

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

Dear Ms Fishburn

**Planning proposal [PP\_2018\_LPOOL\_004\_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(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 36 Lyn Parade (Lot 10 DP1003837) and Part Lot 11 Progress Circuit (Part Lot 11 DP1228445), Prestons from IN3 Heavy Industrial to E2 Environmental Conservation zone.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with Section 9.1 Direction 1.1 Business and Industrial zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Pending the outcome of consultation with the Rural Fire Service, Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of Section 9.1 Directions 4.4 Planning for Bushfire Prone Land.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the 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 Greater Sydney Commission may take action under section 3.32(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



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

7/5/18

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

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_LPOOL\_004\_00): to rezone land at 36 Lyn Parade (Lot 10 DP1003837) and Part Lot 11 Progress Circuit (Part Lot 11 DP1228445), Prestons from IN3 Heavy Industrial to E2 Environmental Conservation***

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 land at 36 Lyn Parade (Lot 10 DP1003837) and Part Lot 11 Progress Circuit (Part Lot 11 DP1228445), Prestons from IN3 Heavy Industrial to E2 Environmental Conservation should proceed subject to the following conditions:

1. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 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 **28 days**; and
  - (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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. 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:
  - NSW Office of Environment and Heritage;
  - NSW Office of Environment and Heritage — Heritage Division;
  - NSW Rural Fire Service;
  - NSW Department of Industry; and
  - Australian Department of the Environment and Energy.

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.

3. 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).

4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there are no outstanding written objections from public authorities.
5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 7<sup>th</sup> day of May 2018.



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