

Georges Cove Marina

Modified Planning Proposal

Prepared for Mirvac Homes (NSW) Pty Ltd
April 2024

EMM Sydney
Ground floor, 20 Chandos Street
St Leonards NSW 2065

T 02 9493 9500

E info@emmconsulting.com.au

www.emmconsulting.com.au

Georges Cove Marina

Modified Planning Proposal

Report Number

E230719 RP1

Client

Mirvac Homes (NSW) Pty Ltd

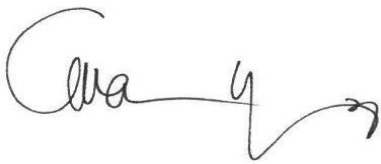
Date

18 April 2024

Version

Final

Prepared by



Allan Young

National Technical Leader - Urban & Regional Planning

18 April 2024

This report has been prepared in accordance with the brief provided by the client and has relied upon the information collected at the time and under the conditions specified in the report. All findings, conclusions or recommendations contained in the report are based on the aforementioned circumstances. The report is for the use of the client and no responsibility will be taken for its use by other parties. The client may, at its discretion, use the report to inform regulators and the public.

© Reproduction of this report for educational or other non-commercial purposes is authorised without prior written permission from EMM provided the source is fully acknowledged. Reproduction of this report for resale or other commercial purposes is prohibited without EMM's prior written permission.

Executive Summary

This report has been prepared on behalf of Mirvac Homes (NSW) Pty Ltd to propose an amendment to the *Liverpool Local Environmental Plan 2008* (LLEP).

The amendment relates to land situated at 146 Newbridge Road, Moorebank.

The land at 146 Newbridge Road is land formerly occupied by Benedict Industries, and which has been subdivided into three main development sites:

The development sites at 146 Newbridge Road are:

- Georges Cove Village (Lot 1 DP 1246745) which fronts Newbridge Road and is likely to be developed as a commercial and light industrial facility subject to a separate planning proposal
- Georges Cove Residences which is a residential development currently being constructed by Mirvac (formally Lot 2 DP 1246745)
- Georges Cove Marina (Lot 3 DP 1246745) which is the subject site for this planning proposal.

The planning proposal seeks to:

- Include a site-specific provision under Schedule 1 to enable two additional permitted uses:
 - Development for the purpose of residential accommodation (limited to multi-dwelling housing and residential flat buildings) within a new Key Site; and
 - Development for the purpose of restaurants or cafés (limited to the ground floor of the residential apartment buildings and up to 1,500 m² gross floor area in total) within a new Key Site.
- Amend the Key Sites map to include a designated area for residential accommodation in the RE2 Private Recreation zone at the Georges Cove Marina development site
- Amend the maximum permissible Floor Space Ratio from 0.25:1 to 0.4:1 (limited to the Key Site)
- Amend the maximum permissible Height of Building from 21m to 35m (limited to the Key Site).

The proposed amendment would be pursuant to Schedule 1 of the *Liverpool Local Environmental Plan 2008* (LLEP 2008) and would provide for an additional permitted use on the subject site.

This report has been prepared to assist Liverpool City Council to prepare a planning proposal for the LEP amendment of the site in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Further, this report has been prepared in accordance with the NSW Department of Planning and Environment's *Local environmental plan making guideline* (August 2023).

Table of Contents

Executive Summary	ES.1
1 Introduction	1
1.1 Overview	1
1.2 Background	1
1.3 Structure of the report	2
2 Site characteristics	3
2.1 The site and surrounds	3
2.2 Land zoning	4
2.3 Former land use	4
2.4 Current land use	5
2.5 Former planning proposals	6
2.5.1 Planning proposal PP-2020-2771	6
2.5.2 Planning proposal PP-2020-3520	6
2.5.3 This planning proposal	6
3 Part 1 – Objectives and intended outcomes	7
4 Part 2 – Explanation of provisions that are to be included in the proposed LEP	10
4.1 Overview	10
4.2 Amendment to Schedule 1 – Additional Permitted Uses	10
4.3 Amendment to the Key Sites map	11
4.4 Amendment to the Height of Building Map	13
4.5 Amendment to the Floor Space Ratio Map	15
5 Part 3 – Justification	16
5.1 Need for the planning proposal	16
5.1.1 Local strategic planning statement, strategic studies and reports	16
5.1.2 The best means of achieving the objectives or intended outcomes	19
5.2 Relationship to strategic planning framework	20
5.2.1 Applicable regional or district plans and strategies	20
5.2.2 Strategic merit	22
5.2.3 Liverpool Local Strategic Planning Statement	22
5.2.4 Liverpool Local Environmental Plan 2008	23

5.2.5	State and regional strategies and studies	23
5.2.6	State Environmental Planning Policies	24
5.2.7	Ministerial Directions	26
5.3	Section C - Environmental, social and economic impact	36
5.3.1	Critical habitat or threatened species, populations or ecological communities, and their habitats	36
5.3.2	Other resources	37
5.3.3	Other likely environmental effects as a result of the planning proposal and how are they proposed to be managed	37
5.3.4	Traffic	41
5.3.5	Overshadowing	44
5.3.6	Acoustics	44
5.3.7	Social and economic effects	45
5.3.8	Effects on land in the vicinity of the site	46
5.3.9	Public infrastructure for the planning proposal	49
5.4	State and Commonwealth interests	49
5.4.1	Views of State and Commonwealth public authorities consulted in accordance with the Gateway determination	49
6	Part 4 - Mapping	50
7	Part 5 – Community consultation	53
8	Part 6 – Project timeline	54
9	References	55
10	Closing	56

Appendices

Appendix A	Georges Cove Marina residential concept design and architectural drawings	A.1
Appendix B	Biodiversity assessment report	B.1
Appendix C	Letter and assessments regarding contamination	C.1
Appendix D	Flood impact assessment and flood emergency response plan	D.1
Appendix E	Bushfire assessment report	E.1
Appendix F	Traffic impact assessment	F.1
Appendix G	Acoustic assessment	G.1
Appendix H	Social impact assessment	H.1
Appendix I	Minter Ellison legal advice	I.1

Tables

Table 4.1	Proposed amendment to Schedule 1 - Additional permitted uses	11
Table 5.1	List of SEPPs and relevant deemed SEPPs	24
Table 5.2	Relevant local planning directions	27
Table 5.3	Compliance with the aim and objectives of PBP	40
Table 5.4	Existing approved and likely future uses	47
Table 8.1	Project timeline	54

Figures

Figure 2.1	Lot 3 DP 1246745	3
Figure 2.2	Land zoning	4
Figure 3.1	Architectural concept	8
Figure 3.2	Spatial extent of the proposed additional residential and restaurant/café uses	9
Figure 4.1	Proposed key site	12
Figure 4.2	Height of Buildings	14
Figure 4.3	Floor space ratio	15
Figure 5.1	Vegetation communities	37
Figure 5.2	Bushfire prone land	39
Figure 6.1	Proposed Key Site	50
Figure 6.2	Proposed Height of Buildings Map	51
Figure 6.3	Proposed Floor Space Ratio Map	52

1 Introduction

1.1 Overview

This planning proposal has been prepared by EMM Consulting Pty Limited (EMM) on behalf of Mirvac Homes (NSW) Pty Ltd ('Mircac') to amend Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposal relates to certain land (Lot 3 DP 1246745) at 146 Newbridge Road, Moorebank.

Specifically, the planning proposal seeks to:

- Include a site-specific provision under Schedule 1 to enable two additional permitted uses:
 - Development for the purpose of residential accommodation (limited to multi-dwelling housing and residential flat buildings) within a new Key Site; and
 - Development for the purpose of restaurants or cafés (limited to the ground floor of the residential apartment buildings and up to 1,500 m² gross floor area in total) within a new Key Site.
- Amend the Key Sites map to include a designated area for residential accommodation in the RE2 Private Recreation zone at 146 Newbridge Road
- Amend the maximum permissible Floor Space Ratio from 0.25:1 to 0.4:1 (limited to the Key Site)
- Amend the maximum permissible Height of Building from 21m to 35m (limited to the Key Site).

1.2 Background

The most recent planning proposal, prepared by the applicant, was submitted to the Liverpool Local Planning Panel on 31 August 2020 and to a Council meeting on 30 September 2020. Council subsequently forwarded the proposal to the Department for Gateway determination.

In December 2020, the Department advised that the planning proposal should be resubmitted following the findings of Council's Regional Flood Study. Since that time, a number of new documents and policies regarding flooding and evacuation have been developed by Council and the Department, and this has caused Council to recommend that the planning proposal and relevant supporting information be updated and amended as appropriate.

Council wrote to Mirvac on 14 June 2023, requesting specific additional information and updates to the planning proposal, which would be required to progress the application.

The particular aspects to the planning proposal requiring additional information are summarised as:

Justification

The planning proposal is to provide justification as to why a site-specific provision under Schedule 1 to enable residential accommodation as an additional permitted use is sought, instead of rezoning the area identified on the Key Site map to R4 – High Density Residential including reference to both the R4 High Density Residential and RE2 Private Recreation zone objectives.

Further justification is to be provided as to why a rezoning of the area of the subject site for the previously approved Marina development (approved under DA-611/2018 and DA611/2018/A) from RE2 Private Recreation to W1 Natural Waterways is not sought to permit better alignment with the zone objectives for the intended use of the site.

Updates

The planning proposal is to be updated to address current State Environmental Planning Policies.

Technical assessments

The Council request also identified matters to be updated in supporting reports, including traffic, flood, contamination and acoustics.

1.3 Structure of the report

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the relevant guidelines prepared by the NSW Department of Planning and Environment including *Environmental plan making guideline*. It includes the following:

- description of the site and its context;
- an overview of the strategic context of the site;
- a summary of the local planning controls;
- an overview of the key elements of the planning proposal;
- statement of the objectives and intended outcomes of the proposal;
- explanation of the provision of the proposal;
- justification of the proposal;
- mapping to accompany the proposal;
- description of the community consultation process expected to occur regarding the proposal; and
- an approximate project timeline.

The planning proposal is accompanied by a range of plans and reports to provide a comprehensive analysis of the site opportunities and constraints. These include:

- Concept Design and Architectural Drawings
- Biodiversity
- Contamination
- Flood risk
- Bushfire risk
- Acoustics
- Social and economic assessment

2 Site characteristics

2.1 The site and surrounds

The site is located at 146 Newbridge Road, Moorebank, and is legally described as Lot 3 in DP 1246745 (herein referred to as 'the site') within the Liverpool Local Government Area (LGA). It comprises an area of approximately 12.357 hectares and is located approximately 27 kilometres (km) south-west of Sydney CBD.

The site adjoins Georges River to the east. To the west of the site is Georges Fair residential estate and a portion of Wurrungwuri Reserve. To the north of the site is a residential subdivision known as Georges Cove and also a proposed commercial and light industrial complex known as Georges Cove Village which fronts Newbridge Road. To the south of the site is the former Moorebank Recycling land, and sections of Wurrungwuri Reserve.

Land further north and across Newbridge Road is zoned as industrial land within the suburb of Chipping Norton, largely characterised by wholesale, warehousing, transportation hubs and limited manufacturing.

Vehicular access to the site will be from Newbridge Road and Brickmakers Drive, and a new local access road, which forms part of the Georges Cove residential subdivision as envisioned in Liverpool's Moorebank East Development Control Plan.

The site forms part of the precinct known as Moorebank East and is owned by Tanlane Pty Ltd, a related entity of Benedict Industries Pty Ltd. The site (Lot 3) is shown within the context of Moorebank East precinct in Figure 2.1.

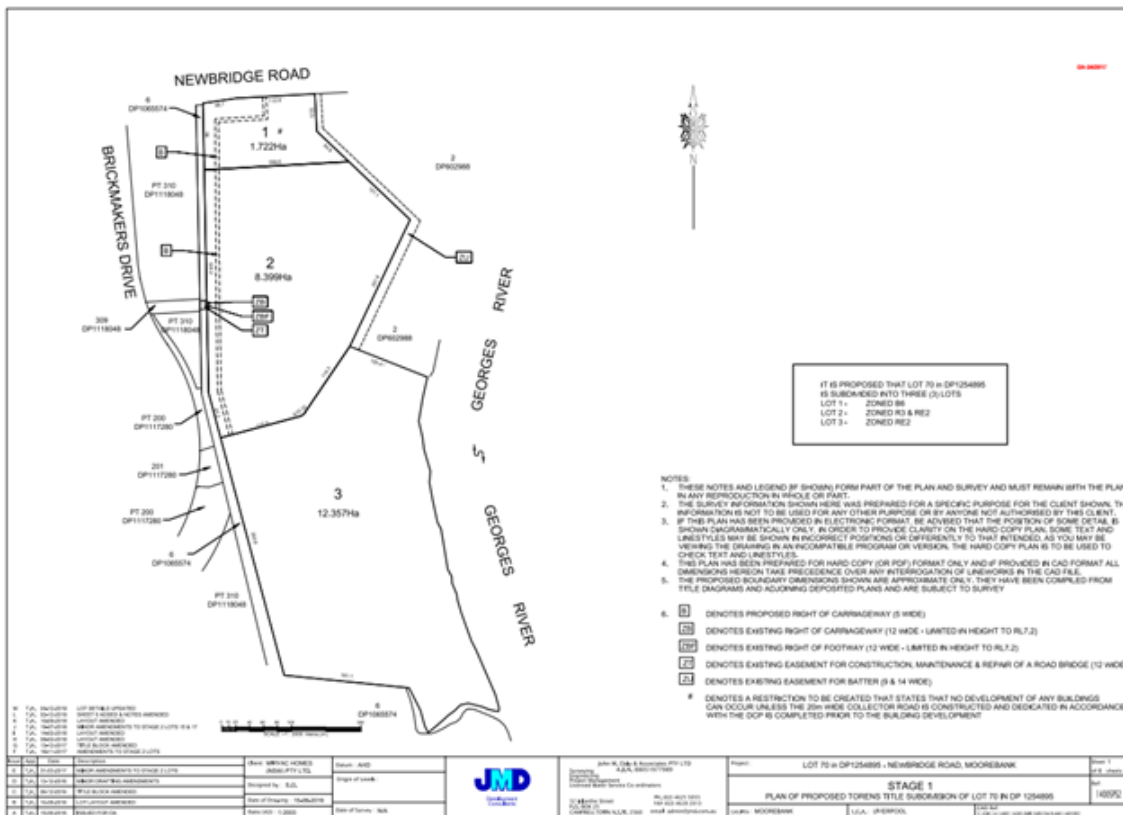


Figure 2.1 Lot 3 DP 1246745

2.2 Land zoning

Under the Liverpool Local Environmental Plan 2008 (LLEP 2008), the site is predominantly zoned RE2 Private Recreation. Within the site, a ribbon of land approximately 50 m wide along the banks of Georges River is zoned as RE1 Public Recreation. There is also a narrow ribbon of land approximately 10 m wide along the western boundary of the site zoned as SP2 Infrastructure - Drainage (refer to Figure 2.2).

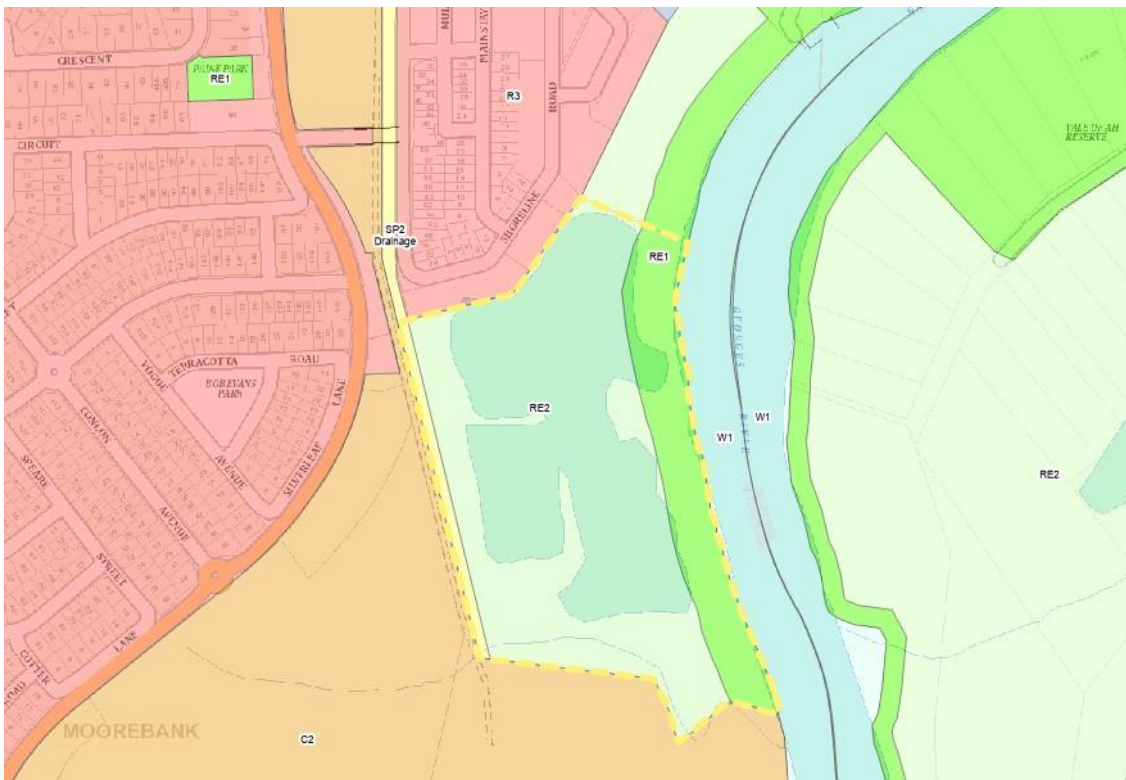


Figure 2.2 Land zoning

Source: NSW Planning Portal Spatial Viewer (as at 3 August 2023)

2.3 Former land use

The site has been historically used as a resource extraction and recycling facility. Activities associated with the former extractive and waste management facilities on the site were undertaken by entities controlled by Tanlane Pty Ltd in accordance with all relevant regulatory requirements including development consents, environmental protection licences and other permits.

The site topography has been modified by the former extractive operations since development consent was granted for those activities in 1992. The site is substantially cleared of all vegetation, other than scattered patches of swamp oak and river flat eucalypt located along the northern periphery.

2.4 Current land use

On 12 August 2014, the Sydney West Joint Regional Planning Panel (JRPP) approved DA-846/2012, the Georges Cove Marina, (subject to conditions) relating to part of Lot 7 DP 1065574 (now Lot 3 DP 1246745) and known as 146 Newbridge Road, Moorebank.

This approval includes the following key elements:

- erection of a maritime building including dry berth facility providing 250 berths for small craft, function centre and associated kiosks, tourist, entertainment, recreation and club facilities
- provision of a wet berth facility for 186 small craft berths (including casual berths) including public recreational facilities, and associated works and infrastructure
- construction of a private marina club house, and
- construction of three car parking areas including a basement car park providing a total of 560 car spaces.

The validity of the consent was challenged by the proposal's sole objector, Moorebank Recyclers, in the NSW Land and Environment Court (NSW LEC)

On 18 March 2015, the NSW LEC ruled in favour of the objector, declaring that the consent was invalid because the application did not satisfy the requirements of SEPP 55 Remediation of land. The judge ruled that Tanlane could commission the necessary investigations, reapply for a consent and supply the investigation to the JRPP as part of a new application.

As a result, in July 2015, a new development application (DA-781/2015) was lodged for the marina. The proposal being much the same as that approved by the JRPP on 22 August 2014 but included a detailed investigation of contamination and a comprehensive remediation action plan. This application was approved by the JRPP on 29 September 2016.

An appeal was lodged in the Land and Environment Court against the approval of the development. The appeal was upheld by the Land and Environment Court (LEC) on 28 February 2018, and Tanlane lodged another development application (DA-611/2018) in August 2018 for broadly the same marina development and with amendments made to certain technical reports in response to matters raised in the LEC decision.

DA-611/2018 approved a marina development comprising the following components:

- a function centre, tourist, entertainment, recreation and club facilities,
- a petrol storage tank (60,000 litres) and a diesel storage tank (60,000 litres),
- a wet berth facility for 186 craft (including casual berths),
- construction of a navigation channel,
- construction of public recreational facilities on the foreshore, floating berths and walkways, fuel pumping facilities, sewage pump-out facilities and emergency berth access,
- construction of three external car parking areas and basement car park providing a total of 637 car spaces,
- a private marina clubhouse,

- all associated works and support infrastructure including power, water and sewerage,
- a site access road, and
- construction and use of the offsite intersection of Brickmakers Drive and the link road accessing the site.

The use of the site as a marina is a permissible land use and does not rely on this planning proposal.

2.5 Former planning proposals

2.5.1 Planning proposal PP-2020-2771

In 2015, Tanlane Pty Ltd submitted a planning proposal to Council (Council reference RZ-2/2015) which sought to amend Schedule 1 of LLEP 2008 to enable residential development as an additional permitted use within the land zoned as RE2 Private Recreation at the Georges Cove Marina site (DPE reference PP-2020-2771). The proposal also sought a boundary adjustment to R3 Medium Density Residential from RE2 Private Recreation for a small portion of land.

The proposal was supported by Council (meeting 31 August 2016) and it was approved by the (then) Department of Planning, Infrastructure and Environment for gateway determination on 9 March 2017.

The planning proposal was declared invalid pursuant to a successful NSW Supreme Court Appeal in 2018 (Moorebank Recyclers Pty Ltd v Tanlane Pty Ltd [2018] NSWCA 304) which argued that the proposal did not comply with the procedural requirements under clause 6 of the State Environmental Planning Policy 55 – Remediation of Land ('SEPP 55').

2.5.2 Planning proposal PP-2020-3520

In 2019, Tanlane Pty Ltd submitted a planning proposal to Council (Council reference RZ-1/2019) which sought to resolve a discrepancy between lot boundaries and land zone mapping (DPE reference PP-2020-3520). This matter had also formed part of the 2015 planning proposal (RZ-2/2015) which was, as noted above, declared invalid.

The landform and the lot boundary between the Georges Cove Marina site and the site for the medium density housing site to the north of the marina both pointed to a small parcel of land (approximately 0.41 hectares) which would sensibly be better zoned as R3 Medium Density, rather than the existing RE2 Private Recreation land zoning.

This planning proposal sought to amend LLEP 2008 by:

- rezoning part of the site from RE2 Private Recreation to R3 Medium Density Residential
- reducing the height of building control from 21 metres to 8.5 metres across the proposed R3 zone
- increasing the maximum Floor Space Ratio (FSR) from 0.25:1 to 0.65:1 across the proposed R3 zone, and
- reducing the minimum lot size from 10 hectares to 300 square metres across the proposed R3 zone.

The intention was to allow the landform to dictate the appropriate zoning, and RZ-1/2019 was approved at the meeting of Liverpool Planning Panel in June 2020, and was subsequently approved at a Council meeting on 29 July 2020 to be sent for Gateway determination, which was approved on 11 September 2020.

2.5.3 This planning proposal

The planning proposal updates RZ-5/2018, and provides the additional information, as requested by Council.

3 Part 1 – Objectives and intended outcomes

The objective of this planning proposal is to provide for future residential development within the Georges Cove Marina Development at 146 Newbridge Road, Moorebank (Lot 3 DP 1246745).

The intended outcome is to enable the establishment of residential apartment housing and multi-dwelling housing on part of the site, with capacity for several restaurants and cafes (up to 1,500 m² GFA in total) at the ground floor level of the apartment buildings. It forms a key part of the renewal process for the overall precinct and the desire to create a vibrant and walkable destination which celebrates the riverside setting.

There is mutual benefit between destination facilities such as marinas, public spaces and higher density residential development. There is recognition in place-making disciplines that ‘activity centres’ (whether a transport hub, marina or recreational facility) are key to activated and sustainable communities where the precinct focal area is welcoming, lively and prosperous.

The site also has the unique opportunity to engage and connect with public open space along the Georges River foreshores.

As the *NSW Public Spaces Charter* (DPIE 2021) observes:

The way that we value buildings and places is strongly linked to people’s experience of these places and whether it includes spaces that meet their needs. Locations with high-quality, well-designed and well-managed public places attract residents, customers, employees and services, which in turn attracts business and investment.

Privately-owned spaces and commercial activity can complement and activate public space. [p 19]

The recently updated *NSW Coastal design guidelines* (DPE 2022) also notes that marinas are an important facility for connecting communities to tidal waters and coastlines [p 17].

It is therefore considered that the proposal will have substantial public benefits by activating land with significant recreational capacity, delivering housing supply, and creating a lively focal point for the community. The focal point provided by the marina is likely to extend beyond the immediate residential areas as there are no other marina facilities in the south-west region of Sydney. The particular circumstances for the site make this a rare opportunity for marina berthing in the tidal waters of the Georges River and for it to be activated by a complimentary residential use.

The Moorebank East precinct, within which the subject marina site is located, provides an entirely new precinct which includes residential development, a marina and open space. This mixed use development provides the platform for activation of the precinct. The activation will generate an uplift in local resident and visitor population and will accommodate the expected demand for high or medium density residential dwellings overlooking, or with easy access to, boating and marina related lifestyle facilities.

Key objectives of the development are:

- to provide the community with desirable local amenity, lifestyle and experiences that are predominantly accessible in the eastern Sydney regions but currently unavailable in south-west Sydney
- to provide opportunity for an increase in the range of housing choice and opportunities available through providing a variety of housing types and densities

- to provide a development that creates a “people place” by facilitating future development that encourages housing mix and safety
- to promote the development of place and a quality built environment with a high standard of residential amenity and environmental quality enjoyed by future residents
- to contribute to a stronger neighbourhood character and vibrancy within Moorebank East.

More specifically, the proposal will allow for the construction of a high-quality development to enhance the future Georges Cove Marina, complementing the adjoining land uses, particularly the Georges Cove Residential precinct, which are underpinning local urban residential renewal with high design and environmental standards.

The planning proposal is consistent with Council’s long-term strategic vision for this locality. In particular, this planning proposal supports Council’s vision to transform the eastern part of Moorebank and the Georges River foreshore into a quality natural environment complimented by a high quality and high amenity residential precinct with access to the river and open space.

The planning proposal is supported by Georges Cove Marina residential concept design and architectural drawings (refer to Appendix A) which demonstrate that the future residential development on the site will create an urban environment that is a desirable and active place, offering superior amenity, and that will successfully integrated with the future marina and recreational uses across the site. An image of the proposed integration of the residential component with the marina is illustrated at Figure 3.1.

The spatial extent of the proposed residential land use is illustrated at Figure 3.2.



Figure 3.1 Architectural concept



Figure 3.2 Spatial extent of the proposed additional residential and restaurant/café uses

4 Part 2 – Explanation of provisions that are to be included in the proposed LEP

4.1 Overview

The proposed outcome will be achieved by:

- an amendment to Schedule 1 – Additional Permitted Uses, being an enabling provision is to allow residential uses and up to 1,500 m² gross floor area (in total) for use as restaurants or cafes, within the Georges Cove Marina site
- an amendment to the Key Sites map
- an amendment to the Height of Building Map and
- an amendment to the Floor Space Ratio Map.

It is noted that LLEP 2008 does not typically refer to additional permitted uses via mapping amendments, instead referring to the legal description of land as ‘use of certain land at...’.

The appropriate description for the additional permitted use is for application to certain land at 146 Newbridge Road, Moorebank, and the clause provisions should apply to Lot 3 in DP 1246745.

4.2 Amendment to Schedule 1 – Additional Permitted Uses

The planning proposal seeks to enable residential development within the land zoned RE2 Private Recreation by amending Schedule 1 (Additional Permitted Uses) of the Liverpool Local Environmental Plan 2008 (LLEP 2008).

Clause 2.5 of the LLEP 2008 provides:

2.5 Additional permitted uses for particular land

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—

- (a) with development consent, or
- (b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

Schedule 1 to the LLEP 2008 sets out additional permitted uses for particular land.

Importantly, the planning proposal does not seek to rezone the site. The planning proposal seeks to retain the existing zoning of RE2 Private Recreation to ensure that the significant potential recreational opportunities along the Georges River is preserved.

Retention of the RE2 Private Recreation zone also aligns with the flood prone nature of the site. The planning proposal seeks an enabling provision that would permit residential development, and up to 1,500 m² gross floor

area (in total) for use as restaurants or cafes, consistent with the objectives of the RE2 Private Recreation zone, in a location where the flooding constraints can be appropriately avoided or mitigated.

The LLEP 2008 articulates the following objectives for the RE2 Private Recreation zone:

- To enable land to be used for private open space or recreational purposes
- To provide a range of recreational settings and activities and compatible land uses
- To protect and enhance the natural environment for recreational purposes
- To enable land uses that are compatible with, and complimentary to, recreational uses.

The residential uses and the restaurant/café use would be limited to a key area within the site. This is achieved by identifying the additional permitted use area on a key sites map, under LLEP 2008 (refer to Table 4.1).

The amendments permit only residential apartment buildings, multi-unit housing, and restaurants and cafes, with development consent.

Table 4.1 Proposed amendment to Schedule 1 - Additional permitted uses

Schedule 1 – Additional Permitted Uses	
Use of certain land at 146 Newbridge Road, Moorebank in Zone RE2	<p>(1) This clause applies to Lot 3 in DP 1246745 and land shown hatched red on the Key Sites map.</p> <p>(2) Development for the purpose of residential accommodation, limiting uses to residential apartment buildings and multi-unit housing, is permitted with consent.</p> <p>(3) Development for the purpose of restaurants or cafes, limited to the ground floor of the residential apartment buildings (up to 1,500 m2 GFA in total), is permitted with consent.</p>

4.3 Amendment to the Key Sites map

The proposed additional permitted uses, and the proposed amendments to building height and floor space ratio (see Section 4.4 and Section 4.5 respectively), pertain only to a portion of the site.

In order to spatially define the land the subject of the proposed additional permitted uses and the proposed amendments to building height and floor space ratio, it will be necessary to include an additional key site (i.e. the subject land) to mapping sheet KYS_014 under the LLEP 2008.

The land to be so identified as a key site represents the maximum extent of the proposed residential dwellings (and therefore also the cafes and restaurants on the ground floor of the apartment buildings), and is illustrated in Figure 4.1.



Figure 4.1 Proposed key site

4.4 Amendment to the Height of Building Map

To facilitate future residential development within the proposed Key Site (see Section 4.3 above), an amendment to the Height of Buildings map is proposed. The height is nominally related to the provision of residential apartments. The proposed restaurants and cafes will be on the ground floor of the apartment buildings and do not specifically require proposed change in maximum building height, but are noted here for completeness.

The planning proposal seeks a maximum building height of 35 m across the Key Site area. This requires an amendment to the Height of Buildings map. The current Height of Buildings map is shown at Figure 4.2. The proposed change to the Height of Buildings map is shown at Figure 6.2.

Clause 4.3 of LLEP 2008 provides:

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
- (b) to permit building heights that encourage high quality urban form,
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The maximum height specified under the existing Height of Buildings map is 21 m (refer to Figure 4.2).

It is proposed to amend the Height of Building Map to allow a maximum building height of 35 m – which is codified as “V” in the key to the Height of Buildings map.

The area proposed to support buildings with a maximum height of 35 m is intended to be separately identified (i.e. by reference to the Key Site) within the existing mapped area which supports a building height of 21 m. The remainder of the 21 m building height area, and the 15 m building height area, within the site will remain unchanged.



Figure 4.2 Height of Buildings

Source: LLEP 2008; Map HOB_014

Note: R = 21 m; O = 15 m; I = 8.5 m

The planning proposal is accompanied by Concept Designs and Architectural Drawings (refer to Appendix A) that supports the proposed building height for the Key Site area.

The planning proposal has responded to the *Moorebank Planning Proposal Peer Review* (Tract 2018) and has reduced the proposed overall height of the residential development from 38.9 m to 35 m.

The planning proposal recognises that the character of the broader Moorebank East precinct is predominantly low density residential development. The subject site is, however, well separated from current low density residential communities at Brighton Lakes (south) and Georges Fair (west), and the new medium density residential in the adjoining R3 zoned site to the north (approved under DA-24/2017). Additionally, terrace housing is proposed within the Concept Designs to transition from the R3 medium density site, to the residential flat buildings. The eastern side of the Georges River does not have residential development.

The height and density proposed as part of this planning proposal are supported by a Visual Assessment. This Assessment demonstrates that there is minimal impact primarily due to the topography of the site and nearby land supporting mature vegetation.

4.5 Amendment to the Floor Space Ratio Map

The planning proposal seeks to facilitate residential use and restaurant/café use within a limited building envelope as defined through the Key Site map (as amended) and the Height of Buildings map (as amended).

The planning proposal supports the residential development and restaurant/café use within the site with a maximum gross floor area (GFA) of 49,354 m². The architectural concept drawings supporting the planning proposal are noted to illustrate a GFA of 42,917 m².

The intention of the 49,354 m² nominated in the planning proposal is not to depart from the GFA indicated on the supporting architectural plans, but rather to allow a 15% buffer in the GFA to enable a degree of flexibility in the detailed design and assessment of future residential development. Council previously concurred in this approach and is consistent with advice from Council during the consideration of an earlier planning proposal (RZ-2/2015).

The LLEP 2008 Floor Space Ratio Map currently provide for a FSR of 0.25:1 (refer to Figure 4.3). The amendments to the Floor Space Ratio Map of LLEP 2008 seek to support a maximum FSR of 0.4:1 for the site (refer to Figure 6.3).

The area proposed to support a FSR of 0.4:1 is intended to be separately identified (i.e. by reference to the Key Site) within the existing mapped area which supports a FSR of 0.25:1. The remainder of the 0.25:1 FSR area within the site will remain unchanged. The FSR has been calculated using the overall area of Lot 3 DP 1246745.

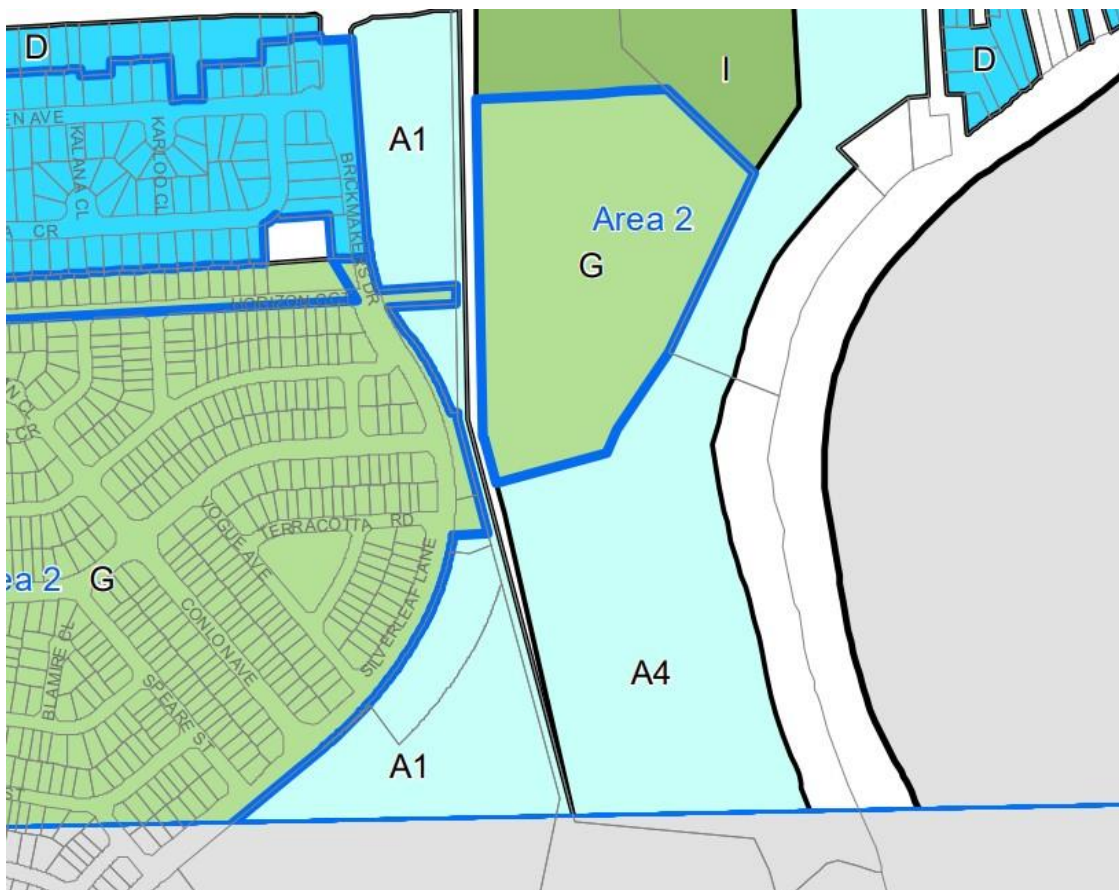


Figure 4.3 Floor space ratio

Source: LLEP 2008; Map FSR_014

Note: A4 = 0.25; A1 = 0.01; G = 0.65; D = 0.5

5 Part 3 – Justification

The planning proposal has been assessed against the questions below (in shaded boxes) as set forth by the Department of Planning and Environment's *A guide to preparing planning proposals*.

5.1 Need for the planning proposal

Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

5.1.1 Local strategic planning statement, strategic studies and reports

The planning proposal is not the direct result of a strategic study or report. It does, however, respond to the 'place-based' approach and design principles articulated in key State government planning guidelines such as the draft *Coastal design guidelines* (DPE 2022), The Government Architect NSW *Better placed* design policy (GANSW 2017) and the *NSW guide to activation* (DPE 2022).

For example, the draft *Coastal design guidelines* articulates the place based approach as:

A place-based approach involves a holistic understanding of context and the people who populate places to support the long-term needs of the wider community. It acknowledges a place's local knowledge and its unique history, culture, environment and economy. Place-based approaches understand that it is the relationships between the built and natural environments, and the social and economic characteristics of communities, that give places their unique character and value [p 14].

The *Better placed* design guidelines aim to achieve a set of good design outcomes including a 'better fit' for built environment which is responsive to the needs and aspirations of local people, now and into the future, inviting innovative use and habitation, interaction, productivity and enjoyment.

The *Better placed* guidelines acknowledge that the 'better fit' sought by the design guidelines, and delivered by this planning proposal, is important because:

Good buildings and spaces resonate with place and setting and feel responsive, sensitive and relevant.

Local people accept and adopt new developments, identifying with the built environment and developing a sense of ownership.

New buildings and spaces become part of a place, its unique character, and are valued by local people [p 38]

The planning proposal also provides an improved alignment with the objectives of the following Council strategies for the local area:

i [Liverpool Local Strategic Planning Statement](#)

Connected Liverpool 2040 is Council's Local Strategic Planning Statement (LSPS). It sets the long-term vision for the Liverpool local government area and guides the development of suburbs and balances the need for housing, jobs and services as well as parks, open spaces and the natural environment.

The LSPS gives effect to the Greater Sydney Region Plan and Western City District Plan.

a **Planning Priority 5**

Planning Priority 5 is to create a vibrant, mixed-use and walkable 24-hour City Centre with the Georges River at its heart.

In particular, this Planning Priority commits Council to:

- Refocus the City around the amenity and assets of the Georges River, while ensuring the natural character of the river is protected through development of an appropriate scale.

b **Planning Priority 6**

Planning Priority 6 is to create high-quality, plentiful and accessible community facilities, open space and infrastructure aligned with growth.

The rationale states that Council is committed to the delivery of high-quality facilities and services that are attractive, flexible and address the needs of the general community.

Commitments under this planning priority include:

- Deliver a world-class network of community facilities
- Deliver timely construction of community facilities in new release areas
- Ensure community facilities, open space and recreation facilities meet the needs of a growing population across the entire LGA
- Encourage integrated planning with community facilities for all major new and redeveloped recreation precincts
- Prioritise a collaborative approach towards community and social infrastructure planning.

c **Planning Priority 7**

Planning Priority 7 promotes housing choice for different needs.

Commitments under this planning priority include:

- Ensure housing typologies are diverse and appropriately located to cater for the entire community
- Work with DPIE [now DPE] to deliver housing in growth areas with supporting infrastructure.

d **Planning Priority 15**

Planning Priority 15 aims to deliver a green, sustainable, resilient and water-sensitive city.

Commitments under this planning priority include:

- Ensure development is located appropriately and that natural hazards such as flood and bushfire are avoided or mitigated
- Encourage water-sensitive urban design on new development, including through encouraging permeability of the public and private domain.

ii [Liverpool Local Housing Strategy 2020](#)

The Liverpool Local Housing Strategy 2020 establishes housing priorities and objectives that align with relevant planning priorities in the Western City District Plan and the Council LSPS. The Local Housing Strategy also underpins the 6-10 year housing target for the LGA of 8,500 to 12,000 new dwellings.

The Strategy has established a series of recommendations to inform amendments to the Liverpool Local Environmental Plan as well as a number of actions to increase housing diversity and affordability.

The Planning Proposal is consistent with the vision, principles and objectives of the Liverpool Local Housing Strategy 2020. Key housing priorities are:

- Diverse housing to meet the needs of the community
- Focus growth in and around town and strategic centres close to transport and services
- The low scale character of suburban areas is respected
- Increase affordable housing across Liverpool
- Ensure sustainability principles and climate resilience in new development
- Support housing growth with appropriate infrastructure

The Local Housing Strategy is underpinned by evidence-based analysis of population and demographic trends in the Liverpool LGA.

In terms of housing demand, the Local Housing Strategy found that demand will shift towards higher density dwellings. Supply side constraints were acknowledged in the Strategy and it is estimated that there is expected to be a shortfall in the provision of medium density housing by between approximately 4500-8000 dwellings for the period to 2036.

iii [Liverpool Community Strategic Plan 2022-2032](#)

The Community Strategic Plan (CSP) is a ten-year plan that defines the vision and priorities of the Liverpool community. The CSP is the overarching plan that sets the direction not only for Council but for all stakeholders, including government, business, the not-for-profit sector and residents. The directions from the CSP provide a guide for stakeholders to work together and to capitalise on the opportunities which will keep Liverpool moving forward.

Key strategies and goals for the CSP include:

- Improve liveability and quality of life for the community by delivering vibrant parks, places and facilities.
- Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

5.1.2 The best means of achieving the objectives or intended outcomes

A planning proposal is the best means of meeting the objectives articulated in Part 1 of the planning proposal, as the objectives requiring amending LLEP 2008 to provide for an additional permitted use.

This mechanism would enable development for the purpose of residential dwellings and restaurant/cafe to be constructed with consent within the Georges Cove Marina development site while maintaining the overarching RE2 Private Recreation zone.

This approach acknowledges both the opportunities and constraints of the site, with the planning proposal ensuring that the proposed additional uses are still satisfying the zone objectives.

Legal advice from Minter Ellison has been obtained regarding the approach of this planning proposal that seeks an amendment to Schedule 1 Additional Uses of the LLEP 2008. This advice has confirmed that there is no legal impediment to Council including the additional use provision.

The legal advice (provided to Council in June 2018 and provided at Appendix I) confirmed *that the purpose and effect of additional permitting uses in Schedule 1 of any local environmental plan is to expand the range of permissible uses for specific properties beyond otherwise permissible on that property by virtue of the property's zoning.*

In addition to the above, the advice confirmed that *the dominant activity on the subject land will be the marina development and recreational land uses such as boating, boat storage, water sports, open space and recreational and restaurants and a function area. The proposed residential uses will be incidental and subordinate to those uses.*

As outlined throughout this planning proposal, the intended purpose and objective is to provide high amenity residential development that will both compliment, and be sustainably integrated with, the future marina development and the recreational functions across the site, as well as the natural environment. The activation of the site requires a tailored approach to 'lifestyle' residential development associated with the marina. This also optimises the broader availability for local residents to use and enjoy the Georges River.

The purpose of the planning proposal is to expand the permissible development to include residential uses which complement, and largely derive their benefit from, the marina. This is preferable to rezoning the entire site as R4 High Density Residential and W1 Natural Waterways as it is not proposed that the site be used for purely residential use. The dominant activity for the site (Lot 3 DP 1246745) is the approved marina and supporting infrastructure, which conforms with the objectives of the prevailing land zone of RE2 Private Recreation. The proposed residential uses are incidental to that dominant use.

5.2 Relationship to strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

5.2.1 Applicable regional or district plans and strategies

The planning proposal has been assessed against the relevant adopted and draft regional and district plans for the Moorebank and Liverpool area, as discussed below.

i Greater Sydney Region Plan

In March 2018, the NSW Government released 'A Metropolis of Three Cities – The Greater Sydney Region Plan' which effectively replaces the previous strategic plan for Sydney which was 'A Plan for Growing Sydney'. The objective of A Metropolis of Three Cities is to balance growth and deliver the benefits of the Plan more equally and equitably to residents across Greater Sydney. The Greater Sydney Region Plan has been prepared concurrently with the Future Transport 2056 and the State Infrastructure Strategy, and aligns land use, transport and infrastructure planning to reshape Greater Sydney as three connected cities.

To meet the needs of a growing changing population, the vision seeks to transform Greater Sydney into a metropolis of three cities. These being:

- The Western Parkland City;
- The Central River City; and
- The Eastern Harbour.

Liverpool LGA and is located within the Western Parkland City. Liverpool is identified as a metropolitan cluster.

There are 10 key directions for Greater Sydney in the Plan. Each key direction includes objectives relevant to that direction. The following directions are relevant to this Planning Proposal:

- **A city for people**

The proposal will activate the site by bringing people into this unique facility. The direction of creating a 'city for people' is supported by the concept of "putting people at the heart of planning". For people seeking a place to live, the attraction of leisure precincts, such as the Georges Cove marina, is that they create a sense of place and offer a vibrant, walkable neighbourhood. While the marina does, on its own, service the needs of the boating community of western Sydney, the introduction of a residential component amplifies the people focus of the site. .

- **A city of great places**

A well-planned and well-designed development can improve the character of a place, its vitality and sense of community. It can make the local environment more attractive and improve services. The proposal will complement the desired future use of the immediate locality, including the adjacent Georges Cove residential area. The development facilitated by this planning proposal will ensure that the Moorebank East precinct is not only a great place to live and work, but also provide a unique mix of housing, boating activity and open space. It celebrates the river as a defining geographic and social feature of the Liverpool LGA.

- **Housing the city**

The planning proposal is consistent with this direction, as it will allow for development of unique and highly attractive housing adjacent to the marina. The objectives supporting this direction point to the need for diverse housing types and greater housing supply, both of which are achieved through this planning proposal.

- **A city in its landscape**

The integration of housing with the marina delivers a precinct which is focused on the Georges River and the foreshore areas. The Georges River is perhaps the most defining landscape element of the LGA. Liverpool City Council has stated that it is looking for ways to “increase the river’s recreational potential and make Liverpool a true river city” (Council website ‘Waterways and Lakes’).

As demonstrated above, the planning proposal is consistent with the relevant directions of the A Metropolis of Three Cities.

ii **Western City District Plan**

The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly local government areas.

The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

This District Plan has been prepared to give effect to A Metropolis of Three Cities, the Region Plan that applies to the five districts that make up the Greater Sydney Region. It is the role of the Greater Sydney Commission to prepare and finalise the district plans.

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires district plans to:

- provide the basis for strategic planning in the District, having regard to economic, social and environmental matters;
- establish planning priorities that are consistent with the objectives, strategies and actions of *A plan for growing Sydney*; and
- identify actions required to achieve those planning priorities.

The District Plan meets these requirements by:

- progressing the directions of *A plan for growing Sydney*; and
- identifying planning priorities for the District and the actions to achieve them.

District Plan Part 3 ‘Liveability’ is about people’s quality of life. Maintaining and improving liveability means housing, infrastructure and services that meet people’s needs. This enables people to stay in their neighbourhoods, satisfy most daily requirements within a 15-minute travel distance, and participate in communities as they transition through life.

A place-based and collaborative approach is required to maintain and enhance the liveability of the Western City District.

The Plan states that this can be achieved by adopting several Planning Priorities. Those relevant to this planning proposal include:

W5. Providing housing supply, choice and affordability, with access to jobs, services and public transport

Providing housing supply is the driver for this planning proposal. The proposed residential use will service the growing demand for attractive local housing centred on the Georges River .

W6. Creating and renewing great places and local centres and respecting the District's heritage.

The renewal of this former industrial site has a vision to create a 'great place' and the activation of the site requires both the creation of a unique boating lifestyle facility, and the opportunity to live in that setting, so that the precinct is both lively and attractive.

5.2.2 Strategic merit

The planning proposal is considered to have strategic merit as it consistent with the relevant directions of the Western City District Plan and also the Local Strategic Planning Statement for Liverpool LGA.

The planning proposal achieves strong alignment with strategies for land use at regional, district and local scale.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

5.2.3 Liverpool Local Strategic Planning Statement

The Liverpool Local Strategic Planning Statement (LSPS) 'Connected Liverpool 2040' includes a number of planning priorities which align with the planning proposal.

i Planning Priority 5 - A vibrant, mixed-use and walkable 24-hour City Centre with the Georges River at its heart

This priority has a stated rationale for Liverpool to transform into a lively river city by 2040 with a strong 24-hour economy, providing ample space for jobs, homes, entertainment, recreation and education.

The provision of medium and high density residential dwellings within the site attends to this vision and rationale by providing a lively, mixed use, precinct at Moorebank which is focused on the Georges River.

ii Planning Priority 6 - High-quality, plentiful and accessible community facilities, open space and infrastructure aligned with growth

This priority is underpinned by Liverpool City Council's commitment to the delivery of high-quality facilities and services that are attractive, flexible and address the needs of the general community. Council supports the central concept that an efficient and effective network of quality and appropriate community facilities is essential to the health, social and economic wellbeing of Liverpool.

The Moorebank precinct is being transformed and there is growth already underway locally. The provision of co-located boating facilities and housing integrates several elements of the vision for the community, including high quality facilities and infrastructure.

5.2.4 Liverpool Local Environmental Plan 2008

While not a local strategy, consideration of the objectives within LLEP 2008 for the RE2 Private Recreation zone is appropriate, given that the planning proposal seeks to add additional permitted uses to the site, within the zone.

The objectives of the RE2 Private Recreation zone are as follows:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To enable land uses that are compatible with, and complementary to, recreational uses.

The additional permitted use and development controls are consistent with the objectives of the RE2 Private Recreation zone for the following reasons:

- the proposal will provide scope for compatible land uses which complement the recreational uses, which are primarily related to boating
- The proposal does not diminish or detract from the use of the land as a recreational resource for outdoor activities.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

5.2.5 State and regional strategies and studies

The planning proposal is consistent with other relevant State and regional strategies and studies.

i Housing 2041: NSW Housing Strategy

The State Government publication *Housing 2041: NSW Housing Strategy* (2021) sets out four 'pillars' for the housing system, being:

- Supply
- Diversity
- Affordability
- Resilience.

The planning proposal aligns with these pillars, particularly in terms of supply, diversity and resilience. The proposal will enable a significant number of dwellings (terraces and apartments) to be developed at a unique and attractive location. The broader housing form across Moorebank tends to be conventional detached dwellings.

The future residential development is noted to be resilient as it is completely flood free.

ii Draft NSW Coastal Design Guidelines

The draft *NSW Coastal Design Guidelines (2022)* applies to the coastal zone, which includes the Georges River at this location. The mapped coastal zone extends approximately 100 landward from the Georges River and therefore does not include the Key Site.

Nevertheless, the planning proposal will enable development which aligns with the design guidance offered by the *Coastal Design Guidelines*. This includes a design based on an understanding of how that place influences, and is influenced by, its context. This is a scarce resource, being a marina in south-western Sydney, and the built form of the future development will respond to the landform and the river system.

The *Coastal Design Guidelines* also acknowledge the social and economic factors that influence a sense of place.

In summary, a place-based approach is the key to good coastal design and the planning proposal enables this approach.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

5.2.6 State Environmental Planning Policies

The planning proposal is consistent with applicable State Environmental Planning Policies (SEPPs) as shown in Table 5.1 below.

Table 5.1 List of SEPPs and relevant deemed SEPPs

SEPP	Relevant matters	Consistency and comments
State Environmental Planning Policy (Planning Systems) 2021	Schedule 2 State significant development sites.	The subject land is not within a site identified pursuant to Schedule 2
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 2 Western Sydney Employment Area.	The site is not within the Western Sydney Employment Area
State Environmental Planning Policy (Transport and Infrastructure) 2021	Schedule 3 Traffic generating development	A referral to Transport for NSW may apply at the future development application stage.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2 – Vegetation in non-rural areas Chapter 3 – Koala habitat protection 2020 Chapter 3 – Koala habitat protection 2021 Chapter 6 – Water catchments Chapter 13 – Strategic conservation planning	No clearing of vegetation is proposed. The land is not identified as koala habitat. No evidence of koala presence has been detected on the site. The land is within the Georges River catchment. The planning proposal does not adversely impact water quality, water flow, surface water or groundwater. The proposed uses are not water-dependent. The planning proposal will allow the well-ordered development of the site and will not preclude the establishment of appropriate stormwater and run off control measures for future development. This will likely result in an improved outcome

Table 5.1 List of SEPPs and relevant deemed SEPPs

SEPP	Relevant matters	Consistency and comments
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2 – Coastal management Chapter 4 – Remediation of land	<p>for the Georges River catchment as required by this SEPP.</p> <p>The land is not within a mapped Strategic Conservation Area.</p> <p>Chapter 2: The land is partly within the coastal zone.</p> <p>The site is partly within the Coastal Use Area, the Coastal Environment Area and the Coastal Wetlands Proximity Area.</p> <p>None of the mapped areas fall within the footprint of the land identified for future residential development.</p> <p>Chapter 4: The SEPP aims to promote the remediation of contaminated land and sets out matters for a planning authority to consider when rezoning land that is or is potentially contaminated.</p> <p>The site is within land which has been identified to be contaminated by previous uses. A letter is provided which considers the SEPP provisions and the assessments conducted previously with respect to the site (refer to Appendix C)</p> <p>As such, it has been demonstrated that the land will be suitable for the proposed uses after remediation.</p>
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Chapter 2 – State significant precincts Chapter 3 – Sydney region growth centres Chapter 4 – Western Sydney Aerotropolis Chapter 7 – Western Sydney Parklands	<p>The land is not within a mapped State Significant Precinct.</p> <p>The land is not within a mapped Growth Centre.</p> <p>The land is not within the Aerotropolis application area.</p> <p>The land is not within the Noise Exposure Contours for the Western Sydney Airport.</p> <p>The land is not within the Obstacle Limitation Surface for the Western Sydney Airport.</p> <p>The land is not located on a Transport Corridor for the Western Sydney Airport.</p> <p>The land is not within the Western Sydney Parklands application map.</p> <p>The land is not within an area mapped as High Biodiversity Value.</p>

Table 5.1 List of SEPPs and relevant deemed SEPPs

SEPP	Relevant matters	Consistency and comments
State Environmental Planning Policy (Housing) 2021	Chapter 2 – Affordable housing Chapter 3 – Diverse housing.	Residential development enabled by this planning proposal is not development for affordable housing. Group homes, co-living housing, build-to-rent, seniors or disability housing are not sought under this planning proposal.
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 2 – Standards for residential development (BASIX)	The standards apply to the erection of a new building and hence will be applied at the development application stage. The proposed additional permitted use does not preclude future compliance with the standards for energy and water use.
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	Part 4 – Application of design principles	The principles apply to the erection of a new building and hence will be applied at the development application stage. The proposed additional permitted use does not preclude future compliance with the design quality principles.

Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions) or key government priority?

5.2.7 Ministerial Directions

The planning proposal has been assessed against each relevant Ministerial direction. Note that the reference to ‘Section 117’ is now a reference to section 9.1 in Part 9 of the EP&A Act. These directions apply to planning proposals lodged with the Department of Planning and Environment on or after the date the particular direction was issued and commenced. Consistency with relevant Local Planning Directions is discussed in the table below.

Table 5.2 Relevant local planning directions

Direction	Relevant provisions	Response
1.1 Implementation of regional plans	(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning	The relevant regional plan is the Greater Sydney Region Plan - A Metropolis of Three Cities. The Western City District Plan also applies to the site.
1.2 Development of Aboriginal Land Council land	This direction applies to all relevant planning proposal authorities when preparing a planning proposal for land shown on the Land Application Map of Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.	Chapter 3 applies to land owned by an Aboriginal Land Council. The subject land is not owned by an Aboriginal Land Council.
1.3 Approval and Referral Requirements	<p>(1) A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <ul style="list-style-type: none"> i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and <p>(c) not identify development as designated development unless the relevant planning authority:</p> <ul style="list-style-type: none"> i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act. 	<p>This planning proposal has requested the minimum additional permitted uses to facilitate residential development to be integrated with the Georges Cove Marina, and hence referrals are minimised.</p> <p>The provisions proposed do not stipulate concurrence, consultation or referral of a Minister or public authority.</p> <p>The development facilitated by the planning proposal is unlikely to be classified as designated development.</p>

Table 5.2 Relevant local planning directions

Direction	Relevant provisions	Response
1.4 Site Specific Provisions	<p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	<p>This planning proposal seeks to allow development for the purpose of residential dwellings and restaurant/cafes to be carried out in the RE2 zone the land is situated on.</p> <p>Drawings which detail the subsequent development are not provided within the planning proposal however architectural concepts are provided in order to assist in illustrating the potential outcome, pending the adoption of the planning proposal.</p>
3.7 Public Bushland	<p>(1) When preparing a planning proposal, the planning proposal authority must be satisfied that the planning proposal:</p> <p>(a) is consistent with the objectives of this direction, and</p> <p>(b) gives priority to retaining public bushland, unless the planning proposal authority is satisfied that significant environmental, economic or social benefits will arise that outweigh the value of the public bushland.</p> <p>The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by:</p> <p>(a) preserving:</p> <ul style="list-style-type: none"> i. biodiversity and habitat corridors, ii. links between public bushland and other nearby bushland, iii. bushland as a natural stabiliser of the soil surface, iv. existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, v. the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land, and <p>(b) mitigating disturbance caused by development,</p> <p>(c) giving priority to retaining public bushland.</p>	<p>The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland.</p> <p>The planning proposal does not adversely impact any biodiversity or habitat corridors; or links between bushland areas. The planning proposal also does not impact hydrological landforms or other values of the land.</p> <p>Disturbance which may be caused by the development is limited to the existing modified landscape and will not impact or reduce any adjoining bushland areas.</p>

3.10 Water Catchment Protection

- (1) When preparing a planning proposal, the planning proposal authority must be satisfied that the planning proposal achieves the following:
- (a) is consistent with the objectives of this direction,
 - (b) is consistent with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, as published by Water Quality Australia, and any water quality management plan prepared in accordance with those guidelines,
 - (c) includes documentation, prepared by a suitably qualified person(s), indicating whether the planning proposal:
 - i. is likely to have an adverse direct, indirect or cumulative impact on terrestrial, aquatic or migratory animals or vegetation, and any steps taken to minimise such impacts
 - ii. is likely to have an impact on periodic flooding that may affect wetlands and other riverine ecosystems
 - iii. is likely to have an adverse impact on recreational land uses within the regulated catchment;
 - (d) identifies and considers the cumulative impact of the planning proposal on water quality (including groundwater) and flows of natural waterbodies and on the environment more generally, including on land adjacent to or downstream of the area to which this direction applies,
 - (e) identifies how the planning proposal will:
 - i. protect and improve environmental values, having regard to maintaining biodiversity, and protecting native vegetation, cultural heritage and water resources (including groundwater),
 - ii. impact the scenic quality of the natural waterbodies and the social, economic and environmental interests of the community,
 - iii. protect and rehabilitate land from current and future urban salinity, and prevent or restore land degradation,
 - (f) considers any feasible alternatives to the planning proposal.
- (2) When preparing a planning proposal, the planning proposal authority must:
- (a) consult with the councils of adjacent or downstream local government areas where the planning proposal is likely to have an adverse environmental impact on land in that local government area, and
 - (b) as far as is practicable, give effect to any requests of the adjacent or downstream council.

This planning proposal is sought to enable the addition of residential and restaurant/café development above the approved Georges Cove Marina. The residential and restaurant/café development will be entirely above the flood planning level. In fact, all residential living areas will be above the probable maximum flood (PMF) level and all retail will be above the flood planning level. The development will therefore not influence water quality or water flows, and will similarly not adversely impact flood behaviour for the flood planning area.

The addition of proposed built form will have no impact on wetlands, noting that the footprint of the proposed future development is outside the proximity area for the mapped Coastal Wetlands to the west of the site.

The former land uses at the site have resulted in a highly modified landscape which generally supports only weeds and exotic plants. The risk of any adverse impact to ecosystems or biota is extremely low.

The development would, if enabled by this planning proposal, not constrain local recreational uses of the land.

The planning proposal has a minimal cumulative impact on water quality noting that riverine functions are not influenced by the additional development. All residential and restaurant/café development will be above the flood planning level (and above the PMF).

The cultural and scenic quality of the Georges River is not materially impacted by the proposed addition of residential and restaurant/café development at the site. The additional buildings will integrate with the approved built form of the marina and the visual effect will be moderate. Views from major viewpoints are not adversely impacted.

4.1 Flooding

(1) A planning proposal must include provisions that give effect to and are consistent with:

- (a) the NSW Flood Prone Land Policy,
- (b) the principles of the Floodplain Development Manual 2005,
- (c) the Considering flooding in land use planning guideline 2021, and
- (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.

(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.

(3) A planning proposal must not contain provisions that apply to the flood planning area which:

- (a) permit development in floodway areas,
- (b) permit development that will result in significant flood impacts to other properties,
- (c) permit development for the purposes of residential accommodation in high hazard areas,
- (d) permit a significant increase in the development and/or dwelling density of that land,
- (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,
- (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,
- (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or
- (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.

Since the approval of the R3-Zoned Mirvac Georges Cove Residences (DA-24/2017), the *Georges River Regional Flood Evacuation Study* (Molino Stewart) was finalised by Liverpool Council in consultation with the Department of Planning and Environment (DPE), Planning Delivery Unit (PDU) and relevant state agencies.

A Flood Impact Assessment and Flood Emergency Response Plan in support of this planning proposal has been prepared by Tooker and Associates in 2023 (refer to Appendix D).

The Tooker and Associates report (2023) reviews the Molino Stewart *Flood Evacuation Study* (2022) and considers the conformance of the planning proposal to NSW Government flood policy, including the flood risk of the site and the performance of the concept design against this direction.

The Tooker and Associates report has concluded that the planning proposal would comply with the NSW government policy and the Council's LEP and DCP in terms of development of flood prone land.

With respect to Local Planning Direction 4.1 Flooding, it is noted that this specific planning proposal relates to development which is above the Flood Planning Level (FPL) but technically (in part) within the Flood Planning Area (FPA). This unusual situation arises because, while the planning proposal would enable development partly within the mapped FPA, the resulting residential development is in airspace which is entirely above the FPL.

The anomaly arises due to the definition of flood planning area which is not 'switched off' above the FPL (i.e. it is not defined vertically), and which does not contemplate development occurring only above the FPL. Hence the flood risk management (FRM) approach which is adopted and recommended by the NSW Flood Risk Management Manual (2023) would suggest that the particular circumstances of this planning proposal should inform the required assessment. It is noted that the NSW Flood Risk Management Manual has superseded the former NSW Floodplain Development Manual (2005).

It is also noted that this planning proposal does not seek to rezone land within the flood planning area from a Recreation zone to a Residential zone. The planning proposal seeks additional permitted uses with the existing RE2 Private Recreation zone.

4.2 Coastal Management

(1) A planning proposal must include provisions that give effect to and are consistent with: (a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas; (b) the NSW Coastal Management Manual and associated Toolkit; (c) NSW Coastal Design Guidelines 2003; and (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.

(2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:

(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021;

or

(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:

i. by or on behalf of the relevant planning authority and the planning proposal authority,

or

ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.

(3) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

(4) A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:

(a) Coastal wetlands and littoral rainforests area map;

(b) Coastal vulnerability area map;

(c) Coastal environment area map; and

(d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.

The site is partly within the coastal zone.

Three coastal management areas are mapped on part of the site, being:

- Coastal Use Area
- Coastal Environment Area
- Coastal Wetland Proximity Area.

The Key Site, being the specific land the subject of the planning proposal, is not within the coastal zone, and not within any mapped coastal management area.

A Coastal Management Program has not been adopted for the site or surrounds.

4.3 Planning for Bushfire Protection

(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.

(2) A planning proposal must:

(a) have regard to Planning for Bushfire Protection 2019,

(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and

(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:

(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:

i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and

ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,

(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,

(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,

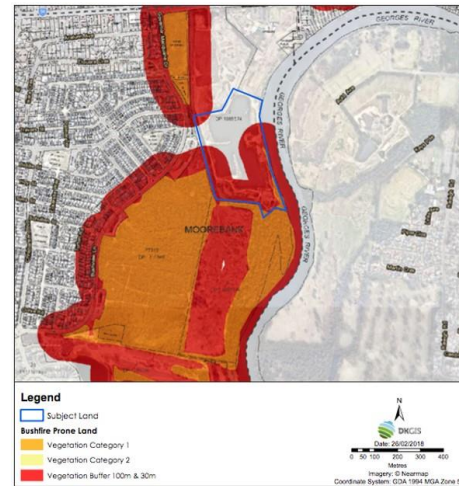
(d) contain provisions for adequate water supply for firefighting purposes,

(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,

(f) introduce controls on the placement of combustible materials in the Inner Protection Area.

(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to

The site is within the buffer area of Category 1 bushfire prone vegetation under the Liverpool Council Bushfire Prone Land Map. As such, the site is classified as bushfire prone land. The Category 1 vegetation is on land to the west and south of the site.



Black Ash Bushfire Consulting prepared a Bushfire Assessment Report in 2018 and found that the planning proposal complies with the aims and objectives of the Rural Fire Service Planning for Bushfire Protection and recommended a series of bushfire protection measures for the site, pending approval of the planning proposal.

A copy of the Black Ash Report is provided at Appendix E.

As such, the planning proposal has taken the matters detailed in the direction into consideration. As stated in the direction, the relevant planning authority must consult with the RFS, following receipt of a gateway determination (e.g. post-gateway).

4.4 Remediation of Contaminated Land

Table 5.2 Relevant local planning directions

Direction	Relevant provisions	Response
	<p>which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning proposal authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</p> <p>(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines</p>	

Table 5.2 Relevant local planning directions

Direction	Relevant provisions	Response
4.5 Acid Sulfate Soils	<p>(1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary, or (b) other such provisions provided by the Planning Secretary that are consistent with the Acid Sulfate Soils Planning Guidelines.</p> <p>(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Planning Secretary prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p> <p>(4) Where provisions referred to under 2(a) and 2(b) above of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with 2(a) and 2(b).</p>	<p>The site is largely mapped on Council’s Acid Sulfate Soils Map as Class 4 with a portion of the site mapped as Class 2.</p> <p>The planning proposal seeks to add residential land use and Restaurant/café land use to the existing RE2 land zoning. This change in permitted uses will enable development above the existing approved marina buildings (which are unlikely to require earthworks) and also some residential dwelling development on land not currently supporting existing buildings (which may require earthworks).</p> <p>A more detailed and site-specific acid sulfate study will be conducted during the post-Gateway period.</p>

Table 5.2 Relevant local planning directions

Direction	Relevant provisions	Response
5.1 Integrating Land Use and Transport	<p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	<p>The planning proposal supports the accessible development principles articulated in the <i>Improving Transport Choice Guidelines</i>. The planning proposal aligns particularly with principles such as promoting mixed uses and implementing good urban design.</p> <p>The planning proposal is also consistent with the <i>Right Place for Business and Services</i> which seeks to promote the development of vibrant, accessible mixed use centres. The <i>Right Place</i> guidelines also identify the benefit of allowing a commercial facility to evolve not a mixed use centre.</p>
6.1 Residential Zones	<p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land</p>	<p>The planning proposal aligns with this local planning direction.</p> <p>The planning proposal enables a broader choice of building types in the precinct.</p> <p>It makes efficient use of infrastructure, including the marina and associated facilities.</p> <p>It reduces demand for urban fringe development.</p> <p>It promotes good design in a unique setting.</p> <p>Services for residential development will be available and the planning proposal does not reduce the permissibility or residential density on the land.</p>

Table 5.2 Relevant local planning directions

Direction	Relevant provisions	Response
7.1 Employment Zones	<p>(1) A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of Employment zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in Employment Zones.</p> <p>(d) not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and</p> <p>(e) ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary.</p> <p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in employment zones, and</p> <p>(c) support the viability of identified centres.</p>	<p>The objectives of this Direction are supported through the planning proposal. The retail sector of the marina development is not altered by the planning proposal.</p> <p>This planning proposal also does not adversely impact employment zones within the LGA or regionally.</p>

5.3 Section C - Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

5.3.1 Critical habitat or threatened species, populations or ecological communities, and their habitats

The planning proposal is supported by a Biodiversity Assessment Report prepared by Biosis (April 2018) included at Appendix B.

The objective of the assessment is to determine the presence of any threatened flora, fauna, populations or ecological communities (biota) within the study area and, where applicable, assess the impacts of the project on any such species or their habitats, listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), *NSW Biodiversity Conservation Act 2016* (BC Act) and *Fisheries Management Act 1994* (FM Act).

The Biodiversity Assessment Report confirmed that the majority of the site is highly modified and highly disturbed, with the key vegetation type within the proposed residential area being ‘weeds and exotics’ (refer to Appendix B). The assessment did identify a small area adjacent to the Georges River foreshore as containing Cumberland Swamp Oak Riparian Forest (River Flat Eucalypt Forest EEC) and some hollow bearing trees. These areas will not be affected by the proposed addition of residential development as a permitted use.



Figure 5.1 Vegetation communities

Note: Residential footprint shown as hatched area. Pale green indicates ‘highly disturbed weeds and exotics’

Source: Biosis (2018)

5.3.2 Other resources

The resources associated with this site, nominally sand and gravel, were extracted under a former land -use and are now depleted. The planning proposal therefore does not sterilise access to resources.

Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

5.3.3 Other likely environmental effects as a result of the planning proposal and how are they proposed to be managed

i Contamination

In the Request for Information issued by Council on 14 June 2023, one additional consideration raised by Council is the historic contamination issues related to the site. Council has signalled an intention to recommend a future Gateway condition which sets a requirement for a site audit to confirm adherence to relevant standards, procedures and guidelines.

The history of assessment and management of contamination at the site is summarised as follows:

- There have been a range of contamination assessments for the site beyond the Douglas Partners (May 2018) report that was Appendix 4 of the Planning Proposal, PP-2020-3520, prepared by Boston Planning (2020).
- These contamination assessments formed the basis for the site auditor concluding that, with remediation, the site can be made suitable for residential uses.
- These assessments met the requirements of NSW EPA guidelines and Chapter 4 of the Resilience and Hazards SEPP 2021 to the extent required for the site auditor to reach their conclusion.
- The Sydney Western City Planning Panel was satisfied with the level of contamination assessment as demonstrated by its approval of DA-611/2018 on 7 May 2021 and Modification 1 (DA-611/2018/A) on 30 November 2022 which included conditions requiring further contamination assessment that were drafted by Council.

We believe that the extensive contamination assessments for the site are suitable supporting documents for the planning proposal to provide for residential development within the marina site. Accordingly, preparation of another preliminary site investigation (PSI) for the site to specifically support this planning proposal is not justified as it is highly unlikely to provide any information that would change the conclusion that, with remediation, the site can be made suitable for residential use.

ii Flood

A Flood Impact Assessment and Flood Emergency Response Plan has been prepared by Tooker and Associates (2023).

The Georges Cove Marina site is one of three development sites under the same land ownership in the Moorebank East precinct. The two other sites are the Georges Cove Residences – currently being developed by Mirvac – and the Georges Cove Village site which is subject to a separate planning proposal.

Cardno (now Stantec) have previously undertaken all the flood modelling for these three developments, and the sites are interrelated for wider flood modelling purposes. The benchmark pre-development land ground levels were formulated by Council and adopted in the earlier Cardno 2013 flood assessment as the base landform for the pre-development flood modelling of the three sites. Liverpool Council subsequently required that there be no reduction in flood storage capacity over the combined area of the three developments for the 100 year ARI flood event. The Cardno flood report and the modelling and design results were then accepted by Liverpool Council.

The planning proposal will enable residential and restaurant/café development which is above the 100 year ARI flood planning level.

The proposed development in this planning proposal has been designed to exceed the State and local government requirements for flood management including due consideration of the recent recommendations in the 2022 Flood Inquiry Report and revisions to the flood-related State and council planning requirements. It also complements the adjacent and recently approved development site at Mirvac Georges Cove Residences. There is sufficient vehicular and pedestrian infrastructure to provide safe flood evacuation. There is also a fall-back emergency shelter-in-place option available above PMF flood levels (if required).

A copy of the Tooker and Associates report is provided at Appendix D.

iii Bushfire

A Bushfire Assessment Report has been prepared by Black Ash Bushfire Consulting (2018).

The Georges Cove Marina site is identified on the Liverpool Council Bushfire Prone Land Map as containing the buffer zone to Category 1 Bushfire Prone Vegetation on the reserve land to the west and south (refer to Figure 5.2).



Figure 5.2 Bushfire prone land

Source: Black Ash Bushfire Assessment Report (2018)

Pursuant to Section 9.1 of the *Environmental Planning and Assessment Act 1979*, Local Planning Direction No. 4.3 – Planning for Bushfire Protection is a relevant consideration for this planning proposal. This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.

Local Planning Direction 4.3 requires that a planning proposal must (amongst other things):

- a) have regard to Planning for Bushfire Protection 2019,
- b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ)

All development in Bushfire Prone Areas needs to comply with the aim and objectives of *Planning for Bushfire Protection* (PBP). A summary of the compliance with PBP is provided at Table 5.3.

Table 5.3 Compliance with the aim and objectives of PBP

Aim	Meets criteria?	Comments
The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including fire fighters) and to minimise impacts on property from the threat of bushfire, while having due regard to development potential, onsite amenity and the protection of the environment.	Yes	Landscaping, defensible space, access and egress, emergency risk management and construction standards are in accordance with the requirements of PBP and the aims of PBP have been achieved. Bushfire Attack Level of less than BAL 29 can be achieved, meeting the deemed to satisfy requirements for the NSW RFS
Objectives	Meets criteria?	Comments
Afford occupants of any building adequate protection from exposure to a bushfire.	Yes	The maximum exposure to a bushfire for the area where the development is proposed is BAL 29.
Provide for defensible space to be located around buildings.	Yes	Defensible space is able to be provided on all sides of the proposed development.
Provide appropriate separation between a hazard and buildings, which, in combination with other measures, prevent direct flame contact and material ignition.	Yes	An asset protection zone commensurate with the BAL 29 can be provided at construction stage.
Ensure that safe operational access and egress for emergency service personnel and occupants is available.	Yes	The site has direct access to public roads, and access and egress for emergency vehicles and evacuation is adequate. The roads within the site may be private but will link to existing public roads in the surrounding environment.
Provide for ongoing management and maintenance of bushfire protection measures, including fuel loads, in the asset protection zone	Yes	Ongoing management can be provided.
Ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bushfire fighting).	Yes	Utility services can be appropriate throughout the site.

5.3.4 Traffic

A Transport Planning Assessment Report in support of this planning proposal was prepared by EMM in 2018.

An Addendum Traffic Impact Assessment has been prepared in response to a Council letter (14 June 2023) which requested further information and updates to the previous planning proposal for this site.

Specifically, the Council recommended that an addendum be prepared with updated traffic information and with consideration of traffic impacts from the proposed development and correlation with the wider Moorebank East precinct which has various separate planning proposals currently under assessment. Council also requested that the addendum provide an update to Chapter 2 (Existing traffic conditions) of the existing report, including the most recent locality traffic volume surveys and an updated traffic study for accurate traffic volume data. An updated electronic copy of the SIDRA models was also requested.

All of these matters are addressed in the Traffic Impact Assessment which is provided at Appendix F.

The Addendum Traffic Impact Assessment ('the Addendum') identified that, between the 2018 proposal and the 2023 proposal, the only change to occur across the three adjoining development sites – being Georges Cove Residences, the Moorebank Recyclers site and the Georges Cove Marina – was a change from 374 dwellings in the Marina Residential development to a mix of 319 apartment and 21 terraces which is now proposed. For the purposes of the Addendum, the current land use at the Moorebank Recyclers land ('Site E') is unchanged, although it is noted that future land use options, potentially light industrial land uses, are under consideration.

i Existing traffic and transport

The local bridge on Promontory Way connecting Brickmakers Drive and Spinnaker Drive is now complete and operational. Dedicated left and right turn lanes are provided on Brickmakers Drive from Promontory Way. A pedestrian foot overbridge is currently being constructed at the same location.

The residential dwellings along the western fringe of the Georges Cove Residences site are already occupied and the others are being constructed. The internal road and pedestrian infrastructure serving the occupied residential dwellings are now complete.

The closest bus stops in the vicinity of the site are on Newbridge Road and are served by bus route M90, which operates from Liverpool Station to Burwood Station via Bankstown.

As part of the research for the Addendum, traffic surveys were conducted on Thursday, 22 June 2023 between 7 am–9 am and 4 pm–6 pm, during a non-school holiday period. The following intersections were surveyed:

- Brickmakers Drive/Promontory Way
- Newbridge Road/Governor Macquarie Drive/Brickmakers Drive
- Newbridge Road/Access Road
- Newbridge Road/Davy Robinson Drive.

The traffic data revealed that Newbridge Road carried 4,577 vehicles in the AM peak (7:16 to 8:15) and 5,092 vehicles in the PM peak (4:45 to 5:45). For Promontory Way, the respective AM and PM volumes were 34 and 25.

ii Development traffic assessment

The Moorebank East precinct has a number of development sites at planning or construction stage. The traffic distribution for the development has therefore been modelled for two scenarios.

Scenario 1

The assumptions for Scenario 1 are:

- DCP Road will not be connected to Davy Robinson Drive.
- All traffic will be entering and exiting via Promontory Way.
- Brickmakers Drive/Promontory Way will be modelled as a signalised intersection with the existing approach and departure lane layout and a pedestrian crossing facility at the north approach.

Scenario 2

The assumptions for Scenario 2 are:

- DCP Road will be connected to Davy Robinson Drive following the development of the Flower Power site.
- Traffic will be distributed so that it will enter and exit via both Promontory Way and Davy Robinson Drive.
- Both Brickmakers Drive/Promontory Way and Newbridge Road/Davy Robinson Drive will be modelled as signalised intersections with the existing approach and departure lane layout and a pedestrian crossing facility at the north approach.

Scenario 1 was modelled based on the existing connection of the site to Brickmakers Drive via Promontory Way.

Scenario 2 was modelled to determine whether there will be potential improvement to the performance of Newbridge Road/Governor Macquarie Drive/Brickmakers Drive and Brickmakers Drive/Promontory Way intersections as a result of providing another signalised intersection at Newbridge Road/Davy Robinson Drive for the development traffic to enter and exit the area.

iii Key findings

a Brickmakers Drive/Promontory Way intersection

- In AM and PM, the intersection performs satisfactorily within capacity with Level of Service (LOS) A or B (good operation), and Degree of Saturation (DOS) <0.9 for both scenarios
- The distribution of the development traffic over multiple intersections in the road network reduces the DOS at this intersection in the AM peak
- Signalisation of the intersection prior to the completion of the development will produce an acceptable level of performance and provide capacity to accommodate additional traffic.

b Newbridge Road/Governor Macquarie Drive/Brickmakers Drive intersection

- In AM and PM, the intersection performs over the capacity with LOS F (unsatisfactory) for both scenarios
- Generally, the longest queues occurs citybound (eastbound) in the AM peak and outbound (westbound) in the PM peak, which is consistent with Sydney's arterial road network
- In the existing scenario, the prioritisation of certain movements is contributing to DOS > 1.1 in the AM and PM peak, and an average delay greater than 100 seconds in the PM peak.
- As the intersection is already over capacity, the additional traffic volumes from the development make a negligible difference, as it only contributes up to 5.7% of the intersection traffic volumes

- A comparison of the model parameters between Scenario 1 and 2 shows that distribution of traffic to Davy Robinson Drive via DCP Road will ease the pressure on Newbridge Road/Brickmakers Drive/Government Macquarie Drive in both the AM and PM peak.

c Newbridge Road/Site Access intersection

- In AM, the intersection performs satisfactorily within capacity with LOS A and DoS <0.7 for both scenarios
- In PM, the intersection performs satisfactorily within capacity with LOS B and DoS <0.7 for both scenarios
- The intersection has capacity to accommodate traffic generated by the development under both scenarios.

d Newbridge Road/Davy Robinson Drive intersection

- In AM and PM, the intersection currently performs over capacity and will be the same under Scenario 1, with LOS F and DoS < 1.0 for the scenarios with priority controlled (give way) intersections
- The intersection is currently over capacity and will continue to operate over capacity in the current format. A comparison of Scenario 1 and 2 shows that signalling the Newbridge Road/Davy Robinson Drive would create significant capacity at this intersection.
- Overall, the intersection will have capacity to accommodate the development when it is upgraded to a signalised intersection once the DCP Road is connected to Davy Robinson Drive. Depending on the spatial traffic distribution and broader network connectivity, upgrades may be required to Davy Robinson Drive (south approach), such as dedicated left and right turn lanes to minimise queue lengths and overall delays

e Cumulative impact

The traffic assessment also considers the potential future development of the Georges Cove Village (Lot 1 DP 1246745) located south of Newbridge Road and will be accessed via the existing access on Newbridge Road. A planning proposal for this site, which would enable commercial and light industrial land uses, is currently being considered by Liverpool City Council. As such, a sensitivity test has been performed by adding the traffic generation from the likely future development of this site to the overall traffic analysis for this precinct.

SIDRA modelling has been used to consider the additional traffic implication of the Georges Cove Village development and the results indicate the following:

The intersection of Brickmakers Drive and Promontory Way will function at LOS A or B, which is generally consistent with the performance without the Georges Cove Village development.

The intersection of Newbridge Road/Governor Macquarie Drive/Brickmakers Drive performs the same for the AM peak, and slightly worse for the PM peak (from LOS D to LOS E or F).

The intersection of Newbridge Road/Site Access registers no change (remains at LOS A).

The intersection of Newbridge Road/Davy Robinson Drive has a mixed result depending on the availability of a signalised intersection and the connection of the DCP Road with Davy Robinson Drive.

Broadly, any short term underperformance at intersections, considering cumulative impacts, is rectified in the longer term once the DCP Road and Davy Robinson Road are connected and the Newbridge Road/Davy Robinson Road intersection is signalised.

5.3.5 Overshadowing

Shadow diagrams have been prepared to assess the proposed impact on solar access between 9 am and 3 pm for the Winter Solstice (June 21). Shadow diagrams are found at Drawings SK_0009 and SK_010 in the package of architectural drawings in Appendix A.

Any impact on solar access is generally confined to within the site and, where shadows extend beyond the site, those impacted areas are open space.

The built form of the proposal has been arranged to comply with the minimum solar access requirements as set out in the DCP.

5.3.6 Acoustics

Council requested additional information in support of the planning proposal and specifically sought information regarding the impact of intrusive noise on future residential receivers at the proposed marina residential development. Council noted that the *Georges Cove Marina Residential Planning Proposal Acoustic Study* prepared by EMM dated 24th April 2018 focuses primarily on amenity noise impacts arising from the adjoining Moorebank Recycling facility. Council also noted that the inclusion of residential uses within the Georges Cove Marina has the potential to generate additional traffic on surrounding roads. Road traffic noise impacts associated with the proposed marina development comprising residential uses must be assessed in accordance with the *NSW Road Noise Policy* published by the NSW Department of Environment, Climate Change and Water in March 2011.

EMM has prepared a letter responding to Council's requests and a copy is provided at Appendix G.

The letter confirms that intrusive noise impacts from the adjoining Moorebank Recycling facility were assessed in the 2018 Acoustic Study in accordance with the *NSW Noise Policy for Industry (NPfI)* (EPA 2017). Section 4.1 of the Acoustic Study discusses the likely industrial noise impacts from the Moorebank Recycling facility and demonstrates that only noise from road truck movements on the Moorebank Recycling facility private access road would affect the proposed Georges Cove Marina residential buildings. The Acoustic report then concludes that those noise sources should be assessed against the project amenity noise levels only as per the NPfI, which is presented in Section 5.2 of the 2018 Acoustic Study.

Notwithstanding, EMM notes that the Moorebank Recycling facility land has been the subject of a planning proposal (received by Council on 5 March 2020) to rezone land and amend development standards for the site – often referred to as 'Site E' within the Moorebank East Precinct. The planning proposal sought to facilitate 2,000 residential apartments, community facilities, retail, restaurant and associated uses, plus parkland and open space.

Notwithstanding the earlier planning proposal for Site E, it is noted that Council has subsequently considered the future land use for Site E (Minutes of Council Meeting 26 July 2023) and determined that Council staff will prepare a planning proposal to rezone the site to E4 General Industrial use (being that part of the site which is currently cleared) and a zoning of RE2 Private Recreation for the first 40 m of land adjacent to Georges River.

On this basis it appears highly unlikely that Site E will be used for heavy industrial purposes in the future. The noise impacts associated with recycling facility may therefore become a redundant consideration for the Georges Cove Marina planning proposal. As requested in Council's Request for Additional Information, intrusive noise impacts have been assessed.

The project amenity noise levels presented in the Acoustic Study were established in accordance with the NPfI to assess the potential industrial noise impacts from the Moorebank Recycling facility at the proposed Georges Cove Marina residential buildings. Note 2 of Table 4.2 in the Acoustic Study states that project amenity noise levels should be equal to the recommended amenity noise levels as no other industries (other than the Moorebank Recycling

facility) are present or likely to be introduced into the area. Adjustment (i.e. minus 5 dB) to the recommended amenity noise levels in Table 2.2 of the NPfl is to account for all industrial noise sources within an area so total industrial noise does not exceed the recommended amenity noise levels. The NPfl contemplates circumstances such as the Georges Cove Marina, being a location where no other industries are present, Relevantly, Section 2.4 of the NPfl states:

Where cumulative industrial noise is not a necessary consideration because no other industries are present in the area, or likely to be introduced into the area in the future. In such cases the relevant amenity noise level is assigned as the project amenity noise level for the development.

There are no current or likely proposed industrial sites to be introduced in the area and therefore recommended amenity noise levels are not required to be adjusted in accordance with the NPfl.

Road traffic noise impacts associated with the proposed marina residential development was assessed in accordance with the *NSW Road Noise Policy (RNP)* (DECCW 2011). The EMM letter report *Georges Cove Marina Residential Planning Proposal – Road traffic noise assessment* dated 20 April 2019, was prepared as a supplementary document to accompany the Acoustic Study. The addendum concluded that noise levels from road traffic generated by the proposed development would satisfy the RNP criteria.

Has the planning proposal adequately addressed any social and economic effects?

5.3.7 Social and economic effects

The policy and planning strategies, both at regional and local scale, point to:

- a growing population
- the need for local place making, walkable neighbourhoods and good design
- a desire to focus on Georges River as a central and defining feature of Liverpool LGA
- a need for increased housing supply and diversity in dwelling types.

The population profile of Moorebank also reveals a shift to slightly higher density, and a recent marked uplift in population within the suburb. The incoming population is characterised by a slightly increasing household size and slightly better employment and income metrics than the Liverpool LGA as a whole.

In order to meet these population characteristics and to deliver these strategic outcomes, there needs to be provision of greater housing in locations with walkable access to services, transport and recreational facilities.

This suggests that the overall social impact of the proposed additional residential land use leveraging the opportunity provided by the marina development will be positive.

Cred Consulting has prepared a Social Impact Assessment in support of the planning proposal (refer to Appendix H). The assessment is derived from socio-economic analysis of the resident population, population projections, an audit of local social infrastructure and relevant planning and public policy instruments.

The Social Impact Assessment (SIA) identifies that the proposal to provide 374 new dwellings for the Moorebank East precinct will generate an increase in the Moorebank population by between 842 to 1,029 people, in particular increasing the numbers of families with young children in the precinct.

The SIA further identifies that the Planning Proposal will complement the future use of the site as a marina and assist in the Council in achieving the long-term strategic vision for the Moorebank East precinct.

The SIA finds that the proposal will result in a number of benefits for the local community, including:

- Providing new dwellings on the site that is well serviced in regards to infrastructure and transport and integrated with both private and public recreation opportunities along the Georges River foreshore.
- Providing an increase in housing supply and mix which will respond to demographic trends and provide increased choice for residents.
- Providing a residential development that will support local retail businesses and services through an increase in residential population. The residential development is also well connected to the Liverpool City Centre.
- Short-term economic benefits and employment opportunities through the construction of the development.

5.3.8 Effects on land in the vicinity of the site

Existing, approved and likely future uses of the site and surrounding land is described in Table 5.4 below.

Table 5.4 Existing approved and likely future uses

Area	Existing use	Approved use	Likely future uses
The site	The site is currently vacant.	<p>The approved marina development comprises:</p> <ul style="list-style-type: none"> • a function centre, tourist, entertainment, recreation and club facilities, • a petrol storage tank (60,000 litres) and a diesel storage tank (60,000 litres), • a wet berth facility for 186 craft (including casual berths), • construction of a navigation channel, • construction of public recreational facilities on the foreshore, floating berths and walkways, fuel pumping facilities, sewage pump-out facilities and emergency berth access, • construction of three external car parking areas and basement car park providing a total of 637 car spaces, • a private marina clubhouse, • all associated works and support infrastructure including power, water and sewerage, • a site access road, and • construction and use of the offsite intersection of Brickmakers Drive and the link road accessing the site. 	<p>The planning proposal would allow for a residential and restaurant/café development to be constructed with the existing land-based facilities.</p>
North of site	Immediately to the north of the site is the Georges Cove residential development and beyond that is the final parcel in this precinct scale development which is the Georges Cove Village commercial development fronting Newbridge Road.	<p>Medium density residential Commercial use (pending a separate planning proposal)</p>	<p>The medium density residential development of Georges Cove has only just been developed and is unlikely to change in the foreseeable future.</p> <p>The commercial uses fronting Newbridge Road are considered though a separate planning proposal which contemplates retail development and light industrial uses.</p>

Table 5.4 Existing approved and likely future uses

Area	Existing use	Approved use	Likely future uses
West of site	Immediately to the west of the site is an irregular shaped vegetation buffer ranging from approximately 50 m to 250 m wide. Further to the west, beyond Brickmakers Drive, is the low density residential suburb of Georges Fair.	The vegetated area west of the site is zoned C2 Environmental Conservation, plus a ribbon of linear drainage infrastructure zoned SP2 Infrastructure. This zone prohibits most development that is not for environmental protection. Georges Fair is an established residential suburb.	It is likely that the vegetated area west of the site will remain vegetated and undeveloped, with the exception of drainage infrastructure. It is likely that the residential area further to the west will remain low density residential in the near term, with the potential for some slow densification associated with a transition to townhouse type development.
South of site	The south of the site is.	The south of the site is zoned C2 Environmental Conservation and the most recent approved used was for a waste recycling facility.	There has been a planning proposal received by Council seeking to rezone the land for residential and commercial development. We understand that at a recent Council meeting (26 July 2023) it was resolved that Council would proceed with a planning proposal to rezone the first 40 m of land near the river as RE2 Private Recreation and the remainder of the site as E4 General Industrial. The operation as a concrete crushing and recycling facility (under the current heavy industrial use zoning) was not supported by Council.
East of site	The east of the site is occupied by Georges River.	The body of the river is zoned W1 Natural Waterway. Further east, on the other side of Georges River, is open space.	The existing natural character of the river and foreshores areas is unlikely to change.

As noted above, the planning proposal seeks to allow for residential and restaurant/café development within the marina precinct, with the existing approved land-based elements, and that the resulting character and land use will be consistent with the existing, approved and likely future uses of land in the vicinity.

Section D – Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

5.3.9 Public infrastructure for the planning proposal

The site is well served by public infrastructure, as it is within an established urban area with access to shops within the site, public transportation, open space and community facilities.

As noted in the TIA, the site is adjacent to Newbridge Road, with the M90 Liverpool to Burwood bus service providing peak hour services every 10 minutes, and services outside of peak hour generally every 15-20 minutes. The bus service generally operates between 5:30 am and 9.30 pm, Monday to Friday and generally 7 am to 9 pm Saturdays, Sundays and public holidays.

The planning proposal will not require provision of additional types of infrastructure in order to accommodate residential apartments and restaurant/café uses within the marina development. Consultation is anticipated with service and infrastructure providers as part of post-Gateway consultation.

It is also noted that the marina development includes the dedication of a 40 m wide ribbon of land along the Georges River foreshore, and the provision of pedestrian walkways which will ultimately link through to extended access along the foreshore for active community use.

5.4 State and Commonwealth interests

What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

5.4.1 Views of State and Commonwealth public authorities consulted in accordance with the Gateway determination

The applicant has engaged in early consultation with Liverpool City Council and the Council has indicated in-principal support for this planning proposal to be prepared. Further consultation with Council will be undertaken as the planning proposal progresses.

Initial consultation was commenced with Transport for NSW (TfNSW) regarding ingress and egress arrangements.

It is expected that further consultation will be undertaken with the following public authorities:

- TfNSW regarding public transportation access
- Department of Primary Industries due to the proximity of the development to Georges River.

6 Part 4 - Mapping

The planning proposal seeks to amend the following maps of Liverpool Local Environmental Plan 2008:

- Key Sites Map (Figure 6.1)
- Height of Building Map (Figure 6.2)
- Floor Space Ratio Map (Figure 6.3).

Proposed mapping is shown below.



Figure 6.1 Proposed Key Site

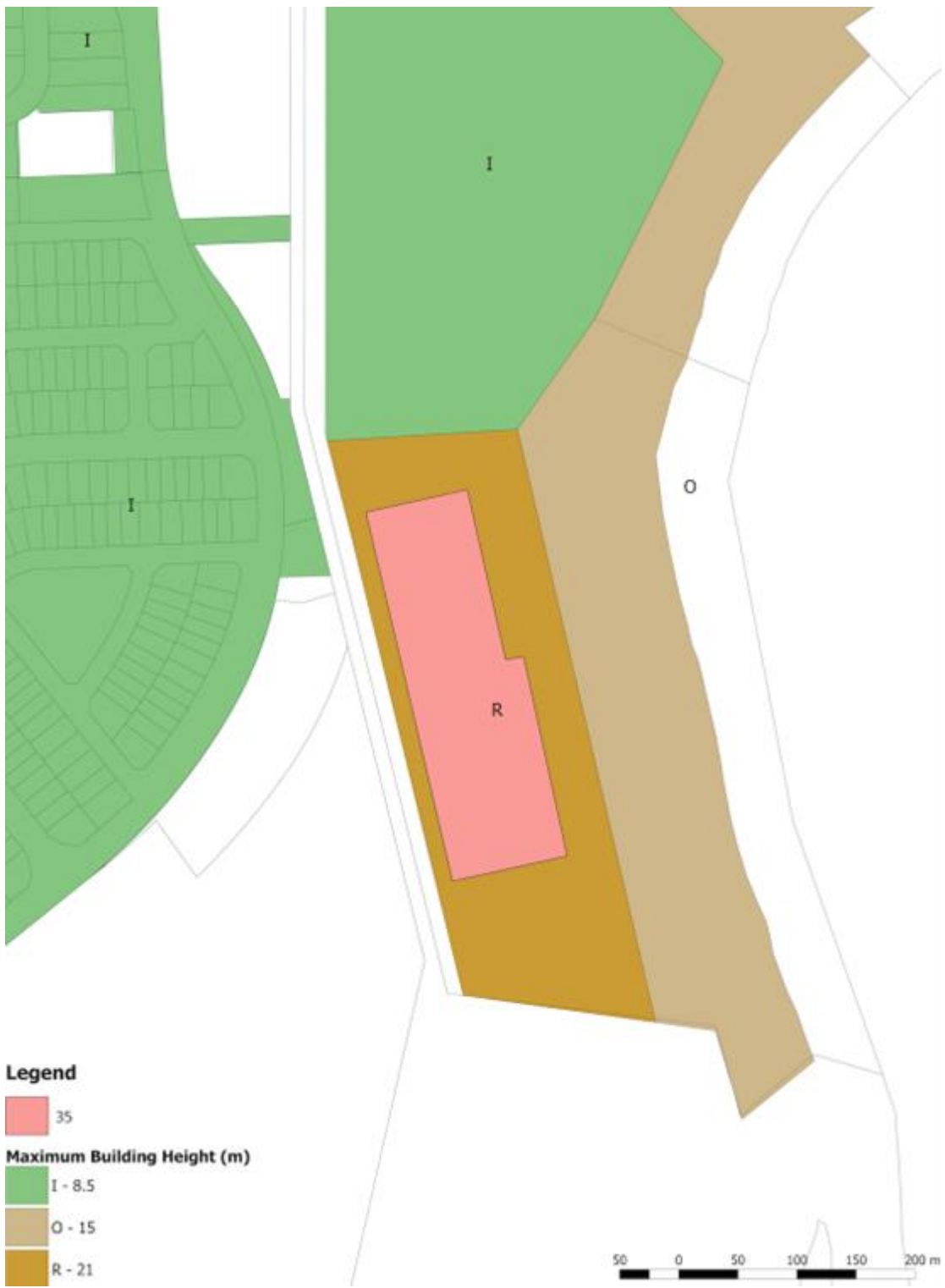


Figure 6.2 Proposed Height of Buildings Map

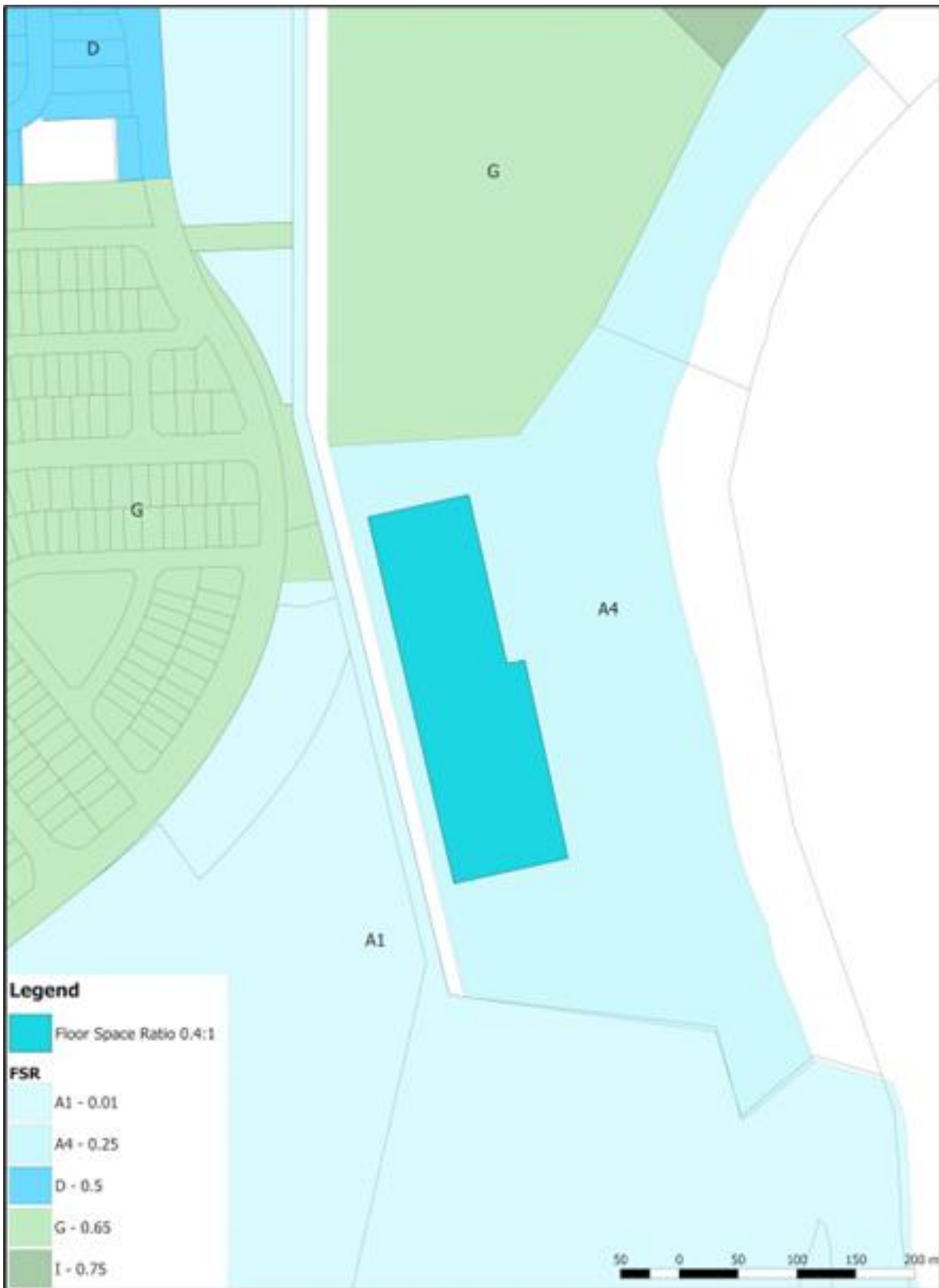


Figure 6.3 Proposed Floor Space Ratio Map

7 Part 5 – Community consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway Determination and the Department of Planning and Environments *A guide to preparing local environmental plans*.

It is expected that the planning proposal will be exhibited for a period not less than 28 days and that this will include notification of the public exhibition:

- in relevant local newspapers; and
- in writing to the owners and occupiers of adjoining and nearby properties.

8 Part 6 – Project timeline

Table 8.1 Project timeline

Step	Proposed date
Planning Proposal consideration by Council	November 2023
Planning Proposal submitted to Department of Planning and Environment (DPE) seeking Gateway Determination	December 2023
Anticipated commencement date (date of Gateway Determination)	January 2024
Anticipated timeframe for the completion of required technical information and peer review by Council	April / May 2024
Public exhibition and public authority consultation	May 2024
Timeframe for consideration of submissions	June 2024
Timeframe for the consideration of a proposal post exhibition (including reporting to Council)	July 2024
Drafting of instrument and finalisation of mapping	August 2024
Date of submission to DPE to finalise the LEP	September 2024
Anticipated date Relevant Planning Authority (RPA) will make the plan	September 2024
Anticipated date RPA will forward to DPE for notification	September 2024

9 References

Government Architect New South Wales 2017. *Better placed: An integrated design policy for the built environment of New South Wales*.

NSW Department of Planning and Environment 2022. *Coastal design guidelines* (draft)

NSW Department of Planning and Environment 2022. *NSW guide to activation – public spaces*.

NSW Department of Planning, Infrastructure and Environment 2021 *NSW public spaces charter: Ten principles for public space in NSW*.

10 Closing

This planning proposal seeks to amend Liverpool Local Environmental Plan 2008 to enable the development of residential dwellings as an ancillary development to the approved Georges Cove Marina, Moorebank.

Specifically, the planning proposal seeks to:

- Include a site-specific provision under Schedule 1 to enable two additional permitted uses:
 - Development for the purpose of residential accommodation (limited to multi-dwelling housing and residential flat buildings) within a new Key Site; and
 - Development for the purpose of restaurants or cafés (limited to the ground floor of the residential apartment buildings and up to 1,500 m² gross floor area in total) within a new Key Site.
- Amend the Key Sites map to include a designated area for residential accommodation in the RE2 Private Recreation zone at 146 Newbridge Road
- Amend the maximum permissible Floor Space Ratio from 0.25:1 to 0.4:1 (limited to the Key Site)
- Amend the maximum permissible Height of Building from 21m to 35m (limited to the Key Site).

The proposed amendment would be pursuant to Schedule 1 of the Liverpool Local Environmental Plan 2008 (LLEP 2008) and would provide for an additional permitted use on the subject site.

This report has been prepared to assist Liverpool City Council to prepare a planning proposal for the LEP amendment of the site in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Further, this report has been prepared in accordance with the NSW Department of Planning and Environment's *Local environmental plan making guideline* (August 2023).

Key objectives of the development which would be enabled by this planning proposal are:

- to provide the community with desirable local amenity, lifestyle and experiences that are predominantly accessible in the eastern Sydney regions but currently unavailable in south-west Sydney
- to provide opportunity for an increase in the range of housing choice and opportunities available through providing a variety of housing types and densities
- to provide a development that creates a “people place” by facilitating future development that encourages housing mix and safety
- to promote the development of place and a quality built environment with a high standard of residential amenity and environmental quality enjoyed by future residents
- to contribute to a stronger neighbourhood character and vibrancy within Moorebank East.

The planning proposal demonstrates that the amendment is justified and will contribute to the success of the broader Moorebank East precinct redevelopment. It achieves this by activating the marina precinct and creating a vibrant destination and a desirable place to live.

The planning proposal is therefore suitable for Council consideration and forwarding to DPE for Gateway determination.

Appendix A

Georges Cove Marina residential concept design and architectural drawings

A.1 Georges Cove Marina residential concept design and architectural drawings

Appendix B

Biodiversity assessment report

B.1 Biodiversity assessment report

Appendix C

Letter and assessments regarding contamination

C.1 Letter and assessments regarding contamination

Appendix D

Flood impact assessment and flood emergency response plan

D.1 Flood impact assessment and flood emergency response plan

Appendix E

Bushfire assessment report

E.1 Bushfire assessment report

Appendix F

Traffic impact assessment

F.1 Traffic impact assessment

Appendix G

Acoustic assessment

G.1 Acoustic assessment

Appendix H

Social impact assessment

H.1 Social impact assessment

Appendix I

Minter Ellison legal advice

I.1 Minter Ellison legal advice

