



**Liverpool LEP 2008 (Amendment No 61) – Proposal to amend Schedule 1 of Liverpool LEP 2008 to permit ‘shops’ to a maximum Gross Floor Area of 21,000sqm at 10 Orange Grove Road, Warwick Farm**

Proposal Title : **Liverpool LEP 2008 (Amendment No 61) – Proposal to amend Schedule 1 of Liverpool LEP 2008 to permit ‘shops’ to a maximum Gross Floor Area of 21,000sqm at 10 Orange Grove Road, Warwick Farm**

Proposal Summary : **The planning proposal seeks to amend Schedule 1 Liverpool LEP 2008 under Additional Permitted Use to permit ‘shops’ as an additional use up to a maximum Gross Floor Area (GFA) of 21,000 square metres at 2-10 Orange Grove Road and 5 Viscount Place at Orange Grove Mega Centre site (part of Lot 101 DP 1043160 and part of Lot 23 DP 1190437).**

PP Number : **PP\_2016\_LPOOL\_002\_00**      Dop File No : **16/02579**

**Proposal Details**

Date Planning Proposal Received : **20-Jul-2016**      LGA covered : **Liverpool**

Region : **Metro(Parra)**      RPA : **Liverpool City Council**

State Electorate : **LIVERPOOL**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

**Location Details**

Street : **10 Orange Grove Road**

Suburb : **Warwick Farm**      City : **Liverpool**      Postcode : **2170**

Land Parcel : **Lot 101 DP 104316 and part of Lot 23 DP 1190437**

**DoP Planning Officer Contact Details**

Contact Name : **Amar Saini**

Contact Number : **0298601531**

Contact Email : **amar.saini@planning.nsw.gov.au**

**RPA Contact Details**

Contact Name : **Graham Matthews**

Contact Number : **0298219156**

Contact Email : **g.matthews@liverpool.nsw.gov.au**

**DoP Project Manager Contact Details**

Contact Name : **Derryn John**

Contact Number : **0298601505**

Contact Email : **derryn.john@planning.nsw.gov.au**

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**Land Release Data**

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	576

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **The Department’s Lobbyist Contact Register has been checked on 24 March 2016, and there are no records on the Department’s Lobbyist Contract Register regarding this matter.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

**Supporting notes**

Internal Supporting Notes : **ADDITIONAL INFORMATION**

**The planning proposal was received on 4 January 2016. Further information was sought from Liverpool Council and received on 22 February 2016.**

**Letter issued 20 May 2016 seeking further economic analysis from Council. Response was received from Council 30 May 2016.**

External Supporting Notes : **POLITICAL DONATIONS DISCLOSURE STATEMENT**

**Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.**

**“The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.**

**The term relevant planning application means:**

**- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument...”**

**Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).**

**The Department has not received any disclosure statements for this Planning proposal.**

**Adequacy Assessment**

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**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment :

**The objective of the planning proposal is to facilitate additional traditional retail uses (shops) within the site to provide for unmet demand in the vicinity of the Orange Grove Mega Centre. No other development standards are to be changed. The planning proposal proposes the addition of shops as a permissible use on the site and places a maximum GFA cap on the land use and continue to allow bulky goods retail premises on the site.**

**Explanation of provisions provided - s55(2)(b)**

Is an explanation of provisions provided? **Yes**

Comment :

**Council has provided an explanation and relevant maps for the proposed amendment. The objectives of the planning proposal will be achieved by amending the Key Site Map (KYS Sheet No 10 - copy in Documents) and inserting an additional clause with the following wording:**

**Use of certain land at Warwick Farm**

**(1) This clause applies to part of Lot 101 in DP 1043160, 2-10 Orange Grove Road and part of Lot 23 in DP1190437, 5 Viscount Place, Warwick Farm, as shown coloured red on the Key Sites Map.**

**(2) Development for the purposes of shops is permitted with consent if the total gross floor area of shops on the site does not exceed 21,000m<sup>2</sup>.**

**It is noted that there is an error in the land description. A condition has been included on the Gateway determination seeking correction of the lot description and clarification of the land to which the proposal applies. The boundary of the proposal may need to be amended having regard to Amendment 22 of the Liverpool LEP 2008 and a potential overlap on Lot 23 DP 1190437.**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

**1.1 Business and Industrial Zones**

**2.1 Environment Protection Zones**

\* May need the Director General's agreement

**3.4 Integrating Land Use and Transport**

**4.3 Flood Prone Land**

**4.4 Planning for Bushfire Protection**

**6.3 Site Specific Provisions**

**7.1 Implementation of A Plan for Growing Sydney**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

**S117 DIRECTIONS:**

**1.1 BUSINESS AND INDUSTRIAL ZONES:**

**This direction applies as the planning proposal involves an existing business zoned land.**

**Council considers that the proposal is not inconsistent with the direction as it will not**

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reduce the land zoned for business uses (B5 Business Development zone). Council acknowledges that there will be a minor reduction in bulky goods floor space as a result of the proposal. However, the Liverpool Retail Centres Hierarchy Review identified a sufficient supply of bulky goods retail floorspace is in the area and the proposed reduction is not considered significant.

The proposal is considered to be consistent with the Direction.

#### **2.1 ENVIRONMENT PROTECTION ZONES**

Clause 4 of this direction requires that a planning proposal must include provisions to facilitate the protection and conservation of environmentally sensitive areas. Clause 5 of the direction also requires that a planning proposal must not reduce the environmental standards applying to land zoned or otherwise identified for environmental protection purposes.

This direction applies in this instance, as the northern edge of the site is identified as Environmentally Significant Land (copy of map in Documents).

However, the planning proposal is considered to be consistent with the direction as the proposal does not remove or amend clause 7.6 of Liverpool LEP 2008 (copy in Documents) which applies specific controls to land identified as Environmentally Significant.

#### **3.4 INTEGRATED LAND USE AND TRANSPORT**

The direction applies to the planning proposal.

Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and
- (b) The right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car.

The proposal contributes to the development of a new centre which will have a full range of retail outlets and some services. Concentrating these uses at one location effectively contributes to the reduction in the number of trips taken.

The proposal is considered to be consistent with the direction as the site has a good access to a main arterial road (Orange Grove Road/Cumberland Highway) with access to public transport – buses along Orange Grove Road.

#### **4.3 FLOOD PRONE LAND**

This direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land.

This direction applies as the site is identified as Flood Prone Land and its northern and eastern edges are located within the Flood Planning Area (copy of the map in Documents). Council has advised that the proposal is consistent with the direction as:

- All additional floor space will be able to be located above the flood planning level;

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- It will not result in development within the Cabramatta Creek channel or loss of flood storage;
- The site is already partially developed and the proposed development is not expected to result in an increase in flood levels; and
- Proposed use of shops will not put additional people at risk during flood event.

Council has advised that a Flood Risk Management Plan in accordance with the principles and guidelines of the Floodplain Development Manual 2005 is already in place for the site under the Cabramatta Creek Floodrisk Management Plan.

Further, it is noted that clause 7.8 Flood planning of Liverpool LEP 2008 (copy in Documents) contains heads of consideration which Council is required to consider before granting development consent in flood prone areas.

Given the above it is considered that flood impact will be given due consideration through the DA process, the proposed use and built form will have minimal flood impact, and the proposal is consistent in this direction.

#### **4.4 PLANNING FOR BUSHFIRE PROTECTION**

This direction applies when a council prepares a planning proposal that affects, or is in proximity to land mapped as bushfire prone land.

This direction is relevant to this planning proposal as the northern and eastern portion of the site is bushfire prone – Vegetation Buffer (map in Documents).

Technically, the planning proposal is inconsistent with this Direction as the proposal does not provide for inclusion of measures such as Asset Protection Zones, performance standards for development, access roads or water for fire fighting purposes as this Direction requires. Council has however advised that any inconsistencies are considered to be of minor significance, as it will consult with the Commissioner of NSW Rural Fire Service following Gateway determination to ensure that they do not object to any aspect of this planning proposal.

Council is to consult the Commissioner of the NSW Rural Fire Service prior to community consultation in accordance with the direction.

#### **6.3 SITE SPECIFIC PROVISIONS**

The objective of this direction is to discourage unnecessary restrictive site specific planning controls. The planning proposal will:

- introduce a site specific permissible use only; and
- allow an additional use within Schedule 1 of the Liverpool LEP 2008. The additional permitted use relates to ‘shops’ and is limited to 21,000 square metres GFA on a site which is already zoned and used for business uses.

It is noted that Council initially has considered rezoning of the site to B2 Local Centre zone. However, it was considered that the B2 zone does not meet the objectives of the zone and would result in poor land use outcome. Council is therefore of the view that it is advantageous to retain the B5 zone to allow bulky goods retailing to remain permissible on the site.

It is considered that inconsistency is of minor nature and the Secretary’s approval to the inconsistency is recommended.

#### **7.1 IMPLEMENTATION OF A PLAN FOR GROWING SYDNEY**

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The proposal is consistent with this direction and is considered further under Assessment Criteria.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment : **Council has provided the following maps:**

1. Aerial view of the site
2. Existing Land Zoning Map
3. Location map
4. Bushfire Prone Land map
5. Environmentally Significant Land map
6. Flood planning area map
7. Local Public Transport Infrastructure
8. Draft Key sites map

**Council has not clearly identified the land description of the subject site and is recommended that this be clarified and submitted to the Department prior to the proposal being publicly exhibited.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **No**

Comment : **No community consultation period has been proposed by Council. However, given the nature of the Planning Proposal, it is recommended that it should be placed on public exhibition for a minimum of 28 days.**

**Additional Director General's requirements**

Are there any additional Director General's requirements? **No**

If Yes, reasons :

**Overall adequacy of the proposal**

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

**Proposal Assessment**

**Principal LEP:**

Due Date :

Comments in relation to Principal LEP : **Liverpool LEP 2008 is a Standard Instrument LEP. The planning proposal is to amend the LEP.**

**Assessment Criteria**

Need for planning proposal : **BACKGROUND AND PROPOSAL**

**The site (part of Lot 101 DP 1043160 and part Lot 23 DP 119047) is located within The Orange Grove Centre known as the Grove Liverpool. It is located approximately 1.5km north of Liverpool City Centre and is at the northern edge of Liverpool LGA bordering**

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Fairfield LGA.

The centre accommodates the following retail uses (shown on the Location Map):

1. MegaCenta Homemaker Centre;
2. weekend markets site (approved outlet retailing centre);
3. Dan Murphy’s liquor store;
4. McDonalds store; and
5. Officeworks store.

The homemaker centre mainly accommodates bulky goods retailing premises, a bowling alley, a gymnasium and NSW Government Service Centre. Council has advised that a number of tenancies within the centre are currently vacant.

**Background**

The site is currently zoned B5 – Business Development under the Liverpool LEP 2008.

In March 2015, the proponent submitted a planning proposal to Council, which sought to rezone part of the site to B2 Local Centre zone. Council did not support the planning proposal as it considered that the proposal is inconsistent with the objectives of the zone and would result in land use conflict with adjoining uses. Council also considered that rezoning to B2-Local Centre would open up the possibility of establishing uses that would not be desirable in the locality. The B2 zone permits a range of retail, business, entertainment and community uses. B2 zone also allows a number of additional uses such as residential flat buildings or shop top housing, which are prohibited in the B5 zone and would lead to unintended consequences and poor land use outcomes.

Council considered that a better outcome will be achieved by retaining the existing B5 zoning (which would continue to permit bulky goods retailing) and allowing shops under Schedule 1 of Liverpool LEP 2008 as an additional use, with a maximum gross floor area limit of 21,000 square metres. The planning proposal was amended accordingly.

**Proposal**

The planning proposal seeks to amend Schedule 1 of the Liverpool LEP 2008 to permit shops as an additional use up to a maximum gross floor area of 21,000 square metres. No other development standards are proposed to be changed.

The proposal will facilitate the delivery of a retail centre on the site with approximately 27,000 square metres of net leasable area of bulky goods retailing and approximately 17,000 square metres of traditional retail uses (shops). The traditional retail floorspace of 17,000 square metres space is expected to accommodate:

- a Kmart (5,000 square metres);
- a major supermarket (3,800 square metres);
- a discount supermarket (1,600 square metres);
- two mini-majors comprising some 1,500 square metres;
- In total 4,600 square metres of speciality shops; and
- 500 square metres of non-retail commercial tenancies.

However, it is noted that the proposal will allow upto 21,000 sqm GFA of shops.

Council has advised that the Orange Grove Centre plays an important role in providing bulky goods and large format retailing for Liverpool. Council expects that the demand for bulky goods will increase significantly with projected population and residential growth in the area.

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Consistency with strategic planning framework :

**ETROPOLITAN STRATEGY**

**A PLAN FOR GROWING SYDNEY**

The planning proposal is considered to be consistent with A Plan for Growing Sydney. A Plan for Growing Sydney recognises Liverpool as one of the important strategic centres (Direction 1.7 Grow strategic centres-providing more jobs closer to home) and seeks economic growth in surrounding areas including the Bankstown to Liverpool Enterprise Corridor (map in Documents). It also encourages to develop adequate retail and commercial areas to provide jobs closer to home and provide a range of services and be an attractive place to live, work and play.

The planning proposal is consistent with this aim as it seeks to provide increased retail and services to local community as well as increased economic activity and employment growth in the area (576 additional part/full time jobs).

**STUDIES**

The planning proposal is supported by the following studies:

**Economic Impact Assessment (EIA) (Leyshon Consulting 2015) (copy in Documents)**

The EIA is prepared for the proponent (Gazcorp Pty Ltd). The EIA concluded:

- the Orange Grove trade area population is expected to increase from 120,000 persons in 2012 to 131,000 by 2021;
- between 2011 and 2021 total annual retail spending is projected to increase by \$250.7 million (\$2014). This will support an increase in retail floorspace of at least 38,500 square metres;
- the proposed expansion of Orange Grove will generate additional sales of \$116.5 million per annum in 2019;
- the proposed expansion means that the centre needs to capture only 8.7% of available retail spending generated in the trade area in 2019. 91.3% of available spending would be directed to the other shopping centres either within the trade area or external to it;
- in 2019, the proposed expansion of Orange Grove will have modest impacts on the existing centres;
- the impact on the Liverpool CBD is estimated -5.0% for the centre as a whole and -5.8% for the Westfield centre in particular;
- the impact on other centres in and adjacent to the trade area ranges between -1.7% and -7.3% with the majority of impacts being less than -4.0% in 2019;
- recent survey indicates that the retail vacancies in Liverpool CBD have declined significantly since 2011; and
- no appropriate vacant premises or development sites are available to accommodate Kmart, supermarket and supporting speciality shops.

The EIA concludes that the impact of the proposal is acceptable.

The EIA also advocates that the proposal will generate significant net community benefit as it will improve a range of retail facilities to residents within the trade area. It will improve competition and choice for the trade area for residents.

The proposed development will increase shopper convenience as retailing will be combined with bulky goods and outlet floorsapce. This will enable residents to undertake a single trip rather than having several separate trips to multiple destinations.

Further, the proposal will create about 576 jobs on full and part time basis. This does not include jobs during construction of the development. According to the EIA, despite some impact on the surrounding centres, the overall benefits of additional retail development at Orange Grove will outweigh any minor negative impacts. Hence, there is net community



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benefit from the proposal.

**Peer review of Economic Impact Assessment (Prepared by Deep End consultants for Gazcorp Pty Ltd (the proponent) (copy in Documents)**

This peer review was conducted by Deep End to EIA prepared by Leyshon Consulting Pty Ltd for the proponent. The review generally supported the findings of the EIA and concluded that the proposal would not lead to a significant trading impact on any competing centres. The peer review's sales forecast for the proposed development is consistent with the EIA and supported the EIA analysis in relation to the potential impact of the proposal on Liverpool CBD.

The review acknowledged that the proposal will have slightly higher impact on the other sub-regional centres in the area including the Fairfield Town Centre, Stockland Wetherill Park and Bonnyrigg Plaza. On the whole, it supported the EIA conclusion that the proposal would not lead to a significant trading impact on any competing centre to the extent that the role of the centre would be compromised. In particular the potential effect of the proposal on the Liverpool CBD will be much less given the vacant floorspace is now substantially lower than reported in the Liverpool Retail Centre Hierarchy Review.

Overall, the peer review concluded that the proposal will facilitate a development which would generate a substantial net community benefit in the form of increased local employment, wider retail choice, additional competition and resultant downward pressure on prices.

**Second Peer review of Economic Impact Assessment – Prepared by Essential Economics Pty Ltd for Liverpool City Council (October 2015) (copy in Documents)**

Essential Economics was commissioned by Liverpool City Council to undertake an independent review of the EIA prepared by Leyshon and the proponent's peer review prepared by Deep End. In summary the peer review by Essential concluded:

- the proposed development is unlikely to lead to a reduction in retail facilities or services at other competing centres in the region;
- the competitive trading impacts from the proposal are not expected to impact on the operation of the retail hierarchy that currently serves the communities in the Cities of Liverpool and Fairfield; and
- the impact of the proposal on the Liverpool CBD and in particular the Westfield Liverpool centre is forecast to result in a reduction in retail sales of -5.9% in 2019 at the Liverpool CBD, including a reduction of -7.3% of sales at Westfield Liverpool. The impact on the other centres will be as below:

o Stockland Wetherill Park:	-\$13.2m(or -3.4% of sales)
o Cabramatta:	-\$7.6m (or -3.6% of sales)
o Fairfield Town Centre:	-\$6.4m (or -1.7% of sales)
o Bonnyrigg Plaza:	-\$6.1m (or -5.4% of sales)

These findings are consistent with the proponent's EIA by Leyshon and the peer review by Deep End.

#### **Assessment**

It is considered that the conclusions made by Council's peer review by Essential Economics is adequate for issuing of the Gateway determination. The impact of the proposal on the other centres particularly on Liverpool CBD and Liverpool Westfield Centre can be further investigated and tested as a result of any submission made in response to the exhibition of the planning proposal.

#### **Sequential Test**

The proponent has included a Sequential Test with the planning proposal to demonstrate the site's suitability for the proposed use. The sequential test examines the availability of suitable land within the existing, or adjacent to existing centres to accommodate the proposed development.

According to the test there are no opportunities to use existing buildings/sites in the Liverpool CBD to accommodate the proposed new retail centre. Amalgamation of sites within the Liverpool CBD is also difficult due to high fragmentation of land ownership and current subdivision pattern. There are also limited sites in other centres or edge-of-centres that could accommodate the proposed development. The sequential test concluded that there are no alternative sites available in established retail centres to accommodate the proposal.

The Department considers that the sequential test provides sufficient information for the proposal to proceed to exhibition.

#### **Liverpool Retail Centres Hierarchy Review 2012**

In 2012, Council approved the Liverpool Retail Centres Hierarchy Review 2012. The main objective of this document is to ensure that the role of centres are clearly defined and that expansion of one centre does not threaten the role of another centre further up and down in the hierarchy.

The Liverpool Retail Hierarchy Review identifies the Orange Grove Centre as one of the Bulky Goods Clusters. The Review:

- acknowledges that the redevelopment of the site for non-bulky goods will have some adverse impact upon the Liverpool City Centre;
- notes that there is some undersupply of department and discount department store floorspace in 2011 and beyond in Liverpool LGA;
- recognises that south-east Cabramatta is not serviced by any discount department stores;
- states that Orange Grove is well situated to service this unmet demand; and
- notes that the proposal will mainly use the area, which has been vacated in the recent past.

The proposal is therefore considered to be consistent with this document.

#### **Traffic and Transport Assessment**

A traffic and transport assessment has been provided by the proponent. The Assessment notes that the existing two access points will remain the main points for access under the proposal. No additional access points are proposed. However, in order to accommodate the additional traffic generated from the proposal, minor changes to the intersection configuration of Orange Grove Road and Viscount Place will be required. The Assessment recommends increasing the bus frequency for the site would help in minimising the number of visitors arriving in private vehicles and would help to reduce the traffic impact from the proposed development.

#### **Voluntary Planning Agreement**

The Traffic and Transport Assessment submitted with the planning proposal recommends upgrading the intersection of Viscount Place and Orange Grove Road. The proponent has offered to fund this upgrading through a Voluntary Planning Agreement.

#### **Growing Liverpool 2032 (copy in Documents)**

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Growing Liverpool 2032 is a community Strategic Plan for Liverpool LGA. Direction 1 of the document says that Council will play a lead role in supporting and promoting robust local economy by developing a range of strategies to develop vibrant and dynamic public spaces that attract business and investment. Council will work with landowners, business and stakeholders to develop retailing places and destinations that attract people to Liverpool. Council will support land use policies that are conducive to commercial growth in both the city centre and across Liverpool.

Council has advised that the planning proposal is consistent with this document as it aims to facilitate the delivery of new retail use to accompany the existing B5 zone for bulky goods retailing.

**Conclusion**

In light of the assessment of the above documents, it can be concluded that the proposal is suitable for issuing of a Gateway determination.

Environmental social economic impacts :

**ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS**

**Economic Impacts**

As discussed in the above paragraphs the proposed additional uses are unlikely to lead to a major reduction in retail facilities or services of other competing centres in the region.

**Social Impacts**

The planning proposal will have positive social benefits as it will provide additional retail shops and jobs.

**Environmental Impacts**

The environmental impacts from the planning proposal have already been discussed under the relevant s117 Directions.

Flood risk can be managed through the Council's existing Flood Risk Management Plan and LEP provisions, and the proposed land use and built form will have minimal flood impact. The site is bushfire prone. Consultation with NSW Rural Fire Services has been recommended as a condition of the Gateway determination to ensure that they do not object to the planning proposal.

**Assessment Process**

Proposal type :	<b>Routine</b>	Community Consultation Period :	<b>28 Days</b>
Timeframe to make LEP :	<b>12 months</b>	Delegation :	<b>DG</b>
Public Authority Consultation - 56(2)(d) :	<b>Integral Energy                  NSW Rural Fire Service                  Transport for NSW                  Transport for NSW - Roads and Maritime Services                  Sydney Water                  Telstra                  Adjoining LGAs</b>		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

**Documents**

Document File Name	DocumentType Name	Is Public
Council Cover Letter.pdf	Proposal Covering Letter	Yes
Council Planning Report.pdf	Study	Yes
Planning Proposal.pdf	Proposal	Yes
Traffic and Transport Assessment Report.pdf	Study	Yes
Sequential Test and Site Suitability Assessment Report.pdf	Study	Yes
Economic Impact Assessment.pdf	Study	Yes
Liverpool CBD Retail Vacancy Survey.pdf	Study	Yes
Peer Review of Economic Assessment by Proponent.pdf	Study	Yes
Peer Review of Economic Impact Assessment-For Council.pdf	Study	Yes
Location Map.pdf	Map	Yes
Site Map.pdf	Map	Yes
Existing Key Sites Map.pdf	Map	Yes
Bushfire Prone Land Map.pdf	Map	Yes
Environmentally Significant Land Map .pdf	Map	Yes
Flood Planning Area Map.pdf	Map	Yes
Copy of Clause 7.6 Environmentally significant land .pdf	Study	Yes
Copy of Flood planning.pdf	Study	Yes
FLOOD ASSESSMENT Letter Proposal to amend 10 Orange Grove Road and 5 Viscount Place Warwick Farm Lot 101 DP1043160 Lot 23 DP1190437.pdf	Study	Yes
FLOOD ASSESSMENT Proposal to amend 10 Orange Grove Road and 5 Viscount Place Warwick Farm Lot 101 DP1043160 Lot 23 DP1190437.pdf	Study	Yes
fLOOD Volume Reports Proposal to amend 10 Orange Grove Road and 5 Viscount Place Warwick Farm Lot 101 DP1043160 Lot 23 DP1190437(2).pdf	Study	Yes
Map from A Plan for Growing Sydney.pdf	Map	Yes
Site on Existing Zoning Map.pdf	Map	Yes
Cabramatta-Creek-Floodplain-Risk-Management-Study-and-Plan.pdf	Study	Yes
DPE Orange Grove ltr 20-5-16 further info.pdf	Determination Document	Yes

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**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones**
  - 2.1 Environment Protection Zones**
  - 3.4 Integrating Land Use and Transport**
  - 4.3 Flood Prone Land**
  - 4.4 Planning for Bushfire Protection**
  - 6.3 Site Specific Provisions**
  - 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **RECOMMENDATION**

It is recommended that the planning proposal proceed subject to the following conditions:

1. Amendment of the planning proposal to correct the property description of the land to which the proposal applies and amendment of maps to clearly define the area. The planning proposal should be submitted to the Department for approval prior to proceeding to exhibition.

2. Prior to exhibition the Rural Fire Service must be consulted in accordance with the requirements of s.117 Direction 4.4 Planning for Bushfire Protection.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

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:

- Endeavour Energy;
- Road and Maritime Services;
- Sydney Water;
- Telstra;
- NSW Rural Fire Service;
- Fairfield City Council; and
- Transport NSW.

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.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

**Liverpool LEP 2008 (Amendment No 61) – Proposal to amend Schedule 1 of Liverpool LEP 2008 to permit ‘shops’ to a maximum Gross Floor Area of 21,000sqm at 10 Orange Grove Road, Warwick Farm**

**DELEGATION OF GATEWAY DETERMINATION**

**Council has not requested plan making functions to be delegated to Council. To allow the Department further opportunity to review and consider any submissions, it is recommended delegation should not be issued to Council.**

Supporting Reasons : **The planning proposal is supported to proceed as it is considered that sufficient economic justification has been submitted to allow exhibition of the proposal.**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_