

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

Dear Ms Fishburn

Planning proposal PP_2019_LPOOL_002_00 – Draft Amendment No 75 to Liverpool Local Environmental Plan 2008 to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006

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* in respect of the planning proposal to rezone land and amend development standards applying to 37 individual land parcels within the South West Growth Centre Precincts of Austral and Leppington North.

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 Direction 3.1 Residential Zones, 4.3 Flood Prone Land and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

The Department has identified the need to make two minor amendments to the planning proposal to include additional land required to be zoned SP2 Infrastructure respond to road widening of Edmondson Avenue Park, Austral and to facilitate the delivery of Endeavour Electrical Energy Substation on Gurner Avenue, Austral.

As discussed with Council officers it would be appreciated if Council's planning proposal could include these amendments and the Gateway determination has been conditioned accordingly.

I have considered the nature of the planning proposal and have determined not to condition the Gateway for Council to be the local plan-making authority as it seeks to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

The amending plan is to be finalised within twelve 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 for the Department of Planning,

Industry and Environment to draft and finalise the plan should be made eight weeks prior to the projected publication date.

We are 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 further enquiries about this matter, I have arranged for Ms Cho Cho Myint at the Department to assist you. Ms Myint can be contacted on (02) 9860 1507.

Yours sincerely



10/08/2019

Ann-Maree Carruthers
Acting Executive Director
Eastern Harbour City

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2019_LPOOL_002_00): to amend the State Environmental Planning Policy (Sydney Region Growth Centres) (SEPP) 2006 by amendment to Liverpool Local Environmental Plan 2008 to rezone land and amend development standards applying to 37 individual land parcels within the South West Growth Centre Precincts of Austral and Leppington North

I, Acting Executive Director, Eastern Harbour City at the Department of Planning 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 rezone land under State Environmental Planning Policy (Sydney Region Growth Centres) (SEPP) 2006 should proceed subject to the following conditions:

1. Prior to community consultation Council is to:
 - (a) consult with the Commissioner of NSW Rural Fire Service and obtain a written advice that the NSW Rural Fire Service has no objection to the progression of the planning proposal; and
 - (b) amend the planning proposal to include the two sites at Lot A DP 414563 and Lot 637 DP 2475, being 385 Edmondson Ave and 375 Edmondson Ave, Austral and part of existing Lot 1 DP 122350, Gurner Avenue, Austral to be rezoned from R2 Low Density and R3 Medium Density zones to SP2 Special Uses zones for road widening and an Electrical Substation.
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;
 - Office of Environment and Heritage;
 - NSW Rural Fire Service;
 - NSW Department of Primary Industries (Water); and

- TransGrid
- Endeavour Energy

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. 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).
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.
6. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.

Dated 10th day of August 2019.



**Ann-Maree Carruthers
Executive Director
Eastern Harbour City
Department of Planning and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**