

COUNCIL AGENDA

ORDINARY COUNCIL MEETING

24 April 2024

BOOK 1



You are hereby notified that an **Ordinary Council Meeting** of Liverpool City Council will be held at the **LIVERPOOL CIVIC TOWER COUNCIL CHAMBERS, LEVEL 1, 50 SCOTT STREET, LIVERPOOL NSW 2170** on **Wednesday, 24 April 2024** commencing at 2:00pm. Doors to the Chambers will open at 1.50pm.

Liverpool City Council Meetings are livestreamed onto Council's website and remain on Council's website for a period of 12 months. If you have any enquiries, please contact Council and Executive Services on 8711 7441.

A handwritten signature in black ink, reading "John Ajaka".

Hon John Ajaka
CHIEF EXECUTIVE OFFICER

Statement of Ethical Obligations

Oath or Affirmation of Office

In taking the Oath or Affirmation of Office, each Councillor has made a commitment to undertake the duties of the office of councillor in the best interests of the people of Liverpool and Liverpool City Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Conflicts of Interest

A councillor who has a conflict of interest in any matter with which the council is concerned, and who is present at a meeting of the council when the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable. Both the disclosure and the nature of the interest must be recorded in the minutes of the Council meeting where the conflict of interest arises. Councillors should ensure that they are familiar with Parts 4 and 5 of the Code of Conduct in relation to their obligations to declare and manage conflicts of interests.

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Council in Closed Session

The following items are listed for consideration by Council in Closed Session with the public excluded, in accordance with the provisions of the Local Government Act 1993 as listed below:

CONF 01 Transfer/Dedication to Council as Public Road - Pt Lot 100 in DP 1049508 Moorebank
Avenue, Moorebank

ORDER OF BUSINESS

Reason: Item CONF 01 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CONF 02 Purchase of Lot 169 DP 1240562 Aries Street & Lot 240 DP 1273155 Tenth Avenue, Austral for RE1 Public Recreation

Reason: Item CONF 02 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CONF 03 Compulsory Acquisition of Lot 1 DP 1224201, 275 Jardine Drive, Edmondson Park for RE1 Public Recreation

Reason: Item CONF 03 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Close

PLAN 07

Planning Proposal to amend the Liverpool Local Environmental Plan 2008 at 146 Newbridge Road Moorebank - Georges Cove Village

Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	107145.2024
Report By	Stephen Peterson - Senior Strategic Planner
Approved By	Mark Hannan - Acting Director Planning & Compliance

EXECUTIVE SUMMARY

In October 2017, Council received a Planning Proposal from EMM Consulting Pty Ltd on behalf of Tanlane Pty Ltd for 146 Newbridge Road, Moorebank (Lot 1 DP 1246745). At the time of lodgment, the subject site was zoned B6 Enterprise Corridor and the Planning Proposal sought to amend the *Liverpool Local Environmental Plan 2008* (LLEP 2008) by way of the inclusion of an additional Schedule 1 (Additional Permitted Uses) Clause to:

- Permit the land uses of a 'child care centre', 'seniors housing' and 'health care facility';
- Increase the Height of Buildings (HOB) from 15m to 30m; and
- Increase the Floor Space Ratio (FSR) from 0.75:1 to 2:1.

This would have enabled a stepped shop top housing development of between five (5) to nine (9) storeys in height.

The Planning Proposal was referred to the Liverpool Local Planning Panel on 29 June 2020 and to the Ordinary Meeting of Council on 30 September 2020. The Planning Proposal (Amendment 87) was then forwarded in November 2020 to the former Department of Planning and Environment (now known as NSW Department of Planning, Housing and Infrastructure (DPHI)).

In December 2020, the DPHI provided a letter to Council (**Attachment 2**), outlining that Council was to resubmit the subject Planning Proposal, and others within the Moorebank East Precinct, upon completion of the Georges River Regional Flood Study, due to unresolved NSW Government Agency concerns regarding flooding and evacuation.

In March 2022, the Georges River Regional Flood Evacuation Study was completed.

In April 2023, Council staff held a meeting with the DPHI regarding the subject Planning Proposal and others lodged for the Moorebank East Precinct.

In May 2023, the DPHI provided advice to Council with requirements to be addressed for Planning Proposals within the Precinct. In this regard, Council received amended documentation in October 2023. A copy the amended Planning Proposal Justification Report is provided in **Attachment 1**.

The Planning Proposal has been amended by the Proponent, and in its current form, seeks to amend the Liverpool LEP 2008 by way of a new Schedule 1 (Additional permitted use) Clause to permit retail premises with a maximum Gross Floor Area of 4,000m². The Planning Proposal further nominates that the proposed retail premises, with a Gross Floor Area of 4,000m², is for the purpose of a 'supermarket'.

Under the LLEP 2008, the land use of a 'supermarket' falls under the initial term of a 'shop'. A 'shop' falls under the term of 'retail premises'. Furthermore, 'retail premises' falls under the parent term of a 'commercial premises'.

The LLEP 2008 already includes a Schedule 1 Clause (clause 35) permitting a 'commercial premises' land use on the subject site, however Clause 7.23 (which applies to the subject site) limits the Gross Floor Area for each 'retail premises' on the site to a maximum of 1,600 m². As the Planning Proposal seeks a 'shop' (Supermarket) with a Gross Floor Area of 4,000m², the Planning Proposal is required.

In addition, the LLEP 2008 Clause 4.6 (Exceptions to development standards) does not enable a variation of Clause 7.23 of LLEP 2008, i.e. the Consent Authority cannot consider a variation for a retail premises on the subject site having a Gross Floor Area greater than 1,600m².

As the land use of a 'commercial premises' (of which a supermarket falls under), is already permissible on the subject site, it is recommended that the Proponent update the Planning Proposal Justification Report prior to Gateway seeking to amend Part 7, Division 2 of the LLEP 2008 to permit the land use of a 'Shop' with a maximum Gross Floor Area of 4,000m² on the subject site.

The Proposal no longer includes residential development, and also contains updated justification in relation to flood impacts and flood mitigation. Following a Council staff assessment of the updated information provided, it is considered that the Planning Proposal has sufficient strategic and site-specific merit to proceed to the DPHI for a Gateway determination.

The Proposal, including flooding and vehicular access, will be further discussed with the relevant NSW Government Agencies once Gateway is issued. It is recommended that Council endorses the Planning Proposal to proceed for Gateway determination.

Should a Gateway determination be issued by the DPHI, it is recommended that an amended site-specific Development Control Plan (DCP) be prepared to support the Planning Proposal. The draft DCP amendment would need to be endorsed “in principle” by Council prior to the exhibition of the entire Planning Proposal package.

RECOMMENDATION

That Council:

1. Endorses “in principle” the amended Planning Proposal for 146 Newbridge Road, Moorebank (Lot 1 DP 1246745) to amend Part 7, Division 2 of the *Liverpool Local Environmental Plan 2008* to permit the land use of a ‘Shop’ with a maximum Gross Floor Area of 4,000m²;
2. Requests the Proponent updates the Planning Proposal Justification Report, in-line with Recommendation 1 of this Resolution, prior to forwarding the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway determination;
3. Delegates to the CEO authority to make any minor amendments to the Planning Proposal if required;
4. Upon receiving an amended Planning Proposal Justification Report from the Proponent, forwards the Planning Proposal to the Department of Planning, Housing and Infrastructure pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* for a Gateway determination;
5. Subject to Gateway determination, prepares a site-specific Development Control Plan (DCP) and undertakes community consultation for the Planning Proposal and site-specific DCP in accordance with the conditions of the Gateway determination and the Liverpool Community Participation Plan 2022; and
6. Receives a further Report on the outcomes of public exhibition and community consultation.

REPORT

Moorebank East Precinct



Figure 1 - Context map of the subject precinct (Source Nearmap)

The Moorebank East Precinct is a collection of sites that are largely undeveloped and located along the western bank of the Georges River on the eastern border of the Liverpool LGA. The precinct is bounded by the Georges River to the east, Brighton Lakes Golf Club to the south, Wurrungwuri Reserve to the west and Newbridge Road to the north.

The Site and Locality

The subject site is known as 146 Newbridge Road Moorebank and is shown in figure 2 below. The site is approximately 17,226m² in area and fronts the southern side of Newbridge Road of which traffic flows towards the Liverpool CBD. The subject site is approximately 3.65km east of Liverpool CBD and 4km east of Liverpool railway station. The nearest bus stop is located on Newbridge Road (adjacent to the subject site) and is serviced by the M90 bus route.





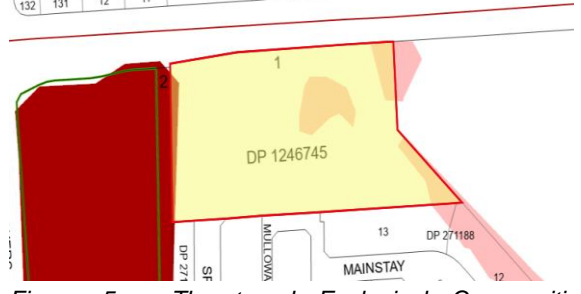

Figure 2 - Aerial view of the Moorebank East precinct and the subject site outlined in red (Source: Nearmap)

Surrounding the subject site are the following neighbouring sites:

- **North:** Newbridge Road, Moorebank. The road is a major arterial road under the care and control of Transport for NSW.
- **South (immediate):** Lot 2 (Georges Cove) of 146 Newbridge Road which is currently under construction to deliver approximately 179 dwellings within a community titled development;
- **South (further):** Lot 3 (Georges Cove Marina). The Marina is currently under development and a Planning Proposal is under assessment to facilitate approximately 4x eight storey residential flat buildings for a total of approximately 319 apartments and 21x 3 storey terraces. Further south is the EQ Riverside-Concrete Crushers site which benefits from previous heavy industrial use and is subject to a Council initiated Planning Proposal to rezone part of the site to E4-General Industrial;
- **East:** The Georges River, Previous Flower Power site (Subject to Planning Proposal RZ-4/2017) and Canterbury-Bankstown LGA;
- **West:** Council's Wurrungwuri Reserve, Brickmakers Drive and Georges Fair residential area.

The subject property is under the single ownership of Tanlane Pty Ltd. It contained a former sand mining operation by Benedict Sands, which has reached the end of its life cycle. Works at the subject site have occurred from early to mid-2020, including the demolition of a dilapidated dwelling fronting Newbridge Road, earthworks including significant cut and large scale tree removal. The subject site has the following environmental constraints as per Table 1 below:

Table 1 - Summary of Environmental Constraints

Flooding	Bushfire
 <p><i>Figure 3 - Flood mapping of site. Source: Geocortex</i></p> <p>The site is affected by flooding from the Georges River, is within the flood planning area and the site is categorised as part low, part medium and part high flood risk, i.e. 1 in 100 and Probable Maximum Flood.</p>	 <p><i>Figure 4 - Bushfire mapping of site. Source: Geocortex</i></p> <p>The subject site is partially identified as Bushfire Prone Land mainly on the western side. The majority of the site highlighted yellow identifies vegetation buffer of 30m and 100m.</p>
Threatened Ecological Communities	Biodiversity
 <p><i>Figure 5 - Threatened Ecological Communities mapping of site. Source: Geocortex</i></p> <p>The western boundary of the site contains Endangered Threatened Ecological Communities (BC Act).</p>	 <p><i>Figure 6 - Biodiversity mapping of site. Source: Geocortex</i></p> <p>The site is mapped as containing Forest Red Gum - Rough-barked apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion (Light red) and unclassified (grey).</p>
Contamination	
<p>The subject site is identified as being contaminated due to previous uses of the site including sand extraction via dredging and dry extraction methods on the site since 1993. Lot 3 is subject of an approved Marina development. The Marina development application was approved with various Environmental Impact Assessments, Site Audit Reports and statements, and remediation strategies and Action Plans. This report concluded that the site is contaminated as per the EP&A Act 1979 definition, however the subject allotment can be remediated to be suitable to accommodate the Marina development as well as high density residential uses with minimal opportunities for soil access.</p>	

Background

Existing Voluntary Planning Agreement (VPA)

The subject site previously was one allotment known as 146 Newbridge Road, Moorebank. 146 Newbridge Road Moorebank is currently subdivided into 3 allotments with the subject allotment known as Lot 1.

A VPA (Council reference: VPA-11) was entered into on 11 June 2008 which applies to all 3 lots which form 146 Newbridge Road Moorebank. Of note, the VPA restricts the total Gross Floor Area of Lot 1 (Subject site) only to 11,500m².

Previous public exhibition of Planning Proposal

At its meeting on 27 July 2020, Council resolved to exhibit all Planning Proposals that have been lodged within Moorebank (excluding the Site C Marina, 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 two submissions being received, including one objection.

Previous Planning Proposal sought amendments

In 2017, the Planning Proposal sought to amend LLEP 2008 by way of the inclusion of an additional Schedule 1 (Additional Permitted Uses) clause to permit the land uses of a 'child care centre', 'seniors housing' and 'health care facility', increase the height of buildings (HOB) from 15m to 30m and to increase the floor space ratio (FSR) from 0.75:1 to 2:1.

In 2020 the proposal was amended and sought to amend the FSR from 0.75:1 to 1.88:1 and to increase the HOB from 15 metres to 25 metres. The proposal further sought to amend Schedule 1 of the LLEP 2008 to allow the use of a 'health care facility' (medical centre) and a retail premises with a maximum Gross Floor Area (GFA) of 4,200m² on the site only. This would facilitate mixed use development, including 126 residential apartments, neighbourhood retail and commercial facilities, including a medical centre, grocery shops and a gym.

It is noted that all the previous amendments sought at the time of lodgment of the Planning Proposal are no longer being sought.

DPHI Employment Zone Reform

At lodgement in 2017, the subject site was zoned B6 Enterprise Corridor which permitted the land use of 'retail premises' and 'shop top housing'. On 26 April 2023, DPHI introduced Employment Zone Reforms. As part of the reforms, the previous B5 Business Development and B6 Business Enterprise zones were repealed and both became known as E3 Productivity Support zones.

As the new E3 Productivity Support zone comprised of two previous zones, which permitted different land uses, the reforms also introduced area mapping of which in this case land previously zoned B5 Business Development includes reference to 'Area E' and land previously zoned B6 Business Enterprise includes reference to 'Area A' throughout LLEP 2008.

Under the land use zone E3 Productivity Support, the land use of a 'Retail Premises' and 'Shop Top Housing' are no longer permitted with consent. The Liverpool LEP 2008 includes clause 35 under Schedule 1 (Additional Permitted Uses) which continues to permit 'Commercial Premises' in the E3 Productivity Support 'Area A' zone (i.e. the subject site). The land use term of 'Shop' is encompassed by the 'Retail Premises' term, which is under the parent term of a 'Commercial Premises'.

Proposed Amendments to the *Liverpool Local Environmental Plan 2008*

As of October 2023, the Planning Proposal no longer seeks to amend the HOB or FSR development standards and no longer seeks to permit the Additional Permitted Use of shop top housing, child care centre, seniors housing or a health care facility on the subject site.

The Planning Proposal in its current form submitted by the Proponent, seeks to amend Liverpool LEP 2008 by way of a new Schedule 1 (Additional permitted use) clause to permit a retail premises with a maximum Gross Floor Area of 4,000m². The Planning Proposal further nominates that the proposed retail premises, with a Gross Floor Area of 4,000m², is for the purpose of a 'supermarket'.

Council staff note that the land use of a supermarket falls under the LLEP 2008 term of a 'shop'. Under LLEP 2008, a 'shop' falls under the term 'retail premises' and a 'retail premises', falls under the parent term of a 'commercial premises'.

Further, Council staff note that the land use of 'commercial premises' is already permissible on the subject site under LLEP 2008 (Schedule 1 clause 35) however that LLEP 2008 clause 7.23, limits the Gross Floor Area for a 'retail premises' on the subject site to a maximum of 1,600m². Clause 4.6 of LLEP 2008 does not allow Clause 7.23 of LLEP 2008 to be varied as part of development consent.

As demonstrated above, as that the land use of a 'supermarket' is already permissible on the subject site, however is restricted to a maximum Gross Floor Area of 1,600m², the current Planning Proposal request, as recommended by Council staff, seeks to amend LLEP 2008 in the following manner:

- Include an additional clause under Part 7, Division 2 (Additional Local Provisions – Other provisions) to enable development on the site of a 'Shop' (For the purpose of a Supermarket) with a maximum Gross Floor Area of 4,000m².

The Planning Proposal is supported by the following reports and plans:

- Planning Proposal report prepared by EMM Consulting;
- Revised Architectural package prepared by Rothelowman;
- Revised Flood Impact Assessment and Flood Emergency Response Plan by Tooker and Associates;
- Revised Bushfire Constraints Assessment prepared by ABPP;
- Addendum Traffic Impact Assessment Report prepared by EMM;
- Social Impact Assessment Addendum prepared by EMM; and
- Economic Impact Assessment Report prepared by LocationIQ.

These documents are available on Council's Eplanning Portal at the following link:

[\(Liverpool Council Eplanning - RZ-9/2017 - Lot 1 - 146 Newbridge Road Moorebank - Georges Cover Village\)](#)

The architectural plans demonstrate a development comprising a 3-storey building with a ground floor supermarket and parking/loading areas and 2 storeys above comprising parking and light industrial and office uses.

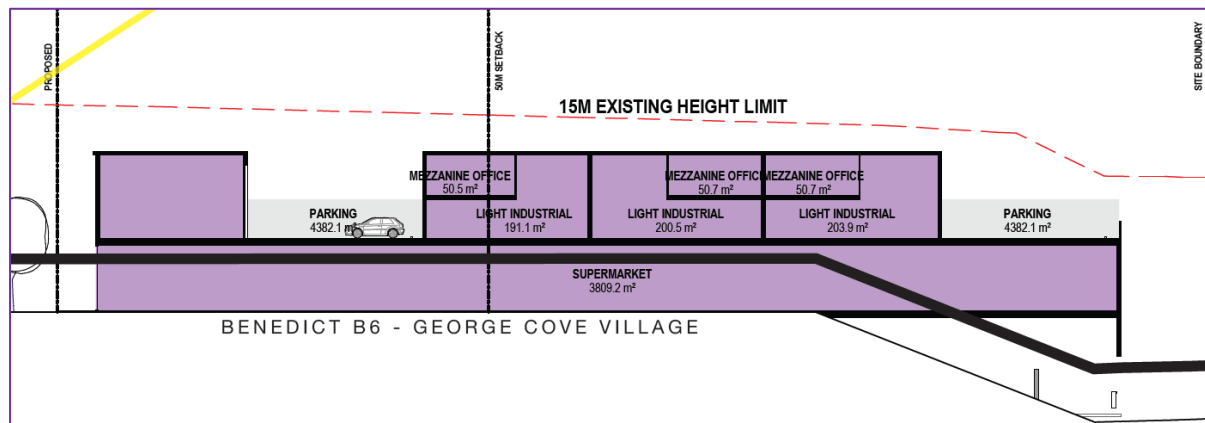


Figure 7 – Side view of proposal looking west (Source: Rothelowman Planning Proposal Design Report)

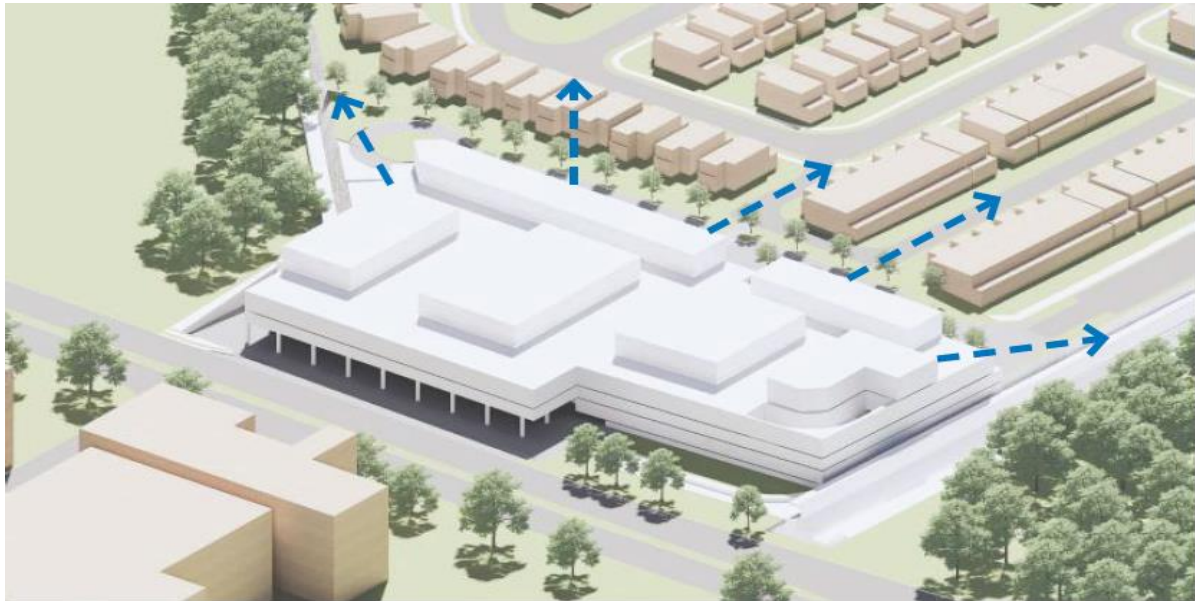


Figure 8 – 3D Aerial view of proposal as viewed from Newbridge Road frontage (Source: Rothelowman Planning Proposal Design Report)



Figure 9 – 3D Aerial view of proposal as viewed from Newbridge Road frontage (Source: Rothelowman Planning Proposal Design Report)

Planning Assessment

Consistency with Strategies and advice of the Liverpool Local Planning Panel

The proposal has been assessed against the Region Plan (Greater Sydney Regional Plan - A Metropolis of Three Cities), District Plan (Western City District Plan) and relevant strategies including Council's adopted Local Strategic Planning Statement (LSPS) and the Liverpool Local Housing Strategy 2020.

The proposal in its previous form (which included retail) was referred in June 2020 to the Liverpool Local Planning Panel (LLPP). The LLPP provided advice to Council that the Planning Proposal has strategic and site-specific merit and should proceed to a Gateway determination.

The Council meeting report and resolution from the 30 September 2020 meeting (available on Council's Eplanning Portal) provides further comment regarding the Local Planning Panel meeting.

The proposal in its current form continues to demonstrate consistency with the Region Plan and the District Plan including the District Plan planning priority W3 (Providing services and social infrastructure to meet people's changing needs) and W5 (Providing housing supply, choice and affordability, with access to jobs, services and public transport).

The proposal is consistent with the relevant local strategies including Council's adopted Local Strategic Planning Statement (LSPS) and the Liverpool Local Housing Strategy 2020, including Planning Priority 6 of the LSPS – to create high-quality, plentiful and accessible community facilities, open space and infrastructure aligned with growth.

The proposal provides the opportunity for a retail premises being a supermarket, to be developed on the site of an adequate size to service the current and future population and visitors of the Moorebank East precinct and vicinity, whilst not impacting upon existing retail, including supermarkets, within the vicinity of the subject site and provides employment opportunities.

Flooding and Evacuation

As per Figure 3 above, Council mapping indicates that the site is affected by flooding from the Georges River, is within the flood planning area and the site is categorized as part low, part medium and part high flood risk, (i.e. 1 in 100 and PMF).

An updated Flood Impact Assessment and Flood Emergency Response Plan report were submitted to Council to support the current form of the Planning Proposal request. The report is made in conjunction with current Council and State agency policies including current Ministerial Directions, DPE draft Shelter in Place Guidelines, current Planning Circulars, 2022

Flood Enquiry Report recommendations and the Georges River Regional Flood Study undertaken in 2022.

The Report states that the 1:100 flood planning level is RL 5.6m ADH and PMF flood level is RL 10.2m AHD.

The report further provides the following levels:

- Ground Level - Loading dock area with a level of RL 2.5m AHD;
- Elevated ground level - Elevated loading dock and open area for extra flood storage with a level of RL 3.4m AHD;
- Level 1 - Retail car parking with a level of RL 7m AHD;
- Level 2 - Supermarket and retail specialty shops with a level of RL 10.2m AHD; and
- Level 3 - Light industrial uses with a level of RL 15.2m AHD.

The Report states that in the case of flooding, the vehicular evacuation route from the site is via roads which are flood free during a 1:100 flood event, being from the DCP collector road (Sprinkler Drive) located to the immediate south of the subject site between subject Lot 1 and Lot 2, to the road bridge known as Promontory Way, and onto Brickmakers Drive providing access to either Newbridge Road or Nuwarra Road.

The Report states that in the case of flooding, the pedestrian evacuation route from the site is via the DCP Road (Sprinkler Drive) into the Mirvac Georges Cove Residences residential area, and via the high level pedestrian bridge leading to Paine Park, and then to flood-free land along Horizon Circuit towards Nuwarra Road.

The report concludes that, *'The proposed E3-zoned retail and light industrial/commercial development proposed in this PP for site A has been designed to exceed the State and Local Government requirements for flood management including considering the recent recommendations for the 2022 Flood Enquiry and revisions to the flood-related State and Council Planning requirements. It also complements the adjacent and recently approved development sites at Georges Cove Marina (site D) and Mirvac Georges Cove Residences (site C). There is sufficient vehicular and pedestrian infrastructure to provide safe flood evacuation. There is also a fall-back emergency, the shelter-in-place option available above PMF flood levels (if required) and additionally, the same option is provided in the approved Georges Cove Marina (site D) and Mirvac Georges Cove Residences (site C) developments'.*

Council assessment note that the Planning Proposal is achievable by implementing necessary flood control measures, however, the site faces substantial challenges with evacuation in the event of a flood.

Access to the proposed supermarket includes, but is not limited to, is via Newbridge Road, which is prone to frequent flooding and subsequent road closures. The Planning Proposal has

relied on the flood evacuation route of the Moorebank Cove residence (Site C), which is through Brickmakers drive.

Further, Council staff note the completed Georges River Flood Evacuation Study undertaken by Molino Stewart, recommends restricting further developments in the Moorebank East area, particularly as the existing infrastructure in the area is unable to provide safe flood evacuation from the proposed rezoning site. It is noted that the Planning Proposal carries the risk of necessitating a substantial boost in government expenditure on both road infrastructure and emergency management services and may contradict with Ministerial Direction 4.1 (Flooding).

Should the proposal be referred to DPHI for a Gateway request, a condition of the Gateway request is expected to involve consultation with the NSW State Emergency Services (SES). Further it is noted that the proposed development of a 'supermarket' is currently permissible on the site and the proposal seeks to increase the Gross Floor Area of the 'supermarket' only. Further it is expected that access to the future supermarket site can be closed in advance of predicted flood events as no residential land use is proposed on the site.

Vehicular Access and Impact upon road network

LDCP 2008 Part 2.10 (Development in Moorebank East) applies to the subject site and includes a collector street (Link Road) as per Figure 11 below (orange) which is partially constructed.



Figure 10 – LDCP 2008 Part 2.10 Link Road outlined in orange providing access from Brickmakers Drive in the West to Davey Robinson Drive to the east (Source: LDCP 2008)

The Planning Proposal includes an Addendum Traffic Impact Assessment report based on the proposed land use of the site. The report proposes vehicular access for the site as follows:

- Newbridge Road – Two vehicular access points are proposed, with one being left in access for light and heavy vehicles, and one being left out for heavy vehicles only. Both provide ingress and egress in a forward direction for vehicles. Light vehicles exit via Sprinkler Avenue.

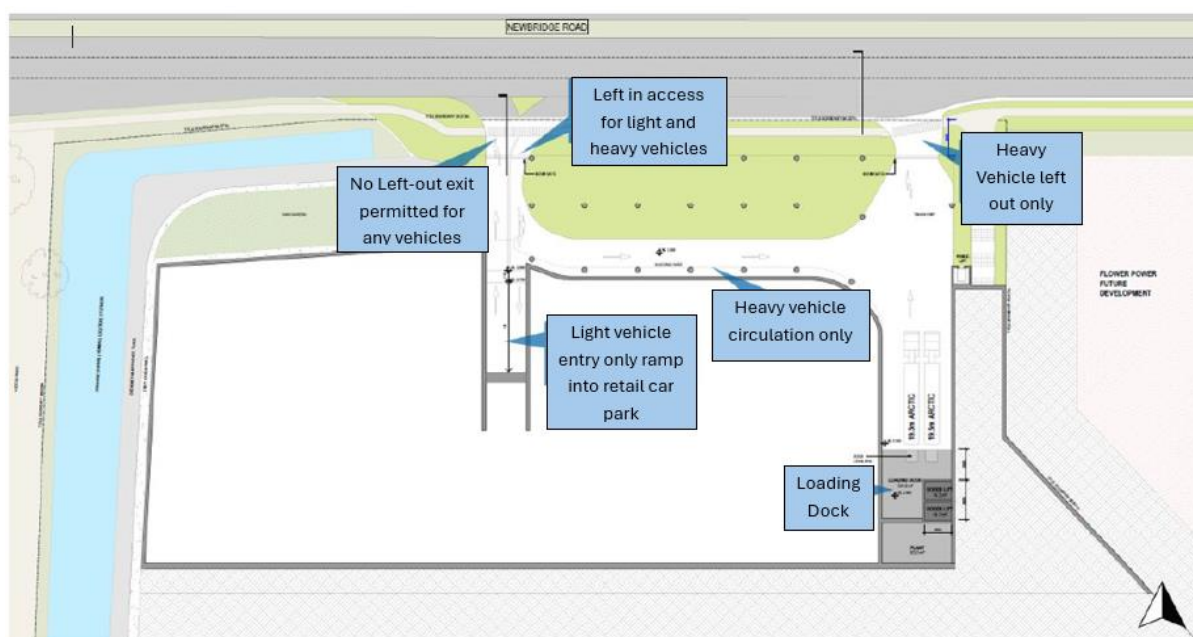


Figure 11 – Newbridge Road proposed light and heavy vehicle entry/exit points. Source: Addendum Traffic Impact Assessment Report prepared by EMM Consulting.

- Sprinkler Drive (LDCP 2008 Collector Road) located to the immediate south of the subject site between subject Lot 1 and Lot 2 – Two vehicular access points with one being entry and exit for the proposed light industrial carpark, and one driveway being in/out for the retail car park. This road provides in/out access to Brickmakers Drive via the road bridge known as Promontory, Way and may in the future provide access to Davey Robinson Drive/Newbridge Road subject to progression of various other Planning Proposals.

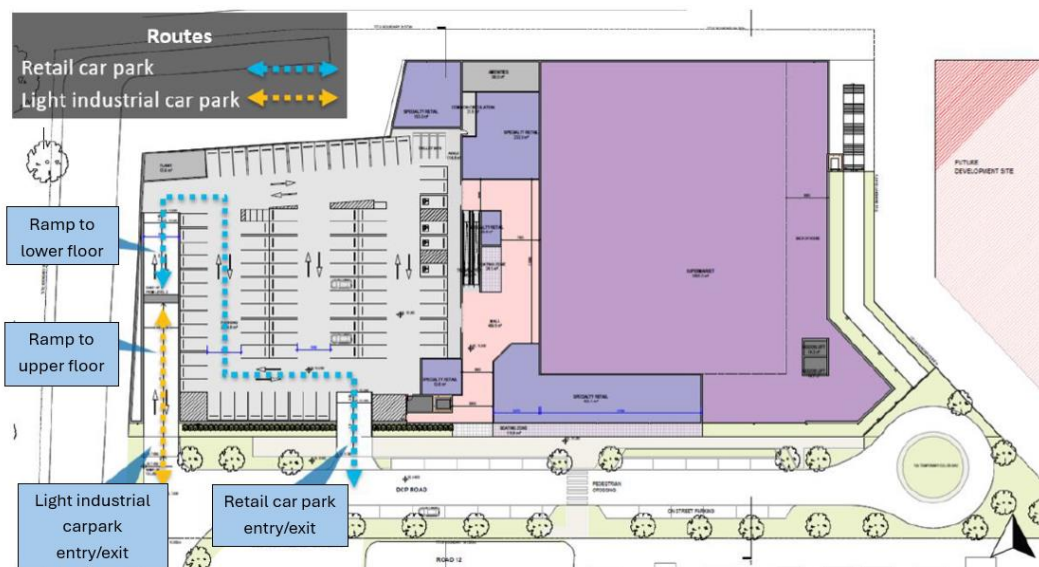


Figure 12 – Sprinkler Avenue proposed entry/exit points. Source: Addendum Traffic Impact Assessment Report prepared by EMM Consulting

Site Specific Development Control Plan (DCP)

Due to multiple Planning Proposals within the Moorebank East precinct and proposed land uses within the precinct, the existing Liverpool DCP 2008, Part 2.10 (Moorebank East Benedict Sands), is required to be updated. It is recommended if a Gateway determination is issued, for the DCP to be amended in consultation with the Proponent to reflect the proposed land use of the site.

The site specific DCP will include design controls such as building design treatments, activation elevations particularly fronting Newbridge Road and the southern access road, integration of vehicles and pedestrians, waste areas, open space, landscaping, tree planting, street and wall art, and any flooding/traffic/vehicular access related controls required.

Next Steps

If Council supports the Planning Proposal request, it will be submitted to DPHI seeking a Gateway determination. It is noted this will be an amended Planning Proposal to seek the proposed Local Provision clause within Part 7, Division 2 of the LLEP 2008, instead of Schedule 1 Additional Permitted Use (as currently proposed within the Proponents Planning Proposal).

Should a Gateway determination be issued by DPHI, it is recommended that the preparation of an amended site specific DCP be undertaken to support the Planning Proposal. The draft DCP amendment will need to be endorsed in principle by Council prior to the exhibition of the entire Planning Proposal package.

Subject to the above, public agency and community consultation can occur in accordance with the Gateway determination and Councils Community Participation Plan.

Following consultation, a further report will be prepared for Council prior to proceeding with the making of any amendment to the LEP and DCP.

Conclusion

It is considered that the Planning Proposal has sufficient strategic and site-specific merit to proceed to DPHI for a Gateway determination. The complex constraints of the site regarding vehicular access, traffic impacts on the road network and flooding can be further discussed and resolved post Gateway with the relevant State Agencies. It is recommended that Council endorses the Planning Proposal to proceed to a Gateway determination.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	There are no environmental considerations.
Social	There are no social considerations.
Civic Leadership	There are no civic leadership considerations.
Legislative	Division 3.4 (Environmental Planning Instruments – LEPs) of <i>Environmental Planning and Assessment Act 1979</i>
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. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. Planning Proposal - October 2023 (Under separate cover)
2. DPE Letter to Council – December 2020 (Under separate cover)
3. Request For Information Letter dated June 2023 (Under separate cover)
4. ASIC and Title Search (Under separate cover) **CONFIDENTIAL**

OTHER DOCUMENTS

The following documentation is available on Council's Eplanning Portal at the following link:

[Liverpool Council Eplanning - RZ-9/2017 - Lot 1 - 146 Newbridge Road Moorebank - Georges Cover Village](#)

- A. Local Planning Panel Report and Advice - 29 June 2020
- B. Council Report and Resolution - 30 Sept 2020
- C. Georges Cove Village concept design and architectural statement - October 2023
- D. Flood Impact Assessment and Flood Emergency Response Plan - July 2023
- E. Economic Impact Assessment Report - July 2023
- F. Traffic Impact Assessment Report Addendum - October 2023
- G. Traffic Impact Assessment Report - 9 October 2017
- H. Social Impact Assessment Addendum - July 2023
- I. Social Impact Assessment Report - 13 October 2017
- J. Detailed Site Investigation for DA-24-2017 - March 2016
- K. Remediation Action Plan for DA-24-2017 - May 2017
- L. Ecological Impact Assessment - 14 December 2016
- M. Bushfire Constraints Assessment - 26 July 2023
- N. Georges River Regional Flood Evacuation Study - March 2022
- O. Pre gateway exhibition submissions – August - September 2020



MINUTES OF THE ORDINARY MEETING HELD ON 24 APRIL 2024

PRESENT:

Mayor Ned Mannoun
Councillor Ammoun
Councillor Goodman
Councillor Dr Green
Councillor Hadid OAM
Councillor Harle
Councillor Kaliyanda
Councillor Karnib (online)
Councillor Macnaught
Councillor Rhodes
Hon John Ajaka, Chief Executive Officer
Mr Farooq Portelli, Director Corporate Support
Ms Tina Bono, Director Community & Lifestyle
Mr Mark Hannan, Acting Director Planning & Compliance
Ms Michelle McIlvenny, Director Customer Experience & Business Performance
Mr Shayne Mallard, Director City Futures
Mr Jason Breton, Director Operations
Mr David Galpin, General Counsel, Manager Governance, Legal and Procurement
Mr Vishwa Nadan, Chief Financial Officer
Ms Noelle Warwar, Manager Community Standards
Mr John Lac, Manager Project Delivery
Ms M'Leigh Brunetta, Manager Civic and Executive Services
Ms Melissa Wray, Councillor Executive and Support Officer
Ms Susan Ranieri, Coordinator Council and Executive Services

The meeting commenced at 2.04pm.

STATEMENT REGARDING WEBCASTING OF MEETING

The Mayor reminded everyone that in accordance with Council's Code of Meeting Practice (other than the Public Forum Section), the meeting is being livestreamed.

Minutes of the Ordinary Council Meeting held on Wednesday, 24 April 2024 and confirmed on Wednesday, 29 May 2024

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Chairperson

Mayor Mannoun left the meeting at 6.20pm and Cllr Macnaught, as the Deputy Mayor became the Chairperson.

ITEM NO: PLAN 07

FILE NO: 107145.2024

SUBJECT: Planning Proposal to amend the Liverpool Local Environmental Plan 2008 at 146 Newbridge Road Moorebank - Georges Cove Village

COUNCIL DECISION

Motion:

Moved: Cllr Harle

Seconded: Cllr Hadid

That Council:

1. Endorses “in principle” the amended Planning Proposal for 146 Newbridge Road, Moorebank (Lot 1 DP 1246745) to amend Part 7, Division 2 of the *Liverpool Local Environmental Plan 2008* to permit the land use of a ‘Shop’ with a maximum Gross Floor Area of 4,000m²;
2. Requests the Proponent updates the Planning Proposal Justification Report, in-line with Recommendation 1 of this Resolution, prior to forwarding the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway determination;
3. Delegates to the CEO authority to make any minor amendments to the Planning Proposal if required;
4. Upon receiving an amended Planning Proposal Justification Report from the Proponent, forwards the Planning Proposal to the Department of Planning, Housing and Infrastructure pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* for a Gateway determination;
5. Subject to Gateway determination, prepares a site-specific Development Control Plan (DCP) and undertakes community consultation for the Planning Proposal and site-specific DCP in accordance with the conditions of the Gateway determination and the Liverpool Community Participation Plan 2022; and
6. Receives a further Report on the outcomes of public exhibition and community consultation.

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

Councillors voted unanimously for this motion.

Note: Mayor Mannoun was not in the Chambers when this item was voted on.