

PLAN 07

DCP Amendment - Middleton Grange

Strategic Objective	Evolving, Prosperous, Innovative Implement planning controls and best practice urban design to create high-quality, inclusive urban environments
File Ref	241442.2023
Report By	Lilyan Abosh - Strategic Planner
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

At its meeting of 25 August 2021 (**Attachment 1**) Council resolved to forward a revised Middleton Grange local centre planning proposal to the Department of Planning and Environment for finalisation, with a recommendation that the proposal proceeds, subject to completion of the following:

- a) The execution of a Planning Agreement that establishes a secure mechanism to deliver the proposed public open space, road upgrades and monetary contribution;
- b) The finalisation of an amendment to 'Part 2.5 – Middleton Grange' of the Liverpool Development Control Plan 2008; and
- c) An amendment to the proposed Land Reservation Acquisition map in the LEP to rectify the inconsistency with the Liverpool Contributions Plan 2008.

The planning proposal was gazetted on 27 April 2022, and commenced on 1 November 2022. This deferred commencement date was provided to allow for a Voluntary Planning Agreement to be finalised, which was then executed on 24 November 2022.

In accordance with the above resolution, amendments are required to 'Part 2.5 – Middleton Grange' of the Liverpool Development Control Plan 2008 (the DCP), to ensure the DCP aligns with the finalised planning proposal (Amendment 63).

Most notably, the DCP Amendment seeks to update the road network for the local centre to a grid layout. This includes the provision of a new north-south connecting road (Main Street) to the west of the local centre and a local street (Middleton Drive) connecting with Qantas Boulevard to the east of the centre.

The amended road network aligns with the road works already approved by Council under various Development Applications. Council has also previously indicated its support for a grid road layout at the Council meeting of 25 September 2019.

Additional site-specific controls for the local centre have also been introduced, to support the vision progressed through the planning proposal. This includes controls that seek to:

- Ensure there is a justified supply of non-residential land above the ground floor, which aligns with the job targets for Middleton Grange;
- Promote activated street frontages that encourage pedestrian activity and passive surveillance;
- Secure the delivery of a publicly accessible park on land zoned E1 Local Centre which is functional and provides high quality amenity through design;
- Implement street setbacks and storey walls that are consistent with the LEP and reflect an appropriate transition to surrounding development; and
- Strengthen the design requirements and controls which concerns development in the local centre.

The DCP Amendment (**Attachment 2**) has also been informed by feedback from Council's Traffic and Transport, Contributions Planning, Floodplain and Water Management, and City Design and Public Domain teams.

It is recommended that Council endorses the DCP Amendment and proceeds to publicly exhibit the DCP in accordance with Council's *Community Participation Plan 2022*. In accordance with Clause 15 of the *Environmental Planning and Assessment Regulation 2021*, the draft DCP will be referred to the Liverpool Design Excellence Panel for comment.

Once consultation has occurred and comments have been addressed, a post-exhibition report will be prepared for the next available Council meeting, with a recommendation based on the received submissions.

RECOMMENDATION

That Council:

1. Supports in principle the proposed amendments to the Liverpool Development Control Plan 2008 – Part 2.5 Middleton Grange (the DCP);
2. Delegates authority to the CEO (or delegate) to make minor or typographical changes to the DCP prior to public exhibition;
3. Undertake public exhibition of the DCP amendment, in accordance with the Liverpool Community Participation Plan; and
4. Receives a further report on the outcome of the public exhibition and community consultation

REPORT

BACKGROUND

On **25 June 2015**, a planning proposal request was lodged with Council to amend the *Liverpool Local Environment Plan 2008* (LLEP 2008) for land at 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. The broad intent of this planning proposal was to facilitate the development of the local centre and reduce the provision of dual zoning across the lots. This planning proposal received a Gateway determination from the Department of Planning and Environment (DPE) and was exhibited between **29 August 2018** and **26 October 2018** with 867 submissions received. A post exhibition report was considered by Council at its **12 December 2018** meeting, where support for the planning proposal was withdrawn.

At its **25 September 2019** meeting, Council resolved to assess and publicly exhibit any revised planning proposal that is submitted by the proponent. Council also confirmed at this meeting its support for the provision of a grid road layout in Middleton Grange.

On **29 October 2019** a revised planning proposal and supporting DCP amendment showing a grid road layout was lodged with Council. These documents were publicly exhibited between **13 November 2019** and **11 December 2019**. A total of 240 submissions were received.

On **21 November 2019**, planning consultants HillPDA Consulting were engaged to assess the merits of the revised planning proposal, and to undertake a peer review of the Economic Impact Assessment (EIA) submitted by the proponent. During this period, work on the

supporting DCP Amendment and Voluntary Planning Agreement (VPA) was also being progressed by Council staff.

At its **25 August 2021** meeting, following an extensive independent assessment and recommendation by HillPDA Consulting, Council resolved (**Attachment 1**) that it:

5. *Endorses the planning proposal, subject to the recommended changes contained within the HillPDA assessment, and forwards it to the Department of Planning, Industry and Environment with a recommendation that the planning proposal proceeds, with a request that finalisation only occurs once the following are completed:*
 - a) *The execution of a Planning Agreement that establishes a secure mechanism to deliver the proposed supporting public open space and road upgrades....*
 - b) *The finalisation of an amendment to 'Part 2.5 – Middleton Grange' of the Liverpool Development Control Plan 2008; and*
 - c) *An amendment to the proposed land acquisition map is made to rectify the inconsistency with the Liverpool Contributions Plan 2008.*

The revised planning proposal was forwarded to DPE, and was gazetted on **27 April 2022**, with a deferred commencement date of **1 November 2022**. This deferral was granted to allow time for the VPA to be finalised, which was formally executed on **24 November 2022**.

This report seeks Council's endorsement to progress an amendment to 'Part 2.5 – Middleton Grange' of the Liverpool Development Control Plan 2008 (the DCP), which is in alignment with the finalised planning proposal and VPA.

DCP AMENDMENT

Amendments to 'Part 2.5 – Middleton Grange' of the DCP are proposed to ensure it is consistent with the planning proposal for the Middleton Grange local centre (Amendment 63). The changes discussed below are to be achieved by amending the controls, maps and figures contained in the DCP.

Road Network

This DCP amendment primarily seeks to update the road network for the local centre to a grid layout. This includes the provision of a new north-south connecting road (Main Street) to the west of the local centre and a local street (Middleton Drive) connecting with Qantas Boulevard to the east of the centre.

The amended road network aligns with the road works approved by Council under DA-64/2007/C (approved 22 May 2020) as well as the approved subdivision pattern of the local centre under DA-74/2015 (approved 1 April 2015). Council has also previously indicated its support for a grid road layout at the Council meeting of 25 September 2019, which enables for a more logical zoning and subdivision pattern (see Figure 1 below).

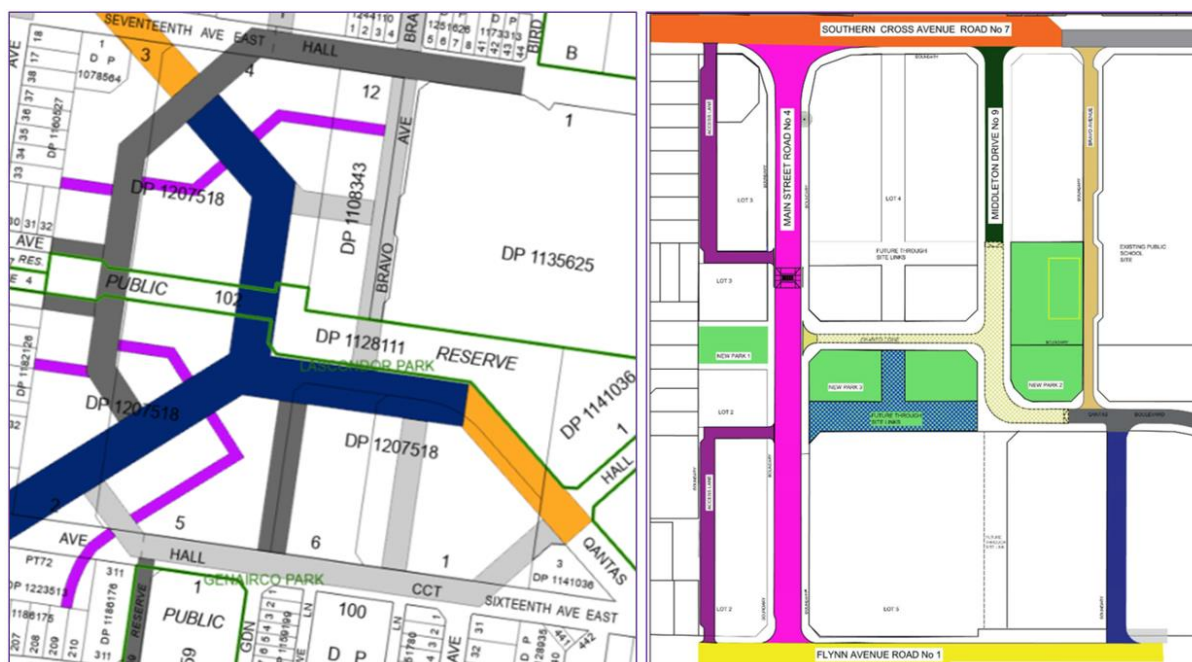


Figure 1 - Current DCP Road Network (left) and Proposed Road Network (Right)

Other Amendments

Additional site-specific controls have also been introduced, to support the vision progressed through the Middleton Grange local centre planning proposal. This includes controls that seek to:

- Ensure there is a justified supply of non-residential land above the ground floor, which aligns with the job targets for Middleton Grange in the Liverpool Local Strategic Planning Statement 'Connected Liverpool 2040';
- Promote activated street frontages that encourage pedestrian activity and passive surveillance;
- Secure the delivery of a publicly accessible park on land zoned E1 Local Centre which is both functional as a park and provides high quality amenity through design;
- Implement street setbacks and storey walls that are consistent with the LLEP 2008 and reflect an appropriate transition to surrounding residential and commercial development; and
- Strengthen the design requirements and controls which concerns development in the local centre.

Various minor amendments have also been made to rectify errors and improve the overall legibility of the DCP. A copy of the DCP Amendment with track changes is attached (**Attachment 2**).

NEXT STEPS

Subject to Council's endorsement of the DCP Amendment, community consultation will occur for a minimum period of 28 days, in accordance with Council's *Community Participation Plan 2022*. In accordance with Clause 15 of the *Environmental Planning and Assessment Regulation 2021*, the draft DCP will be referred to the Liverpool Design Excellence Panel for comment.

Once consultation has occurred and comments have been addressed, a post-exhibition report will be prepared for the next available Council meeting, with a recommendation based on the received submissions.

Conclusion

This amendment will ensure the DCP aligns with the LLEP 2008, following the finalisation of the Middleton Grange local centre planning proposal (LEP Amendment No. 63) by DPE in 2022. It is recommended that Council supports the DCP Amendment to enable community consultation to occur.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	Support the delivery of a range of transport options.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Schedule 1 of the <i>Environmental Planning and Assessment Act 1970</i> & Clause 13 of the <i>Environmental Planning and Assessment Regulation 2021</i> .
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Council Report and Resolution August 2021
2. Draft DCP - Middleton Grange

