

Mr Michael Cullen
Chief Executive Officer
Liverpool City Council
Locked Bad 7064
Liverpool NSW 2170

Our ref: PP_2016_LPOOL_003_00 (16/09103)
Your ref: 167800.2016

Dear Mr Cullen

Planning proposal to amend Liverpool Local Environmental Plan 2008

I am writing in response to your Council's letter dated 28 June 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend *Liverpool Local Environmental Plan 2008* to rezone land and amend planning controls for 60-80 Southern Cross Avenue and 45-66 Hall Circuit, Middleton Grange.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Directions 3.4 Integrated Land Use and Transport is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the relocation of land for public purposes on the basis that the relocation does not seek to reduce the quantum of this land and facilitates better design outcomes. No further approval is required in relation to these Directions.

In relation to s117 Direction 4.3 Flood Prone land Council is required to undertake and provide studies that demonstrate consistency with this direction. A copy of the Flooding Planning Area map must be included in the proposal prior to public exhibition. The proposal, including the flood study must be forwarded to the State Emergency Services for comment. Depending on the comments received from the SES, Council may need to amend the proposal to enable its progression. It is a requirement of the conditions of the Gateway determination that the planning proposal be reviewed by the Department prior to public exhibition.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's

request for the Department of Planning and Environment to draft and finalise the LEP should be made 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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Alicia Hall of the Department's regional office to assist you. Ms Hall can be contacted on 9860 1587.

Yours sincerely



15/08/16

Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_LPOOL_003_00): to rezone 60-80 Southern Cross and 45-65 Hall Circuit, Middleton Grange.

I, the Director, Sydney Region West at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Liverpool Local Environmental Plan 2008* to rezone land and amend planning controls for 60-80 Southern Cross Avenue and 45-66 Hall Circuit, Middleton Grange, should proceed subject to the following conditions:

1. In relation to s117 Direction 4.3 Flood Prone land, prior to public exhibition, Council is required to:
 - a. undertake and provide relevant flood studies that demonstrate consistency with this Direction; and
 - b. include a Flood Planning Area map in the proposal.
2. Prior to public exhibition, Council must revise the planning proposal to include the flooding information and to provide additional information regarding:
 - a. transition of proposed heights to existing neighbouring zones and overshadowing impacts.
 - b. proposed controls for proposed commercial uses in residential zones, for example, this may include proposed controls to limit, or encourage certain commercial floor areas, or controls to ensure a proportion of residential uses, and
 - c. provide the revised planning proposal to the Department for review.
3. Prior to public exhibition, consultation is required with the following public authorities under section 56(2)(d) of the Act and to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - Roads and Maritime Services
 - Transport for New South Wales
 - Sydney Water
 - Department of Education
 - State Emergency Service.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. The proposal must address any comments made.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.
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 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 **18 months** from the week following the date of the Gateway determination.

Dated 15th day of August 2016



Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission