

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 : **Rejected**

Panel

The Planning Proposal should not proceed for the following reasons:

Recommendation :

1. The planning proposal is inconsistent with the draft South West Regional Strategy, in that the Orange Grove area is identified as a bulky goods cluster. The inconsistency with S117 Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036 has not been adequately justified and therefore is not of minor significance.
2. The planning proposal does not clearly identify how the introduction of retail premises to the Orange Grove centre is influenced by any retail hierarchy strategic assessment and does not adequately justify that the Orange Grove site is a suitable location for such a land use in such close proximity to the Liverpool CBD.
3. The planning proposal has not adequately assessed why a 10% loss in trade is an acceptable benchmark and why a 5% loss in trade to other centres is considered insignificant.
4. A satisfactory assessment of the cumulative impact of retail expansion on high street retailers and the potential future opportunities of retail development within the Liverpool CBD has not been undertaken, and therefore the proposal is not supported at this stage.
5. The planning proposal is inconsistent with S117 Direction 3.4 Integrating Land Use and Transport. The Council has not satisfactorily argued consistency with the aims, objectives and principles of the Department's policy document The Right Place for Business and Services, which seeks to foster growth in centres, protect and maximise community investment in centres and encourage continuing private and public investment in centres, and thus the inconsistency is not considered to be minor.

Signature:



Printed Name:

Neil McGaffin

Date:

26.10.11