



Planning & Infrastructure

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Our ref: PP_2014_LPOOL_004_00 (14/05715)
Your ref: 049545.2014

Mr Robert Noble
Acting Chief Executive Officer
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attention: Lisa Mackay

Dear Mr Noble,

Planning proposal to amend Liverpool Local Environmental Plan 2008 - (Amendment No 39)

I am writing in response to your Council's letter dated 12 March 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 for reclassification of community land to operational land and rezoning of Lot 4221 DP 1163525 Wilson Road, Green Valley; and reduction of minimum dwelling densities in Middleton Grange.

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.

I have also determined that pursuant to item (6)(d) of section 117 (2) Direction – 3.1 Residential Zones the planning proposal's inconsistency is of a minor nature. In relation to s117 Direction – 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes. No further approval is required in relation to these Directions.

I agree that no community consultation is required under section 56(2)(c) and 5 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and no consultation is required with public authorities under 56(2)(d) of the EP&A Act as these have already occurred under Liverpool LEP 2008 (Amendment No 27) process.

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. Delegation to Council cannot be given in this instance as the Governor's approval is required in relation to the removal of covenants, trusts etc for reclassification of Lot 4221 DP 1163525 Wilson Road, Green Valley (a copy of the relevant page from "A guide to preparing local environmental plans" is attached).

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council's request 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 Planning and Infrastructure on 02 9860 1130.

Yours sincerely,

17/4/2014

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



Gateway Determination

Planning proposal (Ref: PP_2014_LPOOL_004_00): for reclassification of community land to operational land and rezoning of Lot 4221 DP 1163525 Wilson Road, Green Valley; and reduction of minimum dwelling densities in Middleton Grange.

I, the Director, Metropolitan Delivery (Parramatta), at 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 for reclassification of community land to operational land and rezoning of Lot 4221 DP 1163525 Wilson Road, Green Valley; and reduction of minimum dwelling densities in Middleton Grange, should proceed subject to the following conditions:

1. No community consultation is required under section 56(2)(c) and 5 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") and no consultation is required with public authorities under 56(2)(d) of the EP&A Act; and
2. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.

R Cumming

17/4/2014

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

Delegate of the Minister for Planning and Infrastructure

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What is the process for preparing an LEP?

The plan making process normally involves the following key components:

- the preparation of a planning proposal
- the issuing of a Gateway determination
- community and other consultation on the planning proposal (as required)
- finalising the planning proposal
- drafting of the LEP (legal instrument)
- making the plan
- notifying the LEP on the NSW Government Legislation website.

Two administrative review mechanisms exist within the plan making process – ‘pre-Gateway’ review and ‘post-Gateway’ review. These review mechanisms allow councils and proponents to seek a review of decisions in relation to proposed amendments to LEPs.

To increase the involvement of councils in the plan-making process and streamline the processing and making of draft LEPs, certain plan making powers are delegated to councils.

A flowchart detailing the LEP plan making process is provided at **Attachment 1**.

4.1 Delegation of plan making functions to local councils

Local plan making functions are now largely carried out by councils. Types of proposed instruments that are routinely delegated to councils to make include:

- mapping corrections
- LEPs which will result in a relaxation of a development standard on a site

to promote development including potential increases to FSR and height of building controls and, reduced minimum lot sizes

- Section 73A matters e.g. amending references to documents/agencies, minor errors and anomalies
- reclassification proposals where the Governor’s approval is not required in relation to the removal of covenants, trusts etc relating to the land
- heritage LEPs related to specific items (whether adding or removing an item from a Heritage Schedule) supported by an Office of Environment and Heritage endorsed local strategy or where the Office of Environment and Heritage provides preliminary support to the proposal
- spot rezonings consistent with a Regional Strategy or a local strategy endorsed by the Director-General
- spot rezonings that will result in an upzoning of land in existing areas zoned for residential, business, and industrial purposes, and
- any other matter that the Gateway determines is a matter of local planning significance.

Other types of LEPs not identified above may routinely be delegated to councils if the Gateway agrees that the matter is of local significance.

Delegation of proposed instruments that have been subject to a pre-Gateway review will be considered on a case by case basis.