

JOINT REGIONAL PLANNING PANEL
SUPPLEMENTARY REPORT
(Sydney West)

JRPP No	2015SYW038
DA Number	DA-62/2015
Local Government Area	Liverpool City Council
Proposed Development	Demolition of existing car parking and removal of trees within carpark; relocation of Telstra communications tower; construction of ground floor retail car parking and residential shop top housing (26 x 1 bedroom, 107 x 2 bedrooms and 12 x 3 bedrooms); two floors of basement residential car parking and associated works.
Street Address	90 Cartwright Avenue Miller
Applicant/Owner	Applicant – Mintus Pty Ltd Owner – JEA Holdings (Aust) Pty Ltd
Number of Submissions	3
Regional Development Criteria (Schedule 4A of the Act)	The proposal has a capital investment value of over \$20 million, the Joint Regional Planning Panel is therefore the determining authority.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ul style="list-style-type: none"> • State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development. • State Environmental Planning Policy No.55 – Remediation of Land. • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment. • Liverpool Local Environmental Plan 2008. • <i>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i> <ul style="list-style-type: none"> • Draft Miller Town Centre Master Plan • <i>List any relevant development control plan: s79C(1)(a)(iii)</i> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> • Part 1 – General Controls for all Development. • Part 6 – Development in Business Zones.

	<ul style="list-style-type: none"> • <i>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i> • No planning agreement relates to the site or proposed development. • <i>List any coastal zone management plan: s79C(1)(a)(v)</i> • The subject site is not within any coastal zone management plan. • <i>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</i> • Consideration of the provisions of the Building Code of Australia and National Construction Code (NCC)
List all documents submitted with the supplementary JRPP report for the panel's consideration	<ol style="list-style-type: none"> 1. Draft Construction Traffic Management Plan 2. Council report for draft Miller Town Centre 3. Council resolution 4. Revised Conditions of Consent
List all documents submitted with the original JRPP report for the panel's consideration on 10 March 2016	<ol style="list-style-type: none"> 1. Final Conditions of consent 2. Final Architectural Plans 3. Clause 4.6 Variation 4. Design review panel report 5. Design excellence panel report 6. Covenant applying to the site 7. Legal advice provided to Council 8. Submissions lodged with the DA 9. Court judgment 10. Draft Miller Master Plan 11. Statement of Environmental Effects 12. SEPP 65 Design Verification Statement 13. Arborist Report prepared by Redgum Horticultural 14. BASIX Report prepared by ESD Synergy 15. Section J Report Prepared by ESD Synergy 16. Acoustic Report prepared by Acoustic Logic 17. BASIX Certificate Building A 18. BASIX Certificate Building B 19. Access/Compliance Report Prepared by PSE Access Consulting
Recommendation	Approval
Report by	George Nehme
Report date	June 2016

1. EXECUTIVE SUMMARY

This supplementary report has been prepared for determination by the JRPP. This application was previously presented to the Sydney West JRPP at their meeting on 13 April 2016.

At the meeting on 13 April 2016, the JRPP unanimously agreed to defer the application to obtain and consider legal advice. At the meeting the JRPP requested that Council provide a supplementary report, providing clarification regarding the temporary use of a portion of Michael Wenden Reserve for parking during construction. It was also requested that the supplementary report provide further detail regarding the draft Miller Master Plan in consideration of the future context of the area.

2. Temporary Use of Michael Wenden Reserve

The existing at grade car parking on the subject site is able to cater for 189 vehicles. As a consequence of the construction, the availability of off-street parking will be temporarily impacted and in turn, effect the car parking availability of the surrounding streets.

Having regard to the above it was considered pertinent in this instance for the applicant to provide suitable temporary vehicular accommodation to offset the impacts generated by the temporary loss of parking on-site.

An analysis of the current parking situation within the surrounding locality, concluded that the most appropriate location for the provision of the temporary parking is the part of the reserve surrounding Michael Wenden Aquatic and Recreation Centre as indicated in the figure 1 below;



Figure 1: Area of temporary parking in relation to development site.

The parcel of land is formally known as 62 Cabramatta Avenue Miller (Lot 101, DP 111802). The parcel of land is zoned RE1 Public Recreation pursuant to the Liverpool Local Environmental Plan 2008, as indicated in figure 2 below.



Figure 2: Zoning Map.

Pursuant to the State Environmental Planning Policy (Infrastructure) 2007, division 12 Parks and other Public reserves, clause 65(3);

- (3) *Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:*
- (a) roads, cycleways, **single storey car parks**, ticketing facilities and viewing platforms,
 - (b) outdoor recreational facilities, including playing fields, but not including grandstands,
 - (c) information facilities such as visitors' centres and information boards
 - (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, *Lighting for Roads and Public Spaces*,
 - (e) landscaping, including irrigation schemes (whether they use recycled or other water),
 - (f) amenity facilities,
 - (g) maintenance depots,
 - (h) environmental management works.

Therefore, the provision of a temporary parking facility is permitted without consent if it is carried out by or on behalf of Council. It was requested by Council to provide the temporary parking arrangement at Michael Wenden Reserve, as it will provide a suitable alternative for off-street parking. Temporary parking at Michael Wenden Reserve will also alleviate a potential strain on the surrounding streets in needing to cater for the temporary parking shortfall created during the construction of the development.

The proposed temporary parking will be utilised primarily for staff parking which will limit the wear and tear of the reserve. An indicative car parking layout plan submitted with a draft Construction Management Plan (CTMP) (Attachment 1) indicated that temporary parking area within Michael Wenden Reserve is able to cater for approximately 163 car parking spaces as shown in figure 3 below.



Figure 3: Indicative Number of spaces within Michael Wenden Reserve

Council's position is that the provision of temporary parking within Michael Wenden Reserve is the most appropriate location given the surrounding locality traffic constraints. Given the above, Council considers it pertinent to impose conditions on the final consent requiring a final CTMP be prepared and lodged with Council prior to the issue of a CC and is to include but not limited the following;

1. Details on how the Public notification of temporary closure of the shopping centre car park will be undertaken.
2. Details of the display of appropriate directional signage to the temporary car park at the reserve off 62 Cabramatta Avenue, Miller.
3. Details relating to an operational plan of management being prepared and implemented that identifies strategies to ensure that staff will park in the temporary car park and the remaining car spaces within the Miller Shopping Centre is reserved for shoppers only.
4. Further detail on how temporary flood lighting will be provided in the temporary car park.
5. Evidence of a formal agreement signed with Council for the use of the reserve as a temporary car park is to be provided.
6. Details on how the reinstatement of the reserve to its original condition at the end of use will be undertaken.
7. Details on how the process of consultation with all stakeholders will be undertaken to resolve any issues arising from the temporary closure of the shopping centre car park as reasonably expected.

Additional conditions will be imposed requiring supplementary information to be submitted with the final CTMP inclusive of the following;

8. Submission and implementation of an approved traffic control plan (TCP) prepared by an RMS accredited person) in compliance with RMS's Traffic Control At Work Sites Manual Guidelines, A.S. 1742.3 and Work Cover regulations is required.
9. A detailed Pedestrian control and management plan to be included in the Traffic Control Plan
10. Details on how the adjacent property owners and occupants will be notified in writing at least 5 days prior any works being carried out to the satisfaction of Council's Manager of the Traffic Department.

Due to the fact the applicant will be utilising a Council asset for the temporary parking during the construction period, Council will require the applicant enter into a deed of agreement with Council when utilising the reserve for parking. The condition of consent will read as follows;

- a) *The applicant is to enter into a deed of agreement with Council for the utilisation of the portion of Michael Wenden Reserve for the purpose of temporary parking during construction of the approved development. All costs associated with the construction, utilisation and reinstatement of Michael Wenden Reserve to its original condition is to be borne by the developer.*

It is Council's position that utilisation of Michael Wenden Reserve on a temporary basis for parking will cater for the temporary loss of parking created during the construction period.

3. Draft Miller Master Plan

Council has prepared a draft Master Plan for the Miller Town Centre prepared by AECOM. The primary purpose of the draft master plan is to provide a framework for guiding future opportunities for the Miller Town Centre.

In accordance with the draft master plan the proposed development is envisaged as a gateway development on the site that may stimulate further investment into the area to provide improved services and facilities to residents and also continue to provide for housing options for individual owners and private investors.

In accordance with the draft Master Plan, the following amendments are proposed to facilitate future growth of the Miller Town Centre subject to further studies

a) Land Use

The attached Council report identifies four development scenarios that were created in response to stakeholder input of the Master Plan. The four scenarios are identified as follows;

- Scenario 1 - 'Quick Wins' Through Minimal Intervention:

Development Scenario 1 demonstrates an option which proposes minimal intervention to the overall infrastructure of the town centre and relies predominantly on the provision of new and/or improved public domain and clustering of similar land uses. This approach suggests more easily achievable opportunities which can be initiated quickly and at a relatively low cost to Council.

- Scenario 2 - Strengthening the Town Centre by Expanding the Retail Capacity:

Development Scenario 2 demonstrates the partial closure of Woodward Crescent in order to allow for retail expansion of the Miller Shopping Centre to the south.

- Scenario 3 - A Lively Town Centre through a Pedestrian Focussed Retail Core:

Development Scenario 3 demonstrates a pedestrian focussed retail centre. Vehicles are restricted to the outskirts of the town centre with a pedestrian focussed core. The central part of Woodward Crescent is a shared zone which gives pedestrians the priority over vehicles.

- Scenario 4 -The 'Live, Work and Play' Approach through a Mix of Uses:

Development Scenario 4 demonstrates an approach which increases the residential density, and provides a pedestrian focussed town

Within the Council report the preferred scenario is identified as a hybrid of the four scenarios outlined above. Figure 4 below identifies the preferred development scenario.



Figure 4: Preferred development scenario

The most desirable elements of each of the development scenarios have been consolidated to form the "preferred scenario", these are outlined below:

- Proposed amendments to Liverpool Local Environmental Plan 2008 (LLEP) to rezone certain land and increasing FSR and building heights on certain land within the Miller town centre.

To support the proposed amendments to the LLEP, the draft Master Plan also recommends that a Feasibility Study and a Residential Development Strategy be undertaken. Should these studies support changes to the LLEP, a further report will be prepared for consideration by Council.

- Redevelop the Mission Australia site, as mixed use, by retaining the existing use with residential above;
- Consider the potential redevelopment of the existing Miller Square site;
- New road infrastructure between Woodward Crescent and Shropshire Street;
- The possibility of the creation of a new community and youth precinct encompassing the Michael Wenden Aquatic and Recreation Centre;
- The creation of a north south pedestrian link through Miller Shopping Centre (a site specific DCP may be required in the future); and
- Public domain improvements, such as;
 - Improvements in lighting, planting, seating, footpaths;
 - Provide a small civic plaza fronting Cartwright Avenue;
 - The creation of a shared pedestrian zone on Woodward Crescent
 - The creation a new hard paved plaza at Lady Woodward Park (in lieu of the redevelopment of Miller Square);

b) Building Height

The draft master plan identifies that an increase in the maximum building height for the retail core will provide an incentive for redevelopment and a focal point for the Town Centre. Accordingly, the draft master plan envisions that the existing B2 zoning and a portion of the proposed expanded B2 zone have a maximum height of 31m as identified in figure 5 below. With respect to the subject development site this will mean an increase for the current maximum height of 21m to a maximum height of 31m.

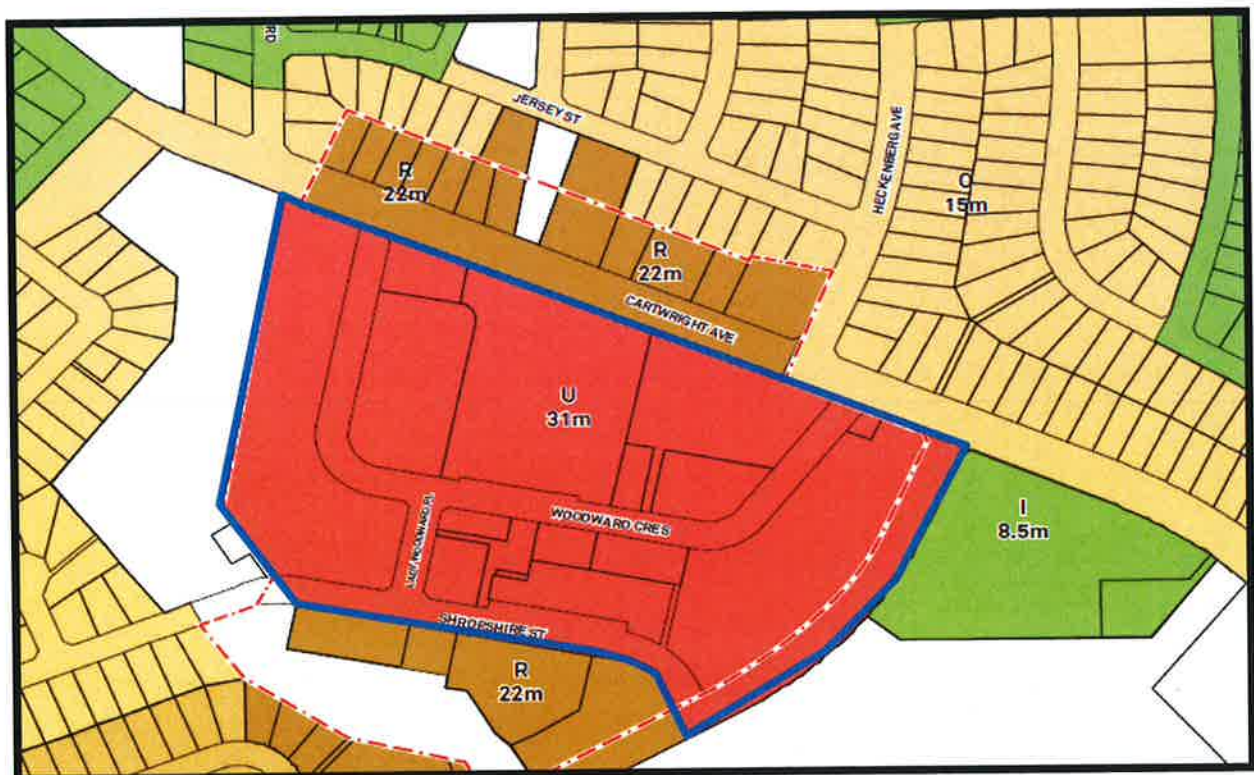


Figure 5: Maximum building height increase under the master plan

c) Floor Space Ratio

The draft master plan identifies that an increase in the floor space ratio of 2.5:1 for the Town Centre will provide adequate floor space to allow for development which meets the maximum allowable building heights. The proposed maximum FSR identified within the draft master plan is identified in figure 6 below. With respect to the subject development site this will mean an increase for the current maximum FSR of 1.7:1 to a maximum FSR of 2.5:1.

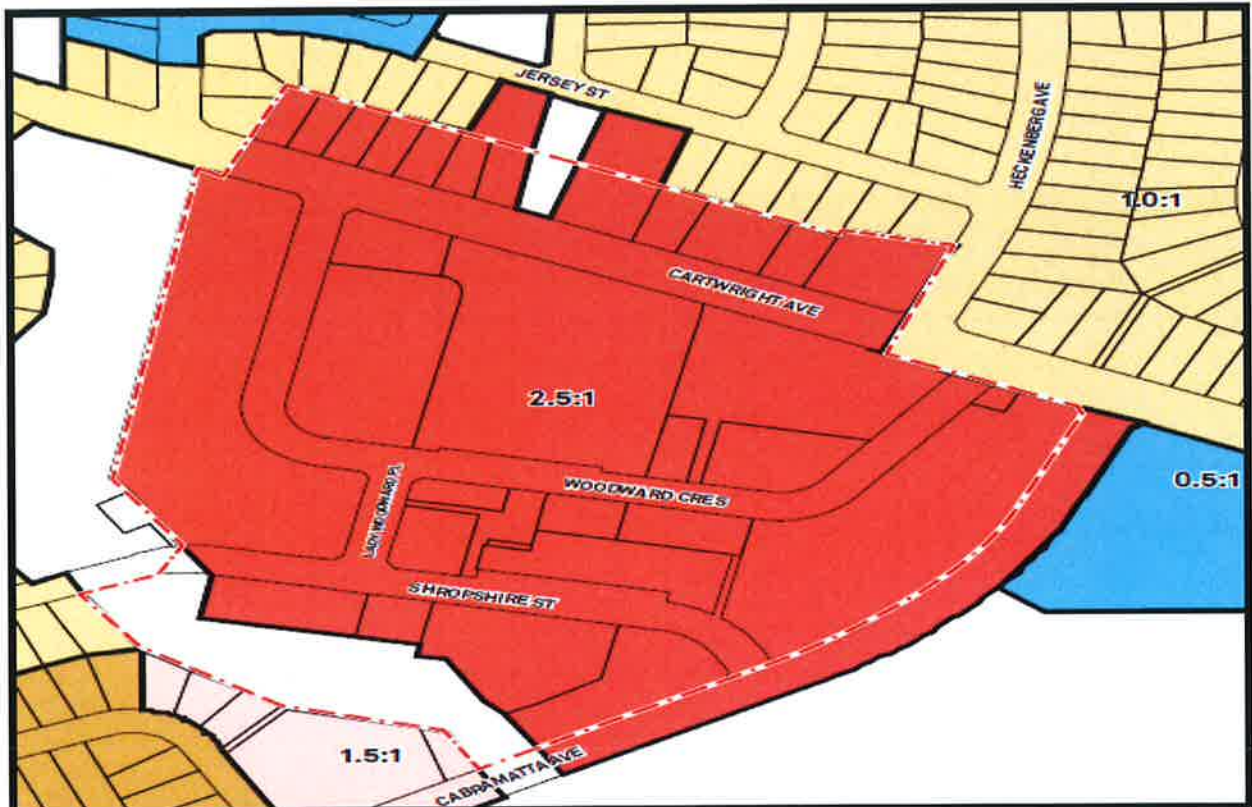


Figure 6: Maximum FSR proposed under the master plan

d) Feasibility Studies

The draft Master Plan recommends that further studies be undertaken in regards to any proposed changes to the LLEP. These studies include:

- A Feasibility Study; and
- A Residential Development Strategy

Subject to the outcome of these studies, any proposed changes to land use and development controls require further consultation with Council, State agencies, land owners and the general public. In accordance with the above, the attached Council report made the following recommendations that were endorsed by Council;

1. Prepares a Feasibility Study and Residential Development Strategy into the proposed amendments to the Liverpool Local Environmental Plan 2008 as stated in the draft Miller Town Centre Master Plan.
2. Notes that a report on the findings of the Feasibility Study and Residential Development Strategy and recommended changes to the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008, if appropriate, will be prepared for a future Council meeting.

Conclusion: Having regard to the provisions of the draft Master Plan above, it can be seen that the proposed development is consistent with the intended desired future context of the area.

The proposed development is considered to have an overall positive impact on the surrounding built environment. The proposal is the first of its kind that will act as a catalyst in the revitalisation of the Miller Town Centre. The proposal has been designed to take into account the prominent corner location of the allotment and has created a landmark site in accordance with the draft Master Plan.

The development will provide a mixed use development with appropriate apartment mix to cater for a range of consumer markets. It provides for retail uses on the ground floor that will encourage employment. The increase density of the area created by this development will provide for an opportunity for the surrounding commercial development to profit.

The draft Miller Master Plan was presented to Liverpool City Council at its meeting on 25 May 2016. At the meeting Council resolved to endorse the draft Miller Town Centre Master Plan. The report to Council and the subsequent Council recommendations are attached to this report.

4. CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The Development Application seeks development consent for a Shop Top Housing Development at 90 Cartwright Avenue Miller.
- The proposal is consistent with the objectives of the B2 Local Centre zone that is applicable to the site under the LLEP. The proposal is also consistent with the objectives of the height development standards despite the numerical non-compliance. The application is supported by requests to vary this development standard in order to accommodate the form, scale and density proposed.
- The proposal substantially complies with the provisions of the LDCP 2008. There are variations proposed to some development controls, however these are considered acceptable on merit.
- The proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the Residential Flat Design Code. The scale and built form is consistent with the desired future character of the area that is envisaged under the LLEP and LDCP.
- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.
- The application was referred to a number of external authorities with no objections raised, subject to imposition of conditions.

It is for these reasons that the proposed development is considered to be satisfactory and notwithstanding the submissions received, the subject application is recommended for approval, subject to conditions.

5. ADDITIONAL DOCUMENTATION PROVIDED ELECTRONICALLY TO THE PANEL

1. Draft Construction Traffic Management Plan
2. Council report for draft Miller Town Centre
3. Council resolution
4. Revised Conditions of Consent