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Our ref: PP_2012_LPOOL_001_00 (12/04869-1)

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

Dear Mr Portelli,

Planning proposal to make a number of amendments to the Liverpool LEP 2008 including to rezone land at Elizabeth Hills, prohibit cemeteries in rural areas, and prohibit sex service premises in the Liverpool City Centre, and to address other minor anomalies.

I am writing in response to your Council's letter dated 7 March 2012 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 land at Elizabeth Hills, prohibit cemeteries in rural areas, and prohibit sex service premises in the Liverpool City Centre, and to address other minor anomalies.

As delegate of the Minister for Planning and Infrastructure, 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 prohibition of cemeteries and crematoria across all Rural zoned land as proposed by Council. While the Department appreciates that Council may have concerns about the potential impacts of these land uses, Council has failed to demonstrate at this stage how it has considered this issue in the context of broader Metropolitan planning considerations. As outlined in the Metropolitan Plan for 2036, population changes are increasing the demand for social infrastructure and services, including land for the purposes of cemeteries and crematoria. In order to address current needs and accommodate future projected demand, further investigation at a Metropolitan level (including land within the South West) is required to identify and safeguard land for these purposes. Consequently, it is considered premature at this stage for council to adopt a blanket prohibition for cemeteries and crematoria in rural zones until these investigations have been completed. Council is therefore to amend the planning proposal to remove this component prior to proceeding to public exhibition.

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 3.1 Residential Zones, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes 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 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 following consultation with the Office of Environment and Heritage, NSW Rural Fire Service, Department of Primary Industries (Catchment and Land Division) and the Sydney Metropolitan Catchment Management Authority

(Georges River). 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,


Sam Haddad
Director-General

18/6/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_LPOOL_001_00): to make a number of amendments to the Liverpool LEP 2008 including to rezone land at Elizabeth Hills, prohibit cemeteries in rural areas, and prohibit sex service premises in the Liverpool City Centre, and to address other minor anomalies.

I, the Director General, Department of Planning and Infrastructure 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 Local Environmental Plan 2008 to make a number of amendments to the Liverpool LEP 2008 including to rezone land at Elizabeth Hills, prohibit cemeteries in rural areas, and prohibit sex service premises in the Liverpool City Centre, and to address other minor anomalies should proceed subject to the following conditions:

1. Council is to amend the planning proposal to exclude the proposed prohibition of cemeteries and crematoria in all Rural zones prior to proceeding to exhibition.
2. As per the requirements of S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into consideration any comments made, prior to public exhibition of the planning proposal.
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:
 - Sydney Metropolitan Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Rural Fire Service

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 **12 months** from the week following the date of the Gateway determination.



Planning & Infrastructure

Dated

18th day of

May

2012.

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Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure