



Ms Kiersten Fishburn
Chief Executive Officer
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Dear Ms Fishburn

Planning proposal PP_2019_LPOOL_007_00 for Proposed Draft Liverpool Local Environmental Plan 2020

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to review the Liverpool LEP 2008. I fully appreciate Council's efforts in preparing this significant planning proposal and agree with Council that the proposal is the first stage in fully giving effect to the Local Strategic Planning Statement.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

In conditioning the determination, I particularly took into consideration Council's position seeking the introduction of a new local environmental plan as part of this proposal; the proposal to make car parks a permissible use in the B3 Zone; and, the addition of residential accommodation as a use to be considered under clause 7.8A of the LEP.

While I could understand Council's intention to introduce a new instrument and repeal Liverpool LEP 2008, to protect Council's interests and ensure that the plan making process is not flawed, it was considered that the planning proposal should be treated as an amendment to the LEP 2008.

In regard to the proposed introduction of car parks as a permitted use in the B3 zone, consideration was given to the need to encourage public transport use in major centres.

Should Council wish to pursue this matter, it should consider the Planning Priorities of the Western City District Plan and Strategy 3 and 7.1 of the Greater Sydney Region Plan, as part of Council's foreshadowed Phase 2 program. In undertaking further consideration, Council would be required to justify such a proposal in accordance with the strategic outcomes under those strategies and plans.

I also understand Council's desire to include an amendment to the flood risk management clause. While the Department appreciates Council's intent, the imposition of provisions that impose flood related development controls above the residential flood planning level for residential development, requires a council to submit a case for exceptional circumstances. This approach is in accordance with Planning Circular PS 07-003 (31 January 2007). Removal of the item, and its consideration in Council's proposed phase 2 program, will allow Council to progress the subject proposal to meet time frames.

I would be happy to offer Council the opportunity to be briefed by the Department if required on the conditions in the Gateway determination and discuss options for future planning proposals to achieve Council's desired outcomes.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 9.1 Directions 1.1 Business and Industrial Zone, 1.5 Rural Lands, 2.1 Environment Protection Zones, 4.3 Flood Prone Land, 6.2 Reserving Land for Public Purposes and 6.3 Site Specific Provisions, are minor or justified. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 3.1 Residential Zones and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

As required by Direction 4.4 Planning for Bushfire Protection the Gateway includes a condition requiring that Council consult with the Rural Fire Service prior to exhibition of the Plan. Having regard to the timeframe for finalisation of the Plan please contact the Department if you require assistance with this consultation.

Council is required to submit the planning proposal to the Department for finalisation prior to 30 June 2020. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made before the required date.

The State government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Cho Cho Myint to assist you. Ms Myint can be contacted on 9860 1507.

Yours sincerely



17/04/20

Catherine Van Laeren
Executive Director
Central River City and Western Parkland City

Encl: Gateway determination