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Department Generated Correspondence (Y)

Contact: Amar Saini
Phone: (02) 9873 8500
Fax: (02) 9873 8599
Email: Amar.Saini@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2011_LPOOL_002_00 (11/01474)
Your ref: 2010/2166

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

Dear Mr Portelli,

Re: Planning Proposal to rezone certain lands in Denham Court from RU2 (Rural Landscape) to R5 (Large Lot Residential) and to amend the minimum lot size to 1ha

I am writing in response to your Council's letter dated 22 December 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 rezone certain lands in Denham Court from RU2 (Rural Landscape) to R5 (Large Lot Residential) and to amend the minimum lot size to 1ha.

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 planning proposal's inconsistencies with S117 Directions, 1.2 Rural Zones, 2.3 Heritage Conservation, 3.1 Residential Zones are of such significance that further information is required from Council, to be submitted prior to the commencement of the exhibition period.

Council has not sufficiently justified the reduction in minimum lot size for the proposed R5 zone from 2ha to 1ha. Council is therefore to provide further information demonstrating the potential lot yield taking into consideration existing on-site uses, the presence of existing dams, and the existing heritage item located within the area covered by the planning proposal. It is considered that the proposed minimum lot size of 1ha may represent an over development in this particular area. Furthermore, Council should be satisfied that there is sufficient information provided with the planning proposal in relation to geotechnical conditions and the potential impact of future development given the presence of existing dams in the area.

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 receiving Gateway approval of the form of the planning proposal. 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 Amar Saini of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

15/2/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LPOOL_002_00): to amend the Liverpool Local Environmental Plan 2008 to rezone certain lands in Denham Court from RU2 (Rural Landscape) to R5 (Large Lot Residential) and to amend the minimum lot size to 1ha.

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 amend the Liverpool Local Environmental Plan 2008 to rezone certain lands in Denham Court from RU2 (Rural Landscape) to R5 (Large Lot Residential) and to amend the minimum lot size to 1ha should proceed subject to the following conditions:

1. Council is to undertake further assessment of the rezoning against S117 Directions 1.2 Rural Zones, 2.3 Heritage Conservation and 3.1 Residential Zones and provide advice in relation to the proposal's consistency with these directions.
2. Council is to provide further investigation into the development capacity of the site, potential lot yield and additional justification for the reduction in minimum lot size to 1ha.
3. Council is not to commence exhibition until amendments have been made to the planning proposal to reflect the requirements of the determination, and this information has been resubmitted to the Director General for further concurrence in accordance with section 56(2)(b) of the EP&A Act.
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
 - Department of Agriculture
 - Integral Energy
 - Ministry of Transport
 - NSW Fire Brigades
 - NSW Health
 - NSW Roads and Traffic Authority
 - NSW Rural Health Service
 - NSW Transport and Infrastructure
 - State Water Corporation
 - 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 15th day of February 2011.



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