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Department Generated Correspondence (Y)

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Our ref: PP\_2011\_LPOOL\_011\_00 (11/18571-1)  
Your ref: 177465.2011

Mr Farooq Portelli  
General Manager  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Dear Mr Portelli,

**Re: Planning Proposal to rezone 16.75ha of the 87.5ha New Brighton Golf Course (NBGC) at Moorebank to facilitate the subdivision of 310 dwellings and the continued operation of the golf course**

I am writing in response to your Council's letter dated 10 October 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Liverpool Local Environmental Plan 2008 to rezone 16.75ha of the 87.5ha New Brighton Golf Course (NBGC) at Moorebank to as follows:

- **Area A** – from RE2 Private Recreation to R2 Low Density Residential, and to amend Schedule 1 Additional Permitted Uses of the Liverpool LEP 2008 to allow 'Multi Dwelling Housing' within Area A;
- **Area B** – from RE 2 Private Recreation to RE1 Public Recreation;
- **Area C** – from RE1 Public Recreation to RE2 Private Recreation and to reclassify the land from 'community' to 'operational';
- **Area D** – from RE2 Private Recreation to RE1 Public Recreation; and
- **Area E** – from RE2 Private Recreation to E2 Environmental Conservation.

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

Council's preferred approach of using an R2 Low Density Residential zone and amending Schedule 1 to allow for 'studio' apartments as an additional permitted use is not supported. The Department believes that the housing outcomes proposed in this planning proposal can be achieved by adopting an appropriate higher density zone over the subject site together with a local 'heads of consideration' clause. It is suggested that Council consider either an R1 General Residential or R3 Medium Density Residential zone for the site, together with a local clause detailing the preferred urban design and built form outcomes for the proposed 'studio' apartments. Council is therefore to amend the planning proposal to identify an appropriate zone for the subject site prior to proceeding to public exhibition. Council should liaise with the Department's Regional Planning Team to develop an appropriate local provision which should also be included in the public exhibition material.

Council is reminded of its obligations for the preparation of an LEP involving the reclassification of public land as described in *PN 09-003 Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council Land (January 1997)* issued by the Department. Accordingly, Council is to identify any trusts, estates, interests, dedications, conditions, restrictions and covenants applying to the land

together with a statement to clarify whether any of these will be discharged as part of the reclassification process. This information is to be provided for exhibition purposes.

The Director General's delegate has agreed that the planning proposal's inconsistencies with S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to this Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of the Local Planning Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 4.1 Acid Sulfate Soils, Council is to provide further justification for the inconsistency by preparing an Acid Sulfate Soils Management Plan in accordance with the Direction prior to exhibition. The Plan should be exhibited with the draft LEP.

In relation to the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land, Council is to provide further justification for the inconsistency by preparing a Flood Plain Management Strategy for the site in accordance with the requirements of the NSW Floodplain Development Manual prior to exhibition. The Strategy should be exhibited with the draft LEP.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (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 s54(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 Stephen Gardiner of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2011\_LPOOL\_011\_00)** to rezone 16.75ha of the 87.5ha New Brighton Golf Course (NBGC) at Moorebank to facilitate the subdivision of 310 dwellings and the continued operation of the golf course

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Liverpool Local Environmental Plan 2008 to rezone 16.75ha of the 87.5ha New Brighton Golf Course (NBGC) at Moorebank as follows:

- **Area A** – from RE2 Private Recreation to R2 Low Density Residential, and to amend Schedule 1 Additional Permitted Uses of the Liverpool LEP 2008 to allow 'Multi Dwelling Housing' within Area A;
- **Area B** – from RE 2 Private Recreation to RE1 Public Recreation;
- **Area C** – from RE1 Public Recreation to RE2 Private Recreation and to reclassify the land from 'community' to 'operational';
- **Area D** – from RE2 Private Recreation to RE1 Public Recreation; and
- **Area E** – from RE2 Private Recreation to E2 Environmental Conservation

should proceed subject to the following conditions:

1. Use of a low density residential (R2) zone and an amendment to Schedule 1 to allow for the development of proposed 'studio' apartments within Area A is not supported. Council is to amend the planning proposal to rezone the site to either R1 General Residential or R3 Medium Density Residential.
2. In addition, Council is to work with the Department's Regional Planning Team to develop a local provision which provides relevant heads of consideration in relation to permitting multi unit dwellings in appropriate locations within the subject site.
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 **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 planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Office of Environment and Heritage
  - NSW Roads and Traffic Authority
  - Catchment Management Authority – Sydney Metro
  - Fire and Rescue NSW
  - Bankstown Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
6. In regards to the planning proposal's inconsistencies with S117 Direction 4.1 Acid Sulfate Soils, Council is to provide further justification for the inconsistency by preparing an Acid Sulfate Soils Management Plan in accordance with the Direction prior to exhibition. The Plan should be exhibited with the draft LEP.
7. In relation to the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land, Council is provide further justification for the inconsistency by preparing a Flood Plain Management Strategy for the site in accordance with the requirements of the NSW Floodplain Development Manual prior to exhibition. The Strategy should be exhibited with the draft LEP.
8. 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).
9. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

7<sup>th</sup>

day of

December

2011.



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**  
**Delegate of the Minister for Planning and**  
**Infrastructure**