



Mr Michael Cullen
Acting Chief Executive Officer
Liverpool City Council
Locked Bag 7064
Liverpool NSW 1871

Our ref: PP_2016_LPOOL_002_00 (16/03510)
Your ref: 338574.2015

Dear Mr Cullen

**Planning proposal to amend Liverpool Local Environmental Plan 2008
(Amendment No 61)**

I am writing in response to your Council's letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning 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.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Directions 6.3 *Site Specific Provisions* is of minor significance. No further approval is required in relation to this Direction.

Council is to consult the NSW Rural Fire Service prior to Council undertaking community consultation as per the requirements of *s.117 Direction 4.4 Planning for Bushfire Protection*.

Council has not clearly identified the land description of the subject site and is advised that this be clarified and submitted to the Department prior to community consultation. The Council's attention is drawn to the boundary of Amendment 22 to the *Liverpool Local Environment Plan 2008* and whether there is an overlap between the current proposal and Amendment 22 on Lot 23 DP 1190437.

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

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 for the Department of Planning and Environment 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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Cho Cho Myint of the Department's regional office to assist you. Ms Myint can be contacted on (02) 9860 1507.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

Encl:
Gateway Determination



Memorandum

To Gary White, Chief Planner
From Steve Murray, Executive Director, Regions
Phone (02) 9228 6249
Date 16 August 2016 **File no** qA394292 **File** memo.doc

Subject: GATEWAY DETERMINATION ORANGE GROVE MEGA CENTRE

Purpose

To request the Chief Planner provide an independent review of the request by Liverpool City Council for a Gateway Determination to allow the planning proposal for the Orange Grove Mega Centre to proceed to exhibition.

Issue

The Sydney Region West planning team has assessed the planning proposal submitted by Liverpool City Council to permit shops as an additional use up to a maximum Gross Floor Area (GFA) of 21,000m² at the Orange Grove Mega Centre site.

The site adjoins land rezoned previously for retail uses. The total GFA for retail /shops over the two sites will be 40,000m².

The key issue for consideration is the potential economic impact on existing retail premises in the vicinity, including Liverpool CBD.

The Sydney Region West planning team has recommended that the Deputy Secretary issue a Gateway Determination allowing the planning proposal for the Orange Grove Mega Centre to proceed to exhibition.

Given the contentious nature of the previous rezoning on adjoining land and the anticipated contentious nature of the current proposal, Marcus and I would like you to review Liverpool City Council's request for a Gateway Determination and let us have your advice on the recommendation by the Sydney Region West planning team.

Please contact me if you need any further information, or have specific queries.


Steve Murray

16 August 2016

Memorandum

To Steve Murray, Executive Director, Regions
From Gary White, Chief Planner
Phone 02 9228 6376 || Email gary.white@planning.nsw.gov.au
Date 07 September 2016 **File no** qA394292 **File** memo.doc

Subject: GATEWAY DETERMINATION ORANGE GROVE MEGA CENTRE

Purpose

The purpose of this report is to provide an independent review of a request by Liverpool City Council for a Gateway Determination to allow a planning proposal for additional retail floor space at the Orange Grove Mega Centre to proceed to exhibition. Details associated with the proposal, location, land area and history are outlined in report proposed by the Sydney Region West planning team.

Background

I have been requested to examine Liverpool City Council's request for a Gateway Determination and provide advice on the recommendation by the Sydney Region West planning team.

The review of Sydney Region West planning team has assessed a planning proposal submitted by Liverpool City Council to permit shops as an additional use up to a maximum Gross Floor Area (GFA) of 21,000m² at the Orange Grove Mega Centre site.

The site adjoins land rezoned previously for retail uses. The total GFA for retail/shops over the two sites will be 40,000m².

A key issue for consideration as part of the Gateway process is the potential economic impact on existing retail premises in the vicinity, including Liverpool CBD.

The Sydney Region West planning team has recommended that the Deputy Secretary Planning Services, issue a Gateway Determination allowing the planning proposal for the Orange Grove Mega Centre to proceed to exhibition.

Relevant Background Planning Considerations:

- The planning proposal and location is consistent with outcomes contained within Liverpool City Council's 'Liverpool Retail Centres Hierarchy Review 2012'
- There is a history of retailing activity within the precinct. This appears to have evolved since 1997. Bulky goods outlets, a liquor outlet and markets were approved, making up approximately 20,000m² of retail activity
- There was a primary economic study which accompanied the application and a secondary economic analysis proposed for comment, peer reviewing the primary study. Both concluded that the proposed additional GFA of 21,000m² would not lead to a significant trading impact on other centres
- The proposal has been supported by the Local Planning Authority
- An extensive planning analysis has been conducted by officers within the Department of Planning and Environment (DPE), and this concluded that consideration should be given to a gateway proposal. The analysis accurately reflects the history, planning merits and issues associated with the proposal.

- This proposal is not seeking a planning approval, it is a request seeking consideration of a particular planning approach. The considerations around planning merit will still be subjected to further analysis and testing as part of a planning application process.

Comments:

I have read and considered this planning report prepared by DPE and the recommendations contained therein.

A competent planning analysis has been undertaken by DPE in dealing with this Gateway Determination. I am of the view there is no reason why the proposal should not proceed to the next stage. A stage which will enable further planning scrutiny as required, and this aspect has been appropriately considered in DPE's report.

There is sufficient justification to warrant the planning proposal to proceed to exhibition. Noting firstly, further economic and planning analysis can be undertaken as part of the planning consideration process and secondly, it has been recommended that the LEP process not be delegated to Liverpool City Council – thereby enabling DPE to undertake assessment of submissions and if necessary, seek further economic review.

I further note and support the content of the **Conclusion** by Stephen Murray, Executive Director - Regions:

- The primary issue for consideration is the potential economic impact on existing retail premises in the vicinity including the Liverpool CBD
- Sufficient justification and supporting information has been supplied by Liverpool City Council to allow the proposal to proceed to exhibition
- It is recommended that delegation not be given to Liverpool City Council to finalise the plan. This will enable DPE to undertake a further assessment of any issues raised in response to the exhibition of the plan
- It is considered that there are no other matter that preclude the proposal from proceeding to exhibition.

Recommendation

That the report and recommendations made by DPE Planning Services to proceed with a Gateway determination be accepted, namely:

- That the Deputy Secretary, Planning Services:
 - (a) As a delegate of the Greater Sydney Commission:
 - o **notes** the Planning Team Report (Tab A);
 - o **signs** the Gateway determination supporting the planning proposal (Tab B); and
 - o **signs** the attached letter (Tab C) advising Liverpool City Council of the Gateway decision.
 - (b) As a delegate of the Secretary:
 - o **agrees** that any inconsistency with S117 Direction 6.3 Site Specific Provision is of minor significance.



Gary White

.../09/2016