



IRF24/1086

## Gateway determination report – PP-2024-963

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‘Georges Cove Village’

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Attachment 1 – Planning proposal
Attachment 2 – Flood Impact Assessment and Flood Emergency Response Plan
Attachment 3 – 2023 DPHI advice Moorebank East PPs
Attachment 4 – Detailed Site Investigation
Attachment 5 – Remediation Action Plan
Attachment 6 – Ecological Impact Assessment
Attachment 7 – Social Impact Assessment Report
Attachment 8 – Social Impact Assessment Addendum
Attachment 9 – Economic Impact Assessment
Attachment 10 – Traffic Impact Assessment
Attachment 11 – Traffic Impact Assessment Addendum
Attachment 12 – Bushfire Constraints Assessment
Attachment 13 – Local Planning Panel Report and Advice
Attachment 14 – Council report and minutes 24 April 2024
Attachment 15 – SES comments dated 21 May 2024

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Liverpool</b>
<b>PPA</b>	<b>Liverpool Council</b>
<b>NAME</b>	<b>Georges Cove Village, Moorebank</b>
<b>NUMBER</b>	<b>PP-2024-963</b>
<b>LEP TO BE AMENDED</b>	<b>Liverpool Local Environmental Plan 2008</b>
<b>ADDRESS</b>	<b>146 Newbridge Road, Moorebank</b>
<b>DESCRIPTION</b>	<b>Lot 1 DP 1246745</b>
<b>RECEIVED</b>	<b>7/05/2024</b>
<b>FILE NO.</b>	<b>IRF24/1086</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to facilitate the provision of a retail premises (specifically a supermarket) in a larger format than what is currently permissible on the site. This will contribute to the mix of commercial and light industrial development in this locality.

The objective is clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Liverpool LEP 2008 to allow for a retail premises of 4,000m<sup>2</sup>. Clause 7.23 of the Liverpool LEP currently imposes a maximum gross floor area of 1,600m<sup>2</sup> for retail premises and cannot be varied by any other means in the LEP (e.g. by Clause 4.6).

The proposal seeks to introduce a new clause to permit retail premises with a maximum gross floor area of 4,000m<sup>2</sup>. The proposal is unclear on how it intends to introduce this clause as it refers to adding a site specific clause under:

- Part 7 Additional Local Provisions, Division 2 Other Provisions; and

- Schedule 1 Additional Permitted uses supported by amending the Key Sites Map (KYS\_014)

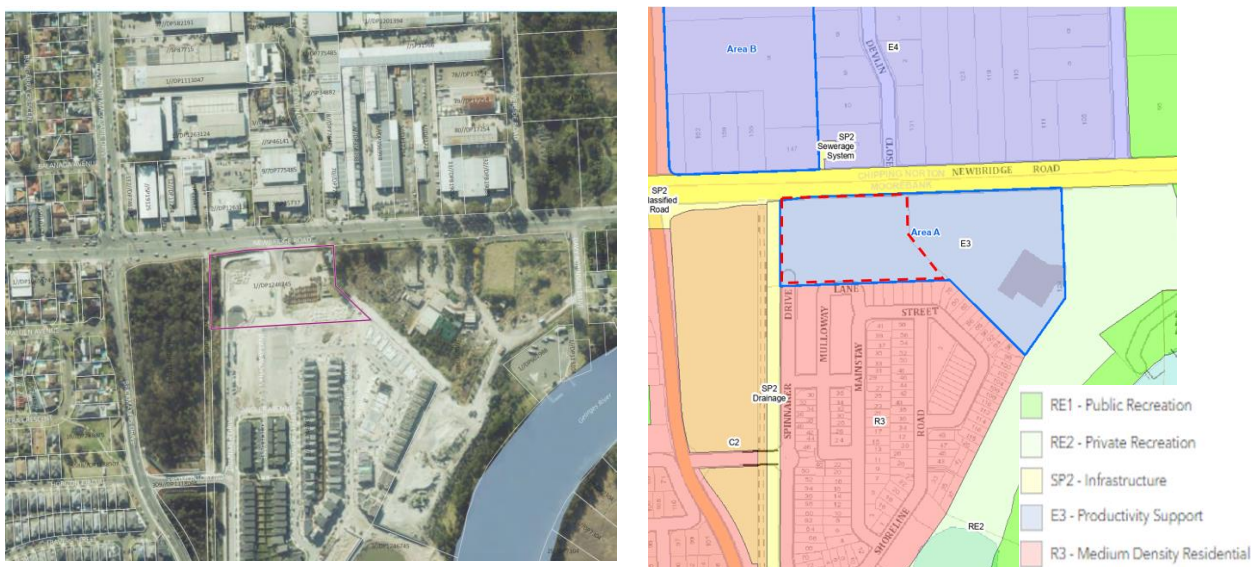
The planning proposal is to be updated to clarify how it intends to introduce the maximum 4,000m<sup>2</sup> for retail premises.

The proposal does not seek to increase the permissible floor space on the site, the increase from 1,600m<sup>2</sup> to 4,000m<sup>2</sup> for a retail premise would mean a redistribution of the potential floorspace associated with other types of development in the E3 Productivity Support land use zone.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The site is located at 146 Newbridge Road, Moorebank, and is legally described as Lot 1 in DP 1246745 (herein referred to as 'the subject site'). The site area is approximately 1.72 hectares and is zoned E3 Productivity Support under the Liverpool LEP.



**Figure 1 (L) Subject site outlined in pink (EMM Consulting 2024), (R) existing land use zoning map and key site layer (DPHI 2024).**

The site has been historically used as a recycling facility and contains some stockpiled soils and construction materials. The site topography has been modified by the former extractive operations since development consent was granted for those activities in 1992. The site is substantially cleared of all vegetation, other than scattered patches of swamp oak and river flat eucalypt located along the northern periphery.

The site was previously part of Lot 7 DP 1065574 which has now been subdivided into three lots. Two development consents on the former Lot 7 DP 1065574 have been issued - DA-510/2016 and DA-24/2017 (see Figure 2). These consents have been largely carried out across the whole lot to enable the residential development south of the subject site (see further details in section 1.6 of this report). Bulk earthworks, tree removal, a new retaining wall adjacent to the Council drainage channel and cut and fill has been carried out on the subject site in accordance with these consents.





**Figure 2 previous Lot 7 (outlined in red) includes the subject site (DA24/2017 excerpt from Environmental Impact Statement, EMM Consulting 2017)**

Vehicular access to the site will be from Newbridge Road and a new local access road, which forms part of the Georges Cove residential subdivision (to the south of the subject site).

To the west of the site is Wurrungwuri Reserve and Georges Fair residential estate, to the east is the former Flower Power site and to the south Georges Cove residential estate. Further south is the approved (but not yet constructed) Georges Cove Marina. The subject site is within the Moorebank East Precinct which is discussed further in Section 1.6 of this report.

In terms of the surrounding locality:

- north of Newbridge Road is an industrial area and north-east is Riverside Park,
- east across Georges River are public reserves (Canterbury-Bankstown LGA),
- further south is a golf course and the south western motorway
- west is the established Moorebank residential areas including the Moorebank Town Centre (approximately 1.8km from subject site)

The site is approximately 2km to the west of Moorebank Shopping Centre and 4km from the Liverpool railway station.

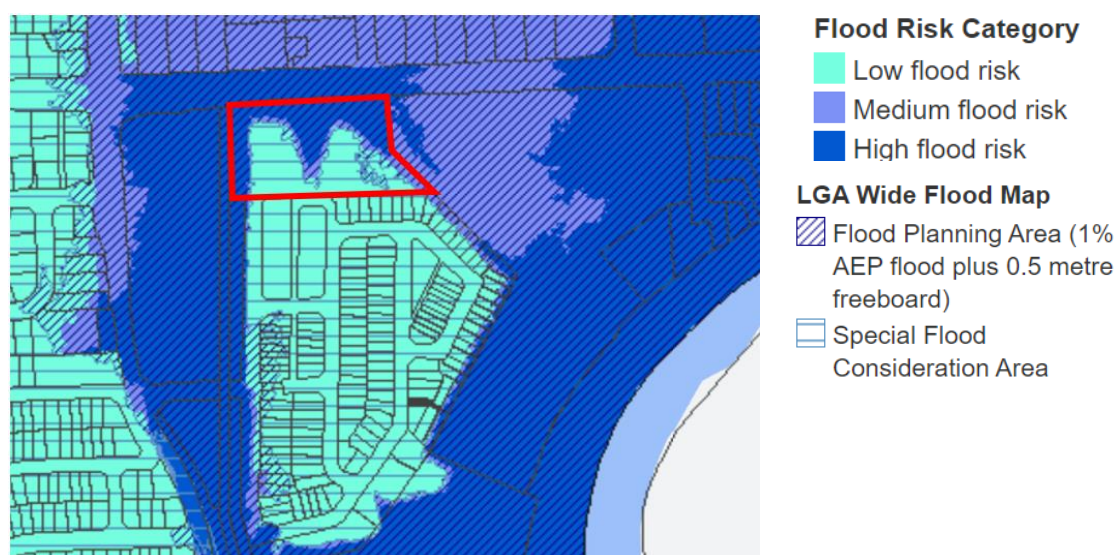
#### Georges River Flooding & Evacuation studies

The relevant flood and evacuation studies for this site include:

- Georges River Floodplain Risk Management Study & Plan (2004);
- Georges River Flood Study (BMT 2020) commissioned by Council but not adopted; and

- Georges River Evacuation study (Molino Stewart 2022) commissioned by Council but not adopted.

Council mapping indicates the site is affected by flooding from the Georges River, is within the flood planning area and is affected by part low, part medium and part high flood risk (see Figure 3). The definition of the flood risk categories from Liverpool's DCP are summarised in the table below. It is affected by the 1% AEP and PMF flood events.



**Figure 3 Excerpt of Liverpool Council's flood mapping, subject site outlined in red.**

**Table 3 Flood risk category definitions (Liverpool DCP 2008).**

Flood risk category	Definition
High flood risk	Land below the 1% AEP flood that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties.
Medium flood risk	Land below the 1% AEP flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties.
Low flood risk	All other land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either the High Flood Risk or the Medium Flood Risk Category.

Although the BMT 2020 Flood Study and Molino Stewart 2022 Flood Evacuation study have not been adopted by Council, State agencies including SES, Department of Climate Change, Energy, the Environment and Water and the Department of Planning, Housing and Infrastructure consider this information the latest available data and should be considered in assessing development proposals.

The BMT 2020 Flood Study identifies the site is affected by:

- Partially on the Newbridge Road frontage - 5% Annual Exceedance Probability (AEP) (1 in 20 year), flood depths between 0.1-2m, with a flood hazard categorisation of H1-.
- Partially on the Newbridge Road frontage - 1% AEP (1 in 100 year), flood depths between 2-5m, with a flood hazard categorisation of H5.



- Entire site - Probable Maximum Flood, flood depths can reach above 10 meters with a flood hazard of H6.
- Entire site is in the flood fringe.
- Partially on the Newbridge Road frontage is flood storage.

Hazard classification definitions are included within the former Department of Planning & Environment's Flood Risk Management Guide FB03.

- H1 – generally safe for people, vehicles and buildings.
- H2 – unsafe for small vehicles.
- H3 – unsafe for vehicles, children and the elderly.
- H4 – unsafe for vehicles and people.
- H5 – unsafe for vehicles and people. Buildings require special engineering design and construction.
- H6 – unsafe for vehicles and people. All building types considered vulnerable to failure.

The Molino Stewart 2022 Flood Evacuation study is discussed in 4.3.1 of this report.

## 1.5 Design response to flooding constraints

The planning proposal includes an updated Flood Impact Risk Assessment and Flood Emergency Response Plan (Attachment 2). The concept design indicates that all usable flood areas (including car parking but not loading dock) are above the flood planning level RL 6.1m AHD. These floors will be flood free in 1% AEP (RL 5.6m AHD) and PMF (RL10.2m AHD) events as demonstrated below.

The following RLs are adopted in the concept designs:

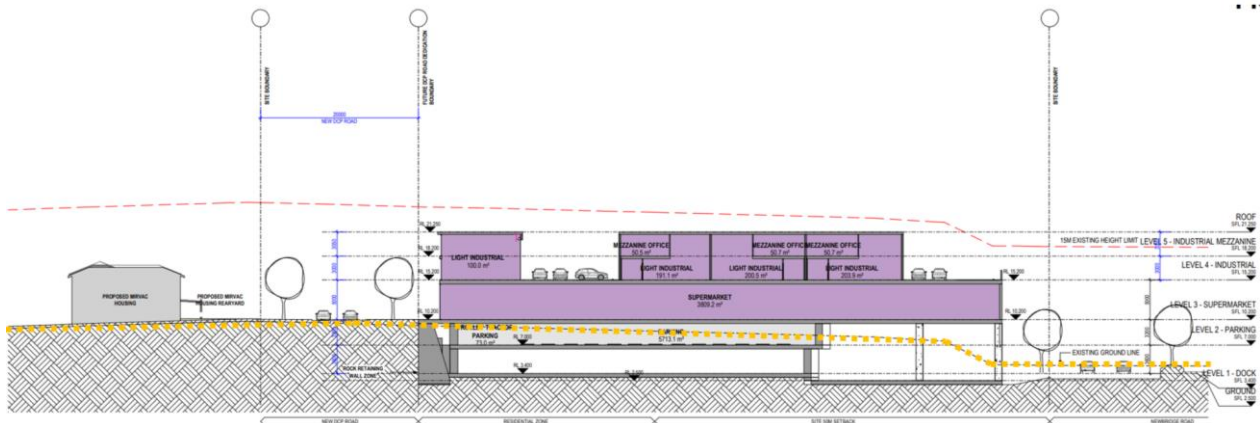
- **Ground Level** - Loading dock area with a level of RL 2.5m AHD;
- **Elevated ground level** - Elevated loading dock and open area for extra flood storage with a level of RL 3.4m AHD;
- **Level 1** - Retail car parking with a level of RL 7m AHD;
- **Level 2** - Supermarket and retail specialty shops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

The benchmark pre-development land ground levels were formulated by Council and adopted in the Cardno 29 January 2013 flood assessment as the base landform for the pre-development flood modelling of the three sites. The details of this landform are shown on Figure 4. Council required that this base be used for the flood impact assessment by Cardno of the three developments and all future flood models.

As part of broader planning led by the proponent and in consultation with Council, it was determined there be no loss of flood storage across Sites A, C and D in Moorebank East (see section 1.6 of this report for site locations). The outcome of integrated flood modelling determined that a flood void be incorporated in the proposed development to provide extra flood storage. The post development ground levels were lowered to RL 3m AHD to accommodate flood storage within and below the building void fronting Newbridge Road. This also led to the need for some existing fill to be removed to compensate for fill elsewhere over the integrated sites. The planning proposal and flood impact risk assessment do not indicate the proposal will involve filling on site.

The FIRA indicates the 1 in 20 year flood level is RL 4.6m AHD. The proposed 'benched ground level', loading dock, plant room and goods lifts are located at RL 3.4m AHD and Newbridge Road entry at 2.5m are at risk of frequent flood events with flood depths in excess of 1m and more severe impacts expected in a PMF event. The building structure below the Flood Planning Level will be constructed with flood compatible materials.

The site is also bounded to the west by a council drainage channel, which may pose a risk of overtopping.



**Figure 4 Proposed section showing existing ground level in yellow (Tooker and Associates 2023).**

This section is useful in understanding how the concept design supporting this planning proposal responds to the flood affectation on the site. It is for information purposes only as the increase from 1,600m<sup>2</sup> to 4,000m<sup>2</sup> of retail floor space would not impact the proposal's response to flood affectation.

## 1.6 Moorebank East Precinct

Moorebank East precinct has several sites subject to planning proposals and one site under construction for residential development. The sites are shown in Figure 5, together with a 2024 NearMap aerial image and the DCP road layout envisaged for this precinct.

Council adopted a site specific DCP covering all sites (excluding the most southern site in Moorebank East) in February 2014. The internal road layout identifies the access points to/from this precinct via a 'collector' road. It's noted this road is not included within a contributions plan and developers are responsible for the delivery of this road. As per Figure 4 above, the concept plan identifies a section of the collector road within the subject site.

In 2018, Council engaged Tract Consultants to provide urban design advice on the individual planning proposals and assist with integration of development within the precinct. The consultants proposed a draft structure plan for sites A to D. This draft structure plan has no weight, while it was referred to within Council reporting, it has not been exhibited or formally considered or adopted by Council.

Land subject to this planning proposal is identified as 'Site A – Georges Cove Village.' The draft structure plan identifies Site A for a mixed use development including seniors housing, a childcare centre and health care facility across a 3-4 storey built form. The evolution from the planning proposal on the subject site to the current iteration is outlined in Section 1.8 Background of this report.

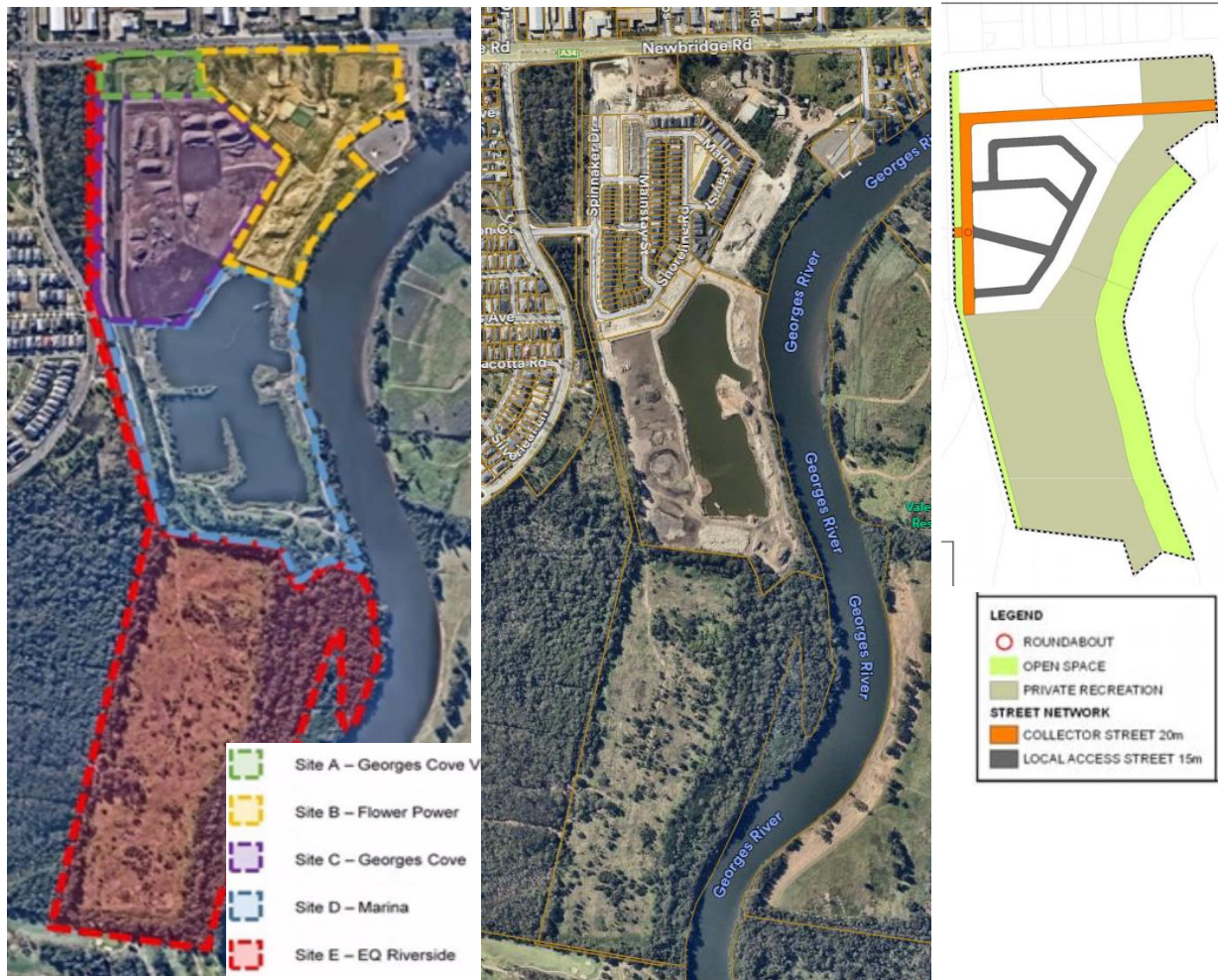
Also fronting Newbridge Road is Site B which was partly occupied by the Flower Power plant nursery and associated commercial activities. These businesses have moved on, the site is subject to an approved DA 309/2011 for site remediation, earthworks and filling in two stages. The latest planning proposal (2020) seeks to facilitate 602 units through an R1 General Residential land use zone, commercial and limited retail uses (167 service apartments, shop top housing, commercial space). This proposal is still being assessed by Council.

Immediately south of the site is a medium density residential development for 179 dwellings under construction known as Georges Cove (Site C). This site is zoned R3 Medium Density Residential under the Liverpool LEP.

Further south is Site D – Marina. This has an approved development consent for a Marina development. A planning proposal was recently refused by the Department (PP-2024-658) which sought to facilitate 340 dwellings and café/restaurant uses on the site.

Sites A, C and D are within one ownership.

Site E – EQ Riverside, is currently vacant. In 2015, the Planning Assessment Commission issued a development consent for a materials recycling facility on the site. Most recently, Council submitted a council-initiated planning proposal to the Department for Gateway assessment in December 2023 to rezone the site E4 General industrial use and RE2 Private Recreation. This was refused at adequacy assessment by the Department due to insufficient information to address the Section 9.1 Direction 4.1 Flooding.



**Figure 5 (L) Moorebank East precinct (Liverpool City Council, 2020), (M) March 2024 NearMap image, (R) Liverpool DCP Part 2.10 – Road Layout**

## 1.7 Mapping

The planning proposal states under Part 4 – Maps it seeks to amend the Key Sites Map (KYS\_014) of the Liverpool Local Environmental Plan 2008 to identify the land the subject of the additional permitted use. However, the planning proposal needs to include a draft key site map consistent with the format of the existing Key Sites Map for public exhibition.

As discussed under Section 1.3 of this report, the Gateway determination has been conditioned for the planning proposal to be clarified as to how it intends to introduce the site-specific clause.



## 1.8 Background

The relevant background for planning proposals on the subject site is summarised below.

- **2017** – Original planning proposal submitted to Council  
The proposal sought to amend the Liverpool LEP by including a Schedule 1 Additional Permitted Uses Clause to:
  - Permit the land uses, ‘child care centre’ ‘seniors housing’ and ‘health care facility’;
  - Increase the height of buildings from 15m to 30m; and
  - Increase the floor space ratio from 0.75:1 to 2:1.
- **2020** – the above planning proposal was submitted to the Department for Gateway assessment. The Department advised Council to resubmit the proposal once the Georges River Regional Flood Evacuation Study is completed and its findings are incorporated into the planning proposal.
- **2022** – the Georges River Regional River Regional Flood Evacuation Study (Molino Stewart 2022) is completed.
- **2023** – upon an advice request from Council, the Department advised that Council may resubmit an updated planning proposal however it should address the findings of the Georges River Regional River Regional Flood Evacuation Study and 2022 NSW Flood Inquiry (Attachment 3).
- **2024**
  - Council considered a revised planning proposal at its meeting on 29 April 2024, resolving to forward it to the Department for Gateway assessment.
  - The Department concurrently assessed planning proposal PP-2024-658 Georges Cove Marina seeking to include a new additional permitted use to facilitate residential and café/restaurant development above the approved Marina (Site D). The Department refused this planning proposal at Gateway.
  - The subject site is located within the same precinct and is partially affected by similar flood risk to PP-2024-658 Georges Cove Marina. The proposal was referred to SES during the Department’s Gateway assessment period.

## 2 Need for the planning proposal

The planning proposal is not a result of Council’s local strategic planning statement or Department approved strategy.

A planning proposal is the best means of meeting the objectives articulated in Part 1 of the planning proposal, as the objectives require an amendment to Liverpool LEP 2008 to provide for a larger gross floor area of a supermarket.

It’s understood the 1,600m<sup>2</sup> cap for retail premises in E3 Productivity Support land use zone (Clause 7.23 of the Liverpool LEP) has been in place for a number of years with the aim of restricting out of centre development. The Economic impact assessment states that due to population growth in the main trade area there will be a demand for convenience-based retail facilities.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides the Department's assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan – A Metropolis of Three Cities.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
<b>Jobs and skills for the city</b>  <b>Objective 23:</b> Industrial and urban services land is planned, retained and managed	<p>This objective reiterates the importance of providing industrial and urban services in response to the local context.</p> <p>The proposal does not alter the existing E3 Productivity Support land use zoning thus, light industrial and urban services can still be provided in this location. The proposed increase to the maximum gross floor area for a shop on the subject site will enhance the site's ability to provide a large format supermarket and provide services to meet the day to day needs of workers and residents.</p> <p>The proposal is consistent with this objective.</p>

### 3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration and liveability in the plan as outlined in the Department's assessment in Table 5 below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

**Table 5 District Plan assessment**



District Plan Priorities	Justification
<b>Planning Priority W1:</b> Planning for a city supported by infrastructure.	<p>This priority outlines that aligning land use and infrastructure planning maximise the use of existing infrastructure, ensuring that infrastructure use is optimised.</p> <p>The site has direct vehicular and public transport access to and from Newbridge Road, a major east west arterial route through the region. The site is approximately 150m from a bus stop (Newbridge Rd opp Pat Devlin CI) with a direct service (M90) to the Liverpool railway station and CBD approximately every 15-20 minutes from 5.00 am to 9.00 pm.</p> <p>The proposal is consistent with this Planning Priority.</p>
<b>Planning Priority W6:</b> Creating and renewing great places and local centres and respecting the District's heritage.	<p>Great places are made up of distinctive and diverse mix of land uses to bring people together.</p> <p>The site is zoned E3 Productivity Support, which provides a transition between the centres and industrial zones. The zone is intended to provide greater flexibility for a mix of light industrial, other urban services uses alongside servicing the needs of local workers with food, drink and retail.</p> <p>The proposal is part of a broader redevelopment of Moorebank East, including a new residential development under construction and approved marina. The proposal responds to the emerging character of Moorebank by facilitating a larger shop to service the needs of local workers and residents. The retail and light industrial uses on site will attract people to the site for a variety of reasons.</p> <p>Further place-based planning and refinement of urban design details can occur at the development assessment stage to ensure it contributes to an inviting public realm.</p> <p>The proposal is consistent with this Planning Priority.</p>
<b>Planning Priority W20:</b> Adapting to the impacts of urban and natural hazards and climate change	<p>This planning priority is relevant as it discusses natural and urban hazards to be considered in planning both in reducing exposure to these hazards but also building resilience to shocks and stresses. Planning needs to consider exposure at a local level as well as cumulative impacts at district and regional levels. This is relevant to the planning proposal as it is subject to flooding from the Georges River.</p> <p>The planning priority states placing developments in hazardous areas or increasing the density of development in areas with limited evacuation options increases risk to people and property. Action 88 states 'avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards'.</p> <p>As the planning proposal is seeking an increase in floor space to support a retail premise which is already a permitted land use, and not an increase in development potential on the site, Action 88 does not need to be considered.</p> <p>The main flood hazard affecting this site is the PMF (Section 1.4 of this report), the concept design supporting the planning proposal identifies the supermarket and retail speciality shops will be above the PMF (Section 1.5 of the report). This is enabled through the construction of a basement car park and loading dock.</p> <p>It is noted that as the proposal is not seeking an increase in floor space for the site, the concept design provided is for information purposes and appropriate to be assessed at development application stage.</p> <p>As discussed in Section 4.3 Infrastructure of this report, there is evacuation capacity in the existing network for this development to evacuate.</p>

The proposal is consistent with this Planning Priority.

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the Department's assessment below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
<b>Local Strategic Planning Statement</b>  <b>Planning Priority 11:</b> An attractive environment for local jobs, business, tourism, and investment	<p>The description of this priority outlines there is limited demand for new centres within the LGA, and the future expansion of retail within local or town centres will be prioritised rather than in stand-alone centres. Stand-alone centres are described as containing either a supermarket or another large retail role, such as bulky goods retailing.</p> <p>According to the retail hierarchy contained in Council's Centres and Corridors Strategy, the subject site is not an existing local or town centre, or a stand-alone centre.</p> <p>Whilst the site is not technically a stand-alone centre according to the LSPS description, the proposal to expand retail provision at the subject site is partially inconsistent with this priority as it will increase retail uses at a site that is not an existing local or town centre.</p> <p>This inconsistency is deemed minor and justified as the proposal will create local opportunities for employment and business.</p> <p>Furthermore, increasing the gross floor area for an already permissible use is aligned with the objectives of the E3 Productivity Zone which indicates it is a transition zone as it enables commercial, and retail uses typically encouraged in E1 Local and E2 Commercial Centre zones.</p>
<b>Centres and Corridors Strategy</b>	<p>This strategy's actions and recommendations provides direction for future planning of Liverpool's Centres and Corridors.</p> <p>In the Strategy's proposed Retail Hierarchy, the site is not identified as a local, town or stand-alone centre.</p> <p>The policy framework outlines that new centres may be needed in the future to meet the demands of the growing population but the impact on the economic viability of existing centres must be considered.</p> <p>The proposal is supported by an Economic Impact Assessment (Attachment 9) that indicates there is demand for a large supermarket to service the surrounding local catchment of residents and workers.</p> <p>The proposal is consistent with the Liverpool Centres and Corridors Strategy.</p>

### 3.4 Local planning panel (LPP) recommendation

A previous iteration of the planning proposal was referred to the Liverpool Local Planning Panel on 29<sup>th</sup> June 2020 (Attachment 13). The previous planning proposal included:

- increasing the height and floor space ratio development standards;
- introducing 'a health facility' as a new permitted use and;
- increase the maximum gross floor area of a retail premise to 4,200m<sup>2</sup>.

Notwithstanding that the current proposal no longer includes changes to the development standards and introduction of a health facility, the following LPP advice is relevant to the current proposal:

- 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.

#### Department comment

This advice is for Council to consider when amending its DCP. No further consideration of the LPP advice is required within this Gateway assessment.

## 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency, as assessed by the Department, with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
<b>Focus area 1: Planning Systems</b>		
1.4 Site specific provisions	Consistent	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The introduction of a new additional local provision is the preferred mechanism to achieve the planning proposal's intended outcomes.</p> <p>The proposal is consistent with this direction.</p>
<b>Focus area 4: Resilience and hazards</b>		
4.1 Flooding	Justifiably inconsistent	<p>This Direction applies as the planning proposal alters a provision that affects flood prone land. Assessment against this direction is discussed further in 3.5.1. The inconsistency is considered to be of minor significance.</p>

4.3 Planning for bushfire protection	Inconsistent	<p>The objectives of this direction are to discourage establishment of incompatible land uses in bush fire prone areas and encourage sound management of bush fire prone areas.</p> <p>The subject site is within the 30m to 100m buffer of Vegetation Category 1 located on the public reserve on the site's western boundary. The site is therefore mapped as bushfire prone.</p> <p>The proposal is accompanied by a Bushfire Constraints Assessment (Attachment 12). It indicates that for retail and commercial development, the aim of <i>Planning for Bushfire Protection 2019</i> is to position buildings so that they are not subject to flame contact. In order to satisfy this requirement, the relevant minimum separation distance from the site to the Category 1 Bushfire Prone Vegetation is 22 metres.</p> <p>The Planning Proposal provides a Defendable Space width less than 22m to the car park floors. In response, the construction of the car park will need to comply with the relevant Flame Zone construction requirements.</p> <p>The retail and light industrial levels achieve the 22m setback.</p> <p>Consultation with NSW Rural Fire Service is required post Gateway but prior to exhibition. Until that occurs, the proposal is inconsistent with this direction.</p>
4.4 Remediation of Contaminated Land	Consistent	<p>This Direction applies as the site has been 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. The requirements of this direction are discussed further in section 3.5.2</p>
4.5 Acid Sulfate Soils	Inconsistent	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The subject site is mapped in the Liverpool LEP 2008 Acid Sulfate Soils Map as containing Acid Sulfate Soils Class 2, 4 and 5.</p> <p>The relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils unless the planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p> <p>The planning proposal is not supported by an acid sulfate soils study and is inconsistent with this direction.</p>

### Focus area 7: Industry and Employment

7.1 Employment zones	Consistent	<p>This direction applies to the proposal as site is zoned an employment zone (E3 Productivity Support).</p> <p>The planning proposal will support the objectives of the direction as it does not result in the reduction of floor space for employment uses.</p> <p>The proposal is consistent with this direction.</p>
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### 3.5.1 Consideration of 9.1 Direction 4.1 Flooding

The direction applies as the proposal seeks to alter provisions that affect flood prone land. The flood affectation on the site is outlined in Section 1.4 and the design response in Section 1.5 of this report. The relevant considerations from the Section 9.1 direction are replicated below.

(1) The direction requires a planning proposal to include provisions that give effect to and are consistent with:

- a) The NSW Flood Prone Land Policy
- b) The principles of the Floodplain Development Manual 2005
- c) The Considering Flooding in land use planning guideline 2021, and
- d) Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.

#### Consistency

A planning proposal may be inconsistent with this direction only if the Planning Secretary is satisfied that:

- a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
- b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or
- c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or
- d) the provisions of the planning proposal that are inconsistent are of minor significance.

#### **Department assessment**

##### **NSW Flood Prone Land Policy, the Flood Risk Management Manual, adopted flood study and/or floodplain risk management plan**

*Flood Risk Management Manual 2023.*

The NSW Flood Prone Land Policy is set out in the *Floodplain Development Manual: the management of flood liable land* (April 2005). The *Flood Risk Management Manual* was gazetted in June 2023 and replaced the Floodplain Development Manual 2005. A series of flood risk management guidelines support the manual providing extra technical advice to support councils to understand and manage flood risk.

The *Flood Risk Management Manual 2023* set outs 10 flood risk management principles to achieve the primary objective of the policy, to reduce the impacts of flooding and flood liability on communities. Principle 9: Manage flood risk effectively is a relevant consideration to this planning proposal.

It states effective management of flood risk to the community requires a flexible merit-based approach to decision-making which supports sustainable use and development of the floodplain. The following matters are relevant to the planning proposal:

- managing flood risk to the existing community. In the context of this planning proposal, the proposal is consistent with this principle as flood risk to the existing community will be managed as the proposal will result in increased flood storage capacity within the Moorebank East Precinct (see section 1.5 of this report).



- limiting increases in flood risk related to new and modified development. In the context of this planning proposal, the proposal limits increasing flood risk to new development.

The proposal is scaled back from its previous iteration as it removes the residential, childcare and health care uses from the development. Instead, it seeks to increase floor space of an already permissible use on site by redistributing the permissible floorspace resulting in a reduction of commercial/light industrial uses and increase of retail to provide for a larger supermarket on site.

These uses are less sensitive to compared residential development where people live on site permanently and childcare/health care where its users are more vulnerable (e.g. very young children, sick and the elderly). The current proposal will attract visitors for a short stay or workers who start in the morning and leave by the evening.

As the proposal will increase flood storage, is redistributing the already permissible floor space and does not include sensitive land uses, the proposal is considered to have negligible, if any, impacts on increasing flood risk to existing surrounding development and to future visitors and workers to the site.

The proposal is consistent with the NSW Flood Prone Land Policy principles and guidelines of the Flood Risk Management Manual 2023.

#### *Georges River Floodplain Risk Management Plan and Study*

The planning proposal is inconsistent with the adopted Georges River Floodplain Risk Management Plan and Study. A portion site is identified as 'high flood risk' with commercial and industrial uses being unsuitable. The proposal's inconsistency with is minor and justified as:

- the site is currently zoned for these uses and does not seek to increase the overall floorspace already permissible and
- the proposal is consistent with the principles and guidelines of the Flood Risk Management Manual 2023.

**A planning proposal must not contain provisions that apply to the flood planning area, and a planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply**

The Department considered an assessment against these provisions not required due to:

- The planning proposal is only seeking to amend a retail premises cap from 1,600m<sup>2</sup> to 4,000m<sup>2</sup>. It is not seeking to increase the maximum floor space for the site.
- Retail premises are already permitted in the existing land use zone.
- The concept design submitted to support the planning proposal shows the retail premises above the PMF, being elevated to this level by a basement car park. It is noted the loading dock (level 1) is affected by the 1 in 100 year flood level.

Due to retail premises already being permitted up to a floor space of 1,600m<sup>2</sup>, it is not considered increasing this provision to 4,000m<sup>2</sup> would change the built form's response to the flood risk on the site. It is appropriate for the assessment of the built form's response to flood risk be undertaken at DA stage.

### 3.5.2 Consideration of 9.1 Direction 4.4 Contamination

#### **Consideration of 9.1 Direction 4.4 Remediation of Contaminated Land**

This direction applies as the proposal seeks to carry out development on contaminated land. The proposal is not seeking a change in land use and does not include residential, educational, recreational, childcare or hospital uses. In this case, the direction requires the planning proposal

authority 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.

A Detailed Site Investigation (DSI) was prepared by Douglas Partners in 2016 (Attachment 4). The scope of the investigation considered the earlier planning proposal for this site which included a residential land use component. Douglas Partners also prepared a Remediation Action Plan (RAP) for the former planning proposal (Attachment 5).

The Douglas Partners DSI concluded that the site can be made suitable for the (then) proposed residential development subject to the development of a suitable RAP.

The planning proposal states that as residential development is no longer proposed for the subject site, and the design for the future use of the site now includes retail and light industrial land uses, the findings of Douglas Partners remain valid and confirm the suitability of the site for the intended purpose.

### **Department assessment**

The planning proposal concludes that the site can be made suitable after remediation for residential uses. Residential development is deemed a higher threshold than the proposed retail/light industrial uses. Detailed information for how the site can be remediated for the proposed development will be required at the development application stage. The information provided satisfies the relevant considerations of this Direction.

## **3.6 State environmental planning policies (SEPPs)**

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Transport and Infrastructure) 2021	Schedule 3 - Traffic generating development	Yes	Schedule 3 requires a referral to Transport for NSW for a commercial premises greater than 2,500m <sup>2</sup> on a classified road.  The site is located on Newbridge Road which is classified a State Road. A condition has been included on the Gateway that the planning proposal be referred to Transport for NSW for comment during exhibition.
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 6 – Water catchments	Yes	Chapter 6 applies to the subject site as it is in the Georges River Catchment.  The planning proposal does not directly result in adverse impacts on water quality, water flow, surface water or groundwater. The planning proposal does not preclude future development on the site being consistent with the relevant provisions of the SEPP.

SEPPs	Requirement	Consistent	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 – Remediation of Land	Yes	<p>The SEPP aims to promote the remediation of contaminated land and sets out matters for a planning authority to consider when rezoning land that is or is potentially contaminated.</p> <p>The proposal is accompanied by a Detailed Site Investigation (Attachment 4) completed in March 2016 and Remediation Action Plan (Attachment 5). The Detailed Site Investigation concluded that the site can be made suitable for residential development after the site is remediated.</p> <p>As the proposal is to increase the gross floor area for a supermarket, the above conclusions are deemed satisfactory to show the proposal is consistent with the aims and objectives of the SEPP.</p> <p>Further evidence would be required at the development application stage to ensure measures are in place to remediate the site before any development occurs.</p>

## 4 Site-specific assessment

### 4.1 Environmental

The subject site is affected by flooding and contamination. The assessment against these environmental considerations is undertaken against the 9.1 Directions above.

#### 4.1.1 Biodiversity

The planning proposal includes an ecological impact assessment (Attachment 6) for Sites A, C and D in Moorebank East on behalf of Mirvac Homes Pty Ltd for works proposed on that lot. The report was prepared in 2016 and includes results of field surveys of vegetation and flora and fauna habitat.

The ecological assessment identified Plant Community Type (PCT) 1232 Swamp Oak floodplain swamp forest and PCT 836 Forest Red Gum - Rough-barked Apple. PCT 836 Forest Red Gum - Rough-barked Apple was considered to meet the scientific determination for the River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions EEC (River Flat Eucalypt forest), given the presence of characteristic Eucalypt and Angophora canopy.

No threatened species or threatened ecological communities listed under the EPBC Act were recorded. No hollow bearing trees were recorded as part of the assessment, with high levels of weed invasion noted across the study area, lowering the likelihood of arboreal mammals and nesting sites for hollow dependant birds.

No Koala population was detected or was predicted to occur on the site.

The ecological assessment considered the remnant vegetation areas to be highly isolated and disturbed with minimal potential for habitat for threatened fauna or flora species. The mid stratum and ground stratum of this plant community area are dominated by exotic species.

#### **Department comment**

The previous ecological assessment provides an understanding of the likely natural environmental values on the site. The planning proposal suggests that a post-Gateway ecological assessment, informed by field surveys, and to the satisfaction of Council, is undertaken for the site to:

- verify the vegetation types and their extent within the site
- consider the fauna habitat, including any hollow bearing trees and;
- survey threatened flora and their habitat.

The Department agrees with the statements made in the planning proposal that as the ecological impact assessment was undertaken for a larger site area 8 years ago, an updated report be provided.

## **4.2 Social and economic**

### **4.2.1 Social**

The proposal is accompanied by a Social Impact Assessment (Attachment 7) prepared by Cred Consulting. The Assessment was prepared based on the previous planning proposal, which included residential development, a childcare, gym, and medical centre.

An addendum prepared by EMM Consulting (Attachment 8) was provided to reflect the updated planning proposal. It notes that because the subject proposal is a decrease in the intensity of the land use, the impacts of the proposal are also reduced in terms of demand on infrastructure.

As a residential population is not proposed on this site as part of the planning proposal, it will not result in an increased impact on surrounding social infrastructure (e.g. schools, libraries and community centres).

### **4.2.2 Economic**

The proposal is accompanied by an Economic Impact Assessment (Attachment 9) which assesses the demand and impacts of a larger supermarket at the subject site. The economic impacts are based on a 'main trade area' (see figure below) which is defined as the area from which retail facilities will draw most customers.



**Figure 6 Main trade area is shown as the dashed catchment (Location IQ, 2023)**

The main trade area population is expected to increase from 24,712 persons (2023) to 31,812 persons by 2041 increasing demand for convenience-based retail facilities.

A total impact of around -\$14.4 million is projected to come from diverting spending from retail facilities within the main trade area in 2025/26. The assessment notes this level of impact does not affect the viability of nearby retail facilities and is within the normal competitive range. The highest impacts are on strong trading, full-line supermarkets that would continue to trade area sales levels above the national benchmark.

In addition, the proposed development would have less than 1,000 sqm of retail specialty floorspace. Residents will continue to frequent other centres/shops in the surrounding area for a variety of tenants that are not likely to be provided as part of the proposed development.

#### Department comment

It is considered that the economic impacts on retail facilities within the main trade area is minor as it is within competitive range. It is also offset by the positive impacts of increasing conveniently located retail and job creation both during construction and for ongoing operations. In total, some 999 jobs are likely to be created both directly and indirectly as a result of the retail and non-retail components of the broader Georges Cove Village development.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

### 4.3.1 Flood evacuation – road infrastructure

As discussed, in section 1.4 of this report, Molino Stewart's 2022 Georges River Flood Evacuation assessment has not been adopted by Council. However, it is the only flood evacuation study assessing how and if all premises within Liverpool LGA's floodplain can evacuate within the available flood warning time, given a 100% evacuation compliance. It also modelled the evacuation



capacity of the road network to accommodate future growth identified in planning proposals for land located along the Georges River, including Liverpool CBD, Chipping Norton, Warwick Farm and Moorebank.

During the preparation of this study, there was extensive consultation with NSW SES, Liverpool Council, Infrastructure NSW, Transport for NSW, Department of Planning and Environment and others to inform the model's inputs and assumptions, such as the most up to date information on future urban development and road upgrades and NSW SES' approach to managing a flood emergency in the area.

Multiple Georges River flood evacuation scenarios were defined and modelled in the study to demonstrate how various assumptions will alter the evacuation process. Relevant to this planning proposal is the scenario modelled, 'Scenario B'. 'Scenario B' is a modified 'Scenario 3' - future scenario with rezoning and development from planning proposals currently under investigation, as advised by Council. However, Scenario B has updated planning proposals, adjusted vehicle yields for new development, upgrades to roads and capacities, and multiple non-residential vehicle evacuation destinations.

Figure 7 contains the relevant development assumptions for Moorebank East. The planning proposals modelled in Moorebank East were at a point in time (2021) and some of the proposals have been amended since then. This includes the removal of the residential component from Site A (the subject proposal) and Site E.

Site	Development Type	Commercial Space (ha)	Employees	Dwellings	
				Houses	Apartments
Site A: Benedict Sands	Mixed use	0.89	857	0	126
Site B: Flower Power	Mixed use and commercial strip	2.32	361	0	602
Site C: Moorebank Cove	Low density residential	0	N/A	179	0
Site D: Georges Cove Marina	Apartments	0	N/A*	21	374
Site E: EQ Riverside	Apartments and commercial/retail	0.18	207	0	1,500

*\*there are an estimated 45 employees under Site D's existing deferred commencement consent for a Marina, however the modelling considered the residential planning proposal for the site.*

**Figure 7 Excerpt of Molino Stewart Report**

The modelling suggests that while planning proposals for Moorebank East would have sufficient time to evacuate, they would take up road capacity currently used by Chipping Norton evacuees and thousands of existing residents would be caught by floodwaters who would otherwise have time to escape.

The modelling suggests that the road network could have capacity for approximately 340 vehicles evacuating from Moorebank East, accounting for the road upgrades in Scenario B. Any additional vehicles above 340 would pose a problem for where traffic converges onto a single lane at Brickmakers Drive and Nuwarra Road, there is insufficient road capacity for timely evacuation for Chipping Norton evacuees.

Investigating the provision of an additional southbound lane on Nuwarra Road between Brickmakers Drive and Heathcote Road to reduce queueing that severely limits the evacuation of Chipping Norton onto the M5, and use of additional roads for evacuation, may facilitate some further modest development at Moorebank East without compromising the safety of those already living and working in Chipping Norton.

## Department comment

It is unclear from the Molino Stewart's 2022 Georges River Flood Evacuation assessment if development of the subject site under existing planning controls was modelled and considered to be able to evacuate (ie considered within Scenario 2, a future scenario with intensified development under existing zoning, accounting for residential and non-residential infill and planned road upgrades). This would assist in understanding whether the 'spare' vehicle capacity for future development within Moorebank East (340 vehicles) would need to be reduced as a result of this planning proposal proceeding.

Clarification on whether the development of the subject site as per the existing provisions in the Liverpool LEP have been considered in evacuation modelling is required prior to the planning proposal proceeding to exhibition. If this is unable to be clarified, Council should proceed on the basis that the 'spare' evacuation vehicle capacity needs to be reduced to accommodate the development of this site. A gateway condition has been included to this effect.

In light of the above, Council's car parking rates require more car parking per floor space for retail uses than industrial/office uses. While the site's development potential is not being increased with this planning proposal, it may impact on traffic generation assumed for evacuation purposes from this site.

The Department acknowledges it may be difficult to estimate the number of vehicles (employee and visitors) for a scheme reflecting existing LEP controls that has not been designed to enable a comparison with the current concept. The Department will accept an update to the planning proposal identifying the split between the number of employees, and associated car parking spaces, and visitor car parking spaces for the current proposal only. A gateway condition has been included to this effect.

The Department notes that retail/industrial development would have a different risk profile in terms of evacuation compared to residential development. Due to the nature of the retail, commercial and light industrial uses, it is unlikely that the car park will constantly be at full capacity compared to a residential development which has a permanent population. Once the planning proposal has been updated to clarify what has been considered in the evacuation capacity for the precinct and the updated employee and visitor parking figures to support the current proposal, SES can provide further comment on any implications during exhibition.

The Department reiterates the advice provided to Council as part of the Department's Gateway refusal for PP-2024-658 that if Council wishes to support rezoning proposals in Moorebank East precinct that exceeds the existing evacuation capacity, plans should be made to secure the funding and delivery of upgrading Nuwarra Road as per the Molino Stewart advice.

The planning proposal is supported by a Flood Impact risk assessment that includes a Flood Emergency Response Plan. It states that the evacuation route for this development would be by car, through the residential development to the south of the site to Brickmakers drive. If this evacuation route were to become impossible at some point, then the pedestrian flood evacuation will be possible via the elevated pedestrian bridge over Brickmakers Drive to Paine Park and up Horizon Circuit to flood free land and local refuge.

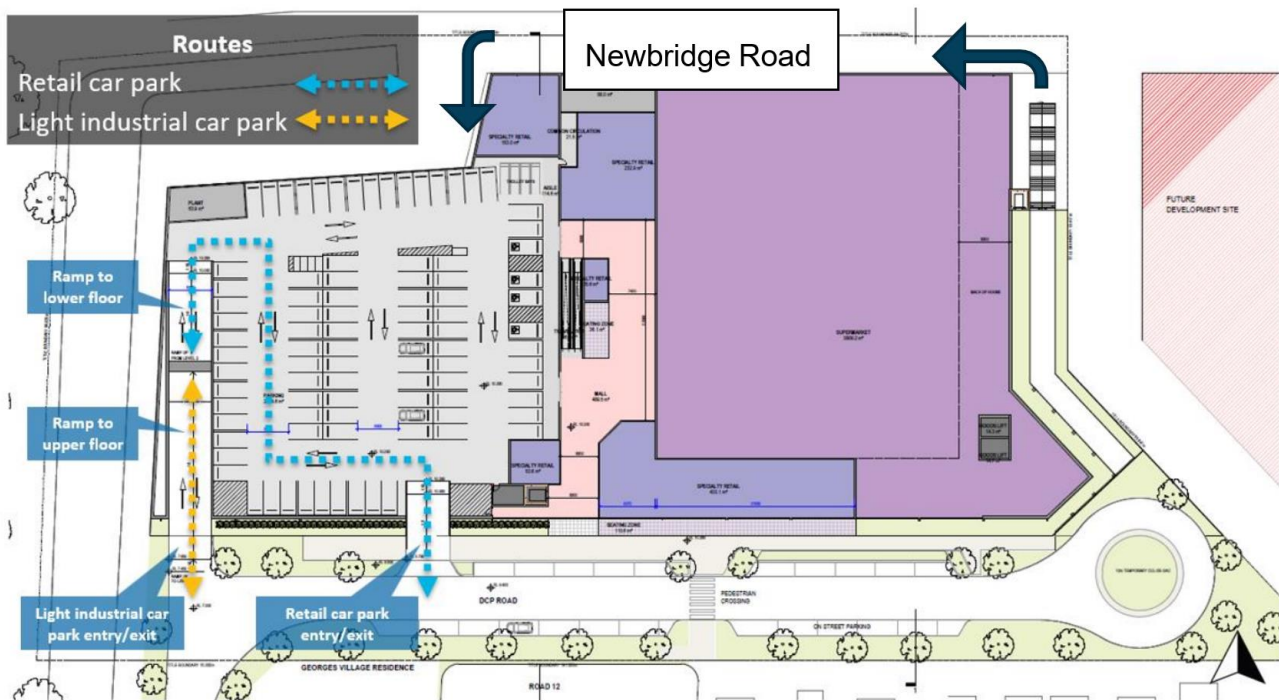
### 4.3.2 Transport

A Transport Impact Assessment Report (Attachment 10) was prepared by Ason Group in 2017 to support a previous version of this planning proposal. The Addendum Traffic Impact Assessment (Attachment 11) provides an update on the assessment to align with the development facilitated under this planning proposal.

The subject site is located on Newbridge Road, where access to the site is proposed via:

- left in only access from Newbridge Road (east) for use by light and heavy vehicles, including a 50-metre deceleration lane that is currently in place;

- left out only egress to Newbridge Road (west) for use by heavy vehicles using the loading dock (not light vehicles); and
- two entry and exit car park driveways to a new road on the southern boundary of the site, which is referred to as 'DCP Road'.



**Figure 8 Internal circulation arrangements and indicative Newbridge Road access points (EMM Consulting 2023).**

To assess the cumulative traffic for the planning proposal, the following developments in the broader Moorebank East precinct have been included:

- Georges Cove residences (Site C in Moorebank East precinct)
- Georges Cove Marina (residential) and its associated restaurant and café – (PP-2024-658 recently refused at Gateway determination by the Department).
- Georges Cove Marina (commercial)
- Moorebank Recyclers land (Site E in Moorebank East precinct)

Two scenarios were modelled against the existing baseline (i.e. without development), including SIDRA modelling to analyse the resultant level of service (LOS) on nearby intersections:

- Scenario A
  - DCP road will not be connected to Davy Robinson Drive
  - All traffic will be entering and exiting via Promontory Way
  - Brickmakers Drive/Promontory Way will be modelled as a signalised intersection with the existing approach and departure lane layout and a pedestrian crossing facility at the north approach
- Scenario B
  - DCP road will be connected to Davy Robinson Drive following the development of Flower Power site and Georges Cove Village site
  - Traffic will be distributed so that it will enter and exit via both Promontory Way and Davy Robinson Drive.



- Brickmakers Drive/Promontory Way will be modelled as a signalised intersection with the existing approach and departure lane layout and a pedestrian crossing facility at the north approach.
- Newbridge Road/Davy Robinson Drive will be modelled as a signalised intersection with the existing approach and departure lane layout and pedestrian crossing facilities on all three approaches (east, south and west approaches).



**Figure 9 Excerpt of Addendum Traffic Impact Assessment also showing intersection locations modelled.**

Key findings for the modelled intersections include:

- Newbridge Road/Governor Macquarie Drive/Brickmakers Drive intersection has an existing level of service (LOS) F (unsatisfactory with excessive queuing) under the existing scenario for AM and PM peak. Under Scenarios A and B, the LOS remains as F for AM peak and LOS E (operating near capacity) for PM peak. As the intersection is already over capacity in the existing scenarios, the additional traffic volumes from the Georges Cove Village development and cumulative developments make a negligible difference, as they only contribute up to 10.4% of the intersection traffic volumes. When comparing Scenario A and B, the LOS improves from F to E in the PM peak once Davy Robinson Drive is connected to the site.
- Newbridge Road/Davy Robinson Drive intersection has a level of service (LOS) F under the existing scenario for AM and PM peak and Scenario A (noting this intersection operates as a 'give way' intersection). Under Scenario 2, this intersection is signalised. The LOS for both AM and PM peaks is B (good with acceptable delays and spare capacity).
- Newbridge Road/Access Road intersection operates as a 'give way' intersection with a LOS A for all scenarios.
- Brickmakers Drive/Promontory Way intersection operates as a 'stop' intersection with a LOS A for AM peak and B for PM peak. Scenario A and B operate with a signalised intersection (this signalisation will occur prior to marina operations).

## Department assessment

It is noted that Scenario A is the most likely scenario in the short term being the DCP road will not be connected to Davy Robinson Drive and the Newbridge Road/Davy Robinson Drive intersection will not be signalised. The Traffic Assessment Report addendum (Attachment 11) concludes *‘this development either improves or maintains the existing levels of service surrounding the development. There will only be minor impacts on the existing community and users of the surrounding road network’* (p34).

The construction of the DCP road through the Flower Power site; upgrading of the ‘give way’ intersection at Newbridge Road; and signalisation of Davy Robinson Drive has a significant improvement on the LOS of that intersection (Newbridge Road/ Davy Robinson Drive intersection). In addition, it has minor improvements on the delay (seconds) vehicles experience at the Newbridge Road/Governor Macquarie Drive/Brickmakers Drive intersection in the AM peak.

It’s evident that the effective and efficient operation of the road network in the Moorebank East Precinct is reliant upon the delivery of the DCP road through the Flower Power site and upgrading of the Newbridge Road/ Davy Robinson Drive intersection however the delivery of both items appear uncertain. The remaining section of the DCP road is not included within a local contributions plan, relying upon developers to deliver the road. Newbridge Road is a State Road, and a condition has been included on the Gateway to refer the proposal to Transport for NSW for comment during exhibition.

### 4.3.3 Utilities

The existing land use zoning of the site allows for commercial and retail uses, and the only change sought in the subject planning proposal is in respect to the floor space available for retail use (i.e. a supermarket). The maximum floor space ratio remains as per the LEP, it is appropriate for utilities requirements to be addressed at DA stage.

## 5 Consultation

### 5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination. This recommendation does not preclude Council undertaking a longer exhibition period.

### 5.2 Agencies

#### 5.2.1 NSW State Emergency Service

Following Council’s consideration and resolution to forward the planning proposal to the Department for Gateway assessment, the Department referred the applicant’s planning proposal and Flood Impact Assessment Report and Flood Emergency Response Plan to SES for comment given the flood risk and evacuation constraints within the Georges River catchment.

SES comments dated 21 May 2024 (Attachment 15) outline there is the potential for significant property damage associated with the proposed commercial use of the site and recommends the following:

- careful consideration of the location of vehicle entry points. The proposed Newbridge Road entry has historically been the site of numerous flood rescues.
- further modelling is undertaken including time to overtopping of the “*Council drainage channel along the western boundary of the site*”, the time to overtopping of roads and the level of hazard on site.



- any electrical, plant or waste facilities are located at or above the proposed level 1, as the ground and elevated ground-level loading docks are affected by flooding as frequently as a 20-year Annual Recurrence Interval (ARI) event.
- removal of the statement “*The warnings for the Georges River would be provided digitally via a SMS to the flood wardens on site*”.
- further consideration of safety features for proposed lifts, to ensure that floodwater does not enter the lift and ensure people do not exit into flooded areas.
- ensuring that buildings are as safe as possible to occupy during flood events, buildings must be designed for potential flood and debris loadings of the PMF so that structural failure is avoided during a flood.
- careful consideration is given to the role of the flood warden.

### **Department comment**

The planning proposal should be updated to address the recommendations made by SES, prior to exhibition.

### 5.2.2 Agency consultation

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for NSW
- NSW Rural Fire Service
- NSW Department of Climate Change, Energy, the Environment and Water
- SES

## 6 Timeframe

The proponent proposes a 7 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 28 March 2025. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

Council has not advised whether it would like to exercise its functions as a local plan-making authority.

Due to the nature of this planning proposal, the Department recommends that Council is authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal will facilitate a larger supermarket to service the needs of local residents and works.

- The proposal is generally consistent with the Greater Sydney Regional Plan – A Metropolis of Three Cities, the Western City District Plan, and Council's Centres and Corridors Strategy.
- The inconsistency with Council's Local Strategic Planning Statement is considered minor and justified.
- The proposal demonstrates it is unlikely to result in significant adverse environmental, social, economic or infrastructure impacts.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Clarify the mechanism in which the site-specific clause permitting a maximum of 4,000m<sup>2</sup> for retail premises is to be introduced into the LEP (ie Part 7 Additional Local Provisions or Schedule 1 Additional Permitted Uses of the Liverpool LEP and whether an amendment to the Key Site Map is required).
- Clarify whether the development of the subject site as per the existing provisions in the Liverpool LEP have been considered within Georges River Evacuation Study (Molino Stewart 2022) evacuation modelling. If this is unable to be clarified, Council should proceed on the basis that the 'spare' evacuation vehicle capacity needs to be reduced to accommodate the development of this site and amend the proposal accordingly.
- Identify the split between the number of employees, and associated car parking, and visitor car parking figures to support the current proposal.
- Address the SES comments dated 21 May 2024.
- Include an updated Ecological Impact Assessment.
- Include an Acid Sulfate Soils Study to address section 9.1 direction 4.5 acid sulfate soils.
- Include any comments as a result of pre-exhibition consultation with RFS to address the Section 9.1 Direction.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that the inconsistency with Section 9.1 Direction 4.1 Flooding is minor and justified; and
- Note that the inconsistency with section 9.1 Directions 4.5 Acid sulfate soils and 4.3 Planning for bushfire protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
  - Clarify the mechanism in which the site-specific clause permitting a maximum of 4,000m<sup>2</sup> for retail premises is to be introduced into the LEP (ie Part 7 Additional Local Provisions or Schedule 1 Additional Permitted Uses of the Liverpool LEP and whether an amendment to the Key Site Map is required).
  - Clarify whether the development of the subject site as per the existing provisions in the Liverpool LEP have been considered within Georges River Evacuation Study (Molino Stewart 2022) evacuation modelling. If this is unable to be clarified, Council should proceed on the basis that the 'spare' evacuation vehicle capacity needs to be reduced to accommodate the development of this site and amend the proposal accordingly.

- Identify the split between the number of employees, and associated car parking, and visitor car parking figures to support the current proposal.
  - Address SES comments dated 21 May 2024.
  - Include an updated Ecological Impact Assessment.
  - Include an Acid Sulfate Soils Study to address section 9.1 direction 4.5 Acid sulfate soils.
2. Prior to community consultation, consultation is required with the following public authorities:
    - NSW Rural Fire Service
  3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval.
  4. Consultation is required with the following public authorities:
    - Transport for NSW
    - NSW Department of Climate Change, Energy, the Environment and Water
    - NSW SES
  5. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 28 March 2025 be included on the Gateway.



31.07.24

Elizabeth Kimbell

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31.07.24

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