

Gateway Determination

Planning proposal (Department Ref: PP_2015_LPLNS_001_00): to permit a service station on Lot 3, DP 1121681, New England Highway, Willow Tree by including the land use within Schedule 1 Additional Permitted Uses of Liverpool Plains 2011.

I, the Acting General Manager, Northern Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Liverpool Plains Local Environmental Plan (LEP) 2011 to permit a service station on Lot 3, DP 1121681, New England Highway, Willow Tree by including the land use within Schedule 1 Additional Permitted Uses should proceed subject to the following conditions:

1. Prior to community consultation, the Planning Proposal is to be amended to clearly indicate that the currently proposed service station on the site will be a 24hr self-service 'high flow' diesel fuel delivery system, as opposed to a more traditional 'manned' service station that offers other services such as refreshments and the like.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2013) and 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 and Infrastructure 2013).
3. No consultation is required with public authorities under section 56(2)(d) of the Act.
4. A public hearing is not required to be held into the matter by any person or body under section 56(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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 4 day of September 2015



Craig Diss
Acting General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Mr Ron Van Katwyk
General Manager
Liverpool Plains Shire Council
PO Box 152
Quirindi NSW 2343

Our ref: PP_2015_LPLNS_001_00 (15/13362)
Your ref: DLA:ktc 15/0490

Attention: Donna Ausling

Dear Mr Katwyk

Planning proposal to amend Liverpool Plains Local Environmental Plan 2011

I am writing in response to your Council's letter dated 13 August 2015 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to permit a service station on Lot 3, DP 1121681, New England Highway, Willow Tree by including the land use within Schedule 1 Additional Permitted Uses of Liverpool Plains 2011.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister 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 of Planning and Environment 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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Jon Stone of the Department's regional office to assist you. Mr Stone can be contacted on (02) 6701 9688.

Yours sincerely



4 September 2015

Craig Diss
Acting General Manager, Northern Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Liverpool Plains is authorised to exercise the functions of the Minister for Planning 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_2015_LPLNS_001_00	Planning proposal to permit a service station on Lot 3, DP 1121681, New England Highway, Willow Tree by including the land use within Schedule 1 Additional Permitted Uses of Liverpool Plains 2011.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 4 September 2015



Craig Diss
Acting General Manager, Northern Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning