

**LIVERPOOL CITY COUNCIL  
LOCAL PLANNING PANEL REPORT**

**31 August 2020**

<b>Application Number:</b>	RZ-5/2018
<b>Proposal:</b>	Planning Proposal request to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (LLEP) to permit residential development within a key site on RE2 zoned land. The proposal also seeks to amend the floor space ratio (FSR) development standard from 0.25:1 to 0.4:1 and increase the height of building (HOB) development standard from 21 metres to 35 metres within the key site
<b>Property Address</b>	146 Newbridge Road, Moorebank (Site D)
<b>Legal Description:</b>	Lot 70 DP 1254895
<b>Applicant:</b>	Mirvac Homes (NSW) Pty Ltd
<b>Landowner:</b>	Tanlane Pty Ltd
<b>Recommendation:</b>	Proceed to Gateway
<b>Assessing Officer:</b>	Kweku Aikins – Strategic Planner

## **1. EXECUTIVE SUMMARY**

Council has received a request to prepare a planning proposal on behalf of Mirvac Homes (NSW) Pty Ltd for a portion of land at 146 Newbridge Road, Moorebank (Lot 70 DP 1254895).

The planning proposal request seeks to amend Schedule 1 of the *Liverpool Local Environmental Plan 2008* (LLEP) to permit residential accommodation within a key site. The proposal also seeks to amend the floor space ratio (FSR) development standard from 0.25:1 to 0.4:1 and increase the height of building (HOB) development standard from 21 metres to 35 metres within the key site.

In summary, the planning proposal would facilitate a future residential development comprising of 21 terrace dwellings and 353 apartments adjacent to the proposed Georges Cove Marina.

Determination of strategic merit and site-specific merit have been assessed in accordance with *A guide to preparing planning proposals*, as updated and published by the NSW Department of Planning, Industry and Environment in 2018. The proposal has been submitted pursuant to Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and is referred to the Liverpool Local Planning Panel for advice in accordance with Section 2.19 of the EP&A Act 1979.

On the basis that the planning proposal demonstrates strategic and site-specific merit, this report recommends that the planning proposal proceeds to Gateway determination.

## **2. SITE DESCRIPTION AND LOCALITY**

The land affected by this proposal, as outlined in the following maps, is located at 146 Newbridge Road, Moorebank and contained within Lot 70 DP 1254895. The subject property is under the single ownership of Tanlane Pty Ltd. It is the site of a former sand mining operation by Benedict Sands, which is nearing the end of its life cycle.

The site is located adjacent to the Georges River to the east, Newbridge Road to the north and Georges Fair residential estate to the west. Land to the east of the Georges River is located within the Bankstown Local Government Area and is characterised as expansive recreational open space.



Figure 1: Aerial image of subject site (yellow) and locality

### 3. DETAILS OF THE PROPOSAL

#### Background

On 31 August 2016, Council resolved to support a planning proposal to amend the Liverpool Local Environmental Plan (LLEP) 2008 for land located at 146 Newbridge Road, Moorebank (Lot 70 DP 1254895). The proposal sought to enable residential uses within the RE2 Private Recreation zone (limited to a key site area) and included a zone boundary adjustment in which 4190sqm of land would be rezoned from RE2 Private Recreation to R3 Medium Density Residential.

Gateway determination was issued for the planning proposal on 9 March 2017, however Moorebank Recyclers, the previous owners of Lot 6 DP 1065574 (which is directly south of the subject site) appealed the Gateway decision in the Land and Environment Court. The legal challenge was made on the basis that the planning proposal did not adequately address Clause 6 of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55).

On 21 December 2017, the Class 4 appeal Moorebank Recyclers Pty Ltd v Tanlane Pty Ltd (No 2) [2017] NSWLEC 186 was dismissed. The court decision was made on the basis that there was insufficient evidence to indicate that the contamination assessment was invalid. Moorebank Recyclers subsequently lodged an appeal against this decision in the NSW Supreme Court and the Gateway determination was declared invalid by the Court of Appeal on 18 December 2018.

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Given the outcome of previous legal proceedings, the proponent has since lodged a request to prepare a planning proposal which seeks to permit residential uses within the RE2 zone (limited to a key site area). The zone boundary adjustment has also been lodged separately and was endorsed in-principle by Council on 27 July 2020.

The planning proposal request for residential uses is one of several planning proposals lodged within the boundaries that Council defines as the Moorebank East precinct. Other proposals within the precinct include:

- The 'Georges Cove Village' site to the far north along Newbridge Road (Site A);
- The former 'Flower Power' site to the east at 124 Newbridge Road (Site B);
- The 'Georges Cove' residential site to the immediate north (Site C); and
- The planned mixed-use development known as 'EQ Riverside' to the immediate south at Lot 6 Newbridge Road (Site E).

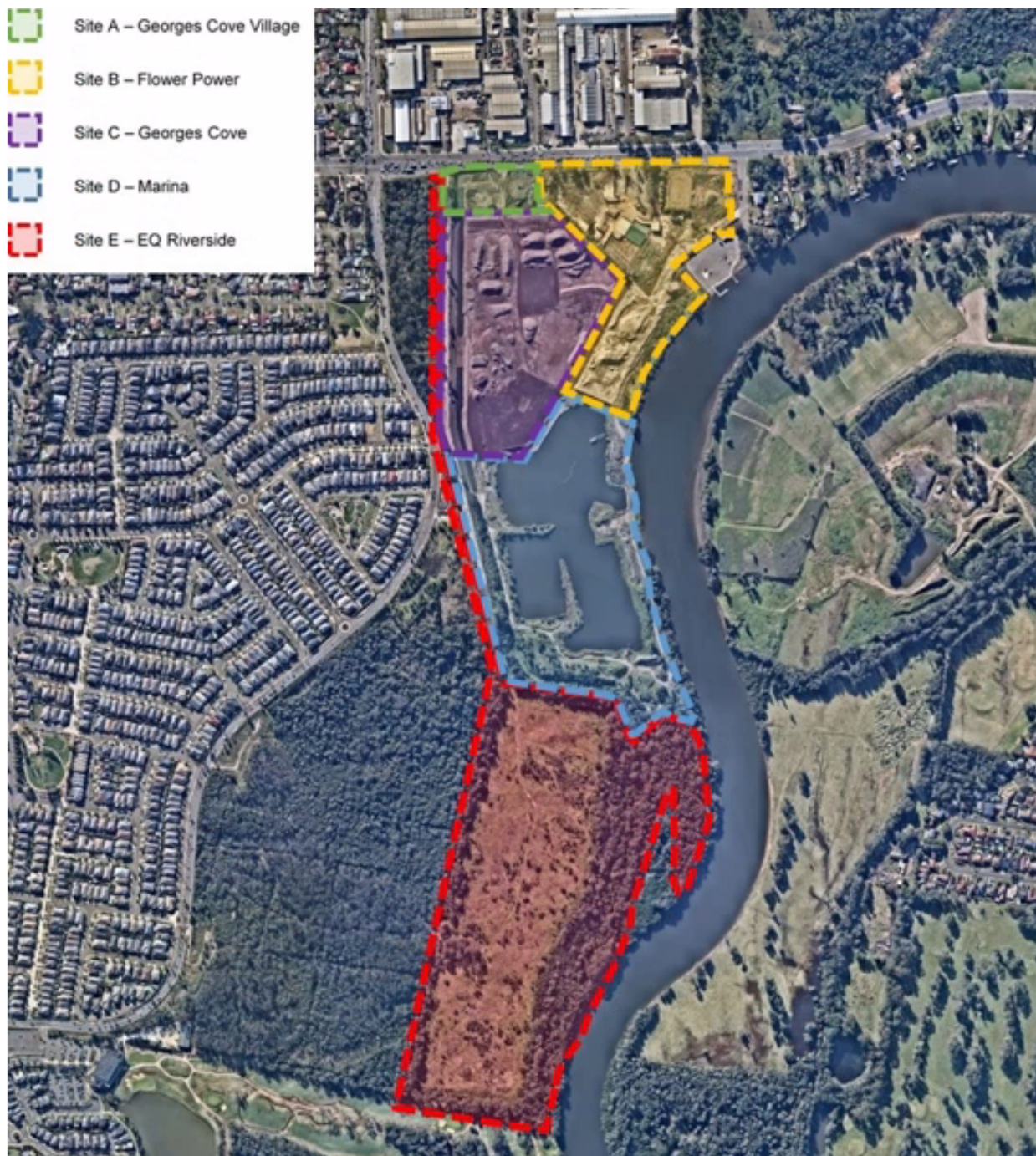


Figure 2: Moorebank East precinct, sites A-E (Nearmap)

Council has sought independent urban design and environmental advice to understand and resolve several key planning concerns to determine if the scale of development is appropriate for the precinct.

In 2018, Council engaged Tract Consultants to provide strategic and urban design advice and assist with the integration and coordination of each of the proposals at a precinct level. Tract Consultants proposed a draft structure plan for sites A to D which sought to balance the development interfaces between each of the sites fairly and consistently.



Figure 3: Moorebank East precinct Structure Plan, Sites A-D (Tract Consultants)

On 19 December 2018, Council officers met with the proponents of Sites A, C and D, and Tract Consultants to discuss an appropriate urban design outcome for the precinct. The purpose of this meeting was to establish a mutually agreeable structure and define the acceptable built form, setbacks and interfaces for each of the sites. It was agreed that Site D would be suitable for high density development in order to complement the proposed marina.

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On 27 July 2020 Council resolved to exhibit all planning proposals that have been lodged within Moorebank (excluding Site C). Accordingly, the subject proposal is currently undergoing a preliminary public exhibition, in accordance with Council's Community Participation Plan. The exhibition period will conclude on 10 September 2020.

Apart from the abovementioned proposals, consent was issued for a development application (DA) (DA-24/2017) on 24 June 2020, to subdivide 146 Newbridge Road (Lot 70 DP 1254895) along its zoning boundaries to create Sites A, C and D (with the exception of 0.41 hectares of RE2 land which is proposed to be rezoned to R3). Additionally, Council is currently assessing a DA for the proposed Georges Cove Marina at 146 Newbridge Road.

### **The Proposal**

This planning proposal seeks to amend the LLEP to facilitate high density residential development. It is envisaged that the development could support approximately 374 dwellings (353 apartments and 21 terraces) within a key site in the existing RE2 zone. The proposal is to be achieved through the following amendments to the LLEP:

- Schedule 1 amendment to permit residential accommodation within a key site;
- Increase HOB from current 21m to 35m; and
- Increase FSR from current 0.25:1 to 0.4:1.

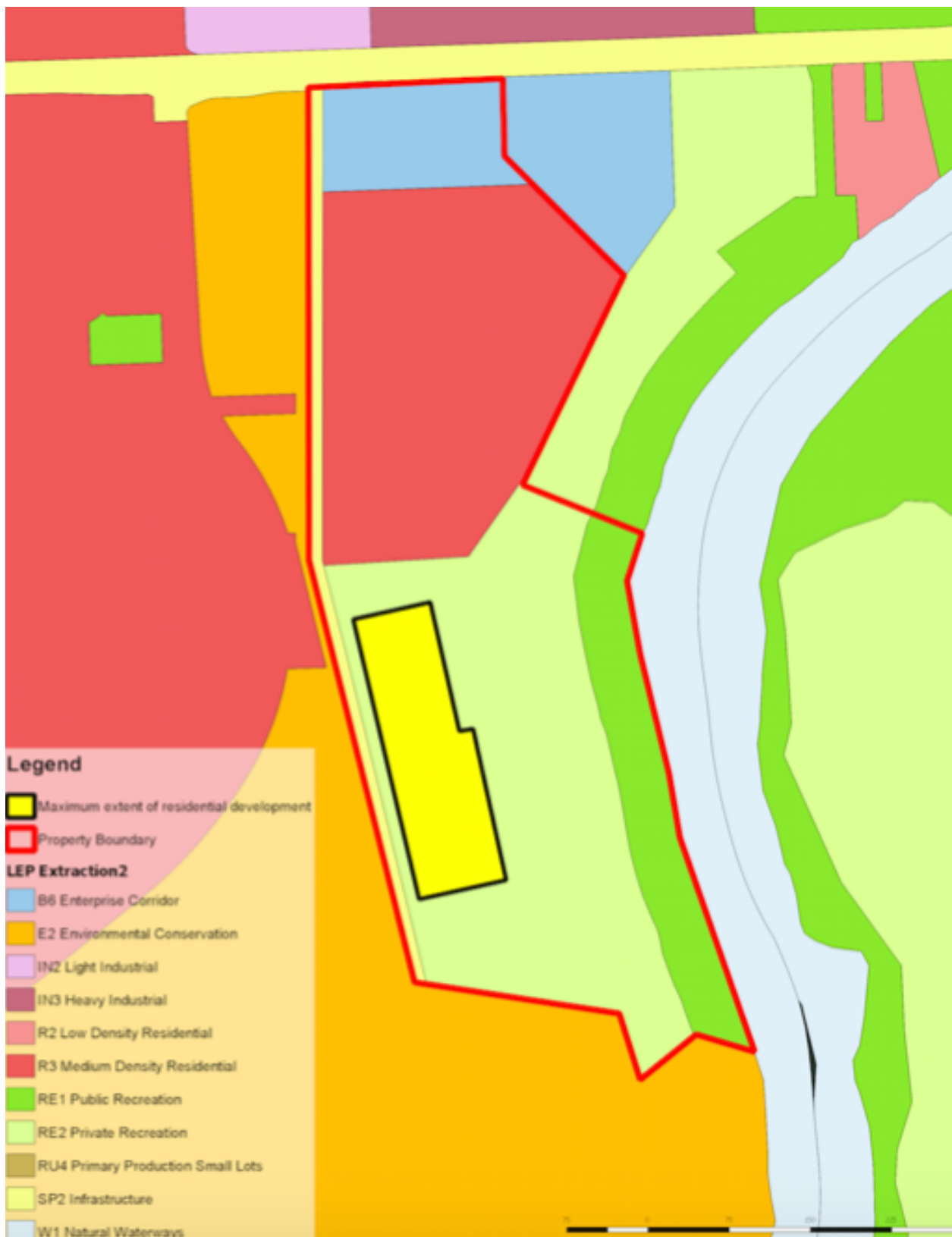


Figure 4: Key site and zoning map (Boston Planning)

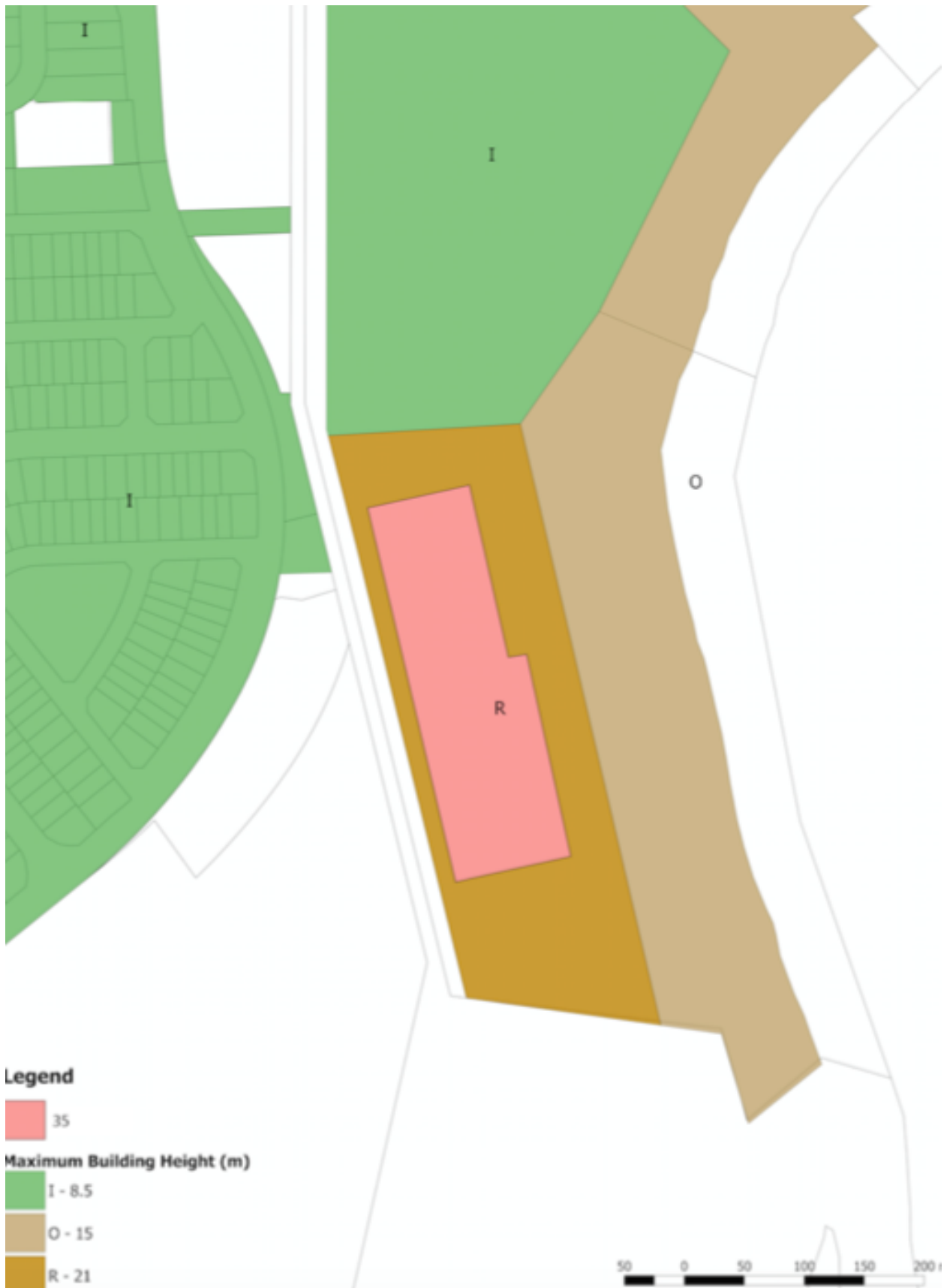


Figure 2: Proposed HOB Map (Boston Planning)



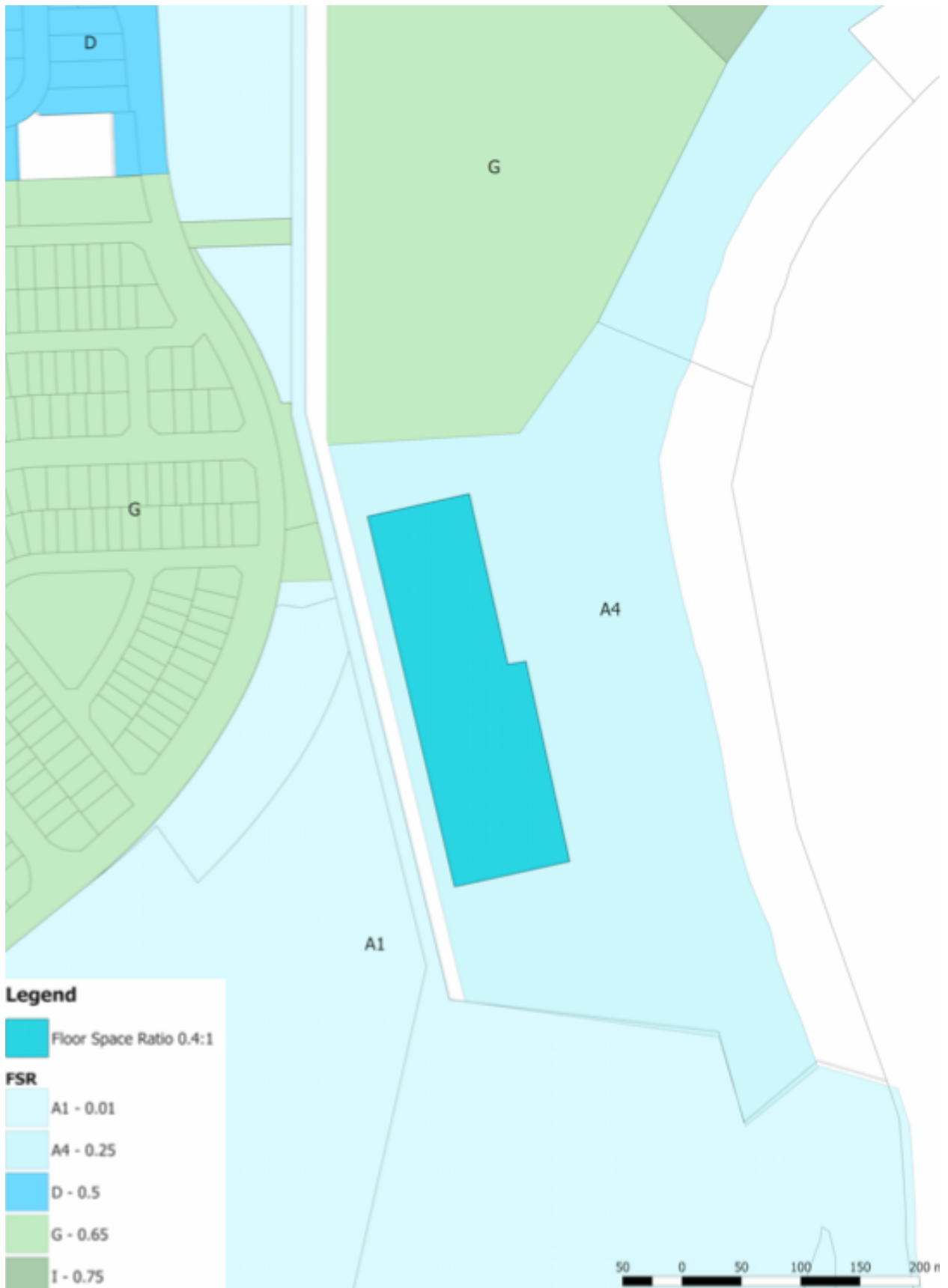


Figure 6: Proposed FSR Map and HOB Map (Boston Planning)



Figure 7: Proposed Site Layout (Mirvac)

#### 4. CONSIDERATIONS FOR STRATEGIC MERIT

##### Section A – Need for the planning proposal

**1. Is the planning a result of an endorsed strategic planning statement, strategic study or report?**

The planning proposal is not the result of any endorsed strategic study or report. However, the Liverpool Local Strategic Planning Statement identifies the Moorebank East precinct as an urban development investigation area on the Structure Plan map (page 20).

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

The proposed land use and modifications to development standards (FSR and HOB) would require an amendment to the LLEP. It is noted that rezoning the subject are of the site to a residential zone would also facilitate the proposed development. However, it is deemed that a Schedule 1 enabling cause for residential development is preferential. This is because retaining the existing RE2 – Private Recreation zoning better reflects the primary use of the site as a high amenity marina development with associated recreational uses.

##### Section B – Relationship to the strategic planning framework

**3. 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?)**

Greater Sydney Regional Plan - A Metropolis of Three Cities

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The *Greater Sydney Regional Plan - A Metropolis of Three Cities* (Regional Plan) was released in March 2018 and prepared by the Greater Sydney Commission (GSC). The plan encompasses a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. The plan envisions for the people of greater Sydney to live within 30 minutes of their jobs and have access to education and health facilities, services and high-quality places. The Liverpool LGA is located within the Western Parkland City and is identified as a significant metropolitan cluster and future health and education precinct.

Consistency with the relevant parts of the Regional Plan is assessed below in the following table.

*Table 1: Consistency with The Regional Plan*

<b>Objective</b>	<b>Comment</b>
<b>Housing the city</b>	
<i>Objective 10 – Greater housing supply</i>	The SIA found that the development would add to the provision of additional housing supply and diversity within the Moorebank area, specifically three-bedroom apartments.
<i>Objective 11 – Housing is more diverse and affordable</i>	The one negative social impact was the possibility for the increase in housing prices in an area of high housing unaffordability. At the post-Gateway stage, an affordable housing provision may be considered to offset any detrimental social impacts to housing affordability within the area.  The proposal is broadly consistent with Objectives 10 and 11 of the Regional Plan.

Western City District Plan

Section 3.8 of the EP&A Act requires that the planning proposal authority gives effect to any district strategic plan applying to the LGA to which the planning proposal relates. The Western City District Plan provides a series of priorities and actions to guide development and expected growth throughout the district. Relevant priorities and actions are outlined in the table below:

*Table 2: Consistency with the Western District Plan*

<b>Planning Priority</b>	<b>Comment</b>
<b>Housing the city</b>	
<i>Planning Priority W5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport</i>	The proposal can be considered broadly consistent with the objectives and actions for this priority. The planning proposal would deliver approximately 374 residential dwellings which would assist in meeting Liverpool City Council's five-year housing supply target. The delivery of these additional dwellings would represent a significant contribution to a new supply of studio, one, two and three-bedroom apartments within the area.  Building on Objectives 10 and 11 in the Regional Plan, the District Plan reaffirms the importance of providing a diversity of housing across the housing continuum. At the post-Gateway stage, an affordable housing provision could be investigated following further discussions with the applicant and all stakeholders.

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**4. Will the planning proposal give effect to council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

Connected Liverpool 2040 - Local Strategic Planning Statement (LSPS)

Liverpool Council's recently finalised LSPS provides a long-term strategic plan to guide and shape Liverpool's development for the next 20 years. The LSPS identifies the Moorebank East precinct as an urban development investigation area on the Structure Plan map (page 20).

The LSPS planning priorities focus on supporting housing, jobs, infrastructure and services across the LGA, in addition to protecting natural assets such as parks, open spaces and natural environmental systems. The review of this planning proposal is to ensure that it aligns with the following relevant planning priorities outlined within the LSPS:

*Table 3: Consistency with the LSPS*

<b>Planning Priority</b>	<b>Comment</b>
<b>Liveability</b>	
<i>Planning Priority 7 – Housing choice for different needs, with density focused in the City Centre and centres well serviced by public transport</i>	The proposal would support additional housing supply and housing choice by delivering approximately 374 dwellings which would assist in meeting Liverpool City Council's five-year housing supply target. The Liverpool Local Strategic Planning Statement identifies the Moorebank East precinct as an urban development investigation area on the Structure Plan map (page 20).

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

The following State Environmental Planning Policies (SEPPs) are of relevance to the site.

*Table 4: Consistency with applicable SEPPs*

<b>SEPP</b>	<b>Consistency</b>
<i>SEPP No 55 – Remediation of Land</i>	Land contamination issues for the planning proposal are addressed under the Ministerial Directions. Any future DA would be required to comply with the provisions of the SEPP.
<i>SEPP (Infrastructure) 2007</i>	The planning proposal will not affect the application of the SEPP.
<i>SEPP (Affordable Rental Housing) 2009</i>	A future affordable housing provision may be pursued in consultation with the proponent post-Gateway. Any such potential future development is required to comply with the provisions of the SEPP.
<i>Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment</i>	The planning proposal is unlikely to affect the objectives within the SEPP significantly nor significantly detriment the environmental health or quality of the Georges River Catchment. Further environmental studies and investigation could occur in later stages post-Gateway if deemed necessary.
<i>SEPP No. 65 – Design Quality of</i>	The planning proposal is accompanied by an architectural design concept that provides a conceptual development outcome that could occur as a result of the planning proposal. Further refinement of urban

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<i>Residential Apartment Development</i>	design and architectural details could occur during the post-Gateway stage.
<i>SEPP (Coastal Management) 2018</i>	<p>The site is very slightly affected by land identified as “proximity area for coastal wetlands”. Accordingly, the consent authority must be satisfied that the proposed development will not have any adverse impact on the adjacent coastal wetland.</p> <p>Given the extent of the identified area and the existing use of the site, it is considered that the proposal would have an imperceptible impact on any coastal wetland. Additionally, any potential impacts can be further assessed at the DA stage.</p>

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The Planning Proposal addresses the following Directions, pursuant to Section 9.1 of the EP&A Act 1979:

*Table 5: Consistency with the relevant Ministerial Directions*

<b>Section</b>	<b>Comment</b>	<b>Compliance</b>
<b>1. Environment and Heritage</b>		
<i>Direction 2.6 – Remediation of land</i>	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The site is within Lot 70 DP 1254895 which has been identified as being contaminated by previous extractive uses that occurred on the site. The proponent has submitted a Preliminary Site Investigation (PSI). However, consent was issued for the subdivision of the broader site, for which a Site Audit, a draft long-term environmental management plan (LTEMP) and a revised RAP, were submitted.</p> <p>As a result, the PSI is considered to be superseded. Therefore, the DA documentation should also apply to the subject planning proposal. The proponent can provide confirmation of this and make necessary amendments during the post-Gateway stage.</p>	Partial
<b>3. Housing, Infrastructure and Urban Development</b>		
<i>Direction 3.1 – Residential Zones</i>	<p>The objectives of this direction are:</p> <p><i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i></p> <p><i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i></p> <p><i>(c) to minimise the impact of residential development on the environment and resource lands.</i></p>	Yes

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<b>Section</b>	<b>Comment</b>	<b>Compliance</b>
	<p>The planning proposal facilitates the redevelopment of the site and aims to deliver new and additional housing and diversify the local housing type within Moorebank. It forms part of a broader renewal precinct which consist of a mixture of low, medium and higher densities.</p> <p>This planning proposal would allow the subject site to accommodate 374 dwellings.</p> <p>The site is within an existing urban area with a variety of infrastructure already established within the broader area including a public primary school; a public high school; a medical centre; a shopping centre; a library; a community room and open space areas.</p> <p>Submitted DAs for the Georges Cove residential estate and marina indicate that the Moorebank East precinct would have adequate access to essential infrastructure services. A further infrastructure assessment investigating impacts on existing infrastructure assets can occur during the post-Gateway stage if required.</p> <p>As the planning proposal applies to land in an established urban area, it does not consume land at the urban fringe.</p>	
<i>Direction 3.4 Integrating Land Use and Transport</i>	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight.</i></p> <p>The subject site has reasonable proximity to a bus stop (Newbridge Rd opp Pat Devlin Cl) with a direct service (M90) to the Liverpool railway station and CBD approximately every 15-20 minutes from 5.00 am to 9.00 pm. This service provides a direct connection along a key route to employment, education and health services within Liverpool and the wider region. A certain amount of transport will still likely remain by car due to the site being outside of a viable walking catchment from a train station.</p> <p>A draft precinct wide traffic study has examined the cumulative traffic effects of the proposed Moorebank East Precinct</p>	Yes

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<b>Section</b>	<b>Comment</b>	<b>Compliance</b>
	development sites on the Moorebank road network. The assessment proposes a staged improvement works program (Stage 1 – Sites A, B, C and D / Stage 2 – Site E). Finalisation of the precinct wide traffic study is to follow in consultation with Council and TfNSW during the post-Gateway stage.	
<i>Direction 3.5 - Development Near Regulated Airports and Defence Airfields</i>	<p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of regulated airports and defence airfields;</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p> <p>(c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p> <p>The proposal will not affect the operation of any regulated airports. The proposed height sought under this Planning Proposal ensures that any development will be below the Obstacle Limitation Surface (OLS) applying to the site. The subject portion of the site is located approximately 1.5km west of Bankstown Aerodrome and is not burdened by any ANEF restrictions.</p>	Yes
<b>4. Hazard and Risk</b>		
<i>Direction 4.1 – Acid Sulfate Soils</i>	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The planning proposal applies to land identified as Classes 2 and 4 on Council’s Acid Sulfate Soils Planning Map. Clause 7.7 of the LLEP 2008 contains a series of triggers for the submission of an acid sulfate soils management plan, all of which relate to works below the natural ground surface. Given that basement level parking is likely to form part of any future development, it is possible that an acid sulfate soils management plan will be required as part of any future DA.</p>	Yes
<i>Direction 4.3 – Flood Prone Land</i>	<p>The planning proposal and Moorebank East falls within the Liverpool LGA Flood Planning Area. The site (Site D) has low, medium and high flood risks within its boundaries.</p> <p>A Flood Impact Assessment by Cardno in 2018 has been provided as part of the planning proposal package to assess the performance risk of the design concept.</p> <p>Cardno concluded the proposal and the design concept would conform and be consistent with the mitigation measures and principles outlined within the <i>NSW Flood Prone Land Policy and Floodplain Development Manual 2005</i>. It has considered the Liverpool Development Control Plan 2008 (LDCP) and has contained a design that implements the appropriate flood</p>	Yes

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<b>Section</b>	<b>Comment</b>	<b>Compliance</b>
	<p>planning controls designated for residential, retail and commercial development.</p> <p>However, in 2018 the NSW State Emergency Service (NSW SES) advised Council that an evacuation route would be required for any residential development within the floodplain areas of the Moorebank East precinct. The design and delivery of the evacuation route would have to be consistent with the NSW SES's principles for evacuation.</p> <p>To resolve this flood evacuation issue, Council engaged environmental and natural hazard specialists Molino Stewart to investigate and report on the flooding and evacuation risks for each of the proposed development sites. The final 'Moorebank East Flood Evacuation Analysis' report delivered in November 2019 identified a need for a pedestrian evacuation route from the Moorebank East precinct to areas outside and above the probable maximum flood (PMF) flood level.</p> <p>A meeting was held on 22 November 2019 between Liverpool City Council, Molino Stewart, and Tooker + Associates (as a specialist representative on behalf of Mirvac Homes (NSW) and the proponent) to discuss how to resolve the flood evacuation issues. At this meeting, the Council flood engineers, and Steven Molino from Molino Stewart agreed on an elevated pedestrian bridge at Site C that would provide an acceptable pedestrian evacuation route for Sites A, C and D.</p> <p>By providing this pedestrian evacuation route in the event of a flooding emergency, residents would have the option to be evacuated by either car, on at a last resort on foot (via the elevated pedestrian bridge).</p>	
<i>Direction 4.4 - Planning for bushfire protection</i>	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives in relation to bushfire protection:</p> <p><i>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i></p> <p><i>(b) to encourage sound management of bushfire prone areas.</i></p> <p>The site is affected by Category 1 Bushfire Prone Vegetation. The submitted report prepared by Blackash Bushfire Consulting in 2018, assessed the characteristics of the site and the concept architectural design. The report concluded that the Planning Proposal and subsequent development of land is suitable in terms of its intended residential land use.</p>	Yes
<b>6. Local Plan Making</b>		



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<b>Section</b>	<b>Comment</b>	<b>Compliance</b>
<i>Direction 6.1 – Approval and referral requirements</i>	The planning proposal does not include provisions that require development applications to be referred externally nor is it related to designated development.	Yes
<i>Direction 6.3 – Site specific provisions</i>	The planning proposal includes provisions to allow additional permitted uses (residential accommodation) on the site. The site-specific provisions are not prohibitive and are nevertheless consistent with Council’s vision for the Moorebank East precinct.	Yes

**5. CONSIDERATIONS FOR SITE SPECIFIC MERIT**

**Section C – Environmental, social and economic impact**

**7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The site is highly disturbed, and it is highly unlikely that the site would contain any critical habitat for threatened species, populations or ecological communities, or their habitats. It is not expected that any threatened species, populations or ecological communities will be adversely affected as a result of the proposal.

**8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

Contamination

The site is within Lot 70 DP 1254895 and has been identified as being contaminated by the previous extractive uses that occurred on the site. The proponent has submitted a Preliminary Site Investigation (PSI) prepared by Douglas Partners in May 2018. However, consent has been issued for subdivision of the broader site, for which a Site Audit, a draft long-term environmental management plan (LTEMP) and a revised RAP, were submitted.

As a result, Council’s Environmental Health Unit has indicated that the submitted PSI is superseded by the documents submitted with the subdivision DA. Therefore, the DA documentation should apply to the subject planning proposal. The proponent can provide confirmation and make necessary amendments during the post-Gateway stage.

Draft Precinct Wide Traffic Study

A draft precinct wide traffic study has been submitted to examine the cumulative traffic effects of Sites A to D within the proposed Moorebank East precinct. The assessment proposes a staged improvement works program (Stage 1 – Sites A, B, C and D / Stage 2 – Site E) to ensure that intersection performance remains at a satisfactory level of service. Given that the draft precinct wide traffic study and works program affects all sites and will requires consultation with TfNSW, it should be finalised in consultation with Council and TfNSW at the post Gateway stage.

Bushfire

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The site is affected by Category 1 Bushfire Prone Vegetation. A bushfire assessment report has been prepared by Blackash Bushfire Consulting and it finds that bushfire protection measures can be achieved to support the planning proposal and that further details can be addressed as part of any future DA, subject to the concurrence of the NSW Rural Fire Service during the post-gateway stage.

Urban Design

Referral to Council's City Design Unit has identified specific urban design issues concerning built form and public domain.

*Waterfront and parklands*

- The proposed waterfront promenade will not provide a generous, continuous recreation connection to enable the successful, safe and enjoyable north-south pedestrian / cycle movements. The link that is shown is not generous and results in several issues:
  - The connection lacks active edges and is physically (vertically) separated from the rest of the development.
  - The vertical separation between the pedestrian link and the built form does not comply with Crime Prevention Through Environmental Design (CPTED) best practice and will result in a poor, unsafe outcome.
  - Proposed changes in level to access the ground floor of the development do not consider equal access for all users. The design shows extensive terracing and blank vertical walls and steps. This is not good practice for equal access design and creates a poor urban outcome.
- A generous development set back from the foreshore would have better ability to deal with water connections, landscape elements, pedestrian movements, changes in level and integrate the proposal in its landscape.
- The 'Landscape Park' design must show significant environmental improvements through water sensitive urban design, storm water treatment and integration of passive recreation opportunities in a resolved park design. Landscape plans must show proposed design outcomes on the two (north and south) marina headlands. The increased density requires quality considered recreation outcomes that are detailed to ensure increased dwellings have access to quality amenity and recreation within the development.
- Use conflicts associated with the dry-dock have not adequately been addressed in the proposal with movements between the marina and the dry dock likely to impact pedestrian and cycle activities.

*Podium landscape*

- The proposal must have a podium landscape with areas that receive good winter solar access. The podium landscape must have amenities provided that include tables, seating, barbecues, pathways, planting and visual separation from nearby built form via large canopy shade trees.
- The drawings do not adequately outline the proposed distinction between private and public areas to clearly understand the proposed design outcomes.
- Public space must not be designed/constructed over podium structure.

*The street*

- The street to the south-west and south of the development lacks dedicated pedestrian and bicycle connections and infrastructure.

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- The street lacks casual surveillance from limited built form addressing the street. Based on the lack of address the development does not comply with CPTED principles.
- The proposed street lacks good connectivity with nearby residential areas and access from Newbridge Road. The lack of integration with the nearby neighbourhood, disconnects the development from the rest of Moorebank.

While recognising that these urban design issues may need to be addressed, it is considered that the refinement of these detailed architectural design specifics can be undertaken during the post-Gateway stage through an amendment to Part 2.10 (Moorebank East) of the LDCP and at the DA stage.

#### Site-specific LDCP

The proposal will need to be supported by an amendment to Part 2.10 (Moorebank East) of the LDCP. Currently the LDCP includes public and private domain controls for development on Sites A to D. However, given the extent of proposed changes throughout the wider precinct, the LDCP will need to be revised to include specific controls for each site.

In this instance, the amendments will ensure that Part 2.10 includes controls for 'Site D' which align with the latest iteration of the Moorebank East structure plan and the final concept design submitted by the proponent. Should a Gateway determination be issued, the LDCP will be exhibited concurrently with the planning proposal as part of the post-Gateway process.

#### Acid Sulfate Soils

The planning proposal applies to land identified as Classes 2 and 4 on Council's Acid Sulfate Soils Planning Map. Clause 7.7 of the LLEP 2008 requires the submission of an acid sulfate soils management plan when works are below natural ground level. Given that basement level parking is likely to form part of any future development, it is possible that an acid sulfate soils management plan will be required as part of any future DA.

#### Infrastructure Contribution

An existing planning agreement (PA) applies to this precinct from when it was originally rezoned. No new PA has been proposed as part of this planning proposal. However, a funding mechanism for any necessary infrastructure and traffic works (such as a precinct wide contribution plan) should be finalised during the post-Gateway stage.

### ***9. How has the planning proposal adequately addressed any social and economic effects?***

#### Social Impacts

The submitted Social Impact Assessment (SIA) indicates that additional community facilities will not be required for the subject proposal. However, one potential negative social impact is for the proposal to increase housing prices in an area of existing high housing unaffordability. At the post-Gateway stage, an affordable housing provision or other mitigation measures may be considered to offset any detrimental social impacts to housing affordability within the area.

#### Economic Impacts

The proposal would facilitate a positive economic impact in the locality through the capital investment value of the future residential development, the creation of construction jobs, and the

reinforcement of patronage to local retail businesses and services through an increase in residential population.

## **Section D – State and Commonwealth Interests**

### ***10. Is there adequate public infrastructure for the planning proposal?***

Yes. There is a reasonable amount of public infrastructure to support the planning proposal, specifically in relation to social infrastructure, transport infrastructure and flooding infrastructure. This is discussed below.

#### Social Infrastructure

The SIA by Cred Consulting Pty Ltd identified a range services and social infrastructure within a kilometre of the site including a public primary school; a public high school; a medical centre; a shopping centre; a library; a community room; two open space areas (within 800 m); and planned access to 2ha of foreshore open space.

#### Transport Infrastructure

As discussed earlier, the draft precinct wide traffic study identifies traffic works and intersection improvements which would need to be supported by TfNSW and an appropriate funding mechanism at a later stage.

#### Flooding Infrastructure

As discussed earlier, Council has provided conditional support for a pedestrian bridge from 'Site C' which is expected to facilitate a 200m walk to areas above the PMF flood level. By providing this pedestrian evacuation route in the event of a flooding emergency, residents would have the option to be evacuated by either car or on foot (via the elevated pedestrian bridge). Molino Stewart and the applicant's flood specialist have agreed that any pedestrian bridge must meet NSW SES recommendations and requirements.

### ***11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

Preliminary consultation with the NSW SES has been undertaken as part of this assessment. Other relevant public bodies will be consulted, should a Gateway determination be issued.

#### Next Steps

The usual process for planning proposal applications, following a review of the application, is for Council officers to finalise the proposal detailing the proposed changes to LLEP 2008 (this report). The planning proposal would then be reported to the Council for endorsement and subsequently forwarded to the Department of Planning, Industry and Environment for Gateway Determination. As the proposal having strategic and site-specific merit, it is recommended that the proposal proceeds to a Gateway determination.

Should the planning proposal proceed to a Gateway determination there would be public authority community consultation, a public exhibition period and a further report to Council prior to proceeding with the making of any amendment to LLEP 2008.

## **6. CONCLUSION**

This report notes that there is are environmental, traffic access and urban design details still to be resolved for the Site D planning proposal. The undertaking of additional and amended remediation, traffic access, and urban design assessments to address further site-specific issues are expected to occur as part of the post-Gateway process. Additionally, discussions regarding the possibility of affordable housing provision being included as part of the planning proposal will also occur at the post-Gateway stage.

It is recommended that the planning proposal proceeds to Gateway as the planning proposal satisfies the strategic and site-specific merit tests. A report should further be drafted detailing a decision to support the proposal for consideration by Liverpool City Council.

## **7. ATTACHMENTS**

1. Planning Proposal
2. Concept Architectural Design
3. Flood Impact Assessment
4. Traffic Impact Assessment
5. Preliminary Site Investigation
6. Visual Impact assessment
7. Acoustic Assessment
8. Heritage Report
9. Biodiversity Assessment
10. Bushfire Assessment
11. Social Impact Assessment
12. Moorebank East Flood Evacuation Analysis Report
13. Flood Evacuation Response (Sites A, C, D)
14. Moorebank East Staged Traffic Assessment

**ADVICE ON PLANNING PROPOSALS  
LIVERPOOL LOCAL PLANNING PANEL**

**Monday 31<sup>st</sup> August 2020**

Held Via  
**Microsoft Teams**

Panel: Michael Mantei (Chair)  
Mary Lynn Taylor Expert  
Marjorie Ferguson Expert  
Stephen Dobell-Brown Community Rep

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.

31 August 2020

<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	RZ-5/2018
<b>SUBJECT:</b>	Planning Proposal request to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (LLEP) to permit residential development within a key site on RE2 zoned land. The proposal also seeks to amend the floor space ratio (FSR) development standard from 0.25:1 to 0.4:1 and increase the height of building (HOB) development standard from 21 metres to 35 metres within the key site
<b>LOCATION:</b>	146 Newbridge Road, Moorebank (Site D)
<b>OWNER:</b>	Tanlane Pty Ltd
<b>APPLICANT:</b>	Mirvac Homes (NSW) Pty Ltd
<b>AUTHOR:</b>	Kweku Aikins – Strategic Planner

### ADVICE OF THE PANEL

The Panel has been provided with the Council officers' assessment report, a flood evacuation analysis commissioned by Council from Molino Stewart, and various assessment reports submitted by the landowner in conjunction with planning proposal request. The Panel is familiar with the site and its context.

Representatives of the landowner (Mirvac) attended the Panel meeting and answered questions from the Panel.

The Panel received a briefing from Council's strategic planners. In addition to the matters set out in the Council officer's report, the Panel was provided with the following background information:

- a. the proposed pedestrian bridge over Brickmakers Drive, which is required for flood free evacuation of the Moorebank East precinct, will be constructed as part of the residential development to the north of the marina site and will be available for use by residents of the apartments proposed in the planning proposal;
- b. the suitability of the site having regard to land contamination has been assessed by Mirvac's consultants and Council's experts as part of the subdivision of the Tanlane holding which was approved earlier in 2020. Those reports considered the site suitable for the permitted uses subject to the site being rehabilitated in accordance with an approved long term environmental management plan;
- c. there is an existing voluntary planning agreement between Mirvac and Council that requires Mirvac to build a pedestrian bridge over the entrance to the marina adjacent to the River foreshore. A potential amendment to this agreement is currently being negotiated. The amendment, if agreed, will replace the requirement to build a bridge

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with a requirement to provide a north-south public pedestrian access around the western edge of the marina. Council's position is that the new pedestrian access should also be created as an easement on the title of the land; and

- d. a precinct specific development control plan is to be prepared post Gateway that will establish urban design controls which will require the design of any future development enabled by the planning proposal to incorporate a genuine public pedestrian link around the western edge of the marina, in a north-south alignment.

#### **Panel Advice – Strategic Merit**

The panel agrees that the site of the planning proposal and surrounding land in the Moorebank East Precinct is in a state of transition, being a former sand mining operation that is nearing the end of its life cycle. The existing approvals in the precinct for a marina and residential subdivision and dwellings, together with other planning proposals within the precinct for the Georges Cove Village, the Flower Power site and Georges Cove to the north of the subject planning proposal land, provide the immediate strategic context for the planning proposal. The land the subject of the planning proposal is within the approved marina site. The Panel considers that the type of development to be permitted by the planning proposal is compatible with that immediate context.

The Panel agrees with Council officers' conclusion that the planning proposal has strategic merit having regard to the broader policy context including the Three Cities Regional Plan, the Western City District Plan and the Local Strategic Planning Statement. The amendments to Liverpool LEP 2008 contained in the planning proposal will increase the supply of housing, and the diversity of housing types in the Liverpool LGA, in an area of high amenity that has reasonable public transport opportunities.

#### **Panel Advice – Site Specific Merit**

The planning proposal site is affected by a number of environmental constraints and opportunities. Proximity to the Georges River is both a constraint (flooding) and an opportunity (amenity). The Panel notes that suitability of the whole Moorebank East Precinct, including the planning proposal site, for future residential development having regard to flooding has been assessed by the landowner's consultants and Council's experts. The advice received by Council is that the precinct and planning proposal site are capable of redevelopment for residential purposes if the land is filled above the flood level and if the flood free pedestrian evacuation access mentioned above is provided. The Panel understands that the land may be filled without causing adverse impacts. The Panel notes that approval for subdivision and dwellings on land immediately to the north of the planning proposal site, with the same flood affectation, was issued on that basis.

The Panel encourages Council to undertake a regional evacuation analysis that includes the whole Moorebank and Chipping Norton area so that clear provision can be made for the safe evacuation of residents in the event of flooding.

The Panel considers that further detailed design and policy work is required post Gateway in order to ensure future development takes proper advantage of the amenity opportunities presented by proximity of the site to the Georges River. For present purposes however the planning proposal will not prejudice the activation of those opportunities. The Panel encourages Council to pursue the urban design outcomes, described by Council's City Design Unit in the Council officers' report to the Panel, in any future development control plan applying to the land, and to pursue an easement on title allowing public access along any future pedestrian route.



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Capacity in the local road network is also a potentially significant constraint for redevelopment of the planning proposal site and the precinct generally. The Panel acknowledges that Council is currently considering a draft precinct wide traffic study which proposes a staged improvement works program. The Panel considers there is a need to investigate improvements to traffic capacity in the precinct, and recommends that Council progresses draft precinct wide traffic study and implements the findings of that study prior to any further amendments to Liverpool LEP 2008 in the precinct.

The Panel notes that suitability of the whole Moorebank East Precinct, including the planning proposal site, for future residential development having regard to **land contamination** has been assessed by the landowner's consultants and Council's experts. The Panel recommends that a full summary of the results of the assessment and recommendations of the contamination experts be put before the elected representatives when the matter is reported prior to Gateway.

Having regard to the matters outlined above the Panel considers that the planning proposal has strategic and site specific merit. The Panel recommends that the planning proposal proceed to Gateway determination and that the post Gateway actions mentioned in the Panel's minutes above be implemented.

**VOTING NUMBERS:**

4-0