



IRF24/2072

## Gateway determination report – PP-2022-2380

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Hoxton Park Road, Liverpool – to facilitate midrise mixed use development  
(residential and maximum 1,200m<sup>2</sup> of business and retail premises combined).

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans

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Planning proposal report prepared by Mecone dated 7 June 2024

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Liverpool Local Planning Panel report and meeting minutes dated 29 May 2023

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Liverpool Council meeting report and minutes for 30 August and 22 November 2023

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Economic Impact Assessment by Hill PDA dated May 2024

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Letter of offer – proposed Voluntary Planning Agreement dated 13 July 2023

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Letter- agree to provide 5% affordable housing by ABA Estate

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Architectural Report prepared by Tony Owens Partners dated April 2024

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Landscape Concept Design Report by Site Image Landscape Architects dated 23 May 2022

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Traffic Impact Assessment by TRAFFIX dated 10 June 2022 and statement addendum dated July 2023

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Green Travel Plan by TRAFFIX dated 5 May 2022

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Desktop Flood Study by SGC dated 28 June 2022

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Social Impact assessment by Hill PDA dated June 2022

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Preliminary Site Investigation by EI Australia dated 5 May 2022

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Acoustic Assessment by Acouras Consultancy dated 23 June 2022

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Arboriculture Impact Assessment by Cumberland Tree Services PTY LTD dated 11 June 2023

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Operational Waste Management Plan by EF consulting dated 23 June 2022

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# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Liverpool</b>
<b>PPA</b>	Strategic Planning Panel of the Sydney Western City Planning Panel
<b>NAME</b>	Hoxton Park Road, Liverpool – to facilitate midrise mixed use development (residential and maximum 1,200m <sup>2</sup> of business and retail premises combined) (approximately 312 dwellings, 58 jobs).
<b>NUMBER</b>	RR-2023-34 and RZ-3/2022
<b>LEP TO BE AMENDED</b>	Liverpool Local Environmental Plan 2008
<b>ADDRESS &amp; DESCRIPTION</b>	93-145 Hoxton Park Road, Liverpool - Lots 53-79 DP 1154816 49 and 51 Maryvale Avenue, Liverpool- Lot 5A DP 396839 and Lot 80 DP 1154816 260 Memorial Avenue, Liverpool- Lot 2 DP 1050030 20 and 48 Dale Avenue, Liverpool - Lot 126 and Lot 140 DP 25952
<b>RECEIVED</b>	26/09/2024
<b>FILE NO.</b>	IRF24/2072
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to facilitate the development of the site for-

- 312 diverse apartments and 5% of the total gross floor area as affordable housing
- business premises and retail premises with a combined total gross floor area of 1,200m<sup>2</sup>
- multiple ground floor communal and public recreational open space areas

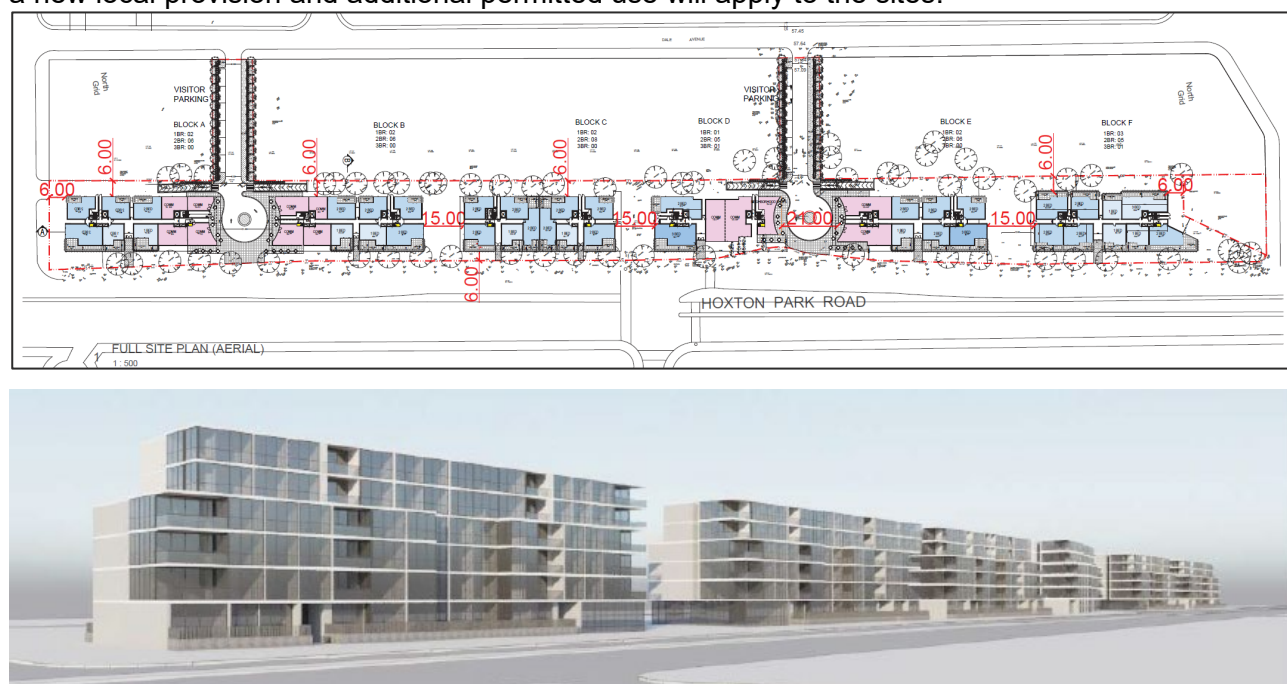
The intended outcome of the planning proposal is to-

- enable transit-oriented development on land that is otherwise mostly undeveloped
- provide well located diverse housing, including a minimum of 5% affordable housing and commercial premises close to existing major public transport network
- provide appropriate public domain and pedestrian links for the site
- provide short term and long-term employment and services for the site and surrounding

## 1.3 Explanation of provisions

The planning proposal will facilitate five (5) midrise buildings on Hoxton Park Road, Liverpool, of approximately six (6) storeys with multiple basement levels. The proposal includes retail and commercial floor space, limited to 1,200m<sup>2</sup>, within the ground floor of four (4) of the buildings.

The proposal will incorporate two (2) additional lots- 20 and 48 Dale Avenue, Liverpool. These sites are intended for vehicular access and through-site pedestrian links for the intended development. Although the proposed development control amendments do not apply to these lots, a new local provision and additional permitted use will apply to the sites.



**Figure 1 Proposed concept of residential (blue) and commercial (pink) premises at ground level and rendered elevation (source: Architectural report, 2024)**

The planning proposal seeks to amend the Liverpool LEP 2008 per the changes below:

### 1.3.1 Development Controls

Proposed amendments to floor space ratio (FSR) and height of building (HOB) apply to 93-145 Hoxton Park Road, 49 and 51 Maryvale Avenue, and 260 Memorial Avenue, Liverpool. As the properties at 28 and 40 Dale Avenue are intended to be used for access only, there is no change to the development controls.

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	R4 High Density Residential	Not proposed to be amended
Maximum height of the building (HOB)	15m	21m
Floor space ratio (FSR)	1:1	1.5:1
Minimum lot size	1000m <sup>2</sup>	Not proposed to be amended
Number of dwellings	Current- 4, Potential- 240	312

Number of jobs

0

58

### 1.3.2 Other proposed amendments

#### Additional Local Provision

As the development site is very narrow and adjoins low-density form dwellings, Council and the proponent have agreed to prepare a site-specific Development Control Plan (DCP) for the development of the site to ensure that the design of the future built form can be managed appropriately.

New additional local provisions under Part 7 of the Liverpool LEP 2008 are proposed for-

- Requirement to prepare a site-specific Development Control Plan (DCP) for development providing guidance on site-specific matters, such as-
  - Site master planning
  - Site planning
  - Building design
  - Setbacks
  - Building Mass and scale
  - Landscaping, tree preservation, communal open space, and deep soil zones,
  - Dwelling density,
  - Car parking and access, and
  - Active and public transport.
- Requirement to provide a minimum of 5% Affordable housing Gross Floor Area (GFA).

#### Additional Permitted Uses (APU)

The planning proposal seeks APUs under schedule 1 of the Liverpool LEP 2008 for:

- Business Premises
- Retail Premises

Restrictions on the total and individual GFA for APUs are proposed, being:

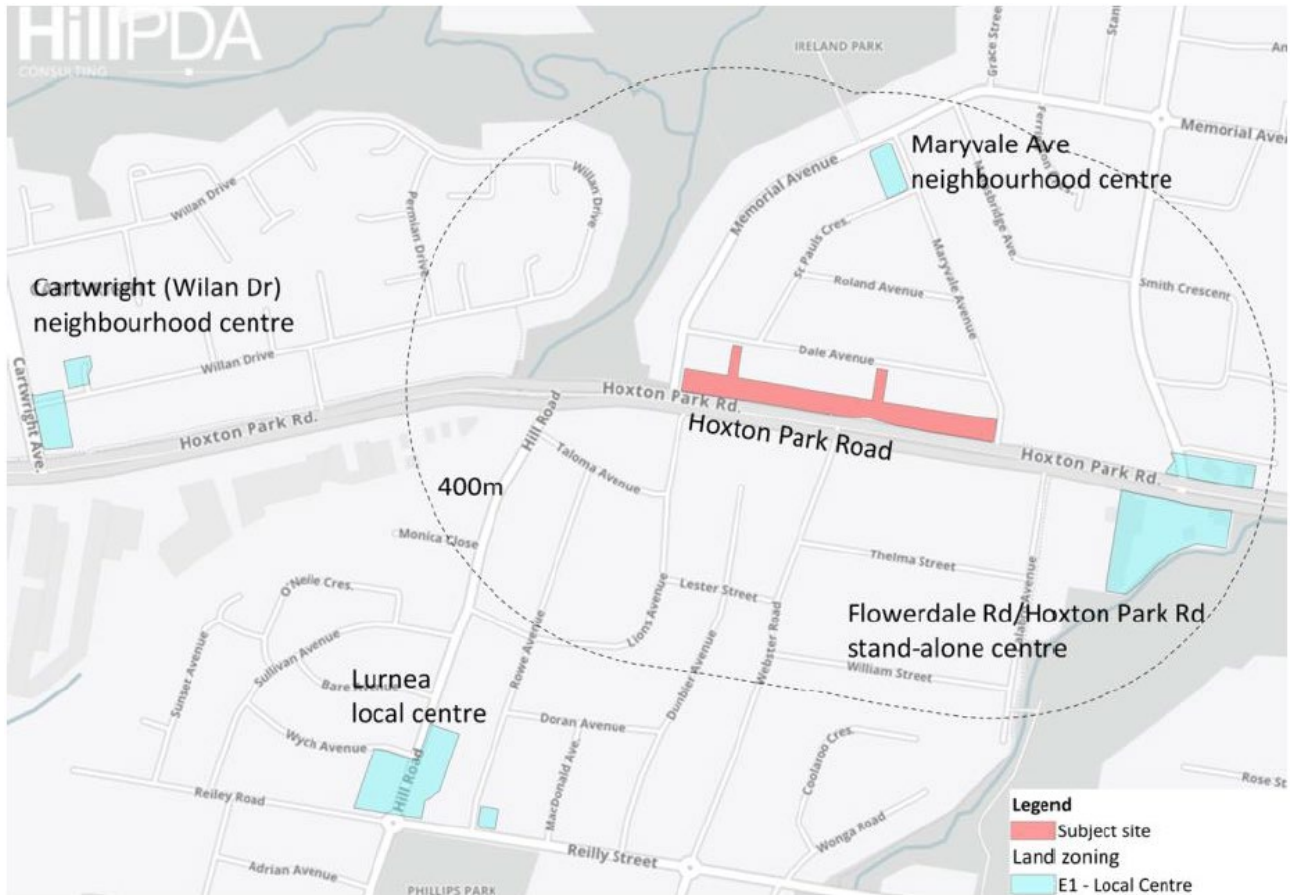
- a total of 1,200m<sup>2</sup> for the whole site
- a maximum GFA of 150m<sup>2</sup> for individual tenancies
- flexibility for two (2) tenancies to exceed GFA up to 300m<sup>2</sup>, however remaining within the total 1,200m<sup>2</sup> floor area limit.

The original proposal intended to expand the permissible uses for the ground floor level and sought APU for small-scale shops, and food and drink premises. Liverpool Local Planning Panel considered the planning proposal and supported 'small scale retail and food and drink premises' for the site. As 'food and drink premises' is a type of retail premises defined by the Standard Instrument LEP, Council resolved to support APU for 'retail premises' along with a capped total gross floor area across all business and retail premises on site.

The proponent amended the planning proposal to seek APU for business premises, food and drink premises, and shops for the rezoning review process. The planning proposal authority (the Panel) has provided support for Business premises and Retail premises following the submission of the economic impact assessment.

The only type of commercial premises permitted with consent under the Liverpool LEP 2008 (LLEP) R4 High Density Residential zone are Neighbourhood shops and Kiosk. Under clause 5.4 of the LLEP, a maximum floor area of 100m<sup>2</sup> for Neighbourhood shops and 30m<sup>2</sup> for Kiosks are permitted.

The proposed APUs are prohibited in the R4 High Density Residential zone, however are considered suitable for the site and will ensure that a range of businesses can operate out of the proposed commercial spaces, as well as provide walkable services to an area that is otherwise not well serviced, particularly the southern and western side of the site. The proposed GFA controls will permit larger floor areas for any commercial premises compared to the current controls applicable to the site, while the GFA limit ensures that the commercial uses would not undermine nearby local centres or the Liverpool Central Business District.



**Figure 2 Proximity to other local centres (source: Economic impact assessment, 2024)**

### Proposed amendments relating to 20 and 48 Dale Ave

The lots at 20 and 48 Dale Avenue are intended for vehicular access and through-site pedestrian links. The additional local provision and additional permitted uses would be applied to these sites.

## 1.4 Site description and surrounding area

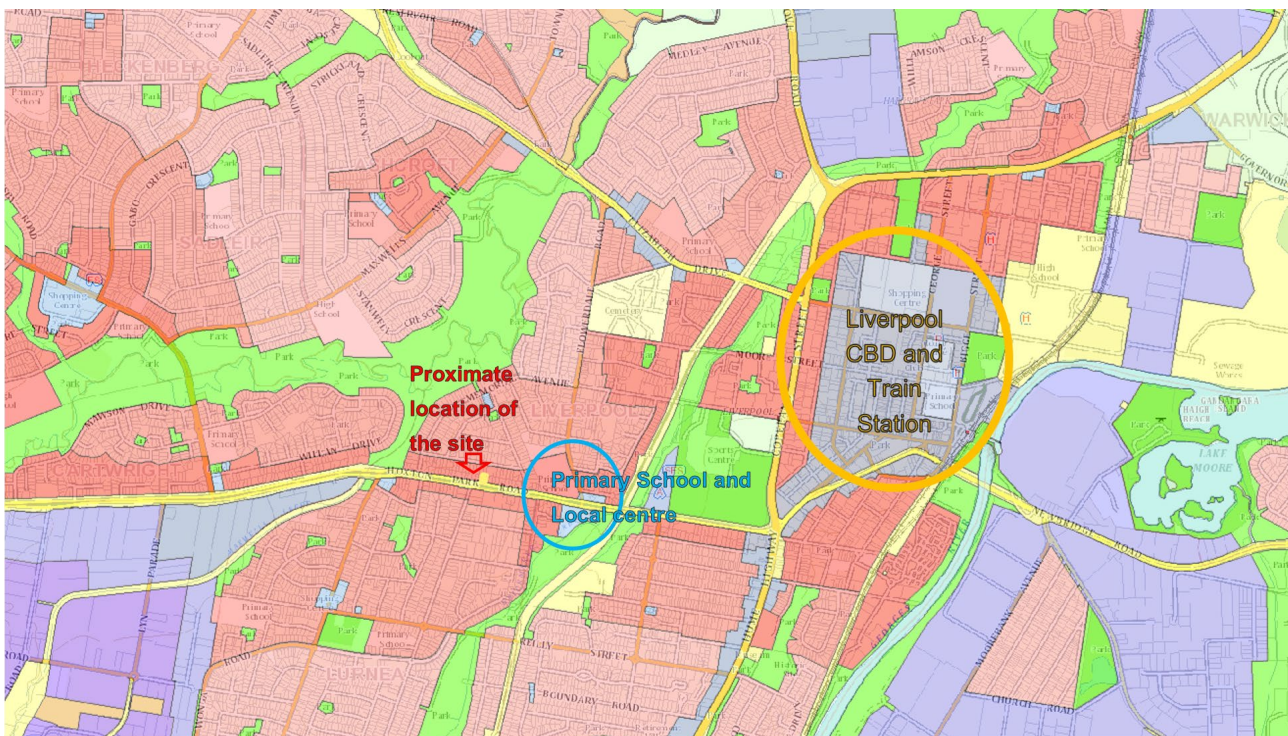
The site is located at 93-145 Hoxton Park Road, 49 and 51 Maryvale Avenue, 260 Memorial Avenue and 20 and 48 Dale Avenue Liverpool. It comprises a total of thirty-two (32) individual lots and an area of 15,606.1m<sup>2</sup>. The site is predominantly undeveloped apart from four (4) single storey dwellings. The site is 450m wide and 34m deep (excluding 20 and 48 Dale Avenue). The site has frontage to Hoxton Park Road, Memorial Avenue and Dale Avenue.





**Figure 3 Subject site (source: Planning Proposal Report, 2024)**

The site is located 2.5km west of the Liverpool CBD and fronts Hoxton Park Road, which includes a rapid transit lane. The site adjoins a T-way Bus stop and has access to 2 other bus stops towards the east and west end of the site. Local shops, Liverpool West Public School and Pre-school are located 100-200m east of the site.



**Figure 4 Site context (source: Spatial Viewer, 2024)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Height of Building and Floor Space Ratio maps, which are suitable for community consultation.





Figure 5 Current and proposed height of building map. (source- Planning proposal report, 2024)

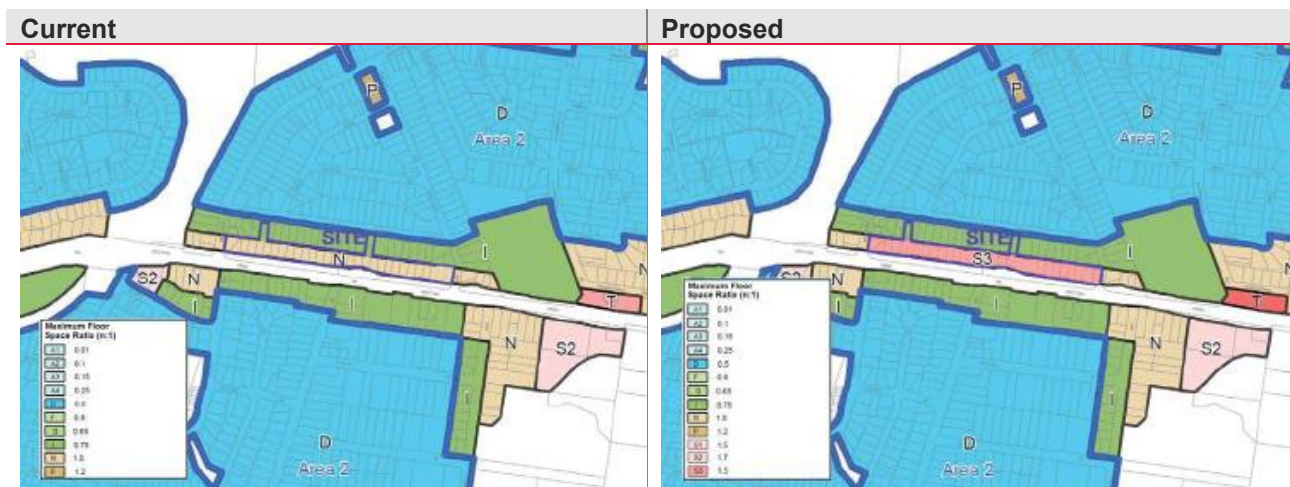


Figure 6 Current and proposed floor space ratio map. (source- Planning proposal report, 2024)

## 1.6 Background

The planning proposal is for a rezoning review sought by the proponent after Liverpool City Council failed to indicate support for the proposal within 90 days of the lodgment with Council. The Strategic Planning Panel of the Sydney Western City Planning Panel considered the proposal's merit and has elected to be the Planning Proposal Authority (PPA) for this proposal. A timeline for the proposal is below:

**17 July 2022** – proposal lodged with Liverpool City Council to increase FSR (2:1) and HOB (20.5m) for the site.

**29 May 2023** – Council staff reported the proposal to the Liverpool Local Planning Panel (LPP) with recommendations to support

- FSR of 1.5:1
- HOB of 21m to be consistent with other R4 zoned land in Liverpool
- Requirement for a site-specific DCP to address the built and natural form of the site

Liverpool LPP supported the proposal in principle with additional requirements to investigate a range of matters including additional permitted use for small-scale commercial premises for the site (refer to section 3.4 for more details). The proposal was not required to be reported to the Liverpool LPP for review once updated.

**30 August 2023** – Council staff referred the updated planning proposal to the council meeting and recommended the proposal be submitted to the Department for Gateway assessment. At the

meeting, Council resolved to defer the matter and direct the CEO to undertake pre-gateway community consultation.

**8 September to 9 October 2023** – The planning proposal was exhibited for thirty-one (31) days. Council received thirty-six (36) submissions.

**22 November 2023** – Following the consultation period, council staff recommended the proposal be submitted to DPHI for Gateway assessment. Council resolved to defer the item again subject to further consultation with residents.

**14 December 2023** – The proponent submitted a rezoning review with the Department.

**18 March 2024** – The Strategic Planning Panel of the Sydney Western City Planning Panel (Panel) was briefed by the Department, Liverpool City Council and the proponent.

**13 April 2024** – The Panel determined that the planning proposal should be submitted for a Gateway Determination, subject to amending the proposal per their recommendations (refer to section 3.5 of this report for further details).

**April- September 2024** – Preparation of gateway package for Gateway assessment and determination.

**23 September 2024** – The panel reviewed the revised proposal and supporting documents and supported the proposal subject to an additional requirement.

**26 September 2024** – The planning proposal was forwarded to the regional team for Gateway assessment.

## 2 Need for the planning proposal

The planning proposal is not a result of any local strategic planning statement, department-approved local housing strategy, employment strategy, strategic study or report. The subject site is mostly undeveloped, and the proposal will deliver housing, including affordable housing, and limited commercial premises located near the existing public transport network.

The proposal is the best means to achieve the density intensification and introduction of capped commercial uses by seeking to only increase applicable development controls and include additional permitted uses currently prohibited for the zone. An alternative approach is to rezone the land to a MU1 Mixed Use zone, which would permit several incompatible land uses in the local context.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal is generally consistent with the Greater Sydney Region Plan- A Metropolis of Three Cities by enabling development which-

- utilise existing infrastructure network for services (Objective 4)
- provide diverse housing options (Objective 10) and affordable housing (Objective 11)
- co-locate housing and commercial uses access to high quality public and communal open space (Objective 12)
- accommodate growth from Western Sydney Airport and Badgerys Creek Aerotropolis (Objective 20)
- retain and increase tree canopy where appropriate (Objective 30) and provide accessible public open space and communal spaces (Objective 31)

## 3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below-

- The proposed amendments will enable **development** on the **existing available infrastructure network**, thus maximising its use (Planning Priority W1, Objective 4)
- The proposed development can provide improved direct accessible pedestrian connections and public open spaces located close to various mixed uses (Planning Priority W4, Objective 7)
- The proposal will enable the **delivery of a minimum of 312 (72 additional)** diverse apartments and 5% of the developed floor area will be **affordable housing** in *Liverpool housing market demand area* (Planning Priority W5, Objective 10 and Objective 11)
- The proposal will enable the development of a **well-designed built environment, inclusive social infrastructure**, and **walkable open spaces** with access to mixed-use premises (Planning Priority W6, Objective 12)
- The proposal will enable the **development of land uses and transport structures** to **deliver** a liveable, productive, and sustainable **Western Parkland City** (Planning Priority W7, Objective 14)

## 3.3 Local

The proposal is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
Connected Liverpool 2040: Liverpool Local Strategic Planning Statement	<p>The Connected Liverpool 2040 Local Strategic Plan (LSPS) provides for a land use vision that guides the future growth and development across Liverpool to 2040. The planning proposal will give effect to</p> <ul style="list-style-type: none"> <li>• <b>Priority 7 - Housing choice for different needs, with density focused in the City Centre and centres well serviced by public transport</b> by enabling diverse residential development located near 3 rapid public transport stops (T-way bus stop).</li> <li>• <b>Priority 9 - Safe, healthy and inclusive places shaping the well-being of the Liverpool community</b> by enabling development located close to public transport and by providing accessible open space and multiple pedestrian links through the development.</li> <li>• <b>Priority 15 - A green, sustainable, resilient and water-sensitive city by enabling development</b> by enabling water-sensitive development with high thermal and energy standards.</li> </ul>
Liverpool Local Housing Strategy 2020	<p>Liverpool's Local Housing Strategy sets four key housing priorities for the Liverpool LGA over the next 20 years: diversity, affordability, location and quality/sustainability. The proposed amendments will enable diverse high-quality (standards and sustainability) housing near transport and services. Additionally, the amendment will require that the development include 5% affordable housing.</p>

Local Strategies	Justification
	Any future development is subject to complying with the applicable controls, relevant state policies and building standards at the time of lodgement.

### 3.4 Local planning panel (LPP) recommendation

The planning proposal was reported to Liverpool LPP on 29 May 2023. The LPP made several recommendations to be incorporated into the planning proposal prior to being forwarded to the Department for assessment. The recommendations and how they are addressed are as follows:

LPP Recommendation	How it is addressed
a) whether incentives ought to be included in the controls to encourage consolidation of the small lot adjoining the eastern boundary of the site (lot 5A DP 396839) with the development site;	Some of the concept plans (Architectural and Landscaping) do not incorporate lot 5A in their design. Gateway Determination is to include a condition to incorporate Lot 5A DP 396839 or 49 Maryvale Avenue, Liverpool into the design of the site development.
b) modelling of the potential maximum building envelope on the site to confirm that the GFA includes the site area of the access handle lots and adjustment of the envelopes if necessary;	
c) seek traffic engineering advice on the feasibility of additional vehicular access to Memorial Ave and (subject to consolidation of lot 5A with the development site) Maryvale Ave at the western and eastern ends of the site;	See section 5.3 Infrastructure-vehicular access of this report for further details.  The proposal will include two (2) accessways from Dale Avenue.
d) if feasible, the suggestion in (c) above will improve wider traffic distribution, reduce impacts to neighbours of the site to the north, improve building design and separations, improve deep soil areas between buildings, improve the amenity of the civic spaces opposite the access handles, potentially allow separate basements and reduce the very long travel distances for residents in an alternate single consolidated basement.	
e) consider permitting small-scale retail and food and drink premises on the site to encourage activation of the central community space within the site, noting the limited scope for neighbourhood shops in the R4 zone.	The proposal will enable maximum 1,200m <sup>2</sup> commercial floor area.

### 3.5 District Panel recommendation

Once the proponent sought a rezoning review, the proposal was considered by the Strategic Planning Panel of the Sydney Western City Planning Panel (the Panel). On 13 April 2024, the Panel determined that the planning proposal has merit as the proposal was consistent with relevant regional and local planning objectives by delivering housing in Sydney, which is a priority for all levels of Government, however, the proposal needed to address several issues first. The Panel also determined itself to be the PPA as Council has failed to deal with the proposal in a timely manner, despite Council staff supporting the proposal twice in principle.

On 23 September 2024, the Panel supported the proposed controls related to the commercial premises for the site and recommended that the proposal be submitted for Gateway Determination subject to an additional matter.

Below are the issues/recommendations raised by the Panel and how they are addressed-



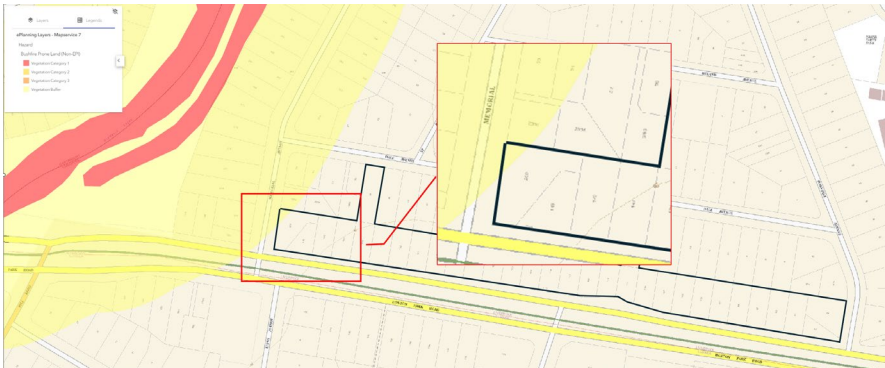
Panel Recommendations	How it is addressed
<b><i>Matters raised at the 13 April 2024 Panel Meeting</i></b>	
Incorporate Lot 80 DP1154816 (51 Maryvale Avenue); Lot 126 DP25952 (20 Dale Avenue); and Lot 140 DP25952, (48 Dale Avenue) in the Planning Proposal	Addressed under the revised proposal
Increase maximum building Height from 15m to 21m	Addressed under the revised proposal. It should be noted that some of the reports refer to the outdated proposed control. A condition has been included to ensure the planning proposal and all supporting reports have consistent control/figures.
Apply the proposed Additional Permitted Uses (APU) to 20 and 48 Dale Avenue in addition to all those allotments fronting Hoxton Park Road	Addressed under the revised proposal.
Investigate the viability of an Affordable Housing rate of 5% of gross floor area in perpetuity with a community housing provider	A letter offering to enter into a voluntary planning agreement and a letter from the proponent committing to the provision of affordable housing was included in the planning proposal package.
Preparation of an analysis of the impact of 1,200m <sup>2</sup> of non-residential floor space as proposed on nearby commercial premises by a suitably qualified person	The economic study provided a detailed analysis of the proposed commercial development. The planning proposal included the commercial premise GFA controls as recommended by the Panel.
Place a 150m <sup>2</sup> cap on the size of individual commercial premises, with an allowance for two 300m <sup>2</sup> premises within the 1,200m <sup>2</sup> allowance	
Incorporate a clause in the Liverpool LEP 2008 that requires a development control plan (DCP) for the site to be in force before a consent authority can grant development consent to a development application on the site	The proposal includes site-specific provisions requiring preparation of a DCP prior to gaining development approval.
Update the Planning proposal and supporting reports in accordance with the above points and LEP making Guidelines (August 2023) to reflect the Panel's decision.	Although the majority of the planning proposal is updated, some of the supporting documents refer to the original proposed controls. A gateway condition is imposed to update the planning proposal accordingly.
<b><i>Additional matters raised at the 23 September 2024 Panel Meeting</i></b>	
An additional Lot 5A DP 396839 (49 Maryvale Avenue) is to be included in the updated planning proposal in response to encouragement from the Panel so that a more orderly development outcome can be achieved	Also recommended by Liverpool LPP, the Panel required the proposal to incorporate 49 Maryvale Avenue which was not recommended at the previous Panel determination. A gateway condition will be imposed to incorporate the additional lot in the concept plans.

### 3.6 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	As discussed under section 3.1 Regional Plan and 3.2 District Plan of this report.
1.4 Site specific Provisions	No, but justified	<p>This direction seeks to discourage unnecessary restrictive site-specific planning controls implemented through the planning proposal.</p> <p>This planning proposal will introduce site-specific provisions for additional permitted use for commercial premises, incorporation of affordable housing and requirement to prepare a DCP for the site.</p> <p>The proposal is inconsistent with this direction by permitting prohibited land uses for the zone as well as imposing requirements that are not considered to be principal development standards.</p> <p>However, the planning proposal will enable development of a site that is mostly undeveloped and underutilised at this stage and as such, the inconsistency is considered to be of minor significance.</p>
4.1 Flooding	No, but justified	<p>Direction 4.1 seeks to ensure that flood-prone land is developed as per the NSW Government's Flood Prone Land policy and ensure that the applicable LEP provisions consider flood impacts appropriately.</p> <p>A small portion of land located in the northwest corner of the subject site is affected by flood and is identified as low flood risk land and the rest of the site is free of any probable flood. The planning proposal is inconsistent with this direction by proposing to increase dwelling density on a flood affected land.</p> <p>The concept plans provided demonstrate that the actual flood affected land is not intended to be developed, in order to comply with relevant setback and landscaping requirements.</p> <p>As such, the inconsistency with this direction is considered to be of minor significance. See section 4.1 Flooding for further discussion.</p>
4.3 Planning for Bushfire Protection	No	<p>Direction 4.3 seeks to discourage development in bushfire prone land and encourages sound management of bushfire prone areas.</p> <p>A small section of land located northwest of the subject site is identified as bushfire prone (Vegetation Buffer) land, which is land located within 100m Bushfire Prone - Vegetation Category 1 land at Maxwells Creek.</p> <p>Although the location and the size of the affected land is small (approximately 60m<sup>2</sup>) and the area is not likely to be developed, the development site is still considered to be a bushfire prone land. The relevant PPA will be required to consult the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>undertaking community consultation. The comments received will need to be incorporated into the planning proposal.</p>  <p><b>Figure 7 bushfire proximity to the subject site (source: Spatial viewer, 2024)</b></p> <p>In this regard, the direction remains <b>unresolved</b> for this planning proposal and will need to be resolved prior to the finalisation of the LEP.</p>
4.4 Remediation of Contaminated land	N/A	<p>This Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning authorities.</p> <p>The direction does not apply because the proposal does not seek to rezone the land and high density residential is already permissible. Further, A Preliminary Site Investigation has been lodged and does not indicate the site having high potential for contamination based on historical land uses. Chapter 4 of SEPP (Resilience and Hazards) 2021 contains suitable provisions to ensure consideration of whether land is contaminated to be adequately assessed as part of a future development application.</p>
5.1 Integrating Land Use and Transport	Yes	<p>This direction seeks to ensure that new developments have good access to public transport, reduce car dependency and provide efficient movement of freight.</p> <p>The site is serviced by several public transport options. It is directly adjacent to the Liverpool to Parramatta Transitway (T-way) and is located 2.2 km west of Liverpool Railway Station which is accessible by a bus service from the T-way.</p> <p>In this regard, the planning proposal is consistent with the terms of this direction.</p>
6.1 Residential zones	Yes	<p>The planning proposal is consistent with this direction by encouraging the provision of diverse, higher-density in-fill housing located near existing public transport network. The proposed development will make efficient use of existing infrastructure and services and be subject to compliance with relevant sustainable and design benchmarks.</p>



## 3.7 State environmental planning policies (SEPPs)

With exception of SEPP (Resilience and Hazards) 2021, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Transport and Infrastructure) 2021	Contribute to efficient planning framework for delivering infrastructure in NSW	Yes	Hoxton Park Road is classified as a state road and any development on the site must comply with requirements under Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations. Appropriate assessment will be undertaken at the future development application (DA) stage.
SEPP (Housing) 2021	Comply with design principles for the design of new apartments	Yes	Application of the housing SEPP will apply as the proposal will enable six (6) storey shop top housing and residential flat buildings. Architectural plans have been submitted, however, an appropriate assessment of the design against the NSW Apartment Design Guideline (ADG) can be undertaken at the DA stage to ensure that the development meets all relevant requirements.
SEPP (Resilience and Hazards) 2021	Promote the remediation of contaminated land	Yes	Detailed compliance with Chapter 4: Remediation of Land in the SEPP (Resilience and Hazards) 2021 will need to be demonstrated as part of any future development assessment.
SEPP (Sustainable Buildings) 2022	encourage the design and delivery of sustainable buildings	Yes	The planning proposal will enable several BASIX developments and will be required to demonstrate compliance with relevant controls at the DA stage.

## 4 Site-specific assessment

### 4.1 Development Control Plan (DCP)

A local provision for the requirement to prepare a site-specific DCP has been drafted by the proponent and amended as required at various stages of this planning proposal process. A condition has been included to exhibit the Draft DCP during the public exhibition stage.

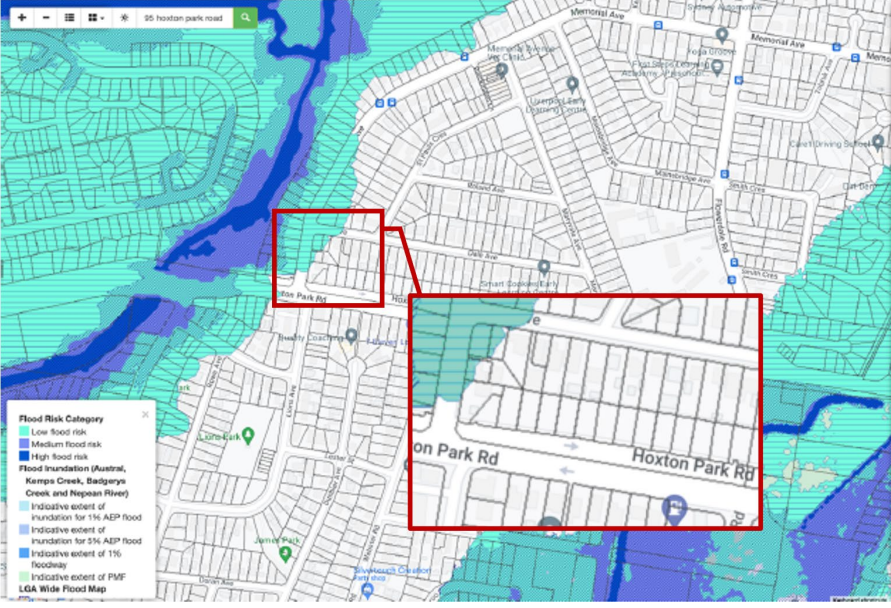
### 4.2 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Noise	Supporting acoustic assessment concluded that incorporation of a range of construction design treatments (glazing, external wall and roof/ceiling systems) to mitigate road traffic noise, and building acoustic barriers along driveways to mitigate vehicular movement noises from the driveways is required. Recommended mitigation design solutions for the development are appropriate to be assessed at the DA stage.
Bulk and scale	Council has worked with the proponent to introduce controls in the draft DCP to address the bulk and scale of the development. Use of trees, additional rear setbacks for upper-level floors and side setbacks for end buildings are some of the considerations to reduce the bulk and scale of the development. Council will continue to work with the proponent to refine the site-specific DCP which will provide controls to reduce bulk and scale.
Overshadowing and solar access	<p>The subject site's orientation and being located north of Hoxton Park Road will result in minimal overshadowing to the adjoining neighbours to the east, west and south. The design measures to reduce bulk and scale will also contribute to reducing the overshadowing to any impacted properties.</p> <p>The intended development will be subject to assessment under the ADG and the Housing SEPP controls. During the DA stage, the proposed development will be assessed to demonstrate compliance including solar access to each of the apartments.</p> <p>However, integration of Lot 5A DP 396839 (49 Maryvale Avenue) into the concept designs has not been observed which may alter the overshadowing impact to the east and south.</p>
Car Parking	The planning proposal will facilitate the development of midrise apartment buildings with three (3) basement levels where car parking is proposed to be located. Currently, there are no on-street parking available along Hoxton Park Rd as it is a classified state road. Any future car parking demand from the development will have to rely on on-site car parking for commercial and residential use as well as on-street parking on Maryvale Avenue, Dale Avenue and Memorial Avenue. Future developments will have to comply with council's car parking requirements and is appropriate to be assessed at the relevant DA stage.
Traffic generation and intersection capacity	<p>The Traffic Impact Assessment considered all traffic related aspects of this proposal and indicated that the proposed development is likely to generate combined trips from all uses on the site as below-</p> <div data-bbox="395 1594 1348 1720" style="border: 1px solid black; padding: 5px;"> <p>➤ 68 vehicle trips per hour during the morning peak period; (19 in, 49 out); and</p> <p>➤ 54 vehicle trips per hour during the evening peak period; (38 in, 16 out)</p> </div> <p>The report also indicates that even with the additional traffic resulting from the development, the intersection at Hoxton Park Road and Memorial Avenue, and the intersection at Hoxton Park Road and Maryvale Avenue will continue to operate with substantial spare capacity and will experience an average delay of 0.1 second per vehicle. The level of service (LoS) for both intersections remains to operate at LoS "A", which is considered to be a free-flow traffic condition.</p> <p>If the future development intends to access additional height and FSR through in-fill affordable housing bonuses under the SEPP (Housing) 2021, the traffic generation</p>

Environmental Impact	Assessment
	<p>from the development might be higher. However, the figures and conditions above include traffic generation for the existing development potential for the site and the proposed increased traffic generation resulted by this planning proposal. Any increase as supported by the consent authority and afforded by the bonus from the Housing SEPP will not likely to be significant.</p> <p>The proposed amendments and potential additional traffic will result in minimal change and potential additional increase can also be easily accommodated through the existing capacity. A condition has been included to consult TfNSW during public exhibition.</p>
Existing vegetation	<p>An arboriculture impact assessment for the planning proposal noted that there are sixty-four (64) trees present throughout the site area as identified by the original planning proposal. The report recommends that twenty-seven (26) trees are to be removed due to the location and health of the trees, as well as the impact of the construction. The remainder of the trees are proposed to be retained with the majority of the trees protected through tree protection zone treatment. A condition is imposed to update all reports including the arborist report to include all sites subject to this planning proposal accordingly.</p>
Contamination	<p>A Preliminary Site Investigation has been lodged and does not indicate the site having high potential for contamination based on historical land uses. Chapter 4 of SEPP (Resilience and Hazards) 2021 contains suitable provisions to ensure consideration of whether land is contaminated to be adequately assessed as part of a future development application.</p>
Flooding	<p>The small area on the southwest corner of the subject site is identified as a low probable maximum flood (PMF) risk area and the rest of the site is mostly flood free. The proposal is accompanied by a desktop flood study which confirms that the proposed development footprint will be clear of any flood prone land, meaning several flood free evacuation routes can be designed for the intended development, if required.</p>

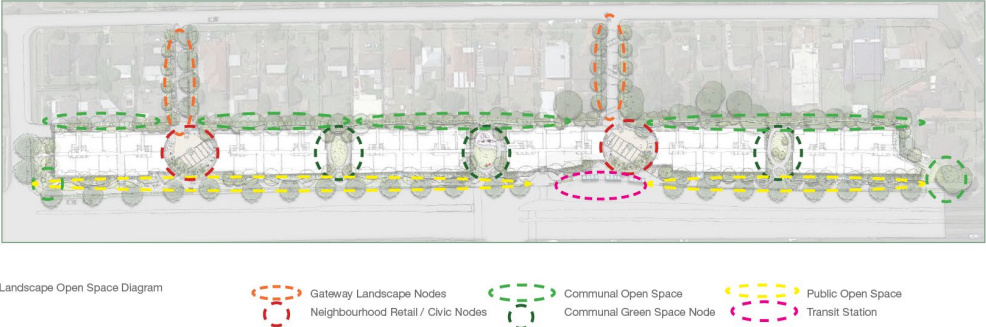
Environmental Impact	Assessment
	<p>For this proposal, no further investigation is required. Assessment of the actual impact of the development is appropriate to be undertaken at the DA stage.</p>  <p><b>Figure 8 Flood prone land within the subject site (source: Desktop flood study, 2022)</b></p>

## 4.3 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Affordable Housing	<p>The proposal will introduce a requirement to provide a minimum of 5% of the total GFA to be dedicated as affordable housing as part of the planning proposal which is a positive social outcome for the immediate and broader locality.</p> <p>The future development of the site may include additional affordable housing to access the bonus FSR and height under the SEPP(Housing) 2021 in-fill affordable housing provisions. The bonus is calculated based on the proportion of the affordable housing component as mandated by the SEPP. So, projects that include 10-15% GFA as affordable housing, will gain a 20-30% FSR and height bonus based on the percentage of the affordable housing component.</p> <p>Any future development is subject to demonstrating compliance with various planning principles under the NSW Apartment Design Guide (ADG) and consent authority's merit assessment at the Development Application (DA) stage.</p>
Alteration of local character-	<p>The surrounding area is characterised as low-density housing where detached single dwellings are located on larger lots. The intended development is for six (6) storey residential flat building, with the potential to be another 30% higher if the in-fill</p>

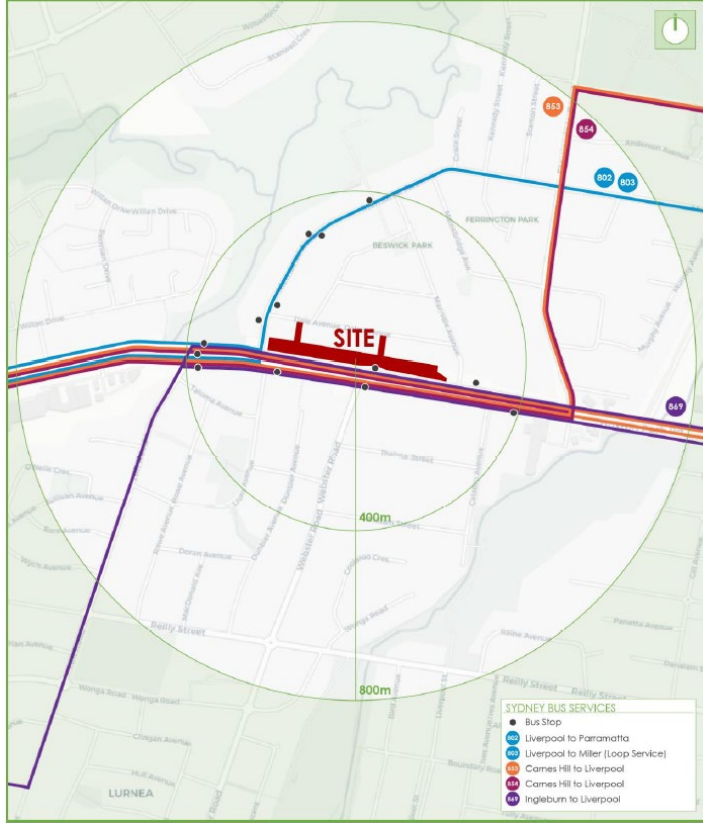
current and intended	<p>affordable housing bonuses are applied under the SEPP Housing 2021 and approved by the consent authority. For the purpose of this planning proposal, the six (6) storey residential flat building is not a common form in the immediate area. However, the land is zoned R4 High Density Residential, and a four to five (4-5) storey residential flat building (15m height) is currently permissible. The planning proposal will deliver housing that is consistent with the objective of the current zone and similar to the intended character of the local area.</p> <p>New residents will also be moving into an established low-density community which can create a sense of disruption to existing community relations. The proposed open spaces (communal and public) can provide several neutral well-designed areas, where new and existing neighbours can interact with each other and create new social relationships.</p>  <p><b>Figure 9 Proposed communal and public open spaces (source: Landscape concept design, 2022)</b></p>
Impact on the surrounding-construction and operational phase	<p>During the construction phase, the intended development is likely to affect the surrounding neighbours and businesses through noise, dust, odour and traffic from the construction activity. Any of such impacts are undesirable, however is common and anticipated for such activity. The DA stage assessment will consider relevant impacts and provide appropriate conditions that provide adequate mitigation measures for the impact.</p> <p>Once completed and occupied, the surrounding neighbour may experience additional noise and traffic resulting from the development. The development will incorporate appropriate design measures such as the location of the noise source, appropriate noise attenuation etc.</p>
Jobs	<p>The economic impact assessment report indicated that the proposed development will generate-</p> <ul style="list-style-type: none"> <li>• 626 short term full time equivalent (FTE) jobs during the construction phase</li> <li>• 125 long term FTE operational jobs, of which 58 FTE jobs will be on-site.</li> </ul> <p>The jobs and services resulting from the development will support the local population. These jobs will be located near a major transport network and close to new housing. The jobs generated from the development is not of a scale that would undermine the operation of the existing local centres or Liverpool CBD.</p>
Local services	<p>The additional population will increase the demand for local services such as health, education, childcare, retail etc. The supporting social impact assessment report indicates that the local services have additional capacity available which can service the new population. The additional population may also include potential employees contributing to capacity increase for available services. In addition, the proposed commercial floor spaces can provide additional services to the area.</p>



## 4.4 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 11 Infrastructure assessment**

Infrastructure	Assessment
Pedestrian and Cycle pathway	The proposal will provide landscaping and open space upgrades along Hoxton Park Road, Maryvale Avenue and Memorial Avenue. The Green Travel Plan recommends the provision of bicycle parking, end-of-trip facilities and a travel access guide.
Pedestrian permeability and open space	The landscaping masterplan indicates two (2) pedestrian links through the site to allow access between Hoxton Park Road to Dale Avenue. The proposal will also deliver multiple public and communal open spaces, some of which will complement or be used for the proposed commercial/ retail use, while others remain as recreational open spaces with seating, public art, upgraded landscaped areas and streetscapes.
Transport stops	<p>The site is located close to thirteen (13) bus stops accessing five (5) different bus routes to Parramatta, Liverpool and Miller (loop service) within 400m radius of the site. The site is also 2.2km southwest of Liverpool railway station located in Liverpool CBD which is serviced by T2 – Inner West &amp; Leppington Line, T3 – Bankstown Line and T5 – Cumberland Lines providing access to the city, the inner west and the south west area of Sydney. The site is well serviced by public transport.</p> 
Vehicular access	TfNSW was consulted for suitable access options for the site. Hoxton Park Road, being a classified road is not likely to be supported for any new vehicle entry or exit. Access from Maryvale Avenue and Memorial Avenue was not supported as the

**Figure 10 Bus stops near the subject site (source: Green Travel Plan, 2022)**

	proposed development will result in restricted access, detouring and queuing of traffic. As such, the proposed access from Dale Avenue is considered most suitable and is likely to have the least impact to the future residents and neighbouring residents.
Infrastructure Services	The subject site is an in-fill site located near existing services and infrastructure. Future development will be accessing existing service and proposed works will be considered at the DA stage.
Waste Management	An operational waste management plan noted that the operational waste will be collected by Council on-site. Appropriate assessment of the adequacy of the proposed waste management can be undertaken during the DA stage.

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

### 5.2 Agencies

The Gateway Determination will require the PPA to consult RFS prior to commencement of public exhibition to satisfy the terms of section 9.1 Direction 4.3 Planning for Bushfire Protection.

It is also recommended the following agencies be consulted on the planning proposal and given 30 working days to comment during the public exhibition stage:

- Transport for New south Wales

## 6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 27 August 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported, it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

The Strategic Planning Panel of the Sydney Western City Planning Panel (Panel) determined that the Panel was to be the PPA. Given Council is not the PPA, they cannot be appointed to be the local plan-making authority. The Department is recommended to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is consistent with relevant state and local plans and policies

- The planning proposal will enable transit-oriented development on land which is otherwise generally undeveloped
- The planning proposal will provide well located diverse housing, including a minimum of 5% affordable housing, business premises and retail premises (including food and drink premises, shops etc) close to existing major public transport networks, social infrastructure and open space
- The planning proposal will provide improved defined public domain and pedestrian links for the site
- The planning proposal will result in short term and long-term employment and services for the site and surrounding area

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- All concept plans and supporting reports/documents is to be updated to incorporate Lot 5A DP 396839 or 49 Maryvale Avenue.
- The planning proposal and supporting reports/documents are to refer to consistent proposed controls.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Incorporate any recommendation (if provided) from NSW Rural Fire Service

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site specific Provisions and Direction 4.1 Flooding are minor and
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

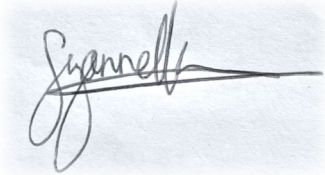
It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal and supporting documents are to be updated to:
  - All documents for the planning proposal are to include Lot 5A DP 396839 (49 Maryvale Avenue) including any concept designs.
  - All documents for the planning proposal are to refer to the consistent information (dwelling, job numbers, proposed controls etc)
2. Prior to community consultation, consultation is required with the following public authorities:
  - NSW Rural Fire Service (RFS) to inform the planning proposal to address inconsistency with Ministerial Direction 4.3 Planning for Bushfire Protection and demonstrate justification for the planning proposal.
3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2.
4. Consultation is required with the following public authorities:
  - Transport for New South Wales
5. The planning proposal should be made available for community consultation for a minimum of 20 working days.




As discussed under section 7, it is recommended that the Department be the local plan-making authority and that an LEP completion date of 27 August 2025 be included on the Gateway.



8 November 2024

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Manager, Local Planning and Council Support



12 November 2024

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