



IRF22/4057

Gateway determination report – PP-2022-3997

Application of an Additional Permitted Use clause for
land at 55 Topham Road, Smeaton Grange

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Camden
PPA	Camden Council
NAME	Application of an Additional Permitted Use clause for land at 55 Topham Road, Smeaton Grange
NUMBER	PP-2022-3997
LEP TO BE AMENDED	Camden Local Environmental Plan 2010
ADDRESS	55 Topham Road, Smeaton Grange
DESCRIPTION	Lot 3513 DP 830128
RECEIVED	14/11/2022
FILE NO.	IRF22/4057
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the Camden Local Environmental Plan 2010 as follows:

- amend Schedule 1 to introduce a new Additional Permitted Use (APU) (proposed as Clause 29) for the purpose of “*animal boarding or training establishments*” as permissible with consent on the subject site; and
- amend the Additional Permitted Uses (APU_017) Map Sheet to identify the subject site and propose a corresponding new APU.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal does not seek to amend the zoning or other development standards applicable to the subject site. The proposed seeks approval to permit, with development consent, “animal boarding or training establishments” as an APU on the subject site.

The outcome can be achieved by introducing a site specific enabling clause (Clause 29; subject to legal drafting) under Schedule 1 “Additional permitted uses” of the Camden LEP 2010 as follows:

29 Use of certain land at 55 Topham Road, Smeaton Grange

- (1) *The clause applies to land at 55 Topham Road, Smeaton Grange, being Lot 3513 DP 830128, identified as Clause 29 on Additional Permitted Uses Map Sheet 017 (APU_017).*
- (2) *Development for the purposes of an animal boarding or training establishment is permitted with development consent.*

The planning proposal contains an explanation of provisions that adequately explains how the objective of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site for this planning proposal is land located at 55 Topham Road, Smeaton Grange (Lot 3513 DP 830128) within the red outline in **Figure 1** below. The subject site is zoned IN1 General Industrial under the Camden LEP 2010. It is approximately 8,620m² in size and located on the northern side of Topham Road, between the intersecting streets of Orielson Road and Anzac Avenue.

The site was established by Camden Council as a depot in 2020 and currently contains a large asphalt parking area for Council operational vehicles and staff parking. It also contains several amenities and site office buildings for operational staff and administrative support staff. The site is securely fenced and not open to general public access. Council staff are present on the site during typical business hours from Monday to Friday.

The neighbouring land contains warehouses and a manufacturing and wholesale distribution centre for bulk fencing products to the west and multi-purpose industrial units to the east. Opposite the site is a pallet restoration and recycling facility and multi-purpose industrial units. To the north of the site is an open drainage channel which forms part of Narellan Creek.

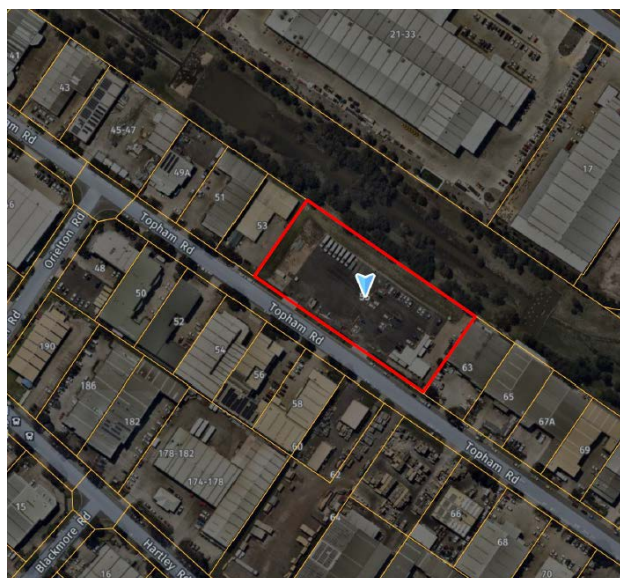


Figure 1 Subject site (source: PP-2022-3997)

The subject site is located within the Smeaton Grange Industrial Area (located as indicated by the yellow arrow, in **Figure 2** below), which contains a diverse range of industrial uses. Smeaton Grange is located approximately 6km north east of the Camden Town Centre and has excellent access to the Hume Motorway, Camden Valley Way, Narellan Road and The Northern Road.

The cluster of industrial uses within Smeaton Grange is adequately separated from residential land by wide road corridors to the perimeter. The surrounding suburban areas include Harrington Park, Mount Annan, Narellan and Currans Hill. The site is serviced by a bus route that provides connection to Campbelltown Railway Station, with the closest bus stop approximately 300m north of the site.

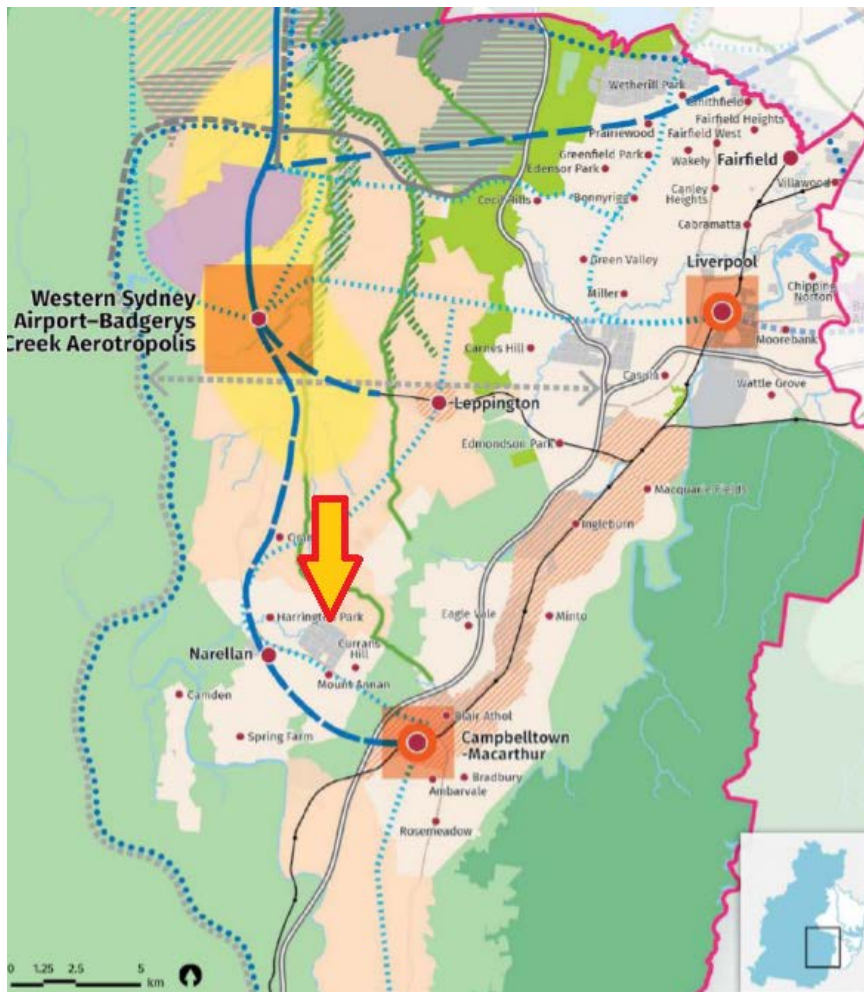


Figure 2 Smeaton Grange regional context (source: PP-2022-3997)

1.5 Mapping

The planning proposal includes a mapping amendment to the Camden LEP 2010 Additional Permitted Uses (APU_017) Map Sheet, which is considered suitable for community consultation. Map Sheet APU_017 is proposed to be amended to identify the subject site as being affected by proposed APU Clause 29. The existing Schedule 1 APU Clause 27 will continue to apply to the site, following the proposed mapping amendment.

The existing and proposed APU_017 Map Sheets are shown in **Figures 3 and 4** overleaf.

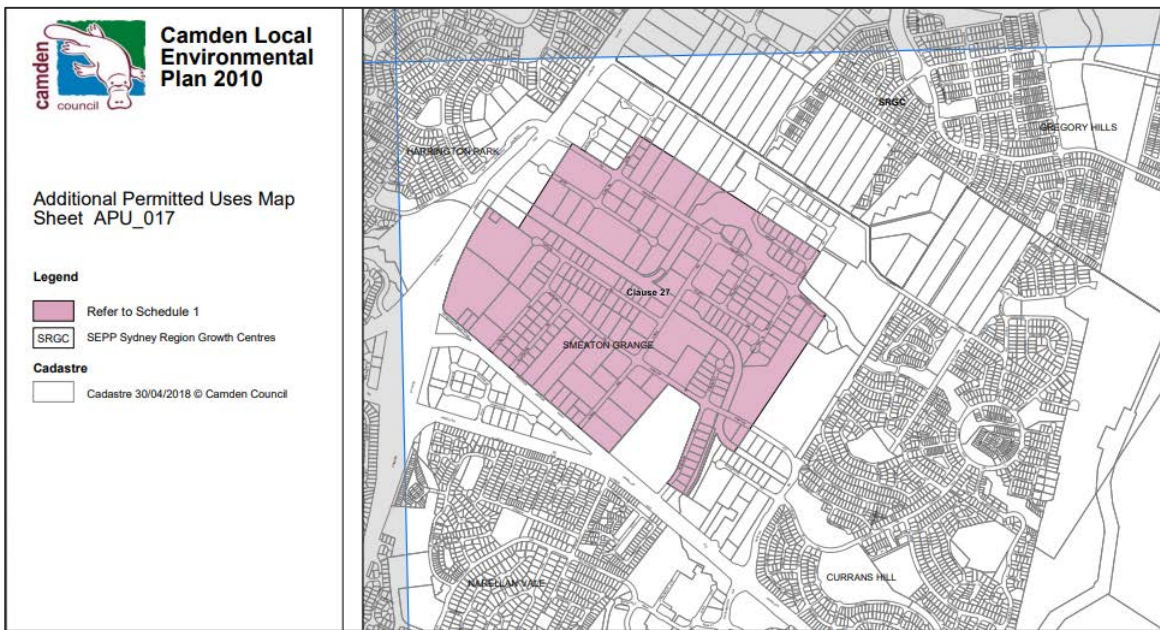


Figure 3 Current Additional Permitted Uses Map Sheet APU_017

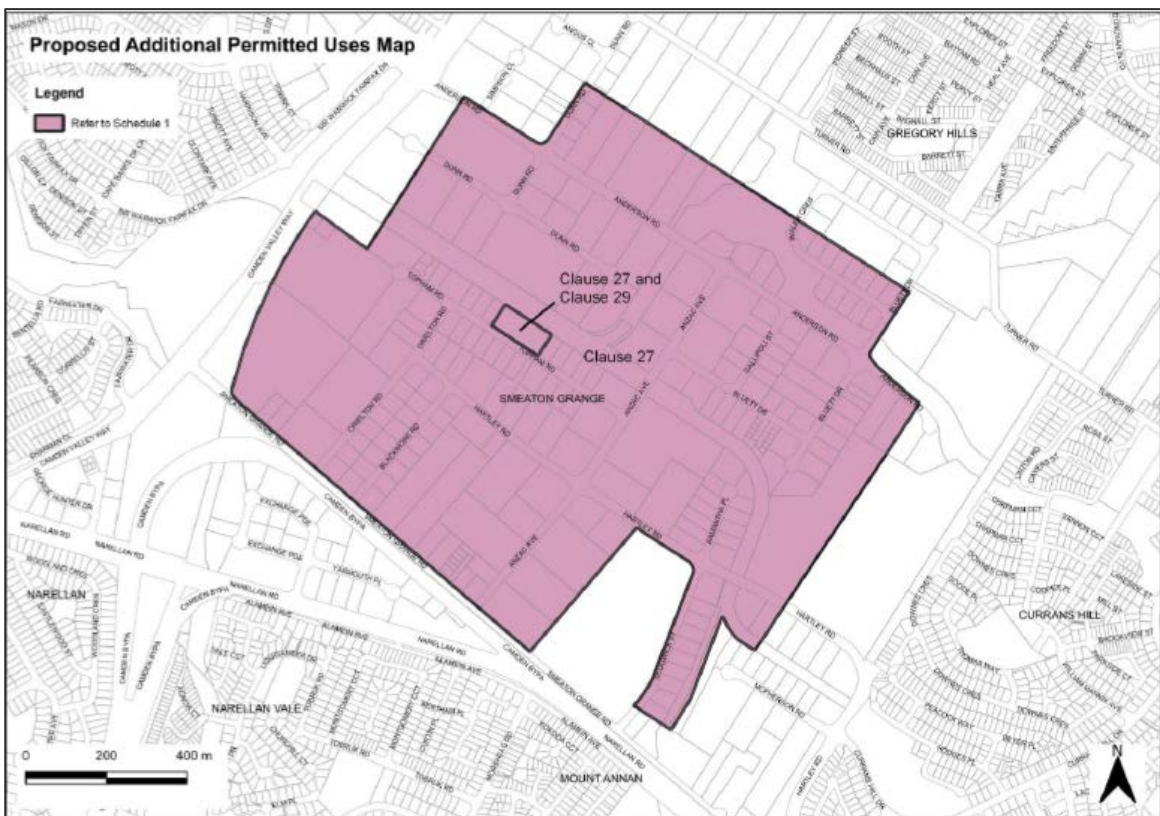


Figure 4 Proposed Additional Permitted Uses Map Sheet APU_017

1.6 Background

The background and further context of this planning proposal, follow:

- Council has numerous requirements, under the *Companion Animals Act 1998*, in relation to the management and welfare of companion animals within its LGA including registration, education and dealing with abandoned, rescue or impounded animals.
- In 2016, Camden Council resolved to operate a “no kill” animal care facility whereby all attempts are made to re-home or rescue animals considered suitable for rehoming. This is supported by Council’s Companion Animal Policy and Program.
- Since 2017, Council has sub-contracted the services of Rossmore Veterinary Hospital as an animal care facility. However, given the planned future population growth within the Camden LGA and the anticipated consequential increased demand for companion animals, Council has determined to construct a Council-operated, purpose-built and centrally located facility.
- At Council’s Ordinary Meeting on 8 June 2021, Council considered a report on the draft masterplan for land at The Crest in Gledswood Hills. Following consideration of feedback from community submissions, Council resolved to remove the proposed future animal care facility from the draft masterplan. At the same meeting, Council resolved to “identify a new site for an animal care facility and provide a briefing and report to Council as soon as possible”.
- On 13 July 2021, Council resolved to endorse the site at 55 Topham Road, Smeaton Grange, for the purpose of Camden’s future animal care facility.
- The subject site is zoned IN1 General Industrial under the Camden LEP 2010. Animal boarding and training establishments are currently prohibited within the IN1 General Industrial Zone, which has necessitated the need for this planning proposal.

2 Need for the planning proposal

Q1. *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 proposal is the result of a report (Agenda item ORD03) to the Ordinary Meeting of Council on 13 July 2021 and the resulting Council resolution ORD87/21, which was unanimously supported.

The Council report (ORD03) identified the operational need for the additional permitted use to be applied on the subject site. The report also outlined several benefits for locating the proposed animal care facility on the subject site, as follows:

- adequate site area to provide the facility, including on-site car parking;
- centrally located and easily accessible within the LGA;
- the site is located within an industrial area, away from residential areas;
- allows for a purpose built, modular facility with associated green space;
- allows for ancillary and complementary uses, including educational or commercial opportunities;
- the site is in Council’s ownership so there is no requirement for future acquisition; and

- the site is located outside of the South West Growth Area, providing greater certainty in respect to future zoning and land uses.

Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The planning proposal seeks to amend Schedule 1 of the Camden LEP 2010 by introducing “animal boarding or training establishments” as an APU at 55 Topham Road, Smeaton Grange. Amending the Camden LEP 2010 in this manner is the best way to facilitate the permissibility of an animal boarding or training establishment on the subject site.

The current provisions of the Camden LEP 2010 prohibit animal boarding or training establishments on land zoned IN1 General Industrial. Additionally, there are no provisions in the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* that override the provisions of the Camden LEP 2010 in regard to the permissibility of an animal boarding or training establishment.

Rezoning the subject site to achieve the proposal’s objective is not appropriate as the subject site’s character and intended future uses are best aligned with its existing IN1 General Industrial zoning.

It is also noted that amending the Camden LEP 2010 is the sole means by which a future development could be lodged, assessed and determined to permit and facilitate the development of an animal boarding or training establishment on the subject site.

Therefore, it is considered that the proposed amendment to Schedule 1 of the Camden LEP 2010 is the best means of achieving the intended objectives of the planning proposal.

3 Strategic assessment

3.1 District Plan

The subject site is within the Western District. The Greater Sydney Commission (now Greater Cities Commission) released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan, as outlined in **Table 2** (overleaf).

It is noted, however, that Actions 51 and 53 of the district plan are relevant. Both actions seek to retain industrial land, in particular: by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones (refer to Action 51). In this instance, it is considered the proposal is not inconsistent with the actions, as the industrial zone will be retained and the proposal has the ability to facilitate appropriate employment opportunities, in a well-supported location.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 2** (overleaf) includes an assessment of the planning proposal against relevant directions and actions.

Table 2 District Plan assessment

District Plan Priorities	Justification
Planning Priority W1: Planning for a city supported by infrastructure	<p>The proposal seeks to introduce an APU to the subject site, which will increase the diversity of employment options for the local area. The Smeaton Grange Industrial Area is a key employment area for both the Camden LGA and the South West Growth Area. As a result, major road infrastructure upgrades have been committed to Camden Valley Way, Bringelly Road and The Northern Road, which all form part of the existing road network servicing Smeaton Grange. These committed upgrades will improve the ability for the broader community to access the subject site.</p>
Planning Priority W3: Providing services and infrastructure to meet people's changing needs	<p>The proposal seeks to introduce an APU to the subject site that will facility the delivery of an animal boarding or training establishment on the subject site. The permissibility of the animal boarding facility aligns within this Planning Priority as follows:</p> <ul style="list-style-type: none"> • Acknowledges the planned future population growth of the Camden LGA and the anticipated consequential increased demand for companion animals. • Provides the community with a Council-operated, purpose-built and centrally located facility. • Enables Camden Council to meet its requirements under the <i>Companion Animals Act 1998</i>.
Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres	<p>The Smeaton Grange Industrial Area is a key employment area for both the Camden LGA and the South West Growth Area. Providing a diverse range of employment opportunities and services within Smeaton Grange is a vital component of growing investment in the area.</p> <p>The outcomes of the proposal may result in increased diversity of employment opportunities within Smeaton Grange, which aligns with this Planning Priority but also with key recommendations within the Camden Industrial and Employment Lands Study (CIELS).</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in **Table 3**, following:

Table 3 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The proposal gives effect to the Camden LSPS by addressing:</p> <p>(a) <i>Local Priority I4 Working in partnership to deliver a more liveable, productive and sustainable Camden</i></p> <p>The proposal seeks to include an APU which will facilitate the delivery of a facility that will provide employment and educational opportunities in the animal care and training industry.</p> <p>Additionally, access to the subject site will be enhanced by planned upgrades to major arterial roads that provide existing access to Smeaton Grange Industrial Area.</p> <p>(b) <i>Local Priority L3 Providing services and facilities to foster a healthy and socially connected community</i></p> <p>The proposal seeks to include an APU which will facilitate the delivery of a facility that will provide the community with an establishment that will re-home or rescue animals considered suitable for rehoming.</p> <p>The proposed permissibility (through a new APU in the Camden LEP 2010) of an animal boarding or training establishment on the industrially zoned subject site will also assist Council in meeting its numerous requirements, under the <i>Companion Animals Act 1998</i>.</p> <p>(c) <i>Local Priority P1 Increasing the quantity and diversity of local jobs, and improving access to jobs across the Western City District</i></p> <p>The proposal seeks to include an APU which will facilitate the delivery of a facility that will provide employment and educational opportunities. The animal boarding or training establishment (subject to a future development application) will also increase the diversity of potential employment opportunities to the local area.</p> <p>Additionally, access to the subject site will be enhanced by planned upgrades to several major arterial roads that provide existing access to the Smeaton Grange Industrial Area.</p> <p>(d) <i>Local Priority P4 Ensuring a suitable supply of industrial and urban services land</i></p> <p>The proposal seeks to include an APU which will facilitate the delivery of a facility that will provide employment and educational opportunities in the animal care and training industry.</p> <p>The animal boarding or training establishment (subject to a future development application) will also increase the diversity of potential employment opportunities in Smeaton Grange and increase the percentage of employment (by floor space) in the “Community Serving” and “Health and Education” employment industry categories as identified in the LSPS.</p>

Camden Industrial and employment Lands Study (CIELS)	<p>The CIELS contains key planning policy recommendations for Smeaton Grange, of which two are applicable to the planning proposal, as follows:</p> <p>(a) <i>Retain as IN1 General Industrial and IN2 Light Industrial and promote the precinct as Camden’s premier industrial precinct.</i></p> <p>The proposal is consistent with this recommendation as it does not seek to reduce the amount of IN1 General Industrial zoned land, but instead seeks to include an APU for the IN1 zoned subject site. The inclusion of the APU for the subject site will result in the additional benefit of enabling the delivery of a facility which will provide a greater diversity of employment options to the Smeaton Grange Industrial Area.</p> <p>(b) <i>Adopt a flexible approach to considering a range of employment/industrial uses that may have different access and floorspace requirements.</i></p> <p>The proposal is consistent with this recommendation as it seeks to add flexibility and diversity to the range of employment in the local area. Additionally, industrial uses and offices uses will likely be ancillary to the main use as an animal boarding or training establishment.</p>
Camden Centres and Employment Lands Strategy (CCELS)	<p>The proposal gives effect to the CCELS, as follows:</p> <p>(a) <i>Direction 2: A network of productive industrial and urban services land</i></p> <p>The proposal is consistent with this Direction as it seeks to increase and diversify the employment options within Smeaton Grange. Additionally, it seeks to retain valuable industrial zoned land and bring several positive outcomes for the broader community as it aims to cater to the needs of the anticipated significant population growth of the South West Growth Area.</p> <p>(b) <i>Direction 4: Capitalising on existing and future infrastructure</i></p> <p>The proposal is consistent with this Direction as the subject site is located within Smeaton Grange Industrial Area, a highly accessible area – owing to its connectivity to the surrounding major road network.</p> <p>Committed upgrades on the major arterial road infrastructure surrounding Smeaton Grange will capitalise on existing infrastructure and further improve site access.</p>

3.3 Local planning panel (LPP) recommendation

On 18 October 2022, the Camden Local Planning Panel (CLPP) considered the draft planning proposal and resolved that the proposal demonstrated strategic and site specific merit.

The CLPP voted 4-0 in favour of the recommendation.

3.4 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed in **Table 4**, following:

Table 4 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.3 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 proposal is consistent with this Direction as it is not likely to require the concurrence, consultation or referral of development applications to a Minister or public authority and is not considered to have significant environmental impact.</p>
Direction 1.4 Site Specific Provisions	Consistent	<p>The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The proposal seeks to introduce a site-specific provision. The proposal is not inconsistent with the Direction in terms of (1)(c) of that Direction:</p> <p><i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i></p> <p>Further, the proposal does not contain or refer to drawings that show details of the proposed development.</p>
Direction 5.1 Integrating Land Use and Transport	Consistent	<p>The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve several objectives related to access, reducing travel demand, increasing transport choice, reducing car dependency and supporting viable public transport options.</p> <p>The proposal is consistent with this Direction as it seeks to increase the land use options for the subject site, which is located within the established Smeaton Grange Industrial Area. The subject site is also serviced by public transport (a regular bus route) and is connected to several major arterial roads. The proposed APU is also compatible with the local road network, will not create unreasonable traffic issues and will be easily accessible to the community.</p>
Direction 7.1 Business and Industrial Zones	Inconsistent	<p>The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.</p> <p>The proposal is inconsistent as it affects land within an existing industrial zone and entails a reduction in the total potential floor space for industrial use.</p> <p>Given the nature of the proposal, any inconsistency is of minor significance and it is recommended to the delegate that the proposal proceeds on that basis.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in **Table 5** below.

Table 5 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	The policy aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application.	Yes	The proposal is consistent with the requirements of the SEPP and will not change the way the SEPP applies to the site.
<i>SEPP (Planning Systems) 2021</i>	The policy aims to identify State or regionally significant development, State significant Infrastructure, and critical State significant infrastructure and provides for consideration of development delivery plans by local Aboriginal land councils in planning assessment.	Yes	The proposal is consistent with the requirements of the SEPP and will not change the way the SEPP applies to the site.
<i>SEPP (Resilience and Hazards) 2021</i>	The policy aims to achieve climate resilience and sustainability through managing risks and building resilience in the face of hazards.	Yes	<p>The objectives of the proposal are consistent with the SEPP as the proposed APU will not introduce a land use or activity on the subject site that is more sensitive to the potential for exposure to contaminants than the existing permitted land uses.</p> <p>A future DA seeking development approval for an animal boarding or training establishment will need to demonstrate compliance and meet the requirements of this SEPP.</p>
<i>SEPP (Transport and Infrastructure) 2021</i>	The policy aims to provide well-designed and located transport and infrastructure integrated with land use.	Yes	The proposal is consistent with the requirements of the SEPP and will not change the way the SEPP applies to the site.

4 Site-specific assessment

4.1 Environmental

The subject site is part of an established urban area and does not contain habitat for threatened species, populations or ecological communities and is not in close proximity to such habitat.

In 2021, Council held workshops for land at The Crest, Gledswood Hills (the previously proposed site for the animal boarding facility) which raised community concerns regarding traffic and noise. The subject site, by comparison, is located within Smeaton Grange Industrial Area, is surrounded by existing industrial land uses and has appropriate road infrastructure.

There are no land uses sensitive to noise surrounding the subject site and the future road network is anticipated to be compatible with additional vehicle movements (subject to a merit assessment as part of a future DA).

The proposal is therefore unlikely to result in any negative environmental effects.

4.2 Social and economic

Social Effects

- The proposal responds to Council's resolution to establish a new animal boarding facility as part of Council's requirements under the *Companion Animals Act 1998*. The proposal also aligns with Council's Companion Animal Policy, Operational Plan and Capital Works Program.
- The proposal is also directly responds to the anticipated population growth and associated increased demand for companion animals expected within the Camden LGA and South West Growth Area.
- Council has further advised, the depot is not looking to be relocated. The subject site was used as an alternative to the Narellan Depot and began operation as a temporary depot in 2020 to assist in separation of staff and work duties due to the pandemic. It is also noted that the Narellan Council depot is currently being expanded, which will be able to absorb the services that are currently being operated at the subject site.

Economic Effects

- The proposed animal boarding or training establishment is to be constructed and operated by or on behalf of Council.
- Council has funding available for the initial design and planning works. The design and construction process will be subject to the standard public tender and service agreements and in accordance with Council's policies and resolutions.
- The proposed APU will enable a wider diversity of employment and training opportunities within the local area.

The proposal is therefore unlikely to result in any negative social or economic effects.

4.3 Infrastructure

The subject site is located within an established industrial area that is well serviced by infrastructure, utilities, local and regional roads and public transport. The site is already developed and connected to relevant utility services infrastructure, which will accommodate the proposed additional use.

Therefore, it is considered that adequate existing infrastructure already exists to support the proposed APU on the subject site (subject to a future DA).

5 Consultation

5.1 Community

The planning proposal anticipates a community consultation period of 28 days. The proposal outlines the following community engagement methods to be undertaken in the event of a favourable Gateway determination:

- Notification letters to potentially affected landowners;
- Notice of public exhibition within a local newspaper;
- Copies of exhibition material available in both electronic and hardcopy formats; and
- Signage will be provided at the subject site advising that the proposal is on exhibition.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal anticipates that the proposed LEP amendment would not require consultation with any State agencies.

As the planning proposal seeks to introduce a new APU that is only applicable to the Council-owned subject site, consultation with government agencies is not considered necessary under section 3.34(2)(d) of the EP&A Act.

6 Timeframe

A timeframe to complete the LEP is not included in the proposal.

The Department recommends a timeframe of 9 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

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

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making Authority.

As the subject site is owned by Camden Council, the Department recommends that Council not 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:

- it is not inconsistent with regional, district and local plans and their relevant objectives;
- there are no adverse social, economic or environmental impacts as a result of the proposed amendments;
- the proposed inclusion of “animal boarding or training establishments” as an additional permitted use on the subject site will assist Camden Council in achieving its various operational and community service commitments and responsibilities under the *Companion Animals Act 1998*;
- it provides an opportunity for the facilitation of an animal boarding or training establishment that would increase the diversity of employment opportunities within the Smeaton Grange Industrial Area; and
- the co-location of community facilities on the subject site will allow for community education and training opportunities related to animal welfare.

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 made available for community consultation for a minimum of 28 days.
2. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
3. The planning proposal must be reported to Council for a final recommendation 6 months from the date of the Gateway determination.
4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



6/12/2022

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