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

Our ref: PP\_2013\_LPOOL\_006\_00 (13/17156)  
Your ref: 225841.2013

Dear Mr Portelli,

### Planning proposal to amend Liverpool Local Environmental Plan 2008

I am writing in response to your Council's letter dated 2 October 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal (Amendment No.32) to:

- rezone various sites within the Liverpool Local Government Area;
- change the permissibility of restricted premises in various zones;
- reclassify Council owned land from community to operational land;
- correct minor amendments and mapping anomalies;
- amend controls for rural workers dwellings in certain rural zones; and
- amend controls for dual occupancy development in the R5 Large Lot Residential zone.

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.

Council's proposal to prohibit restricted premises in zones B3 Commercial Core and B4 Mixed Use is not supported because under the Standard Instrument Local Environmental Plan, restricted premises is a mandated permissible land use in both the B3 Commercial Core and B4 Mixed Use zones. Council is to amend the planning proposal accordingly.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 2.1 Environment Protection Zones and 3.1 Residential Zones are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes. No further approval is required in relation to these Directions.

Council is reminded of its obligations for undertaking a public hearing and providing adequate information regarding the discharge of any interests in relation to the proposed reclassification of land, in accordance with the department's practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

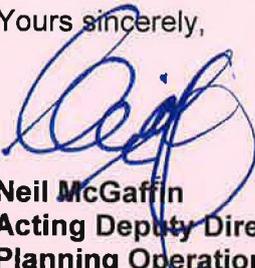
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation because the Governor's approval is required for the reclassification of land. Reclassification proposals where the Governor's approval is required cannot be delegated back to council.

The amending 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 as soon as possible. Council's request for the department to draft and finalise the LEP should be made 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 section 54(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 9860 1560.

Yours sincerely,

  
Neil McGaffin  
Acting Deputy Director General  
Planning Operations & Regional Delivery

5.12.13

Encl: Gateway Determination

## Gateway Determination

*Planning proposal (Department Ref: PP\_2013\_LPOOL\_006\_00): to make various housekeeping amendments to Liverpool LEP 2008.*

I, the Acting Deputy Director General, Planning Operations and Regional Delivery at the 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:

- rezone various sites within the Liverpool Local Government Area;
- change the permissibility of restricted premises in various zones;
- reclassify Council owned land from community to operational land;
- correct minor amendments and mapping anomalies;
- amend controls for rural workers dwellings in certain rural zones; and
- amend controls for dual occupancy development in the R5 Large Lot Residential zone,

should proceed subject to the following conditions:

1. Council's proposal to prohibit restricted premises in B3 Commercial Core and B4 Mixed Use zones is not supported and should be removed from the planning proposal prior to undertaking public exhibition, because it is inconsistent with Standard Instrument LEP.
2. Council is to update the planning proposal prior to undertaking public exhibition, to provide strategic justification to address why restricted premises are an appropriate land use in the B6 Enterprise Corridor, IN1 General Industrial and IN2 Light Industrial zones.
3. Additional information regarding hydraulic analysis for land at 9 McLean Street, Liverpool is to be placed on public exhibition with the planning proposal. The additional information is to address flooding on the property and surrounding land.
4. Once the above information has been obtained and consultation with public authorities has been undertaken and prior to undertaking public exhibition, Council is to update its consideration of S117 Directions 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection to reflect the outcomes of the work and consultation undertaken.
5. Prior to undertaking public exhibition, Council is to ensure the planning proposal addresses the Director-General's requirements relating to the reclassification of public land consistent with section 5.5.4 of *A Guide to Preparing LEPs*, which includes advising whether the planning proposal extinguishes any interests.
6. 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 a minimum of **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 2013)*.
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- Transport for NSW
- Penrith City Council
- Wollondilly Shire Council
- Campbelltown City Council
- Office of Environment and Heritage
- Sydney Metropolitan Catchment Management Authority
- NSW Rural Fire service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority 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.

8. A public hearing is not required to be held into the matter under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into the matter in accordance with the department's practice note PN09-003, as the planning proposal involves a reclassification of land from community to operational.
9. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *5<sup>th</sup>* day of *December* 2013.



**Neil McGaffin**  
**Acting Deputy Director General**  
**Planning Operations & Regional Delivery**  
**Department of Planning & Infrastructure**

**Delegate of the Minister for Planning & Infrastructure**