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

Our ref: PP_2014_LPOOL_002_00 (14/02402)
Your ref: 015057.2014

Attention: Kate Miles

Dear Mr Portelli,

Planning proposal to amend Liverpool Local Environmental Plan 2008 - (Amendment No 43)

I am writing in response to your Council's letter dated 26 January 2014 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 amend clause 4.6A – Subdivision/realignment of undersized lots of the Liverpool Local Environmental Plan 2008 and to delete identification of zones in some clauses that are not adopted in the LEP.

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

Please note that in the Gateway determination, Council has been asked to amend the planning proposal prior to exhibition as follows:

- to insert the proposed boundary adjustment clause as 4.2B following clause 4.2 and not as an amendment to the compulsory clause 4.6; and
- remove the proposed subclauses 4.1(3) and 4.6(6)(c) as they are no longer necessary.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 Local Environmental Plan (LEP) is to be finalised within 6 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 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 1130.

Yours sincerely,

R Cumming 21/2/2014

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Growth Planning and Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2014_LPOOL_002_00): to amend clause 4.6A – Subdivision/realignment of undersized lots of the Liverpool Local Environmental Plan 2008.

I, the Director, Metropolitan Delivery (Parramatta), 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 written instrument regarding Clause 4.6 Development Standards to allow flexibility for variations of the minimum lot size requirements to facilitate subdivision/boundary adjustment between two non-compliant lots, should proceed subject to the following conditions:

1. Council to amend the planning proposal to incorporate the following changes before it is placed on exhibition:
 - a. The new Clause 4.6A proposed by Council should be positioned 4.2B;
 - b. Exclude the proposed subclause 4.1(3) from the planning proposal; and
 - c. Exclude the proposed subclause 4.6(6) (c) from the planning proposal.
2. 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 **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 LEPs* (Department of Planning & Infrastructure 2013).
3. 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).
4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 21st day of February 2014.



Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Growth Planning and Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Liverpool 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:

Number	Name
PP_2014_LPOOL_002_00	Planning proposal to amend Liverpool Local Environmental Plan 2008 written instrument regarding Clause 4.6 Development Standards to allow flexibility for variations of the minimum lot size requirements to facilitate subdivision/boundary adjustment between two non-compliant lots and other minor changes to delete identification of zones that are not adopted from clauses 4.6 and 4.2(2)(d).

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 21st Day of February, 2014

R Cumming

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Growth Planning and 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_2014_LPOOL_002_00
Date Sent to Department under s56	26 January 2014
Date considered at LEP Review Panel	N/A
Gateway determination date	February 2014

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: