

Gateway Determination

Planning proposal (Department Ref: PP_2019_LPOOL_003_00): to include vehicle sales and hire premises as an additional permitted use on land at 36 and 36A Kookaburra Road, North Prestons.

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 allow vehicle sales and hire premises as an additional permitted use on the site at 36 and 36A Kookaburra Road, North Prestons should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is required to be amended as follows:
 - (a) use Council's template for the exhibited version of the planning proposal;
 - (b) update the references to the address of the subject land to 36 and 36A Kookaburra Road, North Prestons;
 - (c) expand the description of the proposed clauses to explain in detail the intent of the controls; and
 - (d) update the consistency of the planning proposal with section 9.1 Directions 3.4 Integrating Land Use and Transport, Direction 4.3 Flood Prone Land and 6.3 Site Specific Provisions
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016).
3. Consultation is required with Roads and Maritime Services under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions. RMS 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 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.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated *4th* day *November* 2019.



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

Delegate of the Minister for Planning
and Public Spaces



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

Dear Ms Fishburn

Planning proposal PP_2019_LPOOL_003_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) and additional documentation received on 2 October 2019 in respect of the planning proposal to include vehicle sales and hire premises as an additional permitted use on the site at 36 and 36A Kookaburra Road, North Prestons.

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 3.4 Integrating Land Use and Transport, Direction 4.3 Flood Prone Land and 6.3 Site Specific Provisions are minor. No further approval is required in relation to these Directions.

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 9 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 9860 1507.

Yours sincerely



Catherine Van Laeren 4/11/2010.
Acting Executive Director
Central River City and Western Parkland City

Encl: Gateway determination
Authorised plan-making reporting template