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Department Generated Correspondence (Y)

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Our ref: PP_2011_LPOOL_009_00 (10/04268-2)

Your ref: 127305.2011

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 proposed Lot 1 in Lot 5054 DP 1161757 Airfield Drive, Len Waters Estate, Cecil Park, to permit a home improvement centre.

I am writing in response to your Council's letter dated 1 August 2011 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 being part of Lot 1 in Lot 5054 DP 1161757 Airfield Drive, Len Waters Estate, Cecil Park, to permit a home improvement centre.

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

Council is to clearly identify and list the lots or part lots to which this planning proposal applies, update the planning proposal and place the information on public exhibition. It is unclear from the maps whether the land has been subdivided or includes additional land parcels.

The Department considers that there may be strategic planning merit progressing the planning proposal. It is noted however that the proposal, which seeks to allow for the development of a bulky goods retail outlet/home improvement centre, may be inconsistent with Council's existing Retail Centres Hierarchy Review 2006. This review identifies three alternative locations for bulky good development. Council is to consider this inconsistency and provide further detailed justification as to why this site may also be suitable for bulky goods retail development.

In undertaking this review, further justification is required for the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zone, and 7.1 Implementation of the Metropolitan Plan for Sydney 2036. Council is to justify the proposal in terms of the 'Strategic Assessment Checklist' of the Metropolitan Plan for Sydney 2036. The assessment will need to address issues including the development of (industrial) employment land to alternate uses, including such considerations as impacts on the long-term viability of industry clusters in the precinct or surrounding areas, and the potential to redevelop to alternate industrial uses. Council is to satisfy the Director General that the S117 Direction inconsistencies are of minor significance prior to finalisation and submission of the Plan under s59 of the EP&A Act.

It is also noted that the proposal will result in a net loss of industrial zoned land in this area and the Liverpool LGA overall. While it is understood that the potential percentage of zoned industrial land lost is small (approximately 2%), Council is to provide further justification for this loss as part of its additional assessment. Council is also to provide an assessment of whether the potential loss of industrial zoned land in this location will have any detrimental impacts on the future development of industrial land to the north. In particular, the Department wishes to

ensure that the entire area does not become a 'defacto' out of centre retail node in contrast to the general industrial intent envisaged under the current zoning.

A detailed traffic assessment will also be required to examine the traffic generated by the proposed development and its impact on the local road network and surrounding locality. This document is to form part of the planning proposal for public exhibition.

Council is to prepare draft maps for the subject land prior to exhibition, in accordance with the Department's Standard Technical Requirements for LEP Maps, including:

- Draft Zoning Map;
- Draft Floor Space Ratio Map;
- Draft Height of Buildings Map; and
- Draft Lot Size Map

Council is to clarify within the planning proposal and prior to exhibition, whether the land zoned SP2 – Infrastructure zone is public land under the *Local Government Act 1993*, and whether it is classified as community or operational land. In the event that the land is classified as community land Council will be required to reclassify the land as part of this planning proposal. Should this be the case, Council is reminded of its obligations for the preparation of an LEP involving the reclassification of public land as described in *PN 09-003 Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council Land (January 1997)* issued by the Department.

Council is encouraged to consider exhibiting a Development Application for the proposed use concurrently with the planning proposal. This will provide the community with an overall understanding of the anticipated scale and intensity of the development and may assist in further demonstrating the strategic merit of the proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway 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 Michelle Dellagiacoma of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,


2/9/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LPOOL_009_00): to rezone land being part of Lot 5054 DP 1161757 Airfield Drive, Len Waters Estate, Cecil Park, to permit a home improvement centre, the proposal seeks to rezone 3.47 hectares of land from IN2 Light Industrial, IN1 General Industrial and SP2 Infrastructure (Drainage) Zone, to B5 Business Development Zone, under Liverpool LEP 2008.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Liverpool Local Environmental Plan 2008 to rezone land being part of Lot 5054 DP 1161757 Airfield Drive, Len Waters Estate, Cecil Park, to permit a home improvement centre, the proposal seeks to rezone 3.47 hectares of land from IN2 Light Industrial, N1 General Industrial and SP2 Infrastructure (Drainage) Zone, to B5 Business Development Zone, under Liverpool LEP 2008 should proceed subject to the following conditions:

1. Council is to clearly identify and list the lots or part lots to which this planning proposal applies, update the planning proposal and place the information on public exhibition.
2. Council is required to undertake additional assessment of the proposal demonstrating its consistency with the existing strategic planning framework for the area and the Liverpool LGA. The assessment is to clearly demonstrate:
 - a. Whether there is a need for this development in this particular location;
 - b. What potential impacts this proposal will have in terms of the existing bulky good retail nodes in the LGA and surrounding catchment;
 - c. The proposal's consistency with relevant S117 Directions 1.1 Business and Industrial Zone, and 7.1 Implementation of the Metropolitan Plan for Sydney 2036;
 - d. The proposal's consistency with Council's existing Retail Centres Hierarchy Review 2006; and
 - e. What impacts the proposed development will have in relation to the potential loss of industrial land and employment opportunities in this location.

This assessment is to be placed on public exhibition with the planning proposal. Council is required to provide a copy of the assessment to the Department's Sydney Region West Regional Planning Team, prior to proceeding to exhibition.
3. Council is to prepare a detailed traffic assessment to examine the traffic generated and its impact on the local road network and surrounding locality. This document is to form part of the planning proposal for public exhibition. A copy of the assessment is to be provided to the Department's Sydney Region West Regional Planning Team prior to proceeding to exhibition.
4. Council is to prepare draft maps for the subject land prior to exhibition, in accordance with the Department's Standard Technical Requirements for LEP Maps, including where relevant:
 - (a) Draft Zoning Map;
 - (b) Draft Floor Space Ratio Map;
 - (c) Draft Height of Buildings Map; and
 - (d) Lot Size Map.

A copy of these maps are to be provided to the Department's Sydney Region West Regional Planning Team prior to proceeding to exhibition.

5. Council is to clarify within the planning proposal and prior to exhibition, whether the land zoned SP2 – Infrastructure zone is considered public land under the *Local Government Act 1993*, and consequently whether the land is classified as operational or community land. If the land is classified as community land, the planning proposal is to be amended to include a reclassification of the subject site. Should this be the case, Council is reminded of its obligations for the preparation of an LEP involving the reclassification of public land as described in *PN 09-003 Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council Land (January 1997)* issued by the Department.
6. 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)*.
7. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The 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. A public authority may request additional information or additional matters to be addressed in the planning proposal.
8. 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).
9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 2nd day of September 2011.



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