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Department Generated Correspondence (Y)

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Our ref: PP_2010_LPOOL_007_00 (10/22827)
Your ref: RZ-4/2010 169193.2010

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 relating to Warwick Farm Racecourse

I am writing in response to your Council's letter dated 26 October 2010 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 relating to the Warwick Farm Racecourse.

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 matter through the inclusion of 'Stock and sale yard' as a permissible use with Council consent in the RE2 Private Recreation zone.

Additional consultation with NSW Department of Environment, Climate Change and Water is required under this Gateway Determination to ensure the proposed boundary between the IN1 General Industrial and RE1 Public Recreation zones on land south of Governor Macquarie Drive accurately reflect the endangered and valuable ecological communities on this land. Where concerns are raised, the boundaries should be amended to protect the significant vegetation community. The Director General's delegate has agreed that the planning proposal's inconsistencies with S117 Directions 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are of minor significance, subject to consultation being carried out as required by this Gateway Determination.

Additional consultation with NSW Heritage Branch is required under this Gateway Determination. A baseline archaeological assessment of the subject lands and a preliminary Aboriginal assessment are to be undertaken and exhibited with the planning proposal. Subject to Council undertaking these studies, the Director General's delegate has agreed that the planning proposal's inconsistencies with S117 Direction 2.3 Heritage Conservation is of a minor significance.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 4.4 Planning for Bushfire Protection and are of minor significance. No further approval is required in relation to these Directions.

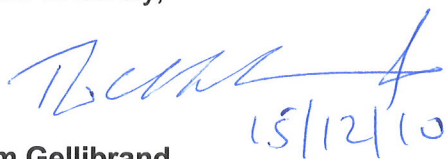
The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

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: PP_2010_LPOOL_007_00): to address various amendments related to Warwick Farm Racecourse.

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 relating to Warwick Farm Racecourse listed below:

- to amend Schedule 1 to permit "Stock and sale yards" as an additional permissible use on land north of Governor Macquarie Drive, Warwick Farm (Warwick Farm Racecourse and also known as Inglis Site);
- to rezone part to RE1 Public Recreation on a portion of the land zoned RE2 Private Recreation north of Governor Macquarie Drive, Warwick Farm (Warwick Farm Racecourse and also known as Inglis Site);
- and to rezone 29.6 hectares of land south of Governor Macquarie Drive (known as Coopers Paddock) from RE2 Private Recreation to IN1 General Industrial (13.7 ha) with the remaining 15.9 hectares being rezoned to RE1 Public Recreation

should proceed subject to the following conditions:

1. The amendment to Schedule 1 to permit "Stock and sale yards" as an additional permissible use, on the subject land be removed from the planning proposal.
2. To amend the land use table for the Liverpool LEP 2008 for the RE2 zone to include "Stock and sale yard" in item 3, permissible with Consent.
3. 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)*.
4. 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
 - Heritage Branch
 - NSW Transport and Infrastructure
 - 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.

5. 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).
6. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 15th day of December 2010.



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