

Liverpool Local Environmental Plan 2008 – To rezone land at 60-80 Southern Cross Avenue and 45-66 Hall Circuit, Middleton Grange

- Proposal Title :** Liverpool Local Environmental Plan 2008 – To rezone land at 60-80 Southern Cross Avenue and 45-66 Hall Circuit, Middleton Grange
- Proposal Summary :** The planning proposal subject site is located on a 7.9 hectare site, seven kilometres west of Liverpool CBD and 420m west of the major crossroad of the M7 Motorway and Cowpasture Road.
- The planning proposal seeks to modify the Liverpool Local Environmental Plan 2008 by:
- Expanding the B2 Local Centre zone;
 - Rezoning part of the site from RE1 Public Recreation to B2 Local Centre and rezoning part of the site from B2 Local Centre to RE1 Public Recreation to provide a consolidated area of public open space within the north-eastern portion of the site (the quantum of RE1 Public Recreation zoned land remains unchanged);
 - Amend the Land Reserved for Acquisition map to reflect the proposed changes to the location of the land zoned RE1 Public Recreation.
 - Amending the Height of Building map (HOB_008) for land zoned B2 Local Centre from a height provision of 18m to three different building heights of 35m, 28m and 18m;
 - Amending the Height of Building map (HOB_008) for land zoned R1 General Residential from a height provision of 8.5m to 14m;
 - Amending the Floor Space Ratio map (FSR_008) for land zoned B2 Local Centre from a FSR of 1.5:1 to 2.5:1;
 - Amending the Floor Space Ratio map (FSR_008) for land zoned R1 General Residential from a FSR of 0.75:1 to 2.5:1;
 - Amend Schedule 1 – 'Additional Permitted Uses' to enable the use of the R1 General Residential zoned land for 'business premises', 'hotel or motel accommodation', 'health services facility', and 'restaurant or café';
 - Amend Schedule 1 – 'Additional Permitted Uses' to enable the use of land zoned B2 Local Centre Local Centre within the Middleton Grange Town Centre for 'hotel or motel accommodation'; and
 - Amend the Minimum Lot Size map to reflect the proposed land zone amendments. No change is proposed to the minimum lot size development controls as it relates to each zone.

PP Number : PP_2016_LPOOL_003_00 **Dop File No :** 16/09103

Proposal Details

Date Planning Proposal Received :	15-Jul-2016	LGA covered :	Liverpool
Region :	Metro(Parra)	RPA :	Liverpool City Council
State Electorate :	MULGOA	Section of the Act :	55 - Planning Proposal

Liverpool Local Environmental Plan 2008 – To rezone land at 60-80 Southern Cross Avenue and 45-66 Hall Circuit, Middleton Grange

LEP Type : Spot Rezoning

Location Details

Street : 60-80 Southern Cross Avenue and 45-65 Hall Circuit

Suburb : Middleton Grange City : Liverpool Postcode : 2171

Land Parcel : Lots 1, 2, 3, 4, 5, and 6 in DP 1207518; Lot 1 in DP 1078564; and Lot 12 in DP 1108343

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : N/A

Release Area Name :

Regional / Sub Regional Strategy : Metro South West subregion

Consistent with Strategy : Yes

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg Residential / Employment land) : N/A

No. of Lots : 0

No. of Dwellings (where relevant) : 826

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : Yes

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment : The Department's Lobbyist Contact Register has been checked on 18 July 2016, and there are no records on the Department's Lobbyist Contract Register regarding this matter.

Supporting notes

Internal Supporting
Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The planning proposal seeks to make a number of amendments to the Liverpool Local Environmental Plan (LLEP) 2008 to facilitate the redevelopment of the site to enable a broader range of permissible uses.

The proposal seeks to expand the B2 Local Centre zoned land and to realign the boundary of the B2 Local Centre and R1 General Residential zoned lands to align with the cadastre boundaries of an approved super-lot subdivision. The proposal also seeks to change the location of the land zoned RE1 Public Recreation. It is noted that the size of the RE1 Public Recreation zoned land will remain the same.

Further, the proposal seeks to include some 'Additional Permitted Uses' in R1 General Residential and B2 Local Centre zoned land and to amend the height of building and floor space ratio controls relating to this site.

Finally the proposal seeks to amend the land zoning, height of building, floor space ratio, minimum lot size and land reservation acquisition maps.

SITE DESCRIPTION AND EXISTING USES

The site is located in the suburb of Middleton Grange. The site is approximately 7.9 hectares, irregular in shape and located 7km west of Liverpool. The site is predominately covered in grass and contains three single storey residential dwellings.

The subject site is currently zoned B2 Local Centre, R1 General Residential, RE1 Public Recreation and SP2 Infrastructure. The site is identified as being partially flood prone and is located within a flood planning area in accordance with Liverpool LEP 2008.

Land to the north of the site is zoned R1 General Residential and RE1 Public Recreation (Circillo Reserve). Land to both the south and west of the site is zoned R1 General Residential and consists of predominately single detached dwellings. Middleton Grange Public School and some vacant land (SP2 Infrastructure, reserved for drainage purposes) is located on the eastern boundary of the site.

The site is bordered by Southern Cross drive to the north, Bravo Avenue to the east and Hall Circuit/Flynn Avenue to the south. Access to the site is available from all three existing roads. Flynn Avenue/Hall Circuit connects to Cowpasture Road at a signalised intersection. Cowpasture Road intersects with the M7 Motorway, a major arterial road, at a signalised intersection approximately 420m east of the site.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The proposal seeks to modify the Liverpool LEP 2008 by:

- Expanding the B2 Local Centre zoned land;
- Amending the land zoning map (LZN_008) to realign the boundary of the B2 Local Centre and R1 General Residential zoned lands respectively to align with the cadastre boundaries of the approved super-lot subdivision (refer to page 10 of the planning proposal for detail of approved super-lot and page 37 for draft zoning map);
- Amending the land zoning map (LZN_008) to rezoning part of the site from RE1 Public Recreation to B2 Local Centre to accommodate a future publicly accessible through site link within the Town Centre;
- Amending the land zoning map (LZN_008) to rezoning part of the site from B2 Local Centre to RE1 Public Recreation to provide a consolidated area of public open space within the north-eastern portion of the site (the quantum of RE1 Public Recreation zoned land remains unchanged);
- Amending the Height of Building map (HOB_008) for land zoned B2 Local Centre from a height provision of 18m to three different building heights of 35m, 28m and 18m.
- Amending the Height of Building map (HOB_008) for land zoned R1 General Residential from a height provision of 8.5m to 14m;
- Amending the Floor Space Ratio map (FSR_008) for land zoned B2 Local Centre from a FSR of 1.5:1 to 2.5:1;
- Amending the Floor Space Ratio map (FSR_008) for land zoned R1 General Residential from a FSR of 0.75:1 to 2.5:1;
- Amending Schedule 1 – 'Additional Permitted Uses' to enable the use of the R1 General Residential zoned land for 'business premises', 'hotel or motel accommodation', 'health services facility', and 'restaurant or café';
- Amending Schedule 1 – 'Additional Permitted Uses' to enable the use of land zoned B2 Local Centre within the Middleton Grange Town Centre for hotel or motel accommodation;

Definitions of proposed additional permitted uses:

* business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of commercial premises—see the definition of that

term in this Dictionary.

* hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
 - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

* health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

* restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of food and drink premises—see the definition of that term in this Dictionary.

• Amending the minimum lot size map to reflect the proposed land zone amendments. No change is proposed to the minimum lot size development controls as it relates to each zone; and

• Amending the land reservation acquisition map to reflect the proposed change to the location of land zoned RE1 Public Recreation.

Tab A shows the configuration of the existing and proposed land zoning, height of buildings and floor space ratio.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? No

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 65—Design Quality of Residential Flat Development
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

SEPP (Infrastructure) 2007

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

SECTION 117 DIRECTIONS

The planning proposal is consistent with all the identified Section 117 Directions except as follows:

DIRECTION 3.4 INTEGRATED LAND USE AND TRANSPORT

The proposed development will likely generate increased trips, especially by car. The proponent has submitted a traffic study as part of the planning proposal, it is noted the site is serviced by bus. Route 853 provides an hourly service with increased services during peak periods on weekdays. It is also noted that the subject site is approximately 5km from Leppington railway station and approximately 500m from the M7 Motorway. The proposal is inconsistent with this direction, however the traffic study submitted as part of the proposal justifies any inconsistencies.

It is recommended to refer the proposal to the Roads and Maritime Services and Transport for New South Wales prior to public exhibition. The proposal is to be amended accordingly, taking into account any comments from these agencies.

DIRECTION 4.3 FLOOD PRONE LAND

The objective of this direction is to ensure that development in flood prone land is consistent with flood development guidelines and that consideration has been given to potential flood impacts both on and off the subject site.

The site is identified as flood-prone land. Council's Flood Planning Area Map FLD_008 identifies the site as being partially flood prone, within a flood planning area, affected by the 1 in 100 year flood event.

Council have indicated in the planning proposal that further studies will be required in relation to flooding. At this stage, the proposal is inconsistent with this Direction until such time as Council can provide studies and demonstrate consistency with the Direction.

It is recommended that a flood study be prepared in accordance with this s.117 direction prior to public exhibition, and the planning proposal be amended to include a map of the flood prone land.

Consistency with this s117 Direction will require consultation with The Office of Environment and Heritage and the State Emergency Service to ensure that development on this land is consistent with flood development guidelines. Depending on the comments received from the SES, before public consultation, Council may need to amend the proposal.

It is a requirement of the conditions of the Gateway determination that the planning proposal be reviewed by the Department prior to exhibition.

DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

The planning proposal seeks to alter the location of a parcel of RE1 Public Recreation land to provide better design outcomes.

The proposal seeks to rezone part of the site currently zoned RE1 Public Recreation to B2 Local Centre and rezone another portion of the site from B2 Local Centre to RE1 Public Recreation (refer to existing zoning map on page 14 of the planning proposal and the Draft Zoning map on page 37 of the planning proposal). The proposal does not

result in the reduction of RE1 Public Recreation zoned land.

Therefore, it is recommended the proposal is consistent with this direction.

STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is consistent with all identified SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A 28 day exhibition period is recommended.**

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **S117 DIRECTION 4.3 FLOOD PRONE LAND, applies to this approval.**

As the proposal seeks to permit a significant increase in development of the subject land, the proposal must demonstrate consistency with this Direction, or provide justification for any inconsistency prior to public exhibition.

To achieve this, a Gateway determination condition has been prepared to require a flood study be undertaken in accordance with this direction, and the planning proposal include a map of the flood prone land.

It is also recommended that the proposal be forwarded to the State Emergency Service for comment. Depending on the comments received from the SES, Council may need to amend the proposal to enable its progression.

It is recommended that the planning proposal be reviewed by the Department prior to exhibition.

S117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES, applies to this approval.

To ensure consistency with this direction the Secretary or delegate must be satisfied that the alteration of land reserved or public purposes is of minor significance.

The proposal seeks to alter a parcel of land reserved for public purpose by changing the location of land set aside for public purpose within the subject site, no reduction in the size of the land zoned RE1 Public Recreation is proposed. The relocation of this land results in better design outcomes and is considered of minor significance.

It is recommended the delegate approves the proposed alteration of RE1 Public Recreation land.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **August 2008**

Comments in relation to Principal LEP : **Liverpool Local Environmental Plan 2008 commenced on 29 August 2008.**

Assessment Criteria

Need for planning proposal : The planning proposal is the best means of achieving the proposed rezoning and amendments to the associated maps and Schedule 1 of the Liverpool LEP 2008 to facilitate redevelopment of the site and to enable a broader range of uses.

Consistency with strategic planning framework : **A PLAN FOR GROWING SYDNEY**
The proposal is generally consistent with the Sydney Metropolitan Strategy "A Plan for Growing Sydney".

The proposal is specifically consistent with the stated goals:

Goal 1: A competitive economy with world-class services and transport

The proposal is located 7km from Liverpool, an area identified within A Plan for Growing Sydney as a regional centre. The proposal addresses key criteria of this goal by seeking to create a compact mixed use town centre that will provide higher density housing with a range of commercial and retail activities, including the addition of health services facilities to the existing suburb of Middleton Grange within the Liverpool region.

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles

The proposal will facilitate medium density residential dwelling supply, a mix of 1, 2 and 3 bedroom apartments.

SYDNEY SOUTHWEST SUBREGION - DRAFT SUBREGIONAL STRATEGY

The planning proposal is considered generally consistent with this strategy. While Middleton Grange is not identified in this strategy as a centre to be established, the Economic Impact Strategy submitted as part of the proposal indicates the impact on existing centres will not be significant. The proposal is generally consistent with and centres and corridors goals and seeks to provide retail, commercial and medium density residential living within a centre which will serve the existing suburb of Middleton Grange.

The proposal seeks provide a medium density, mix of 1, 2 and 3 bedroom apartments types within a walkable, livable centre. This is considered generally consistent with housing goals as set out in this strategy.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

Southern Creek runs through the centre of the proposed site and is currently zoned SP2 Drainage, proposed changes to land zone will see a small increase in land zoned SP2. Flood studies conditioned as part of the Gateway determination should take this creek into consideration.

The subject site is predominately covered in grass and environmental impacts are considered unlikely. Potential impacts can be addressed through the relevant planning controls.

TRAFFIC

Given the scale of the proposal it is anticipated that there will be a significant increase in vehicle movements. Additionally the subject site is located within close proximity to the M7 Motorway a major arterial road. It is recommended that Council consults with Roads and Maritime Services as a condition of Gateway determination.

FLOODING

The site is identified as partially flood prone and subject to the 1 in 100 year flood. It is recommended that a copy of the Flood Planning Area map be included in the proposal prior to public consultation as a condition of this Gateway determination.

It is recommended that Council undertakes flood studies. A copy of the flood study and the planning proposal should be forwarded to State Emergency Services for comment and amended as necessary to demonstrate consistency (or justify any inconsistencies) with s117 Direction 4.3 Flood Prone Land prior to public exhibition as condition of Gateway Determination.

SOCIAL AND ECONOMIC IMPACTS

It is anticipated that the planning proposal may have positive social and economic impacts as the proposal seeks to create employment, residential, open space and retail opportunities within a mixed use town centre.

ADDITIONAL PERMITTED USES

The proposal seeks to include a number of additional permitted uses in the R1 General Residential zone. The proposed uses include 'business premises', 'hotel or motel accommodation', 'health services facility' and 'restaurant and cafe'.

The inclusion of commercial land uses in a residential zone raises some concern. The proposal does not provide any guidance on how commercial land uses would be controlled in the residential zone. Commercial floor space calculations within the residential zone in the planning proposal are unclear, and whether these calculations are based on the additional permitted commercial land uses in residential zones. A Gateway condition has been prepared to require Council to provide further information (such as any proposed controls to limit commercial floor area, or require a proportion of residential uses) on the extent of commercial uses in residential zones prior to public exhibition.

DENSITY, HEIGHT, BULK and SCALE

The current and proposed controls relating to height and floor space ratio are captured below:

Height Controls

R1 General Residential

Current 8.5m - proposed 14m

B2 Local Centre

Current 18m - proposed 18m, 28m, 35m

Floor Space Ratio

R1 General Residential

Current 0.75:1 - Proposed 2.5:1

B2 Local Centre

Current 1.5:1 - Proposed 2.5:1

The proposed controls cover a larger extent of land and will significantly increase the height, bulk, scale and density of development on the site. Additionally the proposed controls appear larger than those used within the B2 Local Centre and R1 General Residential zones across the remainder of the LGA.

Therefore, the Department has some reservations about the proposed 35m height, however the proposal is sufficiently justified to enable agency and public consultation on the proposal.

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Further, the Gateway determination has been drafted to require additional information regarding transition of heights and overshadowing impacts prior to public exhibition.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **18 months** Delegation : **DG**
LEP :

Public Authority **NSW Department of Primary Industries - Fishing and Aquaculture**
Consultation - 56(2)(d)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required :

Flooding

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Council Resolution and Report for Middleton Grange Town Centre December 2015.pdf	Study	Yes
Planning Proposal.pdf	Proposal	Yes
Location Map.pdf	Map	Yes
Final - Letter to Department seeking Gat~Local Environmental Plan Amendment No 63 July 2016 Middleton Grange Town Centre.pdf	Proposal Covering Letter	Yes
1Appendix A - Concept Plans.pdf	Proposal	Yes
Appendix B - Part 1 - Economic Justification.pdf	Proposal	Yes
Appendix B - Part 2 - Economic Justification.pdf	Proposal	Yes
Appendix C - Traffic and Transport.pdf	Proposal	Yes
Appendix D - Revised DCP Plans.pdf	Proposal	Yes
Appendix E -Part 1 -Social Impact Assessment.pdf	Proposal	Yes
Appendix E - Part 2 -Social Impact Assessment.pdf	Proposal	Yes
Appendix E - Part 3 - Social Impact Assessment.pdf	Proposal	Yes
Appendix E - Part 4 - Social Impact Assessment.pdf	Proposal	Yes
Appendix E - Part 5 - Social Impact Assessment.pdf	Proposal	Yes

Appendix E - Part 6 - Social Impact Assessment.pdf	Proposal	Yes
Appendix E - Part 7 - Social Impact Assessment.pdf	Proposal	Yes
Appendix E - Part 8 - Social Impact Assessment.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : **GATEWAY DETERMINATION**
As the matter is of a minor nature and of local planning significance.

The recommendation is consistent with the planning proposal submitted by Council. Consequently it is considered appropriate that the Gateway determination function be exercised by the Director, Sydney Region West.

DELEGATION OF PLAN MAKING FUNCTION

Liverpool City Council has requested delegation of the plan-making function in relation to this planning proposal. Due to the significant increase in development provisions and unresolved flood risk issues, it is not considered appropriate for authorisation to be issued in this instance.

SECTION 117 DIRECTION 4.3 FLOOD PRONE LAND

The proposal is inconsistent with this Direction. It is recommended to demonstrate consistency with this Direction that flood studies are to be undertaken and submitted to the State Emergency Service prior to public exhibition. 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 exhibition.

SECTION 117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

The Delegate's approval is recommended in accordance with Direction 6.2 Reserving Land for Public Purposes. The relocation of RE1 Public Recreation land does not result in a reduction of size, therefore it is considered consistent.

SECTION 117 DIRECTION 3.4 INTEGRATED LAND USE AND TRANSPORT

The proposal is inconsistent with this direction, however the inconsistency is justified by the traffic study provided as part of this proposal. It is recommended for referral to the Roads and Maritime Services and Transport for NSW prior to public exhibition. The proposal is to be amended accordingly, to address comments from these agencies.

RECOMMENDATIONS AND GATEWAY CONDITIONS

It is recommended that the planning proposal proceeds, 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 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.

Supporting Reasons :

The planning proposal is supported as it seeks to enable a broader range of uses to include employment, residential, retail and open space opportunities in a mixed use town centre for Middleton Grange.

The Department has reviewed the existing location and hierarchy of centres within the broader region, and given the site is currently identified as a local centre, the proposal is supported.

Signature:



Printed Name:

ADRIAN MOWEN COLLEEN

Date:

12 AUG 2016