

Deemed Provisions – Cl 67 Matters to be considered by Local Government

Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: <u>Local Planning Scheme No.3 (LPS3) and Local Planning Strategy (LPS)</u> The relevant objectives of the ‘Rural’ zone under LPS3 include the following:</p> <p style="text-align: center;"><i>“To provide for the maintenance or enhancement of specific local rural character.”</i></p> <p>The subject site is characterised by broad open paddocks and equestrian establishment infrastructure. The site features scattered vegetation and rural style post and wire fencing. This is typical of land surrounding the subject site. Within the locality there are scattered rural farmsteads which present a clustered form of development.</p> <p>By way of built form, the development would not result in an intensification of structures nor the removal of vegetation. The ‘Animal Establishment’ activities would make use of the existing paddocks and fencing and so be consistent with the rural character of the locality.</p> <p style="text-align: center;"><i>“To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.”</i></p> <p>The intent of this objective is to ensure the preservation of rural land for productive rural pursuits and land uses. An ‘Animal Establishment’ in the form of a dog kennel is not specifically a productive rural land use. However, the land use is discretionary and capable of approval. Furthermore, it is noted that rural zones are, generally, the repositories for animal establishments and similar associated operations. Such operations are considered to align closely to ordinary rural activities that constitute the intent of the zone and which shape expected amenity outcomes.</p> <p>Provision 4.9 of the Shire’s LPS identifies that a careful balance is required when considering development in the ‘Rural’ zone. This is due to challenges resulting from the competition of land for productive rural uses and non-productive rural uses (i.e. residential, landscape and environmental purposes). Therefore, Officers consider that for the expansion to the existing animal establishment to be contemplated, careful consideration should be given to its impact on surrounding rural land uses.</p> <p>In terms of established rural uses in the locality the dominant productive rural use is grazing. The LPS identifies that the site is best suited towards grazing activities. The LPS mapping of this site generally shows low capacity for other rural uses including; annual horticulture, perennial horticulture and dryland cropping. The grazing capacity of the land is shown through the extract below:</p>			

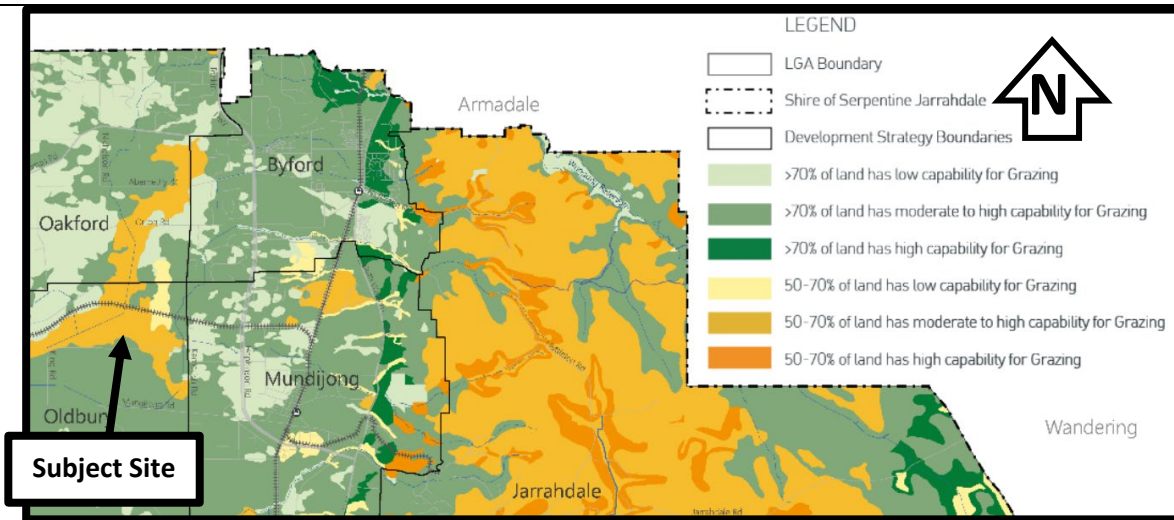


Figure 3: Extract from the LPS depicting the grazing capability of the site

The application details that the northern portion of the site would remain being used for grazing cattle and keeping horses. The proposed expansion in capacity would not require an increased area for the activities. Therefore, approximately two-thirds of the site remains capable of use for grazing activities. The proposed expansion to the animal establishment is consistent with the LPS3 'Rural' zone objective in this regard. Officers consider that as long as the dogs are managed and enclosed in their outdoor areas, the proposal would not adversely impact or compromise existing rural grazing activities on nearby properties.



Figure 4: Most of the site is still capable of use for grazing and productive rural purposes

“To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.”

The final objective requires that the impacts of the proposal to the broader environment be considered. This is reflective of concerns raised in the submissions to this development. Officers note that the site is in an environmentally sensitive area, being within a ‘floodplain’. It also contains a ‘Multiple-Use’ geomorphic wetland category. The main concern in this instance is that waste from dogs could result in increased nutrient export into the broader environment if not appropriately managed. The applicant has provided waste management measures which Officers consider are appropriate in ensuring impacts to the environment are managed. These waste management measures are captured in recommended conditions and have been detailed in full within the Report.

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

c) any approved State planning policy	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d)	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Advertising undertaken in accordance with LPP1.4.			

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Development:

k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment: No additional structures are proposed as part of this application.			

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the amenity section of the council report.			

o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the council report for measures listed regarding waste management.			

p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the bushfire section of the council report.			

r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the traffic section of the council report.			

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the traffic section of the council report.			

u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

w) the history of the site where the development is to be located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
---	--	---------------------------------------	---

Comment:			

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the community consultation section of the report.			

Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			