

CONFIDENTIAL REPORT

PLANNING DEPARTMENT MANAGER'S REPORT

Matthew Brown

#. DRAFT AMENDMENT TO DUNGOG LEP 2006 – ADMINISTRATIVE PLANNING
PROPOSAL (PP)
PERMISSABILITY OF 'VETERINARY ESTABLISHMENTS' IN THE BUSINESS 3(a)
ZONE
TPA 500

TPA No.	500
Applicant:	Dr Steven Mrljak – Barrington Veterinary Group
Current Zone:	Permissibility of 'Veterinary Establishments' in Business 3(a) Zone
Proposal:	Administrative Amendment

Précis:

The proposal seeks to modify the Dungog LEP to allow 'Veterinary Establishments' that are currently prohibited in the Business 3(a) Zone, to be listed as permissible with Council consent. This would enable a development application (DA) for a 'Veterinary Establishment' to be considered in the Business 3(a) Zone.

BACKGROUND

Council received a request from a local veterinary practice in regards to the possibility of relocating to another Business 3(a) zoned property. Due to various reasons their current premises are no longer adequate. See their correspondence attached as "Annexure X".

With the current approval for the use dating back to 1971 (BA 38/71), the premises is currently operating from a Business 3(a) zone property with minimal impact. However, 'Veterinary Establishments' are listed as a prohibition in the Business 3(a) pursuant to clause 23 of the Dungog LEP 2006. This makes the applicant unable to lodge a DA for such a use.

'Veterinary Establishments' are separately defined by the Dungog LEP as;

"a building or place used by a registered veterinary practitioner, and includes an animal hospital, a veterinary surgery and a veterinary clinic"

The current zoning matrix/table was created/became effective when the 2006 LEP was gazetted. As per the zoning table (Clause 23) 'Veterinary establishments' are only permissible with consent in the following zones;

- Rural 1(a),
- Rural Enterprise 1(e),
- Village 2(v)
- Employment 4(a).

Once the planning proposal is forwarded to the Minister for Planning (or delegate), it is assessed by the Department of Planning. The planning proposal and the recommendation of the Department of Planning will then be forwarded to the LEP Review Panel. The LEP Review Panel will consider the planning proposal and the recommendation of the Department of Planning before providing their own recommended Gateway determination to the Minister. The Minister will consider the recommendation of the LEP Review Panel.

The Gateway determination will indicate the following:

- whether the planning proposal should proceed (with or without variation);
- whether the planning proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal);
- community consultation requirements;
- any consultation required with State or Commonwealth public authorities;
- whether a public hearing is to be held into the matter by the Planning Assessment Commission or other specified person or body;
- the times within which the various stages of the procedure for the making of the proposed LEP are to be completed; and
- Whether the function of making the LEP is to be exercised by the Minister for Planning or delegated to the relevant planning authority.

Therefore, in order to proceed with the proposed LEP amendment, Council or the Applicant needs to prepare a planning proposal explaining the intended effect of and justification for the draft LEP and forward the planning proposal to the Minister for a Gateway determination, in accordance with the new plan-making provisions in Part 3 of the EP&A Act.

RECOMMENDATION

1. That Council resolve to prepare an amendment to *Dungog Local Environmental Plan 2006* to allow 'Veterinary Establishments' that are currently prohibited in the Business 3(a) Zone, to be listed as permissible with Council consent in the zoning table of the *Dungog Local Environmental Plan* (Clause 23).
2. That pursuant to section 55 of the *Environmental Planning and Assessment Act 1979*, Council prepare a Planning Proposal explaining the intended effect of the proposed LEP and setting out the justification for making the proposed instrument.
3. That pursuant to section 56(1) of the *Environmental Planning and Assessment Act 1979*, Council forward the Planning Proposal to the Minister for Planning for a Gateway determination.

1. Council resolve to support an amendment to *Dungog Local Environmental Plan 2006* to rezone Lot 1 DP 562046, Durham Road Gresford from Special Uses 5(a) to Employment 4(a).
2. Pursuant to section 55 of the *Environmental Planning and Assessment Act 1979*, a Planning Proposal be prepared explaining the intended effect of the proposed LEP and setting out the justification for making the proposed instrument.
3. Pursuant to section 56(1) of the *Environmental Planning and Assessment Act 1979*, Council forward the Planning Proposal to the Minister for Planning for a Gateway determination.
4. The Land Use Strategy (LUS) Gresford Maps be amended to reflect Council's intention to alter the land use on the subject property.
5. As both the Applicant and the land owner is Dungog Shire Council, the Planning Proposal (PP) be compiled by an independent and suitably qualified third party.

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a Division. The Division resulted in 9 for and 0 against, as follows:

For: Crs Wall, Mitchell, Booth, Ainsworth, Johnston, McKenzie, Lloyd, Thompson, Farrow.

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Minute No. 34863

RESOLVED on the motion of Cr Mitchell and seconded by Cr Farrow that:

1. Council resolve to prepare an amendment to *Dungog Local Environmental Plan 2006* to allow 'Veterinary Establishments' that are currently prohibited in the Business 3(a) Zone, to be listed as permissible with Council consent in the zoning table of the Dungog Local Environmental Plan (Clause 23).
2. Pursuant to section 55 of the *Environmental Planning and Assessment Act 1979*, Council or the Applicant prepare a Planning Proposal explaining the intended effect of the proposed LEP and setting out the justification for making the proposed instrument.
3. Pursuant to section 56(1) of the *Environmental Planning and Assessment Act 1979*, Council forward the Planning Proposal to the Minister for Planning for a Gateway determination.

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a Division. The Division resulted in 9 for and 0 against, as follows:

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