

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

**Monday 26<sup>th</sup> October 2020**

Held electronically via Microsoft Teams

Panel: David Ryan (Chair)  
Marjorie Ferguson Expert  
Fiona Gainsford Expert  
Daryl Hawker Community Rep

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

## LIVERPOOL CITY COUNCIL

### ADVICE OF LIVERPOOL LOCAL PLANNING PANEL

<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	RZ-6/2015
<b>SUBJECT:</b>	Planning proposal request to rezone the Georges River North (Moore Point) precinct to part B4 Mixed Use, part B6 Enterprise Corridor and part RE1 Public Recreation
<b>LOCATION:</b>	3 Bridges Road, Moorebank; 11 Bridges Road, Moorebank; 5 Bridges Road, Moorebank; 6 Bridges Road, Moorebank; 8 Bridges Road, Moorebank; and 361 Newbridge Road, Moorebank  Lot 200, DP 1009044; Lot 100, DP 775780; Lot 201, DP 1009044; Lot 111, DP 1133744; Lot 10, DP 875626; Lot 101, DP 827141
<b>OWNER:</b>	Leamac Property Group and Coronation Property
<b>APPLICANT:</b>	Mecone
<b>AUTHOR:</b>	Cameron Jewell, Programme Lead Liverpool Collaboration Area

#### ADVICE OF THE PANEL

The Panel has been provided with the Council officers' assessment report and various 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 attended the Panel meeting, providing a presentation on the proposal and answered questions from the Panel.

The Panel also 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 feedback on flooding issues, affordable housing, quantum of open space, social infrastructure and transportation and connectivity.

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

The Panel recognises that the redevelopment of Moore Point represents a significant transformational opportunity adjacent to and connected with the Liverpool CBD.

The Panel agrees with Council officers' conclusion that the planning proposal has strategic merit having regard to the broader policy context, including the Greater Sydney Regional Plan – A Metropolis of Three Cities and the Western City District Plan. The proposal is consistent with Council's Local Strategic Planning Statement, which states that Council will "investigate amendments to LEP to rezone the River precinct north of Newbridge Road (Moore Point) as a mixed use zone to support the Liverpool CBD and Innovation Precinct". The precinct is also identified in the Liverpool Collaboration Area Place Strategy for "a mixture of commercial, retail, residential and community uses that provide sustainable employment, that is complementary to and not in competition with, the commercial core of the Liverpool CBD."

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### Panel Advice – Site Specific Merit

#### Majority opinion (David Ryan, Marjorie Ferguson, Daryl Hawker)

Moore Point represents a major opportunity for urban transformation as described above. However, it is also subject to significant environmental constraints and contextual issues that require thorough and detailed investigation and management and will shape the final planned outcomes for the precinct.

The Panel notes that the proposal describes residential and commercial development yields supported by specific floor space ratio and height mapping of the precinct. Whilst the Panel agrees with the proponent's proposition that a high density of development appropriate for the precinct and outcomes should be measured in terms of 'urbanity' rather than density, the appropriate yields, FSRs, building heights and zone boundaries will ultimately be determined following the completion of a range of investigations (post Gateway) to confirm the 'carrying capacity' and configuration of the Precinct.

Key determinants of carrying capacity include:

- Detailed analysis of flooding conditions and required mitigation and management measures,
- Outcomes of the Strategic Transport Impact Assessment and the recommendations of Council's Transport Infrastructure Working Group,
- Outcomes of the Open Space needs analysis for the wider Collaboration Area. In this regard the Panel supports in principle the Council's officer's recommendation for a larger quantum of open space on Moore Point, but accepts this should be determined based on the outcomes of the analysis, and
- School Infrastructure's advice on the need for school facilities to be located within the precinct.

Other considerations for future development of the precinct requiring resolution, as described in the Council officers' report include:

- Contamination, noting that a Preliminary Site Investigation report has been prepared and concludes that the site can be remediated for its intended purpose,
- Offensive odour from the Liverpool water recycling plant,
- Extent of riparian zone buffer and its treatment,
- Urban design, noting the role of the Placemaking Working Group and the issues raised by Council's City Design and Public Domain unit in this regard,
- Connectivity, which is vital for the successful integration of the precinct with its surrounding context,
- The quantum of affordable housing and the mechanism for delivering it. The Panel notes and supports the Council officer's recommended 5 -10% affordable housing target,
- The quantum and extent of physical and social infrastructure to support a major new population and employment precinct, and
- A suitable staging and sequencing plan to ensure appropriate infrastructure is in place to meet the progressive demands of the precinct as it is developed over its projected 25 year timeframe.

In relation to the latter points, the Panel notes the content of the proponent's Community Benefits Analysis and considers it essential for these facilities and any others negotiated or determined through the planning process, to be delivered through the mechanism of a Planning Agreement or Contributions Plan in conjunction the Planning Proposal process.

Having regard to the matters outlined above, the full Panel considers that the planning proposal has

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strategic merit and the majority of the Panel considers the planning proposal to have site specific merit.

### Minority opinion (Fiona Gainsford)

Based on the documentation provided, I support the Moore Point planning proposal (RZ-6/2015) in terms of its *strategic merit*. However, I consider that the following aspects of the proposal have not been assessed in enough detail to date to determine that there is *site specific* merit. Therefore I do not support the application in its current form.

### Flooding

The *NSW Floodplain Development Manual (2005)* requires a merit-based assessment to be undertaken which balances the social, economic, environmental and flood risk parameters to determine the appropriateness and sustainability of the proposed development. Climate change factors must also be taken into consideration.

The application appears to be reliant on engineered solutions:

- 1) substantial volumes of fill (~74,000t) to achieve suitable flood levels, plus freeboard
- 2) the off-site compensatory storage including two flood storages and a levee which are not part of the development footprint.

There is little information in the supporting documentation provided in relation to:

- Environmental: hydraulic analysis: hydrological patterns of the river or potential draw from its tributaries (eg the instability associated with the Southern Freight Rail line at the rear of the Liverpool TAFE)
- Socio-economic considerations:
  - identification of the cost and responsibility of providing the compensatory storage and levee, including the cost of investigation and possible remediation of Helles Park and Titalka Park. Given these structures are not in the development footprint it is unclear whether these costs can be captured through a VPA or contributions.
  - any impact on land ownership, access and public accessibility associated with acquiring land to build the compensatory structures.
- Climate change:
  - It is unclear whether *rainfall intensity* including under climate change scenarios has been considered. Given the development has a 20-25 year implementation period, consideration needs to be given to how rainfall intensity varies over the catchment, based on the assumption that large catchments will not have a uniform depth of rainfall across their entire area<sup>1</sup> 2019<sup>2</sup>.

### Connectivity

The proponents agreed that connectivity between Moore Point and Liverpool CBD will be critical to the success of the Moore Point precinct.

- Socio-economic considerations: The three pedestrian/bike connection infrastructure (eg bridges, ramps and lifts) to Liverpool Station, Bigge Park/Liverpool Hospital employment precinct and the Warwick Farm precinct are likely to have significant costs. The cost and responsibility of providing the structures on the CBD side are not in the

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<sup>1</sup> <http://arr.ga.gov.au/> Australian Rainfall and Runoff (ARR) is a national guideline document, data and software suite that can be used for the estimation of design flood characteristics in Australia

<sup>2</sup> Referenced by WMA Water (2020) – Warwick Farm Planning Proposal Flood Study

<sup>2</sup> <https://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/Climate-projections-for-your-region>

<sup>4</sup> *Moore Point Precinct Plan - Aboriginal Heritage Due Diligence Assessment* (EcoLogical, 2020)

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development footprint and it is unclear whether these costs can be adequately captured through a VPA or contributions to a standard that is equitable and accessible to the Liverpool LGA rate payers. Leaving these considerations to concept or DA stage potentially loses the requirement to address the broader public benefit and criticality of the connection points to the viability of the precinct.

- Climate change: the design of connection points must address climate change, including increased rainfall and increased hot days<sup>3</sup>. If the connection infrastructure is considered later in the planning process, there is the potential to overlook these aspects.

### Aboriginal Culture

Aboriginal heritage considerations appear to be limited to Aboriginal *objects*<sup>4</sup>. It is unclear whether the Gandangara LALC has been approached in relation to this proposal to consider Aboriginal *cultural values*. Given the location of the proposal in relation to the Georges River, engagement with the LALC and the local Aboriginal community is pertinent at this stage of the planning proposal.

### Aquatic Ecology

No information was presented in relation to the aquatic ecology values of the Georges River in the Moore Point locality or upstream in the compensatory flood storage locations. Given the potentially large disturbance footprint and infrastructure required for the improvement of riparian zones, flood mitigation and potentially infrastructure such as piers, it is important to establish an understanding of aquatic environment.

The regulatory framework includes the *Fisheries Management Act 1994* and Coastal SEPP. The Coastal Management Plan objective to “protect and improve the extent and condition of estuarine and riparian vegetation” does not appear to have been considered.

### Panel Conclusions

The majority of the Panel agrees that the matters raised by Ms Gainsford are important and require consideration at the appropriate stage in the statutory planning process. As with other key matters identified in the majority opinion, these considerations should inform appropriate development outcomes for Moore Point and may impact on the ultimate form of the planning proposal. However, the majority considers that they do not warrant final resolution prior to the planning proposal proceeding to Gateway determination.

### Panel advice

The Panel therefore considers that it is appropriate for the planning proposal to proceed to Gateway determination and that all considerations described above should be appropriately addressed post Gateway.

**VOTING NUMBERS:**