

EGROW 01	Draft Warwick Farm Racing Precinct Structure Plan, Planning Proposal and Local Contributions Plan
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Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	144667.2020
Report By	Graham Matthews - Senior Strategic Planner
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

At its meeting of 11 December 2019, Council resolved (EGROW 02) to direct the CEO to engage consultants to prepare a structure plan, planning proposal and developer contributions plan for the Warwick Farm racing precinct to support a rezoning of the precinct.

This report presents the draft structure plan, planning proposal and local contributions plan, pursuant to the above Council resolution for Council's consideration.

A Councillor briefing on the draft plans was held on 1 July 2020. Responses to questions from Councillors taken on notice at the briefing is provided in this report.

It is recommended that Council place the draft structure plan, planning proposal, and local contributions plan and supporting documents on public exhibition for 28 days, pursuant to the Liverpool Community Participation Plan 2019.

Following public exhibition, a further report will be prepared for Council's consideration responding to submissions received, any amendments proposed, and to endorse the planning proposal for submission to the Department of Planning, Industry and Environment for a Gateway determination.

RECOMMENDATION

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Notes that a feasibility study will be completed as recommended by the Liverpool Local

Planning Panel;

3. Places the draft structure plan, planning proposal and local contributions plan on public exhibition, pursuant to the Liverpool Community Participation Plan 2019 for 28 days; and
4. Receives a further report, following public exhibition, detailing any submissions received and any amendments proposed to the structure plan, planning proposal and/or local contributions plan.

REPORT

Background

At its 11 December 2019 meeting, Council resolved (EGROW 02) to direct the CEO to engage consultants to prepare a structure plan for the Warwick Farm racing precinct.

Council resolved that the structure plan was to address the following:

- *the appropriate density of development in the precinct, including built form; and*
- *building typologies including height and floor space ratio development standards for:*
 - i. open space, community and recreation facilities to support urban renewal;*
 - ii. likely traffic and transport upgrades;*
 - iii. amenity issues;*
 - iv. flooding considerations; and*
 - v. development contributions.*

The resolution went on to establish the following considerations for the preparation of the structure plan:

Directs the CEO to allocate funding from general funds and to prepare a structure plan for the Warwick Farm Racing precinct and a planning proposal to support a rezoning of the Warwick Farm racing precinct from Scrivener Street to Hume Highway to Governor Macquarie Drive relevant to B4 with mixed business noting that zoning is consistent with the State Governments planning advice to maximise densities close to rail stations and this precinct is immediate to the Warwick Farm Railway station; and

- a) *notes the AEC Report June 2017 specifically 27.3*
“27.3 should the horse training stabling functions of Munday Street Precinct be viably relocated to the racecourse, opportunities arise for Munday Street Precinct and Lot 1 to collectively deliver a masterplanned outcome that incorporates a range of housing types, required urban and retail amenity as well as meet social/community infrastructure need”, and

- b) noting that there is a local Warwick Farm School and 5 other Schools already within the Liverpool CBD that are all within walking distance of this precinct and*
- c) that the precinct has the most expensive recreational park in the LGA that could be made open to the public and that this precinct is also within walking distance to the open space surrounding The Georges River, and*
- d) that existing jobs in this precinct will be supported by B4 zoning as training facilities will be relocated on track, and work force will still live in the area close to their employment through the B4 zoning, and*
- e) that the area below Scrivener Street to Georges River is already zoned industrial and is best situated to be renewed as a hi-tec education hospital and technology park, which will also provide job opportunities to support the increase in density in the B4 zoning and*
- f) that there is already employment opportunities in the hospital universities race track and The Inglis Hotel and function precinct and in the industrial site, and also at a shopping centre less than 100 metres from the Warwick Farm racing precinct*
- g) that Moore Point and Hargrave Park will be also be identified on the structure plan as the River Precinct separate from the Warwick Farm Racing Precinct, and*
- h) as the River Precinct plans for Moore Point and Hargrave Park already exist there is no need to allocate funding for new plans.*

The Council resolution also required that:

- 9. The report to be submitted to the May 2020 Council meeting.*

A report to the 27 May 2020 Council meeting provided an update on the progress in drafting the structure plan. Council resolved (EGROW 01 of 27 May 2020):

That Council:

- 1. Receives and notes this report; and*
- 2. Receives a further report on the draft structure plan, draft planning proposal and draft contributions plan for the Warwick Farm racing precinct at the 26 August 2020 Council meeting.*

Draft Warwick Farm Racing Precinct Structure Plan

As noted in the report to Council of 27 May 2020, Conybeare Morrison International were engaged by Council as the lead consultant to prepare the structure plan, planning proposal and amendment to the Liverpool Contributions Plan 2009. The structure plan has been prepared in line with the requirements of Council resolution EGROW 02 and EGROW 09 of 11 December 2019.

The precinct has an area of approximately 28.4 hectares and is bounded by the Hume Highway to the northwest, the railway corridor to the west, Priddle Street to the south, Horseshoe Pond to the east and Governor Macquarie Drive to the northeast. It is comprised of land zoned R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation (Rosedale Park) and RE2 Private Recreation.

A recent aerial photograph of the Warwick Farm racing precinct (see **Figure 1**), illustrates the characteristic low-scale residential development existing within the precinct. It also shows the widespread use of the precinct for thoroughbred horse training/stabling facilities.



*Figure 1: Aerial view of the Warwick Farm precinct
NB: 240 Governor Macquarie Drive, depicted at the top of the picture, is not included among the lots subject to the planning proposal.
Source: Nearmap 15 April 2020*

The northernmost lot, 240 Governor Macquarie Drive, is currently zoned B5 Business Development. Council separately provided in principle support to the rezoning of that lot to part B4 Mixed Use and part R4 High Density Residential at its 11 December 2019 meeting (EGROW 09). This planning proposal was lodged with the Department of Planning, Industry and Environment in February 2020 for a Gateway review. **Figure 2** below, illustrates the existing zoning applying to the Warwick Farm racing precinct.



*Figure 2: Warwick Farm existing zoning
Source: Conybeare Morrison International*

The draft structure plan (depicted in **Figure 3** below) provides a conceptual framework for the redevelopment of the Warwick Farm racing precinct for a mix of uses, including B4 zone in accordance with Action 10.2 of the Liverpool Local Strategic Planning Statement (LSPS), *Connected Liverpool 2040*.

The draft structure plan envisages the rezoning of the Warwick Farm racing precinct for the following uses:

- B4 Mixed Use in the west of the precinct, in the immediate vicinity of Warwick Farm train station;
- R4 High Density Residential in the east and south; and
- RE1 Public Recreation in the lowest-lying land in the precinct in the east and south, generally within the Warwick Farm Sewage Treatment Plant odour buffer area and adjacent to Rosedale Park and Horseshoe Lagoon.

The structure plan envisages that the redevelopment of the Warwick Farm racing precinct (including 240 Governor Macquarie Drive) will deliver in excess of 200,000 m² of residential floor space, equating to over 2,200 dwellings and 25,000 m² of commercial floor space.

The structure plan also envisages the development of a pedestrian footbridge, to increase the connectivity of the precinct with Liverpool city centre. The footbridge would link the precinct with Hart Park and provide easy access to the employment and amenities of Liverpool city centre. It is depicted on **Figure 3** below.

The structure plan also depicts the proposed route for the Manning Street bypass, which would divert heavy vehicles from the industrial land to the south, to the south and east of Rosedale Park and via Shore Street to and from Governor Macquarie Drive. An alternative bypass route, utilising existing roads including Stroud Avenue, National Street and Shore Street is discussed in response to questions raised at the Councillor briefing, below.

The proposed bypass has been the subject of previous Council's resolutions over the years and is a top priority for Council as resolved by Council in December 2019. The local contributions plan will provide an additional funding source for the construction of the bypass.



Figure 3: Draft Warwick Farm structure plan NB: 240 Governor Macquarie Drive, located the top of the picture, is not included in land subject to the planning proposal. Source: Conybeare Morrison International

Constraints

The structure plan seeks to provide a framework for the urban redevelopment of the Warwick Farm racing precinct, while responding to the environmental constraints impacting the precinct, including the potential for flooding and land use conflict (primarily with industrial heavy vehicles, in addition to the impacts of odour from the adjacent Warwick Farm sewage treatment plant).

In consideration of the NSW Flood Prone Land Policy, the height of the ground floor of all new development must be at the 1 in 100-year flood level (1% AEP), in addition to 0.5m freeboard (the flood planning level). The 1% AEP applying to the Warwick Farm racing precinct is 8.5m AHD, meaning that the ground floor of all new development must be no lower than 9m AHD. Additionally, to ensure safe evacuation in case of flood, the height of all internal roads must be increased to the 1% AEP (i.e. 8.5m AHD), with a gradual increase in the height of internal roads approaching Manning/Warwick Streets, providing a safe route for evacuation from the precinct west along the Hume Highway, towards Liverpool city centre.

All filling of flood-prone land must be balanced by compensatory excavation, to ensure there are no adverse flooding impacts off-site due to a loss of flood storage. Hence, the land filled on development sites must be balanced with the same volume of excavation elsewhere in the precinct.

In order to fill land close to the Warwick Farm station for redevelopment, the structure plan proposes that land furthest from the station must be excavated and preserved as public open space, so as not to reduce the overall flood storage capacity of the precinct as a whole. As a result, the structure plan seeks to rezone some land currently zoned RE2 Private Recreation and R2 Low Density Residential to RE1 Public Recreation, to enable acquisition of this land by Council to provide requisite land for flood storage.

Figure 3 above depicts the draft structure plan (also included in **Attachment 6**). Most of the R2 Low Density Residential land to be rezoned RE1 Public Recreation is also within the Warwick Farm Sewage Treatment Plant Odour Buffer Area. According to the Liverpool Local Strategic Planning Statement (LSPS), odour sensitive development (including residential development) should be avoided in this area.

Manning Street bypass road

The urban redevelopment of the Warwick Farm racing precinct is also constrained by traffic impacts. Heavy vehicles servicing the Scrivener Street industrial precinct to the south, currently travel through the precinct via Munday, Manning and Priddle Streets. The passage of heavy vehicles through the Warwick Farm racing precinct creates considerable land use conflict, which would only be exacerbated once the precinct is developed for high density residential uses.

The planning proposal does not seek to rezone land for the planned Manning Street bypass (providing a direct route for heavy vehicles to and from the Scrivener Street precinct and Governor Macquarie Drive) to SP2 (Local Road), pursuant to Council resolution EGROW 11 of 25 March 2020. The rezoning of the Manning Street bypass road is unnecessary, as all existing/proposed zones over which the bypass road is planned to traverse, already permit the development of "Roads".

In addition, owing to additional environmental constraints associated with the Horseshoe Lagoon coastal wetland (which is intersected by the proposed route of the bypass), seeking to rezone the Manning Street bypass road SP2 (Local Road) may significantly delay the finalisation of the planning proposal as a whole. As noted in the planning proposal:

The proposed route of the road currently traverses through land zoned RE1 Public Recreation, RE2 Private Recreation and SP2 Sewerage System. As noted above, all these zones permit "roads" as a land use which is permissible with the consent of Council. The bypass road does therefore not require rezoning and can be delivered if

further ecological investigations confirm it could be approved under the Coastal Management SEPP.

The rezoning of the bypass route into the Planning Proposal requires justification for the change from the existing zoning. It is recommended that ecological advice be sought to confirm the road could be approved meeting the specific requirements of the Coastal Management SEPP and that discussions occur with Crown Lands and if required Sydney Water to ensure owners consent will be forthcoming and any additional acquisition requirements. This will avoid delays with adopting an SP2 Local Road in this report that requires further investigations. The draft Local Contributions Plan has included an amount for this land to be acquired subject to the above occurring. Provision of the Manning Street bypass road, as an infrastructure improvement, in addition to proposed widening of Governor Macquarie Drive and the development of additional shared paths, will effectively mitigate traffic impacts.

(Planning proposal, **Attachment 1**, page 17)

Opportunities

While the structure plan applies to the Warwick Farm racing precinct as a whole, Council resolved to rezone the 'Masters' site (240 Governor Macquarie Drive, Warwick Farm) separately, pursuant to EGROW 09 of 11 December 2019. As noted in the report to Council EGROW 01 of 27 May 2020, Council forwarded the planning proposal to rezone 240 Governor Macquarie Drive to DPIE in February 2020. DPIE is yet to issue a Gateway determination at the date of writing this report.

For the purposes of the structure plan, the final built form for 240 Governor Macquarie Drive is assumed to be identical to that put forward in the proponent's Urban Design Plan. Final development outcomes for 240 Governor Macquarie Drive are assumed to be as follows:

- Floor space ratio (FSR) 3:1;
- Approximately 830 dwellings; and
- 5000 m² of commercial floor space.

Taking account of development outcomes at 240 Governor Macquarie Drive and considering the Warwick Farm racing precinct as a whole, the structure plan projects the development of 2,252 dwellings and over 24,400 m² of commercial floor space. In addition (and noting flooding/odour constraints described above), the structure plan also projects the zoning of 46,829 m² of land RE1 Public Recreation for local open space (16.5% of the site area), in addition to Rosedale Oval, which is 49,927 m² and reserved for district open space purposes.

Flood, Traffic and Social Impact Assessments

Conybeare Morrison International has engaged a team of consultants to make assessments of the potential impacts of the proposed redevelopment and to make recommendations to mitigate those impacts. These sub-consultants include:

- WMA Water, stormwater and flooding engineers;
- SCT Consulting, traffic and transport engineers; and
- CRED Consulting, social infrastructure planning consultants.

Flood mitigation

As noted above, the Warwick Farm racing precinct is situated on a floodplain. Much of the land is situated below the 1% AEP level and would be inundated in a one in 100-year flood. Urban redevelopment of the precinct will require the raising of the land of development sites to the flood planning level (1% AEP level +500 mm freeboard). This will require compensatory excavation, to ensure no loss in flood storage throughout the precinct.

WMA Water has prepared a Flood Impact Assessment (**Attachment 2**) which recommends appropriate cut and fill to facilitate the proposed redevelopment. Mitigating measures proposed include the following:

- the rezoning of land for recreational purposes, its acquisition by Council and excavation for compensatory flood storage purposes;
- increasing the height of internal roads to the 1% AEP level; and
- developing a flood evacuation path via Manning/Warwick Streets to the Hume Highway and west to the Liverpool city centre.

Much of the additional land to be rezoned RE1 Public Recreation is also located within the Warwick Farm Sewage Treatment Plant Odour Buffer Area, which according to the Liverpool Local Strategic Planning Statement (LSPS), odour sensitive development (including residential development) should be avoided.

Traffic mitigation

SCT Consulting has prepared a Traffic Impact Assessment (TIA) (**Attachment 3**) in support of the proposed rezoning of the Warwick Farm racing precinct. The TIA estimates the impact of redevelopment on the surrounding road network and recommends road upgrade works to mitigate the impacts, including intersection improvements, the widening of Governor Macquarie Drive and the development of additional shared paths to improve access to the Georges River foreshore. The TIA also models the proposed Manning Street bypass, which will divert heavy vehicles around the precinct, to and from Governor Macquarie Drive.

While the SCT TIA has estimated the cumulative impacts of development elsewhere in the vicinity (such as Moore Point and Moorebank East), Transport for NSW (TfNSW) have

stated that they will require the integration of the Warwick Farm TIA into a broader transport impact assessment underway for the Liverpool Collaboration Area, considering the impacts of all planned future development on the district road network.

It is expected that TfNSW will require the integration of the SCT TIA with the broader transport study, after the issue of a Gateway determination.

Social impacts

Social planning consultancy CRED Consulting were contracted by Conybeare Morrison International to draft the Community Needs Assessment (**Attachment 4**). The Community Needs Assessment recommends that the following social infrastructure be provided to support the urban redevelopment of the Warwick Farm racing precinct:

- A 1000 square metre multipurpose community facility in the vicinity of Warwick Farm railway station;
- 9.5 ha of open space;
- Provision of between 5-10% affordable housing in new development;
- Improved pedestrian/cycling connections; and
- A range of other, more minor, social infrastructure improvements.

The recommendations of the Community Needs Assessment have been addressed in detail in Section 3.9 of the planning proposal.

Planning Proposal and Liverpool Contributions Plan 2009 Amendment

GLN Planning were subcontracted by Conybeare Morrison to draft the planning proposal (**Attachment 1**) pursuant to the uses depicted in the structure plan. Studies undertaken in support of the planning proposal also assess the impact of increased development on the surrounding road network, flooding impacts and social infrastructure requirements, including provision of open space.

The planning proposal seeks to rezone land in the Warwick Farm racing precinct (excluding 240 Governor Macquarie Drive, for which a planning proposal has already been lodged) from R2 Low Density Residential, R3 Medium Density Residential and RE2 Private Recreation; to B4 Mixed Use, R4 High Density Residential and RE1 Public Recreation.

The planning proposal also seeks to amend development standards applying to land in the Warwick Farm racing precinct. It seeks to increase the maximum height of buildings for lots to be redeveloped, from 8.5 m to between 14m and 49 m. It also seeks to increase floor space ratio (FSR) across lots to be redeveloped from 0.5:1 to between 1.3 and 3.6:1.

The structure plan projects the development of 2,252 dwellings and 24,400 m² of commercial floor space across the Warwick Farm racing precinct. 500 to a maximum of 830 dwellings

could be developed at 240 Governor Macquarie Drive, with a further 1,422 developed elsewhere in the precinct.

In order to facilitate the development of the projected 2,252 dwellings and 24,400 m² of commercial floorspace, the planning proposal foreshadows the development of supporting infrastructure for the purposes of flood mitigation, to provide social infrastructure for a much larger population and to alleviate traffic impacts (including the development of the Manning Street bypass, diverting heavy vehicles around the precinct to be developed), in particular.

In order to fund required infrastructure, an amendment to the Liverpool Contributions Plan 2009 has been drafted by GLN planning. The proposed Contributions Plan amendment (**Attachment 5**) has been drafted to fairly apportion the cost of infrastructure and to permit the rollout of infrastructure to proceed as development takes place.

A detailed merit assessment of the planning proposal for the proposed rezoning of the Warwick Farm racing precinct, was made in the officer's report to the Liverpool Local Planning Panel. The officer's report determined that the proposal has both strategic and site merit. The report is attached as **Attachment 7**.

Liverpool Local Planning Panel (LPP) advice

According to the requirements of the Ministerial Direction, a merit assessment of the planning proposal was presented to the LPP at its 27 July 2020 meeting. The advice of the LPP (**Attachment 8**) is as follows:

The Panel members have familiarised themselves with the site and have been provided with the Council officer's report and the documents supporting the planning proposal. The Panel had the benefit of a briefing from Council's staff and Council's consultant team for the project.

The Panel accepts that the planning proposal may meet the strategic merit test given the Greater Sydney Commission's assurance of Council's Local Strategic Planning Statement.

However, the Panel is not satisfied that the proposal meets the site-specific merit test.

The Panel does not support the planning proposal proceeding to a gateway determination at this stage. The Panel recommends that the planning proposal not proceed because the following matters have not been satisfactorily addressed:

- 1) *Updating of the Flooding Assessment to have regard to the 2020 Georges River Flood Study (BMT, January 2020) and its implications for this site;*

- 2) *Preparation of a development feasibility study having regard to the need for consolidation of fragmented sites, flood mitigation works, open space acquisition, the truck bypass route, pedestrian links across the railway and the proposed development yield;*
- 3) *A report addressing whether, given the cap of 18,800 additional dwellings for Liverpool Collaboration Area Place Strategy, this site is the optimum location for the provision of additional housing given the constraints of the site including flooding and difficulty of evacuation; and*
- 4) *Further analysis of the potential environmental impacts of the proposed truck bypass route and the changes to ground levels for flood mitigation having regard to vegetation, acid sulfate soils and water table level.*

Response to LPP advice

The proposal to rezone the Warwick Farm racing precinct clearly has strategic merit as it flows from a direction of the Liverpool LSPS, which was granted assurance by the Greater Sydney Commission (GSC) in March 2020 and is in force. The strategic merit of the proposal is demonstrated in the officer's report to the LPP.

With regard to site-specific merit, Council officers' response to the concerns of the LPP are as follows:

- 1) It is not necessary to update the Flooding Assessment to have regard to the 2020 Georges River Flood Study, as advised by the LPP.

The currently adopted Georges River Floodplain Risk Management Study and Plan 2004 (FRMP) was developed by eight participating councils sharing the catchment of the river including Liverpool, Bankstown, Fairfield, Campbelltown and Sutherland Councils. The adopted flood levels in the FRMP are being widely used by all participating councils for planning and development of flood prone lands in the catchment of the river.

Recently, the Georges River Floodplain Risk Management Committee (which includes the eight councils, the DPIE, SES and the Georges Riverkeeper) initiated a review of the FRMP 2004, which is being led by Fairfield City Council.

The first stage of the works has commenced, and a consultant has been engaged and involves a review of existing data and data collection in accordance with the guidelines of the NSW Floodplain Development Manual. Following completion of the current works, a detailed flood study will be undertaken and subsequently the FRMP will be reviewed and updated. It is expected that the review of the Georges River FRMP will be completed by the 2022-23 financial year subject to grant funding approval.

Regarding the recent Georges River Flood Study (BMT, January 2020), the Study was undertaken jointly by Liverpool City Council (LCC) and Canterbury Bankstown City Council (CBCC). The primary objective of the flood study was to develop a flood model with new flood modelling techniques (2D TUFLOW model) to assess the impacts on flood behaviour due to recent developments that have occurred within Liverpool and Bankstown catchment areas since 2004.

The 1% AEP (or 1 in 100 year) flood levels in the new model are generally consistent with the currently adopted flood levels across the river. It should be noted that 1% AEP flood level is the basis of development controls for residential and commercial developments across the LGA, as explained in Clause 7.8 of LLEP 2008.

Variation was observed in the probable maximum flood levels (PMF) in the 2020 model. However, as PMF is not the development control criteria for residential and commercial developments and is predominantly used for flood evacuation consideration, it was agreed that the model will be used for flood impact assessment for new developments but that both councils will continue to use the adopted flood levels in the Georges River FRMP 2004, until the current review of the FRMP is completed and adopted by councils.

Accordingly, flood impact assessment of the proposed Warwick Farm structure plan was undertaken based on the adopted flood levels of the Georges River FRMP 2004.

- 2) With respect to the recommendation of the LPP to prepare a feasibility study, Conybeare Morrison International, the consultants who prepared the Warwick Farm racing precinct structure plan and other documents, have provided Council with a fee proposal for the preparation of a feasibility study. The feasibility study would make recommendations as to any required amendments to proposed development standards that would be required to ensure the feasibility of the proposed rezoning.

Council will complete the feasibility study at the same time that the draft structure plan and supporting documentation is on public exhibition. A subsequent report to Council would both respond to submissions received in addition to outlining any proposed amendments to the structure plan, planning proposal and local contributions plan required to ensure the feasibility of the proposal.

- 3) With respect to the LPP's comment about whether this precinct is the optimum location for additional housing, it is the professional opinion of Council planning staff, that an additional report, demonstrating the merits of the proposed rezoning of the Warwick Farm racing precinct, is not required. The planning proposal and supporting documents and the officer's report to the LPP clearly demonstrate that the proposal has both strategic and site-specific merit and addresses site constraints including flooding and evacuation and includes appropriate mitigation measures that ensure that the flood-prone land may be developed safely and in accordance with the NSW Floodplain Development Manual.

- 4) The proposed Manning Street bypass is not a matter under consideration regarding the planning proposal. As noted above, all existing/proposed zones along the route of the proposed bypass permit the development of "Roads" with consent. The environmental impacts of the proposed Manning Street bypass would be considered as part of a Review of Environmental Factors (REF) or Environmental Impact Statement (EIS), separately prepared by Council at such time as it resolves to proceed with the construction of the bypass road.

With respect to "*changes to ground levels for flood mitigation having regard to vegetation, acid sulfate soils and water table level*", it is be noted that:

- i. None of the lots identified for flood mitigation purposes (i.e. excavation for compensatory storage purposes) are currently vegetated. All are currently developed for horse training/stabling purposes to varying degrees.
- ii. With respect to planning proposals, Ministerial Direction 4.1 Acid Sulphate Soils states:

*A 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 on the Acid Sulfate Soils Planning Maps unless the relevant 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. **The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act** (emphasis added).*

While an acid sulfate soil study, assessing the appropriateness of the proposed compensatory excavation may be required by DPIE, this need not be undertaken until after the issuing of a Gateway determination, before commencing community consultation. Nothing in the Ministerial Direction prevents Council forwarding the proposal to DPIE for a Gateway determination, prior to commissioning an acid sulfate soils study, which would be both costly and intrusive to undertake.

Meanwhile, should any excavation be undertaken on acid sulfate liable soils in the precinct, any works would be required to comply with Clause 7.7 of LLEP 2008.

- iii. There are no specific LEP requirements which deal primarily with water table levels. It is noted that Clause 7.7 (2) of LLEP 2008 requires development consent for works with respect to Class 5 Acid Sulphate Soils, where:

Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Any potential for excavation to impact the water table could therefore be considered as part of an acid sulfate soil study, should that be required as a Gateway condition by DPIE pursuant to Ministerial Direction 4.1, as discussed above.

According to the requirements of State Environmental Planning Policies and Ministerial Directions, as noted in the planning proposal, no additional analysis/studies need be undertaken, prior to submitting the planning proposal to DPIE for a Gateway determination.

LEP Review Funding

As advised in a memo to Councillors dated 24 June 2020, the DPIE has agreed to allow Council to use LEP review funding, to offset the costs of preparing the Warwick Farm racing precinct structure plan and related documents. The agreement requires that Council consult with public authorities including the Greater Sydney Commission, DPIE and TfNSW.

Should Council resolve to publicly exhibit the structure plan, planning proposal and contributions plan according to the requirements of the Community Participation Plan 2019, it is proposed that Council staff will consult with public authorities during that period and respond to any submissions received in the foreshadowed report to Council.

Councillor briefing and response to questions

On 1 July 2020, a briefing for Councillors was held. Questions taken on notice and the response from staff and consultants, are detailed below:

1. A question was raised regarding whether reducing the amount of open space provided to land within the odour buffer would halve acquisition costs. It was also queried if an opportunity exists to provide compensatory flood storage around the site rather than on the site.

Response:

Open Space and Compensatory Storage

- The quantum of open space in the Structure Plan is that required for the future population envisaged by the Structure Plan presented to Council. Any substitution of open space by residential development is likely to increase the need for additional open space or an acceptance that Council will reduce the standard provision of open space as a means to reduce contributions.
- The odour buffer to the sewerage works means that for the most part the required open space can sit within the buffer area, where it is recommended that residential development does not occur.

- **Figure 4**, below, shows the odour buffer superimposed over the Structure Plan and in turn those areas of open space not affected by this constraint. These areas are bordered in red and discussed below.
- There are a small number of areas nominated for open space outside the odour buffer. These include:
 - Open space areas to the north of the buffer zone bordered by the proposed bypass road as it aligns back to Shore Street and Governor Macquarie Drive. The conversion of this land to residential would be in conflict with the reason for the proposed bypass road to take industrial traffic out of and from travelling in front of residential zones.
 - Open space areas to the west on the corner of Stroud Avenue and National Street which abuts the proposed alternative bypass route. There may be some scope to consider zoning this land for High Density Residential purposes, but only if Council is agreeable to reduced open space provision. If the proposed alternative bypass route is realised, then the orientation of development of this land must be carefully considered to avoid conflicts with truck traffic and noise attenuation measures would also be required.
 - Land adjacent to Manning Street near the corner of Priddle Street. This is a small irregular area outside the buffer. It would provide a marginal increase of two lots to add to the Structure Plan for residential use.



Figure 4: Lots currently designated for open space, which may be developed for residential purposes
Source: Conybeare Morrison International

- The Structure Plan has included the filling of land including roads to provide a flood evacuation route. At least some of this material can be taken from the proposed open space land as part of its embellishment.
- The quantum of land proposed for open space is sufficient to provide a source of fill and in turn excavation to ensure compensatory storage required prevent flood impacts elsewhere in the flood catchment. There is some economy in being able to undertake the earthworks for the embellishment of the open space including also reducing cartage costs to that material suitable for filling the land.

- A reduction in the quantum of open space could lead to either further (deeper) excavations of these areas or compensatory storage off site and outside the Precinct. Deeper excavation will ultimately create further issues in draining these areas, encountering acid sulfate soils and delivering appropriate landform for future recreation activities.

Providing land for flood mitigation "off-site"

2. A question was also asked whether it was possible to consider providing land for flood mitigation "off-site".

Response:

In line with its requirements under the Liverpool Collaboration Area Place Strategy, Council commissioned the drafting of the Liverpool Collaboration Area Place Strategy Flood Constraints Study, which was finalised in May 2020. With respect to the "Munday Street precinct", which largely coincides with the Warwick Farm racing precinct, the report acknowledges that the land is below the 1:100-year flood level and will require filling, in order for it to be developed. With respect to provision of compensatory flood storage, the report notes the following:

New development is generally required to be located on land above the 100-year flood level, and with minimum floor levels at the flood planning level (100-year flood plus 0.5m freeboard). This will require filling of new development sites to raise the area above the 100-year flood. This filling will result in a loss in flood storage and will need to be accompanied by compensatory excavation to ensure that flood levels in [the river and on adjoining properties including] the area behind Governor Macquarie Drive does not increase.

Previous investigations for Council (FloodMit, 2007) showed that filling the full Collaboration Area would lead to a loss in flood storage of up to 107,000m³ in a 100-year flood. It is unlikely that compensatory excavation of this amount could be undertaken from a site external to the Munday Street Place Area, and a combination of cut and fill earthworks within new development sites may need to be adopted. This lends itself mostly to larger sites that can be judiciously raised (where development is to be located) and lowered (e.g. depressions or water features). Smaller sites may need to be consolidated prior to developing proposals in these areas.(FloodMit p33)

Should Council support the principle of providing compensatory flood storage "off-site", any proposed off-site flood mitigation works would need to be hydraulically modelled and tested to ascertain the suitability of the site for flood mitigation before proceeding.

3. A question was raised querying whether there could be cost savings by relocating the Manning Street bypass to the west of Rosedale Oval as opposed to the east. Savings figures were requested.

Response:

Council has investigated a proposed alternative route for the Manning Street bypass, utilising existing streets including Stroud Avenue, National Street and Shore Street. The proposed alternative route would need to be a low-speed bypass route for large trucks travelling to and from Governor Macquarie Drive and the Scrivener Street industrial area. The proposed alternative route is depicted in **Figure 5** below.

Approximate costings are preliminary, but there is the potential for significant cost saving due to significantly reduced land acquisition and reduced costs associated with the construction of a retaining wall for the road.

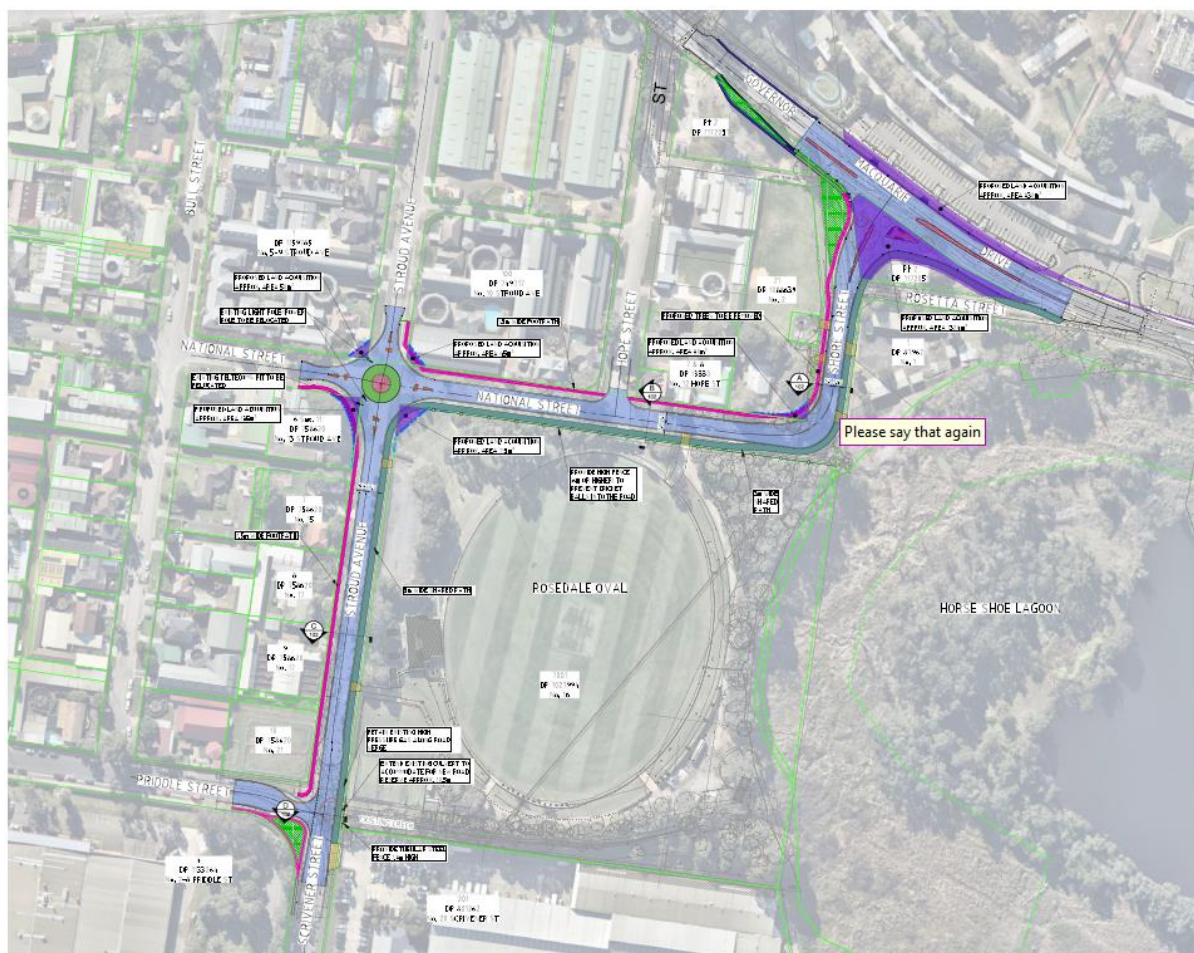


Figure 5: Alternative route for Manning Street bypass via existing roads: Stroud Avenue, National Street and Shore Street.

Source: Liverpool City Council

Details of the proposed alternate route, road and intersection treatments and land acquisition requirements for the proposed alternative Manning Street bypass route are provided in **Attachment 9**.

It is recommended that details of the proposed alternative route of the Manning Street bypass be exhibited with the structure plan for 28 days for public consideration.

While the route of the proposed Manning Street bypass is not part of the planning proposal to rezone the Warwick Farm racing precinct, it is nevertheless a significant infrastructure investment, which will facilitate the redevelopment of the precinct.

4. A question was raised querying whether flood mitigation works could be provided off-site at Coopers Paddock on Governor Macquarie Drive.

Response:

To mitigate the adverse cumulative impacts of filling of flood prone lands (increased flood levels, flow velocities), compensatory excavation is provided at each development site. Council has adopted this principle and it has been found to be effective in mitigating adverse impacts of filling of flood prone lands.

Coopers Paddock is situated on very low lying (between 2-4 m AHD) land downstream of the Warwick Farm racing precinct. It is affected by Class 2 Acid Sulphate Soils, zoned as E2 Environmental Conservation and largely vegetated by an endangered ecological community.

It has been Council practice to provide necessary compensatory flood storage within the vicinity of the development. A complex hydraulic assessment would need to be undertaken to confirm the hydraulic performance of the offsite detention to effectively mitigate the flood risk associated with the filling of the flood affected land.

Coopers Paddock may not be an appropriate location for compensatory excavation to balance required fill for flood mitigation required for the redevelopment of the Warwick Farm racing precinct. However, Council would need to undertake extensive investigation, including environmental impact assessment and hydraulic modelling, to assess the suitability of the location for flood mitigation works.

5. A question was raised querying whether any Aboriginal significance is present on the land around the proposed bypass road, in addition to claims of Crown Land.

Response:

The Aboriginal Claim Assessment Team, from DPIE, confirm that Lot 7001 DP 1027994 (Rosedale Park) is subject to an undetermined Aboriginal Land Claim 42491 lodged with the Aboriginal Land Rights Registrar by New South Wales Aboriginal Land Council on the 19 December 2016.

Council is seeking to establish a protocol with Gandangara Local Aboriginal land Council in dealing with these claims in the future.

A Native Title request has been lodged over some land in Liverpool City Council (around Pleasure Point/Voyager Point), but not including Rosedale Park.

CONSULTATION

Section 10 of the Liverpool Community Participation Plan (CPP) 2019 states the following:

For large scale planning proposals, Council will also exhibit the planning proposal for 28 days prior to a Council decision on whether to endorse the planning proposal for a Gateway determination. Feedback from the community will be incorporated into a report to Council.

It is recommended that Council places the draft structure plan, planning proposal, local contributions plan and supporting documents on public exhibition for 28 days.

Conclusion

Pursuant to Council resolution EGROW 02 of 11 December 2019, Council engaged consultants to draft a structure plan to support the rezoning of the Warwick Farm racing precinct for a mix of uses, including B4. The Warwick Farm structure plan and associated planning proposal and draft amendment to the Liverpool Contributions Plan 2009, will facilitate the urban redevelopment of the Warwick Farm racing precinct and the development of more than 2,250 dwellings, 24,000 m² of commercial floor space and necessary supporting infrastructure.

The proposal has both strategic and site merit. Concerns raised by the LPP in its advice to Council, have been thoroughly addressed in the body of this report.

It is recommended that Council place the draft structure plan, planning proposal, local contributions plan and supporting studies on public exhibition for 28 days, in line with the requirements of Council's Community Participation Plan 2019.

It is proposed that as part of the public exhibition, the two potential routes for the Manning Street bypass (i.e. the route to the east of Rosedale Oval, intersecting Horseshoe Lagoon and that to the west, using the existing Stroud Avenue, National Street and Shore Street) both be exhibited.

It is also recommended that Council undertake a feasibility study to support the proposed rezoning of the Warwick Farm racing precinct.

At the conclusion of the public exhibition, Council will receive a further report detailing any submissions received and any amendments proposed to the structure plan, planning proposal and/or local contributions plan. Council would then be at liberty to amend the

planning proposal (if required) and to resolve to forward the planning proposal to DPIE for a Gateway determination.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	Promote an integrated and user friendly public transport service.
Social	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Environmental Planning and Assessment Act 1979.
Risk	The risk is deemed to be Low. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. Draft Planning proposal (Under separate cover)
2. Flood Impact Assessment (Under separate cover)
3. Traffic Impact Assessment (Under separate cover)
4. Community Needs Assessment (Under separate cover)
5. Draft Liverpool Contributions Plan 2009 Amendment (Under separate cover)
6. Draft Structure Plan (Under separate cover)
7. Planning Assessment Report to Local Planning Panel (Under separate cover)
8. Local Planning Panel Advice (Under separate cover)
9. Proposed Bypass Alternative Route (Under separate cover)

Council

COUNCIL DECISION

Motion:

Moved: Cllr Rhodes

Seconded: Cllr Hadid

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Notes that a feasibility study will be completed as recommended by the Liverpool Local Planning Panel;

3. Places the draft structure plan, planning proposal and local contributions plan on public exhibition, pursuant to the Liverpool Community Participation Plan 2019 for 28 days;
4. Receives a further report, following public exhibition, detailing any submissions received and any amendments proposed to the structure plan, planning proposal and/or local contributions plan; and
5. Holds a virtual community meeting with the constituents about the proposal during the time of the exhibition.

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

Vote for: Mayor Waller, Cllr Ayyad, Cllr Hadid, Cllr Hagarty, Cllr Kaliyanda, Deputy Mayor Karnib and Cllr Rhodes.

Vote against: Cllr Shelton.

Note: Cllr Harle and Cllr Hadchiti were not in the virtual meeting when this item was voted on. Cllr Balloot was an apology for the meeting.