



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

Our ref: PP_2016_LPOOL_002_00 (16/03510)
Your ref: 338574.2015

Dear Mr Cullen

Michael

**Planning proposal to amend Liverpool Local Environmental Plan 2008
(Amendment No 61)**

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* (the Act) in respect of the planning proposal to amend Schedule 1 of *Liverpool LEP 2008* to permit 'shops' to a maximum Gross Floor Area of 21,000sqm at 10 Orange Grove Road, Warwick Farm.

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 6.3 *Site Specific Provisions* is of minor significance. No further approval is required in relation to this Direction.

Council is to consult the NSW Rural Fire Service prior to Council undertaking community consultation as per the requirements of s.117 *Direction 4.4 Planning for Bushfire Protection*.

Council has not clearly identified the land description of the subject site and is advised that this be clarified and submitted to the Department prior to community consultation. The Council's attention is drawn to the boundary of Amendment 22 to the *Liverpool Local Environment Plan 2008* and whether there is an overlap between the current proposal and Amendment 22 on Lot 23 DP 1190437.

Plan making powers were delegated to councils in October 2012. It is noted that Council has not 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 an authorisation for Council to exercise delegation to make this plan.

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 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 Cho Cho Myint of the Department's regional office to assist you. Ms Myint can be contacted on (02) 9860 1507.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services
Delegate of the Greater Sydney Commission

18/11/2016

Encl:
Gateway Determination
Letter from the Planning Assessment Commission

Gateway Determination

Planning proposal (Department Ref: PP_2016_LPOOL_002_00): to permit 'shops' as an additional use up to a maximum Gross Floor Area (GFA) of 21,000m² at the Orange Grove Mega Centre site.

I, the Deputy Secretary, 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* (the Act) that an amendment to the Liverpool Local Environmental Plan (LEP) 2008 to permit 'shops' as an additional use up to a maximum Gross Floor Area (GFA) of 21,000m² at the Orange Grove Mega Centre site should proceed subject to the following conditions:

1. Amendment of the planning proposal to correct the property description of the land to which the proposal applies and amendment of maps to clearly define the area. The planning proposal should be submitted to the Department for approval prior to community consultation.
2. Prior to exhibition:
 - a) the Rural Fire Service must be consulted in accordance with the requirements of s.117 Direction 4.4 Planning for Bushfire Protection. The planning proposal is to be amended if required, to address any issues raised by the Rural Fire Service prior to community consultation; and
 - b) in line with the recommendation by the Planning Assessment Commission dated 24 October 2016, attached, the planning proposal is to be updated to identify and address potential impacts on other regional and sub-regional retail locations.
3. 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)*.
2. 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:
 - Endeavour Energy;
 - Road and Maritime Services;
 - Sydney Water;

- Telstra;
- NSW Rural Fire Service;
- Fairfield City Council; and
- Transport NSW.

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.

3. 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).
4. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 18th day of November 2016



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission