

Gateway Determination

Planning proposal (Department Ref: PP-2022-1602): Moore Point

I, the A/Deputy Secretary, Planning and Land Use Strategy at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 2008 to rezone Moore Point should proceed subject to the following conditions:

Amendments prior to public exhibition

1. The planning proposal, reports and studies are to be updated to:
 - a. include the whole Moore Point precinct (as defined in the planning proposal);
 - b. have consistent dwelling and job numbers;
 - c. refer to the same Master Plan;
 - d. remove references to the Metro station;
 - e. reflect the Employment Zone Reform terminology for Business zones;
 - f. update mapping to:
 - i. Amend the Height of Buildings Map to show building heights in meters;
 - ii. Amend the FSR map in accordance with the findings of the Urban Design study referred to below;
 - iii. Amend the zoning map to show the RE1 applicable to riparian zones to be at least 40m wide, and other open spaces as appropriate zones;
 - iv. Propose any amendments to the heritage map;
 - v. Propose a key sites map showing the location of any school sites.

2. To satisfy:

- section 9.1 Direction 4.3 Flood Prone Land,
- the recommendations of the 2022 NSW Flood Inquiry, and
- recommendations made by the Flood Planning Advice Panel,

the following must be undertaken, and the planning proposal updated as necessary to reflect the outcomes of:

- a. Further modelling and hazard mapping for the 1 in 100, 1 in 5000 and PMF events which must consider climate change impacts and be calibrated with the most recent flood events.
 - i. the modelling must support an updated Urban Design Report and revised master plan for the site, including the proposed location of any public space and the evacuation plan discussed below.
- b. Provide an amended Evacuation Plan. The Evacuation Plan is to identify critical infrastructure upgrades required for evacuation purposes, and provide a detailed staging and delivery plan, including dwelling thresholds for the delivery of infrastructure. At least one pedestrian bridge and the levee are to form part of Stage 1.

- i. the Evacuation Plan, must determine (in consultation with the Department and agencies) the flood level for the three pedestrian bridges and demonstrate how the residents will evacuate, and the site be accessed where required in a 1 in 100 event, 1 in 500 event, 1 in 5000 event and in a PMF event.
 - ii. The Evacuation Plan must provide a strategy for emergency vehicle access to at least one of the proposed bridges.
 - iii. Evidence that the proposed pedestrian bridges required for the purpose of evacuation can be secured at the appropriate stage of development, the funding and delivery strategy, including the identification the owners of land where the bridges are located and in principle support from those landowners.
 - c. Provide further detail how critical infrastructure will be provided above the PMF for all residents (including if wider network upgrades are required);
 - d. Provide further detail on the proposed levee including:
 - i. a plan showing its exact location,
 - ii. size,
 - iii. material,
 - iv. mechanism of delivery,
 - v. evidence of Council's support and consent for the levee (as owners of the proposed site),
 - vi. a maintenance plan and
 - vii. how safety will be addressed;
 - e. Provide a bulk earthworks/cut and fill plan and a fill strategy to demonstrate the elevation of all building pads will be above the 1 in 100 level plus 0.5m freeboard. The internal roads must be above the 1 in 100 level with rising egress to the evacuation routes;
 - f. Sections at various locations along the river to show levels (current and proposed) and relationships between river, embankment and future buildings; and
 - g. The modelling and evacuation strategy must submitted to the Department to enable an independent peer reviewed.
3. An updated Master Plan and an Urban Design Report must be prepared, for endorsement by the Department prior to exhibition, to address the following:
- a. The Master Plan must include,
 - i. Ground and building levels in RLs and height in metres
 - ii. New ground levels, and levels on adjoining land
 - iii. Development envelopes / massing and building heights in metres and storeys
 - iv. Open space and public domain
 - v. Street layout with block measurements
 - vi. Land use, including indicative car parking entry, design and levels
 - vii. An accompanying GFA schedule by building and stage, that shows dwelling numbers, and includes assumptions for the calculation of GFA dwelling size and mix.
 - b. The Master Plan must demonstrate that:
 - i. Residential floors be above PMF level and all other uses to be above 1% AEP (plus 0.5m freeboard)
 - ii. All streets to be at least above the 1% AEP.
 - iii. Bridges, streets, building, and car parking is consistent with the recommendations of the updated Evacuation Plan.

- c. The Urban Design Report is to address the requirements of the Local Environmental Plan Making Guideline September 2022 – Attachment C for Urban Design - Urban setting /urban renewal sites/ infill site – Complex.
- d. The Urban Design Report is also to include:
 - i. Justification for proposed height and FSR.
 - ii. Propose a transition of FSR/height controls to minimise impact on heritage items, Georges River, Moore Lake and existing and proposed open spaces.
 - iii. A public domain strategy, with levels, areas, use, and that is consistent with the Evacuation Plan (refer to Condition 2(b) above and Open Space Needs Assessment (refer to in Condition 6 below).
 - iv. Ability to comply with SEPP 65 and the ADG, particularly, solar access.
 - v. Detailed shadow diagrams are to be provided which demonstrate the impact on existing parks and waterway as well as proposed parks, schools and residential units;
 - vi. A bulk earthworks/cut and fill plan, that demonstrates compliance with the Evacuation Plan
 - vii. Section plans, including sections at various locations along the river to show levels (current and proposed) and relationships between river, embankment and future buildings.
 - viii. Recommendations for detailed design controls required to be included in the DCP.
 - ix. High level Crime Prevention Through Environmental Design analysis
 - x. High level waste and servicing strategy
 - xi. Provide further information regarding the design of car parking to ensure it is flood proof and can withstand flood and debris loading to avoid structural failure. Car parking, along with street activation, needs to be designed in a way that does not compromise public amenity.

4. Amend the Riparian Strategy to address the following:

- a. Demonstrate compliance with the *Water Management Act 2000*; and
- b. Include plans showing inner and outer riparian corridors and all structures that encroach into this area. Certain buildings or structures may be proposed to be located on a riparian corridor consistent with relevant guidelines.

5. The Biodiversity Assessment must be updated to:

- a. Identify land comprising coastal protections, and the attributes and sensitivities of this site
- b. Address the impacts on the water quality, river flows, bushland and sensitive environments such as wetlands, freshwater and estuarine ecosystems;
- c. Reflect all current legislation, guidelines and assessment criteria;
- d. Identify which order stream the Georges River is and update the report accordingly;
- e. Ensure all species references and credit species references are correct;
- f. Identify the biodiversity values and consider the impact of the proposed development on the land identified to be zoned RE1 within the Precinct, including any indirect impacts to Haigh Park, The Georges River and Lake Moore. This should also include consideration of the impacts of any development proposed within these areas such as upgrades to Haigh Park, the installation of pathways, lighting and overshadowing;
- g. Adequately justify any impact to threatened ecological communities;

- h. Update the Biodiversity Assessment Report to include a discussion on how the existing biodiversity values informed the land zoning and development footprint.
 - i. Review and address NSW Environment and Heritage Group (EHG) comments in regard to:
 - i. exclusions of ecosystems credits and;
 - ii. undertake target surveys in the correct times of the year.
6. Provide an Open Space Needs Assessment that addresses:
- a. The quantum, size, locations and type of open space required to support the new population. Consideration should be given to the location of a significant portion of the open above the 1% AEP, clarifying how much open space is proposed to be located on flood prone land.
 - b. Demonstrate that the active recreation needs of the future population can be accommodated.
 - c. Update the plans to identify a minimum 40m width of the river foreshore for public use;
 - d. Identify the location of a park in the southern end of the precinct to ensure all residential development is located within 200m of public open space and ensure it is at least 0.5ha in size;
 - e. Provide options to accommodate the additional 1.5ha open area adjacent Haigh Park and provide at least one district level sports field within this area;
 - f. Ensure 50% of every park receives a minimum of 4 hours solar access between 9am to 3pm on the 21 of June and 20% of each park is protected from direct sunlight on 21 December, private and publicly accessible, private open space; and
 - g. Provide a dedication plan of all public spaces.
7. A heritage assessment report which addresses any impact on heritage items on site, as well as adjoining heritage items to the precinct. The report must investigate adaptive reuse options which would allow for the buildings to be retained.
8. A revised Economic Impact Assessment to address the ability and justification of delivering jobs in the precinct and demonstrate that the CBD will not be undermined;
9. Provide a public domain strategy and an ownership strategy;
10. Provide for the provision of affordable housing;
11. The updated planning proposal and all supporting documentation noted above must be submitted to the Department for review.

Public exhibition

12. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and 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 *Local*

(c) Exhibition must commence before the end of September 2023.

13. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- Transport for NSW
- School Infrastructure NSW
- Department of Education
- NSW Office of Water
- Infrastructure NSW
- NSW State Emergency Services
- NSW Rural Fire Service
- Fire and Rescue NSW;
- NSW Environment and Heritage
- Natural Resources Access Regulator (NRAR)
- NSW Environment Protection Authority
- Sydney Water Corporation
- Jemena
- NBN Co
- Endeavour Energy
- Gandangara Local Aboriginal Land Council
- NSW Health – Western Sydney Local Health District
- Department of Primary Industries - Fisheries
- Bankstown Airport

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 21 days to comment on the proposal.

14. 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 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).

Prior to finalisation

15. To satisfy section 9.1 Direction 2.6 Remediation of Contaminated Land, a Stage 2 Contamination Report and Hazardous Material Survey is required.
16. To satisfy section 9.1 Direction 3.4 Integrating Land Use and Transport, a detailed Traffic Study and modelling to demonstrate impacts on the existing road network and compliance with the Liverpool Collaboration Area – Strategic Transport Infrastructure Assessment.
17. A site-specific Development Control Plan to implement the updated Master Plan and Urban Design Report must be prepared and exhibited.
18. Post exhibition:
 - a. A bushfire report that demonstrates compliance with relevant standards;
 - b. An acoustic report; and
 - c. A landscape report and landscape plan;

19. The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act
20. The LEP should be completed on or before 31 March 2024.

Dated 3 April 2023

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

Monica Gibson
A/Deputy Secretary
Planning and Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning

Alteration of Gateway Determination

Planning proposal (Department Ref: PP 2022-1602)

I, Director, Western, Metro West at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 03 April 2023 for the proposed amendment to the Liverpool Local Environmental Plan 2008 as follows:

1. Delete:

“condition 12(c)”

and replace with:

a new condition 12(c): “Exhibition must commence before the end of February 2024”

2. Delete:

“condition 20”

and replace with:

new condition 20: “The LEP should be completed on or before 27 September 2024”

11 September 2023.



Adrian Hohenzollern
Director, Western
Metro West
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes