

PLANNING PROPOSAL

Dungog Local Environmental Plan 2006 (Amendment No. 12)

Proposed Amendment to Clause 23 to enable:

- a) 'Veterinary Establishments' to be permissible with Council consent in a Business 3(a) Zone.**

List of Attachments

- A - Dungog Business 3(a) Map**
- B - Clarence Town Business 3(a) Map**
- C - Applicants Correspondence**
- D - Council Report and Minutes**

Introduction

This planning proposal applies to all Business 3(a) zoned land within the Dungog Local Government Area.

There are two primary areas of Business 3(a) zoned land. This includes the Dungog and Clarence Town central business areas. Refer to **Attachment A** (Dungog) and **Attachment B** (Clarence Town) that depicts the existing Business 3(a) land.

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 **Attachment C**.

The Planning Proposal was considered by Council at the Ordinary Council meeting on 16 February 2010. A copy of the report and minutes are attached as **Attachment D**.

With the current approval for the use of the land 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) zone 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 2006 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).

In this particular circumstance, the above mentioned zones are not suitable for a number of reasons. Firstly, the Applicant has a desire to remain in Dungog and there is no Rural Enterprise 1(e) or Village 2(v) zoned land in the Dungog area. In regards to the Rural 1(a) and Employment 4(a) zoned land, the Applicant has concerns in regards to the

security and the viability of operating from these locations, well removed from the traditional central business area.

Part 1 - Objectives or Intended Outcomes

The objective of the planning proposal is to enable 'Veterinary Establishments' to be carried out on Business 3(a) zoned land, with development consent, under the Dungog LEP 2006.

Part 2 - Explanation of Provisions

The administrative PP would basically change the "X" to a "C" in the respective Business 3(a)/'Veterinary Establishment' zoning table box in clause 23 of the Dungog LEP.

Clause 23 would be amended to read as follows (refer to highlighted section);

	Zones											
Development for the purpose of:	1 (a)	1 (e)	1 (l)	2 (a)	2 (v)	3 (a)	4 (a)	5 (a)	6 (a)	7 (a)	7 (l)	9 (a)
Advertisements	c	c	c	x	c	c	c	c	c	c	c	c
Agriculture	w	w	w	x	x	x	x	c	c	c	c	w
Automotive services	x	c	x	x	c	c	c	x	x	x	x	x
Bed and breakfast	c	c	c	c	c	c	x	x	x	x	c	c
Camp or caravan sites	c	c	c	c	c	x	x	x	x	c	c	c
Commercial premises	x	c	x	x	c	c	c	x	x	x	x	x
Community facilities	c	c	c	c	c	c	c	c	c	x	x	c
Demolition	c	c	c	c	c	c	c	c	c	c	c	c
Dual occupancies	c	c	c	c	x	x	x	x	x	x	c	c
Dwelling-houses	c	c	c	c	c	c	x	x	x	c	c	c
Employment	x	c	x	x	c	c	c	x	x	x	x	x
Farm gate sales	c	c	c	x	c	x	c	x	x	x	c	c
Farm-stays	c	x	x	x	x	x	x	x	x	x	c	c
Forestry	c	c	x	x	x	x	x	x	x	c	c	x
Home business	c	c	c	c	c	c	x	x	x	c	c	c
Institutions	c	c	x	c	c	c	c	c	x	x	x	x

Intensive agriculture	c	c	x	x	x	x	c	x	x	x	x	c
Kiosks	c	c	x	x	c	c	c	x	c	c	x	x
Leisure areas	c	c	c	e	c	c	c	c	c	w	c	c
Mines	c	x	x	x	x	x	x	x	x	x	c	x
Multiple dwellings	x	x	x	c	x	c	x	x	x	x	x	x
Recreation areas	c	c	c	w	w	c	c	c	w	c	c	c
Recreation facilities	c	c	x	x	c	c	c	x	c	x	c	c
Restaurants	c	c	x	x	c	c	c	x	c	x	x	x
Shops	x	x	x	x	c	c	x	x	x	x	x	x
Tourist facilities	c	x	x	x	c	c	x	x	x	x	c	c
Utility installations	c	c	c	c	c	c	c	w	c	c	c	c
Veterinary establishments	c	c	x	x	c	c	c	x	x	x	x	x

Part 3 - Justification

Section A - Need for the Planning Proposal

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

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

The need for the planning proposal is discussed below.

At a strategic level the PP is consistent with Council's Standard Instrument (SI) LEP direction as at this stage, staff have identified B2 Local Centre as the best equivalent zone for the Business 3(a) zone. In the B2 Local Centre zone, the SI does not list a 'Veterinary Hospital' (as defined by the SI LEP) as a use that must be prohibited. Rather, Council can choose to have a 'Veterinary Hospital' as permissible with consent in the B2 Local Centre zone.

Requiring a site specific and/or lengthy PP in this instance, in the opinion of Council staff is not warranted.

The PP needs to be progressed now and not handled as part of SI LEP as this would be an unreasonable time delay on the Applicant, for what is considered a routine and administrative LEP amendment, consistent with the future SI LEP strategic direction.

'Veterinary Establishments' are typically non offensive and well suited to a Business 3(a) zoning. They usually operate with minimal interference to the local amenity and are an

important local land use that contributes to the dynamics of a business area. There is no legitimate planning reason to suggest why (in addition to any development control standards) a 'Veterinary Establishment' isn't suitable in the Business 3(a) zone in the Dungog LEP. The fact the current 'Veterinary Establishment' enjoys its existing use right in the Business 3(a) property, with no adverse land use impacts and Council recorded complaints, further supports this approach.

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

The planning proposal is the best means of achieving the intended outcomes. An alternative would be to rezone a specific property from Business 3(a) to Employment 4(a), in which the proposed development would be permissible. However, this alternative is not considered appropriate given that the issue can be more satisfactorily addressed at a strategic level, rather than a reactive site specific application, based purely on business demand. Further, rezoning a property Employment 4(a), to facilitate a 'Veterinary establishment' may trigger other land use conflicts due to the other permissible uses in the Employment 4(a) zone.

Not only will the amendment allow flexibility for the current veterinary practice to lodge a development application to Council for consideration at any Business 3(a) zoned property, it will also enable future veterinary facilities to operate in the central business areas of Dungog and Clarence Town.

3. Is there a net community benefit?

There is only one veterinary establishment in Dungog. The net community benefit is that the community of Dungog will be able to retain its sole vet in town, without having to increase vehicle dependency and travel to larger settlements i.e. Maitland, Raymond Terrace or Newcastle.

The local veterinary practice is an important local community service in which the Dungog community can ill afford to lose. Hence, it is appropriate that planning controls, where there are no adverse impacts, be flexible to accommodate such use.

Section B - Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metro Strategy or exhibited draft strategies)?

The Dungog local government area is not included within the Sydney Metro Strategy or the Lower Hunter Regional Strategy and therefore the objectives and actions do not apply.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plans?

Dungog LEP 2006 is the principal environmental planning instrument governing land use within the LGA. The proposal's consistency with the provisions of LEP 2006 is discussed below.

Allowing 'Veterinary Establishments' to be permissible with consent in the Business 3(a) zone is consistent with the respective zone objectives. Refer to the Business 3(a) zone objectives below;

The objectives of Zone 3 (a) are to:

- (a) provide for the focus and consolidation of retail and business development in accessible locations primarily serving the local community, and*
- (b) allow for tourism, recreation and administrative activities which serve the wider community, and*
- (c) encourage and guide mixed-use development within settlements, to maximise economic, social and environmental benefits while minimising land use conflict from different uses.*

In response to these objectives the Planning Proposal will provide for consolidated retail and business development whilst minimising land use conflict.

The Draft Dungog Land Use Strategy (LUS) also examines the commercial/business scenario in Dungog. Specific issues for Dungog, identified through the development of the Situation Analysis and Land Use Strategy include the following:

- *Maintain a strong, viable commercial centre with emphasis on the main street*
- *Provide for both urban and rural residential expansion*
- *Housing older people into the future*
- *Protect and enhance local heritage*
- *Accommodate both domestic and commercial land use changes associated with changing demographics arising from the proposed Tillegra Dam. These changes include the boost to local industry and retail activity during Dam construction and the subsequent loss of agricultural business post-construction*
- *Appropriately use strategic development sites within the CBD to foster strong community and commercial outcomes*
- *Increase parking provision in Dungog township*
- *Promote public domain improvements, footpaths, lighting and seating and possibly a town park*
- *Enhance tourist accommodation and day tripper services*
- *Stimulate local employment through the provision of employment / industry lands*
- *Focus industries and workshops in positions that have good transport access*

The Planning Proposal is consistent with these strategic objectives identified in the draft land use strategy.

The Draft Dungog Land Use strategy concludes that the economy of Dungog requires stimulation. This can be achieved in part by allowing 'Veterinary Establishments' to be permissible with consent in the Business 3(a) zone.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal's consistency with relevant State Environmental Planning Policies (SEPPs) is summarized in the following table.

There are no applicable SEPPS or REPPS.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal's consistency with applicable section 117 directions is summarized in the following table.

Ministerial Direction	Relevance	Consistency	Implications
1.1 Business and Industrial Zones	The direction applies when a relevant planning authority prepares a planning proposal that will affect land within a Business or Industrial Zone	Yes	The draft LEP retains and enhances the existing Business 3(a) zoned land. The proposal increases the floor space available for 'Veterinary Establishments'. The Planning Proposal complies with the objectives of this direction.

Section C - Environmental, Social and Economic Impact

8. 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?

No. The planning proposal is purely an administrative LEP amendment enabling a land use suitable in the Business 3(a) zone to be considered by Council. Any environmental issues will be considered at the DA stage.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Any development arising from this planning proposal will need to be assessed under section 79C of the *Environmental Planning and Assessment Act 1979*.

No. The planning proposal is purely an administrative LEP amendment enabling a land use suitable in the Business 3(a) zone to be considered by Council. Any environmental issues will be considered at the DA stage.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal is not expected to generate any adverse social or economic effects. In fact, enabling 'Veterinary Establishments' to establish in the Business 3(a) zone will have a pronounced positive effect including service provision for the local community and possible employment opportunities.

Section D- State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

The Business 3(a) areas in Dungog and Clarence Town are serviced both practically and legally by public road access.

The precincts where the planning proposal could potentially apply also have access to reticulated water and sewer, electricity and telecommunication services.

Development arising from this planning proposal will not significantly increase the demand for public infrastructure.

12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (To be completed after consultation but prior to gateway)

Council will undertake formal consultation with the relevant State and Commonwealth public authorities, as directed by the Minister for Planning, following gateway determination.

Part 4 - Community Consultation

The planning proposal is considered to be consistent with Council's strategic planning framework and is unlikely to result in any significant environmental, social or economic impacts. It is therefore considered to be a "low impact" planning proposal requiring a 14 day exhibition period only.

Council will undertake the required community consultation in accordance with the Department of Planning's document '*A guide to preparing local environmental plans*'.

ATTACHMENT A – Dungog Business 3(a) Zoned Land – Dungog LEP 2006