



Planning & Environment

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Our ref: PP_2015_LPOOL_001_00 (15/05276)
Your ref: 015074.2015

Mr Carl Wulff
Chief Executive Officer
Liverpool City Council
Locked Bag 7064
LIVERPOOL NSW 1871

Attention: Graham Matthews

Dear Mr Wulff

Planning proposal to amend Liverpool LEP 2008 (Amendment No 51)

I am writing in response to your Council's request of 4 March 2015 for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), concerning rezoning of 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

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

I have agreed the planning proposal's inconsistencies with Sections 117 Direction 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions are of minor significance. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the removal of land reserved for acquisition on 131 Bigge Street, Liverpool. No further approval is required in relation to these Directions.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the strategic nature of Council's planning proposal and have decided not to issue an authorisation for delegation.

I have also noted Council's discussion in the planning proposal about overshadowing impact in Bigge Park. As such, Council should give careful consideration for the need for solar access controls in this locality.

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 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 Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Council is further advised to refer to "A Plan for Growing Sydney" document which identifies Liverpool as an important strategic centre as well as a regional city centre. The plan flags that the Priorities for Liverpool Strategic Centre in the South West Subregion planning are to be addressed and considered. These Priorities provide an opportunity for the Department and Council to review the appropriateness of the current size and form of the B3 zoned area as part of a strategic review of the broader B3 zoned area. This will avoid an ad hoc approach to managing future planning proposals in the Liverpool CBD including its role as a Regional City in south-western Sydney.

If you have any queries in regard to this matter, please contact Cho Cho Myint of the Metropolitan Region (Parramatta) office on 02 9860 1167.

Yours sincerely,



22.5.15

Simon Manoski
Acting General Manager
Metropolitan Region
Planning Services



Gateway Determination

Planning proposal (Department Ref: PP_2015_LPOOL_001_00): to amend draft Liverpool Local Environmental Plan 2008 to rezone 133 Bigge Street, 26-28 Elizabeth Street and 148 George Street, Liverpool from B3 Commercial Core to B4 Mixed Use and to amend development standards corresponding to the proposed changes in land use and built form.

I, the Acting General Manager, Metropolitan Region, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), that the proposal should proceed subject to the following conditions:

1. Prior to public exhibition Council is to:
 - (a) revise the planning proposal in relation to identifying the part of land to be removed from the Land Acquisition map. This land is incorrectly identified in the planning proposal as zoned "Local Road (SP2 Infrastructure)" instead of B3 Commercial Core zone; and
 - (b) revise the planning proposal and all relevant documents to accurately show the correct subject site.
 - (c) prepare a shadow analysis to assess the impact on Bigge Park.
2. Prior to public exhibition, Council is to undertake heritage impact study and acid sulphate soils study as proposed in the planning proposal and amend the planning proposal if required. These studies are to be submitted to the Department to satisfy the conditions in respect of section 117 Directions 2.3 Heritage Conservation and 4.1 Acid Sulfate Soils.
3. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be publicly exhibited 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 the planning proposal as identified in section 5.5.2 of *A Guide to preparing local environmental plans* (Department of Planning and Environment 2013).
4. The Secretary's delegate pursuant to:
 - (a) item (5) (d) of section 117(2) Direction - 1.1 Business Zones agrees that the inconsistency in this instance is of a minor nature;

- (b) item (4) of the Section 117(2) Direction – 6.2 Reserving Land for Public Purposes, endorses the removal of land reserved for acquisition on 131 Bigge Street, Liverpool; and
 - (c) item (5) of the Section 117(2) Direction – 6.3 Site Specific Provisions, endorses inclusion of the minimum non-residential FSR site specific controls applying to the site and agrees that the inconsistency in this instance is of a minor nature.
5. 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:

Office of Environment and Heritage
Transport NSW
Road and Maritime Services
Sydney Water
Energy Australia
Telstra
Bankstown Airport Limited
Civil Aviation Safety Authority
Airservices Australia
The Department of Infrastructure and Regional Development

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.

6. A public hearing is not required to be held in relation to this matter by any person or body under section 52(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).
7. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

Dated 22nd day of May 2015.


Simon Manoski
Acting General Manager
Metropolitan Region
Planning Services

Delegate of the Minister for Planning