



## Planning & Environment

Sent IO Records

28 SEP 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 52)**

I am writing in response to Council's request of 22 June 2015 for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), concerning rezoning of Liverpool City Centre Commercial Core from B3 Commercial Core to B4 Mixed Use and associated amendments.

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 inconsistency with Section 117 Direction 1.1 Business and Industrial Zones is justified in this instance. I have made this decision on the grounds that despite the planning proposal reducing the commercial footprint and increasing the capacity for residential development within the city centre, the broad intent of the proposal is to ensure the long term prosperity of the City. No further approval is required in relation to this Direction.

The principles upon which the planning proposal has been proposed do not align with the priorities for Liverpool as a Regional City Centre as outlined in *A Plan for Growing Sydney*, which emphasises the need to retain a commercial core in Liverpool to support long term employment growth. However, I am of the view that the proposal does seek to enhance the long term success and performance of the city centre and will provide capacity for additional mixed-use development.

Prior to proceeding to public exhibition, it is recommended that Council consider retaining some B3 zoned sites where government, civic, and office-space functions in the eastern part of the commercial precinct currently operate. This approach will protect an existing civic precinct that would support the broader base of uses likely to arise in the mixed use areas of the CBD.

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.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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.

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



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

24/09/2015



## Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_LPOOL\_003\_00):** to amend *Liverpool Local Environmental Plan 2008* concerning rezoning of Liverpool City Centre Commercial Core from B3 Commercial Core to B4 Mixed Use, to allow additional permissible development controls on Liverpool Hospital Campus site and some existing B4 Mixed Use zones adjoining the city centre, and amend development standards corresponding to the proposed changes in land use and built form.

I, the Deputy Secretary, 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) consult with the Commonwealth Department of Infrastructure and Transport, as required by Section 117 Direction 3.5 Development Near Licensed Aerodromes. The proposal is to be amended, if required, prior to exhibition, in accordance with the outcomes of that consultation.
  - (b) to undertake acid sulfate soils study and amend the planning proposal if required. This study is to be submitted to the Department to satisfy the conditions in respect of section 117 Direction 4.1 Acid Sulfate Soils.
2. 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.
  - (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)*.
3. The Secretary's delegate pursuant to item (5)(d) of section 117(2) Direction - 1.1 Business Zones agrees that the inconsistency in this instance is justified as the strategic intent of the planning proposal seeks to facilitate the long term growth of Liverpool City Centre comprising employment generating and other land uses including residential.

4. 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
- Family and Community Services - Housing NSW
- Department of Trade and Investment
- Department of Health
- Department of Education and Communities
- NSW Police Force
- Transport for NSW
- Transport for NSW - Sydney Trains
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Telstra
- University of Western Sydney
- Sydney Metro Airports (Bankstown Airport)
- The Commonwealth 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.

5. 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).
6. The timeframe for completing the local environmental plan is to be 18 months from the week following the date of the Gateway determination.

Dated 24th day of September 2015.



**Marcus Ray**  
**Deputy Secretary**  
**Planning Services**

Delegate of the Minister for Planning