

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

Dear Ms Fishburn

**Planning proposal [PP\_2018\_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) in respect of the planning proposal to allow centre-based child care facility as an additional permitted use at 525 Cowpasture Road, Len Waters Estate.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

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 12 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 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning 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 Greater Sydney Commission 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 to assist you. Ms Myint can be contacted on 98601507.

Yours sincerely



**Ann-Maree Carruthers**  
**Director**  
**Sydney Region West**  
**Planning Services**

16/4/18

Encl: Gateway Determination  
Local plan-making authority reporting template

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_LPOOL\_003\_00): to amend Liverpool Local Environmental Plan 2008 to permit additional use for a centre-based child care facility at 525 Cowpasture Road, Len Waters Estate***

I, the Director, Sydney Region West, Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, 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 permit additional use for a centre-based child care facility at 525 Cowpasture Road, Len Waters Estate in Schedule 1 Additional permitted use table of the Liverpool LEP 2008 should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to address consistency with the Planning Priorities of A Metropolis of Three Cities - the Greater Sydney Region Plan and the Western City District Plan
2. Community consultation is required under section 3.34(2)(c) and schedule 1, clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 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* (Department of Planning and Environment 2016).
3. Consultation is required with NSW Department of Education under section 3.34(2)(d) of the Act. NSW Department of Education 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 **12 months** following the date of the Gateway determination.

Dated 16<sup>th</sup> day of April 2018.



**Ann-Maree Carruthers**  
**Director**  
**Sydney Region West**  
**Planning Services**  
**Department of Planning and Environment**  
  
**Delegate of the Greater Sydney Commission**

## Attachment – Authorised plan-making reporting template

### Reporting template for authorised LEP amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department of Planning and Environment will fill in the details of Tables 1 and 3.
- Planning proposal authority (PPA) is to fill in details for Table 2.
- If the planning proposal is exhibited more than once, the PPA should add rows to **Table 2** to include this information.
- The PPA 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.
- A copy of this completed report must be provided to the Department of Planning and Environment with the PPA's request to have the LEP notified.

**Table 1: To be completed by the Department of Planning and Environment**

Stage	Date/Details
Planning proposal number	PP_2018_LPOOL_003_00
Date sent to DPE under section 3.34(1)	
Date considered at planning panel (if applicable)	N/A
Gateway determination date	16 /4 /18

**Table 2: To be completed by the PPA**

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		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made under delegation		
Date sent to DPE requesting notification		

**Table 3: To be completed by the Department of Planning and Environment**

Stage	Date/Details
Notification date and details	

#### Additional relevant information: