



Planning

Office of the Director-General

Contact: Amar Saini
Phone: (02) 9873 8593
Fax: (02) 9873 8513
Email: amar.saini@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta, NSW 2124

Mr Phil Tolhurst
General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Our ref: S09/01817
Your ref: 2009/1135

Dear Mr Tolhurst,

Re: Planning Proposal to address various anomalies and to improve interpretation within Liverpool LEP 2008, and to rezone land located at Leacocks Lane, Casula

I am writing in response to your Council's letter dated 9 September 2009 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 Liverpool Local Environmental Plan 2008 to address various anomalies and to improve interpretation within Liverpool LEP 2008, and to rezone land located at Leacocks Lane, Casula, from a national parks zone to a large lot residential zone.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination. Items 13 (*Clause 5.4(9)(b)*) and 16 (*Dictionary – Vocational training facilities*) of the planning proposal are excluded from the Gateway approval. The question of including/amending definitions is one which is more appropriately dealt with within the context of the Standard Instrument. Council's suggested changes are being assessed in this context.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

I have formed the opinion that any inconsistencies with the section 117 Directions are minor and justifiable in this instance.

Should you have any queries in regard to this matter, please contact Mr Amar Saini in the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director-General

28/10/2009

Gateway Determination

Planning Proposal (Department Ref: S09/01817): To address various anomalies and to improve interpretation within Liverpool LEP 2008, and to rezone land located at Leacocks Lane, Casula, from a national parks zone to a large lot residential zone.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Liverpool Local Environmental Plan 2008 to address anomalies and to improve interpretation within Liverpool LEP 2008, and to rezone land located at Leacocks Lane, Casula, from a national parks zone to a large lot residential zone should proceed subject to the following conditions:

1. The matter should proceed with the following variations:
 - (a) Items 13 (Clause 5.4(9)(b)) and 16 (Dictionary – Vocational training facilities), as listed and described in Attachment 1 – Explanations of Provisions of the Planning Proposal, are excluded from this Gateway approval.
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 is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs* (Department of Planning 2009).
3. Consultation under section 56(2)(d) of the EP&A Act is only required with the following State public authorities that will or may be adversely affected by the proposed instrument:
 - NSW Roads and Traffic Authority.
 - NSW Department of Planning – Heritage Branch.
 - Department of Education and Training.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
4. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

28th

day of

October

2009.


Sam Haddad
Delegate for the Minister for Planning