

Gateway Determination

Planning proposal (Department Ref: PP_2019_LPOOL_005_00): to rezone two sites at Lot 1 DP 860799, 4-8 Hoxton Park Road, Liverpool and part of Gillespie Street, Liverpool, from B6 Enterprise Corridor to B4 Mixed Use.

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 rezone two sites at Lot 1 DP 860799, 4-8 Hoxton Park Road, Liverpool and part of Gillespie Street, Liverpool from B6 Enterprise Corridor to B4 Mixed Use and make changes to associated development controls, remove 4-8 Hoxton Park Road from the Key Sites map and for application of Clause 6.4A Arrangements for designated State public infrastructure in intensive urban development areas of the Liverpool LEP 2008 to the site, should proceed subject to the following conditions:

1. Prior to community consultation Council is to revise the planning proposal by:
 - a) including part of Gillespie Street, and associated changes except the application of Clause 6.4A, indicating the land is proposed to be zoned B4 Mixed Use;
 - b) including thumbnail mapping illustrating existing and proposed provisions for all the proposed amendments;
 - c) including a Part 6 – project timeline;
 - d) amending the cover page to replace the existing information that appears on that page and add Council's name and logo, etc. as Council has adopted the proposal;
 - e) amending the proposal document to better follow the structure outlined in the Department's *Planning Proposals – A guide to preparing planning proposals*, including consideration being given to the placement and/or amendment of the existing executive summary and introduction;
 - f) consolidate, and where appropriate, update the proposal by addressing current section 9.1 directions and the proposal's consistency with the Western City District Plan and Greater Sydney Region Plan, ensuring current sections of the Act are referenced within the proposal;
 - g) update the urban design report to clearly indicate:
 - i) solar access and overshadowing impacts on the surrounding area during winter solstice on 22 June; and
 - ii) ensure overshadowing diagrams are clearly labelled, showing orientation, nominated date and times, and zoning of the surrounding area;
 - h) the revised planning proposal is to be forwarded to the Department for review and approval prior to public exhibition commencing.

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, 2018).
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:
 - relevant infrastructure servicing authorities; and
 - Roads and Maritime Services.
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** from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority 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.

Dated 15th day of January 2020.



David McNamara
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_005_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* in respect of the planning proposal which seeks to amend the Liverpool Local Environmental Plan 2008 to rezone two sites at Lot 1 DP 860799, 4-8 Hoxton Park Road, Liverpool and part of Gillespie Street, Liverpool from B6 Enterprise Corridor to B4 Mixed Use and make changes to associated development controls.

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.

In making my determination, I have taken the view that Council should also rezone part of Gillespie Street, which adjoins the site, to a B4 Mixed Use zone as advised by the Liverpool Local Planning Panel.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Direction 1.1 Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction.

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 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 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



David McNamara
Acting Executive Director
Central River City and Western Parkland City

Encl: Gateway determination
Authorised plan-making report

Attachment 5 – Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- The planning proposal number will be provided by the Department of Planning, Industry and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:
[Name]
[Title]
[Council name]
Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

Table 1: To be completed by the Department

Stage	Date/Details
Planning proposal number	PP_2019_LPOOL_005_00
Date sent to DPIE under section 3.34(1)	13/09/2019
Gateway determination date	15/01/2020

Table 2: To be completed by the local plan-making authority

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPIE requesting notification		

Table 3: To be completed by the Department

Stage	Date/Details
Notification date and details	

Additional relevant information: