



PLANNING PROPOSAL

**ADDITIONAL PERMITTED USE OF ANIMAL
BOARDING OR TRAINING ESTABLISHMENT
AT LOT 12 DP 1154493, NO. 31 MERRILEA
ROAD, DUBBO.**

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EXECUTIVE SUMMARY

A Planning Proposal has been lodged by the prospective owners of Lot 12 DP 1154493, No. 31 Merrilea Road, Dubbo. The Planning Proposal has sought to use the land for the purposes of an animal boarding or training establishment, which includes the training of race horses as a commercial business.

The land is zoned E3 Environmental Management under the provisions of the Dubbo Local Environmental Plan 2011. Use of the subject land for the purposes of an animal boarding or training establishment is a prohibited form of development in the zone.

The land is situated adjacent to the Dubbo Racecourse. The proponent has provided information that they intend on working their horses at the Dubbo Racecourse and utilise the land and existing infrastructure at No. 31 Merrilea Road for the purposes of stabling and operating the commercial business.

The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act, 1979 and the NSW Government Department of Planning and Environment, *A guide to preparing planning proposals*.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of this 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 Local Environmental Plan 2011.

PART 2 EXPLANATION OF PROVISIONS

The proposed objectives and intended outcomes will be achieved through undertaking an amendment to the Dubbo Local Environmental Plan 2011.

The subject land is situated adjacent to the Dubbo Racecourse and has synergies with the activities of the racecourse as shown in **Figure 1**. The land currently contains an existing dwelling house and two (2) sheds. The Proponent has provided information that they will modify the existing sheds to include stabling infrastructure for up to 20 horses.



Figure 1: Subject Land

(a) Proposed Amendment to the Dubbo Local Environmental Plan 2011

It is proposed to undertake an amendment to Schedule 1 and the Additional Permitted Uses Map – Sheet APU_007C of the Dubbo Local Environmental Plan 2011. The amendment would allow the development of an animal boarding or training establishment on the land with development consent from Council.

The Dubbo Local Environmental Plan 2011 defines an animal boarding or training establishment as follows:

“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.”

The subject land was previously zoned 6(c) Commercial Recreation under the provisions of the former Dubbo Local Environmental Plan 1998 – Urban Areas. Use of the land for the purposes of an animal boarding or training establishment was previously allowable on the land subject to development consent.

PART 3 JUSTIFICATION

A Need for the Planning Proposal

1. Is the Planning Proposal the result any strategic study or report?

The Planning Proposal is not the result of any strategic study or report.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

It is considered that an amendment to Schedule 1 of the Dubbo Local Environmental Plan 2011 is the best means to achieving the objectives or intended outcomes of the Planning Proposal. Council will undertake a further analysis of land within the precinct as a component of preparing a new comprehensive Local Environmental Plan for the Dubbo Regional Local Government Area, to determine if the proposed use should be provided over any other lands.

B Relationship to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

a) Does the proposal have strategic merit?

The Planning Proposal is considered to be consistent with the Central West and Orana Regional Plan 2036 as follows:

Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan was released by the Minister for Planning on 14 June 2017.

The Plan has the following goals:

- Goal 1: The most diverse regional economy in NSW;
- Goal 2: A stronger, healthier environment and diverse heritage;
- Goal 3: Quality freight, transport and infrastructure networks; and
- Goal 4: Dynamic, vibrant and healthy communities.

In particular, the Planning Proposal is consistent with the following Directions:

Direction 4: Promote and diversify regional tourism

The Planning Proposal would facilitate the development of an animal boarding or training establishment which would support the operations of the Dubbo Racecourse. The Dubbo Racecourse provides diversity to the regional tourism market.

Direction 6: Expand education and training opportunities

The animal boarding or training establishment would create additional opportunities within the region for education and training.

The Planning Proposal is considered to be consistent with the provisions of the Central West and Orana Regional Plan 2036.

b) Does the proposal have site-specific merit?

The Dubbo Turf Club is located to the south, adjacent to the subject site and would benefit directly from the development of an animal boarding or training establishment on the proposed scale. It is considered that the Planning Proposal would provide support to the Turf Club and reduce the need for vehicle and trailer transportation to and from the subject land.

4. Is the Planning Proposal consistent with a local strategy or other local strategic plan?

Dubbo 2040 Community Strategic Plan

The Dubbo 2040 Community Strategic Plan was adopted by Council on 25 June 2018. The visions from the community are as follows:

- *Provide for housing choice and housing affordability to meet the needs of our community;*
- *Achieve ongoing economic prosperity through a diverse employment base and visitor economy that makes use of our tourism assets;*
- *Key infrastructure and services are provided to further enhance the quality of life of our community and to maintain economic growth;*
- *A united and cohesive Council that provides leadership to our community;*
- *We have access to a range of community, cultural and open space facilities and areas;*
and
- *We value our unique environment and ensure it's protected for future generations.*

The Planning Proposal is considered to be broadly consistent with the community visions under the Dubbo 2040 Community Strategic Plan.

Dubbo Urban Areas Development Strategy

The Dubbo Urban Areas Development Strategy forms the basis of the land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The Dubbo Urban Areas Development Strategy consists of a number of components as provided below:

- A) Residential Areas Development Strategy;
- B) Commercial Areas Development Strategy;
- C) Industrial Areas Development Strategy;

- D) Institutional Areas Development Strategy;
- E) Recreational Areas Development Strategy; and
- D) Future Directions and Structure Plan.

The Strategy was reviewed by Council in 2007 as part of the review of the Dubbo Urban Areas Development Strategy with the preparation of the Dubbo Urban Areas Development Strategy Discussion Paper. The Strategy was also reviewed by Council with preparation of the Dubbo Local Environmental Plan in 2011.

Dubbo Industrial Areas Development Strategy

The Dubbo Industrial Areas Development Strategy 1996 - 2015 forms the basis of the industrial land use zonings and planning controls provided in the Dubbo Local Environmental Plan 2011.

The area subject of the Planning Proposal is located in the Central District Sub-district North Structure Plan. The proposed strategic direction for this area is to cater for recreational, horse racing or light industry related uses. The Planning Proposal seeks to facilitate development for the purposes of an animal boarding or training establishment.

The Planning Proposal is considered to be consistent with the Dubbo Industrial Areas Development Strategy.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy (Rural Lands) 2008 is applicable to the Planning Proposal as the subject land is located adjacent to Troy Creek and is constrained by flooding impacts.

The Planning Proposal will not result in any significant negative impacts on Troy Creek.

The Planning Proposal is considered to be broadly consistent with the Rural Planning Principles of the SEPP (Rural Lands) 2008.

6. Is the Planning Proposal consistent with any applicable Section 9.1 Directions?

The following table provides consideration of the applicable Section 9.1 Directions for consideration in the Planning Proposal:

Direction	Requirement	Consistency
1.4 Rural Lands	The Direction applies to the Planning Proposal as it will affect land within an existing or proposed rural or environmental protection zone (including the alteration of any existing rural or environmental protection zone boundary). The Direction is applicable to the Planning Proposal as the subject land is located within an existing environmental zone.	The Planning Proposal is considered to be consistent with the Direction.
2.1 Environmental Protection Zones	The Direction applies when a Planning Proposal is prepared. The Direction is applicable to the Planning Proposal as the subject land is located on in the E3 Environmental Management zone.	The Planning Proposal will undertake an additional land use activity on the land. However, given the physical characteristics of the land and the fact that the proposed use is consistent with the flood hazard on the land, it is considered that the Planning Proposal is consistent with the Direction.
3.3 Home Occupations	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is considered to be consistent with the Direction as the proposal does not prohibit home occupations from occurring without the need for development consent.
4.3 Flood Prone Land	The Direction applies to the Planning Proposal as the subject land is flood affected.	The Planning Proposal is considered to be inconsistent with the Direction as it will permit the undertaking of development on flood prone land.

Direction	Requirement	Consistency
		The inconsistency is considered to be of minor significance. Issues in respect of flooding are included in Section 8 of the Planning Proposal.
5.10 Implementation of Regional Plans	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is considered to be broadly consistent with the Goals and Directions of the Central West and Orana Regional Plan 2036.
6.1 Approval and Referral Requirements	The Direction applies when a Planning Proposal is prepared.	The Planning Proposal is consistent with the proposal as it will not create additional provision for concurrence, consultation or referral of a development application to a Minister or public authority.
6.3 Site Specific Provisions	<p>The Direction applies when a Planning Proposal is prepared that will allow a particular development to be carried out.</p> <p>The Direction is applicable as the Planning Proposal intends to create provision for an additional permitted use for the purposes of an animal boarding or training establishment on the subject land.</p>	The Planning Proposal is consistent with the Direction.

C Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected?

It is considered that the Planning Proposal will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats.

8. Are there any environmental impacts and how will they be mitigated?

The subject site is partially impacted by the 1% average recurrent interval (ARI) flood event shown in **Figure 2**.

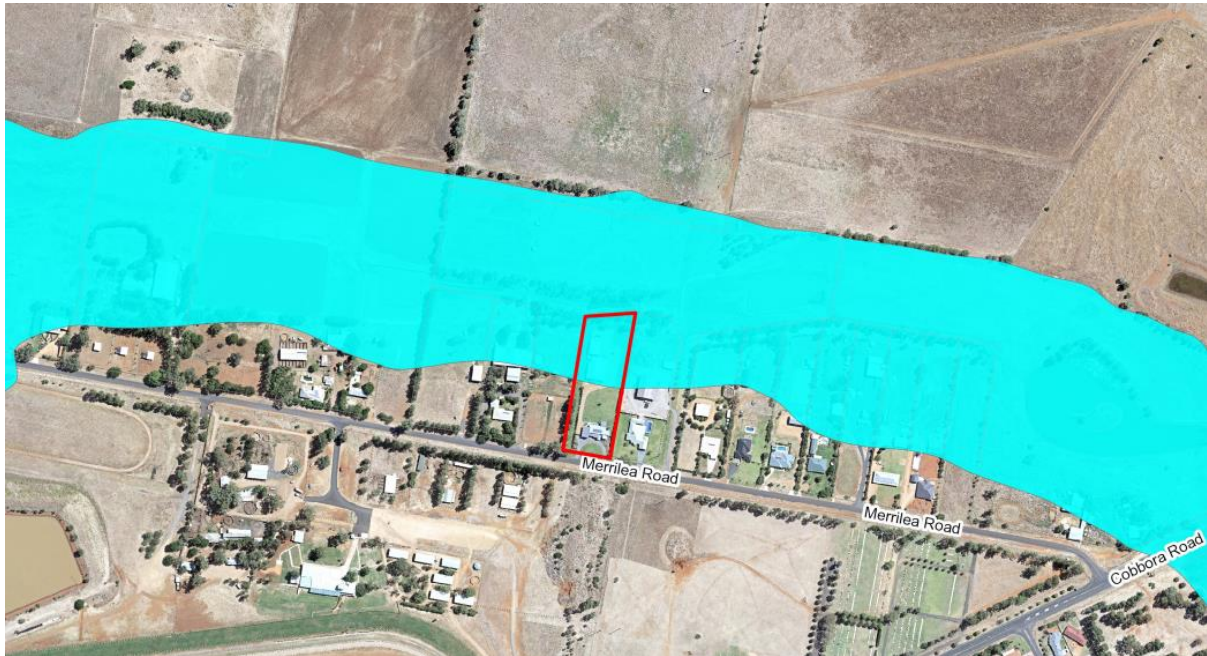


Figure 2: 1% ARI flood event

The subject land is zoned E3 Environmental Management under the provisions of the Dubbo LEP 2011. One of the objectives of the E3 zone is to ensure development is compatible with the flood hazard of the Macquarie and Talbragar rivers. Troy Creek is located adjacent to the subject site. The subject site is identified within the flood planning area on the Dubbo Local Environmental Plan (LEP) 2011 Flood Planning Map Sheet FLD_007C.

The area of the subject site which is identified as flood prone land contains two (2) existing sheds. The Proponent as a component of the proposed use as an animal boarding or training establishment has identified that they will seek future development approval from Council to utilise both sheds as stables in association with the proposed use. As all walls to convert the sheds to stables will be internal, it is considered that the proposed development is unlikely to impact flood behaviour and is unlikely to result in any further flooding impacts to properties within the immediate locality. However, as a component of the Planning Proposal process, Council will seek the views of State Emergency Services, particularly in respect of the need for flood evacuation during a flood event.

The Planning Proposal is not considered likely to significantly affect flood behaviour that would result in detrimental impacts to other properties. However, it should be noted that flooding will be further assessed by Council as a component of any development application lodged on the land, which may impact flood prone land.

9. Has the Planning Proposal adequately addressed any social and economic impact?

The Planning Proposal is not expected to result in any significant negative economic or social impacts.

D State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

It is considered that the Planning Proposal is unlikely to result in any significant requirements for upgrading of public infrastructure. Public infrastructure impacts will be further considered as a component of the development application process for establishment of the use on the land.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

State and Commonwealth public authorities will be consulted in accordance with the Gateway Determination and will be given at least 21 days to comment on the proposal.

PART 4 MAPPING

Council as a component of the Planning Proposal will be required to prepare a new Additional Permitted Uses Map - Sheet APU_007C to permit an animal boarding and training establishment on Lot 12 DP 1154493, No. 31 Merrilea Road, Dubbo.

PART 5 COMMUNITY CONSULTATION

Council will place the Planning Proposal on public exhibition for a period of not less than 28 days and undertake consultation with the community as directed. Council will also undertake consultation with State public agencies as required by any Gateway Determination from the Department of Planning and Environment.

PART 6 PROJECT TIMELINE

The following project timeline is intended to be a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

Step	Task Name	Completion Date
1	Preparation of the draft Planning Proposal	25 January 2019
2	Draft Planning Proposal report prepared and presented to Planning, Development and Environment Committee meeting.	11 February 2019
3	Preparation of correspondence to the Department of Planning and Environment requesting review of the Planning Proposal and issuance of a Gateway Determination	27 February 2019
4	Undertake all activities associated with placing the Planning Proposal on public exhibition including undertaking consultation with State Agencies	6 March 2019 – 3 April 2019
5	Assessment of submissions made during the public exhibition period	8 April 2019
6	Report of public exhibition results prepared and presented to Ordinary Council meeting.	22 April 2019
7	Preparation of correspondence to the Department of Planning and Environment and/or the Office of Parliamentary Counsel in relation to legal drafting of the Planning Proposal	24 April 2019
8	Gazettal	20 May 2019