



Gateway Determination

Planning proposal (Department Ref: PP_2019_LPOOL_007_00): A comprehensive review of Liverpool LEP 2008 that aligns with the actions in the Liverpool Local Strategic Planning Statement and the planning priorities in the Western City District Plan

I, the Executive Director, Central River City and Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Liverpool Local Environmental Plan (LEP) 2008 should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended as follows:
 - (a) while retaining Council's intention to undertake a further review of Liverpool LEP 2008 and subsequently repeal the instrument, amend the planning proposal (where appearing) to indicate that this review phase will not repeal the Liverpool LEP 2008;
 - (b) remove the following proposed amendments and associated references, or maps, from the planning proposal:
 - i. all references to Liverpool city centre as Sydney's third CBD;
 - ii. prohibition of cemeteries in the industrial zones;
 - iii. inclusion of car parks as a permitted use in the B3 zone;
 - iv. references to relocating the environmentally significant land maps from the legislative website to Council's website; and
 - v. inclusion of Clause 7.8A Floodplain risk management;
 - (c) reconsider the relocation of existing additional permitted uses from Schedule 1 into Part 7 Local Provisions for: Liverpool Hospital; RE1 in Liverpool City Centre; and land adjoining Moorebank Town Centre;
 - (d) for the proposed amendment to the rezoning of land adjoining Moorebank Town Centre, Council is to strengthen the commentary in the planning proposal under Part 2 Explanation of Provisions by summarising the quantitative impacts on housing diversity and supply, as examined within the Liverpool Housing Study and Moorebank Rezoning Advice; including the number of unconstrained lots which can be redeveloped for residential flat building developments; the number of reduced potential dwellings from the rezoning; and, the number of residential flat building developments approved in the R3 Low Density Residential zone in the past five years;

- (e) in the explanation for item 34 in the proposal's Attachment A (7.22 Development in zone B6, p.119), amend, where appropriate, 'building supplies' to 'hardware and building supplies';
 - (f) include the intention to introduce a new savings and transitional clause to ensure that proposed amendments do not affect any development applications or appeal processes;
 - (g) include a note that the draft proposed clauses will be subject to legal drafting and may alter under this process.
2. Public exhibition is required under section 3.34(2)(c) and Schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days;
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
3. Council is to inform all landowners affected by amendments to reduce permissibility on the land and rezoning from R4 High Density Residential to R3 Medium Density Residential in writing about the exhibition of the proposal, outlining the effect of the proposed changes.
4. Council is to consult with the NSW Rural Fire Service prior to public exhibition in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments from this agency
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Greater Sydney Commission;
 - Sydney Water;
 - Roads and Maritime Services;
 - Transport for NSW;
 - Environment, Energy and Science Group; and
 - Heritage, Department of Premier and Cabinet.
6. Council is required to submit the planning proposal to the Department for finalisation prior to 30 June 2020.

7. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.

Dated 17th day of April 2020.



Catherine Van Laeren
Executive Director, Central River City
and Western Parkland City
Greater Sydney, Infrastructure and
Place
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces