



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

Dear Ms Fishburn

**Planning proposal PP\_2019\_LPOOL\_006\_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 make changes to zoning and development controls in Liverpool LEP 2008 to reflect the revised footprint of the Stormwater Basin 14 and to rectify mapping anomalies for certain land fronting Bernera Road to rationalise zone boundaries with lot boundaries at Edmondson Park.

As delegate of the Minister for Planning and Public Spaces, I have now determined that 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 inconsistencies with section 9.1 Directions: 3.1 Residential Zones; 4.3 Flood Prone Land; and, 6.2 Reserving Land for Public Purposes, are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

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.

The amending local environmental plan (LEP) is to be finalised within 12 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 six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry 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 Minister 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 enquiries about this matter, I have arranged for Ms Cho Cho Myint to assist you. Ms Myint can be contacted on 98601507.

Yours sincerely



24/09/19

**Catherine Van Laeren**  
**Acting Executive Director**  
**Central River City and Western Parkland City**

Encl: Gateway determination  
Authorised plan-making reporting template



## Gateway Determination

*Planning proposal (Department Ref: PP\_2019\_LPOOL\_006\_00): to make changes to zoning and development controls in Liverpool LEP 2008 to reflect the revised footprint of the proposed Stormwater Basin 14 and rectify anomalies between detailed design and construction of Bernera Road within the Edmondson Park Release Area.*

I, the Acting Executive Director, Central River City and Western Parkland City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 make changes to zoning and development controls in Liverpool LEP 2008 to reflect the revised footprint of the revised Stormwater Basin 14 and rectify anomalies between detailed design and construction of Bernera Road within the Edmondson Park Release Area should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend an appropriate diagram within the planning proposal to show the boundaries of the proposed basin and include an appropriate key on the diagram.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment Act 1979* as follows:
  - a. the planning proposal 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*.
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Sydney Water;
  - Roads and Maritime Services;
  - Department of Planning, Industries and Environment (Environment, Energy and Science)
  - Endeavour Energy and Transgrid; and
  - APA Gas and Jamena.

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.

4. Council is to include the final concept design of the basin in the exhibition material and within the material made available to the consulted public authorities.
5. 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).
6. 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.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.



24/09/19

Catherine Van Laeren  
Acting Executive Director  
Central River City and Western  
Parkland City  
Department of Planning, Industry and  
Environment

Delegate of the Minister for Planning  
and Public Spaces

## Attachment 5 – Authorised plan-making reporting template

### Reporting template for authorised LEP amendments

#### Notes:

- The planning proposal number will be provided by the Department of Planning, Industry and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:  
[Name]  
[Title]  
[Council name]  
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

**Table 1: To be completed by the Department**

Stage	Date/Details
Planning proposal number	PP_2019_LPOOL_006_00
Date sent to DPIE under section 3.34(1)	28 August 2019
Gateway determination date	

**Table 2: To be completed by the local plan-making authority**

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPIE requesting notification		

**Table 3: To be completed by the Department**

Stage	Date/Details
Notification date and details	

**Additional relevant information:**