



Planning & Environment

Contact: Amar Saini
Phone: (02) 9860 1130
Email: amar.saini@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Mr Robert Noble
Acting Chief Executive Officer
Liverpool City Council
Locked Bag 7064
LIVERPOOL NSW 1871

Our ref: PP_2014_LPOOL_008_00 (14/8206)
Your ref: 070331.2014

Attention: Graham Matthews

Dear Mr Noble,

Planning proposal to amend Liverpool LEP 2008 (Amendment No 48)

I am writing in response to your Council's letter dated 6th May 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act"), concerning increase in the permissible maximum gross floor area of a dual-occupancies within RU2 Rural Landscape zone.

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

The Minister delegated plan making powers to councils 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 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.

Should you have any queries in regard to this matter, please contact Amar Saini of the Metropolitan Delivery (West) office of the Department on 02 9860 1130.

Yours sincerely,

10/9/14

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Housing, Growth and Economics



Gateway Determination

Planning proposal (Department Ref: PP_2014_LPOOL_008_00): to amend draft Liverpool Local Environmental Plan 1988 to increase the permissible maximum gross floor area of attached dual-occupancies within RU2 Rural Landscape zone.

I, the Director, Metropolitan Delivery (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act, that an amendment to the draft Liverpool Local Environmental Plan 2008 (Amendment No 48) to increase in the permissible maximum gross floor area of dual-occupancies within RU2 Rural Landscape zone, should proceed subject to the following conditions:

1. Before the planning proposal is placed on exhibition, Council is to:
 - amend the land use table for RU2 – Rural Landscape by replacing 'Dual occupancies' with 'Dual occupancies (attached)' 'Permitted with consent' under item 3 of the Land Use Table; and
 - include provisions to preserve the rural landscape and its attributes in and around the vicinity of heritage items such as retention of the existing gross floor area of 60sqm for secondary dwellings or excluding secondary dwellings on land below a certain land size in consultation with the Heritage Division, Office of the Environment and Heritage.
2. I have also agreed to the planning proposal's inconsistency with S117 Directions 1.2 Rural Zone is justified by a study prepared by Council. No further approval is required in relation to these Directions.
3. 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 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 & Infrastructure 2013)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Campbelltown City Council
 - the Heritage Division, Office of the Environment and Heritage

Each agency 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.
5. A public hearing is not required to be held into the matter by any person or body under section 56(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).
6. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.

Dated 10th day of September 2014.

R Cumming

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Housing, Growth and Economics

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Liverpool City Council 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_2014_LPOOL_008_00	Planning proposal is to Increase the permissible maximum gross floor area for at least one dwelling of a dual-occupancy within the RU2 Rural Landscape zone from 60sqm to 200sqm and to permit only attached dual occupancies with consent within RU2 zone.

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

Dated 10th Day of September, 2014

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Housing, Growth and Economics

As delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2014_LPOOL_008_00
Date Sent to Department under s56	8 th May 2014
Date considered at LEP Review Panel	N/A
Gateway determination date	10 th September 2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: