

Amend RE2 Private Recreation Zone to include animal boarding or training establishments and veterinary hospitals as uses permitted with consent

Proposal Title : **Amend RE2 Private Recreation Zone to include animal boarding or training establishments and veterinary hospitals as uses permitted with consent**

Proposal Summary : **Amends the RE2 Private Recreation Zone in the Upper Hunter LEP 2013 to enable animal boarding or training establishments and veterinary hospitals to be permitted with consent.**

PP Number : **PP_2015_UPHUN_003_00** Dop File No : **15/17794**

Proposal Details

Date Planning Proposal Received : **17-Dec-2015** LGA covered : **Upper Hunter**

Region : **Hunter** RPA : **Upper Hunter Shire Council**

State Electorate : **UPPER HUNTER** Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Various parcels in Scone, Aberdeen west and Murrurundi, including the Hunter Valley Equine Research Centre in Scone (the target holding)**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Matthew Pringle**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

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MDP Number :	Date of Release :
Area of Release (Ha) 0.00	Type of Release (eg N/A Residential / Employment land) :
No. of Lots : 0	No. of Dwellings (where relevant) : 0
Gross Floor Area : 0	No of Jobs Created : 0

The NSW Government **Yes**

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The additional uses of 'animal boarding or training establishments and veterinary hospital' are required on the Hunter Valley Equine Research Centre site in Scone. There are two approaches to achieve this ie. permit the uses in the zone (RE2) or allow as additional permitted uses for the site. Council has proposed a zone based approach, however following discussion with the Department Council has confirmed that it agrees with the exhibition of two options:

- ☐ **The additional uses applied across the RE2 Private Recreation zone**
- ☐ **Uses added to Schedule 1 of the LEP specific to the Hunter Valley Equine Research Centre site at Scone.**

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **To allow with consent uses of 'animal boarding or training establishment' and 'veterinary hospital' at the Hunter Valley Equine Research Centre in Scone (Racecourse). These uses were previously permissible under the Scone LEP 1986 prior to the (Standard Instrument) Upper Hunter LEP 2013.**
Generally the proposal aims to provide greater opportunity for equine business growth and development.

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

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

Comment : **'Animal boarding or training establishment' and 'veterinary hospital' facilities will become permissible with Council consent on all land in the LGA zoned RE2 Private Recreation. The scope of these uses as set out in the standard instrument LEP are:**
'animal boarding or training establishment': means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

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'veterinary hospital': means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

It is noted that there is a council-endorsed master plan for the HVERC land holding in Scone, however such a detailed study does not apply to the other RE2 zones where these uses would become permissible under this proposal.

It is noted that the specific inclusion of veterinary hospital in the additional permitted uses will result in veterinary hospitals becoming permitted which are not necessarily ancillary to the Hunter Valley Equine Research Centre eg. such hospital may be open to the general public for the treatment of their pets or to farmers for the treatment of their farm stock or working animals.

While these uses may be appropriate at the HVERC, they may not be supported by the community elsewhere due to potential land use conflicts. Therefore an Additional Permissible Use approach may be more suitable. The Department has discussed Council exhibiting the two options so as to determine the approach supported by the community. Council has agreed to this approach.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.5 Development Near Licensed Aerodromes

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

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 :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **as a minor amendment the proposal may appropriately be exhibited for 14 days**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

Council seeks delegation to complete this planning proposal.

As Council is not an owner of land targeted for additional uses, it is appropriate that finalisation of the proposal be delegated to Council.

It is a relatively minor proposal also.

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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 : **The Upper Hunter (Standard Instrument) LEP 2013 was notified on 23 December 2013**

Assessment Criteria

Need for planning proposal :

The key motive for this proposal stems from Hunter Equine Research Centre (HERC) needs and opportunities in providing thoroughbred horse boarding, training and veterinary services. Overall the RE2 Private Recreation zone remains the most appropriate zone for the HERC site, which includes the Scone racecourse, but these ancillary uses are not permitted in the zone at present. Allowing these uses either as as additional permitted use for the site, or by adding the uses to the zone, would address this issue. The need for the proposal is therefore considered justified.

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Consistency with strategic planning framework :

-Upper Hunter Strategic Regional Land Use Plan 2012 (UHSRLUP)-

This plan recognises the strategic economic importance of the thoroughbred horse industry to the Upper Hunter where the world's second largest cluster of breeders is located, accounting for 80% of Australian horse stud exports by value. Accordingly the plan's strategic responses includes defining the equine cluster as strategic agricultural lands characterised by:

- ☐ highly integrated concentration of horse breeding facilities and related infrastructure covering thoroughbred and stock horse breeding centres
- ☐ numerous other equine developments and support services, such as a specialised veterinary centre.
- ☐ contributing 80% to 90%, by value, of Australian stud horse exports (2009-2010).
- ☐ a temperate climate, protected aspect and varied terrain
- ☐ a lack of tropical diseases
- ☐ accessibility to Sydney.
- ☐ breeders supported by the aggregation of equine industry infrastructure and good transport routes.

The UHSRLUP states the following objective:

'Provide enhanced future opportunities for sustainable mining and agricultural industries'.

The proposal supports this objective.

Clearly the Hunter Valley Equine Research Centre (HVERC) is a strategic centre of excellence in the heart of the thoroughbred horse breeding region and this proposal supports the HVERC toward maximising its contribution to meeting the needs of this industry sector and to increasing economic diversity and resilience across the region. The proposal is therefore consistent with this plan.

-Upper Hunter Community Strategic Plan-

The proposal is consistent with the plan's goals to:

- ☐ Protect the natural and built environment and plan for a sustainable future for our Shire and the planet, and
- ☐ Enhance economic and employment opportunities and promote development

The proposal is therefore consistent with this plan.

-SEPP 55 Remediation of Land-

Council notes that the additional uses proposed within the RE2 zone are no more sensitive than currently permissible uses such as childcare centre and hence Council considers that further investigation is required under the SEPP. This is supported.

-Section 117 Direction 2.3 Heritage Conservation-

Heritage items are located on land affected by the proposal however the heritage conservation provisions of the Upper Hunter LEP 2013 will continue to apply to any development proposals facilitated by the proposed amendments. The proposal is consistent with this Direction.

-S.117 Direction 3.5 Development Near Licenced Aerodromes-

The closest existing HVERC facility is about 430m from Scone airport runway. The HVERC site is large enough for sensitive uses to be sited further away from the airport if necessary.

The HVERC is reliant on the airport for certain time-sensitive freight and so is unlikely to seek to limit the airport's development in the future.

The south-east part of the HVERC site is affected by airport obstacle height limitation controls and map.

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The proposal is inconsistent with this Direction at this stage in that during preparation of the planning proposal consultation with neither the Commonwealth Air Safety Authority (CASA) nor the airport operator occurred under Section 4(a) of this Direction. Council should refer the proposal to CASA and the airport operator to confirm the compatibility of the proposed additional uses with airspace operations.

-S.117 Direction 4.3 Flood Prone Land-

Part of the subject land is flood prone. Council advises that the proposal will not increase flood risk and that existing flood planning provisions of the Upper Hunter LEP will apply to the proposed additional uses. The Department agrees with this assessment and considers the PP to be consistent with this Direction.

-S.117 Direction 4.4 Planning for Bushfire Protection-

Part of the subject land is identified as bushfire prone on council mapping. This triggers a consultation requirement to the Commissioner of the NSW Rural Fire Service.

-Environmental, Social and Economic Impact-

Under the proposal HVERC facilities could expand. A master plan exists for the site to reduce adverse impacts.

The proposed additional uses, if developed, would be likely to generate jobs and increase economic activity.

Environmental social
economic impacts :

Assessment Process

Proposal type : **Precinct / Policy** Community Consultation Period : **14 Days**

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

Public Authority **NSW Rural Fire Service**
Consultation - 56(2)(d) : **Other - CASA**

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. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Version 1 Amendment to Zone RE2 Private Recreation.pdf	Proposal	Yes
Report Ordinary Council Meeting 23 November 2015 Amendment to Zone RE2 Private Recreation.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 3.5 Development Near Licensed Aerodromes
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection

Additional Information : **1) Two options be exhibited to achieve the objectives of the proposal:**

 a) The RE2 Private Recreation zone be amended to permit the additional uses with development consent
 b) Permit the additional uses with development consent on the HVERC site only

 2) Council refer the planning proposal to the Commonwealth Air Safety Authority and to the operator of Scone airport (per Direction 3.5)
 3) Council refer the proposal to NSW Rural Fire Service (per Direction 4.4)

Supporting Reasons : **Timeframe: 9 months**
 Exhibition: 14 days
 Delegation: Council

The Planning Proposal as drafted introduces potential land use conflicts in various localities in that it cannot discriminate within the RE2 Private Recreation zone across the local government area and cannot discriminate the animal species to be boarded, trained or hospitalised.

The exhibition of two options gives Council the flexibility of site-specific additional uses should additional uses within the zone involve other sites that prove to have constraints or generate objections. Council's planner agreed with this approach on 18 December 2015.

Signature: _____



Printed Name: _____

BEN HOLMES

Date: _____

13/1/16