

PLAN 07	Planning proposal request to rezone land and amend development standards in the Liverpool Local Environmental Plan for land at Moore Point Bridges Road, Moorebank
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Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	124133.2022
Report By	Luke Oste - Coordinator Strategic Planning
Approved By	David Smith - Director Planning & Compliance

Property	3 Bridges Road, Moorebank (Lot 200, DP 1009044); 5 Bridges Road, Moorebank (Lot 100, DP 775780); 6 Bridges Road (Lot 10, DP 875626); 8 Bridges Road (Lot 111, DP 1133744); 11 Bridges Road (Lot 201, DP 1009044); and 361 Newbridge Road (Lot 101, DP 827141).
Owner	Coronation Property Co Pty Ltd and Leamac Property Group
Applicant	Mecone

EXECUTIVE SUMMARY

At its meeting of 25 November 2020, Council endorsed in principle a planning proposal request from Coronation Property and Leamac Property Group (Joint Landowner Group) for 32 hectares of land at Moore Point in Moorebank.

The planning proposal request proposes the rezoning of the site, amends development standards, introduces additional permitted uses, and introduces site-specific development controls to enable a mixed-use development on the site, which would allow for approximately 12,200 dwellings and 249,364m² of commercial floor space over a long-term period until 2051.

Following Council's resolution, the planning proposal was prepared and submitted to the Department of Planning and Environment (DPE) seeking a Gateway determination. On 12 January 2021, the planning proposal was returned to Council by DPE with advice that the planning proposal (Amendment 90) could not progress until the *"the findings of Council's Regional Flood Study can inform the proposal"*.

The Georges River Regional Flood Evacuation Study has now been finalised in consultation with DPE (including the Planning Delivery Unit), relevant state agencies and proponents. The planning proposal report has subsequently been updated to acknowledge the findings of the study.

Council did not delegate to the CEO for any amendments to be made to the planning proposal other than minor typographical or other editing amendments, and therefore this amendment is required to be considered by Council.

The findings of the study have implications for development within the eastern areas of Liverpool broadly and identify evacuation capacity constraints. To progress this planning proposal to a Gateway determination, the planning proposal has been amended as recommended by DPE to include an 'Adaptive Management Framework' which would ensure development in this precinct is staged in a manner that is compatible with flood evacuation capacity.

This report seeks Council's support for the updated planning proposal and recommends the planning proposal be resubmitted to DPE seeking a Gateway determination, consistent with Council's previous resolution from 25 November 2020.

RECOMMENDATION

That Council:

1. Notes the Council resolution of 25 November 2020 and supports the additional amendments to the planning proposal to introduce an 'Adaptive Management Framework' to ensure development in this precinct is staged in a manner that is compatible with flood evacuation capacity.
2. Resubmits the planning proposal to the Department of Planning and Environment, pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway determination with a recommendation that completion of relevant studies be included as a condition of any Gateway determination and that the Department play an active role in the planning process given the strategic significance of this proposal to Liverpool and Greater Sydney;
3. Receives a further report on the outcomes of public exhibition and community consultation.

REPORT

Background

Council received a request to prepare a planning proposal on behalf of Coronation Property and Leamac Property Group for 32 hectares of land in the precinct known as Georges River North, or Moore Point in Moorebank.

The planning proposal request seeks to rezone the site, amend development standards, introduce additional permitted uses, and introduce site-specific development controls to enable a mixed-use development on the site, which would allow for approximately 12,200 dwellings and 249,364m² of commercial floor space over a long-term period until 2051.

The planning proposal request specifically seeks the following amendments to the Liverpool Local Environmental Plan (LEP) 2008:

- Rezone the subject land from IN2 Light Industrial to B4 Mixed Use, B6 Enterprise Corridor and RE1 Public Recreation;
- Increase the maximum floor space ratio to 4.2:1 and 3.5:1;
- Increase the maximum height of buildings from 18m and 15m to RL 136 and RL 108; and
- Introduce Division 1A into the LEP to provide site-specific development controls for the site including design excellence, sun access and requirements for the preparation of a development control plan. This Division also seeks an amendment to the Key Sites Map such that Clause 7.22(4) of the LEP applies to the site, which would allow residential development within 50m of a classified road within the B6 zone, as long as it is not within 8m of the classified road.

The planning proposal request also includes an Urban Design Study, which includes a structure plan for the entire ~38.5-hectare Moore Point precinct, as well as studies for the entire precinct.

A detailed report was considered by Council at its meeting of 25 November 2020 (**Attachment 1**). That report provided the detail regarding:

- A summary of the site and locality;
- A detailed account of the planning proposal;
- Council's planning assessment, including key issues to be noted;
- The Liverpool Local Planning Panel (LPP) advice;
- Early consultation that had occurred; and
- Next steps following a Council decision.

Council Resolution

Council resolved at the 25 November 2020 Council meeting the following:

That Council:

- 1. Notes the advice of the Liverpool Local Planning Panel;*
- 2. Endorses in principle the planning proposal request with the following amendments:*
 - a. an additional 1.5 hectares of open space marked as 'Open Space Investigation' adjacent to Haigh Park;*
 - b. a minimum 40m RE1 – Public Recreation zone is provided along Lake Moore;*
- 3. Endorses the Urban Design Study and Structure Plan for the George's River North precinct, with the above amendments, to guide the assessment of future planning proposals in this area;*
- 4. Notes that further detailed studies, including site contamination, acoustic, flood, flood evacuation and transport impact assessment will be completed post Gateway determination;*
- 5. Notes the offer from the proponent to enter into a Voluntary Planning Agreement and/or the preparation of a Local Infrastructure Contributions Plan to ensure there is appropriate funding for local infrastructure to support development in the precinct;*
- 6. Delegates to the A/CEO authority to negotiate a planning agreement with the proponent, agree the terms of offer with the proponent and report back to Council the details of any planning agreement, consistent with Council's Planning Agreements Policy;*
- 7. Delegates to the A/CEO authority to prepare the formal planning proposal including any typographical or other editing amendments if required;*
- 8. Forwards a 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 with a recommendation that completion of relevant studies be included as a condition of any Gateway determination and that the Department play an active role in the planning process given the strategic significance of this proposal to Liverpool and Greater Sydney; and*
- 9. Receives a further report on the outcomes of public exhibition and community consultation.*

Correspondence with the Department of Planning and Environment

Following Council's resolution, the planning proposal was prepared and submitted to the Department of Planning and Environment (DPE) seeking a Gateway determination. On 12 January 2021, the planning proposal was returned to Council by DPE with advice that the

planning proposal (Amendment 90) could not progress until the *“the findings of Council’s Regional Flood Study can inform the proposal”*.

Of specific relevance are the following letters:

- On 12 January 2021, a letter (**Attachment 2**) was received from DPE outlining that the planning proposal (Amendment 90) could not progress until the *“the findings of Council’s Regional Flood Study can inform the proposal”*.
- Council wrote to both DPE and the NSW Premier’s Office *“requesting greater collaboration regarding planning for the Moore Point precinct”*.
- DPE provided a letter on 22 February 2022 to the proponent outlining next steps for the proposal, specifically outlining:

“Given the evacuation constraints and local infrastructure capacity, Liverpool Council needs to determine how it prioritises the planning proposals in the Collaboration Area. Council will also need to consider the potential staging and yield of each proposal to ensure the cumulative development does not exceed the evacuation capacity. Once Council has considered these issues and resubmitted the planning proposal, the Department can consider the Gateway determination.”

Georges River Regional Flood Evacuation Study

The Georges River Regional Flood Evacuation Study (**Attachment 3**) has now been finalised in consultation with DPE (including the Planning Delivery Unit), relevant state agencies and proponents. In summary, the study model’s road capacity to determine whether development (existing and proposed) can evacuate within the available flood warning time given a 100% evacuation compliance rate as required by the State Emergency Service (SES).

In summary, the study finds that there is restricted capacity for additional development within the floodplain areas of the Liverpool Collaboration Area and Moorebank East. In considering future outcomes, including active planning proposal, the model indicates that during evacuation in a Probable Maximum Flood (PMF), tens of thousands of vehicles attempting to evacuate would not be able to given the capacity constraints.

Evacuation capacity has been investigated at a high level for the large planning proposals modelled. This high-level ‘spare’ capacity calculations indicates that for Moore Point there is potential spare capacity for 5,565 evacuating vehicles (the current planning proposal is estimated to generate 25,088 vehicles, however this may reduce depending on DPE requirements for car parking rates for this precinct). This “spare capacity” needs to be further modelled to confirm the impact of potentially reduced vehicle numbers, i.e., reducing development yield or reduced car parking rates. DPE and Transport for NSW will also need to be engaged at the Gateway stage to agree to appropriate rates of cars per dwelling / commercial space.

The study recommends a reduction in the scale of development proposed for Moore Point and/or mechanisms investigated to allow for additional evacuation capacity, including through:

- Development of an improved warning system to improve warning timeframes;
- Provide supporting road upgrades, contraflow traffic arrangements and/or intelligent traffic systems (ITS); and
- Alternatives to private motor vehicle evacuation is catered for through mass transport, pedestrian evacuation or sheltering in place where appropriate.

Next Steps for the Planning Proposal

After meetings with the proponent and DPE, it was agreed that the proposal can progress once the Georges River Regional Flood Evacuation Study is addressed. Prior to a Gateway determination, this process need not be definitive given the work still to be completed including additional studies, design refinements, and the development of supporting elements.

Accordingly, the planning proposal report (**Attachment 4**) has been updated to acknowledge the findings of the study. The report identifies the need for an 'Adaptive Management Framework' to be developed and implemented to ensure development is staged in a manner compatible with flood evacuation capacity for the safety of current and future residents, workers and visitors. This 'Adaptive Management Framework' will be developed at the post-Gateway stage in consultation with the proponent, DPE, and relevant state agencies.

Conclusion

This report seeks Council's support for the updated planning proposal and recommends the planning proposal be resubmitted to DPE seeking a Gateway determination, consistent with Council's previous resolution from 25 November 2020.

FINANCIAL IMPLICATIONS

There are no direct financial implications relating to this recommendation.

CONSIDERATIONS

Economic	<p>Further develop a commercial centre that accommodates a variety of employment opportunities.</p> <p>Enhance the environmental performance of buildings and homes.</p> <p>Facilitate economic development.</p>
Environment	<p>Manage the environmental health of waterways.</p> <p>Enhance the environmental performance of buildings and homes.</p> <p>Support the delivery of a range of transport options.</p>

PLANNING & COMPLIANCE REPORT

Social	<p>Preserve and maintain heritage, both landscape and cultural as urban development takes place.</p> <p>Regulate for a mix of housing types that responds to different population groups such as young families and older people.</p>
Civic Leadership	<p>Encourage the community to engage in Council initiatives and actions.</p> <p>Provide information about Council's services, roles and decision making processes.</p> <p>Actively advocate for federal and state government support, funding and services.</p>
Legislative	<i>Environmental Planning and Assessment Act 1979</i>
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Council Report and Resolution - 25 November 2020 (Under separate cover)
2. DPE Letter to Council - 12 January 2021 (Under separate cover)
3. Georges River Flood Evacuation Modelling Report Final (Under separate cover)
4. Revised Planning Proposal (Under separate cover)