

EGROW 01	Planning proposal request to amend development standards and Schedule 1 of the Liverpool Local Environmental Plan 2008 to facilitate a mixed use development in the B6 zone at 146 Newbridge 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	196421.2020
Report By	Kweku Aikins - Strategic Planner
Approved By	David Smith - Acting Director City Economy and Growth

Property	146 Newbridge Road, Moorebank (Lot 70 DP 1254895)
Owner	Tanlane Pty Ltd
Applicant	Benedict Industries Pty Ltd

EXECUTIVE SUMMARY

On 18 October 2017, Council received a request to prepare a planning proposal on behalf of Tanlane Pty Ltd for a portion of land at 146 Newbridge Road, Moorebank. The site is located south of Newbridge Road, within the precinct Council refers to as Moorebank East. The proponent refers to the proposed development as “Georges Cove Village”.

This planning proposal request is one of five requests that have been lodged in five areas (Site A to E) within the Moorebank East precinct. This site is currently zoned B6 Enterprise Corridor.

The planning proposal request as lodged proposed amending Schedule 1 of the LEP to permit a childcare centre, senior housing and health care facility on the site, increasing the height of buildings development standard from 15m to 30m and increasing the floor space ratio development standard from 0.75:1 to 2:1.

To ensure appropriate consideration of all requests in the Precinct, Council engaged Tract Consultants to prepare a structure plan to guide the assessment of the planning proposal requests for the first four sites (Sites A to D).

Following completion of the structure plan, the proponent amended the planning proposal request in March 2020 (**Attachment 1**) by removing the proposed childcare and seniors living and reducing the height of buildings development standard from 30m to 25m and reducing the floor space ratio development standard from 2:1 to 1.88:1.

The amended planning proposal request would permit development of a 6-storey mixed-use development, consisting of 126 residential apartments, 6,747m² of combined retail and commercial space and 2,800m² of communal rooftop open space.

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. 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 a planning proposal be prepared and submitted to the Department of Planning, Industry & Environment (DPIE) for a Gateway determination. The Panel agreed with the above recommendation and supported the proposal proceeding to a Gateway determination. A copy of the panel's advice is included in **Attachment 3**. The panel also advised Council to consider negotiating a voluntary planning agreement for affordable housing on the site and to prepare a site-specific Development Control Plan (DCP) containing design excellence provisions.

It is recommended that Council notes the advice of the LPP, supports in principle the planning proposal request and submit a planning proposal to DPIE seeking a Gateway determination and public exhibition.

RECOMMENDATION

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses in principle the planning proposal request;
3. Delegates to the A/CEO authority to prepare the formal planning proposal including any typographical or other editing amendments if required;
4. Notes that negotiations will occur with the proponent on a potential voluntary planning agreement for the provision of affordable housing;
5. 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 with a request that Council be authorised as the local plan making authority and that the Gateway determination be conditioned requiring relevant technical documents be updated, that Section 9.1 Direction 2.6 (Remediation of Contaminated Land) be updated and a site specific DCP be prepared prior to public exhibition;

6. Subject to Gateway determination, undertakes public exhibition and community consultation in accordance with the conditions of the Gateway determination and Council's Community Participation Plan; and
7. Receives a further report on the outcomes of public exhibition and community consultation.

REPORT

The site and locality

The site is a portion of land at 146 Newbridge Road, Moorebank, legally described as Lot 70 DP 1254895. It is south of Newbridge Road, within the development precinct Council refers to as Moorebank East identified in Figure 1 below. The proponent refers to the proposed development as "Georges Cove Village".

The site is a 10,700m² irregular shaped allotment located approximately 4.7km east of the Liverpool city centre and 2km west of Moorebank Shopping Centre. The site has been used for extractive and recycling operations since development consent was issued in 1992. The site contains some stockpiled soils and construction materials.

To the west of the site is a vegetation buffer and Brickmakers Drive, and to the east is the former Flower Power site. Immediately south is the future Georges Cove residential estate and Georges Cove Marina. Further east is the Georges River, and further north is the industrial lands of Chipping Norton.



Figure 1: Aerial image of the site and locality, approximately outlined in red (source: Near Map)

Background

On 18 October 2017, a planning proposal request was lodged with Council, seeking the following amendments to the LLEP:

- Amend Schedule 1 to permit a childcare centre, senior housing and health care facility on the subject site;
- Increase the HOB from 15m to 30m; and
- Increase the FSR from 0.75:1 to 2:1.

The planning proposal request is one of five planning proposals lodged within the development precinct Council refers to as the Moorebank East precinct. The other planning proposals include:

- RZ- 4/2017** - The former Flower Power site to the east at 124 Newbridge Road (Site B);
- RZ-1/2019** - The 'Georges Cove' residential site to the immediate south (Site C); and
- RZ-5/2018** - The Mirvac site immediately south at 146 Newbridge Road (Site D) – (Cove Marina); and
- RZ-2/2020** - Further south is another planned mixed-use development known as EQ Riverside.

These sites are shown in Figure 2 below.

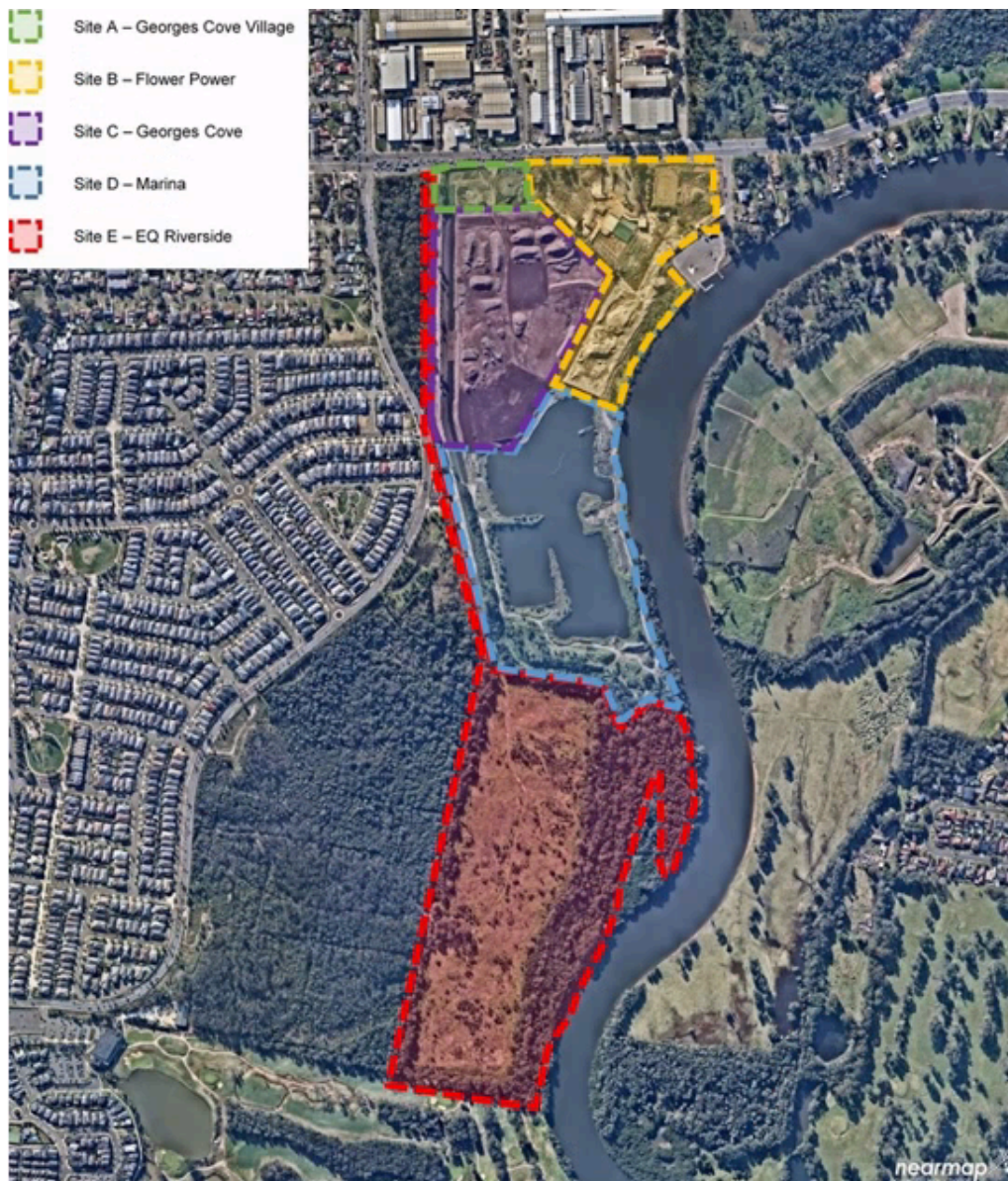


Figure 2: Moorebank East precinct, sites A-E (Nearmap)

At its meeting on 26 August 2020, Council received and noted a report on the status of the current planning proposals within Moorebank, including those within the Moorebank East Precinct.

Council has sought independent urban design and environmental advice to resolve several key planning issues and to determine if the proposed scale of development is appropriate and can be accommodated within the Moorebank East precinct. In this regard, Council engaged Tract Consultants in 2018 to provide strategic and urban design advice to assist with the integration and coordination of each of the planning proposal requests at a precinct level.

Tract Consultants prepared a structure plan and development yield analysis that balances development interfaces between each of the sites (A-D) consistently. The structure plan with a recommended road network is as shown in Figure 3 below. Site E was not included within the structure plan as a planning proposal request had not yet been lodged, at the time.

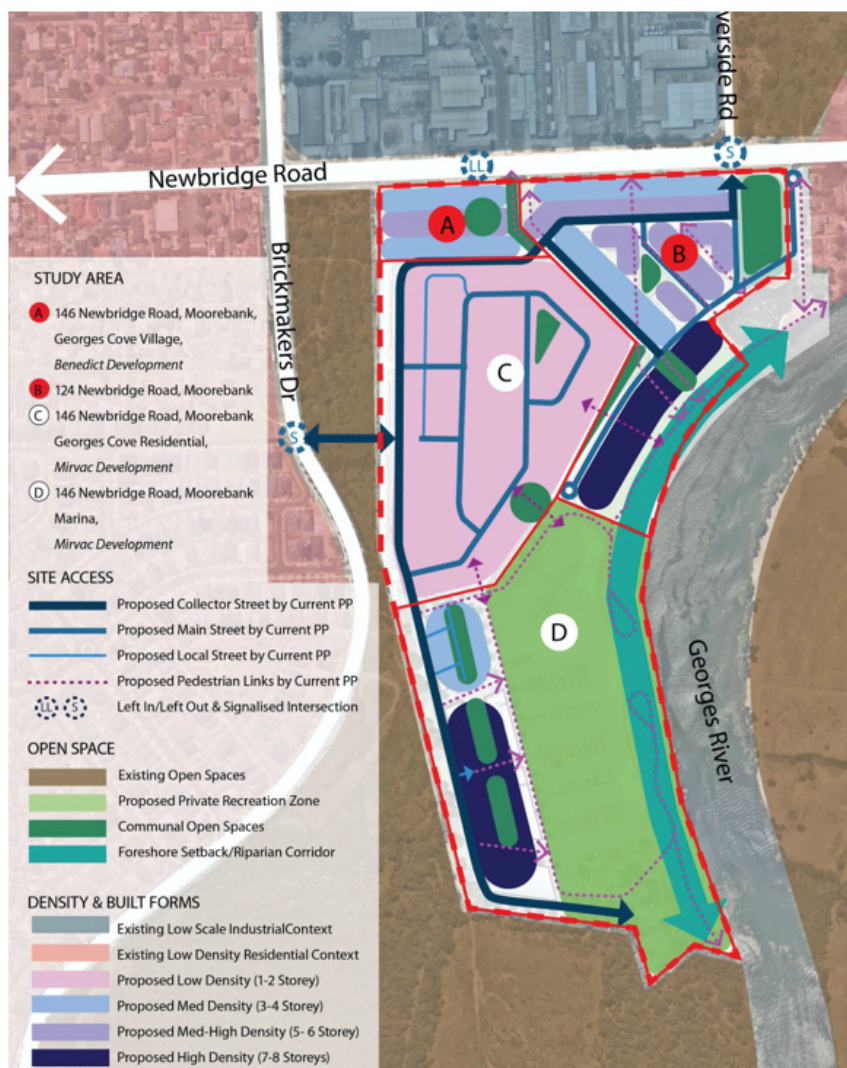


Figure 3: Moorebank East precinct Structure Plan (Tract Consultants)

The general agreed-upon urban design outcome for Site A, as shown in Figure 4 below, is:

- 3-4 Storey built form to Newbridge Road;
- 3-4 Storey built form to the internal DCP Road
- 6 storey setback upper form to DCP road

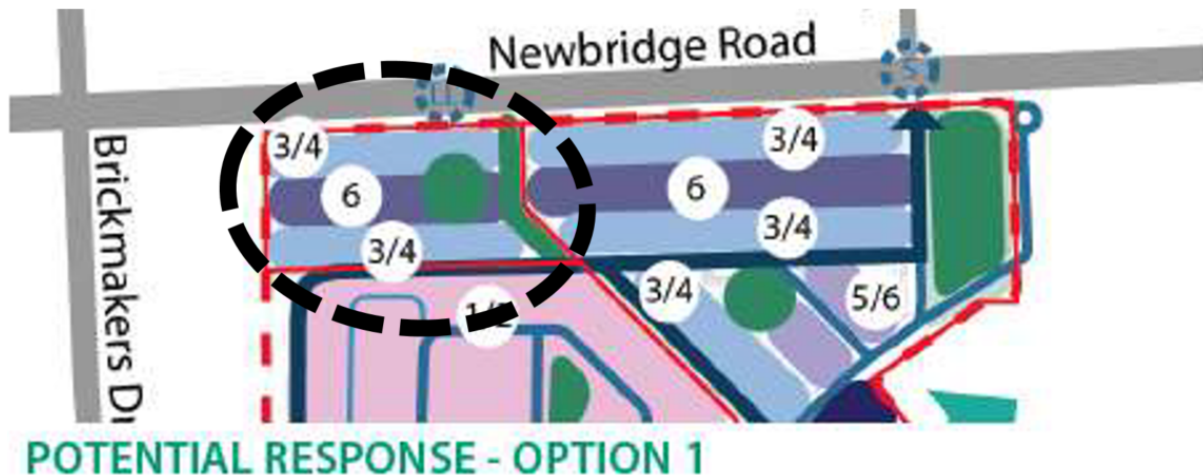


Figure 4: Peer Review Urban Design Outcome – Site A circled in black (Tract Consultants)

Following completion of the structure plan, the proponent amended the planning proposal request in March 2020 by removing the proposed childcare and seniors living and reducing the height of buildings development standard from 30m to 25m and reducing the floor space ratio development standard from 2:1 to 1.88:1. The amended planning proposal request would permit development of a 6-storey mixed-use development, consisting of 126 residential apartments, 6,747m² of combined retail and commercial space and 2,800m² of communal rooftop open space.

At its meeting on 27 July 2020, Council resolved to exhibit all planning proposals that have been lodged within Moorebank (excluding Site C as it had already been supported by Council) in accordance with Council's Community Participation Plan. The exhibition period concluded on 10 September 2020 with three submissions being received including two objections.

Apart from the abovementioned planning proposals, development consent was issued 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 under planning proposal RZ-1/2019).

Proposed Amendment to the Liverpool Local Environmental Plan 2008

The current planning proposal request seeks to amend the LLEP to facilitate a mixed-use development supporting approximately 126 residential apartments, 6,747m² of combined

retail and commercial space, and 2,800m² of communal rooftop open space. The proposed amendments to the LEP to achieve this are:

- An amendment to Schedule 1 to allow for a 'health care facility' (medical centre) and retail premise with a maximum GFA of 4,200m²;
- An amendment to the FSR Map from 0.75:1 to 1.88:1; and
- An amendment to the HOB Map from 15m to 25m.

It is recommended that the 'health care facility' is removed from the proposal as this use is currently permitted under Clause 57(1) of the State Environmental Planning Policy Infrastructure (2007).

Planning Assessment

A planning assessment report including detailed assessment of the merits of the proposal against the District and Region Plans and the Department of Planning's 'Guide to Preparing Planning Proposals', is provided included as **Attachment 2**. The report outlines that the planning proposal has strategic and site-specific merit and should proceed to a Gateway determination.

Advice of the Liverpool 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.

At its meeting on 29 June 2020, the LPP considered the planning proposal request and agreed that the proposal demonstrates strategic and site-specific merit and supported the planning proposal proceeding to a Gateway determination, taking into consideration matters in the minutes outlined below:

"The Panel notes the Council officer's response to the affordable rental housing targets in the Greater Sydney Region Plan. The Panel is also aware that Council's draft local housing strategy provides evidence that the Liverpool LGA suffers from one of the highest rates of rental stress in the country. In light of the targets in the Region Plan and the draft strategy, the Panel recommends that Council invite the applicant for the planning proposal to submit a planning agreement to Council that commits to a minimum number of affordable rental housing units being provided as part of the planning proposal."

The Panel notes that the site is located in a prominent location and will introduce new and substantial built form in the locality. The Panel recommends that Council considers including in the amended site specific DCP for the site a requirement that future development in the site achieves design excellence. The DCP should describe

the design objectives that Council considers are necessary to achieve design excellence for this site.

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."

Officer Comment on Local Planning Panel Advice

It is recommended that Council support in-principle the planning proposal request and forwards a planning proposal to DPIE seeking a Gateway determination and public exhibition.

As outlined in LPP advice, it is recommended that the proponent consider preparing a VPA offer to provide affordable rental housing as part of any future development. Subject to a favorable Gateway determination, Council will work with the proponent to determine what DCP amendments are required to achieve design excellence.

Consistency with Ministerial Direction 2.6 (Remediation of Contaminated Land)

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. Therefore, assessment has been carried out to ensure the proposal meets the requirements of Ministerial Direction 2.6 as outlined in Table 1.

What a planning proposal authority must do if this direction applies	Response
<i>4(a) the planning proposal authority has considered whether the land is contaminated, and</i>	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.
<i>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</i>	Development consent has been issued for the subdivision of the broader site (Lot 70 DP 1254895), 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.

	The proponent is to provide confirmation that the above documentation applies to the subject planning proposal request. This can be included as a condition of Gateway determination to provide assurance that the land will be suitable for residential development after remediation.
<i>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</i>	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 redevelopment and associated construction works.
<i>(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</i>	As discussed earlier, relevant documentation has already been submitted for the subdivision of the broader site. Confirmation as to how the documents relate to this proposal can be provided after a Gateway determination is issued.

Table 1: Consistency with Ministerial Direction 2.6

Consistency with the Local Strategic Planning Statement

All planning proposals must be consistent with Council's adopted Local Strategic Planning Statement (LSPS) – Connected Liverpool 2040.

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, livability, productivity and sustainability. The planning proposal aligns with the following directions and relevant priorities as outlined in Table 2:

Planning Priority	Comment
<i>Livability</i>	
Planning Priority 7 – Housing	The proposal would support additional housing supply choice for different needs, with and housing choice by delivering approximately 126

density focused in the City Centre and centres well serviced by public transport	<p>dwellings which would assist in meeting Liverpool City Council's five-year housing supply target.</p> <p>The Liverpool Local Strategic Planning Statement identifies the Moorebank East precinct as an urban development investigation area on the Structure Plan map (page 20).</p>
Planning Priority 9 - Safe, healthy and inclusive places shaping the wellbeing of the Liverpool community	The proposal will facilitate a mixed-use development which including communal open space facilities. This would encourage walkability and wellbeing.
<i>Productivity</i>	
Planning Priority 12 – Industrial and employment lands meet Liverpool's future needs	The retail component would lead to increased employment opportunities for local workers.
<i>Sustainability</i>	
Planning Priority 15 – A green, sustainable, resilient and water-sensitive city	The proposed development would include approximately 2,800m ² of communal rooftop open space to be made available to residents living on the site that could advance liveability and sustainability on the site. Further water-sensitive outcomes, e.g. water-sensitive urban design components could be pursued later at the post-Gateway or DA stages.

Table 2: Consistency with the LSPS

Consistency with Supporting Strategies

At its meeting on 26 August 2020, Council adopted the Liverpool Local Housing Strategy, Industrial and Employment Lands Strategy and Centres and Corridors Strategy. These strategies address specific actions outlined in the LSPS and guide future planning.

The Centres and Corridors Strategy identifies that the Liverpool B6 Enterprise Corridor zone currently allows a broader range of uses than most B6 zones in Greater Sydney. It highlights a need to prevent out of centre developments which may have an impact on existing centres.

The planning proposal proposes a retail premises with a maximum gross floor area of 4,200m². The site is not identified as a local centre and forms part of the larger Moorebank East renewal precinct. This is reflected in the LSPS which identifies the Moorebank East precinct as an Urban Development Investigation Area. It is therefore considered that the planning proposal request would support a broader-placed based role and cater for shopping and retail needs of the precinct and surrounding area and is consistent with the District Plan, LSPS and Centres and Corridors Strategy.

CONSULTATION

Preliminary Community Consultation

At its meeting on 27 July 2020 Council resolved to exhibit all planning proposals that have been lodged within Moorebank. Accordingly, the proposal was placed on public exhibition for 28 days, in accordance with Council's Community Participation Plan.

The exhibition period concluded on 10 September 2020 with three submissions being received including two objections. Summaries of the submissions and officer's response are listed in Table 3, and copies (of the objections) are included in **Attachment 5**.

Issue Raised	Officer Response
<i>Support</i>	
The planning proposal request is consistent with the changing use of the riverfront land, from industrial and commercial to residential and open space. This village environment would complement the adjoining Georges Cove Marina. We look forward to further consideration of the plans as they progress.	Noted.
<i>Objection 1*</i>	
As a resident and ratepayer of Liverpool City Council I totally object to this development.	
We do not need another disaster; cars cannot move along Newbridge Road as it is - It does not need any further traffic that this development would bring	<p>The submitted Traffic Impact Assessment (TIA) indicates that subject to the construction of improvement works at key intersections, including as part of other developments in the local area including Sites A-E, traffic impacts of the development can be minimised.</p> <p>Council's Traffic and Transport Unit has reviewed the submitted TIA and has requested submission of a revised TIA at the post Gateway stage.</p> <p>In addition, Transport for NSW (TfNSW) has been consulted regarding cumulative traffic impacts of the Moorebank East Precinct and the proposed traffic improvement works.</p> <p>At the post Gateway stage, traffic impact</p>

	assessment will be completed in conjunction with TfNSW to identify improvement works and appropriate funding mechanisms to minimise traffic impacts.
Any time we get heavy rain Newbridge Road floods	Newbridge Road is subject to flooding. Access to the site is from both Newbridge Road and a new DCP road that will be flood free. Flooding issues have been addressed in the planning assessment report including the provision of a pedestrian flood evacuation route from the site.
<p>I am against:</p> <ul style="list-style-type: none"> -any further development- leave this flood prone land vacant -any additional houses or retail -any increase in height of building -any increase in floor space -any shops or retail -any rezoning -any apartments 	<p>Tract Consultants were engaged to recommend appropriate land uses and densities on sites in the Moorebank East precinct and have prepared a structure plan that ensures the orderly development of the precinct.</p> <p>At this early stage in the planning process, Council is satisfied that the proposal addresses amenity, flooding and traffic impacts. These issues will be further addressed in detail once a Gateway determination is issued and consultation is carried out with relevant state agencies/authorities.</p>
This proposal should be in the only local paper publishing in print, The Champion Residents need to know	The proposal was exhibited on Council's website and in the 'Liverpool Champion' for a period of 28 days between 14 August and 10 September 2020.
<i>Objection 2</i>	
<p>I write to oppose the amending of Schedule 1 of LLEP for Georges Cove Village at 146 Newbridge Road, Moorebank (Site).</p> <p>As a retailer and property owner within Liverpool LGA, I believe that the current B6 zoning and LLEP controls should remain.</p>	
Amending the LLEP to allow for 4,200m ² of retail floor space and approximately 126 dwelling is a substantial overdevelopment and detrimental to other centres in the Liverpool area. 4,200m ² of retail floor space is substantial and this would certainly take	The planning proposal request proposes a larger retail premise than permitted currently under the LEP and will serve an increased population in the Moorebank East precinct as urban development takes place. The planning proposal request is supported by

<p>the focus from the retail and business centres in Moorebank, Chipping Norton, Hammondville, Wattle Grove, Liverpool and proposed centre at Holsworthy.</p>	<p>an Economic Needs Assessment (ENA) prepared by Location IQ, which indicates that the Moorebank Shopping Village and Chipping Norton Market Plaza would be impacted to a medium extent, with other centres being minimally impacted. However, the ENA finds that increased competition between supermarkets is beneficial to consumers and will not significantly affect the viability of centres. Additionally, the ENA provides a sound justification for a full line supermarket (which the planning proposal is facilitating). Nearby supermarkets at Wattle Grove, Chipping Norton and Moorebank are heavily patronised with limited opportunity for expansion.</p>
<p>Clause 7.23 of the LLEP states that <i>“development consent must not be granted for retail premises if the GFA of the premises exceeds 1600m².”</i></p> <p>Accordingly, Council should maintain the current B6 restrictions on retail:</p> <ul style="list-style-type: none"> ○ not exceeding GFA of 1600m²; ○ not allowing for speciality retail stores but rather being restricted to bulky goods and showrooms; and ○ not allowing for the inclusion of a ‘health care facility’. 	<p>The intent of the floor space restriction is to ensure that the viability of established and planned centres is not significantly affected. The ENA notes there is scope to increase the retail offering on this site as it is within an ‘Urban Development Investigation Area’ (as identified in the LSPS). There are no additional land uses being proposed, as the previously proposed childcare centre and seniors housing have been removed from this proposal and health care facilities are already permitted on the subject site.</p>
<p>SGS Economics and Planning’s “Liverpool Centres and Corridors Strategy” does ‘not support the creation of a new local centre’ at 146 Newbridge Road, Moorebank. The report states at page 93 that:</p> <p><i>even with 1,500 sqm of retail floorspace instead of the 3,584.6 shown in the masterplan, this development would constitute a new local centre including a range of retail premises and other services (the proposed health care facilities, seniors housing and child care centre) in an out of centre location. Open space and a bus</i></p>	<p>The submitted Economic Needs Assessment prepared by Location IQ, indicates that the proposal would not provide a significant number of specialty shops, thereby enabling residents to patronise other centres/shops in the surrounding area. Additionally, the proposed seniors housing and child care centre have since been removed from the proposal, with health facilities already being permitted on the site. Given that the site is not characterised as a ‘local centre’, there is no inherent requirement to ensure that the site</p>

<p><i>service along Newbridge Road are available next to the subject site, but it is not co-located with the wide range of social infrastructure that would be expected for a new local centre site.</i></p>	<p>is co-located with social infrastructure. Regardless, the Social Impact Assessment prepared by Cred Consulting Pty Ltd identifies a range of services and social infrastructure within a kilometer 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 future access to 2ha of foreshore open space. Therefore, the proposed development is not inconsistent with the “Liverpool Centres and Corridors Strategy” and would enhance the wide range of services already available in the locality.</p>
<p>Apart from bus, this area is not well serviced by existing rail networks. This would mean that residents of the 126 dwellings would be highly reliant on cars and would add to traffic in the Liverpool area.</p>	<p>The development site is not close to a train station; however, the site is close to bus route M90 along Newbridge Road. The bus route operates with 10 minutes service frequency during weekday peak hours and at least 20 minutes service frequency during daytime hours on weekends and public holidays. To minimise traffic impacts of the proposed development Council will consult with TfNSW during state agency consultation to identify improvement works and a funding mechanism for improvement works to be carried out.</p>

Table 3: Response to submissions

**It is advised that ‘Objection 1’ was made for all planning proposals within the Moorebank East Precinct.*

Internal Consultation

Flooding Issues

The Moorebank East precinct and the area north of Newbridge Road close to Georges River is flood prone and the site is identified as being subject to low, medium and high flood risks. The original planning proposal request was supported by a flood impact assessment report prepared by National Project Consultants (NPC) Pty Ltd (**Attachment 7**).

Council’s Floodplain and Water Management team has reviewed the report and advise that the design concept is consistent with the mitigation measures and principles outlined in the

NSW Flood Prone Land Policy and Floodplain Development Manual 2005. This addresses Ministerial Direction 4.3 (*Flood Prone Land*).

However, given the extent of modifications (i.e. changes in land uses) to the original planning proposal, it is recommended that a revised flood impact assessment report be prepared at the post-Gateway phase. The revised report is to account for any differences between the current and previous proposal and will be requested as a condition of any Gateway determination.

In 2018, NSW State Emergency Service (NSW SES) advised Council that an evacuation route would be required for any residential development within the Moorebank East precinct. Design and delivery of a flood evacuation route must be consistent with NSW SES's principles for evacuation. 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 (within the Moorebank East Precinct). This work culminated in the Moorebank East Flood Evacuation Analysis Report in November 2019.

In response, an elevated pedestrian bridge from Site C is proposed by Mirvac to provide an acceptable pedestrian evacuation route for Sites A, C and D during a probable maximum flood event (PMF). The bridge has been approved as part of the operative consent for DA-24/2017 (issued on 24 June 2020) which approved the subdivision of the broader site into sites A, C and D.

With the proposed elevated pedestrian bridge/evacuation route, in the event of a flooding emergency, residents would have the option to be evacuated by either car, or as a last resort on foot (via the elevated pedestrian bridge).

Land Contamination Issues

The site has been identified as being contaminated by the previous extractive uses that occurred on the site. The proponent submitted a Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) prepared by Douglas Partners in 2016 and 2017 respectively. Council's Environment & Health Section has expressed the following concerns:

- The DSI and RAP have been superseded by other environmental documentation submitted as part of the subdivision (DA-24/2017) of the broader site. The environmental documentation for the subdivision includes a Site Audit, draft long-term environmental management plan (LTEMP) and a revised RAP.
- Furthermore, Ministerial Direction 2.6 (Remediation of Contaminated Land) supersedes Clause 6 of SEPP No. 55 - Remediation of Land. Particularly, the Ministerial direction indicates that planning authorities are to consider contamination at any time during the preparation of an environmental planning instrument but are not required to before the gateway assessment.

The proponent will be required to confirm how the documentation submitted with the DA relates to the subject planning proposal request, as a condition of any Gateway determination. It is considered that contamination issues will be further addressed in detail during state agency consultation with the EPA.

Traffic Impacts

Council's Traffic and Transport unit has reviewed a Traffic Impact Assessment (TIA) report (**Attachment 8**) submitted with the original planning proposal. The TIA outlines that subject to the construction of the internal road network, and improvement works at key intersections as part of other developments in the local area including Sites A-E, traffic impacts of the development can be minimised.

A revised TIA is required to address traffic impacts and related concerns. Submission of the revised TIA will be requested as a condition of any Gateway determination. During state agency consultation, the planning proposal will be referred to Transport for New South Wales (TfNSW) for further traffic impact assessment.

Urban Design Issues

The proposed concept design and development standards are satisfactory at this stage in the planning proposal process. However, at the post-Gateway stage, Part 2.10 (Moorebank East) of the LDCP will need to be amended to include controls for 'Site A' including design excellence provisions. The requirement to prepare a DCP amendment will be requested as a condition of any Gateway determination.

Bushfire Impacts

The site is affected by Category 1 Bushfire Prone Vegetation on its western boundary. A bushfire assessment report of the previous planning proposal was submitted and reviewed by Council officers. An updated bushfire assessment report will need to be submitted during the post-gateway stage to demonstrate consistency with the amended proposal and concept architectural plan. Submission of an updated bushfire assessment report will be requested as a condition of any Gateway determination.

Social Impacts

The submitted social impact assessment (SIA) of the original (2017) planning proposal has been reviewed by Council. Given the extent of modifications (i.e. changes in land uses) it is recommended that a revised SIA is prepared. The revised SIA is to assess the social impacts of the current proposal. Submission of the revised SIA will be requested as a condition of any Gateway determination.

Next Steps

If Council supports the planning proposal request, a formal planning proposal will be prepared and submitted to the Department of Planning, Industry and Environment (DPIE) seeking a Gateway determination.

A further report will be provided to Council following the public exhibition period detailing submissions received and any amendments proposed.

CONCLUSION

The planning proposal request has both strategic and site-specific merit. This report notes that there are several environmental, traffic management, and urban design details to be resolved at the post gateway stage.

It is recommended that Council endorses the planning proposal to proceed to a Gateway determination with a further report prepared for Council's consideration following state-agency consultation and public exhibition period, detailing any submissions received and any amendments proposed.

CONSIDERATIONS

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

ATTACHMENTS

1. Planning Proposal (Under separate cover)
2. Planning Assessment Report (Under separate cover)
3. Local Planning Panel Advice (Under separate cover)
4. Moorebank East Status Update - 26 August 2020 (Under separate cover)
5. Public Submissions (Under separate cover)
6. Economic Needs Assessment (Under separate cover)
7. Flood impact assessment (Under separate cover)
8. Traffic impact assessment (Under separate cover)

Council

COUNCIL DECISION

Motion:

Moved: Cllr Ayyad

Seconded: Cllr Rhodes

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses in principle the planning proposal request;
3. Delegates to the Acting Chief Executive Officer authority to prepare the formal planning proposal including any typographical or other editing amendments if required;
4. Notes that negotiations will occur with the proponent on a potential voluntary planning agreement for the provision of affordable housing;
5. 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 with a request that Council be authorised as the local plan making authority and that the Gateway determination be conditioned requiring relevant technical documents be updated, that Section 9.1 Direction 2.6 (Remediation of Contaminated Land) be updated and a site specific DCP be prepared prior to public exhibition;
6. Subject to Gateway determination, undertakes public exhibition and community consultation in accordance with the conditions of the Gateway determination and Council's Community Participation Plan; and
7. Receives a further report on the outcomes of public exhibition and community consultation.

8. Forward the planning proposals for the Flower Power site and Concrete Crushers site to the Local Planning Panel and then receive a further report back to Council by the earliest possible Council meeting in 2020.

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

Councillors voted unanimously for this motion.