



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_2010_LPOOL_006_00 (10/20835)
Your ref: 2010/1658 – 154268.2010

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

Dear Mr Portelli,

Re: Planning Proposal to address various housekeeping amendments to the Liverpool LEP 2008

I am writing in response to your Council's letter dated 4 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 housekeeping amendments.

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.

Council is requested to review the quality of the mapping provided with the planning proposal to ensure that all subject sites included in the planning proposal are clearly identified and labelled in all supporting material placed on exhibition.

Council is to remove item 6 from the housekeeping planning proposal as the intent of the amendment is captured by item 4, and it is therefore unnecessary to progress item 6.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 6.2 Reserving Land for Public Purposes 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 Amar Saini of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



12/12/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_LPOOL_006_00): to address various housekeeping amendments to the Liverpool LEP 2008.

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 housekeeping amendments, as follows:

1. Update the Liverpool LEP 2008 Heritage Maps and Schedule 5 (Environmental Heritage) of the written instrument. The amendments will ensure that these items are correctly identified in Schedule 5. This amendment does not include the addition of any properties to the heritage schedule.
2. The amendment also proposes to rezone four sites from R2 Low Density Residential to RE1 Public Recreation as these lots have been acquired by Council under the Moorebank Floodway Voluntary Acquisition Scheme. The corresponding Lot Size, Floor Space Ratio, and Height of Buildings Maps are to be updated to provide appropriate controls for the properties.
3. The Liverpool LEP 2008 zoning mapping will also need to be updated to incorporate:
 - (a) At the request of the RTA, the rezoning of 616 Hoxton Park Road from SP2 Classified to R3 Medium Density Residential and update the corresponding Lot Size, Floor Space Ratio, and Height of Building Maps.
 - (b) Rezone Lot A DP 35980, 182 Moore Street Liverpool, from RE1 Public Recreation to R4 High Density Residential.
 - (c) At the request of the RTA, rezone land adjacent to the M7 and Hoxton Park Road from SP2 Classified Road to the adjoining R2 Low Density Residential Zone and update corresponding Lot Size, Floor Space Ratio, and Height of Buildings Maps.
 - (d) Amend the Lot Size Maps to introduce minimum lot size controls for 221 Hoxton Park Road, to ensure consistency with the adjoining land.
4. Update the Land Use Table to allow for "Rural Supplies" and "Secondary Dwellings" within the RU1 Primary Production and RU4 Rural Small Holding Zones. This will permit secondary dwellings on lots zoned RU1 and RU4. These additional provisions have not been proposed within the RU2 Rural Landscape zone of the Liverpool LEP 2008 as the land uses are not consistent with the intended outcomes of the zone and maintenance of the rural landscape character of the land.
5. Update the Schedule 2 - Exempt Development of the Liverpool LEP 2008, to introduce provisions for Bus Shelter Advertising.
6. Add a Clause to Part 7 to allow secondary dwellings on sites where dual occupancies are not permissible owing to the minimum lot size provisions.
7. Amend Schedule 4 - Classification and reclassification of public land - to reclassify certain sites from community land to operational land, pursuant to the Local Government Act 1993:

- (a) 182 Moore Street Liverpool,
- (b) 1A Bellbird Place Cartwright,
- (c) 13 Kemira Place Cartwright, and
- (d) cnr Lot 338 Cartwright Avenue, Cartwright

should proceed subject to the following conditions:

1. Remove Point 6 "Add a Clause to Part 7 to allow secondary dwellings on sites where dual occupancies are not permissible owing to the minimum lot size provisions" from the Planning Proposal.
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority

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.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 12th day of December 2010.



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