



15/17392

Mr Carl Wulff  
General Manager  
Liverpool City Council  
Locked Bag 7064  
Liverpool NSW 1871

Attention: Ian Stendara

Dear Mr Wulff

**Planning proposal to amend Liverpool LEP 2008 (Amendment No 60)**

I am writing in response to Council's request of 15 October 2015 for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), in respect of a planning proposal to amend *Liverpool Local Environmental Plan (LEP) 2008* for rezoning of 311 Hume Highway, Liverpool ('the site') from B6 Enterprise Corridor to B4 Mixed Use zone, and associated amendments.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

As consultation was undertaken with Aviation Environment Branch (Aviation and Airports Division) of the Australian Government Department of Infrastructure and Regional Development (DIRD), for the amendment of clause 7.17 relating to airspace operation for Draft Amendment 51 to *Liverpool LEP 2008* which will also apply to the site, no further consultation with DIRD is required. I have agreed that the planning proposal is consistent with the requirements of Section 117 Direction 3.5 Development Near Licensed Aerodromes.

The Department is concerned that the proposal may reduce start-up business opportunities within the vicinity of the city centre where Council has made significant investment in strategic planning for the long term growth and to revitalise the city centre. Council is requested to further assess and justify the impact of the loss of start-up business opportunities on the subject site.

The proposal's consistency with Sections 117 Direction 1.1 Business and Industrial Zones and Direction 6.3 Site Specific Provisions will be considered when the above additional information is received from Council prior to community consultation.

It is considered the proposed amendment to Schedule 1 is not the appropriate mechanism for implementing the plan, as there are no additional uses proposed in the planning proposal. Rather, Council is advised to consider an alternate mechanism which may amend the existing clause 7.16, or propose a new local provision to achieve the intended outcomes in relation to active street frontages, and to enable ground floor residential development fronting Hoxton Park Road and Gillespie Street. Council is requested to advise the Department of these changes prior to community consultation.

Plan making powers were delegated 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.

Further, in considering the planning proposal, the Department is mindful of the specific nature of the development outcome (i.e. involving high-rise buildings on Hume Highway) in an out of centre location and Council is advised that any future developments of similar nature need to be accompanied by strategic studies to justify the planning proposals and the impact on the planned Liverpool city centre.

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

If you have any queries in regard to this matter, please contact Cho Cho Myint of Sydney Region West, Planning Services on 02 9860 1507.

Yours sincerely

 5 April 2016  
**Stephen Murray**  
**Acting Executive Director, Regions**  
**Planning Services**



## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_LPOOL\_007\_00):** to amend Liverpool Local Environmental Plan 2008 concerning rezoning of land at 311 Hume Highway, Liverpool from B6 Enterprise Corridor to B4 – Mixed Use zone and amend development standards corresponding to the proposed changes in land use.

I, the Acting Executive Director, Regions, Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), that the planning proposal to amend Liverpool LEP 2008 for rezoning of 311 Hume Highway, Liverpool ('the site') from B6 Enterprise Corridor to B4 Mixed Use zone, and associated amendments should proceed subject to the following conditions:

1. Prior to public exhibition Council is to:
  - a) further assess and justify the impact of reduction in start-up business opportunities within the vicinity of the city centre on the long term growth and revitalisation of the city centre; and
  - b) remove the proposed provision to Schedule 1 and consider an alternate mechanism to achieve the intended outcomes in relation to active street frontages and to enable ground floor residential development fronting Hoxton Park Road and Gillespie Street.

The updated proposal is to be submitted to the Department.

2. 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:

- Department of Education;
- Endeavour Energy;
- Transport for NSW;
- Department of Health;
- NSW Police Force;
- Transport for New South Wales;
- Road and Maritime Services;
- Sydney Water;
- Telstra; and
- Sydney Metro Airports (Bankstown Airport).

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and be given at least 21 days to comment on the proposal.

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

Dated 5 day of April 2016

  
**Stephen Murray**  
**Acting Executive Director, Regions**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Greater Sydney Commission**