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

Our ref: PP\_2013\_LPOOL\_001\_00 (12/20422-1)  
Your ref: 289874.2012

Dear Mr Portelli,

### **Planning proposal to amend Liverpool Local Environmental Plan 2008 (Amendment 30)**

I am writing in response to your Council's letter dated 11 December 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 either rezone land at 607-611 Hume Highway, Casula to B2 Local Centre or to permit commercial premises of up to 4,300sqm on the land as an additional permitted use.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

It is noted that the planning proposal suggests two options to achieve the intended outcome. The option to permit commercial premises of up to a maximum of 4,300sqm as an additional permitted use on land at 607-611 Hume Highway, Casula is not supported as a means of achieving the intended outcome. Council should seek to rezone the site to an appropriate business zone such as B2 Local Centre, as identified in option 1 of the planning proposal. The planning proposal is to be amended to reflect the above approach prior to undertaking public exhibition.

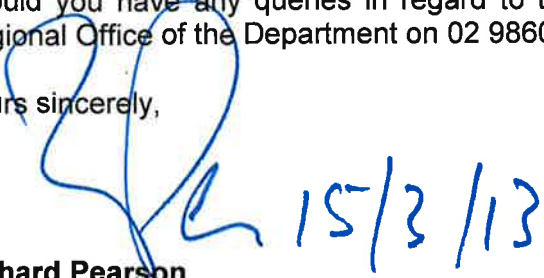
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending 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. 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 for administrative purposes.

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 9860 1560

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R. Pearson', followed by the date '15/3/13'.

**Richard Pearson**  
**Deputy Director General**  
**Planning Operations & Regional Delivery**

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_LPOOL\_001\_00):** to facilitate the development of commercial premises on land at 607-611 Hume Highway, Casula.

I, the Deputy Director General of Planning Operations and Regional Delivery, 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 (LEP) 2008 to either rezone land at 607-611 Hume Highway, Casula to B2 Local Centre or to permit commercial premises of up to 4,300sqm on the land as an additional permitted use should proceed subject to the following conditions:

1. The proposed provision to include commercial premises of up to 4,300sqm as an additional permitted use on land in Casula is not supported and should be removed from the planning proposal. Council is to rezone the land to B2 Local Centre to permit commercial premises on the site. Council is to amend this planning proposal to reflect the above approach prior to undertaking public exhibition.
2. Information which needs to be part of the exhibition material includes:
  - (a) Council's consideration of the likely cumulative impact of the proposal, and of the proposed Costco development, on existing commercial centres; and
  - (b) Evidence that the proposed site is an appropriate site for the Woolworths development.
3. Prior to undertaking public exhibition, the planning proposal is to be amended to be consistent with the department's 'A Guide to Preparing Planning Proposals,' including addressing all matters under Part 3 'Justification' and is to include a project timeline, consistent with Section 2.6 Part 6 of the Guide.
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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Department of Trade and Investment
  - Transport for NSW
  - Roads and Maritime Services
  - Adjoining LGAs

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

Dated

15

day of

March

2013.



**Richard Pearson**  
Deputy Director General  
Planning Operations & Regional Delivery  
Delegate of the Minister for Planning and  
Infrastructure



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Liverpool City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

<b>Number</b>	<b>Name</b>
PP_2013_LIVER_001_00	Planning proposal to either rezone land at 607-611 Hume Highway, Casula to B2 Local Centre or to permit commercial premises of up to 4,300sqm on the land as an additional permitted use.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated *15 March* 2013

A handwritten signature in blue ink, appearing to read 'Richard Pearson'.

**Richard Pearson  
Deputy Director General  
Planning Operations & Regional Delivery  
Department of Planning and Infrastructure**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

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

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2013_LIVER_001_00
Date Sent to Department under s56	11/12/2012
Date considered at LEP Review Panel	14/02/2013
Gateway determination date	15/03/2013

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

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		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information: