

<b>EGROW 01</b>	<b>Planning proposal request to rezone land from RE2 (Private Recreation) to R3 (Medium Density Residential) at 146 Newbridge Road, Moorebank</b>
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<b>Strategic Direction</b>	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
<b>File Ref</b>	167832.2020
<b>Report By</b>	Kweku Aikins - Strategic Planner
<b>Approved By</b>	Tim Moore - Director City Economy and Growth / Deputy CEO

<b>Property</b>	146 Newbridge Road, Moorebank
<b>Owner</b>	Tanlane Pty Ltd
<b>Applicant</b>	Mirvac Homes (NSW) Pty Ltd

## **EXECUTIVE SUMMARY**

Council has received a request to prepare a planning proposal (**Attachment 1**) from Tanlane Pty Ltd and Mirvac Homes (NSW) Pty Ltd for a portion of land at 146 Newbridge Road, Moorebank (Lot 7 DP 1065574). The proposal seeks to extend the development area of the existing R3 – Medium Density Residential zoned area known as ‘Georges Cove Village’ slightly to the south. The existing R3 zoned land is subject to an existing development consent for subdivision under DA-24/2017, with subsequent DA’s under assessment.

The planning proposal request specifically seeks to amend the Liverpool Local Environmental Plan (LLEP) 2008 by rezoning a part of the site from RE2 Private Recreation to R3 Medium Density Residential. The planning proposal seeks to amend the floor space ratio (FSR) development standard from 0.25:1 to 0.65:1 and the height of building (HOB) development standard from 21 metres to 8.5 metres. The planning proposal request also seeks an amendment to the minimum subdivision lot size from 10,000sqm to 300sqm. The planning proposal request would facilitate the development of approximately 9 dwellings up to 2 storeys in height.

The planning assessment report presented to the Local Planning Panel is included in **Attachment 2**. The report outlines that the proposal has strategic and site-specific merit and recommends that the planning proposal be submitted to the Department of Planning, Industry & Environment (DPIE) for a Gateway determination.

Advice was sought from the Liverpool Local Planning Panel (LPP) at its meeting on 29 June 2020 in accordance with the Local Planning Panel Direction – Planning Proposals dated 23 February 2018. Following consideration of the assessment report, the panel provided their advice (**Attachment 3**) that the proposal has strategic and site-specific merit and supported the proposal proceeding to a Gateway determination.

Given the site-specific and minor nature of the proposal, it is recommended that Council note the advice of the LPP, support in principle the planning proposal, and submit the proposal to DPIE seeking a Gateway determination and public exhibition.

## **RECOMMENDATION**

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That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses in principle the planning proposal request;
3. Delegates to the CEO to prepare the formal planning proposal including any typographical or other editing amendments if required;
4. Forwards the planning proposal to the Department of Planning, Industry and Environment, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination;
5. Subject to Gateway determination, undertake public exhibition and community consultation on the planning proposal in accordance with the conditions of the Gateway determination and Council's Community Participation Plan; and
6. Receive a further report on the outcomes of public exhibition and community consultation.

## **REPORT**

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### **The site and locality**

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



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

## Background

The existing R3 – Medium Density Residential zoned land within the subject site has been the subject of a recent development application (DA) approval. DA-24/2017 was granted a deferred commencement by the Liverpool Local Planning Panel on 26 February 2020. The deferred commencement was subject to the endorsement of detailed plans for a pedestrian evacuation bridge from the site to Paine Park to the west along with embellishment of this



park. An operative consent has now been issued for DA-24/2017 following the applicant's satisfaction of the deferred commencement consent conditions.

This planning proposal request is one of several planning proposal requests within the boundaries that Council defines as the Moorebank East Urban Development Investigation Area contained within the Liverpool Local Strategic Planning Statement (LSPS).

Other planning proposal requests include the former Flower Power site to the northeast at 124 Newbridge Road (Site B), the Benedict site to the north along Newbridge Road (Site A) and the Georges Cove Marina (Site D) to the immediate south. Further to the south is another planning proposal request for a rezoning to enable a planned mixed-use development known as EQ Riverside (Site E). These planning proposal requests are currently under assessment.

In 2018, Council engaged Tract Consultants to provide strategic and urban design advice and to assist with the integration and coordination of each of the proposals at a precinct level. It was agreed that the subject site is suitable for low density housing and would form part of Site C (subject to rezoning).

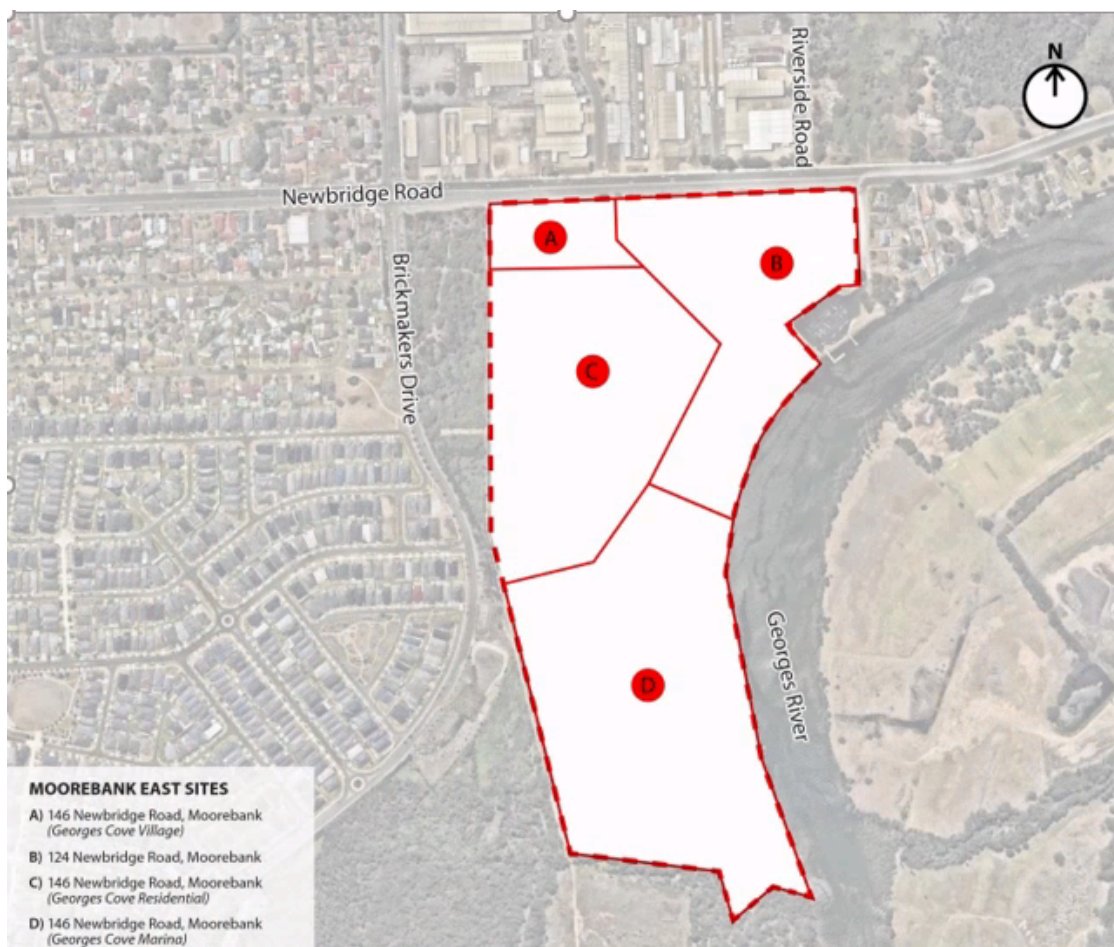


Figure 2: Moorebank East precinct, sites A-D (Tract Consultants)

**Proposed Amendment to the Liverpool Local Environmental Plan 2008**

The proposed amendment to the LEP will slightly extend southward the development area of the existing R3 – Medium Density Residential zoned land known as ‘Georges Cove Village’. This existing R3 land is subject to an existing approval for subdivision under DA-24/2017, with subsequent DA’s under assessment for the development of the site into a low-scale residential area.

The planning proposal request seeks to amend the Liverpool Local Environmental Plan (LLEP) 2008 by rezoning a part of the site from RE2 Private Recreation to R3 Medium Density Residential. The planning proposal request also seeks to amend the floor space ratio (FSR) development standard from 0.25:1 to 0.65:1, the height of building (HOB) development standard from 21 metres to 8.5 metres, and the minimum subdivision lot size development standard from 10,000sqm to 300sqm. The planning proposal request facilitates the development of approximately 9 dwellings up to 2-storeys in height.

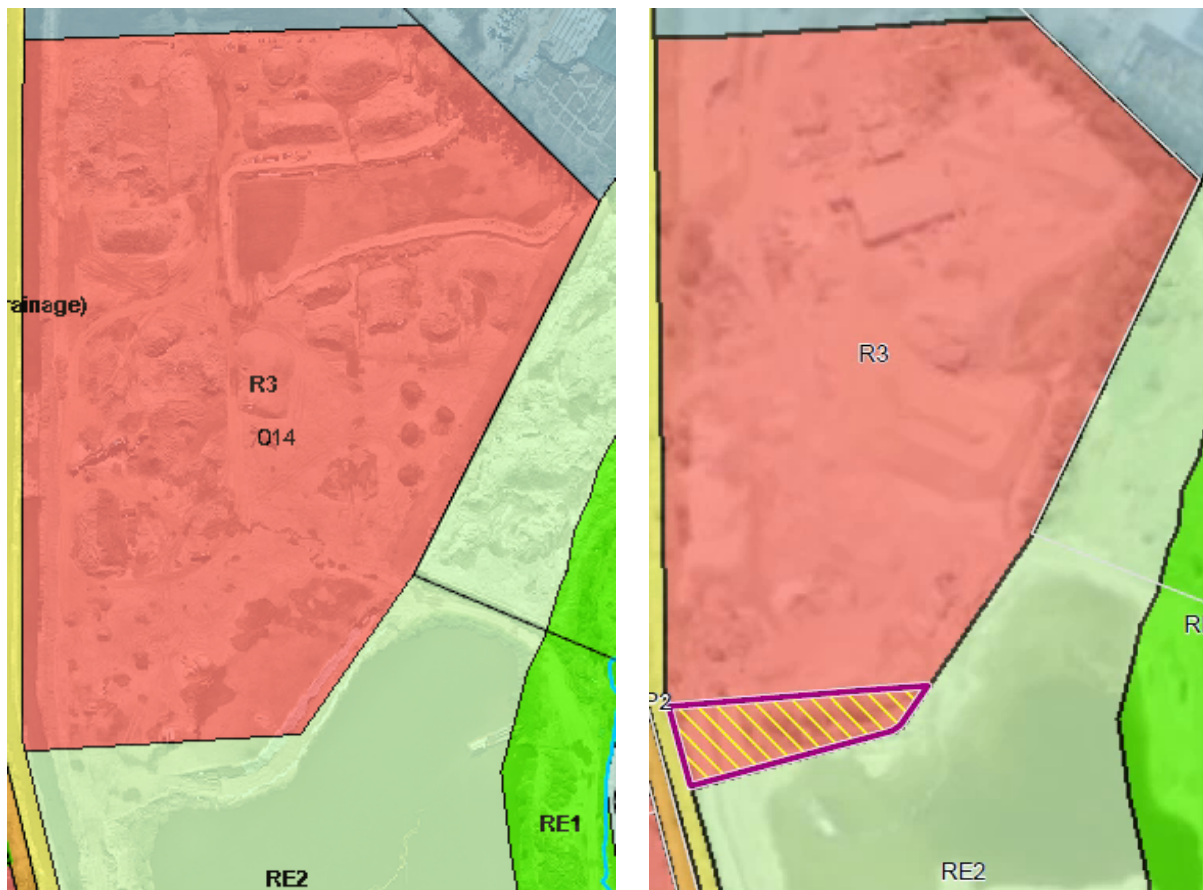


Figure 3: Current and proposed land zoning map (site shown in yellow hatching)

### Advice of the Local Planning Panel

Pursuant to Clause 2.19(1)(b) of the Environmental Planning and Assessment Act 1979, a planning proposal must be submitted to the Local Planning Panel (LPP) for their advice prior to consideration by the Council. The Local Planning Panel considered the planning proposal at their meeting on 29 June 2020 and agreed that the proposal demonstrated strategic and site-specific merit and supported the planning proposal proceeding to a Gateway determination. The advice of the LPP is included in **Attachment 3** and summarised below:

*The Panel members have familiarised themselves with the site and have been provided with the Council officer's report and the documents supporting the planning proposal.*

*The Panel considers that the planning proposal is an appropriate rationalisation of the RE2 and R3 zone boundary given the subdivision layout recently approved by Council. The Panel recommends that the Council officers' report to Council that progresses the planning proposal specifically addresses the requirements listed in clauses 4(a), (b), (c) and clause 5 of section 9.1 direction 2.6 (remediation of contaminated land).*

*The Panel otherwise considers that the planning proposal exhibits strategic and site-specific merit for the reasons outlined in the Council officer's report. The Panel recommends that Council resolve to progress the planning proposal to a gateway determination.*

### Officer comment on LPP Advice

It is recommended that Council support in principle the planning proposal request and submit the proposal to DPIE seeking a Gateway determination and public exhibition. The proposal meets the requirements of Ministerial Direction 2.6 (*Remediation of Contaminated Land*) as outlined below:

4(a) the planning proposal authority has considered whether the land is contaminated, and

The site has been used as a recycling facility since the original development consent was issued in 1992. Accordingly, the site has been identified as being contaminated by the previous extractive uses that occurred on the site.

4(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

Development consent has been issued for the subdivision of the broader site (Lot 7 DP 1065574), for which a Phase 1 Preliminary Investigation, Site Audit, a draft Long Term

Environmental Management Plan (LTEMP) and a revised Remediation Action Plan (RAP), were submitted.

On 8 May 2020 the proponent confirmed that the documentation submitted for the DA is applicable to the subject planning proposal request. Therefore, it is considered that the land will be suitable for residential development after remediation.

4(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 (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan

Remediation of the site will largely be undertaken in accordance with the consent for the subdivision of the broader site. Accordingly, remediation will take place prior to the construction of the 9 dwellings.

(5) Before including any land specified in paragraph (2) 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

As discussed earlier, the proposal is supported by documentation submitted for the subdivision of the broader site. Accordingly, it is considered that all land contamination issues have been addressed.

### **Consistency with Liverpool Local Strategic Planning Statement**

All planning proposals must be consistent with Council's adopted Local Strategic Planning Statement (LSPS).

The LSPS identifies the Moorebank East precinct as an Urban Development Investigation Area on the Structure Plan map (page 20). It also provides strategic directions to support the implementation of the Regional, District and Community Strategic Plan. The four key directions are: connectivity, liveability, productivity and sustainability.

The planning proposal aligns predominantly with the *liveability* direction in which Council will prioritise housing choice for different needs, with density focused in the City Centre and centres well serviced by public transport. The planning proposal supports this specific priority as it would ultimately deliver (subject to further development assessment) 9 detached dwellings in a low density setting which would assist in meeting Liverpool City Council's five-year housing supply target.



**CONSULTATION**

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Consultation was undertaken with Council's internal departments including Council's Environment & Health and Floodplain and Water Management departments.

Following receipt of a Gateway determination, community consultation will occur with a minimum exhibition period of 28 days.

**CONCLUSION**

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The planning proposal request has both strategic and site-specific merit and it is recommended that Council endorses the planning proposal to proceed to a Gateway determination. A further report will be provided following the public exhibition period detailing submissions received and any amendments proposed.

**CONSIDERATIONS**

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<b>Economic</b>	Facilitate economic development.
<b>Environment</b>	Manage air, water, noise and chemical pollution.
<b>Social</b>	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
<b>Civic Leadership</b>	Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes.
<b>Legislative</b>	Environmental Planning and Assessment Act 1979
<b>Risks</b>	The risk is deemed to be Low. If Council does not support the planning proposal request, there is a risk that the landowner/applicant will seek a review of Council's decision by the Sydney Western City Planning Panel.

**ATTACHMENTS**

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1. Planning Proposal Request (Under separate cover)
2. Planning Assessment Report (Under separate cover)
3. Local Planning Panel Advice (Under separate cover) ).

**Council**



## CITY ECONOMY AND GROWTH REPORT

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses in principle the planning proposal request;
3. Delegates to the CEO to prepare the formal planning proposal including any typographical or other editing amendments if required;
4. Forwards the planning proposal to the Department of Planning, Industry and Environment, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination;
5. Subject to Gateway determination, undertake public exhibition and community consultation on the planning proposal in accordance with the conditions of the Gateway determination and Council's Community Participation Plan;

6. Receive a further report on the outcomes of public exhibition and community consultation; and
7. Receive a further report with a status update on all the outstanding planning proposals from Moorebank at the August 2020 Council meeting.

On being put to the meeting the motion (moved by Cllr Ayyad) was declared CARRIED and the Foreshadowed motion (moved by Cllr Hagarty) lapsed.