is permitted with consent.

The planning proposal is considered justified primarily because it does not raise any land use planning and compatibility issues that Council's strategy aimed to avoid. The land will remain predominantly residential while allowing for the continued operation of an employment-generating land use. Additionally, the 'Animal Boarding and Training Establishment' has been in operation for some time, albeit without Council development consent. Council planning officers support the proposal to enable the land use to be legitimised.

Environmental social economic impacts :

The planning proposal is of minor social and economic significance to the wider community, with positive impacts to result for the owners of 31 Ranken Street, being able to continue operation of an animal boarding and training establishment.

Any environmental impacts such as stormwater runoff, waste management, noise mitigation and soil contamination can be addressed through Council's conditions of consent at the development application stage.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

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If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Attachment_4_-_Evaluation_criteria_for_the_delegation_of_plan_making_functions.pdf	Proposal	Yes
Cover letter.pdf	Proposal Covering Letter	Yes
Planning Proposal (Revised) - Cowra Shire - Rankin St Woodstock.pdf	Proposal	Yes
PP s117 Direction Table Woodstock.pdf	Proposal	Yes
PP SEPPS Table Woodstock.pdf	Proposal	Yes
Report to Council.pdf	Proposal	Yes
Request for Initial Gateway Determination.pdf	Proposal	Yes
APU Mapping - 31 Rankin St Woodstock - Cowra Shire Council.pdf	Map	Yes
Council Minutes - Resolution - 26 April 2016 .pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : **The Ministers delegate determines and supports the planning proposal, subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

(a) The planning proposal is required to be made publicly available on exhibition for 28 days as described in A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

(b) The relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

No agency consultation is required.

2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

3. Prior to submission of the planning proposal under Section 59 of the Environmental Planning and Assessment Act, 1979 the LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps'

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2015.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

While the RU5 Village zone prohibits the use of land as an 'Animal Boarding and Training Establishment', the subject site in this case has a locational advantage on the fringe of Woodstock village, adjacent to RU1 Primary Production zoned land in which the use would be permissible with consent. It would be acceptable in this case to utilise Schedule 1 of the Cowra LEP 2012 to identify 'Animal Boarding and Training Establishment' as an 'Additional Permitted Use' on Lot 5 and 6 Section 10 DP 759112, 31 Ranken Street, Woodstock.

It is considered that environmental impacts can be mitigated with Council's conditions of consent at the development application stage.

The Director Regions, Western can use delegations in this case as the planning proposal is broadly acceptable and is a one off issue. The proposal is a local matter and Council is authorised to utilise delegations to finalise the planning proposal.

Signature:

Deniz

Printed Name:

Deniz Kilic

Date:

21/7/16

Endorsed
W. Gansley 21/7/16
TLWR