

ORDINARY MEETING 12 DECEMBER 2018
CITY ECONOMY AND GROWTH REPORT

EGROW 04	Middleton Grange Town Centre Planning Proposal - Post exhibition report
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Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	322303.2018
Report By	Graham Matthews - Senior Strategic Planner
Approved By	Tim Moore - Director, City Economy and Growth / Deputy CEO

Property	60-80 Southern Cross and 45-65 Hall Circuit, Middleton Grange
Owner	Manta Group P/L
Applicant	Manta Group P/L

EXECUTIVE SUMMARY

At its 16 December 2015 meeting, Council resolved to endorse in principle the proposed rezoning of land at 60-80 Southern Cross Avenue and 45-65 Hall Circuit, Middleton Grange and to delegate to the CEO authority to approve a final planning proposal for submission to the Department of Planning and Environment (DP&E) for a Gateway determination. The original planning proposal included a letter of offer for a voluntary planning agreement (VPA) which was not renewed by the proponent when their revised proposal was submitted in July 2018.

The planning proposal seeks to modify the zoning and development standards applying to the subject site in order to enable the following outcomes:

- 86,031m² of residential space (912 dwellings);
- 20,240m² of retail; and
- 2,533m² of other commercial uses.

The Gateway Determination was issued by DP&E on 15 August 2016. It included a number of conditions and required that the proponent update the planning proposal and submit the revised planning proposal to DP&E for review. Council officers worked constructively with the proponent to address concerns with the built form in relation to transition of heights in the revised planning proposal. The amended proposal was then referred to the Department for final review, as required by the gateway conditions in order for the proposal to be released for public exhibition.

This report details the process of the revision of the planning proposal since Council's earlier in-principle support, public authority consultation and public exhibition of the revised planning proposal.

The Roads and Maritime Services (RMS) has raised significant concerns about the proposal. In addition, Council undertook extensive public consultation on the planning proposal, receiving 867 submissions of which 94% of respondents oppose the planning proposal.

Following a review of all technical studies and agency and community comments, Council officers hold significant reservations about the proposal, the potential impacts on the community and the financial costs to public authorities, including RMS and Council.

Specifically:

- the proposal does not adequately address why the current controls are not appropriate and how the proposal aligns with the strategic planning framework (i.e. the new regional and district plans);
- a town centre of an appropriate size and scale may be achieved with the current zoning and development standards;
- site specific constraints do not support the density of built form and land used proposed;
- the increase in the amount of housing and retail in the town centre will have impacts on the residential and regional road network;
- there is insufficient public transport to support the proposed development;
- the proposed built form is inappropriate within an outer suburban location largely characterised by one and two storey dwellings on the boundary of the site;
- existing infrastructure is insufficient to support the increased population and there has not been any commitment to address this through agreements for public benefits and contributions to infrastructure; and
- the proposed increase in residential density is not required for Liverpool to meet its housing targets in the Western City District Plan.

The proposal would result in a significant change to a low density outer suburban area, a change not supported by the majority of the residents of Middleton Grange.

On the basis of the concerns raised by State agencies and the overwhelming opposition of the local community to this proposal, it is recommended that Council withdraw support for the planning proposal, as allowed for under Section 3.35 of the *Environmental Planning & Assessment Act 1979*.

RECOMMENDATION

That Council:

1. Notes the gateway determination issued by the Department of Planning & Environment;
2. Notes the submissions received during the public exhibition of the planning proposal, including public agency comments;

3. Notes that significant infrastructure upgrades will likely be required to support the planning proposal, including regional road upgrades;
4. Notes that no funding mechanism for infrastructure and public benefits has been advanced by the proponent to date;
5. Notes the issues identified in the assessment report in relation to the proposed built form, environmental impacts and density and the area not serviced with regular and reliable public transport services.
6. Withdraws support for the planning proposal pursuant to Section 3.35 of the *Environmental Planning & Assessment Act 1979*;
7. Writes to the Minister of Planning and the Greater Sydney Commission to request that the planning proposal not proceed pursuant to Section 3.35(4) of the *Environmental Planning & Assessment Act 1979*;
8. Writes to the proponent and all those who made a public submission to advise of Council's decision; and
9. Notes that the current zoning and land use controls enable the development of a local shopping centre for the Middleton Grange community which is consistent with the Liverpool Retail Centres Strategy.

REPORT

Background

On 25 June 2015, a planning proposal was lodged with Council seeking to amend Liverpool Local Environment Plan (LLEP) 2008 for 60-80 Southern Cross Avenue and 45-65 Hall Circuit, Middleton Grange, which forms part of the site for a planned local centre for Middleton Grange.

On 16 December 2015, Council resolved to provide in-principle support for the planning proposal and delegated to the CEO the authority to finalise a planning proposal and submit the planning proposal to the Department of Planning and Environment (DP&E) seeking a Gateway Determination.

The Council resolution was:

That Council:

1. *Endorses in principle, the Planning Proposal to rezone land at 60-80 Southern Cross Avenue and 45-65 Hall Circuit, Middleton Grange.*
2. *Delegates to the CEO to negotiate with the proponent regarding increased open space to support the increased residential density, including the completion of a comprehensive Social Impact Assessment.*
3. *Delegates to the CEO the authority to approve the final Planning Proposal to administer this rezoning, for submission to the Department of Planning and Environment for Gateway.*

The outstanding matters that remained unresolved at the time of the December 2015 Council meeting (and for which Council delegated authority to the CEO to resolve) included the following.

- Concerns regarding the scale of the proposal, specifically the significant increase in density and height proposed over the subject site and the appropriateness of the development in the context of the low density residential character of Middleton Grange.
- The lack of a comprehensive assessment of flood impacts, including the potential impacts of the proposed box-culvert over the open drainage channel within the planned local centre. Middleton Grange was initially master-planned as a catchment with open channels to provide for stormwater management and passive recreation for the residential community.
- The lack of a comprehensive assessment of transport and traffic impacts which would result from the proposed rezoning, including both increased residential and retail/commercial development.
- The lack of a comprehensive assessment of the road realignment proposed within the local centre and the impacts upon the wider catchment.
- The lack of a comprehensive assessment of impacts of the proposed intensification of retail/ commercial uses within the planned local centre with respect to the Liverpool Retail Centres Hierarchy. The proposed intensification would elevate the Middleton Grange town centre to a subregional centre similar to Carnes Hill, Casula Mall, or Edmondson Park.
- The lack of a comprehensive assessment of social impacts and the social infrastructure required as a result of increased residential densities.

On 15 August 2016, the DP&E issued a Gateway Determination for the planning proposal, with conditions. Council was not delegated authority to make the plan. The Gateway conditions are discussed in the following sections.

On 29 March 2017, after lengthy discussions with the proponent, and noting the fact that the proponent had not undertaken the detailed assessments required to address the Gateway conditions, a report was prepared for the 29 March 2017 Council meeting. The options presented in the Council report were:

Option 1:

Allow the proponent a further two months from the date of this Council meeting to provide the outstanding matters (flood study, urban design analysis addressing the transition of heights, including overshadowing and visual impacts, and the rationalisation of the uses in the areas zoned for residential purposes), and any other information required by Council and the public authorities, and request a further report be submitted for the consideration to the Council meeting in July; or

Option 2:

Withdraw support for the planning proposal and notify the Department of Planning and Environment that Council no longer seeks to proceed with Draft Amendment 63 to the Liverpool Local Environmental Plan 2008

Council resolved:

That Council defer this item until a full report can be presented to Council for determination.

Following the Council meeting of 29 March 2017, the proponent lodged an updated report on traffic impacts in October 2017. An updated flood impact assessment was provided by the proponent in December 2017. The proponent provided a revised planning proposal for public exhibition in July 2018 (see **Attachment 1**).

The revised planning proposal did not include a revised letter of offer for a voluntary planning agreement (VPA). The proponent advised that additional development contributions that would accrue, were the planning proposal to be supported, would be sufficient to provide the additional infrastructure required to support the proposal. Significant concerns were raised by the RMS during agency consultation regarding required upgrades to the regional road network (which the RMS has not budgeted for and has not planned to deliver in the short-medium term). The proponent has not advanced a funding mechanism to fund upgrades to the regional road network, instead relying on the RMS to fund upgrades that would in a large way be caused by this development. A number of public submissions also raised concerns that the provision of infrastructure required to support the proposal was inadequate.

The revised planning proposal was submitted to DPE as required by gateway condition 2(c). The Department reviewed the revised planning proposal and was satisfied the planning proposal met the gateway conditions and requested Council publicly exhibit the planning proposal at its earliest convenience. The planning proposal, and supporting documentation, was placed on public exhibition from 29 August to 26 October 2018.

Site description and intended outcomes

The site is legally described as follows:

- Lots 2, 3, 4, 5, and 6 in DP 1207518;
- Lot 1 in DP 1078564;
- Lot 12 in DP 1108343; and
- Lot 102 in DP 1128111

The site is irregular in shape and has an area of approximately 69,000m² which comprises a total developable area of 43,559m². It has a 200m northern frontage to Southern Cross Avenue and a 220m southern frontage to Flynn Avenue. Bravo Avenue bounds part of the site along the eastern side while residential blocks adjoin to the west. The site is generally known as 60 - 80 Southern Cross Avenue and 45- 65 Hall Circuit, Middleton Grange.

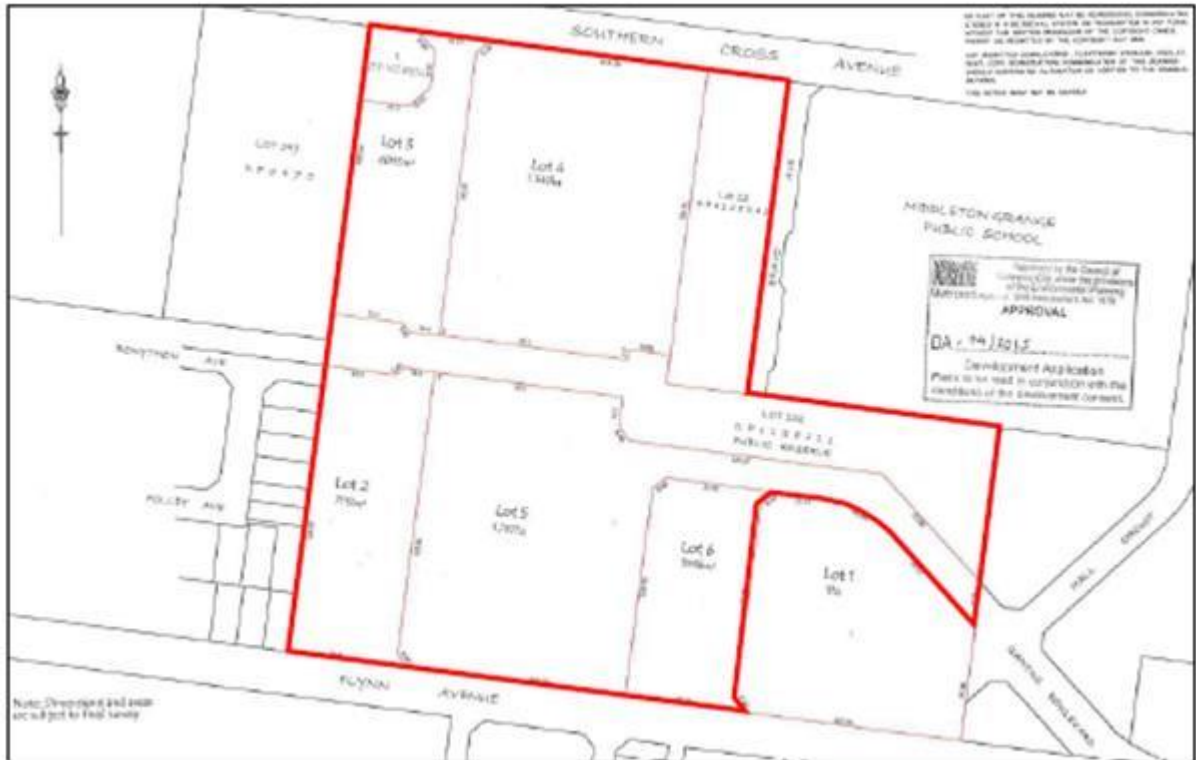


Figure 1: Site plan

The proposed amendment would facilitate a new town centre comprising a range of mixed use buildings up to 35m in height with a total site GFA of 112,050m², achieved with a split FSR of part 1:1 and part 2.3:1.

The planning proposal states the new Town Centre would comprise:

- 86,031m² of residential space;
- 20,240m² of retail;
- 2,533m² of other commercial uses; and
- 912 new dwellings;

is no modelling between the 1% AEP and PMF floods to show at what flood frequency the development will be impacted.

...

Furthermore, it is not clear when areas impacted by flooding above the 1% AEP flood will start being affected as there has not been any modelling of floods above the 1% AEP and below the PMF in the information provided. As such it is difficult to know how the roads progressively get cut by floodwater and how this would impact movement from the flood affected part of the sites to a flood free location away from the site.

...

The NSW SES suggests it should be prudent for the relevant planning authority to be satisfied that there is the ability for the future population to evacuate from the at risk area of the future development and not be put at risk from flooding and its consequences.

...

However, the NSW SES does not support the requirement for evacuation plans to be produced as a condition of consent to overcome the risk present at the site (Floodplain Development Manual, Appendix N7) and prefers that the evacuation assessment has already been undertaken prior to the Development Application process.

The submission is reproduced in full at **Attachment 5**

While it is evident that the proposal manages flooding risk up to and including the 100 year event (1% Annual Exceedance Probability), the SES believes that the planning proposal should be amended to indicate how the site would be evacuated in flood events exceeding the 100 year flood. It does not accept the direction of the Floodplain Development Manual, which directs planning assessment of flood events, which indicates that evacuation plans be produced as a condition of consent of a DA. Council's assessment of the potential flooding impacts of the proposal however, is informed by the requirements of the Floodplain Development Manual.

While Council's Flood Policy and NSW Government's Flood Policy do not restrict developments on low risk flood affected lands, in order to minimise risks associated with emergency evacuation for higher floods up to the PMF, the applicant is required to develop a site specific Fail Safe Flood Evacuation plan for floods up to the PMF, in consultation with the SES.

The proposed development is affected by the probable maximum flood (PMF) and access to the site will not be available under the PMF event. The applicant has stated that there is currently no regional evacuation plan for this locality and the site is free from regional flooding. The report also stated that based on contours of the area, evacuation could easily occur towards a higher area with a rising grade.

Based on the requirements of the Floodplain Development Manual, Council staff would expect the submission of evacuation plans, as noted by the SES, with a DA for the proposed development of the subject site.

The concerns raised by the SES would not be sufficient grounds for Council to request that the proposal not proceed.

Condition 2a transition of heights to existing neighbouring residential zones and overshadowing impacts

Condition 2a of the Gateway Determination required that the proposal address the transition of heights for the proposed development to the neighbouring residential zones, and overshadowing impacts.

On 14 July 2017, the proponent provided information on the proposed transition of heights with regard to Condition 2a. Council officers found the approach did not satisfy the Gateway condition as it did not comprehensively address the overall built form impacts of the proposed development in terms of height and massing across the whole of the subject site with respect to surrounding low density residential areas.

The proposal was required to demonstrate that the intended height and massing can be adequately transitioned, not only within the proposed development but also to the surrounding residential zones on all sides, without creating adverse visual and overshadowing impacts.

The proposal did not provide a sufficient level of justification for the scale of the development that may result. The urban design report (**Attachment 4**) and the supplementary height and massing diagrams provided by the proponent did not adequately demonstrate how the bulk and height of the proposed development would be transitioned to the surrounding low density residential neighbourhood, or conversely, that it would produce a quality built environment and internal amenity for the future residential and non-residential uses within the proposed development. This view was reiterated in multiple meetings with the proponent and also with the DP&E.

Council officers were of the view that an appropriate response to the 'transition of heights' would likely require the lowering of the proposed height of buildings (and corresponding floor space ratio) across the subject site to produce a more modest development outcome.

Council officers advised the proponent that they did not support a 2.5:1 FSR along the western boundary of the subject site. It was agreed by the proponents that the FSR would be reduced to 1:1 on these lots only. There was no corresponding change to the proposed 14m height of building control.

Council officers were also concerned that the core of the subject site, the area within the expanded B2 zone that makes up the town centre, which includes lots 4 and 5 (see Figure 1 above), would generate significant visual and overshadowing impacts and introduce a built form considered too intense for the surrounding low-density residential areas.

The proponent countered that the height and massing of the proposed development was in keeping with other developments around the Sydney metropolitan area, and that it represented the best option for financing such a development. By contrast, Council officer's view is that examples of development of this scale may be suitable for strategic centres and/or where there is a high level of public transport infrastructure as well as the requisite level of services and amenities, including sufficient opportunities for employment to support residential densities of this scale. These conditions do not exist for Middleton Grange.

Importantly, the commercial viability of a landowner or a developer is not a consideration for the public authority when preparing development standards. Rather, the planning authority is required to consider the economic feasibility of those controls generally, to reflect land use planning objectives with regard to future housing and employment, and the demand and delivery of infrastructure.

With the assistance of the DP&E to mediate the concerns and move the proposal forward to public exhibition, Council officers noted the proponent's revised massing diagrams and referred the amendments back to DP&E for their concurrence regarding compliance with gateway conditions.

Potential overshadowing of SP2 zoned land

There was discussion with the proponent regarding the anticipated use of the (Council owned) SP2 zoned land through the middle of the town centre and the impact of overshadowing on this space.

Council officers noted that the proponent had indicated that the open channel within SP2 zoned land would be covered (subject to a flood study and details of maintenance agreements). The planning proposal identifies this area as a central public plaza and a key pedestrian through-site link to connect the school, open spaces, and the residential areas to the east and west. The proponent relies on this space as one of the key strategic justifications for the planning proposal.

With this intended use, Council officers outlined the importance of the quality of this space to have good sun access and minimal wind impacts, particularly as it is proposed as a central feature of the town centre, noting the overshadowing impacts that surrounding buildings would create.

It is Council officers' view that the objectives applying to the land zoned SP2 through the town centre should continue to apply. The SP2 Infrastructure zone identifies the following objective:

To provide for infrastructure and related uses, to prevent development that is not compatible with or that may detract from the provision of infrastructure, and to reserve land for the provision of infrastructure.

While the primary purpose of the SP2 zoned land is to safely convey storm water, its secondary purpose is to provide public access through the town centre. Overshadowing the SP2 zoned land, would significantly reduce the utility and amenity of the land as a through site link.

The urban design analysis does not apply enough attention to the development of this core area. The proposed 'sleeving' with a reduced tower and street wall along portions of Lots 4 and 5 does not mitigate overshadowing of this central public open space. Refer to Urban Design Report at **Attachment 4**.

Gateway Condition 2b: Proposed controls for commercial uses in residential zones

This condition required the proposal to address the proposed commercial uses in the R1 — General Residential zone. It was agreed by the proponent that the planning proposal would be revised to remove the proposed commercial uses under Schedule 1 (Additional permitted uses) in the R1 zone. This means that higher intensity business uses, including commercial would be contained within the expanded B2 zone.

Gateway Condition 2c: Provide the revised planning proposal to the Department for review

The updated planning proposal and supporting documents were submitted to the DP&E by Council officers, to address the outstanding matters as outlined above. The DP&E noted the revised proposal in accordance with the Gateway conditions, and agreed the planning proposal should proceed to community consultation.

CONSULTATION

Public authority consultation

Condition 3 of the gateway determination required Council to consult with a range of public authorities, prior to public exhibition. The result of the public authority consultation is as follows:

Office of Environment and Heritage

On 30 September 2016 the OEH provided comments to Council which describe the requirements for a comprehensive flood study to support the proposed rezoning. OEH comments concluded with the following statement:

As the proposal potentially involves a significant increase of people located in the floodplain Council has a duty of care to ensure occupiers and owners are aware of any potential risks to their lives and to property. Council should be mindful that people may develop a false sense of security. Therefore, an appropriate education and awareness program should be considered in consultation with the SES.

Roads and Maritime Services

In its initial comments to Council dated 8 November 2016 the RMS stated:

The transport study submitted with the planning proposal is preliminary in nature and has not adequately analysed the cumulative transport and traffic impacts associated with the planning proposal... In this regard an addendum transport study should be undertaken to assess the cumulative impacts of the planning proposal on the local and regional road network (including public transport) and identify feasible infrastructure improvements required to support future developments within this Town Centre precinct.

As noted above, a revised traffic and transport assessment was provided by the proponent in September 2017. On 16 November 2018, RMS informed Council that it had assessed the Traffic Impact Assessment and noted the following:

*Roads and Maritime has reviewed the planning proposal including the Traffic Impact Assessment prepared by Traffix Pty Ltd and notes this assessment and associated mesoscopic modelling has not tested the traffic impacts of the planning proposal on the existing state road network for the 2026 with development scenario. The 2026 with development scenario has included a number of road network upgrades, including widening of Cowpasture Road northbound between Fifteenth Avenue to Fairfield Drive and southbound from M7 to Sixteenth Avenue **to be funded and constructed by others (i.e. NSW Government).***

***The above widening of Cowpasture Road is not in the NSW Government's forwards works program** and is subject to business case approval and allocation of funding. As Council would appreciate, funding for road network improvements is limited and is allocated on a state wide priority basis. As a result, the planning proposal should not be reliant on uncommitted road infrastructure upgrades.*

It is recommended that any further consideration of the planning proposal should include testing the traffic impacts of the planning proposal on the existing state road network for the 2026 with development scenario. This should include identification of any necessary road and transport upgrades (at no cost to State Government) to accommodate the additional trips generated by the development inclusive of staging of identified transport infrastructure linked to trigger points (i.e. development yields) for inclusion in a Planning Agreement (emphasis added).

The submission is reproduced in full at **Attachment 3**.

Transport for NSW

On 27 October 2016, Transport for NSW (TfNSW) provide comment which advised that:

A proposal of this size requires a transport impact assessment. The transport impact statement provided does not provide enough information for TfNSW to be able to assess the impact the proposed development will have on the regional and classified road network.

The proponent submitted a transport impact assessment on 12 October 2017. It was provided to the RMS for comment and the RMS comments are detailed above.

Sydney Water

On 2 November 2016 Sydney Water provided comments on the proposed rezoning. Sydney Water raised no objections and noted their requirements would be provided at the Section 73 application phase.

Department of Education

On 24 October 2016, the NSW Department of Education provided comment regarding the potential impact of the proposed rezoning on the Middleton Grange Public School. While requesting that “certain building design elements be incorporated to minimise the impact of the height of buildings e.g. the upper levels to be modulated/setback from side boundaries, and external building materials to be non-reflective,” the Department of Education otherwise raised no objection to the proposal.

State Emergency Services

Detailed discussion on the submission received from the SES on 28 November 2018, is provided above.

Public exhibition

In accordance with condition 4 of the Gateway Determination, the planning proposal was publicly exhibited from 29 August 2018 to 26 October 2018, for a period of 59 days. The extended exhibition period was considered appropriate given the scale and nature of the planning proposal. Relevant stakeholders were notified by post and letterbox drop, through the local newspaper, on the Council website and social media, and at Liverpool Listens.

A community forum was held on 16 September 2018 at Thomas Hassall Anglican College, Middleton Grange, to further engage local residents about Amendment 63, in addition to other matters affecting Middleton Grange. The community meeting was attended by over 600 people.

A total of **867 submissions** were received during public exhibition that consisted of:

- 813 objections (94%);
- 649 unique and verifiable submissions;
- 178 form letters objecting to the proposal (of which 53 were accompanied by further comments);
- 3 institutional submissions, one each from Parkbridge Community Association, Charter Hall (owners of Carnes Hill Shopping Centre), and the Serbian Cultural Club St Sava;
- One petition in support with 73 signatures; and
- One petition in objection with 830 signatures.

Overall, 608 (94%) of the 649 verifiable submissions received objected to the planning proposal. The range of concerns raised is detailed in the Table 1 below.

The Parkbridge Community Association submission was prepared by Sue Weatherley & Associates and the Charter Hall submission was prepared by Design+Planning Consultants. These two institutional submissions incorporated the concerns raised by a large number of the public submissions, while providing detailed planning justification for their objections.

The following issues were raised in these submissions.

- With regards to strategic merit, there are significant inconsistencies between the planning proposal and the Western City District Plan and Greater Sydney Region Plan, as well as the Community Strategic Plan (Our Home, Liverpool 2027) and Liverpool Business Centres and Corridors Strategy. Furthermore, the applicant has not addressed why the current controls would lead to outcomes which are inconsistent with the strategic planning framework and therefore require amending;
- The assumptions and methodologies used for the economic, social, and traffic impact assessments were critiqued;
- A town centre of an appropriate size and scale may be achieved with the current development standards, without the negative impacts associated with the increase in height and density; and
- Measurable impacts on nearby centres resulting from insufficient demand for a retail centre of this scale from the local community.

Transport and traffic

- Intensification of the scale proposed is inappropriate owing to its location, in the “belly” of a low density residential area and distant from major transport routes (arterial roads and mass public transport);

- The qualitative increase in the scale of the town centre is not supported by a residential street network that has the capacity to support it, with or without the proposed road layout changes; and
- Lack of public transport (only one bus route with no plans from Transport for NSW for additional services).

Built form

- Built form would have significant impact on surrounding areas and the transition zone between low-rise (8.5m) to high-rise (20m-35m) is considered inadequate; and
- The urban design drawings do not reflect the maximum possible height that may be achieved via the proposed development standards.

Other matters

- Insufficient social infrastructure and services to support the increased population;
- Liverpool as an LGA is already on track to meet housing supply targets; and
- Significant community opposition.

The majority of the community feedback has been consistent with the submissions made by Parkbridge and Charter Hall.

Table 1 presents all matters explicitly raised in submissions.

Item	Matter	Council staff comment	Count
1	General opposition to the proposed number of new dwellings	A development of the scale proposed will strain local infrastructure, in particular roads, schools, and open space. The planning proposal has not adequately addressed the traffic constraints required to accommodate the increased development, nor the additional unmet demand for public transport. There is no funding agreement advanced by the proponent to date and there is no commitment to any upgrades to the	580

Item	Matter	Council staff comment	Count
		regional road network to be funded by the proponent without relying on government funding.	
2	Built form and height of buildings concerns	The proposed built form is inconsistent and out of character with the low density residential area of Middleton Grange. The transition of heights from the low-rise surrounds to the maximum height of 35m is considered inadequate and does not negate the fact that the proposed development will be almost double the current permissible maximum height of buildings development standard. Although any DA for apartments must meet Apartment Design Guide (ADG) requirements for overshadowing, the sharp transition of heights from low density residential to high-rise may render mitigation measures ineffective.	435
3	Overshadowing, particularly in relation to Middleton Grange Public School		202
4	Traffic generation	The planning proposal does not adequately demonstrate that the existing transport network can accommodate the development, independent of future upgrades from RMS (to date unfunded and not committed). Middleton Grange has two vehicle entry points by road. Constraints on Fifteenth Avenue and Cowpasture Road limit potential intersection improvements to support additional vehicle trips. The RMS has also indicated that the proposed widening of Cowpasture Road is not within its forward allocations to 2026. It advises the proposal should not be reliant on uncommitted road infrastructure upgrades.	492
5	Lack of parking availability	Households in Middleton Grange have a high reliance on motor vehicles due to the lack of alternative transport options. It is likely that households in the town centre will exhibit similar characteristics. The planning proposal does not adequately assess the required provision of parking and impacts on local streets and on-street parking.	205
6	Lack of public transport	There is one public bus route that does not service the northern section of Middleton Grange. Public transport is not adequate to meet the needs of the existing population and will therefore not cater for the proposed increased population. Transport for NSW has not committed to any increase in services, despite significant representations from Council.	55
7	Lack of social infrastructure	The social infrastructure in the area, including the schools and open spaces, have been planned to meet the needs of a population density that the current controls provide for. Several recommendations to mitigate negative social impacts are reliant on commitments from other authorities and therefore may not materialise. A funding mechanism to address social infrastructure has not been advanced by the proponent to date.	228

Item	Matter	Council staff comment	Count
8	General lack of infrastructure	See 1, 4, 6, and 7.	98
9	Overdevelopment of the site	See 2, 3, and 16.	75
10	Lack of greenery	Increased landscaping is a matter of detail for future development applications if the planning proposal is supported.	4
11	Other more appropriate locations for this development	This comment is supported by the Liverpool Residential Development Strategy that indicates that high density residential zones should be situated in the vicinity of significant public transport nodes and town centres. Development of the scale proposed would be more appropriate in the vicinity of a train station or town centre (not an area planned for a village centre).	23
12	Overlooking and privacy issues	<p>Although any DA for apartments must meet ADG requirements for overlooking, the sharp transition of heights from low density residential to high-rise may render mitigation measures ineffectual.</p> <p>Comments relating to privacy and safety issues relating to overlooking into the public school are unfounded. Examples of apartments overlooking schools can be found across Sydney.</p>	34
13	Housing targets in Liverpool already met	The Liverpool housing supply target established by the Western City District Plan is 8,250 by 2021. Based on existing development approvals, Liverpool will exceed housing targets, in areas that are planned for and supported by infrastructure.	3
14	Natural hazards (flooding/bushfire)	<p>Although the town centre site itself is not mapped as bushfire prone land, the qualitative increase in residents would have ramifications for evacuation for the broader Middleton Grange community given there are only two vehicle exit points out of the suburb and the bushfire risk arising from the Western Sydney Parklands and Cessna Reserve.</p> <p>The response of the SES regarding evacuation routes in case of the Probable Maximum Flood (PMF) and Council officers' response is detailed above.</p>	6
15	Noise and amenity issues	Increased traffic generation and activity in the town centre may result in greater noise disturbance. Although noise impacts are expected in inner city and high density areas, noise thresholds for Middleton Grange may be lower, as a low density suburban neighbourhood.	28
16	Economic viability and lack of demand	The Middleton Grange Town Centre was planned to only service the Middleton Grange community. The Liverpool Retail Centres Hierarchy classifies Middleton Grange as a village centre, the purpose of which is to service the local community. The proposed scale of development is a significant deviation from the Retail Hierarchy, which does not envisage any substantial growth for the Middleton Grange town centre.	7

Item	Matter	Council staff comment	Count
		<p>The increased retail and commercial floor area was premised upon a trade area extending from Green Valley in the east to Rossmore in the west. This is considered to be an overestimate, given all areas outside of Middleton Grange already have larger and more convenient centres to use, such as Green Valley and Carnes Hill. Limited entry points into Middleton Grange will further deter potential users and operators. This potential overestimation of retail demand may lead to low occupancy rates for the non-residential component of the development and may have unforeseen impacts on the viability of surrounding (planned and existing) centres.</p> <p>It is to be noted that the Gateway Determination did not require Council to update/review the economic impact assessment (EIA) provided by the proponent. The submission provided by Charter Hall raises considerable questions regarding the methodologies used and conclusions drawn in the proponent's EIA.</p>	
17	Increased crime and reduced safety	Crime and safety are influenced by a large range of factors, and submissions claiming that the greater number of apartments would lead to increased crime and reduced safety are unfounded.	47
18	Concerns with commission housing and renters	There is no commitment to offer public/social housing on the site. The majority of proposed new dwellings would be housing developed for the market and in any event Council cannot control the tenure type (owner/renter) of dwellings.	24
19	Wants a local centre	As noted by the Parkbridge and Charter Hall submissions, a town centre that can appropriately service the local community needs is already permissible under the current planning controls.	348
20	Will stimulate economic growth and generate activity	Activity can be generated even with a smaller scale town centre, especially if delivered in conjunction with community facilities. There is no guarantee as to the commercial success of the non-residential component, as discussed above (see 16).	24
21	Increases supply of housing	Increased housing supply and diversity is positive, in the right location relative to public transport and other amenities. The proposed increase in residential density of the subject site would be out of character with Middleton Grange and not supported by sufficient infrastructure.	9

Table 1: Analysis of submissions

Attachment 2 provides a spreadsheet of all submissions received. The issues raised in each submission are described with reference to the codes provided in Table 1 (i.e. 1-21).

The overwhelming majority of the community feedback to this planning proposal is negative. The majority of community concerns do have planning justification and are supported by the Parkbridge Community Association and Charter Hall submissions. These two submissions are attached as **Attachment 6** and **Attachment 7**.

Conclusion

Council resolved at its December 2015 meeting to provide in-principle support for the planning proposal to proceed to a Gateway determination. Like many planning proposals, that is the first step in allowing Council to more fully understand the impacts of the planning proposal once additional technical studies are undertaken, comments from key state government agencies are received and the Council has the benefit of hearing from the community.

Following a review of all technical studies and agency and community comments, Council officers do not support the planning proposal for the following reasons:

- the proposal does not adequately address why the current controls are not appropriate and how the proposal aligns with the strategic planning framework (i.e. the regional and district plans);
- a town centre of an appropriate size and scale may be achieved with the current zoning and development standards;
- the site-specific constraints do not support the density of built form and land used proposed;
- the increase in the amount of housing and retail in the town centre will have impacts on the residential and regional road network;
- there is insufficient public transport to support the proposed development;
- the proposed built form is inappropriate within an outer suburban location largely characterised by one and two storey dwellings on the boundary of the site;
- existing infrastructure is insufficient to support the increased population and there has not been any commitment to address this through agreements for public benefits and contributions to infrastructure; and
- the proposed increase in residential density is not required for Liverpool to meet its housing targets in the Western City District Plan.

The proposal would result in significant change to a low density outer suburban area, a change which is not supported by the majority of the residents of Middleton Grange.

The current zoning and planning controls allow for an appropriately scaled town centre to develop in Middleton Grange to serve the day to day needs of the community, and which is consistent with the planned hierarchy of retail centres under the Retail Centres Strategy.

It is therefore recommended that Council resolve to withdraw support for the planning proposal, and inform DP&E & GSC of its decision, as well as the proponent and those who made a submission.

CONSIDERATIONS

Economic	Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues. Facilitate economic development.
Environment	There are no environmental and sustainability considerations.

Social	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership	<p>Undertake communication practices with the community and stakeholders across a range of media.</p> <p>Encourage the community to engage in Council initiatives and actions</p> <p>Provide information about Council's services, roles and decision-making processes.</p>
Legislative	Environmental Planning and Assessment Act 1979