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Department Generated Correspondence (Y)

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Our ref: PP_2011_LPOOL_006_00 (11/01589-1)
Your ref: RZ-3/2011-209838.2010

Mr Farooq Portelli
General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Dear Mr Portelli,

Re: Planning Proposal to address various amendments related to land in the vicinity of Warwick Farm Racecourse, being part of Lot 1 DP 1040353, Munday Street, Liverpool

I am writing in response to your Council's letter dated 13 January 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Liverpool Local Environmental Plan 2008 to address various amendments related to land in the vicinity of Warwick Farm Racecourse, being part of Lot 1 DP 1040353, Munday Street, Liverpool consisting of a rezoning of the land from R2 Low Density Residential and RE2 Private Recreation to IN2 Light Industrial; the inclusion of additional uses at Schedule 1; removing the Heritage Conservation Area from Schedule 5; and to amend various Liverpool Local Environmental Plan 2008 Maps.

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.

The Department does not support the inclusion of an additional use in Schedule 1. The Gateway has determined to progress the planning proposal with a B5 zoning over the subject site. "Bulky Goods Premises" is a permissible (with consent) use in the B5 zone, and therefore an amendment to Schedule 1 and an amendment to the Key Sites Map are no longer required. Council is to remove the proposed amendment to Schedule 1 and the Key Sites Map from the planning proposal.

Council is to prepare the following draft maps in accordance with the Department's Standard Technical Requirements for LEP Maps for the site.

- A draft LEP Height of Buildings Map
- A draft LEP Floor Space Ratio Map
- A draft LEP Lot Size Map

Part of Lot 1 DP 1040353 is listed as a State Heritage item under Division 1 of Part 1 within Schedule 5 of Liverpool LEP 2008. Council is to clarify the effect of the listing on the intent of the proposal with the Department's Regional Team, prior to the planning proposal being placed on public exhibition. Subject to Council providing advice on this matter, the Director General's delegate has agreed that the planning proposal's inconsistencies with S117 Direction 2.3 Heritage Conservation are of a minor significance.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones, 3.1 Residential Zones, 3.4 Integrating land Use and Transport, 4.1 Acid Sulfate Soil, 4.3 Flood Prone Land and 7.1 Implementation of

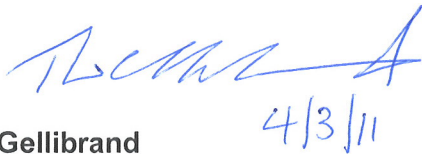
the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Cho Cho Myint of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: Liverpool PP_2011_LPOOL_006_00): to address various amendments related to land in the vicinity of Warwick Farm Racecourse, being part of Lot 1 DP 1040353, Munday Street, Liverpool

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Liverpool Local Environmental Plan 2008 to address various amendments related to land in the vicinity of Warwick Farm Racecourse, being part of Lot 1 DP 1040353, listed below:

- o to rezone part of Lot 1 DP 1040353 from R2 Low Density Residential and RE2 Private Recreation to IN2 Light Industrial;
- o to amend Schedule 1 to permit the retailing of 'Camping and Outdoor Recreation Equipment', 'White Goods', and 'Home Décor Items';
- o to remove the Warwick Farm Heritage Conservation Area from Schedule 5 of Liverpool LEP 2008;
- o to amend the Floor Space Ratio Map – the maximum floor space ratio is to be changed from 0.5 to 0.75;
- o to amend the Lot Size Map – the minimum lot size for the entire site is to be increased from 600 sqm and 10000 sqm to 20000 sqm;
- o to amend the Height of Buildings Map – the height of buildings is to be increased from 8.5m to 15m; and
- o to amend the Key Sites Map Sheets 6,7,8,10,11,12,13,14 and 15 – include a new colour to the Key Sites Map to denote the proposed additional uses

should proceed subject to the following conditions:

1. The planning proposal is to proceed with a proposed B5 zoning over the subject site, being Lot 1 DP 1040353.
2. The amendment to Schedule 1 to permit 'Camping and outdoor recreation equipment', 'White goods' and 'Home Décor Items' as additional permitted uses on the subject land be removed from the planning proposal.
3. The proposed amendment to the Key Sites Map is to be removed from the planning proposal as it is no longer required.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Sydney Metro
 - Department of Environment, Climate Change and Water
 - Integral Energy

- Roads and Traffic Authority
- Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(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 LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

4th

day of

March

2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning