

Draft Amendment No. 22 to Liverpool Local Environmental Plan 2008

Proposal Title : Draft Amendment No. 22 to Liverpool Local Environmental Plan 2008

Proposal Summary : To permit (with Liverpool Council's consent) the use of an existing building for retail purposes, which is located at 5 Viscount Place, Warwick Farm, by adding the additional use of 'retail premises' to Liverpool Local Environmental Plan 2008 for the site and limiting the floor area for retail purposes.

PP Number : PP_2011_LPOOL_010_00 Dop File No : 11/09398-1

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the proposal be resubmitted by Liverpool City Council with further advice/studies that address the Sequential Test and Site Suitability Criteria (Draft Centres Policy, March 2011) in detail, particularly addressing whether or not the proposed location has the correct locational characteristics for the proposed activity, as compared to other sites.

This review should be sufficiently detailed so that it addresses issues, including, but not limited to:

- * the extent of floor area required to accommodate the identified retail need or how it can be configured to a site;
- * detailed consideration of amalgamation of land holdings to facilitate the proposed use within centres;
- * detailed consideration of the ability (or otherwise) to expand existing centres and demonstration of consideration being given to expanding FSR on existing sites located within centres, to accommodate a proposal of this nature;
- * use of existing at-grade car parking facilities (or other suitable locations) within the Liverpool CBD, to accommodate a proposal of this nature.

Furthermore:

- * Council be requested to justify the inconsistency with section 117 direction - 7.1 Implementation of the Metropolitan Plan for Sydney 2036, to satisfy item (5) of that direction, paying particular attention to Direction B - Growing and Renewing Centres, Objective B1 and Action B3.1, of that plan.
- * Liverpool City Council be requested to provide detailed advice over whether sufficient land is zoned for bulky goods retailing in appropriate locations to meet forecast demand for this purpose, and
- * whether Council believes that, in view of the number of recent Liverpool planning proposals involving centres, it would be appropriate for Council's

retail hierarchy to be reviewed to ensure it is current and allows informed strategic decisions to be made by Council. Council's advice should be sufficiently detailed to support its contention in this regard.

Should it be determined that the planning proposal is to proceed without the benefit of further studies and/or advice, the proposal proceeds with the following conditions:

- (1) The Director General's delegate agrees that any inconsistency with section 117 directions:
- * 1.1 Business and Industrial Zones;
 - * 4.3 Flood Prone Land; and
 - * 6.3 Site Specific Provisions;
- are justified as minor matters.

Further, the Gateway forms the view that the inconsistency with section 117 direction 7.1 - Implementation of the Metropolitan Plan for Sydney 2036, is justified in terms of item (5) of that direction. Alternatively, the Gateway seeks Council's justification prior to agency/community consultation.

- (2) Community consultation for 28 days;

- (3) Consultation with the Roads and Traffic Authority, NSW Fire Brigades and adjoining local government councils.

- (4) The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : Further study/advice is required to allow the Gateway to make an informed, merit based decision.

Panel Recommendation

Recommendation Date : 13-Oct-2011

Gateway Recommendation : Passed

Panel Recommendation : The Planning Proposal should proceed subject to the following conditions:

1. Council is to amend the planning proposal to include an explanation showing why the impact and loss in trade to the Liverpool CBD is justified and articulate how the introduction of retail at the subject site can be appropriately accommodated.
2. Council is to elaborate and provide additional information in relation to the level of consistency of the planning proposal with S117 Directions, particularly particularly as they relate to applicable local and regional strategies.
3. Council is not to commence public exhibition of the planning proposal until the requirements of condition 1 and 2 of this Gateway determination have been undertaken and the planning proposal amended accordingly.
4. 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 authorities under section 56(2)(d) of the EP&A Act:
 - Adjoining Local Government Areas
 - Roads and Traffic Authority
 - Fire and Rescue NSW

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.

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.

Gateway Determination

Decision Date : Gateway Determination : **Passed with Conditions**

Decision made by :

Exhibition period : **28 Days** LEP Timeframe : **12 Month**

Gateway Determination : **The Planning Proposal should proceed subject to the following conditions:**

1. Council is to amend the planning proposal to include an explanation showing why the impact and loss in trade to the Liverpool CBD is justified and articulate how the introduction of retail at the subject site can be appropriately accommodated.
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9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Tom Gellibrand

Date:

20/12/11