

That Council:

- ## COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Mamone**

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

Vote for:

Mayor Mannoun
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Harle
Clr Mamone
Clr Ristevski

Vote Against: Clr Karnib
 Clr Shelton
 Clr Waller

DPG 04	Planning Proposal for 146 Newbridge Road, Moorebank (Additional Permitted Uses and Part Rezoning for Marina Site)
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Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	212027.2016
Report By	Ash Chand - Executive Planner
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

This report recommends that Council should support the planning proposal by Tanlane Pty Ltd for 146 Newbridge Road, Moorebank. The proposal seeks to enable residential development within land zoned RE2 Private Recreation zoned by amending Part 7 Division 2 and Schedule 1 (Additional Permitted Uses) of the Liverpool Local Environmental Plan 2008 (LLEP). The residential uses would be limited to a key site area of the proposed Georges Cove Marina development. The proposal also seeks a zone boundary adjustment between the RE2 Private Recreation land and the R3 Medium Density land on the subject site.

The proposed amendment to the LLEP has strategic merit and is consistent with Council's long-term vision to transform the eastern part of Moorebank along the Georges River from predominantly extractive industries to a quality natural environment with opportunities for conservation and regeneration of river foreshore, as well as creating a high amenity built environment including options for housing and recreation along the riverfront.

This report finds the planning proposal has strategic merit and recommends Council support the application with a minor modification and seek Gateway determination from the Department of Planning and Environment.

RECOMMENDATION

That Council:

1. Receives and supports the planning proposal in principle for 146 Newbridge Road, Moorebank to enable the following:

- a. Residential uses within land zoned RE2 Private Recreation, and
 - b. A zone boundary adjustment to R3 Medium Density Residential from RE2 Private Recreation for a portion of the land.
2. Modifies the proposal to restrict the type of residential dwellings permitted with consent.
 3. Delegates to the A/CEO to forward the updated proposal to the Department of Planning and Environment seeking Gateway determination.

REPORT

Site Context

The land affected by this proposal, as outlined in the following maps, is located at 146 Newbridge Road, Moorebank and contained within Lot 7 in DP 1065574.



The site is located adjacent to the Georges River to the east, Newbridge Road to the north and the 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 recreational open space. The subject property is under the single ownership of Tanlane Pty Ltd. It is the site of a sand mining operation by Benedict Sands, which is nearing the end of its life cycle.

The subject lot is zoned part B6 Enterprise Corridor, part R3 Medium Density Residential, part RE2 Private Recreation, and part RE1 Public Recreation. The proponent (Tanlane Pty Ltd) submitted a development application that seeks to construct and operate the Georges Cove Marina (DA 781/2015) within the RE2 Private Recreation zone. It is also noted the lot

encompasses a proposed residential subdivision which is to be master planned by Mirvac Homes Pty Ltd within the R3 Medium Density zone. Council officers have had pre-lodgement discussions with the proponent and Mirvac Homes regarding the proposed residential subdivision, however no formal application has been submitted to date.

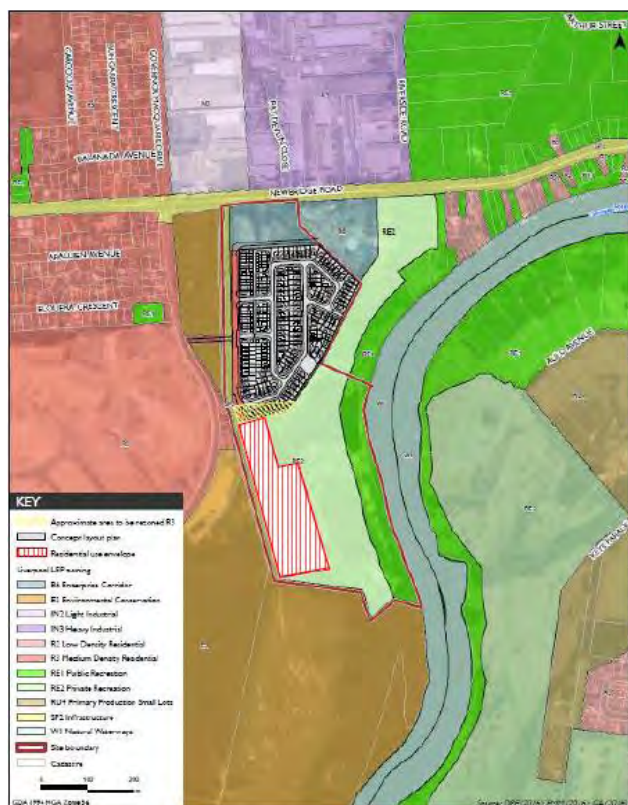
Proposed Amendment

The proponent, Tanlane Pty Ltd, initially lodged the planning proposal with Council in January 2015, however the application was revised in July 2016 to correct minor anomalies and inconsistencies within the original proposal.

The proposal seeks to amend the LLEP as follows (refer to Attachment 1):

1. Enable residential uses within the RE2 Private Recreation zone, limited to a key site area of the proposed Georges Cove Marina development; and
2. A zone boundary adjustment to R3 Medium Density from RE2 Private Recreation to better align with the proposed future uses of the subject site.

The following figure outlines the two amendments sought by the planning proposal. The first illustrates the key site area where residential uses would be permitted with consent within the RE2 zone by amending Part 7, Division 2 and Schedule 1 of the LLEP 2008. The second illustrates the extension of the R3 Medium Density Residential boundary southwards to incorporate a further approximately 0.41 hectares of land.



Enable residential uses within land zoned RE 2 Private Recreation

The land affected by the proposed residential uses is located within RE2 Private Recreation zone and within the site area of the proposed Georges Cove Marina. The amendment would enable residential uses in parts of the future marina. As mentioned above, Council has received a development application for the marina proposal which is currently under assessment (DA 781/2015).

Specifically, the proposed amendment would facilitate a development comprising 17 terrace dwellings on the private marina club house site and 108 apartments in the maritime building, with a total GFA no greater than 21,675 m².

Under the LLEP, the objectives of the RE2 zone are:

- *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; and*
- *To enable land uses that are compatible with, and complimentary to, recreational uses.*

The mechanism by which the proposal would be made is in accordance with Section 2.5 of the LLEP, by amending Schedule 1 – Additional Permitted Uses of the LLEP to allow for residential development within the nominated site within the Private Recreation RE2 zone and permitting uses for the particular land within Part 7, Division 2 where residential development would be permitted with consent.

<u>Amendment applies to</u>	<u>Explanation of provision</u>
Part 7 Division 2 – Other provisions	7.36 Maximum gross floor area for the residential development for certain land in Zone RE2 at Moorebank is to be no greater than 21,675m ² .
Schedule 1 – Additional Permitted Uses	Use of certain land in the Moorebank for residential development in Zone RE2. (1) This clause applies to land shown as hatched on Figure 1.2. (2) Development for the purposes of residential development is permitted with consent

The proposed amendment would be shown on a 'key site' map outlining where the residential development would be permitted. The 'key site' area on the subject property would allow for flexibility in the final design of the proposed residential component of the marina. It would also allow uses associated with the residential development such as car parking and stormwater to be legally approved.

Finally, there is no intention by the proponent to extend the floor area of the proposed residential development beyond the currently proposed building envelope in the development application of Georges Cove Marina. However, to achieve certainty of outcome from what is proposed by this amendment, it is recommended the planning proposal be modified to restrict the type of residential development permitted with consent to 'attached dwelling' and 'residential flat buildings' only.

Zone boundary adjustment to R3 Medium Density Residential from RE2 Private Recreation

The land affected by the zone boundary adjustment is currently zoned RE2 Private Recreation under LLEP. The proposed rezoning of this portion of land (approximately 0.41 hectares) to R3 Medium Density Residential would allow for a more efficient residential layout for the site's proposed future use. This area of land has an existing elevated ground level that is similar in height to that of the R3 Medium Density Residential land and has a small surface area and irregular shape which will discourage future uses on the adjoining Georges Cove Marina site.

The zone boundary adjustment will provide benefits to the locality by facilitating greater flexibility in the master planning and future subdivision of the R3 Medium Density Residential land, and allow for nine additional residential allotments upon land which otherwise would remain unused in the proposed Georges Cove Marina development. The proposed rezoning seeks to align both zones and to allow for a more logical and rational development on-site. The outcome sought by the amendment would facilitate a more efficient use of the land.

Strategic Merit

The planning proposal is compatible with the strategic planning objectives and the objectives for the RE2 zone in this particular location of Moorebank and the Georges River. Council's long-term vision to transform the eastern part of Moorebank along the Georges River from predominantly extractive industries to a quality natural environment with opportunities for conservation and regeneration of river foreshore, as well as creating a high amenity built environment including options for housing and recreation along the riverfront. The additional uses on the affected land are justified as they are appropriately located. Sufficient land area is available to accommodate the proposed facilities. These will be fully serviced with the necessary infrastructure, and site constraints can be appropriately managed. The proposed residential uses will complement the overall development of the Georges Cove Marina.

However, as noted previously, it is recommended the proposal be modified to restrict the type of residential development permitted with consent to 'dwellings' and 'residential flat buildings' only for this site. This is to achieve certainty of outcome as to what is proposed by the amendment.

The proposed zone boundary adjustment was identified by comparing the Georges Cove Marina proposal and R3 Medium Density Residential land against more accurate survey details. This comparison identified a misalignment between the two areas and a parcel of land that has not been previously considered as part of the original proposal. The proposed zone boundary adjustment is considered to better align the future uses of both zones and allow for a more logical and appropriate development on-site. It will also not alter the overall design of the Georges Cove Marina development.

Assessment of Impacts**Ecology**

Ecological assessments undertaken by the proponent over the subject site revealed the fauna habitats recorded on the site were of low ecological value and no threatened fauna or

flora species were present. The proposed residential use of the site would be within the footprint of the marina development. Therefore, potential ecological impacts of the proposal would not be any different to those that have been already assessed the DA for the Marina.

Traffic

Access to the Marina site will be via a link road off Brickmakers Drive, shown in the Council DCP for the local area. The link road to be constructed between the site and Brickmakers Drive is approximately 300 m south of Newbridge Road. All internal site roads will comply with the Council's design standards (DCP 2008 Part 2.10) and AS 2890.1. As such, internal site access arrangements are considered to be efficient and safe.

The proposed development of 125 dwellings in addition to the various land uses by the Marina (boat storage, boat showroom, function centre, cafe, clubhouse and boat repair workshop area) is projected to generate approximately 1,500 additional daily traffic movements or 150 vehicles per hour during the morning and afternoon peak traffic periods.

This will increase traffic movements on the local road network close to the development site including Brickmakers Drive, Newbridge Road and Governor Macquarie Drive. The noticeable traffic impact will be along the section of Brickmakers Drive, north of the proposed link road and at Newbridge Road and Governor Macquarie intersection. The Newbridge Road and Governor Macquarie intersection is already operating close to capacity. Therefore an upgrade to the local road network will be necessary.

The proposed link road off Brickmakers Drive will form a "T" intersection with Brickmakers Drive. In the short term the intersection will be an unsignalised channelised intersection with auxiliary left turn and right turn lanes. However, in the long term due to background traffic growth along Brickmakers Drive and traffic along the link road, from development including the Mirvac residential development and the Marina, traffic signals will be required at the intersection. The proponent has agreed to install traffic signals, subject to RMS approval, at no cost to Council. This matter and other necessary upgrades can be addressed through a Voluntary Planning Agreement as part of a future DA.

Flooding

The flood study submitted in support of the proposal concludes that the proposed amendment to the LLEP to allow the residential component in the marina development would comply with NSW government policy and Council's LEP and DCP in terms of development of flood prone land. Regarding Ministerial Direction 15 (Section 117), the proposal is considered to comply in terms of the development of flood prone land because it would represent an inconsistency of minor significance in terms of flood planning and flood risk management which is allowable under the direction. Should the proposal be supported by Council, any further requirements in relation to this matter can be addressed post Gateway or at the DA stage.

Contamination

The proponent submitted a contamination report in support the development application for the Georges Cove Marina. The Environment Protection Authority (EPA) has issued 'General

Terms of Approval' (GTA) for this DA. The residential uses proposed on the subject property would not be inconsistent with the GTA issued by the EPA.

Social and economic

The proposal will facilitate the delivery of a mixed use development which has a number of social and economic benefits for the existing and future community. The proposal will provide dwellings in relative proximity to transport and promote ecologically sustainable development. It will promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of a mix of uses including a permanent resident population in the site. The proposal will also reinforce patronage of local retail businesses and services through an increase in residential population and complementary recreation, tourism and community facilities, as well as providing short-term economic benefits through construction expenditure and employment.

Conclusion

Restrictions under the current RE2 Private Recreation zoning do not enable an efficient use of the land that takes into consideration the current and desired future land uses within this area of Moorebank. The subject land is located on the foreshore of the Georges River and provides an opportunity to complement adjoining land uses, including the Georges Cove residential development (Mirvac) under an R3 zoning adjoining the site's northern boundary, and the public and private recreation space which will occur under DA 781/2015 for a marina and associated infrastructure. The proposed Georges Cove Marina is to be developed as a holistic and integrated complex containing both public and private recreational facilities and housing. These uses are considered complementary and compatible.

For the purpose of achieving certainty of the desired outcome from the proposed amendment for the subject site, it is recommended that there be a minor modification to the proposal to restrict the type of residential uses to 'dwellings' and 'residential flat buildings' only.

This report concludes the planning proposal for 146 Newbridge Road, Moorebank, has sufficient merit to be supported by Council for the reasons outlined above. Should Council resolve to support the proposal, the proposed amendment will be modified as detailed above, prior to being submitted to the Department of Planning and Environment for Gateway determination. Subject to Gateway determination, and any subsequent public authority consultations and public exhibition, including any further modifications, the planning proposal will be reported back to Council.

CONSIDERATIONS

Economic and Financial	Facilitate economic development.
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Environmental and Sustainability	Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.
Social and Cultural	Preserve and maintain heritage, both landscape and cultural as urban development takes place.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Planning Proposal - 146 Newbridge Road, Moorebank (Under separate cover)