



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2011_LPOOL_004_00 (11/01887)
Your ref: Rz-2/2011-216576.2010

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

Dear Mr Portelli,

Re: Planning Proposal to rezone land at 2A Moorebank Avenue and 7-15 Heathcote Road, Moorebank from R2 Low Density Residential to B6 Enterprise Corridor.

I am writing in response to your Council's letter dated 22 December 2010 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 2008 to rezone land at 2A Moorebank Avenue and 7-15 Heathcote Road, Moorebank from R2 Low Density Residential to B6 Enterprise Corridor.

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

Council is advised that sufficient justification has not been provided in the planning proposal to support a zoning of the site to a B6 Enterprise Corridor zone. The Enterprise Corridor zone is not a first choice as it has a very specific role in the context of both the Metropolitan Strategy and the Standard Instrument LEP. If the objectives for the site can be achieved through an alternative zone, then that zone should be used. Consequently, the planning proposal is to proceed with a B5 zoning over the site as this zone will permit 'vehicle sales and hire premises', and 'bulky goods premises' as per the planning proposals desired outcome.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 7.1 Implementation of the Metropolitan Strategy are of minor significance. No further approval is required in relation to these Directions. However, in terms of S117 Direction 4.3 Flood Prone Land, Council is advised that a hydraulic analysis is to be carried out to determine the ability to develop the site without detrimentally affecting flood behaviour on other properties. The report is to accompany the planning proposal for exhibition purposes.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Amar Saini of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



13/2/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LPOOL_004_00): to rezone land at 2A Moorebank Avenue and 7-15 Heathcote Road, Moorebank from R2 Low Density Residential to B6 Enterprise Corridor.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Liverpool Local Environmental Plan 2008 to rezone land at 2A Moorebank Avenue and 7-15 Heathcote Road, Moorebank from R2 Low Density Residential to B6 Enterprise Corridor should proceed subject to the following conditions:

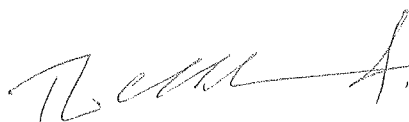
1. The planning proposal is to proceed with a proposed B5 zoning over the subject site.
2. A hydraulic study is to be completed and placed on exhibition with the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("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:
 - NSW Police Service
 - NSW Transport and Infrastructure
 - Roads and Traffic Authority
 - Department of Environment, Climate Change and Water

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 **9 months** from the week following the date of the Gateway determination.

Dated 13th day of February 2011.



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