



Contact: Cho Cho Myint
Phone: 0298601507
Email: chocho.myint@planning.nsw.gov.au

Mr Michael Cullen
Chief Executive Officer
Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

Our ref: 16/11918
Your ref: 222553.2016

Attention: Toni Averay

Dear Mr Cullen

Planning proposal to amend Liverpool LEP 2008 (Amendment No 65)

I am writing in response to your Council's request of 23 August 2016 for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to increase the development standards applying to land at 20-33 Shepherd Street, Liverpool in relation to the floor space ratio (FSR) and the height of building to facilitate 1,200 dwellings on the site.

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

I have agreed the planning proposal's inconsistencies with Sections 117(2) Directions 2.1 Environment Protection Zones, 4.3 Flood Prone land and 3.5 Development near Licensed Aerodromes are of minor significance. No further approval is required in relation to these Directions.

Council is advised that the planning proposal is for intensification of land uses on land identified as having acid sulfate soils and, as such an acid sulfate soils study is required to assess the appropriateness of the change of land use. In addition, Council is also advised that considering the long term industrial use of the land, a contaminated land assessment will be required to support the proposed residential uses on the site, in accordance with *State Environmental Planning Policy No. 55 – Remediation of Land*. Council is requested that these studies are to be finalised and submitted to the Department, prior to the community consultation of the planning proposal.

Further, considering the involvement of road network and access improvement within and around the broader CBD area, Council is advised that Roads and Maritime Services (RMS) be consulted prior to the community consultation of the planning proposal.

The planning proposal has no information on the potential need for State Infrastructure services. It is recommended relevant State agencies are consulted to identify whether designated State Public Infrastructure is likely to be required.

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 as soon as possible. Council's request 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 Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Cho Cho Myint of the Sydney Region West office on 02 9860 1507.

Yours sincerely,



09/09/16

Catherine Van Laeren
Director
Sydney Region West
Planning Services

Delegate of the Greater Sydney Commission



Gateway Determination

Planning proposal (Department Ref: PP_2016_LPOOL_005_00): to amend Liverpool Local Environmental Plan 2008 to increase development controls applying to land at 20-33 Shepherd Street, Liverpool to facilitate 1,200 residential dwellings on the land. The planning proposal is to increase the building height from 24m to 77m and increase the floor space ratio (FSR) from 1.5:1 and 2.5:1 to between 3.3:1 and 3.7:1 applying to the land.

I, the Director, Sydney Region West, Planning Services 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* (EP&A Act), that the proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to undertake acid sulphate soils study and contaminated land assessment to assess the appropriateness of the proposed residential use on the site. Council is to amend the planning proposal if required. These studies are to be submitted to the Department to satisfy the conditions in respect of section 117 Directions 4.1 Acid Sulfate Soils and *State Environmental Planning Policy No. 55 – Remediation of Land*.
2. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be publicly exhibited 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 the planning proposal as identified in section 5.5.2 of *A Guide to preparing local environmental plans (Department of Planning and Environment, as updated in 2016)*.
3. The Secretary's delegate pursuant to:
 - (a) item (6) (d) of section 117(2) Direction - 2.1 Environment Protection Zones agrees that the inconsistency in this instance is of a minor significance;
 - (b) item (7)(d) of the Section 117(2) Direction – 3.5 Development near Licensed Aerodromes agrees that the inconsistency in this instance is of a minor significance; and
 - (c) item (9)(b) of the Section 117(2) Direction - 4.3 Flood Prone Land agrees that the inconsistency in this instance is of a minor significance.

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

NSW Department of Primary Industries – Water
Office of Environment and Heritage
Energy Australia
Telstra
Sydney Catchment Management Authority
Sydney Metro Airports (Bankstown Airport)

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.

5. In addition to consultation with public authorities in relation to section 117 Directions, it is considered that Council should be required to consult with the following public authorities specifically in relation to the likely need for regional infrastructure contributions:

Transport for NSW
Roads and Maritime Services
Department of Education and Communities
NSW Ministry of Health
Office of Environment and Heritage
State Emergency Services;
Fire and Rescue NSW
NSW Police Force
Sydney Water

6. A public hearing is not required to be held in relation to this matter by any person or body under section 52(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).
7. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

Dated 9th day of September 2016.



Catherine Van Laeren
Director
Sydney Region West
Planning Services
Delegate of the Greater Sydney Commission