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Mr Carl Wulff
Chief Executive Officer
Liverpool City Council
Locked Bag 7064
LIVERPOOL NSW 1871

Our ref: PP_2014_LPOOL_010_00 (14/19602)
Your ref: 230635.2014

Attention: Lisa Mackay

Dear Mr Wulff

Planning proposal to amend Liverpool LEP 2008 (Amendment No 38)

I am writing in response to your Council's letter dated 4th November 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), concerning reclassification of 14 sites from community land to operational land.

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.

I have also agreed the planning proposal's inconsistency with Section 117 Directions 3.1 Residential Zones is of minor significance. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes. No further approval is required in relation to these Directions.

Council still needs to obtain the agreement of the Secretary to comply with the requirements of S117 Direction 4.3 – Flood Prone Land. Council should ensure this occurs post exhibition once addressed by Council.

Council is reminded of its obligations for undertaking a public hearing and providing adequate information regarding the discharge of any interests in relation to the proposed reclassification of land, in accordance with the Department's Practice Note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 6 weeks prior to the projected publication date.

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 EP&A Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Tessa Parmeter of the Metropolitan (Parramatta) office on 02 9860 1555.

Yours sincerely,

1.12.14

Tim Archer
A/Director, Metropolitan (Parramatta)
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2014_LPOOL_010_00): to amend draft Liverpool Local Environmental Plan 2008 concerning reclassification of 14 sites from community to operational land.

I, the Acting Director, Metropolitan (Parramatta), 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* (EP&A Act), that an amendment to the draft Liverpool Local Environmental Plan 2008 concerning reclassification of 14 sites from community to operational land, should proceed subject to the following conditions:

1. Prior to public exhibition, Council amend the planning proposal to:
 - (a) Under Part 2 – Explanation of provisions, for each site, clearly identify the proposed changes to each of the planning controls.
 - (b) address the outstanding matters from the Department's Practice Note *PN09-003, Classification and reclassification of public land through a local environmental plan*, including:
 - i) the reason why Council acquired an interest,
 - ii) any proposal to extinguish or retain other interests in the land through the reclassification, and
 - iii) provide a justification/explanation as to why such interests are being extinguished.
 - (c) further address the consistency of the planning proposal with Section 117 Direction 4.3 - Flood Prone Land, specifically in relation to land at 99-101 Rose Street Liverpool and if required, consult with Office of Environment and Heritage.
2. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly exhibited for 28 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 the planning proposal as identified in section 5.5.2 of *A Guide to preparing local environmental plans (Department of Planning and Environment 2013)*.
3. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A 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).
4. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

Dated 1st day of December 2014.



1.12.14

Tim Archer
A/Director, Metropolitan (Parramatta)
Planning Services

Delegate of the Minister for Planning