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Our ref: PP\_2011\_LPOOL\_010\_00 (11/09398-1)  
Your ref: 155302.2011

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

Dear Mr Portelli,

**Re: Planning Proposal to include 'retail premises' as an additional permitted use on land at 5 Viscount Place, Warwick Farm, and to limit the area of retail premises to 15,000sq.m and to limit the size of any single tenancy to 1,200sq.m**

I am writing in response to your Council's letter dated 2 September 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 City Local Environmental Plan LEP 2008 to include 'retail premises' as an additional permitted use on land at 5 Viscount Place, Warwick Farm, and to limit the area of retail premises to 15,000sq.m and to limit the size of any single tenancy to 1,200sq.m.

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.

The Department is committed to working with Local Government and the community to ensure responsibility for decision making is achieved at the local level. The Department, in this context, supports Council's objective to promote growth opportunities, job containment and the creation and evolution of new centres within the existing hierarchy throughout the Liverpool LGA.

It is noted that Council intends to introduce retail premises to a bulky goods precinct within close proximity to the Liverpool CBD. It is acknowledged that the planning proposal and accompanying studies confirm that there will be an impact on the performance of the CBD as a result of retail development at the subject location.

Therefore, Council is to amend the planning proposal through the inclusion of 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. Further, Council is to elaborate and provide additional information in relation to the level of consistency of the planning proposal with S117 Directions, particularly as they relate to applicable local and regional strategies.

The Director General's delegate has agreed that the planning proposal's inconsistency with S117 Directions 1.1 Business and Industrial Zones, 4.3 flood Prone Land and 6.3 Site Specific Provisions is of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council is not to commence exhibition of the planning proposal until the planning proposal has been amended as required by the conditions contained within 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 Terry Doran of the Regional Office of the Department on (02) 9873 8557.

Yours sincerely,



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2011\_LPOOL\_010\_00):** to include 'retail premises' as an additional permitted use on land at 5 Viscount Place, Warwick Farm, and to limit the area of retail premises to 15,000sq.m and to limit the size of any single tenancy to 1,200sq.m

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 City Local Environmental Plan LEP 2008 to include 'retail premises' as an additional permitted use on land at 5 Viscount Place, Warwick Farm, and to limit the area of retail premises to 15,000sq.m and to limit the size of any single tenancy to 1,200sq.m 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 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 Maritime Services
  - 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.



Dated 20<sup>th</sup> day of December 2011.

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