

EGROW 07

Proposed amendment to Schedule 1 Liverpool Local Environmental Plan 2008 - additional permitted use for 'animal boarding or training establishment' at 40 Ramsay Road, Rossmore

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	127968.2021
Report By	Luke Oste - Executive Planner
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

Council resolved at the 27 October 2020 Council meeting (**Attachment 1**) to endorse 40 Ramsay Road, Rossmore (Rossmore Grange) as the preferred site for the Liverpool Animal Shelter and amongst other things resolved that Council:

- *Direct the Acting Chief Executive Officer to proceed with the process required to amend the plan of management and prepare a planning proposal to amend the Liverpool Local Environmental Plan 2008 to permit, with development consent, an "animal boarding or training establishment" on the site, including an appropriate budget allocation for the necessary studies to support the planning proposal; and*
- *Note that a further report will be submitted to Council regarding the progress of the planning proposal, including the advice of the Liverpool Local Planning Panel and detailed design/costings.*

Since the Council resolution, a planning proposal has been drafted (**Attachment 2**).

The planning proposal was considered by the Liverpool Local Planning Panel (LPP) on 31 March 2021 for their advice (**Attachment 3**). The LPP advised "*that on the material provided, the planning proposal does not satisfy either the strategic merit test or the site-specific merit test and therefore does not support the planning proposal proceeding*".

Council staff have considered the LPP advice and consider that sufficient justification exists for the progression of the planning proposal to a Gateway determination as follows:

- Detailed designs will ensure a future animal shelter is compatible with the broader site and surrounding area;
- Rossmore Grange has a total area of approximately 82 hectares and the site for the animal shelter will be approximately 2 hectares in size; and

- While not an explicit consideration within the strategic planning assessment framework for planning proposals, Rossmore Grange is an existing Council owned asset that will enable the feasible establishment of a Council operated animal shelter without the need for land acquisition.

Within the planning assessment report considered by the LPP report (**Attachment 4**), it was identified that several supporting studies are likely to be required as part of a Gateway determination. These include:

- Heritage studies:
 - Aboriginal Heritage Assessment;
 - European Heritage Assessment;
- A Preliminary Site Investigation (PSI) study; and
- Bushfire report.

The necessity of such studies and/or other supporting studies will be determined at the point of a Gateway determination, should it be granted by DPIE. It is considered that these supporting studies, along with more detailed concept designs, will assist in further justifying the planning proposal to facilitate an animal shelter at Rossmore Grange.

A plan of management is also being prepared and will progress alongside the planning proposal. Should a Gateway determination be issued by DPIE, supporting studies and concept designs will effectively cover both processes in an efficient manner.

It is recommended that Council support the planning proposal and forward it to DPIE for a Gateway determination.

RECOMMENDATION

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Supports the planning proposal to amend Schedule 1 of the *Liverpool Local Environmental Plan 2008* to permit 'animal boarding or training establishment' as a land use permitted with consent at 40 Ramsay Road, Rossmore;
3. Delegates to the CEO to make any typographical or other editing amendments to the planning proposal if required;
4. Forwards the planning proposal to the Department of Planning, Industry and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway determination;
5. Subject to Gateway determination, complete further studies and undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination; and

6. Receive a further report on the outcomes of public exhibition and community consultation.

REPORT

Site Description and Locality

The subject site is located at 40 Ramsay Road, Rossmore, known as Rossmore Grange, and is legally described as Lot 1016 DP 258344. The total area of the subject site is approximately 82 hectares and it is wholly owned by Council. Bound by Ramsay Road to the east, Wianamatta South Creek to the west and rural properties to the north and south, the subject site contains the old Emmetts Farm Homestead, an extensive network of horse trails and access tracks, a horse enclosure/training ring, a small picnic area, and parking area.

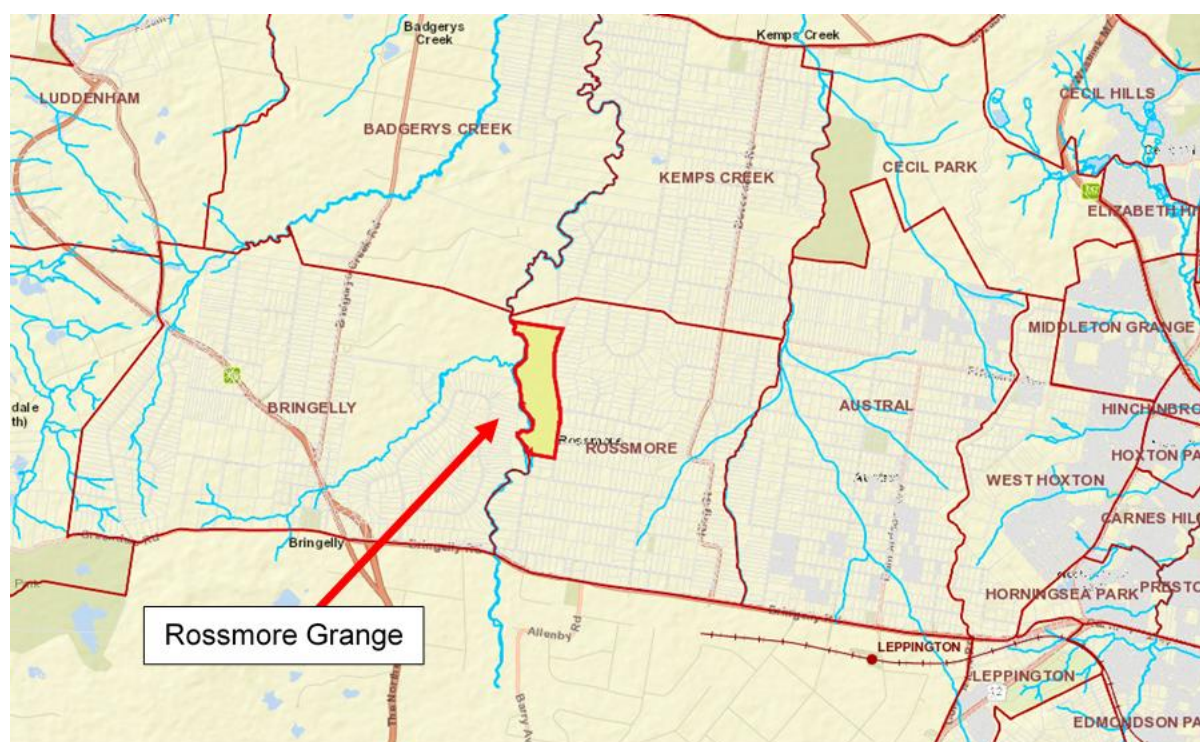


Figure 1 - Site locality context map (Geocortex)



Figure 2 - Aerial Map (Near Map)

The eastern portion of the subject site is zoned RE1 – Public Recreation under the Liverpool Local Environmental Plan 2008 (LLEP 2008) with the remainder of the western portion zoned Environment and Recreation under SEPP (Western Sydney Aerotropolis) 2020. The planning proposal only applies to the eastern portion of the site that is subject to LLEP 2008.

Background

At its ordinary meeting of 27 October 2020, Council resolved:

That Council:

- 1. Endorse Rossmore Grange, Austral (Lot 1016 DP 258344) as the preferred site for the Liverpool Animal Shelter on the basis that it would incur no additional land cost to Council with further detailed studies of the site being required;*
- 2. Direct the Acting Chief Executive Officer to proceed with the process required to amend the plan of management and prepare a planning proposal to amend the Liverpool Local Environmental Plan 2008 to permit, with development consent, an “animal boarding or training establishment” on the site, including an appropriate budget allocation for the necessary studies to support the planning proposal;*
- 3. Note that a further report will be submitted to Council regarding the progress of the planning proposal, including the advice of the Liverpool Local Planning Panel and detailed design/costings;*
- 4. Approve the costs associated with establishing a new Animal Shelter on the site to be funded by proceeds of sales from surplus land (which will be considered by Council at the November 2020 meeting). In the instance Council does not resolve to sell surplus land, then the Animal Shelter be funded via a T-Corp loan; and*
- 5. Approve an extension of the interim arrangements with Rossmore Vet for a further period as outlined in this report.*

This report responds to points 2 and 3 of this resolution.

Planning Proposal

A planning proposal (**Attachment 2**) has been drafted in accordance with *A guide to preparing planning proposals*, as updated and published by DPIE in 2018. The planning proposal has been drafted in consultation with Council’s heritage, property, community planning and environment management teams. The planning proposal involves amending Schedule 1 of the LLEP 2008 to permit with consent the ‘animal boarding or training facility’ use on the subject site.

Liverpool Local Planning Panel

The planning proposal was considered by the Liverpool Local Planning Panel (LPP) on 29 March 2021. The LPP in providing their advice (**Attachment 3**) stated that “*the planning proposal does not satisfy either the strategic merit test or the site-specific merit test and therefore does not support the planning proposal proceeding*”.

A summary of the LPP advice and Council’s responses is provided in **Table 1**.

Table 1 - LPP Advice and Council Staff Response

LPP Advice	Council Staff Response
<i>The Metropolitan and District strategic directions of the wider Western Sydney and area surrounding the aerotropolis include celebrating and enhancing open space and waterways, which are very important aspects of the amenity for residents and workers, underpinning the growing and important role of the region. This favours giving primacy to the recreational role of open space, rather than facilitating uses which compromise their future use and amenity.</i>	<p>Council staff agree with this advice and are committed to ensuring Rossmore Grange primarily is utilised for recreation. However, Council staff note that a future animal shelter would only occupy approximately 2 hectares within the 82 hectare Rossmore Grange site.</p> <p>Design of the facility will ensure the animal shelter is compatible with the broader site and surrounding area, being of a high-quality design with landscaping and pastoral type elements included.</p>
<i>There is no compelling or obvious strategic case for the proposal, other than the reference to land cost savings compared to other (unknown) sites.</i>	<p>The animal shelter will provide much needed local social infrastructure that serves the broader LGA.</p> <p>While not an explicit consideration within the strategic planning assessment framework for planning proposals, Rossmore Grange is an existing Council owned asset that will enable the feasible establishment of a Council operated animal shelter without requiring land acquisition.</p>
<i>The proposal is not consistent with the following provisions of the Western City District Plan: Planning Priority W18 – Delivering high quality open space. Planning Priority W15 – Increasing urban tree canopy cover and delivering</i>	<p>A future animal shelter on the site is capable of retaining the vast majority of open space on the site. A future proposal will include further landscaping within an area of the site that is covered by invasive grasslands, and careful siting of the animal shelter will ensure impacts to the bushland present on the site</p>

LPP Advice	Council Staff Response
<i>green grid connections Planning Priority W14 – Protecting and Enhancing bushland and biodiversity.</i>	are avoided. More specific details regarding the design and location of a future animal shelter will be determined at the post-Gateway stage.
<i>The PP will alienate land required for the recreational needs of the growing population of the Liverpool local government area and the Western City District.</i>	As stated earlier, the vast majority of Rossmore Grange will remain to fulfill the recreational needs of the population.
<i>The PP is not consistent with the objectives of the RE1 – Public Recreation zone under Liverpool LEP 2008</i>	It is deemed the objective to “provide a range of recreational settings and activities and compatible land uses” would be satisfied by a well-designed and located animal shelter on the subject site. As stated earlier, a future animal shelter will be located in a vacant portion of the site and the only clearing required will involve invasive grasslands. Additional landscaping will be provided as part of a future design.
<i>It is noted that a number of more appropriate zones allow this use as a permissible use, including RU1, RU2, RU4, IN2, RE2.</i>	Noted.
<i>The Panel is not satisfied that the facility sought to be enabled by the PP cannot be located on any other site in the Liverpool local government area.</i>	Noted. After receiving several alternate options, Council have resolved to select Rossmore Grange as the preferred site.
<i>The Panel is not satisfied, on the information provided, that the site has site specific merit, noting that the PP documentation calls for further reports to establish this.</i>	Noted. A concept plan that determines the design and location of a future animal shelter will be provided at the post-Gateway stage along with further technical studies as discussed within this report.

As outlined in **Table 1**, it is considered that the planning proposal has sufficient strategic and site specific merit to proceed to a Gateway determination.

Legal Advice

Following the advice of the LPP, legal advice was sought regarding other possible planning pathways to enable the development of an Animal Shelter on the subject site. It was advised that an animal shelter of any substantial size would need to be facilitated by a planning proposal that permits such a land use on the subject site. Therefore, it is recommended that the planning proposal progresses in its current form.

Next Steps

It is recommended that the planning proposal be forwarded to DPIE for a Gateway determination. The following studies will be required, should a Gateway determination be issued:

- Heritage studies:
 - Aboriginal Heritage Assessment;
 - European Heritage Assessment;
- A Preliminary Site Investigation (PSI) study; and
- Bushfire report.

This is a preliminary identification of possible requirements only. DPIE may condition further studies or plans within a Gateway determination. These studies may uncover characteristics of Rossmore Grange that preclude the feasible development of a future animal shelter. However, given that in-principle support is required at this stage in the plan-making process only, it is considered these studies can be undertaken post a Gateway determination.

It is noted that in the Council resolution from 27 October 2020 “*that appropriate budget allocation for the necessary studies*” and “*detailed design/costings*” will be provided in a future report to Council. Given the uncertainty around the issuing of a Gateway determination, it is not recommended that costings and detailed designs be provided at this stage. Should a Gateway determination be issued, the level of detail and number of studies/plans required will be known allowing a budget allocation to be made with further certainty.

Conclusion

It is considered that the planning proposal has sufficient strategic and site-specific merit to proceed. It is therefore recommended that planning proposal be forwarded to DPIE for a Gateway determination.

It is noted that the identification of further studies and plans will be determined at the Gateway stage and appropriate budget allocations will be made at that stage of the process.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.
Social	Preserve and maintain heritage, both landscape and cultural as urban development takes place.
Civic Leadership	There are no civic leadership considerations.
Legislative	Environmental Planning and Assessment Act 1979
Risk	The risk is deemed to be Low. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. Council Resolution - 27 October 2020 (Under separate cover)
2. Planning Proposal (Under separate cover)
3. Liverpool Local Planning Panel Advice (Under separate cover)
4. Liverpool Local Planning Panel Assessment Report (Under separate cover)

Council

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Ayyad**

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Supports the planning proposal to amend Schedule 1 of the *Liverpool Local Environmental Plan 2008* to permit 'animal boarding or training establishment' as a land use permitted with consent at 40 Ramsay Road, Rossmore;
3. Delegates to the CEO to make any typographical or other editing amendments to the planning proposal if required;

4. Forwards the planning proposal to the Department of Planning, Industry and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway determination;
5. Subject to Gateway determination, complete further studies and undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination; and
6. Receive a further report on the outcomes of public exhibition and community consultation.

On being put to the meeting the motion was declared CARRIED.

The Councillors voted unanimously for this item.