



Ms Kiersten Fishburn  
Chief Executive Officer  
Liverpool City Council  
Locked Bag 7064  
Liverpool BC NSW 1871

Dear Ms Fishburn

**Planning Proposal [PP\_2018\_LPOOL\_002\_00] to amend Liverpool Local Environmental Plan 2008**

I am writing in response to Council's request for a Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to rezone a portion of Lot 104 DP 1105443 at Cowpasture Road, Carnes Hill from RE1 (Public Recreation) to B2 (Local Centre) purpose of planning proposal.

As delegate of the Greater Sydney Commission, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with Section 9.1 Direction 6.2 Reserving Land for Public Purposes is justified as reduction of land for public purposes is of minor significance on the basis that there are sufficient public opens spaces within the surrounding area and the proposal will facilitate redevelopment of a local centre and contribute to a more vibrant and viable local centre. No further approval is required in relation to this Direction.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise the delegation of a Local Plan-Making Authority under Section 3.31(3)(c) of the Act to make this plan under Section 3.36 of the Act.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Cho Cho Myint to assist you. Ms Myint can be contacted on (02) 98601507.

Yours sincerely



13/4/18

**Ann-Maree Carruthers**  
**Director**  
**Sydney Region West**  
**Planning Services**

Encl: Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2018\_LPOOL\_002\_00): to rezone part of the land at Carnes Hill Shopping Centre, Cowpasture Road, Carnes Hill**

I, the Director, Sydney Region West, Planning Services, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Liverpool Local Environmental Plan (LEP) 2008 to rezone a portion of Lot 104 DP 1105443 at Cowpasture Road, Carnes Hill from RE1 (Public Recreation) to B2 (Local Centre) should proceed subject to the following conditions:

1. Planning proposal is to be updated to address the Western City District Plan, prior to community consultation.
2. Community consultation is required under sections 3.34(2)(c) of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant Section 9.1 Directions:
  - Sydney Water
  - Relevant gas and electricity providers

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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** following the date of the Gateway determination.

Dated 13<sup>th</sup> day of April 2018.

**Ann-Maree Carruthers**  
**Director**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Greater Sydney Commission**

## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Liverpool City Council is authorised to exercise Local Plan-Making Authority function under section 3.31(3)(c) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to make the plan under section 3.36 of the EP&A Act that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| Number               | Name   |
|----------------------|--|
| PP_2018_LPOOL_002_00 | Planning proposal to amend Liverpool Local Environmental Plan (LEP) 2008 to rezone a portion of Lot 104 DP 1105443 at Cowpasture Road, Carnes Hill from RE1 (Public Recreation) to B2 (Local Centre) |

In exercising the Local Plan-Making Authority functions to make the plan under Section 3.36 of the EP&A Act, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated 13 April 2018



**Ann-Maree Carruthers**  
**Director, Planning Services**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Secretary**  
**of the Department of Planning and Environment**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

**Notes:**

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- Planning Proposal Authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the PPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

| Stage   | Date/Details         |
|---|----------------------|
| Planning Proposal Number                            | PP_2018_LPOOL_002_00 |
| Date Sent to DP&E under s3.34                       | 20 February 2018     |
| Date considered at LEP Review Panel (if applicable) | N/A                  |
| Gateway determination date                          |                      |

**Table 2 – To be completed by the PPA**

| Stage   | Date/Details | Notified Reg Off |
|---|--------------|------------------|
| Dates draft LEP exhibited   |              |                  |
| Date of public hearing (if held)  |              |                  |
| Date sent to PCO seeking Opinion  |              |                  |
| Date Opinion received   |              |                  |
| Date Council Resolved to Adopt LEP  |              |                  |
| Have changes been made to the draft LEP after obtaining final PC opinion? | YES NO       |                  |
| Date LEP made by GM (or other) under delegation                           |              |                  |
| Date sent to DPE requesting notification                                  |              |                  |

**Table 3 – To be completed by Department of Planning and Environment**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |