



Planning,  
Industry &  
Environment

IRF 21/2685

## Gateway determination report – PP-2021-4949

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**Planning Proposal – Schedule 1 amendment to permit animal boarding or training establishment at 40 Ramsay Road, Rossmore**

September 21



Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

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## Reports and plans supporting the proposal

### Relevant reports and plans

Planning Proposal

Site Analysis Report

Council Meeting Resolution

Local Planning Panel Report

Local Planning Panel Minutes

# 1 Planning proposal

## 1.1 Overview

The planning proposal seeks to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008) to permit development for the purposes of an animal boarding or training establishment at Rossmore Grange, located at 40 Ramsay Road, Rossmore.

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Liverpool Local Government Area</b>
<b>PPA</b>	<b>Liverpool Council</b>
<b>NAME</b>	<b>Animal Shelter Rossmore Grange – Liverpool LEP 2008 Amendment 93</b>
<b>NUMBER</b>	<b>PP-2021-4949</b>
<b>LEP TO BE AMENDED</b>	<b>Liverpool Local Environmental Plan 2008</b>
<b>ADDRESS</b>	<b>40 Ramsay Road, Rossmore</b>
<b>DESCRIPTION</b>	<b>Lot 1016 DP258344</b>
<b>RECEIVED</b>	<b>5/08/2021</b>
<b>FILE NO.</b>	<b>EF21/9401</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The objective of the planning proposal (**Attachment A1**) is to amend the Liverpool LEP 2008 to permit development for the purposes of an animal boarding or training establishment at Rossmore Grange with consent within the RE1 Public Recreation zone.

The objective of the planning proposal is clear and adequate.

## 1.3 Explanation of provisions

The objective of this planning proposal is to be achieved through an amendment to Schedule 1 of the Liverpool LEP 2008.

The amendment proposes a new clause for the additional permitted use of an animal boarding or training establishment within the RE1 – Public Recreation zone at the site.

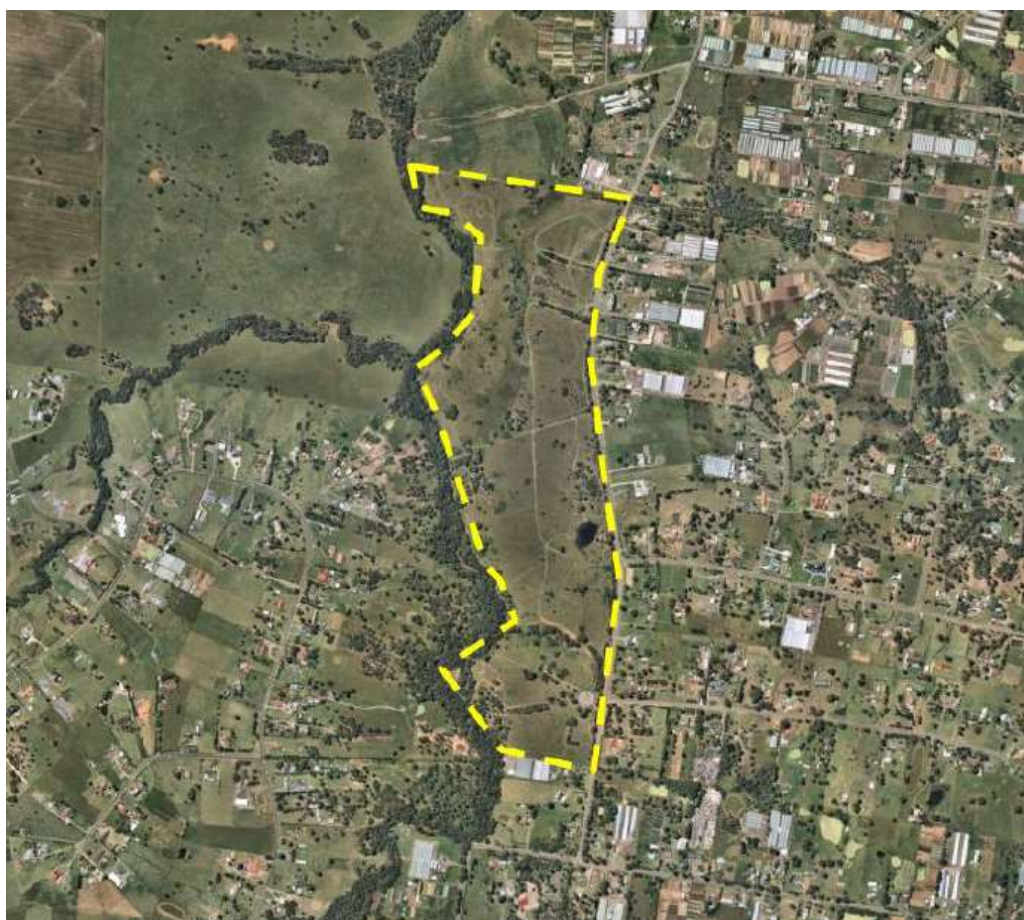
It is noted that the proposal will also be undertaken within a part of the site zoned Environment and Recreation under State Environmental Planning Policy (Western Sydney Airport) 2020 (SEPP (WSA) 2020). This zone permits animal boarding or training establishments with consent.

## 1.4 Site description and surrounding area

Rossmore Grange is located at 40 Ramsay Road, Rossmore, and legally described as Lot 1016 DP258344. It has a total area of approximately 82 hectares and is wholly owned by Council.

The planning proposal reports that Rossmore Grange 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. It is bound by Ramsay Road to the east, Wianamatta South Creek to the west and rural properties to the north and south.

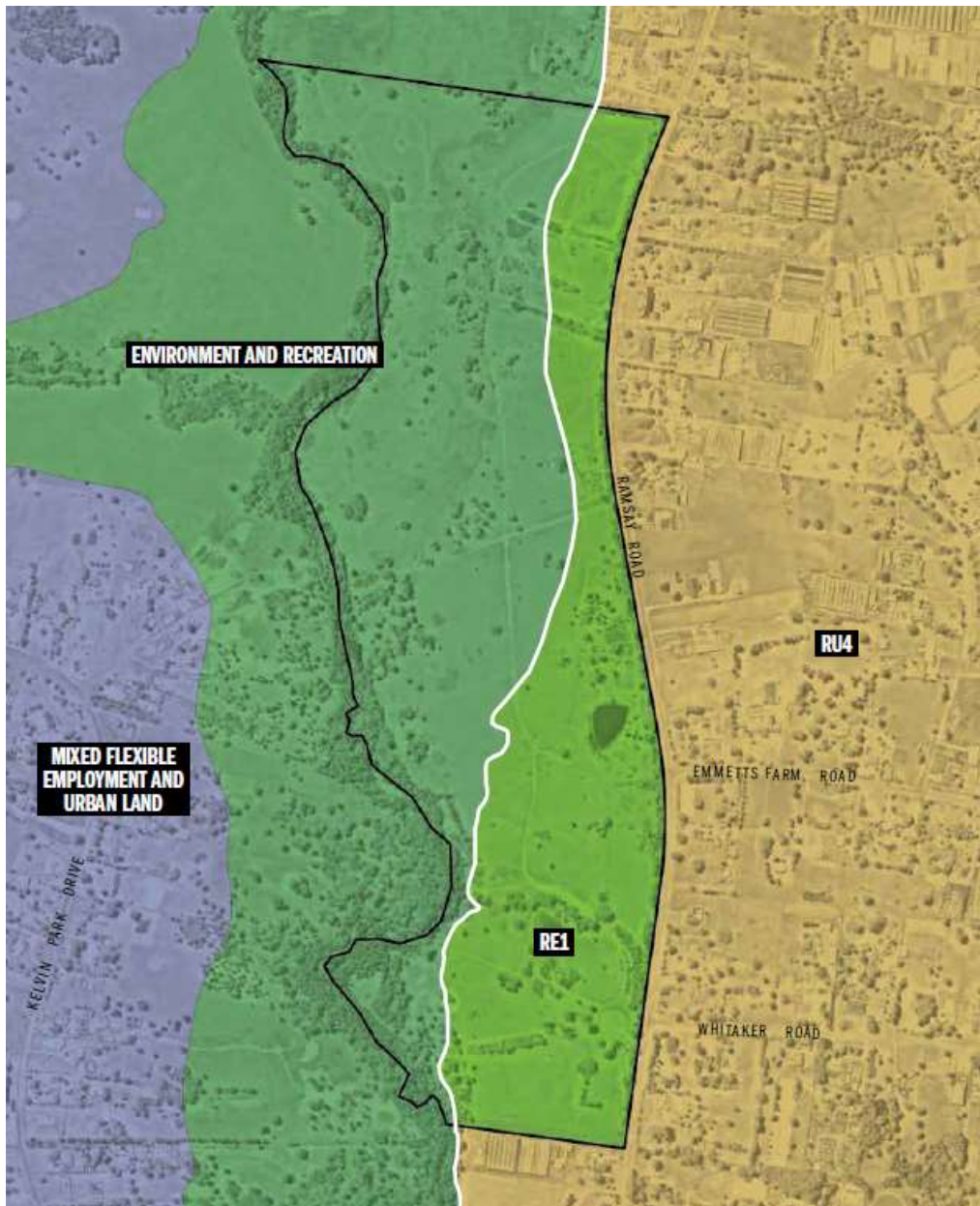
The site is located to the southeast of the Western Sydney International (Nancy-Bird Walton) Airport currently under construction and lies within the 'non-initial' Rossmore precinct of the Western Sydney Aerotropolis Plan.



**Figure 1 Subject site (source: Planning Proposal)**

The eastern portion of the site is zoned RE1 – Public Recreation under the Liverpool LEP 2008 while the western portion zoned Environment and Recreation under SEPP (WSA) 2020.





**Figure 2 Zoning under Liverpool LEP 2008 and SEPP (Western Sydney Aerotropolis) 2020 (Source: Planning Proposal)**

The planning proposal and accompanying site analysis report (**Attachment A2**) identify a number of environmental constraints at the site, including bushfire prone lands, flood prone areas, and environmentally significant and high value areas.

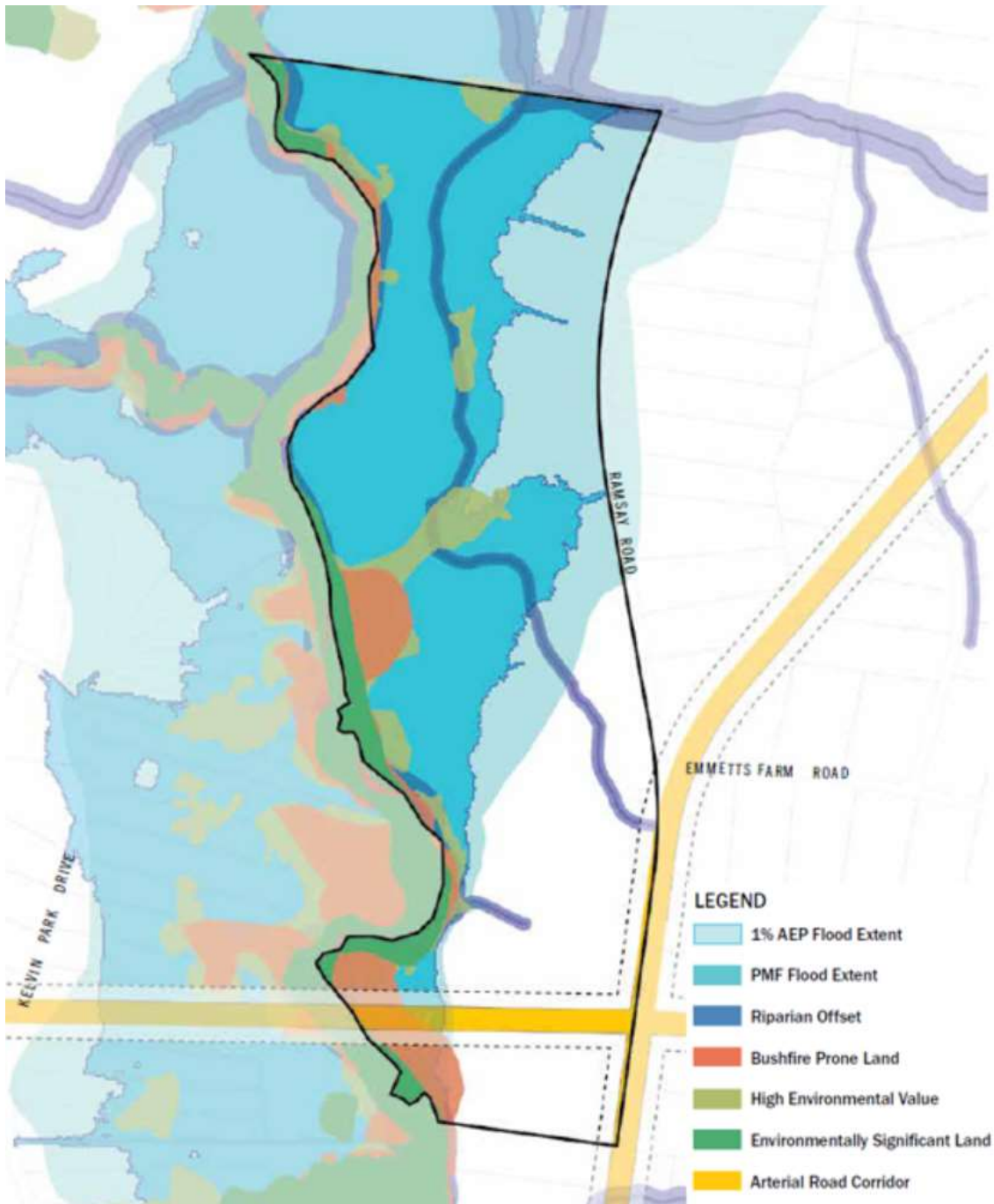
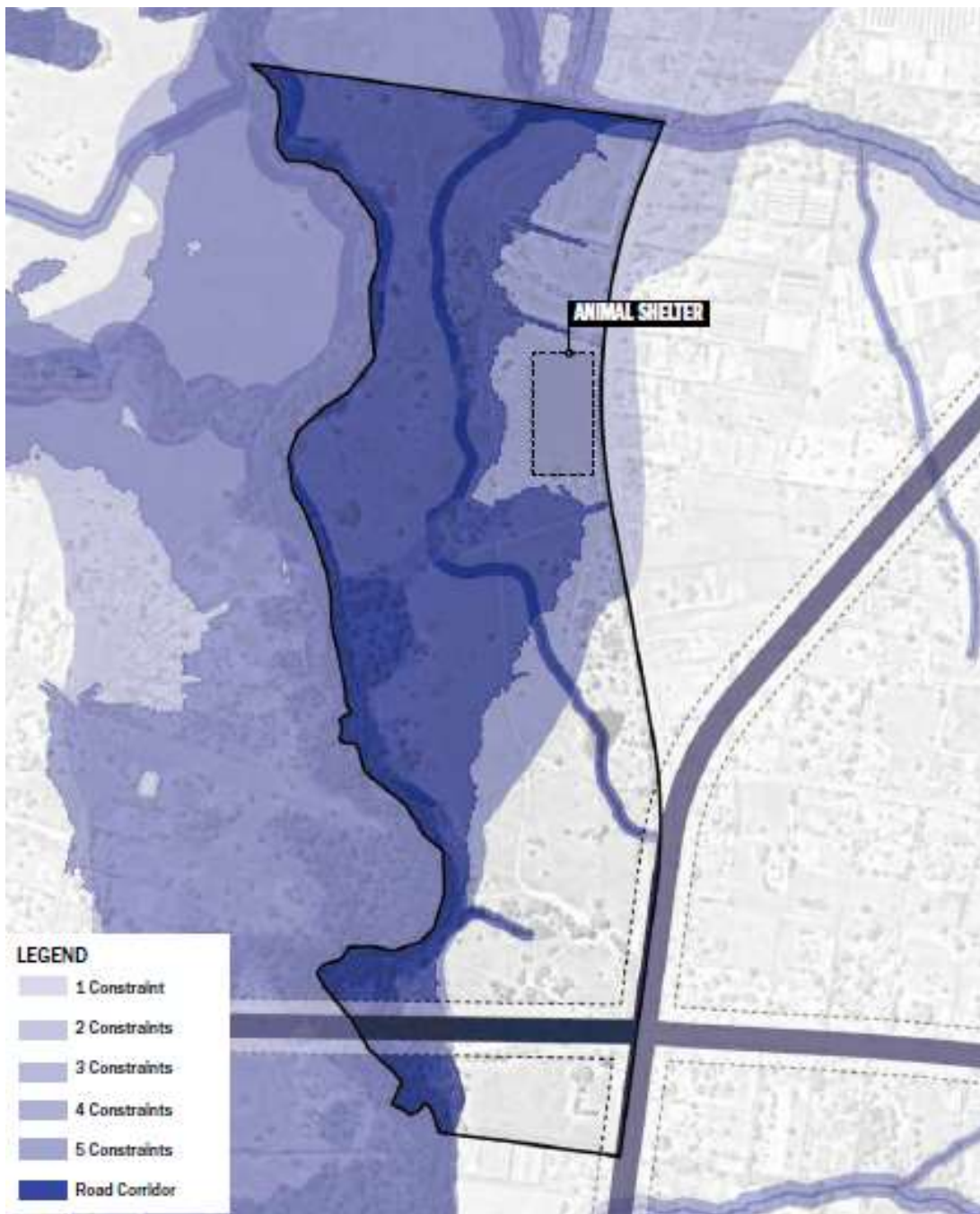


Figure 3 Constraints Mapping of the site (Source: Planning Proposal)





**Figure 4 Constraints Overlay Mapping of the site with indicative proposal location (Source: Planning Proposal)**

## 1.5 Mapping

The planning proposal does not include any mapping as the planning proposal only seeks to make amendments to Schedule 1 of the Liverpool LEP 2008.

## 1.6 Background

On 1 December 2016 Council took over the operation of the Renbury Farm Facility at Austral and renamed it the Liverpool Animal Shelter. The original lease was for two years, and a subsequent lease extension lapsed on 20 March 2020.

Prior to expiration of the lease, at the council meeting on 26 February 2020, Council resolved to explore options for the establishment of a permanent animal holding facility and to develop concept plans for such a facility on land owned by Council. In accordance with the Council resolution, an extension of the lease for Liverpool Animal Shelter at Renbury Farm was also agreed upon until 19 July 2020.

Upon cessation of the lease, at the council meeting on 29 July 2020, Council considered a report for the Liverpool Animal Shelter. The report identified that a further report would be needed to provide options for a permanent future site.

At the Council Meeting on 27 October 2020, it was resolved that Council endorse Rossmore Grange as the preferred site for the Liverpool Animal Shelter and that a planning proposal be prepared to support this.

On 29 March 2021, the planning proposal was considered by the Liverpool Local Planning Panel (LPP). 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*”.

Notwithstanding the advice of the LPP, Council staff considered there to be sufficient justification to warrant the progression of the planning proposal for referral to the Department for a Gateway Determination.

At the council meeting on 26 May 2021, it was resolved by Council to forward the planning proposal to the Department seeking a gateway determination, with subsequent reporting to be undertaken should a gateway determination be granted.

## 2 Need for the planning proposal

### 2.1 Planning Proposal

Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report.

The planning proposals states that it is not a result of any strategic planning statement, strategic study, or report.

The planning proposal has been prepared in response to the need to find a new site for the Liverpool Animal Shelter, which is considered crucial social infrastructure within the Liverpool LGA.

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

The planning proposal is considered the best means of achieving the objectives and intended outcomes. The schedule 1 amendment will enable development for the purposes of an animal boarding or training establishment to be undertaken at the site.

As noted in the planning proposal, the alternative to the schedule 1 amendment is a rezoning of the site to a zone which permits an animal boarding or training establishment with consent. This is considered undesirable as it could potentially lead to further additional development being introduced to the site.

The schedule 1 amendment proposed will allow for an animal boarding or training establishment on the site whilst avoiding any risk of losing the existing recreational uses on the site or introducing inappropriate or incompatible uses.

## 3 Strategic assessment

### 3.1 Greater Sydney Regional Plan

The Regional Plan sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic, and environmental matters.

The proposal will allow for the provision of a crucial, permanent animal shelter that Council report would otherwise be unavailable within the local government area.

The Department consider the proposal to align with Object 6 of the Regional Plan which refers to the provision of services and infrastructure to meet the changing needs of communities.

### 3.2 Western City District Plan

The Western City District Plan (District Plan) applies to the site. The District Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

The planning proposal will result in Council owned land being utilised to establish a Council operated animal shelter, which is considered critical social infrastructure that will serve the broader LGA. The animal shelter will occupy approximately 2ha of the 82ha site and ensure that the remaining land continues to be publicly accessible and able to be utilised for ongoing recreational purposes.

The Department consider the planning proposal to be consistent with Action 9 of the District Plan, which is to “*Deliver social infrastructure that reflects the needs of the community now and in the future.*”

Taking into consideration to the above, the Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

### 3.3 Local

The Local Strategic Planning Statement (LSPS) has been created to set Liverpool City Council’s strategic planning vision for the next 20 years. The LSPS informs what type of growth occurs in the Liverpool LGA, where it occurs and when it occurs. It sets out actions to deliver on planning priorities in order to meet the community’s future vision for Liverpool.

The planning proposal states that the proposal will facilitate the delivery of an important facility that provides a valuable service to the community and is therefore aligned with planning priority 6, which relates to the provision of “*High-quality, plentiful and accessible community facilities, open space and infrastructure aligned with growth*”.

The Department is generally satisfied that the proposal is not inconsistent with planning priority 6 or the LSPS overall. In line with Council commitments provided in the LSPS, the proposal will result in the provision of community facilities which meet the needs of the population within the LGA.

Notwithstanding, a gateway condition has been included which requires the planning proposal to be updated to provide greater justification in relation to the reduction in accessible open space which will result from the proposal.

### 3.4 Local planning panel (LPP) recommendation

The Liverpool Local Planning Panel (LPP) considered the proposal on 29 March 2021. The Panel report and minutes are at **Attachment D1 and Attachment D2**, respectively.

The Panel raised concern that the planning proposal does not adequately demonstrate strategic merit or site specific merit, and therefore recommended that the planning proposal not proceed. Specifically, the panel identified the following:

- Metropolitan and District strategic directions of the wider Western Sydney and area surrounding the aerotropolis give primacy to the recreational role of open space, rather than facilitating uses which compromise their future use and amenity;
- The proposal is not consistent with the following provisions of the Western City District Plan. Including W14, W15 and W18;
- The proposal will alienate land required for the recreational needs of the growing population of the Liverpool local government area and the Western City District;
- The planning proposal is inconsistent with the RE1 Public Recreation zoning objectives and the proposal would be better off located in another zone which permitted the use such as the RU1, RU2, RU4, IN2, or RE2;
- The Panel were not satisfied that the animal shelter could not be provided on any other site within the LGA; and
- The Panel were not satisfied that based on the information provided the site has site specific merit, noting that the PP documentation calls for further reports to establish this.

Notwithstanding the feedback from the LPP, the Department is satisfied that the planning proposal has sufficient strategic merit to proceed given the proposal will provide for an animal shelter, which is crucial social infrastructure required within the Liverpool LGA. Furthermore, the Department consider that the decrease in accessible open space will be minimal given the extent of Rossmore Grange and note that the proposal is partially permitted with consent within the portion of the site zoned under SEPP (WSA) 2020.

In relation to site specific merit, the planning proposal and site analysis report (**Attachment A2**) have adequately identified site-specific considerations which require further investigation. In accordance with 1.3 of the Department's *Guide to preparing planning proposals* document, the actual investigation may be undertaken after a Gateway determination has been issued and if required by the Gateway determination.

## 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 Section 9.1 Ministerial Direction assessment**

Direction	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.3 Heritage Conservation	Further assessment required	<p>Direction 2.3 requires that a planning proposal contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage of the area.</p> <p>The planning proposal identifies that the site is not a listed heritage item, however, it has an AHIMs recording and two known potential archaeological deposits. No further information is provided.</p> <p>To ensure that the proposal is consistent with Direction 2.3 a condition of gateway has been included requiring an Aboriginal and European heritage assessment to be prepared prior to public exhibition. In addition, the condition requires the planning proposal to be updated to</p>



Direction	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		reflect the findings of the heritage assessment undertaken.
2.6 Remediation of Contaminated Land	Consistent	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered when making the planning proposal.</p> <p>The planning proposal identifies that the site has been used for agricultural/horticultural activities, however it is now used for passive recreation, with minimal complaints having been made in relation to illegal dumping.</p> <p>The planning proposal recommends the preparation of a preliminary site investigation to ensure that site-specific merit can be achieved, which has subsequently provided by Council (<b>Attachment A2</b>).</p>
3.4 Integrated Land Use and Transport	Not Applicable	<p>Direction 3.4 applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>The subject site is zoned RE1 Public Recreation and therefore this direction does not strictly apply to the planning proposal. Notwithstanding, the Department consider that the traffic impacts resulting from the proposal are likely to be negligible.</p>
3.5 Development Near Regulated Airports and Defence Airfields	Consistent	<p>The objectives of direction 3.5 relate to ensuring development is compatible with the operation of regulated airports and defence airfields.</p> <p>The site is located within 3km of the proposed Nancy - Bird Walton International Airport.</p>
4.3 Flood Prone Land	Further assessment required	<p>Direction 4.3 aims to ensure that development of flood prone land is consistent with the NSW Government's flood prone land policy and the principles of the Floodplain Development Manual 2005. The direction applies when a planning proposal authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>The planning proposal identifies that the RE1 zone within the site is not flood prone, however this appears to be incorrect.</p> <p>A gateway condition has been recommended requiring an option analysis considering the flood constraints.</p>

Direction	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4 Planning for Bushfire Protection	Further assessment required	<p>Direction 4.4 aims to ensure that incompatible land uses are not undertaken in bushfire prone lands.</p> <p>The planning proposal notes that the site is mostly covered by grassland or introduced pasture and weed species that can be easily cleared with no adverse biodiversity impacts. Consequently, appropriate asset protection zones (APZ's) can be established around a future animal shelter to ensure bushfire risks are mitigated.</p> <p>A gateway condition has been recommended requiring an option analysis considering the bushfire constraints to ensure the use is compatible with the bushfire prone setting of the site.</p>
5.10 Implementation of Regional Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>As identified in 3.1 of this report, the Department are satisfied that the proposal gives effect to the Regional Plan.</p>
6.1 Approval and Referral Requirements	Consistent	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>The planning proposal does not contain provisions requiring additional concurrence, consultation or referral to a Minister or public authority for future DA's and is therefore consistent with Direction 6.1.</p>
6.2 Reserving Land for Public Purposes	Consistent	<p>The objectives of direction 6.2 are to facilitate the provision of public services and facilities by reserving land for public purpose and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>The planning proposal seeks to amend the Liverpool LEP 2008 to include a site-specific clause to allow an animal boarding or training establishment to be permitted with consent on the subject site. The proposal does not affect any land reserved for acquisition and Council have advised that the site will remain classified as community land.</p>
6.3 Site Specific Provisions	Consistent	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>The proposal seeks to amend schedule 1 to permit an additional use at the site and is therefore consistent with direction 6.3.</p>

Direction	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
7.8 Implementation of Western Sydney Aerotropolis Plan	Consistent	<p>The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.</p> <p>The planning proposal relates to land within a non-initial precinct of the Western Sydney Aerotropolis being the 'Rossmore' precinct. This is a precinct where there is no timeframe for precinct planning or rezoning.</p> <p>After informal consultation with Western Sydney Planning Partnership, the Department is satisfied that the planning proposal is not inconsistent with the Western Sydney Aerotropolis plan.</p>

### 3.6 State environmental planning policies (SEPPs)

The planning proposal's consistency with relevant State Environmental Planning Policies (SEPPs) is discussed below:

SEPPs	Requirement	Proposal	Complies
SEPP (Western Sydney Aerotropolis) 2020	The SEPP aims to facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis plan and ensure development is compatible with the long term growth of development of the Western Sydney Airport.	<p>The proposal will not impact on the achievement of the objectives, planning principles and priorities of the Western Sydney Aerotropolis.</p> <p>The proposal will enable the establishment of an animal shelter within the RE1 Public Recreation zone, which is a use already permitted on adjoining land zoned Environment and Recreation under this instrument.</p>	Yes
SEPP No. 55 of 2006 Remediation of Land	<p>The overarching objective of this SEPP is to provide a State-wide approach for the remediation of land to reduce the risk of harm to human health and the environment.</p> <p>Clause 6 of the SEPP has been repealed and now forms part of section 9.1 Ministerial Direction, 2.6 Remediation of Land.</p>	An assessment against the provisions of Direction 2.6 is provided in section 3.5 above.	N/A
SEPP (Sydney Region Growth Centres) 2006	The SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area.	<p>The planning proposal identifies that the site lies within the yet to be released suburb of Rossmore under the Growth Centres SEPP.</p> <p>Under the SEPP, Rossmore is designated as a future urban release area, however, this designation has been superseded by future plans outlined under the</p>	Yes

SEPPs	Requirement	Proposal	Complies
		<p>Western Sydney Aerotropolis Plan (WSAP).</p> <p>Notwithstanding, the site is still subject to the biodiversity certification orders outlined under the SEPP.</p> <p>The site has been identified as being non-certified and therefore any potential impacts to biodiversity will be considered at DA stage. Accordingly, the proposed amendment will not impact on the the ability to achieve the objectives, planning principles, and priorities of the South West Growth Centre.</p>	
SEPP No. 19 Bushland in Urban Areas	The general aims of this SEPP are to protect and preserve bushland within identified urban areas including Liverpool.	As noted in the planning proposal, any proposed removal of vegetation will be required to adhere to SEPP 19 at the DA stage.	Yes
Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No. 2 – 1997)	The aim of the Regional Environmental Plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	<p>The planning proposal identifies that the site is bordered by the South/Wianamatta Creek to the immediate west.</p> <p>The animal shelter is unlikely to affect the objectives within this policy, or the environmental health and quality of the Hawkesbury Nepean River Catchment.</p>	Yes

## 4 Site-specific assessment

### 4.1 Environmental

It is not expected that the planning proposal will have an impact on any critical habitat or threatened species, populations, or ecological communities. Furthermore, environmental effects of the proposal are likely to be manageable.

The table below provides an assessment of the potential environmental impacts associated with the proposal, and how they will be managed.

**Table 7 Environmental impact assessment**

Consideration	Assessment
Environmental Impacts	<p>The planning proposal identifies that the subject site contains the following vegetation:</p> <ul style="list-style-type: none"> <li>Coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion;</li> <li>Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion; and</li> <li>Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain Sydney Basin Bioregion.</li> </ul>

Consideration	Assessment
	<p>Whilst this vegetation is identified at the site, the planning proposal states that the proposal would be located within a predominantly cleared area and impacts to biodiversity would be able to be minimised.</p> <p>In relation to some small portions of land which are identified on the Biodiversity Values Map under the Biodiversity Conservation Act 2016), the planning proposal notes that these areas could also be avoided with relative ease.</p>
Bushfire Hazard	<p>The planning proposal identifies that the land is identified as Category 3 and Category 1 bushfire prone land, however this is incorrect, and instead the land is Category 2 and Category 1 bushfire prone land. The Department notes however that the proposal will be wholly contained on land identified as Category 2 based on the concept plans provided.</p> <p>Notwithstanding the above, The Department consider that bushfire risk can be adequately be addressed by the proposal. This is to be demonstrated in the bushfire constraints as part of option analysis which is recommended as a condition of gateway.</p>
Land Contamination	<p>The planning proposal identifies that it was intended to prepare a preliminary site investigation prior to the issuance of a Gateway determination to ensure that site specific merit can be achieved, however this has not been provided.</p> <p>The Department consider it unlikely that the land is unsuitable (or unable to be made suitable) for the intended use and the preparation of a preliminary site investigation has been recommended as a condition of gateway.</p>
Noise	<p>It is not considered that the proposal will have an adverse impact in relation to noise. Notwithstanding, any future DA will need to consider noise impacts during construction and operation.</p>
Flood	<p>The planning proposal identifies that the RE1 zoned portion of the site is not flood prone, however this is contrary to the site analysis report prepared.</p> <p>As mentioned in 3.5 of the report, a gateway condition has been recommended requiring an option analysis taking into account of any flood risks.</p>

## 4.2 Infrastructure

The table below provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 8 Infrastructure assessment**

Infrastructure	Assessment
Traffic and transport	<p>The proposal will not create capacity issues in relation to the local road network, given the nature of schedule 1 amendment proposed. The Department are satisfied that traffic caused by the development will be minor and the surrounding road network is not constrained by any capacity issues. In relation to parking, any future DA will be required to ensure adequate car parking is provided commensurate to the intensity of the land use.</p>



Infrastructure	Assessment
Infrastructure and services	<p>The planning proposal states that the animal shelter will not require services and infrastructure above and beyond that of a standard animal boarding and training establishment.</p> <p>A gateway condition is recommended requiring an outline of how Council plans to manage the residual RE1 zoned land to ensure a holistic review of the public open space land.</p>

## 4.3 Socio-economic Impacts

The table below provides an assessment of the social and economic impacts of the proposal.

**Table 9 Socio-economic Assessment**

Socio Economic	Assessment
Social	Inherent social benefits will be realised through the reestablishment of a much needed, permanent animal shelter which is considered crucial social infrastructure for the Liverpool LGA.
Economic	The planning proposal is expected to result in positive social and economic impacts by providing a valuable service to the community. The proposal would facilitate a positive economic impact in the locality through the creation of construction jobs, and the employment of local residents.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of at least 28 days to be undertaken.

The exhibition period proposed is considered appropriate, and a 28 days exhibition period forms a condition of the gateway determination.

### 5.2 Agencies

The proposal does not specify which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Rural Fire Services

## 6 Timeframe

Council proposes approximately 6 month timeframe to complete the LEP.

Given the additional information required prior to exhibition, the Department recommends a timeframe of 12 months to ensure adequate time is allowed to proceed with the planning proposal.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is of a local nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is consistent with the Western City District Plan and the Liverpool Local Strategic Planning Statement as it will deliver social infrastructure which reflects the needs of the community;
- The planning proposal is of a minor nature and will ensure that the predominant use of Rossmore Grange remains for public recreation;
- The planning proposal will have minimal environmental impacts; and
- The planning proposal will result in positive social and economic impacts.

As discussed within sections 3 and 4 of the report, the planning proposal must be updated prior to exhibition to include the following:

- Provide additional justifications in relation to the reduction in accessible public open space as a result of the proposal;
- Outline how Council plans to manage the residual land of the RE1 zoned land;
- Include a supporting bushfire constraints assessment, preliminary site investigation, and Aboriginal and European heritage assessment to support that the planning proposal has site specific merit; and
- Revise the planning proposal to reflect the findings of the abovementioned reports.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be updated prior to exhibition to include the following:
  - (a) additional justification in relation to the reduction in accessible public open space as a result of the planning proposal, such as how Council plans to manage the residual RE1 zoned land.
  - (b) option analysis of potential locations within the RE1 zoned land taking into account any flooding, bushfire, Aboriginal and European heritage, land contamination or other constraints, amenity impact on the surrounding residential properties, future operational requirements of the facility (such as access) and with a view to minimise impact on the RE1 Public Recreation zoning objectives.
2. The planning proposal should be made available for community consultation for a minimum of 28 days in accordance with the guide to preparing local environmental plans.
3. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
15/09/2021

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16 September 2021

Adrian Hohenzollern  
Director, Western

## Attachments

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Attachment	Title
Report	Gateway determination report
A1	Planning proposal
A2	Site Analysis Report
B	Gateway determination
C	Letter to Council
D1	Local Planning Panel Report
D2	Local Planning Panel Minutes
E	Council Report and resolution