

# ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING  
27 FEBRUARY 2019



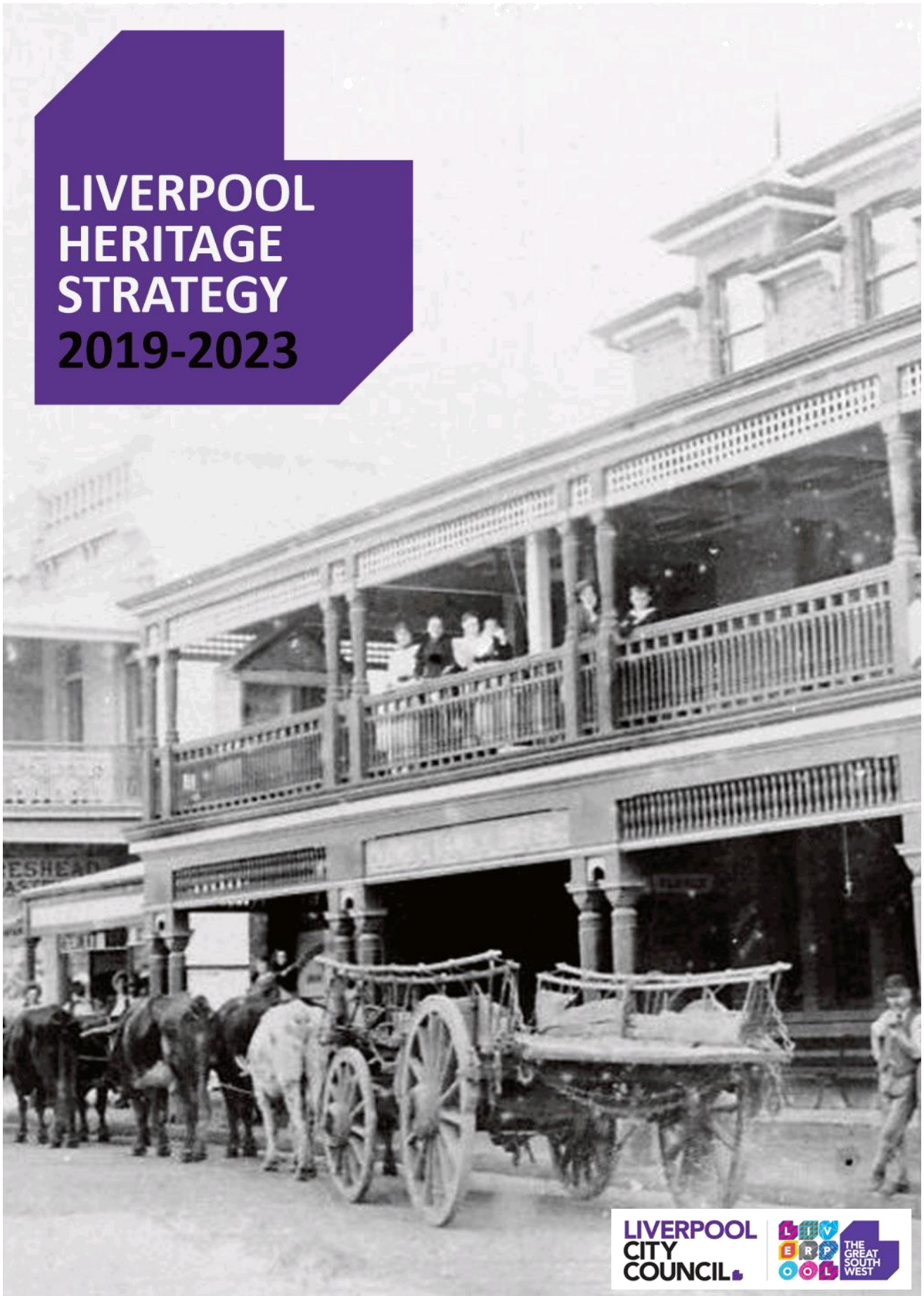
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# LIVERPOOL HERITAGE STRATEGY 2019-2023



LIVERPOOL  
CITY  
COUNCIL





**Front Page:**

Cloke's Family Hotel, Circa 1880s, Item from Fonds: Heritage Library Photograph,  
HL002676, Liverpool City Council

Liverpool City Council would like to acknowledge the contribution of  
the Darug Aboriginal Custodian Corporation through the provision of  
Darug Aboriginal Artwork on pages 4, 39 and 40.



## MAYOR'S MESSAGE



**WENDY WALLER**  
MAYOR

Liverpool is a multicultural community with a rich and diverse heritage reinforced by cultures and individual histories it peoples. As our city grows and changes, we must continue to enhance and conserve it for future generations.

As one of the oldest settlements in New South Wales and the first free settlement, the origins of Liverpool are anchored in our colonial past however over the succeeding decades, our heritage has evolved and what our community values and recognises has changed.

The Liverpool Heritage Strategy sets out our plan to protect, conserve and enhance our city's heritage buildings, places, objects and culture over the next four years. It has been developed with the assistance of the community to ensure the city's rich combination of traditions, memories, places and objects are identified and protected.

This new heritage strategy maps out how we will work with the traditional owners of the land, the community, the owners of heritage properties and interested stakeholders to ensure our story continues to be well understood, celebrated and protected.

It continues Liverpool City Council's commitment to protecting our local heritage as a feature of the continual enhancement of the urban fabric of our city.







## INTRODUCTION

The community of Liverpool has a rich and diverse multicultural heritage, which is of importance locally and nationally.

The land that Liverpool is on, is the traditional country of the Cabrogal Clan of the Darug Nation and was also occupied by the peoples of the Dhurawal and Darug Nations.

Declared by Governor Lachlan Macquarie in 1810, Liverpool was the first Macquarie Town, providing the foundations of the town planning and settlement design approach which led to the planning of Windsor, Richmond and Pitt Town.

The city contains many parks, buildings and landscapes which represent the Indigenous and colonial past and the evolution of the community.

### WHAT IS HERITAGE?

The concept of 'heritage' is defined by the *Oxford English Dictionary* as 'property that is or may be inherited; an inheritance', 'values things such as historic buildings that have been passed down from previous generations', and 'relating to things of historic or cultural value that are worthy of preservation'.

Heritage could be something as simple as a physical 'object' such as a house, a car, a book or a statue, commonly referred to as tangible heritage. It could also be a language, cultural practice, popular song, literature or dress, commonly referred to as intangible heritage. In all cases, these are objects or practices which can be owned by a person or culture and passed on to someone else, be it younger generations or others from different cultures.

Image on previous page

Painting by Mulgo, Feathers show us the connection to people past and the connections to our family groups. Courtesy of the Darug Custodian Aboriginal Corporation

### WHY IS HERITAGE IMPORTANT?

Heritage is an integral part of an individual's and community's identity. The intangible aspects of heritage which include traditions, memories, knowledge, language, rituals and cultural practices are all important to sustaining and understanding Liverpool's diverse multicultural heritage.

Heritage buildings or places are conserved as an acknowledgement of our past and to ensure our legacy is passed on to future generations.

### THE ROLE OF LIVERPOOL CITY COUNCIL

Liverpool City Council planning authority and owner of heritage buildings and places, has the vital role in knowing, protecting, integrating and interpreting the city's diverse cultural and natural heritage.

This strategy focuses on the roles and responsibilities of the Council and the key areas where it can exert influence.



Former Liverpool State Hospital, 1876, Item from Fonds: Heritage Library Photograph, HL00072, Liverpool City Council



## INTRODUCTION

The heritage roles and responsibilities of Liverpool City Council include:

- Understanding the value of heritage today and for the future;
- Identifying places, buildings, objects and stories to be conserved;
- Sustaining heritage through protection, adaption, reuse and creative interpretation;
- Communicating through signage, marketing and promotional materials, and various other print and online media platforms;
- Celebrating the city's diverse multicultural heritage with events and activities, publicity and community gatherings; and
- Partner with community organisations to enhance and promote local heritage.



Warwick Farm, 1911, Item from Fonds: Heritage Library Photograph, HL002901-1, Liverpool City Council.



Commonwealth Bank at Holsworthy Army Barracks, 1914—1918, Item from Fonds: Heritage Library Photograph, HL002901-1, Liverpool City Council.



# LIVERPOOL HERITAGE STRATEGY

The Liverpool Local Government Authority (LGA) encompasses what is recognised as the first Macquarie Town and one of the oldest settlements in New South Wales. As the first settlement established by Governor Lachlan Macquarie, Liverpool holds a significant position within the history of NSW and this is demonstrated by the listed and potential heritage items within the LGA.

The aims of this heritage strategy are:

- To guide the adoption of best practice heritage management protocols and systems within the Liverpool LGA;
- To support the management of heritage assets owned by Council;
- To enhance the understanding and protection of heritage within the Liverpool LGA;
- To enhance the appreciation and recognition of heritage within Council's development assessment and strategic planning processes; and
- To enhance the appreciation and recognition of heritage within Council community strategic planning and management planning processes.

Implementing this strategy across a 4 year period provides Council the ability to manage heritage over the longer term and implement long term projects.

## OBJECTIVES OF THE STRATEGY

The key objectives of this strategy are to:

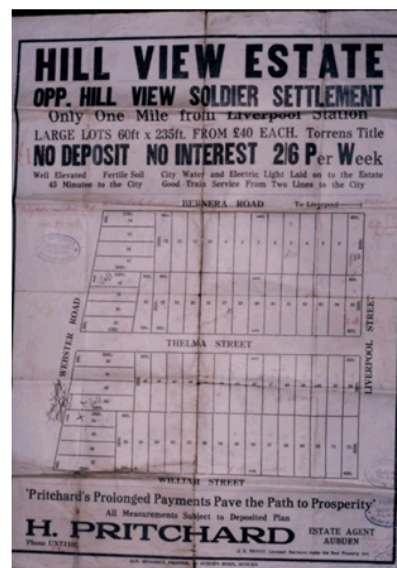
- Identify the opportunities, challenges and priorities for Council in local heritage management;
- Identify the community's expectations and requirements for future heritage management;
- Review current heritage management programs and projects and determine their ongoing relevance;
- Identify what actions should be taken to conserve, promote and manage the heritage of the Liverpool LGA;
- Identify the actions to support the understanding and recognition of heritage within Council asset

management and property management frameworks; and

- Identify the resources and opportunities for community involvement required to achieve the strategy's actions.

## PURPOSE OF A HERITAGE STRATEGY

The purpose of this Heritage Strategy is to provide guidance to Council in implementing a Local Heritage Management Program, and assist Council in the responsible, effective management of its own heritage assets.



Hill View Estate Land for Sale, Item from Fonds: Heritage Library Photograph, HL000871, Liverpool City Council

A Heritage Strategy identifies what is most important to the community's history and understanding of heritage at a point of time. It also sets out the actions that can be taken by Council or the community to protect and enhance it.

This strategy guides Council through appropriate actions for implementing and setting a priority for the actions to enable the effective and long term man-



# LIVERPOOL HERITAGE STRATEGY

agement of the heritage assets within the LGA. It will also help the community understand and appreciate the heritage value of heritage.

This strategy has been prepared to meet Council's obligations for Local Government heritage management as set by the NSW Heritage Division. It is critical to seeking financial support and aid from the Division. This strategy has been prepared with guidance from the Division's Recommendations for Local Heritage Management.

## STRATEGIC CONTEXT

The 2019-2023 Heritage Strategy works within the strategic framework of Liverpool City Council this is focused on the primary strategic document for Council, the Community Strategic Plan *Our Home, Liverpool 2027*.

This Heritage Strategy considers the context of other studies, strategies and policies prepared and adopted by Council that also have an impact on the LGA's natural and cultural heritage.

These include, but are not limited to:

- Liverpool City Council – Aboriginal Cultural Protocols;
- Liverpool City Centre Vision;
- Tree Management Policy;
- Liverpool Biodiversity Management Plan 2012;
- Plan of Management for Bigge Park;
- Collingwood Precinct Plan of Management; and
- Cultural Policy and Strategy.

The heritage roles and responsibilities of Liverpool City Council include:

- Understanding the value of heritage today and for the future;
- Identifying places, buildings, objects and stories to be conserved;
- Sustaining heritage through protection, adaption, reuse and creative interpretation;
- Communicating through signage, marketing and promotional materials, and various other

print and online media platforms;

- Celebrating the city's diverse multicultural heritage with events and activities, publicity and community gatherings;
- Partner with community organisations to enhance and promote the local heritage.



Cable Makers float participating in Liverpool's peace celebrations in 1945, Item from Fonds: Heritage Library Photograph, HL000556, Liverpool City Council



Greetings from Liverpool, circa 1907, Item from Fonds: Heritage Library Photograph, HL002532, Liverpool City Council



## LEGISLATIVE CONTEXT

### INTRODUCTION

The conservation, preservation and management of heritage assets, both natural and cultural, is recognised by all levels of government. This is through legislation created by state and federal governments and the state and local government statutory and planning instruments and policies.

The primary responsibility for managing heritage lies with state and local governments, with sites identified as World Heritage or on the Commonwealth Heritage List, the federal government has a role to play.

The Liverpool LGA contains elements of cultural and natural heritage which are identified and protected by federal and state legislation, as well as local statutory planning instruments.

### ***Environmental Protection and Biodiversity Conservation Act 1999***

This Act prescribes the management and protection of Australia's heritage places, including those identified on the World Heritage list. It provides a register of natural, historic or Indigenous places that are of outstanding national heritage value to the Australian nation, as well as places on Commonwealth lands and waters or under Australian government control.

Once a heritage place is listed under the Act separate approval and exemption processes apply for development affecting it. These ensure the place is identified and the values are protected and conserved for future generations.

These following places within the Liverpool LGA identified on the Commonwealth Heritage List:

- Cubbitch Barta National Estate Area; and
- Old Army/Internment Camp Group Holsworthy.

### **Heritage Act 1977**

The Act provides the framework for the establishment of a systematic means of identifying, protecting and managing heritage within the state. The legislation was drafted in response to the growing community concern to the loss of significant old buildings during the 1960s and 1970s.

The Act contains measures for the identifying, protecting and managing sites and places of state significance and archaeological significance (non-indigenous archaeology or historic archaeology). Later amendments to the Act enabled the listing of sites on the NSW State Heritage Register (SHR) and requires approvals from the Heritage Council of NSW for works on these sites.

The Act is administered by the Heritage Division, NSW Office of Environment and Heritage, as an agent of the Heritage Council of NSW. The roles of the agency include:

- The management of the SHR;
- Assessment of proposals for works to items on the SHR;



Collingwood House, State Heritage Inventory: Collingwood House Precinct, Office of Environment and Heritage

- The protection of sites on the SHR;
- Identification and protection of sites of historic archaeological significance; and
- Provision of administrative support to the Heritage Council of NSW.

The Heritage Council of NSW was created by the *Heritage Act 1977* and consists of 15 community, professional and government representatives. The role of the Council is to provide advice to the Minister



## LEGISLATIVE CONTEXT

for Heritage, make recommendations relating to listings on the SHR and to determine applications for works to SHR items. The Council can delegate aspects of these roles to the Division, while retaining powers to call up certain development proposals subject to the significance of the item and the level of impact of the proposal.

### National Parks and Wildlife Act 1974

This Act is the primary piece of legislation for recognising and protecting Aboriginal Cultural Heritage. The Act is administered by the Office of Environment and Heritage, which protects Aboriginal cultural heritage through:

- Regulation;
- Management planning;
- Public education and awareness; and
- Physical protection works.

Under the Act it is an offense to harm or desecrate an Aboriginal object or Aboriginal place, or in relation to an object, move the object from the land on which it has been situated.

The Act defines an Aboriginal object as physical evidence of the use of an area by Aboriginal people and can include:

- Physical objects, such as stone tools, Aboriginal -built fences and stockyards, scarred trees and the remains of fringe camps;
- Material deposited on the land, such as middens; and
- The ancestral remains of Aboriginal people.

The Act can also protect areas of land that have recognised values of significance to Aboriginal people. These areas may or may not contain Aboriginal objects.

At the time of the preparation of this strategy, the NSW Government was preparing a draft bill to replace the Aboriginal cultural heritage provisions of the National Parks and Wildlife ACT 1974 with new legislation. This is designed to conserve and

This strategy will be reviewed once the new Act has been gazetted and the effect of the Act on Council and the community is known.

### Environmental Planning and Assessment Act 1979

The Act enabled responsibility for heritage to be shared by state and local governments. It provided local government with the power to protect items and places of heritage significance in the local area through local environmental plans and development control plans.

These plans must be considered by Councils when assessing development applications as required by section 4.15 (matters for consideration) of the Act. The responsibility for identifying, assessing and managing items of local significance rests with local government, while the NSW Heritage Division focuses on items of state significance on the State Heritage Register.



Boating on the Georges River, 1920s, Item from Fonds: Heritage Library  
Photograph, HL000707-11-3, Liverpool City Council



## HISTORY OF LIVERPOOL

manage Aboriginal cultural heritage in a more respectful and consultative manner.

### THE HISTORY OF LIVERPOOL

*The following history has been extracted from the Thematic History prepared by Terry Kass (2004) as a part of the 2005 Heritage Study Review.*

The Dharug peoples arrived about 40,000 years ago, with the earliest evidence of occupation dating from 28,000 years ago. The people who lived in Liverpool were identified as Dharug in the nineteenth century since they spoke the Dharug dialect. The Liverpool and Cabramatta area were occupied by the Cabrogal clan of the Dharug.

They used a range of tools to manage the landscape and they made use of fire to smoke game out of trees, scare bees away and to keep scrub down for ease of movement. Traditionally, they caught large game, however through population increases they relied more on small game such as possums.

On sandstone based areas, such as along the edge of the Great Dividing Range, the Dharug used natural shelters such as caves and ledges. Out on the plain itself where there were no sandstone rock formations to erode, the Dharug occupied open campsites.

From 1788 onwards, there was contact with European settlers. Explorers such as Watkin Tench, found their habitations and canoes along the Hawkesbury. Disease affected many near Port Jackson and had an impact inland, though the precise nature of its effects in Liverpool is less clear.

The earliest known penetration into the Liverpool area occurred late in 1795 when George Bass, a naval surgeon, and Matthew Flinders, a naval officer, sailed up the Georges River in a small boat. Their favourable reports of the countryside near the head of navigation pleased Governor Hunter, who named the area Banks Town and began to award grants of land in the area. Some of the first grants went to Bass and Flinders.

Many of the early grants in the District of Bankstown were in what is now called the Parish of Holsworthy. Sizeable grants (issued circa 1799) were parcelled out to Bass and Flinders, while other recipients included:

- Thomas Rowley, Captain of the New South Wales Corps;
- James Angle and Thomas Bramwell, ex-marines;
- Obadiah Ikin, non-commissioned officer New South Wales Corps;
- William Mitchell, ex-marine; and
- Ann Gilbert, marine widow.

Once the settlement had occurred in the locality, the Liverpool district became the nucleus for further explorations to the south and south-west. Charles Throsby, whose major property was Glenfield, granted in 1809, used the area as a base from which he conducted exploring expeditions, discovering large



Chipping Norton Public School, circa 1922, Item from Fonds: Heritage Library Photograph, HL002166, Liverpool City Council

areas of country valuable for pastoralists, a pass between the Illawarra and Robertson districts, and further grazing land around Goulburn and the Breadalbane Plains.

Liverpool was founded in 1810 as the centre for a large district only available for settlement by Europeans. Liverpool was the first of what is commonly termed the "Macquarie Towns", planned and set out during the period of Governor Lachlan Macquarie. Other towns included Windsor and



## HISTORY OF LIVERPOOL

Castlereagh. The town's role was reflected in the number and usage of its public buildings and by the growth in town services. The new township was formed to act as a major node for the convict based economy. It became the site for a convict and military barracks, a courthouse, a gaol, a convict hospital and a church.

The railway was connected to Liverpool in 1856, crossing the main southern road north of the town and skirting up sections of the official Town Allotments.

The opening of the railway to Liverpool drove the in the township had not spread far beyond the nucleus of dwellings established in the 1820s. The expansion which had occurred had spread southward of the township where land subdivision had opened up land in housing allotments near the major workplaces of the township. The subdivision of the large rural landholdings into smaller farming allotments from the 1870s onwards drew an increased population to the district and enhanced the number of people living in the town itself. However, these properties were found to be uneconomical and as a result they became deserted.

Farming was still the primary industry in the late 1800s, however it suffered heavily from water shortages, which resulted in a decline in local sheep numbers. Dairy cattle began to replace other livestock, however the numbers were still low by comparison with other livestock numbers. Horse breeding was another growing area and was focused around Warwick Farm Racecourse.

The growing agricultural sector resulted in the emergence of a number of small local service centres including Bringelly and Luddenham. These service centres were established to cater for the surrounding pastoral land and farming communities. The smaller lot subdivisions supported standard residential lots, while the larger rural/pastoral lots were located outside the townships.

In 1910, Lord Kitchener watched the manoeuvres of 6,000 troops at Holsworthy. The army found the site congenial land and in 1913 formally acquired a large part of the Parish of Holsworthy to use as a permanent encampment. By 1917, the camp extended a considerable distance down Moorebank

Road, with tents, stores, munitions stores, tables, a bombing range for hand grenades, a hospital with isolation wards, showers, a latrines, mess halls and churches.

In 1918, the Commonwealth Government commenced preparations to establish the first Soldier Settlements, which were aimed at providing land to returned servicemen, supporting their repatriation back to Australia. The first, at Chipping Norton, was established in 1919 when the Commonwealth purchased a large area of land. There, a group of farms specialised in the production of eggs and poultry, vines and market gardens. The second, an area of land south of Liverpool, formerly known as the Hill View Soldier Settlement. Chipping Norton was the more successful of the two settlements.

Electric trains and improved roads from the 1930s onwards significantly changed the economic fabric of Liverpool. The city became a feeder suburb of Sydney, providing workers for industry and commerce and later land for physical expansion of housing. From the 1930s, Liverpool began to see its local industries and family business replaced by major firms such as Coles or closed as work moved towards Sydney.



Greetings from Liverpool, circa 1905, Item from Fonds: Heritage Library  
Photograph, HL002439, Liverpool City Council



## HISTORY OF LIVERPOOL

World War II brought on further changes to Liverpool. At Hargrave Park, north of the town of Liverpool, a military camp housed US Army troops, and later housed a Royal Navy establishment. Further, the School of Military Engineering was established permanently at Casula, on declaration of War. It trained 7,450 men during the war.

During World War II, a network of aerodromes was established across New South Wales to assist in training and defence. Western Sydney with its wide expanses of flat land and ready access to population and industry at Sydney was the site for many of these airfields.

In Liverpool, a major aerodrome was established at Hoxton Park. A satellite airfield was also constructed at Bringelly, with its parent airfield at Fleur, in Penrith Shire.

Since the Second World War, industrial growth within Liverpool quickened. From 1960 onwards, manufacturing showed the largest percentage increase in the outer zone of Sydney. Industrial businesses within the area included Cablemakers of Australia, Standard Telephones and Cables, Clark Bricks, FPE Australia, Alucast and Hillcrest Clothing. Industrial land was focused on Moorebank, Orange Grove and along the Georges River. The development of Housing Commission land around Green Valley during the 1960s also resulted in a significant increase in the population of the area.



Cloke's Family Hotel, circa 1900, Item from Fonds: Heritage Library Photograph, HL002908-1, Liverpool City Council



111 Bathurst Street, circa 1948, Item from Fonds: Heritage Library Photograph, HL002862-20, Liverpool City Council.



## HERITAGE ASSETS

Liverpool LGA contains a diverse range of heritage assets which include built, cultural, natural and moveable heritage items. The current listings feature natural items such as Clinche's Pond, built heritage such as Collingwood Farm and Cecil Hills Farm and archaeological sites including the Town Plan of Liverpool.

The range of heritage items represents the military, agricultural and domestic history of the Liverpool area, as well as its industrial and civic history.

The following are the basic statistics relating to the number of listings and identified conservation areas or archaeological resources:

No. of items listed within the Liverpool Local Government Area.	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	12
State Environmental Planning Policy (Western Sydney Parklands) 2009	5
Liverpool Local Environmental Plan 2008	108
<b>Total</b>	<b>125</b>

Conservation Areas within the Liverpool Local Government Area	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	1
State Environmental Planning Policy (Western Sydney Parklands) 2009	0
Liverpool Local Environmental Plan 2008	1
<b>Total</b>	<b>2</b>

Archaeological sites within the Liverpool Local Government Area	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	3
State Environmental Planning Policy (Western Sydney Parklands) 2009	0
Liverpool Local Environmental Plan 2008	0
<b>Total</b>	<b>3</b>



## HERITAGE ASSETS SCHEDULE

No. of heritage items listed within the Liverpool Central Business District	
Liverpool Local Environmental Plan 2008	41
Percentage of total heritage items	32%

No. of heritage items privately owned	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	7
State Environmental Planning Policy (Western Sydney Parklands) 2009	0
Liverpool Local Environmental Plan 2008	41
Percentage of total heritage items	38%

### State Heritage listed Items within the Liverpool Local Government Area:

Thirteen (13) Items are currently listed on the SHR and these include:

- Cecil Hills Farm;
- Church of Holy Innocents;
- Collingwood Precinct;
- Former Liverpool Court House;
- Glenfield Farm;
- The Homestead;
- Horningsea Park;
- Ingleburn Military Heritage Precinct;
- Kelvin Park;
- Liverpool Railway Station Group;
- Liverpool TAFE College;
- Liverpool Weir;
- Rosebank;
- St. Luke's Anglican Church; and

- Upper Canal System.

### Commonwealth Heritage or National Heritage Items:

Two (2) are currently listed as Commonwealth Heritage Items:

- Cubbitch Barta National Estate Area; and
- Old Army/Internment Camp Group Holsworthy



## CONSTRAINTS

The following challenges are facing Council and the community of Liverpool:

- Increased pressure for residential development on greenfield and brownfield sites;
- The limited availability of funding for maintenance and upkeep;
- Limited understanding of what is of heritage value within the Liverpool area;
- Limited availability of quality technical advice and support; and
- The need to manage a wide range of heritage assets from built, to parks and cemeteries and moveable heritage;



13th National Service Training Battalion participating in coronation celebrations at Liverpool, Item from Fonds: Heritage Library Photograph, HL002862-31, Liverpool City Council



Aero Club, Hargrave Park (now Warwick Farm), Item from Fonds: Heritage Library Photograph, HL002972-1, Liverpool City Council

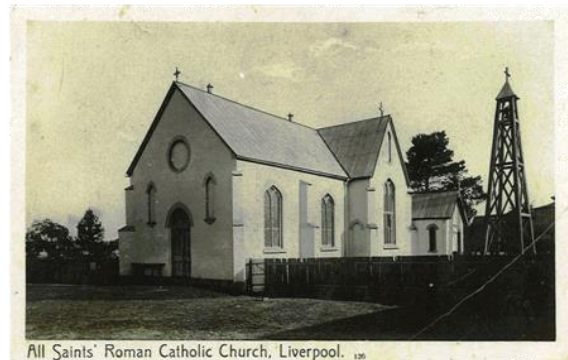


## OPPORTUNITIES

### Opportunities

The following opportunities have been identified within the current heritage environment:

- Increase and promote the value of heritage to the local economy;
- Improve the knowledge of the local community and Council staff in working with and managing heritage assets;
- Provide a greater level of leadership on heritage management;
- Engage with the community in recognising and identifying other heritage assets and in promoting heritage among the broader community;
- Engage with the local Aboriginal community to expand the recognition of Aboriginal cultural heritage;
- Provide resources online to support the management and maintenance of heritage items; and
- Manage change within the streetscape and localities.



All Saints Roman Catholic Church, Liverpool, Item from Fonds: Heritage Library Photograph, HL000015, Liverpool City Council



ANZAC Rifle Range at Liverpool, Item from Fonds: Heritage Library Photograph, HL000028-1, Liverpool City Council



## IMPLEMENTATION

The success of any strategy is measured by its implementation and outcomes. This part of the document provides the basis for implementing actions. They reflect the opportunities and challenges gathered from early consultation with stakeholders, with the final actions devised based on public consultation and further stakeholder discussions.

It is acknowledged that circumstances may change over the lifetime of this strategy, and that this can affect the implementation and success of actions. As a result, implementation would also include an annual review to determine the relevance of the pending actions.

The list of actions in the following section is an overview of what is currently occurring and what is planned to occur over the next four years. Programs or activities other than the actions within this strategy may be considered by Council, subject to conformance with the aims and objectives of this strategy and Council's budget position.

Each action will have the following:

- A description of the action;
- An estimated financial cost of undertaking it;
- A lead agency responsible for undertaking it, and
- Partner agencies where appropriate.

### RESPONSIBILITY OF IMPLEMENTING THE STRATEGY

The success of any management strategy comes from the collaborative efforts of Council, government agencies, community groups and private property owners. Council plays a principal role in the implementation and ownership of the strategy however there are a number of stakeholders or groups that will be involved in the implementation of specific actions. These include:

#### COUNCIL

- Planning & Transport Strategy
- City Design & Public Domain
- Development Assessment
- Infrastructure & Environment
- Property
- Community Development & Planning
- Casula Powerhouse Arts Centre
- Liverpool Regional Museum
- Media and Communications
- Civic and Events

#### COUNCIL ADVISORY COMMITTEES

- Heritage Advisory Committee
- Aboriginal Consultative Committee

#### ASSET OWNERS

- Council
- Government Agencies
- Private Owners

#### COMMUNITY GROUPS

- Historical Societies
- Heritage Advocacy Groups
- Local Aboriginal Land Councils
- Aboriginal Heritage Groups
- Schools
- Church Groups



## IMPLEMENTATION

### COST OF IMPLEMENTATION

The cost of implementing most actions is borne by Council through its regular business operations, or special budget allocations. Implementing actions may require a one/off budget allocation or ongoing funding through a particular program. Some actions may not require specific funds, but simply requiring an alteration in current methods of operation.

The cost of implementing actions have been separated across the following six categories:

LOW	MODERATELY/ LOW	MODERATE	MODERATELY HIGH	HIGH	VERY HIGH
\$0-\$10,000	\$10,001-\$15,000	\$15,001-\$20,000	\$20,001-\$25,000	\$25,001-\$50,000	\$50,000 >

### IMPLEMENTATION SCHEDULING/PRIORITISATION

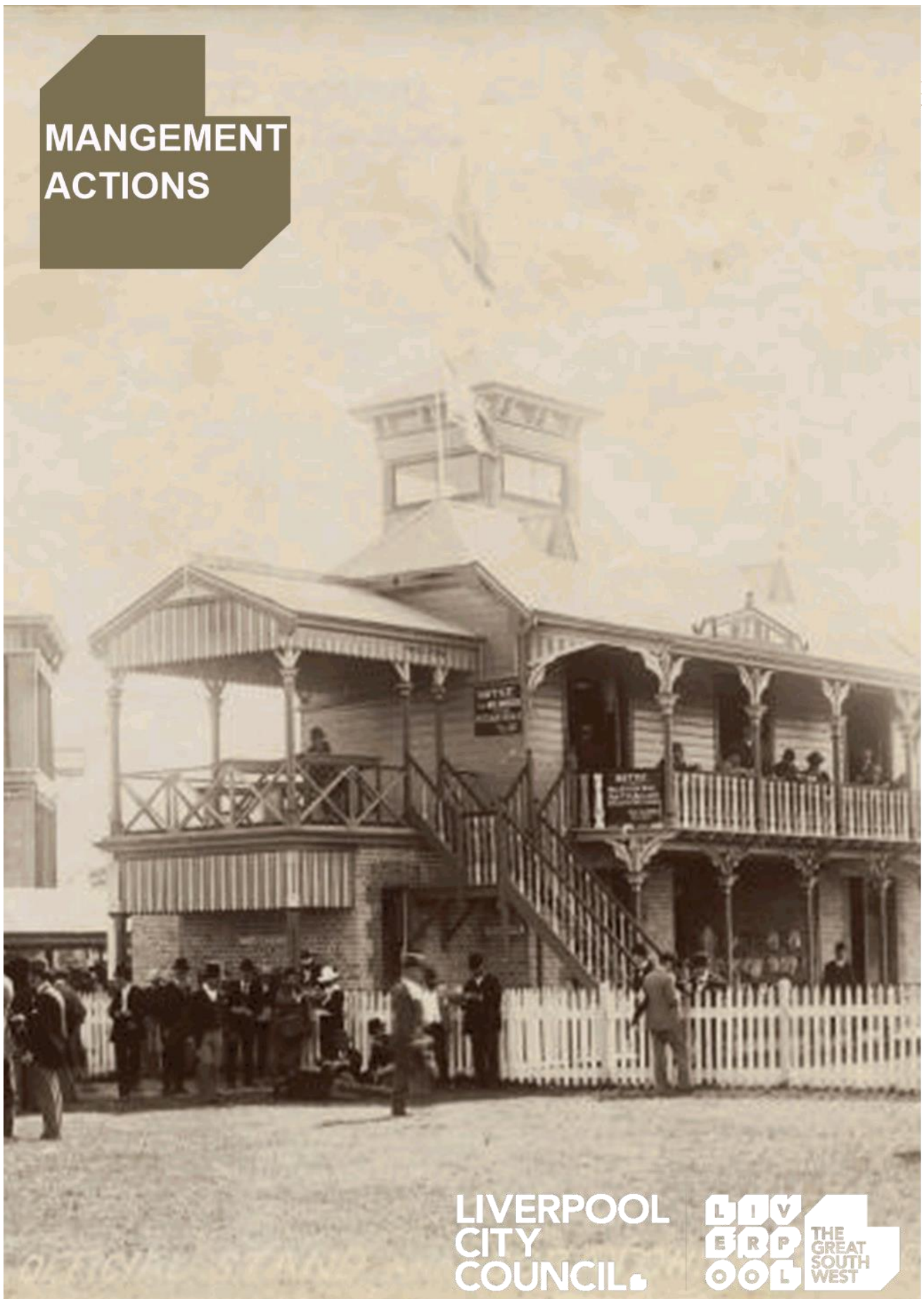
Actions have been prioritised based on the cost of the project, the time taken to implement the action and the overriding requirement for the action. Actions necessary as a foundation stone for future actions will be given greater priority over long term or secondary actions which will occur over time. A key intention of spreading the projects over the 4 year period is to also spread the financial cost across a number of future financial periods.

The prioritisation/schedule of the management strategies/actions have been separated across the following four categories:

IMMEDIATE	SHORT TERM	MEDIUM TERM	LONG TERM
0-12mths	1-2 years	3-4 years	4 years >



## MANAGEMENT ACTIONS



LIVERPOOL  
CITY  
COUNCIL





## MANAGEMENT ACTIONS

The Liverpool Heritage Strategy 2019-2023 covers all aspects of Liverpool's cultural and natural history and heritage. It identifies actions for those areas where the Liverpool City Council has direct responsibility or the ability to influence other partners or the community.

The management actions have been arranged into defined strategic directions:

- Knowing;
- Protecting;
- Supporting; and
- Celebrating.

Specific actions have also been identified for the managing and promoting of local Indigenous history and heritage .

These have been separately defined ensuring a clear focus of the strategy and enabling appropriate monitoring and reporting during implementation.

Each strategic direction has a goal, objectives and several detailed actions which have been outlined in this strategy. For each action, ratings have been provided for cost and timeframe following the implementation framework of this strategy.

### KNOWING

Identifying, assessing and documenting heritage places and objects, and collections.

### PROTECTING

Securing statutory protection for significant places, developing policy/ guidelines to assist decision making and appropriate management.

### SUPPORTING

Incentives, advisory services, and financial assistance for heritage projects or programs, management of Council owned heritage assets and in support of Council Officers.

### CELEBRATING

Raising awareness and appreciation of our local heritage and history. Partnering with other heritage organisations.

### INDIGENOUS

Specific focus on the recognising, protecting, supporting and celebrating local Indigenous heritage and history and supporting the local Indigenous community to manage their own history and heritage.

#### Image on previous page

Official stand and scratching tower at Warwick Farm Racecourse, 1880 to 1899, Item from Fonds: Heritage Library Photograph, HL000538, Liverpool City Council





KNOWING

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## KNOWING

### GOALS

- Ensure the many diverse cultures and heritages of the City of Liverpool are identified, recognised and celebrated;
- Ensure all heritage places are well documented and their values are understood and publicly accessible; and
- Ensure all cultures and heritages of Liverpool are recognised within the Liverpool City Council heritage register.

### RATIONALE

Understanding the history and heritage of Liverpool is key to identifying and protecting heritage places and values. The City of Liverpool has statutory authority under the *Environmental Planning and Assessment Act 1979* to act to recognise and protect items of local heritage significance through its Local Environmental Plan.

Previous reviews of local heritage undertaken in 1996 and 2005 identified over 300 potential heritage items, with only 120 being listed. There are known gaps in the heritage portfolio of Liverpool, particularly in relation to the Federation and Interwar period, as well as post-Second World War and places of indigenous significance.

Of those already listed, some lack clear and understandable 'Statements of Significance' or an adequate assessment to ensure that Council staff and community members understand why a place is significant and what it means for its future management.

### ACTIONS

**K1 Undertake a comprehensive review of the existing local heritage register.**

**K2 Review and amend the Liverpool State Heritage Inventory database, including inventories of all listed items.**

**K3 Develop 'Statements of Significance' for all local heritage items and potential heritage items.**

**K4 Investigate, identify, assess and document gaps in the record of items and places of cultural and/or natural heritage significance.**

**K5 Review and update the Liverpool Central Business District Archaeological Management Plan.**

### Image on previous page

Former Liverpool State Hospital, 1963, Item from Fonds: Heritage Library Photograph, HL002971/72-74, Liverpool City Council



Sheepskins being taken to the scouring works at Liverpool, circa 1907, Item from Fonds: Heritage Library Photograph, HL002867-2, Liverpool City Council



## KNOWING

KNOWING				
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES
<b>K1 Undertake a comprehensive review of the existing local heritage register.</b>	City Design and Public Domain  Strategic Planning	Very High	Medium Term	Council Budget  NSW Heritage Division Grant Program
<b>K2 Review and amend the Liverpool State Heritage Inventory database, including inventories of all listed items.</b>	City Design and Public Domain	Very High	Short Term	Heritage Near Me, Office of Environment and Heritage Grant Program
<b>K3 Develop 'Statements of Significance' for all local heritage items and potential heritage items.</b>	City Design and Public Domain	Included in K2	Short Term	Heritage Near Me, Office of Environment and Heritage Grant Program
<b>K4 Investigate, identify, assess and document gaps in the record of items and places of cultural and/or natural heritage significance.</b>	City Design and Public Domain	Included in K2	Short Term	Heritage Near Me, Office of Environment and Heritage Grant Program
<b>K5 Review and update the Liverpool Central Business District Archaeological Management Plan.</b>	City Design and Public Domain	High	Long Term	Council Budget  NSW Heritage Division Grant Program





# PROTECTING

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## PROTECTING

### GOALS

- To protect and value all heritage places by putting in place policies that support decision making around heritage conservation; and
- To sustain and enhance the city's local heritage places as part of Council's strategies to enhance the local urban environment and city urban design.

### RATIONALE

Liverpool is on the threshold of significant economic growth and change. The City West Deal and the Western Sydney Airport will, over the next two decades, act catalysts for growth and development beyond what was originally anticipated for the South West Growth areas.

Heritage conservation has a role to play in the growth of Liverpool. Well preserved heritage buildings can contribute to a streetscape and urban fabric with positive results for street activation and urban design.

Therefore understanding, recognising and responding to the factors that drive change is the basis for successful heritage management.

### ACTIONS

**P1 Respond to unauthorised development.**

**P2 Continue to apply, review and update development controls and policies relating to heritage places or buildings.**

**P3 Develop a local heritage policy guiding the use of the Conservation Incentives provisions of Clause 5.10 and local lodgement and management requirements.**

#### Image on previous page

Black ink drawing of Collingwood, 1982, Item from Fonds: Heritage Library Photograph, HL000747a, Liverpool City Council

**P4 Provide minor works and maintenance exemptions to support effective and sustainable use and management of heritage properties.**

**P5 Develop a local heritage exemptions policy to guide the implementation of exemption provisions under Clause 5.10 of the Local Environmental Plan.**

**P6 Continue to provide assistance to the Heritage Division in identifying and listing of state significant buildings and sites within the Liverpool Local Government Area on the State Heritage Register.**

**P7 Continue to provide a pre-development application heritage advisory service.**

**P8 Develop a policy for managing Aboriginal and Historic Heritage Unexpected Archaeological Finds for Council properties and projects.**



Woodlands, 1859, Item from Fonds: Heritage Library Photograph, HL002550-2, Liverpool City Council



## PROTECTING

**P9 Manage Council's heritage Listed properties in accordance with heritage best practice guidelines.**

**P10 Prepare new or amended Conservation Management Plans for Council's heritage listed properties.**

**P11 Develop a monuments and memorials conservation policy for the Liverpool Local Government Area**

**P12 Prepare costed cyclical maintenance plans for all of Council's heritage listed buildings.**

**P13 Maintain Council's heritage listed buildings in accordance with the cyclical maintenance plans as an example of good management.**

**P14 Develop plans and supporting specifications for conservation work at the former Liverpool Court House.**

**P15 Develop plans and supporting specifications for conservation work at Collingwood House.**

**P16 Develop a landscape masterplan for Chipping Norton Homestead.**

**P17 Develop a landscape masterplan for Collingwood Heritage Precinct.**



AAOC (2MD) 1 OWS Coy participating in a Sydney Church Parade, 1937, Item from Fonds: Heritage Library Photograph, HL002252, Liverpool City Council



Cable Makers Australia, circa 1945, Item from Fonds: Heritage Library Photograph, HL000551, Liverpool City Council



## PROTECTING

PROTECT				
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES
<b>P1 Respond to unauthorised development.</b>	Development Compliance	Moderate	Immediate	Council Budget
<b>P2 Continue to apply, review and update development controls and policies relating to heritage places or buildings.</b>	Strategic Planning  City Design and Public Domain	Low	Medium Term	Council Budget
<b>P3 Develop a local heritage policy guiding the use of the Conservation Incentives provisions of Clause 5.10 and local lodgement and management requirements.</b>	Strategic Planning  City Design and Public Domain	Low	Medium Term	Council Budget
<b>P4 Provide minor works and maintenance exemptions to support effective and sustainable use and management of heritage properties.</b>	Development Assessment  City Design and Public Domain	Low	Medium Term	Council Budget
<b>P5 Develop a local heritage exemptions policy to guide the implementation of exemption provisions under Clause 5.10 of the Local Environmental Plan.</b>	City Design and Public Domain	Low	Short Term	Council Budget
<b>P6 Continue to provide assistance to the Heritage Division in identifying and listing of state significant buildings and sites within the Liverpool Local Government Area on the State Heritage Register.</b>	City Design and Public Domain	Low	Short Term	Council Budget



## PROTECTING

PROTECT				
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES
<b>P7 Continue to provide a pre-development application heritage advisory service.</b>	City Design and Public Domain	Low	Short Term	Council Budget
<b>P8 Develop a policy for managing Aboriginal and Historic Heritage Unexpected Archaeological Finds for Council properties and projects.</b>	City Design and Public Domain	Low	Short Term	Council Budget
<b>P9 Manage Council's heritage listed properties in accordance with heritage best practice. Guidelines</b>	Property City Presentation	Very High	Long Term	Council Budget
<b>P10 Prepare new or amended Conservation Management Plans for Council's heritage listed properties.</b>	Property City Design and Public Domain	Very High	Long Term	Council Budget  NSW Heritage Division Grants Program
<b>P11 Develop a monuments and memorials conservation policy for the Liverpool Local Government Area</b>	City Design and Public Domain	Low	Short Term	Council Budget  Heritage Near Me, Office of Environment and Heritage Grants Program.
<b>P12 Prepare costed cyclical maintenance plans for all of Council's heritage listed buildings.</b>	Property City Design and Public Domain	Very High	Long Term	Council Budget  NSW Heritage Division Grants Program



## PROTECTING

PROTECT				
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES
<b>P13 Maintain Councils heritage listed buildings in accordance with the cyclical maintenance plans as an example of good management.</b>	Property City Presentation	Very High	Long Term	Council Budget
<b>P14 Develop plans and supporting specifications for conservation work at the Former Liverpool Court House.</b>	Property City Design and Public Domain	High	Long Term	Council Budget  NSW Heritage Division Grant Program
<b>P15 Develop plans and supporting specifications for conservation work at Collingwood House.</b>	Property City Design and Public Domain	High	Long Term	Council Budget  NSW Heritage Division Grant Program
<b>P16 Develop a landscape masterplan for Chipping Norton Homestead.</b>	Property City Design and Public Domain	High	Long Term	Council Budget  NSW Heritage Division Grant Program
<b>P17 Develop a landscape masterplan for Collingwood Heritage Precinct.</b>	Property City Design and Public Domain	High	Long Term	Council Budget  NSW Heritage Division Grant Program





**SUPPORTING**

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## SUPPORTING

### GOALS

- To establish and maintain policies to help support and guide individuals or organisations who own and manage heritage places, objects and collections.
- Ensure those who own and manage heritage places, objects and collections are able to care for their heritage assets, understand their heritage values, appreciate the legal requirements and know where to go for advice, support and financial assistance.

**S3 Establish a 'Heritage Owners Information Pack' for new and existing owners of heritage places.**

**S4 Provide a heritage advisory service to all private heritage property owners, that offers basic heritage management and maintenance advice.**

### RATIONALE

Liverpool City Council has a statutory responsibility for land use planning, as a result it is focused on guiding and supporting heritage custodians in the management of their properties and places. The needs of custodians of objects and collections will vary, depending on their knowledge and appreciation of heritage values and statutory protection systems, and their corporate and personal resources.

Liverpool City Council must ensure that custodians of the city's heritage have access to the information and expert advice they need to care for heritage assets. Council may also offer support and technical advice to owners and community organisations.

### ACTIONS

**S1 Advocate for, and assist individuals and organisations to prepare management plans for heritage places they own, including the pursuit of possible grant opportunities.**

**S2 Identify the major custodians of Liverpool's heritage places. Research and establish the best methods of working with these custodians to help them manage their heritage properties or assets.**

Image on previous page:

Collingwood Barn, 1991, Item from Fonds: Heritage Library Photograph, HL001187-4, Liverpool City Council



St Luke's Anglican Church, late 1960s, Item from Fonds: Heritage Library Photograph, HL002216, Liverpool City Council



## SUPPORTING

SUPPORT					
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES	
<b>S1 Advocate for, and assist individuals and organisations to prepare management plans for heritage places they own, including the pursuit of possible grant opportunities.</b>	City Design and Public Domain	Low	Medium Term	Council Budget	
<b>S2 Identify the major custodians of Liverpool's heritage places. Research and establish the best methods of working with these custodians to help them manage their heritage properties or assets.</b>	City Design and Public Domain	Low	Medium Term	Council Budget	
<b>S3 Establish a 'Heritage Owners Information Pack' for new and existing owners of heritage places.</b>	City Design and Public Domain	Low	Short Term	Council Budget	
<b>S4 Provide a heritage advisory service to all private heritage property owners, that offers basic heritage management and maintenance advice.</b>	City Design and Public Domain	Low	Short Term	Council Budget	





CELEBRATING

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## CELEBRATING

### GOALS

- Recognise, acknowledge and celebrate the community's diverse cultures and heritage;
- Drive local tourism and support of local heritage through enhancing the understanding of Liverpool's history and heritage and the contribution of the many significant buildings and places; and
- All the city's communities—residential, business, cultural, corporate and educational—enjoy the city's heritage, appreciate its values and are engaged in its conservation.

### RATIONALE

Liverpool's heritage is important to the people who work, live and play in the city. Heritage is more than just the building or place, but also the underlying values, emotions and practices typically embodied in a place, building or object.

Engaging with all interested parties is important for effectively negotiating complex heritage planning issues and to achieve best outcomes.

Currently there are very few opportunities to experience Liverpool's history and heritage, but new technologies, give rise to opportunities to extend the reach of the local history and heritage beyond the boundaries of the local government area.

### ACTIONS

**C1 Investigate future opportunities to grow and enhance the Liverpool Regional Museum as an interpretation centre for Liverpool's past, present and future.**

**C2 Investigate enhancing and improving public access to the Liverpool Local Heritage Library and collection.**

**C3 Establishment of a "Heritage of Liverpool" website that provides an online archive and heritage library for the local history and heritage. It should also allow the promoting of heritage buildings, places and objects.**

**C4 Provide support to local communities recording and presenting their local stories. Promote, support and encourage new and creative ways to tell Liverpool's story and interpret Liverpool's heritage using new technologies, art and performance, celebrations, experiences, writing, visual and other methods.**

**C5 Develop a heritage interpretation strategy for the Liverpool City Centre to include interpretation within future urban design masterplanning and to guide future developments in interpreting the past.**

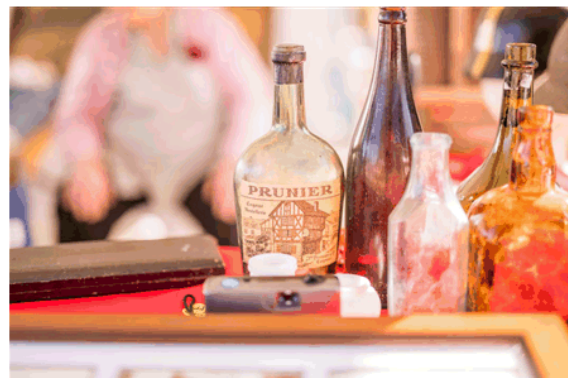


Image on previous page

Arts and crafts display, 11 November 2018, Photography by Ben Williams.

Liverpool District Historical Society Collection on display at the Centenary of Armistice commemorations, 11 November 2018, Photography by Ben Williams.



## CELEBRATING

**C6 Develop a public heritage program to inform the wider community about heritage and the opportunities to experience heritage places and conservation activities.**

**C7 Develop a self-guided digital heritage tour of key heritage places and buildings throughout the Liverpool Local Government Area.**

**C8 Continue to support the work of the Heritage of Western Sydney working group.**

**C9 Maintain the Liverpool Heritage Advisory Committee.**

**C10 Celebrate Liverpool's history and heritage through events such as an awards program, restoration talks, open house schemes, heritage festivals and exhibitions.**

**C11 Publicise the uniqueness and quality of heritage in the city through available technological mediums.**



Bank of New South Wales, early 1900s, Item from Fonds: Heritage Library Photograph, HL000827, Liverpool City Council



Confluent de la Nepean et du Waragamba, Bichebois d'après E.b. DE LA Touanne; fig. par Bayot; lith. De Benard et Frey, LRM000081, Liverpool City Council



## CELEBRATING

CELEBRATE				
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES
<b>C1 Investigate future opportunities to grow and enhance the Liverpool Regional Museum as an interpretation centre for Liverpool's past, present and future.</b>	Heritage Museum and  City Design and Public Domain	Low	Medium Term	Council Budget
<b>C2 Investigate enhancing and the improving public access to the Liverpool Local Heritage Library and collection.</b>	Heritage Museum and  City Design and Public Domain	Low	Medium Term	Council Budget
<b>C3 Establishment of a "Heritage of Liverpool" website that provides an online archive and heritage library for the local history and heritage. It should also allow the promoting of heritage buildings, places and objects.</b>	Heritage Museum and  City Design and Public Domain  Communications	Moderate	Medium Term	Council Budget
<b>C4 Provide support to local communities recording and presenting their local stories. Promote, support and encourage new and creative ways to tell Liverpool's story and interpret Liverpool's heritage using new technologies, art and performance, celebrations, experiences, writing, visual and other methods.</b>	Heritage Museum and  City Design and Public Domain	Moderate	Long Term	Council Budget



## CELEBRATING

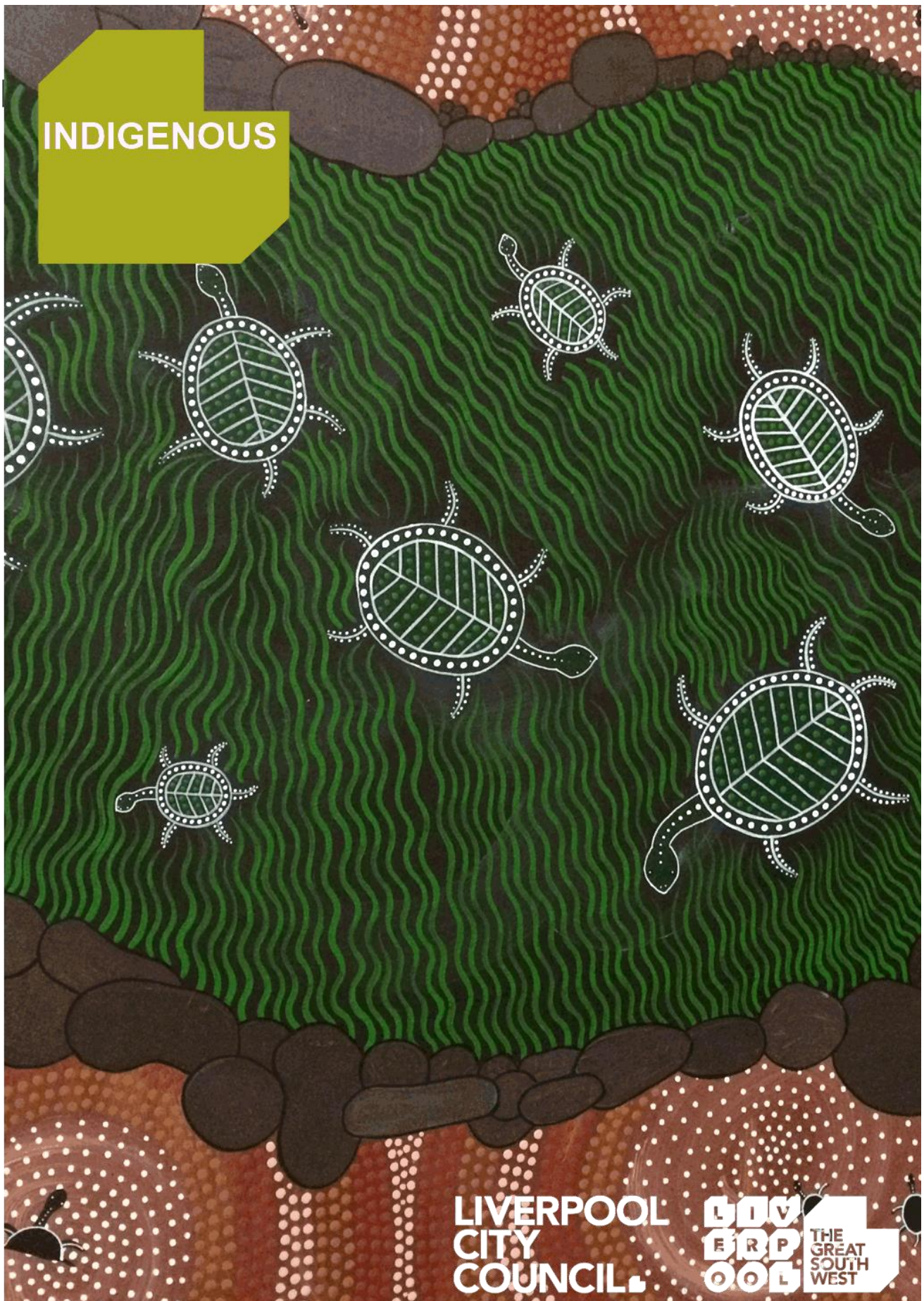
CELEBRATE				
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES
<b>C5 Develop a heritage interpretation strategy for the Liverpool City Centre to include interpretation within future urban design masterplanning and to guide future developments in interpreting the past.</b>	City Design and Public Domain	High	Medium Term	Council Budget
<b>C6 Develop a public heritage program to inform the wider community about heritage and the opportunities to experience heritage places and conservation activities.</b>	Heritage Museum  City Design and Public Domain	Moderate	Long Term	Council Budget
<b>C7 Develop a self-guided digital heritage tour of key heritage places and buildings throughout the Liverpool Local Government Area.</b>	Heritage Museum  City Design and Public Domain  Communications  Information Technology	Moderate	Long Term	Council Budget
<b>C8 Continue to support the work of the Heritage of Western Sydney working group.</b>	City Design and Public Domain	Low	Short Term	Council Budget



## CELEBRATING

CELEBRATE					
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES	
<b>C9 Maintain the Liverpool Heritage Advisory Committee.</b>	City Design and Public Domain	Low	Short Term	Council Budget	
<b>C10 Celebrate Liverpool's history and heritage through events such as an awards program, restoration talks, open house schemes, heritage festivals and exhibitions.</b>	City Design and Public Domain  Civic  Events	High	Long Term	Council Budget	
<b>C11 Publicise the uniqueness and quality of heritage in the city through available technological mediums.</b>	City Design and Public Domain  Communications	High	Medium-Long Term	Council Budget	







## INDIGENOUS

### GOALS

- Enhance understanding and recognition of local Aboriginal Cultural Heritage; and
- Enhance the relationship between Council and local Aboriginal cultural heritage stakeholders to improve the recognition and management of Aboriginal Cultural Heritage.

### RATIONALE

Liverpool City Council as a land manager and planning authority has a role under its Local Environmental Plan and the *Environmental Planning and Assessment Act 1979* to conserve and protect Aboriginal Cultural Heritage. While Council is not responsible for approving Aboriginal Heritage Impact Permit applications that impact on Aboriginal Cultural Heritage, it is responsible for working with owners, land owners and other stakeholders to conserve and protect.

Liverpool City Council also has a role to play in promoting and celebrating local Aboriginal heritage and history. Through Council's resources and working with local Aboriginal stakeholders, the richness of the local history and heritage can be enhanced for the local community and form part of the tourist experience within the area.

### ACTIONS

**I1 Undertake an Aboriginal Cultural Values Assessment and mapping project.**

**I2 Develop an Aboriginal Cultural Heritage sensitivity mapping layer for Council's Online Mapping system.**

**I3 Develop guidelines to assist in recognising, understanding and promoting the Aboriginal Cultural Heritage values of Council owned sites including Collingwood Precinct.**

**I4 Identify Aboriginal Cultural Heritage stakeholders relating to the Liverpool Local Government Area and develop strategies to improve the working relationship between Council and the respective organisations.**

**I5 Develop and implement Aboriginal Cultural Heritage awareness training for all staff.**

**I6 In conjunction with the Office of Environment and Heritage, develop and implement a Aboriginal Cultural Heritage management workshop for local government heritage officers.**




Image on previous page:

Painting by Mulgo, Kutukulung dreaming showing the life and continuation of the Kutukulung my totem. Courtesy of the Darug Custodian Aboriginal Corporation

Painting by Mulgo, the wattle blossoms and the Bara (eels) move down the waterways this is a time for celebration and ceremony. Courtesy of the Darug Custodian Aboriginal Corporation





**17 Use modern technology to interpret and present local Aboriginal heritage and history.**

**18 Work with the local Aboriginal community to enhance the Aboriginal Cultural Heritage offering at the Liverpool Regional Museum.**

**19 Investigate opportunities for employing an experienced Aboriginal Cultural Heritage Officer to coordinate and drive the enhancement of local Aboriginal Cultural Heritage.**

**110 Investigate incorporating significant Aboriginal Cultural Heritage sites within Schedule 5 of Liverpool Local Environmental Plan.**



## INDIGENOUS

INDIGENOUS						
ACTION	RESPONSIBILITY			COST	TIMEFRAME	POTENTIAL FUNDING SOURCES
I1 Undertake an Aboriginal Cultural Values Assessment and mapping project.	City Design and Public Domain			Low	Medium Term	Council Budget
	Culture and Community Development					
I2 Develop an Aboriginal Cultural Heritage sensitivity mapping layer for Council's Online Mapping system.	City Design and Public Domain			Low	Medium Term	Council Budget
	Culture and Community Development					
I3 Develop guidelines to assist in recognising, understanding and promoting the Aboriginal Cultural Heritage values of Council owned sites including Collingwood Precinct.	City Design and Public Domain			Moderate	Short Term	Council Budget
	Culture and Community Development					Possible Heritage Division Grants
I4 Identify Aboriginal Cultural Heritage stakeholders relating to the Liverpool Local Government Area and develop strategies to improve the working relationship between Council and the respective organisations.	City Design and Public Domain			Low	Medium Term	Council Budget
	Culture and Community Development					



## INDIGENOUS

INDIGENOUS					
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES	
I5 In conjunction with the Office of Environment and Heritage, develop and implement a Aboriginal Cultural Heritage management workshop for local government heritage officers.	City Design and Public Domain  Culture and Community Development	Moderate	Medium Term	Council Budget	
I6 Use modern technology to interpret and present local Aboriginal heritage and history.	City Design and Public Domain  Culture and Community Development	Moderate	Long Term	Council Budget	
I7 Work with the local Aboriginal community to enhance the Aboriginal Cultural Heritage offering at the Liverpool Regional Museum.	City Design and Public Domain  Culture and Community Development  Museum and Heritage	Moderate	Long Term	Council Budget	
I8 Investigate opportunities for employing an experienced Aboriginal Cultural Heritage Officer to coordinate and drive the enhancement of local Aboriginal Cultural Heritage.	City Design and Public Domain  Culture and Community Development  POD	Very High	Long Term	Council Budget	



## INDIGENOUS

INDIGENOUS					
ACTION	RESPONSIBILITY	COST	TIMEFRAME	POTENTIAL FUNDING SOURCES	
<b>I9 Investigate incorporating significant Aboriginal Cultural Heritage sites within Schedule 5 of Liverpool Local Environmental Plan.</b>	City Design and Public Domain  Culture and Community Development  Strategic Planning	Low	Short Term	Council Budget	
<b>I10 Develop and implement Aboriginal Cultural Heritage awareness training for all staff.</b>	City Design and Public Domain  Culture and Community Development	Low	Short Term	Council Budget	





# MONITORING

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## MONITORING

The Heritage Strategy is a four year plan for 2019–2023. It will be accompanied by annual implementation plans and will be led and coordinated by Council's City Design and Public Domain unit.

The annual implementation plans will be developed with Council's Heritage Advisory Committee. They will outline actions to achieve the goals and strategies in each of the five strategic directions.

Future actions will be determined by examining priorities and reviewing the work achieved in the previous year. The implementation plans will also contain ongoing actions which form part of the day-to-day management of heritage at Liverpool City Council. Future actions identified as priorities will inform the Council budget process, resourcing and implementation plans.

The actions in the implementation plans will be endorsed by Council on an annual basis. Progress on actions will also be reported annually.

### Image on previous page

All Saints Orphanage, Convent & R.C. Church Liverpool, 1905, Item from Fonds: Heritage Library Photograph, HL000468, Liverpool City Council.



FAIRLIGHT GLEN, ON THE WARRAGAMBA.

Fairlight Glen, on the Warragamba, LRM000077, Liverpool City Council



Church of Holy Innocents, 1990s, Item from Fonds: Heritage Library Photograph, HL002901-1, Liverpool City Council.



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## For further information



### Visit Us

Customer Service Centre  
Ground Floor, 33 Moore Street, Liverpool, NSW 2170  
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National Relay Service (NRS): 133 677  
(for hearing and speech impaired customers)



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## **DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

Adopted: 27 February 2019

TRIM: 063737.2017





**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY****1. PURPOSE**

**1.1** New urban development creates the need for additional public amenities and public services. Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (NSW) (**EP&A Act**) empowers Council to require new urban development to contribute towards the provision of these public services and amenities. Council's various Contributions Plans provide information on:

- a) the extent of anticipated development;
- b) public services and amenities needed to support new development; and
- c) the contributions that new development must make to fund the provision of these services and amenities.

**1.2** The purpose of this policy is to establish a framework for the provision and acceptance of Works in Kind (**WIK**) in satisfaction of requirements to pay development contributions in accordance with the provisions of the EP&A Act and Council's various Contributions Plans.

**2. DEFINITIONS**

**Contributions Plan** means a Contributions Plan made in accordance with Division 7.11, Subdivision 3 of Part 7 of the EP&A Act.

**Defects Liability Period** will generally be:

- a) twelve (12) months from the date of issue of the certificate of practical completion for general construction works; and
- b) twenty-four (24) months for vegetation related works, to cover any defective works.

**Developer** is a person or entity who proposes to carry out development.

**Development** has the same meaning as in the EP&A Act, being:

- a) the use of land;
- b) the subdivision of land;
- c) the erection of a building;
- d) the carrying out of a work;
- e) the demolition of a building or work; and
- f) any other act, matter or thing referred to in s3.14 of the EP&A Act that is controlled by an environmental planning instrument,

but it does not include any development of a class or description prescribed by the regulations for the purposes of the EP&A Act.

**Development Application** has the same meaning as in the EP&A Act, being an application for consent under Part 4 to carry out Development but does not include an application for a complying development certificate.



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

**Development Consent** has the same meaning as in the EP&A Act, being consent under Part 4 to carry out Development and includes, unless expressly excluded, a complying development certificate.

**Development Contributions** means monetary contributions required to be paid in accordance with a condition imposed under s7.11 of the EP&A Act.

**Land Dedication** means dedicating portions of land to Council in conjunction with a plan of subdivision, other than for the purpose of a public road.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Works in Kind (WIK)** refers to the construction or provision of the whole or part of public amenities and/or public services, and the dedication of land identified in a works schedule in a Contributions Plan that applies to the site of the Development.

### **3. LEGISLATIVE REQUIREMENTS**

- 3.1** Provisions of the following legislation and instruments will be relevant when considering WIK:
- a) *Environmental Planning and Assessment Act 1979* (NSW).
  - b) *Environmental Planning and Assessment Regulation 2000* (NSW).
  - c) *Local Government Act 1993* (NSW).
  - d) The then current Liverpool Local Environmental Plan or State Environmental Planning Policy that applies to the site of the Development.
  - e) Any Development Control Plan that applies to the site of the Development.
  - f) Any Contributions Plan that applies to the site of the Development.
- 3.2** Section 7.11 of the EP&A Act provides that, where a consent authority is satisfied that proposed Development will require the provision of, or increase the demand for, public amenities and public services, the consent authority may grant Development Consent subject to a condition requiring a reasonable dedication of land or the payment of reasonable monetary contributions towards the extension or augmentation of those amenities or services.
- 3.3** At the time this policy was adopted by Council, section 7.11(5) of the EP&A Act specifically provided that a consent authority may accept the provision of a material public benefit in satisfaction of a condition requiring the dedication of land or payment of a monetary contribution towards the provision of public services and amenities.
- 3.4** Section 7.11(6) of the EP&A Act also provided that when proposing to impose a condition requiring payment of monetary contributions, a consent



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

authority must take into account any material public benefit that the Developer has elsewhere provided free of cost.

- 3.5 This policy is intended to fit within the legislative framework established under the EP&A Act for the consideration of material public benefits associated with Development. This policy addresses material public benefits that are offered:

- a) in satisfaction of existing conditions requiring payment of Development Contributions (under section 7.11(5) of the EP&A Act);
- b) in conjunction with proposed Development (so that the offset can be considered under section 7.11(5) of the EP&A Act); or
- c) in return for a 'credit' against future contributions that would otherwise be payable (under section 7.11(6) of the EP&A Act).

- 3.6 This policy is to be read in conjunction with the current version of the Contributions Plan that applies to the site of Development.

**4. POLICY STATEMENT**

- 4.1 Council will consider an application by a Developer to carry out works and/or dedicate land identified in a Contributions Plan.

- 4.2 This policy applies to works and/or land identified in a Contributions Plan that a Developer offers, or has offered, in exchange for a 'credit' or offset against Development Contributions (**WIK Credit**).

- 4.3 Prior to making any offer to undertake WIK, the Developer should consult Council about the proposal. The Developer should expect Council to seek details of the proposed WIK and any associated Development during the consultation process.

- 4.4 Any offer to undertake WIK with the intent of receiving a WIK Credit must be made in writing. The procedure for application and consideration of the proposed WIK arrangement will be carried out in accordance with this policy.

- 4.5 To be eligible for a WIK Credit, the WIK being offered must be:

- a) identified in a Contributions Plan;
- b) procured through an open and transparent process that will deliver value for money for Council; and
- c) in compliance with Council's specifications and relevant Australian Standards.

- 4.6 Variations to the items listed in the Contributions Plan will be considered at Council's sole discretion and items that are not listed in the Contributions Plans will not qualify for a WIK Credit and will not be considered under this policy.

- 4.7 The acceptance of an offer for WIK will be at the sole discretion of Council.



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

- 4.8 If the Developer wishes to provide works or dedicate land not identified in the relevant Contributions Plan, then an offer to enter into a voluntary planning agreement (**VPA**) should be submitted in accordance with Council's then current Planning Agreement Policy.

**5. PROCEDURE FOR PROVISION OF WIK**

**5.1 Identification of proposed WIK in development application**

Items that qualify for WIK can be identified by referring to the Contributions Plan that applies to the site of the relevant Development.

If a Developer wishes to make an offer to undertake WIK in conjunction with proposed Development, the scope of proposed WIK must be described in the relevant Development Application or construction certificate application.

**5.2 Application to Council**

A written application to undertake WIK must be submitted to Council by the Developer. The application must be supported with detailed documentation, including the following information:

- a) A detailed description of the WIK proposed to be undertaken supported by concept design drawings and a concept design report.
- b) Three (3) hard copies and one (1) electronic copy of the concept design must be provided.
- c) An explanation as to whether the proposed WIK is intended to be completed in full or to be partially completed.
- d) The estimated value of the WIK produced by a qualified practicing Quantity Surveyor, Civil Engineer or Surveyor with associate or higher membership of an accredited professional institution in Australia. The valuation should identify any variance between the cost estimate and the cost identified in the relevant Contributions Plan (noting the cost identified in the Contributions Plan is generally indexed in accordance with changes in the Consumer Price Index).
- e) A schedule identifying the components of proposed WIK that are in accordance with the Contributions Plan that applies to the site of the relevant Development and those that are not.
- f) A program of works showing the timeframe for commencement and completion of the proposed WIK.
- g) Development approval (consent number and date of consent).

**Where the value of the WIK is less than the value of the required Development Contribution, the Developer will be required to settle the balance of the contribution by way of a monetary contribution.**

**5.3 Assessment and determination of the offer to undertake WIK**

Council will assess an offer to undertake WIK with due regard to the provisions in the Contributions Plan that applies to the site of the relevant Development and determine acceptability of the offer.



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

In assessing an offer to undertake WIK, Council will consider the current legislation, ministerial directions, and the requirements of any current guidelines, circulars and the practice notes issued by the Department of Planning.

Council will also consider the following matters:

- a) The monetary value of the proposed WIK and the amount of WIK Credit sought by the Developer.
- b) The design concept of the proposed WIK.
- c) The overall benefit of the proposed WIK to the current and future development in the area.
- d) The timing of completion of the WIK.
- e) The feasibility of constructing the proposed WIK within amounts budgeted in the Contributions Plan that applies to the site of the relevant Development.
- f) Financial implications for Council in accepting the WIK involving any effects on the implementation of Council's adopted works programs.
- g) Financial implications for Council in accepting the dedication of the WIK in relation to ongoing management and maintenance of the WIK. Particular regard will be given to works such as open space embellishment and drainage facilities. In this regard it is advisable to discuss the scope of embellishments with Council prior to submission of the application for WIK.

Council may consult other developer stakeholders who would be required to contribute to the works, prior to accepting the WIK proposal.

The Developer will be notified in writing of the outcome of the assessment of the WIK proposal.

**5.4 Acceptance by Council of the offer to undertake WIK**

Should Council decide to accept an offer to undertake WIK, details of the agreed WIK, including the rights and responsibilities of the Developer, will be set out in an enforceable agreement (**a WIK Agreement**).

The relevant WIK Agreement will be prepared by Council at the cost of the Developer.

The WIK Agreement will include terms relating to the following:

- a) Timing for completion, design requirements and relevant standards for the WIK.
- b) Security bonds/or bank guarantees for the WIK and defects in respect of the WIK, including defects liability periods (see below).
- c) Insurance requirements.
- d) Indemnities provided by the Developer to Council.
- e) Inspections required before the WIK is deemed to be completed.
- f) Work Health and Safety requirements.



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

The terms of the WIK Agreement will be generally consistent with the provisions of this policy, unless Council is satisfied that the circumstances justify a departure from the Policy.

**5.5 Securities**

Council will require every WIK Agreement entered into by it to contain appropriate security provisions which allow for the enforcement of the WIK Agreement by suitable means in the event of a breach of the WIK Agreement by the Developer.

Such provisions may include the following:

- (a) Requiring the WIK to be completed prior to the time by which the relevant Development Contributions would have been required to be paid.
- (b) Requiring the Developer to lodge separate irrevocable and unconditional bank guarantees or bonds (**Securities**) as security for the performance of the obligations of the Developer under the WIK Agreement.

If Securities are included in the WIK Agreement, the Securities will be for:

- (a) the agreed value of the WIK (**Primary Security**); and
- (b) an additional amount equivalent to **15% of the agreed value of the WIK (Defects Security)**,

and must be provided to Council prior to execution of the WIK Agreement.

Upon completion of the WIK, Council will release and return the:

- (a) Primary Security to the Developer, but only if:
  - (i) Council has not made or does not intend to make a demand against that security in respect of any of the WIK;
  - (ii) the WIK to which that security relates have been completed in accordance with the terms of the WIK Agreement; and
  - (iii) the Developer is not in breach of the WIK Agreement at the time the Security is to be returned.
- (b) Defects Security to the Developer, but only if:
  - (i) the Defects Liability Period relating to the WIK has expired;
  - (ii) Council has not made or does not intend to make a demand against the Defects Security in respect of any of the WIK; and
  - (iii) the Developer is not in breach of the WIK Agreement at the time the Defects Security is to be returned.

Council will be entitled to call on the Securities in accordance with the terms of the WIK Agreement (including but not limited to where the Developer fails to complete the WIK in accordance with the WIK Agreement).

**5.6 Insurances**

The Developer will be required to produce evidence of current policies of insurance relevant to the construction of the WIK. The values of the policies



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

will be determined having regard to the nature and extent of the WIK and the risks inherent in carrying out the WIK.

The policies of insurance required include:

- a) public liability with \$10,000,000 minimum cover (this may be higher depending on the nature of the proposed work);
- b) professional indemnity;
- c) workers compensation;
- d) insurance of the works; and
- e) motor vehicle insurance.

Any insurance to be effected by the Developer is to include Council as an 'insured' for the purpose of the Policy.

**5.7 Approvals**

The Developer must obtain, and comply with, all necessary approvals to carry out the WIK, including development approvals, approvals under environmental and water legislation, and public road legislation and approvals from entities such as the Roads and Maritime Services, Endeavor Energy, Telecommunications provider and the like.

Where the WIK is not subject to the Development Consent obtained by the Developer, the Developer, at its cost, must lodge an application for Development Consent for the WIK and obtain that Development Consent as well as the necessary construction certificate prior to commencement of the WIK.

It is the responsibility of the Developer to ensure that it has all necessary consents required to undertake the WIK. Council entering into a WIK Agreement should in no way be taken as Council agreeing that any consent necessary for the conduct of the WIK will be granted.

**5.8 Construction**

Subject to the Developer obtaining the necessary consents for the WIK, construction of the WIK can commence on completion of Steps 5.1 to 5.7 of this policy, and any other preliminary requirements under the WIK Agreement.

Council will carry out inspections of the WIK as outlined in the WIK Agreement.

On completion of the WIK, a final inspection will be carried out and Council will assess the acceptability of the WIK. The Developer will be notified of the outcome of the inspection in writing.



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If incomplete or defective works are identified, the Developer will be required to rectify those defects to Council's satisfaction in accordance with the specifications, the design documents and the WIK Agreement.

If the WIK can be accepted by Council, Council will issue a Certificate of Practical Completion to the Developer. The WIK will not be complete unless and until Council issues the Certificate of Practical Completion.

**5.10 Accountability requirements**

Council is responsible for the collection and disbursement of the funds collected under the EP&A Act. In order to ensure probity and transparency, supporting documentation must be kept by the Developer for a minimum period of twelve (12) months after the handover of the WIK to Council.

The Developer should be aware that any WIK Agreement may be reported and accounted for by Council in accordance with annual requirements for reporting of contributions.

**5.11 Dedication of WIK**

Prior to the issue of a Certificate of Practical Completion for any WIK, the Developer must:

- a) dedicate the works and associated land to Council; and
- b) supply two hard copies and one electronic copy of the works as executed drawings for the WIK.

**6. PROCEDURE FOR DEDICATION OF LAND****6.1 Identification of proposed dedication of land**

Land parcels that qualify for land dedication can be identified by referring to the Contributions Plan that applies to the site of the relevant Development. If a Developer seeks to have WIK Credit applied for the dedication of land in conjunction with proposed Development, the scope of land dedication must be described in the relevant Development Application or construction certificate application.

Where it is proposed to dedicate land to Council that is not identified in a Contributions Plan that applies to the site, Council will consider whether it should accept the land, however no WIK Credit will be given for the land dedication against any contributions payable for the Development.

**6.2 Application to Council**

A written application for land dedication must be submitted to Council by the Developer. The application must be supported with detailed documentation, including the following information:



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

- a) A detailed description of the land proposed to be dedicated.
- b) A plan prepared by a registered surveyor to a standard satisfactory for submission to NSW Land Registry Services.
- c) Identification of any works to be carried out on the land to be dedicated to Council.
- d) A schedule identifying the components of works that are in accordance with the Contributions Plan that applies to the site of the relevant Development.
- e) A land contamination report, prepared by a suitably qualified person.
- f) A valuation from a registered land valuer providing evidence of the value of land that is being sought as a land dedication.

**6.3 Assessment and determination of the application to dedicate land**

Council will assess the proposal with due regard to the provisions in the Contributions Plan that applies to the site of the relevant Development and determine acceptability of the proposal. In assessing an application to reduce Developer Contributions for land dedication, Council will consider the current legislation, ministerial directions and any guidelines, circulars and practice notes issued by the Department of Planning

Council will also consider the following matters:

- a) The monetary value of the proposed land dedication and the amount of WIK Credit sought by the Developer.
- b) The design concept of any proposed works in conjunction the proposed land dedication.
- c) The overall benefit of the proposed land dedication to the current and future development in the area.
- d) The timing of completion of the proposed land dedication as a WIK.
- e) If works are proposed on the land to be dedicated as a WIK, the feasibility of constructing those works within amounts budgeted in the Contributions Plan that applies to the site.
- f) Financial implications for Council in accepting the land dedication, including any effects on the implementation of Council's adopted works programs and requirements for ongoing management and maintenance of the land dedication.

Council may consult other Developer stakeholders who would be required to contribute to the works, prior to accepting the land dedication as a WIK proposal.

The final decision on the acquisition of land will be made by Council.

The Developer will be notified in writing of the outcome of the assessment.

**6.4 Acceptance by Council of the offer to dedicate land**

A decision to accept the dedication of land will be by Council resolution. Should Council determine to accept an offer for dedication of land, details



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

of the agreed dedication, including the rights and responsibilities of the Developer, will be set out in an enforceable WIK Agreement.

Any such WIK Agreement will be prepared by Council at the cost of the Developer.

The terms of the WIK Agreement will be generally consistent with the provisions of this Policy, unless Council is satisfied that the circumstances justify a departure from the Policy.

**7. SETTLEMENT OF A WIK CREDIT****7.1 Credit against existing contributions requirements**

Where a Developer seeks to offset a WIK Credit against an existing requirement to pay Development Contributions, the WIK must be provided or dedicated to Council prior to the WIK Credit being granted.

The WIK Credit will be applied as an agreed reduction of contributions payable under the relevant Development Consent in accordance with section 7.11(5) of the EP&A Act and as specified in the relevant WIK Agreement.

A WIK Credit cannot be applied once Development Contributions have been paid. The condition requiring the payment of the Development Contributions does not need to be modified to allow a WIK Credit to be utilised.

**7.2 Land Dedication and/or WIK constructed in conjunction with development**

If Council accepts an offer from a Developer to provide WIK in conjunction with proposed Development, Council will apply the WIK Credit in the following manner:

- a) A condition will be imposed on the relevant Development Consent requiring the full amount of contributions calculated under the Contributions Plan that applies to the site of the relevant Development.
- b) When the Development Consent is granted, Council will confirm in the WIK Agreement, that it will accept the land dedication (subject to Council resolution) and/or provision of the WIK in satisfaction of the Development Contributions (or part of those Development Contributions) payable under that condition in accordance with section 7.11(5) of the EP&A Act.

The Developer will then be required to only pay the reduced amount of Development Contributions as agreed in the WIK. The condition requiring the payment of the Development Contributions does not need to be modified to allow for the application of the WIK Credit.

**7.3 Credit against future Development Contributions requirements**

If the land dedication and/or WIK are not offered in conjunction with proposed Development, Council will only consider the WIK when determining



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY**

future Development Applications in accordance with any WIK Agreement once the WIK has already been provided or dedicated to Council.

In accordance with s7.11(6) of the EP&A Act, Council may impose a condition of Development Consent requiring less Development Contributions than would otherwise be payable under the Contributions Plan that applies to the relevant Development, if it considers that a credit is available for past WIK provided by the Developer.

**8. DISCRETION TO GRANT A CONSENT**

- 8.1** The provision of WIK in accordance with this Policy will not be considered by Council when determining a relevant Development Application, except to the extent authorised by s7.11(5) and s7.11(6) of the EP&A Act.
- 8.2** Council's statutory discretion or duty in determining Development Applications will not be limited or fettered by the provision of any WIK Agreement or any offer to undertake WIK.
- 8.3** The provision of WIK or entering into any WIK Agreement with a Developer will not impose any obligation on Council to grant Development Consent.

**9. OTHER REQUIREMENTS**

- 9.1** Nothing in this Policy negates the application or requirements of any other relevant legislation. Council's policies are designed to ensure compliance with the *Local Government Act 1993* (NSW). Council officers have varying levels of delegated authority to approve works and expenditure. For the purposes of this Policy, Council's Chief Executive Officer can approve expenditure which has not been included in the Budget.
- 9.2** Section 55 of the *Local Government Act 1993* (NSW) requires Council to invite public tenders for works and services in excess of \$150,000. WIK requiring a funding contribution from Council of more than these limits must be tendered in accordance with Council's tendering policy. In particular the tendering requirements under s55 of the *Local Government Act 1993* (NSW) will continue to apply to these works.
- 9.3** WIKs which are either fully funded by the Developer, funded by Development Contributions held by the Developer or require less than \$150,000 funding from Council do not have to be tendered in accordance with the *Local Government Act 1993* (NSW). However, competitive prices must be obtained to Council's satisfaction.

**10. NOTES**

- 10.1** Council does not accept any financial risk associated with the provision of WIK and will only cover those attributable costs agreed to in the WIK



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Agreement entered into by the Developer. Any costs beyond this will be borne by the Developer.

- 10.2** Council does not accept any liability for costs associated with altering the design or construction of works or land dedications if the Developer has received Development Consent for the land/works prior to execution of a WIK Agreement.
- 10.3** Developers should not expect reimbursement of surplus value in full. The possibility and level of reimbursement is limited to the funds collected from contributions received from other developers for those works pursuant to the relevant Contributions Plan (at the time of plan repeal) and the possibility funds shall be distributed equitably to multiple Developers as reimbursement of their respective surplus values. Council also retains the right to repay Council's outstanding financial liabilities for local infrastructure projects forward funded by Council's Capital Works Program and invest funds collected from other developers to other local infrastructure projects.



**DEVELOPMENT CONTRIBUTIONS LAND DEDICATION AND WORKS IN KIND POLICY****AUTHORISED BY**  
Council Resolution**EFFECTIVE FROM**  
27 February 2019**DIRECTORATE RESPONSIBLE**  
Planning and Growth (Development Engineering)**REVIEW DATE**  
Two years after the date of the adoption of this policy**VERSIONS**

Version	Amended by	Changes made	Date	TRIM Number
1	Adopted by Council	Not applicable	20 August 2012	212110.2012
2	Adopted by Council	Mainly to clause 7 and new clause 8	27 July 2016	180376.2016
3	Adopted by Council	Includes reference to land acquisition	29 March 2017	063737.2017
4	Adopted by Council	Holistic review	27 February 2019	063737.2017





### **Works in Kind Agreement**

**[Insert details of Development]**

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Liverpool City Council (ABN 84 181 182 471) (**Council**)



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## Works In Kind Agreement

**[Insert details of Development and Property]**

### Parties

Council	Name	Liverpool City Council
	Address	Ground Floor 33 Moore Street Liverpool NSW 2170
	ABN	84 181 182 471
Developer	Name	[insert]
	Address	[insert]
	ABN	[insert]

### Background

- A The Developer is proposing to undertake the Development.
- B In order to meet the demand for the provision of public facilities arising from the Development, Council has implemented the Contributions Plan.
- C As a condition of the Development Consent, the Developer is required to provide the Contribution.
- D To satisfy the Contribution the Developer proposes to provide the Works **and/or** dedicate the Designated Land to Council.
- E Council has agreed that if the Works are provided **and/or** the Designated Land is dedicated to Council in accordance with the terms of this agreement, then such provision will be off-set against the Developer's liability to provide the Contribution.
- F This agreement records the terms upon which the Developer will provide the Works **and/or** dedicate the Designated Land to Council.

### Operative Provisions

#### 1.1 Defined Terms

In this agreement, words beginning with a capital letter that are defined in Part 1 of **Schedule 1** have the meaning ascribed to them in that schedule.



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**1.2 Interpretation**

The interpretational rules contained in Part 2 of **Schedule 1** apply in the interpretation of this agreement.

**1.3 Relationship between the parties**

- (1) No term of this agreement is to be construed so as to give rise to a Proscribed Relationship.
- (2) Each party must not:
  - (a) represent, or otherwise foster the understanding, that the relationship between them is a Proscribed Relationship; or
  - (b) represent or otherwise hold themselves out as representing or having the ability to bind the other party.

---

**2 Works****2.1 Obligation to perform the Works**

The Developer must:

- (1) perform the Works; and
- (2) complete the Works in accordance with the timing set out in **Schedule 3**.

**2.2 Consents**

Prior to commencement of the Works, the Developer, at its cost, must obtain all necessary Approvals.

**2.3 Council approval**

- (1) Before the Developer commences the Works, the Developer, at its own cost, must prepare and submit to Council or a person specified by Council, detailed plans and specifications in relation to the Works.
- (2) The Developer must not commence the Works unless Council has given the Developer written approval of the plans and specifications relating to the Works.

**2.4 Costs of the Works**

The costs incurred by the Developer in providing the Works must be borne solely by the Developer.

**2.5 Standard of the Works**

The Developer must construct and complete the Works:

- (1) in accordance with the Approvals;
- (2) in accordance with the plans and specifications approved by Council under this agreement;



- 
- (3) in accordance with Australian standards applicable to works of the same nature as each aspect of the Works;
  - (4) using materials which are new and fit for the purpose for which the Works will be used;
  - (5) ensuring that:
    - (a) all necessary measures are taken to protect people, property, and the environment;
    - (b) unnecessary interference with the passage of people and vehicles is avoided;
    - (c) nuisances and unreasonable noise and disturbances are prevented; and
    - (d) all relevant laws and regulations with respect to water, air, noise and land pollution (including 'pollution incidents') as defined under the *Protection of the Environment Operations Act 1997* (NSW); and
  - (6) in a proper and workmanlike manner complying with current industry practice and standards relating to each aspect of the Works.

## **2.6 Access to the Land and location of Works**

- (1) The Developer must permit Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any of the Works.
- (2) The Developer must enable Council, its officers, employees, agents and contractors access to the location of the Works where this is not the Land, Council land or a public road.

## **2.7 Variation of Works**

- (1) The Works may not be varied by the Developer, unless:
  - (a) the parties agree in writing to the variation;
  - (b) any Approval necessary for the variation to be implemented is obtained; and
  - (c) the Developer bears all of Council's costs of, and incidental to, agreeing to and approving the variation.
- (2) For the purposes of paragraph (1), a variation may relate to any matter in relation to the Works that is dealt with by this agreement.
- (3) If Council requests a variation to the Works after Council has approved the design and specification of the Works under clause 2.3, then Council is liable to pay to the Developer an amount equal to the increase in the costs of completing the Works which results from the variation requested by Council.
- (4) Council must pay the amount referred to in paragraph (3) to the Developer after the Works are complete, and within twenty (20) business days of receipt of:



- (a) a tax invoice for the amount claimed by the Developer; and
- (b) documentation which demonstrates to Council's satisfaction the increase in costs as a result of the variation requested by the Council.

### **3 Completion of the Works**

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#### **3.1 Issue of Completion Notice**

If the Developer considers that any particular item of the Works is complete it must, within ten (10) business days of Completion of that item, serve a notice on Council which:

- (1) is in writing;
- (2) identifies the particular item of the Works to which it relates; and
- (3) specifies the date on which, the Developer believes the relevant item of the Works was Completed,

(Completion Notice).

#### **3.2 Inspection by Council**

- (1) Council must inspect the Works set out in a Completion Notice within ten (10) business days of the receipt of that notice.
- (2) If Council fails to carry out an inspection required under paragraph (1), the Works referred to in the relevant Completion Notice will be deemed to be Complete.

#### **3.3 Council Notice**

- (1) Within twenty (20) business days of inspecting the Works set out in a Completion Notice, Council must provide notice in writing to the Developer that the Works set out in the Completion Notice:
  - (i) have been Completed; or
  - (ii) have not been Completed, in which case the notice (**Rectification Notice**) must also detail:
    - (i) those aspects of the Works which have not been Completed; and
    - (ii) the work the Council requires the Developer to carry out in order to rectify the deficiencies in those Works.
- (2) If Council does not provide the Developer with a notice in accordance with paragraph (1), the Works set out in the Completion Notice will be deemed to have been Completed.
- (3) Where Council serves a Rectification Notice on the Developer, the Developer must:
  - (a) rectify the Works in accordance with that notice; or



- (b) serve a notice on Council that it disputes the matters set out in the notice.
- (4) Where the Developer:
  - (a) serves notice on Council in accordance with paragraph (3)(b), the dispute resolution provisions of this agreement apply; or
  - (b) rectifies the Works in accordance with paragraph (3)(a), it must serve upon the Council a new Completion Notice for the Works it has rectified and the process in respect of Completion of the Works in this clause 3.3 apply to the Works set out in the new Completion Notice.

### 3.4 Works-As-Executed-Plan

Prior to Hand Over of the Works, the Developer must provide to the Council with:

- (1) two (2) hard copies, and an electronic copy, of a full Works-As-Executed-Plan in respect of the relevant item of Work that has been Completed; and
- (2) all appropriate certificates to verify that the item of Work has been carried out in accordance with relevant standards.

### 3.5 Hand Over of Works

- (1) Ownership of the Works vests in Council on Hand Over.
- (2) On Hand Over, the Developer must cause the legal title in the Works and all materials and components of the Works to pass to Council free of any charge or other interest.
- (3) The Developer warrants:
  - (a) that on Hand Over, the Works are not subject to any security interest (as defined in the *Personal Property Securities Act 2009* (Cth) (PPSA)); and
  - (b) any security interest noted on the Personal Property Securities Register in respect of the Works has been discharged.
- (4) The Developer indemnifies Council for all claims, costs, losses and expense Council may suffer arising from any breach of this warranty or any claim or action taken by any person in respect of any security interest (as defined in the PPSA) in the Works.

## 4 Defects Liability

### 4.1 Defects Notice

- (1) Where any part of the Works has been Completed but those Works contain a material defect which:
  - (a) adversely affects the ordinary use and/or enjoyment of the relevant Works; or



- (b) will require maintenance or rectification works to be performed on them at some time in the future as a result of the existence of the defect,

**(Defect)** Council may issue a defects notice (**Defects Notice**) concerning those Works but only within the Defects Liability Period.

- (2) A Defects Notice must contain the following information:
  - (a) the nature and extent of the Defect;
  - (b) the work Council requires the Developer to carry out in order to rectify the Defect; and
  - (c) the time within which the Defect must be rectified (which must be a reasonable time and not less than ten (10) business days).

#### **4.2 Developer to Rectify Defects**

- (1) The Developer must rectify the Defects contained within a Defects Notice as soon as practicable after receipt of the Defects Notice.
- (2) The Developer must follow the procedure set out in clause 4.1 in respect of the satisfaction of the Defects Notice (as if it were a Rectification Notice).

#### **4.3 Right of Council to Step-In**

Council may, at its absolute discretion, enter upon the Land for the purpose of satisfying the Defects Notice where the Developer has failed to comply with a Defects Notice but only after giving the Developer seven (7) days written notice of its intention to do so.

#### **4.4 Consequence of Step-In**

If Council elects to exercise the step-in rights granted to it under clause 4.3 then:

- (1) Council may:
  - (a) enter upon any part of the Land that it requires access to in order to satisfy the obligations of the Developer in accordance with the Defects Notice; and
  - (b) rectify the relevant Defects in accordance with the Defects Notice; and
- (2) the Developer must not impede or interfere with Council in undertaking that work.

#### **4.5 Costs of Council**

Where Council exercises its step-in rights all, costs incurred by Council in rectifying the relevant Defects may:

- (1) call upon any Security held by Council under this agreement; and
- (2) recover as a debt due any difference between the amount of the Defects Security and the costs incurred by the Council in rectifying the Defects.



## 5 Contributions

### 5.1 Effect of Developer's Compliance with this Agreement

[Use where Works are being provided]

For the purposes of section 7.11(5)(b) of the EPA Act, Council accepts the provision of the Works as a material public benefit in satisfaction of the requirement of the Developer to provide the Contribution to the extent of the Contribution Values of the Works that are Completed in accordance with this agreement.

[Use where Land is being dedicated]

For the purposes of section 7.11(5)(a) of the EPA Act, Council accepts the dedication of the Designated Land in satisfaction of the requirement of the Developer to provide the Contribution to the extent of the Contribution Values for the Designated Land.

### 5.2 Off-set of Works against the Contributions

- (1) Subject to paragraph (2), the Contribution Value of the Works and/or Designated Land is to be off-set against the Contributions payable by the Developer.
- (2) The entitlement of the Developer to the off-set referred to in paragraph (1) arises upon Hand Over of the Works and/or dedication of the Designated Land to Council.

## 6 Security for Works

### 6.1 Provision of Security

Subject to paragraph 6.2, prior to, or simultaneous with, the execution of this agreement, the Developer must deliver to Council separate irrevocable and unconditional bank guarantees in a form acceptable to Council:

- (1) in an amount equivalent to the Contribution Value (**Primary Security**); and
- (2) in an amount equivalent to 15 percent (15%) of the Contribution Value (**Defects Security**).

(collectively referred to as the **Security**).

### 6.2 Council may call on Security

If the Developer commits an Event of Default, Council, without limiting any other remedies available to it, may call on any Security to meet the damages incurred by Council as a result of that Event of Default.

### 6.3 Top up of Security

If Council calls on the Security, Council, by notice in writing to the Developer, may require the Developer to provide a further or replacement Security in an amount that, when added to any unused portion of any Security then held by Council, does not exceed the amount of the Security Council is entitled to hold at that time under this agreement.



**6.4 Release of Primary Security**

Unless:

- (1) Council has made or intends to make a demand against any Security provided by the Developer in respect of any of the Works;
- (2) the Works on account of which that Security was provided have not been Completed; or
- (3) the Developer is in breach of this agreement at the relevant time,

Council, upon a written request being made by the Developer, must return the Primary Security within ten (10) business days of such a request being made.

**6.5 Release of Defects Security**

Unless:

- (1) Council has made or intends to make a demand against any Security provided by the Developer in respect of any of the Works;
- (2) the relevant Defects Liability Period has not expired; or
- (3) the Developer is in breach of this agreement at the relevant time,

Council, upon a written request being made by the Developer, must return the Defects Security within ten (10) business days of such a request being made.

**6.6 Indexation of Contribution Values**

- (1) The Contribution Values will be indexed quarterly in accordance with the Consumer Price Index (All Groups - Sydney) as published by the Australian Bureau of Statistics.
- (2) The Developer must ensure that the Security held by Council at all times equals the indexed amount of the Contribution Values notified to the Developer by Council.

**7 Step-In Rights****7.1 Right of the Council to step in**

Upon providing the Developer with reasonable notice of its intention to do so, Council may enter upon the Land for the purpose remedying any breach of this agreement by the Developer with respect to the Works.

**7.2 Consequence of step in**

If Council elects to exercise the step-in rights granted to it in accordance with clause 7.1 then:

- (1) Council may:
  - (a) enter upon any part of the Land reasonably necessary to allow it to remedy the relevant default; and



- (b) remedy the default of the Developer including, without limitation, completing any aspect of the Works; and
- (2) the Developer's right to perform or rectify those Works which are the subject of Council's exercise of step-in rights is suspended.

### **7.3 Deemed licence to access the Land**

Where Council exercises its step-in rights the Developer:

- (1) grants to Council an irrevocable, fee free licence to enter upon the relevant parts of the Land; and
- (2) must ensure that Council's access to the Land is not prevented or otherwise interrupted by the Developer or any person claiming through the Developer.

### **7.4 Costs of Council performing the Works**

Where Council exercises its step-in rights under this clause 6.6(1), all costs incurred by Council in doing so must be paid by the Developer to Council within twenty eight (28) days of Council providing to the Developer an invoice detailing the relevant costs incurred by Council.

### **7.5 Indemnity from Council to the Developer**

Council indemnifies the Developer against any Claims relating to property damage or personal injury or death caused by the act or omission of Council in the exercise of its step-in rights pursuant to this clause 6.6(1).

## **8 Insurance & Liability**

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### **8.1 Liability for damage to property and injury to persons**

The Developer is liable for, and indemnifies Council against, any Claim for damage to person or property arising from the Developer's conduct of the Works except to the extent that the Claim arises as a result of the act or omission of Council.

### **8.2 Insurance of the Works**

- (1) The Developer must effect a contractor's risks insurance policy in respect of the Works.
- (2) The terms of the policy referred to in paragraph (1) are to be as agreed between the Developer and Council. Further, the policy must cover the entire Works including:
  - (a) any associated temporary works;
  - (b) material incorporated or to be incorporated in the Works; and
  - (c) any material to be brought onto the Land.
- (3) The policy of insurance referred to in paragraph (1) is to take into account the estimated value of the Works once they have been practically completed.



**8.3 Public liability insurance**

- (1) The Developer must effect a policy of public liability insurance in respect of all Claims for personal injury or damage to property arising from the execution of the Works on the Land.
- (2) The sum insured pursuant to the policy of insurance referred to paragraph (1) must be, as a minimum, \$10 million on a single occurrence basis.

**8.4 Professional indemnity insurance**

The Developer must effect a policy of professional indemnity insurance for an amount of not less than \$5 million.

**8.5 Motor vehicle insurance**

The Developer must effect a comprehensive policy of motor vehicle insurance or an unlimited third party property insurance policy in respect of all motor vehicles used in the performance of the Works.

**8.6 Workers compensation insurance**

- (1) The Developer must insure against any Claim arising by virtue of any legislation relating to workers compensation brought by any person employed by it in the execution of the Works.
- (2) The policy of workers compensation effected by the Developer must also insure the Developer against common law liability of the Developer in respect of its employees.

**8.7 Evidence of insurance**

The Developer must not commence the Works unless and until it has provided Council with evidence of the policies of insurance required to be maintained under this clause 8.

**8.8 Note interest of Council**

Each policy of insurance required to be effected under this clause 8 must note council as an 'insured party'.

[Not all types of insurances above will always be required. These should therefore be amended as required for any particular matter]

**9 Dedication of Designated Land****9.1 Designated Land [This clause should only be included if land is being dedicated]**

- (1) The Developer must dedicate the Designated Land to Council free of any trusts, estates, interests, covenants and Encumbrances by the time specified in **Schedule 4**.
- (2) The Developer must meet all costs associated with the dedication of the Designated Land in accordance with paragraph (1), including any costs incurred by Council in relation to that dedication.



## 10 Contamination [Should only be included if Land is to be dedicated to Council]

### 10.1 Definitions

For the purpose of this clause 10:

**Contamination** means any material, gas, substance, liquid, chemical or biological mineral or other physical matter which would, if present on the Land:

- (1) result in an Authority issuing a notice, direction or order under an Environmental Law; or
- (2) which would constitute a violation of contribution of contravention of any Environmental Law.

**Contaminated** means subject to Contamination.

**Environmental Law** means all planning, environmental or pollution laws and any regulations, orders, directions, ordinances or requirements, permissions, permits, licences issued under those laws or instruments.

### 10.2 Warranties and Indemnities

The Developer:

- (1) warrants that as far as it is aware, and other than as disclosed to Council, the Designated Land is not Contaminated; and
- (2) indemnifies and must keep indemnified Council against all liability for and associated with all Contamination present in, on and under the Designated Land including full responsibility for compliance with and any liability in respect of such Contamination under the *Contaminated Lands Management Act 1997* (NSW) and all other relevant legislation and the requirements of the Department of Environment and Conservation and any other relevant Authority.

### 10.3 Remediation

- (1) If Council becomes aware or reasonably suspects that any part of the Designated Land was Contaminated before the date of this agreement, Council may as soon as practicable notify the Developer in writing to that effect.
- (2) As soon as practicable after receipt of the notice pursuant to paragraph (1) the Developer will at its cost (with the assistance of qualified experts) carry out all reasonable investigations (including investigations which Council reasonably directs in writing) to enable the parties to be informed of the full nature and extent of the Contamination in, on, under the surface of, and leaving from the relevant part of the Designated Land and provide copies of all reports on such investigations to Council (**Investigation Reports**).
- (3) As soon as practicable after receipt by Council of the Investigation Reports the parties must meet to discuss in good faith the method by which the relevant part of the Designated Land might be dealt with so that it is no longer Contaminated.



- (4) Following the discussions pursuant to paragraph (3) the Developer must at its own cost undertake all reasonable measures which the Developer (acting reasonably) determines (and as Council acting reasonably approves in writing) as necessary to ensure that the relevant part of the Designated Land is no longer Contaminated.

## **11 Dispute Resolution**

### **11.1 Disputes**

If there is any dispute, difference of opinion or failure to agree relating to or arising from this agreement (**Dispute**) that dispute must be referred for determination under this clause 12.

### **11.2 No legal proceedings**

The parties must not bring or maintain any action on any dispute (except for urgent injunctive relief to keep a particular position) until it has been referred and determined as provided in this clause.

### **11.3 Notice of disputes (Dispute Notice)**

A party referring a dispute for determination must do so by written notice to the other parties which must specify the nature of the dispute and a nominated officer of the referring party with sufficient authority to determine the dispute.

### **11.4 Negotiated resolution and selection of expert**

- (1) On service of the Dispute Notice the receiving party must refer the Dispute to an officer with sufficient authority to determine the Dispute. The nominated officers of each party must meet at least once and use reasonable endeavours to resolve the Dispute by negotiation within seven days of service of the Dispute Notice. Any resolution must be recorded in writing and signed by each nominated officer. By agreement, the nominated officers may employ the services of a mediator to assist them in resolving the Dispute.
- (2) If the nominated officers are unable to resolve the Dispute within seven (7) days of service of the Dispute Notice they must endeavour within the following seven (7) day period to appoint an expert by agreement. That appointment must be recorded in writing and signed by each nominated officer.
- (3) If the nominated officers do not record the appointment of an expert within that second seven (7) day period, the expert must be appointed, at the request of any party, by the President for the time being (or if none, the senior elected member) of the Law Society of New South Wales (**Expert**).

### **11.5 Assistance to the Expert**

- (1) Once the Expert has been appointed, the parties must:
  - (a) each use their best endeavours to make available to the Expert all information the Expert requires to settle or determine the Dispute; and
  - (b) ensure that their employees, agents or consultants are available to appear at any hearing or enquiry called by the Expert.



- (2) The parties may give written submissions to the Expert but must provide copies to the other parties at the same time.

#### **11.6 Expert's decision**

- (1) The decision of the Expert must:
  - (a) be in writing and give reasons; and
  - (b) be made and delivered to the parties within one month from the date of submission of the dispute to the Expert or the date of completion of the last hearing or enquiry called by the Expert, if later.
- (2) The Expert may conduct the determination of the Dispute in any way it considers appropriate but the Expert may, at its discretion, have regard to the Australian Commercial Disputes Centre's guidelines for expert determination of disputes or such other guidelines as it considers appropriate.
- (3) The Expert's decision is final and binding on the parties.
- (4) The Expert must act as an expert and not as an arbitrator.

#### **11.7 Expert's costs**

- (1) The Expert must also determine how the expenses relating to the reference of the Dispute (including the Expert's remuneration) should be apportioned between the parties and in default of a decision by the Expert those expenses must be borne by the parties equally.
- (2) In determining the apportionment of costs the Expert may have regard to what the Expert, in its reasonable opinion, considers to be a lack of good faith or a failure to use reasonable endeavours by any party in assisting the Expert or resolving the Dispute between the parties' nominated officers as required by this clause.

#### **11.8 Continual performance**

Each party must continue to perform its obligations under this agreement while any Dispute is being determined under this clause.

### **12 Default & Termination**

#### **12.1 Events of default**

The Developer commits an "**Event of Default**" if:

- (1) it breaches a term of this agreement and does not rectify that breach within twenty eight (28) days of receiving notice to do so from Council; or
- (2) fails to comply with the terms of any Approval with respect to the Works.

#### **12.2 Events of default**

- (1) Where the Developer commits an Event of Default, Council may:
  - (a) exercise the step-in rights set out in clause 6.6(1) when the Event of Default relates to the Works;



- (b) exercise its rights in respect of the Designated Land under clause **Error! Reference source not found.** if applicable;
  - (c) call upon any Security to the extent of any compensation claimed by Council arising from the Event of Default; and/or
  - (d) claim damages for breach of contract from the Developer.
- (2) The rights vested in Council pursuant to paragraph (1) do not prevent Council from exercising any other rights that it may possess at law.

### **12.3 Termination**

This agreement may be terminated by a party on the occurrence of the following events:

- (1) the parties agree in writing to terminate the operation of this agreement at any time;
- (2) an Insolvency Event affects a party; and
- (3) in the case of Council, where the Developer has committed an Event of Default.

### **12.4 Consequence of termination**

Upon termination of this agreement:

- (1) all future rights and obligations of the parties are discharged; and
- (2) all pre-existing rights and obligations of the parties continue to subsist.

### **12.5 Legal costs and expenses**

Where this agreement is terminated by Council as a result of the Developer committing an Event of Default the Developer must pay to Council:

- (1) the amount of any damages suffered by Council; and
- (2) any enforcement costs incurred by Council in enforcing its rights under this agreement including, without limitation, legal costs (on a solicitor-own client basis) and court costs.

## **13 Position of Council**

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### **13.1 Consent authority**

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

### **13.2 Agreement does not fetter discretion**

This agreement is not intended to operate to fetter, in any unlawful manner:

- (1) the power of Council to make any Law; or
- (2) the exercise by Council of any statutory power or discretion,



(Discretion).

### **13.3 Severance of provisions**

- (1) No provision of this agreement is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this agreement is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
  - (a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 13 is substantially satisfied;
  - (b) in the event that paragraph (1)(a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this agreement has full force and effect; and
  - (c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this agreement which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this agreement contracted out of a provision or exercised a Discretion under this agreement, then to the extent of this agreement is not to be taken to be inconsistent with the Law.

### **13.4 No Obligations**

Nothing in this agreement will be deemed to impose any obligation on Council to exercise any of its functions under the EPA Act in relation to the Development Consent, the Land or the Development in a certain manner.

## **14 Miscellaneous**

### **14.1 Private Certifiers**

Where Council is not the certifying authority for any aspect of the Development, the Developer must on the appointment of a private certifier provide a copy of this agreement to the private certifier.

### **14.2 Assignment**

- (1) A party must not transfer any right or liability under this agreement without the prior consent of each other party, except where this agreement provides otherwise.
- (2) In the event that the Developer enters into a contract for the sale of the Land the subject of the Development Consent, the Developer (as vendor) must disclose to the purchaser the existence of this agreement.

### **14.3 Legal costs**

The Developer agrees to:



- (1) pay or reimburse the reasonable legal costs and disbursements of Council of the negotiation, preparation, execution, and stamping of this agreement;
- (2) pay the reasonable legal costs and disbursements referred to in paragraph (1) within fourteen (14) days of receipt of a Tax Invoice from Council; and
- (3) pay or reimburse the legal costs and disbursements of Council arising from the ongoing administration and enforcement of this agreement including any breach or default by the Developer of its obligations under this agreement.

#### **14.4 Taxes**

- (1) If any Tax is payable in respect of this agreement then such Tax is to be paid by the Developer.
- (2) In the event that the Tax is claimed directly from Council, the Developer agrees that it will reimburse Council for any amount paid by Council to satisfy the Tax. The Developer must reimburse Council the amount of the Tax within seven (7) days of Council notifying the Developer that it has paid a Tax.
- (3) Council must provide the Developer with a tax invoice or other documentation required to comply with applicable legislation or to permit the Developer to obtain a credit for the Tax. The tax invoice must be provided upon payment or reimbursement of the Tax by the Developer.

#### **14.5 Set-off and deduction**

Except as otherwise provided in this agreement, all amounts to be paid by the Developer must be paid without set-off or counterclaim of any nature.

### **15 Administrative Provisions**

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#### **15.1 Notices**

- (1) Any notice, consent or other communication under this agreement must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
  - (a) delivered to that person's address;
  - (b) sent by pre-paid mail to that person's address; or
  - (c) transmitted by facsimile to that person's address.
- (2) A notice given to a person in accordance with this clause is treated as having been given and received:
  - (a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
  - (b) if sent by pre-paid mail, on the third Business Day after posting; and
  - (c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.



- (3) For the purpose of this clause the address of a person is the address set out in this agreement or another address of which that person may from time to time give notice to each other person.

#### **15.2 Entire agreement**

This agreement is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this agreement.

#### **15.3 Waiver**

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

#### **15.4 Cooperation**

Each party must sign, execute and deliver all deeds, documents, instruments and act reasonably and effectively to carry out and give full effect to this agreement and the rights and obligations of the parties under it.

#### **15.5 Counterparts**

This agreement may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

#### **15.6 Amendment**

This agreement may only be amended or supplemented in writing signed by the parties.

#### **15.7 Unenforceability**

Any provision of this agreement which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this agreement or affecting the validity or enforceability of that provision in any other jurisdiction.

#### **15.8 Power of Attorney**

Each attorney who executes this agreement on behalf of a party declares that the attorney has no notice of:

- (1) the revocation or suspension of the power of attorney by the grantor; or
- (2) the death of the grantor.

#### **15.9 Joint parties**

If two or more parties are included within the same defined term in this agreement:

- (1) a liability of those parties under this agreement is a joint liability of all of them and a several liability of each of them;



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- (2) a right given to those parties under this agreement is a right given severally to each of them; and
  - (3) a representation, warranty or undertaking made by those parties is made by each of them.

**15.10 Governing law**

The law in force in the State of New South Wales governs this agreement. The parties:

- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this agreement; and
  - (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.
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## Schedule 1: Defined terms and interpretation

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### Part 1 - Definitions

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<b>Approvals</b>	means any consent or authorisation from any Authority (including Council) necessary for the conduct of the Works.
<b>Authorities or Authority</b>	means (as appropriate) any: <ol style="list-style-type: none"> <li>(1) federal, state or local government;</li> <li>(2) department of any federal, state or local government;</li> <li>(3) any court or administrative tribunal; or</li> <li>(4) statutory corporation or regulatory body.</li> </ol>
<b>Claim</b>	against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.
<b>Completion Notice</b>	means a notice in writing issued by the Developer to Council, such notice certifying that: <ol style="list-style-type: none"> <li>(1) the Developer has completed all or part of the Works; and</li> <li>(2) the Works the subject of the Completion Notice have been completed in accordance with clause 2 (where applicable).</li> </ol>
<b>Contribution</b>	means the monetary contribution required to be paid by the Developer as a condition of the Development Consent, as set out in <b>Schedule 2</b> .
<b>Contributions Plan</b>	means the "Contributions Plan" as set out in <b>Schedule 2</b> .
<b>Contribution Value</b>	means the agreed value of the Works and/or Designated Land as set out in <b>Schedule 3</b> and <b>Schedule 4</b> .
<b>Defects Liability Period</b>	means the "Defects Liability Period" as set out in <b>Schedule 2</b> .
<b>Defects Security</b>	has the meaning ascribed to it in clause 6.
<b>Designated Land</b>	means that part of the Land outlined [Insert colour/hatching] on the plan that is attached as <b>Annexure 1</b> .
<b>Development</b>	means the "Development" as set out in <b>Schedule 2</b> .



<b>Dispute</b>	means a dispute regarding the terms or operation of this agreement.
<b>Encumbrances</b>	<p>means an interest or power:</p> <ol style="list-style-type: none"> <li>(1) reserved in or over an interest in any asset;</li> <li>(2) arising under, or with respect to, a Bio-Banking Agreement;</li> <li>(3) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, covenant, lease, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or</li> <li>(4) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.</li> </ol> <p><b>Encumber</b> means to grant an Encumbrance.</p>
<b>EPA Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
<b>Event of Default</b>	has the meaning ascribed to it in clause 12.1.
<b>Hand Over</b>	means the date the Works are complete in accordance with clause 3.1.
<b>Insolvency Event</b>	<p>means the happening of any of the following events:</p> <ol style="list-style-type: none"> <li>(1) Application which is not withdrawn or dismissed within 14 days is made to a court for an order or an order is made that a body corporate be wound up.</li> <li>(2) An application which is not withdrawn or dismissed within 14 days is made to a court for an order appointing a liquidator or provisional liquidator in respect of a body corporate or one of them is appointed, whether or not under an order.</li> <li>(3) Except to reconstruct or amalgamate while solvent, a body corporate enters into, or resolves to enter into, a scheme of arrangement, agreement of company arrangement or composition with, or assignment for the benefit of, all or any class of its creditors, or it proposes a reorganisation, moratorium or other administration involving any of them.</li> <li>(4) A body corporate resolves to wind itself up, or otherwise dissolve itself, or gives notice of intention</li> </ol>



to do so, except to reconstruct or amalgamate while solvent or is otherwise wound up or dissolved.

- (5) A body corporate is or states that it is insolvent.
- (6) As a result of the operation of section 459F(1) of the Corporations Act, a body corporate is taken to have failed to comply with a statutory demand.
- (7) A body corporate is or makes a statement from which it may be reasonably deduced that the body corporate is, the subject of an event described in section 459C(2)(b) or section 585 of the Corporations Act.
- (8) A body corporate takes any step to obtain protection or is granted protection from its creditors, under any applicable legislation or an administrator is appointed to a body corporate.
- (9) A person becomes an insolvent under administration as defined in section 9 of the Corporations Act or action is taken which could result in that event;
- (10) A receiver, manager or receiver and manager is appointed to the Company;
- (11) A body corporate becomes an externally administered body corporate within the meaning of the Corporations Act;
- (12) A claim is filed in a court against a person that is not defended, released or otherwise settled within 28 days of the date of its filing at the court; or
- (13) Anything analogous or having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.

**Land**

means the "Land" as set out in **Schedule 2**.

**Law**

means all legislation, regulations, by-laws, common law and other binding order made by any Authority.

**Occupation Certificate**

has the meaning ascribed to it in the EPA Act.

**Planning Instruments**

means the "Planning Instruments" set out in **Schedule 2**.

**Planning Legislation**

means collectively the *Environmental Planning and Assessment Act 1979* (NSW) and the *Local Government Act 1993* (NSW) and all incidental or ancillary legislation and regulations.

**Proscribed Relationship**

means any of the following relationships:

- (1) Principal and independent contractor.



- (2) Joint venturers.
- (3) Partners.
- (4) Trustee and beneficiary.
- (5) Employer and employee.

<b>Primary Security</b>	has the meaning ascribed to it in clause 6.1.
<b>Security</b>	means collectively the Primary Security and the Defects Security.
<b>Subdivision Certificate</b>	has the meaning ascribed to it in the EPA Act.
<b>Tax and Taxes</b>	means any tax, duty, impost, fee, levy or other charge imposed by any Authority.
<b>Works</b>	means the works to be performed in accordance with this agreement as set out in <b>Schedule 3</b> .

#### Part 2 - Interpretational Rules

<b>clauses, annexures and schedules</b>	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this agreement.
<b>variations or replacements</b>	a document (including this agreement) includes any variation or replacement of it.
<b>reference to statutes</b>	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
<b>singular includes plural</b>	the singular includes the plural and vice versa.
<b>person</b>	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
<b>executors, administrators, successors</b>	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
<b>dollars</b>	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
<b>calculation of time</b>	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
<b>reference to a day</b>	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
<b>accounting terms</b>	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting



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	principles and practices generally accepted in Australia.
<b>reference to a group of persons</b>	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
<b>meaning not limited</b>	the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
<b>next day</b>	if an act under this agreement to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
<b>next Business Day</b>	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
<b>time of day</b>	time is a reference to Sydney time.
<b>headings</b>	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this agreement.
<b>agreement</b>	a reference to any agreement, deed or instrument includes the same as varied, supplemented, novated or replaced from time to time.
<b>gender</b>	a reference to one gender extends and applies to the other and neuter gender.

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**Schedule 2:  
Details**

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<b>Development Consent</b>	[insert DA number for the Development]
<b>Contribution</b>	[insert details and value of contribution required under DA]
<b>Contributions Plan</b>	means a Contributions Plan made in accordance with Division 7.1, Subdivision 3 of Part 7 of the EPA Act.
<b>Defects Liability Period</b>	Twelve (12) months from the date of Hand Over of Works for general constructions works.  Twenty four (24) months from the date of Hand Over of Works for vegetation works.
<b>Development</b>	[Insert description of the development]
<b>Land</b>	[insert folio identifier and address of the land owned by the Developer]
<b>Planning Instruments</b>	[insert title of planning instruments]

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**Schedule 3:  
Works**

Item of Works	Specification	Time for Completion	Contribution Value
[Insert description of the relevant item of the Works that is to be carried out by the Developer]	[Insert details of the scope of the relevant item of the Works]	[Insert time by which the relevant item of the Works is to be Completed, such as prior to the issue of a Subdivision Certificate in respect of the Development]]	[Insert agreed value of the works]



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**Schedule 4:  
Designated Land**

Item	Time for Completion	Contribution Value
[Insert description of the relevant part of the Designated Land to be dedicated e.g. "The whole of the Designated Land" or "That part of the Designated Land identified as Public Reserve"]	[Insert time by which dedication of the whole or the relevant part of the Designated Land is to occur, such as prior to the issue of a Subdivision Certificate in respect of the Development]	[Insert amount]

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**Annexure 1- Plan of Designated Land [remove if no land is  
being dedicated]**

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**Execution Page**

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**Executed as an agreement**

Dated:

**Executed by Liverpool City Council** by its General Manager and Mayor by the affixing of the Common Seal of Council in accordance with resolution dated

---

General Manager (Signature)

---

Mayor (Signature)

---

Name of General Manager (Print Name)

---

Name of Mayor (Print Name)**Executed by [Insert name of Developer]** in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors.

---

Director/Secretary (Signature)

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Director (Signature)

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Name of Director/ Secretary (Print Name)

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Name of Director (Print Name)

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## Planning Agreements Policy

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Adopted: 27 July 2016

TRIM 089694.2016





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**Liverpool City Council**  
**Planning Agreements Policy**

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## Liverpool City Council Planning Agreements Policy

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### 1 Legislative Framework

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#### 1.1 What is a Planning Agreement

A Planning Agreement is a voluntary agreement or other arrangement between a planning authority (or two (2) or more planning authorities) and the Developer under which the Developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

#### 1.2 Relevant Legislation

The current legal and procedural framework for Planning Agreements is set in Subdivision 2 of Part 7 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* as well as Division 1A of Part 4 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)*.

New development creates the need for additional public amenities and public services. Division 7.1 of Part 7 of the EP&A Act empowers Council to require new development to contribute towards the provision of these public services and amenities and Planning Agreements are one mechanism to achieve this outcome.

#### 1.3 Who can enter into a Planning Agreement

Section 7.4 of the EP & A Act sets out the circumstances under which a Planning Agreement may be entered into by Council. It provides that a Planning Agreement may be made between a planning authority (or two (2) or more planning authorities) and a person (**Developer**):

- (1) who has sought a change to an environment planning instrument (such as a rezoning application);
- (2) who has made, or proposes to make, a Development Application; or
- (3) who has entered into, or intends to enter into, an agreement with, or is otherwise associated with, a person in one (1) of the above two (2) categories.

#### 1.4 Council's Community Strategic Plan

In considering whether to accept an offer to enter into a Planning Agreement, Council will have regard to its then current Community Strategic Plan, and in particular whether the proposed Planning Agreement is not inconsistent with that Community Strategic Plan.

Council will not enter into a Planning Agreement which is inconsistent with its then current Community Strategic Plan.

### 2 Purpose of this Policy

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#### 2.1 Purpose generally

The purpose of this Policy is to provide clarity and certainty to Developers as to:

- (1) the circumstances in which a Planning Agreement may be entered into with Council;
- (2) Council's requirements for its consideration of an offer to enter into a Planning Agreement; and



## Liverpool City Council Planning Agreements Policy

- (3) the process that needs to be undertaken in order to negotiate and enter into a Planning Agreement with Council.

### 2.2 Specific purposes

- (1) The purposes of this Policy are as set out below:
- (a) Establish a fair, transparent and accountable framework governing the use of Planning Agreements by Council.
  - (b) Expand the range and extent of Development Contributions that may be made by development towards Public Facilities and other public benefits in Council's local government area.
  - (c) Set out Council's specific policies and procedures relating to the use of Planning Agreements within Council's local government area.
  - (d) Give stakeholders in development greater involvement in determining the type, standard and location of Public Facilities and other Public Benefits.
  - (e) Facilitate public notification and to allow the community to gain an understanding of the benefits of proposed Planning Agreements.
  - (f) Specify the information to be submitted to Council for the purpose of considering an offer to enter into a Planning Agreement.
  - (g) Adopt innovative and flexible approaches to the provision of infrastructure and other Public Benefits through the use of Planning Agreements in a manner that is consistent with Council's Community Strategic Plan.
  - (h) Allow Council to consider Planning Agreements which achieve Planning Benefits to the wider community.

## 3 Definitions

In this Policy the words set out below have the specific meaning attributed to them.

Term	Meaning
<b>EP &amp; A Act</b>	<i>Environmental Planning and Assessment Act 1979 (NSW).</i>
<b>Council</b>	Liverpool City Council.
<b>Developer</b>	A person/entity that falls within the definition set out in clause 1.3 of this Policy.
<b>Development Application</b>	Has the same meaning as in the EP&A Act.
<b>Development Contribution</b>	A contribution provided by the Developer under a Planning Agreement.
<b>DCP</b>	Development Control Plan.
<b>Explanatory Note</b>	A written statement that provides details of the objectives, nature, effect and merits of a Planning Agreement, or an amendment to or



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	revocation of a Planning Agreement as required under the Regulation.
<b>LEP</b>	Local Environmental Plan.
<b>Planning Benefit</b>	A Development Contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community.
<b>Public</b>	The community as a whole or, where the context requires, a section of the community.
<b>Public Benefit</b>	The benefit enjoyed by the public as a consequence of a Development Contribution.
<b>Public Facilities</b>	Public infrastructure, facilities, amenities and services.
<b>Public Purpose</b>	Includes (without limitation) any of the following: <ol style="list-style-type: none"> <li>(1) The provision of (or the recoupment of the cost of providing) public amenities or public services.</li> <li>(2) The provision of (or the recoupment of the cost of providing) affordable housing.</li> <li>(3) The provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.</li> <li>(4) The funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or other infrastructure.</li> <li>(5) The monitoring of the planning impacts of a development.</li> <li>(6) The conservation and enhancement of the natural environment.</li> </ol>
<b>Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000 (NSW).</i>
<b>SEPP</b>	State Environmental Planning Policy.

**Note:** Unless otherwise specified, this Policy adopts the terms used in the *Practice Note on Planning agreements* published by the former Department of Planning and Natural Resources (July 2005) and the definitions set out in the EP & A Act and the Regulation.

## **4 Overview of Planning Agreements**

### **4.1 Circumstances for preparing a Planning Agreement**

The acceptance of an offer to enter into a Planning Agreement is at the absolute discretion of Council. Planning Agreements are voluntary, but once entered into, they become legally binding contracts that apply to the development and the land to which they apply.

A Planning Agreement is normally, but not exclusively, entered into in one (1) of the following circumstances:



## **Liverpool City Council Planning Agreements Policy**

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- (1) In relation to a change to a SEPP or LEP.
- (2) In relation to a Development Application, where the Developer agrees to provide Development Contributions in lieu of, or in addition to, contributions under sections 7.11 and 7.12 of the EP & A Act.
- (3) In relation to a development where there is a shortfall in the provision of a particular item, such as car parking in Liverpool City Centre, or open space.

### **4.2 Timing of Development Contributions**

A Planning Agreement must contain a time, or times, by which each Development Contribution provided under the Planning Agreement must be provided. The timing of the provision of each Development Contribution must be acceptable to Council, who must ensure that each Development Contribution is provided by a time which ensures that the public need for the relevant item is met.

### **4.3 Pooling of funds**

In some circumstances, such as the provision of parking in the Liverpool City Centre, it is necessary to pool funds from multiple Planning Agreements or Contribution Plans in order to allow Council to provide works or services in an efficient manner. The pooling of funds will only be considered where it will be the most effective method of providing a Public Benefit having regard to the circumstances of a particular matter.

### **4.4 Relationship of a Planning Agreement to Contribution Plans**

A Planning Agreement differs from development contributions under s7.11 or s7.12 of the EP & A Act in that it may require the Developer to construct items itself, at its cost, rather than pay a monetary sum to Council, with Council undertaking the construction of the relevant item. Under a s7.11 contributions plan Council can only require a Developer to pay a monetary contribution, or dedicate land free of charge, or both.

A Planning Agreement may be entered into where there is already a Contributions Plan in place or it may be entered into where there is no current Contributions Plan.

A Planning Agreement may exclude, in whole or in part, the application of either or both of s7.11 and s7.12 of the EP & A Act depending on the nature and extent of the Development Contributions being provided under the Planning Agreement.

## **5 Principles governing the use of Planning Agreements**

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### **5.1 Generally**

Council's use of Planning Agreements will be governed by the following principles:

- (1) Planning decisions will not be bought or sold through Planning Agreements.
  - (2) A Planning Agreement cannot impose an obligation to grant development consent or to exercise any function under the EP & A Act in relation to a change to an environmental planning instrument.
  - (3) Council will not allow Planning Agreements to improperly fetter the exercise of its functions under the EP & A Act, the Regulation or any other Act or Regulation.
  - (4) Council will not use Planning Agreements for any purpose other than a proper planning purpose.
-



## **Liverpool City Council Planning Agreements Policy**

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- (5) Development that is unacceptable on planning grounds will not be permitted because of Planning Benefits offered by Developers.
- (6) Council will not seek or consider benefits under a Planning Agreement that are wholly unrelated to particular development.
- (7) When considering a Development Application or Instrument Change, Council will not give undue weight to a Planning Agreement.
- (8) Council will not allow the interests of individuals, lobbyists, or interest groups to outweigh the public interest when considering a proposed Planning Agreement;
- (9) Council will not improperly rely on its position in order to extract unreasonable public benefits from Developers under Planning Agreements.
- (10) A Planning Agreement must produce outcomes that are consistent with Council's Community Strategic Plan.
- (11) Council will not enter a Planning Agreement unless it is satisfied that the proposed development is acceptable on planning grounds having regard to the objects set out in s1.3 of the EP & A Act and the general heads of consideration set out in s4.15 of the EP & A Act.
- (12) A Planning Agreement may propose measures that can address planning issues that have been identified with respect to the relevant Development Application.

It is noted that any exceptions to relevant development standards cannot be addressed by a Planning Agreement and instead must only be assessed in accordance with the relevant Environmental Planning Instruments.

### **5.2 Acceptability test**

Council will only agree to accept an offer to enter into a Planning Agreement after considering whether the Planning Agreement meets the acceptability test referred to below.

For a Planning Agreement to be acceptable to Council it must:

- (1) be for proper or legitimate planning purposes, that can be identified from the statutory planning controls and other adopted planning policies applying to development;
- (2) provide for Public Benefits that bear a relationship to the development that are not wholly unrelated to the development and are located in the locality in which the development is situated;
- (3) produce outcomes that meet the general values and expectations of the public and protect the overall public interest;
- (4) provide for a reasonable means of achieving the outcomes and securing the Public Benefits proposed; and
- (5) protect the public against unreasonable, adverse environmental or amenity impacts.

### **5.3 Planning Agreements and Council's compulsory acquisition power**

A Planning Agreement may include an obligation on a Developer to make a monetary Development Contribution to Council to meet some, or all, of the costs incurred by Council in undertaking the acquisition of land.



## Liverpool City Council Planning Agreements Policy

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A Planning Agreement cannot impose an obligation on Council to use the compulsory acquisition power conferred on it under the *Local Government Act 1993* (NSW) and the *Land Acquisition (Just Terms Compensation) Act 1989* (NSW).

Any such acquisition of land by Council may only be undertaken for a public purpose, and is subject to the approval of the Minister and the Governor. Council will not agree to compulsorily acquire land in a Planning Agreement where such an acquisition is for the sole benefit of the Development and does not serve a broader public purpose.

If Council resolves to acquire land for which a monetary Development Contribution is required to be paid under a Planning Agreement, Council cannot be subject to an obligation to acquire that land by a certain time, or at all.

## 6 Negotiating a Planning Agreement

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### 6.1 Offer of a Planning Agreement

Generally a Planning Agreement should be offered, negotiated and documented before lodgement of a Development Application, or before Gateway approval for a planning proposal so as to allow the proposed Planning Agreement to be publicly exhibited simultaneously with the relevant Development Application or Planning Proposal.

Where possible, Council will publicly notify a Planning Agreement at the same time as the application for the Planning Proposal or the Development Application to which it relates.

### 6.2 Planning Agreements which relate to an amendment to a SEPP or LEP

- (1) Where:
  - (a) it is proposed to amend a SEPP or LEP to permit a development; and
  - (b) that development is likely to require the provision of public infrastructure or services,

an offer to enter into a Planning Agreement may be an option for the Developer to allow that public infrastructure or those services to be met.
- (2) Where a Developer offers to enter into a Planning Agreement in those circumstances, the offer must be supported by information identifying the scope of infrastructure needed to support the development and how this will be addressed by a Planning Agreement, including as a minimum by providing the information set out in Section 7.
- (3) Council may also require the following contributions to be made under any such Planning Agreement for an offer of a Planning Agreement to be acceptable to Council:
  - (a) Contributions required to be imposed by Council so as to meet the requirements of statutory authorities (such as RMS) in relation to the Planning Proposal.
  - (b) Contributions to studies which Council believes may be required to assess the impact of the proposed development.

### 6.3 Planning Agreements which relate to a Development Application

Where it is proposed to submit a Development Application and:



## Liverpool City Council Planning Agreements Policy

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- (1) the development is likely to require the provision of local public infrastructure or services in excess of those that would be provided under the Contributions Plan that applies to the site; or
- (2) contributions which differ from those that are proposed under the Contributions Plan that applies to the site,

an offer to enter into a Planning Agreement may be an option.

Where a Developer proposes a Planning Agreement it must be supported by information identifying the scope of infrastructure needed to support the development and how this need will be addressed by a Planning Agreement, including by providing the information set out in Section 7.

### **6.4 A shortfall in the provision of a particular item such as car parking and/or open space land in Liverpool City Centre**

Where:

- (1) it is proposed to submit a Development Application for a development in Liverpool City Centre; and
- (2) the proposed on site car parking provision, and/or the proposed open space land provision, is less than that required by Council,

a Planning Agreement may be an option for paying a contribution to account for the shortfall.

In this circumstance, a Development Application must be accompanied by an offer to enter into a Planning Agreement with Council pursuant to which a monetary contribution is made to Council for the purpose of allowing Council to fund off site car parking, and/or open space land within Liverpool City Centre.

If the Developer proposes to make such an offer to enter into a Planning Agreement, then the Developer must provide the information set out in Section 7.

## **7 Information required to be provided to Council**

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### **7.1 Mandatory information and discretion of Council**

- (1) Subject to paragraph (2), an offer to enter into a Planning Agreement with Council must be supported by the information set out in this Section 7.
- (2) Council has a discretion as to:
  - (a) whether or not to require the Developer to provide all of the information in this Section 7; and
  - (b) whether or not to require the Developer to provide information that is not listed in this Section 7, but which Council considers necessary in order to allow it to assess any application to enter into a Planning Agreement.

### **7.2 All offers for a Planning Agreement**

- (1) Name of proponent.
  - (2) A description of the land to which the Planning Agreement will apply.
-



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- (3) Owner's consent for all properties to which the Planning Agreement will apply.
- (4) Description of proposed development, including, where appropriate, proposed number of dwellings, floorspace, land use and land area.
- (5) Any additional parties to the Planning Agreement.
- (6) Information on relationship to relevant Council corporate strategy.
- (7) Any potential savings for existing contributions plan that applies to the site.
- (8) Any particular benefits for wider community.
- (9) Details on any staging of the development and commensurate staging of monetary Development Contributions, including thresholds for provision of infrastructure and or land.
- (10) Any dependencies for the proposed development or provision of infrastructure on other land holdings, provision of infrastructure by Council or another party.
- (11) Any infrastructure need to be provided on Council or other land.
- (12) Any infrastructure to be provided that involve a government authority.
- (13) Any consultation needed with a government authority.

### 7.3 Additional information where it is proposed to change a SEPP / LEP or submit a Development Application

- (1) Information on relationship to any adopted Council land use strategy (where applicable);
  - (2) Background studies identifying impacts on existing infrastructure and additional infrastructure needed to support the additional development proposed on the site. This may include but not be limited to infrastructure involving:
    - (a) affordable housing;
    - (b) transport or other infrastructure;
    - (c) recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
    - (d) monitoring of the planning impacts of development;
    - (e) conservation or enhancement of the natural environment;
    - (f) water management cycle;
    - (g) mitigation of environmental impacts;
    - (h) traffic, car parking and public transport facilities;
    - (i) community facilities;
    - (j) drainage services; and
    - (k) open space and recreation facilities.
-



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- (3) Background studies may also be required to identify any need to compensate for the loss of or damage to a public amenity, service, resource or asset such as:
  - (a) Public open space;
  - (b) Public car parking;
  - (c) Public access;
  - (d) Water and air quality;
  - (e) Bushland;
  - (f) wildlife habitat; and
  - (g) other natural areas.
- (4) Reference may be made to situations where several nearby sites may also be seeking a similar zoning change and how this might impact or provide opportunities for the provision of infrastructure;
- (5) Details on any staging of the development and commensurate staging of individual items of infrastructure, including thresholds for provision of infrastructure and or land;
- (6) Details of any or all land / facilities provided up front;
- (7) The nature of the security to be provided for the Public Benefits;
- (8) Maintenance impacts of proposed infrastructure;
- (9) Details of the component of the contributions that would normally payable and that would be replaced by the Planning Agreement;
- (10) Identification of any potential savings for existing contributions plan that applies to the site;
- (11) Identification of any particular benefits for wider community;
- (12) Identification of any dependencies for the proposed development or provision of infrastructure on other land holdings, provision of infrastructure by Council or another party;
- (13) Identification of any infrastructure that needs to be provided on Council or other land;
- (14) Identification of any infrastructure to be provided that involves a government authority;
- (15) Identification of any consultation needed with a government authority; and
- (16) Identification of any infrastructure that is needed before any development can commence.

### **7.4 Additional information where there is a shortfall in the provision of a particular item such as car parking or open space in Liverpool City Centre**

- (1) The number of the shortfall in the required car parking spaces or are of open space; and
  - (2) Information on relationship to Liverpool DCP 2008, Part 4 Development in Liverpool City Centre.
-



## **Liverpool City Council Planning Agreements Policy**

### **7.5 Matters that Council will consider**

The matters that Council may consider in any such negotiation may include, but not be limited to, the following, whether:

- (1) the Planning Agreement meets the demands created by the development for new public infrastructure, amenities and services;
- (2) inclusions in the development meet the objectives of Council's Community Strategic Plan;
- (3) compensation is required for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration;
- (4) rectification of an existing deficiency in the existing provision of Public facilities in Council's area is made;
- (5) recurrent funding of Public Facilities is required or provided;
- (6) the extent to which Council needs to monitor the planning impacts of development;
- (7) planning Benefits for the wider community accrue from the Planning Agreement;
- (8) mitigation of the impact of development is addressed;
- (9) recurrent funding of Public Facilities is required in the establishment phase;
- (10) past deficiencies in infrastructure provision that would otherwise prevent a development from occurring are addressed;
- (11) monitoring the planning impacts of development is required by the Developer;
- (12) any initial or ongoing costs are designated as Council's responsibility;
- (13) the timing of providing works or services is appropriate;
- (14) there are any relevant circumstances that may operate to preclude Council from entering into the proposed Planning Agreement;
- (15) the proposed Planning Agreement will provide benefits that bear a relationship to the delivery of services and infrastructures within Liverpool LGA; and
- (16) the quantum of the Public Benefit is commensurate with the value of the development contribution.

## **8 Procedure**

### **8.1 Probity**

Public probity is important to Council and it will ensure that the negotiation and the outcome of any Planning Agreement is fair, transparent and is directed at achieving Public Benefits in an appropriate manner free of actual or perceived corrupt conduct or maladministration.

In this regard, Council will:



## Liverpool City Council Planning Agreements Policy

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- (1) inform any applicant about Council's values and business ethics, specifically, about ethical behaviour appropriate to business dealings in accordance with Council's Code of Conduct;
- (2) ensure that the local community is informed about the system and the Council's role, specifically, how the Planning Agreement system operates and how Council will deal with developments objectively;
- (3) notify Planning Agreements to ensure they are open and transparent, specifically achieving maximum public awareness of the matters contained in a Planning Agreement and the potential Public Benefit of an agreement;
- (4) ensure appropriate delegations and separation of responsibilities in considering planning proposals and Development Applications that involve a Planning Agreement, specifically the need to ensure processes adequately address the level of risk of corruption of a process while at the same time being appropriate to the likely level of risk;
- (5) ensure that modifications to approved development should be subject to the same scrutiny as the original Development Application;
- (6) ensure that Councillors and members of Council staff understand their varied roles, to avoid any perceived or actual conflict of interest; and
- (7) take every step to ensure that conflicts of interest are ameliorated to the greatest extent possible, specifically, independent assessment by third parties where Council has an interest and not entering into any contractual arrangement which purports to guarantee outcomes that are contrary to separate regulatory processes and the public interest.

Council will ensure that negotiation and formation of any Planning Agreement will be undertaken in accordance with any then current Probity Policy that may apply.

In certain circumstances, Council may decide to implement a Probity Policy specific to the negotiation of a particular Planning Agreement.

### 8.2 Public notification

A Planning Agreement cannot be entered into, amended or revoked unless there has been public notification of the proposed Planning Agreement for a period of at twenty eight (28) days, as required under s7.5(1) of the EP & A Act.

The public notification of a Planning Agreement will be carried out as follows:

- (1) Where Council supports exhibition of the draft Planning Agreement, it will publicly exhibit the Development Application and / or proposed instrument and the Planning Agreement in accordance with the Act and its notification requirements and seek public submissions.
- (2) Council will publicly re-notify and make available for public inspection a proposed Planning Agreement and the application to which it relates if, in Council's opinion, a material change is made to the terms of the agreement or the application after it has been previously publicly notified and inspected. Such a change may arise as a consequence of public submissions made in respect of the previous public notification and inspection of the Planning Agreement or the application, or their formal consideration by Council, or for any other reason.
- (3) Public submissions to Planning Agreement notifications will be assessed by Council in accordance with its Community Engagement Tool Kit.



## Liverpool City Council Planning Agreements Policy

### 8.3 Explanatory note

- (1) An Explanatory Note will be exhibited in conjunction with the exhibition of a draft Planning Agreement, as per the requirements of clause 25E(1) of the Regulation. An Explanatory Note must contain the following:
  - (a) A summary of the objectives, nature and effect of the proposed agreement, amendment or revocation.
  - (b) An assessment of the merits of the proposed agreement, amendment or revocation, including the impact (positive or negative) on the public or any relevant section of the public.
- (2) The Explanatory Note must:
  - (a) identify how the Planning Agreement, amendment or revocation promotes the public interest and one or more of the objects of the Act;
  - (b) identify how the Planning Agreement, amendment or revocation promotes one or more of the Guiding Principles for Councils under section 8 of the *Local Government Act 1993* (NSW);
  - (c) identify a planning purpose or purposes served by the Planning Agreement, amendment or revocation, and contain an assessment of whether it provides for a reasonable means of achieving that purpose;
  - (d) identify whether the Planning Agreement, amendment or revocation conforms to Council's capital works program; and
  - (e) state whether the Planning Agreement, amendment or revocation specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.
- (3) The Explanatory Note will be prepared in consultation with the other parties proposing to enter into the Planning Agreement.

### 8.4 Preparation of the Planning Agreement

Council's Planning Agreement Template is attached to this Policy.

Unless otherwise specified in this Policy, the Planning Agreement Template is to be used as a basis for any Planning Agreement where possible, but, with the exception of the clauses specified below, it is not compulsory for all of the provisions in that template to be used and it will be adapted to each development as appropriate.

Council will generally not agree to amend the following clauses in the Planning Agreement Template (as applicable to each development):

- (1) Completion of Works (clause 8).
- (2) Defects Liability (clause 9).
- (3) Registration (clause 14).
- (4) Assignment (clause 15).
- (5) Dispute Resolution (Clause 16).



## Liverpool City Council Planning Agreements Policy

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- (6) Breach (clause 18).
- (7) Termination, Rescission or Determination (clause 19).
- (8) Legal costs (clause 23.2).

Council will require a Planning Agreement to make provision for payment by the Developer of Council's costs of and incidental, to negotiating, preparing and entering into the agreement as well as administering and enforcing the Planning Agreement.

### 8.5 Timing of a Planning Agreement – Instrument Change

Council will usually require a Planning Agreement in relation to a SEPP or LEP to be entered into before Council submits the relevant draft SEPP or LEP amendment to the Secretary .

### 8.6 Provision of security under a Planning Agreement

- (1) Council must require a Planning Agreement to make provision for adequate security to cover the Developer's obligations under the agreement. In a general sense, adequate security is security which is sufficient to allow Council to either:
  - (a) the need for the relevant material public benefit is not generated until that material public benefit is provided (i.e. by withholding the issue of a subdivision certificate); or
  - (b) allowing Council to immediately take steps to ensure that the relevant material public benefit is available to meet the need generated by the Development (i.e. by way of a bank guarantee that can be immediately called upon by Council).
- (2) The form of security may include, but is not limited to one (1) or more of the following:
  - (a) Provision of an unconditional bond or bank guarantee from an Australian bank in favour of Council to the full value of the contributions to be provided under the Planning Agreement (including in respect of any works and defects for works) on terms otherwise acceptable to Council.
  - (b) The ability for Council to withhold issuing a construction certificate, occupation certificate and/or subdivision certificate until the Developer has fulfilled some or all of its obligations under the Planning Agreement.
  - (c) The ability for Council to step-in and complete works where the Developer fails to complete them within a specified time.
  - (d) Where the Development Contributions include the dedication of land to Council, a right for Council to:
    - (i) compulsorily acquire the relevant land in the event the Developer fails to dedicate it to Council by the time required under the Planning Agreement; and/or
    - (ii) register a caveat on the title of the relevant land until such time as it is dedicated to Council.
- (3) Council will only accept a personal guarantee, or a parent company/corporate guarantee as security for the obligations of the Developer under a Planning Agreement in addition to other forms of security specified above.



## **Liverpool City Council Planning Agreements Policy**

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- (4) Council will not accept Insurance Bonds in lieu of Bank Guarantees under a Planning Agreement.
- (5) Council will not accept registration of a Planning Agreement on the title of the land to which the Planning Agreement applies in lieu of other forms of security referred to above.
- (6) If a Bank Guarantee is required to be provided to secure the provision of works, Council may require that Bank Guarantee to be provided in an amount which exceeds the agreed value of the works as set out in the Planning Agreement. The basis for that is that the works may not be provided for some time after the Planning Agreement is entered into, and the actual cost of providing those works may greatly exceed the estimated value as set out in the Planning Agreement.

### **8.7 Registration of Planning Agreements**

Council will require a Planning Agreement to contain a provision requiring the Developer to agree to registration of the Planning Agreement pursuant to s7.6 of the EP & A Act.

On execution of the Planning Agreement and until it is registered on title, the developer may be required to consent to Council lodging a caveat on the title of the relevant land.

The Developer must provide Council with all the necessary documents required to facilitate the registration of the Planning Agreement on the title to the land, including the written consent of any parties with interests in the land.

### **8.8 Works**

Where works are to be provided under a Planning Agreement, the Planning Agreement will specify:

- (1) the design process required to be followed in respect of the works (if any), including a requirement for Council to approve any such design where appropriate;
- (2) the timing for completion of the works;
- (3) the standard of the works; and
- (4) rectification of defects in respect of the works,

as generally included in Council's Planning Agreement Template.

### **8.9 Dispute resolution**

A Planning Agreement must have a dispute resolution mechanism pursuant to s7.4(3)(f) of the EP & A Act.

The dispute resolution mechanism set out in Council's Planning Agreement Template is Council's preferred position with respect to dispute resolution under a Planning Agreement.

### **8.10 Value of Public Benefits under a Planning Agreement**

The value of a benefit proposed under a Planning Agreement will be determined prior to the Planning Agreement being publicly notified.

If a Development Contribution under a Planning Agreement is the carrying out of works for a public purpose, Council may value the particular Development Contribution on the basis of a cost



### **Liverpool City Council Planning Agreements Policy**

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estimate for the works. This may be prepared by a suitably qualified quantity surveyor or a valuer (as the case may be) appointed by Council and paid for by the Developer.

Where the Development Contribution under a Planning Agreement includes the dedication of land and the value of that land is to be taken into account, Council may seek the services of an appropriately qualified land valuer, as appointed by Council and at the cost of the Developer, in order to value the land being dedicated.

In the event that a Planning Agreement proposes works and services that would normally be provided as a condition of Development Consent, then those works and services will be deemed to have no value under the particular Planning Agreement.

The value specified for any Development Contribution that comprises works under a Planning Agreement (including security to be provided for those works) is to be indexed quarterly in accordance with the Construction Industry Producer Output Price Index (Non-Residential Construction – Sydney).

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**Liverpool City Council  
 Planning Agreements Policy**

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**AUTHORISED BY**

Council Resolution

**EFFECTIVE FROM**

XXXXXXX

**DEPARTMENT RESPONSIBLE**

City Economy & Growth (Infrastructure Planning)

**REVIEW DATE**

XXXXXXXX

**VERSIONS**

Version	Amended by	Changes made	Date	TRIM Number
1	Not applicable	Adopted by Council	July 2016	9694.2016-011

**THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH**

Corporate Services (Governance and Legal Services)

City Economy & Growth (Development Assessment)

**REFERENCES**

Liverpool City Council: Code of Conduct

Liverpool City Council: Community Engagement Policy

Liverpool City Council: Growing Liverpool 2023 – Liverpool City Council

Community

Strategic Plan

**ATTACHMENTS**

Schedule 1 – Guide for Council staff



**Liverpool City Council  
Planning Agreements Policy**

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**Attachment A****PLANNING AGREEMENT POLICY  
PROCEDURES**



## **Liverpool City Council Planning Agreements Policy**

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### **Schedule 1 Guide for Council staff**

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#### **1 Purpose of this Schedule**

This procedure is intended to guide Council staff in negotiating Planning Agreements.

#### **2 Steps in the negotiation process**

The negotiation of a Planning Agreement will generally involve the following key steps:

- 2.1 Council and the Developer (and any other relevant person) will decide whether to negotiate a Planning Agreement. In some cases, there may be a land use strategy for a locality, which will inform the preparation of the Planning Agreement.
- 2.2 Council officers do not need to report the matter to the elected Council prior to commencing negotiation of a Planning Agreement.
- 2.3 Council should ensure that both it and the Developer appoint a person to represent them in the negotiation of the Planning Agreement. Council should ensure that it appoints a third person to attend and take minutes of all negotiations.
- 2.4 There will be internal consultation between all of the relevant Departments within Council who may have an interest in the Planning Agreement or anything arising from it.
- 2.5 Council should seek legal advice on any Planning Agreement at the commencement of negotiations, even if Council undertakes initial negotiations itself, without its Solicitor present.
- 2.6 A timetable for negotiations and the protocols and work practices governing their negotiations should be agreed between the parties.
- 2.7 The key issues for negotiation will be identified by the parties, and the negotiations over these issues will take place. In particular, Council should seek to reach agreement with the Developer as to:
  - (1) the nature and extent of the Development Contributions to be provided by the Developer under the Planning Agreement;
  - (2) the estimated value of those Development Contributions;
  - (3) the time by which each of the Development Contributions should be provided;
  - (4) whether the Planning Agreement will exclude, in whole or in part, the application of s7.11 and/or s7.12 of the E P & A Act to the Development; and
  - (5) the nature and extent of the Development to which the Planning Agreement will apply.
- 2.8 If agreement is reached, the Developer should prepare and submit a proposed Planning Agreement in accordance with this Policy and the appropriate Planning Agreement template adopted by Council from time to time.
- 2.9 The parties should undertake further negotiation on the specific terms of the proposed Planning Agreement as necessary.
- 2.10 Once agreement is reached on the terms of the proposed Planning Agreement:



## Liverpool City Council Planning Agreements Policy

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- (1) Council should prepare the Explanatory Note in consultation with the Developer; and
  - (2) the Developer should make a written irrevocable offer to Council to enter into the Planning Agreement (a copy of which should accompany the offer).
- 2.11 Subject to any direction of the Minister for Planning and decision of any local planning panel constituted under the EP & A Act, Council may then proceed to adopt any of the processes available to it with respect to deciding to proceed, or not to proceed, with the proposed Planning Agreement. Ideally, that process will include the submission of a report to the elected Council with a recommendation to either:
- (1) proceed with the exhibition of the proposed Planning Agreement; or
  - (2) to proceed no further with the proposed Planning Agreement,
- 2.12 Where Council supports exhibition of the proposed Planning Agreement, it will publicly exhibit the proposed Planning Agreement in accordance with the EP & A Act and its notification requirements.
- 2.13 Once the exhibition of the proposed Planning Agreement has been undertaken the proposed Planning Agreement should be reported to the elected Council in order to:
- (1) consider any public submissions made with respect to the proposed Planning Agreement; and
  - (2) resolve whether or not to accept the offer made by the Developer to enter into the Planning Agreement.
- 2.14 Council may negotiate further changes to the Planning Agreement having regard to any matters raised following public notification and exhibition. If any changes are made to the proposed Planning Agreement after it has been publicly exhibited then the amended Planning Agreement will need to be placed back on public exhibition and the process in Sections 2.11 to 2.13 will need to again be followed with respect to that amended Planning Agreement.
- 2.15 Council may approve the application and set out the conditions for the agreement or, if an agreement has been executed, set out in the consent the terms of the agreement.
- 3 Inter-relationship between a Development Application/Instrument Change and a Planning Agreement**
- 3.1 Under the EP & A Act a Planning Agreement may only be entered into in relation to either:
- (1) an application for Development Consent; or
  - (2) an Instrument Change.
- 3.2 Ideally a Planning Agreement which relates to a Development Application:
- (1) will be proposed and negotiated prior to the determination of the Development Application;
  - (2) publicly exhibited simultaneously with the public exhibition of the relevant Development Application; and
  - (3) resolved to be entered into by Council at the same time that the relevant Development Application is determined.



## Liverpool City Council Planning Agreements Policy

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- 3.3 Council may impose a condition of Development Consent requiring the Developer to enter into the Planning Agreement in the form offered by the Developer prior to the determination of the Development Consent.

In that regard, s7.7 of the EP & A Act states as follows:

7.7 Circumstances in which [planning agreements](#) can or cannot be required to be made

- (1) A provision of an [environmental planning instrument](#) (being a provision made after the commencement of this section):

- (a) that expressly requires a [planning agreement](#) to be entered into before a [development application](#) can be made, considered or determined, or
- (b) that expressly prevents a [development consent](#) from being granted or having effect unless or until a [planning agreement](#) is entered into,

has no effect.

- (2) A [consent authority](#) cannot refuse to grant [development consent](#) on the ground that a [planning agreement](#) has not been entered into in relation to the proposed [development](#) or that the developer has not offered to enter into such an agreement.

- (3) However, a [consent authority](#) can require a [planning agreement](#) to be entered into as a condition of a [development consent](#), but only if it requires a [planning agreement](#) that is in the terms of an offer made by the developer in connection with:

- (a) the [development application](#), or
- (b) a change to an [environmental planning instrument](#) sought by the developer for the purposes of making the [development application](#),

or that is in the terms of a commitment made by the [proponent](#) in a statement of commitments made under Part 3A.

- 3.4 Council is still able to negotiate and enter into a Planning Agreement after a Development Consent has been granted, provided that the relevant Planning Agreement relates to the Development permitted under that application.
-



## Planning Agreement

[Insert Name of Development or details of Property]

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Liverpool City Council (ABN 84 181 182 471) (Council)

[Insert name of Developer (ABN Insert )] (Developer)



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## Planning Agreement

**[Insert Name of Development or details of Property]**

### Parties

Council	Name	Liverpool City Council
	Address	Ground Floor 33 Moore Street Liverpool NSW 2170
	ABN	84 181 182 471
Developer	Name	[Insert]
	Address	[Insert]
	ABN	[Insert]

### Background

[Note: The Background must reflect the specific factual circumstances and in particular reflect compliance with 7.4(1) of the Act.]

- A The Developer owns the Land.
- B The Developer wishes to carry out the Development.
- C The Developer has applied, or proposes to apply, for the [Development Consent/Instrument Change].
- D The Developer has agreed to make the Development Contributions on and subject to the terms of this document.

### Operative Provisions

#### 1 Agreement

The agreement of the parties is set out in the Operative Provisions of this document, in consideration of, among other things, the mutual promises contained in this document.

#### 2 Definitions

##### 2.1 Defined Terms

In this document, words beginning with a capital letter that are defined in Part 1 of **Schedule 2** have the meaning ascribed to them in that schedule.

##### 2.2 Interpretation

The interpretational rules contained in Part 2 of **Schedule 2** apply in the interpretation of this document.



### 3 Application and operation of document

#### 3.1 Planning Agreement

This document is a planning agreement:

- (1) within the meaning set out in s7.4 of the Act; and
- (2) governed by Subdivision 2 of Part 7 of the Act.

#### 3.2 Application

This document applies to both the Land and the Development.

#### 3.3 Operation

[Option 1: This clause is usually used when the VPA is associated with a Development Consent.]

- (1) Subject to paragraph (2), this document operates from the date it is executed by both parties.
- (2) The following clauses of this document will only operate if and when Council grants the Development Consent/Instrument Change [MLG Comment: delete as applicable]:
  - (a) [MLG Comment: the clauses of the document that only apply on the granting of the Development Consent/Instrument Change need to be inserted, e.g. the obligation to provide security.]

[Option 2: This clause reflects what would usually apply if the VPA was associated with an Instrument Change.]

This document operates from the date it is executed by both parties.

### 4 Application of s7.11 & s7.12

#### 4.1 Application

This document [does/does not/partly] exclude[s] the application of section 7.11 or section 7.12 of the Act to the Development.

[MLG Drafting Note: Section 7.4(3) of the Act allows a Planning Agreement to exclude the application of section 7.11 and 7.12 in whole or in part. The drafting of this clause will depend on the extent to which those contributions are excluded. If the document partly excludes the operation of section 7.11, then detailed provisions need to be inserted in the document setting out the exact extent to which those sections are excluded.]

#### 4.2 Consideration of Benefits

Section 7.11(6) of the Act [does/does not] apply to the Contributions that are to be carried out or provided pursuant to this document.

[MLG Drafting Note: If section 7.11(6) applies, Council must take into account the land, money or other material public benefit that the Developer has provided under this document when imposing contributions under s7.11 for developments in the area, or adjacent to the area of the Development.]



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**4.3 Section 7.24**

[Note: Section 7.24 is the section dealing with SIC and as such, this section can only be excluded by the Minister.]

This document does not exclude the application of s7.24 to the Development.

---

**5 Provision of Contributions****5.1 Designated Land [Note: This clause should only be included if land is being dedicated]**

- (1) The Developer must dedicate the Designated Land to Council free of any trusts, estates, interests, covenants and Encumbrances by the time specified in **Schedule 3**.
- (2) The Developer must meet all costs associated with the dedication of the Designated Land in accordance with paragraph (1), including any costs incurred by Council in relation to that dedication.
- (3) For the purpose of this document, Designated Land is dedicated to Council:
  - (a) if the relevant land is dedicated in a plan registered at the Land & Property Information Office of NSW, when that plan is so registered; or
  - (b) otherwise when the Developer delivers to Council:
    - (i) a transfer of the relevant land in registrable form;
    - (ii) the original Certificate of Title for the relevant land; and
    - (iii) any document in registrable which, when registered, will remove any Encumbrances registered on the title of that land, excluding encumbrances that would not in the Council's opinion, acting reasonably, impede the intended use of all or any part of the Designated Land to be dedicated to the Council including but not limited to easements and covenants for services and drainage.

**5.2 Works [Note: This clause should only be included if works are being carried out]**

The Developer, at its cost, must:

- (1) obtain Development Consent, and any other form of consent required by a relevant Authority, for the construction and use of the Works;
- (2) carry out and complete the Works to the satisfaction of the Council by the time specified in **Schedule 4**; and
- (3) carry out and complete the Works:
  - (a) in accordance with the specifications referred to in **Schedule 4** for the relevant item of Work;
  - (b) in accordance with any relevant Development Consent;
  - (c) in accordance with the requirements of, or consents issued by, any Authority;
  - (d) ensuring that:
    - (i) all necessary measures are taken to protect people, property, and the Environment;



- (ii) unnecessary interference with the passage of people and vehicles is avoided;
- (iii) nuisances and unreasonable noise and disturbances are prevented; and
- (iv) all relevant laws and regulations with respect to water, air, noise and land pollution (including 'pollution incidents') as defined under the *Protection of the Environment Operations Act 1997 (NSW)*;
- (e) in accordance with any Australian Standards applicable to works of the same nature as each aspect of the Works; and
- (f) in a proper and workmanlike manner complying with current industry practice and standards relating to each aspect of the Works.

### 5.3 Contribution Value

If the Developer's actual cost of carrying out the Works, including any costs incurred pursuant to this document, determined at the date on which the Works are Completed, differs from the Contribution Value, then subject to the Works having been sufficiently completed in accordance with this document, neither party will be entitled to claim credit or reimbursement, as the case may be, for the difference.

### 5.4 Access to the Land and location of Works

- (1) The Developer is to permit the Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any of the Works.
- (2) The Developer must enable Council, its officers, employees, agents and contractors access to the location of the Works where this is not the Land, Council land or a public road.

### 5.5 Monetary Contributions [Note: This clause should only be included if a monetary contribution is being paid]

- (1) Subject to clause 5.6 the Developer must pay the Monetary Contributions by the time specified in **Schedule 5**.
- (2) A monetary development contribution is made for the purposes of this document when Council receives the full amount of the contribution payable under this document in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by Council.

### 5.6 Monetary Contribution (Acquisition Land) [Note: this is optional and will depend on the circumstances. See my comments in clause 6 below for further details on when this may apply]

The Developer must make the Acquisition Land Payment to Council on and subject to the provisions of clause 6.

### 5.7 Indexation of Amounts payable by Developer

The Monetary Contributions are to be increased (with the calculation to be made as from the date any such amount is due to be paid under this document) in accordance with the following formula:

$$A = B \times \frac{C}{D}$$



where:

- A** = the indexed amount;
- B** = the relevant amount as set out in this document;
- C** = the Index most recently published before the date that the relevant payment or the calculation with respect to the relevant amount is to be made; and
- D** = the Index most recently published before the commencement date of this document.

If **A** is less than **B**, then the amount of the relevant Monetary Contribution will not change.

## 6 Land Acquisition

[Note: this clause 6 and clause 5.6 should be used where there is land that is proposed to be dedicated to, or acquired by, Council as a public road or open space land in the future, but which the Developer does not yet own. If the relevant land is not dedicated to Council as a public road (i.e. if, and when, the Developer becomes the owner, or by a third party), then it requires the Developer to pay for the costs incurred by Council in acquiring/purchasing the relevant land itself, if it elects to do so. If this is not applicable, this clause 6 and clause 5.6 (as well as the definitions in Part 1 of Schedule 1 of 'Acquisition Land' and 'Acquisition Land Payment' should be removed)]

### 6.1 Acquisition of the Acquisition Land

- (1) The Developer acknowledges that Council is under no obligation to acquire the Acquisition Land, however it may choose to do so at its absolute discretion.
- (2) If Council acquires the Acquisition Land by compulsory acquisition (as defined in the Acquisition Act) (**Compulsory Acquisition**) or private treaty, Council must serve a notice on the Developer to confirm that the acquisition has occurred.

### 6.2 Dedication of the Acquisition Land

The Acquisition Land Payment will not be required to be made if the Acquisition Land is dedicated to Council as a public road or open space land (by the Developer or otherwise) without any obligation on Council to make any payments contained within the definition of *Acquisition Land Payment* contained in **Schedule 1**.

### 6.3 Security

- (1) The Developer must provide Council with a Bank Guarantee on account of the Acquisition Land Payment in accordance with this clause 6.3.
- (2) If Council proposes to acquire the Acquisition Land by private treaty, then it may serve notice on the Developer requiring the Developer to provide Council with a Bank Guarantee in an amount equal to Council's then reasonable estimate of the Acquisition Land Payment.
- (3) If Council proposes to acquire the Acquisition Land by Compulsory Acquisition then, provided it has obtained the consent of the Minister and the Governor to publish an acquisition notice with respect to that land, it may serve notice on the Developer requiring the Developer to provide Council with a Bank Guarantee in an amount equal to the aggregate of:
  - (a) one hundred and twenty per cent (120%) of the amount Council believes (supported by an independent valuer) it will be required to pay on account of the acquisition; and
  - (b) any reasonable costs likely to be incurred by Council in undertaking that acquisition.



- (4) The Developer must provide Council with a bank guarantee in accordance with this clause 6.3 within three (3) months of receiving a notice from Council under clause 6.3(2) or 6.3(3). In any event, the Developer must provide the Bank Guarantee required by this clause 7.3 prior to [Note: relevant timing to be included, i.e. Occupation Certificate or Subdivision Certificate].
- (5) Council may immediately call on any Bank Guarantee provided under this clause 6.3 if the Developer fails to pay the Acquisition Land Payment by the time required under this clause 6.

#### 6.4 Timing of payment

- (1) If Council acquires the Acquisition Land by private treaty, then the Developer must pay the Acquisition Land Payment on the later of:
  - (a) completion of that acquisition by Council; and
  - (b) five (5) business days after Council provides written notice to the Developer of the amount required to be paid.
- (2) If Council acquires the Acquisition Land by Compulsory Acquisition, then the Developer must pay the Acquisition Land Payment on the later of:
  - (a) the date on which Council is required to make payment of compensation to any relevant interested party on account of that acquisition; and
  - (b) five (5) business days after Council provides written notice to the Developer of the amount required to be paid.

### 7 Completion of Works [Note: This clause should only be included if works are being carried out]

#### 7.1 Issue of Completion Notice

If the Developer considers that any particular item of the Works is complete it must serve a notice on Council which:

- (1) is in writing;
- (2) identifies the particular item of the Works to which it relates; and
- (3) specifies the date on which the Developer believes the relevant item of the Works was completed,

(Completion Notice).

#### 7.2 Inspection by Council

- (1) Council must inspect the Works set out in a Completion Notice within ten (10) business days of the receipt of that notice.
- (2) If Council fails to carry out an inspection required under paragraph (1) the Works referred to in the relevant Completion Notice will be deemed to be Complete.

#### 7.3 Rectification Notice

- (1) Within twenty (20) business days of inspecting the Works set out in a Completion Notice Council must provide notice in writing (Rectification Notice) to the Developer that the Works set out in the Completion Notice:
  - (a) have been Completed; or



- (b) have not been Completed, in which case the notice must also detail:
  - (i) those aspects of the Works which have not been Completed; and
  - (ii) the work Council requires the Developer to carry out in order to rectify the deficiencies in those Works.
- (2) If Council does not provide the Developer with a Rectification Notice in accordance with paragraph (1), the Works set out in the Completion Notice will be deemed to have been Completed.
- (3) Where Council serves a Rectification Notice on the Developer, the Developer must:
  - (a) rectify the Works in accordance with that notice; or
  - (b) serve a notice on the Council that it disputes the matters set out in the notice.
- (4) Where the Developer:
  - (a) serves notice on Council in accordance with paragraph (3)(b), the dispute resolution provisions of this document apply; or
  - (b) rectifies the Works in accordance with paragraph (3)(a), it must serve upon the Council a new Completion Notice for the Works it has rectified.

#### 7.4 Acceptance of Works **[Note: This clause should only be included if land is to be dedicated to Council]**

Council accepts ownership, possession and control of, and risk in, any Works carried out on Designated Land when:

- (1) those Works are Completed; and
- (2) the relevant land has been dedicated to Council.

## 8 Defects Liability **[Note: This clause should only be included if works are being carried out]**

### 8.1 Defects Notice

- (1) Where any part of the Works has been Completed but those Works contain a material defect which:
  - (a) adversely affects the ordinary use and/or enjoyment of the relevant Works; or
  - (b) will require maintenance or rectification works to be performed on them at some time in the future as a result of the existence of the defect;

**(Defect)** Council may issue a defects notice (**Defects Notice**) concerning those Works but only within the Defects Liability Period.
- (2) A Defects Notice must contain the following information:
  - (a) the nature and extent of the Defect;
  - (b) the work Council requires the Developer to carry out in order to rectify the Defect; and



- (c) the time within which the Defect must be rectified (which must be a reasonable time and not less than ten (10) business days).

## 8.2 Developer to Rectify Defects

- (1) The Developer must rectify the Defects contained within a Defects Notice as soon as practicable after receipt of the Defects Notice.
- (2) The Developer must follow the procedure set out in clause 6 in respect of the satisfaction of the Defects Notice.

## 8.3 Right of Council to Step-In

Council, at its absolute discretion, may enter upon the Land for the purpose of satisfying the Defects Notice where the Developer has failed to comply with a Defects Notice but only after giving the Developer five (5) business days written notice of its intention to do so.

## 8.4 Consequence of Step-In

If Council elects to exercise the step-in rights granted to it under clause 8.3 then:

- (1) Council may:
  - (a) enter upon any part of the Land that it requires access to in order to satisfy the obligations of the Developer in accordance with the Defects Notice; and
  - (b) rectify the relevant Defects in accordance with the Defects Notice; and
- (2) the Developer must not impede or interfere with Council in undertaking that work.

## 8.5 Costs of Council

Where Council exercises its step-in rights all, costs incurred by Council in rectifying the relevant Defects may call upon the Defects Security provided by the Developer pursuant to clause 12 and recover as a debt due in a court of competent jurisdiction any difference between the amount of the Defects Security and the costs incurred by the Council in rectifying the Defects.

## 9 Variation of scope or timing for provision of Works [MLG Comment: This is included to provide flexibility in respect of the Works and to allow the Developer to request a variation to the timing/scope of the works if Council agrees]

### 9.1 Variation to the scope of an item of Work

- (1) The Developer may request that Council approve in writing a variation to the scope any item of Work.
- (2) The scope of an item of Work is not to be varied unless Council and the Developer agree in writing to the variation.
- (3) Council may withhold its consent to a variation of an item of Work at its absolute discretion.

### 9.2 Deferral of the timing of Completion of an item of the Works

- (1) Notwithstanding any other provision of this document, if the Developer forms the view at any time, that:



(a) it is unable to Complete any item of the Works by the time specified in **Schedule 4**; or

(b) it believes that there is a risk of damage to any item of the Works if they are delivered by the time required in **Schedule 4**,

(**Deferred Works**), then the Developer may seek Council's approval to defer the Completion of the relevant item of the Works by providing written notice to the Council:

(c) identifying the relevant item of Work that the Developer proposes to defer;

(d) specifying the reason for the request to defer the Completion of that item of the Works; and

(e) identifying the anticipated time for Completion of the relevant item of Work.

(2) The Council, acting reasonably, must give the Developer a written notice within thirty (30) business days of the date upon which the Developer serves written notice upon Council in accordance with paragraph (1) stating:

(a) whether or not it consents to the deferral of the Deferred Works;

(b) the revised date for Completion required by Council; and

(c) any reasonable conditions Council requires with respect to the deferral (including any requirement for additional Security on account of that deferral, but only to the extent necessary to ensure that Council holds adequate security based on the then estimated cost to complete the relevant item of the Works).

(3) If the Council consents to the deferral of the Deferred Works, then the following applies:

(a) The Developer must comply with any conditions required by Council under paragraph (2)(c) above.

(b) Provided the Developer satisfies those conditions, the Developer will not be considered to be in breach of this document as a result of a failure to achieve Completion of the relevant Deferred Works by the time for Completion specified in this document.

(c) The time for completion of the Deferred Works under this document is the revised date for Completion approved by Council.

## 10 Developer Warranties and Indemnities

### 10.1 Warranties

The Developer warrants to Council that it is:

(1) legally and beneficially entitled to the Land;

(2) able to fully comply with its obligations under this document;

(3) it has full capacity to enter into this document; and

(4) there is no legal impediment to it entering into this document, or performing the obligations imposed under it.



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**10.2 Indemnity**

The Developer indemnifies Council in respect of any Claim that may arise as a result of the conduct of the Works but only to the extent that any such Claim does not arise as a result of the negligent acts or omissions of Council.

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**11 Contamination [Note: Should only be included if Land is to be dedicated to Council]**

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**11.1 Definitions**

For the purpose of this clause 11:

**Contamination** means any material, gas, substance, liquid, chemical or biological mineral or other physical matter which would, if present on the Land:

- (1) result in an Authority issuing a notice, direction or order under an Environmental Law; or
- (2) which would constitute a violation of contribution of contravention of any Environmental Law.

**Contaminated** means subject to Contamination.

**Environmental Law** means all planning, environmental or pollution laws and any regulations, orders, directions, ordinances or requirements, permissions, permits, licences issued under those laws or instruments.

**11.2 Warranties and Indemnities**

The Developer:

- (1) warrants that as far as it is aware, and other than as disclosed to Council, the Designated Land is not Contaminated; and
- (2) indemnifies and must keep indemnified Council against all liability for and associated with all Contamination present in, on and under the Designated Land including full responsibility for compliance with and any liability in respect of such Contamination under the *Contaminated Lands Management Act 1997* (NSW) and all other relevant legislation and the requirements of the Department of Environment and Conservation and any other relevant Authority.

**11.3 Remediation**

- (1) If Council becomes aware or reasonably suspects that any part of the Designated Land was Contaminated before the date of this document, Council may as soon as practicable notify the Developer in writing to that effect.
- (2) As soon as practicable after receipt of the notice pursuant to paragraph (1) the Developer will at its cost (with the assistance of qualified experts) carry out all reasonable investigations (including investigations which Council reasonably directs in writing) to enable the parties to be informed of the full nature and extent of the Contamination in, on, under the surface of, and leaving from the relevant part of the Designated Land and provide copies of all reports on such investigations to Council (**Investigation Reports**).
- (3) As soon as practicable after receipt by Council of the Investigation Reports the parties must meet to discuss in good faith the method by which the relevant part of the Designated Land might be dealt with so that it is no longer Contaminated.



- (4) Following the discussions pursuant to paragraph (3) the Developer must at its own cost undertake all reasonable measures which the Developer (acting reasonably) determines (and as Council acting reasonably approves in writing) as necessary to ensure that the relevant part of the Designated Land is no longer Contaminated.

## 12 Security

[MLG Drafting Note: Section 7.4(3)(g) requires the Planning Agreement to provide for enforcement of the Planning Agreement by suitable means such as a bond or bank guarantee. The form and value of security is likely to be a matter for negotiation between the parties and will depend on the nature and extent of the contributions being provided. The form of the following clause may require amendment to reflect the negotiated position, however is a standard provision for security by bank guarantee and dedication of land.]

### 12.1 Provision of Security

- (1) Subject to paragraph (2), prior to the issue of a Construction Certificate in respect of the Development, the Developer must deliver to Council separate Bank Guarantees, bonds or other forms of security to the satisfaction of the Council:
- (a) for the amount equivalent to the sum of the Contribution Values (**Primary Security**) for all items of Work which are required to be Completed prior to the issue of a Subdivision Certificate or an Occupation Certificate with respect to that part of the Development to which the relevant Construction Certificate relates; and
  - (b) for an amount equivalent to fifteen (15%) of the sum of those Contribution Values (**Defects Security**),
- (collectively referred to as the **Security**).
- (2) The Developer may satisfy its obligations under paragraph (1) (either in whole or in part), by directing Council to retain any Security held by Council which is required to be released by Council under this document.

### 12.2 Replacement of Security

- (1) The Developer may replace any Security provided by it at any time, provided that the amount of that replacement is not less than that which is required to be provided under this document.
- (2) On receipt of a replacement Security, Council must immediately release the Security being replaced and return it to the Developer.

### 12.3 Council may call on Security

- (1) If the Developer commits an Event of Default Council, without limiting any other remedies available to it, may call on any Security provided by the Developer.
- (2) If Council calls on any Security, it may use the amount so paid to it in satisfaction of any costs incurred by it in remedying the relevant Event of Default.

### 12.4 Top up of Security

If Council calls on the Security, Council, by notice in writing to the Developer, may require the Developer to provide a further or replacement Security in an amount that, when added to any unused portion of any Security then held by Council, does not exceed the amount of the Security Council is entitled to hold at that time under this document.



**12.5 Release of Primary Security**

Unless:

- (1) Council has made or intends to make a demand against any Security provided by the Developer;
- (2) the Development Contributions on account of which that Security was provided have not been made; or
- (3) the Developer is in breach of this document at the relevant time,

Council, upon a written request being made by the Developer, must return the Primary Security within ten (10) business days of such a request being made.

**12.6 Release of Defects Security**

Unless:

- (1) Council has made or intends to make a demand against any Security provided by the Developer for that Stage;
- (2) the relevant Defects Liability Period has not expired; or
- (3) the Developer is in breach of this document at the relevant time,

Council, upon a written request being made by the Developer, must return the Defects Security within ten (10) business days of such a request being made.

**12.7 Indexation of value of Contribution Value**

- (1) The Contribution Values for the Works and any Security provided for the Works will be indexed quarterly in accordance with **insert building and construction index (to be confirmed)** provided by the Australian Bureau of Statistics.
- (2) The Developer must ensure that the Security held by Council at all times equals the indexed amount notified to the Developer by Council.

**12.8 Compulsory acquisition of the Designated Land **[Note: This clause should only be included if land is being dedicated]****

- (1) The Developer consents to the compulsory acquisition of the Designated Land:
  - (a) in accordance with the Acquisition Act; and
  - (b) on the terms set out in this clause 12.8.
- (2) Council may only acquire the Designated Land compulsorily in accordance with the Acquisition Act if the Developer has committed an Event of Default with respect the dedication of that land under this document.
- (3) If Council acquires the Designated Land compulsorily in accordance with the Acquisition Act:
  - (a) the Developer agrees that the compensation payable to it on account of that acquisition under the Acquisition Act is \$1.00; and
  - (b) Council must complete that acquisition within twelve (12) months of the relevant Event of Default.



- (4) The parties agree that the provisions of this clause 12.8 are an agreement with respect to the compulsory acquisition of the Designated Land for the purpose of s30 of the Acquisition Act.

- (5) If Council:

- (a) acquires the Designated Land under paragraph (3); and
- (b) is required to pay any compensation to a third party as a result of that acquisition,

then the Developer must pay Council the amount of that compensation as a Monetary Contribution:

- (c) within ten (10) business days of demand for payment being made by Council; and
- (d) prior to the issue of the then next Occupation Certificate or Subdivision Certificate with respect to the Development.

**12.9 Developer must not deal with property [Note: This clause should only be included if land is being dedicated]**

- (1) The Developer must not during the term of this document sell, transfer, mortgage, charge or grant a lease or license or any other right of occupancy to any person over the Designated Land without first obtaining Council's consent in writing.
- (2) Council may, at its absolute discretion, refuse its consent or give consent with conditions.

**12.10 Council may withhold Subdivision Certificate**

- (1) The Developer may only make, or cause, suffer or permit the making of, an application for a Subdivision Certificate in respect of the Development if, at the date of the application, the Developer is not in breach of its obligation to make any Contribution under this document.
- (2) Council may withhold the issue of a Subdivision Certificate if, at the relevant time, the Developer is in breach of any obligation to make any Contribution under this document until such time as:
- (a) the breach is rectified; or
- (b) Council calls upon the Security provided by the Developer in respect of the Contribution to which the breach relates.

**13 Registration of this document**

**13.1 Registration of this document**

The Developer acknowledges and agrees that:

- (1) this document must be registered on the title to the Land pursuant to section 7.6 of the Act; and
- (2) subject to clause 13.2, Council will undertake that registration at the cost of the Developer.



**13.2 Obligations of Developer**

- (1) The Developer, at its own expense, will promptly after this document comes into operation, take all practical steps, and otherwise do anything that the Council reasonably requires, to procure:
  - (a) the consent of each person who:
    - (i) has an estate or interest in the Land; or
    - (ii) is seized or possessed of an estate or interest in the Land;
  - (b) the execution of any documents; and
  - (c) the production of the relevant duplicate certificates of title,
 to enable the registration of this document in accordance with clause 13.1.
- (2) The Developer, at its own expense, will take all practical steps, and otherwise do anything that the Council reasonably requires:
  - (a) to allow the lodgement of this document with the Registrar-General as soon as reasonably practicable after this document comes into operation but in any event, no later than sixty (60) business days after that date; and
  - (b) to allow the registration of this document by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this document is lodged for registration.

**13.3 Discharge from the Register**

The Council will provide a release and discharge of this document so that it may be removed from the folios of the Register for the Land (or any part of it) when:

- (1) the obligations under this document have been satisfied; or
- (2) if this document is terminated or rescinded.

**14 Assignment****14.1 Restriction on Assignment**

Other than in accordance with this clause 14 the Developer may not:

- (1) Assign any part of the Land; and/or
- (2) Assign their rights or obligations under this document.

**14.2 Procedure for Assignment**

- (1) If the Developer:
  - (a) wishes to Assign any part of the Land; and/or
  - (b) wishes to Assign its rights or obligations under this document,
 then the Developer must:



- (c) provide a written request to Council for the consent of Council to the relevant Assignment;
- (d) provide Council with any evidence required by Council, acting reasonably, to satisfy Council that the third party in whose favour the Assignment is to be made (**Assignee**) is reasonably capable of performing the obligations under this document that are to be Assigned to it;
- (e) obtain written consent of Council to the relevant Assignment; and
- (f) at no cost to Council, procure:
  - (i) the execution by the Assignee of an appropriate deed where the Assignee agrees to be bound by the terms of this document; and
  - (ii) the provision of all Securities to Council by the Assignee that the Developer is required to provide under this document (and any additional securities if required by Council acting reasonably) at the same time as, or prior to, entering into that deed.
- (2) Council is under no obligation to consider granting its consent to any request made by the Developer under paragraph (1)(c) if, at the time the request is made, the Developer is in breach of this document.

## 15 Dispute Resolution

### 15.1 Notice of dispute

- (1) If a dispute or lack of certainty between the parties arises in connection with this document or its subject matter (**Dispute**), then either party (**First Party**) must give to the other (**Second Party**) a notice which:
  - (a) is in writing;
  - (b) adequately identifies and provides details of the Dispute;
  - (c) stipulates what the First Party believes will resolve the Dispute; and
  - (d) designates its representative (**Representative**) to negotiate the Dispute.
- (2) The Second Party must, within five (5) Business Days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person to negotiate the Dispute (the representatives designated by the parties being together, the **Representatives**).

### 15.2 Conduct pending resolution

The parties must continue to perform their respective obligations under this document if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

### 15.3 Further steps required before proceedings

Subject to clauses 15.14 and 15.15 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 15.5 or determination by an expert under clause 15.6, first be referred



to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 15.1(2) is served.

#### **15.4 Disputes for mediation or expert determination**

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to either refer the matter to mediation under clause 15.5 or expert resolution under clause 15.6.

#### **15.5 Disputes for mediation**

- (1) If the parties agree in accordance with clause 15.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- (2) If the mediation referred to in paragraph (1) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 15.6.

#### **15.6 Choice of expert**

- (1) If the Dispute is to be determined by expert determination, this clause 15.6 applies.
- (2) The Dispute must be determined by an independent expert in the relevant field:
  - (a) agreed between and appointed jointly by the parties; or
  - (b) in the absence of document within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.
- (3) If the parties fail to agree as to the relevant field within five (5) Business Days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.
- (4) The expert appointed to determine a Dispute:
  - (a) must have a technical understanding of the issues in dispute;
  - (b) must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
  - (c) must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.
- (5) The parties must promptly enter into an document with the expert appointed under this clause 15.6 setting out the terms of the expert's determination and the fees payable to the expert.

#### **15.7 Directions to expert**

- (1) In reaching a determination in respect of a dispute under clause 15.6, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.



- 
- (2) The expert must:
- (a) act as an expert and not as an arbitrator;
  - (b) proceed in any manner as the expert thinks fit without being bound to observe the rules of natural justice or the rules of evidence;
  - (c) not accept verbal submissions unless both parties are present;
  - (d) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
  - (e) take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
  - (f) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
  - (g) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;
  - (h) issue a final certificate stating the expert's determination (together with written reasons); and
  - (i) act with expedition with a view to issuing the final certificate as soon as practicable.
- (3) The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
- (a) a short statement of facts;
  - (b) a description of the Dispute; and
  - (c) any other documents, records or information which the expert requests.

#### **15.8 Expert may commission reports**

- (1) Subject to paragraph (2):
- (a) the expert may commission the expert's own advisers or consultants (including lawyers, accountants, bankers, engineers, surveyors or other technical consultants) to provide information to assist the expert in making a determination; and
  - (b) the parties must indemnify the expert for the cost of those advisers or consultants in accordance with clause 15.6(5) of this deed.
- (2) The parties must approve the costs of those advisers or consultants in writing prior to the expert engaging those advisers or consultants.

#### **15.9 Expert may convene meetings**

- (1) The expert must hold a meeting with all of the parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.



- (2) The parties agree that a meeting under paragraph (1) is not a hearing and is not an arbitration.

#### 15.10 Other courses of action

If:

- (1) the parties cannot agree in accordance with clause 15.4 to refer the matter to mediation or determination by an expert; or
- (2) the mediation referred to in clause 15.5 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation,

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

#### 15.11 Confidentiality of information provided in dispute resolution process

- (1) The parties agree, and must procure that the mediator and the expert agree as a condition of his or her appointment:
- (a) subject to paragraph (2), to keep confidential all documents, information and other material disclosed to them during or in relation to the mediation or expert determination;
  - (b) not to disclose any confidential documents, information and other material except:
    - (i) to a party or adviser or consultant who has signed a confidentiality undertaking; or
    - (ii) if required by Law or any Authority to do so; and
  - (c) not to use confidential documents, information or other material disclosed to them during or in relation to the mediation or expert determination for a purpose other than the mediation or expert determination.
- (2) The parties must keep confidential and must not disclose or rely upon or make the subject of a subpoena to give evidence or produce documents in any arbitral, judicial or other proceedings:
- (a) views expressed or proposals or suggestions made by a party or the mediator or the expert during the expert determination or mediation relating to a possible settlement of the Dispute;
  - (b) admissions or concessions made by a party during the mediation or expert determination in relation to the Dispute; and
  - (c) information, documents or other material concerning the dispute which are disclosed by a party during the mediation or expert determination unless such information, documents or facts would be discoverable in judicial or arbitral proceedings.

#### 15.12 Final determination of expert

The parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.



**15.13 Costs**

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

**15.14 Remedies available under the Act**

This clause 15 does not operate to limit the availability of any remedies available to Council under the Act.

**15.15 Urgent relief**

This clause 15 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

**16 Force Majeure****16.1 Definition**

In this clause 16, force majeure (**Force Majeure**), means any physical or material restraint beyond the reasonable control of a party claiming the Force Majeure and includes, without limitation, fire, the discovery of threatened species on the Land or industrial disputes.

**16.2 Consequences of Force Majeure Event**

If a party is unable by reason of Force Majeure to carry out wholly or in part its obligations under this document, it must:

- (1) give to the other party prompt notice of the Force Majeure with reasonably full particulars; and
- (2) suggest an alternative method, if any, of satisfying its obligations under this document.
- (3) If a party is unable to satisfy its obligations under this document by an alternative method, the obligations of the parties so far as they are affected by the Force Majeure are then suspended during continuance of the Force Majeure and any further period as may be reasonable in the circumstances.

**16.3 Inability to complete Works**

- (1) The party giving such notice under this clause must use all reasonable effort and diligence to remove the Force Majeure or ameliorate its effects as quickly as practicable.
- (2) If the Developer is unable to Complete any part of the Works due to a Force Majeure event the Developer must pay to Council the Contribution Value of the relevant works and the amount payable to Council may be apportioned, if necessary, in such manner as may be fair and reasonable.
- (3) In reference to paragraph (2), Council may at its absolute discretion call on the Bank Guarantees (or any part of it) pursuant to clause 12.3.

**16.4 Exclusion of operation**

The parties agree that this Force Majeure provision does not apply to an obligation of a party to transfer land or to pay money.



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**16.5 Dispute**

If the parties are unable to agree on the existence of an event of Force Majeure or the period during which the obligations of the parties are suspended during the continuance of the Force Majeure, that dispute must be referred for determination under clause 15.

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**17 Breach of this document****17.1 Breach Notice**

If the Developer breaches this document, Council may serve a notice on the Developer (**Breach Notice**) specifying:

- (1) the nature and extent of the alleged breach;
- (2) if:
  - (a) the breach is capable of being rectified other than by the payment of compensation, what Council requires the Developer to do in order to rectify the breach; or
  - (b) the breach is not capable of being rectified other than by payment of compensation, the amount of compensation Council requires the Developer to pay in order to rectify the breach, and
- (3) the time within which Council requires the breach to be rectified, which must be a reasonable time of not less than forty (40) business days.

**17.2 Events of Default**

The Developer commits an **Event of Default** if it:

- (1) fails to comply with a Breach Notice; or
- (2) becomes subject to an Insolvency Event.

**17.3 Consequences of Events of default**

Where the Developer commits an Event of Default, Council may, in addition to any rights it has at Law:

- (1) exercise the Step in Rights so as to carry out any work specified in the relevant Breach Notice; or
- (2) call on the Security to the extent of any compensation claimed in a Breach Notice and not paid by the Developer.

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**18 Termination, Rescission or Determination****18.1 Termination**

This document terminates in the following events:

- (1) The parties agree in writing to terminate the operation of this document at any time.
- (2) Council serves notice on the Developer terminating this Planning Agreement where the Developer has failed to comply with a notice issued in accordance with clause 17.1.
- (3) The Development Consent lapses.



**18.2 Consequence of termination**

Upon termination of this Planning Agreement:

- (1) all future rights and obligations of the parties are discharged; and
- (2) all pre-existing rights and obligations of the parties continue to subsist.

**18.3 Determination**

This Planning Agreement will determine upon the Developer satisfying all of the obligations imposed on it in full.

**19 Position of Council****19.1 Consent authority**

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

**19.2 Document does not fetter discretion**

This document is not intended to operate to fetter, in any unlawful manner:

- (1) the power of Council to make any Law; or
- (2) the exercise by Council of any statutory power or discretion,

(Discretion).

**19.3 Severance of provisions**

- (1) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
  - (a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 19 is substantially satisfied; and
  - (b) in the event that paragraph (1)(a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
  - (c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- (2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

**19.4 No Obligations**

Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the [Development Consent and/or Instrument Change], the Land or the Development in a certain manner.



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## 20 Confidentiality

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### 20.1 Document not Confidential

The terms of this document are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

### 20.2 Other Confidential Information

- (1) The parties acknowledge that:
  - (a) Confidential Information may have been supplied to some or all of the parties in the negotiations leading up to the making of this document; and
  - (b) The parties may disclose to each other further Confidential Information in connection with the subject matter of this document.
  - (c) Subject to paragraphs (2) and (3), each party agrees:
    - (i) not to disclose any Confidential document received before or after the making of this document to any person without the prior written consent of the party who supplied the Confidential Information; or
    - (ii) to take all reasonable steps to ensure all Confidential Information received before or after the making of this document is kept confidential and protected against unauthorised use and access.
- (2) A party may disclose Confidential Information in the following circumstances:
  - (a) in order to comply with the Law, or the requirements of any Authority; or
  - (b) to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the information confidential.
- (3) The obligations of confidentiality under this clause do not extend to information which is public knowledge other than as a result of a breach of this clause.

## 21 GST

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### 21.1 Defined GST Terms

Defined terms used in this clause 21 have the meaning ascribed to them in the GST Law.

### 21.2 GST to be Added to Amounts Payable

- (1) If GST is payable on a Taxable Supply made under, by reference to or in connection with this document, the party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- (2) This clause does not apply to the extent that the Consideration for the Taxable Supply is expressly agreed to be GST inclusive.
- (3) Unless otherwise expressly stated, prices or other sums payable or Consideration to be provided under or in accordance with this document are exclusive of GST.



**21.3 GST Obligations to Survive Termination**

This clause 21 will continue to apply after expiration of termination of this document.

**22 Miscellaneous****22.1 Obligation to act in good faith**

The parties must at all times:

- (1) cooperate and use their best endeavours to profitably and professionally give effect to their rights and obligations set out in this document;
- (2) not unreasonably delay any action, approval, direction, determination or decision which is required of them;
- (3) make approvals or decisions that are required of them in good faith and in a manner consistent with the completion of the transactions set out in this document; and
- (4) be just and faithful in their activities and dealings with the other parties.

**22.2 Legal costs**

The Developer agrees to:

- (1) pay or reimburse the reasonable legal costs and disbursements of Council of the negotiation, preparation, execution, and stamping of this document;
- (2) pay the reasonable legal costs and disbursements referred to in paragraph (1) within ten (10) business days of receipt of a Tax Invoice from Council; and
- (3) pay or reimburse the legal costs and disbursements of Council arising from the ongoing administration and enforcement of this document including any breach or default by the Developer of its obligations under this document.

**23 Administrative Provisions****23.1 Notices**

- (1) Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
  - (a) delivered to that person's address;
  - (b) sent by pre-paid mail to that person's address; or
  - (c) transmitted by facsimile to that person's address.
- (2) A notice given to a person in accordance with this clause is treated as having been given and received:
  - (a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
  - (b) if sent by pre-paid mail, on the third Business Day after posting; and



- (c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.

- (3) For the purpose of this clause the address of a person is the address set out in this document or another address of which that person may from time to time give notice to each other person.

### **23.2 Entire Document**

This document is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this document.

### **23.3 Waiver**

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

### **23.4 Cooperation**

Each party must sign, execute and deliver all agreements, documents, instruments and act reasonably and effectively to carry out and give full effect to this document and the rights and obligations of the parties under it.

### **23.5 Counterparts**

This document may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

### **23.6 Amendment**

This document may only be amended or supplemented in writing signed by the parties.

### **23.7 Unenforceability**

Any provision of this document which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this document or affecting the validity or enforceability of that provision in any other jurisdiction.

### **23.8 Power of Attorney**

Each attorney who executes this document on behalf of a party declares that the attorney has no notice of:

- (1) the revocation or suspension of the power of attorney by the grantor; or
- (2) the death of the grantor.

### **23.9 Governing law**

The law in force in the State of New South Wales governs this document. The parties:



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- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this document; and
  - (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.
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**Schedule 1– Requirements under s7.4**

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT
<b>Planning instrument and/or development application – (Section 7.4(1))</b> The Developer has: (c) sought a change to an environmental planning instrument. (d) made, or proposes to make, a Development Application. (e) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(a) Yes/No (b) Yes/No (c) Yes/No/Not applicable
<b>Description of land to which this agreement applies – (Section 7.4(3)(a))</b>	[insert folio identifiers of relevant land]
<b>Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))</b>	Yes/No
<b>Application of section 7.11 of the Act – (Section 7.4(3)(d))</b>	Applies/Does not apply
<b>Applicability of section 7.12 of the Act – (Section 7.4(3)(d))</b>	Applies/Does not apply
<b>Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))</b>	Refer to clause 4.2 of the Planning Agreement.
<b>Mechanism for Dispute resolution – (Section 7.4(3)(f))</b>	See clause 15.
<b>Enforcement of this agreement (Section 7.4(3)(g))</b>	See clause 12.
<b>No obligation to grant consent or exercise functions – (Section 7.4(3)(9))</b>	See clause 18.



## Schedule 2 – Defined Terms and Interpretation

### Part 1 – Definitions

<b>Acquisition Act</b>	means the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .
<b>Acquisition Land</b>	means that part of the Land outlined [Insert colour/hatching] on the plan that is attached as <b>Annexure 1</b> .
<b>Acquisition Land Payment</b>	means: <ol style="list-style-type: none"> <li>(1) if Council acquires the Acquisition Land by private treaty, the aggregate of:               <ol style="list-style-type: none"> <li>(a) the purchase price for that land being an amount in accordance with the assessment of the market value of the Acquisition Land provided by a Certified Practising Valuer within 6 months of the date of acquisition;</li> <li>(b) any stamp duty payable on the contract for the acquisition of that land;</li> <li>(c) any reasonable costs incurred by Council in undertaking that acquisition (including the cost of obtaining a valuation of the Acquisition Land); and</li> <li>(d) any other amount Council is required to be paid to the relevant owner of that land in conjunction with and on account of, the acquisition; or</li> </ol> </li> <li>(2) if Council acquires the Acquisition Land by compulsory acquisition (as defined in the Acquisition Act) the aggregate of:               <ol style="list-style-type: none"> <li>(a) the compensation Council is required to pay under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (NSW) on account of that acquisition, including for the avoidance of doubt any amount required to be paid by Council as a result of an order in any proceedings commenced by the relevant interested parties against Council on account of that acquisition; and</li> <li>(b) any reasonable costs likely to be incurred by Council in undertaking that acquisition including for the avoidance of doubt any legal or other costs incurred by Council in defending any proceedings commenced by the relevant interested parties in Class 3 of the Land and Environment Court but excluding any other fees associated with any other type of legal proceedings against Council on account of that acquisition.</li> </ol> </li> </ol>
<b>Act</b>	means the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
<b>Assign</b>	as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.



<b>Authority</b>	<p>means (as appropriate) any:</p> <ol style="list-style-type: none"> <li>(1) federal, state or local government;</li> <li>(2) department of any federal, state or local government;</li> <li>(3) any court or administrative tribunal; or</li> <li>(4) statutory corporation or regulatory body.</li> </ol>
<b>Bank Guarantee</b>	<p>means an irrevocable and unconditional undertaking without any expiry or end date by one of the following trading banks:</p> <ol style="list-style-type: none"> <li>(1) Australia and New Zealand Banking Group Limited.</li> <li>(2) Commonwealth Bank of Australia.</li> <li>(3) Macquarie Bank.</li> <li>(4) National Australia Bank Limited.</li> <li>(5) St George Bank Limited.</li> <li>(6) Westpac Banking Corporation.</li> <li>(7) Any other financial institution approved by the Council, in its absolute discretion, in response to a request from the Developer.</li> </ol>
<b>Claim</b>	<p>against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.</p>
<b>Completed</b>	<p>means completed in accordance with the requirements of this document.</p>
<b>Completion Notice</b>	<p>has the meaning ascribed in clause 7.1.</p>
<b>Confidential Information</b>	<p>means any information and all other knowledge at any time disclosed (whether in writing and orally) by the parties to each other, or acquired by the parties in relation to the other's activities or services which is not already in the public domain and which:</p> <ol style="list-style-type: none"> <li>(1) is by its nature confidential;</li> <li>(2) is designated, or marked, or stipulated by either party as confidential (whether in writing or otherwise);</li> <li>(3) any party knows or ought to know is confidential;</li> <li>(4) is information which may be reasonably considered to be of a confidential nature.</li> </ol>
<b>Construction Certificate</b>	<p>has the same meaning as in section 6.4(d) of the Act.</p>
<b>Contributions</b>	<p>means the Works, the Designated Land and the Monetary Contributions.</p>



<b>Contribution Value</b>	means the amount specified in <b>Schedules 3, 4 and 5</b> in the column headed "contribution value" for each item of the Contributions.
<b>Defect</b>	has the meaning ascribed to it in clause 8.1.
<b>Defects Notice</b>	has the meaning ascribed to it in clause 8.1.
<b>Defects Liability Period</b>	means <b>[Insert period of time e.g. 12 Months]</b> .
<b>Defects Security</b>	has the meaning ascribed to it in clause 12.
<b>Designated Land</b>	means that part of the Land outlined <b>[Insert colour/hatching]</b> on the plan that is attached as <b>Annexure 1</b> .
<b>Development</b>	means <b>[Insert here a full description of the proposed development]</b> .
<b>Development Application</b> <b>[Delete definition if Agreement only applies to an Instrument Change]</b>	means an application for the Development Consent.
<b>Development Consent</b> <b>[Delete definition and any references to Development Consent if Agreement applies to an Instrument Change only]</b>	means the consent issued under the Act for the Development.
<b>Dispute</b>	has the meaning ascribed to it in clause 15.1.
<b>Encumbrance</b>	means an interest or power: <ol style="list-style-type: none"> <li>(1) reserved in or over an interest in any asset;</li> <li>(2) arising under, or with respect to, a Bio-Banking Agreement;</li> <li>(3) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, covenant, lease, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or</li> <li>(4) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.</li> </ol> <p><b>Encumber</b> means to grant an Encumbrance.</p>
<b>Event of Default</b>	has the meaning ascribed to it in clause 17.2.
<b>Force Majeure</b>	has the meaning ascribed to it in clause 16.
<b>GST Law</b>	means <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth) and any other Act or regulation relating to the imposition or administration of the GST.



<b>Index</b>	means the Consumer Price Index (All Groups - Sydney) as provided by the Australian Bureau of Statistics.
<b>Insolvency Event</b>	<p>means the happening of any of the following events:</p> <ul style="list-style-type: none"> <li>(8) Application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order or an order is made that a body corporate be wound up.</li> <li>(9) An application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order appointing a liquidator or provisional liquidator in respect of a body corporate or one of them is appointed, whether or not under an order.</li> <li>(10) Except to reconstruct or amalgamate while solvent, a body corporate enters into, or resolves to enter into, a scheme of arrangement, agreement of company arrangement or composition with, or assignment for the benefit of, all or any class of its creditors, or it proposes a reorganisation, moratorium or other administration involving any of them.</li> <li>(11) A body corporate resolves to wind itself up, or otherwise dissolve itself, or gives notice of intention to do so, except to reconstruct or amalgamate while solvent or is otherwise wound up or dissolved.</li> <li>(12) A body corporate is or states that it is insolvent.</li> <li>(13) As a result of the operation of section 459F(1) of the <i>Corporations Act 2001</i> (Cth) (<b>Corporations Act</b>), a body corporate is taken to have failed to comply with a statutory demand;</li> <li>(14) A body corporate is or makes a statement from which it may be reasonably deduced that the body corporate is, the subject of an event described in section 459C(2)(b) or section 585 of the <i>Corporations Act</i>.</li> <li>(15) A body corporate takes any step to obtain protection or is granted protection from its creditors, under any applicable legislation or an administrator is appointed to a body corporate.</li> <li>(16) A person becomes an insolvent under administration as defined in section 9 of the <i>Corporations Act</i> or action is taken which could result in that event.</li> <li>(17) A receiver, manager or receiver and manager is appointed to the Company.</li> <li>(18) A claim is filed in a court against a person that is not defended, released or otherwise settled within twenty eight (28) days of the date of its filing at the court.</li> <li>(19) Anything analogous or having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.</li> </ul>
<b>Instrument Change</b>	means [MLG Drafting Note: set out the nature of the instrument change being sought (if applicable)].
<b>Land</b>	means the "Land" set out in <b>Schedule 1</b> .



<b>Law</b>	means all legislation, regulations, by-laws, common law and other binding order made by any Authority.
<b>Location Plan</b>	means the plan that is attached as <b>Annexure 2</b> .
<b>Monetary Contributions</b>	means the monetary contributions set out in <b>Schedule 5</b> .
<b>Occupation Certificate</b>	has the same meaning as in section 6.4(c) of the Act.
<b>Owners</b>	means [Insert name of any owners of the Land other than the Developer if applicable].
<b>Planning Legislation</b>	means the Act, the <i>Local Government Act 1993</i> (NSW) and the <i>Roads Act 1993</i> (NSW).
<b>Primary Security</b>	has the meaning ascribed to it in clause 12.
<b>Quantity Surveyor</b>	means a person who: <ol style="list-style-type: none"> <li>(1) is a member of their respective professional organisation and has been for at least five (5) years;</li> <li>(2) practises as a quantity surveyor for works of the same nature as the relevant Works;</li> <li>(3) is active as a quantity surveyor at the time of his appointment;</li> <li>(4) has at least three (3) years experience in valuing works of the same nature as the relevant Works; and</li> <li>(5) undertakes to act fairly and promptly in accordance with the requirements of this document.</li> </ol>
<b>Rectification Notice</b>	has the meaning ascribed to it in clause 7.3.
<b>Security</b>	means collectively the Primary Security and the Defects Security.
<b>Subdivision Certificate</b>	has the same meaning as in section 6.4(d) of the Act.
<b>Works</b>	means the works specified or described in <b>Schedule 4</b> .

#### Part 2 - Interpretational Rules

<b>clauses, annexures and schedules</b>	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this document.
<b>reference to statutes</b>	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
<b>singular includes plural</b>	the singular includes the plural and vice versa.
<b>person</b>	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.



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<b>executors, administrators, successors</b>	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
<b>dollars</b>	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
<b>calculation of time</b>	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
<b>reference to a day</b>	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
<b>accounting terms</b>	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.
<b>reference to a group of persons</b>	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
<b>meaning not limited</b>	the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
<b>next day</b>	if an act under this document to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
<b>next Business Day</b>	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
<b>time of day</b>	time is a reference to Sydney time.
<b>headings</b>	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this document.
<b>agreement</b>	a reference to any agreement, document or instrument includes the same as varied, supplemented, novated or replaced from time to time.
<b>Gender</b>	a reference to one gender extends and applies to the other and neuter gender.

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Schedule 3 – Designated Land

Item	Time for Completion	Contribution Value
[Insert description of the relevant part of the Designated Land to be dedicated e.g. "The whole of the Designated Land" or "That part of the Designated Land identified as Public Reserve"]	[Insert time by which dedication of the whole or the relevant part of the Designated Land is to occur]	[Insert amount]



Schedule 4- Works

Item of Works	Specification	Time for Completion	Contribution Value
[Insert description of the relevant item of the Works that is to be carried out by the Developer eg "Embellishment of the area identified as "open space" on the Location Plan" ]	[Insert details of the scope of the relevant item of the Works]	[Insert time by which the relevant item of the Works is to be Completed]	[Insert agreed value of the works]



Schedule 5 – Monetary Contributions

Item	Time for Completion	Contribution Value
Monetary Contributions	<p>[Insert time by which the Monetary Contribution must be paid to the Council]</p> <p>[Drafting Note: In respect of timing, it will be most likely that the relevant Monetary Contribution will be required to be provided upon the earlier of</p> <p>1. the issuing of a subdivision certificate to create a lot in the subdivision, or</p> <p>2. the issuing of a construction certificate in respect of any development to be carried out on the Land</p> <p>However, there may be different timing requirements.]</p>	<p>[Insert amount of the Monetary Contribution]</p>



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**Annexure 1- Plan of Designated Land**

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**Annexure 2 – Location Plan**

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LCC Template VPA



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**Execution page**

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**Executed as an agreement.**

Dated:

**Executed by Liverpool City Council** by its General Manager and Mayor by the affixing of the Common Seal of Council in accordance with resolution dated

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General Manager (Signature)

---

Mayor (Signature)

---

Name of General Manager (Print Name)

---

Name of Mayor (Print Name)

**Executed by [Insert name of Developer]** in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors.

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Director/Secretary (Signature)

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Director (Signature)

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Name of Director/ Secretary (Print Name)

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Name of Director (Print Name)

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<b>Item no:</b>	
<b>Application Number:</b>	<b>RZ-2/2018</b>
<b>Proposed Development:</b>	<b>Planning Proposal to rezone land from B6 Enterprise Corridor to B4 Mixed Use, amend development standards for Building Height, Floor Space Ratio, and Key Sites</b>
<b>Property Address</b>	<b>4-8 Hoxton Park Road, Liverpool</b>
<b>Legal Description:</b>	<b>Lot 1 DP 860799</b>
<b>Applicant:</b>	<b>Architecture Design Studio NSW Pty Ltd</b>
<b>Land Owner:</b>	<b>ZHC Investments Pty Ltd</b>
<b>Cost of Works:</b>	<b>N/A</b>
<b>Recommendation:</b>	<b>Request for advice</b>  <b>Council officers support proposal to proceed to Gateway determination, subject to conditions</b>
<b>Assessing Officer:</b>	<b>Ash Chand</b>

## 1. EXECUTIVE SUMMARY

Council has received an application for a planning proposal to rezone 4-8 Hoxton Park Road, Liverpool (Lot 1 DP 860799) herein referred to as 'the site' from B6 – Enterprise Corridor to B4 – Mixed Use.

The application has been submitted pursuant to Section 3.33 of the *Environmental Planning and Assessment Act (EPAA) 1979* and the proposal is referred to the Liverpool Local Planning Panel in accordance with Section 2.19 of the *EP&A Act 1979* for advice.

The planning proposal has strategic and site specific merit. The proposal to amend the Liverpool Local Environmental Plan 2008 is consistent with *Section 9.1 Directions* and other relevant regional and local plans as identified in this report.

This report recommends that the planning proposal be supported by Council, subject to conditions outlined in this report, and submitted to the Department of Planning and Environment seeking a Gateway determination.



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#### 2. SITE DESCRIPTION AND LOCALITY

The subject site is on the western edge of the Liverpool City Centre, near the intersection of the Hume Highway, on Hoxton Park Road. The area is characterised as a “business enterprise corridor” along the Hume Highway, moving south away from the city centre and as a “high density residential corridor” along Hoxton Park Road, moving west away from the city centre. Both Hume Hwy and Hoxton Park Road are identified as “State classified roads”.

The adjoining properties to the development site are detailed in the following:

East (side)	311 Hume Highway (B4 Mixed Use)
West (side)	10 Hoxton Park Road (R4 High density Residential)/ Gillespie Street
South (rear)	8 Gillespie Street, Collingwood Hotel (B6 Enterprise Corridor)
North (front)	Woodward Park (RE1 Public Recreation)/ Hoxton Park Road



Figure 1: Site locality and surrounding

This planning proposal is site specific and relates to Lot 1 DP 860799, at 4-8 Hoxton Park Road, Liverpool. The site is approximately 1.2km south-west of the Liverpool Train Station on the south-western edge of the intersection of Hoxton Park Road and Hume Highway.

The site is rectangular with frontages to Hoxton Park Road to the north and Gillespie Street to the west. The site covers an area of 1,680m<sup>2</sup> and has a street frontage of approximately 47m Gillespie Street and 35.5m to Hoxton Park Road.

The site has an existing DA. On 19 June 2006, DA-1349/2006 was granted for a warehouse extension.



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#### 3. DETAILS OF THE PROPOSAL

The proposal seeks to amend the Liverpool Local Environmental Plan (LLEP) 2008 as follows:

- Rezone the land to B4 Mixed Use;
- Increase the height of building development standard to 50m;
- Increase the floor space ratio development standard to 5:1; and
- Remove the land from the 'Key Site' planning control.

A summary of the proposed amendments and the existing planning controls are defined below:

	Existing	Proposed
<b>Zoning</b>	B6 Enterprise Corridor	B4 Mixed Use
<b>Floor Space Ratio</b>	2.5:1	5:1
<b>Height (max)</b>	24m	50m
<b>Key Sites</b>	Key Sites Map KYS 10	Removed

The proposal is supported by an urban design report. The analysis presents a potential future development outcome for the site. Key features within the urban design analysis are discussed in this report noting that any final development would be subject to further detailed assessment during the DA stage.



Figure 2 Proposed built form concept (Urban Design Report)



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<b>Built form and function</b>	16 storey mixed use development.
<b>Commercial Area</b>	790m <sup>2</sup> of commercial Gross Floor Area for commercial uses
<b>Residential Apartments</b>	Potential for 90 dwellings comprising of a mixture of studio, one, two, and three bedroom apartments.
<b>Vehicular Access</b>	Access provided off Gillespie Street.
<b>Parking</b>	Parking provided through on-site basement parking.
<b>Public Domain</b>	Ground level public domain with shelter, street vegetation, bike lanes, public seating areas, and public gathering spaces.
<b>Architectural Structure</b>	3 storey podium structure (commercial and residential) with street wall façade elements, 13 storey tower structure (residential).
<b>Setbacks</b>	Rear and side setbacks from 311 Hume Highway and adjacent residential dwellings to cater for solar access and natural ventilation

#### 4. CONSIDERATIONS FOR STRATEGIC MERIT

The Department's *A guide to preparing planning proposals* includes the following questions to justify the proposal (Section A, Q1 and Q2).

- *Is the planning proposal a result of any strategic study or report?*
- *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Although the proposal has not been anticipated through any strategic study or report, it is considered as the best process for facilitating a development given the site's context and history with the adjoining development site at 311 Hume Highway.

The proponent has provided the following reasons to support the proposal, including why the planning proposal is the best means of achieving the intended outcome.

<b>Proponents Considerations</b>	<b>Council Considerations for Strategic Merit</b>
<i>That the proposal is consistent with State and Local Planning Policy objectives and strategic vision.</i>	The Planning Proposal would be consistent and aligned with State and Local Planning Policies.
<i>That the proposal and Concept Master Plan site supports the redevelopment potential of the site and will provide a compatible mix of land uses which promote</i>	The Planning Proposal would be consistent in encouraging renewal and redevelopment within a brownfield site – allowing for a compatible mix of land uses including



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<i>employment-generation and commercial services.</i>	commercial.
<i>The rezoning to allow for residential use would enable a mixture of dwellings suitable for the local population - including studio, one, two, and three-bedroom apartments.</i>	The Planning Proposal would be consistent and the rezoning would allow for additional residential dwellings on the site.
<i>Supports additional commercial and residential opportunities in a city centre location, with access to retail, education, public transport, and community facilities.</i>	The Planning Proposal would be consistent in that the residential and commercial components would help to contribute additional demand on services close to and within the Liverpool City Centre.
<i>That the proposal integrates with and located appropriately in relation to corresponding key gateway sites and the Liverpool City Centre.</i>	The Planning Proposal would be consistent and is contextually appropriate in relation to nearby key "gateway" sites and the Liverpool City Centre.
<i>That the proposal offers appropriate interfaces with the local street environment, with a transition in scale that maintains neighbouring residential amenity.</i>	The Planning Proposal provides an Urban Design Report that suggests an urban built form that is appropriate in terms of amenity, street interfaces, and scale.

The Department's *A guide to preparing planning proposals* includes the following question to delineate consistency with the NSW strategic planning framework (Section B, Q3).

- *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

The Department includes 'assessment criteria' which provide guidance on assessing a proposal's consistency with matters raised in Question 3. The following table summarises the assessment criteria.

<b>Guideline Assessment Question</b>	<b>Council Response</b>
<i>Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</i>	This question is addressed in detail below.
<i>Consistent with a relevant local council strategy that has been endorsed by the Department; or</i>	There are no relevant local Council strategies that have been endorsed by the Department to consider.
<i>Responding to a change in circumstances,</i>	The Council has recently finalised



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<i>such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i>	Amendment 52 to the Liverpool LEP which rezoned parts of the City Centre to B4 mixed use development. The site to the east, being 311 Hume Highway was recently rezoned to B4 Mixed Use and that change results in this parcel of land being an isolated B6 zone piece of land. Rezoning the site to B4 will enable the land between Gillespie Street and the Hume Highway to be redeveloped to enable a mix of uses.
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A Plan for Growing Sydney

A *Plan for Growing Sydney* was the NSW Government metropolitan strategy for the Sydney region which replaced the Metropolitan Plan for Sydney 2036. It includes general goals and directions applicable across the Greater Sydney area and more localised sub regional strategies. The proponent has provided an assessment which demonstrates that the proposal is aligned with the key strategic directions defined in the strategy.

Council's assessments of the proponent's responses to the previous metropolitan strategy key strategic directions are provided in the following table below.

Item	Proponent's Response	Council Response
Goal 1. Sydney's competitive economy 1.7 Grow strategic centres – providing more jobs closer to home	<i>The Site is located within the Liverpool City Centre. It benefits from its proximity to public transport with bus stations located approximately 100m walking distance to the west and east of the Site. Liverpool Train Station is located approximately 900m to the north east of the Site. These provide direct links to other suburbs and Strategic Centres within the Western City district of Sydney and further afield. Increasing the population density in this highly accessible location will assist in the provision of more homes closer to jobs and services and ensure the continued strengthening of Liverpool's role as a Regional City for south west Sydney.</i>	The Planning Proposal would allow for viable redevelopment of the site and additional employment opportunities. The proposal considers a built form concept with 790m <sup>2</sup> of ground floor commercial space.
Goal 2. Sydney's housing choices 2.1 Accelerate housing supply across Sydney 2.1.1 Accelerate housing supply and	<i>The Planning Proposal would facilitate a variety of apartment types at varying price points in line with the market demand. The Plan identifies that providing more housing and different types of housing as the population grows, can reduce the pressure on</i>	The Planning Proposal allows for a contemporary housing supply to be developed, in close proximity to public transport and services. This is also in alignment



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<p>local housing choices</p> <p>2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs</p> <p>2.2.2 Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres</p> <p>2.3 Improve housing choice to suit different needs and lifestyles</p>	<p><i>rising house prices. The Plan identifies that the most suitable areas for significant urban renewal are established and new centres; along key public transport corridors including the T5 Cumberland Line, the T2 Airport, Inner West and Southern Line, the T3 Bankstown Line and the Liverpool-Parramatta T-Way, and locations close to employment opportunities. The Planning Proposal expands the housing supply within walkable distance from bus routes and train lines with direct links to Strategic Centres and transport centres. This is in addition to direct links to education facilities, recreational facilities, medical services and shopping opportunities. The Plan also notes that all suburbs of Sydney will need an additional housing over the next 20 years.</i></p> <p><i>The Planning Proposal will deliver additional housing and an appropriate variety of housing types to assist different needs and affordability. The provision of additional housing within the Liverpool City Centre is consistent with The Plan's key direction of accelerating housing supply, particularly within an established centre with ready access to transport.</i></p>	<p>with strategic objectives outlined previously in a Plan for Growing Sydney.</p> <p>The Planning Proposal would be within the context of urban renewal occurring within the Liverpool City Centre. Surrounding apartment redevelopment occurring as part of recent rezoning sees that the proposal would provide a range of additional dwellings to the existing housing supply.</p>
<p>Goal 3. Sydney's great places to live</p> <p>3.1 Revitalise existing suburbs</p>	<p><i>The Plan identifies that focusing new housing within Sydney's established suburbs brings real benefits to communities and makes good social and economic sense. Liverpool City Centre is likely to continue to experience substantial redevelopment and renewal over the next decade, given the accessibility to transport, community, recreational facilities, educational facilities and the age of the housing stock.</i></p> <p><i>The Site is a large lot under single ownership within the city centre. It presents an opportunity to develop new housing in close proximity to services and facilities. In addition, the Planning Proposal facilitates the</i></p>	<p>The Planning Proposal would allow for a mixed use development that continues the vision and desire for urban renewal within the area.</p> <p>The proposals location would be appropriate, and in context with, the "gateway" developments adjoining and adjacent (311 Hume Highway and 420-446 Macquarie Street).</p>



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	<i>opportunity to better complement the proposed gateway tower at 311 Hume Highway and provide an appropriate transition to the lower density areas outside the city centre.</i>	
Goal 4. Sydney's sustainable and resilient environment 4.3 Manage the impacts of development on the environment	<i>The Planning Proposal defines key principles relating to land use, massing and built form, public domain and sustainability that will guide the future development of the Site and surrounding locality, taking into consideration the Site's relationship with surrounding uses. The proposed development concept has been designed with building massing and orientation to facilitate future BASIX and ADG compliance, which will be documented at the development application stage.</i>	The proposed urban design concept is considered to be of an acceptable quality and has considered various environmental, social, and urban impacts. Any future development that would occur as a result of the Planning Proposal would still need to be subject to the assessment and approval process.

A Plan for growing Sydney has now been superseded by a Metropolis of Three Cities Regional Plan. Note - the Ministerial direction has not been updated to reflect this.

Greater Sydney Region Plan – A Metropolis of Three Cities

*The Greater Sydney Region Plan – A Metropolis of Three Cities* (the Plan) was updated in March 2018 and replaces the previous metropolitan strategies. The Plan is a strategic land use plan and overarching vision for the Sydney Metropolitan Area over the next 20 years and 40 years. Its aim is to manage growth in alignment with agency infrastructure plans, to deliver strategic place-based outcomes for Greater Sydney. Guided by 10 overarching directions in the section of the document titled *Directions for a Greater Sydney*, the optimal goal is to deliver infrastructure, productivity, liveability, and sustainability benefits to Greater Sydney.

The planning proposal would allow for a mixed use redevelopment of the site. As a mixed use development, the proposal provides the potential for additional employment opportunities and contemporary housing options within an appropriate location in proximity with the Liverpool City Centre. This is in alignment with Objective 20 and Objective 24 of the Plan which would see Western Sydney Airport as a catalyst to economic development within the region. The Plan also requires Liverpool, as the Western Parkland City, to grow commercial and residential sectors in targeted areas close to public transport and services.

Western City District Plan

*The Western City District Plan* (the District Plan) provides a guide for the management of economic growth, social service planning, and environmental conservation for the Western District over the next 20 years. The following directions and planning priorities apply to the Planning Proposal:

A city of great places - Design places for people

Planning Priority W5 - Providing housing supply, choice and affordability, with access to jobs,



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services and public transport  
 Planning Priority W6: Creating and renewing great places and local centres and respecting the District's heritage  
Job and skills for the city - Creating the conditions for a stronger economy  
 Planning Priority W9: Growing and strengthening the metropolitan city cluster  
 Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres  
A city in its landscape - Valuing green spaces and landscape  
 Planning Priority W18: Delivering high quality open space

The Planning Proposal has considered place-based planning priorities that support the vision of the Liverpool City Centre and the benefits provided by mixed land uses permitted with consent in a B4 Mixed Use zone. The planning proposal enables a range of diverse contemporary housing options in an area served by existing public transport, open space and commercial services.

The Department's *A Guide to Preparing Planning Proposals* includes the following question (Section B, Q4)

*Is the planning proposal consistent with Council's local strategy or other local strategic plan?*

#### Our Home Liverpool 2027

Council's *Our Home, Liverpool 2027* is a Community Strategic Plan (CSP) and provides strategic directions that have been identified by the community and the measures that will allow Council to determine progress towards achieving them. The four key directions are: *creating connection, strengthening and protecting our environment, generating opportunity and leading through collaboration*. The Planning Proposal aligns predominately with the second and third directions which states goals of the following:

*Liverpool Council will:*

- *Exercise planning controls to create high-quality, inclusive, urban environments*
- *Develop, and advocate for, plans that support safe and friendly communities*
- *Meet the challenges of Liverpool's growing population*
- *Attract businesses for economic growth and employment opportunities*
- *Create an attractive environment for investment*

The Planning Proposal is in general supportive of these goals. The rezoning and amended planning controls would ultimately deliver (subject to further development assessment) a mixed use development that would in turn promote an expanded mixture of land uses, which when combined with a quality urban built form would contribute additional employment and residential activities within the area. The Planning Proposal provides an additional supply of residential apartment dwellings in an area that has access to the adjacent parklands and community facilities.

#### 9.1 Directions by the Minister (previously Section 117)

The planning proposal addresses the following directions, pursuant to Section 9.1 of the EP&A Act



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Direction	Objectives	Council officer comments
<b>1.1 Business and Industrial Zones</b>	<i>To encourage employment growth in suitable locations.</i>	Consistent. The Planning Proposal is generally consistent with this direction and will provide for commercial employment growth in a suitable location with the Liverpool City Centre.
	<i>To protect employment land in business and industrial zones.</i>	<p>Consistent. The Planning Proposal retains existing zoned land for employment uses. The rezoning from B6 Enterprise Corridor to B4 Mixed Use does not significantly reduce land available for employment uses. The rezoning allows for added business and commercial uses appropriate to the sites current context.</p> <p>Subsection 4 of Direction 1.1 requires that a planning proposal must <i>give effect to the objectives of the direction, retain areas and locations of existing industrial and business zones and not reduce the total potential floor space area for employment uses and related public services in business zones.</i></p> <p>The Planning Proposal is consistent with these objectives and retains the future availability of business and commercial zoned land.</p>
	<i>To support the viability of identified strategic centres.</i>	Consistent. The rezoning of the site would support the viability of the Liverpool City Centre and provide a development capable of providing new housing, employment, and renewal.
<b>3.1 Residential Zones</b>	<i>To encourage a variety and choice of housing types to provide for existing and future housing needs.</i>	Consistent. The Planning Proposal would allow for, and provides, additional housing within the area. The proposed urban design concept suggests a mixture of one, two, and three bedroom sized apartments that would be amenable to individuals and a variety of family households.
	<i>To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.</i>	Consistent. The site is located within the Liverpool City Centre boundary and would have reasonable access to existing infrastructure and services. The Planning Proposal is located within an established area and is in proximity to local shops, community and social facilities, and public transport options.
	<i>To minimise the impact of</i>	Consistent. The Planning Proposal is within context



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	<i>residential development on the environment and resource lands.</i>	with the existing area and adjoining 311 Hume Highway development. Development impacts would be relatively minimal to the environment due to the sites previous history as a Commercial Enterprise Corridor.
<b>3.4 Integrating Land Use and Transport</b>	<i>Improving access to housing, jobs and services by walking, cycling and public transport.</i>	Consistent. The Planning Proposal provides additional housing and some additional employment opportunities which would be in close proximity to existing active and public transport networks linking with the Liverpool City Centre and other centres.
	<i>Increasing the choice of available transport and reducing dependence on cars.</i>	Consistent. The Planning Proposal is located close to the Liverpool City Centre which offers rail and bus public transport services. A bus stop is within 100m of the site.
	<i>Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car</i>	Inconsistent. Council's Traffic and Transport section has acknowledged that the proposed development would generate additional traffic and potentially worsen the performance of the existing signalised Hoxton Park Road/Hume Highway/Macquarie intersection. Subject to Gateway determination, at the consultation stage, the public authority comments from RMS/ TfNSW will inform whether the proponent will be required to make contributions towards the intersection upgrade. This may be delivered through a VPA with Council, identifying the required contributions towards local and regional transport infrastructure upgrades.
	<i>Supporting the efficient and viable operation of public transport services</i>	Consistent. The Planning Proposal would contribute additional population density to the area that would benefit from and potentially use local public transport services. A requirement would be for the upgrade of pedestrian footpaths on Hoxton Park Road and bus stop signage to support a more efficient operation of public transport services.
	<i>Providing for the efficient movement of freight.</i>	N/A

Liverpool Local Environmental Plan 2008Zoning

The site is zoned B6 – Enterprise Corridor. An extract of the zoning map is provided below.



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Figure 3 – Extract of LLEP 2008 zoning map

*Permissibility*

The current use of the site is as a single storey warehouse structure and loading area utilised as a commercial office premises. Uses which are similar and permissible in the B6 zone include: *Business premises; Commercial premises; Light industries; Storage premises; and Warehouse or distribution centres.*

The site zoned as *B6 – Enterprise Corridor* under Liverpool LEP 2008, would prevent a mixed use residential flat development from occurring as *Residential flat buildings* are a prohibited land use under the current zoning controls.

The site is proposed to be rezoned as *B4 – Mixed Use* under Liverpool LEP 2008, within which residential flat building are identified as a permitted with consent.

*Objectives*

The objectives of the B4 Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.*
- *To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.*

*Assessment*

The proposed rezoning to B4 – Mixed Use is in alignment with the recent rezoning of the adjoining



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site 311 Hume Highway. The proposed rezoning to B4 Mixed Use would integrate the site with the B4 zoning approved for 311 Hume Highway, facilitating the redevelopment of both sites in a consistent and compatible manner.

In its current context, the Planning Proposal site is isolated and is now the sole property zoned as B6 Enterprise Corridor located on Hoxton Park Road (excluding the road reserve on Gillespie Road). There would be minimal impacts on the existing enterprise corridor. Allowing for a mixed use zone on the site would help to facilitate renewal through allowing a residential flat development that retains some level of employment.

*Floor Space Ratio (FSR) and Building Height Amendment*

The site has an existing Floor Space Ratio of 2.5:1 and a Building Height of 24m. Extracts of the FSR and Building Height maps are provided below.

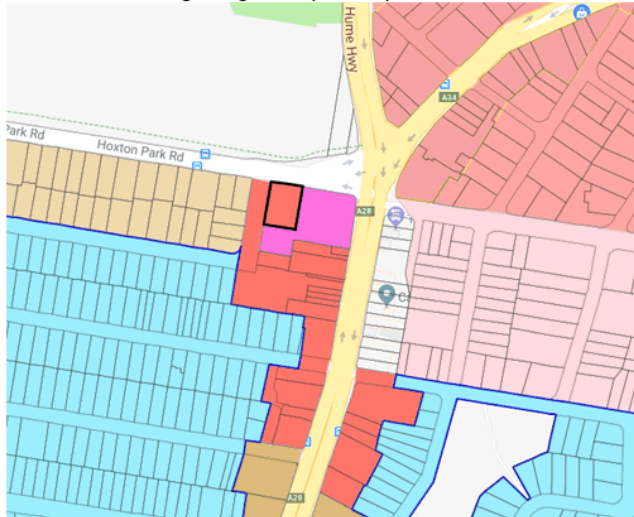


Figure 4 – Extract of LLEP 2008 FSR map



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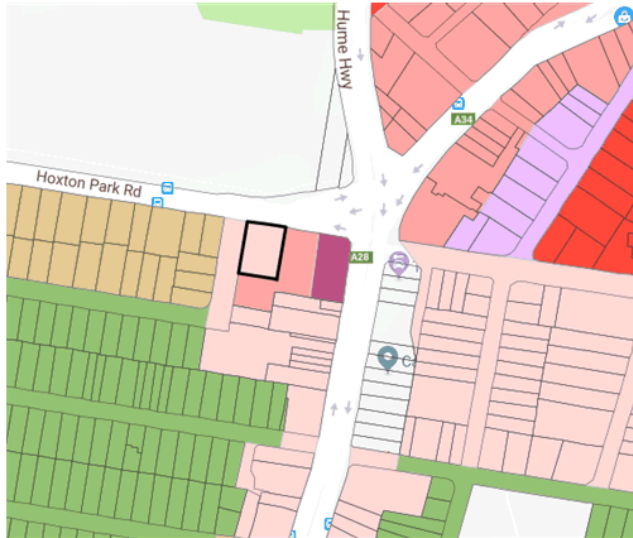


Figure 5 – Extract of LLEP 2008 Building Height map

*Permissibility*

The site currently has maximum permissible FSR of 2.5:1 and a maximum permissible Building Heights of 24m.

The Planning Proposal is to amend the planning controls to allow for amended built form controls that would enable a Floor Space Ratio of 5:1 and Building Height of 50m to support future development.

*Assessment*

The proposed amended built form controls would facilitate the development of 4-8 Hoxton Park Road which is underutilised in its existing form and under the existing planning controls. The amended planning controls to allow an FSR 5:1 and a building height of 50m would be consistent with the adjoining 311 Hume Highway development FSR of 6.0 and the building heights of 100m and 25m. The Urban Design Report concept proposes a built form massing that is scaled appropriately in relation to the approved development 311 Hume Highway.

It is noted that the proposed height and FSR planning controls are in contrast with the existing one to two storey residential areas to the west and south. However, the recent rezoning of the surrounding residential area to R4 High Density and R3 Medium Density Residential will likely see medium and high density development occur in these areas consistent with Council's future urban vision for the Liverpool City Centre and the "gateway" context of the area.

*Key Sites*

*Existing*

The site has been identified as a Key Site on Liverpool LEP Key Sites Map No.10. An extract of the Key Sites Map No.10 is provided below.



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Figure 6 – Extract of LLEP 2008 Key Site map

As a Key Site, Clause 7.22(4) of LLEP 2008 applies:

*Development consent must not be granted to development for the purposes of a dwelling on land shown edged heavy green on the Key Sites Map and that adjoins the Hume Highway or Elizabeth Drive unless the dwelling is at least 8 metres from any boundary of the land that adjoins either of those roads.*

#### Assessment

The Planning Proposal proposes to remove the 4-8 Hoxton Park Road site from the Key Sites Map No.10 (KYS 10) on the basis 4-8 Hoxton Park Road is irrelevant and redundant in isolation as a key site since the site does not adjoin Hume Highway or Elizabeth Drive.

Since the approved rezoning and development approval of 311 Hume Highway, there seems to be limited strategic merit, value or relevance for the 4-8 Hoxton Park Road site to remain classified as a Key Site. The fragmentation that has occurred with 311 Hume Highway's removal from the Key Sites Map sees that any strategic intent and reasoning for the application of Clause 7.22(4) in the LLEP 2008 to 4-8 Hoxton Park Road has become immaterial and unnecessary.

Ensuring that there is consistency whereby a clear planning logic applies to the application of the Clause 7.22(4) designation is a desirable outcome. It is recommended that 4-8 Hoxton Park Road be removed from Key Sites Map No.10.

### 5. CONSIDERATIONS FOR SITE-SPECIFIC MERIT

The Department's planning proposal guide includes the following site-specific 'assessment criteria' (Section B, Q3b).

*Does the proposal have site-specific merit, having regard to the following:*



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*the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

#### Natural environment

The Planning Proposal would not impact upon any critical habitat, threatened species, populations, or ecological communities (or their habitats) as the site does not contain any of the above communities.

#### Existing and future uses

The proposed rezoning and planning control amendments would support redevelopment of the site in a manner that provides a mixture of contextually appropriate land uses, and would not negatively impact upon any future uses. Additionally, the proposed uses would be compatible and commensurate with the existing developments of 311 Hume Highway and 420 Macquarie Street.

The planning proposal for 311 Hume Highway (RZ-1/2015) was supported on the grounds that it would facilitate further development consistent with the site under construction on the corner of Macquarie Street and the Hume Highway.

The planning proposal for 311 Hume Highway allowed for the following amendments:

- Rezone site from B6 Business Enterprise to B4 Mixed Use
- Increase the Floor Space Ratio (FSR) from 2.5:1 to 6:1;
- Increase the Building Height from 24m & 45m to 25m & 100m; and
- Remove reference to the site as a 'Key Site', subject to Clause 7.22 (Development in Zone B6).

In the endorsement for the rezoning of the adjoining 311 Hume Highway (RZ-1/2015) on 30 September 2017, Council assessed the proposal under the following key planning considerations:

Planning Considerations and Decision	
<i>Consistency with State and Local Planning Policies</i>	The proposed rezoning was found to be consistent with State and Local planning policies.
<i>Economic and Financial</i>	The proposed rezoning was found to facilitate development to contribute additional demand for commercial and retail services in proximity to the Liverpool CBD/City Centre.
<i>Environmental and Sustainability</i>	The proposed rezoning was found to encourage brownfield urban renewal and redevelopment.



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<i>Social and Cultural</i>	The proposed rezoning was found to encourage a variety of housing choices.
<i>Civic Leadership and Governance</i>	The proposed rezoning was found not to be in conflict with, or have any specific governance considerations required.

Council found in its report, that the rezoning of 311 Hume Highway would likely result in:

- *Net Public Benefit* – serving the public interest through facilitation of a mixed use development providing additional housing in close proximity to services and public transport;
- *Economic and Employment* – economic viable development on the southern side of the Liverpool City Centre;
- *Improved Urban Form* – allowing for a suitable built form outcome in context with the “gateway” location, responding to adjacent developments, with residential components providing passive surveillance to Gillespie Street and Woodward Park;
- *Traffic Implications* – Minimal impacts to be offset through a modified access arrangement to create a left in/out at the intersection of Hoxton Park Road and Gillespie Street (removing needs for traffic signals), and relocation of the bus stop; and
- *Heritage Considerations* – Building design that responds to the curtilage of the Collingwood Hotel.

Council's City Economy Section supports the Planning Proposal for 4-8 Hoxton Park Road on similar economic grounds.

A primary consideration is attributed to the proximity of the site to other substantial future residential and mixed use commercial developments within the Liverpool City Centre. This includes the adjoining 311 Hume Highway and 420 Macquarie Street developments. The zoning change proposed in the Planning Proposal would provide compatible land uses that would neither hinder, nor reduce any employment outcomes – complimenting, rather than conflicting with the approved neighbouring developments.

It is envisioned that the Planning Proposal would result in a strategically consistent approach to zoning and planning controls that aids the development of the precinct area in a holistic manner.

#### Services and infrastructure

The traffic impact assessment estimates additional vehicles in the order of 48-74 vehicle trips per hour during peak periods. When assessed in conjunction with the adjoining approved development at 311 Hume Highway, the combined number of additional vehicle trips generated would be 280 trips in the AM peak period and 178 trips in the PM peak period.

The subject site is located in a close proximity to Hoxton Park Road/Hume Highway/Macquarie Street intersection. The intersection is currently operating at its capacity with Level of Services (LoS) F & E. Council's Traffic and Transport Section has identified that any additional traffic generated by the planning proposal may worsen the performance of the existing signalised Hoxton Park Road/Hume Highway/Macquarie intersection.



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Subject to Gateway determination, at the consultation stage, the public authority comments from RMS/ TfNW would inform whether the proponent would be required to make contributions towards the intersection upgrade. This may be delivered through a VPA with Council, identifying the required contributions towards local and regional transport infrastructure upgrades.

For public transport access, the site is serviced by bus stops located along Hoxton Park Road situated approximately 100m west from the subject site. This bus stop provides regular connections to the Liverpool City Centre, linking between Campbelltown, Narellan and Liverpool centres. The subject site is approximately 1.3km southwest of Liverpool train station within the Liverpool City Centre.

A range of proposed upgrade works to facilitate greater pedestrian and public transport access include upgrading the existing footpath to shared path on Hoxton Park Road and Gillespie Road and upgrading existing bus stop signage on Hoxton Park Road to a bus stop with bus blade sign. Further contributions could be requested to help fund the provision of a pedestrian bridge to support pedestrian access over the Hume Highway, supporting the strong desire line towards the Liverpool City Centre.

Flooding

The site is not identified as being within flood prone land.

Environmental Health

A Preliminary Site Investigation (PSI) report dated 16th May 2017 was prepared by Australian Geotechnical Pty Ltd (AG) to determine whether the site presents any risk to human health and/or the environment as result from any past/present activities at the site or neighbouring properties.

Australian Geotechnical Pty Ltd considers the risk of site contamination as low to medium. The subject site premises previously had been subject to potential contaminating activities - such as importation of fill material from an unknown origin, leaks from vehicles in car parking areas, building degradation. Potential contaminants of concern comprise of but not limited to the following; heavy metals, pesticides, hydrocarbons and asbestos containing materials.

AG in their report concluded that the site could be made suitable for the proposed development subject to the preparation of a Stage 2 - Detailed Site Investigation Assessment (DSI) Environmental Site Assessment, along with additional investigations to address data gaps in the site history review. The PSI and proponents planning report considered that there would be limited or no measurable impacts on the natural environment surrounding the site.

The site is B6 - Enterprise Corridor and was stated as having no direct connection to any natural environmental, environmentally significant, or biodiversity areas.

*Clause 6 of the State Environmental Planning Policy (SEPP) No. 55- Remediation of Land* requires Council to consider contamination and remediation in any zoning or rezoning proposal.

Should remediation be necessary, the planning authority must be satisfied that suitable planning controls are in place to ensure that remediation is undertaken.

Clause 6(1) of SEPP No. 55- Remediation of Land stipulates that:

*'(1) In preparing an environmental planning instrument, a planning authority is not to include*



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*in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*

- (a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

*Note.*

*In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument'.*

The *Guidelines for Consultants Reporting on Contaminated Sites* prepared by the NSW Office of Environment & Heritage (2011) underline the importance of completing a thorough site history appraisal during the preliminary assessment to identify potential site contamination.

In the PSI report, data gaps exist as searches were not undertaken of the Safe Work NSW Stored Chemical Information Database and Council records per *Section 10.7* (2 and 5) of the *Environmental Planning and Assessment Act 1979*. Council's Environmental Health section has identified that should Council support the proposal for Gateway determination, a Stage 2 - Detailed Site Investigation Assessment can be conditioned at Gateway to identify and clarify any potential contamination risks.

Potential areas of environmental concern and chemicals of potential issue necessitating further investigation were identified in the PSI report due to the previous industrial, warehousing, depot, and mechanical land uses on the site. Without a Stage 2 - Detailed Site Investigation Assessment for the land on the site, there is still uncertainty as to whether the land is contaminated, and if so, would require remediation.

Consequently, Council will require this assessment to be carried out by a qualified contaminated land consultant, addressing the requirements of *Clause 6 of SEPP No. 55- Remediation of Land*. The Environmental Health section has agreed that should Council support the proposal, a Stage 2 - Detailed Site Investigation can be conditioned as part of the Gateway determination.

This investigation would address the data gaps identified in the submitted preliminary site investigation report and give regard to the potential effects of any contaminants on public health, the natural environment and future development structures. Sampling density shall comply with the NSW EPA Contaminated Sites Sampling Design Guidelines (1995).

Where the Stage 2 - Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced Contaminated Land Consultant in accordance with applicable guidelines made or approved by the NSW EPA under the *Contaminated Land Management Act 1997*.

Statutory considerations / Conditions

The following points are to be addressed in order to maintain the objectives of the *B4 Mixed Use* zone.

At Gateway determination, a Stage 2 - DSI report would need to be prepared by a suitably qualified



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and experienced contaminated land consultant in accordance with the *Environmental Protection Authority (EPA) Contaminated Sites Series*, providing an assessment of the suitability of site for the intended mixed use land use.

The Stage 2 - DSI report is to identify the level and extent of any contamination at the site, assess the potential risk posed by contaminants to health and the environment, and obtain a sufficient level of information in order to develop a remedial action plan (RAP).

It should be noted that future development on the site would be subject to consent and any significant adverse environmental impacts can be addressed during the development application stage.

The Department's *A guide to preparing planning proposals* includes the following questions regarding State Environmental Planning Policies (Section B, Q5).

**Q5 PPG - Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?**

The proponent provides a review of the relevant SEPPs as provided below.

<b>Policy</b>	<b>Proponents Comments</b>	<b>Council Assessment</b>
<i>SEPP 1 – Development Standards</i>	The Planning Proposal will not contain provisions that will contradict or hinder the application of the SEPP.	Consistent. The Planning Proposal does not contain any provisions that contradict any SEPPs.
<i>SEPP 55 – Remediation of Land</i>	The potential for Site contamination arising from existing site uses will be assessed at DA stage. Potential contaminants will be appropriately managed and the Site made suitable for future residential and commercial use.	Inconsistent. The Planning Proposal has provided a Stage 1 PSI. Subject to Gateway determination, Council require a Stage 2 Detailed Site Investigation report to determine the extent of contamination on the site (if any). This will inform the suitability of the site for the intended use.
<i>SEPP 65 Design Quality of Residential Flat Buildings</i>	The Urban Design Report prepared by ADS Pty Ltd, has been designed to facilitate future detailed building design in accordance with SEPP 65 and the ADG. Separation distances and other amenity controls will guide the appropriate siting and design of the future buildings. The Planning Proposal does not hinder the ability to comply with SEPP 65 and the Apartment Design Guide.	Consistent. The Planning Proposal includes an Urban Design Concept report that indicates the site's potential to develop a residential flat building in alignment with SEPP 65. Any future development to occur on the site as a result of the rezoning would be subject to consent, with any significant adverse design impacts or conflicts with SEPP65 being addressed during the development application stage.



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<i>SEPP (Buildings Sustainability Index: BASIX) 2004</i>	The Planning Proposal will not hinder the ability to comply with BASIX at the Development Application stage.	Consistent. The Planning Proposal would not be in conflict with the requirements under SEPP BASIX 2004.
<i>SEPP (Infrastructure) 2007</i>	The proposed development will require existing utility services to be upgraded and/or augmented to enable the future residential population to be accommodated. These works will need to be undertaken in accordance with the provisions of the SEPP at DA stage.	Consistent. Any future development to occur on the site as a result of the rezoning would be subject to consent and any significant adverse design impacts would be addressed during the development application stage as per SEPP (Infrastructure 2004) requirements.

*Q7 PPG - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The site and any proposed uses to occur as a result of the proposal would be contained within the establishing urban environment, and therefore there is no adverse impacts on ecological communities or habitats.

*Q8 PPG - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

This question has been addressed in Part 6 (site-specific merit 'assessment criteria') of this report.

*Q9 PPG - Has the planning proposal adequately addressed any social and economic effects?*

Council's City Economy Section supported the planning proposal on economic grounds. This is attributed to the site's proximity to other substantial future residential and mixed use commercial developments within the Liverpool City Centre. The planning proposal would allow for additional land uses that would neither reduce nor reduce employment outcomes in the area, and would be complimentary to the approved neighbouring developments.

The Social Impact Assessment Report found that the proposal would not contribute any significant adverse impacts to the social fabric of area surrounding the site. The proposals location is well suited to a mixed use development that would have largely positive benefits to the economic and employment opportunities in the local area. The proposal is in context to neighbouring developments, to which the proposed scale, nature or design would significantly reduce or impact upon the level of service provided by existing social infrastructure and facilities.

There are no notable social implications for the proposal that could be addressed adequately by future development consent.

*Q10 PPG - Is there adequate public infrastructure for the planning proposal?*

This question has been addressed in Part 6 (site-specific merit 'assessment criteria') of this report. The site is primarily serviced by buses with a 12 to 18 minute journey from the nearest bus stop (approximately 100m from the subject site) to Liverpool Station.



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Q11 PPG - *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

As noted earlier, a referral will be made to the RMS subject to Gateway determination and approval for the proposal. No other consultation with state or Commonwealth authorities has been considered necessary, however, can be addressed at DA stage should the proposal be supported.

#### 6. PROPOSED LEP AMENDMENT

In consideration of the amended planning controls sought by the applicant to facilitate the redevelopment of the site, as shown in the Urban Design Report prepared by ADS Pty Ltd (Attached), and upon Council's internal referral commentary, the following proposed amendments to the LLEP 2008 include:

- Amend the Zoning Maps (LZN-010) to rezone the whole of the site from B6 Enterprise Corridor to B4 Mixed Use;
- Amend the Height of Building Maps (HOB-010) for the site to show a maximum building height of 50 metres;
- Amend the maximum floor space ratio maps (FSR-010) for the site from 2.5:1 to 5:1;
- Remove reference to the site in the Key Sites maps (KYS-010) as being subject to Clause 7.22 of the LLEP 2008.

The proposed changes to the zoning maps for LLEP 2008 are shown below.



Figure 7 – Extract of LLEP 2008 Zone Map (current)



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Figure 8 – Extract of LLEP 2008 Zone Map (proposed)

Rezoning the site to B4 would permit a mixed-use tower building to be erected on the site. The amended building height and floor-space ratio controls will allow a building form commensurate with the development adjoining at 311 Hume Highway, to provide a consistent building typology and holistic planning scheme across the area in recognition of the “gateway” context.

#### Next Steps

The usual process for planning proposal applications, following a review of the application, is for Council officers to finalise the proposal detailing the proposed changes to LLEP 2008 (this report). The Planning Proposal would then be reported to Council for endorsement and subsequently forwarded to the Department of Planning and Environment seeking Gateway Determination.

Following a Gateway Determination, in support of the Planning Proposal, there will be public authority and community consultations, a public exhibition period and a further report to Council prior to proceeding with the making of any amendment to LLEP 2008.

## **7. CONCLUSION AND RECOMMENDATION**

This report has been prepared following consultation with Council’s City Economy, Traffic and Transport, Environment and Health, Urban Design, and Development Assessment Sections. Comments provided by Council departments show support for the proposal for the reasons outlined within this report.

The above assessment has shown that the proposal is consistent with State and local strategies. There is strategic merit to support the proposed rezoning. The proposal demonstrates site specific merit where the additional permitted land uses enables a compatible redevelopment opportunity without negatively impacting upon current or future land uses in the vicinity. The urban design and built form considerations for this proposal are consistent with the assessment that was undertaken for the adjoining 311 Hume Highway planning proposal, which Liverpool City Council supported previously. Together, the two lots effectively form a consolidated site and reflect the “gateway” context as expressed by the opposite Skyhaus – Lateral Estate development at 420 Macquarie Street.



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It is recommended that the planning proposal be allowed and the rezoning and amended planning controls of the subject site to *B4 Mixed Use* proceeds for Gateway Determination. A report should further be drafted detailing a decision to support the proposal for consideration by Liverpool City Council.

**Attachments**

1. Planning Proposal
2. Urban Design Report
3. Traffic Impact Report
4. Social Impact Report
5. Economic Impact Report
6. Environmental Impact Report





## **MINUTES AND DETERMINATION OF THE LOCAL PLANNING PANEL MEETING**

**Monday 26<sup>th</sup> November 2018**

Held at the  
**'Gold Room, Liverpool Library'**  
170 George Street  
LIVERPOOL

Panel:      David Ryan (Chair)  
             Matthew Taylor (Expert)  
             Mary-Lynne Taylor (Expert )  
             Stephen Dobell-Brown (Community Representative)

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.



## LIVERPOOL CITY COUNCIL

### LOCAL PLANNING PANEL MINUTES AND DETERMINATION

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<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	RZ-2/2018
<b>SUBJECT:</b>	Planning Proposal to rezone land from B6 Enterprise Corridor to B4 Mixed Use, amend controls for Building Height, Floor Space Ratio, and Key Sites
<b>LOCATION:</b>	Lot 1 DP 860799 4-8 Hoxton Park Road, Liverpool
<b>OWNER:</b>	Architecture Design Studio NSW Pty Ltd
<b>APPLICANT:</b>	ZHC Investments Pty Ltd
<b>AUTHOR:</b>	Ash Chand

#### ISSUES RELATED TO THE APPLICATION

The panel has inspected the site and read the Council officer's report. The panel received nil objectors and one representatives of the applicant.

The panel is supportive of the proposal for the following reasons:

- The proposal is consistent with state and local strategies
- There is strategic merit to support the proposal
- The proposal demonstrates site specific merit
- The urban design and built form considerations for this proposal are consistent with the assessment that was undertaken for the adjoining 311 Hume Highway planning proposal

#### VOTING NUMBERS:

4-Nil

#### DETERMINATION OF PANEL:

The panel recommends the planning proposal be allowed to proceed to gateway determination subject to the following considerations:

- That a voluntary planning agreement is entered into between the proponent, council and the RMS for necessary road improvements to support future development under the planning proposal
- That consideration is given to whether there is any benefit to the re-opening of Gillespie Road
- Consideration is given to the appropriate zoning of the Gillespie Road road Reserve adjacent to the subject planning proposal



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urban planning  
project management

planning proposal  
report



4 - 8 hoxton park road  
liverpool



planning proposal  
report



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liverpool

prepared for  
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## appendices

Appendix A –Submission to Planning Proposal for 311 Hume Highway, Liverpool

Appendix B – Section 117 Directions

Appendix C – Indicative Timeframe

Appendix D – Proposed Mapping

*This document has been prepared for Mr Hussein Chahine by Willana Associates Pty Ltd to accompany a Planning Proposal to Liverpool City Council. Reproduction of all or part of this document is prohibited without the prior permission of Willana Associates Pty Ltd.*



# 1 executive summary

## 1.1 Overview

This Planning Proposal Report has been prepared on behalf of our client, Mr. Hussein Chahine. The intended outcome of the Planning Proposal is to gain support from Liverpool City Council to enable opportunities for the future redevelopment of 4-8 Hoxton Park Road, Liverpool (the Site). Specifically, it is intended to enable a mixed-use development comprising commercial premises and shop top housing.

The Site is currently zoned B6 Enterprise Corridor under the *Liverpool Local Environmental Plan 2008* (LLEP 2008). The Site is currently restricted in its ability to provide dwellings within 50m of Hoxton Park Road (Clause 7.22 of the LLEP 2008). It is also subject to a maximum permissible Floor Space Ratio of 2.5:1 and maximum permissible building height of 24 metres.

The Planning Proposal seeks to amend LLEP 2008 as follows:

- Rezone the Site from B6 Enterprise Corridor to B4 Mixed Use.
- Removal of the Site from the 'Key Site' on Key Sites Map KYS 10.
- Amend the maximum height of buildings for the Site to 50m, in accordance with the proposed mapping.
- Amend the maximum floor space ratio for the Site to 5:1, in accordance with the proposed mapping.

Support for the intended outcome is based on the following:

- It is consistent with the vision and objectives of relevant strategic plans, including the State Government's "*A Plan for Growing Sydney*".
- It provides additional and diverse housing and commercial opportunities in a city centre location, which has quality access to retail, education and community facilities, as well as public transport services.
- It improves the integration of the Site within the key gateway sites area and surrounding Liverpool City Centre.
- It results in minimal and appropriate environmental impacts and allows a more appropriate residential/commercial interface and transition to surrounding residential areas.
- It assists in achieving Council's vision of a city centre that permits mixed uses to encourage greater levels of residential development and commercial services.



## 1.2 Concept Master Plan

A Concept Master Plan has been prepared by Architecture Design Studio Pty Ltd (ADS). It has been developed through a detailed Urban Design Analysis of the Site and its surrounding context. The Concept Master Plan demonstrates the ability of the Planning Proposal to accommodate a 16 storey mixed use development comprising the following:

- 790m<sup>2</sup> of commercial Gross Floor Area for uses complementary to the Site and locality.
- A variety of residential accommodation comprising 90 dwellings in a mixture of studio, one, two and three bedroom apartments.
- Vehicular access via Gillespie Street and on-site basement car parking.
- Communal open space and associated landscaping.

## 1.3 Planning Outcomes

The Site is considered to be suitable for a high density, mixed use development and as such, represents a strategic opportunity to:

- Contribute to the available local supply of good quality housing. The Site comprises an opportunity as a single landholding that can deliver new housing in the short term.
- Be consistent with State Government policy which supports growth within existing, well-connected, strategic centres. It provides significant additional housing opportunities in close proximity to existing facilities, services and public transport.
- Develop with acceptable traffic impacts. Existing traffic characteristics, within the local area, have been considered and addressed.
- Meet the future parking requirements of the proposal on-site within basement parking areas.
- Ensure that future development can achieve the principles and requirements of State Environmental Planning Policy No.65 and the Apartment Design Guide. The Concept Master Plan was prepared following a detailed analysis of the Site and surrounding locality.
- Maintain the residential amenity of existing properties immediately surrounding the Site.
- Support the Liverpool City Centre and its vision as a regional strategic centre by providing a higher density residential outcome that is commensurate with other key sites and gateway sites in the immediate context.
- Provide an appropriate transition in scale between the key sites area and adjacent residential zones.



In considering this Planning Proposal, it is recommended that Liverpool Council resolve to support the changes to LLEP 2008 and forward the Planning Proposal for a Gateway Determination to undertake the following:

- Rezone the Site from B6 Enterprise Corridor to B4 Mixed Use.
- Removal of the Site from the 'Key Site' on Key Sites Map KYS 10.
- Amend the maximum height of buildings for the Site to 50m, in accordance with the proposed mapping.
- Amend the maximum floor space ratio for the Site to 5:1, in accordance with the proposed mapping.



## 2 introduction

### 2.1 The Client

This Planning Proposal report has been prepared for Mr Hussein Chahine. The Planning Proposal seeks to facilitate the development of a mixed use development comprising commercial premises and shop top housing at 4-8 Hoxton Park Road, Liverpool (the Site).

### 2.2 The Proposal

The intended outcome of this Planning Proposal is to gain support from Liverpool City Council to enable opportunities for the future redevelopment of the Site. Specifically, it is intended to enable a mixed-use development comprising commercial premises and shop top housing.

The Site is currently zoned B6 Enterprise Corridor under LLEP 2008 and is located within a Key Site area identified on Liverpool LEP 2008 Key Sites Map No. 10 (Refer to Figure 1). The Site is subject to a height of buildings development standard of 24m and a maximum FSR of 2.5:1.

The Planning Proposal seeks to amend LLEP 2008 as follows:

- Rezone land at 4-8 Hoxton Park Road, Liverpool from B6 Enterprise Corridor to B4 Mixed Use.
- Remove 4-8 Hoxton Park Road from the 'Key Site' on Key Sites Map KYS 10.
- Amend the maximum height of buildings for 4-8 Hoxton Park Road, Liverpool to 50m, in accordance with the proposed mapping.
- Amend the maximum floor space ratio for 4-8 Hoxton Park Road, Liverpool to 5:1, in accordance with the proposed mapping.

The Planning Proposal is accompanied by a Concept Master Plan prepared by Architecture Design Studio (ADS) to provide a comprehensive analysis of the Site's opportunities and constraints. It is submitted as part of this Planning Proposal to inform and support the proposed amendments to LLEP 2008.



### 2.3 This Report

The Planning Proposal report has been prepared in accordance with:

- Section 55 of the Environmental Planning and Assessment Act 1979 (the EP&A Act)
- The relevant guidelines prepared by the then NSW Department of Planning and Infrastructure (now the DoP&E) including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.
- Related Section 117 Directions.

The Planning Proposal includes the following information:

- A description of the subject site and its context.
- Indicative site plan showing sufficient detail to indicate the effect of the proposal (Concept Master Plan prepared by ADS).
- Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions of the proposal.
- Summary of the justification of the proposal.
- Description of the community consultation process that would be undertaken.
- Conclusion to this report.

### 2.4 Background

A Planning Proposal was previously submitted and adopted by Council for 311 Hume Highway, Liverpool (Local Environmental Plan 2008 (Amendment No. 60)). The Planning Proposal for 311 Hume Highway amended the relevant development controls applying to the land at 311 Hume Highway as follows:

- rezoned the site from B6 Enterprise Corridor to B4 Mixed Use;
- increased the maximum building height from 24 metres and 45 metres to 25 metres and 100 metres;
- increased the maximum floor space ratio from 2.5:1 to 6:1;
- removed the site from the Key Sites map; and
- amended Schedule 1 Additional Permitted Uses to allow residential dwellings to be provided on the ground floor on the site, subject to provisions of non-residential floor space and active street frontage.

A submission was also made on behalf of the owner of 4-8 Hoxton Park Road, to Council, during the public exhibition of the Planning Proposal for 311 Hume Highway. Consequently, the owner of 4-8 Hoxton Park Road and the Project Team met with Council on 28 July 2016 to discuss the strategic merit and opportunities for rezoning of the subject Site and its relationship to the Planning Proposal for 311



Hume Highway, Liverpool. It was agreed that there was oversight in Council not previously consulting with the owner of 4-8 Hoxton Park Road and that a Planning Proposal should be submitted for 4-8 Hoxton Park Road.

A copy of the submission regarding 311 Hume Highway is attached as **Appendix A** of this Report.



## 3 the land to which the planning proposal applies

### 3.1 Description of the Site

The Site is known as 4-8 Hoxton Park Road, Liverpool and is legally identified as Lot 1 DP 860799. It is located on the south-western side of the intersection of Hoxton Park Road and Hume Highway. The Site is rectangular, with frontages to Hoxton Park Road to the north and Gillespie Street to the West. It has a total site area of 1,680m<sup>2</sup>. The Site currently accommodates a single storey warehouse with the remainder of the site as hardstand.

**Figure 1 | Aerial view of the Site and surrounds**



Source: Sixmaps 2018



The Site: 4-8 Hoxton Park Road, Liverpool





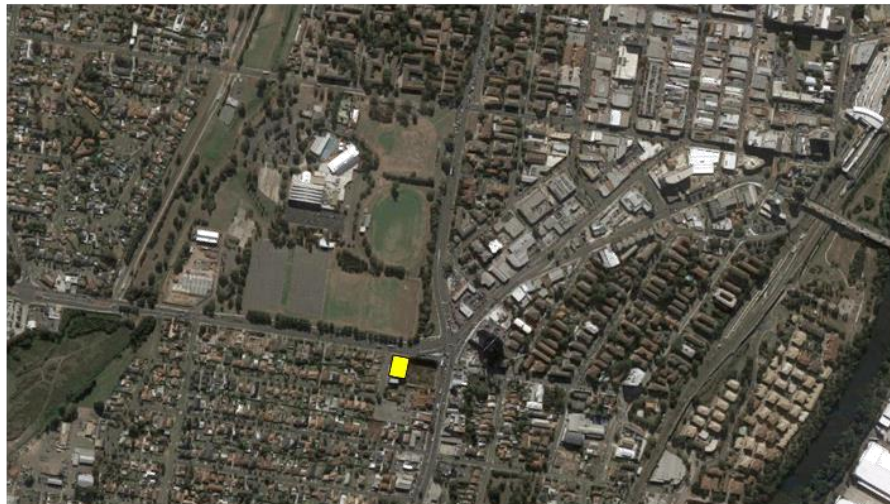
### 3.2 The Locality

The Site forms part of a key gateway entry to the south-western side of the Liverpool City Centre, alongside the adjoining property at 311 Hume Highway. It is located on the western boundary of Liverpool City Centre, as identified by Council. The surrounding locality is a mixture of residential, commercial and recreational uses.

To the west of the Site is predominantly low density residential however, this area has been zoned R4 High Density Residential and is therefore anticipated to change significantly in coming years. To the north is Woodward Park, comprising a series of sports fields, netball courts and open space. To the east, along Hume Highway, are a corridor of commercial uses. North east extends further into Liverpool City Centre and comprises high density residential and commercial uses. The Site is approximately 900 metres from Liverpool Railway Station and is readily accessible to key services, facilities and public transport.

The Liverpool City Centre has a multifunctional role as one of Sydney's Regional Cities and continues to grow as a major central business district to service Sydney's growing South West Region. Liverpool contains one of Sydney's major medical precincts, based around Liverpool Hospital; Liverpool Courthouse; the Liverpool TAFE; Western Sydney University and the University of Wollongong.

**Figure 2 | Surrounding Locality**



Source: Google Maps 2017



The Site: 4-8 Hoxton Park Road, Liverpool





**Adjoining Sites to the East*****311 Hume Highway, Liverpool***

311 Hume Highway is irregular in shape and adjoins the Site along the eastern and southern (rear) boundaries. 311 Hume Highway is currently vacant but has recently been subject to an approved Planning Proposal and Development Application (DA), for a mixed use development containing a significant tower on the corner of the Hume Highway and Hoxton Park Road. Figure 3 shows an indicative image of the scale of the development. Further discussion regarding the relationship between 4-8 Hoxton Park Road and 311 Hume Highway is provided throughout this Planning Proposal Report and the Submission located at Appendix A of this Report.

**Figure 3 | Approved Development at 311 Hume Highway**

Source: Liverpool City Council E-Planning Website 2017

***420 Macquarie Street, Liverpool***

420 Macquarie Street, Liverpool is located on the diagonally opposite corner of Hume Highway to the Site. A mixed use development comprised of two significant residential towers over a podium has been approved and commenced. Figure 4 below provides an illustration of the scale of the approved development.



**Figure 4 | 420 Macquarie Street**

Source: Liverpool City Council assessment report 420 Macquarie Street

**Adjoining Sites to the South*****321 Hume Hwy, Liverpool – Collingwood Hotel***

The Collingwood Hotel is located south east of the Site. It is heritage listed (Item 88) and considered of to be of local significance. The Hotel fronts Hume Highway with a large, at-grade carpark to the rear (west). The car park is accessed via Gillespie Street and Hume Highway.

***8 Gillespie Street, Liverpool***

8 Gillespie Street is located to the south of the Site, adjoining 311 Hume Highway. The property contains a single storey detached residential dwelling with a pitched tile roof. The property is predominantly turfed with vehicular access from Gillespie Street.

**Adjoining Sites to the West*****10 Hoxton Park Road, Liverpool***

10 Hoxton Park Road is located to the west of the Site, on the opposite side of Gillespie Street. The property comprises a single storey detached weatherboard residential dwelling with pitched tile roofing. The property is predominantly turfed and vehicular access is from Gillespie Street.







## 4 request to prepare a planning proposal

This section of the Planning Proposal Report has been prepared to follow the structure and format of the former NSW Department of Planning and Infrastructure's document, *A Guide to Preparing Planning Proposals* (October 2012).

Accordingly, the Proposal is discussed in the following four parts:

- Part 1: A statement of the objectives or intended outcomes
- Part 2: An explanation of the provisions that are to be included in the proposed LEP
- Part 3: The justification for the Planning Proposal and the process for the implementation
- Part 4: Details of community consultation that is to be undertaken for the Planning Proposal

Discussion for each of the above parts is outlined below.

### 4.1 Part 1 – Objectives and Intended Outcomes

The primary objective of the Planning Proposal is to enable the redevelopment of 4-8 Hoxton Park Road. It is intended to facilitate a more appropriate zoning, height and density for the Site, given its relationship to the recently rezoned property adjoining the Site at 311 Hume Highway, as well as the surrounding context.

Specifically, it will enable the construction of a mixed use development comprising commercial premises and shop top housing. The scale of the proposed mixed use development will provide a more appropriate transition, in terms of height and density, between the approved gateway tower at 311 Hume Highway and lower density development to the west. It will result in a high quality urban design outcome that will allow a meaningful contribution to housing targets, while also being close to employment, local services, recreational facilities and public transport.

The intended outcome would enable a Development Application to be lodged for a mixed use development, consistent with the Concept Master Plan, as described below.

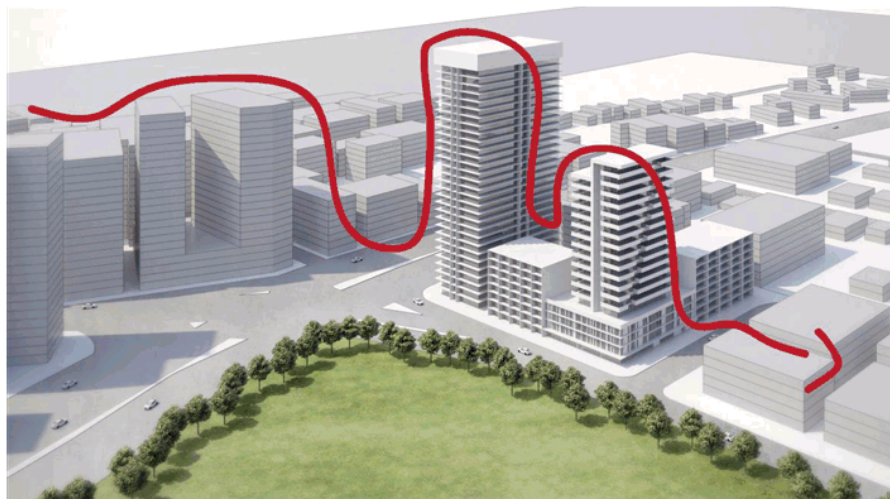
#### Concept Master Plan

A Concept Master Plan has been prepared by Architecture Design Studio (ADS) that analyses the opportunities and constraints associated with the redevelopment of the Site. The Concept Master Plan has been prepared based on the findings of an urban design analysis of the Site and its surroundings.



The Concept Master Plan helps to envisage future development on the Site and inform the most appropriate planning controls required to achieve the intended outcome for the Site.

**Figure 6 | Concept Master Plan Extract**



Source: Architecture Design Studio

#### **4.2 Part 2 – Explanation of Provisions**

The intended outcome of the Planning Proposal is to gain support from Liverpool City Council to enable opportunities for the future redevelopment of the 4-8 Hoxton Park Road. Specifically, it is intended to enable a mixed-use development comprising commercial premises and shop top housing.

The Site is currently zoned B6 Enterprise Corridor under LLEP 2008 and is identified as a Key Site on Liverpool LEP 2008 Key Sites Map No. 10 (Refer to Figure 1). The Site is subject to a maximum building height of 24m under Clause 4.3 of the LLEP 2008 and a maximum FSR of 2.5:1 under Clause 4.4 of the LLEP 2008.

The Planning Proposal seeks to amend LLEP 2008 as follows:

- Rezone the Site from B6 Enterprise Corridor to B4 Mixed Use.
- Remove the Site from the 'Key Site' on Key Sites Map KYS 10.
- Amend the maximum height of buildings for the Site to 50m, in accordance with the proposed mapping.
- Amend the maximum floor space ratio for the Site to 5:1, in accordance with the proposed mapping.



Support for the intended outcome is based on the following:

- It is consistent with the vision and objectives of relevant strategic plans, including the State Government's *"A Plan for Growing Sydney"*.
- It provides additional and diverse housing and commercial opportunities in a city centre location, which has quality access to retail, education and community facilities, as well as public transport services.
- It improves the integration of the Site within the key gateway sites area and surrounding Liverpool City Centre.
- It results in minimal and appropriate environmental impacts and allows a more appropriate residential/commercial interface and transition to surrounding residential areas.
- It assists in achieving Council's vision of a city centre that permits mixed uses to encourage greater levels of residential development and commercial services.

#### **4.3 Part 3– Justification of the Proposal**

This section addresses the specific questions which *"must be discussed with reasons explained"*, as set out in Part 3 of the NSW Department of Planning and Infrastructure's (now the DoP&E) publication: *A Guide to Preparing Planning Proposals*. This section will review the proposed amendments to the Liverpool Local Environmental Plan 2008 and addresses specific questions outlined in the guide, which are separated into sections A to D.

##### **Section A – Need for the Planning Proposal**

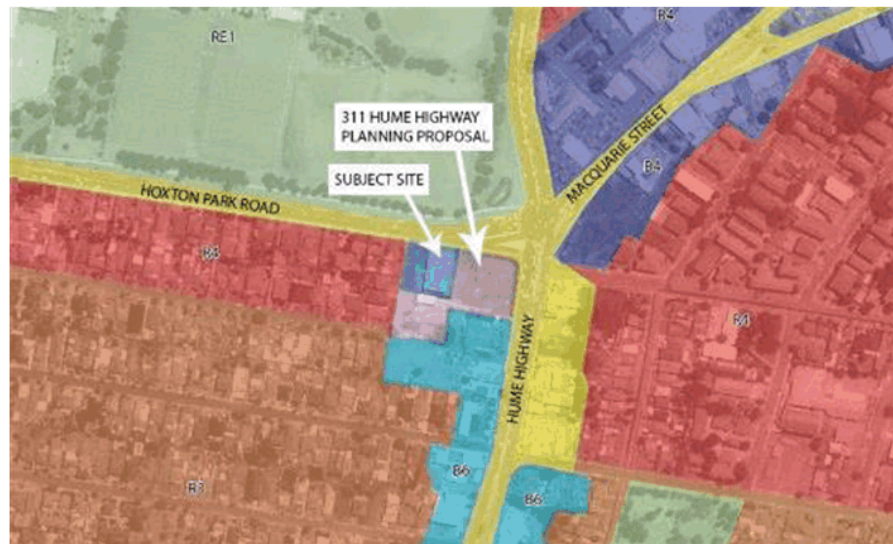
###### *Is the planning proposal a result of any strategic study or report?*

The Planning Proposal is not the result of a strategic study or report however, the intended outcome is consistent with the both State Government's and Council's strategic vision for Liverpool City Centre. The catalyst for the Planning Proposal is primarily the recent rezoning of the adjoining property at 311 Hume Highway. This resulted in strategic planning irregularities for 4-8 Hoxton Park Road. Specifically, it resulted in the Site being 'isolated' from the rest of the B6 Enterprise Corridor land, a redundant Key Site status and a significant difference in scale and density, notwithstanding the gateway nature of 311 Hume Highway.

This Planning Proposal seeks to rectify the zoning anomaly while also providing strong strategic and urban design grounds for a built form that allows a more gradual transition from the approved tower at 311 Hume Highway to the lesser-scaled residential buildings to the west along Hoxton Park Road.



**Figure 7 | Zoning of Surrounding Locality**



Source: ADS Pty Ltd

In this instance, if 4-8 Hoxton Park remains zoned *B6 Enterprise Corridor*, no dwelling would be permissible on the Site within 50m of Hoxton Park Road. It is an anomaly to allow residential dwellings along the entirety of the Hoxton Park Road frontage, with the exception of the Site. The strategic decision to originally include 4-8 Hoxton Park within the 'Key Site' Area suggests that 4-8 Hoxton Park was considered by Council to be a natural extension of 311 Hume Highway, forming part of the corridor extending south along Hume Highway and also an accepted part of the gateway corner.

While not directly the result of any strategic study or report, this Proposal is supported by a variety of strategic documents that are discussed in greater detail in Section B of this Report.

*Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal Report and Concept Master Plan outline the benefits associated with the proposed mixed use development on the Site. It has been prepared based on a comprehensive analysis of the Site and its context, including technical reports that address key issues, such as urban design, traffic generation and social impacts.



The amendments proposed to LLEP 2008 are considered the most appropriate way to achieve the intended outcome for the following reasons:

- A change of zoning from B6 Enterprise Corridor to B4 Mixed Use can only be undertaken through the Planning Proposal process.
- The extent of variation to current development standards to allow a maximum building height of 50m and FSR of 5:1 is best undertaken through a Planning Proposal process rather than a Clause 4.6 variation.
- To provide a detailed Urban Design Analysis that demonstrates the ability of the Site to be developed in a manner that delivers a good quality, high density, mixed use development which achieves a high level of amenity for existing and future residents.
- To avoid detrimental impacts associated with the isolation of the Site in relation to the Planning Proposal undertaken at the neighbouring property at 311 Hume Hwy, Liverpool.
- To provide an appropriate transition in scale between the neighbouring residential zones to the west of the Site into the gateway sites to the east.

To achieve this, amendments to the zoning, height limit and floor space ratio of the Site are required and a planning proposal is the best way of achieving the intended outcome.

*Is there a net community benefit?*

It is considered that there will be a net community benefit to the surrounding community and to the Liverpool Local Government Area in general. The net community benefits and costs associated with the Planning Proposal are discussed below. These should be read in conjunction with the other consultant reports submitted as part of this application, including the Social Impact Assessment, Traffic Report, Economic Statement and Urban Design Analysis.

**Benefits**

Increased housing supply

The proposed B4 zoning would facilitate a mixed use development capable of supporting reasonable additional residential land uses on the Site. The Site is serviced with all necessary public utility services including electricity, water and sewer and accordingly, there are no impediments to future residential development. The Site is not affected by constraints including flooding, bush fire, mine subsidence or acid sulfate soils and as such, is suitable for and capable of, supporting residential development. It will provide additional housing within the Liverpool City Centre in close proximity to services, facilities and high quality public transport.



#### Improvement to landscape and street character

The Urban Design Analysis demonstrates opportunities for significant urban design improvements, particularly at the ground floor frontage to Hoxton Park Road. These improvements will result in a more vibrant street life that is safe and activated with opportunities for passive surveillance. The proposed maximum height will assist in transitioning the built form of the area from the approved 100m tower on 311 Hume Highway to the lower scale development to the west, beyond the boundary of the City Centre.

High quality landscaping and a contemporary built form that is integrated to the surrounding locality will also improve the visual coherence and residential amenity enjoyed by both the general public and future residents alike.

#### Economic

The Statement from MacroPlan Dimasi on the Site's best commercial/ retail uses advises that it is more suited to a B4 zoning rather than a B6 zoning. The uses would provide additional employment and services for nearby residential areas without adverse impact on the established retail hierarchy in Liverpool.

#### **Costs**

##### Additional traffic

The proposed use of the Site for residential and commercial purposes, or those similarly permitted within the B4 Mixed Use zone, will likely result in additional traffic associated with future development. While there will be additional traffic, the Liverpool City Centre offers considerable advantages for major residential-based development of underutilised sites due to:

- the close proximity of primary public transport services (rail and buses), and
- the convenient proximity to employment, shopping and entertainment facilities available in the centre along with the nearby educational and hospital/medical services.

A Transport and Traffic Report prepared by GTA Consultants has been submitted in order to ascertain the viability of a proposal at the envisaged scale. It concludes that the traffic from the proposed development represents a minor overall impact that would not result in a change to the level of service.

##### Amenity impacts during construction

The proposed site-specific amendments to LLEP 2008, will likely result in the redevelopment of the Site, which may cause temporary amenity impacts during any construction activities, such as noise, traffic disruptions or dust.



In conclusion, the anticipated benefits associated with the Planning Proposal outweigh the costs. This is particularly the case given the costs are primarily associated with any redevelopment that would occur on the Site, regardless of the proposed changes to LLEP 2008. There is therefore a net community benefit arising from the intended outcome of this Planning Proposal.

### **Section B – Relationship to strategic planning framework**

*Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The following strategic planning considerations are applicable to the site:

- A Plan for Growing Sydney
- Draft Western City District Plan
- The Liverpool City Centre Plan (2006)
- Growing Liverpool 2023 (2013)
- Applicable Ministerial Directions (Section 117)

There is a clear alignment between high level strategic policy and the intended outcome for the Site. The redevelopment of the Site will allow a positive response to the forecasted population growth and will make a valuable contribution to the availability and mix of housing within the Liverpool LGA. These strategies are separately discussed in detail below.

#### **A Plan for Growing Sydney**

In December 2014, the NSW Government released a new framework to guide land use and planning decisions for Sydney over the next 20 years. A Plan for Growing Sydney (The Plan) supersedes the *Metropolitan Plan for Sydney 2036*. The Plan identifies that over the next 20 years, Sydney's population will grow much faster than over the preceding 20 years. The Plan projects that Sydney will need approximately 664,000 additional homes over the next 20 years.

The Plan includes the Government's vision for Sydney and the goals to achieve the vision, as outlined below.

The Government's vision for Sydney is: *a strong global city, a great place to live*. To achieve this vision, the Government has set down goals that Sydney will be:

- *a competitive economy with world-class services and transport;*
- *a city of housing choice with homes that meet our needs and lifestyles;*
- *a great place to live with communities that are strong, healthy and well connected; and*
- *a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*



The Plan sets out actions that will assist to deliver the goals listed above. Goal 2 of The Plan addresses housing and housing choice, with the directions and actions including accelerate housing supply across Sydney; accelerate urban renewal across Sydney; providing homes closer to jobs and improving housing choice to suit different lifestyles.

Consistent with The Plan, this Planning Proposal:

- Will deliver new and more diverse housing within the short term and as such will contribute to achieving nominated housing targets and housing choice.
- Responds to a recognised need for housing in this locality.
- Will provide new homes in close proximity to existing infrastructure and services.

The proposal directly contributes to the relevant strategic goals and directions of The Plan as discussed in Table 4.1.

**Table 4.1 | A Plan for Growing Sydney**

Goal	Direction	Project Contribution
1. Sydney's competitive economy	1.7 Grow strategic centres – providing more jobs closer to home	<p>The Site is located within the Liverpool City Centre. It benefits from its proximity to public transport with bus stations located approximately 100m walking distance to the west and east of the Site. Liverpool Train Station is located approximately 900m to the north east of the Site. These provide direct links to other suburbs and Strategic Centres within the Western City district of Sydney and further afield.</p> <p>Increasing the population density in this highly accessible location will assist in the provision of more homes closer to jobs and services and ensure the continued strengthening of Liverpool's role as a Regional City for south west Sydney.</p>
2. Sydney's housing choices	2.1 Accelerate housing supply across Sydney 2.1.1 Accelerate housing supply and local housing choices 2.2 Accelerate urban renewal	<p>The Planning Proposal would facilitate a variety of apartment types at varying price points in line with the market demand. The Plan identifies that providing more housing and different types of housing as the population grows, can reduce the pressure on rising house prices.</p> <p>The Plan identifies that the most suitable areas for significant urban renewal are established</p>



Goal	Direction	Project Contribution
	<p>across Sydney – providing homes closer to jobs.</p> <p>2.2.2 Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres</p>	<p>and new centres; along key public transport corridors including the T5 Cumberland Line, the T2 Airport, Inner West and Southern Line, the T3 Bankstown Line and the Liverpool-Parramatta T-Way, and locations close to employment opportunities.</p> <p>The Planning Proposal expands the housing supply within walkable distance from bus routes and train lines with direct links to Strategic Centres and transport centres. This is in addition to direct links to education facilities, recreational facilities, medical services and shopping opportunities.</p> <p>The Plan also notes that all suburbs of Sydney will need additional housing over the next 20 years.</p>
	2.3 Improve housing choice to suit different needs and lifestyles	<p>The Plan states:</p> <p><i>Research indicates a current shortage of semi-detached houses across Sydney and a shortage of apartments in the middle and outer areas of the city. This is affecting the capacity of people to buy or rent a home.</i></p> <p>The Planning Proposal will deliver additional housing and an appropriate variety of housing types to assist different needs and affordability.</p> <p>The provision of additional housing within the Liverpool City Centre is consistent with The Plan's key direction of accelerating housing supply, particularly within an established centre with ready access to transport.</p>
3. Sydney's great places to live	3.1 Revitalise existing suburbs	<p>The Plan identifies that <i>focusing new housing within Sydney's established suburbs brings real benefits to communities and makes good social and economic sense.</i></p> <p>Liverpool City Centre is likely to continue to experience substantial redevelopment and renewal over the next decade, given the accessibility to transport, community, recreational facilities, educational facilities and the age of the housing stock.</p>



Goal	Direction	Project Contribution
		The Site is a large lot under single ownership within the city centre. It presents an opportunity to develop new housing in close proximity to services and facilities. In addition, the Planning Proposal facilitates the opportunity to better complement the proposed gateway tower at 311 Hume Highway and provide an appropriate transition to the lower density areas outside the city centre.
4. Sydney's sustainable and resilient environment	4.3 Manage the impacts of development on the environment	<p>The Planning Proposal defines key principles relating to land use, massing and built form, public domain and sustainability that will guide the future development of the Site and surrounding locality, taking into consideration the Site's relationship with surrounding uses.</p> <p>The proposed development concept has been designed with building massing and orientation to facilitate future BASIX and ADG compliance, which will be documented at the development application stage.</p>

### Draft Greater Sydney Region Plan

The Greater Sydney Region Plan was prepared by the Greater Sydney Commission to manage growth and guide infrastructure delivery within the Sydney Region over the next 40 years. The Plan provides the vision and strategy for the region, to be implemented at a local level through District Plans.

It is currently in draft form with submissions being reviewed and in the process of being published.

Objective	Comment
7. Communities are healthy, resilient and socially connected	The proposal would encourage walkable places, close to recreational parkland and the city, with active street life and a human scale.
10 Greater housing supply	The proposal would facilitate significant additional housing than currently permissible on the Site.
11 Housing is more diverse and affordable	The proposal provides opportunities for diverse and affordable housing.



12 Great places that bring people together	The proposal would allow for an appealing public realm and proximity to recreational areas and social infrastructure.
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### Subregional Strategy

"A Plan for Growing Sydney" sets priorities for each sub-regional plan. For the South West Subregion, noted as being the fastest growing subregion in Sydney, one of its priorities is to "*Accelerate housing supply, choice and affordability and build great places to live*", particularly around established and new centres along public transport corridors.

The Planning Proposal will allow a significant number of high quality residential units to be built within the city centre; close to jobs, amenities and recreation areas that are well connected via public transport.

Furthermore, the Plan notes that the Department of Planning must *work with council to provide capacity for additional mixed use development in Liverpool including offices, retail, services and housing*. Subsequently, the Planning Proposal seeks to aid Liverpool City Council and the Department in achieving this priority by providing an additional mixed use development in a key location of the Liverpool City Centre.

### Draft Western City District Plan

The draft Western City District Plan sets out the priorities and actions that will shape the District's future and guide policy decisions, while progressing the directions of the draft Greater Sydney Region Plan. The draft District Plan notes that the District's population will grow by over 464,000 by the year 2036, while the make-up will change as the overall population becomes older. To meet these challenges, the Draft Plan identifies that the District will need to improve housing diversity and affordability, while creating great places that respond to people's need for services.

In this context, the Planning Proposal will assist in achieving the Draft Plan's vision by allowing for a variety of residential dwellings to be constructed within a local centre close to jobs, services and accessible by public transport and existing road networks.

*Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?*

### **The Liverpool City Centre Plan (2006)**

The Liverpool City Centre Plan (2006), prepared by Liverpool City Council and the NSW Department of Planning and Environment, seeks to create a living, mixed use city with human scale active street edges. It includes targets for 12,000 new residents and 15,000 new jobs over the next 25 years.



The Planning Proposal will assist in achieving this vision by providing a significant number of additional housing options within a mixed use development. It is in an accessible location and close to recreational, retail and educational uses. The Planning Proposal will facilitate a future mixed use development that will activate the street with commercial uses at ground level, thereby providing a human scale element to the street. The Planning Proposal enables a quality public domain, enhancing the consolidation of the Liverpool City Centre and facilitating appropriate commercial land uses.

### **Growing Liverpool 2023**

The Growing Liverpool 2023 10-year plan has been developed to ensure Council provides the opportunity to facilitate and enhance the future strategic directions for Liverpool. It aims to deliver on specific strategic directions, as follows:

- Vibrant Prosperous City
- Liveable Safe City
- Healthy Inclusive City
- Proud Engaged City
- Natural Sustainable City
- Accessible Connected City
- Leading Proactive Council

The 10-year plan reinforces the focus of Liverpool being the regional centre for south west Sydney and nominates City Centre Revitalisation Projects to include *new gateways to the city*.

Council's vision for Liverpool City Centre seeks to create:

*...a capital of the Great South West, a place where people want to work, live and enjoy and a vibrant 18-hour City Centre characterised by activity and intensity both day and night.*

The Planning Proposal helps to achieve Council's vision by providing a complementary new gateway to the City Centre in the form a high quality mixed-use development that is responsive to other recent developments within the immediate locality. The proposal will provide an increase in activity in terms of street life and more opportunity for people to live, work and enjoy Liverpool City.

### ***Is the planning proposal consistent with applicable state environmental planning policies?***

The Proposal is consistent with the relevant State Environmental Planning Policies (SEPPs) identified in Table 4.2 below.



**Table 4.2| State Environmental Planning Policies**

Policy	Details
SEPP 55 Remediation of Land	The potential for Site contamination arising from existing site uses will be assessed at DA stage. Potential contaminants will be appropriately managed and the Site made suitable for future residential and commercial use.
SEPP 65 Design Quality of Residential Flat Buildings	<p>SEPP 65 provides a statutory framework to guide the design quality of residential flat developments.</p> <p>The Concept Master Plan prepared by ADS Pty Ltd, has been designed to facilitate future detailed building design in accordance with SEPP 65 and the ADG. Separation distances and other amenity controls will guide the appropriate siting and design of the future buildings.</p> <p>The Planning Proposal does not hinder the ability to comply with SEPP 65 and the Apartment Design Guide.</p>
SEPP (Buildings Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency. The Planning Proposal will not hinder the ability to comply with BASIX at the Development Application stage.
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the efficient delivery of infrastructure across the State. The proposed development will require existing utility services to be upgraded and/or augmented to enable the future residential population to be accommodated. These works will need to be undertaken in accordance with the provisions of the SEPP at DA stage.



*Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Yes, the Planning Proposal is consistent with the applicable Ministerial Directions (Section 117 Directions). Table 4.3 provides an assessment of the Planning Proposal against the applicable Section 117 Directions. Refer to **Appendix B** for a full assessment against the Ministerial Directions.

**Table 4.3| 117 Directions**

Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>The Planning Proposal does not reduce the opportunity for non-residential development and will include commercial space at ground level. The rezoning will be able to deliver a higher and better use on the Site than could be delivered if existing zoning is retained. Refer to the Economic Statement prepared by Macroplan Dimasi.</p> <p>The rezoning of the Site would provide new homes, jobs and investment within close proximity to the Regional Centre of Liverpool whilst also positively affecting local businesses by providing more residents who would live in the location and utilise the services provided by local business.</p>
3. Housing Infrastructure and Urban Development	
3.1 Residential Zones	<p>The Proposal will broaden the range of housing choice and the size of the Site provides ample opportunity for good urban design. The Site is located within an established area and local services such as shops, educational, community and recreational facilities and public transport are located in close proximity.</p> <p>The Planning Proposal will make efficient use of the infrastructure and services in place.</p>



Direction	Comment
3.3 Home Occupations	Dwelling houses are not proposed by the application. Notwithstanding, home occupations are permissible without consent within the B4 zone.
3.4 Integrating Land Use and Transport	<p>The proposal is consistent with the Direction for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The Site supports the principle of integrating land use and transport.</li> <li>▪ The Site exhibits good access to public and private transportation use.</li> <li>▪ The Site's proximity to public transport will provide opportunities for residents to access the site.</li> <li>▪ Being located within a City Centre with access to jobs, services, housing and public transport, the Planning Proposal reduces the number of trips generated by future development on the Site.</li> </ul>

### Section C –Environmental, social and economic impact

*Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The Site is located within an established urban environment and comprises land that has been previously developed. There are no known critical habitats, threatened species or ecological communities within the Site and therefore, the likelihood of any negative ecological impacts is minimal.

*Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Site investigations have confirmed that the Site is free of major constraints and that there are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development.

The key findings of these preliminary investigations are provided below:

- Stormwater and flooding: The Site is not flood affected.
- Contamination: The potential for site contamination arising from existing site uses will be assessed at DA stage. Potential contaminants will be appropriately managed and the Site made suitable for future residential use.
- Traffic: The transport impacts are considered to be acceptable as follows:



- The proposed development will not have unacceptable traffic implications in terms of road network capacity, and that no road improvements or upgrades would be required as a consequence of the Planning Proposal.
- The Site is in close proximity of primary public transport services (rail and buses).

Overall, it is considered that the Site will not result in any significant environmental impact that would preclude it from being rezoned and redeveloped for high density, residential use.

The Site is unconstrained and would not result in any significant environmental impacts on the locality. The Site is therefore suitable for development for high density residential purposes.

*How has the planning proposal adequately addressed any social and economic effects?*

Social and economic effects associated with the proposed amendments to LLEP 2008 are considered to be positive given that it provides:

- Additional housing options within close proximity to public transport and strategic employment and education centres.
- An appropriate residential/commercial interface between the surrounding low density residential and commercial areas.
- Work opportunities during the construction period of any future residential development, and ongoing employment within the proposed commercial uses.
- A safe and activated street life with shop top housing that offers increased pedestrian use and opportunities for passive surveillance of the street.

A comprehensive Social Impact Assessment has been undertaken and submitted as part of this Planning Proposal. It is considered unlikely that the Planning Proposal and intended mixed use development would have a negative social or economic effects upon the locality.

**Section D – State and Commonwealth interests**

*Is there adequate public infrastructure for the planning proposal?*

The Site is well serviced by all public utility services including:

- Electricity
- Water
- Sewer
- Telephone and internet service



*What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

There has been no consultation with Commonwealth public authorities or State Government authorities. This consultation can be undertaken during the Planning Proposal process, once the matter has been referred for Gateway Determination.



## 5 community consultation

The relevant planning authority is required to consult with the community in accordance with the Gateway Determination, as required under Clause 57 of the *Environmental Planning and Assessment Act 1979*. It is expected that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the NSW Department of Planning and Infrastructure (now the DoP&E) guidelines, *A Guide to Preparing Local Environmental Plans*.

The specific process of the community consultation to be undertaken will be determined by Liverpool City Council as the Relevant Planning Authority however, it is anticipated that the public exhibition would include:

- A public notice in the local newspaper(s) for the designated period.
- Advertising of the Planning Proposal on the Liverpool City Council website.
- Written correspondence to adjoining and surrounding landowners.
- The gateway determination and Planning Proposal be publicly exhibited at Council's offices, and any other locations, considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

The Proponent would be happy to liaise further with Council to identify appropriate opportunities to further engage with the local community outside the formal public exhibition process, to provide a greater understanding of additional issues that are relevant to the local community.



## 6 conclusion

The Planning Proposal report has been prepared in accordance with Section 55 of the Environmental *Planning and Assessment Act 1979* and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure (now the DoP&E) including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. It sets out the justification for the proposed amendments to LLEP 2008 in relation to 4-8 Hoxton Park Road, Liverpool. The objective is to facilitate a mixed use development with an appropriate transition from 311 Hume Highway to the area beyond Liverpool City Centre to the west.

The Planning Proposal and accompanying reports have demonstrated that the proposed amendments to LLEP 2008 are the best means of facilitating an appropriate development outcome, as summarized below:

- The Planning Proposal achieves an appropriate zoning, built form and scale having regard to the size, topography and surrounding context of the Site.
- The Site presents an opportunity to provide a higher density residential outcome to support the Liverpool City Centre and its vision as a strategic centre.
- The Site is within walking and cycling distance of recreation and shops in addition to proximity to educational facilities and community facilities.
- The Proposal will enable a mixed use development providing a mix of unit sizes and types that will contribute to housing affordability and choice within the Liverpool Local Government Area.
- The intended outcome will positively contribute to the State planning strategic goals of providing housing opportunities in areas with access to existing facilities and services. Key aspects of *A Plan for Growing Sydney* emphasise the importance of concentrating future housing in centres in view of a wide range of transport, environmental, sustainability and liveability objectives.
- It will result in a net community benefit.

Overall, it is considered that the Planning Proposal is satisfactory and it is requested that Liverpool City Council take the necessary steps to enable it to proceed to Gateway Determination under Section 56 of the EP&A Act.



## **Appendix A**





7 October 2016

Acting Chief Executive Officer  
Liverpool City Council  
33 Moore Street  
Liverpool NSW 2170

Dear Sir,

**Submission to Public Exhibition of a Planning Proposal at 311 Hume Highway, Liverpool**

**Introduction**

This submission is prepared by Willana Associates Pty Ltd on behalf of our client, Mr Hussein Chahine. It is in relation to the Planning Proposal for rezoning of the land at 311 Hume Highway, Liverpool (*Liverpool Local Environmental Plan 2008 (Amendment No. 60)*). The Planning Proposal is currently on public exhibition. Our client's site is at 4-8 Hoxton Park Road, Liverpool.

**The Current Planning Proposal for 311 Hume Highway, Liverpool**

The Planning Proposal for 311 Hume Highway, which is currently on public exhibition, seeks to amend the relevant development controls applying to the land at 311 Hume Highway as follows:

- *rezone the site from B6 Enterprise Corridor to B4 Mixed Use;*
- *increase the maximum building height from 24 metres & 45 metres to 25 metres & 100 metres;*
- *increase the maximum floor space ratio from 2.5:1 to 6:1;*
- *remove the site from the Key Sites map; and*
- *amend Schedule 1 Additional Permitted Uses to allow residential dwellings to be provided on the ground floor on the site subject to provisions of non-residential floor space and active street frontage.*

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www.willana.com.au



We understand that the Planning Proposal has undergone the following process before the current public exhibition:

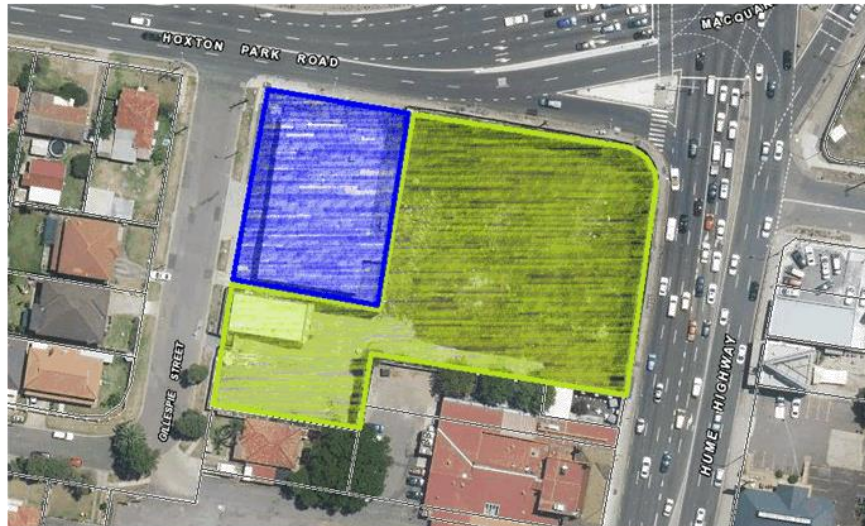
November 2014	Pre-DA held. Rezoning recommended.
January 2015	Planning Proposal lodged.
January – September 2015	Planning Proposal considered by Liverpool Council.
September 2015 – April 2016	Gateway Determination.
April 2016 – August 2016	Completion of technical information and agency consultation.
September – October 2016	Public Exhibition.

#### 4-8 Hoxton Park Road, Liverpool

Our client's site adjoins the Planning Proposal and is legally identified as Lot 1 DP 860799 and is known as 4-8 Hoxton Park Road, Liverpool. It is a rectangular shaped lot with frontages to Hoxton Park Road to the north and Gillespie Street to the West. It has a total site area of approximately 1,680m<sup>2</sup> and currently accommodates a single storey warehouse.

4-8 Hoxton Park Road is zoned B6 Enterprise Corridor. It has a maximum permissible floor space ratio of 2.5:1 and a maximum permissible building height of 24m. It adjoins 311 Hume Highway for the entirety of the southern and eastern boundaries.

**Figure 1| The Site and the adjoining area subject to the planning proposal**



Source: Sixmaps

The Site  311 Hume Highway



## Background

The owner of 4-8 Hoxton Park Road and associated consultants met with Council on 28 July 2016 to discuss the strategic merit and opportunities for rezoning of the site and its relationship to the Planning Proposal for 311 Hume Highway, Liverpool.

It was agreed that there was oversight in Council not previously consulting with the owner of 4-8 Hoxton Park Road. This submission formally addresses some of the concerns discussed in the meeting and demonstrates the strategic advantages of considering the two sites together in terms of rezoning.

It is noted that, while the Planning Proposal is currently on exhibition, it is not readily accessed on Council's website unless the address is specifically searched. Further, we are informed by the client that they have not been notified of the public exhibition. It was only by calling to check the status that we have discovered it was on exhibition. This suggests a lack of consultation for what is a significant change to current built form and land use outcomes, which will have ramifications for the future of our client's site.

## Strategic Context

The following outlines the implications of applicable strategic policy, as relevant to 4-8 Hoxton Park Road and 311 Hume Highway.

### The Metropolitan Strategy – A Plan for Growing Sydney

The *Metropolitan Strategy – A Plan for Growing Sydney* provides a vision for Sydney that aims to achieve growth through a competitive economy with world-class services and transport; a city of housing choice with homes that meet our needs and lifestyles; a great place to live with communities that are strong, healthy and well connected; and a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

It includes the following directions of relevance:

- *Direction 1.7 (Grow strategic centres - providing more jobs closer to home),*
- *Direction 2.1 (Accelerate housing supply across Sydney),*
- *Direction 2.2 (Accelerate urban renewal across Sydney – providing homes closer to jobs)*
- *Direction 2.3 (Improve housing choice to suit different needs and lifestyles)*

At Council's Ordinary Meeting on 30 September 2015, it was resolved to prepare and exhibit the Planning Proposal for 311 Hume Highway, Liverpool. In the Planning Report to Council (DPG 02) it discusses how the Planning Proposal meets the above Directions:

*The planning proposal will allow a significant number of residential units to be built within an identified strategic centre, close to jobs amenities and recreation areas. The planning proposal will also allow residential flat buildings to be constructed, which will cater to the growth in single person and smaller households in the Sydney region.*



### Growing Liverpool 2023

*Growing Liverpool 2023* (2013) is Liverpool Council's ten-year community strategic plan for the Local Government Area. It envisages Liverpool being the regional centre for south-western Sydney and proposes new gateways to the City Centre as a means of activating the City Centre and attracting business and investment.

### Liverpool City Centre Plan

The *Liverpool City Centre Plan* (2006) is Council's policy outlining the vision for the city centre's future. It anticipates that Liverpool will be the primary centre for jobs, key regional services, and cultural services with a focus on high growth industries including health, education, retail and commercial activity. It is noted that the city centre will have 15,000 new jobs and 12,000 more people within the next 25 years.

Council's resolution to adopt the Planning Proposal for 311 Hume Highway states:

*The proposed rezoning will assist in achieving this vision by allowing for feasible residential dwellings to be constructed on the city's periphery, creating additional demand for retail and other services in the CBD.*

Our client's Site, at 4-8 Hoxton Park Road, is also included within the Liverpool City Centre boundary. Its location at the intersection of Hoxton Park Road and Hume Highway provides a strong strategic argument for a similar outcome to be realised as that of the adjoining property at 311 Hume Highway. 311 Hume Highway comprises two rectangular parcels of land, which surround 4-8 Hoxton Park Road.

In this context, it is most appropriate to review the planning controls for 4-8 Hoxton Park Road and 311 Hume Highway in a more holistic manner.

**Figure 2| 4-8 Hoxton Park Road within City Centre boundary**



Source: Liverpool City Centre Plan



### Consideration of the current Planning Proposal

The following provides comment on the public exhibition of the Planning Proposal and associated Development Application for 311 Hume Highway.

Concern is raised regarding the lack of consideration of the impacts to 4-8 Hoxton Park Road and the inconsistencies that result should the Planning Proposal in its current form be adopted.

#### Zone Isolation

The Planning Proposal seeks to rezone the land at 311 Hume Highway from *B6 Enterprise Corridor* to *B4 Mixed Use*. This will enable the provision of employment floor space as well as residential accommodation.

Clause 7.22 Development in Zone B6 of Liverpool LEP 2008 states:

*Except as provided by subclause (4), development consent must not be granted to development for the purposes of a dwelling unless the dwelling is at least 50 metres from any boundary of the land that adjoins a classified road.*

The proposed rezoning of 311 Hume Highway from B6 Enterprise Corridor to B4 Mixed Use, would result in the isolation of 4-8 Hoxton Park Road as the sole property of B6 Zoned land fronting Hoxton Park Road. There would be R4 High Density Residential to the west and B4 Mixed Use to the east (Refer to Figure 3).

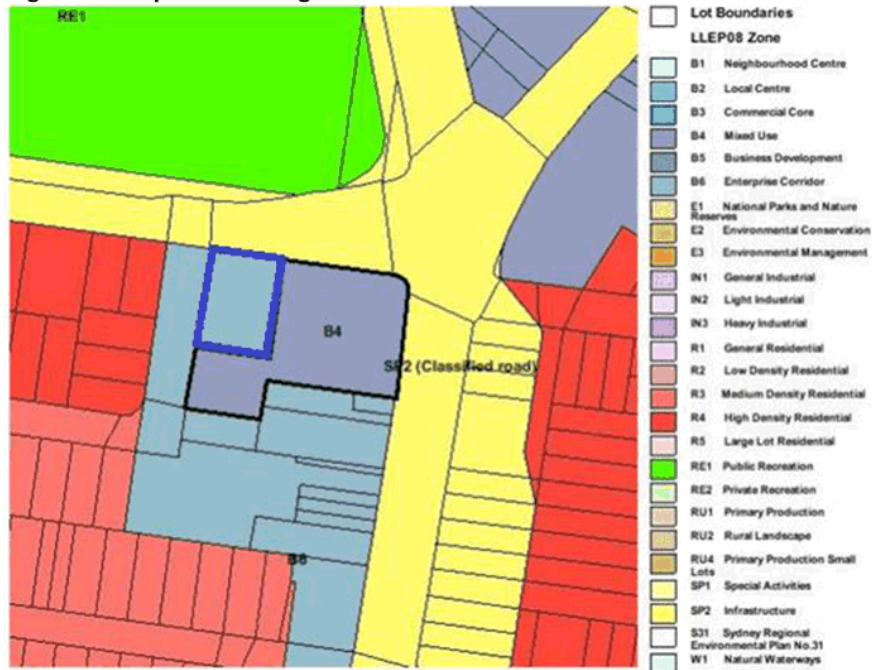
In this instance, if 4-8 Hoxton Park remains zoned *B6 Enterprise Corridor*, no dwelling would be permissible on that site within 50m of Hoxton Park Road. It is an anomaly to allow residential dwellings along the entirety of the Hoxton Park Road frontage with the exception of our client's site. It would result in an inconsistent zoning pattern that provides three different permissible outcomes and zoning objectives fronting Hoxton Park Road in close proximity.

Retaining 4-8 Hoxton Park Road as a single property zoned *B6 Enterprise Corridor* does not reflect the meaning or intent of an 'enterprise corridor'. In this instance, the 'enterprise corridor' extends to the south along Hume Highway, not further west along Hoxton Park Road. 4-8 Hoxton Park Road will be physically detached from the actual enterprise corridor.

The previous strategic decision to include 4-8 Hoxton Park within the *B6 Enterprise Corridor* Zoning suggests that 4-8 Hoxton Park was considered by Council to be a natural extension of 311 Hume Highway. This is further evidenced in the inclusion of 4-8 Hoxton Park within the Key Site area, which only relates to development fronting Hume Highway, as discussed below.



**Figure 3: Proposed Zoning outcome**



Source: Extract from exhibited planning proposal

#### Key Site Controls

Both 311 Hume Highway and 4-8 Hoxton Park Road are currently located within a Key Site area identified on Liverpool LEP 2008 Key Sites Map No. 10 (Refer to Figure 4).

**Figure 4| Key Sites Map**



Source: Extract from Key Sites Map



The Key Site is currently applicable to 4-8 Hoxton Park Road, 311 Hume Highway and adjoining properties extending south along Hume Highway. The sole implication of identifying this area as a Key Site appears to be that Clause 7.22(4) of Liverpool LEP 2008 applies.

Clause 7.22 (4) states:

*Development consent must not be granted to development for the purposes of a dwelling on land shown edged heavy green on the Key Sites Map and that adjoins the Hume Highway or Elizabeth Drive unless the dwelling is at least 8 metres from any boundary of the land that adjoins either of those roads.*

The Planning Proposal seeks the removal of the Key Site status applying to 311 Hume Highway. It is currently proposed that the Key Site status would still be applicable to 4-8 Hoxton Park Road, as shown in Figure 5.

**Figure 5| Proposed Key Sites outcome**



Source: Extract from exhibited planning proposal

4-8 Hoxton Park Road does not adjoin Hume Highway or Elizabeth Drive and therefore Clause 7.22(4) has no effect on it. It is therefore redundant to retain 4-8 Hoxton Park Road as a 'Key Site' should 311 Hume Highway be removed from the Key Sites Map as proposed. The strategic decision to include 4-8 Hoxton Park within the Key Site Area suggests that 4-8 Hoxton Park was considered by Council to be a natural extension of 311 Hume Highway.



Retaining the Key Site status for 4-8 Hoxton Park Road would be a poor outcome as Clause 7.22 would not apply to the Site and it would be an isolated 'Key Site' of no relevance.

#### Design Concept

DA 896/2015 has been concurrently lodged with the Planning Proposal for 311 Hume Highway. The proposed design for 311 Hume Highway is for:

*A Mixed use development comprising three separate buildings built over a basement accessed from Gillespie Street. The three buildings comprise a 31 storey tower accommodating 240 residential units and 2 retail units (located on the ground floor of the tower building) and 2 x 8 storey residential flat buildings accommodating a total of 67 residential units. Car parking, site works, infrastructure works and landscaping is also proposed.*

**Figure 6| Photomontage of proposal at 311 Hume Highway**



Source: Extract from exhibited planning proposal

The Planning Proposal includes an indicative concept for 311 Hume Highway and 4-8 Hoxton Park Road as a whole as shown in Figure 6. Two buildings of up to eight levels are shown on 4-8 Hoxton Park Road. Our client has not been a party to any discussions or agreement in relation to the future built form at 4-8 Hoxton Park Road.



**Figure 7| Indicative built form layout**

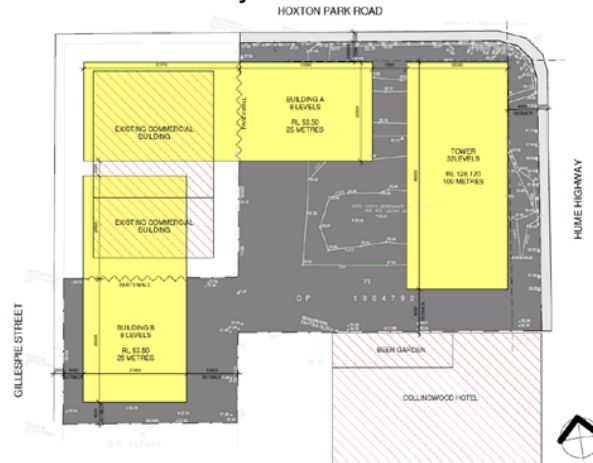
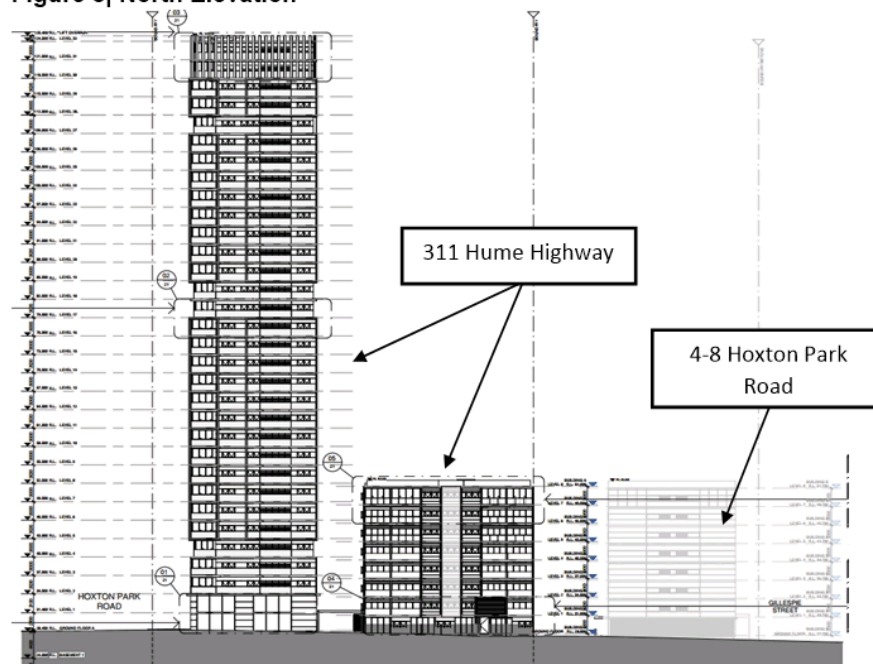


Figure 14: Indicative concept built form layout and setbacks (Source: Urban Design Report, DWA)

Source: Extract from exhibited planning proposal

Figure 7 indicates a perimeter building on 4-8 Hoxton Park Road that reflects the built form outcome on 311 Hume Highway. The above concept is adopted within the DA lodged for 311 Hume Highway, with eight storey buildings abutting 4-8 Hoxton Park Road with a zero setback, as shown in Figure 8.

**Figure 8| North Elevation**



Source: Extract from exhibited DA – SJB Architects



The indicative built form layout as shown in Figures 6 and 7 is not supported for the following reasons:

**The indicative concept in the Planning Proposal cannot be achieved on 4-8 Hoxton Park Road under the current applicable development standards**

Under the Planning Proposal, the development standards applying to 311 Hume Highway will greatly differ to 4-8 Hoxton Park Road. The indicative eight storey building with the designated site coverage on 4-8 Hoxton Park Road would require a significantly greater Floor Space Ratio than 2.5:1 to be permissible on the Site.

This demonstrates that the built form outcome for 311 Hume Highway and 4-8 Hoxton Park Road has not been reasonably considered in a holistic manner.

**Residential dwellings will remain prohibited on 4-8 Hoxton Park Road**

The Planning Proposal would rezone 311 Hume Highway to B4 Mixed Use, which would allow residential dwellings to be built along the Hoxton Park Road frontage. 4-8 Hoxton Park Road is zoned B6 Enterprise Corridor and cannot develop residential dwellings within 50m of Hoxton Park Road. Future development of the two sites, in accordance with the indicative built form layout, would result in a continual perimeter building that is part residential (311 Hume Highway) and part commercial (4-8 Hoxton Park Road). A more considered approach to the built form and land use outcomes for the Hoxton Park Road Frontage between Hume Highway and Gillespie Street needs to be applied by Council and the Department of Planning and Environment in its consideration of the current Planning Proposal.

**The proposed design results in poor planning outcomes for 4-8 Hoxton Park Road and the surrounding area**

The design for 311 Hume Highway proposes a single thin tower of 31 storeys extending along the Hume Highway frontage. An eight storey tower is located on the Hoxton Park Road frontage. The proposed design is questioned in terms of its compatibility with surrounding sites in terms of scale and function for the following reasons:

The Indicated built form restricts development of 4-8 Hoxton Park Road

The proposed design results in zero setbacks to the eastern and southern boundaries of 4-8 Hoxton Park Road. Our client has not been consulted on this approach and the reliance on shared party walls restricts the design options available to our client. Issues of open space and amenity impacts between the two proposed buildings on 4-8 Hoxton Park road are not addressed.

4-8 Hoxton Park not privy to Common Open Space of 311 Hume Highway

The indicative built form layout demonstrated in Figure 7 shows a perimeter building along Hoxton Park Road across 311 Hume Highway and 4-8 Hoxton Park Road. Unless the two sites are developed as one, 4-8 Hoxton Park Road is not privy to the communal open space on 311 Hume Highway. Residents or workers

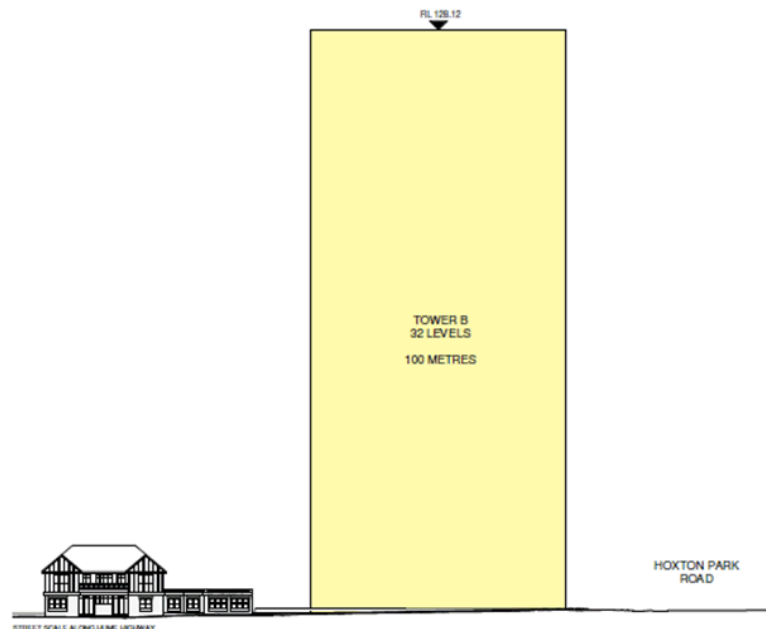


on 4-8 Hoxton Park would not be able to rely on the open space provided at 311 Hume Highway. This means the current indicated built form layout cannot function unless the proposed open space is readily accessible for both sites.

Proposed corner tower form does not relate to surrounding character or adjacent Gateway developments

Regardless of the status of 311 Hume Highway as a 'gateway' site, the currently proposed built form results in a stark variation in height and bulk over a very short distance. The scale of the single tower is incongruous due to its proximity to heritage listed Collingwood Hotel to the south and adjoining eight storey developments and lower residential built form to the west. This lack of transition results in an incompatible scale with the surrounding area as shown in Figure 8.

**Figure 8| Proposed built envelope from Hume Highway**



Source: Extract from exhibited planning proposal - DWA

Overshadowing of proposed communal open space

The Urban Design Report accompanying the Planning Proposal demonstrates the overshadowing impacts of the design. It shows that the proposed communal open space for 311 Hume Highway would have minimal solar access for the entirety of the day, particularly if 4-8 Hoxton Park were to be developed as envisaged in the indicative built form layout shown in Figure 7.

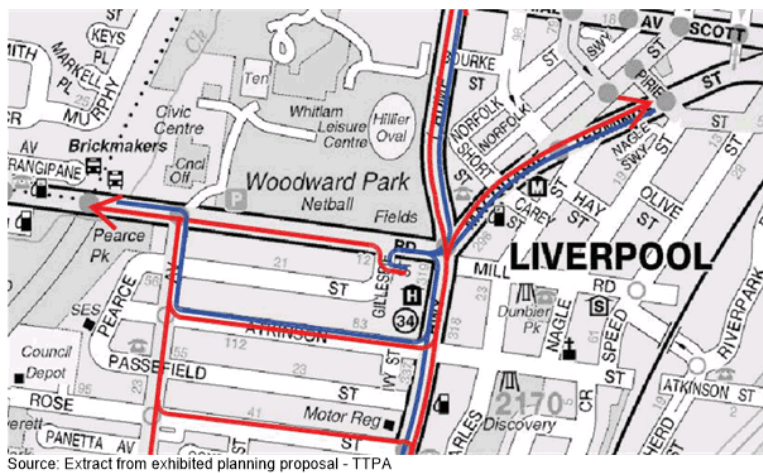


### Traffic

Our client's Site adjoins 311 Hume Highway on its eastern and southern boundaries. Access to 311 Hume Highway is proposed from Gillespie street, which means that all traffic will access 311 Hume Highway from Hoxton Park Road, onto Gillespie Street. Any future development of 4-8 Hoxton Park Road is likely to require access from Gillespie Street as well.

With left in, left out access there may be significant cumulative impact to 4-8 Hoxton Park Road should the R4 Zone to the west also be developed in the future to the applicable development standards. An increase in density as is proposed for 311 Hume Highway needs to consider the direct impacts on our client's Site and surrounds in terms of the capacity to develop in the future without being hindered by traffic capacity being taken up by one development or issues with access.

**Figure 10| Extract from exhibited Traffic Statement**



Source: Extract from exhibited planning proposal - TTPA

### **Conclusion**

This submission relates to the public exhibition of a Planning Proposal for 311 Hume Highway, Liverpool. It has been prepared on behalf of our client, Mr Hussein Chahine, the owner of the adjacent property at 4-8 Hoxton Park Road, Liverpool.

The Planning Proposal for 311 Hume Highway, Liverpool is not supported due to the lack of strategic assessment undertaken for the relationship between 4-8 Hoxton Park Road and 311 Hume Highway.

Specifically, the following aspects are not supported:

- The rezoning of 311 Hume Highway to B4 Mixed Use while retaining 4-8 Hoxton Park Road as B6 Enterprise Corridor.
- The removal of the Key Site status from 311 Hume Highway while retaining the Key Site status for 4-8 Hoxton Park Road.



- The poor planning outcomes as a consequence of the indicative built form envelope. These include:
  - overshadowing of the communal open space.
  - a restriction on development options for 4-8 Hoxton Park Road.
  - the incompatible scale and lack of transition from the proposed 100 metre tower to surrounding development to the west and south.
  - Lack of access to communal open space for 4-8 Hoxton Park Road.
- The lack of assessment of traffic and access implications to 4-8 Hoxton Park Road with regard to the use of Gillespie Street and the cumulative impact of traffic on the viability of future development.

It is requested that Council:

- Comprehensively review the future land use and urban design for 311 Hume Highway and 4-8 Hoxton Park Road in a holistic manner. Explore the design opportunities for better planning outcomes, in terms of scale, transition, street activation, overshadowing, amenity, access and connectivity, that result from 311 Hume Highway and 4-8 Hoxton Park Road being considered as a gateway site in its entirety.
- Initiate rezoning land at 4-8 Hoxton Park Road from B6 Enterprise Corridor to B4 Mixed Use.
- Initiate the removal of 4-8 Hoxton Park Road from the 'Key Site' area.
- Initiate an amendment to Liverpool Local Environmental Plan 2008 to provide a consistent Floor Space Ratio across 311 Hume Highway and 4—8 Hoxton Park Road.
- Review the traffic and access implications to 4-8 Hoxton Park Road with regard to the viability of future development.

We seek Council's consideration of the property at 4-8 Hoxton Park Road in relation to the current Planning Proposal for the rezoning of 311 Hume Highway, Liverpool. Should you require any additional information relating to this matter, please do not hesitate to contact us on 9399 6500.

Yours sincerely

**Willana Associates Pty Ltd**



**Nicholas Dowman**  
Senior Project Planner



## **Appendix B**



## Appendix B - Section 117 Ministerial Directions Compliance Table

S117 Direction Title	Consistency	Comment
<b>1. Employment and Resources</b>		
1.1 Business and Industrial Zones	Yes	Refer to Table 3 in Section B of the Planning Proposal
1.2 Rural Zones	Yes	The Planning Proposal does not affect rural zoned land.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	The Planning Proposal does not have the effect of prohibiting mining or restrict the potential development of resources. The site is within an established urban area.
1.4 Oyster Aquaculture	N/A	This Direction does not apply to the Liverpool LGA.
1.5 Rural Lands	N/A	This Direction does not apply to the Liverpool LGA.
<b>2. Environment and Heritage</b>		
2.1 Environment Protection Zones	Yes	The site of the Planning Proposal is not within an environment protection zone or land identified for environment protection purposes.
2.2 Coastal Protection	N/A	This Direction does not apply to the Liverpool LGA.
2.3 Heritage Conservation	Yes	The LLEP contains heritage clauses. The Planning Proposal does not affect these clauses.
2.4 Recreation Vehicle Areas	Yes	The Planning Proposal does not impact on environmental protection zones nor involve recreation vehicle use.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply to the Liverpool LGA.
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	Yes	Refer to Table 3 in Section B of the Planning Proposal
3.2 Caravan Parks and Manufactured Home Estates	Yes	The Planning Proposal does not involve caravan parks or manufactured home estates.
3.3 Home Occupations	Yes	The Direction applies to home occupations in dwellings. The proposed amendments will allow a range of residential dwelling types. Home occupations are also identified as Exempt Development in SEPP (Exempt and Complying Development Codes) 2008 in certain circumstances.
3.4 Integrating Land Use and Transport	Yes	Refer to Table 3 in Section B of the Planning Proposal



S117 Direction Title	Consistency	Comment
3.5 Development Near Licensed Aerodromes	Yes	The Planning Proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	Yes	The Planning proposal does not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
<b>4. Hazard and Risk</b>		
4.1 Acid Sulfate Soils	Yes	The site is not identified in LLEP as containing acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	N/A	This Direction does not apply to the site.
4.3 Flood Prone Land	Yes	The site is not identified as being flood prone according to Council's maps.
4.4 Planning for Bushfire Protection	Yes	The site is not identified as being bushfire prone on the Council's Bushfire Prone Lands Map.
<b>5. Regional Planning</b>		
5.1 Implementation of Regional Strategies	N/A	The Direction does not apply to land in the South West Subregion or the Sydney Metropolitan Area.
5.2 Sydney Drinking Water Catchments	N/A	This Direction does not apply to the Liverpool LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	This Direction does not apply to the Liverpool LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	This Direction does not apply to the Liverpool LGA.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	N/A	Revoked
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A	Revoked
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A	Revoked
5.8 Second Sydney Airport: Badgerys Creek	Yes	This Direction does not apply to the Liverpool LGA.
5.9 North West Rail Link Corridor Strategy	N/A	This Direction does not apply to the Liverpool LGA.
5.10 Implementation of Regional Plans	Yes	This Direction does not apply to the Liverpool LGA.



S117 Direction Title	Consistency	Comment
<b>6. Local Plan Making</b>		
6.1 Approval and Referral Requirements	Yes	The Planning Proposal is consistent with this Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The Planning Proposal is consistent with this Ministerial Direction.
6.3 Site Specific Provisions	Yes	<p>The Planning Proposal does not place unnecessarily restrictive site-specific planning controls on the Site. It will allow specific residential land uses (Residential flat building and multi dwelling housing) and commercial uses while remaining consistent with the B4 Zone objectives.</p> <p>The Planning Proposal does not contain or refer to drawings that show details of the development proposal.</p>
<b>7. Metropolitan Planning</b>		
7.1 Implementation of A Plan for Growing Sydney	Yes	The Site is located broadly in the South West Subregion. An increase in residential density in this location will increase housing supply in proximity to bus services.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	This Direction does not apply to the Liverpool LGA.
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	This Direction does not apply to the Liverpool LGA.



## **Appendix C**



**Appendix C – Indicative Project Timeline (to be approved by Council)**

Planning Proposal Stage	Timeline
Planning Proposal is submitted to the Liverpool Council.	January 2018
Assessment of Planning Proposal by Council and provision of comments.	February 2017
Lodgement of Amended Planning Proposal preparation of report to a Council Meeting	March 2018 – April 2018
Anticipated Commencement Date (date of Gateway Determination).	May 2018
Anticipated timeframe for completion of required technical information.	June - August 2018
Commencement and completion dates for public exhibition period.	August – September 2018
Timeframe for Government Agency consultation.	August – September 2018
Timeframe for consideration of a proposal post exhibition.	October – November 2018
Council Meeting.	December 2018
Submission to the Department to finalise the LEP.	January 2019

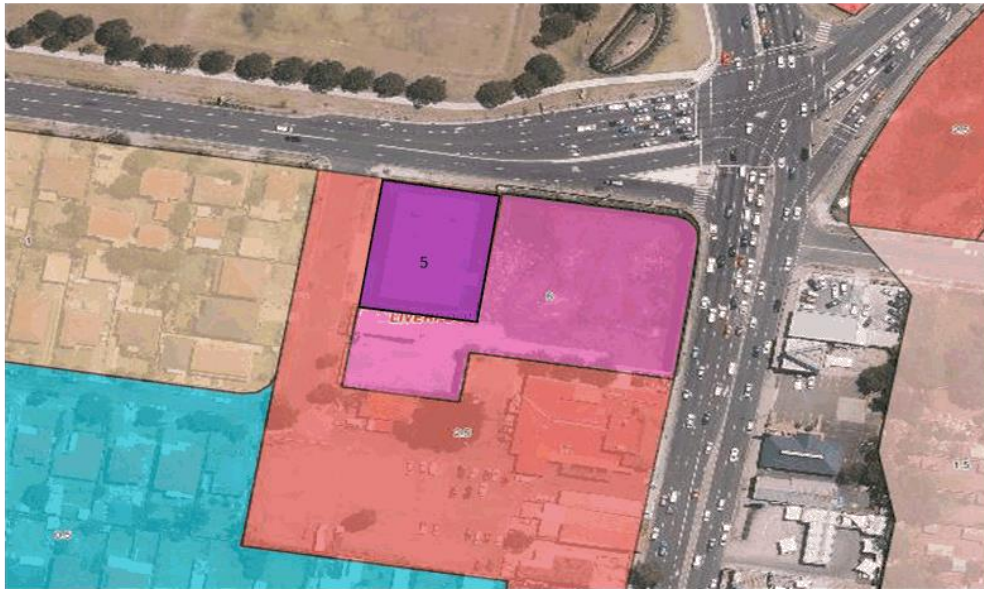


## Appendix D





Zone B4



FSR 5:1



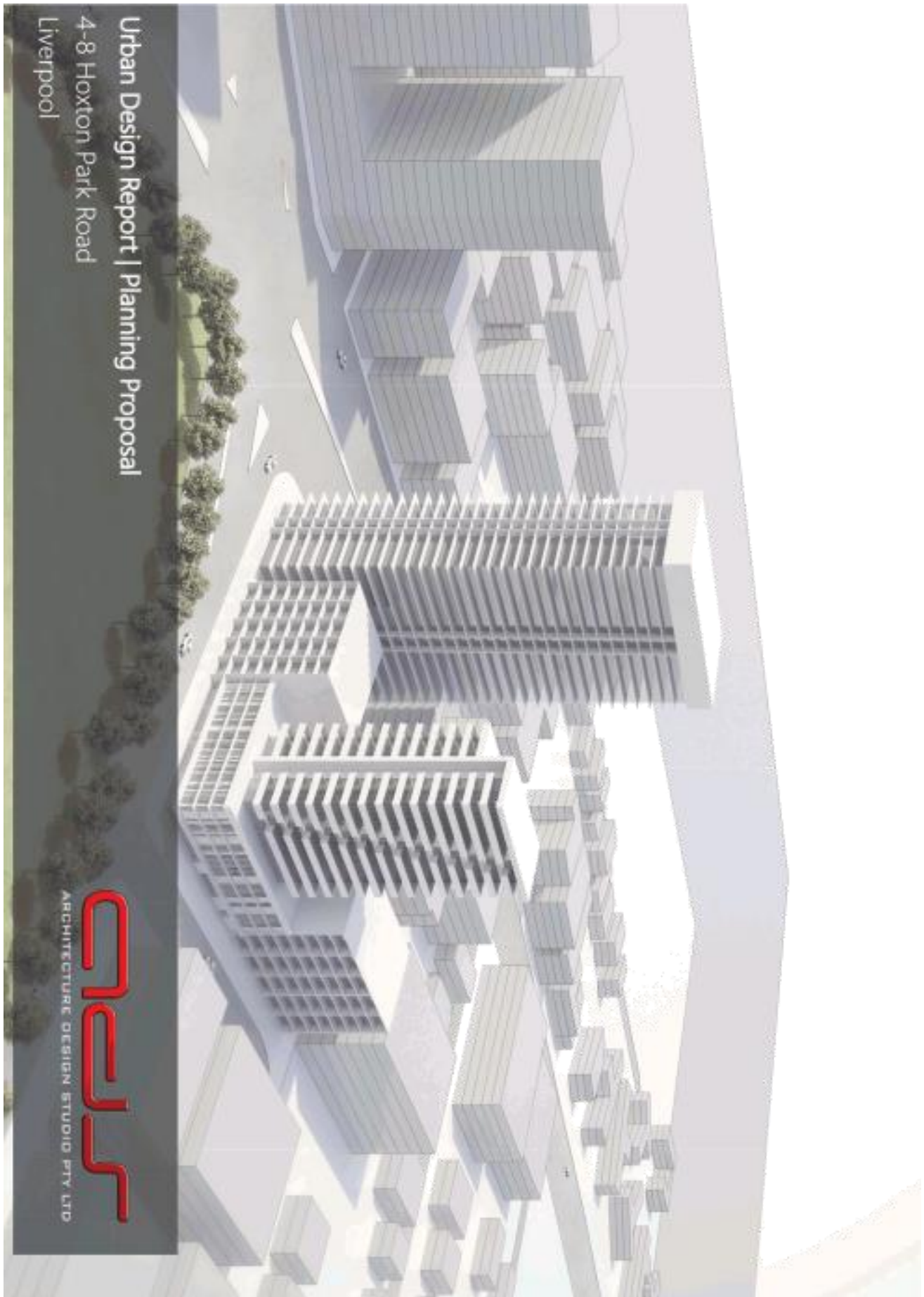


HOB 50m



Key Sites  Liverpool City Centre





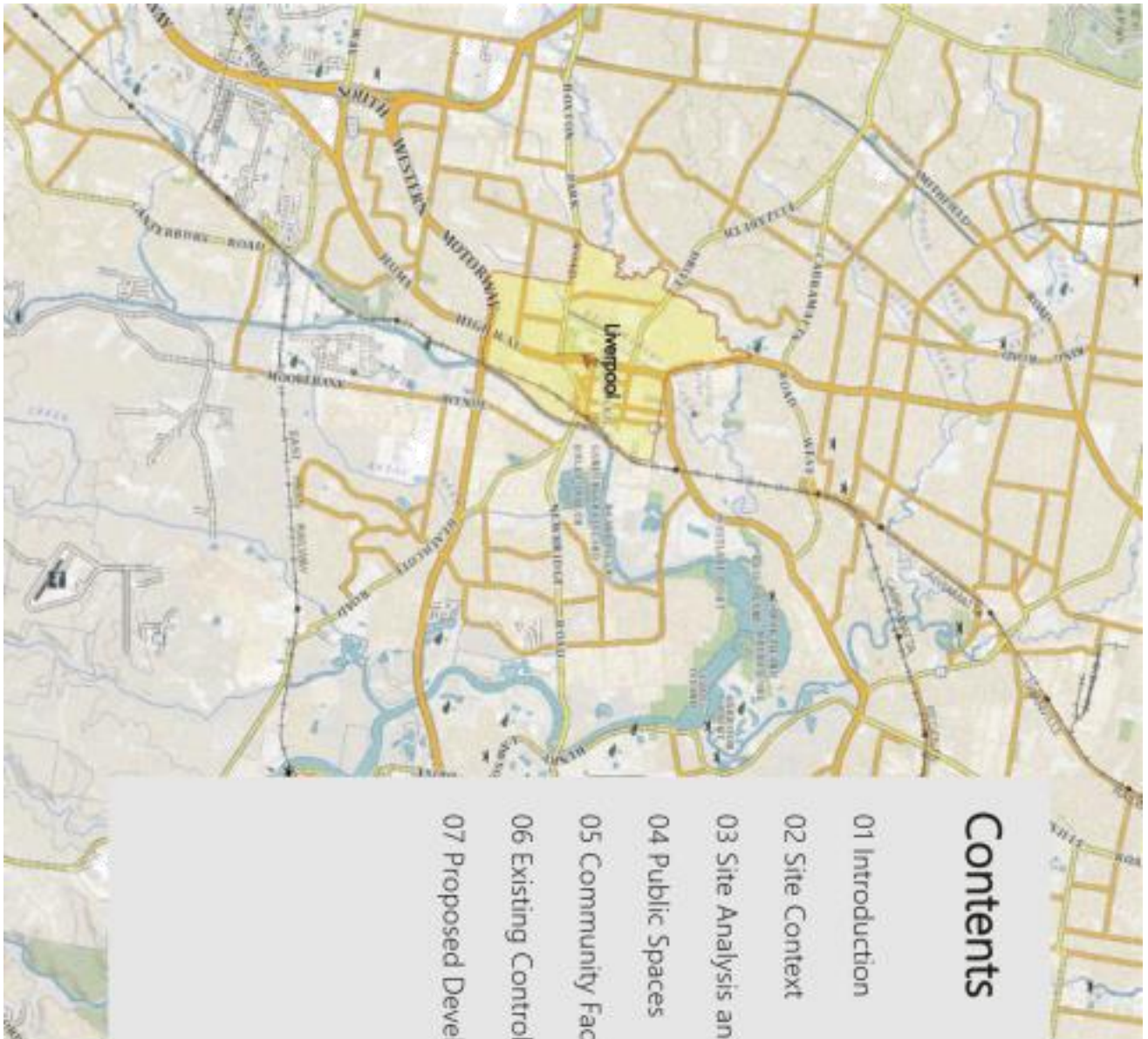
Urban Design Report | Planning Proposal  
4-8 Hoxton Park Road  
Liverpool

**CDJS**  
ARCHITECTURE DESIGN STUDIO PTY LTD









## Contents

- 01 Introduction
- 02 Site Context
- 03 Site Analysis and Street Network
- 04 Public Spaces
- 05 Community Facilities
- 06 Existing Controls
- 07 Proposed Development Option





## Introduction

This report has been prepared on behalf of our client by Architecture Design Studio (NSW) Pty Ltd to provide background information and analysis for the feasibility of the proposed development.

The proposed report includes a proposal for the redevelopment of the existing site known as 4-8 Hoxton Park Rd, Liverpool.

This Master Plan explores the background context, relevant statutory controls and development controls for the redevelopment options for the site and that illustrate the development outcomes.

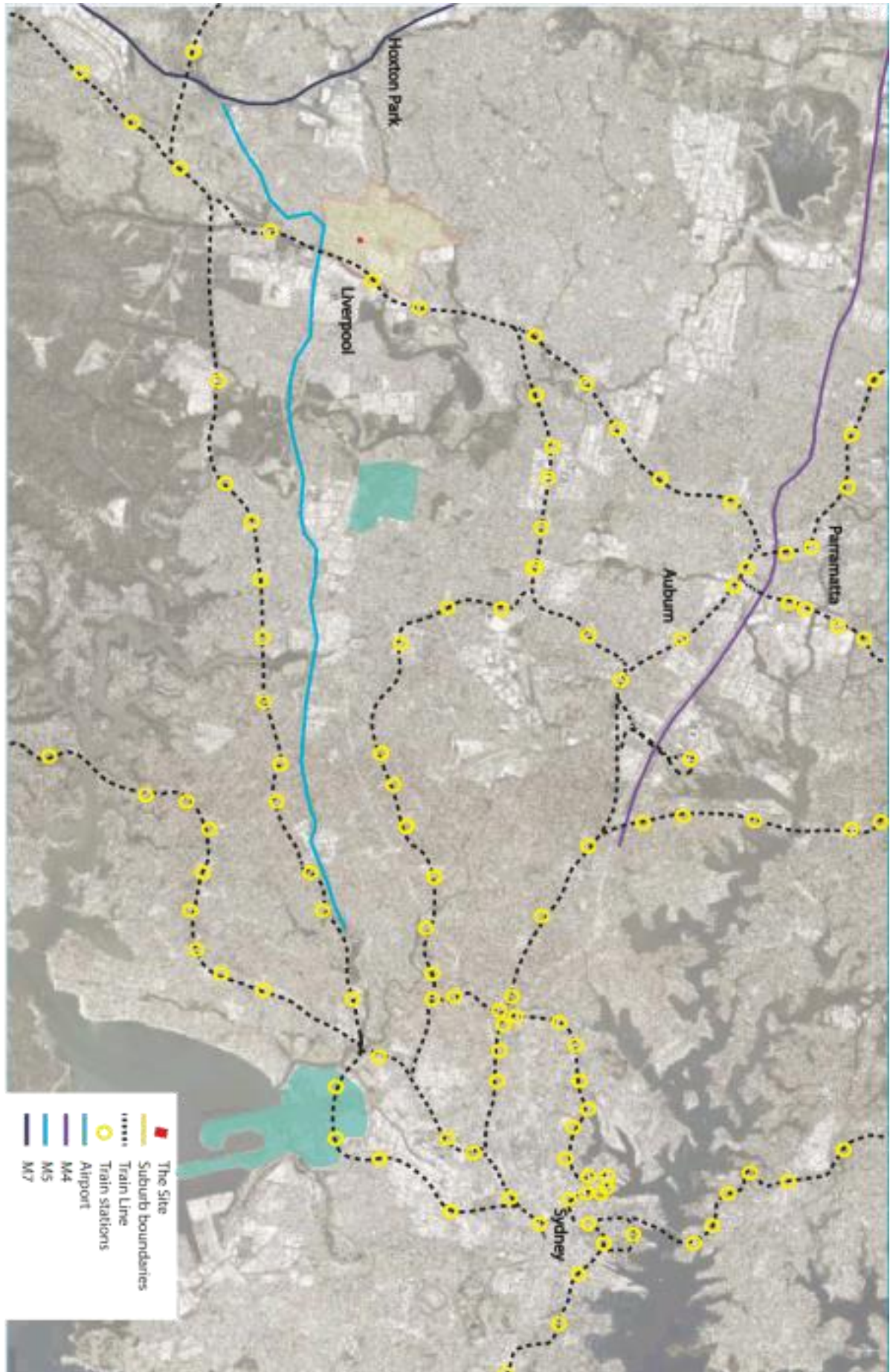
The site is located on the South side of Hoxton Park road with uninterrupted Northern exposure.

Hoxton Park Road is intersected to the east of the site location by the Hume Highway, a state road that serves as a major west-east road corridor in the Sydney metropolitan area.

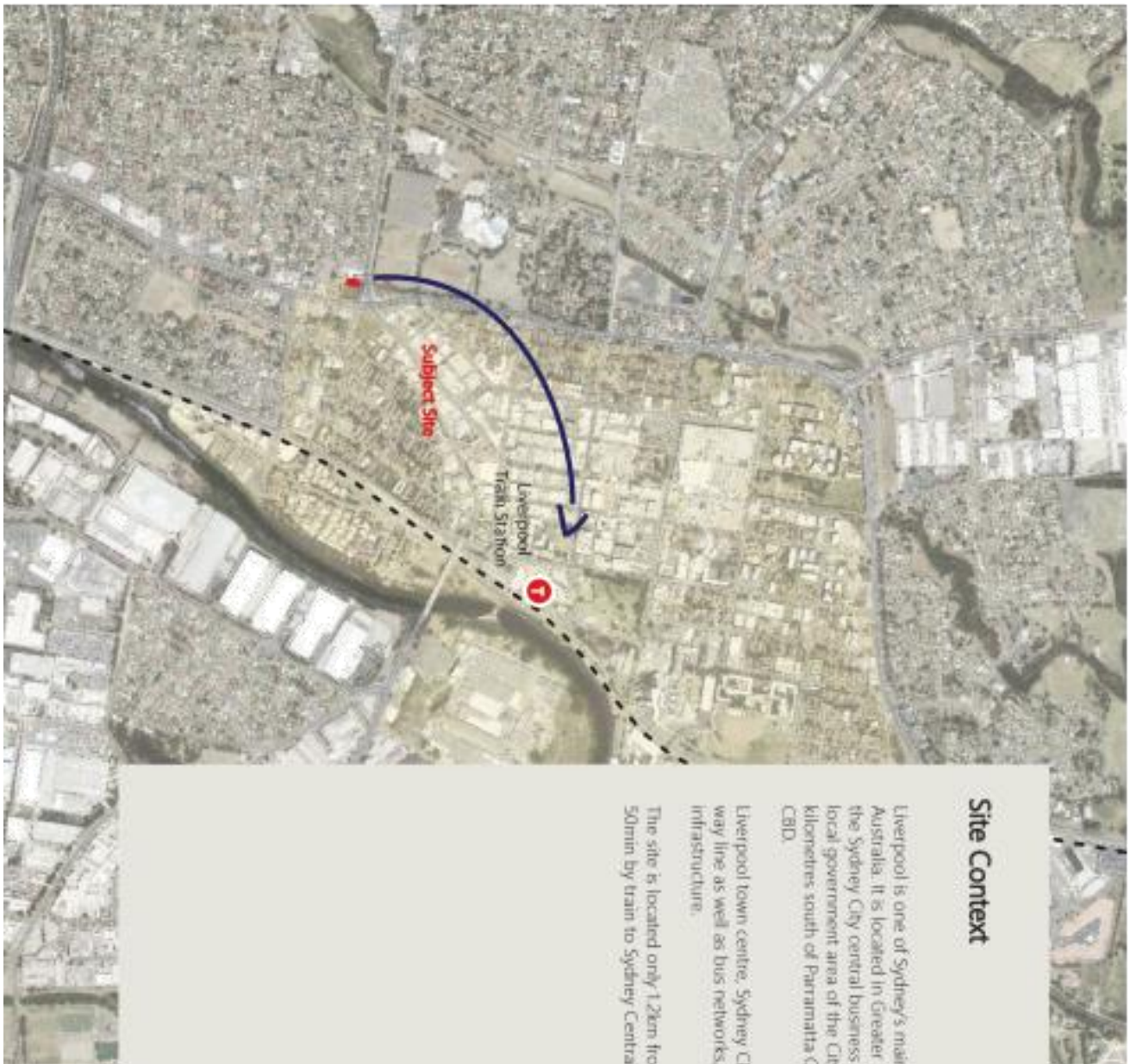
The site currently has a single storey unoccupied commercial building and is currently zoned B6 Enterprise corridor.

The proposed development is located within Liverpool Town Centre within 1.2km of Liverpool rail station, 5 minutes from M5 freeway and directly accessible to Hume Highway. This site provides an opportunity to develop an outcome that would result in increased economic benefit, improved sustainability, and housing choice.









## Site Context

Liverpool is one of Sydney's main CBD suburbs, in the state of New South Wales, Australia. It is located in Greater Western Sydney 32 kilometres (20 mi) south-west of the Sydney City central business district. Liverpool is the administrative seat of the local government area of the City of Liverpool. Liverpool town centre is located 10 kilometres south of Parramatta CBD, the second largest business district after Sydney CBD.

Liverpool town centre, Sydney CBD and Parramatta CBD are connected by the rail-way line as well as bus networks, providing the area with accessible public transport infrastructure.

The site is located only 1.2km from Liverpool Train station which is approximately 50min by train to Sydney Central Station.





Liverpool Hospital



Liverpool Town Centre



Westfield Liverpool

## Local Context

The site is located within the Liverpool town centre, within close proximity to restaurants, places of public worship, Liverpool train station, Liverpool Westfield, Liverpool hospital and Sydney Southwest Private Hospital.

The proximity to the town centre provides a large number of amenities within walking distance to the site as well as outdoor public space and community facilities.

Liverpool is the largest city centre in South Western Sydney, with numerous restaurants and cafes in the city centre and a major shopping centre (Westfield Liverpool). The area also has a large number of high density residential apartments and commercial developments, two technical colleges and a technical hospital.

The suburb is served by roads such as Hume Highway, the M5 motorway and M7 motorway. Liverpool Train Station also has services to Sydney CBD, Campbelltown and Liverpool to Parramatta transitway bus-only route.





### Site Analysis and Street Network

The site is located on Hoxton Park road, close to the intersection with Hume Highway. Hoxton Park Road has two lanes in each direction. The area is connected by the Hume Highway, M5 motorway on the south and Liverpool railway station on the east.

The site is legally described as Lot 1 DP 860799 and is known as 8 Hoxton Park Road. The subject site has a cumulative area of approximately 1,696 m<sup>2</sup>, with 35m frontage to Hoxton park road and 47m frontage on Gillespie Street. The subject site is currently contains an unoccupied single storey commercial development.

The subject site is located within the Liverpool local government area, an aerial view of the site is shown.

The site is accessible through Liverpool town centre to Liverpool train station, which provides direct access to Parramatta CBD and Sydney CBD. The site is well connected due to the close proximity to the train station and accessibility to major highways, M5 and Hume Highway.









## Public Spaces

The area has a number of public open spaces as well as some larger parks within 400m radius to the subject site. Located to the north of the site is Hillier Oval and Building Park, located within this large green space is a leisure centre, a church and a school.

To the south and west of the site the area is predominantly characterised by low density developments with small pocket parks.



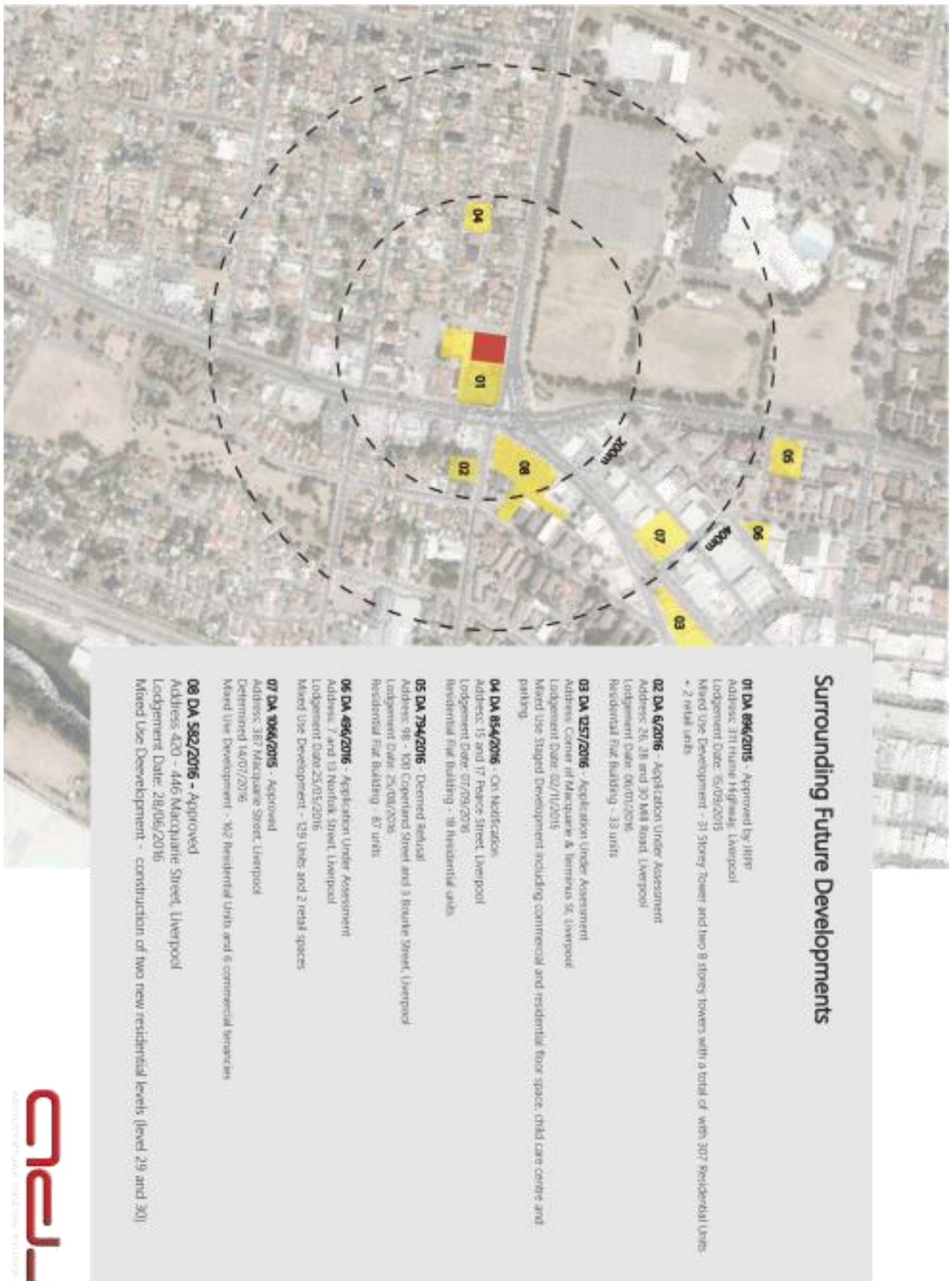








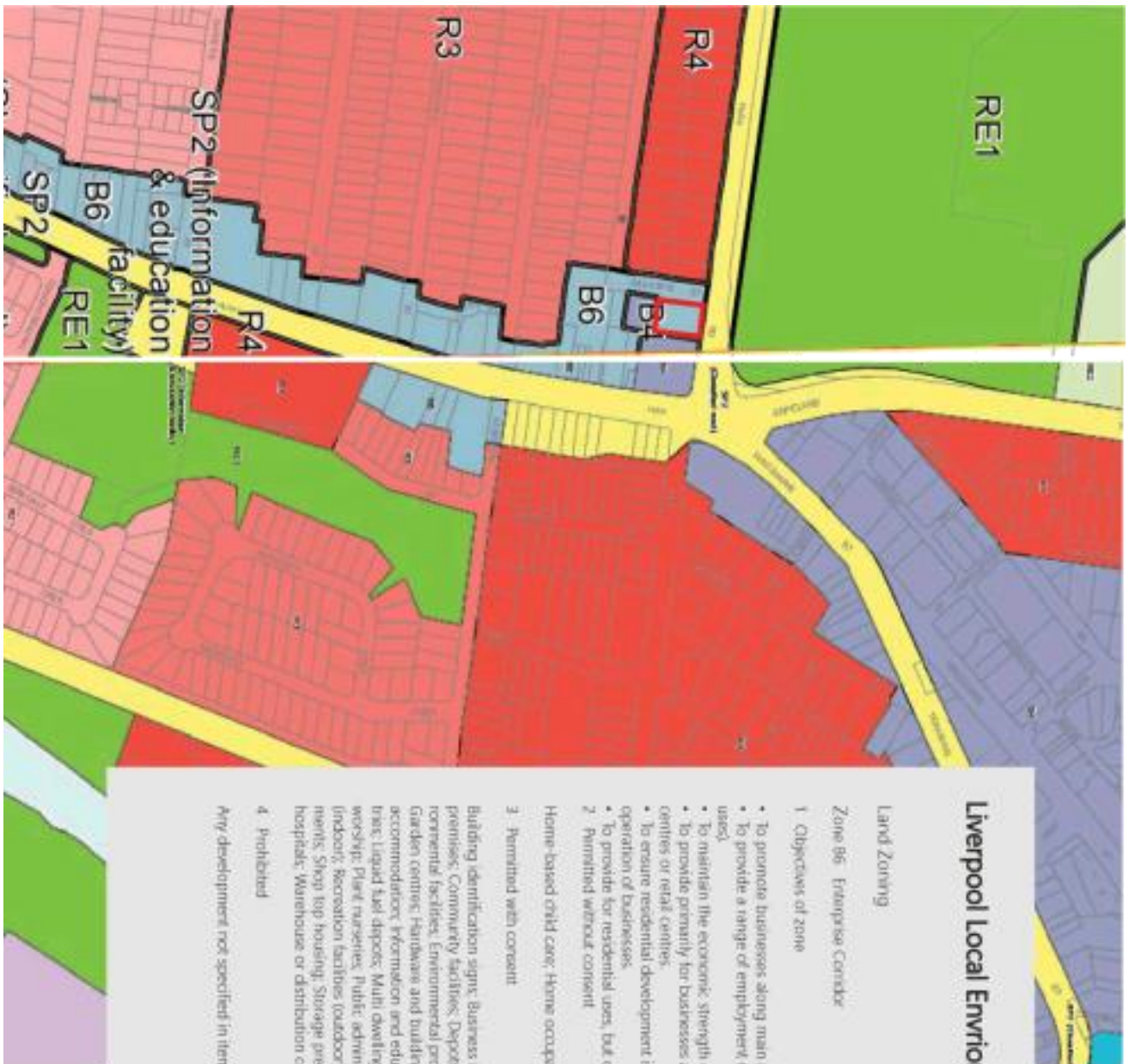












## Liverpool Local Environmental Plan 2008

### Land Zoning

#### Zone B6 Enterprise Corridor

##### 1. Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting the retailing activity.
- To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.
- To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.
- To provide for residential uses, but only as part of a mixed use development.

##### 2. Permitted without consent

Home-based child care; Home occupations;

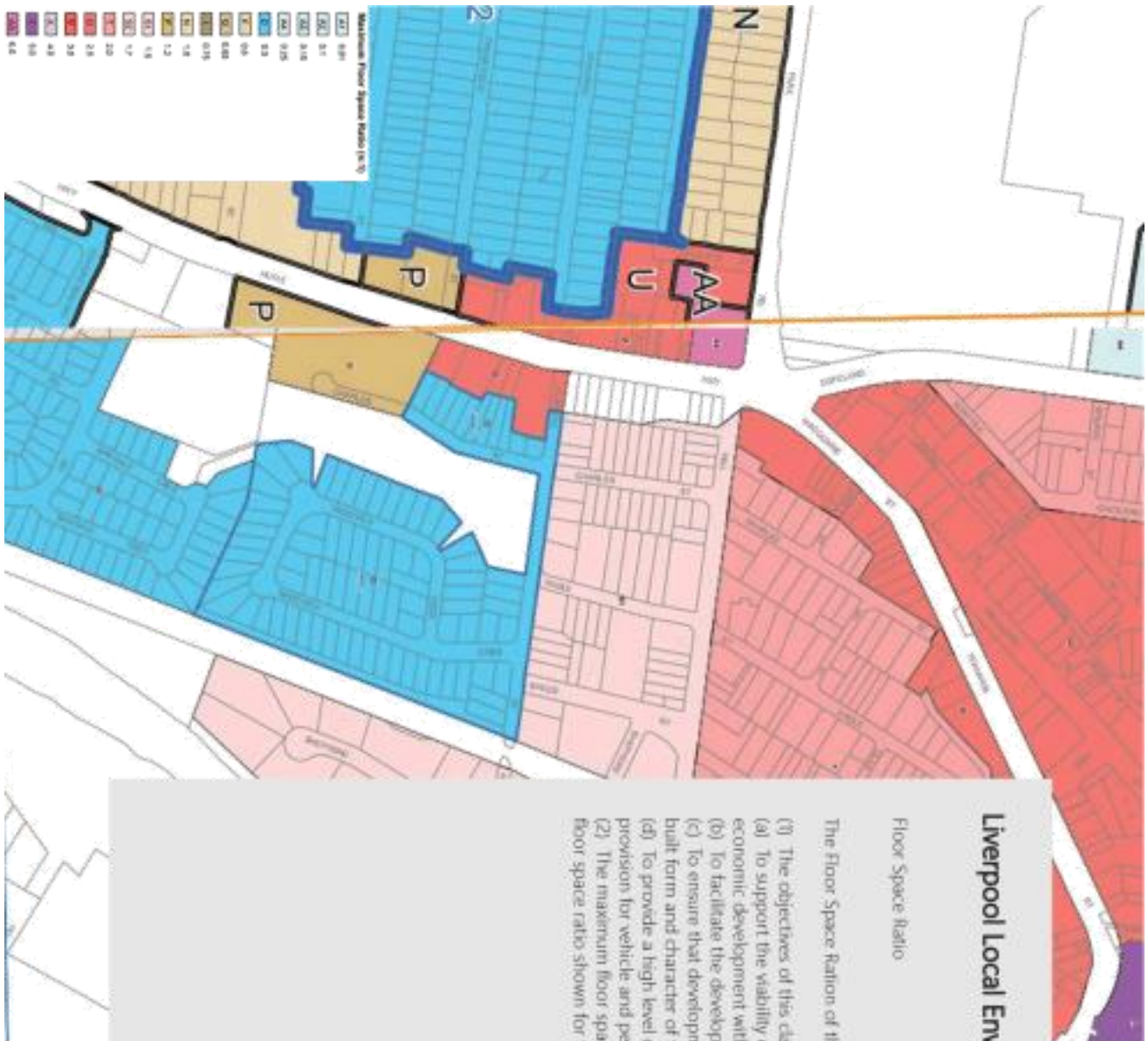
##### 3. Permitted with consent

Building identification signs; Business identification signs; Business premises; Car parks; Commercial premises; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Helpdesk; Home businesses; Hotel or motel; Accommodation; Information and education facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Multi dwelling housing; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Serviced apartments; Shop top housing; Storage premises; Transport depots; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres.

##### 4. Prohibited

Any development not specified in item 2 or 3





## Liverpool Local Environmental Plan 2008

### Floor Space Ratio

The Floor Space Ratio of the site is 2.5:1

- (i) The objectives of this clause are as follows:
- (a) To support the viability of commercial centres and provide opportunities for economic development within those centres;
  - (b) To facilitate the development of a variety of housing types;
  - (c) To ensure that development is compatible with the existing and desired future built form and character of the locality;
  - (d) To provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map





## Liverpool Local Environmental Plan 2008

### Height

The maximum building height on the site is 24m.

- (1) The objectives of this clause are as follows:
- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
  - (b) to permit building heights that encourage high quality urban form,
  - (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
  - (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.





### Site Analysis and Photos

The existing buildings on Hoxton Park road consist of unoccupied commercial enterprise developments and low density residential housing and recreational spaces. There are major developments taking place within close proximity to the subject site for mixed use highrise projects.

The site is legally described as Lot 1 DP 860799 and is known as 4-8 Hoxton Park Road, Liverpool. The subject site has a cumulative area of approximately 1,690 m<sup>2</sup>, with 36m of frontage on Hoxton Park Road and 48m on Gillespie Street. The subject site is located within the Liverpool local government area and an aerial view of the site and eye level photographs are shown.



Proposed Development Option



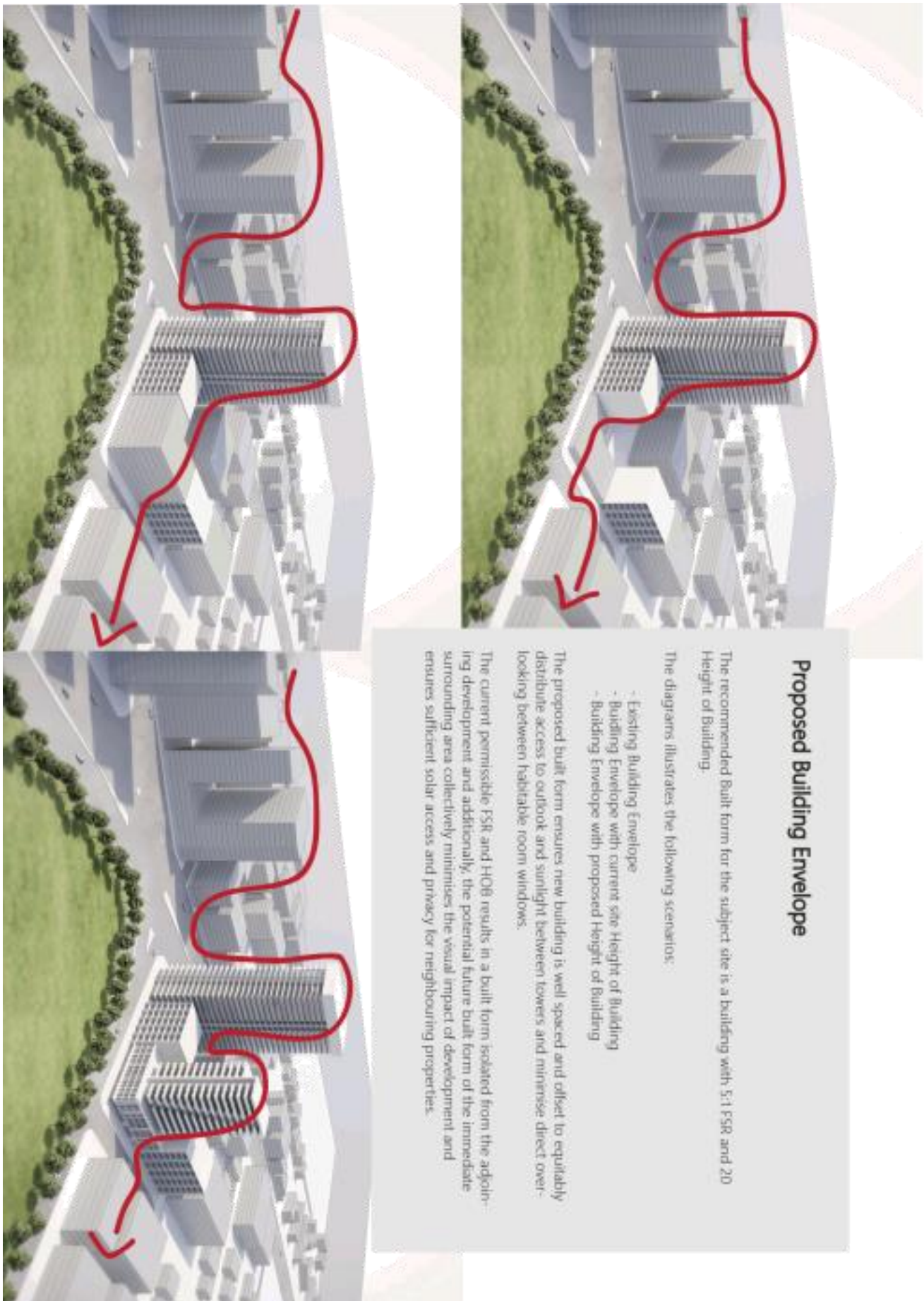


### Proposed Building Envelope

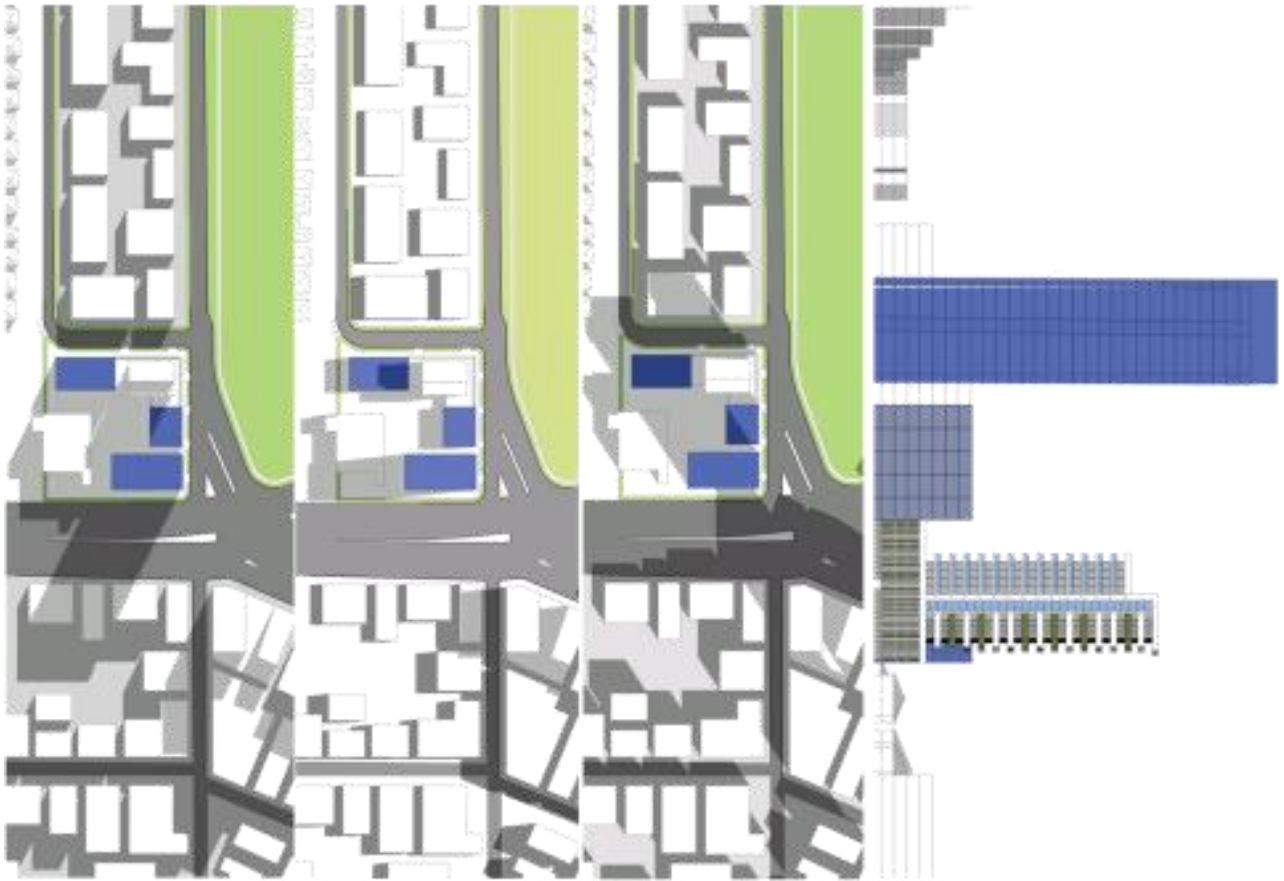
The illustrative image to the left depicts the proposed Concept Building Envelope for the subject site. It is a manifestation of the goals and objectives outlined in this report and the urban design principles presented in the preceding sections.

- Corner expression to reinforce entry location.
- Increased public domain at ground level with continuous weather protection and shading of footpaths from appropriate street trees is a desirable outcome.
- Three storey podium streetwall to contain and define the street as a continuation of the proposed development located on the adjoining site 311 Hume Highway. Residential uses within the podium level adds passive surveillance to the streets and increases their potential safety.
- Setback from the podium to upper levels from the development built to boundary on 311 Hume Highway to allow for light and air to reach the public domain located at the rear of the site.
- Modulated building height to create visual interest.
- The proposed rear and side setbacks ensures that reasonable access to daylight, sunlight and visual privacy is maintained to existing surrounding residential properties.
- Improve public domain by adding trees, bike lanes, public seating areas and public gathering spaces.
- New buildings will be designed to improve streetscapes and achieve "active frontages" to streets with doors and windows facing streets to achieve a lively and vibrant streetscape in the precinct. This will also improve the perception and reality of safety in streets over time.
- The proposed Setbacks ensure compliance with Apartment Design Guide.
- The Proposed Height has been carefully considered to complement the gateway corner building expression on 311 Hume Highway while providing a transition to the lower height and density area towards the west on Hoxton Park Road.







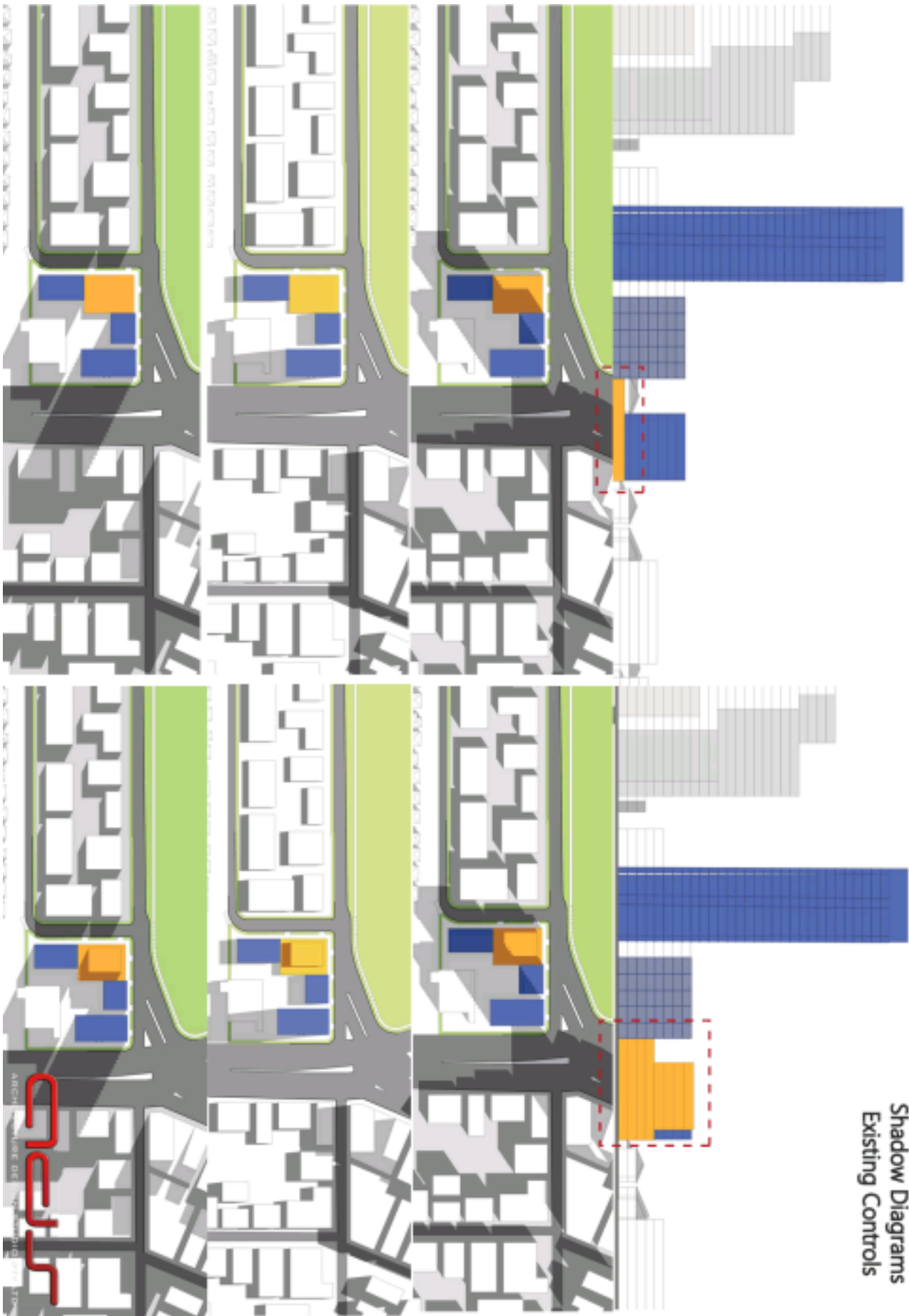


### Shadow Diagrams - Proposed Controls

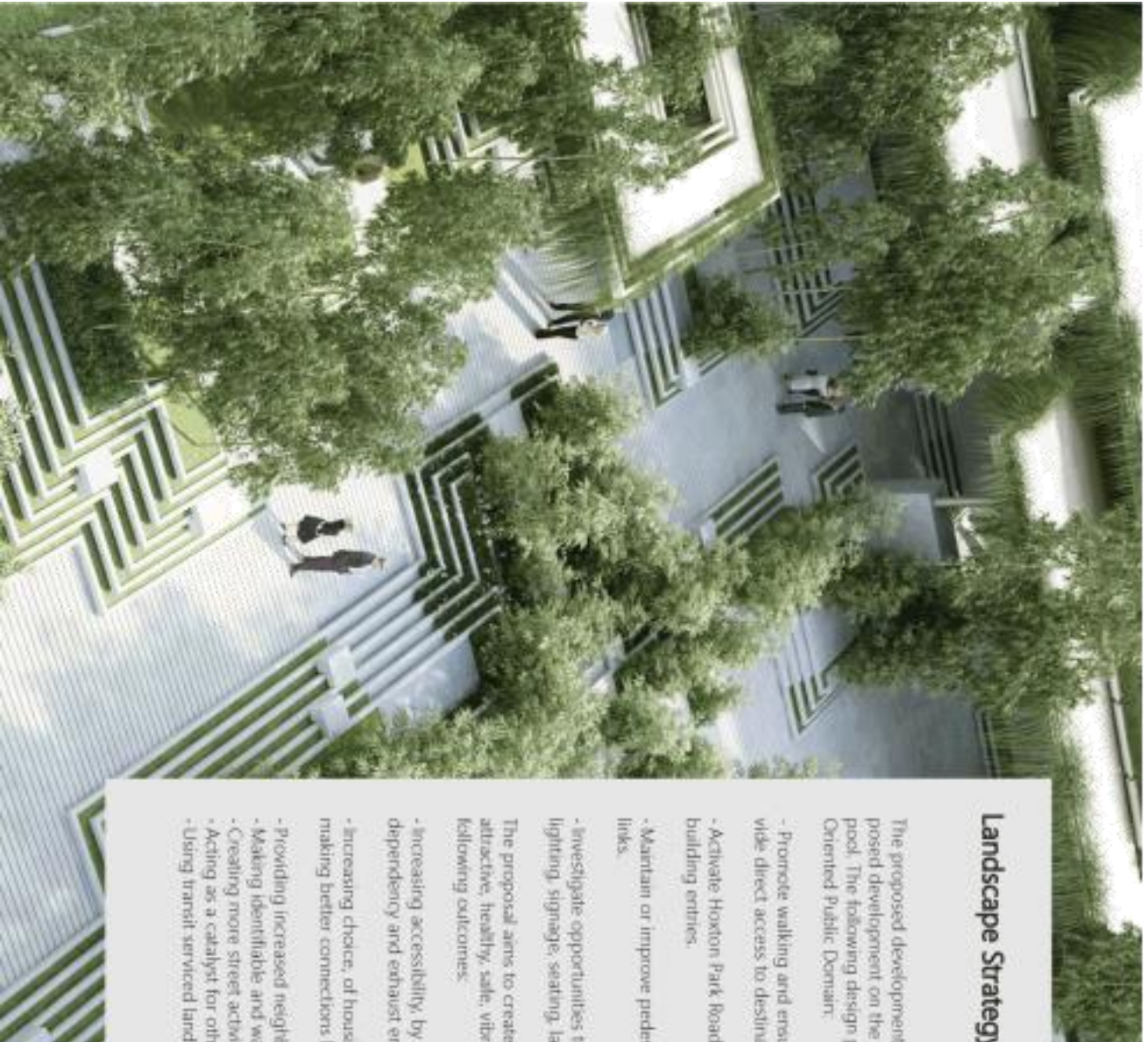
The proposed building height, mass and orientation maximises solar access to the existing surrounding residences, the future residences the public domain and open spaces. As can be seen in the diagrams provided, surrounding residences maintain a significant amount of solar access.



# Shadow Diagrams Existing Controls







## Landscape Strategy

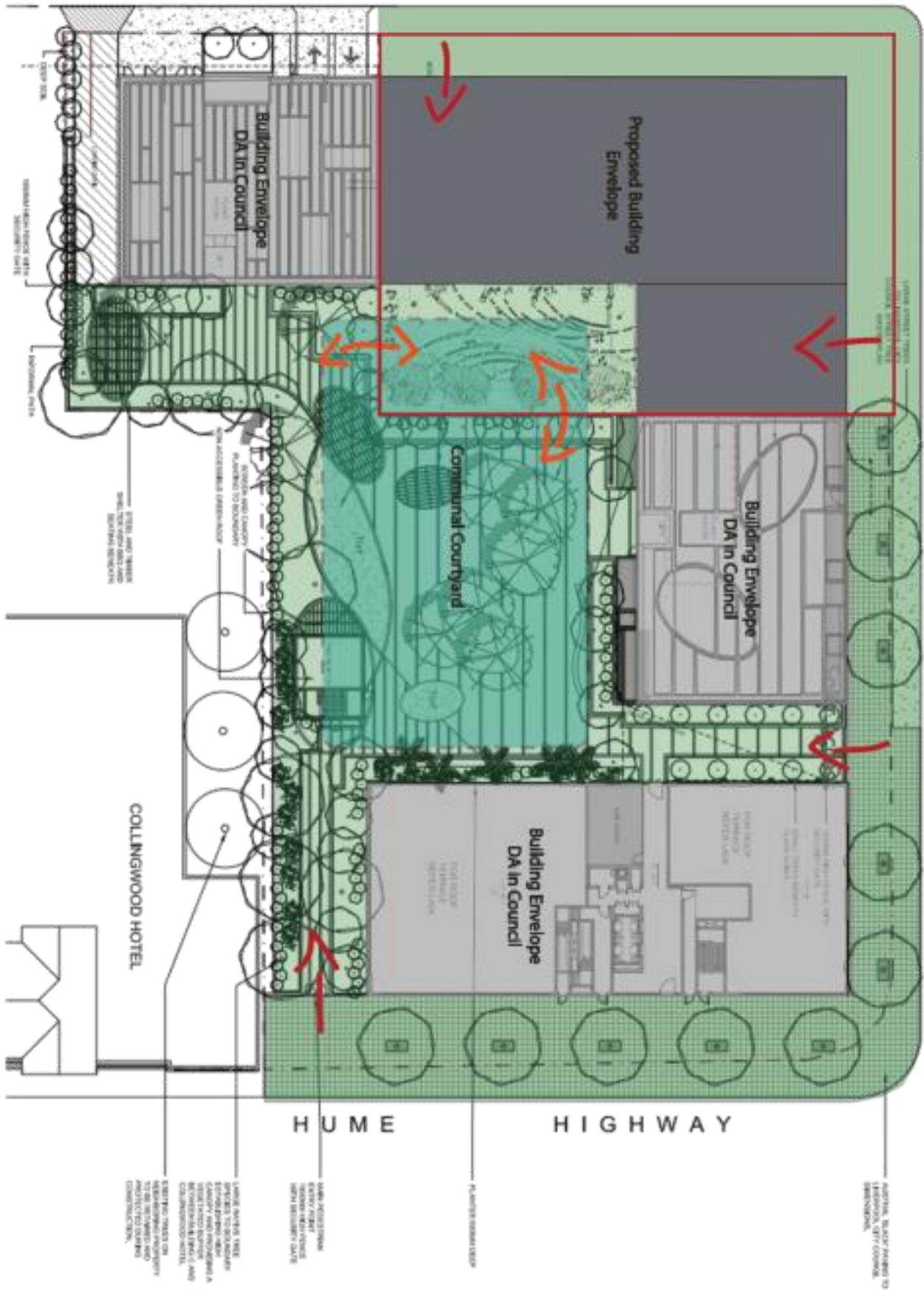
The proposed development aims to connect the current corner site with the proposed development on the adjoining property located at 311 Hurst Highway, Liverpool. The following design principles have been identified with regards to Pedestrian Oriented Public Domain:

- Promote walking and ensure that key paths, or movement routes for walking provide direct access to destinations such as local shops and open space area.
- Activate Hoxton Park Road and Gillespie Street with shopfronts, outdoor dining and building entries.
- Maintain or improve pedestrian permeability through the precinct with through site links.
- Investigate opportunities to upgrade the pedestrian amenity of streets (paving, lighting, signage, seating, landscape, etc.)

The proposal aims to create more sustainable place providing accessible, welcoming, attractive, healthy, safe, vibrant and prosperous space through the following outcomes:

- Increasing accessibility, by modes other than the private car thus decreasing auto dependency and exhaust emissions.
- Increasing choice, of housing type, local area characteristics, and transport mode making better connections between jobs and housing.
- Providing increased neighbourhood and travel options for those not owning cars.
- Making identifiable and walkable neighbourhoods.
- Creating more street activity and a safer station environment.
- Acting as a catalyst for other public and private investment and development.
- Using transit serviced land more efficiently to help









Material Sample



## Conclusion

The proposal transforms two noncontributing commercial buildings to a new Mixed-Use building with active ground floor commercial uses. It provides active street frontage and residential dwellings to support local town centre.

Key elements of the proposal include:

- A building that catalyses the revitalisation of the area
- Emphasizes the Corner expression and the gateway into the precinct while reinforcing site entry location.
- Increased public domain at ground level with continuous weather protection and shading of footpaths from appropriate street trees.
- Three storey podium streetwall to contain and define the street. Residential uses within the podium level adds "natural surveillance" of the streets and increases their potential safety.
- Setback from the podium to upper levels from the development built to boundary on 311 Hume Highway to allow for light and air to reach the public domain located at the rear of the site.
- Modulated building heights to add visual interest to the skyline.
- Proposed rear and side setbacks that ensure reasonable access to daylight, sunlight and visual privacy is maintained for neighbouring residential properties.
- Improved public domain adds trees, public seating areas and public gathering spaces.
- The impact of the proposed greater height is detailed in shadow diagrams in this report and is judged to be minimal.

The proposed scheme has adverse impact to the revitalisation of the area or to the surrounding public realm. The increase in height and FSR will increase the population density which will result in a centre that promotes a sense of place that is active and safe.





Reference: #N118460

13 October 2017

Architecture Design Studio Pty Ltd  
11 Egerton Street  
SILVERWATER NSW 2128

Attention: Mr Ihab Shams

Dear Ihab

**RE: TRAFFIC AND TRANSPORT ASSESSMENT FOR PLANNING PROPOSAL AT 4-8  
HOXTON PARK ROAD, LIVERPOOL**

A planning proposal is to be lodged with Liverpool City Council (Council) for land located at 4-8 Hoxton Park Road, Liverpool. The planning proposal seeks to amend the following:

- Zoning of the land from B6-Enterprise Corridor to B4-Mixed Use
- Maximum height of buildings to 50 metres
- Maximum floor space ratio (FSR) to 5:1.

Ozzy Tyres Holdings engaged GTA Consultants (GTA) to complete a transport impact assessment considering the planning proposal and indicative site layout prepared by Architecture Design Studio, considering the potential traffic generated by the adjacent 311 Hume Highway, Liverpool development.

Transport and Traffic Planning Associates (TTPA) prepared a report<sup>1</sup> dated January 2015 for the 311 Hume Highway, Liverpool development. Following this, TTPA submitted an addendum letter<sup>2</sup> to address the traffic and transport requirements based on the proposed vehicle access restriction for left-in/ left-out only at the Hoxton Park Road/ Gillespie Street intersection in May 2015.

**Overview**

The site is currently zoned as B6-Enterprise Corridor and occupied by a single storey warehouse/ commercial building for "Freight Services". Access to on-site loading and parking is via a two-lane, two-way driveway along Gillespie Street on the western edge of the site. It is understood that a small amount of on-site parking (up to four car spaces and one semi-trailer space) is currently provided, with up to three vehicles entering and exiting the site during any peak hours on a typical weekday.

The location of the subject site is identified in Figure 1.

melbourne  
sydney  
brisbane  
canberra  
adelaide  
gold coast  
townsville  
perth

<sup>1</sup> Planning Proposal for Mixed Use Development, 311 Hume Highway Liverpool – Assessment of Traffic and Parking Implications, Transport and Traffic Planning Associates, January 2015.

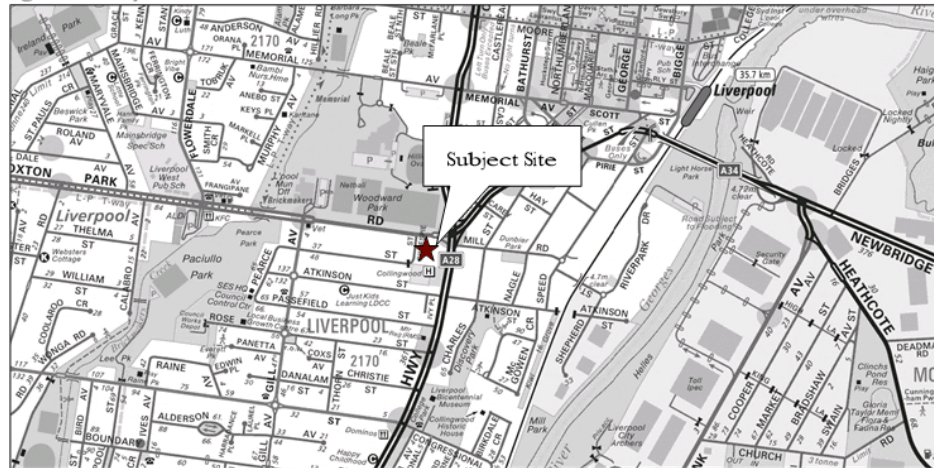
<sup>2</sup> Proposed Development - 311 Hume Highway Liverpool, May 2015.

Level 6, 15 Help Street  
CHATSWOOD NSW 2067  
PO Box 5254  
WEST CHATSWOOD NSW 1515  
t// +612 8448 1800

[www.gta.com.au](http://www.gta.com.au)



Figure 1: Subject site location



Base map source: Sydney

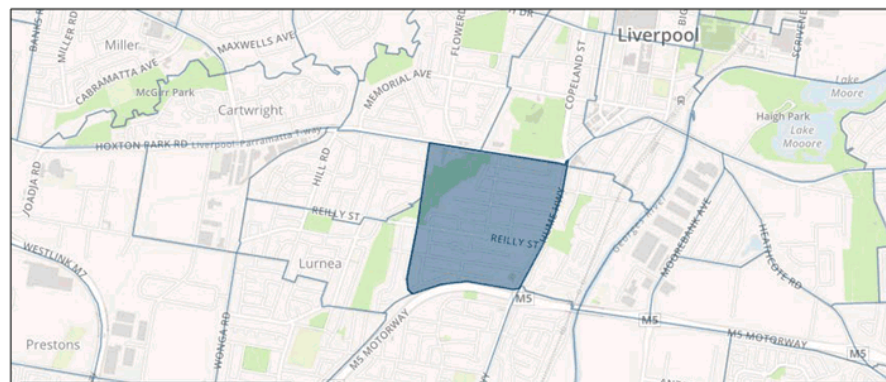
### 2011 Journey to Work Data

The Journey to Work (JTW) data published by the Bureau of Transport Statistics (BTS) from 2011 Census data by the Australian Bureau of Statistics provides the most robust picture of travel patterns to/ from the Liverpool.

The smallest geographical area for which JTW data is available is a Travel Zone (TZ). JTW data was analysed for the site catchment, to better understand the current travel patterns for people who live and work in the area.

Figure 2 shows the selected catchment represented as TZ 3846.

Figure 2: Selected TZ

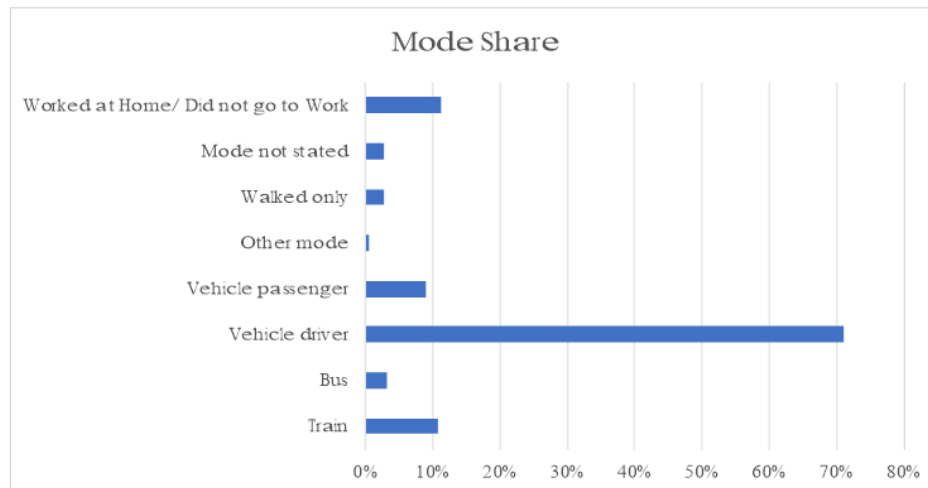


Data source: Bureau of Transport Statistics, <http://visual.bts.nsw.gov.au/itwbasic/#3846>, accessed 29 September 2017.

The 2011 JTW data indicates that a total of 1,062 people live in the selected TZ. Out of the 1,062 residents, a total of 108 residents (10 per cent) worked at home or did not go to work.



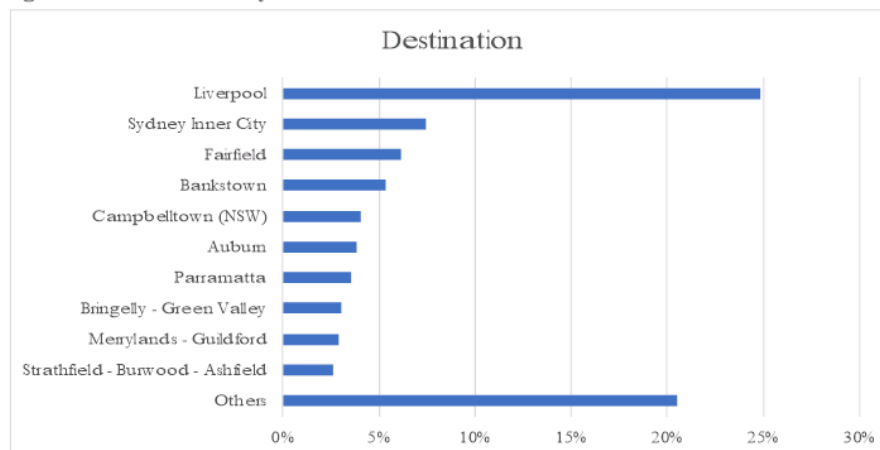
Figure 3: JTW travel modes by residents from selected TZ



Data source: <http://visual.bts.nsw.gov.au/jtwbasic/#3846>, accessed 29 September 2017.

Figure 3 indicates 80 per cent of working residents in the selected TZ travel to work by car either as a driver (71 per cent) or a passenger (nine per cent). The JTW data indicates bus services only make up three per cent of commuter travel, whilst train services make up 11 per cent of total commuter travel modes.

Figure 4: JTW destination by residents from selected TZ



Data source: <http://visual.bts.nsw.gov.au/jtwbasic/#3846>, accessed 29 September 2017.

The JTW data also provides the destination areas for these residents from the selected TZ, as shown in Figure 4. Of these, Liverpool (25 per cent), Sydney CBD (seven per cent), Fairfield (six per cent), Bankstown (five per cent) and Campbelltown/ Parramatta/ Auburn (four per cent) are the most popular destinations.

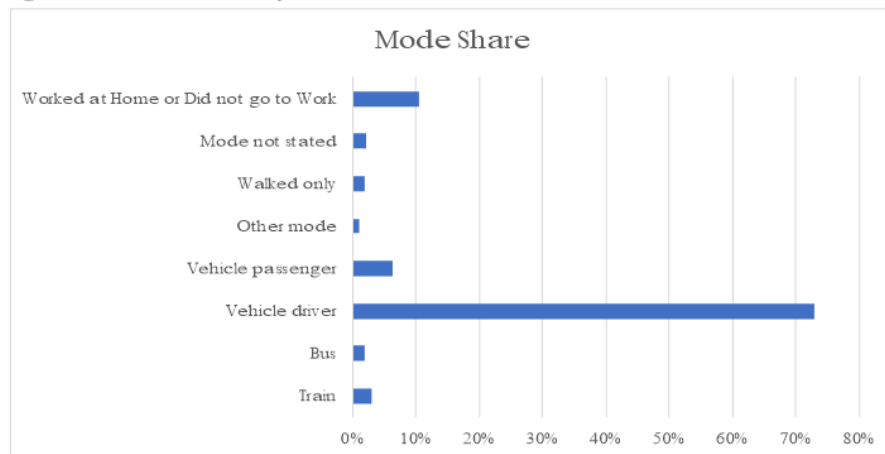
The 2011 JTW data indicates that a total of 992 people work within the selected TZ.





Figure 5 shows the distribution of travel modes by workers employed in the selected Travel Zone, which indicates that approximately 79 per cent of workers who work in the selected TZ travel to work by car as a driver (73 per cent) or a passenger (six per cent). Public transportation modes such as train (three per cent) and bus (two per cent) services only make up five per cent of total commuter travel modes.

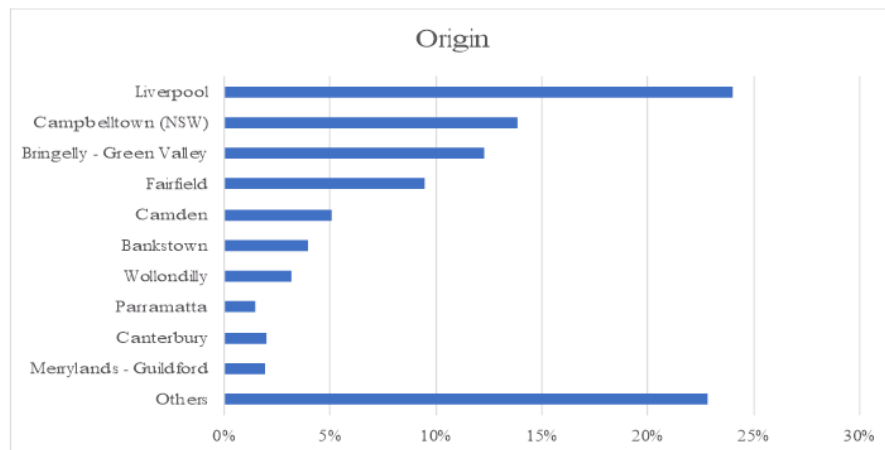
Figure 5: JTW travel modes by workers to the selected TZ



Data source: <http://visual.bts.nsw.gov.au/jtwbasic/#3846>, accessed 29 September 2017.

Figure 6 represents the top places of origin the 992 workers travelling to the selected TZ originate from. Liverpool is the top origin (24 per cent), with Campbelltown (14 per cent), Bringelly (12 per cent) and Fairfield (nine per cent) indicating a significant number of origins. Other minor places of origin include Camden (five per cent), Bankstown (four per cent) and Wollondilly (three per cent).

Figure 6: JTW origins by workers to selected TZ



Data source: <http://visual.bts.nsw.gov.au/jtwbasic/#3846>, accessed 29 September 2017.





## Public Transport

A review of the public transport available near the site is summarised in Table 1.

Table 1: Public transport provision

Service	Route Number	Route Description	Location of Stop	Distance to Nearest Stop	Frequency On/Off Peak
Bus	851	Carnegie Hill Marketplace to Liverpool via Cowpasture Road	Hume Highway	330 m	30 minutes peak/ hourly off peak
	852	Carnegie Hill Marketplace to Liverpool via Greenway Dr & Cowpasture Rd	Macquarie Street near Short Street	200 m	Hourly peak and off peak
	853	Liverpool to Carnegie Hill via Hoxton Park Road	Hoxton Park Road near Gillespie Street	100 m	15 minutes peak/ hourly off peak
	855	Rutledge Park to Liverpool via Austral and Leppington Station	Hume Highway	330 m	Irregular
	856	Bingelly to Liverpool			Irregular
	857	Narellan to Liverpool			30-60 minutes throughout day
	865	Casula to Liverpool via Lumea Shops			30 minutes peak and off peak
	866	Casula to Liverpool			30 minutes peak and off peak
	869	Ingleburn to Liverpool via Edmondson Park and Prestons			30 minutes peak and off peak
	870	Campbelltown to Liverpool			30 minutes peak/ hourly off peak
	871	Campbelltown to Liverpool via Glenfield			Irregular
	872	Campbelltown to Liverpool via Macquarie Fields			30 minutes peak and off peak
Train	T5	Cumberland line -Campbelltown to Schofields	Liverpool Station	1.1 km	30 minutes peak/off-peak
	T3	Liverpool to City via Bankstown			30 minutes peak/off-peak
	T2	Airport line – Campbelltown or Leppington to City			5-10minutes peak/30 minutes off-peak

The existing bus stop facilities, including a mix of bus shelters, bus blade signs and bus stop signs (on utility pole) in the surrounding area are shown in Figure 7 to Figure 10.



Figure 7: Bus shelter on the Hume Highway (northbound) south of Hoxton Park Road



Source: Google Streetview

Figure 8: Bus blade sign on the Hume Highway (southbound) south of Hoxton Park Road



Source: Google Streetview

Figure 9: Bus stop sign and bus zone on Hoxton Park Road (eastbound) west of the Hume Highway



Source: Google Streetview

Figure 10: Bus stop sign on Hoxton Park Road (westbound) west of the Hume Highway



Source: Google Streetview

## Walking







Pedestrian paths near the site are established on both sides of the surrounding roads as follows:

- Gillespie Street
- Hoxton Park Road
- Scott Street, providing access to Liverpool station
- Terminus Street
- Macquarie Street, providing access to Westfield Liverpool
- Hume Highway.

The surrounding pedestrian network which provides a safe walking environment for pedestrians, is shown in Table 2.



Table 2: Pedestrian facilities near the site

Road	Footpath Width	Footpath Condition
Gillespie Street	Eastern side: 1.2 m	
Hoxton Park Road	Northern side: 2.4 m Southern side: 1.2 m	
Scott Street	Northern side: 3 m Southern side: 3 m	 Image source: Google Streetview
Terminus Street	Northern side: 1 m - 3.5 m Southern side: 3.5 m	 Image source: Google Streetview
Macquarie Street	Northern side: 2.7 m Southern side: 3.5 m	
Hume Highway	Eastern side: 3.5 m Western side: 2.6 m	

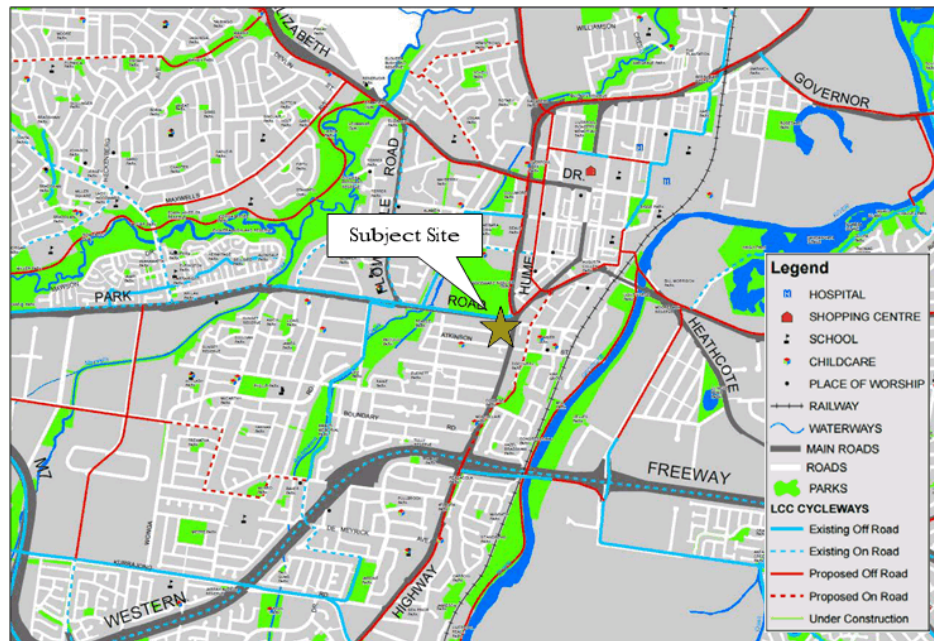
### Cycling

The site caters adequately for cyclists, with an existing off-road cycle path located along Hoxton Park Road. There is also an on-road cycle path along the Western Freeway to the south of the site, with on and off-road cycle paths proposed along the Hume Highway to provide connection between the site and Liverpool Station/ Western Freeway.

Figure 11 highlights Council's existing and future bike plan.



Figure 11: Liverpool Bike Plan (existing and proposed)



Source: <http://www.liverpool.nsw.gov.au>, accessed 4 October 2017.

### Intersection Operation

Council provided GTA with traffic volumes surveyed on 31 August 2016 and corresponding modelling that was prepared as part of the Liverpool City Centre project for the Hoxton Park Road/ Macquarie Street/ Hume Highway/ Copeland Street intersection.

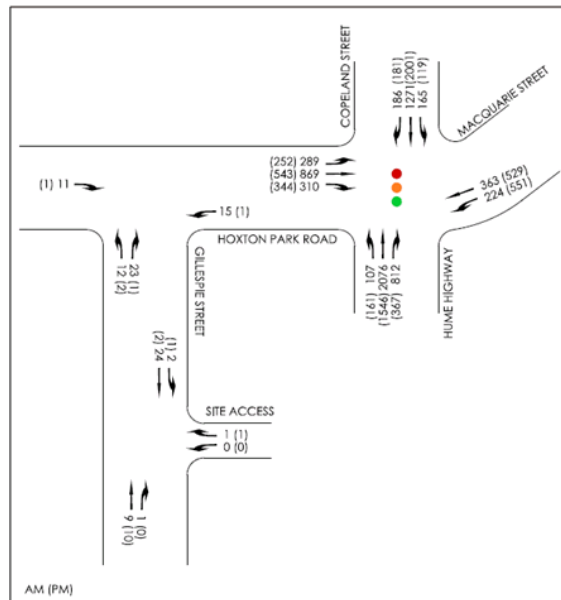
GTA undertook traffic movement counts at the site access and Hoxton Park Road/ Gillespie Street intersection on 1 February 2017 during the following peak periods:

- 7am to 9am
- 4pm to 6pm.

The AM and PM peak hour traffic volumes for Hoxton Park Road/ Macquarie Street/ Hume Highway intersection are summarised in Figure 12.



Figure 12: Existing AM and PM peak hour traffic



The operation of the key intersections within the study area have been assessed using SIDRA Intersection, a computer based modelling package which calculates intersection performance.

The commonly used measure of intersection performance, as defined by Roads and Maritime Services (Roads and Maritime), is vehicle delay. SIDRA Intersection determines the average delay that vehicles encounter and provides a measure of the level of service. A level of service of D or better is generally considered acceptable operation.

Table 3 shows the criteria that SIDRA Intersection adopts in assessing the level of service.

Table 3: SIDRA Intersection level of service criteria

Level of service	Average delay per vehicle (secs/veh)	Traffic signals, roundabout	Give way and stop sign
A	Less than 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Near capacity	Near capacity, accident study required
E	57 to 70	At capacity, at signals incidents will cause excessive delays	At capacity, requires other control mode
F	Greater than 70	Extra capacity required	Extreme delay, major treatment required

Table 4 presents a summary of the existing operation of the Hoxton Park Road/ Macquarie Street/ Hume Highway/ Copeland Street intersection, with full results presented in Attachment 1.



Table 4: Existing operating conditions

Peak	Leg	Degree of saturation [1]	Average delay (seconds)	95th percentile queue (m)	Level of service
AM	Copeland Street	1.04	121	446	F
	Macquarie Street	1.04	99	153	F
	Hume Highway	1.05	71	353	E
	Hoxton Park Road	1.04	89	197	F
	<b>Overall</b>	<b>1.05</b>	<b>90</b>	<b>446</b>	<b>F</b>
PM	Copeland Street	0.95	69	490	E
	Macquarie Street	0.93	70	174	E
	Hume Highway	0.95	50	287	D
	Hoxton Park Road	0.92	59	114	E
	<b>Overall</b>	<b>0.95</b>	<b>61</b>	<b>490</b>	<b>E</b>

[1] A measure of how much demand an intersection is experiencing compared to the total capacity. Also known as the volume/capacity ratio where  $v/c > 1.0$  represents oversaturated conditions.

Based on the above assessment, the Hoxton Park Road/ Macquarie Street/ Hume Highway/ Copeland Street intersection operates at capacity with all approaches experiencing significant delays and queuing during the AM and PM peak periods.

### Development Proposal

The proposal includes a mixed-use development on the site comprising approximately 90 residential apartments located above commercial land uses with vehicular crossover proposed along Gillespie Street. The indicative number of apartments and gross floor area (GFA) schedule for the conceptual scheme is detailed in Table 5.

Table 5: Indicative area schedule

Use	Dwelling type	No. apartments/ size (GFA)
Residential	1 Bedroom	18 apartments
	2 Bedroom	51 apartments
	3 Bedroom	21 apartments
<b>Total</b>		<b>90 apartments</b>
Commercial		790 m <sup>2</sup>

### Traffic Impact Assessment

#### Existing Site Traffic Generation

A warehouse currently occupies the site and in operation during the traffic surveys. On-site observations during the AM and PM peak periods indicate that the existing site generates no more than three vehicles per hour.

#### Future Traffic Generation

Traffic generation estimates for the proposal have been sourced from the Roads and Maritime Technical Direction TDT 2013/ 04 *Guide to Traffic Generating Developments Updated traffic surveys* (TDT 2013/ 04).

TDT 2013/ 04 provides updated rates for high density residential flat dwellings (based on 2012 surveys) that are close to public transport services, greater than six storeys and almost exclusively residential in nature. TDT 2013/ 04 specifies a range of 0.39 to 0.67 and 0.22 to 0.42 trips per apartment for AM and PM peak hours, respectively.





As the site is not close to high frequency public transport services and based on JTW data which indicates that approximately 80 per cent of working residents in the selected TZ travel to work and workers who work in the selected TZ travel to work by car either as a driver or a passenger, the maximum rate for AM peak hour of 0.67 trips per dwelling and the maximum rate of PM peak hour of 0.42 trips per dwelling for high density residential flat dwellings are used for trip generation. These higher rates more accurately reflect the future residential uses.

As there is no specific land use in the Roads and Maritime Guide to *Traffic Generating Developments* and TDT 2013/ 04, a traffic generation of one movement per peak period has been assumed for the spaces allocated to the retail component.

TDT 2013/ 04 also provides updated rates for office blocks (based on 2010 surveys) within the Sydney urban area, Newcastle and Wollongong with most having access to the rail network. TDT 2013/ 04 specifies an average AM peak hour trip generation of 1.6 vehicle trips per 100 square metres GFA, with the PM peak hour rates slightly lower at 1.2 trips per hour.

Estimates of peak hour traffic volumes resulting from the adjacent 311 Hume Highway development and the proposal are set out in Table 6.

Table 6: Traffic generation for proposed developments

Site	Land use	Size	Traffic generation rate	Traffic generation estimate
311 Hume Highway	Residential	304 units	0.67-0.42 per unit	161-97
	Retail	163 m² GFA	1 per parking space	2
	Subtotal Increase			206-130 trips
4-8 Hoxton Park Road	Residential	90 units	0.67-0.42 per unit	48-28
	Commercial	790 m² GFA	1.6-1.2 per 100 m² GFA	13-10
	Subtotal Increase			74-48 trips
Total Increase				280-178 trips

[1] Traffic generation rate based on 2 parking spaces.

Table 6 indicates that the proposed development and the planning proposal are anticipated to generate up to 280 vehicle trips in the AM peak hour and 178 vehicle trips in the PM peak hour.

When removing the existing traffic generation of the site (three vehicles per hour), the net increase of both developments is expected to be 277 vehicle trips in the AM peak hour and 175 vehicle trips in the PM peak hour.

#### Distribution and Assignment

The directional distribution and assignment of traffic generated by the proposed development will be influenced by several factors, including the:

- i Configuration of the arterial road network in the immediate vicinity of the site
- ii Existing operation of intersections providing access between the local and arterial road network
- iii Distribution of households near the site
- iv Likely distribution of employees' residences in relation to the site
- v Configuration of access points to the site.





The directional split of traffic (i.e. the ratio between the inbound and outbound traffic movements) during the peak hours is expected to be as follows:

- Residential: 20 per cent inbound and 80 per cent outbound during the AM peak hour and 80 per cent inbound and 20 per cent outbound during the PM peak hour
- Retail: 100 per cent inbound during the AM peak hour and 100 per cent outbound during the PM peak hour
- Commercial: 80 per cent inbound and 20 per cent outbound during the AM peak hour and 20 per cent inbound and 80 per cent outbound during the PM peak hour.

The traffic split for the proposed development traffic and the proposed cumulative traffic generated are set out in Table 7.

Table 7: Traffic generation split for proposed developments

Development	Land use	Traffic generation estimate	AM peak vehicle trips		PM peak vehicle trips	
			In	Out	In	Out
311 Hume Highway	Residential	204-128	41	163	103	25
	Retail	2	2	0	0	2
4-8 Hoxton Park	Residential	61-38	13	48	31	7
	Commercial	13-10	11	2	2	8
Existing site (traffic to be removed)		-3	-2	-1	-1	-2
<b>Total</b>		<b>277-175 trips</b>	<b>65 trips</b>	<b>212 trips</b>	<b>135 trips</b>	<b>40 trips</b>

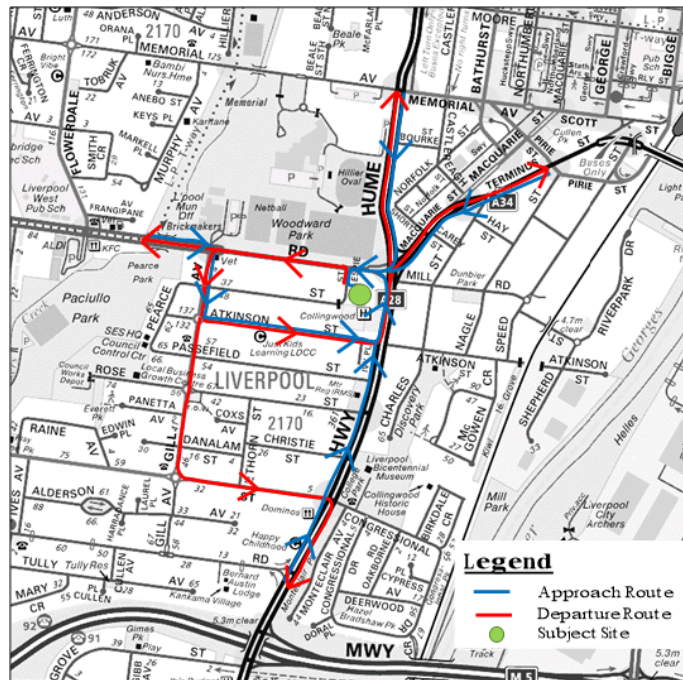
### Proposed Traffic Scheme

In recognition of future traffic volumes and congestion on Hoxton Park Road, it is proposed to modify the Hoxton Park Road/ Gillespie Street to be left-in/ left-out only.

The available vehicle approach and departure routes are shown in Figure 13.



Figure 13: Proposed vehicle approach and departure routes



Basemap source: Sydney

### Traffic Impact

Based on the proposed traffic scheme, the future AM and PM peak hour traffic volumes for Hoxton Park Road/ Macquarie Street/ Hume Highway/ Copeland Street intersection with both the 311 Hume Highway and 4-8 Hoxton Park Road developments, is shown in Figure 14.

Figure 14: Future AM and PM peak hour traffic

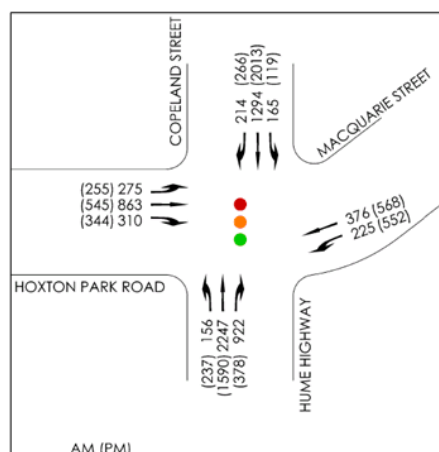






Table 8 presents the results of the intersection assessment for the Hoxton Park Road/ Macquarie Street/ Hume Highway/ Copeland Street intersection, with full results presented in Attachment 2.

Table 8: Future operating conditions with proposed developments

Peak	Leg	Degree of saturation [1]	Average delay (seconds)	95th percentile queue (m)	Level of service
AM	Copeland Street	1.10	154	498	F
	Macquarie Street	1.00	81	139	F
	Hume Highway	1.12	100	442	F
	Hoxton Park Road	1.09	92	173	F
	<b>Overall</b>	<b>1.12</b>	<b>109</b>	<b>498</b>	<b>F</b>
PM	Copeland Street	0.96	71	502	F
	Macquarie Street	0.97	76	195	F
	Hume Highway	0.97	52	301	D
	Hoxton Park Road	0.93	59	114	E
	<b>Overall</b>	<b>0.97</b>	<b>64</b>	<b>502</b>	<b>E</b>

[1] A measure of how much demand an intersection is experiencing compared to the total capacity. Also known as the volume/capacity ratio where  $v/c > 1.0$  represents oversaturated conditions.

Table 9 shows that the intersection is operating at capacity as per the existing intersection performance, with the overall level service unchanged from existing operation.

It is also recognised that the site generated traffic volumes remain low when compared with existing traffic volumes (no more than 1.4 per cent of total traffic), as detailed in Table 9.

Table 9: Traffic contributions of proposed developments

Peak	Leg	AM peak existing traffic	311 Hume Highway development		4-8 Hoxton Park Road development	
			Peak site traffic	Peak site traffic contribution	Peak site traffic	Peak site traffic contribution
AM	Copeland Street	1,652	137	3.4%	24	0.6%
	Macquarie Street	593	97	4.0%	16	0.6%
	Hume Highway	3,071	267	5.5%	42	0.9%
	Hoxton Park Road	1,471	44	2.1%	19	0.9%
PM	Copeland Street	2,338	87	2.1%	16	0.4%
	Macquarie Street	1,092	42	2.0%	8	0.4%
	Hume Highway	2,131	89	1.8%	17	0.3%
	Hoxton Park Road	1,145	169	8.4%	27	1.4%

### Proposed Mitigation Measures

GTA undertook traffic modelling of the Liverpool CBD as part of the Liverpool City Centre Precinct (LCCP) Study. The study aims to inform the NSW Department of Planning and Environment with the possible traffic impact resultant from the additional developments and the planning and development proposals that are submitted to the Council. The study envisages an additional 7,500 residential dwellings and converting a number of the existing B3 zones into B4. The study included the approved 311 Hume Highway development.





It is understood that the intersection modelling identified the potential mitigation measure which includes the construction of one additional through traffic lane on the Hume Highway (four lanes each direction) at the study intersection.

Table 10 presents the results of the future intersection assessment for the Hoxton Park Road/ Macquarie Street/ Hume Highway/ Copeland Street intersection with the proposed additional lane on Hume Highway and signal optimisation, with full results presented in Attachment 3.

Table 10: Future operating conditions with proposed mitigation measures

Peak	Leg	Degree of saturation [1]	Average delay (seconds)	95th percentile queue (m)	Level of service
AM	Copeland Street	1.02	55	172	LOS D
	Macquarie Street	0.97	59	151	LOS E
	Hume Highway	0.99	73	424	LOS F
	Hoxton Park Road	0.98	55	182	LOS D
	<b>Overall</b>	<b>1.02</b>	<b>63</b>	<b>424</b>	<b>LOS E</b>
PM	Copeland Street	1	69	343	LOS E
	Macquarie Street	0.99	65	215	LOS E
	Hume Highway	0.97	78	309	LOS F
	Hoxton Park Road	0.97	50	100	LOS D
	<b>Overall</b>	<b>1</b>	<b>68</b>	<b>343</b>	<b>LOS E</b>

[1] A measure of how much demand an intersection is experiencing compared to the total capacity. Also known as the volume/capacity ratio where  $v/c > 1.0$  represents oversaturated conditions.

Table 10 indicates that the intersection is expected to improve slightly from level of service F to E during the AM peak period and unchanged at level of service E during the PM peak period. The intersection still operates at capacity with the proposed mitigation measure.

#### Traffic Impact with Proposed Mitigation Measures + Proposed Development

Table 11 presents the results of the intersection assessment for the Hoxton Park Road/ Macquarie Street/ Hume Highway/ Copeland Street intersection, with full results presented in Attachment 4.

Table 11: Future operating conditions with proposed mitigation measures and development

Peak	Leg	Degree of saturation [1]	Average delay (seconds)	95th percentile queue (m)	Level of service
AM	Copeland Street	1.02	55	173	LOS D
	Macquarie Street	1.02	77	176	LOS F
	Hume Highway	0.98	68	414	LOS E
	Hoxton Park Road	0.98	58	191	LOS E
	<b>Overall</b>	<b>1.02</b>	<b>64</b>	<b>414</b>	<b>LOS E</b>
PM	Copeland Street	1	63	328	LOS E
	Macquarie Street	0.97	62	219	LOS E
	Hume Highway	0.99	89	350	LOS F
	Hoxton Park Road	0.96	52	107	LOS D
	<b>Overall</b>	<b>1</b>	<b>70</b>	<b>350</b>	<b>LOS E</b>

[1] A measure of how much demand an intersection is experiencing compared to the total capacity. Also known as the volume/capacity ratio where  $v/c > 1.0$  represents oversaturated conditions.

Table 11 shows that with the proposed development, the level of service for the intersection is unchanged from the future intersection performance with the proposed mitigation





measures without the development, during the AM and PM peak periods. Therefore, the additional traffic generated by the proposed development does not further impact the intersection, which is already operating at capacity.

The average delay of the intersection of the future intersection performance would reduce by 25 seconds and nine seconds during the AM and PM peak period compared with the existing intersection performance. Similarly, the 95<sup>th</sup> percentile queue for the improved intersection layout is anticipated to reduce by 32 metres and 140 metres as compared to the existing intersection layout.

### **Sustainable Transport Infrastructure**

Given the multiple new developments in and surrounding the Liverpool City Centre, it is recognised that measures could be implemented to encourage alternate means of travel to the private car and encourage the use of more environmentally sustainable forms of travel. Investment is needed to improve public transport connectivity, public amenity and community facilities to accommodate increased population in the area.

### **Bicycle Facilities**

Based on the JTW data, approximately 25 per cent of the residents and workers from and to the subject site are travelling to and from Liverpool itself. This is reflected in the Liverpool Bike Plan which outlines the proposals for on-road and off-road cycling routes along Hume Highway and Macquarie Street, to increase bicycle safety and improve cyclist movements around Liverpool.

Hoxton Park Road is a key cycling route near the proposed development site. As such, considerations should be given to improving to cycling access from the site, across the Hume Highway and Hoxton Park Road to access the cycling route on the northern side of Hoxton Park Road.

Further, as part of the planning proposal, it is recommended that a shared use path (pedestrians and cyclists) be located adjacent to the proposed development along the eastern side of Gillespie Road and the southern side of Hoxton Park Road.

The proposed development is required to provide bicycle parking in accordance with the requirements set out in the Council DCP.

Bicycle lockers intended for use by residents should be included within the secure areas of the building noting that where security devices are provided for resident car parking, these are acceptable and can replace bicycle lockers. Bicycle rails are intended for use by visitors and employees, and as such, need to be located in publicly accessible areas, within close proximity to the site.

Other suggested measures for bicycle facilities to be carried as part of the planning proposal could include way finding signage and line marking.

### **Pedestrian Network**

The upgrading of pedestrian paths along Gillespie Road and Hoxton Park Road in the immediate vicinity of the site will improve the existing pedestrian environment that provides connection between Hoxton Park Road and Macquarie Street towards Liverpool Town Centre and the Liverpool Station.

It is also recommended that the proposal provides a minimum three-metre and a typical four-metre setback along Gillespie Road and Hoxton Park Road. These setbacks would





spatially define the roads and ensure adequate visibility for pedestrians and cars, complement the streetscape and allow for landscaping and open space, creating a more pedestrian-friendly environment.

The increased level and quality of lighting along Gillespie Road and Hoxton Park Road resulting from the proposed lighting along building frontages will also encourage night time use and increase the activity and passive surveillance of the area. This enhances pedestrians' sense of safety and encourage more walking trips.

It is recommended to provide a marked pedestrian crossing across Gillespie Road to the west of the planning proposal to ensure safety for pedestrians.

#### **Public Transport**

As discussed previously, the site is accessible by public transport with Liverpool Station located within 1.1 kilometre by either bus or bicycle.

The site, being within 330 metres of the existing bus services along the Hume Highway, Hoxton Park Road and Macquarie Street, is well served by high frequency and highly accessible buses travelling along these roads and making use of Liverpool bus interchange.

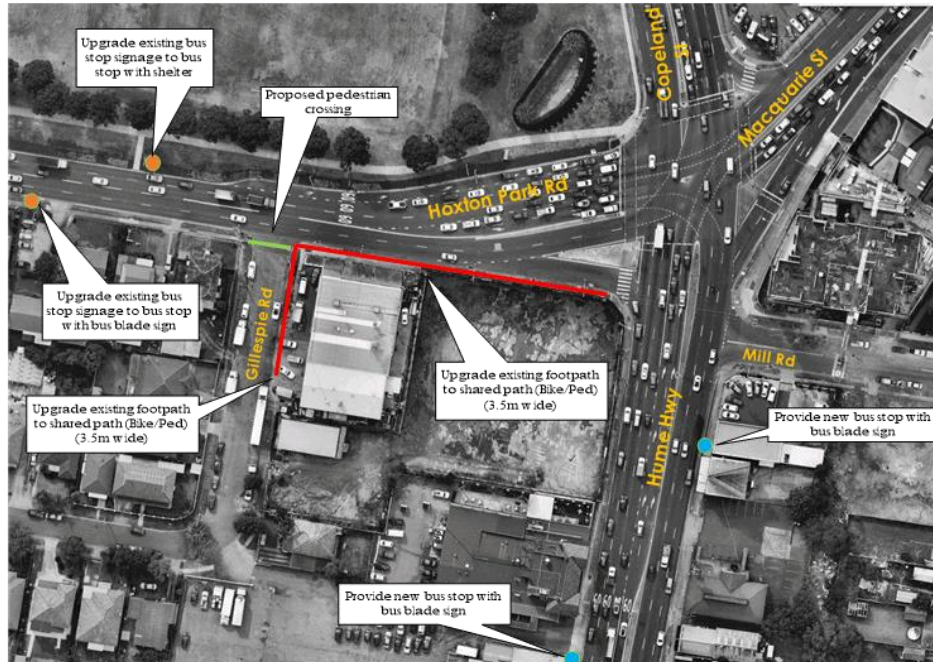
Based on the JTW data, no more than 15 per cent of the residents and workers currently use public transport. There is an opportunity to encourage the use of public and active transport modes. As such, as part of the planning proposal, it is recommended to upgrade existing bus stops and to provide new bus stops along the Hume Highway and Macquarie Street. Such recommendation would require further investigations and consultation with Transport for NSW and bus operators to ensure there will be sufficient demand for the additional stops. The proximity to the proposed bus stops could contribute to increasing the use of public transport (bus only and bus/ rail) by residents and employees and discourage the use of private motor vehicles.

#### **Summary**

Figure 15 summarises the proposed infrastructure treatments to be carried out to improve safety for cyclists, pedestrians and public transport users near the site. These treatments can be included as part of the Council's updated Liverpool Bike Plan initiatives with the support and contribution from Ozzy Tyres Holdings. It is anticipated that the existing facilities with the proposed improvements is adequate to support the planning proposal.



Figure 15: Proposed infrastructure treatments for cyclists and pedestrians



Base source: Neamap

## Conclusion

This assessment indicates that the proposed development is anticipated to generate up to 277 vehicle trips in the AM peak hour and 175 vehicle trips in the PM peak hour.

The cumulative impact of the 311 Hume Highway development and the proposed development that is subject to this assessment will result in no change in level of service of the Hoxton Park Road/ Macquarie Street/ Hume Highway/ Copeland Street intersection, which is already operating at capacity under existing conditions. The intersection has been considered for upgrade to address existing congestion issues and planned growth within the Liverpool CBD.

The proposed development traffic represents a minor overall impact, representing a relatively small portion of the existing traffic volumes (no more than 1.4 per cent).

Hoxton Park Road, the Hume Highway, Copeland Street and Macquarie Street near the proposed development area are key pedestrian and cycling routes and adequate measures should be incorporated to ensure safe and efficient connectivity between the site and these active transport links.

The impact of the traffic associated with the development could be reduced with the provision of various measures such as adequate bus accessibility as well as better and safer pedestrian and cycle routes/ crossings.





I trust this provides the information you require, however should you have any queries or require further information, please do not hesitate to contact us on 02 8448 1800

Yours sincerely

**GTA CONSULTANTS**

*N. Vukic .*

**Nicole Vukic**

**Director**

encl.

Attachment 1	SIDRA Assessment for Existing Conditions
Attachment 2	SIDRA Assessment for Future Conditions
Attachment 3	SIDRA Assessment for Future Conditions with Mitigation Measures
Attachment 4	SIDRA Assessment for Future Conditions with Mitigation Measures + Proposed Development





## Attachment 1

### SIDRA Assessment for Existing Conditions



## MOVEMENT SUMMARY

### Site: Macquarie & hoxton Park & Hume - AM

New Site

Signals - Fixed Time Isolated Cycle Time = 150 seconds (User-Given Cycle Time)

Variable Sequence Analysis applied. The results are given for the selected output sequence.

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Hume Hwy (S)											
1	L2	113	5.6	0.836	41.2	LOS C	43.4	317.9	0.93	0.98	37.4
2	T1	2207	5.5	0.836	34.2	LOS C	43.4	317.9	0.93	0.96	38.5
3a	R1	855	1.2	1.049	168.0	LOS F	49.9	352.7	1.00	1.29	16.1
Approach		3175	4.3	1.049	70.5	LOS E	49.9	352.7	0.95	1.05	28.0
NorthEast: Macquarie St (NE)											
24a	L1	237	4.9	0.137	17.8	LOS B	3.2	23.6	0.60	0.68	46.0
26a	R1	385	5.2	1.044	148.7	LOS F	21.0	153.4	1.00	1.25	17.6
Approach		622	5.1	1.044	98.9	LOS F	21.0	153.4	0.85	1.03	23.0
North: Copeland St (N)											
7b	L3	174	13.9	1.042	104.7	LOS F	43.9	335.0	1.00	1.14	22.8
8	T1	1362	8.9	1.042	127.7	LOS F	59.2	446.0	1.00	1.32	19.5
9	R2	197	13.4	0.851	87.3	LOS F	14.9	116.2	1.00	1.11	24.8
Approach		1733	9.9	1.042	120.8	LOS F	59.2	446.0	1.00	1.28	20.3
West: Hoxton Park Rd (W)											
10	L2	306	9.6	0.934	88.7	LOS F	26.0	196.9	0.98	1.00	24.1
10a	L1	916	3.1	0.774	62.3	LOS E	24.3	174.9	0.97	0.88	30.1
12	R2	326	3.9	1.041	161.4	LOS F	17.7	128.3	1.00	1.19	16.5
Approach		1548	4.6	1.041	88.4	LOS F	26.0	196.9	0.98	0.97	24.6
All Vehicles		7078	5.8	1.049	89.2	LOS F	59.2	446.0	0.96	1.09	24.5

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P6	NorthEast Full Crossing	53	23.1	LOS C	0.1	0.1	0.78	0.78	
P6S	NorthEast Slip/Bypass Lane Crossing	53	42.7	LOS E	0.2	0.2	0.75	0.75	
P3	North Full Crossing	53	60.0	LOS E	0.2	0.2	0.90	0.90	
P4	West Full Crossing	53	36.1	LOS D	0.2	0.2	0.69	0.69	
All Pedestrians		211	40.5	LOS E			0.78	0.78	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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## MOVEMENT SUMMARY

### Site: Macquarie & hoxton Park & Hume - PM

New Site

Signals - Fixed Time Isolated Cycle Time = 148 seconds (User-Given Cycle Time)

Variable Sequence Analysis applied. The results are given for the selected output sequence.

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Hume Hwy (S)											
1	L2	169	6.8	0.785	48.8	LOS D	38.5	282.9	0.92	0.90	34.5
2	T1	1653	5.5	0.785	38.8	LOS C	39.2	287.0	0.90	0.83	36.7
3a	R1	386	1.6	0.945	97.7	LOS F	16.7	118.9	1.00	1.08	23.3
Approach		2208	4.9	0.945	49.9	LOS D	39.2	287.0	0.92	0.88	33.2
NorthEast: Macquarie St (NE)											
24a	L1	581	3.1	0.664	48.8	LOS D	17.0	122.0	0.87	0.80	33.1
26a	R1	557	5.3	0.931	90.6	LOS F	23.8	173.8	1.00	1.06	24.4
Approach		1138	4.2	0.931	69.3	LOS E	23.8	173.8	0.93	0.93	28.2
North: Copeland St (N)											
7b	L3	125	8.4	0.951	79.1	LOS F	65.7	478.6	1.00	1.11	27.3
8	T1	2119	4.0	0.951	69.7	LOS E	67.6	489.6	0.99	1.09	28.1
9	R2	193	7.7	0.361	48.7	LOS D	10.8	80.5	0.83	0.79	33.4
Approach		2437	4.5	0.951	68.5	LOS E	67.6	489.6	0.98	1.07	28.4
West: Hoxton Park Rd (W)											
10	L2	269	8.6	0.457	46.6	LOS D	15.1	113.5	0.83	0.81	33.4
10a	L1	574	3.9	0.304	42.4	LOS C	10.1	72.8	0.78	0.74	35.8
12	R2	362	3.5	0.921	92.1	LOS F	15.0	108.2	1.00	1.01	23.9
Approach		1205	4.8	0.921	58.2	LOS E	15.1	113.5	0.86	0.84	30.7
All Vehicles		6988	4.6	0.951	61.0	LOS E	67.6	489.6	0.93	0.95	30.1

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P6	NorthEast Full Crossing	53	17.6	LOS B	0.1	0.1	0.49	0.49	
P6S	NorthEast Slip/Bypass Lane Crossing	53	26.2	LOS C	0.1	0.1	0.60	0.60	
P3	North Full Crossing	53	47.1	LOS E	0.2	0.2	0.80	0.80	
P4	West Full Crossing	53	38.0	LOS D	0.2	0.2	0.72	0.72	
All Pedestrians		211	32.2	LOS D			0.65	0.65	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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## Attachment 2

### SIDRA Assessment for Future Conditions



## MOVEMENT SUMMARY

### Site: Macquarie & hoxton Park & Hume - AM F UTURE

New Site

Signals - Fixed Time Isolated Cycle Time = 150 seconds (User-Given Cycle Time)

Variable Sequence Analysis applied. The results are given for the selected output sequence.

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Hume Hwy (S)											
1	L2	144	4.4	0.922	61.0	LOS E	59.1	431.5	1.00	1.13	31.1
2	T1	2304	5.3	0.922	53.0	LOS D	59.1	431.5	1.00	1.12	32.2
3a	R1	924	1.1	1.116	219.9	LOS F	62.4	441.4	1.00	1.45	13.2
Approach		3373	4.1	1.116	99.1	LOS F	62.4	441.4	1.00	1.21	23.0
NorthEast: Macquarie St (NE)											
24a	L1	237	4.9	0.132	16.8	LOS B	3.1	22.7	0.58	0.67	46.6
26a	R1	392	5.1	0.994	118.3	LOS F	19.0	138.8	1.00	1.16	20.6
Approach		628	5.0	0.994	80.1	LOS F	19.0	138.8	0.84	0.98	26.0
North: Copeland St (N)											
7b	L3	174	13.9	1.092	142.8	LOS F	50.4	384.7	1.00	1.23	18.5
8	T1	1362	8.9	1.092	165.7	LOS F	66.1	497.7	1.00	1.46	16.3
9	R2	214	12.3	0.801	81.5	LOS F	15.4	119.2	1.00	1.08	25.8
Approach		1749	9.8	1.092	153.1	LOS F	66.1	497.7	1.00	1.39	17.2
West: Hoxton Park Rd (W)											
10	L2	289	10.2	0.864	72.9	LOS F	21.8	166.1	0.97	0.93	26.9
10a	L1	908	3.1	0.768	61.9	LOS E	24.0	172.7	0.97	0.87	30.1
12	R2	326	3.9	1.083	189.3	LOS F	19.5	141.3	1.00	1.26	14.7
Approach		1524	4.6	1.083	91.3	LOS F	24.0	172.7	0.98	0.96	24.1
All Vehicles		7275	5.7	1.116	108.8	LOS F	66.1	497.7	0.98	1.18	21.7

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P6	NorthEast Full Crossing	53	23.8	LOS C	0.1	0.1	0.80	0.80	
P6S	NorthEast Slip/Bypass Lane Crossing	53	44.2	LOS E	0.2	0.2	0.77	0.77	
P3	North Full Crossing	53	60.0	LOS E	0.2	0.2	0.90	0.90	
P4	West Full Crossing	53	39.0	LOS D	0.2	0.2	0.72	0.72	
All Pedestrians		211	41.7	LOS E			0.80	0.80	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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## MOVEMENT SUMMARY

### Site: Macquarie & hoxton Park & Hume - PM F UTURE

New Site

Signals - Fixed Time Isolated Cycle Time = 148 seconds (User-Given Cycle Time)

Variable Sequence Analysis applied. The results are given for the selected output sequence.

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Hume Hwy (S)											
1	L2	215	5.4	0.808	48.3	LOS D	40.3	295.3	0.94	0.92	34.5
2	T1	1666	5.4	0.808	39.5	LOS C	41.0	300.2	0.92	0.85	36.4
3a	R1	394	1.6	0.963	103.3	LOS F	17.6	125.1	1.00	1.11	22.5
Approach		2275	4.8	0.963	51.4	LOS D	41.0	300.2	0.93	0.90	32.7
NorthEast: Macquarie St (NE)											
24a	L1	581	3.1	0.664	48.8	LOS D	17.0	122.0	0.87	0.80	33.1
26a	R1	580	5.1	0.969	103.1	LOS F	26.6	194.6	1.00	1.13	22.5
Approach		1161	4.1	0.969	75.9	LOS F	26.6	194.6	0.93	0.97	26.8
North: Copeland St (N)											
7b	L3	125	8.4	0.957	81.8	LOS F	67.4	490.7	1.00	1.12	26.8
8	T1	2119	4.0	0.957	72.4	LOS F	69.3	501.9	0.99	1.10	27.6
9	R2	242	6.1	0.447	50.0	LOS D	14.0	103.0	0.86	0.80	33.0
Approach		2486	4.4	0.957	70.7	LOS F	69.3	501.9	0.98	1.08	28.0
West: Hoxton Park Rd (W)											
10	L2	268	8.6	0.454	46.5	LOS D	15.0	113.0	0.83	0.81	33.4
10a	L1	574	3.9	0.304	42.4	LOS C	10.1	72.8	0.78	0.74	35.8
12	R2	362	3.5	0.921	92.1	LOS F	15.0	108.2	1.00	1.01	23.9
Approach		1204	4.8	0.921	58.3	LOS E	15.0	113.0	0.86	0.84	30.7
All Vehicles		7126	4.5	0.969	63.3	LOS E	69.3	501.9	0.94	0.96	29.6

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P6	NorthEast Full Crossing	53	17.6	LOS B	0.1	0.1	0.49	0.49	
P6S	NorthEast Slip/Bypass Lane Crossing	53	26.2	LOS C	0.1	0.1	0.60	0.60	
P3	North Full Crossing	53	47.1	LOS E	0.2	0.2	0.80	0.80	
P4	West Full Crossing	53	38.0	LOS D	0.2	0.2	0.72	0.72	
All Pedestrians		211	32.2	LOS D			0.65	0.65	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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## Attachment 3

### SIDRA Assessment for Future Conditions with Mitigation Measures



## MOVEMENT SUMMARY

### Site: Macquarie & Hoxton Park & Hume - AM Future 2026 MIT

New Site

Signals - Fixed Time Isolated Cycle Time = 110 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Hume Hwy (S)											
1	L2	173	6.7	0.987	88.0	LOS F	59.2	422.9	1.00	1.30	25.3
2	T1	2756	1.2	0.987	78.5	LOS F	59.8	423.2	0.99	1.28	26.4
3a	R1	815	0.5	0.797	47.4	LOS D	21.6	151.6	0.99	0.92	34.2
Approach		3743	1.3	0.987	72.1	LOS F	59.8	423.2	0.99	1.21	27.7
NorthEast: Macquarie St (NE)											
24a	L1	322	0.7	0.194	16.2	LOS B	3.8	26.6	0.65	0.68	47.4
26a	R1	592	2.7	0.963	81.8	LOS F	21.0	150.4	1.00	1.18	26.0
Approach		914	2.0	0.963	58.7	LOS E	21.0	150.4	0.88	1.01	30.9
North: Copeland St (N)											
7b	L3	254	2.5	0.821	51.7	LOS D	21.4	152.9	0.99	1.05	33.5
8	T1	1517	1.9	0.821	44.6	LOS D	24.2	171.9	1.00	0.97	34.7
9	R2	287	1.5	1.012	107.2	LOS F	23.4	165.6	1.00	1.24	21.9
Approach		2058	1.9	1.012	54.2	LOS D	24.2	171.9	1.00	1.01	32.0
West: Hoxton Park Rd (W)											
10	L2	359	1.2	0.749	45.5	LOS D	17.9	126.3	0.95	0.87	33.8
10a	L1	1204	5.5	0.846	50.6	LOS D	24.8	181.5	0.98	0.97	33.4
12	R2	224	3.3	0.971	88.1	LOS F	7.8	56.4	1.00	1.10	24.6
Approach		1787	4.4	0.971	54.3	LOS D	24.8	181.5	0.98	0.97	32.1
All Vehicles		8502	2.2	1.012	62.6	LOS E	59.8	423.2	0.98	1.09	29.9

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P6	NorthEast Full Crossing	53	18.7	LOS B	0.1	0.1	0.79	0.79	
P6S	NorthEast Slip/Bypass Lane Crossing	53	31.4	LOS D	0.1	0.1	0.76	0.76	
P3	North Full Crossing	53	49.3	LOS E	0.2	0.2	0.95	0.95	
P4	West Full Crossing	53	35.3	LOS D	0.1	0.1	0.80	0.80	
All Pedestrians		211	33.6	LOS D			0.82	0.82	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.

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## MOVEMENT SUMMARY

### Site: Macquarie & Hoxton Park & Hume - PM Future 2026 MIT

New Site

Signals - Fixed Time Isolated Cycle Time = 120 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Hume Hwy (S)											
1	L2	232	3.2	0.966	86.5	LOS F	43.3	307.9	1.00	1.24	25.4
2	T1	1972	0.7	0.966	77.4	LOS F	43.8	308.7	1.00	1.22	26.6
3a	R1	523	0.2	0.913	73.8	LOS F	18.0	126.1	1.00	1.06	27.5
Approach		2726	0.8	0.966	77.5	LOS F	43.8	308.7	1.00	1.19	26.6
NorthEast: Macquarie St (NE)											
24a	L1	558	3.6	0.427	23.6	LOS B	9.1	65.7	0.81	0.77	43.2
26a	R1	751	0.6	0.985	94.7	LOS F	30.5	214.7	1.00	1.23	23.9
Approach		1308	1.9	0.985	64.4	LOS E	30.5	214.7	0.92	1.03	29.5
North: Copeland St (N)											
7b	L3	11	0.0	0.943	74.2	LOS F	48.7	342.9	1.00	1.14	28.6
8	T1	2629	0.7	0.943	64.0	LOS E	48.7	342.9	1.00	1.14	29.5
9	R2	396	1.3	0.993	100.3	LOS F	33.1	234.6	1.00	1.17	22.9
Approach		3036	0.8	0.993	68.8	LOS E	48.7	342.9	1.00	1.14	28.4
West: Hoxton Park Rd (W)											
10	L2	303	0.7	0.492	39.8	LOS C	14.1	99.4	0.85	0.82	35.7
10a	L1	743	5.4	0.403	36.8	LOS C	11.1	81.5	0.82	0.76	38.1
12	R2	299	0.0	0.966	91.8	LOS F	11.2	78.4	1.00	1.11	24.0
Approach		1345	3.1	0.966	49.7	LOS D	14.1	99.4	0.87	0.85	33.3
All Vehicles		8416	1.3	0.993	67.9	LOS E	48.7	342.9	0.97	1.09	28.6

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back Pedestrian ped	Queue Distance m	Prop. Queued	Effective Stop Rate per ped	
P6	NorthEast Full Crossing	53	14.8	LOS B	0.1	0.1	0.70	0.70	
P6S	NorthEast Slip/Bypass Lane Crossing	53	26.7	LOS C	0.1	0.1	0.67	0.67	
P3	North Full Crossing	53	46.0	LOS E	0.2	0.2	0.88	0.88	
P4	West Full Crossing	53	46.9	LOS E	0.2	0.2	0.89	0.89	
All Pedestrians		211	33.6	LOS D			0.78	0.78	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.





## Attachment 4

### SIDRA Assessment for Future Conditions with Mitigation Measures + Proposed Development



## MOVEMENT SUMMARY

### Site: Macquarie & Hoxton Park & Hume - AM Future 2026 MIT

New Site

Signals - Fixed Time Isolated Cycle Time = 110 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Hume Hwy (S)											
1	L2	184	6.3	0.977	81.8	LOS F	57.8	412.9	1.00	1.26	26.4
2	T1	2775	1.2	0.977	72.5	LOS F	58.5	413.6	0.99	1.25	27.5
3a	R1	832	0.5	0.801	46.9	LOS D	21.9	154.1	0.98	0.92	34.3
Approach		3791	1.3	0.977	67.4	LOS E	58.5	413.6	0.99	1.17	28.7
NorthEast: Macquarie St (NE)											
24a	L1	322	0.7	0.194	16.2	LOS B	3.8	26.7	0.65	0.68	47.4
26a	R1	592	2.7	1.020	110.0	LOS F	24.6	176.0	1.00	1.32	21.7
Approach		914	2.0	1.020	76.9	LOS F	24.6	176.0	0.88	1.10	26.8
North: Copeland St (N)											
7b	L3	260	2.4	0.823	51.5	LOS D	21.5	153.2	0.99	1.05	33.5
8	T1	1517	1.9	0.823	44.7	LOS D	24.3	173.0	1.00	0.97	34.7
9	R2	287	1.5	1.012	107.2	LOS F	23.4	165.6	1.00	1.24	21.9
Approach		2064	1.9	1.012	54.3	LOS D	24.3	173.0	1.00	1.02	31.9
West: Hoxton Park Rd (W)											
10	L2	359	1.2	0.784	48.1	LOS D	18.6	131.3	0.96	0.89	33.0
10a	L1	1204	5.5	0.874	54.8	LOS D	26.0	190.3	0.99	1.01	32.2
12	R2	224	3.3	0.971	88.1	LOS F	7.8	56.4	1.00	1.10	24.6
Approach		1787	4.4	0.971	57.7	LOS E	26.0	190.3	0.98	1.00	31.2
All Vehicles		8556	2.2	1.020	63.2	LOS E	58.5	413.6	0.98	1.09	29.7

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back Pedestrian ped	Queue Distance m	Prop. Queued	Effective Stop Rate per ped	
P6	NorthEast Full Crossing	53	18.9	LOS B	0.1	0.1	0.79	0.79	
P6S	NorthEast Slip/Bypass Lane Crossing	53	31.4	LOS D	0.1	0.1	0.76	0.76	
P3	North Full Crossing	53	49.3	LOS E	0.2	0.2	0.95	0.95	
P4	West Full Crossing	53	34.5	LOS D	0.1	0.1	0.79	0.79	
All Pedestrians		211	33.5	LOS D			0.82	0.82	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.



## MOVEMENT SUMMARY

### Site: Macquarie & Hoxton Park & Hume - PM Future 2026 MIT

New Site

Signals - Fixed Time Isolated Cycle Time = 130 seconds (Optimum Cycle Time - Minimum Delay)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Hume Hwy (S)											
1	L2	253	2.9	0.982	97.7	LOS F	49.0	348.0	1.00	1.26	23.5
2	T1	1976	0.7	0.982	88.8	LOS F	49.6	349.2	1.00	1.24	24.6
3a	R1	525	0.2	0.941	85.2	LOS F	20.3	142.5	1.00	1.11	25.3
Approach		2754	0.8	0.982	88.9	LOS F	49.6	349.2	1.00	1.22	24.6
NorthEast: Macquarie St (NE)											
24a	L1	558	3.6	0.423	25.2	LOS B	9.9	71.2	0.81	0.77	42.5
26a	R1	761	0.6	0.962	88.8	LOS F	31.1	218.5	1.00	1.15	24.8
Approach		1319	1.8	0.962	61.9	LOS E	31.1	218.5	0.92	0.99	30.1
North: Copeland St (N)											
7b	L3	11	0.0	0.907	66.2	LOS E	46.5	327.4	1.00	1.05	30.5
8	T1	2629	0.7	0.907	55.8	LOS D	46.5	327.5	1.00	1.04	31.5
9	R2	408	1.3	0.995	105.7	LOS F	36.6	258.8	1.00	1.15	22.1
Approach		3048	0.8	0.995	62.6	LOS E	46.5	327.5	1.00	1.05	29.8
West: Hoxton Park Rd (W)											
10	L2	303	0.7	0.485	42.0	LOS C	15.1	106.5	0.84	0.82	34.9
10a	L1	743	5.4	0.397	38.9	LOS C	11.9	87.3	0.81	0.76	37.3
12	R2	299	0.0	0.951	92.7	LOS F	11.7	81.6	1.00	1.08	23.9
Approach		1345	3.1	0.951	51.6	LOS D	15.1	106.5	0.86	0.84	32.8
All Vehicles		8466	1.3	0.995	69.3	LOS E	49.6	349.2	0.97	1.06	28.3

Level of Service (LOS) Method: Delay (RTA NSW).

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Movement Performance - Pedestrians									
Mov ID	Description	Demand Flow ped/h	Average Delay sec	Level of Service	Average Back of Queue Pedestrian ped	Distance m	Prop. Queued	Effective Stop Rate per ped	
P6	NorthEast Full Crossing	53	15.3	LOS B	0.1	0.1	0.69	0.69	
P6S	NorthEast Slip/Bypass Lane Crossing	53	27.8	LOS C	0.1	0.1	0.66	0.66	
P3	North Full Crossing	53	47.5	LOS E	0.2	0.2	0.86	0.86	
P4	West Full Crossing	53	49.2	LOS E	0.2	0.2	0.87	0.87	
All Pedestrians		211	35.0	LOS D			0.77	0.77	

Level of Service (LOS) Method: SIDRA Pedestrian LOS Method (Based on Average Delay)

Pedestrian movement LOS values are based on average delay per pedestrian movement.

Intersection LOS value for Pedestrians is based on average delay for all pedestrian movements.



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4 - 8 hoxton park road  
liverpool

urban planning  
project management



## social impact assessment



4 - 8 hoxton park road  
liverpool

prepared for  
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# appendices

## Appendix A – Social Impact Comment

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# 1. introduction

## 1.1. Study Overview

It is proposed to redevelop 4-8 Hoxton Park Road, Liverpool (the Site) by rezoning the land from B6 Enterprise Corridor to B4 Mixed Use. The rezoning will enable the construction of a future residential development in the form of a mixed use development comprising commercial premises and shop top housing.

This report presents a social impact assessment of the key issues, benefits and potential impacts of the proposed rezoning. Where potentially adverse socio-economic impacts are identified, this analysis will provide input into further refinement of the concept in order to reduce the potential for impacts on existing uses and members of the proposed new community.

## 1.2. The Proposal

The Site is currently zoned B6 Enterprise Corridor under the *Liverpool Local Environmental Plan 2008* (LLEP 2008). The Planning Proposal seeks to rezone the Site to B4 Mixed Use to facilitate its redevelopment for a mixed use commercial and residential purposes development.

The Planning Proposal seeks to amend LLEP 2008 as follows:

- Rezone the Site from B6 Enterprise Corridor to B4 Mixed Use.
- Removal of the Site from the 'Key Site' on Key Sites Map KYS 10.
- Amend the maximum height of buildings for the Site to 50m, in accordance with the proposed mapping.
- Amend the maximum floor space ratio for the Site to 5:1, in accordance with the proposed mapping.

## 1.3. Rationale for SIA

*'Social Impact Assessment (SIA) includes the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions. Its primary purpose is to bring about a more sustainable and equitable biophysical and human environment.'* International Principles for Social Impact Assessment (May 2003), International Association for Impact Assessment).



It is unilaterally accepted that social impacts are a change to one or more of the following:

- People's way of life
- Their culture
- Their community
- Their political systems
- The environment
- Health and wellbeing
- Personal and property rights
- Fears and aspirations

*(International Principles for Social Impact Assessment (May 2003), International Association for Impact Assessment).*

SIA is a proactive stance to development and better development outcomes, not just the identification or amelioration of negative or unintended outcomes. SIA is not simply a knee-jerk response to justify a proposal in response to public objections received during a notification process undertaken as a consequence of a policy directive of the Council. SIA is also not based on speculation, fear or ignorance but is a framework based on analysis, monitoring and assessment.

Having a process that includes SIA as an integral part of the planning process therefore allows a Council to make decisions within its strategic planning systems with the view to create a cohesive, connected, caring, safe and equitable community. The lack of a framework will result in ill-informed decision-making and poor planning outcomes. In particular, an established SIA framework allows a Council to:

- Ensure social impacts are considered in its decision making
- Enhance consistency and transparency in its assessment of the social impacts of proposed development
- Maximise positive social impacts and minimise negative social impacts of land use plans and development
- Base Council decision making on developments that meet environmental, social and economic sustainability outcomes

The last few years have seen an increased awareness and application of SIA in decision-making, however there are an increasing number of local councils who do not have an informed, policy or statutory context upon which to base their assumptions or assessments. It is important to note that Liverpool Council has been at the forefront of SIA at the local authority level and has a specific Social Impact Assessment policy in place. This has been reflected in Council's Corporate Planning and Policy Framework.



#### 1.4. Methodology

Accepted SIA practices enable data to be obtained from various resources to gain a comprehensive understanding of the existing community environment and how the proposed development may impact this environment. This process has been adopted for this assessment, with the data facilitating an assessment of the potential impacts on the local community. The methodology included:

- Identifying features of the Site and surrounding area;
- Undertaking a strategic assessment of relevant policy measures and planning documents;
- Generating Demographic Profiles of both the Smithfield community and the wider community from statistics on the former Liverpool City Council website and the Australian Bureau of Statistics (ABS) Census Data;
- Identifying the potential social impacts of the proposal, including preparation of a Social Impact Comment, as per Council's Policy (refer to Appendix A);
- Identifying the Socio Economic Indexes for Areas (SEIFA) Score and assessing how this translates into housing stress;
- Considering options to the proposal; and
- Recommending any mitigation measures (where necessary).

#### 1.5. Report outline

Aside from this Introduction, this report contains:

- A description of the Site, its immediate surroundings and the wider area in general (Chapter 2 – The Site and Surrounds);
- An outline of the broad policy context, including the NSW State Government's strategic planning framework and key Liverpool City Council policies and strategies (Chapter 3 – Social Policy Context);
- An analysis of the demographic profile of the communities surrounding the site, to determine existing characteristics and to assist in identifying community needs and interests in relation to the proposed development (Chapter 4 – Outline of Demographics);
- A summary of existing social infrastructure and service provision in this area (Chapter 5 – Existing Community Resources);
- An outline of key social issues, benefits and impacts of the proposed development and potential mitigation measures (Chapter 6 – Social Impact Assessment); and
- Conclusions drawn with respect to the potential or actual social impacts of the proposed development (Chapter 7 – Conclusion).



## 2. the site and surrounds

### 2.1. Description of the Site

The Site is known as 4-8 Hoxton Park Road, Liverpool and is legally identified as Lot 1 DP 860799. It is located on the south-western side of the intersection of Hoxton Park Road and Hume Highway. The Site is rectangular, with frontages to Hoxton Park Road to the north and Gillespie Street to the West. It has a total site area of 1,680m<sup>2</sup>. The Site currently accommodates a single storey warehouse with the remainder of the site as hardstand. Refer to Figure 2.1 below.

**Figure 2.1 | Aerial view of the Site and surrounds**



Source: Sixmaps 2017



The Site: 4-8 Hoxton Park Road, Liverpool





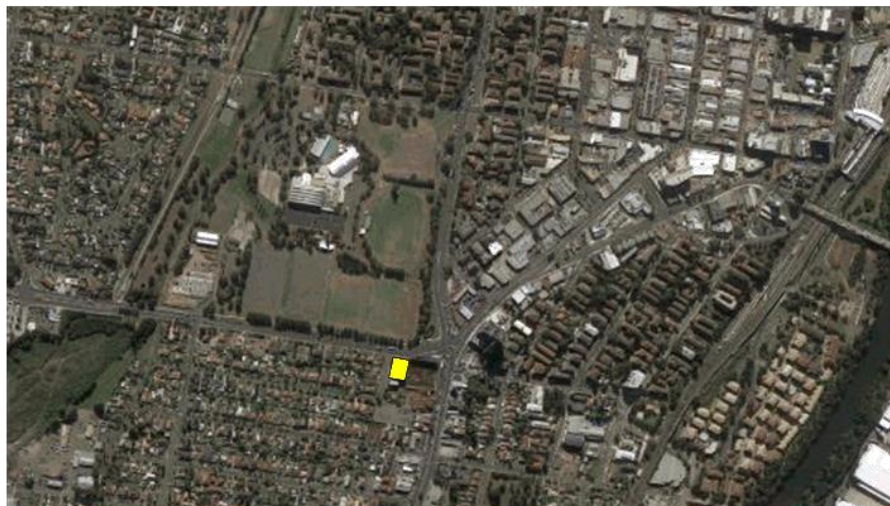
## 2.2. The Locality

The Site forms part of a key gateway entry to the south-western side of the Liverpool City Centre, alongside the adjoining property at 311 Hume Highway. It is located on the western boundary of Liverpool City Centre, as identified by Council. The surrounding locality is a mixture of residential, commercial and recreational uses, as demonstrated in Figure 2.2 below.

To the west of the Site is predominantly low density residential however, this area has been zoned R4 High Density Residential and is therefore anticipated to change significantly in coming years. To the north is Woodward Park, comprising a series of sports fields, netball courts and open space. To the east, along Hume Highway, are a corridor of commercial uses. North east extends further into Liverpool City Centre and comprises high density residential and commercial uses. The Site is approximately 900m from Liverpool Railway Station and is readily accessible to key services, facilities and public transport.

The Liverpool City Centre has a multifunctional role as one of Sydney's Regional Cities and continues to grow as a major central business district to service Sydney's growing South West Region. Liverpool contains one of Sydney's major medical precincts, based around Liverpool Hospital; Liverpool Courthouse; the Liverpool TAFE; Western Sydney University and the University of Wollongong.

**Figure 2.2 | Surrounding Locality**



Source: Google Maps 2017



The Site: 4-8 Hoxton Park Road, Liverpool





**Adjoining Sites to the East*****311 Hume Highway, Liverpool***

311 Hume Highway is irregular in shape and adjoins the Site along the eastern and southern (rear) boundaries. 311 Hume Highway is currently vacant but has recently been subject to an approved Planning Proposal and Development Application (DA), for a mixed use development containing a significant tower on the corner of the Hume Highway and Hoxton Park Road. Figure 2.3 shows an indicative image of the scale of the development. Further discussion regarding the relationship between 4-8 Hoxton Park Road and 311 Hume Highway is provided throughout the Planning Proposal Report

**Figure 2.3 | Approved Development at 311 Hume Highway**

Source: Liverpool City Council E-Planning Website 2017

***420 Macquarie Street, Liverpool***

420 Macquarie Street, Liverpool is located on the diagonally opposite corner of Hume Highway to the Site. A mixed use development comprised of two significant residential towers over a podium has been approved and commenced. Figure 2.4 below provides an illustration of the scale of the approved development.



**Figure 2.4 | 420 Macquarie Street**



Source: Liverpool City Council assessment report 420 Macquarie Street

### **Adjoining Sites to the South**

#### *321 Hume Hwy, Liverpool – Collingwood Hotel*

The Collingwood Hotel is located south east of the Site. It is heritage listed (Item 88) and considered of to be of local significance. The Hotel fronts Hume Highway with a large, at-grade carpark to the rear (west). The car park is accessed via Gillespie Street and Hume Highway.

#### *8 Gillespie Street, Liverpool*

8 Gillespie Street is located to the south of the Site, adjoining 311 Hume Highway. The property contains a single storey detached residential dwelling with a pitched tile roof. The property is predominantly turfed with vehicular access from Gillespie Street.

### **Adjoining Sites to the West**

#### *10 Hoxton Park Road, Liverpool*

10 Hoxton Park Road is located to the west of the Site, on the opposite side of Gillespie Street. The property comprises a single storey detached weatherboard residential dwelling with pitched tile roofing. The property is predominantly turfed and vehicular access is from Gillespie Street.



The surrounding context and key features of the area are discussed further in Table 2.1 below.

**Table 2.1 | Surrounding Context**

Aspect	Comment
<b>Surrounding Context</b>	<p>A mix of residential land uses lies to the south, west and east of the Site (zoned R3 Medium and R4 High Density Residential). The majority of the housing stock to the immediate west consists generally of detached dwellings, 1-2 storeys high and of varying conditions and materials.</p> <p>A ribbon of commercial and service-related business line each side of the Hume Highway to the southeast and northeast while the Liverpool City Centre is located further to the northeast. The Collingwood Hotel and an associated at-grade car park are located to the immediate south east of the Site.</p> <p>Playing fields and carparking associated with the Whitlam Leisure Centre lie to the immediate north and northwest.</p>
<b>Public Transport</b>	<p>The nearest bus stops to the Site are located approximately 85m to the west along Hoxton Park Road and are serviced by the following routes:</p> <ul style="list-style-type: none"> <li>▪ 853 – Carnes Hill to Liverpool</li> <li>▪ 869 – Ingleburn to Liverpool Station via Edmondson Park and Prestons</li> </ul> <p>Additional bus stops are located on the Hume Highway at the intersection of Passefield Street (385m south of the Site), providing access to the following services:</p> <ul style="list-style-type: none"> <li>▪ 851 – Carnes Hill Marketplace to Liverpool</li> <li>▪ 852 – Carnes Hill Marketplace to Liverpool</li> <li>▪ 855 – Rutleigh Park to Liverpool Via Austral and Leppington Stations</li> <li>▪ 856 – Bringelly to Liverpool</li> <li>▪ 857 – Narellan to Liverpool</li> <li>▪ 865 – Casula to Liverpool</li> <li>▪ 866 – Casula to Liverpool</li> <li>▪ 870 – Campbelltown to Liverpool</li> <li>▪ 871 – Campbelltown to Liverpool via Glenfield</li> </ul>



Aspect	Comment
	<ul style="list-style-type: none"> <li>872 – Campbelltown to Liverpool via Macquarie Fields</li> </ul>
<b>Educational Facilities</b>	<ul style="list-style-type: none"> <li>Liverpool Public School, approximately 930m to the east</li> <li>Liverpool West Public School, approximately 810m to the west</li> <li>Mainsbridge School, approximately 930m to the west</li> <li>St Francis Xavier Primary School, approximately 560m to the west</li> <li>Liverpool Public School, approximately 950m to the northeast</li> <li>Ashcroft High School, approximately 2.1km to the northwest</li> <li>Marsden Road Public School, approximately 1.3km to the north</li> <li>All Saints Primary School and Catholic College, approximately 1.3km to the northeast</li> <li>Al Amanah College, approximately 345m to the east</li> <li>Liverpool Girls High School, approximately 1.7km to the northeast</li> <li>Lurnea High School, approximately 2.4km to the southwest</li> </ul>
<b>Public Recreation Areas</b>	<ul style="list-style-type: none"> <li>Paciullo Park/ Pearce Park, approximately 500m to the west</li> <li>Whitlam Leisure Centre, incorporating Hillier Oval, Bulldog Park, Barbara Long Park, approximately 50m to the north</li> <li>Discovery Park, which includes the Liverpool Regional Museum, approximately 120m to the south</li> <li>Lighthorse Park, approximately 800m to the east</li> </ul>
<b>Local Centres</b>	<ul style="list-style-type: none"> <li>Liverpool CBD approximately 750m to the north-east</li> <li>Miller town centre approximately 3.3km to the west</li> <li>Casula Mall approximately 2.5km to the southwest</li> <li>Green Valley town centre approximately 5.1km to the west</li> <li>Bonnyrigg town centre approximately 5.4km to the northwest</li> <li>Cabramatta Town Centre approximately 4.2km to</li> </ul>



Aspect	Comment
	<ul style="list-style-type: none"> <li>▪ Carnes Hill town centre approximately 6.6km to the southwest</li> <li>▪ Moorebank Town Centre approximately 2.9km to the east</li> </ul>

### **2.3. Stakeholders Potentially Affected by the Proposal**

- Liverpool City Council
- Gandangara Aboriginal Land Council
- Local Chamber of Commerce and business premises
- Adjoining residential premises within Gillespie Street, Hoxton Park Road, the Hume Highway and Atkinson Street
- The Applicant
- Department of Community Services



## 3. social policy context

### 3.1. Metropolitan strategies

#### *A Plan for Growing Sydney*

The *Metropolitan Strategy, A Plan for Growing Sydney* (NSW Government 2014), contains a number of directions and actions aimed at accelerating housing supply and improving housing choice in both urban renewal and greenfield precincts. The Plan aims to reinvigorate key Sydney suburbs with a greater choice of homes linked to improved public transport, and access to shops, restaurants, parks and education and health services.

Within the four Goals established by the Strategy lie a number of different "Directions", with the following being relevant to the proposed subdivision for future housing development:

#### **GOAL 1: A competitive economy with world-class services and transport**

- Direction 1.7: Grow strategic centres - providing more jobs closer to home.

#### **GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles**

- Direction 2.1: Accelerate housing supply across Sydney.
- Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs.
- Direction 2.3: Improve housing choice to suit different needs and lifestyles.

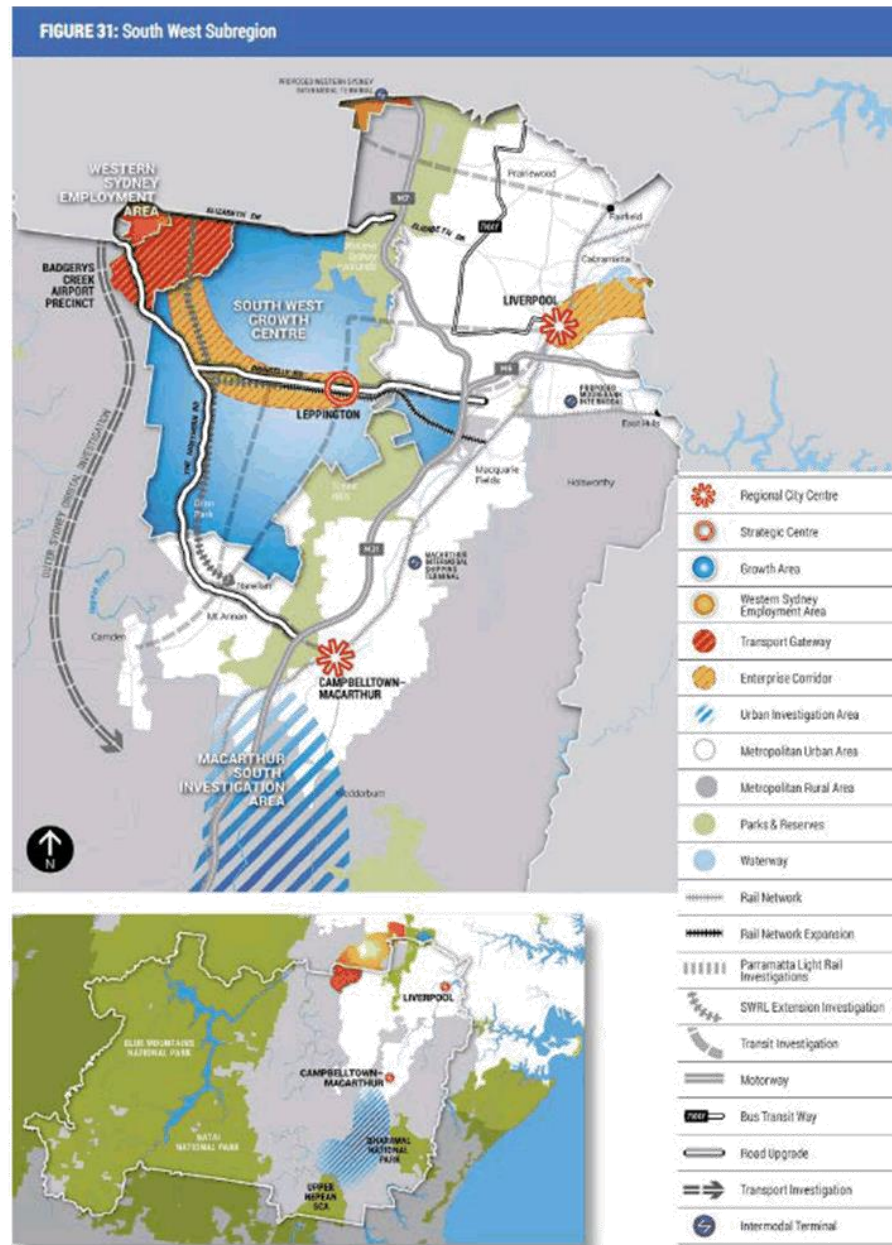
The Liverpool Local Government Area (LGA) is located within the South West Subregion of Sydney (see Figure 3.1 below). The Subregion is the fastest growing Subregion in Sydney and it will continue to play a key role in providing housing and jobs for future residents. The Subregion will benefit from improved access including a potential extension of the South West Rail Link.

Key aspects of the Subregional Plan, as they apply to this proposal, include:

#### **Accelerate housing supply, choice and affordability and build great places to live**

- Identify suitable locations for housing, employment and urban renewal – particularly around established and new centres and along key public transport corridors including the Cumberland Line, the South Line, the Bankstown Line, the South West Rail Link and the Liverpool-Parramatta T-Way.
- Continue delivery of the South West Growth Centre through greenfield housing development and the expansion of local employment.





**Figure 3.1 | Extract from *Metropolitan Strategy, A Plan for Growing Sydney***

Source: NSW Government 2014



### 3.2. Council Policies and Plans

#### *Liverpool City Council Development Control Plan 2008 – Part 1*

Part 1 of the Liverpool Development Control Plan (LDCP) provides general controls for all development, including those controls for SIA. In summary, Table 1 to Section 27 of Part 1 of the LDCP requires a Comprehensive SIA for all proposals for residential flat buildings containing greater than 100 units, in accordance with Council's SIA Policy.

#### *Liverpool City Social Impact Assessment Policy*

Unlike the vast majority of Local Government Authorities, Liverpool City Council has an adopted policy on social impact assessment, which includes the international best practice guidelines developed by the International Association for Impact Assessment (IAIA). The Policy states that SIA is applicable to the whole development life cycle (including strategic, program, structure and precinct planning and land use assessment).

Specifically, Section 7.3 of the Policy requires an SIA when a development is of large enough scale or potential level of impact that it requires detailed consideration of social impacts. The Policy goes on to state that an SIA must address the following matters:

- *Identify the potential impacts of the changes proposed.*
- *Assess whether the impacts are likely to be significant, for each identified social impact.*
- *Describe the nature of the impact.*
- *Describe any enhancement measures (for positive impacts) and/or mitigation measures (for negative impacts) proposed to be undertaken.*

While the Policy normally requires a Social Impact Comment (SIC) to be prepared as part of an initial scoping review, Council have specifically requested a Comprehensive Social Impact Assessment be prepared in this instance, as per Table 2 of the Policy, notwithstanding that the development will have a yield of less than 100 dwellings.

Council's Policy also provides for Community and Stakeholder Engagement, noting that community consultation *should* be tailored to the particular circumstances of the change event. It must be noted that there is no mandatory statutory or policy requirement for an applicant to undertake community engagement.

Notwithstanding this, Council's Policy states that the scale of community consultation that needs to be undertaken and the method used to consult depends on a number of factors, including:

- The community who are likely to be most affected.
- The significance of the potential social impacts.
- The duration of the impact.



- The likely beneficiaries of the proposed development.
- Those likely to be most negatively affected.

In this instance, given the following circumstances, an independent community engagement process has not been undertaken:

- Council will undertake a mandatory public notification process as part of the rezoning of the Site, which will include full details of the proposed use and indicative built form and a separate engagement process would only serve to duplicate the efforts, information and resources spent.
- The use of the Site for industrial purposes would not have any benefits in terms of amenity and would be unlikely to facilitate the remediation of the contaminated soils on the Site.
- There will be no groups of people or sectors of the community who will be displaced by the proposed rezoning as the Site is not presently used for any residential activities.
- The number of new dwellings that could be accommodated on the Site is relatively small in the wider context of increased population or dwelling stock and the residential density sought is no greater than that of the surrounding areas.

### *Growing Liverpool 2023*

Growing Liverpool 2023 is Council's community strategic plan. It identifies the community's key objectives and strategies for the next ten years and outlines how these will be achieved. There are seven Directions within the plan. SIA responds to:

- Direction 2: Liveable Safe City where the objective is to create safe and liveable neighbourhoods and by operating within a flexible planning system that supports high quality sustainable development.
- Direction 7: Leading and Proactive Council where the focus is on demonstrating a commitment to integrity, professionalism and transparency in decision making and delivering best practice and innovation.

The Growing Liverpool 2023 10-year plan has been developed to ensure Council and its partners are at the forefront to lead positive change within the municipality. This change incorporates plans that seek to further develop a high quality, attractive regional city with a full range of business, government, retail, cultural, entertainment and recreational activities.

The plan provides the opportunity to refine the future strategic directions for Liverpool and reflect on progress made. In this way Liverpool Council can achieve a higher level of integration with their strategic directions and the actions that are needed to deliver better outcomes on the ground for the community.



### *Liverpool Economic Development Strategy 2013-2023*

Key ingredients in underpinning Liverpool's future growth will be land use planning that balances economic opportunities with environmental requirements, improved freight and passenger transport, continued investment in key infrastructure projects by public and private sector interests and a growing, trained workforce to support contemporary business needs.

The Economic Development Unit of Liverpool City Council will drive Council's economic development priorities of:

- Marketing Liverpool as the business destination of choice in South West Sydney for business and investment
- Working with existing businesses in Liverpool by assisting them to link to programs and services delivered by the Commonwealth and NSW Governments that help these firms grow, innovate and improve their competitiveness
- Targeting the attraction of new job generating business investment to Liverpool, with a focus on the area's competitive advantages in health, education and medical research, distribution and logistics, professional services, retail and construction
- Activating the City Centre and developing vibrant places that attracts residents, visitors and workers to Liverpool
- Working with prospective and existing local employers to create local employment and self-employment opportunities
- Building community awareness and ownership of activities that strengthen Liverpool's economic base
- Working with the Commonwealth and NSW governments to advocate for infrastructure and services in the Liverpool local government area commensurate with Liverpool's regional city status.

In this context, one can understand the importance of increasing Liverpool's housing stock in a way that offers a diverse mix of dwelling types that can attract people to the area to take advantage of employment opportunities.

### *Residential Strategy 2008*

The purpose of this strategy was to establish the direction for housing Liverpool's population over the next 25 years and identify opportunities to accommodate residential development in the LGA. A balanced approach between developing new release areas and redeveloping existing areas is considered to be the best means of providing a mix of housing types and locations to meet the needs of residents.

The main strategies recommended for Liverpool's residential land over the next 25 years were as follows:



- Consolidate medium density residential zones to areas around activity centres (200m- 800m) and major transport nodes and down-zone fringe areas.
- Introduce new high density residential zone nodes adjacent to main town centres and major transport nodes.
- Encourage modest affordable private housing types within medium density zones, particularly around main town centres at Liverpool, Moorebank, Casula, Miller and Green Valley.
- Group all high density residential zones (including mixed-use residential) into one zone and utilise additional uses and development standards to create distinctive characters.

Introduce new location specific development standards (minimum lot size, floor space ratio and building height) to respond to specific capacity or existing or desired urban characters of different areas.

The Strategy notes the importance of increased density in residential zones. The specific actions contained within the Strategy are largely relevant to the proposal as it will see a residential area characterised by low density rural dwellings consolidated to provide an increase in both housing density and mix to the locality.



## 4. outline of demographics

### 4.1. Introduction

The outline of demographics consists of data drawn from the Australian Bureau of Statistics, specifically the 2011 and 2016 Census data and the Socio-Economic Indexes for Areas (SEIFA) Score.

The statistical analysis aims to provide an understanding of the socio-demographic context of the surrounding area, with the following indicators used to form the basis of the analysis:

- Population
- Indigenous residents
- Ancestry
- Employment status and industry sector of employment
- Age profile
- Household income
- Housing Type
- SEIFA Score

An understanding of the socio-demographic context can provide insight into the possible characteristics and needs of the development's future community and assist the planning to take account of, and respond to, the surrounding social conditions. This will support opportunities for the proposed land uses, and the new community itself, to integrate, both physically and socially with the surrounding area.

This chapter also includes an outline of key existing community facilities in the surrounding areas. Understanding existing facility provision and capacity and the identification of any gaps, has informed the assessment of social issues, benefits and impacts in the following sections of this report.

### 4.2. Census Data

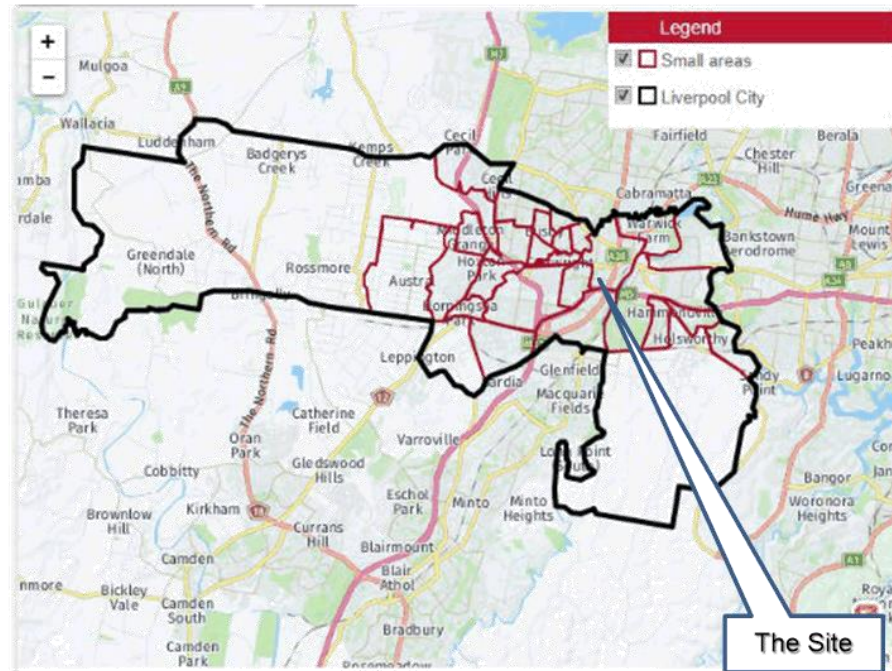
The following population profile is based on data from the ABS Census<sup>1</sup> of 2011 and 2016 and includes the Greater Sydney Area, the Liverpool LGA (refer to Figure 4.1) and the ABS Small Area of Liverpool (refer to Figure 4.2). The Small Area comprises a number of Statistical Areas, including SA1 1159850, which is the smallest statistical collection area and in which, the Site is located. Not all data from the 2016 has been processed at the time this report was prepared and accordingly, the Small Area of Liverpool has been used for the purposes of this assessment.

According to the 2016 Census, this Small Area has a population of 28,597 people (ABS Estimated Resident Population or ERP), a land area of just 639 hectares and a population density of 44.74 persons per hectare, as opposed to 212,232 people



(ABS ERP), 30,552 km<sup>2</sup> land area and a density of 6.95 persons per hectare for the entire LGA. The Small Area also includes the Liverpool CBD, which allows (amongst other things) high density residential development.

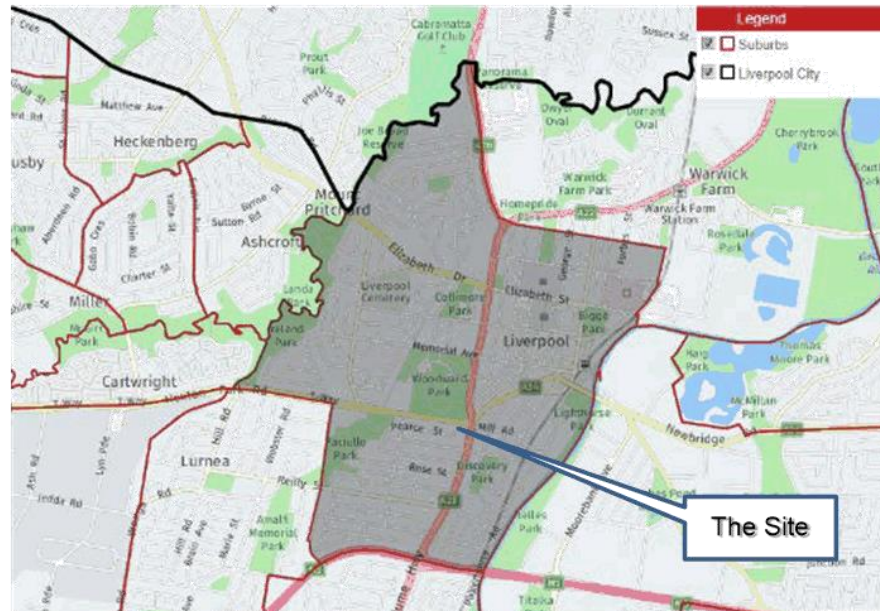
**Figure 4.1 | Liverpool City Council Showing ABS Small Areas**



(source - <http://profile.id.com.au/liverpool>)



**Figure 4.2 | ABS Small Area – Liverpool (the Study Area)**



(source - <http://profile.id.com.au/liverpool>)

**Figure 4.3 | The Site in Relation to Surrounding Statistical Areas**



(source: <http://atlas.id.com.au/Liverpool>)



**Figure 4.4 | The Site within Statistical Area SA1159850**



(source - <http://profile.id.com.au/liverpool>)

### 4.3. Population

The Liverpool Small Area had a Usual Resident Population at the 2016 Census of 27,568 residents, up from 24,005 residents in 2011. In the Liverpool Small Area, 49.8% were males while 50.5% were females. In comparison, the LGA had a population of 212,232 people at the 2016 census of which 49.6% were male and 50.4% were female.

SA 1159850, upon which the Site is located in, had a population of 386 residents at the 2016 census, up from 344 residents in 2011. Although a breakdown of the percentage of males and females is not available from the ABS, it is expected to be in keeping with the LGA and Small Area breakdowns, given the trends evidenced.

As shown in the following tables, Table 4.1.1 identifies the current Liverpool LGA population statistics, while Table 4.1.2 examines those statistics for the Study Area.



**Table 4.1.1 | Liverpool LGA Population**

Liverpool LGA	2016			2011			Change
Population group	Number	%	Greater Sydney %	Number	%	Greater Sydney %	2011 to 2016
Males	101,351	49.6	49.3	89,322	49.6	49.2	+12,029
Females	102,975	50.4	50.7	90,820	50.4	50.8	+12,155
Aboriginal and Torres Strait Islander population	3,012	1.5	1.5	2,680	1.5	1.2	+332
Australian citizens	168,369	82.4	79.5	152,251	84.5	82.5	+16,118
Eligible voters (citizens aged 18+)	120,458	59.0	60.0	108,152	60.0	62.4	+12,306
Population over 15	158,027	77.3	81.3	137,902	76.6	80.8	+20,125
Employed Population	83,908	92.5	94.0	74,563	93.0	94.3	+9,345
Overseas visitors (enumerated)	1,467			825			+642

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016 (Usual residence).  
 Compiled and presented in profile.id by [.id](#), the population experts.

**Table 4.1.2 | Study Area Population**

Study Area	2016			2011			Change
Population group	Number	%	Liverpool City %	Number	%	Liverpool City %	2011 to 2016
Males	13,457	49.8	49.6	11,813	49.2	49.6	+1,643
Females	13,638	50.5	50.4	12,192	50.8	50.4	+1,446
Aboriginal and Torres Strait Islander population	249	0.9	1.5	270	1.1	1.5	-21
Australian citizens	17,851	66.1	82.4	16,999	70.8	84.5	+853
Eligible voters (citizens aged 18+)	13,239	49.0	59.0	12,559	52.3	60.0	+680
Population over 15	21,397	79.2	77.3	18,989	79.1	76.6	+2,408
Employed Population	8,522	88.4	92.5	7,526	88.3	93.0	+996
Overseas visitors (enumerated)	287			134			+153

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016 (Usual residence).  
 Compiled and presented in profile.id by [.id](#), the population experts.



According to the NSW Department of Planning and Environment's (DoP&E 2014) dwelling and population projections, the number of people living in the Liverpool LGA was expected to increase at an annual rate of approximately 2.1% from 188,100 in 2011 to 211,200 in 2016 and 236,950 people by 2031 (Note is made that the DoP&E's population counts differs from those provided by the ABS). In comparison, the NSW State Average Growth Projection between 2011-2016 is 1.31%.

The current social environment of Liverpool reveals a strong growth in population that is almost double the State Average. The evident residential increase forms a greater demand for housing and services within the Liverpool LGA. As a result, the proposed development provides the area with additional forms of appropriate housing, close to the Liverpool CBD, without removing the potential for commercial and retail activities to occur.

#### **4.4. Indigenous Residents**

At the 2016 Census, the Indigenous population in the LGA was 3012 or 1.5% of the total population, representing an increase of 332 Indigenous residents from 2011 to 2016. In terms of the Study Area, the 2016 Census identified 249 Indigenous residents or 1.5% of the total population, representing an decline of 21 Indigenous residents from 2011 to 2016.

People who predominantly identify with the Cabrogal Clan of the Darug Aboriginal Nation and the comprise the bulk of the local Aboriginal population. The Cabrogal Clan occupied the Liverpool area although the land was also accessed by peoples of the Tharawal and Gandangara Nations.

Within Liverpool, there are a number of Aboriginal Sites that consist of art works, markings and culturally significant sites. The Site is not located on or within immediate proximity to any key Aboriginal Sites. The development per se will not have any significant adverse impacts on the local Aboriginal community.

#### **4.5. Ancestry**

Ancestry is a good measure of the total size of cultural groups within an area, regardless of where they were born or what language they speak.

As shown in the following tables, Table 4.2.1 identifies the current Liverpool LGA ancestry statistics, while Table 4.2.2 examines those statistics for the Study Area.



**Table 4.2.1 | LGA Ancestry**

Top 10 Place of Origin	2016			2011			Change
Ancestry	Number	%	Greater Sydney %	Number	%	Greater Sydney %	2011 to 2016
Australian	33,880	16.6	23.5	33,030	18.3	25.7	+850
English	28,624	14.0	25.3	26,991	15.0	25.8	+1,633
Italian	13,608	6.7	4.2	12,930	7.2	4.2	+678
Indian	13,238	6.5	4.0	10,395	5.8	2.9	+2,843
Lebanese	12,193	6.0	3.3	9,270	5.1	3.2	+2,923
Vietnamese	10,726	5.2	2.2	7,286	4.0	1.8	+3,440
Chinese	10,468	5.1	10.1	7,645	4.2	8.2	+2,823
Irish	7,510	3.7	8.6	6,768	3.8	8.3	+742
Iraqi	6,244	3.1	0.5	3,460	1.9	0.3	+2,784
Serbian	5,971	2.9	0.6	5,685	3.2	0.6	+286

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented in profile.id by [.id](#), the population experts.

**Table 4.2.2 | Study Area Ancestry**

Top 10 Place of Origin	2016			2011			Change
Ancestry	Number	%	Liverpool City %	Number	%	Liverpool City %	2011 to 2016
Indian	2,617	9.7	6.5	2,111	8.8	5.8	+506
Australian	2,475	9.1	16.6	2,236	9.3	18.3	+240
English	2,212	8.2	14.0	1,991	8.3	15.0	+221
Serbian	2,077	7.7	2.9	2,380	9.9	3.2	-303
Iraqi	2,043	7.5	3.1	1,565	6.5	1.9	+478
Chinese	1,103	4.1	5.1	898	3.7	4.2	+206
Vietnamese	991	3.7	5.2	711	3.0	4.0	+280
Lebanese	988	3.6	6.0	1,020	4.3	5.1	-32
Arab not further described	811	3.0	1.4	570	2.4	1.0	+241
Italian	763	2.8	6.7	798	3.3	7.2	-35

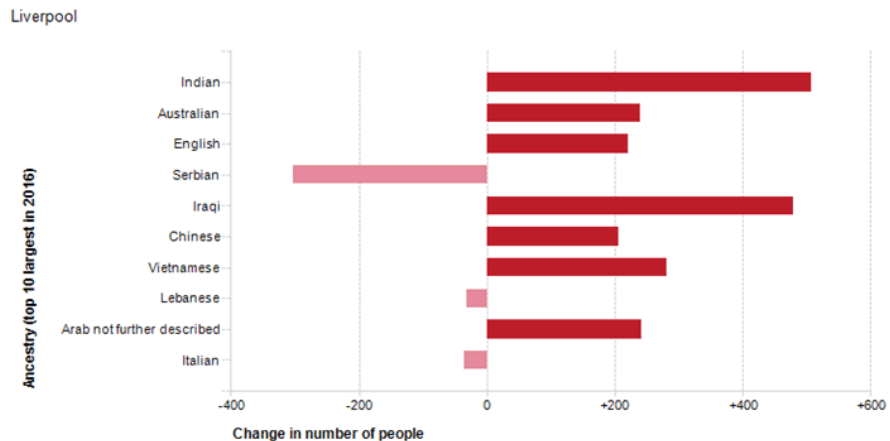
Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented in profile.id by [.id](#), the population experts.

In 2011, the ancestry of the Study Area was predominantly of Serbian, Australian, Indian, English, Iraqi and Lebanese origin (in decreasing order). This changed in the 2016 census to people predominantly of Indian, Australian, English, Serbian, Iraqi and Chinese origin, however, there were significant changes to the composition of the Study Area, as shown in Figure 4.4 below. The Study Area showed a significant increase in the number of people of Indian and Iraqi origin with a moderate increase in people of Vietnamese, Arabic, Australian, Other Middle-



Eastern, English and Chinese origin, as well as a significant decrease in people of Serbian origin. A modest decline in people with a Polish, Sudanese, Lebanese, Italian and Bosnian origin is also evident.

**Figure 4.4 | Change in Ancestry – Study Area, 2011 – 2016**



The statistics also demonstrate that the Study Area had, in comparison to the wider LGA:

- A larger percentage of people with Serbian ancestry (7.7% compared to 2.9%)
- A larger percentage of people with Iraqi ancestry (7.5% compared to 3.1%)
- A smaller percentage of people with Australian ancestry (9.1% compared to 16.6%)
- A smaller percentage of people with English ancestry (8.2% compared to 14.0%)

#### 4.6. Employment

The Study Area maintains a moderate of employment at 88.4%, however this is lower than that for the Liverpool LGA and Greater Sydney region at 92.5% and 94% respectively. Unemployment for the Study Area (at 11.6%) was somewhat higher than the LGA and Greater Sydney Region, which were at 7.5% and 6%, respectively. Tables 4.3.1 and 4.3.2 below reveal the employment status of the Study Area in the context of the LGA and Greater Sydney regional level.



Table 4.3.1 | Employment Status - Liverpool LGA

Liverpool LGA	2016			2011			Change
Employment status	Number	%	Greater Sydney %	Number	%	Greater Sydney %	2011 to 2016
Employed	83,908	92.5	94.0	74,563	93.0	94.3	+9,345
Employed full-time	55,766	61.5	61.2	50,801	63.3	62.0	+4,965
Employed part-time	25,852	28.5	30.9	21,236	26.5	30.1	+4,616
Hours worked not stated	2,290	2.5	1.9	2,526	3.1	2.1	-236
Unemployed (Unemployment rate)	6,765	7.5	6.0	5,629	7.0	5.7	+1,136
Looking for full-time work	3,753	4.1	3.2	3,535	4.4	3.3	+218
Looking for part-time work	3,012	3.3	2.9	2,094	2.6	2.4	+918
<b>Total labour force</b>	<b>90,673</b>	<b>100.0</b>	<b>100.0</b>	<b>80,192</b>	<b>100.0</b>	<b>100.0</b>	<b>+10,481</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by .id, the population experts.

Table 4.3.2 | Employment Status – Study Area

Study Area	2016			2011			Change
Employment status	Number	%	Liverpool City %	Number	%	Liverpool City %	2011 to 2016
Employed	8,522	88.4	92.5	7,525	88.3	93.0	+996
Employed full-time	5,504	57.1	61.5	5,143	60.3	63.3	+361
Employed part-time	2,732	28.3	28.5	2,102	24.7	26.5	+630
Hours worked not stated	285	3.0	2.5	280	3.3	3.1	+5
Unemployed (Unemployment rate)	1,123	11.6	7.5	1,001	11.7	7.0	+121
Looking for full-time work	622	6.5	4.1	671	7.9	4.4	-48
Looking for part-time work	500	5.2	3.3	330	3.9	2.6	+170
<b>Total labour force</b>	<b>9,645</b>	<b>100.0</b>	<b>100.0</b>	<b>8,527</b>	<b>100.0</b>	<b>100.0</b>	<b>+1,118</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by .id, the population experts.

Within the labour force, health care and social support (14.9%), followed by the manufacturing sector (10.5%), construction (9.9%), then retail (10%), are the most



common employment industries within the Study Area, as opposed to health care (11.4%), followed by Retail Trade (10.1%), Construction (9.9%), then the manufacturing sector (9.3%) and transport/ logistics (7.8%) within the LGA. This is demonstrated in Tables 4.4.1 and 4.4.2 below.

**Table 4.4.1 | Industry Sector - Liverpool LGA**

Liverpool LGA	2016			2011			Change
Top 5 Industry Sectors	Number	%	Greater Sydney %	Number	%	Greater Sydney %	2011 to 2016
Health Care and Social Assistance	9,586	11.4	11.6	7,560	10.1	10.9	+2,026
Retail Trade	8,459	10.1	9.3	7,786	10.4	9.8	+673
Construction	8,346	9.9	8.2	6,333	8.5	7.1	+2,013
Manufacturing	7,786	9.3	5.8	10,411	14.0	8.5	-2,625
Transport, Postal and Warehousing	6,557	7.8	5.0	5,857	7.9	5.3	+700
<b>Total employed persons aged 15+</b>	<b>83,907</b>	<b>100</b>	<b>100</b>	<b>74,568</b>	<b>100</b>	<b>100</b>	<b>+9,339</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [id.](#), the population experts.

**Table 4.4.2 | Industry Sector – Study Area**

Study Area	2016			2011			Change
Top 5 Industry Sectors	Number	%	Liverpool City %	Number	%	Liverpool City %	2011 to 2016
Health Care and Social Assistance	1,271	14.9	11.4	999	13.1	10.1	+272
Manufacturing	897	10.5	9.3	1,201	15.7	14.0	-304
Construction	872	10.2	9.9	706	9.2	8.5	+166
Retail Trade	854	10.0	10.1	784	10.3	10.4	+69
Inadequately described or not stated	646	7.6	6.5	362	4.7	3.4	+284
<b>Total employed persons aged 15+</b>	<b>8,516</b>	<b>100</b>	<b>100</b>	<b>7,640</b>	<b>100</b>	<b>100</b>	<b>+876</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [id.](#), the population experts.



The decline in the levels of employment within manufacturing is evidenced by the overall diminishing of the sector within Australia as a whole and a divergence of other industrial built forms, dominated by warehouse and logistics-based development. Employment within the health care, construction and education sectors all expanded within the LGA between 2011 and 2016, with a significant growth in those "Inadequately described or not stated". The Census data does not provide at the present point in time, any further insights into the types of responses provided in this category.

#### 4.7. Occupation

The 2016 Census revealed that as a whole, the three most popular occupations in the LGA consisted of Professionals (17%), Clerical and Administrative Workers (16.1%) and Technicians and Trades Workers (14.6%). This is similarly reflected in the Study Area, with Technicians and Trades Workers (16%), Professionals (16%) and Labourers (13.6%). This is shown in Figure 4.5 below.

**Figure 4.5 | Occupation of Employment – Study Area, 2016**



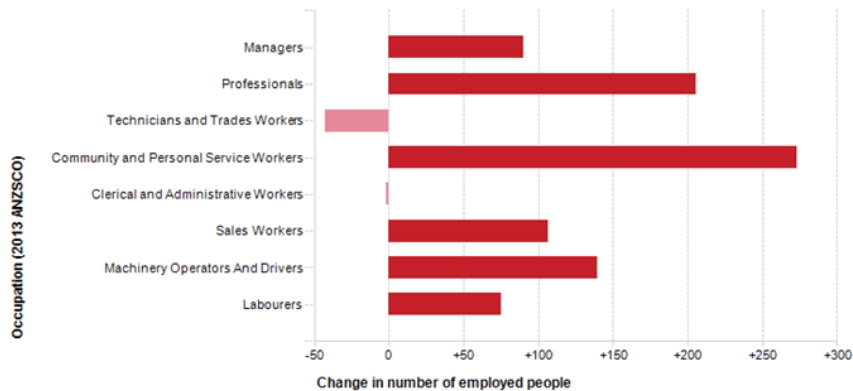
Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [id.](#), the population experts.

Likewise, the greatest area of growth in occupations was led by the Community and Personal Service Workers, followed by Professionals. Not surprisingly, the number of Technicians and Trades Workers decreased in step with the wider decline in manufacturing across the LGA. This is also shown in Figure 4.6 below.



**Figure 4.6 | Change in Occupation of Employment – Study Area, 2011 – 2016**

Liverpool - Total employed persons



Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [.id](#), the population experts.

#### 4.8. Age Profile

The Census population of the Liverpool LGA in 2016 was 204,319, living in 62,926 households with an average household size of 3.2 people. In comparison, the census population of the Study Area in 2016 was 27,046 living in 10,046 dwellings with an average household size of 2.77 people.

The Study Area is predominantly populated by couples with children and single-person households. The couples with children represent the greatest age group with 3,142 people (33.1%) and singles with 1,928 people (20.3%) of the local population. All categories except visitor only households increased in the Study Area with the "Other not classifiable households" experiencing the largest increase of 376 people. The Study Area is consistent with the wider LGA and Greater Sydney Average with Couples with children the largest household type (45.7% of the population in the LGA), followed by Couples without children (16.4%). Across the LGA, visitor only households likewise showed a slight decline.

In terms of age structure, the 2016 Census data shows that the Study Area had a higher proportion of pre-schoolers and those in post-retirement than the remainder of the LGA. In the context of the LGA against the Greater Sydney area, the LGA also had a higher proportion of pre-schoolers and a lower proportion of those in post-retirement. The Age profile is demonstrated in Tables 4.5.1 and 4.5.2 below.



**Table 4.5.1 | Age Profile - Liverpool LGA**

Liverpool LGA	2016			2011			Change
Service age group (years)	Number	%	Greater Sydney %	Number	%	Greater Sydney %	2011 to 2016
Babies and pre-schoolers (0 - 4)	15,611	7.6	6.4	14,085	7.8	6.8	+1,526
Primary schoolers (5 - 11)	21,704	10.6	8.8	19,806	11.0	8.7	+1,898
Secondary schoolers (12 - 17)	17,992	8.8	6.9	16,680	9.3	7.4	+1,312
Tertiary education and independence (18 - 24)	20,427	10.0	9.6	17,890	9.9	9.5	+2,537
Young workforce (25 - 34)	29,760	14.6	16.1	26,390	14.6	15.4	+3,370
Parents and homebuilders (35 - 49)	43,473	21.3	21.1	40,163	22.3	21.9	+3,310
Older workers and pre-retirees (50 - 59)	24,934	12.2	12.2	20,912	11.6	12.2	+4,022
Empty nesters and retirees (60 - 69)	16,456	8.1	9.5	13,243	7.4	9.0	+3,213
Seniors (70 - 84)	11,679	5.7	7.5	9,419	5.2	7.2	+2,260
Elderly aged (85+)	2,283	1.1	2.0	1,554	0.9	1.8	+729
<b>Total</b>	<b>204,319</b>	<b>100.0</b>	<b>100.0</b>	<b>180,142</b>	<b>100.0</b>	<b>100.0</b>	<b>+24,177</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [id.](#), the population experts.



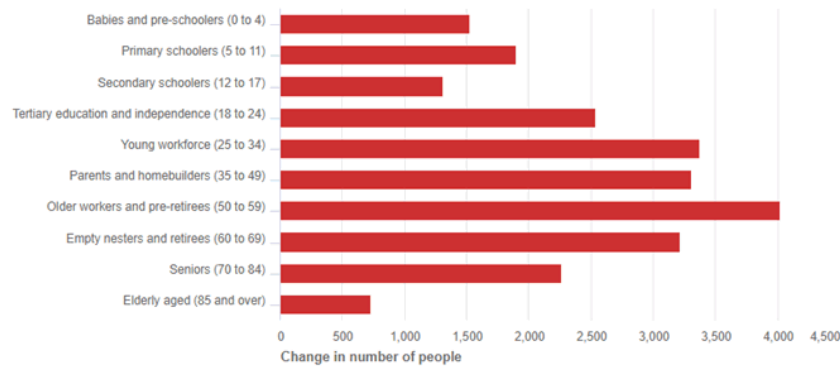
Table 4.5.2 | Age Profile – Study Area

Study Area	2016			2011			Change
Service age group (years)	Number	%	Liverpool City %	Number	%	Liverpool City %	2011 to 2016
Babies and pre-schoolers (0 - 4)	2,316	8.5	7.6	2,063	8.6	7.8	+253
Primary schoolers (5 - 11)	2,466	9.1	10.6	2,211	9.2	11.0	+255
Secondary schoolers (12 - 17)	1,776	6.6	8.8	1,740	7.2	9.3	+36
Tertiary education and independence (18 - 24)	2,558	9.4	10.0	2,329	9.7	9.9	+230
Young workforce (25 - 34)	4,852	17.9	14.6	4,349	18.1	14.6	+503
Parents and homebuilders (35 - 49)	5,660	20.9	21.3	4,927	20.5	22.3	+732
Older workers and pre-retirees (50 - 59)	2,995	11.1	12.2	2,714	11.3	11.6	+281
Empty nesters and retirees (60 - 69)	2,242	8.3	8.1	1,837	7.7	7.4	+405
Seniors (70 - 84)	1,842	6.8	5.7	1,546	6.4	5.2	+296
Elderly aged (85+)	382	1.4	1.1	284	1.2	0.9	+98
<b>Total</b>	<b>27,094</b>	<b>100.0</b>	<b>100.0</b>	<b>24,005</b>	<b>100.0</b>	<b>100.0</b>	<b>+3,089</b>

The change in age structure between the last two census periods is also of relevance with the Parents and Homebuilders making a significant increase, as shown in Figures 4.7 and 4.8 below.

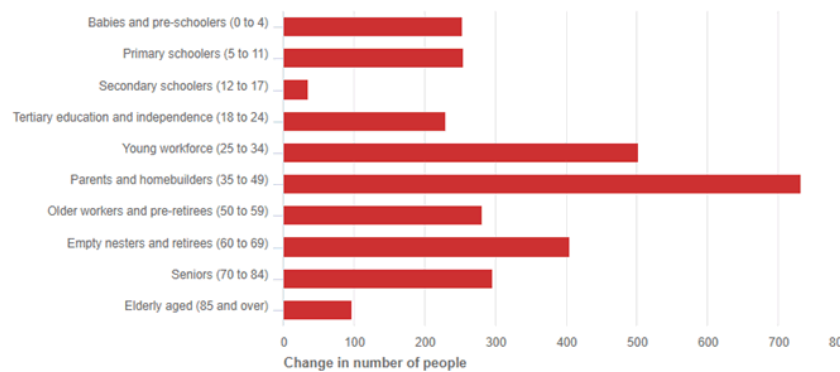


**Figure 4.7 | Change in Age Structure – LGA, 2011 – 2016**



Source: Australian Bureau of Statistics, Census of Population and Housing, 2011 and 2016 (Usual residence data). Compiled and presented in profile.id by .id, the population experts.

**Figure 4.8 | Change in Age Structure – Study Area, 2011 – 2016**



Source: Australian Bureau of Statistics, Census of Population and Housing, 2011 and 2016 (Usual residence data). Compiled and presented in profile.id by .id, the population experts.

#### 4.9. Household Income

Household income is a representation of the labour force participation rates, individual incomes and household composition. Details of the Household Incomes for both the LGA and the Study Area are provided in Tables 4.6.1 and 4.6.2, respectively below.

Analysis of household income levels in the Study Area in 2016 compared to the Liverpool LGA shows that there was a smaller proportion of high income households (those earning \$2,500 per week or more) and a higher proportion of low income households (those earning less than \$600 per week). Overall, 8.6% of the households earned a high income and 24.2% were low income households, compared with 22.5% and 15.9% respectively for Liverpool City.



**Table 4.6.1 Liverpool LGA Weekly Household Income**

Liverpool LGA	2016		
Weekly income	Number	%	Greater Sydney %
Neg/Nil Income	913	1.5	1.9
\$1 - \$149	446	0.8	0.7
\$150 - \$299	1,213	2.1	1.8
\$300 - \$399	1,626	2.8	2.4
\$400 - \$499	3,100	5.3	4.9
\$500 - \$649	2,090	3.5	3.4
\$650 - \$799	3,749	6.4	5.5
\$800 - \$999	3,678	6.2	5.4
\$1,000 - \$1,249	4,574	7.7	6.9
\$1,250 - \$1,499	4,280	7.2	6.4
\$1,500 - \$1,749	3,656	6.2	5.6
\$1,750 - \$1,999	3,499	5.9	5.5
\$2,000 - \$2,499	6,628	11.2	11.1
\$2,500 - \$2,999	4,554	7.7	7.1
\$3,000 - \$3,499	3,002	5.1	5.1
\$3,500 - \$3,999	2,108	3.6	5.3
\$4,000 - \$4,499	1,186	2.0	2.7
\$4,500 - \$4,999	977	1.7	2.6
\$5,000 - \$5,999	845	1.4	2.7
\$6,000 - \$7,999	515	0.9	2.5
\$8,000 or more	114	0.2	0.3
Not stated	6,284	10.6	10.2
<b>Total households</b>	<b>59,037</b>	<b>100.0</b>	<b>100.0</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016. Compiled and presented in profile.id by [.id](#), the population experts.



Table 4.6.2 Study Area Weekly Household Income

Study Area	2016		
Weekly income	Number	%	Liverpool City %
Neg/Nil Income	161	1.9	1.5
\$1 - \$149	69	0.8	0.8
\$150 - \$299	266	3.2	2.1
\$300 - \$399	374	4.5	2.8
\$400 - \$499	668	8.0	5.3
\$500 - \$649	470	5.7	3.5
\$650 - \$799	750	9.0	6.4
\$800 - \$999	748	9.0	6.2
\$1,000 - \$1,249	854	10.3	7.7
\$1,250 - \$1,499	726	8.7	7.2
\$1,500 - \$1,749	513	6.2	6.2
\$1,750 - \$1,999	475	5.7	5.9
\$2,000 - \$2,499	695	8.4	11.2
\$2,500 - \$2,999	348	4.2	7.7
\$3,000 - \$3,499	165	2.0	5.1
\$3,500 - \$3,999	125	1.5	3.6
\$4,000 - \$4,499	29	0.3	2.0
\$4,500 - \$4,999	23	0.3	1.7
\$5,000 - \$5,999	6	0.1	1.4
\$6,000 - \$7,999	12	0.1	0.9
\$8,000 or more	0	0.0	0.2
Not stated	823	9.9	10.6
<b>Total households</b>	<b>8,309</b>	<b>100.0</b>	<b>100.0</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016. Compiled and presented in profile.id by [.id](#), the population experts.



By comparison, the analysis of household income levels in the LGA compared to Greater Sydney shows that there was a smaller proportion of high income households (those earning \$2,500 per week or more) and a higher proportion of low income households (those earning less than \$600 per week). Overall, 22.5% of the households earned a high income and 15.9% were low income households, compared with 28.3% and 15.1% respectively for Greater Sydney.

#### 4.10. Housing Demographics

Details of the dwelling structure for both the LGA and the Study Area are provided in Tables 4.7.1 and 4.7.2, respectively below. The residential built form often reflects market opportunities or planning policy, such as building denser forms of housing around public transport nodes or employment centres.

**Table 4.7.1 | Liverpool LGA Dwelling Structure**

LGA	2016			2011			Change
Dwelling type	Number	%	Greater Sydney %	Number	%	Greater Sydney %	2011 to 2016
Separate house	48,531	73.7	55.0	43,448	73.8	58.9	+5,083
Medium density	9,091	13.8	20.3	8,884	15.1	19.7	+207
High density	7,692	11.7	23.5	6,348	10.8	20.7	+1,344
Caravans, cabin, houseboat	75	0.1	0.3	52	0.1	0.2	+23
Other	114	0.2	0.5	51	0.1	0.4	+63
Not stated	388	0.6	0.4	52	0.1	0.1	+336
<b>Total Private Dwellings</b>	<b>65,891</b>	<b>100.0</b>	<b>100.0</b>	<b>58,835</b>	<b>100.0</b>	<b>100.0</b>	<b>+7,056</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [id.](#), the population experts.



Table 4.7.2 | Study Area Dwelling Structure

Study Area	2016			2011			Change
Dwelling type	Number	%	Liverpool City %	Number	%	Liverpool City %	2011 to 2016
Separate house	2,878	28.7	73.7	3,146	34.6	73.8	-268
Medium density	1,771	17.7	13.8	1,558	17.2	15.1	+213
High density	5,324	53.2	11.7	4,327	47.6	10.8	+996
Caravans, cabin, houseboat	3	0.0	0.1	0	0.0	0.1	+3
Other	19	0.2	0.2	27	0.3	0.1	-9
Not stated	21	0.2	0.6	23	0.3	0.1	-2
<b>Total Private Dwellings</b>	<b>10,016</b>	<b>100.0</b>	<b>100.0</b>	<b>9,083</b>	<b>100.0</b>	<b>100.0</b>	<b>+933</b>

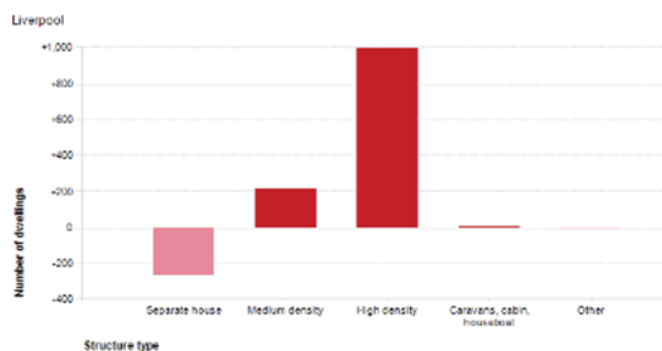
Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [id.](#), the population experts.

In 2016, of the 65,891 dwellings in the LGA, 73.7% (48,531) were separate houses, followed by medium density dwellings at 13.8% of the housing stock (9,091 dwellings) and 11.7% as high density units (7,692 units). These dwelling types increased between the 2011 and 2016 census period at a rate of 5,083 dwellings; 207 units and 1,344 units respectively. Despite the increase in higher density forms of housing, the detached dwellings remain the dominant type of housing being built. This is not consistent with the types of dwellings across Greater Sydney, where some 58.9% of dwellings between the Census periods were detached houses, 19.7% were medium density and 20.7% were high density units.

Analysis of the types of dwellings in the Study Area in 2016 shows that only 28.7% of all dwellings were separate houses; 17.7% were medium density dwellings, and 53.2% were in high density dwellings, compared with 73.7%, 13.8%, and 11.7% in the Liverpool City respectively. Most significant over the two census periods was the degree of change, which is shown in Figure 4.9 below. Figure 4.9 shows a significant decline in the number of separate houses and a marked increase in high density housing, which can be attributed to the redevelopment of the Liverpool City Centre and its periphery.



**Figure 4.9 | Change in Dwelling Structure – Study Area, 2011 – 2016**



Source: Australian Bureau of Statistics, Census of Population and Housing, 2011 and 2016 (Enumerated data)  
 Compiled and presented in profile.id by .id, the population experts.

Housing Tenure data also provides insights into an area's socio-economic status as well as the role it plays in the housing market. Table 4.8.1 below provides a breakdown of housing tenure within the Liverpool LGA, while Table 4.8.2 provides a similar breakdown for the Study Area.

**Table 4.8.1 | Liverpool LGA Housing Tenure**

LGA	2016			2011			Change
Tenure type	Number	%	Greater Sydney %	Number	%	Greater Sydney %	2011 to 2016
Fully owned	14,193	22.6	27.7	12,949	22.9	29.1	+1,244
Mortgage	23,566	37.5	31.5	22,510	39.9	33.2	+1,056
Renting	18,964	30.1	32.6	16,429	29.1	30.4	+2,535
Renting - Social housing	4,505	7.2	4.6	4,593	8.1	5.0	-88
Renting - Private	14,161	22.5	27.6	11,542	20.4	25.0	+2,619
Renting - Not stated	298	0.5	0.4	294	0.5	0.5	+4
Other tenure type	433	0.7	0.8	301	0.5	0.8	+132
Not stated	5,769	9.2	7.4	4,280	7.6	6.5	+1,489
<b>Total households</b>	<b>62,925</b>	<b>100.0</b>	<b>100.0</b>	<b>56,469</b>	<b>100.0</b>	<b>100.0</b>	<b>+6,456</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#), 2011 and 2016. Compiled and presented by .id, the population experts.



In 2011, there were a larger proportion of Liverpool residents who were purchasing a dwelling, at 37.5%, with renters at 30.1% and those having a mortgage next at 22.6% of residents, with a small, but noticeable loss of the number of people living in social housing. The number of residents in private rental accommodation experienced the greatest amount of change, increasing by 2,619 people since 20011. This could possibly be attributed to the similar increase in the number of medium and high density dwellings built between since 2011.

**Table 4.8.2 | Study Area Housing Tenure**

Study Area	2016			2011			Change
Tenure type	Number	%	Liverpool City %	Number	%	Liverpool City %	2011 to 2016
Fully owned	1,501	15.9	22.6	1,572	18.2	22.9	-71
Mortgage	1,793	19.0	37.5	2,017	23.3	39.9	-224
Renting	4,655	49.4	30.1	3,964	45.9	29.1	+691
Renting - Social housing	632	6.7	7.2	680	7.9	8.1	-48
Renting - Private	3,986	42.3	22.5	3,212	37.1	20.4	+774
Renting - Not stated	37	0.4	0.5	72	0.8	0.5	-36
Other tenure type	33	0.4	0.7	53	0.6	0.5	-21
Not stated	1,432	15.2	9.2	1,037	12.0	7.6	+395
<b>Total households</b>	<b>9,417</b>	<b>100.0</b>	<b>100.0</b>	<b>8,646</b>	<b>100.0</b>	<b>100.0</b>	<b>+771</b>

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2011 and 2016. Compiled and presented by [.id](#), the population experts.

The Study Area also showed a slightly different pattern in tenure to that of the Liverpool LGA, with the numbers of people renting increasing by 774 people, while those with a mortgage or with a fully owned dwelling decreasing by 224 and 71 people respectively, suggesting increased urban consolidation and detached dwellings replaced by higher density housing. Overall, 49.4% of the population were renting while 19% were purchasing a dwelling and 15.9% owned their dwelling, compared with 30.1%, 37.5% and 22.6% respectively for Liverpool City. The largest change between the two census years in housing tenure occurred in the number of people with a mortgage. The Study Area also showed a pattern of



loss in the number of people who owned their dwelling outright, lived in social housing or other tenure types.

With respect to “housing stress” (the negative impacts for households with insufficient income to secure adequate housing), an analysis of the monthly housing loan repayments and rental payments of households in Liverpool City compared to Greater Sydney and the Study Area shows the following key elements emerging:

Mortgages:

- There was a smaller proportion of households paying high mortgage repayments (\$2,600 per month or more) within the LGA than the Greater Sydney Region, as well as a smaller proportion of households with low mortgage repayments (less than \$1000 per month);
- Within the Liverpool LGA, 30.6% of households were paying high mortgage repayments and 16.4% were paying low repayments, compared with 36.5% and 17.3% respectively in Greater Sydney;
- The Study Area, in comparison to the Liverpool LGA had a smaller proportion of households paying high mortgage repayments (\$2,600 per month or more), and a larger proportion of households with low mortgage repayments (less than \$1000 per month);
- There were 13.1% of households in the Study Area that were paying high mortgage repayments and 25.4% were paying low repayments, compared with 30.6% and 16.4% respectively in the Liverpool LGA.

Rents:

- Analysis of the weekly housing rental payments of households within the Liverpool LGA compared to Greater Sydney shows that there was a smaller proportion of households paying high rental payments (\$450 per week or more) and a larger proportion of households with low rental payments (less than \$250 per week) in the LGA;
- Within the Liverpool LGA, 29.7% of households were paying high rental payments and 23.3% were paying low payments, compared with 48.1% and 16% respectively in Greater Sydney.
- The Study Area, in comparison to the Liverpool LGA had a smaller proportion of households paying high rental payments (\$450 per week or more), and a smaller proportion of households with low rental payments (less than \$250 per week);
- 14.5% of the households in the Study Area were paying high rental payments and 14.5% were making low payments, compared with 29.7% and 23.3% respectively within the Liverpool LGA.

All of these factors indicate an evident demand for affordable housing within both the LGA, as well as the Study Area, with opportunities for larger contributions towards the overall housing stock through consolidation and redevelopment of



mixed use zones and the Liverpool City Centre and greenfield development still available.

#### **4.11. SEIFA Scores**

Socio Economic Indexes for Areas (SEIFA) is a suite of four indexes drawn by the Australian Bureau of Statistics from the 2011 and 2016 Census of Population and Housing as a summary measure to rank geographic areas across Australia in terms of their relative socio-economic advantage and disadvantage. Each social index summarises a slightly different aspect of the socio-economic conditions in an area and is given a score which measures how relatively 'advantaged' or 'disadvantaged' that area is compared with other areas in Australia.

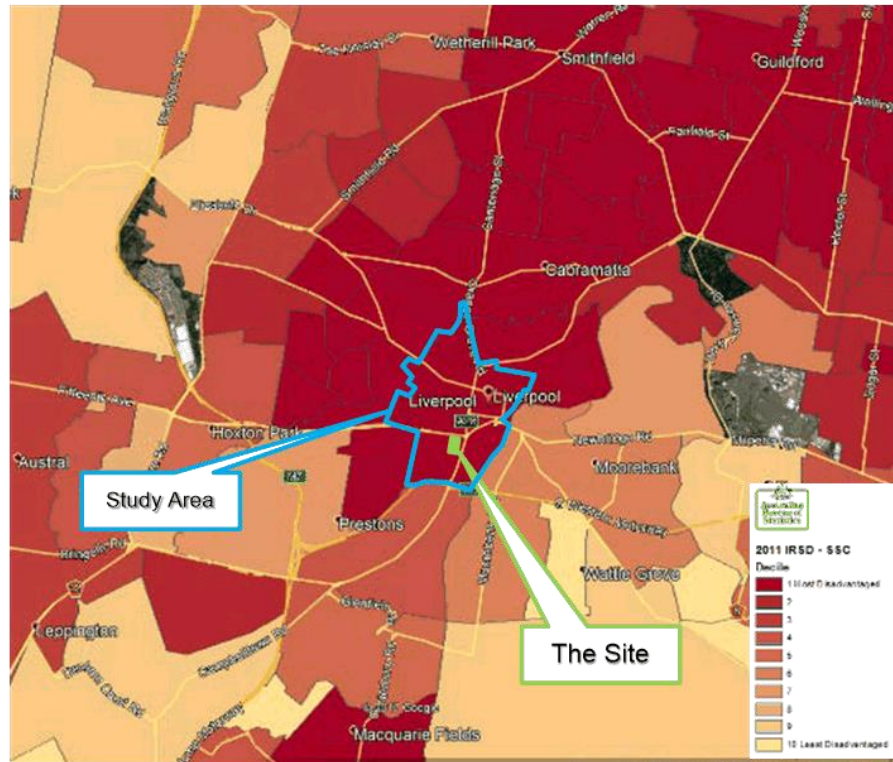
According to the SEIFA Index of Disadvantage, the Liverpool LGA had a score of 951.1 according to the ABS and was ranked 103<sup>rd</sup> out of 153 Councils in the State in 2011, falling to 1039 on 28 March 2013, against a State average of 1000.0 and a Greater Sydney Average of 1011.3. This has not been updated in the 2016 Census as yet, however this is not expected to change to any significant degree. The low SEIFA score means that Liverpool is significantly more disadvantaged in comparison to other areas within the State.

A more detailed analysis of the different Small Areas (SA) within the LGA reveals that the Study Area is the thirteenth-most disadvantaged with a score of 951 in 2016, with the Voyager Point-Pleasure Point SA having the least level of disadvantage, scoring 1,122, while the Miller SA had the lowest score of 695.7 and the greatest level of disadvantage. The low SEIFA score for both the LGA and the Study Area emphasises the need for both affordable housing and alternative forms of housing to the vernacular, which is identified in Section 6 below.

SEIFA Scores are also represented graphically in Figure 4.10 and 4.11 below. Figure 4.10 shows an extract from the Google Earth-based mapping files produced by the ABS (which replaces the Atlas of NSW – Social Inclusion maps). Figure 4.11 has been generated using the Social Atlas to demonstrate at a finer grain the level of relative disadvantage within the Study Area.



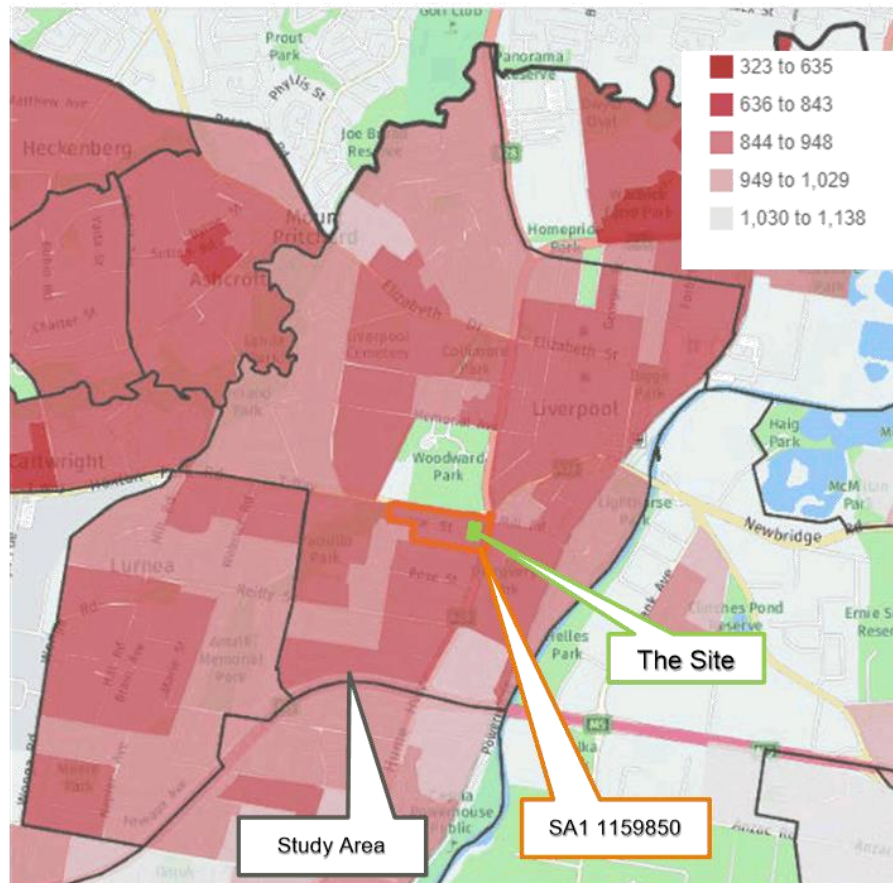
**Figure 4.10 | Relative Social Disadvantage and SEIFA Score – Study Area**



Source: Compiled using Google Earth Pro and ABS IRSD Datasets



**Figure 4.11 | Relative Social Disadvantage and SEIFA Score Within the Study Area**



Source: [atlas.id.com.au/Liverpool](https://atlas.id.com.au/Liverpool)



## 5. existing community resources

This section considers the provision and availability of existing community facilities, open space and other relevant facilities and services in the area surrounding the Study Area that could address some of the needs of the future residents of the Site.

### 5.1. Schools and Tertiary Education

There are a number of public, private and Catholic schools providing primary and secondary education within a 2.5 km radius of the site, including:

- Liverpool Public School
- Liverpool West Public School
- Mainsbridge School
- St Francis Xavier Primary School
- Liverpool Public School
- Ashcroft High School
- Marsden Road Public School
- All Saints Primary School and Catholic College
- Al Amanah College
- Liverpool Girls High School
- Lurnea High School, approximately 2.4km to the southwest

Additionally, there are a range of tertiary educational facilities within the same catchment area, including:

- TAFE NSW South Western Sydney Campus, Liverpool
- Western Sydney University – Liverpool Campus
- University of Wollongong, South Western Sydney Campus, Liverpool
- The Ingham Institute Clinical Skills and Simulation Centre (UNSW), Liverpool

Given the modest potential dwelling yield, it is anticipated that any additional numbers of children could be accommodated within the surrounding schools and tertiary facilities.

### 5.2. Childcare

There are a number of child care and early learning facilities within 2-4 kms of the site, including:

- Kids Castle Child Care Centre, Liverpool
- KU Liverpool AMEP Child Care Centre, Liverpool
- Young Achievers Early Learning Centre, Liverpool
- Creative Kiddies Child Care Centre, Lurnea
- Bright Vibes Early Learning Centre, Liverpool
- Fern Valley Child Care Centre, Liverpool
- Sunny Bunnies Family Daycare, Liverpool
- Jelly Bean Junction Childcare, Liverpool



- Star Academy Kids Learning Centre, Liverpool
- Summer Child Care, Liverpool
- Barakat Family Day Care, Liverpool
- KU Liverpool Preschool, Liverpool
- KU Marcia Burgess Autism Specific Early Learning and Care Centre, Liverpool
- Liverpool School for Early learning, Liverpool
- Little School Long Day Care, Liverpool
- Planet Kindy Long Day Care Centre, Liverpool
- Kinderland Academy, Liverpool
- Just Kids Learning Long Day Care Centre
- Websters Cottage Kindergaten, Lurnea
- Clovell Child Care and Early Learning Centre, Liverpool
- Happy Start Child Care, Liverpool

Given the relatively modest dwelling yield and the extensive number of facilities providing child care services, it is anticipated that any additional numbers of young children could be accommodated within the surrounding early learning and child care facilities. Vacancy rates within centres are difficult to determine without contacting each centre and vary continuously. When this has been done, in the author's experience some centres decline to provide accurate details, citing commercial or privacy concerns.

### 5.3. Community Services

Community services as well as facilities operated by Liverpool City Council in closest proximity to the Site include:

- Liverpool Council Chambers and Administration Centre
- The Whitlam Leisure Centre
- Liverpool Library
- Liverpool Community Hall
- Inspire Community Youth Centre
- Hilda M Davis Citizens Centre
- Liverpool Community Centre
- Seton Recreational Hall
- Liverpool Mens Refuge – St Vincent De Paul Society
- Liverpool Cemetery and Crematorium
- Orange Grove Community Hall
- Casula Powerhouse Arts Centre
- Liverpool Regional Museum
- Liverpool Youth Accommodation Assistance Co.
- South West Women's Housing Inc.
- Global Islamic Youth Centre
- George Bates Hall
- Casula Community Centre



Most services are located within the nearby Liverpool CBD and its periphery, which has good public transport access and a large retail and commercial precinct, supported by a large healthcare campus. Community facilities such as public halls however tend to be spread out across the surrounding suburbs.

#### **5.4. Health**

Health services within the local area include the following:

- Liverpool Hospital
- Sydney Southwest Private Hospital
- South Western Day Surgical Centre
- Liverpool Eye Surgery
- Liverpool Emergency Dental
- Macarthur Audiology and Hearing Centre
- South Western Sydney Public Health Unit

There are also numerous medical centres providing general practice and specialist medical services, including rehabilitation and support services within and in close proximity to the Liverpool CBD.

#### **5.5. Religion**

Religious sites located in the surrounding locality of the Site are various, catering for a variety of faiths and denominations, including:

- Impact Church Liverpool
- Southwest Church (ACC)
- Macedonian Orthodox Church of the Presentation of the Theotokos
- Good Shepherd Catholic Church
- Hinchinbrook Uniting Church
- Living Grace Christian Church
- Freedom City Church
- Cabramatta Anglican Church
- Liverpool South Anglican Church
- St Mark's Anglican Church
- St Francis Xavier Catholic Church Lurnea
- Glad Tidings (Hindi)
- C3 Church Liverpool
- Lifegate Liverpool
- Open Heaven Church
- Cartwright Gospel Church
- St. Therese's Catholic Church Sadlier
- St George and Prince Tadros Coptic Orthodox Church
- Serbian Orthodox Church of the Apostle Luke
- Liverpool Presbyterian Church
- Assembly of God Church of Samoa in Australia Warwick Farm



- All Saints Catholic Church Liverpool
- Church of God Villawood
- Church of Christ Moorebank
- The Crossroads Christian Centre
- WaYout Fellowship Church Liverpool
- The Potter's House Christian Church Liverpool
- St Luke's Anglican Church
- St Joseph Catholic Church
- New Life Christian Ministries
- Universal Church of the Kingdom of God
- St Raphael, Nicholas and Irene Liverpool Church
- Calvary Temple Assemblies of God
- Salvation Army Liverpool
- Living Waters Lutheran Church
- Milaadi Centre
- Lurnea Mosque Islamic House
- Mosque in Prestons
- MIA Masjid Imam Ahmad
- Warwick Farm Musallah

#### **5.6. Sporting Clubs**

Also located nearby the site are a number of social and sporting clubs and facilities, often providing public bar and other social facilities, including:

- NSW Barefoot Water Ski Club
- Jim's Tennis Ranch
- Liverpool Rangers Soccer Club
- Hinchinbrook Sports Club
- The Liverpool Catholic Club
- The Greek Club
- Moorebank Liverpool District Hockey Club
- KMA Champion Martial Arts
- Cumberland Grove Country Club
- Moorebank Football Club
- PCYC Liverpool
- Liverpool City Netball Association
- Sportsworld Liverpool

#### **5.7. Major Open Spaces and Parks**

The Site is in close proximity to a number of parks and open spaces containing both active and passive facilities, walking paths and playgrounds, with key facilities including:

- Paciullo Park/ Pearce Park



- Whitlam Leisure Centre, incorporating Hillier Oval, Bulldog Park, Barbara Long Park
- Discovery Park, which includes the Liverpool Regional Museum
- Lighthorse Park

### 5.8. Transport

The Site is serviced by bus and road networks with the nearest train station being on the eastern side of the Liverpool CBD, approximately 1km away. Access to Liverpool Station is via private car or bus. The nearest bus stops to the Site are located approximately 85m to the west along Hoxton Park Road and are serviced by the following routes:

- 853 – Carnes Hill to Liverpool
- 869 – Ingleburn to Liverpool Station via Edmondson Park and Prestons

Additional bus stops are located on the Hume Highway at the intersection of Passefield Street (385m south of the Site), providing access to the following services:

- 851 – Carnes Hill Marketplace to Liverpool
- 852 – Carnes Hill Marketplace to Liverpool
- 855 – Rutleigh Park to Liverpool Via Austral and Leppington Stations
- 856 – Bringelly to Liverpool
- 857 – Narellan to Liverpool
- 865 – Casula to Liverpool
- 866 – Casula to Liverpool
- 870 – Campbelltown to Liverpool
- 871 – Campbelltown to Liverpool via Glenfield
- 872 – Campbelltown to Liverpool via Macquarie Fields

Bus and rail services will facilitate access to major employment opportunities in Campbelltown, Moorebank, Ingleburn, Parramatta, Liverpool and the City. Hoxton Park Road and the Hume Highway provide key road connections to the arterial road network consisting of the Hume Highway and the South West Motorway (M5).

### 5.9. Commerce and Industry

The subject Site is located within close proximity to the key employment areas of Liverpool CBD, Moorebank and Prestons with Ingleburn, Minto and Campbelltown employment areas to the south. Further to the north are the employment areas of Whetherill park, Smithfield, Yennora, Villawood and Milperra to the east.

The Liverpool CBD is located in close proximity to the northeast providing a full range of commercial and retail outlets, including key anchor retailers within Westfield Liverpool. The CBD is supported by a range of service, retail and commercial activities located predominantly along the Hume Highway. Other nearby town centres include:



- Miller town centre approximately 3.3km to the west
- Casula Mall approximately 2.5km to the southwest
- Green Valley town centre approximately 5.1km to the west
- Bonnyrigg town centre approximately 5.4km to the northwest
- Cabramatta Town Centre approximately 4.2km to
- Carnes Hill town centre approximately 6.6km to the southwest
- Moorebank Town Centre approximately 2.9km to the east

The both the Yennora/ Smithfield employment area to the north and Ingleburn/ Minto employment area to the south are key industrial and warehousing centres within Sydney and are strategically important for employment. Given the proximity to significant employment generators and the proximity of the Site to public and private transport networks, the proposal will provide ground level commercial/ retail activities, as well as residential accommodation on the upper levels for a locally-employed workforce, promoting economic growth and prosperity for residents and the local economy.



## 6. social impact assessment

This section of the report primarily identifies the social impacts which may arise as a result of the proposal. Both negative and positive impacts have been considered, based on observations made during the desktop assessment, a physical inspection of the Site and surrounds and an analysis of the locality's socio-demographic profile. The key impacts of the proposed development are discussed below and where necessary, mitigation measures.

### 6.1. Strategic Assessment

There are a number of strategies in place which will benefit from the proposed development. The *Metropolitan Strategy, A Plan for Growing Sydney* contains a number of directions and actions aimed at accelerating housing supply and improving housing choice in urban renewal precincts, while at the same time promoting more jobs close to home. The Plan aims to reinvigorate key Sydney suburbs with a greater choice of homes linked to improved public transport, and access to shops, restaurants, parks and education and health services.

In addition to supporting specific actions regarding improved housing affordability and availability, the proposal will assist in achieving the housing targets set out in the West Central Subregion.

The proposed development is consistent with the Goals and Directions of the West Central Subregion in terms of:

- Seeks to provide more affordable housing options and improve housing supply by providing additional dwellings to the local market;
- Continue the focus for residential development with better housing choice, by providing a diversity of residential dwelling forms to meet the changing demographics of residents;
- Providing greater investment into the Liverpool CBD and Strategic Regional Centre through the provision of a mixed use development on site designated for such a purpose;
- Has the potential to contribute to affordable housing stock, housing that caters for people with a disability or is easily adapted to suit residents through different life stages to allow them to live longer in their local community; and
- Contributes to achieving the target of an additional new homes and jobs for the subregion by increasing densities in an existing CBD location.

It is important to note that while the Plan identifies Liverpool as a strategic regional centre, it does not identify any specific targets for commercial floorspace or jobs creation. This has a positive impact in that there is no direct policy direction that would prevent a mixed use building comprising both residential and commercial floor space from being developed on the Site.



## 6.2. Demographic Change

Although a changing demographic profile in itself is not necessarily detrimental in the context of urban consolidation and redevelopment, the particular aspects of it need to be understood in order to mitigate potentially adverse impacts or events. An analysis of the data provided in the 2011 and 2016 census' reveals the following trends relative to the Site and the proposal:

- The population in the Study Area is increasing at a rate that is almost double the State average. Most of the people moving to the area are employed although the LGA has a higher unemployment rate than the Greater Sydney Area.
- The density of the Study Area equates to 44.74 persons per hectare, which is significantly higher than that of the LGA, which is just 6.95 persons per hectare. This is due to the majority of the Study Area covering the Liverpool CBD where floor space ratios and building heights are greater and mixed used multi storey buildings containing residential apartments are both located and desired by Council.
- The overwhelming number of people lived in separate houses, however this was quickly changing with more high-density dwellings produced to meet the demands on a rapidly rising population between the two Census periods.
- More people in the Study Area are employed in the health care and allied social assistance sector as well as the construction industry and this continues to increase as the demand for housing and improved regional health facilities (Liverpool Hospital) continue to expand as the South West Growth Centre continues to expand and develop.
- The age profile indicates a relatively young population with couples with children and single person households being the largest cohorts while the parents and homebuilders (35-49 years of age) exhibited the greatest increase in numbers in the Study Area between the two Census periods. Average household size in the Study Area is also smaller than that of the remainder of the LGA, having an average of just 2.77 people.
- The majority of people living in the Study Area were low to middle income earners, with the supply of affordable housing considered a particularly strong desire, bearing in mind a relatively high degree of housing stress in both the mortgage and rental markets.
- The Study Area was still experiencing a high SEIFA score and relative level of disadvantage.

The expected population of the proposal is expected to be between 180 people (assuming an occupancy of 1 person per bedroom) and 360 people (assuming an occupancy of 2 people per bedroom). The proposal is expected to have a relatively modest increase in population in the context of both the LGA and Greater Sydney. In terms of the Study Area, an additional 180-360 people represents approximately 5%-10.7% (respectively) of the increase in overall population between the two



Census periods. This would not, in the context of the overall growth of the LGA, be seen as significant or lead to adverse demands on local services. The rate of change currently occurring and the socio-economic profile of the area indicates that the outcomes sought by the planning proposal would not be at odds with or undermine the quality of life anticipated for the future resident population or adversely affect the provision of services and facilities in the CBD.

Although a maximum of 360 people has been estimated, the low occupancy rate of 2.77 people per household infers the actual rate will be in the order of 249 people. This represents approximately 7% of the increase in population of the Study Area between the last two Census periods.

### **6.3. Noise**

There will be acoustic impacts arising from the development during the construction phase of the development. The EPA hours of operation and standards will be followed to ensure noise pollution is minimal. The Site is within a commercial / mixed use precinct and therefore any noise-related impacts will be within the limits anticipated for such a development.

### **6.4. Housing**

The development will potentially provide an additional 90 dwellings. The development will improve the diversity of housing in the area, by expanding the mix of housing types and subsequently improving social diversity. The Metropolitan Strategy has identified housing stress as a significant concern, particularly for lower income households. The development will provide alleviation of the stressed housing market as seen through the high number of residents in the Liverpool LGA and the Study Area currently renting, as observed through ABS data trends. Anecdotal evidence based on internet-based searches also indicate that attached dwellings within the locality are extremely limited.

The Council of Australian Governments outlined the ability of increasing housing supply to put downward pressure on housing prices under the Housing Supply and Affordability Report in August 2012. The provision of an additional 20 dwellings will support efforts to improve housing affordability, given the growth rate of the Study Area. In addition, the housing mix provided by the development will accommodate a variety of socio-economic groups, with the delivery of a variety of a form of dwelling not generally present due to the dominance of detached single dwellings.

### **6.5. Crime and Safety**

Crime and public safety is a necessary consideration in any urban redevelopment proposal however it is understood that Council has not requested a specific Crime Prevention Through Environmental Design (CPTED) assessment.



The nature of the proposal is in keeping with the adjoining residential areas and will not have any adverse impacts on the residents. The additional dwellings will however provide greater opportunities for passive surveillance from dwellings to the street and a greater level of activation in the surrounding area. The safety and security of the development proposes no significant adverse impact on social cohesion or integration.

#### **6.6. Community and Recreational Facilities/ Services**

The scale of the proposed development will have a modest impact on the local services and facilities in the Study Area and the wider community in general. The locality maintains good access to education, medical, religious sites, transport and community services, providing good amenity for residents.

The Site is within proximity to the Whitlam Leisure Centre and its various associated facilities and playing fields, which will be the closest local park for active and passive recreational activities and social interaction with other residents.

Section 94 developer contributions levied across the future residential development will also be available to Council to provide or augment community facilities to meet anticipated demands. Additionally, the Apartment Design Guide (ADG) requires a quantum of communal open space to be provided and accordingly, any development proposal would need to satisfy the ADG in this regard.

#### **6.7. Cultural Values/ Beliefs**

The development does not comprise any elements which may detract from the localities cultural values or beliefs of the existing or future populations. The development is not located on any key heritage or Indigenous sites and the proposal will remain consistent with the cultural principles of the community. The Site is supported by a wide range of social, cultural and spiritual facilities and groups for any future population.

#### **6.8. Community Identity and Connectedness**

The proposed rezoning will not have an adverse impact on community identity, cohesion or connectedness. If anything, any impacts will be positive. The development concept provides spaces (including landscaped areas and the paved driveway) that would allow people living on the Site to interact and connect with each other in a casual manner, to identify with each other as neighbours and develop a relationship. People on the Site will interact with each other by taking out or collecting their bins and the mail, by walking to their local park, shops or school and greeting each other, or through children playing in the driveway.

There is no requirement at this stage for a designated common open space area containing furniture and play equipment (as envisaged by the Apartment Design Guideline). The provision of opportunities for people to interact, connect and



develop a relationship can only result in a better level of social cohesion than that presented by the current industrial development, located behind a chain-wire fence.

There is no expectation that the proposed development or incoming residents would create friction within the community, once built. The Liverpool community is already one of great diversity across cultural backgrounds, age and income levels, household types, occupation and so on. It is likely that a portion of incoming residents will move from nearby areas and as such, would have similar broad characteristics to residents living elsewhere within the LGA or surrounding areas.

The proposed development will assist in evolving the community identity of the Study Area, as a safe, integrated and friendly neighbourhood. The residential redevelopment of the Site will also connect with the physical barrier created by Council in the form of the chicane, to control heavy vehicles in a residential neighbourhood. Also, as the housing mix within the development can cater for a variety of socio-economic groups, there will be an enhanced sense of community diversity enhancing the social capital of the wider area.

#### **6.9. Construction impacts**

Following a rezoning, construction of the proposed development would be expected to create socio-economic impacts, such as noise, dust and vibration, heavy vehicle movements and possibly changes to local access and traffic delays. The size and location of the site would limit the potential for any temporary inconvenience for residents living adjacent to the site.

Construction is likely to be undertaken over a period of 1-2 years. Commencement and completion dates will be subject to Council consent and market conditions.

Standard construction environmental management practices and communication with neighbours about the timing and extent of inconvenience are general measures used to mitigate construction impacts. A construction management plan will be established for the duration of the demolition and construction phases.

#### **6.10. Human Health**

In terms of whether the proposed rezoning will have an impact on human health, the answer is yes, however it will be a positive impact. The Site's noise, air quality and safety aspects will not comprise any detrimental concerns to the community. The development provides opportunities for both passive and active recreation in which people can interact with one another.

The Site is well connected to health facilities, employment opportunities within the local area, nature reserves and nearby facilities, which promotes physically active modes of transport.



### 6.11. Loss of Business Land

The rezoning will not lead to any significant loss of business lands given that the development concept retains ground floor commercial floor space. Further, both the current B6 Enterprise Corridor zone and proposed B4 Mixed Use zone contain a sufficient degree of overlap in terms of permissible uses. Table 6.1 below demonstrates the overlap between the two zones, with common uses highlighted. It is noted that both shop top housing and commercial premises are specifically permitted in both zones so the development of the Site for such a use is within normal expectations.

**Table 6.1 | Comparison of Permissible Land Uses**

Existing B6 Enterprise Corridor Zone	Proposed B4 Mixed Use Zone Showing Overlapping Land Uses
Building identification signs; Business identification signs; Business premises; Car parks; Commercial premises; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Garden centres; Hardware and building supplies; Helipads; Home businesses; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Liquid fuel depots; Multi dwelling housing; Passenger transport facilities; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; Serviced apartments; Shop top housing; Storage premises; Transport depots; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres	Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recreation structures



As noted previously, there is no policy basis that would automatically preclude the consideration of the site for a larger building envelope or from being zoned the same as the adjoining development at 311 Hume Highway.

#### **6.12. Social Equity**

The rezoning in itself will not prevent access to housing or employment for all members of society, regardless of life-stage, or level of ability, providing a range of unit sizes, styles and layouts. As the Site is currently vacant, existing employees will not be unemployed or displaced. Overall, the development has no significant impact on the social equity of the surrounding area.

#### **6.13. The Need for the Proposal**

The low SEIFA score for both the Liverpool LGA and the Study Area (refer to the discussion above) emphasises the need for additional housing in general, as well as additional affordable housing, both within the LGA and the Study Area. This is further supported by information from the NSW Department of Family and Community Services, Centre for Affordable Housing, which indicates the following from 2012:

- Liverpool is growing at almost twice the rate of Greater Sydney, with a greater demand for both housing and employment.
- The Study Area has a higher degree of unemployment than the LGA and Greater Sydney so the planning proposal, which retains ground floor commercial space will not adversely affect employment opportunities, whereas the “retention of the Site in its current condition will not achieve this goal.
- There is an increasing need for housing within the Study Area to suit single person households and couples with children.
- The LGA has experienced an increase in the number of low-income households and the number of low-income renters between 2006 and 2011.
- There is a need for a variety of dwellings configurations to provide something other than detached housing to suit couples with children and single person households.
- The LGA has experienced a significant loss of affordable housing between 2006 and 2013 with high proportions of lower income private rental households in housing stress.
- The vast majority of dwellings in Liverpool are separate houses with homes overwhelmingly three bedrooms. The LGA has a low, but increasing proportion of medium and high density residential dwellings and the planning proposal will facilitate additional dwellings with good access to transport, facilities and services.

The Centre for Affordable Housing also notes that in 2012 within the West Central Subregion, Liverpool had the fourth highest number of Commonwealth Rent



Assistance (CRA) recipients and the third highest number of recipients in housing stress, as demonstrated in Table 6.2 below.

**Table 6.2 | West Central Sydney Subregion Housing Stress**

Area	Total CRA recipients 2012	CRA recipients in Housing Stress 2012	% in Stress
Auburn	5,441	2,943	54.1
Bankstown	10,518	5,191	49.4
The Hills	3707	1,788	48.2
Blacktown	15,894	6,177	38.9
Liverpool	6,351	3,117	49.1
Parramatta	10,171	4,939	48.6
Sydney SD	215,820	103,393	47.9

Source: Centre for Affordable Housing, NSW Department of Family and Community Services.

The proposal represents a modest effort to provide an alternative housing form to provide additional high density housing options in close proximity to work opportunities and transport linkages. The demographic data provided in section 4 of this report and the impact assessment above clearly demonstrates a need for the proposal.

The need for the proposal has also been justified in the Planning Proposal Report prepared by Willana Associates.

#### 6.14. Alternatives

##### Alternative 1 – Base Case - No Development

The Site currently contains a vacant single storey commercial premises that appears to need some maintenance and repair. If the planning proposal was to not occur, the land owner would continue to look for a commercial/ light industrial tenant. The ongoing value of the Site for light industrial purposes is compromised, largely due to the access constraints and the proximity to residential properties. If the property remained vacant, it would eventually be targeted by vandals and become a dumping ground unless measures were taken to secure the property by way of fencing or hoardings. It would not make any positive economic or aesthetic



contribution to the surrounding area, making it a less-viable proposition to be occupied in its current form.

#### **Alternative 2 - New Occupation Only**

The Site currently contains a vacant single storey commercial premises. Given that it is subject to an existing floor space ratio of 2.5:1 and building height limit of 24m under the LLEP 2008, the Site is underdeveloped in its present state. Although it is reasonable to expect that the Site would be redeveloped in some manner in the future, the existing premises could be let by a commercial activity, without any particular adverse social impacts. Eventually however, the Site will be redeveloped given its location, condition of the building and current level of underutilisation.

#### **Alternative 3 - Redevelopment – Compliant with Current Envelope Controls**

As noted above, the Site is currently underutilised and has not been developed to achieve its optimum built form or economic use. This scenario assumes the existing building would be demolished and a new mixed use building containing ground level commercial activities with 6-7 storeys of residential development as shop top housing above. This scenario also assumes the mixed use development would be fully compliant with the applicable local and state planning controls that is consistent with the desired future character.

The potential benefits and disadvantages of this scenario are displayed in the matrix in Figure below.

#### **Alternative 4 - Rezoning and Redevelopment – New Envelope Controls**

The Planning Proposal seeks to amend LLEP 2008 as follows:

- Rezone the Site from B6 Enterprise Corridor to B4 Mixed Use;
- Removal of the Site from the 'Key Site' on Key Sites Map KYS 10;
- Amend the maximum height of buildings for the Site to 50m, in accordance with the proposed mapping; and
- Amend the maximum floor space ratio for the Site to 5:1, in accordance with the proposed mapping.

This would enable a development comprising ground floor retail/ commercial uses with 90 residential apartments over 15-16 storeys, which would be more consistent with the adjoining development currently under construction on 311 Hume Highway. The potential benefits and disadvantages of this scenario are also displayed in the matrix in Table 5.2 below.

**Table 5.2 | Social Outcome and Impact Assessment Matrix for Development Options**

<b>Key:</b>	Positive Effect/ Achieves Desired Outcome		Neutral Effect/ Outcome		Adverse Effect/ Does Not Achieve Desired Outcome	
✘ N/A						
✓ applies						



Social Outcome or Impact	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Assist Council achieve its residential targets under A Plan For Growing Sydney 2014	✓	✓	✓	✓
Provide additional variety to the local housing mix	✓	✓	✓	✓
Result in the loss of existing housing stock	✓	✓	✗	✗
Increase the supply of housing stock in immediately proximate to transport networks, employment opportunities/ hubs, community services and town centres	✓	✓	✓	✓
Provide more opportunities for designated affordable housing	✓	✓	✓	✓
Redevelop underutilised land to achieve desired urban consolidation outcomes reduce demand for new greenfields infrastructure and services	✓	✓	✓	✓
Development could have an adverse effect on perceived community and public safety	✓	✓	✗	✗
Provide new development in areas where recreation, social, spiritual and cultural services and facilities are available	✓	✓	✓	✓
Locate residential development in accessible areas that promote walking	✗	✗	✓	✓
Increase in local population	✗	✗	✓	✓
Change to population structure and community profile of the Study Area	✗	✗	✓	✓



Social Outcome or Impact	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Perceived risks of additional crime and antisocial behaviour due to proximity to the Collingwood Hotel	✓	✓	✓	✓
Development will encourage activation of the surrounding area through additional residents	✗	✗	✓	✓
Development will provide opportunities for residents/ employees to interact with one another to reinforce social cohesion	✓	✓	✓	✓
Development will minimise the impact on community structure (severance, cohesion, identity)	✗	✗	✓	✓
Development will adversely impact on the operational ability of childcare and educational facilities	✗	✗	✓	✓
Development will adversely impact on the needs of different social groups (i.e. children, youth, older people, indigenous people, people with a disability)	✗	✗	✓	✓
Development will result in gentrification and adverse changes to community character	✗	✗	✓	✓
Prolonged exposure of residents/ businesses to disruption due to noise, dust, vibration or traffic impacts during redevelopment	✗	✗	✓	✓
Development will result in the loss of commercial/ light industrial land	✓	✓	✓	✓
Development will result in the loss of existing jobs	✓	✓	✓	✓
Development will provide additional employment prospects	✗	✓	✓	✓



Overall, Alternative 4 (the Planning Proposal) will have clear and significant positive outcomes in terms of potential social impacts. Neither the retention of the Site in its current form or occupation for commercial activities will result in the desired future character for the area being achieved. These alternatives would at best, be only temporary and eventually, succumb to the pressure of redevelopment.

In terms of Alternative 3 – the case for development in accordance with the current planning controls and building envelope, the relationship between the Site and the approved redevelopment of 311 Hume Highway would still result in a disparate built form. The planning proposal is in keeping with the scale, intensity and built form outcomes envisaged by Council for this locality and the subject Planning Proposal will facilitate a better built form and transition to surrounding properties.

#### **6.15. Mitigation Measures**

The nature of the proposal, its location and context mean that mitigation measures are minimal and would consist of the following:

- Activities involved in the demolition and remediation of the Site (if necessary) should be undertaken in accordance with the relevant Australian Standards, approved demolition and construction, as approved by Council and in accordance with the Protection of the Environment Operations Act and the NSW EPA's Industrial Noise Policy.
- All temporary traffic management activities should be undertaken in accordance with the specific conditions of approval from Council as part of the development assessment process.
- Standard construction environmental management practices, communication with neighbours about the timing and extent of inconvenience and a 'hotline' to answer questions and report concerns are general measures used to mitigate construction impacts.

Given that these mitigation measures are standard conditions of development consent that will be imposed by Council, a separate Social Impact Management Plan is not proposed. The preparation of such a Plan would merely duplicate the conditions that would ordinarily be imposed on any future development consent.



## 7. conclusion

The proposal is anticipated to impact on the surrounding area in terms of its social context; however these impacts are both anticipated and will not result in any significant adverse impacts on the social fabric of the surrounding area. Within several contexts these outcomes are positive, actively contributing to the overall wellbeing of the residents within the Study Area and the wider community. The development provides a range of positive social benefits, such as an increased local supply and form of housing, improved social cohesion within the community and contributing to the local economy and employment.

The location of the Site supports the provision of mixed use development, including residential accommodation. There is sufficient access to transport, essential services and employment, being located within close proximity to the Liverpool City Centre, transport interchange and hospital. In regard to the above analysis there is evidence of stress within the Liverpool rental market, with residents either renting or with a mortgage. With continued increases in house prices across Sydney for couples, families and single parent households, there remains a significant demand for accommodation of this nature.

The proposal offers a housing product that is in demand in the local area, without adversely impacting on the any groups of people. This, in conjunction with good access to supporting facilities and services, will make a positive contribution towards the social fabric and diversity of Liverpool, without impacting on the supply of commercial lands.

From an economic and employment perspective the development is favourable. There will be short term employment for local trade businesses during the construction phase. The proposal will also increase the population, resulting in growth for local business and commercial premises, particularly the commercial premises located within the immediate area of the development Site.

Strategically, Liverpool is a gateway to Southwestern Sydney, the South West Growth Centre and the Macarthur South Investigation Area, as well as lying within the strategic corridor linking to the future Western Sydney Employment Lands around Badgerys Creek. The South West Subregion also forms part of the central manufacturing hub for the Greater Metropolitan area. The proposed development will provide additional dwellings for future/ current employees, particularly those in the health and allied services sector, facilitating growth for the local economy and employment.

While there is always some potential for any new development to adversely impact the social fabric of an area and supporting social infrastructure, the proposal does not present in a way that any impacts will be significant or cannot be adequately mitigated. The proposal is not of a scale, nature or design that the available health, education, employment and other social support infrastructure and facilities would



be unable to cope or suffer a reduced level of service as a direct consequence of this development.



## 8. references

This SIA has been prepared having regard to a number of reference materials and internet resources. These documents and websites are listed below:

Australian Bureau of Statistics Data, 2016, 2011 and 2006 Census

Centre for Affordable Housing, NSW Department of Family and Community Services

Housing NSW (Undated), *Information on Liverpool Housing Market*. NSW Government

Liverpool Local Environmental Plan 2008

Liverpool Development Control Plan 2008

<http://housingstressed.org.au/2011/11/23/sydney-housing-stress-soars-top-5-housing-stressed-suburbs-revealed/>

<http://www.liverpool.nsw.gov.au/council/the-liverpool-area/about-liverpool-and-our-community>

Housing affordability, housing stress and household wellbeing in Australia authored by Steven Rowley and Rachel Ong for the Australian Housing and Urban Research Institute Western Australia Research Centre September 2012 AHURI Final Report No. 192

NSW Government 2014. *The Metropolitan Strategy - A Plan for Growing Sydney*

NSW Department of Planning and Environment (2015), *South West Subregion – Population, Household and Dwelling Projections (Factsheet)*, NSW Government

Vanclay, F. (2003). International principles for social impact assessment. *Impact Assessment and Project Appraisal*, 21(1), 5–11.

Vanclay, F., Esteves, A. M., Aucamp, I., & Franks, D. (2015). *Social Impact Assessment: Guidance for assessing and managing the social impacts of projects*. Fargo, ND: International Association for Impact Assessment.

Willana Associates (2017). *Social Impact Comment – 4-8 Hoxton Park Road, Liverpool*

Willana Associates (2017). *Planning Proposal Report – 4-8 Hoxton Park Road, Liverpool*

<http://www.planning.nsw.gov.au/Research-and-Demography/Demography/Population-Projections>

<http://profile.id.com.au/Liverpool>

<https://maps.six.nsw.gov.au/>

<https://www.google.com.au/maps>



<http://atlas.id.com.au/Liverpool>

<http://www.housing.nsw.gov.au/centre-for-affordable-housing/home>



# appendix a

social impact comment





SOCIAL IMPACT COMMENT INITIAL ASSESSMENT FORM:	
<b>Applicant's Details:</b>	<b>Owner's Details:</b>
<b>Name:</b>	<b>Name:</b>
Refer to DA Form for Applicant's details	Refer to DA Form for Owner's details
<b>Postal address:</b>	<b>Postal Address:</b>
<b>Email:</b>	<b>Email:</b>
Proposal Details:	
Lot Number and Registered Plan Number:	
Lot 1 in DP 860799	
Site Address:	
4-8 Hoxton Park Road, Liverpool	

#### Brief description of the development proposal:

The Planning Proposal seeks to facilitate the development of a mixed use development comprising commercial premises and shop top housing at 4-8 Hoxton Park Road, Liverpool.

The Planning Proposal seeks to amend Liverpool Development Control Plan 2008 (LLEP 2008) as follows:

- Rezone land at 4-8 Hoxton Park Road, Liverpool from B6 Enterprise Corridor to B4 Mixed Use.
- Removal of 4-8 Hoxton Park Road from the 'Key Site' on Key Sites Map KYS 10.
- Amend the maximum height of buildings for 4-8 Hoxton Park Road, Liverpool to 50m.
- Amend the maximum floor space ratio for 4-8 Hoxton Park Road, Liverpool to 5:1.

The resultant building envelope will be 16 storeys in height with a total of 90 residential units above commercial uses at ground level.

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1. Population Change	
Will the development result in significant change/s to the local area's population (either permanently and / or temporarily)?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, briefly describe the impacts below: N/A	
Describe your proposed mitigations of negative or enhancements of positive impacts below.  The proposed development will consist of 90 new residential dwellings and commercial uses at ground level. The Liverpool (suburb) population, as at the 2016 Census, was 28,597 people living in 10,016 dwellings. Taking this and the context of development currently occurring in the surrounding locality into account, the proposed development will not result in a significant change to the population.  The population of Liverpool (suburb) grew by approximately 4,502 people (or by 15.74%) over the period since the 2011 and 2016 census dates. It is noted that the Liverpool Government Area is within the South West Subregion which is the fastest growing Subregion in Sydney and, as such, will continue to play a key role in providing housing and jobs for future residents.	

2. Housing	
Will the proposal increase or reduce the quantity, quality, mix, accessibility and/ or affordability of housing?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If yes, briefly describe the impacts below:  Yes. The proposed development will increase the quantity, quality, mix, accessibility and affordability of existing building stock of the area. The proposal consists of 90 additional apartments which will be a mix of studio, one, two and three bedroom configurations as per the requirements set out in the Apartment Design Guide (ADG). The proposed unit mix will designate a quantum of units that incorporate accessible layouts, in order to accommodate the changing requirements of residents and to meet the requirements of the ADG and Part 4, Section 6.1 of Council's DCP.  As it stands, the vast majority of dwellings in Liverpool are separate houses with homes overwhelmingly three bedrooms. Conversely, the LGA has a low proportion of studio and one bedroom dwellings. Consequently, there is a need for a variety of dwelling configurations in order to provide something other than detached housing to suit couples, single parent households and first time owners.	



***Describe your proposed mitigations of negative impacts or enhancements of positive impacts below.***

The resulting mixed use development from the Planning Proposal will be consistent with the aims of the State Environmental Planning Policy 65 – Residential Apartment Development (SEPP 65) in that it will facilitate the effective delivery of new apartment developments, and will support a mix of housing and development types. In addition, the proposed mixed use development supports Council's DCP vision for the Liverpool City Centre as it will provide housing close to the City Centre while also activating the street with commercial uses at ground level. The development will improve the diversity of housing in the area, by expanding the mix of housing types and subsequently improving social diversity.

In terms of internal amenity of the development, the proposal will satisfy the relevant design criteria contained in the Apartment Design Guide (ADG). The proposal will also seek to satisfy the relevant design criteria contained in the ADG in terms of landscaped area, deep soil zones and solar access.

In addition, both Housing NSW and Australians for Affordable Housing cites the Liverpool LGA as having a high level of housing stress with an overall decline in private rental housing stock between the census periods of 2011 and 2016. The development will assist in the supply of new and diverse housing and therefore provide alleviation to the market.

### 3. Accessibility

**Will the development improve or reduce physical access to and from places, spaces and transport?**

Yes ☒

No ☐

***If yes, briefly describe the impacts below:***

Aside from providing on-site car parking for residents and visitors, all dwellings will have access to regular bus services.

***Describe your proposed mitigations of negative impacts or enhancements of positive impacts below.***

The proposal enables access to public transport, pedestrian access and convenient methods of travel. The Site is located within 400m from 5 bus stops located on Hoxton Park Road, Macquarie Street and the Hume Highway. These stops are serviced by the 851, 852, 853, 855, 856, 857, 865, 866, 869, 870, 871 and 872 bus services, providing access to transport nodes in Parramatta, Cabramatta, Fairfield, Liverpool and Elizabeth Hills.

The main entrance to the building will front a public road at grade with the street, maximising convenience and continuous pedestrian access. The building envelope will seek to present as a continuous line along the street by providing the same setbacks as the approved Planning Proposal development at 311 Hume Highway.

It is noted that all future dwellings will be accessible by lifts which shall serve all levels of the development. In this way, the proposal itself will not prevent access to housing or



employment for all members of society, regardless of life-stage, or level of ability, as it will provide a range of unit sizes, styles and layouts. The proposal will not detract from the Site's physical access to transport and surrounding spaces.

#### 4. Community and Recreation Services / Facilities

**Will the development increase, decrease or change the demand or need for community, cultural and recreation services and facilities?**

Yes ☒

No ☐

***If yes, briefly describe the impacts below:***

The proposal will have a slight increase on the demand on the existing services, with an additional 90 dwellings. However, it is noted that the Site is serviced with all necessary public utility services including electricity, water and sewer and accordingly, there are no impediments to future residential development. The Site is not affected by flooding, bush fire, mine subsidence, acid sulfate soils, and as such, is suitable for and capable of, supporting residential development within the Liverpool City Centre in close proximity to services, facilities and high quality public transport.

***Describe your proposed mitigations of negative impacts or enhancements of positive impacts below.***

The scale of the proposed development will have a negligible impact on the local services and facilities in Liverpool, with the additional 90 dwellings. The subject site is well located in terms of existing services and will be able to utilise these facilities and services without resulting in negative impacts. The Section 94 Developer Contributions levied over the development will provide additional funding for council to maintain and enhance the existing services as required and the increased demand will not be significant enough to have any detrimental impacts.

There are a number of parks within walking distance of the site, including a significant track of parklands which run along Brickmakers Creek. Bulldog Park and Hillier Oval provide more formalised playing fields. The Whitlam Leisure Centre is located approximately 300m to the north of the site and provides swimming and gym facilities. The Liverpool Community Centre is located to the east of the site (approximately 250m) and is accessible via car, bike or public transport, this centre provides a community meeting space. The centre currently runs the following services regularly:

- Playgroup
- Physical Culture Dance
- Dance/Drama
- Senior Citizens Support Groups.

In addition there are schools, hospitals and police services provided within Liverpool which will adequately service the site.



The Liverpool City Library is located approximately 1.4km to the north-east of the site and is accessible by walking, public transport, car and bike. The site provides a range library services. Educational facilities, medical services and other emergency services are located within Liverpool and the surrounding suburbs, which will adequately service the site.

The proposal will enhance the existing services by providing additional members of the community to contribute to the social capital. The proposed development will promote social cohesion, as dwelling structure and proximity, enable social interaction within a community, as opposed to detached, low-density housing.

## 5. Cultural and Community Significance

**Will the development impact on any items or places of cultural or community significance?**

Yes ☐

No ☒

*If yes briefly describe the impacts below.*

N/A

***Describe your proposed mitigations of negative impacts or enhancements of positive impacts below.***

The development does not comprise any elements which may detract from the locality's cultural values or beliefs of the existing or future populations. The development is not located on any key Heritage or Indigenous sites and the proposal will remain consistent with the cultural principles of the community.

It is noted however, that the proposal is located within proximity to the Collingwood Hotel, which is a heritage listed item (Item 88) and is considered to be of local significance according to LLEP 2008. Nonetheless, it is considered unlikely that the proposed development would result in any detrimental impacts to the heritage item. Immediately adjacent to the Collingwood Hotel site, is 311 Hume Highway, which has recently had a Planning proposal for multiple large towers approved.

## 6. Community Identity and Sense of Belonging

**Will the development strengthen or threaten opportunities social cohesion and integration within and between communities?**

Yes ☒

No ☐

*If yes briefly describe the impacts below.*

The built form of the development has been designed to encourage and strengthen social cohesion and integration, both with the new residents and the broader community.



***Describe your proposed mitigations of negative impacts or enhancements of positive impacts below.***

The design of the development enhances the opportunities for social cohesion and provides an improvement to the public and private domain. The design has been adopted to integrate with the streetscape. The proposal will provide an activated ground level streetscape with commercial uses that will promote a vibrant and social street life. The design of the development also provides opportunities for passive surveillance over the street from living rooms and balconies above.

On Site, the development includes a large communal open space area which will be landscaped to include seating areas and active spaces to encourage interaction between the residents. Moreover, the Site is well connected to existing health facilities, employment opportunities, nature reserves and nearby facilities, which promote social cohesion and integration within and between communities.

The Site is well located in terms of planned services and it is likely that the residents will utilise the pedestrian and cycling infrastructure to access wider areas, thereby increasing opportunities for social interaction as well as improving their health and well-being.

## **7. Health and well-being**

**Will the development strengthen or threaten opportunities for healthy lifestyles, healthy pursuits, physical activity and other forms of leisure activity.**

Yes ☒

No ☐

***If yes briefly describe the impacts below.***

The development is designed to strengthen opportunities for healthy lifestyles for the future residents, given the proximity to recreational facilities and public open spaces.

***Describe your proposed mitigations of negative impacts or enhancements of positive impacts below.***

There are clear opportunities for future residents to partake in incidental physical activity. The Site is located within the Liverpool City Centre. There are shared cycle and foot paths on the surrounding streets including Hoxton Park Road and further north along Elizabeth Street. It is likely that given that the development will incorporate bicycle parking and is well located in terms of services, cycling will be the preferred and easiest form of transport.

The Site is also well located in terms of significant areas of park lands, with both Bulldog Park and Pearce Park being within a 400m radius which is considered to be comfortable walking distance. In addition, the Whitlam Leisure Centre and Hillier Oval are located to the north, on the opposite side of Hoxton Park Road, and provide considerable recreational opportunities. There are also a number of specialty services provided also within 400m of the site.

Given the context of the Site, in close proximity to major services and the fact that there are a number of significant street with high traffic flows such as the Hume Highway (Copeland Street) and Memorial Avenue, it is likely that walking or catching public transport would be the



preferred method to meet the day to day needs of the residents. Furthermore, with the convenience of the abovementioned parks and recreational centres in such close proximity, future residents will be enticed to utilise these local facilities and thereby enjoy a healthy lifestyle.

## 8. Crime and safety

**Will the development increase or reduce public safety and opportunities for crime (perceived or actual crime)?**

Yes ☒

No ☐

***If yes briefly describe the impacts below.***

Yes. The proposal will increase public safety by providing a development which has been designed in accordance with CPTED principles, with increased opportunities for passive surveillance and activity on all street frontages and within the common open space.

***Describe your proposed mitigations of negative impacts or enhancements of positive impacts below.***

The proposal has been designed with the principles of CPTED in mind, as well as satisfying the guiding design principles encapsulated in the ADG. Incorporating commercial uses at ground level will activate the streetscape and encourage a vibrant street life. In addition, the proposal provides good passive surveillance from dwellings that will overlook the street.

All entrances to the buildings will be secure and visible from adjoining areas. There will be a clear demarcation of the public and private domain within the proposed buildings. The space will be well managed and maintained, with the body corporate responsible for ensuring that the landscaping will remain tidy and safe at all times, keeping the property secure and attending to any acts of vandalism or rubbish dumping, should they occur.

The proposal will not detract from public safety by providing a well-considered, modern development which addresses the CPTED principles.

## 9. Local Economic and Employment Opportunities

**Will the development increase or reduce the quantity and/or diversity of local employment opportunities (temporary or permanent)?**

Yes ☒

No ☐

***If yes briefly describe the impacts below.***

The proposal will provide short term employment throughout the construction of the development. At the end of the construction stage there will be long term employment through the proposed ground level commercial uses and there will also be long term accommodation in the form of studio, one, two and three bedroom apartments for future residents of the area.



***Describe your proposed mitigations of negative impacts or enhancements of positive impacts below.***

The development will provide short term employment for local contractors and businesses during the construction phase and long term employment prospects for staff at the proposed ground level commercial premises. The proposal will also increase the local population, which will in turn, contribute to the growth and viability of local business and commercial activities.

The proposed development will provide additional dwellings for future/ current employees of the area, facilitating growth for the local economy. The proximity of the Site to surrounding major suburbs (both planned and existing), as well as to Liverpool, Cabramatta and Moorebank industrial areas, will also be favourable for key workers in these areas.

#### **10. Needs of Specific Population Groups**

**Will the development increase or decrease inclusive opportunities (social, cultural, recreational, employment, governance) for groups in the community with special needs?**

Yes ☒

No ☐

***If yes briefly describe the impacts below.***

The proposed building will be designed to be accessible to all, without restricting access or excluding different groups within the community

***Describe your proposed mitigations of negative impacts or enhancements of positive impacts below.***

The proposed building will seek to meet the requirements of the ADG and, as a result, be designed to allow easy access for people with a disability to all levels. The proposed development will not exclude any community members or impede inclusive opportunities for residents.



### Sources of Information used in the preparation of this SIC include:

Housing NSW (Undated), *Information on Liverpool Housing Market*. NSW Government

<http://housingstressed.org.au/2011/11/23/sydney-housing-stress-soars-top-5-housing-stressed-suburbs-revealed/>

<http://www.liverpool.nsw.gov.au/council/the-liverpool-area/about-liverpool-and-our-community>

<http://www.liverpool.nsw.gov.au/planninganddevelopment/liverpools-planning-control/Liverpool-Development-Control-Plan-2008>

Liverpool City Community Profile (<http://profile.id.com.au/liverpool>), accessed on 10 October, 2017

NSW Department of Planning and Environment (2014), *A Plan for Growing Sydney*, NSW Government





NSW Department of Planning and Environment (2015), *South West Subregion – Population, Household and Dwelling Projections (Factsheet)*, NSW Government

Willana Associates (2017), Planning Proposal Report – 4-8 Hoxton Park Road, Liverpool

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### Document Status

Rev No.	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
Draft	Nathan Lord	Michael Brewer		Michael Brewer		21/10/2017
Final	Nathan Lord	Michael Brewer		Michael Brewer		12/12/2017





7 July 2017

Ms. Kiersten Fishburn  
 General Manager  
 Liverpool City Council  
 Locked Bag 7064,  
 Liverpool BC, NSW 1871

Attention: Bruce Macnee, Manager Strategic Planning - [MacneeB@liverpool.nsw.gov.au](mailto:MacneeB@liverpool.nsw.gov.au)

Dear Kiersten,

**Re: 4-8 Hoxton Park Road, Liverpool**

I understand that a planning proposal is to be submitted to Liverpool Council relating to the abovementioned property, seeking to enable its use for mixed use purposes, with retail/commercial activation at the building's lower levels.

The subject site is located at the corner of Gillespie Street and Hoxton Park Road, near the south-eastern junction of Hoxton Park Road and the Hume Highway.

Council has advised that such a proposal requires that consideration be given to the nature of intended commercial and retail uses, with regard for the types of uses that might be encouraged under the current B6 zoning and those under a B4 zoning.

MacroPlan Dimasi has been requested to provide a professional opinion as to:

- The proposed retail/commercial component of the project, specifically regarding its potential impact on adjoining properties (and the retail hierarchy); and
- The optimal use of the ground/lower floors – i.e. whether this should be commercial/retail or straight residential and whether there is a market justification for such.

I note that the site is somewhat constrained in a traffic sense although rimmed by other existing and approved retail/commercial premises (including the Collingwood Hotel). I also note that the adjoining site at the corner of Hoxton Park Road and the Hume Highway (311 Hume Highway) has been or is about to be rezoned for 'B4 Mixed Use' purposes, incorporating approximately 163m<sup>2</sup> of ground floor retail space.

MacroPlan Dimasi is a national property consultancy which specialises in understanding and quantifying retail land use. The opinion provided in this response is based on our company's experience in dealing with the use of retail/commercial floorspace in a range of different formats and locations.

I note that under the B6 zone, development for the following retail/commercial purposes are possible:

*Business premises; Commercial premises; Educational establishments; Entertainment facilities; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Information and education facilities; Landscaping material supplies; Light industries; Plant nurseries; Recreation areas; Recreation facilities (indoor); Registered clubs;*





*Serviced apartments; Vehicle repair stations; Veterinary hospitals; and Warehouse or distribution centres.*

The range and scale of permitted uses under the B6 zoning is vast.

Under a B4 zoning, the following commercial/retail uses are permitted:

*Boarding houses; Child care centres; Commercial premises; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Tourist and visitor accommodation; Vehicle repair stations; and Veterinary hospitals.*

The range of commercial/retail uses permitted in a B4 zone is not substantially different from those permitted in the B6 Enterprise Corridor, except that boarding houses, child care, hostels, medical centres, and tourist/visitor accommodation are not permitted in the B6 zone.

Likewise, garden centres, hardware and building supplies, landscaping supplies, light industry, plant nurseries and warehouse/distribution centres are permitted in the B6 zone, but not in the B4 zone.

I note that the collective 'commercial premises' is permitted in both zones – this definition captures business premises, office premises and retail premises. Retail shops in the B6 zone are restricted to a GFA of 1,600m<sup>2</sup>. Development in the B4 zone must also comprise a non-residential use on the ground floor.

At face value, a ground floor residential use would appear to be a sub-optimal use for the ground floor, given traffic conditions, noise etc, and its relationship with adjoining land. A commercial/retail ground floor use is therefore a likely redevelopment outcome, whether compelled by a B4 zoning or not.

It is expected that on-site parking will be made available for any commercial/retail use, as the site would otherwise be difficult to access (i.e. no on street parking). GTA's independent traffic report has allowed for a full 1,000m<sup>2</sup> of lower level retail floorspace in its calculations of traffic impacts for the site. It finds that the traffic impacts of the site's development will not worsen the impacts associated with the development of the adjoining 311 Hume Hwy.

If the full 1,000m<sup>2</sup> were to be provided at ground level 9 or over, say, 2 levels), a range of common uses permitted in either the B6 or B4 zone would suit – including business, office or retail premises, educational premises, information facilities, or a veterinary facility.

I believe that the site is not suited to most of the permitted B6 land uses due to its constrained access – e.g. as an entertainment facility, a function centre, a large garden centre or hardware and building supply yard, a landscaping material supplies, a large plant nursery, a recreation area or indoor facility; a registered club, or a warehouse/distribution centre. Smaller versions of some of the B6 permitted uses may be suited, e.g. a small garden centres or hardware store, or a vehicle repair station, but these uses could fit within the commonly permitted 'commercial premises' definition.

On the other hand, some uses that are specifically permitted in the B4 zone (e.g. a boarding house, child care, hostel, or medical centre) would be suited at the site, providing facilities suited to, or services for, the surrounding residential catchment south of Hoxton Park Road.

The B6 Enterprise Corridor zone is intended to primarily accommodate large footprint land uses that are not easily located in town centres. Many of these uses are car-dependant and or require on-site loading and unloading space.





For the subject site, the range of smaller footprint land uses that are permitted in the B4 zone are, on the whole, more suited to the subject site as these are likely to serve a walkable catchment and/or not require large vehicle access. They can also benefit from the high exposure levels that are available at the subject site, but do not depend on high traffic levels to generate business.

MacroPlan recommends that the site's best commercial/retail use might involve:

- A 7-Eleven or convenience retail servicing residential development above and/or adjacent walkable catchment including hairdresser, newsagency, café, dry cleaners, etc.
- Other retail outlets including a 'small' lighting, bathware, flooring or carpet store etc – these could well fit a retail premises definition rather than require a 'bulky goods' definition to be allowed.
- A medical centre, allied health, language school or other educational facility (not being a school).
- A new format motor showroom.

In my opinion, these types of uses are more suited to a B4 zoning rather than a B6 zoning and are more likely to be provided in conjunction with the residential development of the site. The alternate range of business/retail uses currently permitted under the B6 zone are, in my opinion, sub-optimal.

The nominated uses could locate at the site without any adverse impact on Liverpool's established retail hierarchy, whether they singularly occupy the full 1,000m<sup>2</sup> that is available, or each occupied a part of it.

I trust that this information informs Council's deliberations in relation to the planning proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Gersbach', with a stylized, cursive script.

Wayne Gersbach  
**General Manager - NSW**





A U S T R A L I A N  
GEOTECHNICAL

## GEOTECHNICAL & ENVIRONMENTAL SERVICES

### PRELIMINARY SITE INVESTIGATION



**Prepared For:** Architecture Design Studio Pty Ltd

**Address:** 8 Hoxton Park Road, Liverpool

**Job No:** AG-173\_1

**Date:** 16-05-17

---

**Australian Geotechnical Pty Ltd**

ABN 27 611 088 192

Email: [info@austgeo.com.au](mailto:info@austgeo.com.au)





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## Executive summary

This executive summary presents a synopsis of the Preliminary Site Investigation (PSI) Assessment for 8 Hoxton Park Road, Liverpool.

The object of the PSI was to ascertain whether the site presents a risk to human health and/or the environment arising from any past/present activities at the site or neighboring properties. The scope of work included a documentary review together with preparation of this report.

A PSI was requested by Architecture Design Studio Pty Ltd to determine the potential for onsite contamination. This report shall provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation. At the time of the inspection (10<sup>th</sup> May 2017), the site was used for commercial purposes with associated car parking areas. The site is proposed for use as a mixed-use development comprising of residential and commercial spaces together with basement car parking.

Based on historical information reviewed, the site comprised of vacant land until receiving a residential cottage in the 40s, since then the site was developed in the 70s with a commercial structure constructed in conjunction with concrete/asphaltic concrete cover. Since being developed the land is likely to have been used for commercial purposes (motorcycle sales and hire store).

The potential for the site to be contaminated from on-site sources and off-site sources was considered by Australian Geotechnical Pty Ltd (AG). Based on the findings of our site inspection and site history review actual or potential contamination sources were identified as low in relation to the proposed development for the subject site.

The following areas were identified in the conceptual site model as areas of environmental concern;

- Potential importation of uncontrolled fill that may contain various contaminants;
- Car park areas where leaks and spills from cars may have occurred;
- Building degradation which includes potential lead and asbestos contamination.

Based on the finding of this investigation it is considered that the risk to human health and the environment associated with soil and groundwater contamination is low to moderate in relation to the proposed development for the subject site. The site can be made suitable for the proposed development, subject to the following recommendations

- Preparation of a Stage 2 (DSI) Environmental Site Assessment.
- Undertake council, work cover searches and address data gaps.



## 1.0 INTRODUCTION

### 1.1 Overview

AG have undertaken a Preliminary Site Investigation with as requested by Architecture Design Studio Pty Ltd at the site; 8 Hoxton Park Road, Liverpool. This report has been prepared to determine assess the suitability of the site for development based on its current condition and the findings of this investigation.

### 2.0 SCOPE OF WORK

The scope of works for this PSI includes:

- Review of the physical site setting and site conditions based on a site inspection, including research of the location of pits, spills, patches of discoloured vegetation, etc. (where applicable);
- Research and review of the information available, including previous environmental investigations, current and historical titles information, review of aerial photographs, groundwater bore searches, EPA notices, council records, anecdotal evidence, site survey and site records on waste management practices;
- Development of a preliminary Conceptual Site Model (CSM) to demonstrate the interactions between potential sources of contamination, exposure pathways and human/ecological receptors identified; and
- Recommendations for additional investigations should any data gaps be identified or possible strategies for the management of the site, where relevant.

This report was prepared with reference to the NSW Environment Protection Authority (EPA) "Guidelines for Consultants Reporting on Contaminated Sites" (2011).

### 3.0 SITE DESCRIPTION

The subject sites are rectangular, legally defined as Lot 1 (No 8) in Deposited Plan 860799. The site is bounded by Lot 71 DP1004792 to the east and south, Gillespie Street to the west with Hoxton Park Road situated to the north. The site measures approximately 35m along the Hoxton Park Road frontage and up to 47.7m deep, encompassing a total area of approximately 1,682m<sup>2</sup>.

At the time of the site inspection, the following observations were made:

- A commercial structure occupies the site, constructed mainly of metal cladding, brick and glass;
- Concrete slabs at the site were generally in good condition with minor cracks and heavy staining noticed;
- The site is approximately 95% concrete/asphaltic concrete covered;
- No access was available to the internals of the existing structure;



- No surface standing water was noticed at the site; and
- There were no indicators of underground storage tanks within the site.

#### 4.0 SITE GEOLOGY

The 1:100,000 scale Geological Series Map of the Penrith region indicates that the subject site is underlain by Rwm Minchinbury Sandstone of the Wianamatta Group and generally comprises of *fine to medium grained quartz lithic sandstone*

#### 5.0 SITE HISTORY

In order to ascertain the site history, a documentary review of past and present land use at the subject site and the surrounding area has been undertaken as follows:

##### 5.1 Previous Land Use and Review of Historical Photographs

Aerial Photographs were obtained by this office from the NSW Department of Lands Office. The aerial photographs were reviewed to assess the likely past uses of the site with the findings summarised below;

**1947** - A small cottage can be seen at the northern side of the site, Gillespie Street to the east and Hoxton park Road to the north have been formed. The surrounding area is generally being utilised for residential purposes.

**1960s** – No changes to the site. However, the site appears to be utilised as a vehicle storage area.

**1970s** – The current structure appears to have been constructed. Significant development has occurred around the subject site. Residential dwellings can still be seen south of the structure.

**1980s** – No significant changes

**Current** – Significantly more development has occurred around the subject site. The structure appears to have been extended to the south.

##### 5.2 Historic land titles

A review of historical documents held at the NSW Department of Lands offices was conducted by AG to identify the current and previous land owners, and potential land uses. The results of the title searches are summarised below;



**Table 1 – Land Title Transactions Lot 1 (No 8) in Deposited Plan 860799**

<b>Date of acquisition and held term</b>	<b>Registered proprietor(s) &amp; occupations where available</b>	<b>Title Reference</b>
2013-Current	ZHC Investments Pty Ltd	AH567986
2013	Grattack Pty Ltd	Not available
1988	Highside Motorcycles	X484883
1984-1988	Beaconril Developments Pty Ltd	Volume 15268 Folio 152

### **5.3 Search of Contaminated Land Management Register (NSW EPA)**

A summary of the Liverpool area can be found. No notices have been issued to the subject site. Furthermore, the listed sites on the register are situated at such a distance (greater than 200m), that they are not believed to have provided a potential contamination risk to the subject property.

### **5.4 Search of Protection of the Environment Operations Public Register (POEO) of Licensed and Delicensed Premises**

A search of the POEO public register of licensed and delicensed premises (DECC) indicated that no licensed or delicensed premises were located within the immediate surrounding area of the site (within 200m).

### **5.5 Work Cover NSW Records**

At the time of reporting, this office had not been given authorisation to request a search of the Stored Chemical Information Database (SCID) for licenses to keep dangerous goods at the site from Work Cover NSW.

### **5.6 Product Spill & Loss History**

No external information was provided for any product spill and loss. However, based on the site inspection, minor signs of chemical staining were observed.

### **5.7 Section 149 Certificates**

At the time of reporting, this office could not access The Planning Certificate – Section 149 of the Environmental Planning & Assessment Act 1979.



## 6.0 SITE CONDITION AND SURROUNDING ENVIRONMENT

A site investigation was conducted on 10<sup>th</sup> May 2017. The field observations are summarized in table 2 below:

**Table 2 – Summary of Field Observations**

Parameter	Observation
Visible observations on soil contamination	Small areas of staining within the car parking area was observed. No odours were documented.
Presence of drums, fill or waste materials	None observed. No visible indicators of underground fuel tanks (bowzers or venting pipes).
Presence of fill	Some fill was evident across the site. (Behind retaining walls)
Flood potential	Not evident
Relevant sensitive environments	Not evident

## 7.0 AREAS OF ENVIRONMENTAL CONCERN

Based on historical information reviewed, the site comprised of vacant land until receiving a residential cottage in the 40s, since then the site was developed in the 70s with a commercial structure constructed in conjunction with concrete/asphaltic concrete cover. Since being developed the land is likely to have been used for commercial purposes (motorcycle sales and hire store).

The potential for the site to be contaminated from on-site sources and off-site sources was considered by AG. Based on the findings of our site inspection and site history review actual or potential contamination sources were identified as low to medium. Based on the site inspection, site history, previous reporting and review of available information from the desktop study, the potential Areas of Environmental Concern (AEC) and their associated Contaminants of Concern (CoCs) for the site were identified. These are summarised in the conceptual site model in table 3 below;

**Table 3 – Summary of Conceptual Site Model (CSM)**

Potential AEC	Potentially contaminating activity	Affected Media	Exposure Pathway	Receptors	Potential CoCs	Comments
Entire site	Importation of fill material from unknown origin (behind retaining walls)	Soil and Groundwater	Direct Human Contact, Inhalation of Dust, ingestion of Groundwater	Human and Ecological	Metals, TPH, BTEX, PAH, OCP, PCB, Phenols, Asbestos	Based on observations and site topography, the presence of imported fill material is likely to be minimal



Car parking areas	Leaks from vehicles in car parking areas.	Soil and Groundwater	Direct Human Contact, Inhalation of Dust, ingestion of Groundwater	Human and Ecological	Metals, TPH, BTEX, PAH, Phenols	The car park area was sealed; however, leaks from vehicles are likely to migrate directly into soil materials.
Around the existing structures	Building degradation	Soil and Groundwater	Direct Human Contact, Inhalation of Dust, ingestion of Groundwater	Human and Ecological	Heavy metals & Asbestos	Around the existing structures

## 8.0 DATA GAPS

Based on the CSM, the following data gaps were identified with respect to the pollution linkages identified:

- The presence and thickness of imported fill material, if any;
- Confirmation if contamination has occurred from current and historical site activities.
- The presence and quality of groundwater is currently unknown and may be impacted by contaminated fill, leaks from vehicles and degradation of building structures; and
- Undertake Council and WorkCover NSW searches.
- Carry out inspection inside the existing structure to confirm conceptual site model.

## 9.0 CONCLUSION AND RECOMMENDATIONS

Based on the finding of this investigation it is considered that the risk to human health and the environment associated with soil and groundwater contamination is low to moderate in relation to the proposed development for the subject site. The site can be made suitable for the proposed development, subject to the following recommendations.

- Preparation of a Stage 2 (DSI) Environmental Site Assessment.
- Undertake council, work cover searches and address data gaps.



Should you have any queries, please do not hesitate to contact the undersigned.

For and on behalf of  
**Australian Geotechnical Pty Ltd**



**N. Smith**  
*Principal*



## References

Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites.  
NSW Environment Protection Authority (EPA) 2000.

Contaminated Sites – Sampling Design Guidelines. NSW Environment Protection  
Authority (EPA) 1995

National Environment Protection (Assessment of Site Contamination) Measure –  
National Environmental Protection Council 2013.

The 1:100,000 scale Geological Series Map of the Penrith

NSW EPA "Guidelines on the Duty to Report Contamination under the Contaminated  
Land Management Act 1997" (2009). NSW Environment Protection Authority,  
Sydney;

ANZECC/NHMRC (1992) – "Australian and New Zealand Guidelines for the  
Assessment and Management of Contaminated Sites". Australian and New  
Zealand Environment and Conservation Council and the National Health and  
Medical Research Council, Canberra;

NSW DEC, "Guidelines for the Assessment and Management of Groundwater  
Contamination" (March 2007);



## APPENDIX A

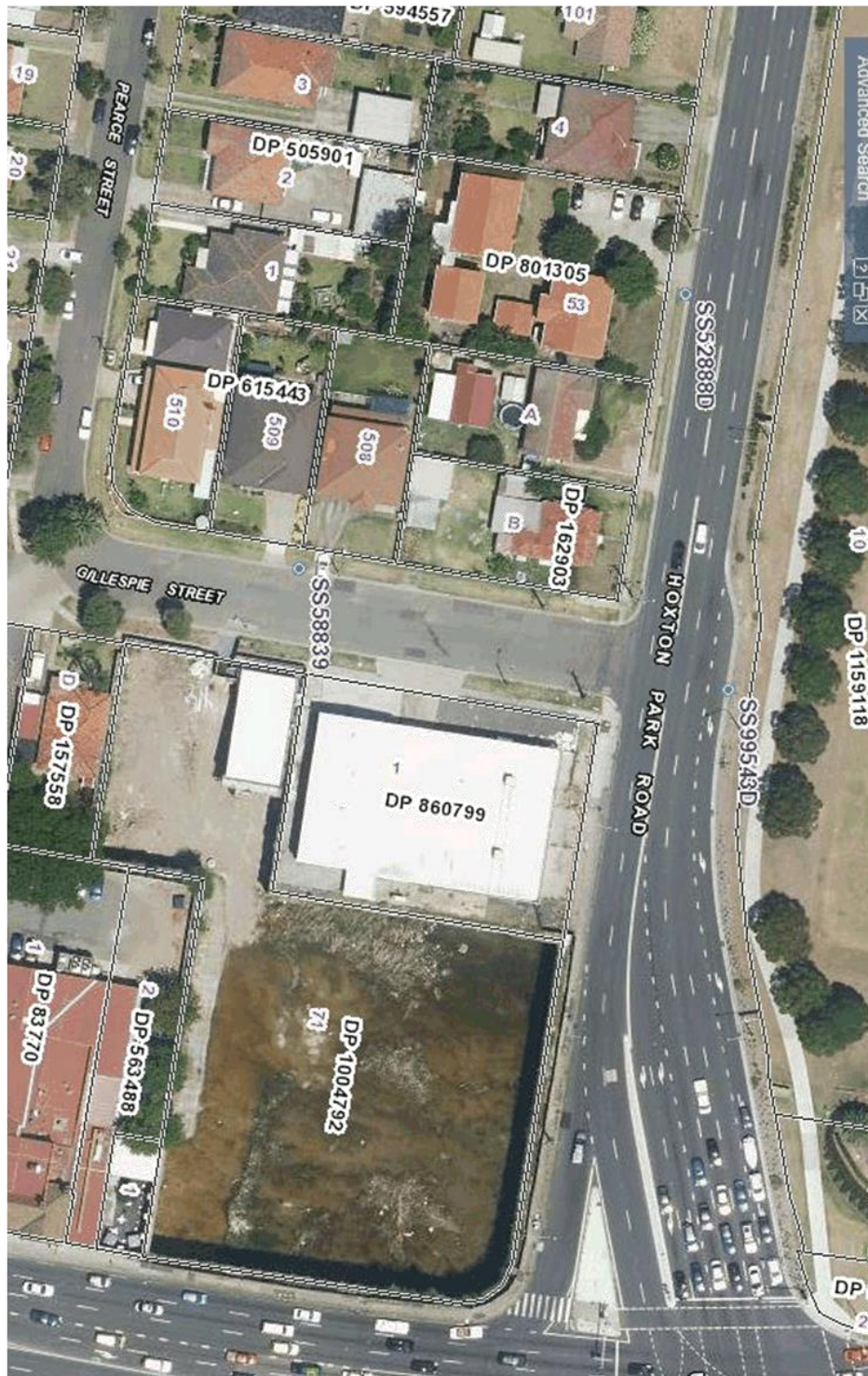
---

### SUPPORTING DOCUMENTATION













AUSTRALIAN  
GEOTECHNICAL



1970s

8 Hoxton Park Road, Liverpool





A U S T R A L I A N  
G E O T E C H N I C A L



1980s

8 Hoxton Park Road, Liverpool





A U S T R A L I A N  
G E O T E C H N I C A L

8 Hoxton Park Road, Liverpool

Current Image







### Historical Search

12/05/2017 04:34 PM

#### LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

---

##### SEARCH DATE

---

12/5/2017 4:34PM

FOLIO: 1/860799

---

First Title(s): OLD SYSTEM

Prior Title(s): A/157558 VOL 15268 FOL 152

Recorded	Number	Type of Instrument	C.T. Issue
18/7/1996	DP860799	DEPOSITED PLAN EDITION 1	FOLIO CREATED
21/2/2013	AH567986	TRANSFER	
21/2/2013	AH567987	MORTGAGE	EDITION 2
31/8/2016	AK717605	DISCHARGE OF MORTGAGE	
31/8/2016	AK717606	MORTGAGE	EDITION 3

\*\*\* END OF SEARCH \*\*\*





liverpool

PRINTED ON 12/5/2017

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Req:R671372 /Doc:DL AH567986 /Rev:25-Feb-2013 /Sts:NO.OK /Pgs:ALL /Prt:12-May-2017 16:37 /Seq:1 of 2  
Ref:liverpool /Src:Q

Form: 01T  
Licence: 01-05-025  
Licensee: LEAP Legal Software Pty Limited  
Firm name: OneGroup Legal Pty Limited

**TRANSFER**

New South Wales  
Real Property Act 1900

**AH567986F**

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Reg by this form for the establishment and maintenance of the Real Property Act Register. Section 31B of the RP Act provides that the Register is made available to any person for search upon payment of a fee, if any.

**STAMP DUTY**

Office of State Revenue use only

Office of State Revenue NSW Treasury	
Client No: 109163208	2751
Duty: \$10	Trans No: 6996727

**(A) TORRENS TITLE**

1/860799

**(B) LODGED BY**

Document Collection Box <b>49R</b>	Name, Address or DX, Telephone, and Customer Account Number if any LLPN: <b>126043B</b> ANZ BANK C/- SAI GLOBAL Property DX 885 SYDNEY 02 9210 0700	CODES <b>T</b> <b>TW</b>
Reference: <b>2890 7869 - ZHC INVESTMENTS</b>		

**(C) TRANSFEROR**

Grattack Pty Limited ACN 003 861 023

**(D) CONSIDERATION**

The transferor acknowledges receipt of the consideration of \$1,500,000.00 and as regards

**(E) ESTATE**

the abovementioned land transfers to the transferee an estate in fee simple.

**(F) SHARE****TRANSFERRED****(G)**

Encumbrances (if applicable):

**(H) TRANSFEREE**

ZHC Investments Pty Limited ACN 161 211 721

**(I)****TENANCY:****DATE****(J) Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the corporation named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.**

Corporation: Grattack Pty Limited ACN 003 861 023  
Authority: section 127 of the Corporations Act 2001

*'see annexure "A"*

Signature of authorised person:

Signature of authorised person:

Name of authorised person:

Name of authorised person:

Office held: Director

Office held: Director

Certified correct for the purposes of the Real Property Act 1900 on behalf of the transferee by the person whose signature appears below.

Signature:

Signatory's name: Karen Watson  
Signatory's capacity: Licensed Conveyancer

**(K) The transferee certifies that the eNOS data relevant to this dealing has been submitted and stored under**eNOS ID No. **376314** Full name: **Karen Watson**

Signature:

\* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.

ALL HANDWRITING MUST BE IN BLOCK CAPITALS.



## Annexure to Transfer

Transferor: Grattack Pty Limited ACN 003 861 023

Transferee: ZHC Investments Pty Limited ACN 161 211 721

Dated:

Certified correct for the purposes of the Real  
Property Act 1900 and executed on behalf of the  
corporation named below by the authorised  
person(s) whose signature(s) appear(s) below  
pursuant to the authority specified.

Corporation: **GRATTACK PTY LIMITED ACN 003 861 023**  
Authority: Section 127 of the Corporations Act 2001




Signature of authorised person

Koji Ozawa

Print Name of authorised person

Director  
Office held



Signature of authorised person

Yoshio Hidaka

Print Name of authorised person

Director  
Office held



Req:R671363 /Doc:CT 15268-152 CT /Rev:16-Dec-2010 /Sts:OK.SC /Pgs:ALL /Prt:12-May-2017 16:37 /Seq:1 of 2  
 Ref:liverpool /Src:Q

NEW SOUTH WALES

# CATE OF TITLE

## PROPERTY ACT, 1900



15268152

First Title Old System

Prior Title CA 831



Vol. 15268 Fol. 152

EDITION  
ISSUED 8 10 1984

I certify that the person named in the First Schedule is the registered proprietor of an estate in fee simple (or such other estate or interest as is set out below) in the land described subject to the recordings appearing in the Second Schedule and to the provisions of the Real Property Act, 1900.

CANCELLED

  
 Registrar General.


SEE ADV. FOLIO

LAND REFERRED TO

Lots 1 and 2 in Deposited Plan 115830 at Liverpool in the City of Liverpool Parish of St. Luke County of Cumberland.

## FIRST SCHEDULE

BEACONRIL DEVELOPMENTS PTY LIMITED.

## SECOND SCHEDULE

1. Reservations and conditions in the Crown Grant.
2. QUALIFIED TITLE. Caution pursuant to Section 28J of the Real Property Act, 1900.
3. LIMITED TITLE. Limitation pursuant to Section 28T(4) of the Real Property Act, 1900.  
The boundaries of the land comprised herein have not been investigated by the Registrar General.
4. Book 3464 No 453 Mortgage to Government Insurance Office of New South Wales. Discharged V737051.
5. Book 3600 No 78 Mortgage to National Commercial Banking Corporation of Australia Limited. X484882

 PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON  
 (Page 1) Vol. 15268 Fol. 152

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED



(Page 2 of 2 pages)

Vol ..... 15268 Fol ..... 152

40828-4036

FIRST SCHEDULE (continued)  
REGISTERED PROPRIETOR

Registrar General

Highside Motorcycles Pty. Limited by Transfer X484883. Registered 15-4-1988

**CANCELLED**

SEE AUTO FOLIO

## SECOND SCHEDULE (continued)

## PARTICULARS

Registrar General

CANCELLATION

~~W5611 Lease to Highside Motorcycles Pty. Limited of premises being the showroom shown on plan and subject to a lease with an option to purchase expires 31-3-1990. Registered 2-1-1988.~~~~X412259 Lease to Hurricane Hire Pty. Ltd. of warehouse premises shown hatched in plan with X412259. Expires 31-1-1990. Option of renewal for 3 years. Registered 9-3-1988.~~~~M X484884 Mortgage to Mercantile Mutual Finance Corporation Limited. Registered 15-4-1988~~

X Y540064p Caveat by Bridge Wholesale Acceptance Corporation (Australia) Limited Registered 8-8-1989

(M) X 484884p Mortgage Z 777366 Variation. Registered 2-8-1991.

(M) Y540064p Caveat. Z 777366 Variation. Caveator consented 2-8-1991

X412259

Y401709

## NOTATIONS AND UNREGISTERED DEALINGS

V737051DMK

W56141 L

(Ren)

X412259 L

X484884p

-83-


Y401709 SLR

Y540064 X

Z 777366 VM

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED  
Ref: Liverpool / Sec: 0  
Reg: R671363 / Doc: CT 15268-152 CT / Rev: 16-Dec-2010 / Sts: OK.SC / Pgs: ALT / Pft: 12-May-2017 16:37 / Seg: 2 of 2





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## Healthy Environment, Healthy Community, Healthy Business

### Contaminated land

- + Management of contaminated land
- + Consultants and site auditor scheme
- + Underground petroleum storage systems
- Guidelines under the CLM Act
- NEPM amendment
- + Further guidance
- Record of notices
- About the record
- Search the record
- Search tips
- Disclaimer
- List of NSW contaminated sites notified to EPA
- Frequently asked questions

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[Record of notices](#)

### Search results

Your search for: Suburb: LIVERPOOL  
did not find any records in our database.

If a site does not appear on the record it may still be affected by contamination. For example:

- Contamination may be present but the site has not been regulated by the EPA under the Contaminated Land Management Act 1997 or the Environmentally Hazardous Chemicals Act 1995.
- The EPA may be regulating contamination at the site through a licence or notice under the Protection of the Environment Operations Act 1997 (POEO Act).
- Contamination at the site may be being managed under the planning process.

More information about particular sites may be available from:

- The [POEO public register](#).
- The appropriate planning authority; for example, on a planning certificate issued by the local council under [section 149 of the Environmental Planning and Assessment Act](#).

[Search Again](#)
[Refine Search](#)

#### Search TIP

To search for a specific site, search by LGA (local government area) and carefully review all sites listed.

[... more search tips](#)





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Healthy Environment, Healthy Community, Healthy

## Environment protection licences

- + Licensing under the POEO Act
- Guide to licensing
- eConnect EPA
- Licence forms
- Licence fees
- + Risk-based licensing
- + Load-based licensing
- + Emissions trading
- POEO Public Register
- Terms of use: POEO public register
- Search for licences, applications and notices
- Search for penalty notices
- Search for prosecutions and

Home > [Environment protection licences](#) > [POEO Public Register](#) > [Search for licences, applications and notices](#)

## Search results

Your search for: **General Search with the following criteria**

**Suburb - LIVERPOOL**

returned 19 results

[Export to excel](#)

1 of 1 Pages

Number	Name	Location	Type	Status	Issued
3096	AMOCO CHEMICALS PTY. LIMITED	28-34 ORANGE GROVE ROAD, LIVERPOOL, NSW 2170	POEO licence	Surrendered	14
1003989	AMOCO CHEMICALS PTY. LIMITED	28-34 ORANGE GROVE ROAD, LIVERPOOL, NSW 2170	s.58 Licence Variation	Issued	20
12233	BAE SYSTEMS AUSTRALIA LOGISTICS PTY LTD	Moorebank Road, LIVERPOOL, NSW 2170	POEO licence	Surrendered	11
12839	HEALTHSCOPE LIMITED	40 Bigge St, LIVERPOOL, NSW	POEO licence	No longer in force	15



## APPENDIX B

---

### IMAGES





AUSTRALIAN  
GEOTECHNICAL

Images

8 Hoxton Park Rd, Liverpool







Contact: Amar Saini  
Phone: (02) 9860 1130  
Email: amar.saini@planning.nsw.gov.au  
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP\_2015\_LPOOL\_005\_00 (15/12832)  
Your ref: 152992.2015

Mr Carl Wulff  
Chief Executive Officer  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL NSW 1871

Attention: Ash Chand

Dear Mr Wulff

#### **Planning proposal to amend Liverpool LEP 2008 (Amendment No 54)**

I am writing in response to your Council's letter dated 5<sup>th</sup> August 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), concerning rezoning and reclassification of part of Hammondville Park (Part Lot 10, DP 1162812), Heathcote Road, Hammondville.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes. No further approval is required in relation to this Direction.

In relation to Section 117 Direction 4.1 Acid Sulfate Soils Council is required to undertake an Acid Sulfate Soils Study, prior to exhibition. The study is to be submitted to the Department and the planning proposal is to be amended if required.

Council is also required to obtain the agreement of the Secretary to comply with the requirements of Section 117 Direction 4.3 – Flood Prone Land. Council should ensure this occurs following consultation with the Office of Environment and Heritage.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

Council is reminded of its obligations for undertaking a public hearing and providing adequate information regarding the discharge of any interests in relation to the proposed reclassification of land, in accordance with the Department's Practice Note PN09-003, *Classification and reclassification of public land through a local environmental plan*.



The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Amar Saini of the Metropolitan Region (Parramatta) office on 02 9860 1160.

Yours sincerely,



24/9/2015

**Rachel Cumming**  
**Director, Metropolitan Region (Parramatta)**  
**Planning Services**





**Planning &  
Environment**

### Gateway Determination

**Planning proposal (Department Ref: PP\_2015\_LPOOL\_005\_00):** to amend draft Liverpool Local Environmental Plan 2008 concerning rezoning and reclassification of part of Hammondville Park (Part Lot 10, DP 1162812), Heathcote Road, Hammondville.

I, the Director, Metropolitan Region (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), that an amendment to the draft Liverpool Local Environmental Plan 2008 concerning rezoning of part of Hammondville Park (Part Lot 10, DP 1162812), Heathcote Road, Hammondville from RE1 Public Recreation to RE2 Private Recreation and B6 Enterprise Corridor and reclassification of the land from community to operational, should proceed subject to the following conditions:

1. Prior to exhibition, Council is to:
  - undertake Acid Sulfate Soils study and amend the planning proposal if required. This study is to be submitted to the Department to satisfy the condition in respect of section 117 Direction 4.1 Acid Sulfate Soils;
  - consult with NSW Rural Fire Service and take into account any comments made in relation to Bushfire Prone land in respect of section 117 Direction 4.4 Planning for Bushfire Protection.
2. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act as follows:
  - (a) the planning proposal must be publicly exhibited for 28 days, and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with the planning proposal as identified in section 5.5.2 of *A Guide to preparing local environmental plans* (Department of Planning and Environment 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

Department of Primary Industries - Lands  
Transport of NSW - Roads and Maritime Services  
Endeavour Energy  
Office of Environment and Heritage  
Sutherland Shire Council  
Sydney Water  
Telstra



Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held in relation to this matter by any person or body under section 52(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

Dated 24<sup>th</sup> day of September 2015



**Rachel Cumming**  
**Director, Metropolitan Region (Parramatta)**

*As Delegate of the Minister for Planning*



**Kweku Aikins**

---

**From:** [REDACTED]  
**Sent:** Friday, 12 February 2016 9:03 AM  
**To:** lcc  
**Cc:** [REDACTED]  
**Subject:** File No RZ-12/2015

To Bruce Macnee,

Thank you for the opportunity for the NSW Department of Primary Industries to provide comments on the proposed rezoning of part of Lot 10 (DP1162812) in Hammondville from Public Recreation (RE1) to Private Recreation (RE2) and Enterprise Corridor (B6).

We do not have any comments regarding this proposal.

[REDACTED]

Landuse Planning, Education and Regional Services, Agriculture NSW  
E: [landuse.ag@dpi.nsw.gov.au](mailto:landuse.ag@dpi.nsw.gov.au)

[REDACTED]

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This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of their organisation.

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This e-mail has been scanned on behalf of Liverpool City Council for viruses by MCI's Internet Managed Scanning Services - powered by MessageLabs.



**Office of  
Environment  
& Heritage**DOC16/97833  
RZ-12/2015

Mr Bruce Macnee  
Manager Strategic Planning  
Liverpool City Council  
Locked Bag 7064  
Liverpool BC NSW 2170

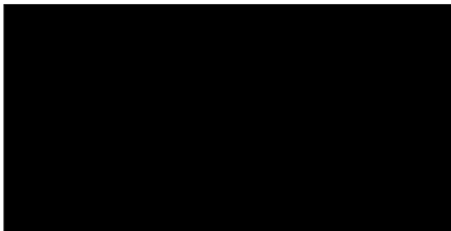
Attention: Mr Graham Mathews

Dear Mr Macnee

**Draft Liverpool Local Environmental Plan 2008 (Amendment No. 54) part of Lot 10, DP 1162812, part of Hammondville Park, Heathcote Road, Hammondville**

I refer to your of 3 February 2016 request for comments from the Office of Environment and Heritage (OEH) on the above in accordance with the gateway determination. Please note this letter was mailed to the wrong postal address and the address below should be used on any future correspondence to the OEH Greater Sydney Region.

OEH understands there are no immediate plans to develop the land and that the likely nature of future development is not known at this stage. OEH advises that the Council will be required to ensure consistency with the s117 Direction 4.3, the principles of the NSW Government's Floodplain Development Manual, Planning Directions and the relevant provisions of the LEP and DCP when considering any future development proposal.







## NSW RURAL FIRE SERVICE



The General Manager  
 Liverpool City Council  
 Locked Bag 7064  
 LIVERPOOL NSW 2170

Your reference: RZ-12/2015  
 Our reference: LEP/0078

27 January 2016

**Attention:** Mr Bruce Macnee

Dear Sir/Madam,

### Draft Liverpool Local Environmental Plan 2008 (Amendment 54)

Reference is made to Council's correspondence dated 11 November 2015 seeking comments in relation to the above planning proposal.

The New South Wales Rural Fire Service has reviewed the proposal and raises no objections subject to the following comments:

- Future developments located on bush fire prone land may require assessment under Section 79BA and or Section 91 of the Environmental Planning and Assessment Act 1979 and may require the issue of a Bush Fire Safety Authority under section 100B of the Rural Fires Act 1997.
- Sections of the site are mapped as bush fire prone land and any subsequent design and layout for the site will be subject to further detailed assessment. Any future development will need to comply with the requirements of Planning for Bush Fire Protection 2006 (PBP).
- Construction of public roads on land mapped as bush fire prone are required to comply with provisions of Section 4.1.3(1) of PBP 2006.
- Water, gas and electricity services are required to comply with Section 4.1.3 of PBP 2006 where located on bush fire prone land.
- When determining minimum lot sizes for future subdivisions, dual occupancies and multi dwelling housing on bush fire prone land, consideration is to be given to the provision of APZs within property boundaries in accordance with Table A2.4 in Appendix 2 of PBP 2006. These development types should also be consider the NSW RFS Fast Fact 4/12 - Increased Density on a Single Parcel of Land.
- Residential developments shall be designed to ensure that future buildings can conform to the deemed-to-satisfy arrangements under the Building Code of Australia and Australian Standard AS3959-2009 Construction of buildings in bushfire prone areas.

#### Postal address

NSW Rural Fire Service  
 Records Management  
 Locked Bag 17  
 GRANVILLE NSW 2141

#### Street address

NSW Rural Fire Service  
 Customer Service Centre East  
 42 Lamb Street  
 GLENDENNING NSW 2761

T 1300 NSW RFS  
 F (02) 8741 5433  
 E [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



- The proposal may permit a number of development types which are classified as Special Fire Protection Purpose (SFPP) developments. SFPP developments require the issue of a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997. It is advised that the assessment of SFPP developments differ from residential developments. SFPP developments are required to comply with Section 4.2.7 of PBP 2006 and require larger APZs between the development and unmanaged vegetation in accordance with Table A2.6 of PBP 2006. The NSW RFS considers home based child care as being a SFPP development and must comply with the separation distances identified in Table A2.6 of PBP 2006.







Transport  
Roads & Maritime  
Services

7 February 2019

Roads and Maritime Reference: SYD16/00229/04  
Council ref: 078261.2018

The General Manager  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

Attention: Kweku Aikins

Dear Sir/Madam,

**DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 AMENDMENT 54  
PART LOT 10 DP1162812 (PART OF HAMMONDVILLE PARK, HAMMONDVILLE)**

Reference is made to Council's email dated 2 November 2018, regarding the abovementioned proposal which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with the consultation requirements set out under Section 3.34 of the *Environmental Planning and Assessment Act, 1979* and Gateway determination. Roads and Maritime appreciates the opportunity to provide comment on the proposal.

Roads and Maritime Services have reviewed the revised proposal, traffic modelling and traffic study addendum and raises no objection to the planning proposal or the proposed amendments to the Liverpool Environmental Plan 2008 subject to the following infrastructure upgrades being provided to mitigate the traffic impacts of the proposed development:

- Upgrade of the traffic signal controlled intersection of Heathcote Road/Infantry Parade (TCS 3247) shall be designed in accordance with RMS requirements including (but not limited to) the following;
  - A 3 lane approach in Infantry Parade (NE Leg/development access) designated as;
    - Lane 1 – Left turn lane
    - Lane 2 – Through lane
    - Lane 3 – Right turn lane,
  - The length of the above lanes shall be a minimum of 20 metres from the stop line into the development site,
  - The alignment should allow for diamond phasing for turning movements,
  - In accordance with Section 2.4 of the RMS Traffic Signal Manual, all pedestrian crossings are to be upgraded to cater for cyclists and be provided across all legs of the intersection (including the installation of the missing pedestrian crossing across Heathcote Road (south of Infantry Parade),
  - Construction of a left turn deceleration lane along the Heathcote Road (SB) frontage designed and constructed in accordance with AUSTROADS and RMS design requirements,
  - Construction of a left turn slip lane into Infantry Parade from Heathcote Road (NB) designed and constructed in accordance with AUSTROADS,

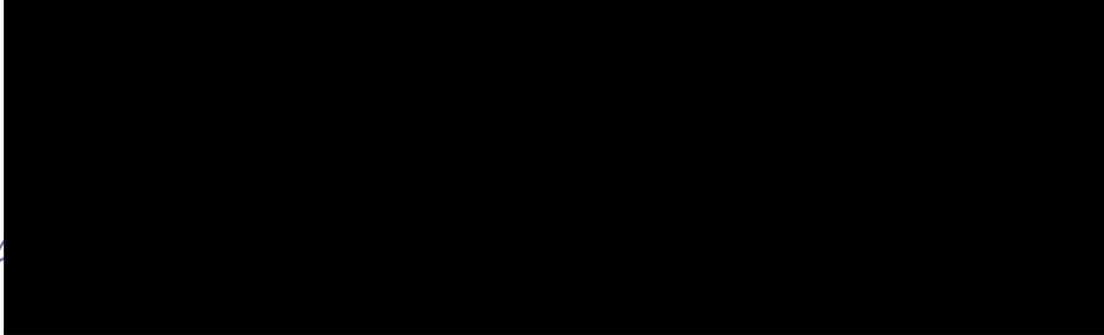
**Roads and Maritime Services**

27-31 Argyle Street, Parramatta NSW 2150 |  
PO Box 973 Parramatta NSW 2150 |

[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13



- As Council would be aware, following a Part 4 Development Application following the making of the plan (i.e. LEP amendment), Roads and Maritime advises that the intersection/road design will require Roads and Maritime approval through a Works Authorisation Deed prior to commencement of any roadwork.
- Council develop a suitable funding mechanism to ensure that all costs associated with the roadworks be fully funded by the developer of the subject site with no cost to Roads and Maritime Services.







24 February 2016

**Attention: Graham Matthews**

Mr Bruce Macnee  
Manager Strategic Planning  
Liverpool City Council  
Locked Bag 7064  
Liverpool NSW 1871

**RE: Planning Proposal for P/Lot 10, DP 1162812, Heathcote Road, Hammondville  
(RZ-12/2015)**

Dear Mr Macnee,

Thank you for notifying Sydney Water of the Planning Proposal listed above. We have reviewed the application and provide the following comments for your consideration.

**Water**

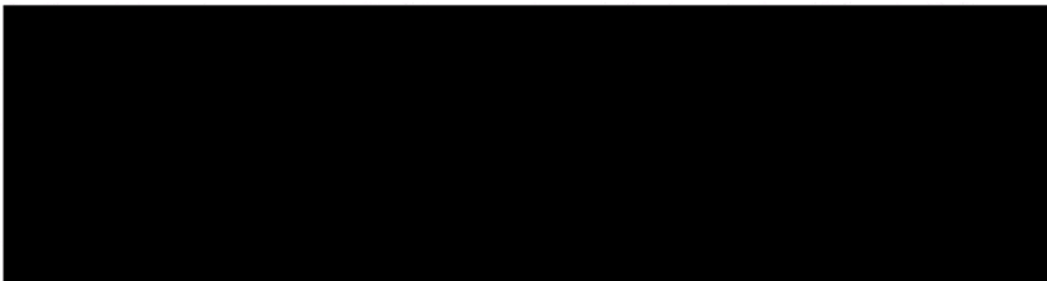
- The water main available for connection is the 300mm main in Heathcote Road.
- Detailed water requirements will be provided at the Section 73 application phase.

**Wastewater**

- The wastewater main available for connection is the 400 mm main constructed within the property boundaries.
- The proposed development site is traversed by a wastewater main. Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate there development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.
- Detailed wastewater requirements will be provided at the Section 73 application phase.

**Sydney Water E-Planning**

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).







#### Attachment 1

##### **Sydney Water Servicing**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

##### **Building Plan Approval**

You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).





## Attachment 2

### Requirements for Business Customers for Commercial and Industrial Property Developments

If this property is to be developed for Industrial or Commercial operations, it may need to meet the following requirements:

#### Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence.

The permit application should be emailed to Sydney Water's Business Customer Services at [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au)

It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

#### Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.





For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

#### Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at:

<http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au)





File No RZ-12/2015

Reference: 026238.2016

16<sup>th</sup> February 2015

**Liverpool Council**

**Ground Floor**

**33 Moore St Liverpool NSW 2170**

**Attention. Mr Graham Mathews**

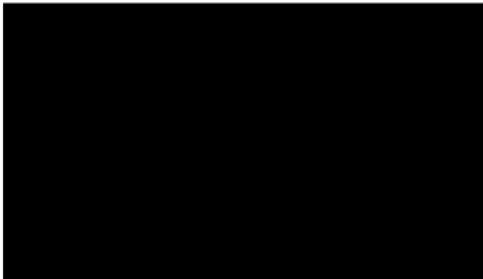
**Draft Liverpool Environmental Plan 2008 Amendment No 54 Part of Lot 10 DP1162812 part of Hammondville Park  
Heathcote Rd Hammondville.**

As you are aware Telstra has a mobiles communication tower located at 230 Heathcote Rd Hammondville at the edge of the park, the pole is approximately 30m high, dependent upon what is built at this location it could affect our service.

Can you please advice us of the proposed height restriction limit on this redevelopment as anything above 23m will create issues with our coverage.

Yours faithfully

Telstra Corporation Limited



Network Delivery - Wireless Delivery NSW/ACT Telstra Operations

Level 6 - 231 Elizabeth Street  
Sydney NSW 2000







**LIVERPOOL CITY COUNCIL**  
**DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN**  
**2008 AMENDMENT 54**  
**OUTCOMES REPORT**

**REPORT PREPARED BY JOC CONSULTING**  
**7 FEBRUARY 2019**

**JOC**CONSULTING  
creative urban planners



## EXECUTIVE SUMMARY

Draft Amendment 54 to the Liverpool Local Environmental Plan (LLEP) aims to reclassify the car park of Hammondville Park, Hammondville from 'Community' to 'Operational'. It also seeks to rezone part of the site from RE1 Public Recreation to part B6 Enterprise Corridor (blue on map) and part RE2 Private Recreation (green). Draft Amendment 54 was placed on public exhibition from 21 November to 21 December 2018. As part of this exhibition period, community members were invited to participate in a Public Hearing for the proposal on 31 January 2019.

## OVERVIEW

- 11 people attended the Public Hearing.
- 6 attendees provided comments and questions that have been recorded in this report.
- 4 attendees expressed opposition to the proposed changes.
- 2 Council staff were available to answer questions.
- The major issues raised by multiple attendees were loss of open space including trees, concern for future development type and continued public access to, and through, the site.

## ISSUES

A summary of key issues raised by attendees is provided below:

- Impact of future planning and Council decisions if the reclassification is approved and the area is developed
- Concern for the potential loss of public access to the proposed and adjacent open spaces
- Loss of public open space and removal of trees (without being replaced)
- Impact of the widening of Heathcote Road on the site with potential loss of open space
- Noise as a result of future development

Additional comments from attendees can be found on page 3.

## QUESTIONS

The following questions were raised by attendees:

- Why can't Council build community recreational facilities on the site under the current zoning?
- What's the real reason why Council is rezoning the land?
- Once the land is reclassified and rezoned, can the land be sold to a private developer?
- As a result of the reclassification and rezoning, can development occur on the currently open space?
- How many storeys will be allowed in the zones?
- What does 1:1 FSR mean?
- What kinds of development are allowed in the B6 and RE2 zones?
- Will the public open space next to the site remain untouched?
- Will the native vegetation on and next to the site remain untouched?
- If the proposed reclassification is approved, how will access throughout the site change?
- How will the widening of Heathcote Road impact the site and surrounding vegetation?
- Is there a quota that influences Council's decision, i.e. does the number of submissions hold more weight in the council's decision?
- Will the community be able to voice their opinions on any future development that may occur on the site?
- When is the proposal going to Council?



## INTRODUCTION

JOC Consulting (JOC) was commissioned by Liverpool City Council (LCC) to facilitate a Public Hearing regarding the proposed reclassification of Part Lot 10 DP 1162812 Heathcote Road, Hammondville. The proposed reclassification of the land will aim to provide better use of the space and complement surrounding uses, including the nearby active recreation facilities.

## THE PROJECT

Under the Local Government Act 1993, all public land must be classified either as 'community' or 'operational'. The majority of Hammondville Park is currently classified as community land, but the car-park adjacent to the Park is considered under-utilised because of various limitations including size, shape and location. Reclassifying the car park as 'operational' allows Council to optimise the land use potential for each site, whether through the sale or development of the land. In accordance with Section 29 of the Local Government Act 1993, a Public Hearing must be held when 'community land' is proposed to be reclassified as 'operational land'.

## PURPOSE OF THE PUBLIC HEARING

This Report details the purpose and outcomes from the Public Hearing that was conducted on 31 January 2019. The overall purpose of engagement was to seek community feedback regarding the proposed reclassification of Part Lot 10 DP 1162812. This Report provides an independent record of feedback received from the community on the proposal to ensure it is fair and not biased. All comments and questions raised at the Public Hearing have been recorded in this Report.

## METHODOLOGY

The Public Hearing was open to all community members to attend, with Council letterbox dropping surrounding residents in Hammondville, Wattle Grove and Holsworthy prior to 31 January 2019 and advertising in media. The Public Hearing was facilitated by John O'Callaghan (Director, JOC Consulting) and the agenda was as follows:

- Acknowledgment to country
- Welcome and introduction
- Project background and proposed changes (presentation)
- Comments and questions from attendees (recorded)
- Next steps and close

The below table provides further detail on the Public Hearing:

TYPE	EVENT	DETAILS	ATTENDANCE
Public Hearing	Hammondville Park Rezoning and Reclassification of Land Public Hearing	Thursday 31 January 2019 6.00PM - 7.00 PM Liverpool Library	11 attendees



## PUBLIC HEARING

JOC Consulting facilitated a Public Hearing with community members on 31 January 2019. The below comments provide further detail to issues and questions raised by attendees.

### WHAT WE HEARD

ISSUE	ATTENDEE COMMENTS
<b>Clarification on what uses will be permissible</b>	<ul style="list-style-type: none"> <li>Attendees stated the permitted uses of the land should be discussed prior to reclassification</li> <li>Attendees stated there is a lack of clarity on potential future development on how the site will be used and operated in the future.</li> <li>An attendee was concerned about additional noise as a result of future development</li> <li>Attendees expressed concern for the potential sale of community land resulting from reclassification being approved</li> </ul>
<b>Concern for loss of open space and green corridors</b>	<ul style="list-style-type: none"> <li>An attendee expressed concern for the loss of public open space adjacent to the site if the proposed rezoning was approved</li> <li>An attendee suggested increasing and retaining green corridors within the locality</li> <li>An attendee expressed concern for the preservation of natural vegetation adjacent to the site being under threat if development was approved on the site in the future</li> <li>An attendee questioned Council as to how potential site developers would be able to retain the natural vegetation on the site</li> <li>An attendee suggested beautification measures be undertaken around the site to improve the overall amenity of the site</li> </ul>
<b>Potential loss of public access</b>	<ul style="list-style-type: none"> <li>An attendee was concerned about a loss of access through the site if development was to be approved in the future</li> <li>An attendee would like to maintain pedestrian access through the site which links to adjacent sites used as community open space</li> <li>An attendee suggested that Council should provide further clarification around access into and through the site which may be restricted if changes to land use are approved</li> </ul>
<b>Clarification on planning controls</b>	<ul style="list-style-type: none"> <li>An attendee requested further clarification to be provided around how many storeys are permissible with a 15-metre height restriction in the proposed zones</li> <li>An attendee requested further clarification to be provided to define FSR and how FSR is able to shape the footprint of development in the proposed zones</li> </ul>
<b>Maps should be labelled with identifiable features</b>	<ul style="list-style-type: none"> <li>An attendee stated it was difficult to understand the maps provided at the Public Hearing and suggested using a map that can identify points of interest, roads and access points.</li> <li>An attendee suggested that Council should generate a map that indicates where flooding occurs and the areas affected by the road widening to showcase how the site might be negatively impacted in the future</li> </ul>
<b>Widening of Heathcote Road and impact on site</b>	<ul style="list-style-type: none"> <li>An attendee expressed concern about how the widening of Heathcote Road will impact the site</li> <li>An attendee was concerned for loss of open space due to road widening</li> </ul>
<b>Next steps</b>	<ul style="list-style-type: none"> <li>Attendees were interested in knowing when the matter will be taken to a Council meeting</li> <li>An attendee was interested in understanding if the number of submissions to Council regarding the reclassification influence Council's decision</li> </ul>



# BIANNUAL PERFORMANCE REPORT.



LIVERPOOL  
CITY  
COUNCIL





## Introduction

Section 404(5) of the *Local Government Act 1993* requires every council to report on progress with respect to the Principal Activities detailed in its Delivery Program. This report outlines Council's progress for the period of 1 July to 31 December 2018.

### A Snapshot of Integrated Planning and Reporting Suite of Documents

Liverpool City Council has prepared a suite of Integrated Planning and Reporting documents in accordance with sections 402(4), 402(1) – 402(7), 403(2), 404(1) – 404(5) and 405(1) – 405(6) of the *Local Government Act 1993*. This suite of documents includes the 10-year Community Strategic Plan *Our Home Liverpool 2027*, the four-year Delivery Program delivered through four annual Operational Plans, the Workforce Management Plan, the Asset Management Plan and Long-Term Financial Plan.

The Delivery Program activates the Community Strategic Plan which has been developed in consultation with the Liverpool community. The *Our Home Liverpool 2027* plan outlines the long-term vision for Liverpool City by identifying four key directions that relate to the quadruple bottom line. The combined Delivery Program and Operational Plan details Council's key performance indicators (KPIs) and targets that have been provided to measure the overall progress in achievement of the vision outlined in the Community Strategic Plan.

The Long-Term Financial Plan presents the future financial sustainability of the Council and allocates sources of revenue and expenditure statements for the next 10 years. The Long-Term Financial Plan is updated on an annual basis through the Operational Plan budget. The Workforce Management Plan and Asset Management Plan provide vital information about the resources needed to deliver the projects and services envisaged by the community. The Workforce Management Plan outlines data about the workforce needed to achieve the community vision in the future while the Asset Management Plan ensures that the relevant assets needed for delivery of projects and services are optimally managed by Council.

### Summary of the Biannual Report July to December 2018

The Delivery Program and Operational Plan 2018-19 includes 110 actions that measure Council's progress in achieving the vision outlined in the Community Strategic Plan. There are 102 actions (93%) which are reported *on track* and eight reported as *needing attention*. The status of each action is represented with the following symbols:

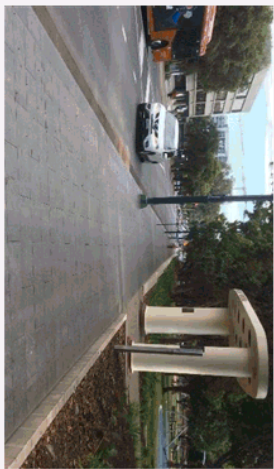




## Highlights



Council's New Year's Eve celebrations, Light Up the Lake, hosted 8000 people despite wet weather conditions. In addition to the evening entertainment and 9pm fireworks display, the event also featured a midnight fireworks display to ring in the new year.



Council's Capital Works program is underway with new footpaths and street paving works undertaken to support pedestrians. New footpaths were installed in Moorebank, Lurnea, Chipping Norton, Hammondville and Liverpool.



Liverpool welcomed the turning of the first sod at Badgerys Creek by Prime Minister Scott Morrison. The Western Sydney Airport will be built by 2026 and will provide 11,000 jobs during construction and 28,000 when the Airport and its Aerotropolis are built.



The centenary of Armistice was celebrated with a series of events in Liverpool. The Liverpool Regional Museum hosted the *Peace Comes to Liverpool* exhibition, a series of projections and installations were featured on Macquarie Street and a commemoration event was held in Bigge Park.



Council worked with Western Sydney University to invite leaders and visionaries to share their ideas and opinions at the Ideas 2170 event. The event discussed challenges, opportunities and innovative solutions on contemporary issues that affect South West Sydney.



Council's second annual Eat Your Heart Out event was an evening of food, music, art and culture with a selection of food trucks, performances, stall and games. Despite wet weather, the event attracted 4500 people to the Railway Street location.





Council officially opened a White Ribbon Garden at Bigge Park on White Ribbon Day in November. The garden celebrates Council achieving White Ribbon Accreditation in August as well as giving the community a place for quiet reflection.



Casula Powerhouse Arts Centre hosted *Wayfinders* as part of the *Oceania Rising* project, a collaboration with the Australian Museum and Blacktown Arts Centre. The exhibition offered a diverse range of perspectives and reflections on the impact of climate change.



Liverpool's fifth annual Charity Ball hosted 300 guests at The William Inglis Hotel. The Havana-inspired event was hosted by Sandra Sully and raised more than \$46,000 for local social enterprise organisation Liverpool Neighbourhood Connections.



Almost 1000 people celebrated NAIDOC Week in Liverpool over three Council-hosted events including a Street March, a performance by Christine Anu at the Casula Powerhouse Arts Centre and a family fun day at Miller Community Centre.



Liverpool's Local Environmental Plan has been amended to rezone 25 hectares in the Liverpool CBD, which will reinvigorates the city centre and allow the construction of multi-purpose dwellings. This will create a vibrant residential and commercial hub in a walkable neighbourhood.



Council has expanded its online lodgement applications with the development and deployment of outdoor dining, road occupancy, work zone and complying development certificates. The expansion of online lodgement increases the community's accessibility to Council services.










### Celebrate diversity, promote inclusion and recognise heritage

Action	Description	Comment	Status
C.01.01	Promote and manage heritage	Council heritage projects have been tracking well in 2018-2019. There have been delays as a result of external factors, however progress has been made on all key performance indicators and tasks for the financial year.	
C.01.02	Manage Liverpool Regional Museum to attract visitors	Liverpool Regional Museum has run a series of successful exhibitions and continues to develop community partnerships and increase visitation.	
C.01.03	Deliver citizenship ceremonies	Council hosted its largest Citizenship Ceremony in December with 486 citizens being welcomed into the community. Almost 900 people have received citizenship in the past six months. The Order of Liverpool Awards were delivered on Liverpool's Birthday on 7 November 2018 and the Australia Day Awards are on track for delivery.	
C.01.04	Implement actions from the Reconciliation Action Plan	The Reconciliation Action Plan Working Group was established and a meeting held on 29 November 2018. Local Aboriginal Elders were engaged to participate in story time at Council's Hinchinbrook Early Education and Care Centre as well as engaging a local Aboriginal artist to work with the Centre. Council staff were also provided opportunities to consult with the Aboriginal Consultative Committee at the November meeting where the group was involved with the naming of a new street in Casula.	



**Deliver a range of community events and activities**



Action	Description	Comment	Status
C.02.01	Deliver events schedule	Council has delivered a range of successful events including NAIDOC Week, which included a Corroboree, street march and family fun day, the Armistice Centenary event and New Year's Eve, which included a midnight fireworks display for the first time. Council's annual Charity Ball was attended by more than 300 people and more than \$46,000 was raised for the selected charity, Liverpool Neighbourhood Connections.	
C.02.02	Manage civic events calendar	Liverpool hosted many civic events during the first two quarters of the financial year. Among them were Freedom of Entry and Armistice Day events, Liverpool's birthday, rededication of Augusta Cullen Plaza and the opening of the Water Play Splash Park at the Michael Wenden Aquatic Centre in Miller.	
C.02.03	Manage Anzac Day Dawn Service ceremony	The Anzac Day Dawn Service is currently being organised. Council is expecting 5000 attendees in 2019.	
C.02.04	Deliver engaging library programs	The library service continues to develop and implement programs relevant and beneficial to the Liverpool community. The HSC Program was successfully delivered in November with increased attendance compared with last year.	
C.02.05	Deliver Casula Powerhouse Arts Centre programs	Casula Powerhouse Arts Centre showcased 12 exhibitions during the past six months including Oceania Rising: Wayfinders, Landless Bodies and Otopan among others. The Centre also hosted a range of festivals and theatrical performances in addition to the delivery of programs for children, youth, seniors, access and culturally and linguistically diverse audiences.	



**Implement access and equity for all members of the community**





Action	Description	Comment	Status
C.03.01	Deliver high-quality childcare services	All childcare centres are now Wi-Fi enabled, which allows for more effective use of technology. Educators use <i>storypark</i> to document children's learning on both computers and tablets. The addition of Wi-Fi has allowed for educators to add information to children's documentation at any location throughout the service. In addition to this it has also enhanced the educator's ability to provide an innovative curriculum that meets the needs of children. Wi-Fi enables educators to quickly source information for children, ensuring that children are given opportunities to gain further knowledge during investigative learning. The Transition to School Program is currently at 100 per cent capacity and supported playgroups were delivered at Liverpool City Library and Carnes Hill Library.	
C.03.02	Provide well used and appropriate resources at Liverpool Libraries	The library collection has developed to have greater relevance and flexibility to reflect the changing Liverpool community. It has also decreased response time to requests and customer demands. The library will introduce an improved website in early 2019.	
C.03.03	Deliver Council-led programs that strengthen social inclusion and build community capacity	White Ribbon Accreditation launched in November 2018. The working group continues to meet regularly to oversee the implementation of targets in the policy. A total of 31 projects were funded in the past six months, supporting a number of programs and initiatives by not-for-profit agencies and community groups.	
C.03.04	Strengthen social inclusion in new developments	Council completed 17 social impact statements in the past six months including those relating to Liquor and Gaming, Development Applications and State Significant Developments.	
C.03.05	Implement actions from the Disability Inclusion Action Plan (DIAP)	All projects related to the implementation of the Disability Inclusion Action Plan are underway.	
C.03.06	Implement actions from the Youth Strategy and Action Plan	Council convened the Liverpool Youth Workers Network (LYWN) which consists of youth-focused organisations and services in the Liverpool Local Government Area to provide services, support and events for young people. School holiday programs in October included a Skate Competition and Pop Up Cinema. School holiday programs for January 2019 have been planned. Council also attended a four-day Police Youth Leadership Camp and supported the implementation of this program during December.	






Action	Description	Comment	Status
C.03.07	Deliver community projects and programs in collaboration with stakeholders	Council collaborated with many stakeholders including a meeting of the South West Sydney Aged and Disability Forum in partnership with the City of Canterbury Bankstown and Fairfield City Council, and participation in the Community Drug Action Team (CDAT), the Liverpool Drug Action Team (LDAT) and the Liverpool City Police Area Command Community Precinct Committee. Council also convened two meetings of the Liverpool Refugee and Migrant Interagency (LRMI) in partnership with Western Sydney Migrant Resource Centre (WSMRC) and Settlement Services International (SSI) and three meetings of the Liverpool Youth Workers Network (LYWN).	
C.03.08	Deliver the Community 2168 Project in partnership with South West Sydney Local Health District and Department of Family and Community Services	Council held 16 events and workshops for the 2168 community in partnership with organisations such as Family and Community Services, Miller and Hume Community Housing among others. The second sitting of the Children's Parliament for 2018 was held on 20 November with approximately 150 people in attendance including Parliamentarians, ambassadors, school staff, service providers and parents.	



**Provide community facilities which are accessible to all**



Action	Description	Comment	Status
C.04.01	Meet demands for community-connected spaces	Overall utilisation of community venues and buses continue to reach and exceed the target totals despite Council's end of year closure, from 21 December 2018 to 2 January 2019 inclusive. Casual bookings are constant and following the Expression of Interest completed in December, new permanent hirers have been signed up to commence in January and February 2019. However, changes to space availability at the community centres as well as scheduled maintenance are expected to affect utilisation beginning in the next quarter. Community Facilities Management are endeavouring to have all clients placed in alternative community centres to ensure programs are not comprised during the closure period.	
C.04.02	Provide clean community facilities	The target amounts have been achieved, and while no standard cleans were completed during Council's end of year closure, weekend work and the New Year's Event at the Chipping Norton Lakes were accommodated.	
C.04.03	Deliver Council's adopted upgrade and renewals program for building assets	The overall program is substantially on target for completion by the end of June 2019. Some projects are being delivered over two years and will be completed in the 2019/20 financial year.	
C.04.04	Facilitate usage of Council sporting venues and leisure centres	Council's leisure centres have received more than 450,000 visits during the past six months. Sporting venues are operating at 100% utilisation. Council is working with Planet Footprint to develop reports to complete a review of the sporting facilities' utilities consumption.	



Action	Description	Comment	Status
C.04.05	Enhance access to facilities and resources through place-based planning initiatives	Council engaged experts to deliver a landscape masterplan that would revive the Lighthorse Park and complements existing strategies by Council to create a dynamic and inclusive environment that supports healthy living and aligns with programs that will see the city facing the river. The concept design includes provision for a neighbourhood community facility as part of the proposed redevelopment which will promote inclusion and provide a much-needed facility in the city centre to support population increase. Public exhibition and consultation on the concept plan is planned for early 2019. A draft planning proposal for Miller Town Centre is being developed to deliver the best urban outcome for Miller. The Community Facilities Strategy was published on Council's website and is now publicly available. In addition, functional briefs for community facilities, recreation and open space in Edmondson Park, Basin 14 at Edmondson Park and Stante Reserve (Middleton Grange) have been completed. Greening Hill Road in Lurnea was launched in December with the project including new garden beds, trees and art work installation at Hill Road.	
C.04.06	Manage library spaces to attract and inspire visitors	Library membership has developed well with an increase of almost 12 per cent. Library programs have been promoted via social media and procurement processes have been initiated to progress with the replacement of library shelving.	
C.04.07	Manage the Liverpool Animal Shelter	The Liverpool Animal Shelter has collected 338 animals and 198 animals have been returned to their owners. The shelter has exceeded adoption targets with 87 per cent of dogs and 100 per cent of cats being rehomed within two months.	



**Create a dynamic, inclusive environment, including programs to support healthy living**



Action	Description	Comment	Status
C.05.01	Deliver Council's adopted upgrade, renewal and conservation program for recreation and green assets	Most of the program is on target for completion by June 2019. Lurnea Community Hub and Cirillo Reserve are two-year projects with all design and procurement processes targeting completion by June 2019. Construction of these two projects is programmed for 2019-20. Sites have been identified for the Environmental Restoration Plan program and contract documents developed to allow procurement in February. Delivery of primary works is anticipated to be completed this financial year.	
C.05.02	Support community recreation through funding	The Liverpool Sporting Donations program assessed 100 per cent of applications that were received. The Liverpool Sporting Club Grants applications are open in January and will be assessed next quarter.	



# S






## STRENGTHENING AND PROTECTING OUR ENVIRONMENT

### Manage the community's disposal of rubbish

Action	Description	Comment	Status
S.01.01	Provide waste disposal services to the community	Waste disposal services were delivered to the community successfully. The 10-year Waste Management Strategy has been drafted.	
S.01.02	Manage the Community Recycling Centre	The greatest tonnage of collection at the Community Recycling Centre has come from cardboard and e-waste. The introduction of the Container Deposit Scheme could be attributed to diverting eligible containers out of the recycling stream.	








**Protect and enhance bushland, rivers and the visual landscape**

Action	Description	Comment	Status
S.02.01	Manage Council's park maintenance program	The spring and early summer periods had a higher than average rainfall. This has seen an increase in grass growth. Tree plantings were restricted due to hot weather as planting occurs through the cooler months of the year.	
S.02.02	Develop and implement improvement strategies, policies and programs for the management of stormwater	Water quality monitoring is being undertaken at 19 selected locations at five monitoring sites along the Georges River and 12 monitoring sites in the South Creek catchment. Council is working with Blacktown City Council to finalise the most appropriate operation and maintenance manual that could be consistent across the councils.	
S.02.03	Make informed environmental decisions through the development of strategy, education and engagement	Council completed 100 per cent of ecological referrals for development applications within 10 business days. The result exceeds the target of 80 per cent.	
S.02.04	Assess applications to prune or remove trees	Council processed 96 per cent of applications to remove or prune trees within 10 business days. This result exceeds the target of 80 per cent.	
S.02.05	Manage contaminated lands under Council control	Council is on target to deliver the overarching waste management system covering asbestos, construction and demolition waste and the development of remediation action plans for high-priority contaminated lands.	










**Encourage sustainability, energy efficiency and the use of renewable energy**

Action	Description	Comment	Status
S.03.01	Develop and implement environmental education for the community	Procurement of consultant services will occur in January for the delivery of the Prioritisation Guidelines and Pest and Weed Strategy. Due to the success of the 2018 South West Regional Speaking for the Planet event, Liverpool will once again partner with neighbouring councils and the Australian Botanic Gardens at Mount Annan for the 2019 event. Schools have been informed of the details of the Speaking for the Planet Event and a number have registered interest.	
S.03.02	Educate the community in waste disposal	Waste education continues to be a priority for the Waste Management Team during this period with five education programs delivered. Council's Chemical CleanOut event was conducted in July 2018.	
S.03.03	Develop and implement energy efficiency program	The State Government's Energy Rating Program was promoted to staff, residents and community groups via Council's quarterly newsletter, <i>Sustaining Liverpool</i> . The Office of Environment and Heritage funded energy efficiency projects focusing on the Whitlam Leisure Centre, Carnes Hill Precinct and Casula Powerhouse Arts Centre were completed. Council secured \$100,000 in funding under the State Government's 'Heritage Near Me Energy Grant' to reduce energy consumption and increase renewable energy at the Casula Powerhouse Arts Centre. The program is on schedule and is expected to be completed before 28 June 2019.	
S.03.04	Promote local and sustainable food sources	Casula Powerhouse Arts Centre continues its commitment to healthy, sustainable food and a healthy sustainable environment, growing the majority of vegetables and herbs used at Bellbird Dining in the Organic Kitchen Garden. During the Way Out West Children's Festival the education and public programs team conducted gardening and food workshops facilitated by the Head Chef of Bellbird Dining. The new Air Bee & Bee (native bee home) has welcomed its first residents, and the Casula Fowl House is under construction, with new Mulberry trees planted.	
S.03.05	Upgrade Council properties to increase sustainability	The 33 Moore Street carpark lighting upgrade is being tendered in January 2019.	







**Exercise planning controls to create high-quality, inclusive, urban environments**

Action	Description	Comment	Status
S.04.01	Provide development assessment services	This target is based on the total capital investment for development projects from past years and will be subject to fluctuations that council is unable to influence, due to the cyclical nature of the property market.	
S.04.02	Develop, review and update asset management plans	The existing building asset management plan has been revised and is being reviewed for finalisation. A draft policy for drone operation has been developed. The draft policy is under further review based on comments received from stakeholders.	
S.04.03	Manage and maintain public health and safety compliance	Health and safety compliance is generally exceeding targets in all areas.	
S.04.04	Investigate, survey, design and estimate cost of Council's infrastructure delivery projects	The design of strategic projects is progressing well.	
S.04.05	Develop planning strategies	The Industrial Land Study has been completed. Other planning strategies to support the Local Environmental Plan review will commence in the third quarter.	
S.04.06	Manage land development engineering	The Land Development team have maintained an acceptable level of service. The Land Development team will be able to continue improving processes within the Development Assessment team.	
S.04.07	Manage building fire safety certification	Annual Fire Safety Statements have been issued for the majority of buildings and the program is scheduled on track for completion.	



**Develop and advocate for, plans that support safe and friendly communities**






Action	Description	Comment	Status
S.05.01	Implement actions from the Community Safety and Crime Prevention Strategy 2018-2022	The submission for accreditation for Pan Pacific Safe Community has been completed and submitted. The outcome is expected in February 2019. Council participates in monthly Domestic Violence Liaison Committee meetings and provides support to local domestic violence initiatives such as Stop DV Day.	
S.05.02	Undertake a program of upgrades and renewals for drainage infrastructure	Works to reline stormwater pipes to improve hydraulic capacity and provide extended service lives in Busby, Hammondville and Holsworthy are underway. It is proposed to install a Gross Pollutant Trap at Kelso Park in Moorebank and modify an existing Gross Pollutant Trap at Wattle Grove Lake in Wattle Grove. The design is underway. Land acquisition and detailed design are underway for Basin 14, Edmondson Park. Construction works are planned for commencement in 2019-20 subject to land acquisition being completed.	
S.05.03	Facilitate floodplain management strategies, policies, systems and programs for the controlled occupation of flood prone land	Overland flow path study for rural catchment areas completed. Detailed concept design for all stormwater infrastructure completed. Design of creek enhancement and review of environmental factors (REF) are underway. Grant application for undertaking overland flow path study for rural catchment areas Stage 2 has been successful.	
S.05.04	Provide assistance and support to the RFS and SES	Funds have been expended as a percentage of budget allocation.	



# G






## GENERATING OPPORTUNITY

### Meet the challenges of Liverpool's growing population

Action	Description	Comment	Status
G.01.01	Develop and manage the Long Term Financial Plan	Council is on track to achieve six out of seven key Fit for the Future (FFF) performance indicator ratios. The FFF estimates did not include unexpected expenditure on hazardous waste remediation Council incurred in the past three years which increased the real operating expenditure per capita.	
G.01.02	Manage Council's childcare centres sustainably	Planned capital works programs and a flooring upgrade have been delivered at Cecil Hills Early Education and Care Centre during the December/January closure period. Works were completed and ready for the commencement of 2019. In addition to this, works have also commenced at Holsworthy Early Education and Care Centre with upgrades to the children's bathrooms, due to be completed mid-January 2019.	
G.01.03	Manage accounts and investments	Council's current average return on investment of 2.87 per cent is higher than the 1.92 per cent Ausbond Bank Bill Index. Council's Business Activity Statements for the past five months were lodged on due dates. Council's outstanding debt ratio of 3.43 per cent is lower than the benchmark of less than 5 per cent.	
G.01.04	Establish a Development Corporation	A Private Public Partnership model is under investigation, while Council progresses the design development of several projects. Council have endorsed a progression of the project to the pre-expressions of interest stage.	
G.01.05	Build effective relationships with State and Federal departments and governments	Council staff have held 15 meetings with State and Federal Departments and seven meetings with State and Federal Members of Parliament during the period on topics such as Arts, Screen and Culture, Western Sydney Airport, Opportunities and Challenges for Population Growth and transport options among others.	







**Attract businesses for economic growth and employment opportunities**

Action	Description	Comment	Status
G.02.01	Attract new jobs within Liverpool's industry focus areas	Investment interest continues to be strong in all sectors. CBD investment enquiry and Development Applications are increasing following the announcement of mixed-use zoning in the CBD. Industrial and retail/commercial development continues with a strong pipeline of investment anticipated.	
G.02.02	Market Liverpool as a business destination	A healthy lead generation pipeline continues demonstrating the strength of the local and regional economy. Businesses continue to be engaged through industry events.	
G.02.03	Develop the economic capacity of local businesses and residents	One Pop-Up Shop at Northumberland Arcade has been extended for an additional six months. Expressions of interest are currently open providing opportunities for two more start-up businesses. Successful applicants are due to commence operations in February 2019. Referrals to external agencies and internal staff continue to be a valuable method for business support.	
G.02.04	Progress Liverpool as an Innovation City	The Smart Pedestrian project is on track. Sensors have been deployed in the CBD and data is now being collected. The Innovation Strategy went on public exhibition in December 2018. Staff and community workshops were held throughout 2018 to engage with the community on the development of the strategy.	
G.02.05	Monitor and advise Council on matters relating to the development of Western Sydney Airport	Regular meetings were held with Western Sydney Airport, State Government Agencies, the Greater Sydney Commission and neighbouring councils, and workshops were attended with the Department of Planning and the Western Sydney Planning Partnership. Meetings were held with residents and community organisations and businesses seeking to operate in the Aerotropolis. Frequent presentations were made at conferences and stakeholder meetings. Good progress has been made towards the completion of the immediate imperatives (projects) identified in the Collaboration Area Place Strategy.	








**Create an attractive environment for investment**


Action	Description	Comment	Status
G.03.01	Activate and develop vibrant places that attract residents, visitors and workers to Liverpool	Activations in the CBD have proven successful with Christmas in the Mall a highlight. Other highlights included the Welcome to Liverpool: Students Edition in Macquarie Mall and Eat Your Heart Out. The banner campaign is proving highly successful with strong demand continuing.	
G.03.02	Manage maintenance and repair program	More than 12,500 square metres of road pavement has been repaired and resurfaced at various locations and 17 kilometres of road shoulder areas have been regraded and maintained. 3600 linear metres of concrete footpath and 765 linear metres of kerbs and gutters have been reconstructed at a number of locations. A number of faded and missing line markings were reinstated on many streets including replacements and new installations of traffic signs. All 105 gross pollutants traps within the Local Government Area were cleaned twice and rubbish collected as per the cleaning schedule including repair of damaged drainage structures and waterways weed removal. In addition, a number of street drainage pits were checked and cleaned. Due to the NBN rollout and Electrical, Water and Gas supply upgrades to cater for the new developments, there is an influx of restoration works and as a result there is a slight delay in completing the permanent restoration works. 1450 customer requests were received for various maintenance works and they have been inspected and necessary action taken within the time frames.	
G.03.03	Manage the delivery of Liverpool Civic Place	Following the belated gazettal of Amendment 52 to the Liverpool Local Environmental Plan, Council has resolved to proceed with this project, and Development Application plans are being prepared.	
G.03.04	Deliver Property Services	Inspections of properties to be disposed of have been undertaken, and site investigations are underway. The review of the telecommunications portfolio is progressively being undertaken.	



**Advocate for, and develop, transport networks to create an accessible city**

Action	Description	Comment	Status
G.04.01	Deliver Council's adopted upgrade and renewals program for roads and transport-related assets	All works are progressing well and are on target for completion by June 2019.	
G.04.02	Manage traffic and transport for Liverpool	Timely responses were provided to all correspondence from Members of Parliament. Timely responses were provided to city centre carparking and traffic related matters. All scheduled Liverpool Pedestrian, Active Transport and Traffic Committee meetings were held. Minutes have been adopted by Council and the resolution items are being implemented.	
G.04.03	Manage traffic and road safety on the local road network	The Learner Driver session was well attended with positive feedback. Council was successful in securing funding for the upgrade of the Cowpasture Road and Kurrajong Road intersection to improve road safety. Detailed design of the intersection upgrade has been completed and submitted to the Roads and Maritime Service for approval. It is expected the intersection upgrade will be carried out during this financial year.	
G.04.04	Assess impact of land development	The required advice has been provided to stakeholders. Moorebank Intermodal construction has commenced and the required Traffic Control Plans have been reviewed and approved within 14 days. Continual representation to Roads and Maritime Services and Transport for NSW for regional and transport improvements including Elizabeth Drive, Fifteenth Avenue, The Northern Road, Bringelly Road, bus services to Middleton Grange, Western Sydney Airport transport arrangements including future rapid transit and additional commuter parking at Edmondson Park.	
G.04.05	Advise on regional traffic and transport planning	Council continues representations and work with the Roads and Maritime Service for the design and delivery of the improvement works identified under the Western Sydney Infrastructure Plan including the Northern Road, Bringelly Road and M12 Motorway. Strategic concept design has been completed for Governor Macquarie Drive upgrade and funding opportunities are being investigated. A consultant has been engaged to prepare a functional and technical study as well as travel demand analysis to inform the preparation of a concept design. In addition, Transport for NSW have agreed to Council's request for a study to identify the required corridor to be preserved for Fifteenth Avenue, noting its future role as a rapid transit corridor to the Western Sydney Airport. Concept design to start next quarter.	







Action	Description	Comment	Status
G.04.06	Inspection of driveway constructions and management of road opening applications	Council received 615 Road Opening Applications between July 2018 and December 2018. More than 90 per cent of the applications have been processed and approved within the time frame. Council has also carried out and approved 827 driveway inspections for construction.	



# L

## LEADING THROUGH COLLABORATION




### Seek efficient and innovative methods to manage our resources

Action	Description	Comment	Status
L.01.01	Provide support to Councillors and Executive Team	There were 402 Councillor requests received and actioned in the first two quarters with 72 per cent responded to within the two-day timeframe. A report on Councillor requests was prepared and provided to Councillors and the Executive Team each month. There were seven Councillor Briefing Sessions and three Council Mobile Offices held in the first two quarters. The Council Mobile Office received and actioned 50 requests in this time. There were also 104 speeches prepared for the Mayor and CEO between July and December.	
L.01.02	Deliver Council meeting Secretariat	Council agendas were prepared each month and posted on its website and LG Hub system within time frames. Minutes of Council meetings were completed each month and posted on Council's website within time frames. All resolutions from Council meetings were assigned to relevant officers within 48 hours of the meeting with 168 resolutions assigned to relevant officers during the past two quarters. A report on outstanding resolutions was prepared and provided to Councillors and Executive Team each month and 90 per cent of resolutions were completed within time frames.	
L.01.03	Monitor and improve Council's processes for Enterprise Risk Management	Council has undertaken a comprehensive risk review in the past year and in the current quarter finalised and adopted a Risk Appetite Statement that will guide the organisation on the risks Council is willing to take or not take.	
L.01.04	Deliver professional, timely and authoritative governance services for Council	Council continues to uphold good governance by ensuring the provisions of the Code of Conduct for local government are observed.	










Action	Description	Comment	Status
L.01.05	Manage recruitment framework to attract and engage diversity in our new employees	There has been an increase in job applicants received during the second quarter, which is a positive indicator. Targets have been met in relation to the increase in job applications received (two per cent above target) and first-year turnover rate (0 per cent). These are positive indicators for Council with regards to the attraction and retention of staff. Work is still to commence on data collection that will give Council the opportunity to analyse its job applicant and employee diversity profile. The current target date for the capture of this information is 30 June 2019.	
L.01.06	Manage IT Business Strategy	Testing is a continual process within Information Technology. A process is in place to allow for such testing and is periodically completed and documented. Helpdesk tickets are being resolved within the key performance indicator time frame. On occasion, tickets are placed on hold as there may be a requirement for additional information from end users or vendors.	
L.01.07	Manage computer/infrastructure hardware administration program	Server availability, network availability and the computer hardware refresh are on target and key performance indicators have been met. These targets ensure computer systems are highly available and Liverpool City Council can continue to provide quality services to the community.	
L.01.08	Conduct, review and improve Council's internal audit activities	The Audit, Risk and Improvement Committee Charter has been revised and meetings are on track and progressing as planned. A new process has been implemented to allow for the extension of time frames associated with audit action items. Tracking of revised time frames has been introduced for all projects completed after 1 July 2018.	
L.01.09	Manage Council properties	The draft version of the Asset Plans are under review. The 33 Moore Street car park upgrade has been completed and the Liverpool City Council Properties Strategic Plan has been completed and adopted by Council.	
L.01.10	Coordinate the development of Council award submissions and industry recognition	Council won both the Committee for Sydney Smart City Awards with the Smart Pedestrian Project and the Water Management category at the LGNSW Excellence in the Environment Awards with the Amalfi Park Basin: Brickmakers Creek flood mitigation project. Council was a finalist in the 2018 Imagine Awards for Museums and Galleries of NSW.	
L.01.11	Provide support to various Council committees	Support was provided to 27 Council committee meetings in the past two quarters. The Order of Liverpool Awards were determined and approved by Council and presented to recipients at the ceremony which also coincided with Liverpool's birthday on 7 November 2018. A report regarding recipients for the Australia Day Awards was considered by Council at the 21 November 2018 Council meeting. Awards will be presented to recipients at the Australia Day ceremony.	



Action	Description	Comment	Status
L.01.12	Manage the delivery of high quality, cost-effective legal services	Following a restructuring and expansion of the legal team, Council has brought inhouse a significant amount of external legal expenditure. Current budget trends suggest that Council will save approximately \$100,000-\$200,000 in the total cost of legal services, as compared with past years.	
L.01.13	Manage employee performance achievement and development plans	Currently, 59 per cent of staff have People Achievement Plans and People Development Plans in place, which is an uplift of 27 per cent between quarter one and quarter two. Further improvement is anticipated with each People Achieving milestone.	
L.01.14	Prepare asset-related Statutory Reports in a timely manner to meet regulatory requirements	All the statutory and Council reports were completed within the due date.	




## Increase community engagement

Action	Description	Comment	Status
L.02.01	Promote Liverpool through marketing and communications	Council has used social media channels (including Facebook and Instagram), distributed media releases, media responses, flyers and generated positive news leads for metropolitan and local media outlets.	
L.02.02	Increase attendance at Council events through marketing	Council adopted a mixed approach of social media and advertising (print, online, posters and billboards) to promote events. Direct marketing (flyer distribution) was used to ensure the New Year's Eve event would be front of mind for as many Liverpool residents as possible. Despite electrical storms earlier in the evening, 7500 people came to the event, a testament to the success of the marketing campaign.	
L.02.03	Develop and participate in business community consultation	The newly amalgamated CBD and Tourism Committees have considered the draft Destination Management Plan for Liverpool and have now referred the document for consideration to Council. The CBD Activation Strategy was adopted by Council after rigorous community consultation and implementation has now commenced.	
L.02.04	Manage community events to increase community engagement	The Events team is preparing for the next Seniors Concert and will provide an attendance update for the next quarterly review.	
L.02.05	Promote and market community facilities	The Community Facilities webpage visits have also taken into account the community bus page and the individual community centre pages, leading to a significant increase. Council's new 14-seater community bus has been wrapped in brand colours and the new bus is confirmed for road use in the next quarter.	
L.02.06	Partner with organisations to increase Casula Powerhouse Arts Centre audience reach	Casula Powerhouse Arts Centre's marketing and publicity outreach continues to increase audiences. Publicity achieved more than 500 pieces of media in this quarter and attendance has increased by 20 per cent year on year across this quarter. Social media channels continue to grow at double the median rate.	
L.02.07	Promote Casula Powerhouse Arts Centre through marketing and communications	In addition to social media, Casula Powerhouse Arts Centre produces printed and online guides each quarter, as well as six-monthly schools' programs and annual matinee programs. Advertising occurs across a wide variety of print publications, including local newspapers, art magazines and street press. Radio presence has expanded significantly, with greater a profile on ABC Sydney and FBI, plus regular weekly spots on SER-FM.	











**Encourage community participation in decision-making**






Action	Description	Comment	Status
L.03.01	Encourage community participation in decision-making processes	Key community engagement activities include Council committees, District Forums, Liverpool Listens, networks, community events, and developing consultation plans for social infrastructure planning in Lighthorse Park, McGirr Park, Austral and Carnes Hill. To encourage more responses the Liverpool Listens website now allows residents to comment without registering their details.	






## Strive for best practice in all Council processes

Action	Description	Comment	Status
L.04.01	Manage Council's customer service operations	The customer journey is being enhanced with the implementation of online services and our commitment to exceed community expectations.	
L.04.02	Manage and expand ePlanning Portal	The ePlanning system has undergone a number of minor updates and security upgrades over the 12-month period. A substantial restyling of the ePlanning Portal was undertaken for consistency with Council's updated corporate website. Council's web-based planning systems have had minimal down time during this reporting period.	
L.04.03	Manage and complete Integrated Planning and Reporting requirements	Council's Integrated Planning and Reporting requirements are on track. The Annual Report was completed and uploaded to Council's website and sent to the Office of Local Government on 28 November 2018 in compliance with the Local Government Act 1993. The Annual Report video has been uploaded to Council's website. One quarterly report was produced during the period. Production of the Biannual Report (July to December 2018) is underway as is the process of reviewing the Delivery Program and Operational Plan for the 2019-20 Financial Year.	
L.04.04	Prepare Annual Financial Statements	The audited financial statements were presented to the Council on 29 October 2018. Council's auditors, Audit Office of New South Wales, issued an unmodified audit opinion on the financial statements on 29 October 2018. The audited financial statements were lodged with the Office of the Local Government on 31 October 2018.	
L.04.05	Manage the delivery of monitored, transparent and accountable procurement services	The Procurement team has delivered a quality and transparent service. Achievement of the key performance indicator has been challenging but improved performance is expected through quarters three and four.	
L.04.06	Identify, eliminate and control hazards to create a safer workplace	There was a seven per cent increase in hazard reporting from last quarter. The completion of corrective actions will be addressed during the next quarter. In addition, Council is currently undertaking a full review of its Work Health and Safety Management Systems, which is expected to be completed in mid- to late 2019.	
L.04.07	Manage and report on workplace incidents	80 per cent of incidents were reported within 24 hours which is on target.	
L.04.08	Comply with the self-insurer licencing framework	Council completed 23 workplace inspections during the past six months and are on track for completion of the program by the end of the financial year.	



Action	Description	Comment	Status
L.04.09	Manage and deliver strategic initiatives	Council will be hosting the Australian Local Government Women's Association (ALGWA) NSW Branch Annual Conference in April 2019. Organisation of this conference is underway and invitations have been sent to all councils in New South Wales. Council was also successful in its Expression of Interest to host the Local Government NSW Annual Conference in 2019. The draft list of Council services is being reviewed and amended with new information from business units across the organisation. A project plan has been developed for the Liverpool 2050 strategy and will commence early in 2019.	
L.04.10	Manage Council's process mapping system	Council has created an internal communications campaign to raise the importance of process mapping and the usage of Promapp software. This has been complemented by training and process workshops. The Audit, Risk and Improvement Team is monitoring the maturity of Council's processes and is striving for a continuous increase in the processes mapped and reviewed over the next reporting period.	
L.04.11	Utilise an effective resolutions model to promote a bullying- and harassment-free workplace	Currently, 76 per cent of Council staff have completed the Dignity and Respect program. Council has a target of 100 per cent of staff being trained in Dignity and Respect. Additional sessions are scheduled to capture these staff in the next two quarters and it is expected that performance will improve in quarters three and four as a result.	
L.04.12	Manage fleet and outdoor machinery and equipment	Council's workshop is delivering services within appropriate time frames.	
L.04.13	Engage employees through internal communication	During this quarter the Communications Team undertook regular internal communications activities to engage staff on operational, work and social matters. Four staff forum sessions were held across three Council sites, with presentations from staff of various levels from across the organisation highlighting key news and projects. 13 fortnightly e-newsletters were distributed to all staff to communicate information that included updates to policies and processes, news updates on major projects and community initiatives, recognition of staff achievements through awards and community feedback, a showcase of new employees, and invitations to Council-run events and activities within the local government area. Other activities included the promotion, content management and support for staff using Yammer, the organisation's staff social media platform, as well as support in crafting important messaging to be distributed by the CEO. The Communications Team also provided continued support to the People and Organisational Development department in communicating engagement activities to staff linked to the rollout of the organisation's new vision and values.	



Action	Description	Comment	Status
L.04.14	Provide transparent, fair and impartial inquiries into and assessments of customer complaints	All complaints and recommendations were dealt with within required timeframes, as set out in the Internal Ombudsman Policy and the Code of Conduct Procedures and as required by the NSW Ombudsman for public interest disclosures.	
L.04.15	Coordinate code of conduct and privacy complaints and public interest disclosures	All Code of Conduct and privacy complaints and public interest disclosures have been dealt with and reported on in accordance with Council policies and legislative requirements	
L.04.16	Develop, review and update asset management plans for Council's infrastructure and building assets	Data migration is in progress with the consultants. Data analysis, overview plan and draft modellings for car parks, buildings and Gross Pollutant Traps have been completed. Council is currently refining the models based on stakeholders reviewing comments. Field data collection has been completed. Data validation is in progress and expecting to complete the survey by February 2019.	



**LIVERPOOL  
CITY  
COUNCIL**



## For further information



### Visit Us

Customer Service Centre  
Ground Floor, 33 Moore Street, Liverpool, NSW 2170  
Open Monday - Friday, 8.30am - 5pm



### Phone

1300 36 2170  
Calling from interstate: (02) 9821 9222  
National Relay Service (NRS): 133 677  
(for hearing and speech impaired customers)



### Email

lcc@liverpool.nsw.gov.au



### Post

Locked Bag 7064, Liverpool BC, NSW 1871



### Fax

(02) 9821 9333



### Website

www.liverpool.nsw.gov.au





**LIVERPOOL CITY COUNCIL CORPORATE  
SPONSORSHIP (OUTGOING) POLICY**

Adopted: May 2017

TRIM 078043.2017



## LIVERPOOL CITY COUNCIL CORPORATE SPONSORSHIP (OUTGOING) POLICY

**1 LEGISLATIVE REQUIREMENTS**

*Local Government Act 1993 section 356*

**2 PURPOSE/OBJECTIVES**

- 2.1 Corporate sponsorships are financial contributions to organisations, groups or individuals for programs that can build or enhance the reputation and brand of Liverpool City Council in accordance with Council's Community Strategic Plan.
- 2.2 This policy aims to establish a single, coordinated and transparent approach to the way Council allocates corporate sponsorship to organisations and groups.
- 2.3 This policy does not cover grants or donations. Refer to Council's Grants and Donations Policy for information on those programs.

**3 DEFINITIONS**

**Community benefit:** The benefit to the community as a result of Council's corporate sponsorship support.

**Corporate Sponsorship:** A contribution made by Council to an organisation, group, or individual for a specific community purpose in return for tangible benefits to Council, the community or the Liverpool Local Government Area (LGA).

**Council:** Liverpool City Council

**4 POLICY STATEMENT**

- 4.1 Council may provide financial contributions of up to \$10,000 through its Corporate Sponsorship Program to organisations, groups, or individuals for programs that can build or enhance Council's reputation. These include but are not limited to providing appropriate branding benefits and opportunities for Council, and/or providing cross-promotional opportunities for Council's services or facilities
- 4.2 Applications to Council for sponsorship must address at least one of the following Corporate Sponsorship Program priorities:
  - 4.2.1 Economic benefit:
    - a) Delivers significant economic benefit to the Liverpool LGA
    - b) Delivers benefit to tourism, hospitality and retail sectors through the attendance of regional, national, or international delegates at events
    - c) Provides a platform for research, trade, and/or investment opportunities
    - d) Attracts national or international attention to Liverpool as a place to reside, visit, work and/or invest
    - e) Creates employment opportunities within the Liverpool LGA
  - 4.2.2 Community, cultural, and social benefit:
    - a) Provides an innovative opportunity to meet community needs and promote Liverpool's cultural diversity and celebrate our City's uniqueness
    - b) Enhances Liverpool's profile and reputation as an outward looking, creative and connected city
    - c) Creates opportunities for education and information exchange between Council, the community and the sector
    - d) To support the organisation and activation of a charity event with the Liverpool LGA. Sponsorship funds are not eligible to be used for direct fundraising, including but not limited to the purchase of tickets or tables at a fundraising event



**LIVERPOOL CITY COUNCIL CORPORATE SPONSORSHIP (OUTGOING) POLICY**

- e) Attracts a major program to Liverpool that has South West-Sydney region, state or national significance

4.2.3 Environmental benefit:

- a) Enhances Liverpool's reputation as a sustainable city through leadership in waste and environment management

**5 EXPECTED PROGRAM OUTCOMES**

- 5.1 Sponsorship from this program can contribute to one or more of the following outcomes:
- a) Provide an opportunity for measurable economic, social, environmental and/or cultural benefits to Council and the Liverpool LGA
  - b) Provide opportunities for the community to participate and contribute in activities/events in the Liverpool LGA
  - c) Create a valuable strategic alliance for Council
  - d) Provide extensive coverage and promotional/publicity opportunities across a range of media outlets
  - e) Promote Council's reputation as a great place to live, visit, work, and invest

**6 PROGRAM TIMEFRAME**

- 6.1 Council will accept applications throughout the financial year as promoted on Council's website.
- 6.2 Applicants are required to submit their application at least three months prior to the event taking place.
- 6.3 Activities should take place within 12 months of successful sponsorship funding being received.

**7 PROGRAM ELIGIBILITY AND CONDITIONS**

- 7.1 To be eligible applicants:
- a) May be either a not-for-profit or for-profit organisation
  - b) Must be a registered business or incorporated association, and hold a current ABN
  - c) Must apply for corporate sponsorship towards an event or activity in the Liverpool LGA that attracts a significantly high level of attendance from the community and provides direct benefits for Liverpool based organisations and/ or Liverpool residents
  - d) Must have public liability insurance of at least \$10 million and maintain this during the agreed funding period
  - e) Must ensure that attendance and participation is free where corporate sponsorship is sought for a community event
  - f) Must be registered with the Australian Charities and Not-for-profits Commission if an application is for a local charity event
- 7.2 Funding will not be provided to:
- a) Projects or programs that duplicate existing Council services or programs
  - b) Projects or programs that directly contravene existing Council policy
  - c) Projects that do not address the identified directions of the Liverpool LGA as set out in Council's Community Strategic Plan or do not address or comply with clause 4.2
  - d) Government departments, political parties, groups or projects that are overtly political in nature



**LIVERPOOL CITY COUNCIL CORPORATE SPONSORSHIP (OUTGOING) POLICY**

- e) Charities for general donations including the purchase of tickets or fundraising tables at an event
- f) Cover general operational expenditure (e.g. administration, insurance), shortfalls in funding by government departments or completed/retrospective projects
- g) Projects that will rely on recurrent funding from Council
- h) More than one event within the Liverpool area in a two month period that celebrates or marks a specific occasion or activity
- i) Organisations whose activities are not aligned with the City's ethical framework (see 7.3)
- j) Previous recipients who have not fulfilled the conditions of a particular sponsorship
- k) Organisations that are not registered in Australia
- l) Activities or events that do not benefit the Liverpool LGA or its residents
- m) Projects where funding sought is retrospective in nature
- n) Underwrite events, programs or projects

**7.3 Ethics Framework**

Council will not support any applications that:

- a) Pollute land, air or water
- b) Destroy or waste non-recurring resources
- c) Promotes or encourages violence or hatred
- d) Market or promote products/services in a misleading or deceitful manner
- e) Produce, promote or distribute products/services likely to be harmful to the community
- f) Acquire land or commodities primarily for the purpose of speculative gain
- g) Create, encourage or perpetuate militarism or engage in the manufacture of armaments
- h) Entice people into financial over-commitment
- i) Exploit people through the payment of below award wages or poor working conditions
- j) Discriminate by way of race, religion, or gender
- k) Contribute to the inhibition of human rights generally

**8 CONFLICTS OF INTEREST**

Members of Council staff, and Councillors assessing and determining applications for sponsorship should identify and manage any potential conflicts of interest in accordance with Council's Code of Conduct and Ethical Governance: Conflicts of Interest Policy. In particular, members of Council staff and Councillors need to ensure that any affiliation between them and the applicant is appropriately managed when assessing and determining applications for sponsorship.

**9 CORPORATE SPONSORSHIP MANAGEMENT PROCESS****9.1 Applications**

- 9.1.1 All applicants must register to use Council's online grants management system, SmartyGrants, before submitting an application. All applications must be submitted online using the approved application form within the required timeframe. Incomplete applications, or applications submitted outside of this system will not be accepted.
- 9.1.2 Applications for events must show evidence that they have prior approval from Council's Events team prior to any sponsorship application being made. The events team can be contacted via 1300 362 170 or by emailing [events@liverpool.nsw.gov.au](mailto:events@liverpool.nsw.gov.au).

**9.2 Assessment and recommendations**

- 9.2.1 All corporate sponsorship applications received by Council are assessed by an assessment panel consisting of Council staff members.



**LIVERPOOL CITY COUNCIL CORPORATE SPONSORSHIP (OUTGOING) POLICY**

9.2.2 Applications recommended for sponsorship will be submitted to Council for endorsement in accordance with section 356 of the *Local Government Act 1993*.

9.2.3 Unsuccessful applicants are encouraged to seek feedback from Council staff on their application. The Corporate Sponsorship Program is highly competitive and Council will only support applications that will provide significant tangible benefits to Council and the community in accordance with this policy.

**9.3 Approval**

9.3.1 Only Council has authority to approve Corporate Sponsorship requests. No organisation or individual is to seek approval for corporate sponsorship funding prior to a Council resolution unless Council has resolved for the respective application to be placed in a standing sponsorship list.

9.3.2 Council's current standing sponsorship resolutions are:

Sponsorship Activity	Amount	Council Resolution
ANZAC Day Commemorative Service	\$5,500	27/02/2012
Police Officer of the Year	\$1,000	27/06/2011

9.3.3 Approval of corporate sponsorship does not imply that Council has given any other consent. Applicants should note that aspects of many festivals and events require approvals and consents from Council, NSW Police and other NSW Government agencies. For guidelines on applying to host an event in Liverpool, please visit [www.liverpool.nsw.gov.au/whats-on/events/event-organisers-information-kit-guidelines](http://www.liverpool.nsw.gov.au/whats-on/events/event-organisers-information-kit-guidelines)

**9.4 Sponsorship agreements**

All successful applicants are required to enter into a funding agreement before funds are released. The agreement needs to be finalised before the project can commence. Terms and conditions of the agreement must be clearly and transparently documented.

**9.5 Reporting**

All corporate sponsorship recipients are required to report on and acquit their project as detailed in their funding agreement. Reports are to be submitted using Council's online grants management system. Reports provide feedback on the success of the project in terms of the agreed outputs and outcomes, relevant data and any lessons learnt.

For charity events, Council will require proof of funds raised and provided to each charitable recipient to ensure consistency with the application and funding agreement.

**9.6 Evaluation and review**

9.6.1 This policy will be reviewed every two years. It will be evaluated to assess:

- a) Its effectiveness in enhancing Council's reputation and brand;
- b) The benefits to Council are commensurate with the level of sponsorship provided;
- c) Its eligibility and assessment criteria are consistent with Council's identified priorities and strategic directions;
- d) The manner in which Council manages its sponsorship arrangements are professional and the process for providing sponsorships is transparent and accountable; and



**LIVERPOOL CITY COUNCIL CORPORATE SPONSORSHIP (OUTGOING) POLICY**

- e) Conflicts of interest are identified and agreements terminated should a conflict of interest arise during the term of the agreement that cannot be resolved.

**10 ASSESSMENT CRITERIA**

The provision of corporate sponsorship is at the sole discretion of Council. Meeting Council's eligibility criteria does not guarantee corporate sponsorship, given that Council will need to prioritise sponsorship within its available budget. The following criteria will be used when considering sponsorship applications:

Demonstrated significant benefits to Council and the community
Range of media and publicity opportunities for Council including opportunity for exclusive naming rights
Uniqueness to the Liverpool area (i.e. City marketing benefits)
Event will be held in Liverpool LGA and/or provides benefits to the Liverpool community
Expected number of attendees at event
Intention to attract a large cross-section of the community (i.e. not just one particular community group)
Use of local resources (e.g. local businesses providing services, local venues)
Proportion of sponsorship sought relative to the event or program's budget
Opportunity for strategic partnership / alliance for Council

**AUTHORISED BY**

Council Resolution

**EFFECTIVE FROM**

31 May 2017

**DEPARTMENT**

Community Development and Planning

**REVIEW DATE**

Two years after the adoption of this policy

Version	Amended by	Changes made	Date	TRIM Number
1	Council	Not applicable	26 August 2002	117339.2007
2	Council	Complete review	28 August 2013	156923.2013
3	Council	Complete review	14 March 2016	094654.2015-005
4	Council	Complete review	31 May 2017	078043.2017

**THIS POLICY WAS DEVELOPED AFTER CONSULTATION WITH**

Corporate Services (Governance, Legal, and Procurement)

Economic Development

Community and Culture (Events)

**REFERENCES**

Auditor General NSW: Performance Audit on Grants Administration in NSW

Australian Institute of Grants Management: Grant making Manifesto (2011)

Liverpool City Council: Council's Community Strategic Plan

Liverpool City Council: Code of Conduct Procedures

Liverpool City Council: Social Justice Policy

Liverpool City Council: Ethical Governance, Conflicts of Interest Policy

Liverpool City Council: Grants and Donations Policy

NSW Premier and Cabinet: Good Practice Guide to Grants Administration (2006)

NSW Family and Community Services: Community Builders Program Guideline (2012)





## GRANTS AND DONATIONS POLICY

Adopted: 26 April 2017

TRIM: 133826.2017





**GRANTS AND DONATIONS POLICY****1. LEGISLATIVE REQUIREMENTS***Local Government Act 1993***2. PURPOSE/OBJECTIVES**

Council is committed to building strong and resilient communities within the Liverpool Local Government Area (LGA) and to maximising social wellbeing for all residents. One way of achieving these goals is to provide financial assistance in the form of grants, donations, and sponsorships to individuals and groups to develop leadership skills, increase participation in community life and address identified social issues.

**3. DEFINITIONS**

<b>Acquittal</b>	Reporting on the activities of a project as set out in the funding agreement. This could take the form of providing financial reports, written reports, evidence of activity performance and where funding was spent
<b>Auspice</b>	An agreement where an incorporated organisation agrees to apply for funding or resources on behalf of an applicant that is not incorporated. If the application is successful, the auspicing organisation then administers the resources on behalf of the applicant, and is legally responsible for ensuring that the terms of the agreement are met
<b>CEO</b>	Chief Executive Officer of Council
<b>Charity</b>	Listed on the Australian Charities and Not-for-profit Commission (ACNC) website as a registered charity
<b>Community Capacity Building</b>	Aims to strengthen communities through building the capacity of and providing opportunities for people to actively engage with their community. Community capacity building involves the provision of community activities that contribute to people developing their own capacity and resilience to maintain and build on their own resources and to manage future challenges
<b>Council</b>	Liverpool City Council
<b>Donation</b>	Financial support by Council to an individual, team or school
<b>Governance</b>	A clear process by which decisions can be made
<b>Grant</b>	Funding for a specified purpose directed at achieving goals and objectives consistent with government policy
<b>Incorporated Association</b>	A legal entity (organisation) that provides legal protection to its members in legal transactions
<b>Matched Contribution</b>	A financial or in-kind contribution made to match an equal financial or in-kind contribution up to a certain value. Refer to specific information on what Council accepts as in-kind contributions under each grant program in section 9
<b>Not for Profit</b>	An organisation that does not operate for the profit, personal gain or other benefit of particular people
<b>Reduction</b>	A proportion of the hire fee for community centres, buses, parks and sports fields approved to be deducted from the full applicable hire fee
<b>Young People</b>	Individuals aged between 12 and 24 years

**4. POLICY STATEMENT**

- 4.1 Council grants, donations and sponsorships are provided to individuals who reside in the LGA, or to community based groups, organisations and services that operate within the Liverpool LGA and/or for the benefit of Liverpool residents. Council provides nine means for the allocation of grants and donations. These are a combination of closed round programs, for which applications are accepted once or twice per year and open programs which can be applied for at any time of the year. These programs are:

1. Kick-Starter Grants
2. Quick Response Grants



**GRANTS AND DONATIONS POLICY**

3. Community Grants
4. Sustainable Environment Grants
5. Sporting Grants
6. Sporting Donations
7. Matching Grants
8. Community Facilities Fee Reductions
9. Disaster Relief Donations

**5. GRANT PRIORITIES**

5.1 Council seeks to enhance the use of public funds through effective and efficient grant processes. Clear grant program objectives are linked to the organisation's strategic goals, outlined in Council's Community Strategic Plan. Council's grants and sponsorship programs provide a coordinated and integrated approach to growing Liverpool socially, culturally, economically and environmentally.

5.2 Council may approve grants outside this policy as it deems fit, for example Council may provide occasional small gifts to organisations for civic functions or one-off events in accordance with relevant legislation.

**5.3 Grant making principles**

The key principles that inform grant making by Council are:

- a) Delivering Council's Community Strategic Plan  
All grants, donations, sponsorship and in-kind value support are aligned with Council's Community Strategic Plan, and other social, economic and environmental policies and plans.
- b) Partnerships and collaboration  
Develop and maintain partnerships between Council and the community to achieve Council's strategic directions based on mutual respect and transparency.
- c) Capacity building  
Support community groups and organisations to function positively, develop skills and increase community participation.
- d) Social inclusion  
Liverpool is a diverse community comprising people from 150 different countries where our distinct skills, characteristics and cultures are valued and used to build a healthy inclusive community. Our grant making process encourages direct resource to both emerging and specific needs of disadvantaged groups.
- e) Leveraging value  
Council seeks to leverage community expertise, capacity, networks and resources to provide the best suite of grants programs to meet the needs of and maximise positive outcomes for the community and business. Council supports projects that represent good value for the level of cash or in-kind support requested. Through effective and efficient grant management processes Council seeks to ensure costs for administration by the Council and grant applicants are minimised.
- f) Good governance  
Council is committed to demonstrating integrity, professionalism and transparency in our decision making and have strong governance structures in place to support this. Council will ensure that grant processes are transparent and fair. Applications are assessed objectively against the assessment criteria. All conflicts of interests are addressed and declared as part of this process.



**GRANTS AND DONATIONS POLICY**g) **Reflection and learning**

As part of Council's commitment to continuous improvement, Council will ensure there are evaluation mechanisms in place and opportunities for feedback on grant processes.

**6. GENERAL ELIGIBILITY AND EXCLUSIONS****6.1 General eligibility**

To be eligible for funding an applicant must:

- a) Acquit previous Council grants/donations and have no outstanding debts to Council;
- b) Be a resident of, or located in the Liverpool Local Government Area and/or principally providing services to the residents of Liverpool; and
- c) Include all required supporting documentation with their application.

**6.2 Applications that are ineligible for funding are:**

- a) Projects that duplicate existing Council services or programs
- b) Projects that directly contravene existing Council policy
- c) Projects that do not meet the identified priority needs of the Liverpool LGA as set out in Council's Community Strategic Plan
- d) From government departments, commercial/profit-making enterprises or political parties
- e) From charities for general donations (however, Council may provide grants to specific projects run by charities where they meet the criteria)
- f) For general fundraising activities, general operational expenditure (e.g. administration, insurance, office equipment), shortfalls in funding by government departments or completed/retrospective projects
- g) Projects that will rely on recurrent funding from Council
- h) Identical projects that have previously been funded by Council

**6.3 Further conditions**

Council will not:

- a) Provide in-house design, printing and distribution services (organisations may apply for funding to undertake these activities themselves)
- b) Provide cleansing and waste services for events (organisations may apply for cash funding to undertake these activities themselves)
- c) Support overtly political activities or activities that could be perceived as benefiting a political party or political campaign
- d) Support overtly religious activities that could be perceived as divisive within the community

For specific eligibility requirements and exclusions for each program, please refer to Section 9 of this policy.

**6.4 Ethics framework**

Council will not support any activities or entities that:

- a) Pollute land, air or water
- b) Destroy or waste non-recurring resources
- c) Market or promote products/services in a misleading or deceitful manner
- d) Produce, promote or distribute products/services likely to be harmful to the community
- e) Acquire land or commodities primarily for the purpose of speculative gain
- f) Create, encourage, or perpetuate militarism or engage in the manufacture of armaments
- g) Entice people into financial over-commitment



## GRANTS AND DONATIONS POLICY

- h) Exploit people through the payment of below award wages or poor working conditions
- i) Discriminate by way of race, religion, or sex in employment, marketing or advertising practices
- j) Contribute to the inhibition of human rights generally

### 6.5 CONFLICTS OF INTEREST

- 6.5.1 Council staff or Councillors assessing and determining applications for grants and donations should identify and manage any potential conflicts of interest in accordance with Council's Code of Conduct and Ethical Governance: Conflicts of Interest Policy.
- 6.5.2 In particular, members of Council staff and Councillors need to ensure that any affiliation between them and the applicant is appropriately managed when assessing and determining applications for grants and donations.

## 7. GRANTS AND DONATIONS MANAGEMENT PROCESS

### 7.1 Applications

All applicants must register to use the approved online grants management system before submitting an application. All grant and donation applications must be submitted using the approved online application form on Council's online grants management system. Council will not accept any hard copy or emailed submissions or any submissions after any applicable closing date or time.

### 7.2 Assessment and recommendations

- 7.2.1 All grant and donation applications received by Council will be assessed by an internal working group, comprising of Council staff members or independent assessors as required. Sporting Grants and Donations will be sent to the Sports Committee for review.

Recommendations for funding of \$1,000 or less may be approved by the CEO or their delegate, provided the financial assistance is in accordance with sections 356(3), 377(1A), and 378 of the *Local Government Act 1993*. Council will be notified of funded projects by a report to Council as soon as appropriately possible.

Recommendations for funding over \$1,000 will be made to Council for endorsement in accordance with Section 356 of the *Local Government Act 1993*.

- 7.2.2 For grants programs that are open, recommendations will be made on a quarterly basis. For grants programs with specific funding rounds, recommendations will be made within three months of the closing date.
- 7.2.3 Unsuccessful applicants are encouraged to seek feedback from relevant Council staff on their application. Some grant programs are highly competitive and even though an application may meet the program criteria it may not be competitive against other applications.

### 7.3 Approval

- 7.3.1 The elected Council has authority to approve grants or other financial assistance. In some circumstances, specific delegation for this purpose is given to the CEO. The reduction of fees or charges will be reviewed in accordance with categories set out in this policy and the Statement of Revenue Policy



## GRANTS AND DONATIONS POLICY

- 7.3.2 Approval of a grant or donation does not imply that Council has given any other consent. Applicants should note that events or any capital works (infrastructure) require approvals and consents from Council, NSW Police and other state government agencies.

### 7.4 Funding agreements

All successful applicants are required to enter into a funding agreement before funds are released and before a project can commence. The agreement is negotiated with the grantee and details may include, but are not limited to:

- a) The description of the project/activity for which funding is being provided;
- b) The amount of funding to be received and details of any value-in-kind support;
- c) Specific performance criteria for each project – these should be provided when applying and can be negotiated when finalising the agreement;
- d) A payment schedule; and
- e) The deadline for submission of the project acquittal.

### 7.5 Applicant financial or in-kind contribution

Council values and recognises the importance of an applicant's financial and in-kind contributions. Applicants that demonstrate a commitment to the project through either financial or volunteer support are considered favourably. Such contributions could include:

- a) In-kind contributions such as donated supplies, materials or services
- b) Volunteering time such as labour, set up and pack down, and meeting time to identify, plan and implement projects
- c) Direct cash input to the project through donations or income generated
- d) Funds raised through crowd funding platforms

### 7.6 Reporting

All grant recipients are required to report on and acquit their project as detailed in their funding agreement. Reports are to be submitted using the approved online grants management system. Reports provide feedback on the success of the project in terms of the agreed outputs and outcomes, relevant data, and any lessons learnt. Grant recipients are required to submit detailed financial reports and may be requested to provide further documentation and evidence of expenditure. Council may audit grant recipients at any time.

### 7.7 Evaluation and review

This policy will be reviewed every two years. It will be evaluated to assess:

- a) The cost effectiveness of implementing and managing the grants programs;
- b) The sustainability of resources to manage the grants programs;
- c) Mechanisms to collect feedback from applicants on program improvements;
- d) Grants programs and their eligibility and assessment criteria is consistent with Council's identified priorities and strategic directions;
- e) The manner in which Council manages its funding arrangements are professional and the process for providing grants and donations is transparent and accountable; and
- f) Conflicts of interest are identified and agreements terminated should a conflict of interest arise during the term of the agreement that cannot be resolved.



## **GRANTS AND DONATIONS POLICY**

### **8. INFORMATION AND CONTACT DETAILS**

#### **8.1 Information**

- 8.1.1 Information about Council's grants and donations programs will be made available on the Council's website at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au)
- 8.1.2 Information on the grants and donations programs will be promoted on the Council website, local newspapers, on social media, through schools and community networks and email groups.
- 8.1.3 Information sessions and workshops will be held as required to raise awareness of the grants and donations programs and to assist potential applicants with the application process and transitioning to the online grants management system.
- 8.1.4 Further information about any of Council's grants and donations programs may be obtained by emailing [grants@liverpool.nsw.gov.au](mailto:grants@liverpool.nsw.gov.au) or phoning 1300 362 170.



## GRANTS AND DONATIONS POLICY

### 8.2 Grants and donations programs funding and frequency

Program	Funding available	Frequency
<b>Kick-Starter Grant</b>	Up to \$500	Open all year
<b>Quick Response Grants</b>	Up to \$1,000	Open all year
<b>Community Grants</b>	Up to \$5,000	Two rounds per financial year
<b>Sustainable Environment Grants</b>	Up to \$5,000	One round per financial year
<b>Sporting Donations</b>	Competitor only \$100 for regional representation or for Coach/Referee/Umpire/Official representation (at a regional, state or national event more than 100km from Liverpool) \$200 for state representation \$300 for Australian national representation at an event within New South Wales, Australian Capital Territory, Queensland and Victoria \$400 for Australian national representation at an event within Tasmania, South Australia, Northern Territory and Western Australia \$500 for Australian national representation at an overseas event or for team representation	Open all year
<b>Sporting Grants</b>	Up to \$5,000 per Junior Sporting Club (clubs catering for members under 16 years old) Up to \$5,000 for Junior Disability Sports	One round per financial year
<b>Matching Grants</b>	Matched funding up to \$15,000	Two rounds per financial year
<b>Community Facilities Fee Reduction</b>	One-off (casual) applications for reduced rate of hire for Council community facilities in accordance with Council's Statement of Revenue Policy	Open all year
	Two year permanent or three year licencing applications for reduced rate of hire for Council community facilities in accordance with Council's Statement of Revenue Policy	Two rounds per financial year
<b>Disaster Relief Donations</b>	Up to \$5,000 for national and international events including disasters and wars	By Council resolution
<b>ClubGRANTS scheme</b>	Council administers this in Liverpool on behalf of participating local clubs. <i>Refer to ClubsNSW's Application Guide for ClubGRANTS.</i>	



**GRANTS AND DONATIONS POLICY****9 GRANTS AND DONATIONS PROGRAMS****9.1 Kick-Starter Grants****9.1.1 Overview**

This program supports individuals or unincorporated community groups to establish a social enterprise aimed at addressing strategic priorities in Council's Community Strategic Plan or a project/event which promotes social inclusion and increased community participation.

**9.1.2 Funding priorities and expected outcomes**

The Kick-Starter Grants program will support the development of social enterprise projects or small scale community initiatives that:

- a) Improve connections and social networks within the community
- b) Increase participation in community activities, including by those experiencing social disadvantage
- c) Facilitate access to education, training, or employment opportunities
- d) Improve collaboration and coordination of community support and services
- e) Improve social and physical wellbeing through a prevention and early intervention approach

**9.1.3 Available funding**

Applications can be made for funding of up to \$500 per financial year.

**9.1.4 Program timeframe**

This program accepts applications all year. Grants must be spent within 12 months of receiving them.

**9.1.5 Conditions for program eligibility**

To be eligible for funding through the Kick-Starter Program applicants must:

- a) Be an individual resident or unincorporated community group based within the Liverpool LGA;
- b) Be 100% volunteer run; and
- c) Must work closely with Council's Community Development Worker to deliver the project or initiative.

**9.1.6 Assessment criteria**

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan
The anticipated number of individuals that will benefit from the proposed project
Timeframe and budget are realistic and align with project objectives
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication
Evidence that project strategies are innovative or practical to meeting the project need
Appropriate project evaluation method
Sustainability of project after funding ceases



**GRANTS AND DONATIONS POLICY****9.2 Quick Response Grants****9.2.1 Overview**

This program supports a range of small-scale initiatives for local residents and organisations. This program is for community groups who may not have experience with grants programs. It aims to provide more intensive support and build the capacity of less established groups to familiarise themselves with grants programs and Council processes. Applicants are eligible to receive one grant per year.

**9.2.2 Funding priorities**

The Quick Response Grants program will support:

- a) Seed funding for strategic priorities in Council's policies and action plans
- b) Donations to young people to participate in events and experiences in the academic, cultural or environmental fields for the purposes of developing leadership skills and encouraging active community participation
- c) Essential emergency support for community, cultural or sustainability projects – strictly for situations that could not be foreseen
- d) Donations to schools to be given as a prize to a student who has excelled in citizenship, academic studies, artistic endeavours or sporting proficiency

**9.2.3 Expected program outcomes**

Initiatives and projects can contribute to one or more of the following outcomes:

- a) Increased engagement of individuals and teams in academic, cultural, and environmental fields
- b) Improved relative equality, resilience and adaptive capacity of Liverpool's diverse communities
- c) Enhanced positive social, cultural, or sustainability outcomes for local communities related to Council's strategic priorities

**9.2.4 Available funding**

Applications can be made for funding of up to \$1,000, once per financial year with the exception of the following:

- Donations to young people are limited to:
  - \$100 for regional level activities (taking place within NSW);
  - \$200 for national level activities (taking place within Australia other than in NSW); and
  - \$500 for international level activities (taking place outside Australia).
- Donations to schools are limited to \$100 per year per school

**9.2.5 Program timeframe**

This program accepts applications all year. Grants must be spent within 12 months of receiving them.

**9.2.6 Conditions for program eligibility**

To be eligible for funding through the Quick Response Grants Program applicants must:

- a) Be incorporated or auspiced, a non-profit community service organisation, or group providing programs/services to the residents of Liverpool;
- b) Be 100% volunteer run; and
- c) Supply a copy of most recent annual report and/or financial statements.

For the donations to individuals, information must be provided on costs associated with conferences or events which foster local community leadership and participation.



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For grants towards community events, Council's support must be acknowledged on all promotional material. The Council logo should be used with the text "proudly supported by Liverpool City Council". All promotional material must be approved by Council prior to publication. Council also reserves the right to receive the following:

- a) Joint media release opportunities
- b) Opportunity for Mayor to speak at the event or occasion
- c) Space at event (table or marquee stall)
- d) Tickets to attend the event or occasion

**9.2.7 Further conditions**

- a) Applicants are encouraged to seek alternative funding sources for subsequent periods. Multi-year agreements will not be supported. The Quick Response Grants program will not be considered as a recurrent funding source
- b) For annual events, separate applications should be made each year. Applications must demonstrate how the event is enhanced from previous events

For more information on eligibility and exclusions please refer to Clause 6: General Eligibility and Exclusions.

**9.2.8 Assessment criteria**

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Evidence that the organisation has capacity to deliver the project
Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan
The anticipated number of individuals that will participate in and benefit from the proposed project
Timeframe and budget are realistic and align with project objectives
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication
Evidence that project strategies are innovative or practical to meeting the project need
Appropriate project evaluation method
Sustainability of project after funding ceases



**GRANTS AND DONATIONS POLICY****9.3 Community Grants Program****9.3.1 Overview**

This program provides financial assistance to community groups, organisations and services for projects that foster partnerships and collaboration, build capacity, promote social inclusion and increase community participation. The program assists in developing pilot or trialling innovative services or programs that address the needs of residents, workers and visitors.

**9.3.2 Funding priorities**

The Community Grants program will support projects that:

- a) Improve connections and build social networks within the community
- b) Increase participation of people in community activities and programs, including members of the community who are experiencing social disadvantage
- c) Facilitate access to education, training and employment opportunities
- d) Improve opportunities for people to build confidence and develop their skills
- e) Facilitate inclusion and equitable access to facilities, services, open spaces and activities
- f) Improve collaboration and coordination of community support and services
- g) Improve social and physical wellbeing through a prevention and early intervention approach
- h) Strengthen governance and accountability in community organisations

**9.3.3 Expected program outcomes**

Initiatives and projects can contribute to one or more of the following outcomes:

- a) Increased involvement and engagement by communities in social activities
- b) Increased number of people feeling a strong sense of social wellbeing
- c) Strengthened maintenance, management or improvement of physical and mental health and wellbeing
- d) Improved access to information and development of new skills
- e) Increased numbers of people undertaking educational courses and gaining sustainable employment
- f) Reduced financial hardship and social disadvantage, including food insecurity and homelessness

**9.3.4 Available funding**

Applications can be made for funding of up to \$5,000 per year. Applicants are eligible to receive one grant per financial year. High priority areas for funding will be identified by Council for each funding round.

**9.3.5 Program timeframe**

This grants program has two funding rounds per year. Round dates will be advised on Council's website. Grants must be spent within 12 months of receiving them.

**9.3.6 Program eligibility and exclusions**

To be eligible for funding through the Community Grants Program applicants must:

- a) Be incorporated or auspiced, a non-profit community service organisation, or group providing programs/services to the residents of Liverpool;
- b) Have public liability insurance of at least \$10 million; and
- c) Supply a copy of most recent annual report and/or financial statements.

For more information on eligibility and exclusions please refer to Clause 6: General Eligibility and Conditions.



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- 9.3.7 For grants towards community events, Council must be acknowledged on all promotional material. The Council logo should be used with the text "proudly supported by Liverpool City Council". All promotional materials must be approved by Council prior to publication. Additionally, Council reserves the right to receive the following:

- a) Joint media release opportunities
- b) Opportunity for Mayor to speak at the event or occasion
- c) Space at event (table or marquee stall)
- d) Tickets to attend the event / occasion

9.3.8 Assessment criteria

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Evidence that the organisation has capacity to deliver the project
Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan
The anticipated number of individuals that will participate in and benefit from the proposed project
Timeframe and budget are realistic and align with project objectives
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication
Evidence that project strategies are innovative or practical to meeting the project need
Appropriate project evaluation method
Sustainability of project after funding ceases



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### 9.4 Sustainable Environment Grants

#### 9.4.1 Overview

The Sustainable Environment Grants program provides financial assistance to support schools and community groups to play an active role in reducing their impact on the environment and implementing environmentally sustainable actions.

#### 9.4.2 Funding priorities

Funding will support community initiatives that address environmental issues such as:

- a) **Waste minimisation or recycling** – including reuse, recycling, litter, composting and worm farming, waste education projects
- b) **Sustainable water use** – including water reuse and stormwater harvesting projects, installation of rainwater tanks, sustainable water use education programs
- c) **Natural Environment** – including improving local biodiversity, establishment of native gardens for the purpose of habitat creation and protection, and natural environment education programs. Sustainable grounds maintenance including planting, revegetation, propagation and weed control activities on local reserves, schools or on other land used by the community (Please note: Any work on land not owned by the applicant will require approval from the landowner)
- d) **Sustainable gardening** – including establishment of vegetable and/or kitchen gardens, native gardens, indigenous gardens or community gardens

#### 9.4.3 Expected program outcomes

Grants from this program can contribute to one or more of the following outcomes:

- a) Enable schools and community groups to promote more efficient resource use and improve the quality of the local environment
- b) Engage and encourage community members to take initiative in improving their behaviours for a more sustainable future
- c) Encourage schools and community groups to identify and implement programs that protect and enhance Liverpool's unique natural environment
- d) Improve the health of vegetation, water quality and healthy ecosystems contributing to cleaner waterways, air and healthier native vegetation
- e) Promote ongoing learning and raise awareness in the community about environmentally sustainable practices including actively participating in Council's environmental programs and activities

#### 9.4.4 Available funding

Applications can be made for funding of up to \$5,000 per year per school or community group.

Council values and recognises the importance of applicant financial and in-kind contributions. Applicants that demonstrate a commitment to the project through either financial or volunteer support are considered favourably. Such contributions could include:

- a) In-kind contributions such as donated supplies, materials or services
- b) Volunteering time such as labour, set up and pack down, and meeting time to identify, plan and implement projects
- c) Direct cash input to the project through donations or income generated

#### 9.4.5 Program timeframe

This program accepts applications once per year. Grants must be spent within 12 months of receiving them.



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### 9.4.6 Program eligibility and exclusions

To be eligible for the Sustainable Environment Grants program applicants must have not received funding under this or another program for the same project (separate and additional stages of a previous project are eligible), and:

- a) Be a registered NSW school, not-for profit pre-school or child care centre; or
- b) An incorporated, non-profit, community service, welfare or charitable organisation or group providing programs or services to the residents of Liverpool; or
- c) Community group auspiced by an incorporated organisation.

Applications will not be accepted for:

- a) For profit organisations
- b) Overall project coordination (including salaries)
- c) Capital works for major infrastructure or construction of buildings

For more information on eligibility and exclusions please refer to Clause 6: General Eligibility and Exclusions.

### 9.4.7 Assessment criteria

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Demonstrate the capacity to deliver the project or activity
Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan
Demonstrate tangible and measurable environmental outcomes
The anticipated number of individuals that will participate in and benefit from the proposed project
Demonstrate measurable student learning and/or increase teacher capacity to deliver environmental education
Value for money



**GRANTS AND DONATIONS POLICY****9.5 Sporting Donations****9.5.1 Overview**

This program enables Council to provide small amounts of funding to assist community members in their efforts to achieve excellence in sport at a regional, state or national representative level. Individuals and teams based in the Liverpool LGA are eligible to apply for donations towards the cost of participating in representative sporting events for which they have qualified.

**9.5.2 Funding priorities**

Small donations are made to individuals or teams based in Liverpool to assist with participation in regional, state or national representative sporting events. Donations are based on the level of representation achieved and where events will be held. Participation at school sport events is also eligible for consideration.

**9.5.3 Expected program outcomes**

Donations from this program can contribute to one or more of the following outcomes:

- a) Increased engagement of individuals and teams participating in representative sporting events
- b) Improved accessibility to participation in representative sporting events
- c) Improved confidence and capacity of local individuals and teams by acknowledging and supporting participation at a representative level
- d) Enhanced positive social outcomes and opportunities for local communities

**9.5.4 Available funding**

Donations are available for the following amounts:

- a) \$100 for regional representation (competitor only), or for Coach/Referee/Umpire/Official representation at a regional, state or national event more than 100km from Liverpool
- b) \$200 for State representation (competitor only)
- c) \$300 for Australian national representation at an event within New South Wales, Australian Capital Territory, Queensland and Victoria (competitor only)
- d) \$400 for Australian National representation at an event within Tasmania, South Australia, Northern Territory and Western Australia (competitor only)
- e) \$500 for Australian national representation at an overseas event (competitor only)
- f) \$500 for team representation

**9.5.5 Program timeframe**

This program accepts applications all year and applicants are required to submit their application prior to the event taking place. Activities must take place within 12 months from when the application was submitted. Information must be provided on the costs associated with participating in the representative events.

**9.5.6 Program eligibility and exclusions**

To be eligible for funding through the Sporting Donations Program the following criteria applies:

- a) Individual applicants must be a resident of the Liverpool LGA;
- b) Applicants must provide proof of selection for the event;
- c) Applications from students at state, private or independent schools or for participation at school sport events, are eligible for consideration;
- d) Team applications – must have a minimum of 75% of the team residing in the Liverpool LGA, club must be based in the Liverpool LGA, and a maximum of three teams per club can be funded in a financial year



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For more information on eligibility and exclusions please refer to Clause 6: General Eligibility and Exclusions.

**9.5.7 Assessment criteria**

To be considered for a grant, applicants should meet the following criteria:

Evidence the individual/team qualified for a representative sporting event
Information provided on costs associated with participating in the representative event
Evidence that the individual or 75% of the team resides in the Liverpool LGA

**9.6 Sporting Grants****9.6.1 Overview**

This program offers funding to sporting clubs and junior disability sporting clubs to assist with the development of young people and encourage participation of the broader community in local sporting and recreational activities. Grants can also be used towards the purchase or maintenance of sporting equipment.

**9.6.2 Funding priorities**

Funding will support applications by recreation and sporting organisations/clubs under one of six categories:

- a) **Sports development** – Coaching clinics, sports camps, or training/development
- b) **Ground development** – Minor capital improvements
- c) **Maintenance Equipment** – Line marking equipment or ground maintenance equipment (equipment must remain the property of the club to be eligible)
- d) **Sporting Equipment** – Kits, bags, first aid supplies, safety equipment (equipment must remain the property of the club to be eligible)
- e) **Education** – First aid training, coaching programs or safe play
- f) **Club diversity** – Introduction of additional sports or expansion of club to encourage greater community involvement

**9.6.3 Expected program outcomes**

Donations from this program can contribute to one or more of the following outcomes:

- a) Increased opportunities for participation of the broader community in sporting and recreational activities
- b) Improved condition and functionality of sporting equipment
- c) Enhanced awareness of emerging trends in sports development and demonstrated best practice
- d) Strengthened maintenance, management or improvement of physical and mental health and wellbeing by improving opportunities for physical activity

**9.6.4 Available funding**

Grants of up to \$5,000 per sporting club are available. Clubs may submit applications for more than one project. Within the funding pool, \$5,000 is reserved to fund applications that support participants with a disability.

**9.6.5 Program timeframe**

This program accepts applications once per year. Grants must be spent within 12 months of receiving them.

**9.6.6 Program eligibility and exclusions**

To be eligible for the Sporting Grants Program applicants must:



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- a) Be incorporated or auspiced, a non-profit recreation or sporting organisation/club in the Liverpool LGA and provide activities for Liverpool residents;
- b) Have public liability insurance of up to \$10 million;
- c) Supply a copy of most recent annual report and/or financial statements; and
- d) Have not received funds from the Sporting Grants program in the previous year.

For more information on eligibility and exclusions please refer to Clause 6: General Eligibility and Exclusions.

**9.6.7** Assessment criteria

An independent panel consisting of members from the Liverpool Sports Committee will assess applications based on set criteria. To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Application received prior to the closing date
Proof of costs provided
Grant able to be spent within 12 months
Applications signed by Club Office bearers
Project meets Council's construction and safety standards
Demonstrate improvements to the delivery of junior sport in Liverpool
Demonstrate meeting an identified community need including access opportunities for specific special needs groups or individuals
Timeframe and budget are realistic and align with project objectives
Contribution from club (financial or in-kind)
Demonstrate benefit to the broader community
Proposed project evaluation method including sustainability of project



**GRANTS AND DONATIONS POLICY****9.7 Matching Grants****9.7.1 Overview**

This program is designed to provide financial support to projects and activities that build or strengthen communities within Liverpool. These projects will focus on supporting the development and implementation of community capacity building activities, maintaining and conserving the community's assets, and provide opportunities for a broader cross section of the community to be involved in community and recreational activities. Applicants are first required to contact the Grants team to discuss their project prior to submitting an application.

**9.7.2 Funding priorities**

Funding will support projects that address one of the following categories:

<b>Arts</b>	Projects that contribute community art to a neighbourhood, or works to increase the participation of residents within art based programs/projects
<b>Social/community capacity building</b>	Projects that bring residents together and enhance participation in the community, including those who are experiencing social disadvantage, or that provide benefits to address an identified community need. This could be in the form of a community event or community-based capacity building project. Please note that social projects will only be funded as one off projects unless it can be demonstrated that the event/project is built upon/different to what was previously funded
<b>Youth engagement</b>	Projects that focus on increasing the ability of young people to obtain skills and qualifications, or increase their active participation within the community
<b>Accessibility</b>	Projects that enhance and improve access options for the community, either through education, transport, disability access or connectivity
<b>Infrastructure</b>	Projects that aim to upgrade, develop or improve community infrastructure such as community centres, amenities buildings or other sporting infrastructure. Please note these projects cannot fund the improvement of privately owned facilities
<b>Environmental</b>	Projects that address environmental issues and concerns or contribute to environmental education and awareness
<b>Community safety/public space activation</b>	Projects that address community safety and security issues such as activities that activate or diversify the night time economy including pop up entertainment and night time performances in public spaces. These projects can also include addressing perceptions of community safety
<b>Sports development</b>	Projects that contribute to the development of sporting groups or are designed to enhance participation in sporting and recreational activities

**9.7.3 Expected program outcomes**

Grants from this program can contribute to one or more of the following outcomes:

- Newly formed social connections and partnerships within communities, or reinforcement of those that already exist
- Increased participation in community activities and organisations by improving collaboration and coordination of community support and services
- Strengthened opportunities for community members and others to build personal creativity and self-expression
- Increased opportunities for community members to acquire or develop new skills and/or employment
- Create, renew or revitalise places and spaces within the community



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- f) Strengthened community members' feelings of safety and sense of belonging within public spaces
- g) Improved condition and accessibility of community infrastructure

**9.7.4 Available funding**

The matching grants program recognises community contribution towards a project and can offer up to \$15,000 support to match this contribution. The program supports projects that involve genuine community participation. By 'matching' what the community contributes, Council is building a sense of community and strengthening partnerships as people work together on the project. Contributions from the community or Council can be made in cash or value-in-kind. Recognised in-kind community contributions include:

- a) In-kind contributions such as design services, professional services, trade services (such as plumbing), provision of trucks and plant, concreting and painting, donated supplies, materials or venues
- b) Volunteer time such as labour, set up and pack down, and meeting time to identify, plan and implement projects. The rate of volunteer time is calculated as \$20 per hour. For professional or contracted services the rate is \$75 per hour
- c) Direct cash input to the project through donations or income generated
- d) Funds raised through crowd funding platforms. Applicants will have three months to raise the funds after receiving the notice of grant approval. A funding agreement will only be finalised after the funds have been raised. If the funds are not raised within three months, Council will reallocate funds to the respective grants and donations program budgets

Any in-kind contributions will need to meet Council's Work, Health, and Safety and insurance requirements as well as any relevant legislative requirements such as the Building Code of Australia and Building Sustainability Index. The value of in-kind contributions should be verified by an independent quote, and where the value is in question, Council's assessment of the value of in-kind contributions will take precedence in the assessment of the matching grant given. The costs of Council and other approvals required by government agencies/authorities must also be considered when applying under this grants program. Please note that Development Application costs can be included in the application.

**9.7.5 Program timeframe**

This program accepts applications twice per year. Grants must be spent within 12 months of receiving them.

**9.7.6 Program eligibility and conditions**

To be eligible for the Matching Grants program applicants must:

1. Be incorporated or auspiced, non-profit organisation in the Liverpool LGA and provide activities for Liverpool residents;
  2. Have public liability insurance of \$20 million (\$10 million for sporting clubs); and
  3. Supply a copy of most recent annual report and/or financial statements.
- a) Organisations are only eligible to receive funding through this program once each financial year
  - b) Organisations who have received funds under this program in the previous financial year will be given lower priority
  - c) Organisations need to have acquitted previous grants under this program
  - d) Council reserves the right to defer consideration of a Matching Grant application where planning, leasing or ownership, statutory approvals, or appropriate development issues are raised by a project



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- e) Recipients of successfully funded projects will be expected to work with Council staff to deliver the project

For more information on eligibility and exclusions please refer to Clause 6: General Eligibility and Exclusions.

**9.7.7** Assessment criteria

Matched contribution (financial or in-kind)
Consulted with Council staff prior to submitting application
Project is considered an appropriate development on the proposed site
Project meets Council's construction and safety standards
Evidence that the organisation has capacity to deliver the project
Evidence provided to support the need for the project, including the degree to which the project addresses at least one of the strategic directions in Council's Community Strategic Plan, Community Strategic Plan
The anticipated number of individuals that will participate in and benefit from the proposed project
Timeframe and budget are realistic and align with project objectives
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication
Proposed project evaluation method including sustainability of project



**GRANTS AND DONATIONS POLICY****9.8 Community Facilities Fee Reduction Program****9.8.1 Overview**

Council owns a number of facilities available for hire including community centres, meeting rooms, event/function venues, parks, sports fields, and buses. To make these facilities as accessible to as many members of the community as possible the Community Facilities Fee Reduction Program provides assistance to community groups and organisations delivering community support services, events, meetings and community gatherings by reducing the hiring costs of Council's facilities.

**9.8.2 Funding priorities**

This grants program will support organisations and individuals that:

- a) Facilitate inclusive support services to the community
- b) Can demonstrate they are meeting an identified community need as set out in Council's Community Strategic Plan and/or other relevant policies
- c) Meets the General Priorities and General Eligibility requirements as listed in this policy
- d) Are hiring Council's community centres, buses, meeting rooms, event/function venues, parks, and sports fields only

**9.8.3 Expected program outcomes**

Initiatives and projects can contribute to one or more of the following outcomes:

- a) Increased numbers of organisations providing programs, events and activities that contribute to community capacity building, social wellbeing, reduced isolation and increased participation in community activities
- b) Increased services and initiatives provided by community and cultural organisations to residents, workers and visitors that contribute to the social, cultural, economic and environmental health of the Liverpool LGA
- c) Enhanced financial sustainability for local organisations with limited funding sources providing support services to the community

**9.8.4 Available funding**

Applications can be made for reductions of up to \$7,000 in one of the two categories below:

- 1) Up to 50% reduction of the applicable fee (first application only) for applicants receiving ongoing funding from state or federal government, sponsors or membership/attendance fees. *Note: Any subsequent applications will be eligible to receive a 25% reduction of the applicable fee; or*
- 2) Up to 20% reduction of the applicable fee for applicants that do not receive ongoing funding from state or federal government, sponsors or membership/ attendance fees

Fee reductions of up to 100% may be granted occasionally to funded/non-funded, not-for-profit organisations, community groups or individuals where Council considers the project or activity to be a high priority for the community. This will be determined on an individual basis and will take into account other eligibility requirements, the nature of the project, program, event or activity, and the benefits to the local community.

All reduced rates are based on the published rate of hire set out in the Statement of Revenue Policy available on Council's website. Council has the discretion to provide a further reduction of the applicable fee to applicants where Council considers the project or activity to be a high priority and benefits the broader community.

All approved applications granted a fee reduction will be liable to pay costs associated with their bookings such as bonds, key deposits and security call outs.



**GRANTS AND DONATIONS POLICY****9.8.5 Program timeframe**

<b>Casual Bookings</b>	For one-off bookings such as functions or events. Applications accepted all year, applicants must allow 4 to 6 weeks prior to the function date for fee reductions of \$2,000 or less in value
<b>Permanent Hirers and Licensed Tenants</b>	2 year Permanent Hirers or 3 year Licence Tenants who have entered into an agreement with Liverpool City Council. Applications must be made 6 to 8 weeks prior to agreed commencement date

**9.8.6 Program eligibility and conditions**

To be eligible for the Community Facilities Fee Reduction program applicants must be:

- Based in Liverpool and/or servicing the local government area;
- Incorporated and not-for-profit or auspiced by an incorporated organisation and not for profit organisation; and
- A non-funded community group or a registered charity or a local resident 18 years or older who is a permanent resident of Australia.

Applications will not be accepted for fee waivers for:

- Regular sporting activities carried out by sporting clubs or associations
- Religious services or activities
- Commercial, sole traders, and profit making organisations
- Fundraising events, however, they may be supported if they are considered of a high priority for the community. This will be determined on an individual basis and will take into account other eligibility requirements, the nature of the project, program, event or activity, and the benefits to the local community
- Political parties
- Schools and tertiary institutions
- State or Federal government agencies and departments, excluding applications from NSW Police or Fire & Rescue NSW for emergency situations
- Retrospective applications including any application for a refund of any fee or charge
- To recover cost of utilities and services not limited to electricity, water, gas, waste and cleaning

Approval to waive Council fees does not imply Council's endorsement of the applicant's event or project or the applicant's philosophy or objectives. For more information on eligibility and exclusions please refer to Clause 6: General Eligibility and Exclusions.

**9.8.7 Assessment criteria**

To be considered for a fee reduction, applicants should clearly describe the proposed project and how it will meet the following criteria:

Provide evidence of current Public Liability Insurance, Certificate of Incorporation, not-for-profit, non-funded charity incorporation and authentication of organisation
Facility is available and has been booked prior to submission of fee reduction application
Application received within program timeframe
Demonstrate the capacity to deliver the project or activity
Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan
The anticipated number of individuals that will participate in and benefit from the proposed project
Demonstrate Program/Project benefit to the broader community
Evidence of financial hardship
Evidence of collaborations and partnership to maximise the use of existing community resources and to avoid duplication



**GRANTS AND DONATIONS POLICY****9.9 Disaster Relief Donations Program****9.9.1 Overview**

Council may determine to provide financial or in-kind donations to help address the needs of those affected by major disasters/humanitarian crises within Australia or overseas. Council can play a role in supplementing assistance provided by the Australian and NSW Governments. A financial or in-kind contribution from Council increases the total overall aid effort and also sends a very important message of solidarity and goodwill from the City of Liverpool to those affected.

**9.9.2 Funding priorities**

Funding will support:

- a) Donations for relief in disaster stricken areas, locally, nationally and internationally
- b) Disasters/crises that have a direct impact on our immediate region and community
- c) Donations made to community groups that have cultural connections with the affected areas and have capacity to provide direct relief to the disaster stricken areas. Donations to individuals will not be provided
- d) Financial donations for national or international disasters. Based on advice from government departments, financial donations are considered the most immediate and effective way of offering assistance to those affected by disaster
- e) In-kind donations for disasters that have occurred in NSW and may include time, personal or organisational expertise, advice or other organisational resources

**9.9.3 Expected program outcomes**

Donations can contribute to one or more of the following outcomes:

- a) Timely and effective disaster relief provided to assist people affected in disaster stricken areas
- b) Increase to the total overall aid effort made by governments and community
- c) Demonstrates the Liverpool community's generosity and willingness to support others in difficult situations
- d) Provides opportunity to assist with building community capacity and improving social wellbeing following the initial crises

**9.9.4 Available funding**

Amounts will be decided by Council resolution on a case by case basis, including identification of the source of funds.

**9.9.5 Program timeframe**

By Council resolution within the immediate stages following the disaster to assist with rescue efforts and minimise human loss.

**9.9.6 Program eligibility and exclusions**

The following eligibility criteria apply for donations under this program:

- a) Natural disasters recognised by state and federal government;
- b) Donations made to government or aid agencies accredited by the Australian Agency for International Development (AusAID) or the Australian Council for International Development (ACFID) or an equivalent accrediting agency; or
- c) In some instances donations may be made to community groups that have cultural connections with the affected areas and have capacity to provide direct relief to the disaster stricken areas.

The following exclusions apply:



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- a) Material aid such as non-perishable food items, clothing, and medical supplies will not be donated as they are often found impractical or inappropriate for the climate and culture and do not meet the priority needs of those affected. Research shows that material aid, unless specifically requested, has proven costly in time, money and labour as it requires sorting, storing and transporting
- b) Donations to individuals will not be provided

**9.9.7 Assessment criteria**

Following immediate occurrence of a natural disaster or humanitarian crisis, the Mayor and Chief Executive Officer will make a decision as to whether the event meets the criteria for this program. Where it is determined that the nature of event meets the criteria, a discussion item will be brought before the next Council meeting for consideration. The following criteria will be used to assess a potential donation under this program:

Scale of the disaster
Capacity of other government agencies/organisations to respond to the disaster
Need for ongoing support, that is, rebuilding disaster stricken areas once the initial crises has been dealt with
Impact of any such crises on our immediate region and community
Connection of affected areas to the cultural origin of residents of Liverpool

**9.10 ClubGRANTS**

- 9.10.1 Council administers this program in Liverpool on behalf of participating local clubs. Please refer to ClubsNSW's ClubGRANTS Application Guide for information.

**9.11 Minor Changes to this Policy**

Council authorises the CEO to make minor changes to this policy to reflect changes in legislation, expiry of or changes to grant programs, and changes in Council structure.



## GRANTS AND DONATIONS POLICY

### AUTHORISED BY

Council Resolution

### EFFECTIVE FROM

XXXX 2017

### DEPARTMENT RESPONSIBLE

Community and Culture (Community Development and Planning)

### REVIEW DATE

The policy will be reviewed by Council every two years.

VERSION	AMENDED BY	DATE	TRIM NUMBER
1	Council Resolution	18 October 2010	158320.2014
2	Council Resolution	29 May 2013	097264.2013
3	Council Resolution	31 July 2013	150967.2014
4	Council Resolution	25 February 2014	026269.2014
5	Council Resolution	28 May 2014	126057.2014
6	Council Resolution	30 September 2015	227843.2015
7	Minor changes approved by CEO	12 July 2016	185151.2016
8	Council Resolution	26 April 2017	026648.2017

### THIS POLICY WAS DEVELOPED AFTER CONSULTATION WITH

Community and Culture, Sports and Recreation, Community Facilities, Corporate Services (Governance, Legal and Procurement), Infrastructure and Environment

### REFERENCES

Auditor General NSW: Performance Audit on Grants Administration in NSW  
 Australian Institute of Grants Management: Grant making Manifesto (2011)  
 Liverpool City Council: Council's Community Strategic Plan  
 Liverpool City Council: Code of Conduct Procedures  
 Liverpool City Council: Social Justice Policy  
 Liverpool City Council: Ethical Governance, Conflicts of Interest Policy  
 Liverpool City Council: Corporate Sponsorship (Outgoing) Policy  
 NSW Premier and Cabinet: Good Practice Guide to Grants Administration (2006)  
 NSW Family and Community Services: Community Builders Program Guideline (2012)





## Minutes

### MINUTES OF THE LIVERPOOL PEDESTRIAN, ACTIVE TRANSPORT AND TRAFFIC COMMITTEE MEETING

23 January 2019

#### COMMITTEE FORMAL MEMBERS PRESENT:

Councillor Charishma Kaliyanda	Chairperson, Liverpool City Council (LCC)
Sgt Damian Leemon	Liverpool Police
Anushiya Mohandas	Roads and Maritime Services

#### COMMITTEE TECHNICAL ADVISORS AND INFORMAL MEMBERS:

Charles Wiafe	Service Manager, Traffic & Transport, LCC
Stella Qu	Transport Planner, LCC
Mahavir Arya	Transport and Traffic Engineer, LCC
Anupam Saha	Graduate Civil Engineer, LCC

Councillor Peter Harle	LCC
Councillor Karress Rhodes	LCC

Michael Pruss	Interline Bus Services
Hannah Shilling	Transit Systems

Justin Grant	Liverpool Police
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#### ADMINISTRATIVE SUPPORT:

Christopher Jattan	Administrative Officer, LCC
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#### APOLOGIES:

Tanya Davies MP	Member for Mulgoa
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<b>1. WELCOME, ATTENDANCE, APOLOGIES AND OPENING</b>
The Chairperson opened the meeting at 9.35am and welcomed all those present to the first Pedestrian, Active Transport and Traffic Committee Meeting of 2019.
<b>2. DECLARATIONS OF INTEREST</b>
Nil
<b>3. CONFIRMATION OF PREVIOUS MINUTES</b>
The Committee was advised that Council at its meeting on 19 December 2018, adopted all the Committee's recommendations from its meeting on 7 November 2018, without amendments or additions.
<b>4. AGENDA ITEMS</b>
1 Lucas Avenue, Moorebank – Proposed pedestrian crossing facility
2 Moore Street, Liverpool – Changes to the existing bus lane
3 Proposed RMS Pinch Point Program works in the Liverpool LGA
4 Mannow Avenue and Second Avenue, West Hoxton – Proposed roundabout
5 Memorial Avenue, Liverpool – Traffic management changes
6 Speeding Concerns in the Liverpool LGA
7 Items approved under Delegated Authority
8 Kingsbury Road and Peronne Road, Edmondson Park - Proposed intersection Treatment
9 Liverpool Pedestrian, Active Transport and Traffic Committee – Revised Charter
<b>5. GENERAL ITEMS / GENERAL BUSINESS</b>
GB1 Mill Road, Liverpool – Request for full-time '2P' parking restriction
GB2 Ernest Avenue, Chipping Norton – Request for mobility parking
GB3 Green Valley Road and Lord Howe Drive, Green Valley – Speeding concerns
GB4 Gallop Street and Nicholls Street, intersection, Warwick Farm - Parking restrictions to improve bus manoeuvrability
GB5 Sandringham Drive, Cecil Hills – Kerbside parking
GB6 Kelsey Street, Middleton Grange – Use as a bus route
<b>6. CLOSE</b>
Meeting closed at 11.28am



<b>ITEM 1</b>	<b>LUCAS AVENUE, MOOREBANK – PROPOSED PEDESTRIAN CROSSING FACILITY</b>
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## INTRODUCTION

The Committee, at its meeting on 7 November 2018, discussed installation of a pedestrian crossing facility across Lucas Avenue, Moorebank, near Nuwarra Public School, and recommended that a design be prepared for consideration at a future Committee meeting.

Council has prepared two design options of a pedestrian crossing facility for the Committee's support for a preferred facility in the form of a pedestrian refuge.

## ASSESSMENT

The Committee, at its meeting on 7 November 2018, was advised that pedestrian and traffic counts carried out at three locations along the section of Lucas Avenue fronting the school did not meet the Roads and Maritime Services (RMS) warrant for the installation of a marked pedestrian crossing.

Hence, at the meeting, it was suggested that a pedestrian crossing in the form of a pedestrian refuge or a 'Children's Crossing' could be considered on Lucas Avenue near its intersection with McKay Avenue. Council has carried out design options of the two facilities, as shown in Attachments 1.1 and 1.2.

The only pedestrian access to the school along Lucas Avenue is close to its intersection with Maddecks Avenue. Children's Crossings are usually installed across road section close to a school entry, and requires commitment from the School to manage the daily placement and removal of the children's crossing flags. In this regard, it is considered that a pedestrian refuge would be the appropriate pedestrian crossing facility.

Moreover, the pedestrian refuge would provide a safe crossing facility at all times whilst the 'Children's Crossing' would only be operational when the flags are on display before and after school.

Prior to undertaking the works, Council will consult the school and adjoining residents to confirm an acceptable location for the facility. Committee's approval under delegation will be sought prior to implementation.

The Committee is requested to support the recommendation.

## RECOMMENDATIONS

That:

1. The Committee supports the installation of a pedestrian refuge on Lucas Avenue.



**DISCUSSION**

The Committee was advised that in accordance with the recommendations of its meeting of 7 November 2018, design investigations for a Children Crossing and pedestrian refuge have been carried out.

A Children Crossing would require the School to manage the daily placement and removal of the required children's crossing flags, and such a facility would not permit safe pedestrian crossing (outside the school drop off and pick up hours). In this regard, it was discussed and agreed that a pedestrian refuge would be the appropriate pedestrian crossing facility.

The Principal of Nuwarra Public School is to be consulted about the preferred location of the pedestrian refuge. Detailed design of the pedestrian refuge at its preferred location is to be submitted to the Police and RMS for their consideration, prior to installation.

**COMMITTEE RECOMMENDATION**

That:

1. Council approves, in principle, installation of a pedestrian refuge across Lucas Avenue, Moorebank.
2. Council undertakes consultation with Nuwarra Public School regarding the location of the proposed pedestrian refuge and submit the detailed design to the Police and RMS prior to installation.

**Motion:**

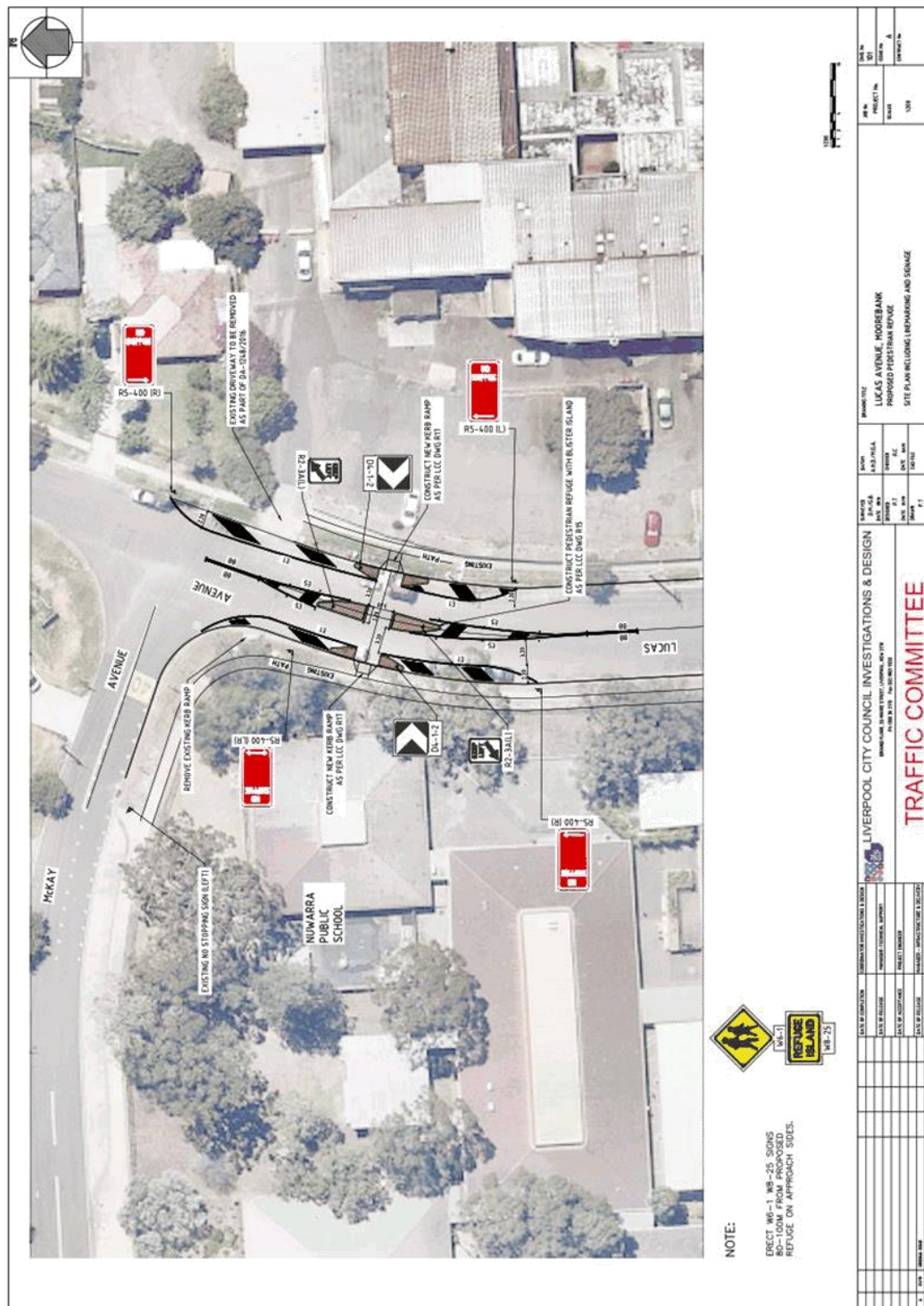
**Moved:** Charisma Kaliyanda

**Seconded:** Damian Leemon

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

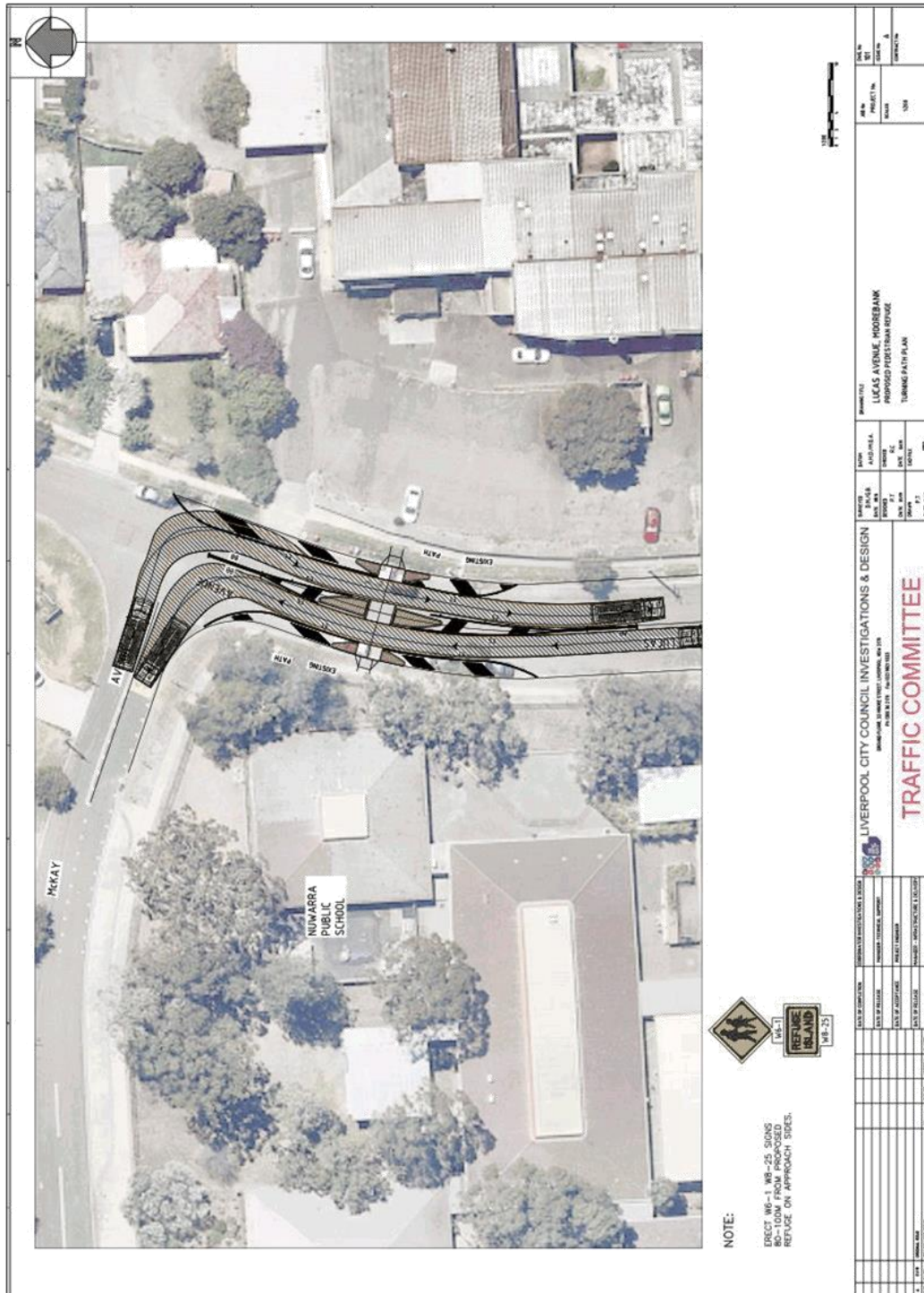


## Attachment 1.1 – Proposed pedestrian refuge on Lucas Avenue



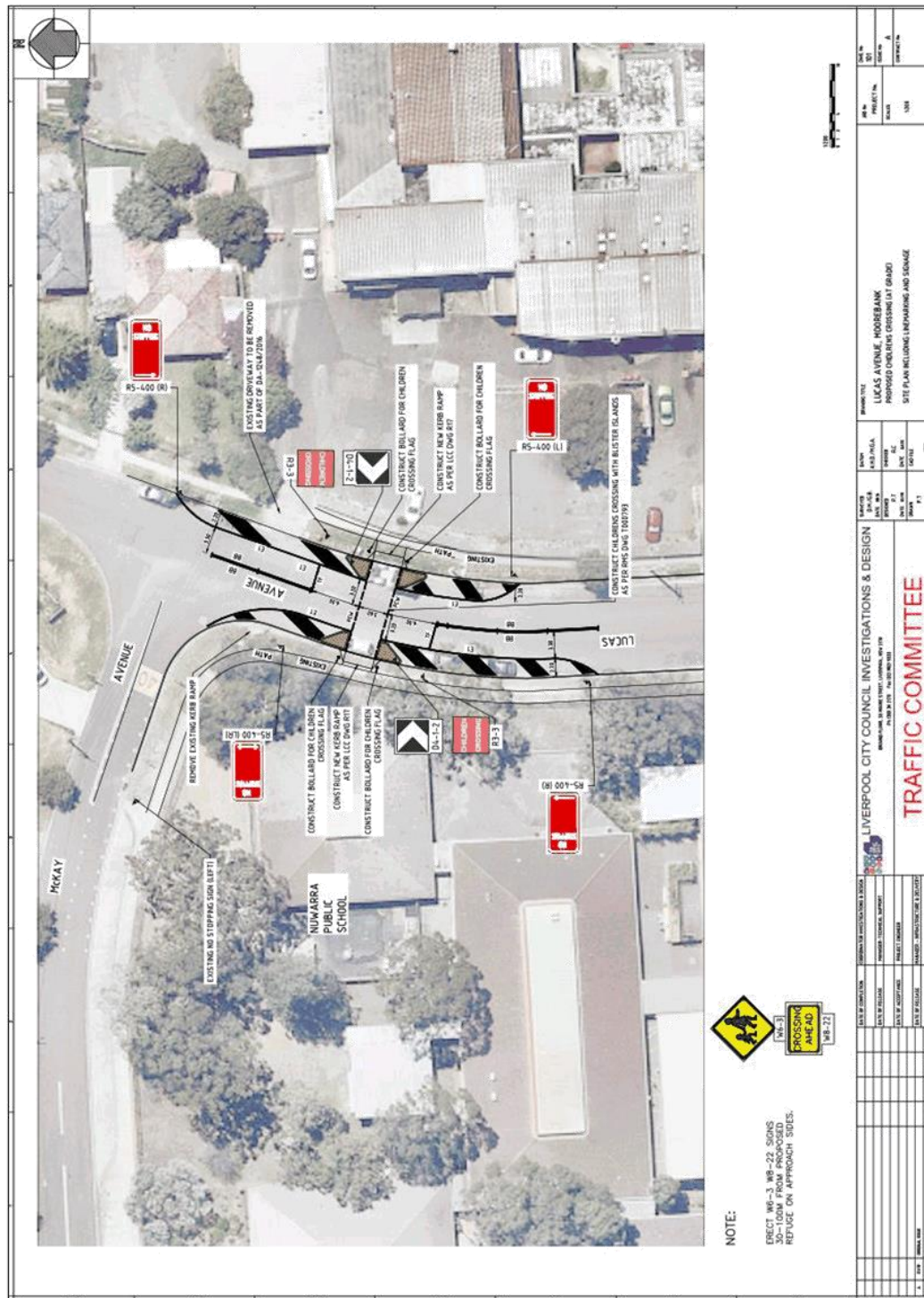


Attachment 1.2 – Proposed pedestrian refuge on Lucas Avenue



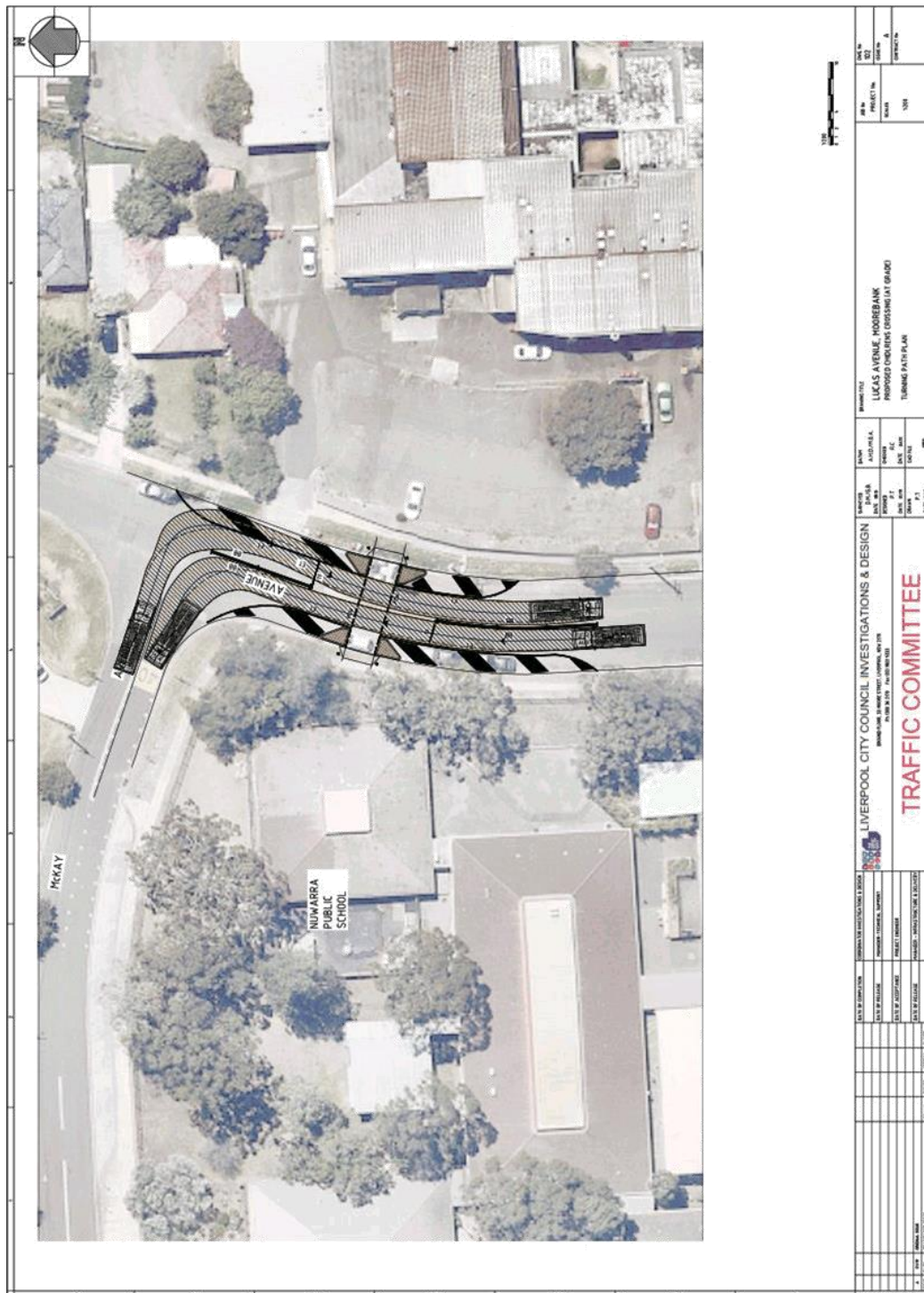


### Attachment 1.3 - Proposed 'Children's Crossing' on Lucas Avenue





#### Attachment 1.4 - Proposed 'Children's Crossing' on Lucas Avenue





<b>ITEM 2</b>	<b>MOORE STREET, LIVERPOOL – CHANGES TO THE EXISTING BUS LANE</b>
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## INTRODUCTION

The Roads and Maritime Services (RMS) is proposing minor changes to the existing westbound 'Bus Lane' along Moore Street, Liverpool, at its intersections with Bigge Street and Bathurst Street.

The Committee is requested to support the proposal with recommendations as noted below.

## ASSESSMENT

Council has received correspondence from the RMS with a request for Council to support minor changes to the existing westbound 'Bus Lane' along Moore Street, Liverpool, at its intersections with Bigge Street and Bathurst Street, as shown in Attachments 2.1 and 2.2.

The changes include:

1. 'No Right Turn' restrictions for westbound traffic at the Bigge Street and Moore Street intersection;
2. Relocation of the 'Bus Lane' from the middle lane to the kerbside lane for westbound traffic along Moore Street, east of Bigge Street;
3. Extension of the existing 10m 'No Stopping' restriction on the westbound approach to the signalised intersection with Bathurst Street to 40m.

Comments on the proposed changes are as follows:

Proposed change	Comments
1	At a number of meetings, the local bus operators have requested right turn restriction as mentioned above. Therefore, this component of the proposal is supported.
2	The relocation of the 'Bus Lane' from the middle lane to the kerbside lane for westbound traffic along Moore Street, east of Bigge Street, would mean that the through and left-turn traffic would have to use one lane. A 2016 traffic survey indicated that these movements are high, and such combination would result in delays for westbound traffic. The existing lane configuration could be maintained with the proposed right turn restriction.
3	The proposed extension of the 'No Stopping' restriction on the westbound approach to the signalised intersection with Bathurst Street would have an impact on on-street parking. A reduced extension by 10m is considered appropriate.



The Committee is requested to support the RMS proposal of 'No Right Turn' restriction for the westbound traffic in Moore Street at Bigge Street intersection, and extension of the existing 10m 'No Stopping' restriction along Moore Street on the westbound approach at its intersection with Bathurst Street, to 30m.

## RECOMMENDATIONS

That:

1. The Committee supports the following RMS proposals:
  - a) 'No Right Turn' restrictions for the westbound traffic in Moore Street at Bigge Street intersection.
  - b) Extending the existing 10m 'No Stopping' restriction, along Moore Street on the westbound approach at its intersection with Bathurst Street, to 30m.
2. Council requests the RMS to provide details of the traffic studies undertaken suggesting that the eastbound right turn movement restriction and relocating the existing transit bus lane to kerb from median lane will improve intersection efficiency and will not adversely impact on the adjoining intersections.
3. Council advises the RMS of its decision.

## DISCUSSION

The Committee discussed and supported the proposal with Council's suggested modifications. The local bus company representatives also supported the proposal with requests that the 'No Right Turn' restriction from Moore Street into Bigge Street for westbound traffic is to be implemented soon, as they have been requesting such a modification.

The Committee discussed and agreed that the existing 10m 'No Stopping' restriction can be extended to 20m with additional 10m 'No Parking' on Moore Street on the westbound approach to its intersection with Bathurst Street

## COMMITTEE RECOMMENDATION

That:

1. Council supports the:
  - 'No Right Turn' restriction for westbound traffic from Moore Street into Bigge Street.
  - Extension of the existing 10m 'No Stopping' restriction to 20m and additional 10m 'No Parking' restriction on Moore Street on the westbound approach to its intersection with Bathurst Street.
2. Council requests the RMS to provide revised drawings of the proposal prior to implementation.

**Motion:**

**Moved:** Charisma Kaliyanda

**Seconded:** Anushiya Mohandas

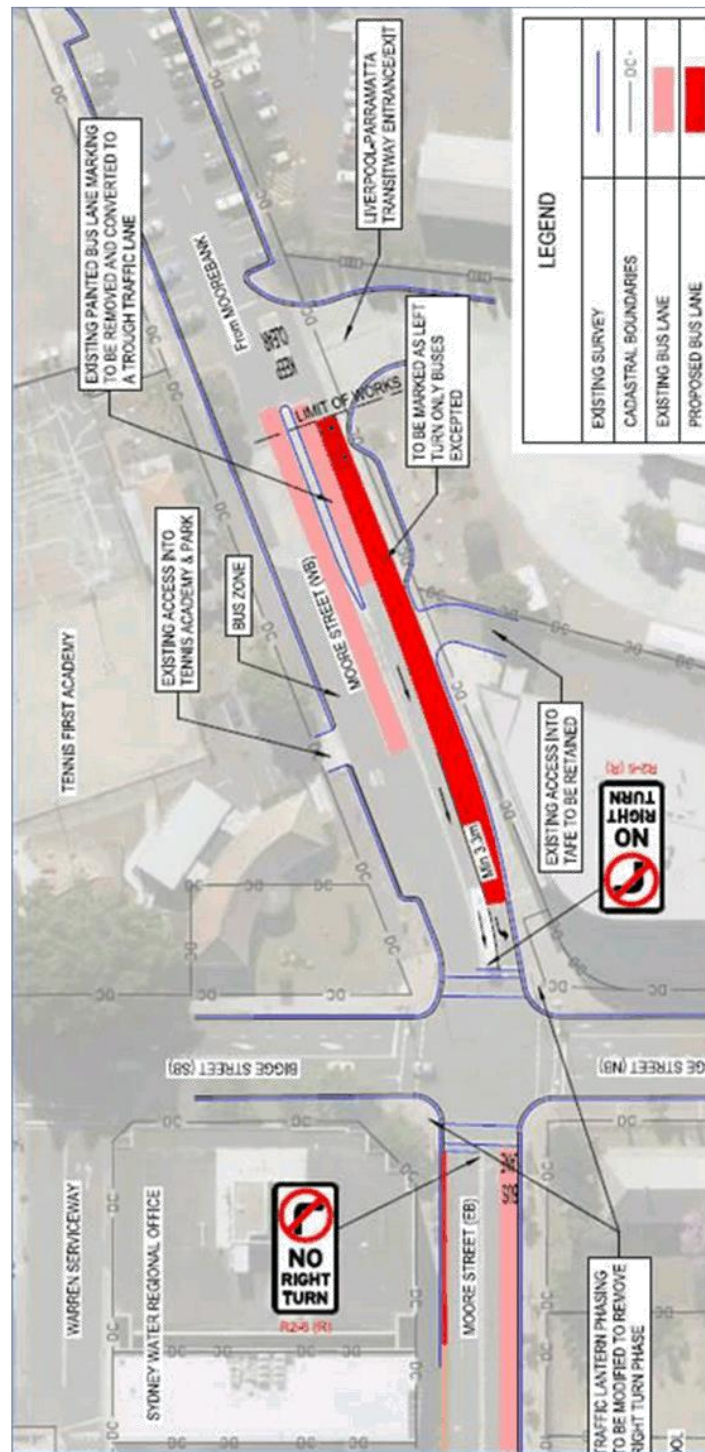


**On being put to the meeting the motion was declared CARRIED.**

**NOTE:** Since the meeting the RMS has incorporated the Committee's recommended changes.

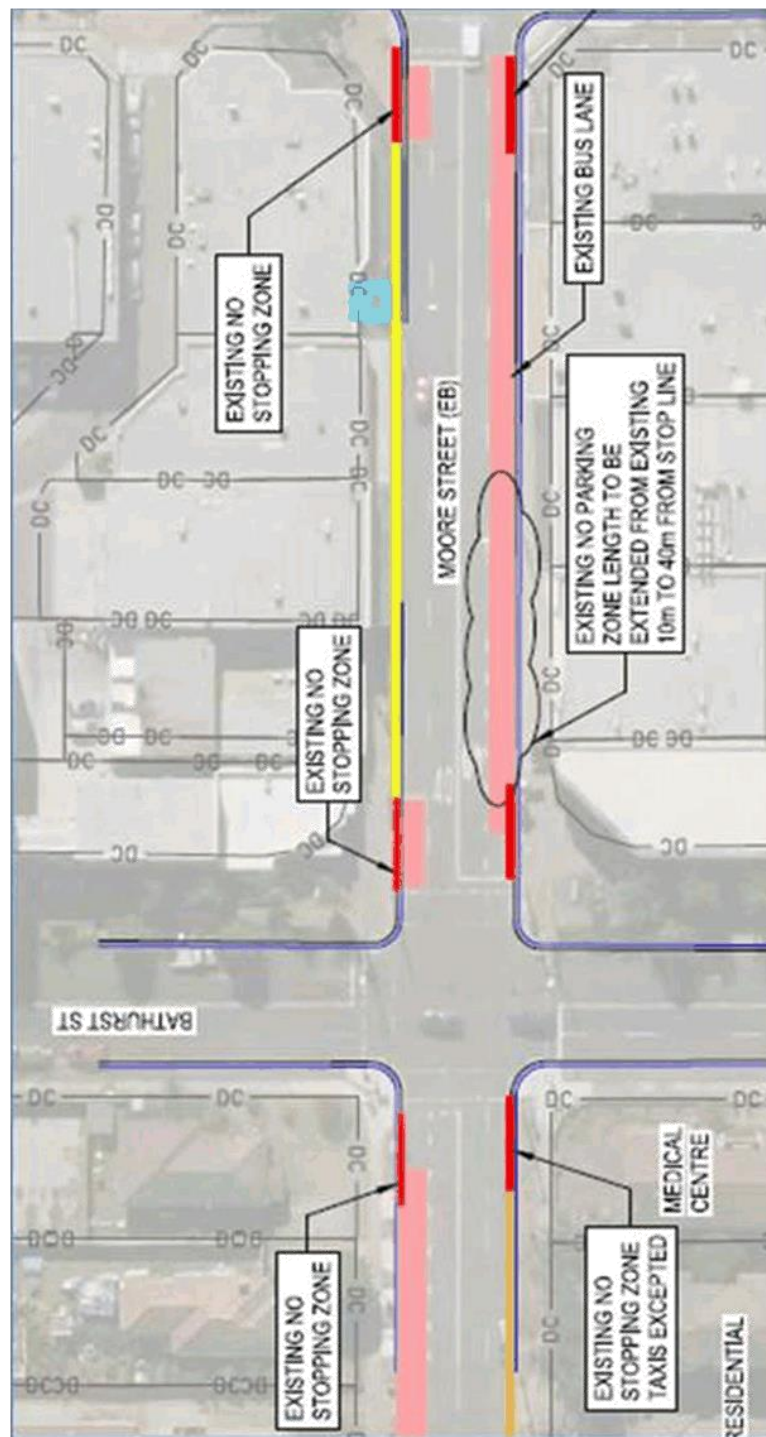


## Attachment 2.1 – Proposed changes at Moore Street and Bigge Street intersection





## Attachment 2.2 – Proposed changes at Moore Street and Bathurst Street intersection





<b>ITEM 3</b>	<b>PROPOSED RMS PINCH POINT PROGRAM WORKS IN THE LIVERPOOL LGA</b>
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### INTRODUCTION

The Roads and Maritime Services (RMS) has advised that improvement works are proposed at the following signalised intersections to improve traffic flow:

1. Hoxton Park Road/Whitford Road/Spire Court Intersection
2. Hume Highway/Hoxton Park Road/Macquarie Street Intersection
3. Elizabeth Drive/Marsden Road Intersection
4. Hoxton Park Road/Banks Road/Joadja Road Intersection

The improvement works at intersections 1 and 2 mentioned above requires changes to the existing signs and line markings along local streets. The RMS has completed detailed design and the Committee is requested to support the associated signs and line markings.

### ASSESSMENT

Following representations to the RMS for intersection improvements at Hume Highway and Hoxton Park Road and other intersections along Hoxton Park Road, the agency has agreed with the need for intersection improvements at the abovementioned intersections.

A summary of the proposed improvements are tabled below.

Intersection	Scope of works
1. Hoxton Park Road/Whitford Road/Spire Court	<ul style="list-style-type: none"> <li>• Additional westbound right turn lane from Hoxton Park Road into Whitford Road (to provide dual right turn lanes)</li> <li>• Dual northbound lanes on Whitford Road</li> <li>• Conversion of the Whitford Road southbound lanes configuration to dual dedicated right turn lanes and a shared through and left turn lane</li> </ul>
2. Hume Highway/Hoxton Park Road/Macquarie Street	<ul style="list-style-type: none"> <li>• Additional southbound right turn lane from the Hume Highway onto Hoxton Park Road</li> <li>• Widening to the west on Hume Highway to accommodate the additional southbound right turn lane</li> </ul>
3. Elizabeth Drive/Marsden Road	<ul style="list-style-type: none"> <li>• Additional dedicated left turn lane on Marsden Road</li> </ul>
4. Hoxton Park Road/Banks Road/Joadja Road	<ul style="list-style-type: none"> <li>• Additional eastbound right turn lane on Hoxton Park Road into Joadja Road</li> <li>• Signalised left turn slip lane at the pedestrian crossing from Hoxton Park Road into Joadja Road</li> </ul>

The RMS has carried out detailed design in accordance with Austroads and the agency's Guidelines. Copies of the designs of the proposed improvements are shown in Attachments



3.1-3.10. The Committee is requested to endorse the signs and line markings on the affected local streets, i.e. Whitford Road/Spire Court and Marsden Road.

For Whitford Road, with the proposed works, the two northbound lanes merge into a single lane north of Hoxton Park Road. The northbound carriageway (after the merger to a single lane) is approximately 6m wide which can accommodate a traffic lane and kerbside parking.

To formalise the kerbside parking and single lane arrangement, it is considered that an edge line be installed to demarcate the traffic lane and kerbside parking lane. In addition, to remind motorists of the change in the speed limit from Hoxton Park Road into Whitford Road, a 50km/h pavement marking should also be incorporated in the design for installation.

## **RECOMMENDATIONS**

That:

1. The Committee supports the signs and line marking plans along Whitford Road/Spire Court and Marsden Road, as presented in Attachments 3.1-3.3 and 3.6 with edge line marking and 50km/h pavement marking on Whitford Road.

## **DISCUSSION**

The Committee discussed and supported the proposed intersection treatments with the following comments on the proposed treatments at the Hoxton Park Road/Banks Road/Joadja Road and Elizabeth Drive/Marsden Road intersections.

- Hoxton Park Road/Banks Road/Joadja Road intersection - Cllr Harle advised that the electrical substation located at the north-western corner of Hoxton Park Road/Banks Road/Joadja Road intersection had been decommissioned. Hence, the RMS may wish to consider acquiring this land in order to provide a left-turn slip lane into Banks Road and extend the adjoining commuter car park.
- Elizabeth Drive/Marsden Road intersection - The Police representative inquired whether the existing right turn bay from Elizabeth Drive into Marsden Road could be extended as part of the project. It was discussed that the RMS considered such an extension but indicated that site constraint would not permit such an extension. However, the other improvements would allow additional 'green time' for the right run movement.

In addition, it was discussed that the RMS should consider permitting 'Left Turn on Red after Stopping' from Marsden Road into Elizabeth Drive.

## **COMMITTEE RECOMMENDATION**

That:

1. Council endorses the proposed intersection improvements with the following modification to the Hoxton Park Road/Whitford Road/Spire Court intersection upgrade:

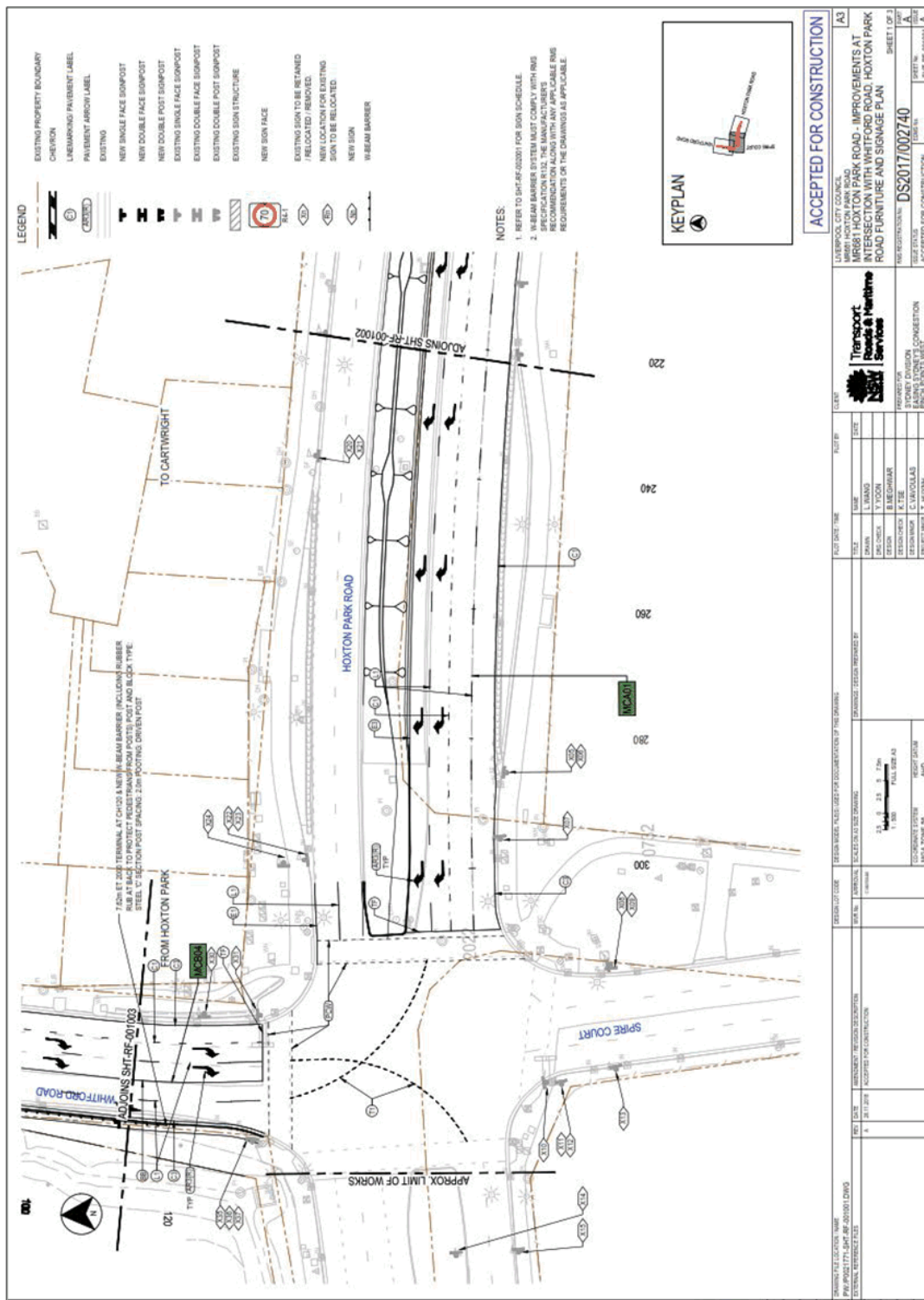


- a) Installation of edgeline marking along the western side of Whitford Road, between Hoxton Park Road and the roundabout intersection with Topnot Avenue to demarcate the traffic lane and kerbside parking lane.
- b) Installation of 50km/h numerical pavement marking near the existing speed limit sign.

**Motion:****Moved:** Charisma Kaliyanda**Seconded:** Damian Leemon**On being put to the meeting the motion was declared CARRIED.**



Attachment 3.1 - Hoxton Park Road/Whitford Road/Spire Court – Proposed intersection improvement

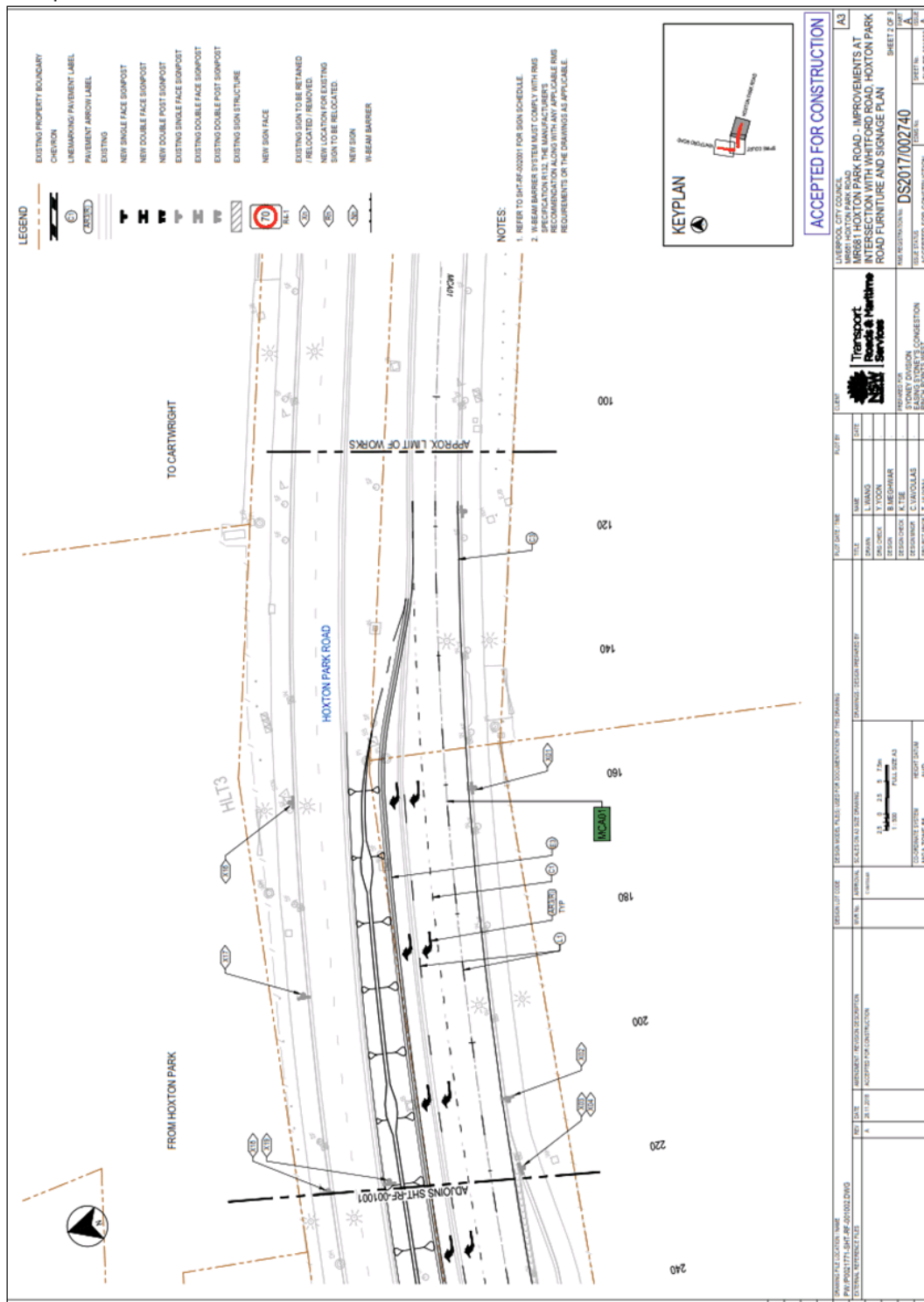


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Agenda – 23 January 2019

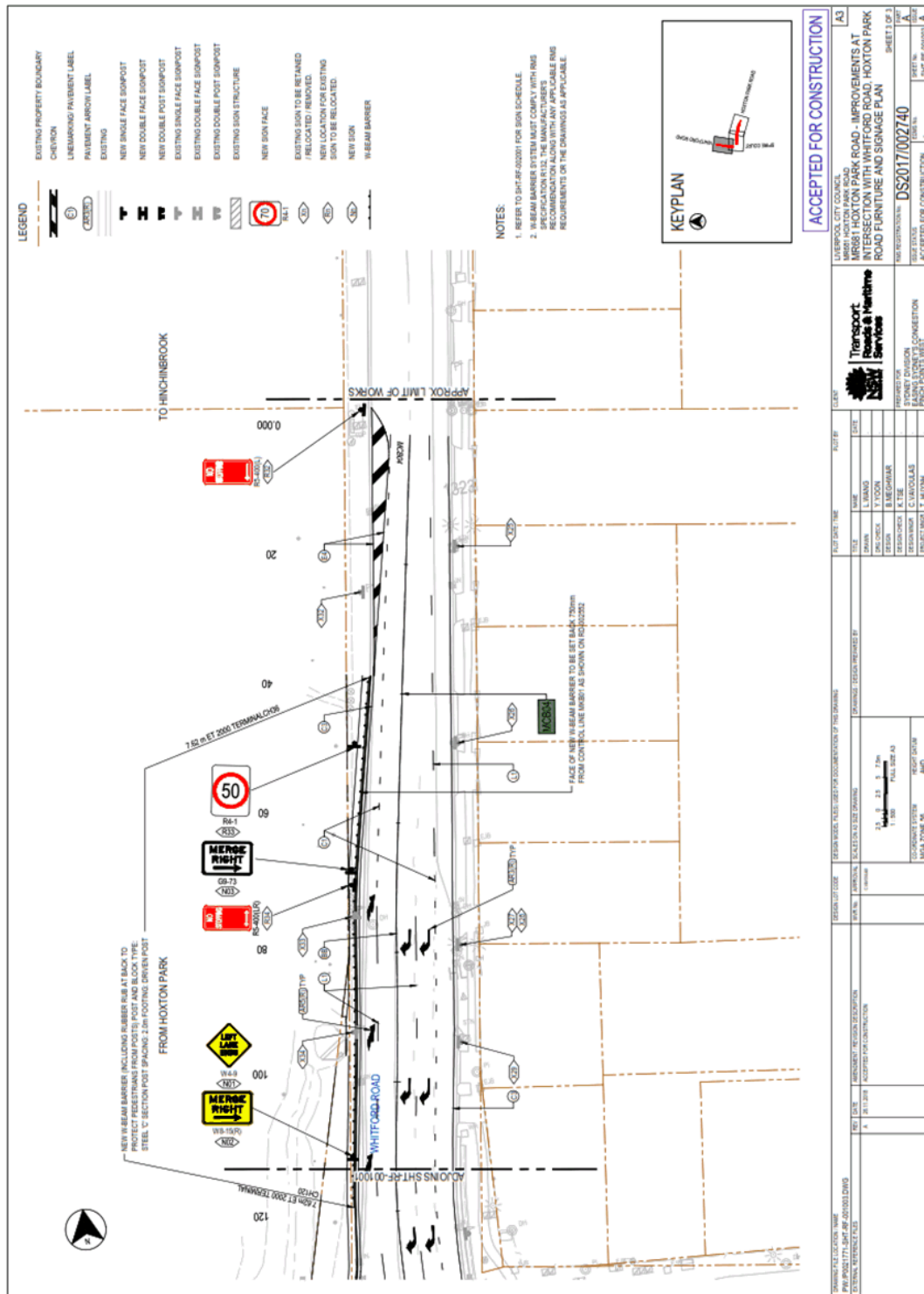


Attachment 3.2 - Hoxton Park Road/Whitford Road/Spire Court – Proposed intersection improvement





### Attachment 3.3 - Hoxton Park Road/Whitford Road/Spire Court – Proposed intersection

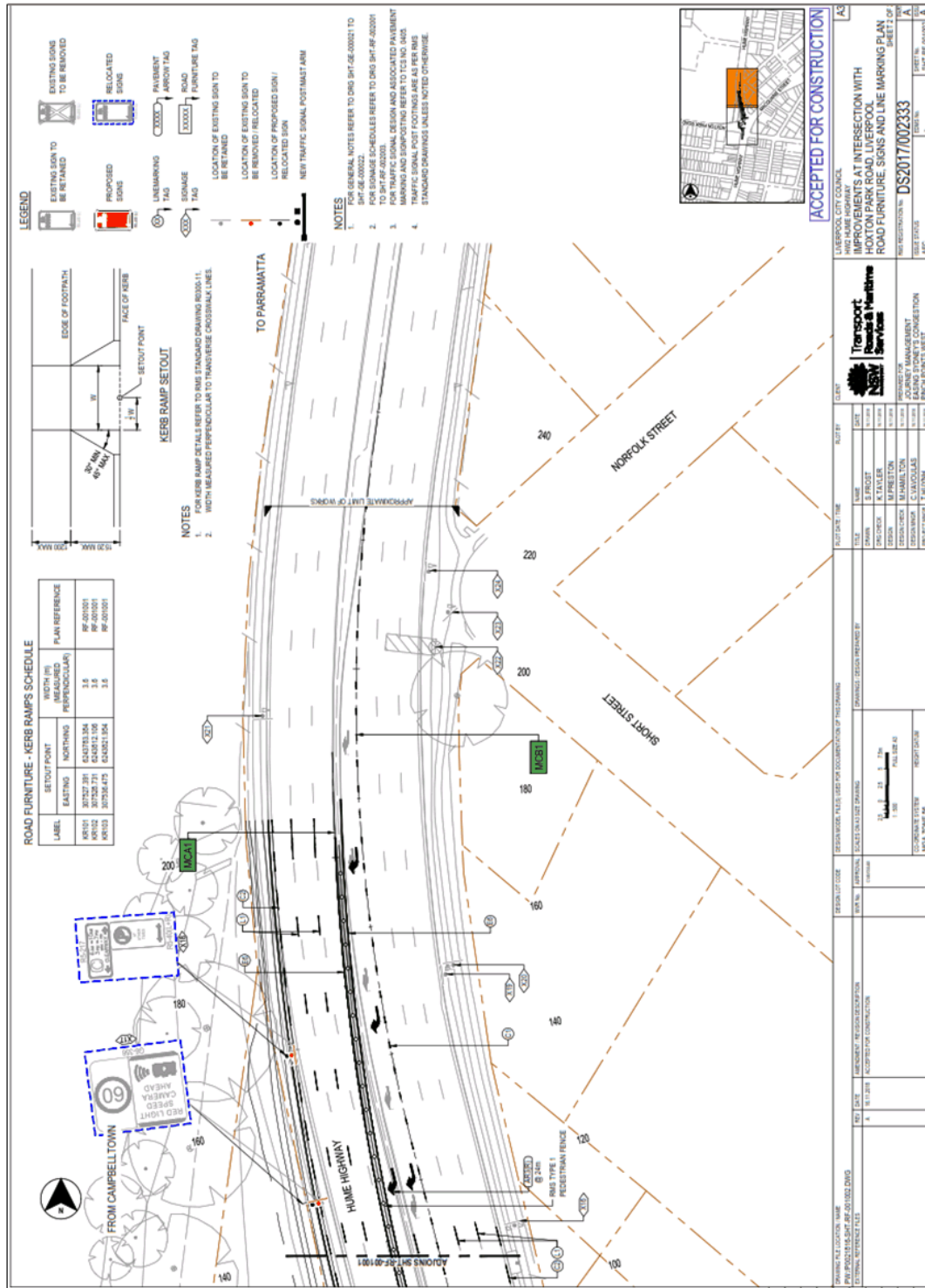








### Attachment 3.5 - Hume Highway/Hoxton Park Road/Macquarie Street – Proposed intersection treatment

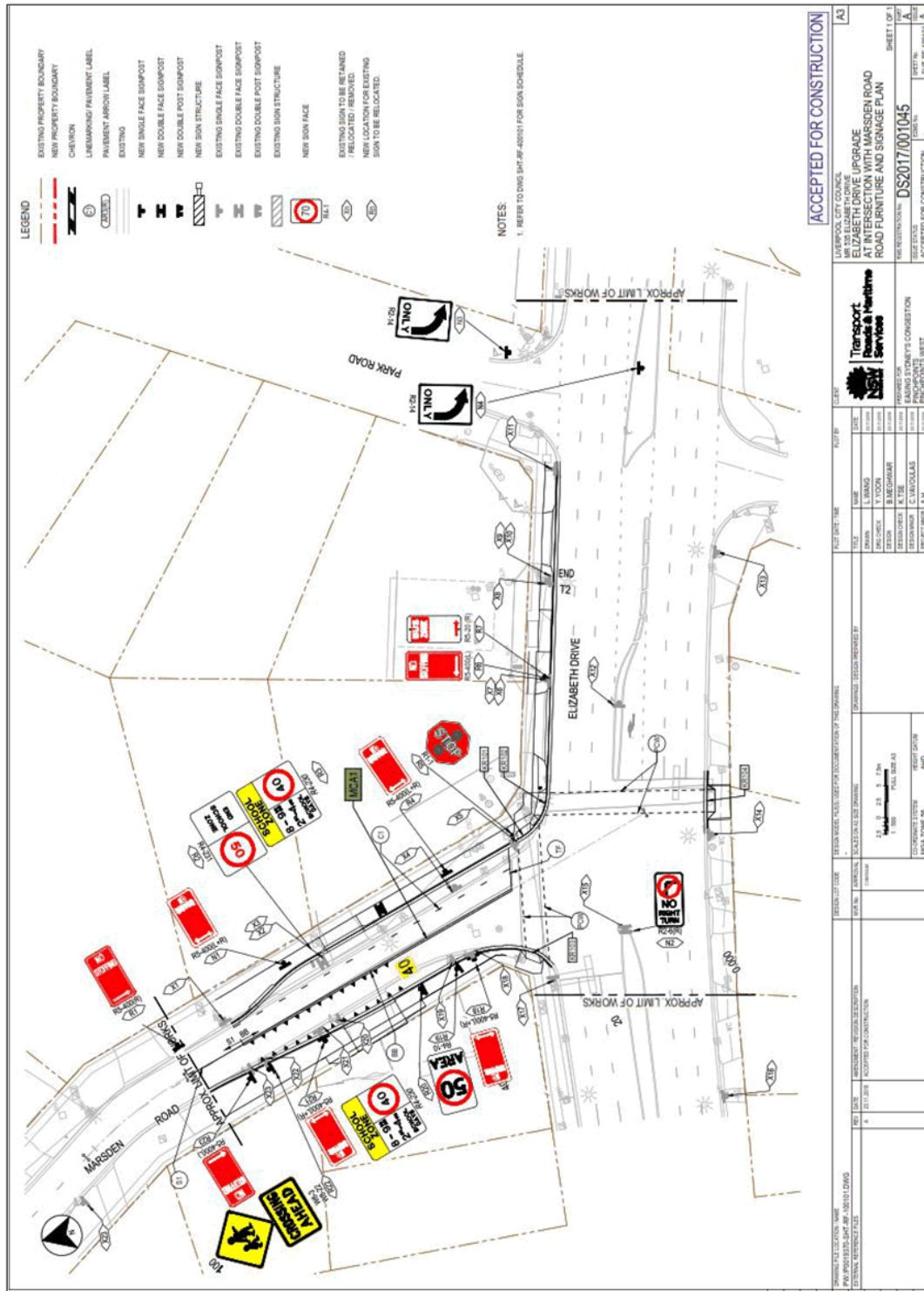


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Agenda – 23 January 2019

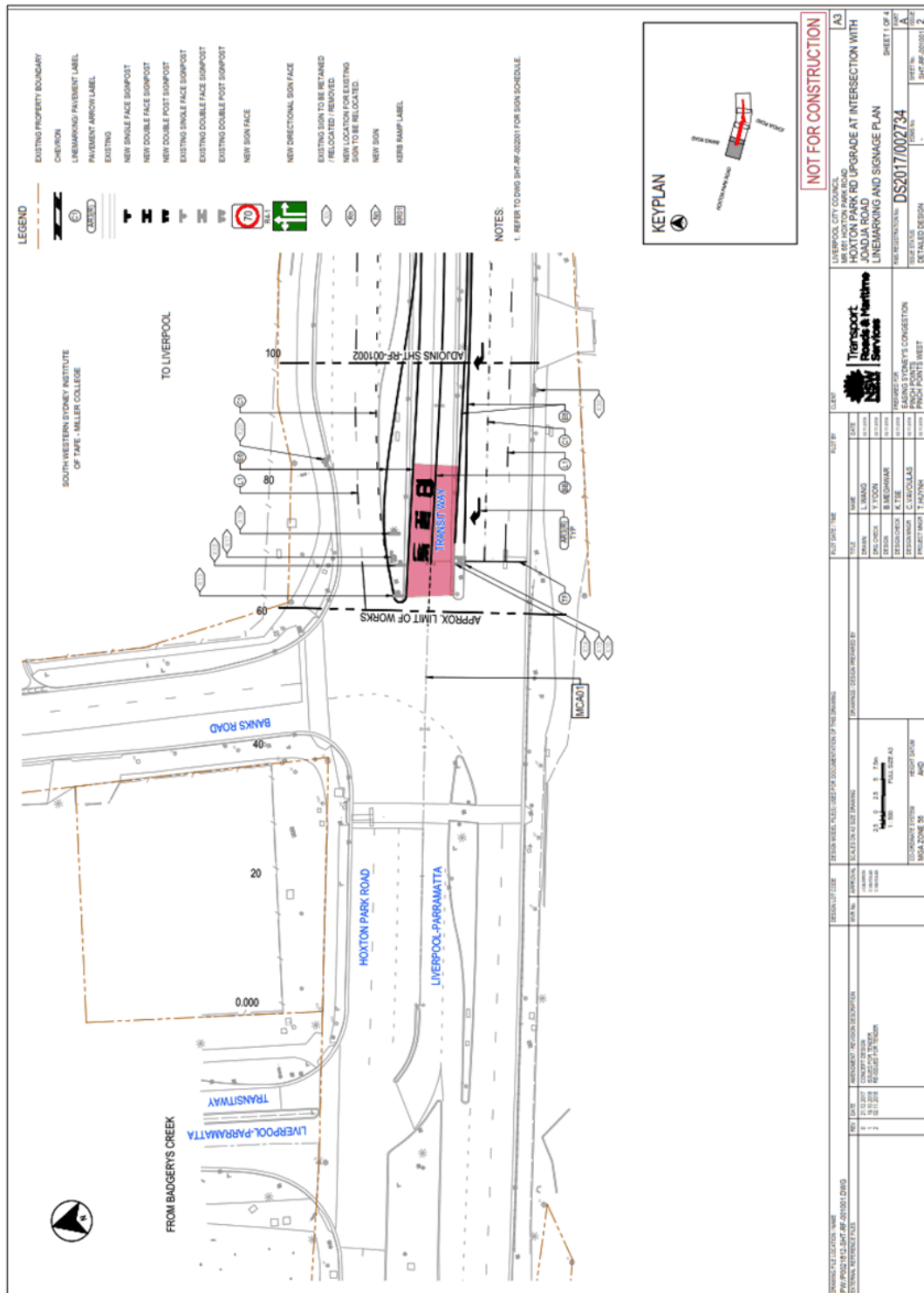


## Attachment 3.6 - Elizabeth Drive/Marsden Road – Proposed intersection treatment



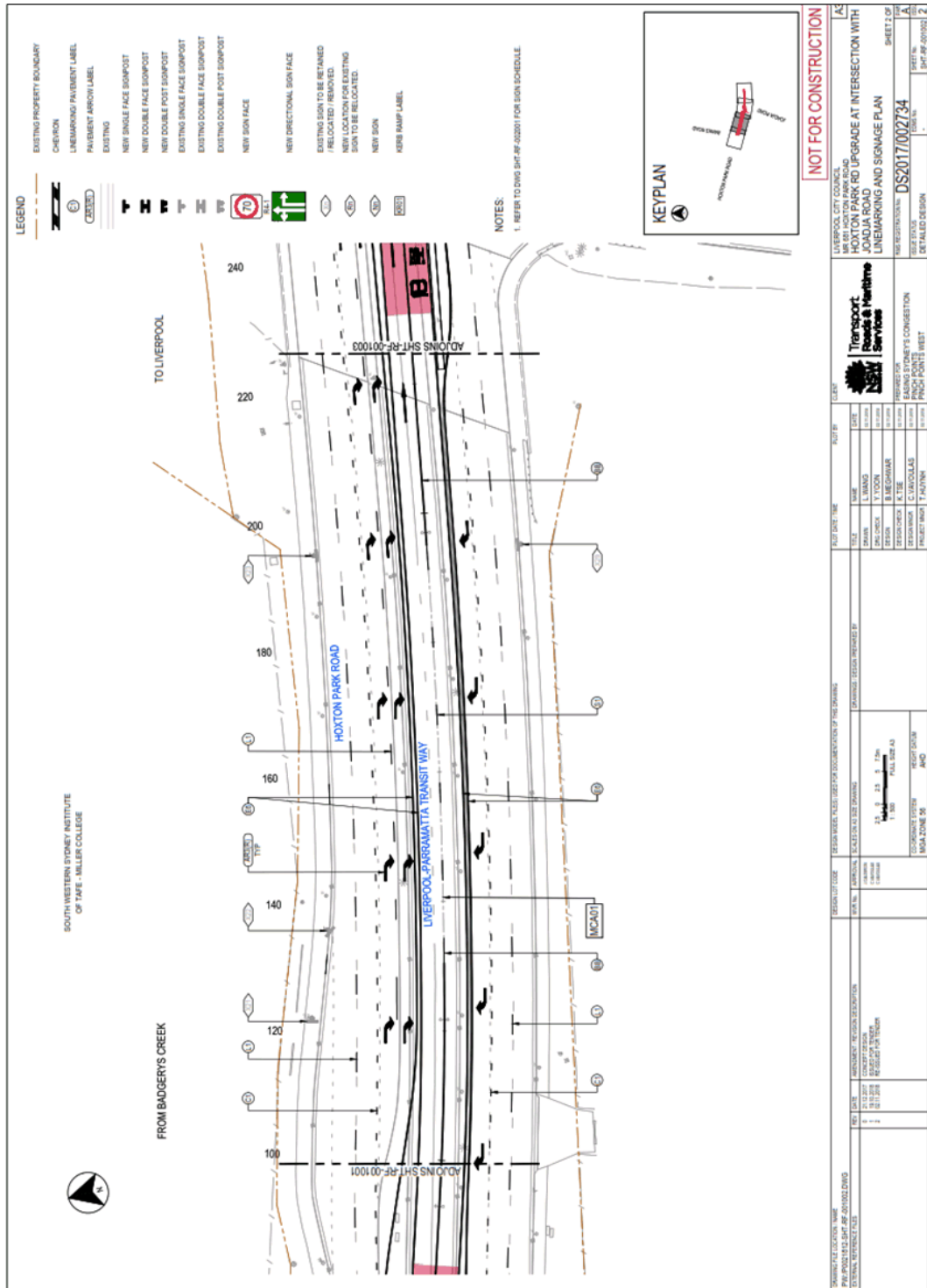


Attachment 3.7 - Hoxton Park Road/Banks Road/Joadja Road – Proposed intersection treatment





### Attachment 3.8 - Hoxton Park Road/Banks Road/Joadja Road – Proposed intersection treatment

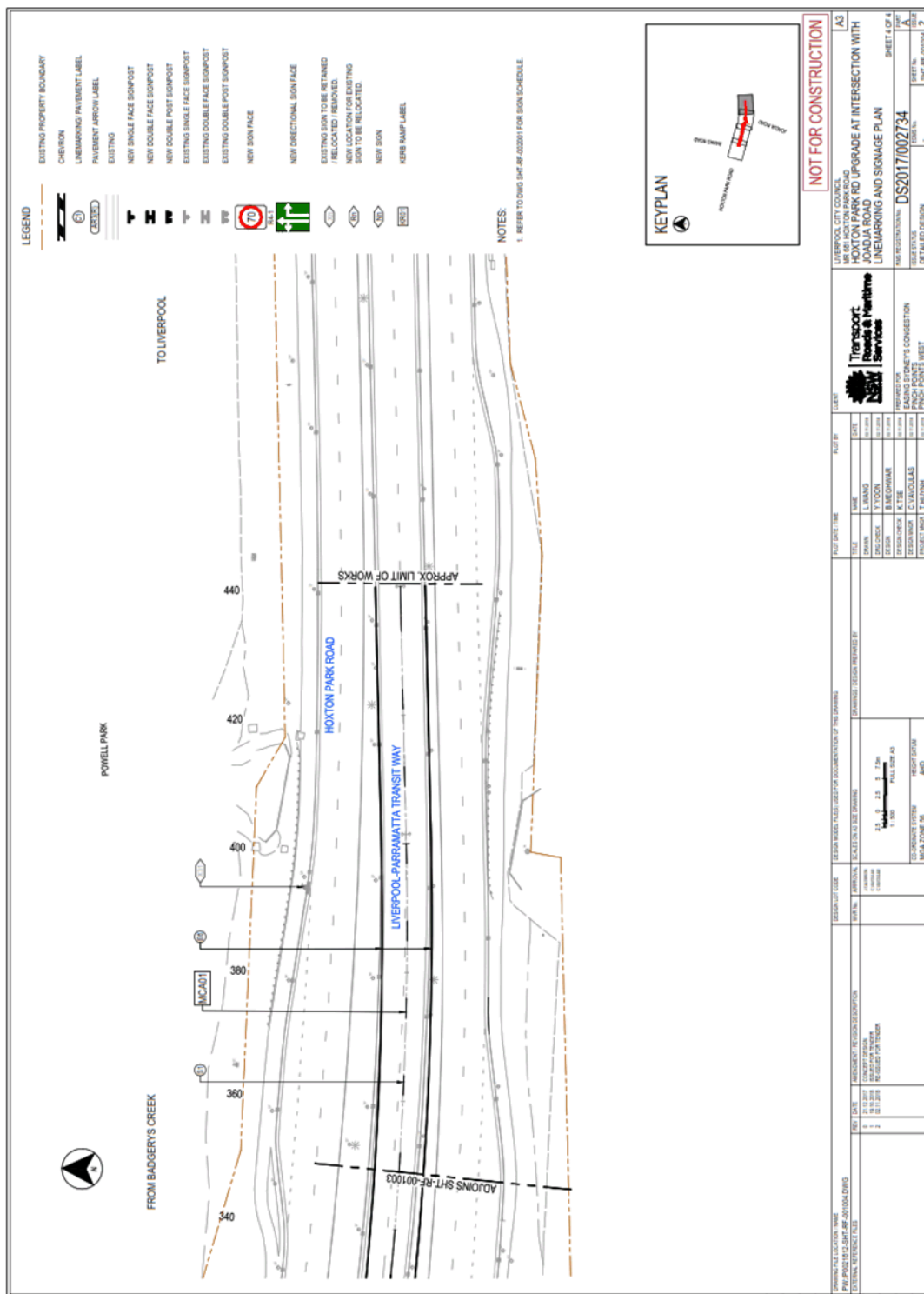




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Attachment 3.10 - Hoxton Park Road/Banks Road/Joadja Road – Proposed intersection treatment





<b>ITEM 4</b>	<b>MANNOW AVENUE AND SECOND AVENUE, WEST HOXTON – PROPOSED ROUNDABOUT</b>
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## **INTRODUCTION**

Western Sydney Parklands Trust (the Trust) is proposing to establish a Shale Hills Dog Park, within a portion of the Parklands off Mannow Avenue and Second Avenue, West Hoxton. Vehicular access to the development is proposed via a fourth leg to the existing 'T' intersection at Mannow Avenue and Second Avenue.

To regulate traffic at the intersection, the Trust is proposing to install a roundabout at the intersection. The Committee is requested to support the proposed roundabout at the Mannow Avenue and Second Avenue intersection, West Hoxton.

## **ASSESSMENT**

The proposed Shale Hills Dog Park is to cater for off-leash dogs to exercise and socialise. The development includes 80 formal car parking spaces cars and additional approximately 100 overflow parking spaces. The park will operate between 8am and 6pm (8pm during daylight saving). It will have an area of 1.25 ha.

Vehicular access is proposed as the fourth leg (and an extension of Mannow Avenue) from the existing 'T' intersection mentioned above. The extension will be along an existing pedestrian path through the park.

The traffic consultant acting on behalf of the Trust has assessed access and parking requirements of the proposed facility and recommended installation of a roundabout, at the above-mentioned 'T' intersection.

The intersection is at the junction of a collector road, Mannow Avenue, and a local street, Second Avenue. The proposed four-way intersection would be expected to increase traffic movements through the intersection and require treatment to regulate traffic flow. The proposed roundabout will act as a traffic calming device and regulate traffic movement through the intersection. The proposed roundabout is, therefore, considered as an appropriate treatment. The local community has been consulted (via flyer distribution, newspaper advertisement and community drop-in) and advised about the proposed roundabout.

The roundabout, as shown in Attachments 4.1-4.4, has been designed in accordance with Austroads and Roads and Maritime Services' (RMS) Guidelines, including swept-path analysis with a 12.5m long vehicle. However, the splitter islands, as proposed, are sub-standard and require modification.

The Committee is requested to support the proposed roundabout at the intersection of Mannow Avenue and Second Avenue, West Hoxton.



**RECOMMENDATION**

That:

1. The Committee supports the installation of a roundabout at the intersection of Mannow Avenue and Second Avenue, West Hoxton.
2. The applicant submits detailed design to Council and the RMS for review prior to installation.

**DISCUSSION**

The Committee discussed and supported in principle, installation of a roundabout at the intersection of Mannow Avenue and Second Avenue, West Hoxton.

The Committee noted that the submitted design does not provide the required design dimensions, and the splitter islands, as proposed, are sub-standard. Hence detailed design of the roundabout addressing these concerns is to be submitted to Council (with copies to the RMS and the Police) prior to installation.

**COMMITTEE RECOMMENDATION**

That:

1. Council approves a roundabout at the intersection of Mannow Avenue and Second Avenue, West Hoxton.
2. Council request Western Sydney Parklands Trust to submit a detailed design of the roundabout for referral to the Police and RMS prior to installation.

**Motion:**

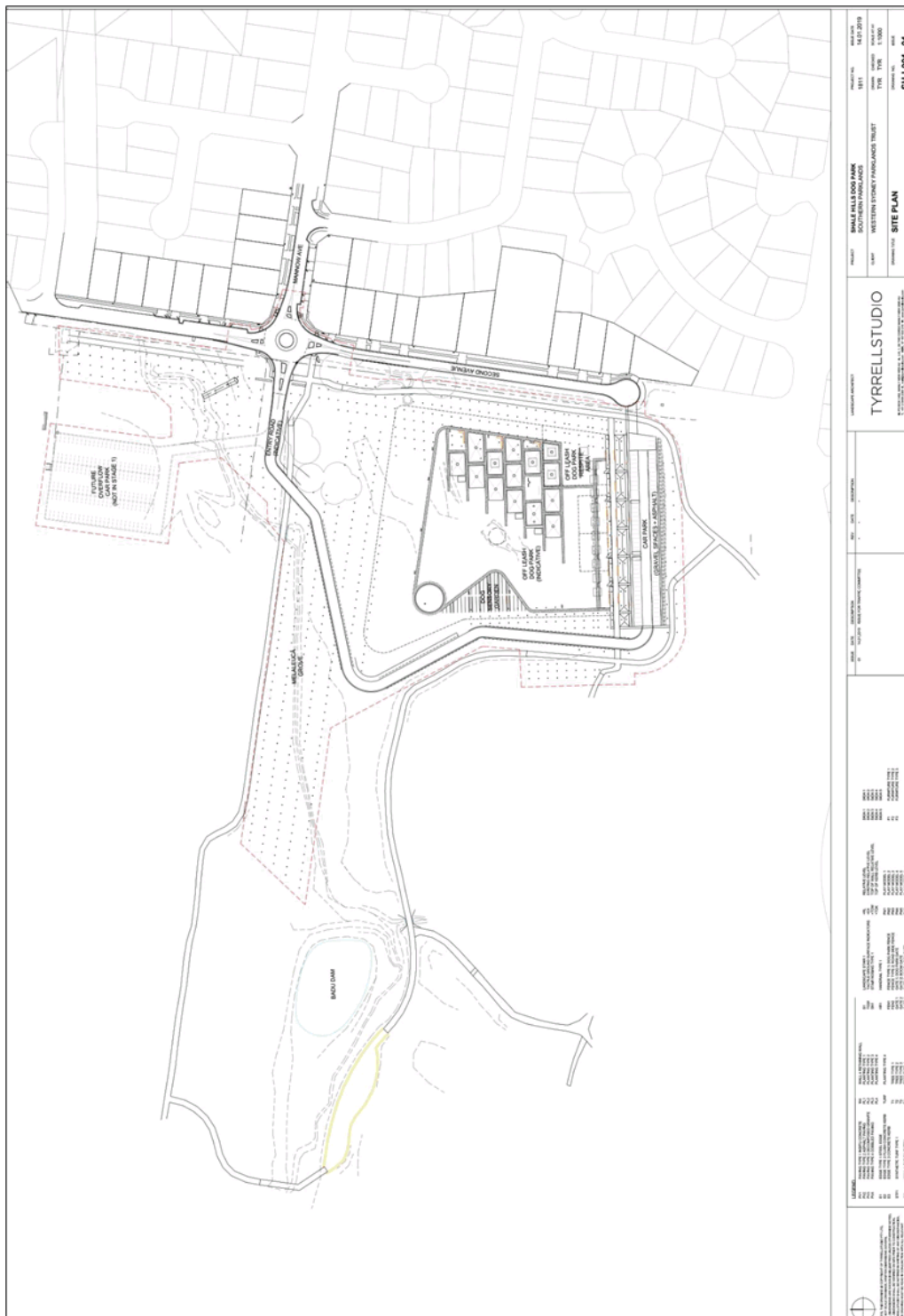
**Moved:** Charisma Kaliyanda

**Seconded:** Anushiya Mohandas

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

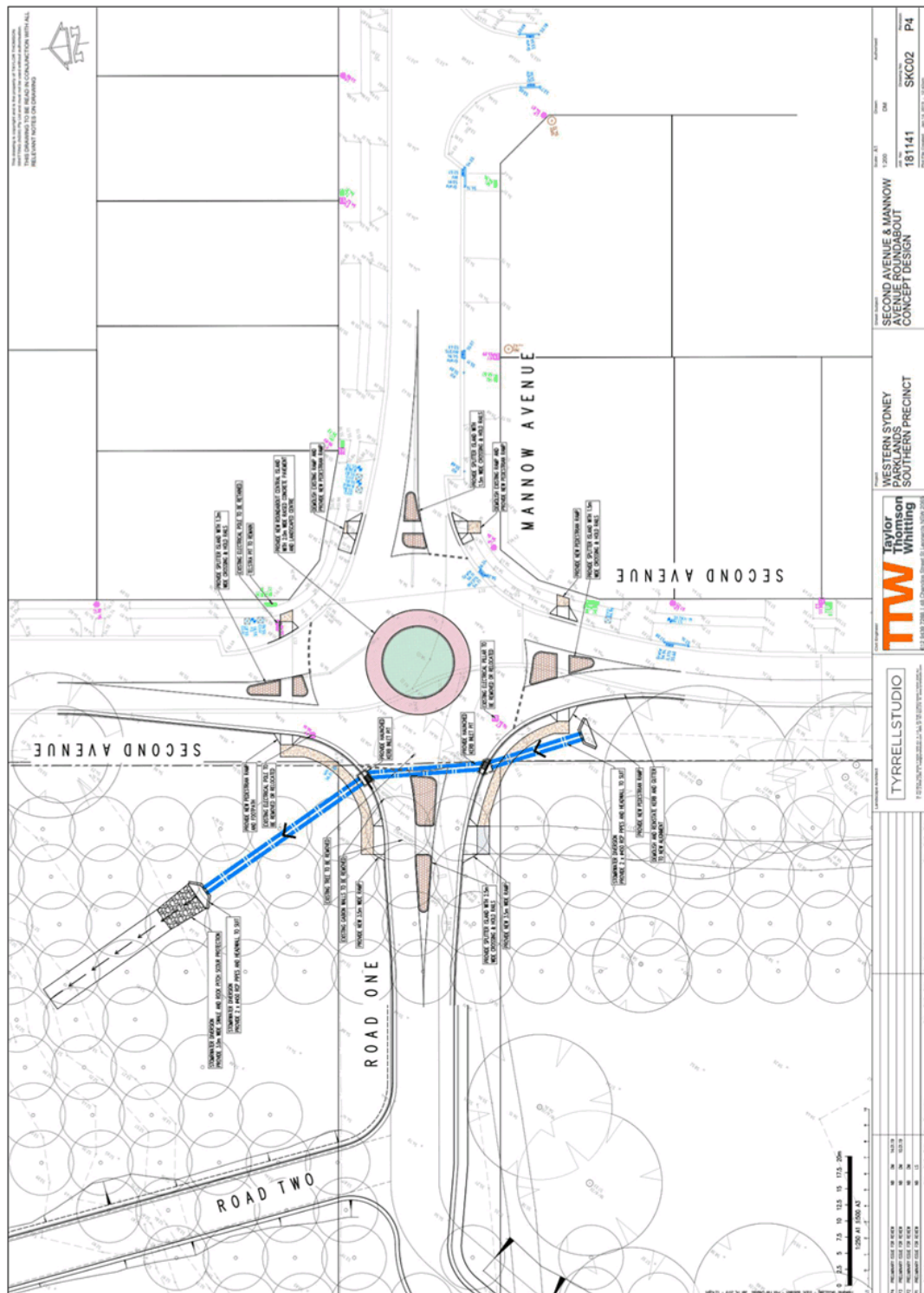


## Attachment 4.1 – Proposed development site plan





## Attachment 4.2 – Proposed roundabout concept design





Dimension	Value
Length	12.50
Width	2.50
Height	2.50
Steering Angle	35.2







<b>ITEM 5</b>	<b>MEMORIAL AVENUE, LIVERPOOL – TRAFFIC MANAGEMENT CHANGES</b>
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**INTRODUCTION**

Council has received funding under this financial year's Federal Black Spot Program to address unacceptable crash history along the section of Memorial Avenue between Copeland Street and Bathurst Street, Liverpool.

To address the unacceptable crash history, Council has proposed, and the Roads and Maritime Services (RMS) have accepted in-principle,

- Installation of a 0.5m wide median island along the section of Memorial Avenue between Copeland Street and Bathurst Street;
- Installation of pedestrian refuges on Castlereagh Street approaches to Memorial Avenue; and
- Installation of a raised threshold at the existing marked pedestrian crossing across the left-turn slip lane off Copeland Street.

The design of these treatments have been carried out and the Committee is requested to support the recommendations below.

**ASSESSMENT**

The crashes are due to conflict traffic movements at the intersection of Memorial Avenue and Castlereagh Street, and pedestrian conflicts at the existing marked pedestrian crossing across the slip lane off Copeland Street.

Memorial Avenue is a collector road whilst Castlereagh Street is a local residential street. The Memorial Avenue/Castlereagh Street intersection is a four-way intersection with a 'Stop' control for traffic travelling along Castlereagh Street. The intersection is signposted to prohibit right turning movements into and out of Castlereagh Street.

The section of Memorial Avenue between Copeland Street and Bathurst Street is approximately 12.9m wide with two eastbound and two westbound lanes. The eastbound kerbside lane is signposted to permit '1P' on-street parking during off-peak periods. This road section also contains a 16m long 'Bus Zone' along the southern side, approximately 20m west of the intersection with Castlereagh Street.

The 'Bus Zone' caters for bus routes 802 and 803. These bus routes are managed by the transport operator Transit Systems. Transit Systems has advised that these bus routes have been rerouted via Moore Street and Hume Highway. Therefore, the existing westbound bus stop is no longer required and can be decommissioned.

In addition, the alternate bus service provider, Interline Bus Services, has also expressed their support for the decommissioning of this bus stop. However, Interline Bus Services has requested a bus stop be installed along Hume Highway, south of Memorial Avenue, for occasional pick-ups. The RMS will be requested to consider the installation of a bus stop at this location.



To address the unacceptable crash history, Council has proposed the treatments as mentioned above. The treatments have been discussed with the RMS and due to the existing carriageway, the resulting middle and kerbside lane widths would be approximately 2.95m and 3.25m, respectively.

The design for the proposed median island and pedestrian refuges have been carried out in accordance with Austroads and RMS Guidelines. The drawing shown in Attachment 5.1 shows the treatment at the intersection of Memorial Avenue/Castlereagh Street intersection. The design of the remaining road section would be tabled at the meeting.

The Committee is requested to support the recommendations below.

## **RECOMMENDATIONS**

That:

1. The Committee support:
  - a) Installation of a 0.5m wide median island along the section of Memorial Avenue between Copeland Street and Bathurst Street;
  - b) Installation of pedestrian refuges on Castlereagh Street approaches to Memorial Avenue; and
  - c) Installation of a raised threshold at the existing marked pedestrian crossing across the left-turn slip lane off Copeland Street.
2. Council removes the 'Bus Zone' in Memorial Avenue, west of Castlereagh Street, following decommissioning of the bus stop.
3. Council request the Roads and Maritime Services to install a bus stop along Hume Highway, south of Memorial Avenue.

## **DISCUSSION**

The Committee noted that the proposal is being funded under the Federal Government's Black Spot Program. The Committee also noted that community consultation has been carried out, and during the consultation period, Council received one verbal objection to the proposed median island.

The Committee was advised that the section of Memorial Avenue between Copeland Street and Bathurst Street is a bus route and has a westbound bus stop approximately 35m west of Castlereagh Street (with limited bus service and patronage).

The Committee discussed and supported the proposal as submitted, with exception of the proposed 'bus stop along the eastern side of Hume Highway, south of Memorial Avenue, which requires a separate application to the RMS.



**COMMITTEE RECOMMENDATION**

That:

1. Council approves installation of:
  - a) A 0.5m wide median island along Memorial Avenue between Copeland Street and Bathurst Street;
  - b) Pedestrian refuges on Castlereagh Street approaches, at its intersection with Memorial Avenue; and
  - c) Installation of a raised threshold at the existing marked pedestrian crossing across the left-turn slip lane off Copeland Street.
2. Council request the RMS to install a 'Bus Zone' along the eastern side of the Hume Highway, south of Memorial Avenue.
3. Council removes the 'Bus Zone' in Memorial Avenue, west of Castlereagh Street, following decommissioning of the bus stop.

**Motion:**

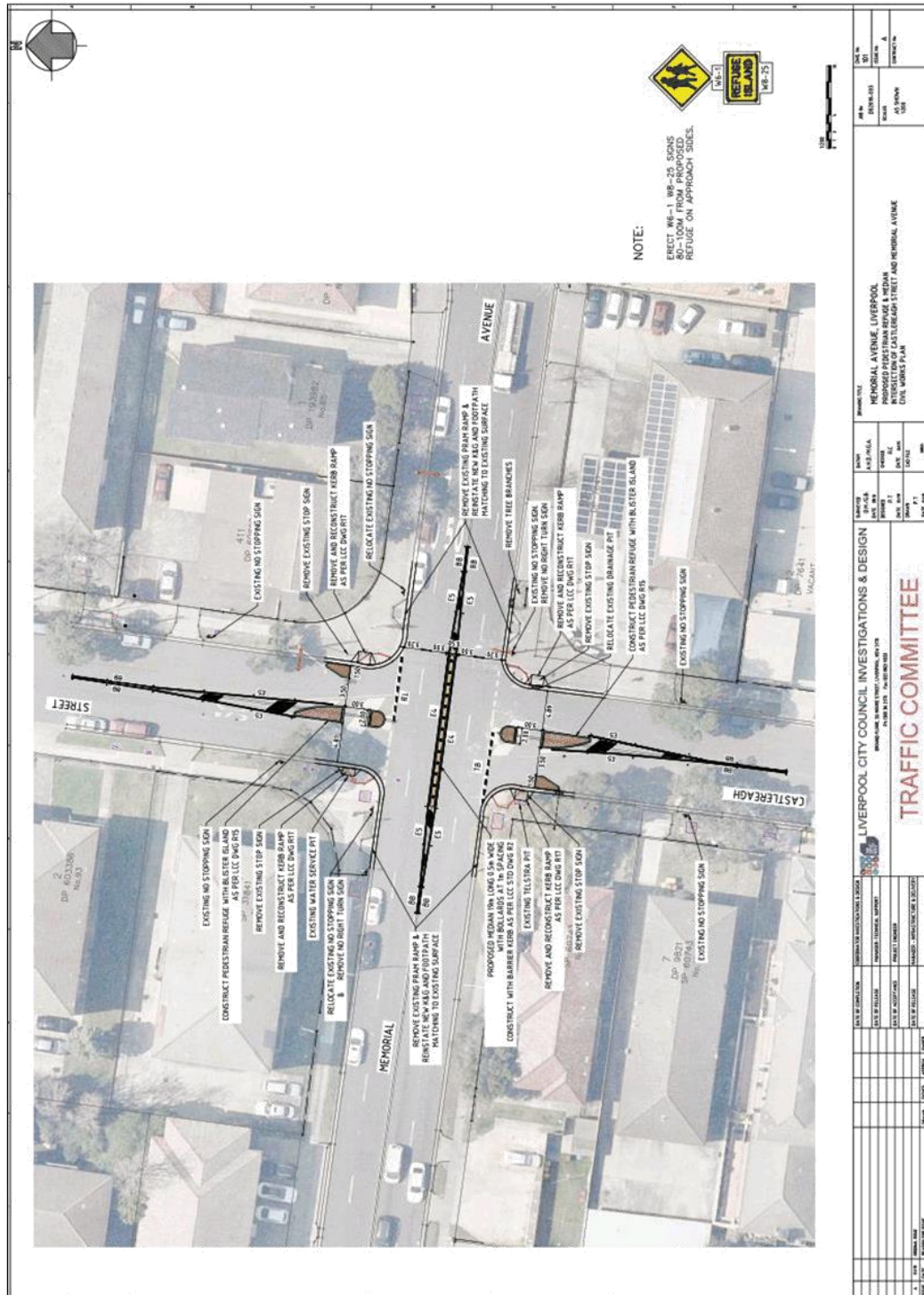
**Moved:** Charisma Kaliyanda

**Seconded:** Anushiya Mohandas

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



### Attachment 5.1 – Memorial Avenue/Castlereagh Street – Site plan of proposed median island and pedestrian refuge

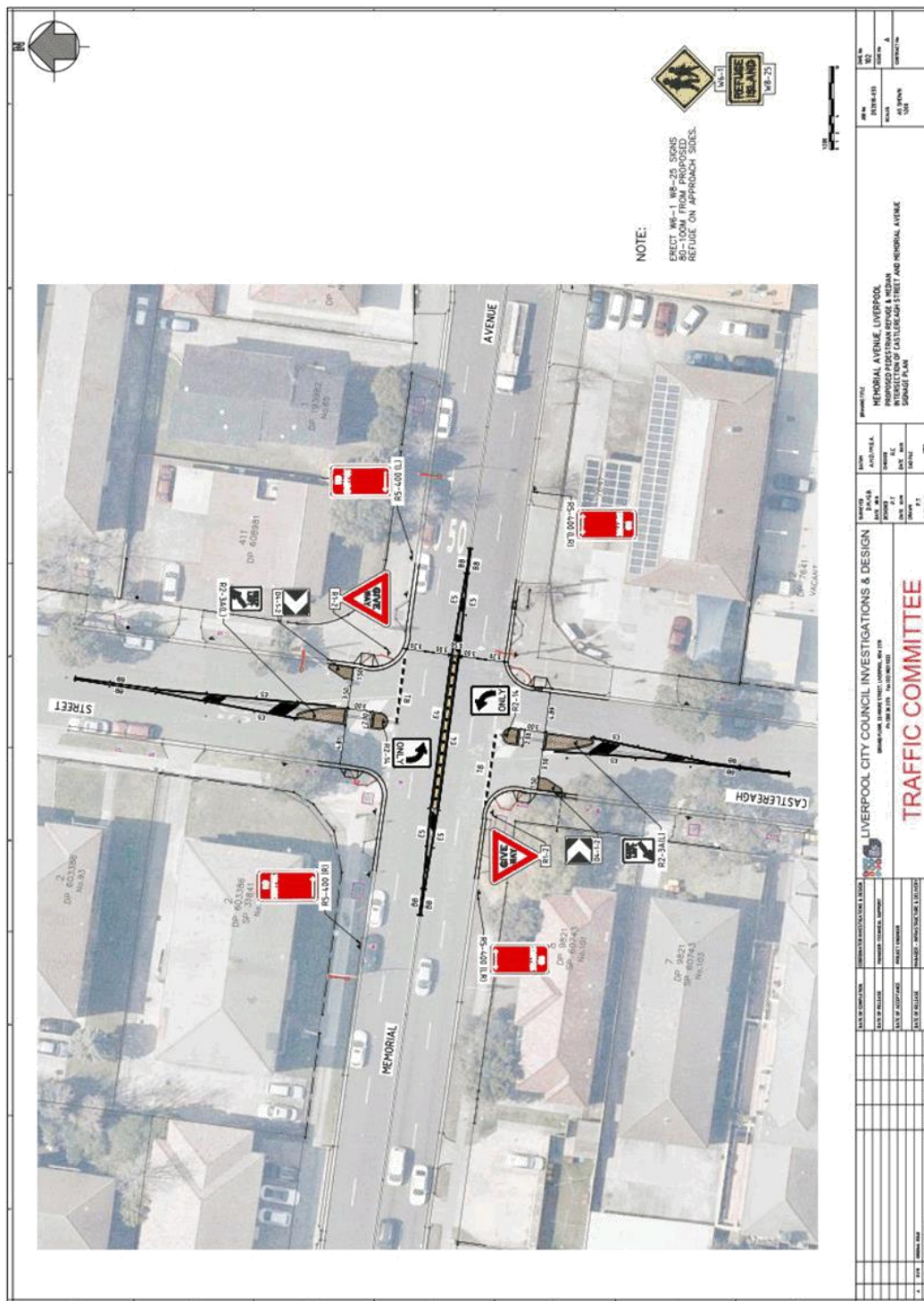


323189.2018

Agenda – 23 January 2019



Attachment 5.2 – Memorial Avenue/Castlereagh Street – Signs and line marking plan of proposed median island and pedestrian refuge

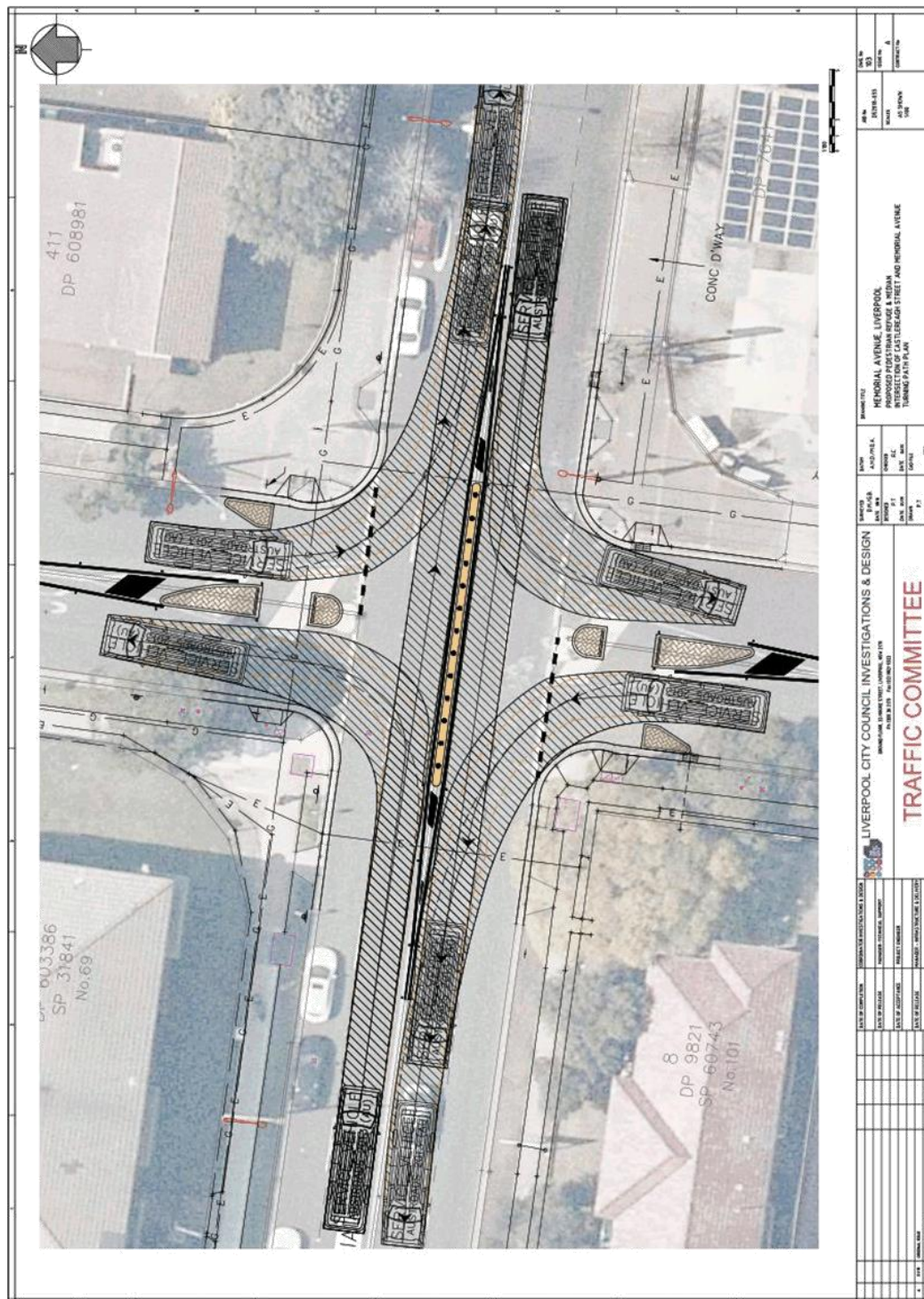


323189.2018

Agenda – 23 January 2019



Attachment 5.3 – Memorial Avenue/Castlereagh Street - Swept path of proposed median island and pedestrian refuge



323189.2018

Agenda – 23 January 2019



<b>ITEM 6</b>	<b>SPEEDING CONCERNS IN THE LIVERPOOL LGA</b>
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**INTRODUCTION**

Council continues to receive concerns about traffic speeding along a number of streets in the Liverpool LGA.

In the last three months, speeding concerns have been raised along Feodore Drive, Cecil Hills; Flynn Avenue, Middleton Grange; and Walder Road, Hammondville.

The Committee is requested to note the information provided in this report.

**ASSESSMENT**

This assessment provides information about traffic investigations along Feodore Drive, Cecil Hills; Flynn Avenue, Middleton Grange; and Walder Road, Hammondville, with recommendations to minimise the speeding concerns.

**Feodore Drive, Cecil Hills**

Feodore Drive is a residential collector road which forms a loop between two roundabouts at its intersections with Spencer Road/Sandringham Drive to the north and Spencer Road/Frederick Road to the south. Feodore Drive is approximately 1.5km long and contains three roundabouts (at its intersections with Lancaster Avenue, Clementina Circuit and Stirling Street).

Traffic counts conducted in 2015 near house number 41 (close to Hanover Street) indicated that the average daily traffic volume was 2,850 vehicles with the 85<sup>th</sup> percentile speed being 55km/h. It is considered that the 85th percentile speed is comparable with other streets in the LGA.

The Roads and Maritime Services (RMS) has advised Council of a recent fatal head-on crash involving a car and bus close the intersection of Feodore Drive and Burlina Circuit.

The RMS crash database indicates two other casualty crashes that occurred in 2014 and 2015 near Burlina Circuit. In view of these crashes, a traffic survey will be undertaken and the road section assessed with the view to identify the need for additional traffic calming devices.

In the meantime, it is requested that the NSW Police Force undertake appropriate enforcement of speeding laws along Feodore Drive and surrounding streets.

**Flynn Avenue, Middleton Grange**

Flynn Avenue is an east-west residential collector road providing a secondary access to Middleton Grange (off Cowpasture Road).

Traffic counts conducted in December 2018 near the roundabout intersection of Kingsford Smith Avenue indicated that the average daily traffic volume was 4,221 vehicles with the 85th percentile speed being 59km/h.

Based on the 85<sup>th</sup> percentile speed, Council considers that a traffic calming device, in the form of a raised threshold, is warranted. The facility could be located between Monkton Avenue and Bonython Avenue. This location does not front any dwellings and hence would not affect any residents.



**Walder Road, Hammondville**

Walder Road is a residential collector road providing access to Hammondville from Heathcote Road. The roadway has an existing raised threshold pedestrian crossing across the section in front of Hammondville Public School and neighbourhood shops.

The available traffic counts was carried out in 2013, which indicated an average daily traffic of approximately 5,500 vehicles with an 85<sup>th</sup> percentile speed of 54 km/h. The 85<sup>th</sup> percentile speed is comparable with other streets in the LGA, however, Council will carry out a traffic survey of the current traffic conditions to determine whether there is a need for additional traffic calming devices. The Roads and Maritime Services (RMS) crash database indicates four crashes that occurred between 2013 and 2015.

In the interim, it is requested that the NSW Police Force undertake appropriate enforcement of speeding laws along Walder Road and surrounding streets.

**RECOMMENDATIONS**

That:

1. Council requests the NSW Police Force to include Feodore Drive, Flynn Avenue, Walder Road and surrounding streets, in its speed enforcement
2. The Committee support installation of a traffic calming device in the form of a raised threshold across Flynn Avenue between its intersections with Monkton Avenue and Bonython Avenue.
3. The Committee notes that Council will undertake speed classification along Walder Road and Feodore Drive and investigate the need for additional traffic calming devices along these two streets.

**DISCUSSION**

The RMS representative outlined that installation of a single traffic calming device across Flynn Avenue is not likely to reduce speed significantly and additional devices may be required when the unconstructed road section is rehabilitated.

It was also discussed and agreed that the RMS would consider installation of 50km/h numerical pavement markings at the entrances to Middleton Grange off Cowpasture Road and Fifteenth Avenue.

The Committee discussed and supported installation of a raised threshold across Flynn Avenue as submitted and noted the speed classification and design investigations to be carried out along Feodore Drive and Walder Road.

**COMMITTEE RECOMMENDATION**

That:

1. Council approves the installation of a raised threshold in Flynn Avenue between Monkton Avenue and Bonython Avenue.
2. Council undertakes speed classification along sections of Walder Road and Feodore Drive and investigates the need for additional traffic calming devices along these two streets.



3. Council requests the NSW Police Force to undertake appropriate enforcement of speeding along Feodore Drive, Flynn Avenue, Walder Road and the surrounding streets.

**Motion:**

**Moved:** Charisma Kaliyanda

**Seconded:** Damian Leemon

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



**ITEM 7 ITEMS APPROVED UNDER DELEGATED AUTHORITY****INTRODUCTION**

This item provides summary information on minor traffic facilities that have been approved under the Liverpool Pedestrian, Active Transport and Traffic Committee Delegated Authority by the RMS and Police representatives from 3 November 2018 to 16 January 2019.

Delegated Authority No.	Location	Description of Proposal
2018.091	Curtis Crescent and Maddecks Avenue, Moorebank	Installation of 'No Stopping' restrictions at unsignalised intersection
2018.092	Cullens Avenue and Boundary Road, Liverpool	Installation of 'No Stopping' restrictions at unsignalised intersection
2018.093	Kookaburra Road North and Yarrunga Street, Prestons	Installation of 'No Stopping' restrictions along the frontage of 55 Yarrunga Road
2018.094	Romana Square, Prestons	Installation of double white unbroken (continuous) lines along curved sections of roadway
2018.096	Copeland Street, left-turn slip lane into Memorial Avenue, Liverpool	Upgrade of existing marked pedestrian crossing to a raised threshold pedestrian crossing
2018.097	Mahogany Street, Prestons	Installation of double white unbroken (continuous) line at the approach to Cherry Place intersection
2018.098	Antrim Drive, Elizabeth Drive	Installation of double white unbroken (continuous) line at the approach to Vidal Avenue intersection
2018.099	Davis Service way, Liverpool	Installation of 'No Stopping' and 'No Parking' restrictions along southern side of roadway
2018.100	Governor Macquarie Drive, Chipping Norton	Installation of '2P' parking restrictions along the frontage of 42 Governor Macquarie Drive
2018.101	Pacific Palms Circuit and Lismore Street, Hoxton Park	Installation of double white unbroken (continuous) lines at the approaches to T-intersection
2018.102	Riverside Road and Barry Road, Chipping Norton	Installation of 'No Stopping' restrictions at unsignalised intersection
2018.103	Macquarie Street, Liverpool	Installation of '1P' parking restrictions in lieu of 'No Parking' restriction at frontage of 265 Macquarie Street
2018.104	Beech Road, Casula	Extension of existing 'No Stopping' restriction along frontage of 250-260 Beech Road
2018.105	Goulburn Street, Warwick Farm	Installation of '1/2P' parking restrictions along frontage of 4 Goulburn Street
2018.106	Reilly Street, Lurnea	Installation of 'No Stopping' restrictions along both sides of roadway between Sunset Avenue and Sullivan Avenue



2018.107	Mill Road, Liverpool	Installation of 'No Stopping' and '2P' parking restrictions along frontage of 438 Macquarie Street
2018.108	9-13 Goulburn Street, Warwick Farm	Installation of 'Works Zone' restrictions
2018.109	221 Fifth Avenue, Austral	Installation of signs and line marking scheme to ensure appropriate traffic management and road safety measures are installed as part of the development of Lots 1119 and 1121-1124 in DP 2475
2019.001	255-275 Fifth Avenue, Austral	Installation of signs and line marking scheme to ensure appropriate traffic management and road safety measures are installed as part of the development of Lots 1122-1124 in DP 2475
2019.002	17-25 Bigge Street, Liverpool	Installation of 'Works Zone' restrictions

**RECOMMENDATION**

That the Committee notes the above Delegated Authority applications approved by the NSW Police and RMS representatives.

**DISCUSSION**

The Committee noted the items approved under delegated authority.

**COMMITTEE RECOMMENDATION**

That:

1. Council notes the above Delegated Authority applications approved by the Police and RMS representatives.

**Motion:**                      **Moved:** Charisma Kaliyanda                      **Seconded:** Damian Leemon

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



<b>ITEM 8</b>	<b>KINGSBURY ROAD AND PERONNE ROAD INTERSECTION, EDMONDSON PARK – ROAD SAFETY ISSUES</b>
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**INTRODUCTION**

Council has received numerous requests to improve road safety at the intersection of Kingsbury Road and Peronne Road, Edmondson Park following a spate of recent crashes.

The Committee is to note the information provided in the body of report.

**ASSESSMENT**

Kingsbury Road is an east-west local residential street parallel to Camden Valley Way. Peronne Road is a north-south residential street providing access from Camden Valley Way to an existing local shopping village and a portion of the Edmondson Park residential precinct.

Kingsbury Road forms a four-way intersection with Peronne Road with a 'Give Way' control for traffic along Peronne Road.

The NSW Police has advised Council that there have been six crashes in the last five-month period. The crashes are due to motorists not adhering to the existing 'Give Way' control. The Roads and Maritime Services (RMS) crash database has no recorded crashes for the five-year period ending 2017.

The intersection has lately experienced increased traffic volumes which can be partly attributed to a detour route in place to access Edmondson Park railway station from Camden Valley Way. The detour is facilitating the construction of the Bernera Road extension which is expected to be opened to traffic in April/May 2019.

With the detours in place and the road configuration, it has been observed that traffic flow along Peronne Road is increasing. Therefore, Council is proposing to change the priority to require traffic along Kingsbury Road to give way to traffic travelling along Peronne Road. In addition, it is suggested that a 'Stop' control be considered in place of the 'Give Way' control.

In addition, Council requests the RMS to install a 50km/h speed limit sign/pavement marking in Peronne Road south of Camden Valley Way to warn motorists from Camden Valley Way of the change to the sign posted speed limit from 70km/h to 50km/h.

The crash history to date warrants treatment of the four-way intersection with a traffic control/calming device, such as a roundabout. Council will undertake traffic surveys along both streets and use the results to consider the need for traffic calming devices. A design of a roundabout, taking into consideration the results of the speed classification, will be prepared for presentation to an upcoming Pedestrian, Active Transport and Traffic Committee meeting for further consideration.

The Committee is requested to endorse the proposed change in the existing 'Give Way' control, as shown in Attachment 8.1.

**DISCUSSION**

The Committee discussed and supported the proposed change to the existing 'Give Way' to a 'Stop' control. In addition, the Committee supported Council's proposal to undertake speed classifications along both streets and use the results to consider the need for traffic calming devices, including a roundabout.



**COMMITTEE RECOMMENDATION**

That:

1. Council submits a delegated authority application for the change of the intersection control to be implemented promptly.
2. Council undertakes speed clarifications along both streets and use the results to consider the need for traffic calming devices, including a roundabout.

**Motion:**

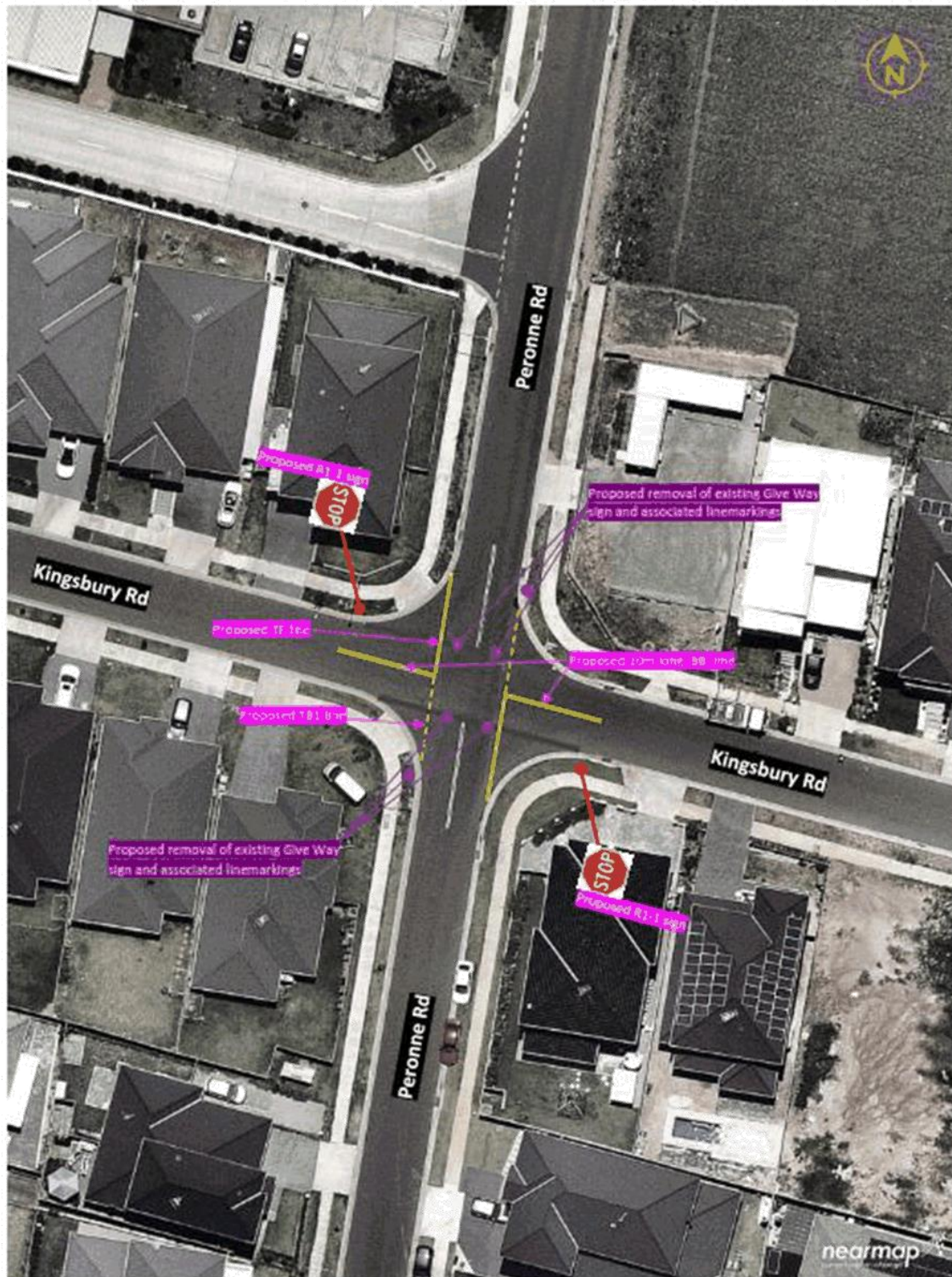
**Moved:** Charisma Kaliyanda

**Seconded:** Damian Leemon

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



## Attachment 8.1 – Kingsbury Road and Peronne Road – Proposed intersection treatment





<b>ITEM 9</b>	<b>LIVERPOOL PEDESTRIAN, ACTIVE TRANSPORT AND TRAFFIC COMMITTEE CHARTER UPDATE</b>
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**INTRODUCTION**

At its meeting on 7 November 2018, the Committee endorsed Council's proposal to change the name of the Liverpool Local Traffic Committee to the Liverpool Pedestrian, Active Transport and Traffic Committee.

Therefore, the Committee Charter, needs to be amended to reflect the name change.

The amended charter is shown in Attachment 9.1.

**RECOMMENDATION**

That the Committee notes the updated charter.

**DISCUSSION**

The Committee supported the updated charter.

**COMMITTEE RECOMMENDATION**

That:

1. Council notes the updated Liverpool Pedestrian, Active Transport and Traffic Committee Charter.

**Motion:**

**Moved:** Charisma Kaliyanda

**Seconded:** Damian Leemon

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



## Attachment 9.1



**LIVERPOOL PEDESTRIAN, ACTIVE  
TRANSPORT AND TRAFFIC COMMITTEE  
CHARTER**

**Adopted: 16 May 2018**

**TRIM: 054689.2018**



**PEDESTRIAN, ACTIVE TRANSPORT AND TRAFFIC COMMITTEE CHARTER****1. NAME**

Liverpool Pedestrian, Active Transport and Traffic Committee ('Committee')

**2. INTERPRETATION**

For the purpose of this Charter:

"Council" – means Liverpool City Council

"CEO" – means Chief Executive Officer

"Committee" – means Liverpool Pedestrian, Active Transport and Traffic Committee

"Guide" means A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees) (Roads and Maritime Services)

"Committee member" – means a formal member of the committee

**3. PURPOSE**

The purpose of the Committee is to provide expert advice to enable Council to exercise its delegation from the Roads and Maritime Services (RMS) in regards to traffic facilities as defined in the *Transport Administration Act 1988*. Council must refer all traffic related matters to the Committee prior to exercising its delegated functions.

The Committee has no decision-making powers. The Committee is primarily a technical review committee, which is required to advise the Council on matters referred to it by Council. These matters must be related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.

The Committee should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines.

**4. FUNCTIONS**

A Council can regulate traffic for the specific reasons set out in Section 115 of the *Roads Act 1993* such as carrying out work on a road etc., whereas the RMS can regulate traffic for any purpose. If Council wish to regulate traffic for purposes other than those specified in Section 115 of the *Road Act 1993* it must seek the advice of the Committee.

The function, membership, operation and administration of the Committee is outlined in the RMS Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees). This Charter should be read in conjunction with the Guide.



**PEDESTRIAN, ACTIVE TRANSPORT AND TRAFFIC COMMITTEE CHARTER****5. COMMITTEE DELEGATIONS**

Councils may only exercise their delegated functions in accordance with the Delegation to Councils – Regulation of Traffic. Liverpool City Council Councillors and CEO have Sub-delegation powers in accordance with this delegation.

**6. MEMBERSHIP**

In accordance with Guide, the Committee is made up of the following four formal and informal members:

**Formal Members**

- One representative of Council
- One representative of the NSW Police
- One representative of the RMS
- The Local State Members of Parliament (MP) or their nominees of relevant electorates.

The Council's representative may be any Councillor or Council officer.

**Informal Members (non-voting)**

The informal (non-voting) advisors who can provide input into the process, can include: Council's technical officers, and representatives of the local bus companies, fire brigade, ambulance and Chamber of Commerce.

**Quorum**

No special quorum is required for meetings. However, Council requires Committee to obtain RMS and Police comments prior to formulating its recommendations for Council to base its resolutions on traffic facilities.

**Voting**

While an organisation, which is a voting member, may choose to send more than one representative, that organisation is still limited to one vote only.

**Office Bearers**

The Committee is chaired by Council's nominated person, currently the Deputy Mayor.

The Chairperson may delegate their voting power to another Council representative.

**7. TERM OF OFFICE**

Formal members continue on the Committee on an ongoing basis.



**PEDESTRIAN, ACTIVE TRANSPORT AND TRAFFIC COMMITTEE CHARTER****8. GENERAL PUBLIC**

At the Chairperson's discretion, members of the public can be granted permission to attend.

**9. TIMETABLE FOR MEETINGS**

The Committee meets once every two months. Meeting timetable is on the Council's website.

**10. MEETING PRACTICES AND PROCEDURES**

The proposed date, time, location and business to be transacted at each meeting is to be notified to all members of the Committee at least three days prior to the meeting. Except as otherwise provided by this Charter, the Committee may regulate its own procedure at meetings.

The Committee is not a committee within the meaning of the *Local Government Act 1993*. Therefore, the operating arrangements for the Committee are as outlined in the Guide.

Council's Traffic and Transport Unit administers the Committee. The Unit prepares the Committee's agendas, minutes and reports.

All views are to be recorded i.e. unanimous view or any dissent is to be recorded. The Committee only makes recommendation for Council *consideration and decision* to decide on. Should Council's decision be contrary to the Committee's advice, members should be advised accordingly.

**11. SITE VISITS**

It is recommended that each member of the Committee undertake a site visit prior to considering any proposal. Site visits may be undertaken individually by the Committee members or be organized by Council as a joint visit.

**12. INSURANCE**

Committee members are covered by Council's personal accident insurance only for attendance at meetings and other activities formally endorsed by the Committee.

**13. CODE OF CONDUCT**

All Committee members are required to observe the provisions of Council's Code of Conduct and any other policy applicable to the proper functions of the Committee.

Should a Committee member breach Council's Code of Conduct or any other relevant council policy, the matter will be referred to the Chief Executive Officer to be dealt with in accordance with Council's Code of Conduct procedures.



**PEDESTRIAN, ACTIVE TRANSPORT AND TRAFFIC COMMITTEE CHARTER**

A breach of the Code of Conduct may result in the particular committee member being excluded from membership of the Committee.

All committee members have an obligation to report any pecuniary interest in any matter with which the Committee is concerned, and is present at a committee meeting at which the matter is being considered, must disclose the interest to the meeting and must not be present during any discussion or decision making relating to that matter. Leaving the room is necessary because to remain in the presence of the meeting but refrain from voting is taken to be a vote against the motion.

**14. CONFIDENTIALITY AND PRIVACY**

Committee members may come in contact with confidential or personal information retained by Council. Committee members are required to maintain the security and confidentiality of any such information and no access, use or removal of that information, unless authorized to do so.

The *Privacy and Personal Information Protection Act 1998* and Council's Privacy Management Plan deal with the collection, holding, use, correction, disclosure and transfer of personal information.

**15. MEDIA PROTOCOL**

The Chairperson of the Committee is the only person permitted to speak to the media on behalf of the Committee, subject to the appropriate provisions of Council's Media Representation Policy and should be addressed through the normal Council meeting process.

**16. REVIEW**

This Charter will be reviewed every two years.

**AUTHORISED BY**

Council

**EFFECTIVE FROM**

16 May 2018

**DEPARTMENT RESPONSIBLE**

City Economy & Growth (Planning and Transport Strategy)

**VERSION**

Version	Amended by	Date	TRIM Number
1	CW	15 February 2018	036186.2018
2	CW	23 May 2018	054689.2018

Page 5 of 6  
TRIM Number.054689.2018



**PEDESTRIAN, ACTIVE TRANSPORT AND TRAFFIC COMMITTEE CHARTER****REFERENCES**

- i. The delegated authority is as defined in the *Transport Administration Act 1988*.
- ii. *Road Transport (Safety and Traffic Management) Regulation 1999*
- iii. *Roads Act 1993*
- iv. *Local Government Act 1993*
- v. Delegation to Councils – Regulation of Traffic (Roads and Maritime Services)
- vi. A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic Committees) (Roads and Maritime Services) Version 1.3, 2009



### GENERAL BUSINESS ITEMS

Item	Name Location / Issue	Remark
1	Mill Road, Liverpool – Request for full-time '2P' parking restriction	<p>The Committee noted that '2P' parking restriction along the section of Mill Road fronting 438 Macquarie Street has been approved and the request is the timed parking to apply for 24 hours.</p> <p>The requested 24 hours restriction will be only such restriction in the Liverpool LGA. An appropriate and manageable '2P, 9am-10pm' restriction along the section of Mill Road fronting 438 Macquarie Street, was discussed and supported.</p>
2	Ernest Avenue, Chipping Norton – Request for mobility parking	<p>The Committee discussed and agreed that the existing parking arrangement along the western side of Ernest Avenue between Barry Road and Haddenham Street is to be maintained.</p> <p>The Committee recommended that Council is to request the Shopping Centre Management to improve access for mobility impaired from the basement car park.</p>
3	Green Valley Road and Lord Howe Drive, Green Valley – Speeding concerns	<p>The Police advised that Green Valley Road is continually monitored for speeding.</p> <p>Council is to consider placement of a VMS to remind motorists of the applicable 50km/h speed limit.</p>
4	<p>Gallop Street and Nicholls Street, intersection, Warwick Farm.</p> <p>On street parking in front of 27 Nicholls Street, at the with Gallop Street is obstructing bus movements through the intersection (requiring buses to drive onto footpath and nature strip).</p>	<p>The Committee discussed and agreed that parking restrictions are to be installed to improve bus manoeuvrability.</p> <p>Council is to submit an application under delegated authority to the RMS and Police for proposed parking restrictions.</p>



5	<p>Sandringham Drive, Cecil Hills – Kerbside parking along the section fronting Cecil Hills Farm, close to the Cecil Hills Public School, is obstructing bus movements.</p> <p>The parking requires bus and other vehicles to drive over a portion of the landscaped central median island.</p>	<p>Council to investigate and implement options to accommodate bus movements with the possibility of banning the existing kerbside parking fronting the section fronting Cecil Hills Farm or narrowing the central median island.</p>
6	<p>Kelsey Street, Middleton Grange – Use as a bus route</p>	<p>The bus companies raised the issue regarding Thomas Hassall Anglican College sending emails claiming that Liverpool Council “rangers” will issue infringement notices to bus drivers that operate in Kelsey Street, Middleton Grange.</p> <p>The bus companies requested that Council provide feedback regarding the alleged support from Council to remove buses from the street.</p> <p>Council advised that it would convene a meeting between Thomas Hassall, Interline, Transit Systems &amp; Council to discuss the issue.</p> <p>Bus services will continue to operate via Kelsey Street until further notice.</p>