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Our ref: PP_2011_LPOOL_012_00 (11/18412-1)

Mr Farooq Portelli
General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Dear Mr Portelli,

Re: Planning Proposal to include "retail premises", "business premises", "service stations" and "vehicle repair stations" as additional permitted uses in Schedule 1 of Liverpool LEP 2008 on part Lot 200 DP 1090110 Beech Road, Casula

I am writing in response to your Council's letter requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Liverpool Local Environmental Plan LEP 2008 to include "retail premises", "business premises", "service stations" and "vehicle repair stations" as additional permitted uses in Schedule 1 on part Lot 200 DP 1090110 Beech Road, Casula, for the purposes of a Costco retail premises.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is acknowledged that the intended outcome of the planning proposal is to permit a Costco retail premises/warehouse that requires a specific site area, and which does not fall within a Standard Instrument definition. The Department is concerned about the potential implications of permitting the required land uses on the land should the Costco development not proceed. Therefore, Council should submit another planning proposal to remove the additional permitted uses from the subject land should construction of the Costco development not commence within a period of 5 years, or earlier if it is clear that the Costco development will not progress.

Given Council's interest in progressing several proposals for additional retail development in Liverpool, it should expedite the preparation of its commercial centres hierarchy review. In doing so, Council is to have completed the study prior to the finalisation of this planning proposal.

The planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport, 6.1 Approval and Referral Requirements and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions. However, in relation to the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land, it is noted that the land is currently identified as flood prone under Liverpool LEP 2008. Council is to amend the flood mapping to reflect the findings of recent surveys to satisfy the inconsistencies with the S117 Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this

determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Cho Cho Myint of the Regional Office of the Department on 987 385 83 00.

Yours sincerely,


25/11/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LPOOL_012_00): to include "retail premises", "business premises", "service stations" and "vehicle repair stations" as additional permitted uses in Schedule 1 of Liverpool LEP 2008 on part Lot 200 DP 1090110 Beech Road, Casula

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Liverpool Local Environmental Plan LEP 2008 to include "retail premises", "business premises", "service stations" and "vehicle repair stations" as additional permitted uses in Schedule 1 on part Lot 200 DP 1090110 Beech Road, Casula should proceed subject to the following conditions:

1. Council is to complete its commercial centres hierarchy review prior to the finalisation of the planning proposal and is to submit the study with the planning proposal for making of the amendment.
2. In relation to the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land, it is noted that the land is currently identified as flood prone under Liverpool LEP 2008. Council is to amend the flood mapping to reflect the findings of recent surveys to satisfy the inconsistencies with the S117 Direction.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Integral Energy
 - NSW Fire Brigades
 - Roads and Traffic Authority
 - Sydney Water
 - Waste Service NSW
 - Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 25th day of November 2011.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**