



Contact: Terry Doran
Phone: (02) 9873 8557
Fax: (02) 9873 8513
Email: Terry.Doran@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2011_LPOOL_010_00 (11/09398-1)
Your ref: 155302.2011

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

Dear Mr Portelli,

Re: Planning Proposal to include 'retail premises' as an additional permitted use on land at 5 Viscount Place, Warwick Farm, and to limit the area of retail premises to 19,000sq.m and to limit the size of any single tenancy to 1,200sq.m

I refer to your request of 6 February 2012 seeking an alteration to the Gateway Determination of 20 December 2011 for Planning Proposal PP_2011_LPOOL_010_00 to include 'retail premises' as an additional permitted use on land at 5 Viscount Place, Warwick Farm, and to limit the area of retail premises to 19,000sq.m and to limit the size of any single tenancy to 1,200sq.m.

It is noted that Council's intended outcome of the proposal was to limit the floor space area of retail premises to 19,000sq.m, however the letter and Gateway Determination dated 20 December 2011 refers to a floor space area of 15,000sq.m.

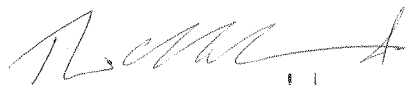
Therefore, I have determined as delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 20 December 2011 for Planning Proposal No. PP_2011_LPOOL_010_00, to limit the area of retail premises to 19,000sq.m as opposed to 15,000sq.m. In doing so, Council is to amend the planning proposal to ensure there are no references to 15,000sq.m and that Council's intended outcome to limit retail premises on the subject site is clearly and accurately articulated. In these circumstances, the amended Planning Proposal may proceed subject to the conditions in the attached Gateway Determination.

Please note that the letter dated 20 December 2011 remains valid and should be included with the planning proposal for the purposes of community consultation. Council is not required to submit the planning proposal to the Department for further consideration and Council should aim to commence public exhibition upon completion of the amendments to the planning proposal as required by the Gateway Determination.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the revised Gateway 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.

Should you have any queries in regard to this matter, please contact Terry Doran of the Regional Office of the Department on (02) 9873 8557.

Yours sincerely,



13/1/12

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LPOOL_010_00): to include 'retail premises' as an additional permitted use on land at 5 Viscount Place, Warwick Farm, and to limit the area of retail premises to 19,000sq.m and to limit the size of any single tenancy to 1,200sq.m

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Liverpool City Local Environmental Plan LEP 2008 to include 'retail premises' as an additional permitted use on land at 5 Viscount Place, Warwick Farm, and to limit the area of retail premises to 19,000sq.m and to limit the size of any single tenancy to 1,200sq.m should proceed subject to the following conditions:

1. Council is to amend the planning proposal to ensure reference to the floor space area of the subject site for which retail premises are permissible is limited to 19,000sq.m, as per Council's intended outcome. Any reference to 15,000sq.m is to be removed to avoid confusion and ensure clarity to the community.
2. Council is to amend the planning proposal to include an explanation showing why the impact and loss in trade to the Liverpool CBD is justified and articulate how the introduction of retail at the subject site can be appropriately accommodated.
3. Council is to elaborate and provide additional information in relation to the level of consistency of the planning proposal with S117 Directions, particularly as they relate to applicable local and regional strategies.
4. Council is not to commence public exhibition of the planning proposal until the requirements of condition 1 and 2 of this Gateway determination have been undertaken and the planning proposal amended accordingly.
5. 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)*.
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Adjoining Local Government Areas
 - Roads and Maritime Services
 - Fire and Rescue NSW

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.

8. 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



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may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Dated 13th day of January ~~2011~~ 2012

A handwritten signature in black ink, appearing to read 'Tom Gellibrand'.

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