

COUNCIL AGENDA

ORDINARY COUNCIL MEETING

28 April 2021

You are hereby notified that an **Ordinary Council Meeting** of Liverpool City Council will be held at the **FRANCIS GREENWAY CENTRE, 170 GEORGE STREET, LIVERPOOL** on **Wednesday, 28 April 2021** commencing at 6.00pm.

Due to the public health order social distancing requirements, there is a limit on the number of people who can attend. Please contact the Council and Executive Services team on 8711 7584 if you wish to register your interest to attend.

Liverpool City Council Meetings are livestreamed onto Council's website and remain on Council's website for a period of 12 months.



Dr Eddie Jackson

CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

PAGE TAB

Opening

Acknowledgment of Country and Prayer

National Anthem

Apologies

Condolences

Confirmation of Minutes

Ordinary Council Meeting held on 31 March 2021 6

Declarations of Interest

Public Forum

Mayoral Report

NIL

Notices of Motion Of Rescission

NIL

Chief Executive Officer Report

CEO 01 Council's Website Hosting and Content Management System License 83 1

City Economy and Growth Report

EGROW 01 Proposed realignment of Liverpool Hospital's Helicopter Flight Path 87 2

EGROW 02 Liverpool Design Excellence Panel 100 3

EGROW 03 Proposed Planning Agreement in conjunction with DA-904/2019 at 28
Yarrunga Street, Prestons 104 4

EGROW 04 Update on the draft Warwick Farm Racing Precinct Structure Plan, draft
Planning Proposal and draft Contributions Plan 113 5

EGROW 05 Proposed Planning Agreement in support of Draft Amendment 79 to
Liverpool Local Environmental Plan - 4-8 Hoxton Park Road, Liverpool 126 6

EGROW 06 Planning Proposal request to amend provisions contained within
Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental
Plan 2008 to facilitate the expansion of The Grove, Warwick Farm 132 7

EGROW 07 Proposed Moorebank Avenue Realignment – Submission on
Environmental Impact Statement..... 146 8

City Community and Culture Report

COM 01 Grants, Donations and Corporate Sponsorship 157 9

City Corporate Report

CORP 01 Investment Report March 2021 161 10

CORP 02 Submission on Consultation Paper regarding Remote Attendance by
Councillors at Council Meetings 170 11

ORDER OF BUSINESS

	PAGE	TAB
City Presentation Report		
PRES 01 Nature Strip/ Verge Mowing Policy	187	12
City Infrastructure and Environment Report		
NIL		
Committee Reports		
CTTE 01 Minutes of the Liverpool Youth Council meeting held Tuesday 9 March 2021	194	13
CTTE 02 Minutes of the Liverpool Pedestrian, Active Transport and Traffic Committee meeting held on 17 March 2021	202	14
Questions with Notice		
QWN 01 Question with Notice - Clr Rhodes - Mobile Office Services.....	208	15
QWN 02 Question with Notice - Clr Kaliyanda - Food Insecurity.....	210	16
QWN 03 Question with Notice - Clr Kaliyanda - Gender Pay Gap	213	17
QWN 04 Question with Notice - Clr Hagarty - Infrastructure and Services in Growth Areas	214	18
QWN 05 Question with Notice - Clr Hadchiti - Civic Place Documentation	222	19
QWN 06 Question with Notice - Clr Hadchiti - Aerotropolis.....	223	20
QWN 07 Question with Notice - Clr Hadchiti - Drainage Channels	227	21
QWN 08 Question with Notice - Clr Rhodes - The Moorebank Intermodal Special Rates Provision.....	229	22
QWN 09 Question with Notice - Clr Rhodes - Semi detached housing engineering specifications in New Release Areas.....	231	23
QWN 10 Question with Notice - Clr Hagarty - Mice.....	232	24
QWN 11 Question with Notice - Clr Hagarty - Towards Zero	233	25
QWN 12 Question with Notice - Clr Ayyad - Civic Place	234	26
Presentations by Councillors		
Notices of Motion		
NIL		
Council in Closed Session		
The following items are listed for consideration by Council in Closed Session with the public excluded, in accordance with the provisions of the Local Government Act 1993 as listed below:		
CONF 01 Western Sydney Parklands BMX Track Proposed Partnership		
<i>Reason: Item CONF 01 is confidential pursuant to the provisions of s10(A)(2)(d ii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.</i>		

ORDER OF BUSINESS

CONF 02 Legal Affairs Report - 1 January 2021 - 31 March 2021

Reason: Item CONF 02 is confidential pursuant to the provisions of s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CONF 03 Bigge Park Cafes - Lot 702 DP 1056246, Bigge Street, Liverpool

Reason: Item CONF 03 is confidential pursuant to the provisions of s10(A)(2)(d i) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CONF 04 Update on Interim Heritage Orders **(provided in Confidential Addendum Booklet)**

Reason: Item CONF 04 is confidential pursuant to the provisions of s10(A)(2)(b) (c) of the Local Government Act because it contains matters concerning the personal hardship of any resident or ratepayer; AND information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CONF 05 Domestic Waste Management Levy **(provided in Confidential Addendum Booklet)**

Reason: Item CONF 05 is confidential pursuant to the provisions of s10(A)(2)(d ii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

Close



MINUTES OF THE ORDINARY MEETING HELD ON 31 MARCH 2021

PRESENT:

Mayor Wendy Waller
 Councillor Ayyad
 Councillor Balloot
 Councillor Hadchiti
 Councillor Hadid
 Councillor Hagarty
 Councillor Harle
 Councillor Kaliyanda
 Councillor Karnib
 Councillor Rhodes
 Councillor Shelton
 Dr Eddie Jackson, Chief Executive Officer
 Mr George Hampouris, Acting Director City Corporate
 Ms Tina Bono, Acting Director City Community and Culture
 Mr David Smith, Acting Director City Economy and Growth
 Mr Peter Diplas, Acting Director City Presentation
 Mr Raj Autar, Director City Infrastructure and Environment
 Mr Vishwa Nadan, Chief Financial Officer
 Mr George Harb, Chief Information Officer
 Mr John Milicic, Manager Property Services
 Ms Jennifer Chenhall, General Counsel, Manager Governance Legal and Procurement
 Mr Charles Wiafe, Manager Planning and Transport Strategy
 Mr George Georgakis, Manager Council and Executive Services
 Ms Maree Stewart, Coordinator Council and Executive Services (minutes)

The meeting commenced at 6.01pm.

STATEMENT REGARDING WEBCASTING OF MEETING

The Mayor reminded everyone that in accordance with Council's Code of Meeting Practice (other than the Public Forum Section), the meeting is being livestreamed.

ACKNOWLEDGMENT OF COUNTRY, PRAYER OF COUNCIL AND AFFIRMATION TO BE READ BY

The prayer of the Council was read by Reverend David Morgan from St Mark's Anglican Church.

NATIONAL ANTHEM

The National Anthem was played at the meeting.

APOLOGIES

Nil.

CONDOLENCES

Nil.

CONFIRMATION OF MINUTES

Motion: **Moved: Clr Shelton** **Seconded: Clr Karnib**

That the minutes of the Ordinary Meeting held on 24 February 2021 be confirmed as a true record of that meeting.

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

DECLARATIONS OF INTEREST

Clr Ayyad declared a pecuniary interest in the following item:

Item: EGROW 01 - Amendments to Austral/Leppington North Planning Framework

Reason: Ctr Ayyad's husband owns and runs a consultancy firm and his services have been employed by a local school in the area.

Clr Ayyad left the Chambers for the duration of the item.

Clr Ayyad declared a non-pecuniary, less than significant interest in the following item:

Item: CONF 02 - Dedication to Council of Lot 39 in DP 1160527, Lot 39 Swoffer Avenue, Middleton Grange for drainage purposes

Reason: One of the landowners has provided professional services to Clr Ayyad and her family.

Clr Ayyad remained in the Chambers for the duration of the item.

Clr Hadchiti declared a pecuniary interest in the following item:

Item: EGROW 01 - Amendments to Austral/Leppington North Planning Framework
Reason: Clr Hadchiti and his immediate family members live and have property in the area that the report relates to.

Clr Hadchiti left the Chambers for the duration of the item.

Clr Hadchiti declared a non-pecuniary, less than significant interest in the following item:

Item: EGROW 02 - Issues and Options Report - Temporary Use of Land in Growth Areas
Reason: Clr Hadchiti and his immediate family members live and have property in the area, however the interest is non-pecuniary and less than significant.

Clr Hadchiti remained in the Chambers for the duration of the item.

Clr Hadchiti declared a pecuniary interest in the following item:

Item: INF 01 - Wianamatta South Creek Flood Study Update
Reason: Clr Hadchiti and his immediate family members live and have property in the area that the report relates to.

Clr Hadchiti left the Chambers for the duration of the item.

Clr Hadchiti declared a non-pecuniary, less than significant interest in the following item:

Item: QWN 21 - Question with Notice - Clr Hagarty - Infrastructure and Services in Growth Areas
Reason: Clr Hadchiti and his immediate family members live and have property in the area, however the interest is non-pecuniary and less than significant.

Clr Hadchiti remained in the Chambers for the duration of the item.

Clr Hadchiti declared a non-pecuniary, less than significant interest in the following item:

Item: QWN 24 - Question with Notice - Clr Hadchiti - Drainage Channels
Reason: Clr Hadchiti and his immediate family members live and have property in the area, however the interest is non-pecuniary and less than significant.

Clr Hadchiti remained in the Chambers for the duration of the item.

Clr Hagarty declared a non-pecuniary, less than significant interest in the following item:

Item: CONF 02 - Dedication to Council of Lot 39 in DP 1160527, Lot 39 Swoffer Avenue, Middleton Grange for drainage purposes

Reason: Clr Hagarty has had dealings through his work and in his community work with one of the owners.

Clr Hagarty left the Chambers for the duration of the item.

Clr Kaliyanda declared a non-pecuniary, less than significant interest in the following item:

Item: CONF 04 - Environment Advisory Committee - Appointment of Committee Membership

Reason: Clr Kaliyanda knows one of the people recommended in the report to be appointed to the Environment Advisory Committee.

Clr Kaliyanda remained in the Chambers for the duration of the item.

Clr Shelton declared a non-pecuniary, less than significant interest in the following item:

Item: CEO 01 - Payment of Fees for Members of the Audit, Risk and Improvement Committee

Reason: Clr Shelton sits on the same Committee as the individuals involved, has had a role in relation their selection and is involved in voting and exchanging views on various issues from time to time.

Clr Shelton remained in the Chambers for the duration of the item.

Clr Shelton declared a non-pecuniary, less than significant interest in the following item:

Item: INF 01 - Wianamatta South Creek Flood Study Update

Clr Shelton had a non-pecuniary less than significant interest in relation to the motion as it was originally proposed, rather than the motion as adopted.

Clr Shelton remained in the Chambers for the duration of the item.

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MAYORAL MINUTE

ITEM NO: MAYOR 01

FILE NO: 093897.2021

SUBJECT: Thank You for Support Provided During Severe Weather Event

BACKGROUND

On the weekend of 20 March, a severe weather event inundated the Local Government Area, causing widespread flooding which had a major impact on the road networks and drainage channels.

Working around the clock from Saturday 20 March, Council's City Presentation Team proactively patrolled the Local Government Area attending to numerous emergency call-outs and managing flash-flooding locations, clearing blocked drainage channels, redirecting rapids away from homes, clearing debris to make roads safe, and executing traffic control management plans with road closures and detours.

Our recovery efforts now focus on an assessment of all Council areas and facilities. As the flash flooding areas recede, our Teams have moved from immediate response mode to an assessment and recovery phase. All areas will be assessed to determine the damage, and this will provide visibility of risks and priorities to be addressed.

The Council's City Presentation Team and State Emergency Services along with other members of the Local Emergency Management Committee played an important role in providing immediate responses to critical issues impacting the community and keeping people safe. Our community is thankful that no community members were evacuated, and no homes or lives were lost during this event.

COUNCIL DECISION

Motion: **Moved: Mayor Waller**

That Council:

1. Acknowledge and thank all staff involved for their diligent and tireless work during the severe weather event; and
2. Write to the Liverpool NSW State Emergency Service and the Local Emergency Management Committee to thank them for their service and support in assisting the local community during the severe weather event.

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

MOTION OF URGENCY

Cllr Rhodes requested that she be permitted to move a Motion of Urgency relating to the Revised Parameters of the Intermodal Appeal Case No.: 2020/0004407.

Mayor Waller ruled that the motion was urgent and that it would be dealt with in Confidential Session at the end of the meeting.

Clr Hadchiti and Clr Ayyad left the Chambers at 6.21pm.

CITY ECONOMY AND GROWTH REPORT

ITEM NO: EGROW 01

FILE NO: 035016.2021

SUBJECT: Amendments to Austral/Leppington North Planning Framework

COUNCIL DECISION

Motion:

Moved: Clr Harle

Seconded: Clr Kaliyanda

That Council:

1. Notes the Gateway determination for Liverpool Local Environmental Plan 2008 (Amendment 75) and the results of public exhibition and community consultation on the Austral/Leppington North Planning Framework.
2. Proceeds with Liverpool Local Environmental Plan 2008 Amendment 75 (Attachment 1) and forwards the amendment to the Department of Planning, Industry and Environment for finalisation and gazettal.
3. Approves amendments to Liverpool Growth Centres Precinct DCP in accordance with Attachments 2 and 3, on publication of the required notice and to come into effect once Liverpool LEP 2008 Amendment 75 is gazetted.
4. Endorses Liverpool Contributions Plan 2021 – Austral and North Leppington Precincts (Attachments 4 and 5) and forwards the contributions plan to the Independent Regulatory and Pricing Tribunal (IPART) for assessment followed by consideration of IPART's assessment by the Minister for Planning and Public Spaces (or nominee).
5. Receives a further report following IPART's assessment and the Minister's advice for adoption of Liverpool Contributions Plan 2021 – Austral and North Leppington Precincts as an 'IPART Reviewed Contributions Plan'.
6. Delegates to the Chief Executive Officer authority to make any typographical amendments and consequential changes to maps and works schedules in the DCP and CP if required.
7. Directs the CEO to further investigate issues relating to odour impacts and dwelling density/variety controls in the Austral/Leppington North Precinct, with a further report back to Council.

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

The Councillors voted unanimously for this motion.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Rhodes**

1. Supports the renaming of Impala Street to Dagostino Street, Austral;
2. Forwards the name to the Geographical Names Board (GNB), seeking formal approval;
3. Publicly exhibit the name in accordance with Council's Naming Convention Policy, for a period of 28 days and notify adjacent landowners, following formal approval from the GNB; and
4. Authorises the Chief Executive Officer (CEO) to undertake the process of gazettal, if there are no submissions received during public exhibition.

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

Motion: **Moved: Clr Hadid** **Seconded: Clr Harle**

1. Notes the successful application for grant funding totalling \$59.1 million for the staged upgrade of Edmondson Avenue from Bringelly Road to Seventh Avenue, Austral to a four-lane road and for design investigations for the upgrade of Denham Court Road from Commissioners Road to Campbelltown Road, Denham Court to a four-lane road.
2. Writes to the Minister for Planning and Public Spaces expressing Council's appreciation for the funding allocation and to seek a commitment for additional funding to complete the upgrade of the remaining section of Edmondson Avenue from Seventh Avenue to Fifteenth Avenue and for the full upgrade of Fifteenth Avenue.
3. Lobby the State Government to contribute funds for the complete upgrade of Edmondson Avenue and Fifteenth Avenue.

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

CITY CORPORATE REPORT

ITEM NO: CORP 01
FILE NO: 054490.2021
SUBJECT: Investment Report February 2021

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Rhodes**

That Council receives and notes this report.

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

ITEM NO: CORP 02
FILE NO: 061294.2021
SUBJECT: 2021 National General Assembly of Local Government

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Harle**

That Council endorse the attendance of Councillor Balloot at the National General Assembly

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

Motion: **Moved: Clr Rhodes** **Seconded: Clr Harle**

“A confirmed breach of Code of Conduct, finalised through Council process for breach of Code of Conduct in the previous 12 months, prior to the close of nominations precludes from being considered for an award until nominations are being called for the following 12 month period.”

Clr Hadchiti and Clr Shelton asked that they be recorded as voting against the motion.

That Council endorse the inclusion of the following clause to the eligibility criteria of the Order of Liverpool Awards and Australia Day Awards:

“A breach of Council’s Code of Conduct in the previous 12 months would preclude a nominee from being considered for an Award”.

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

Clr Hadchiti, Clr Rhodes and Clr Shelton asked that they be recorded as voting against the motion.

ITEM NO: CORP 04
FILE NO: 065712.2021
SUBJECT: Geographical Information System License - Corporate Applications

COUNCIL DECISION

Motion: **Moved: Cllr Hagarty** **Seconded: Cllr Kaliyanda**

That Council:

1. Approves by resolution pursuant to section 55 (3) (i) of the Local Government Act 1993 not to tender for existing services on the grounds that *(i) because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution that a satisfactory result would not be achieved by inviting tenders* in so far as:
 - 1.1 The existing system is a market leader having significant participation in local and state government;
 - 1.2 The likelihood the tender process achieving an equivalent or superior system is remote given the supplier saturation of the market;
 - 1.3 The existing systems are integral software packages allowing Council to meet customer service objectives across all service delivery areas;
 - 1.4 Operations are familiar with the platform having successfully used the systems for many years;
 - 1.5 Migrating to alternative systems at this time would be both cost prohibitive and difficult to achieve.
2. Delegate authority to the CEO to enter into direct negotiate with the incumbent suppliers pursuant to 55(3)(i) of the *Local Government Act 1993*.
 - AAM Pty Ltd - Verti GIS - Geocortex
 - ESRI Australia - ESRI
 - Hexagon Geospatial - Apollo
3. Delegate to the CEO authority to enter into a formally binding licenced contract with the existing services providers for a period of five (5) years with the option to extend for a further 2 12-month intervals.

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

Clr Hadchiti left the Chambers at 7.08pm.

Clr Balloot left the Chambers at 7.35pm.

Clr Balloot returned to the Chambers at 7.40pm.

CITY INFRASTRUCTURE AND ENVIRONMENT REPORT

ITEM NO: INF 01

FILE NO: 071829.2021

SUBJECT: Wianamatta South Creek Flood Study Update

COUNCIL DECISION

Motion:

Moved: Clr Hagarty

Seconded: Clr Hadid

That Council

1. Note that the State Government is undertaking studies of the area and it is unknown how long these studies will take, and defer the matter until such time as:
 - the latest flood event is adequately assessed by independent consultants in relation to the proposed flood study.
2. Investigate illegal fill and undertake flood mitigation works in the areas covered by the draft flood maps;
3. Lobby the State and Federal Governments for funding to mitigate the effects of flooding in the areas covered by the draft flood maps; and
4. Look at current flood maps based on the local history, going back to the 2019 flood, and consult with the local community about how this relates to the existing flood maps and provide a further report to Council.

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

The Councillors voted unanimously for this motion.

ITEM NO: CTTE 01

FILE NO: 047472.2021

SUBJECT: Minutes of the Audit, Risk and Improvement Committee Meeting held on 5 February 2021

Motion:

Moved: Clr Rhodes

Seconded: Clr Harle

That Council:

1. Receives and notes the Minutes of the Audit, Risk and Improvement Committee Meeting held on 5 February 2021; and
2. Provide a report to strategic panel once the changes to the legislation regarding the private certifiers has been made available, regarding the :
 - a) How the Council's planning instruments are protected from being undermined by non-conformance to the Council's Planning instruments by private certifiers;
 - b) The changes to legislation regarding Private Certifiers reserved under the department of Fair Trading as suggested by ARIC;
 - c) How the Enforcement Standard may be changed to meet the ever changing challenges in the needs of the Liverpool Community;
 - d) The Enforcement Standards should be included in the report so that people can read them again; and
 - e) Including the complaints that have been received and the outcome of any investigation.

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

ITEM NO: CTTE 03
FILE NO: 060262.2021
SUBJECT: Minutes of the Environment Advisory Committee held 8 February 2021

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Hagarty**

That Council receives and notes the Minutes of the Environment Advisory Committee meeting held on 8 February 2021.

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

ITEM NO: CTTE 04
FILE NO: 061091.2021
SUBJECT: Minutes of Strategic Panel Meeting held on 8 February 2021

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Hagarty**

That Council receives and notes the Minutes of the Strategic Panel Meeting held on 8 February 2021

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

ITEM NO: CTTE 05
FILE NO: 064078.2021
SUBJECT: Minutes of the Liverpool Pedestrian, Active Transport and Traffic Committee Meeting held on 3 February 2021

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Hagarty**

That Council adopts the following recommendations of the Committee:

Item 1 - Manning Street, Priddle Street and Scrivener Street, Warwick Farm – Review of Parking Restrictions.

- Approves transverse line marking between 2m and 7m on either side of major driveways along Manning Street, to accommodate safe turning movements.
- Centre and edge line marking along sections of Manning Street, Priddle Street and Scrivener Street.

Item 2 - The Northern Road, (realigned road section), Bringelly - Request for Parking Restrictions.

- Approves proposed timed 'No Parking', bus stop and associated signs and line marking scheme.

Item 3 - Strzlecki Drive and Singleton Street, Carnes Hill – Proposed Traffic Facilities.

- Approves a pedestrian refuge at the intersection of Strzlecki Drive and Schoeffel Grove, two speed humps across Strzlecki Drive as well as minor intersection treatments at Strzlecki Drive - Singleton Street and Strzlecki Drive -Rosedale Circuit intersections.
- Detailed design of the facilities be submitted to TfNSW for comment, prior to construction.
- Community consultation to be carried out with the affected residents prior to construction.

Item 4 - Nuwarra Road and Marshall Avenue Intersection, Moorebank - Request for Intersection Treatment.

- Approves installation of a mountable roundabout at the Nuwarra Road and Marshall Avenue intersection, Moorebank.
- Detailed design of the roundabout is to consider tree planting in the central island.
- Approves C3 yellow linemarking on the northern side of the intersection, along Clyde Avenue.
- Council to undertake community consultation prior to installation.

- Council to investigate options for imposing a load limit along Nuwarra Road, in consultation with TfNSW.

Item 5 - Brickmakers Drive/Christiansen Boulevard/Greenview Drive, Moorebank – Request for a Pedestrian Crossing Facility.

- Approves construction of a gap through the eastern splitter island at the Brickmakers Drive/Christiansen Boulevard/Greenview Drive roundabout, to act as a pedestrian refuge.

Item 6 - Mannow Avenue, West Hoxton – Proposed Line marking Scheme.

- Approves separation signs and line marking scheme along the section of Mannow Avenue, west of Carmichael Drive.

Item 7 - Fourth Avenue/Tenth Avenue, Road upgrade, Austral – Proposed signs and line marking scheme.

- Approves road upgrades along sections of Fourth Avenue and Tenth Avenue, two roundabouts at Fourth Avenue/Tenth Avenue and Fourth Avenue/ Eleventh Avenue intersections and associated signs and line marking scheme.

Item 8 - New Subdivisions – Proposed signs and line marking schemes.

- Approves signs and line marking at the intersection of Eighth Avenue and Muster Street.
- Signs and line marking at the intersections of Stock Street (half-road), Hackney Street and an unnamed laneway.

Item 9 - Hume Highway – Proposed Cycleway.

- Approves sign and line marking scheme for the proposed shared path.

Item 10 - Northumberland Street, Liverpool – Proposed Parking restrictions.

- Approves a works zone along the section of Northumberland Street and No Stopping restrictions along Laurantus Serviceway between 7am-6pm, MON-FRI, 8am-1pm SAT.
- Advise all stakeholders of Council's resolution.

Item 11 - Items Approved Under Delegated Authority.

Approve delegated authority applications approved by the NSW Police Force and RMS representatives during the period 19 November 2020 and 3 February 2021.

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

Motion: **Moved: Clr Rhodes** **Seconded: Clr Hagarty**

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

Motion: **Moved: Clr Rhodes** **Seconded: Clr Hagarty**

1. Receives and notes the minutes of the Tourism and CBD Committee meeting held on 23 February 2021; and
3. Endorse the recommendations in the minutes.

Chairperson

Mayor Waller called a recess of Council at 8.03pm.

Mayor Waller reopened the meeting at 8.17pm.

QUESTIONS WITH NOTICE

ITEM NO: QWN 01

FILE NO: 043112.2021

SUBJECT: Question with Notice - Clr Hadchiti - Boardwalk at the Paper Mill

Please address the following:

1. Has the board walk which formed part of the developers VPA at the Paper Mill been approved for construction?

Response

A voluntary planning agreement (VPA) was entered into between Council and the following parties:

- Shepherd Street Developments Pty Ltd
- Coronation (33 Shepherd St) Pty Ltd
- Coronation (28 Shepherd St) Pty Ltd
- Coronation (26 Shepherd St) Pty Ltd
- Shepherd Property Nominee Pty Limited

The purpose of the VPA is to deliver infrastructure and financial contributions to support the redevelopment of the Shepherd Street precinct. Council has been dealing directly with Coronation in relation to the delivery of the infrastructure items included in the VPA, including the riverbank works (bank stabilisation and shared path) subject to this question with notice.

There are two key approvals required from Council to enable the commencement of works:

1. Approval under Part 5 of the Environmental Planning and Assessment Act
2. Licence for occupation of Council land for a works compound

The Part 5 approval is facilitated by a "Review of Environmental Factors" or REF. The REF is prepared by the proponent and then assessed and approved by Council. Coronation has provided Council with a REF to review and approve. Council have required some additional information and clarification of specific issues to ensure that the REF is suitable for the works.

Final assessment has been made on the REF by Council. On 18 March 2021, Council received the final documentation that it requires to complete this assessment. If this documentation addresses the requirements of the VPA and the issues raised in submissions, then the REF will be approved. Council acknowledges the risks of continued erosion of the bank adjacent to the development site and are working quickly to finalise the approval.

In relation to the works compound, Council have issued a draft site compound licence to Coronation for their review. This draft licence has been subject to a public exhibition process in accordance with the requirements of the Local Government Act.

Once the REF is approved and the licence executed, all relevant Council approvals will be complete.

ITEM NO: QWN 02
FILE NO: 043118.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Service Level Agreements

Please address the following:

1. Council was to introduce Service Level Agreements between departments. Has this been implemented?

Response

All Council departments have developed a draft set of internal customer service levels which include response and turn-around times for interdepartmental activity.

Although these have been developed, Council's Executive has determined that the implementation of internal customer service levels needs to be aligned to the broader organisational service and budgeting review which is currently being undertaken. This would mean that both internal and external customer service level agreements will be streamlined with a focus on key service outcomes. These will be consistent across the organisation with accountability and clarity around turnaround times ingrained in their development.

By aligning the internal customer service levels with Council's broader service and budgeting review, Council can ensure that internal customer service levels include the appropriate monitoring, reporting and accountability measures and that these are embedded into the day to day operations of Council.

ITEM NO: QWN 03
FILE NO: 043121.2021
SUBJECT: Question with Notice - Clr Hadchiti - Heritage Review

Please address the following:

1. Council is undertaking a city-wide heritage review. My understanding is staff have identified sites that will form part of this review. If these sites are privately owned have the owners been notified that their property will be reviewed or will the first they know of it be when the report is presented to Council?

Response

Council is preparing a detailed project brief for the proposed Liverpool Heritage Study project. Council will go to market via an Expressions of Interest process to identify suitable consultants. The EOI process is scheduled to commence by the end of April 2021 with shortlisting in May 2021. Subject to a budget allocation in the 2021/22 financial year, the shortlisted consultants will be invited to tender in July/August 2021.

This project is a comprehensive community-based heritage study for the Liverpool Local Government Area. At this stage, no properties, beyond any requests for Interim Heritage Orders, have been identified or assessed.

The proposed community-based heritage study will consist of at least four components, as follows:

1. A detailed thematic history of the Liverpool area;
2. The Heritage Study;
3. Land Use Planning Analysis; and
4. Financial Implications Analysis.

A list of potential heritage items will be created through a series of community workshops, engagement through Council's digital platforms, and consultation with identified key stakeholder groups. The list of potential items collated through this process will be analysed by the independent heritage consultant, compressing the list down to a schedule of potential items that meets the Heritage Significance Assessment criterion. This list will not be made public, at this stage of the project.

Engagement with the owners of potential heritage items will commence at this stage of the project and the engagement program will consist of the following:

1. Initial notification to owners of the identification of their property, and a factsheet will be prepared that will outline the study process and the timeframe. A request will also be made for Council's consultant team to visit the property to inform the assessment process. This will also give the owner an opportunity to meet the consultant team, to discuss the process and provide any information they feel is necessary.

2. Following the initial notification, a Q&A forum will be held with all owners of potential heritage items. The forum panel will consist of the heritage, land use planning and economic experts of the independent consultant team as well as Council's heritage and planning representatives. The forum will be chaired by an independent community engagement specialist and will provide all owners an opportunity to ask questions relating to potential heritage listing and to get answers from the panel. Where questions cannot be answered, these will be taken on notice and a formal response will be provided after the forum. All questions and answers will be documented, and a draft will be provided to all attendees to confirm the question and answers provided.
3. During the Land Use Planning and Financial Implications analysis, one-on-one interviews will be held with each owner of a potential heritage item. The purpose of these interviews will be to understand the condition of the building, future intentions of the owner and any potential financial challenges. This information will form part of a confidential report which will inform an analysis outlining the issues identified and provide recommendations or mitigation measures. The analysis will be a public document, however, will not identify specific owners and properties and their identified situations.
4. The outcome of the assessment process will then be presented to each owner in a detailed letter. Opportunities will be provided for the owner to again meet with the consultant team to discuss the outcome and potential implications.
5. The outcomes of these detailed consultation stages with the owners will be documented and summarised in a stakeholder engagement report that will be tabled to Council with the draft study. Where owners clearly object to the listing of their property, this will be documented along with the reasonings and a response from the consultant team.

The proposed approach to consultation with owners of potential heritage items is extensive and will occur before a draft is presented to Council. The proposed consultation program is greater than what is recommended for heritage studies, but Council considers it important to bring owners into the process early and to have them actively involved.

ITEM NO: QWN 04
FILE NO: 043125.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Machinery Purchase

Please address the following:

1. Council allocated approximately \$3m to the City Presentation team for the purchase of new equipment. What machinery was purchased and how was this determined?

Response

In 2019, the City Presentation Directorate requested additional funding for the purchase of plant and equipment to address the increasing servicing requirement across the expanding Local Government Area. Council Resolution (Corp 03 dated December 2019) approved budget variations for the transfer of \$1.5M of unrestricted reserves to City Presentation.

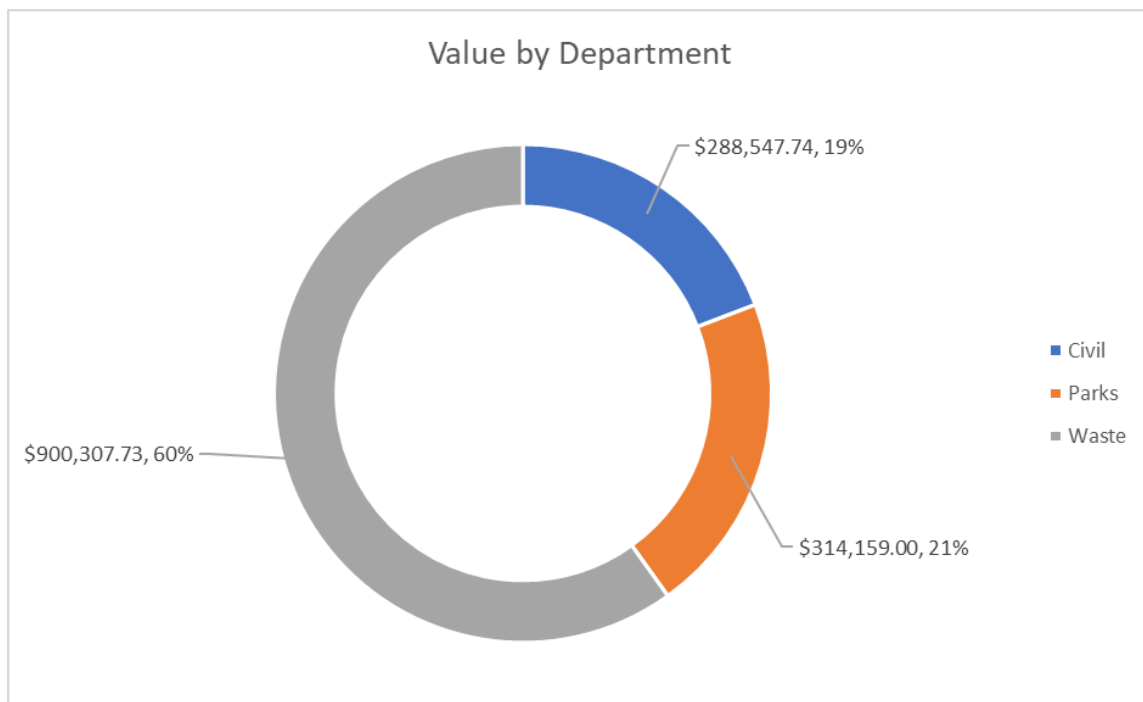
In March 2020, the Managers for City Works (Parks and Civil), Waste and Cleansing as well as Operational Facilities presented individual rationales to the Director of City Presentation for consideration. A review of service and maintenance programs in each area was undertaken, and a final decision of plant and equipment acquisitions was based on service priorities.

The acquisition strategy evolved from the original list as presented in the Memo to the Mayor and Councillors dated 6 March 2020.

Please refer to the table below, outlining the latest commitments.

Plant and Equipment Acquisition Status Report

Department	Replacement/ New Initiative	Description of Plant Make	Model	Qty	Contract Value	Procurement status	Estimated Arrival Month	Timing during month
Civil	New Initiative	Hino	6X4 Tipper	1	\$213,547.74	Plant Ordered	Jun-2021	End
Civil	New Initiative	Rogers Willex	Trailer for civil excavator 951	1	\$25,000.00	Plant Manufacturing	Apr-2021	End
Parks	New Initiative	Kubota	Extra tractor for Dave Taylor team	1	\$74,282.00	Delivered to dealership	Apr-2021	End
Waste	New Initiative	Isuzu	FXV 6X4	1	\$179,133.63	Plant Ordered	May-2021	Mid
Waste	New Initiative	Effer	80-2 Crane	1	\$59,000.00	Plant Ordered	May-2021	Mid
Waste	New Initiative	Hartliffe	Crane attachments	1	\$11,500.00	Plant Ordered	May-2021	Mid
Waste	New Initiative	Avant	850 Loader	1	\$108,712.73	Delivered to supplier for modification	Mar-2021	End
Waste	New Initiative	Garwood	1 Compactor	1	\$210,023.64	Procurement - Award	Sep-2021	End
Waste	New Initiative	Carier Wesco	BT450	1	\$18,475.00	Completed	ready now	
Waste	New Initiative	Garwood	1 X Street Sweeper	1	\$313,462.73	Plant Manufacturing	Sep-2021	End
Civil	New Initiative	tbc	Mulching Head for excavator	1	\$50,000.00	Procurement - Scoping	tbc	tbc
Parks	New Initiative	tbc	Condor Slasher – West Sports Fields	1	\$30,000.00	Procurement - Scoping	tbc	tbc
Parks	New Initiative	tbc	Mentay 2000 Wicket roller – Rosedale	1	\$32,000.00	Procurement - Scoping	tbc	tbc
Parks	New Initiative	tbc	Small plant & hardware for Cirtillo Reserve	1	\$8,000.00	Procurement - Scoping	tbc	tbc
Parks	New Initiative	tbc	2 X Kubota trailers	1	\$55,000.00	Procurement - Scoping	tbc	tbc
Parks	New Initiative	tbc	Walk Behind Roller	1	\$22,000.00	Procurement - Scoping	tbc	tbc
Parks	New Initiative	Kubota	Out-Front Mowers F3690	1	\$30,959.00	Completed	ready now	
Parks	New Initiative	Kubota	Out-Front Mowers F3690	1	\$30,959.00	Completed	ready now	
Parks	New Initiative	Kubota	Out-Front Mowers F3690	1	\$30,959.00	Completed	ready now	
					\$1,503,014.47			



It is important to note - "the current lead-time for tendering plant and equipment in accordance with the Local Government Act 1993 – Section 55 and Local Government (General) Regulation 2005, Part 7 would take approximately 6 months to purchase. In addition, average manufacturing time range anywhere from 3-8 months, once contracts are awarded. This means there would be a lead-time of a maximum total of 14 months before plant is available to our workforce".

The Council's priority at the time was to ensure the plant renewal budget of over \$4M to replace the aging plant and equipment had to be delivered first, to meet the Council's safety obligations under the National Heavy Vehicle Law (NHVL).

The expenditure of the \$1.5M for plant and machinery commenced after this initiative in a two-phased procurement process, which allowed Council to manage the budget and take into account uncertainty associated with market pricing.

The procurement process takes approximately 6-9 months to scope and go through the procurement cycle. In addition, significant events such as the NSW Bushfires in December/January 2019/2020, the February flood event in 2020 and the COVID19 pandemic presented significant challenges across manufacturing, logistics, as well as, shipping and transport which further impacted the timeline.

The Council aims to have all plant and equipment purchasing completed by December 2021.

ITEM NO: QWN 05
FILE NO: 043131.2021
SUBJECT: Question with Notice - Clr Hadchiti - Wait Time for Household Clean Up Service

Please address the following:

1. What is the wait time as at 15 February, 2021 for a household clean up service (waste pick up)?

Response

Currently Council's website states "please book at least four weeks in advance", our current service timeframes range from four to six weeks which is in line with our current resourcing (Waste Operatives and Plant availability).

On 1 February 2021 Council launched a new booking system, which has been well received by the community. The ease of the new booking system has introduced a positive impact with increased bookings which has also led to the lead times increasing.

Each household is permitted two bookings per year at a maximum capacity of 2 tonnes allowed per booking.

Starting on 22 February 2021 our Waste Teams' maximum capacity for household collections is up to 175 collections per day. This was increased from 140 collections per day once the acquisition and roll out of the five new Compactors (Trucks) was completed.

Council is currently reviewing resourcing to improve wait times and service delivery to the community.

1. Who is responsible for the dangerous one lane bridge on Sixth Avenue, Austral close to the intersection of Thirtieth Avenue?

The bridge on Sixth Avenue, Austral near its intersection with Thirteenth Avenue, crosses the Water NSW Upper Canal. Water NSW owns the bridge and has responsibility for its maintenance.

The road approaches to the bridge have been inspected and stop signs have been relocated. In addition, overgrown grass which was obstructing sight distances has been mowed to improve visibility on the bridge approaches.

Water NSW engaged consultants last year to assess heavy vehicle movements across the bridge and as a result, an 18-tonne load limit to restrict heavy vehicles has been imposed. The load limit signs will be installed this month.

To reduce traffic speeds on the bridge approaches, the Liverpool Pedestrian, Active Transport and Traffic Committee will consider the installation of two rubber speed humps on either side of the bridge at its meeting on 17 March 2021.

When the Austral / Leppington North precinct was zoned by the NSW Government, no provision was made for the widening of this bridge, including within the Contributions Plan. Further, Browns Road is to be upgraded to a collector road linking Austral to Bringelly Road which then crosses the Upper Canal to the east.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council starts a conversation with Water NSW with the ultimate aim to widen the one lane bridge on Sixth Avenue, Austral close to the intersection of Thirtieth Avenue.

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

ITEM NO: QWN 07
FILE NO: 043163.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Twenty Sixth Avenue, Austral Resurfacing

Please address the following:

1. Twenty Sixth Ave Austral is in desperate need of resurfacing. Is it on the program of works?

Response

Council acknowledges that the condition of Twenty Sixth Avenue is very poor with extensive surface and pavement failures, which are beyond the scope of normal maintenance repairs. Accordingly, Council has scheduled major repairs and resurfacing of the full length of Twenty Sixth Avenue, between Stuart Road and Twenty Fifth Avenue. At this stage, these works are planned to be completed in May 2021.

ITEM NO: QWN 08
FILE NO: 062858.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Edmondson Avenue, Austral - Part Road Resurfaced

Please address the following:

1. Parts of Edmondson Avenue, Austral have been resurfaced. Are there any plans to finish off the Bringelly Road end?

Response

Council's Civil Maintenance Team repaired several deteriorated road sections in Edmondson Avenue towards Fifteenth Avenue in September 2020.

Additional funds were required to complete the works and Council endorsed \$120,000 to be transferred to this project in the first quarter budget review. Repair and resurfacing works which will include the Bringelly Road end, have been programmed to commence in April 2021 and are anticipated to be completed by the end of June 2021.

Council's Civil Maintenance Team continues to be committed to undertaking routine inspections and road repairs as required until the proposed upgrade of the two-lane divided road construction is completed as part of future programmed capital road works.

ITEM NO: QWN 09
FILE NO: 062862.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Extra Road Lanes on Greenway Drive, West Hoxton

Please address the following:

1. Is there anything that stops Council from considering adding extra road lanes on Greenway Drive West Hoxton (East bound) between Cowpasture Road and Wyattville Drive?

Response

Greenway Drive is a collector road providing access to the southern part of West Hoxton between Cowpasture Road and Joshua Moore Drive. With its intersection with Joshua Moore Drive, Greenway Drive forms a loop road (between Cowpasture Road north and Cowpasture Road south).

The section of Greenway Drive between Cowpasture Road and Wyattville Drive is a two-lane divided road. Cowpasture Road is a state road under the care and control of Transport for NSW (TfNSW). It has a signalised intersection with Kurrajong Road and Greenway Drive, which permits all turning movements. The section of Greenway Drive between Cowpasture Road and Wyattville Drive is the western leg of the intersection.

The signal operation particularly in the AM peak periods results in traffic queues and congestion along this road section. The western approach to the signals has a lane configuration as shown below, with a left turn slip lane, a through lane and a short right turn lane of approximately 60m. The congestion (along this approach) could be the result of queueing vehicles blocking the left turn or through traffic movements.



This section of Greenway Drive has a carriageway width of approximately 12m with a 2m raised concrete median island. The eastbound carriageway width is approximately 5m wide.

To accommodate an additional eastbound traffic lane, the carriageway will need to be widened by approximately 1.5m. This will require reconfiguration of the existing traffic lanes involving narrowing, reconstruction of the existing central median island to the south and/or minor kerb adjustment. Such reconfiguration involves changing the western approach to the signalised intersection with Cowpasture Road and will require consultation with and approval by TfNSW.

Upgrading this road section is not identified in Council's capital works program. Council will develop preliminary designs, undertake necessary agency consultation and advise Councillors of the outcome.

Following this, detailed costings and designs can be prepared for Council's consideration for inclusion in the capital works program for funding consideration in future financial years' budgets.

ITEM NO: QWN 10
FILE NO: 062863.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Drive Through to Inspect the Quality of Roads in the Rural Area

Please address the following:

1. When was the last time a drive through was done to inspect the quality of roads in the rural area?

Response

The Council inspects its road network using external consultants and internal crews.

Council also undertakes a comprehensive condition survey of road assets including rural roads every 4 years using an external expert. This informs the Council of the long-term financial forecast for the road assets. The last comprehensive survey was completed in 2018. Approximately 890 km of the road assets were inspected during this survey including 158 km of the rural roads.

Council's maintenance crews undertake an inspection of rural roads regularly and aim to complete the tasks within 6 to 12 months. The major arterial roads (Fifteenth Avenue, Badgerys Creek Road, Edmondson Avenue, Greendale Road, etc.) are inspected monthly.

Currently, inspections and maintenance of roads in rural areas are undertaken by Council's City Presentation Team. There is a total of 5 teams (Crews) in City Presentation which focus on civil maintenance for the Council's entire road network and that includes:

- Minor Patching Teams – focus on minor patching and potholes
 - the Minor Patching Teams comprises of 3 Crews with 8 staff members operating 3 key pieces of plant - Flo-con machines (quantity 2) and one Jet Master system.
- Heavy Patch Team – focus on larger and lengthy road repairs
 - The Heavy Patch Team comprises 1 Crew with 5 staff members operating heavy plant such as backhoe and road roller.
- Shoulder Team – focus on reconstructing road shoulders (edges and natural causeway) of the side of the road.
 - The Shoulder Crew comprises 1 Crew with 6 staff members operating heavy plant bobcat, excavator and road roller and grader.

For larger and more complex works which require a specialised plant, City Presentation engages external contractors to undertake the works.

Council's maintenance team manages the rural roads using the above-mentioned crews if they have safety and complaint issues. In addition to the above, road shoulder reconstruction and grading works are also undertaken by the Depot for rural roads.

Council manages its road network including the rural roads at set standards and makes sure they are accessible all year.

ITEM NO: QWN 11
FILE NO: 062866.2021
SUBJECT: Question with Notice - Cllr Hadchiti Annual Fire Safety Statement (AFSS)

Please address the following:

1. Do all Council owned/managed properties have an up to date Annual Fire Safety Statement (AFSS)?

Response

There are currently 69 Council owned properties on the Annual Fire Safety Statement register. As at 22nd March 2021, 65 are up to date and 4 are overdue which are listed below.

Property Name	Address	Comments
SES Liverpool	99-101 Rose St Liverpool	The premises is under renovation. Therefore, not currently being occupied. Date not specified for AFSS submission.
Casula Community Centre & Library & Childcare Centre	39 Ingham Drive Casula	Repairs scheduled for the 24 th March.
Warwick Farm Children's Centre	68 Williamson Crescent	The certificate has been submitted. Therefore, this is a timing issue towards official certification.
Rose Street Depot (Mechanics Workshop)	99-101 Rose Street, Liverpool	Testing is being completed. Awaiting fire testing report to determine whether repairs are required prior to certification

Over the last 10 months, Council has worked diligently to put in place appropriate resources, budgets and work schedules to maintain a sustainable program of fire safety certification across our property portfolio. Even though this meets compliance standards, Council has an appetite to progressively move towards best practice with regards to Fire Safety.

In order to progress to best practice, Council has engaged an independent fire safety engineer to complete a due diligence process to validate the integrity of the schedule's base line data, identify opportunities for full functional testing and identify those Fire safety assets within its properties which aren't itemised on the schedules.

Council intends to translate the outcomes of this report into a program of capital works and a revision of Council Property Fire Schedules where applicable.

ITEM NO: QWN 12
FILE NO: 082263.2021
SUBJECT: Question with Notice - Cllr Rhodes - Mobile Office Services

Please address the following:

Mobile Office Services

1. People in the Community who are not computer literate, have no internet service, and consequently are not on facebook or other social media platforms have asked when is Council intending to start Council Mobile Office services again?
2. What else can Council do to bridge the communication gap with constituents who are not Computer or smart phone savvy?

Response to point 1

The last Council Mobile Office was held on 12 February 2020 and then ceased due to Covid-19.

Staff propose to recommence Mobile Offices in May and hold another one in July for the current term of Council.

It's intended that Mobile Offices then continue to be held bi-monthly in the new term of Council.

A response to point 2 of this QWN will be provided in the April 2021 Council meeting business papers.

ITEM NO: QWN 13
FILE NO: 083327.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Customer Service Request

Please address the following:

1. Once a customer service request is made whether on line or over the phone, what measures are in place to ensure that the request is actioned?

Response

All customer requests are issued with a unique identifier. Once a customer request is lodged it is assigned to an actioning and responsible officer in the relevant department.

At times customers call Council to request an update on their request, if it is found that the request is unactioned a follow up request will be issued to the actioning/responsible officer.

Customer Service rely on the information updated in the customer request to update the customer on the progress.

At times customer service requests are escalated to People Leaders for follow up or actioning.

Monthly reporting is available and reported on for outstanding customer request trend analysis.

ITEM NO: QWN 14
FILE NO: 083347.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Climate Action Plan

Please address the following:

1. At the last ordinary meeting Council passed a resolution to create a 'Climate Action Plan'. What community consultation will take place prior to the implementation of such plan and will this plan include a dollar cost which ultimately will be paid for by the ratepayer?

Response

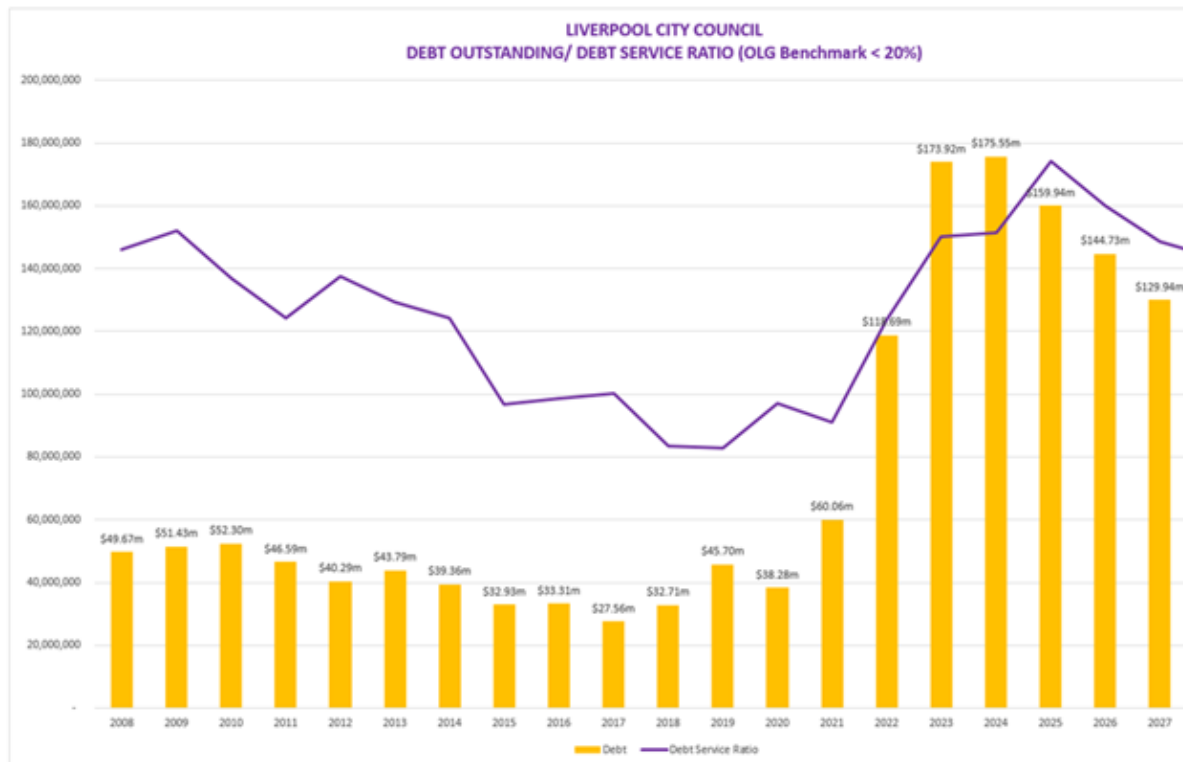
The development of a Climate Action Plan is likely to include a public exhibition period prior to adoption. The scope of the Plan will be informed by the scheduled Councillor workshop, and may include cost estimates for pertinent actions. However, until funding opportunities (such as grants) and cost savings are further explored, it may not be possible to identify the cost to the ratepayers.

ITEM NO: QWN 15
FILE NO: 083251.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Council's Debt Level

Please address the following:

1. Can a graph please be put together showing Council's debt level from 2008 to 2028 based on current projections?

Response



The graph indicates that Council's debt level will remain significantly lower than the OLG Benchmark ratio throughout the period to 2028.

ITEM NO: QWN 16
FILE NO: 083271.2021
SUBJECT: Question with Notice - Cllr Hadchiti - 35 Scott Street, Liverpool

Please address the following:

1. Has the empty commercial floor space at 35 Scott St been leased out yet?

Response

The empty floor space is approximately 700 sqm, on Level 6 at 35 Scott St and is currently yet to be leased. Council has appointed a commercial agent to lease the space.

ITEM NO: QWN 17
FILE NO: 083283.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Civic Place

Please address the following:

1. What percentage of the rate base would the repayments on the loan for Civic Place equate to?

Response

The loan for Liverpool Civic Place will be drawn in tranches during the construction period and full impact of loan repayment will be in 2024-25.

The loan repayment (after adjusting for LCLI interest subsidy) as a percentage of Council's rate base (excluding Domestic Waste Management Charges) in 2024-25 will be 11.4%, calculated as follows:

Total Rates & annual charges	\$165.7m
Less: Domestic Waste Management Fees	\$42.9m
General Rates & annual charges	\$122.8m
Loan Repayment (Less LCLI Subsidy)	\$14.0m
Repayment as % of rate base	11.4%

Council is expecting to generate an additional \$8.4m in rental income. The repayment, after adjusting for an increase in rental revenue, as a percentage of Council's rate base will be 4.6%

ITEM NO: QWN 18
FILE NO: 083295.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Rates

Please address the following:

1. Can the CEO rule out based on Council's current position that a request for an increase in rates will not be made for the 22/23 financial year?

Response

Council's current financial projections do not indicate a need for any special rate variation in a short to medium term.

ITEM NO: QWN 19
FILE NO: 083091.2021
SUBJECT: Question with Notice - Cllr Kaliyanda - Food Insecurity

Please address the following:

1. What is the status of food insecurity in the Liverpool LGA?
2. As COVID-19 related restrictions have eased, what impact has this had on people accessing food relief?
3. How are gaps in government support being met in the Liverpool LGA?

A response to these Questions with Notice will be provided in the 28 April 2021, Council Meeting Business Papers.

ITEM NO: QWN 20
FILE NO: 083179.2021
SUBJECT: Question with Notice - Cllr Kaliyanda - Gender Pay Gap

Please address the following:

1. Has Council ever conducted a gender pay gap analysis for the organisation?
2. If so, how does our Council compare to benchmarks?

A response to these Questions with Notice will be provided in the 28 April 2021, Council Meeting Business Papers.

ITEM NO: QWN 21
FILE NO: 083199.2021
SUBJECT: Question with Notice - Clr Hagarty - Infrastructure and Services in Growth Areas

Background

There is still a lack of infrastructure and services in our growth areas. Suburbs like Middleton Grange, Edmondson Park and Austral are poorly served with choked roads and a lack of bus services. This issue is set to become worse if it is not addressed quickly.

While Council is delivering on State Government housing targets, other levels of Government must provide their fair share such as main roads, bus services and regional infrastructure like hospitals, schools, police stations and top tier venue spaces.

Please address the following:

1. What additional bus services are planned for our growth suburbs?
2. When are these new bus services set to arrive?
3. How are major upgrades to roads like Fifteenth Avenue funded?
4. Are there plans for additional public services and infrastructure like hospitals, schools, police stations, ambulance stations in our growth suburbs?
5. When are these expected to be delivered?

A response to these Questions with Notice will be provided in the 28 April 2021, Council Meeting Business papers.

ITEM NO: QWN 22
FILE NO: 083222.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Civic Place Documentation

Please address the following:

1. Can all the documents relating to Civic Place, ie QS reports etc, be made public?

A response to this Question with Notice will be provided in the 28 April 2021, Council Meeting Business papers.

ITEM NO: QWN 23
FILE NO: 083305.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Aerotropolis

Please address the following:

1. Currently landowners in the Aerotropolis are stuck in no man's land based on the new zonings. Although a range of developments are permissible under the new zoning, applications are not able to be submitted or determined due to the lack of an infrastructure plan or infrastructure to service the land. What options are available to landowners for temporary use DAs? What discretions can Council apply if it chooses to allow structures to remain that are currently in place?

A response to these Questions with Notice will be provided in the 28 April 2021, Council Meeting Business papers.

ITEM NO: QWN 24
FILE NO: 083313.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Drainage Channels

Please address the following:

1. Can the CEO please provide a map of the drainage channels that Council is responsible for in the rural/growth areas and a timeline for when they will all be cleared?

A response to these Questions with Notice will be provided in the 28 April 2021, Council Meeting Business paper.

a) There is a dramatic increase in dollar terms from the adopted budget to the current projections for consultants. Can a reconciliation please be provided for that line item identifying the consultant, the amount spent, when the request for that consultant was made, the purpose and when it was first known that that consultancy work would be needed?

Attached reconciliation of consultants' expenditure. A significant increase in projected expenditure relate to the following:

- a) \$3m grant funded (from the NSW Department of Planning & Infrastructure) consultancy on works undertaken by Western Sydney Planning Partnership Office;
- b) \$400k grant funded (from the NSW Department of Planning & Infrastructure) consultancy on LEP review.

Project Description	Original Budget	Projections	YTD Mar '21	Service Providers	Comments
	\$	\$	\$		
Advanced Investigations, Design & Documentation Open Space	10,000	10,000	2,500	Steen Architecture	Landscape Improvement Design T-3 Division Park Road Liverpool
Cabarina Creek Flood Study	50,000	50,000	2,250	Ecote Landscape Architecture Pty Ltd	Ernie Smith Reserve Aboriginal Camp Upgrades
Cabarina Creek Flood Study	50,000	50,000	43,197	Steele Brown & Root Pty Ltd	Undertaking Review of Cabarina Creek
Strategic Maintenance Planning for South & Outer Areas	10,000	10,000	6,570	Seismic Australia Pty Ltd	Functional Inspection and EBF7 inspection support
Liverpool Collaboration Area - Flood Excavation Layout and	50,000	50,000	46,000	Ecote Landscape Architecture Pty Ltd	Liverpool Collaboration Area - Flood Excavation Contract
Preparation of LEP, SCS and LHA Metrics Asset Register	0	111,000	56,648	Planning Management Services	HCC Signs and Way Markers
Review of Dam Safety Emergency Plan	0	100,000	130,161	Wynsey Stewart	Review and update DSEPP, O&M reports and issue a surveillance report for dam safety issues
Analysis of Dam Safety Management Plan	20,000	20,000	0	Ecote Simulation Solutions Pty Ltd	Liverpool Overland Flow Path study for new catchment
Floodplain & Water Management	10,000	10,000	1,800	Archplan Pty Ltd	Updating flood maps in South Creek catchment
			4,400	Ecote Pty Ltd	Updating flood maps in South Creek catchment
			8,140	Ecote Simulation Solutions Pty Ltd	Liverpool Overland Flow Path study for new catchment
Natural Environment Implementation	0	30,500	26,140	Malmo Stewart	Environmental education for Liverpool
			12,000	Ecote Pty Ltd	Ecote Liverpool / Liverpool City Council
Ecological Excellence Panel	77,800	77,800	23,870	Various	Panel Members fees for Ecological Excellence Panel
The Liverpool Local Planning Panel	50,000	55,000	40,265	Various	Panel Members fees for Liverpool Local Planning Panel
Aboriginal Cultural Heritage Study	25,000	25,000	4,980	University of New South Wales	Aboriginal sports study
Comprehensive Review of Liverpool LEP	0	400,000	22,838	Warrfield City Council	Affiliate housing project
			26,838	Consulting & Associates Pty Ltd	Urban Planning tasks - LEP Project Manager
			44,400	Steen Australia	Avalon Planning Review
			25,425	Kinnear Pty Ltd	Liverpool Emergency Reduction and Resource Efficiency
			6,070	Ecote Economics & Planning Pty Ltd	New Review of submissions on Sport and Leisure
			58,500	CHL PWA Pty Ltd	Review medium density residential land use controls
Waste Planning & Policy	100,000	100,000	7,594	Camden Municipal Council	Regional Waste Procurement contract
Waste Services Policy	0	44,000	0	Ecote Media Pty Ltd VIA Protected Plus	Waste, Recyclables and garden organic collection service
Waste Planning & Policy	0	0	5,000	ECR Sustainability	Household kerbside bin composition audit
Geotools Planning	0	3,000,000	33,800	Archplan Pty Ltd	Western Sydney Aerotropolis Flood Risk and Impact Assessment
			54,150	Green Australia	Western Sydney Aerotropolis Transport Planning
			101,981	Alumina Consulting Australia Pty Ltd	Western Sydney Aerotropolis Sustainability and Heat
			86,960	Urban Economics	Aerotropolis Economic and Market Feasibility Analysis
			163,454	Auricon Australia Pty Ltd	Western Sydney Aerotropolis Land Capacity Assessment, Utilities Audit, Air Quality, Odour Baseline, Noise and Acoustic Assessment
			12,460	Ecote Pty Ltd	Western Sydney Land Use Planning Guidelines for Wildlife Management Assessment
			95,289	Ecological Australia	Western Sydney Aerotropolis Biodiversity and Habitat Corridors Study
			50,000	Robert Heritage	Western Sydney Aerotropolis - Aboriginal and Non-Aboriginal Heritage
			781,813	SRP Pty Ltd	Western Sydney Aerotropolis Aboriginal Engagement
			580,548	Revel Ltd	Aerotropolis Core Urban Design
			34,210	Yella Architecture & Urban Projects Pty Ltd	Urban Design - Northern Gateway Precinct
			304,800	Studio Habitat	Western Sydney Aerotropolis Master Planning Services for the Aerotropolis Architecture Precinct
			1,700	Toolbox Communications	Editorial Review - Western Sydney Aerotropolis Precinct Finalisation Report
Infrastructure Asset Condition Assessment	20,000	20,000			
Investment Council wide Project Management Framework	80,000	80,000			
Matthews Discretionary Family Study	0	80,000			
Matthews South Creek Flood Study Update	0	80,000			
Sustainable Environment	10,000	10,000			
Strategic Planning	0	100,000			
LCC Development Corp	250,000	250,000			
Total	787,800	4,698,380	3,190,710		

ITEM NO: NOM 02
FILE NO: 081395.2021
SUBJECT: Liveable Communities - One Size state Planning Does Not Fit All

BACKGROUND

State planning legislation is currently based on what the future might be when infrastructure is provided similar to the Sydney CBD that makes the dependence on privately owned vehicles redundant.

That is not the current situation for Western Sydney where the provision of such infrastructure is measured in decades if not many decades into the future.

It is time that all Local Governments in the growth centres of Western Sydney stood together to reject the one size fits all planning regulation and legislations of the State Government and insist on behalf of our residents that the current needs of our Local Communities are address now, not what their needs may be into the future.

The current State regulations and legislations are based on the needs of the Sydney CBD and those areas that the Government has already supplied the necessary infrastructure that makes owning a car unnecessary. Here in Western Sydney there is no such existing infrastructure and Western Sydney unlike other areas remains very much car dependent.

Dependent to get to work, dependent to get to schools, the shops dependent for your everyday living in the Western Sydney City.

To meet that need we need roads that are wide enough for traffic to flow in either direction at the same time with cars parked on both sides of the street all at the same time.

It is not ok for our residents to be forced into communities where the roads are so narrow that cars cannot park outside residential properties that then only permits one single flow of traffic in one direction, this is not acceptable.

It is not acceptable that residents are forced to break the law in order to park their cars in efforts to keep traffic trickling through residential areas all because of the State Planning belief that one day people will not need cars..

It is not ok for emergency services not to be able to reach any and every house that may have a need because the roads are just too narrow for them to be able to attend, this is not acceptable.

Western Sydney is more prone to extreme heat than areas closer to the cost and the one size fits all for minimum block size may be suitable for those areas, but here in Western Sydney we need larger blocks to enable opportunities for heat mitigation.

Block sizes need to be relevant to the dwelling foot print with enough room between boundaries to enable air flow and tree planting.

There is a need for a maximum density to be set to the identified infrastructure planning recognised in new development areas at time of zoning and there is a need to set maximum density upgrades in established area in accordance with the limits of existing infrastructure.

It is not ok to increase densities in established areas where the existing infrastructure is inadequate because it was established years before when the area was first zoned and. Infrastructure was established on the planned density needs at time of zoning. It is not always possible to meet new increased density infrastructure requirements. When State Government encourages increase in densities in such already developed areas that does not have the necessary infrastructure to cope with increased densities it simply lowers the standard of liveability for existing residents.

We as representatives of our Community need to stand united to deliver more liveable communities for the Liverpool LGA and the Western City that is based on the current needs of our residents not what might there needs be in decades to come.

NOTICE OF MOTION (Submitted by Cllr Rhodes)

That Council:

1. Write to Minister for Western Sydney and DPIE seeking changes to State Planning legislation and planning regulations that will ensure the delivery of Liveable Communities that meets the current needs of the residents in Western Sydney.
2. Seek supporting collaboration with all Western Sydney Local Governments, WSROC, Western Sydney State and Federal MP's for changes to the State Planning legislation and regulations that includes:
 - a) maximum permissible density in all areas subject to original zoning and identified infrastructure at the time of original zoning for green fill areas and
 - b) maximum permissible densities in areas already developed subject to the existing supplied infrastructure.
 - c) Set a percentage of variety of zoning densities in all new green fill developments that provides a choice of housing from premium larger blocks with single dwelling to smaller block sizes with a variety of dwelling types and levels of affordability.
 - d) Increase the size of the smallest block size, in conjunction with the maximum permissible dwelling foot print per block to ensure deep soil opportunities for tree planting on each building block.
 - e) Increase the minimum residential road width to 12m
 - f) Increase the minimum off street parking required for any development to be aligned to the number of bedrooms for each dwelling and

- ## COUNCIL DECISION

That Council:

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

ITEM NO: NOM 03
FILE NO: 082812.2021
SUBJECT: Western Sydney City Deal

BACKGROUND

The *Western Sydney City Deal* was signed in March 2018, and was said to represent a ‘collaborative approach’ across three tiers of government. A ‘core goal’ was said to be ‘(r)eaching the 30-minute city by delivering the Sydney Metro-Western Airport (formerly the North South) Rail Link’. Quotations are from the website of the *Department of Infrastructure, Transport, Regional Development and Communications*. Previously the original rail scoping study had in fact supported an east west rail spur link from LEPPINGTON to the airport as the quickest, fastest and cheapest method of achieving mass public transport connectivity with the *Western Sydney Airport*. Nothing has ever emerged which challenges the logic of this conclusion.

In the June 2020 *Western Sydney City Deal – Annual Progress Report* it is stated (at page 50): ‘*The three levels of Government are working together to develop an evaluation framework and strategy to measure progress of the City Deal*’. It is troubling that at the time of the most recent *Annual Progress Report* this was still a work in progress.

In the meantime *Infrastructure Australia* states in a March 2021 Media Release headed ‘*Project business case evaluation summary*’, relating to an evaluation of the Sydney Metro-Western Airport Rail Link dated 18 February 2021: ‘*the proponent’s (NSW Government’s) business case does not provide sufficient evidence that the proposed project is the best solution...Based on the business case and evidence available, Infrastructure Australia has not included the Sydney Metro-Western Sydney Airport project on the infrastructure Priority List...*’.

Disquiet as to the manner in which the *City Deal* was created, the nascent attempts to implement its goals, be they described as so-called ‘core goals’ or otherwise, and as to its capacity to ultimately deliver at all and still less without skewing outcomes to marginal electorates has also been expressed in several other contexts.

The *City Deal* is new in design and substantial in terms of community impact and in dollar terms.

For all of these reasons this Council should have its own formal system for evaluation of its part in the *City Deal*.

NOTICE OF MOTION (Submitted by Cllr Shelton, Cllr Rhodes, and Cllr Hadchiti)

That this Council develop a formal system for periodical written evaluation of its part in the *City Deal*.

COUNCIL DECISION

Motion: **Moved: Clr Shelton** **Seconded: Clr Hadchiti**

That this Council develop a formal system for periodical written evaluation of its part in the *City Deal*.

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

Mayor Waller ruled that this item be moved into Committee of the Whole.

Cllr Balloot left the Chambers at 9.09pm.

Cllr Balloot returned to the Chambers at 9.11pm.

ITEM NO: NOM 04
FILE NO: 082824.2021
SUBJECT: Racism Not Welcome

BACKGROUND

For many years, Liverpool City Council has been a proud and active participant in campaigns and initiatives that reject racism and support multiculturalism. We are members of the Human Rights Commission's 'Racism. It Stops with Me Campaign'. Liverpool City Council is also a member of "welcoming cities", a national network of cities which are committed to an Australia where everyone can belong and participate in social, cultural, economic and civic life. Council is also a Refugee Welcome Zone, and has worked with many local multicultural organisations to provide support and resources to build a strong, vibrant and equal community.

However, 2020 saw a worrying rise in racism in Australia and around the world. As one of the most diverse local government areas (LGAs) in the country, this impacts our residents in many ways. We have a long history of willingness to challenge racism in every way possible every day.

Recently, I have been made aware of a new campaign targeting racism. It is a campaign, spearheaded by Craig Foster - a former Soccerroo captain, SBS presenter and human rights campaigner which has gained support from various local councils. The campaign is titled 'Racism Not Welcome' and amongst other aims, wants to see symbolic anti-racism messages pop up on street corners in iconic locations around the country.

The 'Racism Not Welcome' campaign emerged as a response to an increase in racist attacks on people in our communities. There is evidence-based research for the rise in racism, including reports published by UTS and UNSW, and Per Capita and the Asian-Australian Alliance. The aim of the campaign is to create:

1. A Liverpool where racism is not welcome. A place with strong social cohesion where racism is "called out" and we stand with each other.
2. Places where people feel a sense of belonging and are equal.
3. A place where decision making is shared, and diversity is valued and celebrated.
4. Through the street sign element of the campaign, a call to action to encourage the local community to have these important, if difficult, conversations and call out racism when they see it.

Racism is both hurtful and enraging, it robs people of their dignity and denies the equality that all human beings rightfully have. This gets to the heart of the issue – racism is not fought

That Council:

- ## COUNCIL DECISION

Motion: **Moved: Clr Kaliyanda** **Seconded: Clr Hagarty**

That Council:

1. Note the recent, alarming rise of racism in our community;
2. Receive further information about the “racism not welcome” campaign and continue to encourage advocacy and promotion of the campaign in the local area; and
3. Join the NSW Anti-Racism Working Group, an initiative of the Local Government Multicultural Workers’ Network.
4. Receive a report with recommendations on how the campaign can be implemented.

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

Division:

Vote for: Mayor Waller, Clr Ayyad, Clr Hagarty, Clr Kaliyanda, Clr Karnib, and Clr Shelton.

Vote against: Cllr Balloot, Cllr Hadchiti, Deputy Mayor Hadid and Cllr Harle and Cllr Rhodes.

Mayor Waller called a recess of Council at 9.25pm.

Mayor Waller reopened the meeting at 9.30pm.

COUNCIL IN CLOSED SESSION

The meeting then moved into Closed Session pursuant to the provisions of:

- s10(A)(2)(a) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors).
- s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- s10(A)(2)(d i) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.
- s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CONFIDENTIAL ITEMS

ITEM NO: CONF 01

FILE NO: 031970.2021

SUBJECT: Acquisition of Pt Lot 141 DP 852633 being Part of 305 Denham Court Road, Denham Court for drainage purposes

COUNCIL DECISION

Motion:

Moved: Cllr Rhodes

Seconded: Cllr Shelton

That Council:

1. Approves the acquisition of Pt Lot 141 in DP 852633, being part of 305 Denham Court Road, Denham Court for the price and terms outlined in this report;
2. Authorises the CEO or his delegated officer to execute any document, under Power of Attorney, necessary to give effect to this decision;
3. Resolves to classify the part of Lot 141 in DP 852633 to be acquired as “operational” land in accordance with the *Local Government Act 1993*; and

4. Keeps confidential this report pursuant to the provisions of Section 10A(2)(c) of the *Local Government Act 1993* as this information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

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

FILE NO: 038482.2021

SUBJECT: Dedication to Council of Lot 39 in DP 1160527, Lot 39 Swoffer Avenue, Middleton Grange for drainage purposes

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Shelton**

That Council:

1. Approves a Deed of Settlement and Release associated with dedication of Lot 39 in DP 1160527, Lot 39 Swoffer Avenue, Middleton Grange based on the terms outlined in this confidential report;
2. Authorises the CEO or their delegated officer to execute a Deed of Settlement and Release any other document, under Power of Attorney, necessary to give effect to the decision in item 1 above; and
3. Keeps confidential this report pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

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

Clr Hagarty returned to the Chambers at 9.40pm.

ITEM NO: CONF 03

FILE NO: 052989.2021

SUBJECT: Fire and Rescue NSW Referrals

COUNCIL DECISION

Motion: **Moved:** Cllr Rhodes **Seconded:** Cllr Hadid

That Council:

1. Note the inspection reports by Fire and Rescue NSW, as shown in Attachment 1 and 2 and;
2. Exercise its power to issue a Fire Safety Order as recommended by Council's Fire Safety Officer to address the identified fire safety deficiencies.

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

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Shelton**

1. Appoints the following representatives to the Environment Advisory Committee in accordance with the terms of their appointment in the EAC Charter.

- Ms Kacy Benfield
- Mr Stephen Dobell-Brown
- Ms Rosalyn Faddy
- Ms Ellie Robertson
- Mr Joseph Rover
- Mr Olusegun Samuel
- Mr Robert Storey
- Mr Joseph Tharrappel
- Ms Signe Westerberg
- Ms George Youssef

- Georges Riverkeeper – Mr Robert Dixon

- Mr Graham McLachlan

Clr Hadchiti asked that he be recorded as voting against the motion

ITEM NO: CONF 05
FILE NO: 057416.2021
SUBJECT: Tourism and CBD Committee - New Community Representative

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Shelton**

That Council appoints Carol North-Samardzic as an additional community representative to the Tourism and CBD Committee.

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

Motion: **Moved: Clr Ayyad** **Seconded: Clr Hadid**

1. Joint Partnership (option1) for Edmondson Park; and
2. Tender as licenced provider (option 2) for Liverpool CBD.

Chairperson

Mayor Waler reopened the meeting at 10.14pm and read the resolutions made by Council in Closed Session relating to CONF 01, CONF 02, CONF 03, CONF 04, CONF 05 and CONF 06 as shown in these minutes.

THE MEETING CLOSED AT 10.19pm.

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 28 April 2021

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 31 March 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

CEO 01**Council's Website Hosting and Content
Management System License**

Strategic Direction	Leading through Collaboration Strive for best practice in all Council processes
File Ref	098074.2021
Report By	Daniel Lavorato - Digital Services and Design Coordinator
Approved By	Dr Eddie Jackson - Chief Executive Officer

EXECUTIVE SUMMARY

It is Council's intention to enter into direct negotiations with existing service providers to continue to deliver all of Council websites for a period of three (3) years with the option to renew two (2) 12-month terms.

Council's Website Content Management System (CMS) is an integral component of Council's technological infrastructure delivering essential services and communication to internal and external stakeholders and is a primary tool for communication with the community. Since inception, the incumbent Squiz has provided reliable and professional service, and has become integrated with Council's internal practices.

The annual cost of the software maintenance and assurance is approximately \$80,000 in total, including ongoing costs for hosting, license fees, support and search functionality.

RECOMMENDATION

That Council:

1. Approves by resolution pursuant to section 55 (3) (i) of the Local Government Act 1993 not to tender for existing services on the grounds that (i) because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution that a satisfactory result would not be achieved by inviting tenders in so far as:
 - 1.1 The existing system is a market leader having significant participation in local and state government;
 - 1.2 The likelihood of the tender process achieving an equivalent or superior system is remote given the supplier saturation of the market;
 - 1.3 The existing systems are integral software packages allowing Council to meet customer service objectives across all service delivery areas;

CHIEF EXECUTIVE OFFICER REPORT

- 1.4 Operations are familiar with the platform having successfully used the systems for many years;
- 1.5 Migrating to alternative systems at this time would be both cost-prohibitive and difficult to achieve.
2. Delegate authority to the CEO to enter into direct negotiations with the incumbent suppliers pursuant to 55(3)(i) of the Local Government Act 1993.
 - Squiz Digital Services
3. Delegate authority to the CEO to enter into a formally binding, licensed contract with the existing service providers for a period of three (3) years with the option to extend for up to two (2) more years.

REPORT

To ensure the continuity of service and in keeping with Council's "Best of Breed" approach a departure from the tendering requirements of the Local Government Act 1993 is required in accordance with Section 55 (3) (i) to enter into a contract with Council's current suppliers "because of the unavailability of competitive or reliable tenderers... that a satisfactory result would not be achieved by inviting tenders". It is proposed that a broader strategy to source alternative platforms will be examined and considered once the 5-year Digital Transformation initiative is complete.

The existing CMS was procured by Council through a comprehensive, thorough and rigorous procurement process. Squiz was originally procured via an open RFT in October 2012, with a contract signed for cloud hosting early 2013. The system capability to integrate with other Local Government software platforms including Pathway and HP Content Manager, was an essential criteria of the software and service.

Sourcing an alternative system would be uneconomical, inefficient and result in significant disruption of current services for both the community and for staff.

It is therefore recommended that Council approves by resolution pursuant to section 55 (3) (i) of the Local Government Act 1993 not to tender for existing services because of extenuating circumstances i.e remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution that a satisfactory result would not be achieved by inviting tenders in so far as:

- The existing CMS is a local market leader having significant participation in local and state government;
- The likelihood the tender process achieving an equivalent or superior system is remote;
- The existing system is already heavily integrated with other council systems to meet customer service objectives across all service delivery areas;
- Operations are familiar with the platform having successfully used the systems for many years;

CHIEF EXECUTIVE OFFICER REPORT

- Migrating to alternative systems at this time would be both cost prohibitive and difficult to achieve.

Squiz Digital Services has a significant presence in the Local Government and State Government sector. They are a trusted and well respected company, that is locally based and develops safe, accessible and cutting edge websites and digital products. An alternative platform is thus unlikely to deliver better value for money, whilst at the same time requiring a substantial investment in time and resources resulting in significant financial outlay and business disruption. This would also capitalise on the investment made by Liverpool City Library in upgrading their website to match Council's corporate website to align with Council's branding and accessibility guidelines.

As part of the proposed negotiations, an extension of Squiz search functionality, a software called Funnelback will be included in the ongoing costs. This will greatly enhance the ability to search and find information faster, that is more relevant to the needs of the community. Like almost all significant software purchases, maintenance and support is part of the purchase and is assumed to be ongoing while the software is fit for purpose and still in use. Service delivery has generally been of a high professional quality and it is anticipated this will continue.

CONSIDERATIONS

Economic	Facilitate the development of new tourism based on local attractions, culture and creative industries. There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	Raise awareness in the community about the available services and facilities. Support community organisations, groups and volunteers to deliver coordinated services to the community.
Civic Leadership	Undertake communication practices with the community and stakeholders across a range of media. Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes. Deliver services that are customer focused.
Legislative	Local Government Act 1993, s.55(3)
Risk	There is no risk associated with this report.

ATTACHMENTS

Nil

EGROW 01**Proposed realignment of Liverpool Hospital's
Helicopter Flight Path**

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	293762.2020
Report By	Murray Wilson - Principal Strategic Planner
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

In late 2020, Council received correspondence from Liverpool Hospital advising that the Helicopter Flight Paths (HFPs) for their main Helicopter Landing Site (HLS) have been reviewed and realigned.

Clause 7.17A of the Liverpool Local Environmental Plan (LEP) 2008 contains planning controls relating to hospital helicopter airspace which are also identified on the Key Site Maps contained within the LEP.

To ensure the ongoing effective and safe operation of hospital helicopter airspace, given the helicopter flight paths have been reviewed and realigned, the Key Site Maps in the LEP that identify the hospital helicopter airspace should be revised through the preparation of a planning proposal.

This report recommends that Council prepares a planning proposal to update the Key Sites Maps in the LEP relating to hospital helicopter airspace in accordance with the updated helicopter flight paths as provided by Liverpool Hospital.

RECOMMENDATION

That Council:

1. Direct the CEO to prepare a planning proposal to update the relevant Key Site Maps in the Liverpool Local Environmental Plan relating to hospital helicopter airspace in accordance with the updated helicopter flight paths.
2. Forwards the planning proposal to the Liverpool Local Planning Panel for advice in accordance with Local Planning Panel Direction – Planning Proposals dated 23 February 2018.

3. Receives a further report, following the advice of the Liverpool Local Planning Panel on whether the planning proposal should be referred to the Department of Planning, Industry and Environment for a Gateway determination.

REPORT

Background

Need to Protect Helicopter Flight Paths

In late 2015, concern was raised regarding proposed building height increases in the Liverpool City Centre and how the proposed heights may impact Liverpool Hospital's emergency Helicopter Landing Site (HLS).

Liverpool Hospital (Figure 1) is classified as a major Tertiary Referral Hospital, meaning it receives patients in acute or critical condition that other hospitals in South West Sydney do not have the facilities to treat. Liverpool Hospital admits over 3000 trauma patients annually. Many of these patients are transferred to Liverpool Hospital by helicopter.



Figure 1: Aerial view of Liverpool Hospital

The safe and efficient transfer of critically ill patients to hospital trauma centres are underpinned by urgency - the faster the patient can be treated, the more favourable the outcome is likely to be.

To ensure an effective and safe helicopter ambulance service is maintained, it is vital that helicopter flight paths are free from obstruction and protected through planning controls.

National Airports Safeguarding Framework

The National Airports Safeguarding Framework (NASF) is a national land use planning document that aims to improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions.

NASF was developed by Commonwealth, State and Local government planning and transport officials, Department of Defence, the Civil Aviation Safety Authority, AirServices Australia and the Australian Local Government Association.

Of specific relevance to Liverpool Hospital's Helicopter Landing Site is Guideline H "Protecting Strategically Important Helicopter Landing Sites". Guideline H forms part of this framework and was developed to protect Strategically Important Helicopter Landing Sites (SHLS). Guideline H ensures:

- a) The ongoing operation of those SHLS;
- b) The use of those SHLS are not compromised by any proposed development encroaching into flight paths;
- c) New development (and associated activities) do not present a hazard to helicopters arriving or departing from those SHLS; and
- d) Any new SHLS are appropriately located.

Liverpool Hospital's HLS is regarded as a strategically important HLS, as it receives patients in acute or critical condition that other hospitals in South Western Sydney do not have the facilities to treat.

Guideline H states that where a HLS is identified as being of strategic importance, it must be protected from surrounding incompatible uses and encroachment into their flight path.

Liverpool Local Environmental Plan 2008 (Amendment 67)

In 2017, to protect Liverpool Hospital's helicopter airspace, Clause 7.17A Hospital helicopter airspace was introduced into the LEP that requires development applications that are under or intrude the HFP to be referred to Liverpool Hospital for comment. That clause relevantly states:

7.17A Hospital helicopter airspace

- (1) The objective of this clause is to protect hospital helicopter airspace.
- (2) Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—
 - (a) refers the application for development consent to the chief executive of the relevant local health district, and

- (b) considers any submission to the consent authority by the chief executive made within 21 days of the referral, and
 - (c) is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.
- (3) In this clause—
- hospital helicopter airspace** means the airspace above the Helicopter OIS Contours shown for the land hatched red on the Key Sites Map.
- relevant local health district** means the local health district constituted in respect of the area above which hospital helicopter airspace is located.

During the assessment of this LEP amendment, Council consulted with the Civil Aviation Safety Authority (CASA), Bankstown Airport Limited, NSW Ambulance, Department of Infrastructure and Regional Development, Fairfield City Council, NSW Health (Liverpool Hospital) and the public. There were no objections received from the public.

There were seven submissions received from government agencies, all supporting the protection of the HFPs and the inclusion of a clause into the LEP.

Purpose of the LEP Clause and Referral Process

The referral of development applications (through Clause 7.17A of the LEP) to Liverpool Hospital ensures that the hospital can provide comments / advice on developments that are either under or intrude into the HFP. Any comments or advice received must be considered by the consent authority as part of the assessment of the development application.

It is noted that the referring LEP clause does not necessarily restrict building heights, as the impact of the application is not known until a submission has been made by the hospital and assessed by the consent authority. Prior to any approval of development within the flight path, the consent authority needs to be satisfied that the development does not present a hazard to helicopters using the flight paths.

Australian Height Datum (AHD), Contours and Building Heights

To better understand the LEP clause and its implementation several terms need to be defined (Table 1).

Term	Meaning
Australian Height Datum (AHD)	is the calculated surface for zero elevation. AHD is used to determine elevations in Australia. Put simply 0 AHD is regarded as sea level, and 5 AHD is regarded as 5 metres above sea level.
Contour	is a line on a map joining points of equal height above sea level. Contours are a graphical representation of the lay of the land.

Building Height	the vertical distance from ground level (existing) to the highest point of the building – permitted building heights are stated in the Liverpool Local Environmental Plan 2008 (and Fairfield LEP respectively).
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Table 1 – Definitions

Realignment of the Helicopter Flight Paths

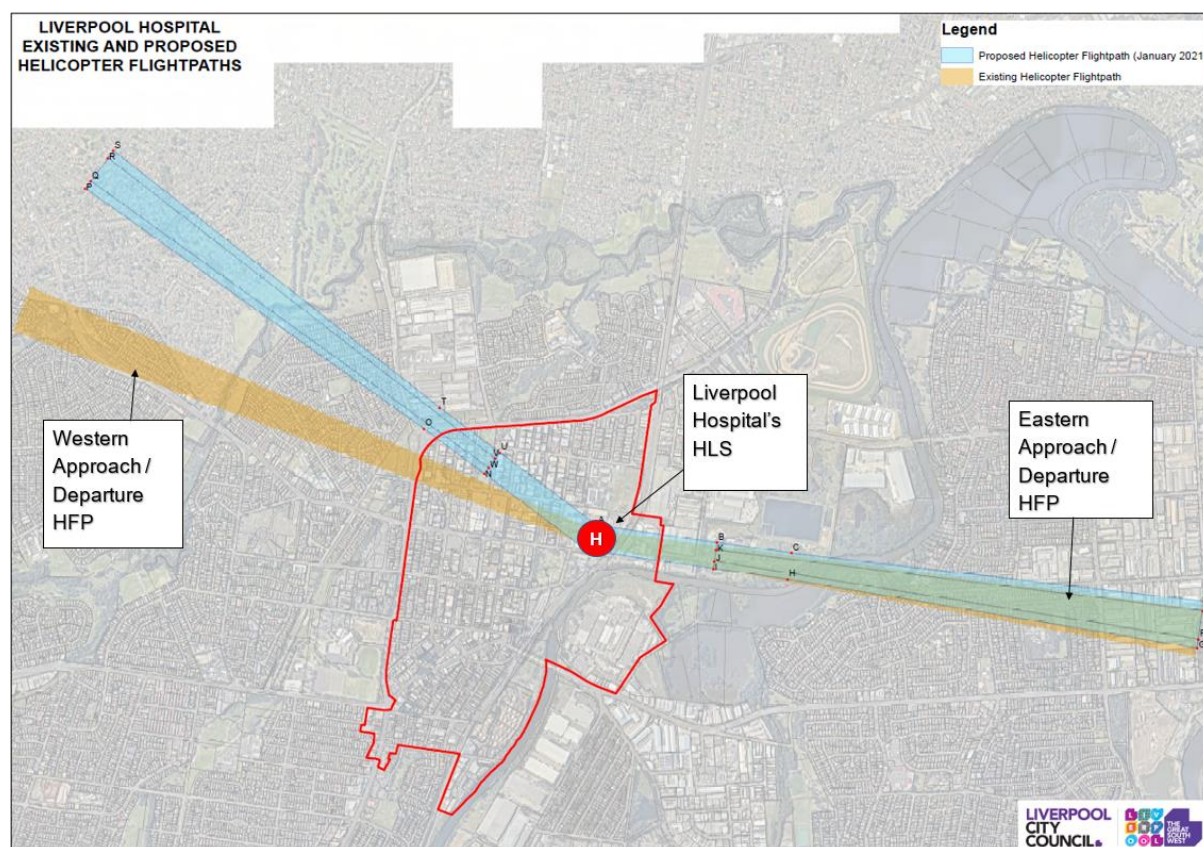
Liverpool Hospital recently conducted a review of the HFP, due to several existing and proposed developments in the Liverpool City Centre impacting the current flight paths.

As a result of this review, the western HFP for Liverpool Hospital's main HLS has been relocated approximately 15 degrees north of the existing western HFP (shown in Figure 3).

In addition to the western HFP changes, updated mapping provided by Liverpool Hospital has indicated that the eastern HFP also needs some minor updates that should be included in this amendment.

It is noted that the HFPs as mapped within the LEP do not determine where the emergency helicopters fly to access the HLS, rather they show the preferred flight path for emergency helicopters landing at night or during times of poor visibility.

Liverpool Hospital has advised Council that NSW Ambulance and their helicopter contractor - Toll Helicopters, have accepted the new HFP.



**Figure 3: Liverpool City Centre, the Helicopter Landing Site and Helicopter Flight Paths
Impact of Realigning the Western HFP (Liverpool City Centre)**

Based on the mapping provided by Liverpool Hospital (Attachment 2), 72 allotments (whole or part within the Liverpool City Centre) will potentially be impacted by the realigned western HFP, as compared to 77 allotments affected by the current western HFP.

Council officers have undertaken an assessment of the realigned HFP which identified that the changes will most likely have only a minor impact, due to the following reasons:

- a) There are 72 allotments (whole or part) that are affected by the realigned western HFP within the Liverpool City Centre (excluding Liverpool Pioneers' Memorial Park);
- b) 17 of these properties are currently impacted by the current HFPs;
- c) 34 of the 72 allotments within the new alignment are already strata subdivided, meaning any redevelopment of these properties is unlikely;
- d) Of the remaining 38 allotments, one Torrens title allotment has recently been developed as a mixed-use building with dwellings above. According to Council's records, this development is yet to be strata subdivided;
- e) The realigned HFP impact fewer developable properties;
- f) The remaining 37 allotments (Torrens Title) still have development potential. Some of these current uses include:
 - Sydney South West Private Hospital;

- Medical centre / medical uses i.e. radiology, x-ray etc.
- Office premises;
- Private dwellings; and
- Affordable / social housing.

However, many of these 38 allotments are constrained by neighbouring strata development or existing medical uses that may also limit their development potential.



Figure 4 – Impacted allotments showing Strata and Non strata allotments

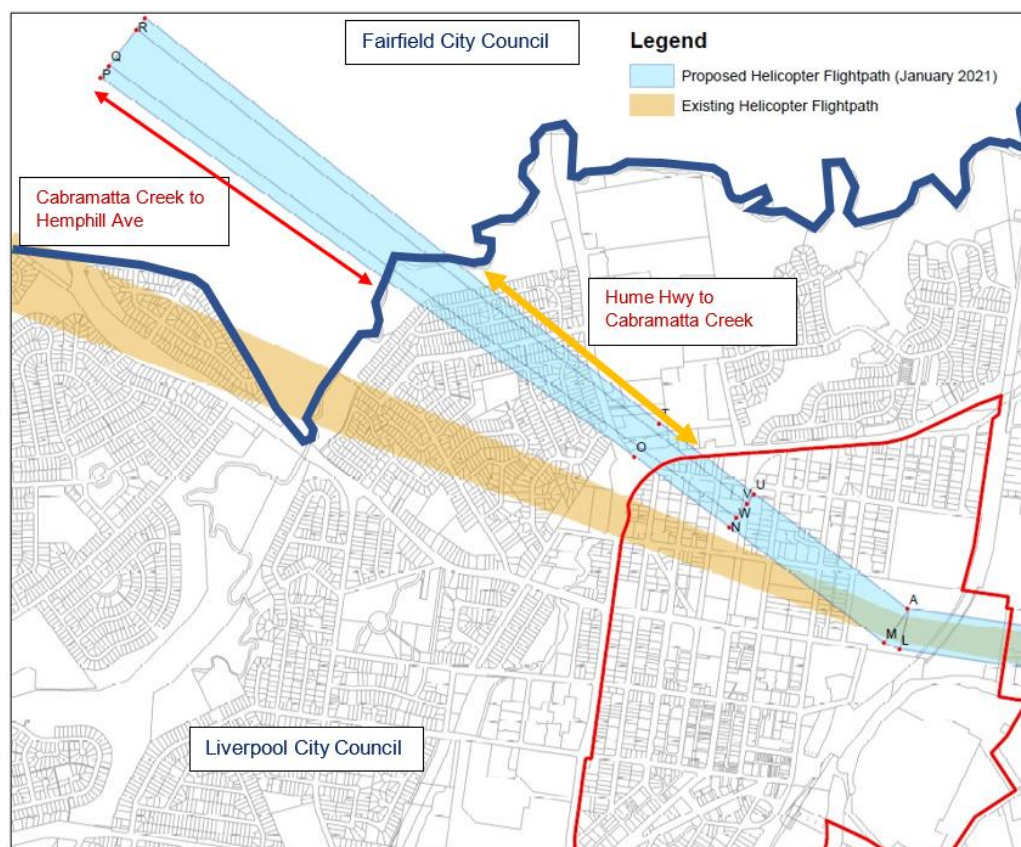


Figure 5 – Realigned Western Helicopter Flight Path

The Current HFP

- There are 77 (whole or part allotments) that are affected by the current western HFP within the Liverpool City Centre. The majority of these properties will no longer be impacted or will be less affected by the HFP;
- 17 of the 77 allotments affected by the current western HFP will continue to be affected by the realigned HFP.
- The current alignment impacts more developable properties than the proposed realigned HFP.

Impact of Realigning Western HFP (outside Liverpool City Centre)

The changes to the western HFP also impact properties outside of the Liverpool City Centre, including properties within the Fairfield LGA (as shown in Figure 5).

Although the realigned HFP will impact several properties that were not previously impacted, the permitted building heights in these areas do not penetrate the HFPs and will unlikely restrict the redevelopment of these properties in the future.

The height of the HFP starts at 42.821 AHD at Liverpool Hospital's HLS and rises to 165.621 AHD at Hemphill Avenue, Mount Pritchard (within Fairfield LGA).

Hume Highway to Cabramatta Creek (within Liverpool City Centre)

The permitted building height in the LEP (from the Hume Hwy to Cabramatta Creek) ranges from 8.5m to 15m for the extent of the impacted properties (Figure 5). The ground level contours in this area ranges from 10-12 AHD.

The height of the HFPs between the Hume Highway and Cabramatta Creek ranges from 66 AHD to 108 AHD. It will be extremely unlikely that any development in this area will penetrate the HFP.

Cabramatta Creek to Hemphill Avenue (within Fairfield LGA)

The landform from Cabramatta Creek rises sharply from 6 AHD to 60 AHD at Hemphill Avenue. The permitted building height as stated within the Fairfield Local Environmental Plan 2013 is 9m (underneath the western HFP).

The height of the HFPs between Cabramatta Creek and Hemphill Avenue ranges from 116.5 AHD to 165.621 AHD. It will be extremely unlikely that any development within these properties will penetrate the HFP.

As it is extremely unlikely that the redevelopment of properties outside the Liverpool City Centre will impact the HFPs, Clause 7.17A, in effect, only applies to development within the Liverpool City Centre.

Impact of Realigning the Eastern HFP

As a result of the review of the HFPs undertaken by Liverpool Hospital, it was identified that the eastern HFP will also need to be updated due to more accurate mapping provided (Figure 6). This report recommends the key site map in the LEP is updated in accordance with the revised mapping provided by Liverpool Hospital.

The height of the HFP starts at 42.821 AHD at Liverpool Hospital's HLS and rises to 165.621 AHD at Riverside Road Chipping Norton.

The minor changes to the eastern HFP will have minimal to no impact on the additional properties as the permitted building heights do not penetrate the HFP. It is unlikely that re-development of these properties will penetrate the HFP.

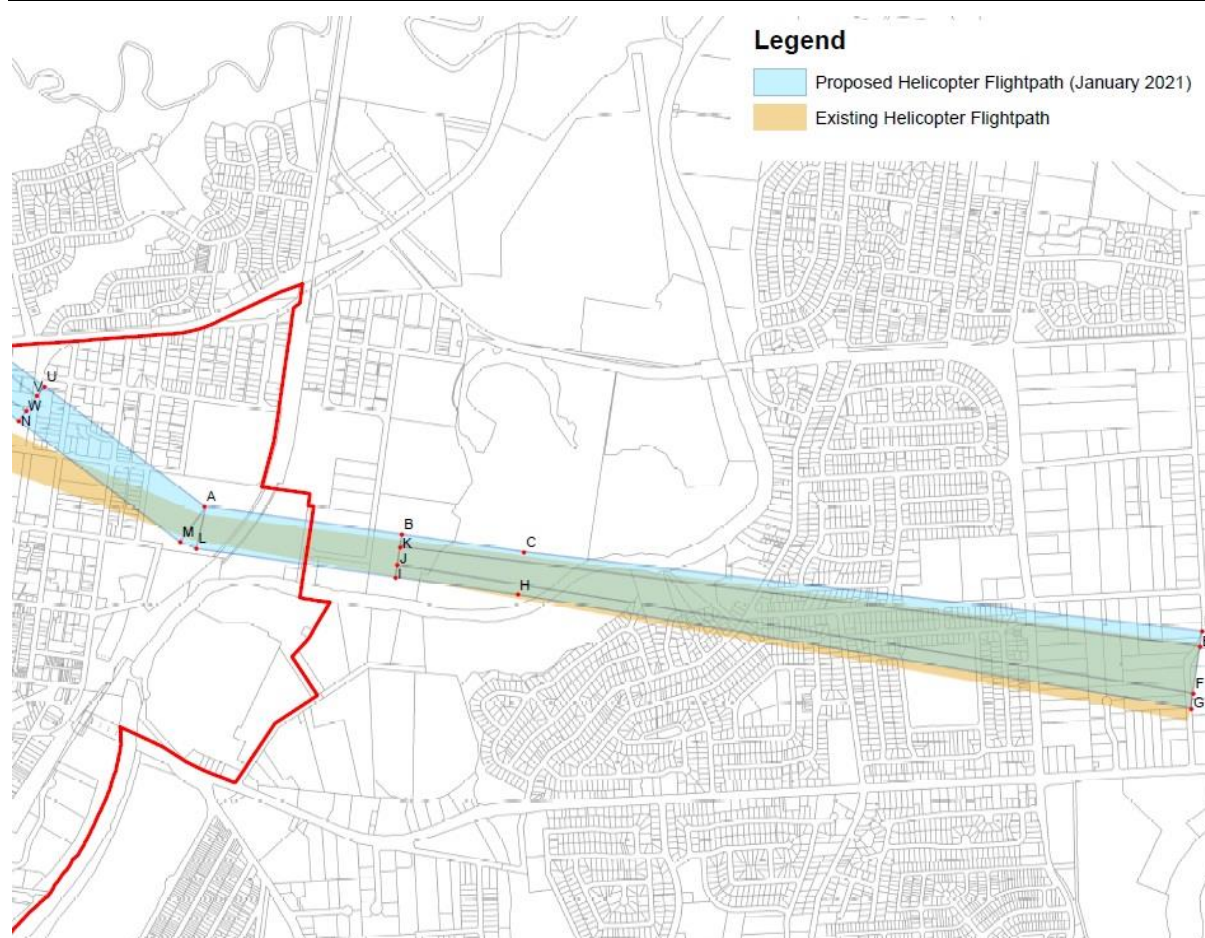


Figure 6 – Realigned Eastern Helicopter Flight Path

Consultation

Informal discussions have been undertaken with Fairfield City Council staff who have advised they would be supportive of the proposed changes.

CONSIDERATIONS

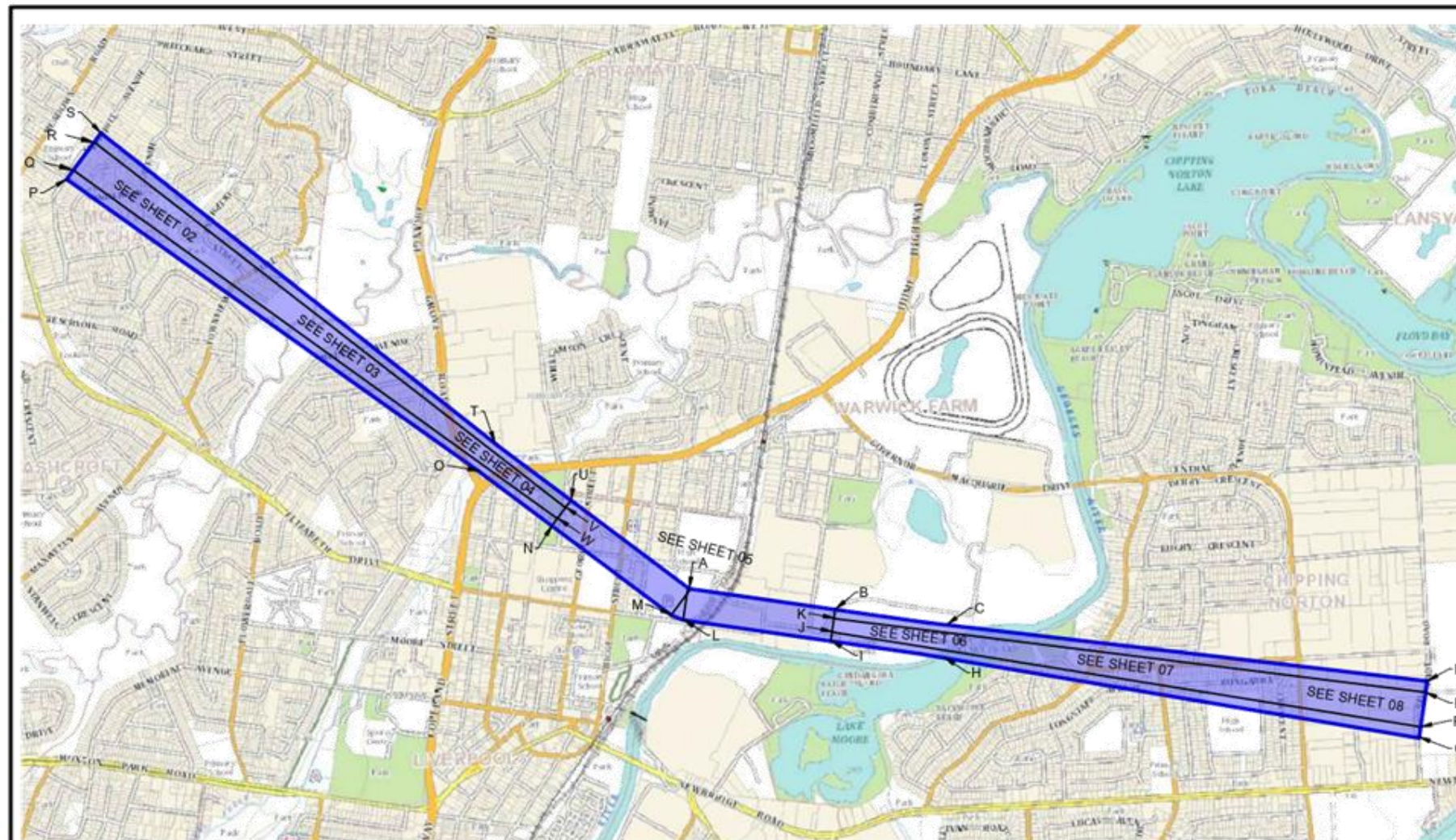
Economic	Encourage and promote businesses to develop in the hospital health and medical precinct (of the City Centre).
Environment	There are no environmental and sustainability considerations.
Social	There are no social considerations.
Civic Leadership	Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	Environmental Planning and Assessment Act 1979

CITY ECONOMY AND GROWTH REPORT

	Liverpool Local Environmental Plan 2008
Risk	<p>Council has an identified strategic risk relating to outdated planning instruments (LEP). This report recommends the LEP is updated to reflect the recent review of Liverpool Hospital Emergency Helicopter Flight Paths.</p> <p>The risk is deemed to be Low if the recommendations of this report are adopted.</p>

ATTACHMENTS

1. Updated Liverpool Hospital Helicopter Flight Paths
2. Helicopter Flight Paths Current and Proposed



NOTES:

The Design Development Overlay (DDO) is based on optimal helicopter flights into and out of the Liverpool Hospital. The DDO identifies the horizontal and vertical extent of the airspace that must be protected against incursions by governing authorities to enable the safe movement of helicopters into and out of the Hospital.

The Object Identification Surface (OIS) and Visual Flight Rules (VFR) Approach/Departure Paths are defined per the *Guidelines for Hospital Helicopter Landing Sites in NSW, Issued July 2020 (GL2018_10)*.

The geometry of the protected airspace has been derived using the OIS for this site and extended to the edge of the VFR approach/departure paths.

The contours shown on this plan represent the height at which a proposed development is spatially restricted. Proposed developments that extend above the contours on this plan must obtain approval from the Aviation Authority.

Contour interval 0.5 metres.

Height datum is Australian Height Datum 1971.
Horizontal datum is MGA, zone 56 GDA94.

Survey mark PM 52192 has been adopted as the MGA94/AHD71 origin. Coordinates supplied by Survey Control Information System (SCIMS):
308581.382 E
6245096.797 N
16.906 AHD71

Surveyed: 20/11/2020

GIS boundaries have been sourced by the NSW Land & Property Information. PDA Surveyors accepts no responsibility for the accuracy of the data.

SITE PLAN - DESIGN DEVELOPMENT OVERLAY

SCALE: 1:30,000

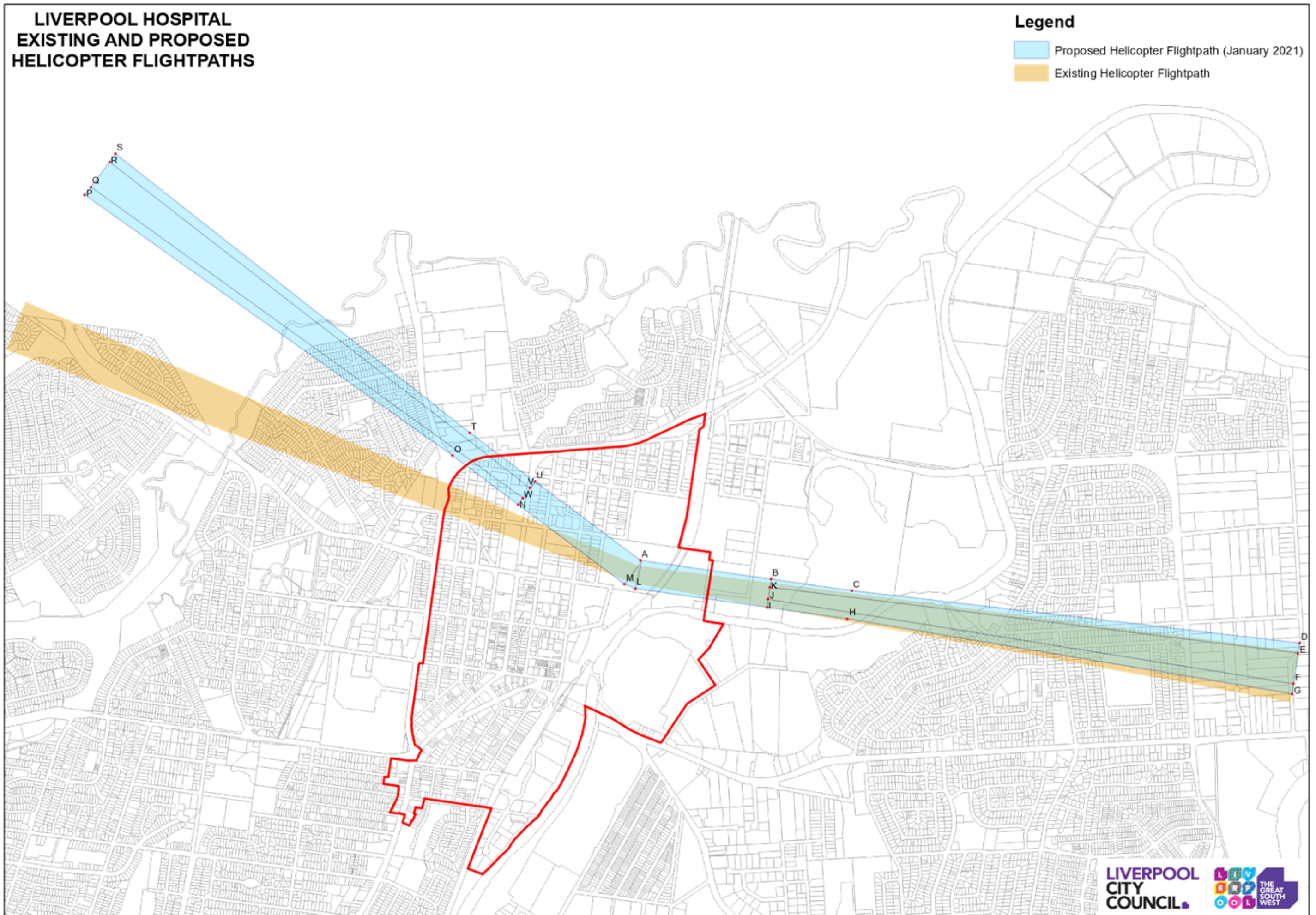
DDO GEOMETRY - LIVERPOOL HOSPITAL WESTERN FLIGHT PATH			
COORDINATES - MGA56 - GDA94 - AHD71			
NO.	EASTING	NORTHING	HEIGHT
A	308751.524	6244820.819	42.821
M	308667.046	6244696.684	42.821
N	308106.502	6245115.638	42.821
O	307763.257	6245372.182	65.661
P	305827.566	6246744.136	192.081
Q	305859.250	6246786.526	165.621
R	305957.536	6246918.021	165.621
S	305989.220	6246960.410	192.081
T	307853.100	6245492.381	65.661
U	308196.332	6245235.819	42.821
V	308170.622	6245201.422	42.821
W	308132.213	6245150.035	42.821

DDO GEOMETRY - LIVERPOOL HOSPITAL EASTERN FLIGHT PATH			
COORDINATES - MGA56 - GDA94 - AHD71			
NO.	EASTING	NORTHING	HEIGHT
A	308751.524	6244820.819	42.821
B	309437.723	6244722.870	42.821
C	309861.947	6244662.316	65.661
D	312218.441	6244386.464	192.081
E	312210.961	6244334.073	165.621
F	312187.758	6244171.553	165.621
G	312180.279	6244119.162	192.081
H	309840.737	6244513.757	65.661
I	309416.517	6244574.333	42.821
J	309422.587	6244616.846	42.821
K	309431.654	6244680.357	42.821
L	308723.737	6244673.259	42.821

LEGEND:

- DDO PERIMETER
- PROPERTY BOUNDARY
- PROTECTED AIRSPACE





EGROW 02**Liverpool Design Excellence Panel**

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	071406.2021
Report By	Lina Kakish - Manager Development Assessment Scott Sidhom - Acting Manager City Design and Public Domain
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

This report is seeking Council approval for applicants to be appointed to Council's Design Excellence Panel (DEP) for a period of two years, in accordance with the endorsed Design Excellence Panel Charter and Procedure.

Council received eighteen (18) submissions for membership on the DEP. All the applicants were eligible for assessment.

RECOMMENDATION

That Council approves the following 12 applicants, to be appointed by the Chief Executive Officer, as representatives on Council's Design Excellence Panel for a period of two years (with an option for a further one-year extension):

- Shaun Carter, from The Trustee for The Carter Williamson Architects
- Kim Crestani, from Order Architects Pty. Ltd
- David Matthew Taylor, from Taylor Brammer Landscape Architects
- Garth Paterson, from Paterson Design Studio Pty. Ltd
- Lee Hillam, from Workshop 1 T/A Dunn & Hillam Architects
- Sam Crawford, from Elemental Architecture T/A Sam Crawford Architects
- Alexander Koll, from Mako Architecture Pty. Ltd
- David Moir, from Moir Landscape Architecture Pty. Ltd
- Alf Lester, from The Trustee for LFA
- Ian Armstrong, from DesignInc Sydney Pty. Ltd

- Michael Mandl, from Group GSA Pty. Ltd
- Vishal Lakhia (Individual).

REPORT

Background

The Design Excellence Panel (DEP) was established in 2015 by Liverpool City Council to examine and evaluate design aspects of proposed major developments located within the Liverpool Local Government Area (LGA).

Since its establishment, the DEP convenes monthly, and has been instrumental in providing expert advice on development applications.

The primary function of the DEP is to provide Council officers and applicants with high level, independent, expert advice relating to urban design, architecture, landscape architecture and sustainability. The advice of the Panel informs the assessment of development applications, with a view to promoting best practice design of buildings and public spaces within the LGA.

The tenure of the current DEP is due to expire. As such, Council updated the Liverpool Design Excellence Panel Charter and Procedure. Amendments to the charter and procedure were endorsed by Council at its meeting on 27 October 2020. At the meeting, Council also resolved that a shortlist of potential panel members be sought, via Council's procurement process, and presented to Council for approval.

Procurement Process

Council sought submissions for suitably qualified and experienced consultants via a quotation process. Council received eighteen (18) submissions from organisations / individuals:

The submissions were evaluated by the Quotation Evaluation Committee and were evaluated against the following criteria:

1. Relevant qualification/s of the proposed panel member. This includes qualification/s in at least one or more of the following disciplines: Urban Design, Architecture, Landscape Architecture, Urban Planning and/or Sustainable Design.
2. Relevant experience of the proposed panel member. This included demonstrated involvement in the design of recent major projects (i.e. 1-5 years), and design advisory work (e.g., Design Excellence/Advisory/Review Panels for Government organisations, related to proposed developments); and
3. Knowledge of Western Sydney / the Liverpool Local Government Area (LGA). This included extensive expertise in Urban Design and sustainable and liveable communities, that addresses the needs and conditions found in Western Sydney.

CITY ECONOMY AND GROWTH REPORT

Through the evaluation process, it was determined that there were twelve (12) nominees that met the evaluation criteria for membership and are recommended to become members of Council's DEP.

The selected panel members have background in government, private practice and academia and have demonstrated an ability to provide valuable critique of design proposals.

These nominees are suitable to be members of Council's DEP given their sound qualification/s, experience in their relevant fields, and knowledge of Western Sydney / the Liverpool Local Government Area (LGA).

Recommendation

It is recommended that Council approves the following twelve (12) applicants, to be appointed by the Chief Executive Officer, as Panel Representatives on Council's DEP for a period of two years (with an option for a further one-year extension):

1. Shaun Carter, from The Trustee for The Carter Williamson Architects
2. Kim Crestani, from Order Architects Pty. Ltd
3. David Matthew Taylor, from Taylor Brammer Landscape Architects
4. Garth Paterson, from Paterson Design Studio Pty. Ltd
5. Lee Hillam, from Workshop 1 T/A Dunn & Hillam Architects
6. Sam Crawford, from Elemental Architecture T/A Sam Crawford Architects
7. Alexander Koll, from Mako Architecture Pty. Ltd
8. David Moir, from Moir Landscape Architecture Pty. Ltd
9. Alf Lester, from The Trustee for LFA
10. Ian Armstrong, from DesignInc Sydney Pty. Ltd
11. Michael Mandl, from Group GSA Pty. Ltd
12. Vishal Lakhia (Individual).

CONSIDERATIONS

Economic	Enhance the environmental performance of buildings and homes.
Environment	Enhance the environmental performance of buildings and homes.
Social	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership	Foster neighbourhood pride and a sense of responsibility.
Legislative	Environmental Planning & Assessment Act 1979

CITY ECONOMY AND GROWTH REPORT

	State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Liverpool Design Excellence Panel Charter and Procedure (Under separate cover)
2. PQ3032 Evaluation Report (Under separate cover) - **Confidential**

EGROW 03**Proposed Planning Agreement in conjunction
with DA-904/2019 at 28 Yarrunga Street,
Prestons**

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	080038.2021
Report By	Kevin Kim - Senior Development Planner
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

Council is in receipt of an offer to enter into a planning agreement in conjunction with DA-904/2019 for a *staged development involving demolition of existing structures and construction of a multi-storey warehouse complex over two (2) stages containing eight (8) warehouse units* at 28 Yarrunga Street, Prestons. This development application was approved on 12 November 2020 by the Sydney Western City Planning Panel (SWCPP).

The development site is in the Prestons Industrial Area and gains vehicular access (including for heavy vehicles) through the existing signalised Bernera Road / Yarrunga Street / Yato Road intersection.

During the assessment of this and adjoining development applications, Council and Transport for NSW (TfNSW) identified the need for the existing signalised intersection to be upgraded to accommodate the expected additional traffic movements from development in the area and to improve road safety.

Without the intersection being upgraded, there will be increased traffic congestion, an unacceptable level of service and safety issues.

The upgrade works will be funded primarily by monetary contributions from new developments in the Prestons Industrial Area that are identified as directly contributing to increased traffic. Several development applications approved in the last two years have included development consent conditions for portions of the required intersection upgrade to be carried out by individual developers prior to occupation of the developments (or the payment of a contribution in lieu of the works).

CITY ECONOMY AND GROWTH REPORT

Based on this approach, DA-904/2019 and subsequent modification application DA-904/2019/A include two conditions (130 and 131) requiring the submission of design drawings and completion of an approved portion of the intersection upgrade prior to occupation of the development.

Rather than undertake the road works itself to satisfy the above conditions, the developer, Muhibbah Construction Pty Ltd has offered to enter into a planning agreement for a monetary contribution of \$207,300 towards the required intersection upgrade. Council has accepted similar offers made by other developers including approved developments at 55 Yarrunga Street, Prestons (DA-681/2017), 14 Yarrunga Street, Prestons (DA-527/2017) and at 24 Bernera Road, Prestons (DA-407/2017). Copies of the executed planning agreements can be viewed on Council's website: <https://www.liverpool.nsw.gov.au/development/planning-the-future/planning-agreements>

The planning agreement process provides a means to better combine the resources required to fund the intersection upgrade, and to coordinate the design, and expedite construction by Council directly. To date, affected developers have expressed an interest in making monetary contributions in lieu of carrying out the intersection works themselves.

It is recommended that Council endorse the planning agreement for public exhibition in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Participation Plan and that Council delegates authority to the CEO (subject to consideration of any changes following public exhibition) to execute the planning agreement in the form that is publicly exhibited or with minor modifications.

RECOMMENDATION

That Council:

1. Endorse the draft planning agreement for a monetary contribution of \$207,300 towards the upgrade of the Bernera Road / Yarrunga Street / Yato Road intersection and direct the CEO to publicly exhibit the planning agreement and accompanying explanatory note for 28 days.
2. Delegate authority to the CEO, subject to consideration of any changes following public exhibition, to execute the planning agreement in the form that is publicly exhibited or with minor modifications.
3. Notes that if changes, other than minor changes, arise from the public exhibition process these will be reported back to Council for endorsement.

4. Notes that any planning agreement will be subject to approval of modification application DA-904/2019/B which proposes deletion of Conditions 130 and 131 (relating to design and construction of a portion of Bernera Road / Yarrunga Street / Yato Road intersection upgrade) and the addition of a condition requiring execution of the planning agreement and payment of the monetary contribution prior to the release of any occupation certificate for the site.

REPORT

The existing signalised intersection was constructed as a requirement of the existing ALDI Distribution Centre (as State Significant Development) in 2009. It was specified and funded as a basic four-way interim configuration without dedicated right and left turn lanes along Bernera Road or Yarrunga Street.

In the past three years, the Department of Planning, Industry and Environment (DPIE), Council and the SWCPP have approved seven significant industrial developments in the Prestons Industrial Area, including the Prestons Logistics Estate (LOGOS) development, along the section of Bernera Road between Kurrajong Road and Yarrunga Road (207,210m²) and the Charter Hall development off Yato Road (149,900m²). These combined developments are forecast to generate significant traffic movements (approximately 840 vehicles per hour during the morning and afternoon peak periods). Locations of the approved development applications are shown in **Figure 1** and summarised in the table below.

During the assessment of these development applications, Council and Transport for NSW (TfNSW) identified the need for the existing signalised intersection to be upgraded to accommodate the expected additional traffic movements from development in the area and to improve road safety.

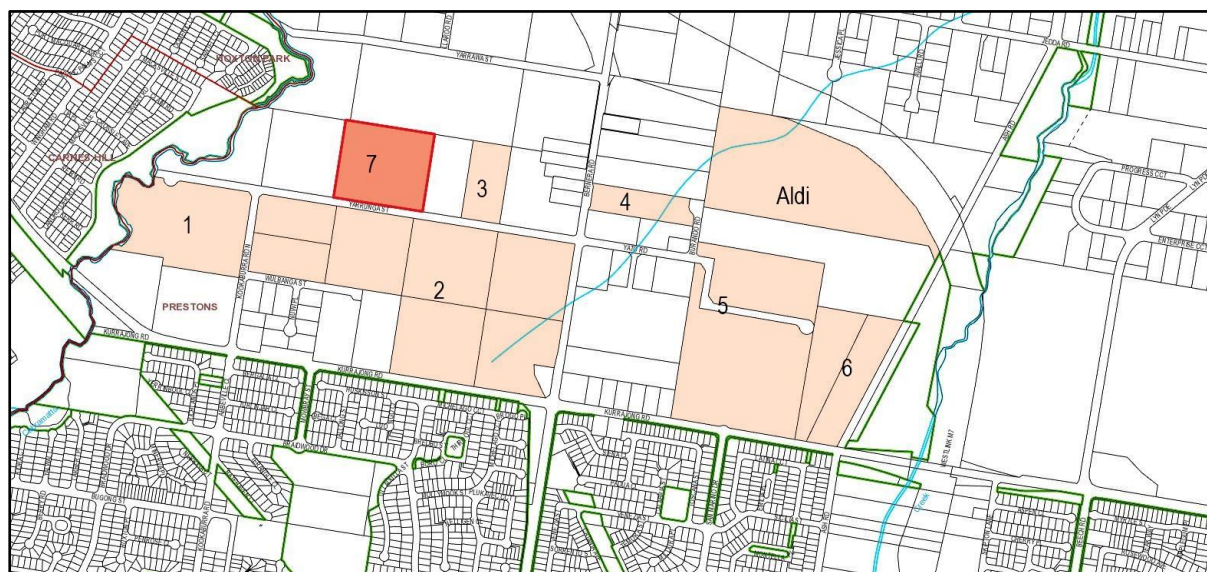


Figure 1: Location of approved development applications (refer to Site and DA number provided in the table below) – north to top

TABLE 1

Site No & DA NO.	Address	Proposal Summary	Determination	Contribution Paid Y/N
1. DA-681/2017	55 Yarrunga Street Prestons	Two (2) Warehouse Buildings, Distribution Centre and Office.	Approved under delegated authority on 26 February 2018	Yes \$137,797
2. SSD 7155	5-35 Yarrunga Street Prestons (LOGOS)	Staged construction of five warehouse buildings with, associated office space, access roads, parking, drainage and landscaping. A later modification approved a sixth warehouse.	Approved by the then Department of Planning and Environment as a State Significant Development on 24 June 2016.	No, DPIE is currently in discussions with LOGOS about the VPA.
3. DA-527/2017	14 Yarrunga Street Prestons (Gunlake)	Concrete batching plant and materials blending plant	Approved by Local Planning Panel on 30 April 2018.	Yes, \$85,000
4. DA-407/2017	24 Bernera Road Prestons	Demolition of existing dwellings and outbuildings and construction of an industrial building consisting of 2 warehouses	Approved under delegated authority on 8 March 2018.	Yes \$84,129
5. DA-987/2015	Lot 1 & Lots A-C Kurrajong Road Prestons (Charter Hall)	Industrial Warehouse facility consisting of 2 units & extension of Yato Road.	Approved under delegated authority on 26 April 2016.	Yes \$391,635
6. DA-764/2017	Lot 1 Kurrajong Road Prestons	Thirty (30) small warehouses and a storage facility containing fifty-eight (58) storage units with one-hundred and eighty (180) car parking spaces.	Approved under delegated authority on 7 June 2018	No
7. DA-904/2019	28 Yarrunga Street Prestons	Staged development – demolition of existing structures and construction of a multi-storey warehouse complex over two stages containing eight (8) warehouse units.	Approved by SWCPP on 12 November 2020.	Subject of this report



Figure 2: Aerial image of the intersection (blue circle) and the subject site (yellow box) - north to top

The intersection upgrade is estimated at \$5.7m and Council is expecting a total contribution of \$5m, including a 56% contribution of \$3.2m from LOGOS.

The need to upgrade the intersection was first identified when the Department of Planning and Environment approved a State Significant Development (SSD) at 5-35 Yarrunga Street, Prestons on 24 June 2016 (being the “LOGOS site”).

The increase in the number and type of traffic movements expected as a result of this development, and other proposed developments in the vicinity, identified that the signalised intersection needed to be improved to deal with the increasing demands and changing traffic loads including turning vehicles.

The intersection upgrade involves localised road widening of approximately 200m along Bernera Road and 50m along both Yarrunga Street and Yato Road to provide for two through and dedicated right lanes in each direction along Bernera Road and two lanes along Yarrunga Street and Yato Road to the intersection.

The intersection upgrade works will include the relocation of an existing water main and TfNSW Directional Message Board. A strategic concept design of the intersection upgrade has been endorsed by TfNSW and detailed design is expected to be completed within the next 6 months.

The cost of the required intersection upgrade has been apportioned to each development based on the traffic expected to be generated by them. Based on this approach, monetary contributions were calculated and have been used as the basis for discussions with developers for payment of a monetary contribution in lieu of them completing the required road works.

Development Consent Conditions

The development consent for the subject development included two (2) conditions for the submission of design drawings and completion of an approved portion of the intersection upgrade prior to occupation – Conditions 130 and 131 of DA-904/2019 and subsequent modification under DA-904/2019/A.

Traffic

130. *The developer should provide localised road widening at the north western corner of Bernera Road/Yarrunga Street/Yato Road intersection to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road. The design plan of the proposed widening should be submitted to Council Traffic and Transport Section for review and approval. A meeting is suggested between the developer and Council Traffic and Transport Section to discuss design requirements prior to the design plan being prepared.*

S138 Roads Act – roadworks requiring approval of civil drawings.

131. *Prior to the issue of an Occupation Certificate for building works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for road widening at the north western corner of Bernera Road/Yarrunga Street/Yato Road intersection to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road.*

Engineering drawings are to detail road widening at the Bernera Road/Yarrunga Street/Yato Road intersection to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road. The design plan of the proposed widening will be submitted to Council Traffic and Transport Section for review and approval.

The proposed intersection upgrade works will require approval by Roads and Maritime Services under Section 87 of the Roads Act, 1993.

Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

1. *Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate".*

The applicant's response – Modification Application DA-904/2019/B

The applicant lodged a modification application (DA-904/2019/B) with Council on 21 January 2021, which sought to:

1. Delete Conditions 130 and 131 relating to design and construction of a portion (north western corner) of the Bernera Road / Yarrunga Street / Yato Road intersection upgrade.

Initial discussions between the applicant and Council included a review of traffic impacts including heavy vehicle (B-Double trucks) movements from the approved development through the Bernera Road / Yarrunga Street / Yato Road intersection and the need for the developer to carry out works or to contribute to a portion of the required intersection upgrade.

Following these discussions, in-lieu of completing a portion of the required intersection upgrade, the applicant offered to enter into a planning agreement for a monetary contribution toward the intersection upgrade.

Upon agreement of the contribution figure, the modification application (DA-904/2019/B) was lodged to seek replacement of the conditions requiring intersection works to be completed with an offer to enter into a planning agreement for the payment of the offered monetary contribution.

The offer outlined in the attached planning agreement is for a monetary contribution of \$207,300 (subject to CPI increases) paid to Council prior to the issue of any Occupation Certificate for the development.

Legal Advice

The legal representatives of the applicant in conjunction with Council's legal representatives have prepared a draft Planning Agreement (**Attachment 3**) and Explanatory Note (**Attachment 4**).

The draft Planning Agreement has been prepared in accordance with Council's Planning Agreements Template and Policy and was referred to Council's Legal team and external legal firm (Marsdens) for comment.

The method of payment for the monetary contribution is to require payment prior to the issuing of any Occupation Certificate for the development. This payment method is in line with the provisions of Section 6.10(2)(d) of the *Environmental Planning & Assessment Act 1979* and Clause 154E of the *Environmental Planning & Assessment Regulation 2000* which apply in any case. These provisions place restrictions on the issuing of occupation certificates by any person if there are outstanding matters to be complied with.

Specifically, Clause 154E states that:

Restriction on issue of certificates without compliance with planning agreement

If a planning agreement specifies requirements of the agreement that are required to be complied with before an occupation certificate relating to the occupation or use of a new building or a change of building use for an existing building is issued, a certifier must not issue an occupation certificate for the building unless the certifier is satisfied that those requirements have been complied with.

If adopted, the draft planning agreement will be publicly exhibited for 28 days. As part of this notification, it is proposed to inform the Principal Certifying Authority acting for the applicant on the status of the planning agreement and include reference to the above obligation of which the PCA should already be aware.

It should be noted that the terms and conditions of the current consent for DA-904/2019 and DA-904/2019/A remain until such time as the planning agreement is executed and the modification application approved.

Conclusion

Council has received an offer to enter into a planning agreement in connection with DA-904/2019 for a monetary contribution of \$207,300.00 towards the Bernera Road / Yarrunga Street / Yato Road intersection upgrade.

It is recommended that Council endorse the planning agreement for public exhibition in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Participation Plan, and that Council delegates to the CEO (subject to consideration of any changes following public exhibition) to execute the planning agreement in the form that is publicly exhibited or with minor modifications.

The planning agreement will be subject to the approval of an associated modification development application DA-904/2019/B currently pending determination.

CONSIDERATIONS

Economic	Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Environmental Planning and Assessment Act 1979

	Environmental Planning and Assessment Regulation 2000
Risk	The risk is considered to be low and has been subject to legal review. The risk is within Council's risk appetite.

ATTACHMENTS

1. Consent for DA-904/2019 (Under separate cover)
2. Consent for DA-904/2019/A (Under separate cover)
3. Draft Planning Agreement (Under separate cover)
4. Explanatory Note to Planning Agreement (Under separate cover)

EGROW 04	Update on the draft Warwick Farm Racing Precinct Structure Plan, draft Planning Proposal and draft Contributions Plan
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Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	102193.2021
Report By	Cameron Jewell - Senior Strategic Planner
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

At its meeting of 26 August 2020, Council resolved (EGROW 01) to place the draft Warwick Farm Racing Precinct Structure Plan, draft planning proposal and draft contributions plan on public exhibition, pursuant to the Liverpool Community Participation Plan 2019; and receive a further report following public exhibition, detailing submissions received and any amendments proposed to the draft structure plan, draft planning proposal and/or draft contributions plan. A feasibility study was also conducted during this period, as recommended by the Liverpool Local Planning Panel, and as resolved by Council.

This report provides a summary of submissions received during the public exhibition period. Based on community feedback, the refusal of the Department of Planning, Industry & Environment (DPIE) to issue a Gateway determination for the planning proposal for 240 Governor Macquarie Drive, and the results of feasibility testing, it is recommended that further revisions be made to the draft structure plan, draft planning proposal and draft contributions plan to respond to issues raised in submissions and to improve the feasibility and affordability of development within the Warwick Farm racing precinct.

In addition, and following advice from DPIE on other planning proposals within the Liverpool Collaboration Area, and the Moorebank area generally, any revised plans will need to consider regional transport and flood evacuation studies currently underway. No planning proposal will be considered by DPIE until these studies are completed and used to inform the planning proposal for the Warwick Farm racing precinct.

Appropriate funds will need to be allocated in the 2021/22 Operational Plan and Budget to revise the draft structure plan, planning proposal and contributions plan.

RECOMMENDATION

That Council:

1. Receives and notes this report;
2. Notes that appropriate funds will need to be allocated in the 2021/22 Operational Plan and Budget to refine the draft structure plan, draft planning proposal and draft contributions plan for the Warwick Farm Racing precinct, to:
 - a. Respond to feedback received during public exhibition of the draft plans;
 - b. Incorporate the outcomes of regional transport, flood, and open space studies;
 - c. Respond to the outcomes of feasibility testing;
 - d. Incorporate the 240 Governor Macquarie Drive site into the draft planning proposal and structure plan, considering DPIE's Gateway refusal and feedback received from public exhibition; and
 - e. Conduct a detailed flood impact assessment to better understand land needed for flood mitigation and potential flood mitigation options.
3. Receives a further report on the draft structure plan, draft planning proposal and draft contributions plan for the Warwick Farm racing precinct following the refinement of the plans.

REPORT

Background

At its meeting of 11 December 2019 (EGROW 02), Council resolved to develop a structure plan and planning proposal for the Warwick Farm Racing Precinct addressing the following:

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

Conybeare Morrison International (the consultant) was appointed to undertake preparation of the draft Warwick Farm Structure Plan, draft planning proposal and draft amendments to the Liverpool Contributions Plan 2009 in line with Council's abovementioned requirements.

The draft planning proposal was presented to the Liverpool Local Planning Panel (LPP) on 27 July 2020. The Panel did not support the planning proposal proceeding to a Gateway determination, advising that the following matters needed to be addressed:

1. *Updating of the Flooding Assessment to have regard to the 2020 Georges River Flood Study (BMT, January 2020) and its implications for this site;*
2. *Preparation of a development feasibility study having regard to the need for consolidation of fragmented sites, flood mitigation works, open space acquisition, the truck bypass route, pedestrian links across the railway and the proposed development yield;*
3. *A report addressing whether, given the cap of 18,800 additional dwellings for Liverpool Collaboration Area Place Strategy, this site is the optimum location for the provision of additional housing given the constraints of the site including flooding and difficulty of evacuation; and*
4. *Further analysis of the potential environmental impacts of the proposed truck bypass route and the changes to ground levels for flood mitigation having regard to vegetation, acid sulphate soils and water table level.*

At its ordinary meeting of 26 August 2020 (EGROW 01), Council resolved the following in respect of the draft Warwick Farm Racing Precinct Structure Plan, draft Planning Proposal, and draft Contributions Plan:

That Council:

1. *Notes the advice of the Liverpool Local Planning Panel;*
2. *Notes that a feasibility study will be completed as recommended by the Liverpool Local Planning Panel;*
3. *Places the draft structure plan, planning proposal and local contributions plan on public exhibition, pursuant to the Liverpool Community Participation Plan 2019 for 28 days; and*
4. *Receives a further report, following public exhibition, detailing any submissions received and any amendments proposed to the structure plan, planning proposal and/or local contributions plan.*

The draft structure plan, planning proposal and contributions plan were placed on public exhibition between 14 September 2020 - 12 October 2020. An online community forum was also held. The documents were forwarded to the NSW Department of Planning, Industry and Environment (DPIE), the Greater Sydney Commission (GSC), Transport for NSW (TfNSW) and Sydney Water for feedback.

The draft structure plan (report provided at **Attachment 1**) can be seen in **Figure 1**.



Figure 1: Draft Warwick Farm structure plan NB: 240 Governor Macquarie Drive, located the top of the picture, is not included in land subject to the planning proposal. Source: Conybeare Morrison International

Summary of Submissions

Council received 20 submissions from the public (including a submission from the Australian Turf Club (ATC), the owner of the Warwick Farm racecourse and land within the Warwick Farm Racing Precinct) and from one submitter that provided three separate responses. Submissions were also received from Sydney Water and TfNSW. DPIE and GSC declined to provide submissions at this stage of the planning process.

Most submissions supported rezoning the precinct for high-density residential uses, however most raised concerns with aspects of the draft structure plan as exhibited.

The key issues raised during public exhibition are summarised below. A detailed summary of each submission is attached at **Attachment 2**.

- Flooding:** Several submissions argued that flooding was no longer an issue for the Warwick Farm racing precinct. A common proposition was that the development of the Chipping Norton Lakes scheme in the 1980s had eliminated or ameliorated the flood risk for the Warwick Farm racing precinct. Other submissions argued that land should be found elsewhere (i.e. outside of the precinct) to compensate for the loss of flood storage to maximise developable land. Council's floodplain engineers have provided a detailed

response to 11 questions/comments frequently asked/made by submitters regarding the flooding impacts in the Warwick Farm racing precinct. This is included at **Attachment 3**.

- Odour Buffer Zone: several submissions argued that the odour buffer zone should be ignored, as control of odour from the Warwick Farm sewage treatment plant is the responsibility of Sydney Water under *the Protection of Environment Operations Act 1997*. Others argued that the Warwick Farm sewage treatment facility would inevitably be upgraded, because of growth in the region.

Submitters stated that improved practices would reduce the odour buffer over time, and therefore the current imposition of the buffer was considered overly stringent. Other submissions referred to a 2010 submission by Sydney Water to the Productivity Commission pledging to upgrade its sewage treatment facilities over time (which included the Warwick Farm sewage treatment plant).

Council is continuing conversations with Sydney Water to better understand plans for the upgrade of the sewage treatment plant, and clarity around Sydney Water's position on development within odour contours. Most land within the odour buffer zone has been set aside for flood mitigation purposes in the draft plan.

If the odour buffer were to be discounted, it is likely that much of this land would still be required for flood mitigation purposes. It is noted that Sydney Water has objected to the planning proposal as there is some development shown within the confines of the odour buffer zone. Council's Local Strategic Planning Statement (LSPS) notes that Council will "review residential development in the odour buffer to the Water Recycling Plant".

- Open space: some submissions raised concerns with the quantum of open space provided in the draft structure plan. Comparisons were drawn to the lack of open space supporting high-density residential development to the west of the Warwick Farm train station. Some submissions noted that the proposed open space was not evenly distributed throughout the precinct but concentrated in the vicinity of the least-dense residential areas.

Most of the open space provided is required for compensatory flood storage to allow other areas of the flood plain to be filled to enable residential development. The area identified for open space is slightly higher than Council's adopted open space provision metric of 2.83 hectares per 1000 residents. State policy is moving away from such metrics, particularly in urban renewal precincts, and Council is in conversations with Sydney Water to consider the provision of public access through certain areas of the Sydney Water wastewater treatment plant site.

There is the possibility that further refinements can be made to open space provision, contingent on flood mitigation works being appropriately addressed. Council has appointed a consultant to conduct an Open Space Needs Assessment for the Liverpool

Collaboration Area. As part of this work, the consultant has been asked to investigate appropriate metrics for open space, which could inform a refinement of the draft structure plan, draft planning proposal and draft contributions plan to further improve affordability.

- Feasibility: Some submissions stated that the proposed Height of Buildings and Floor Space Ratio development standards were not sufficiently high enough to encourage landowners or future developers to relocate and/or develop. The feasibility study indicates that increasing development standards is not likely to improve feasibility. This is discussed further in this report.

There was also some commentary on how development could practicably proceed if sites need to be raised above the flood planning level. It is agreed that further guidance regarding sequencing, staging and implementation be provided as part of a refined structure plan.

- Traffic: Some submissions raised concerns relating to an increase in traffic congestion that would occur from increased density within the area, noting that there is already significant traffic congestion. Council is currently involved in a strategic transport infrastructure assessment with TfNSW to understand infrastructure required to support growth in the Liverpool Collaboration Area.
- 240 Governor Macquarie Drive: Several submissions referred to the 240 Governor Macquarie Drive site and the planning proposal to support the redevelopment of the site. Concerns were raised in relation to the proposed built form outcomes, including excessive height, too little open space, overshadowing and unfair distribution of dwellings throughout the precinct.

Some submissions also preferred employment uses to be located on this site. DPIE has since refused a Gateway determination for the 240 Governor Macquarie Drive planning proposal, and additional information regarding the refusal is contained within this report.

Figure 2 below illustrates the key themes raised in the submissions received and how many times each category was mentioned. This figure helps to demonstrate the strength of sentiment regarding specific issues.

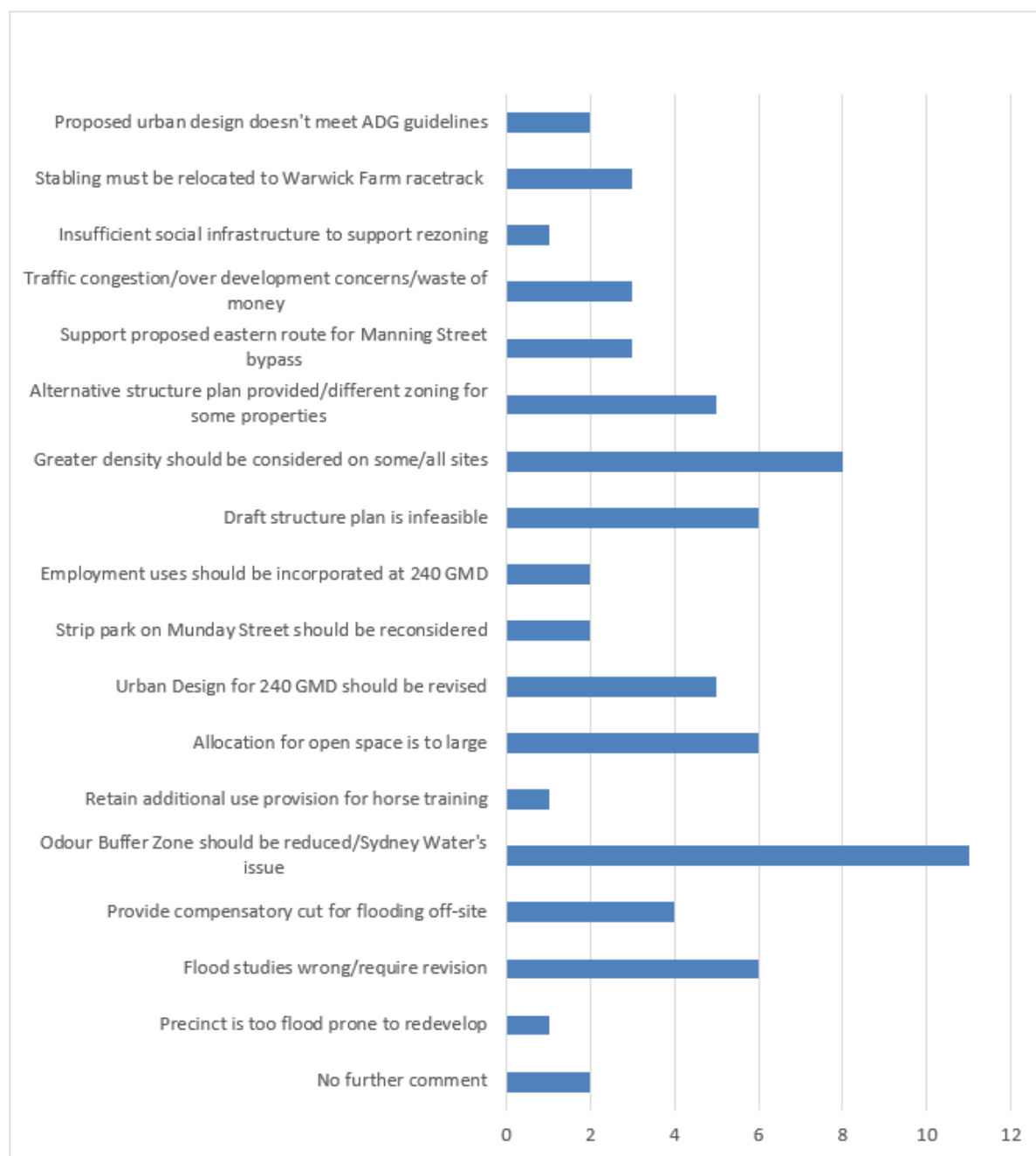


Figure 2: Themes raised during public exhibition

Australian Turf Club submission

The Australian Turf Club (ATC) is the owner of the Warwick Farm racecourse and three additional lots of land within the Warwick Farm racing precinct. The ATC made an extensive submission, including an alternative structure plan, which recommends expanding the area to be rezoned for high density residential purposes to include some land within the Warwick Farm racecourse.

Central to the ATC submission is its understanding that the proposed rezoning of the Warwick Farm racing precinct is predicated on the relocation of existing horse training and related businesses to the Warwick Farm racecourse. While the ATC indicates that it may be amenable to facilitating such a relocation, this is subject to Council agreeing to increase the proposed residential density of its sites within the Warwick Farm racing precinct, and considering its request to expand the scope of the project to include a section of the existing Warwick Farm racecourse.

Council specifically resolved that the precinct to be rezoned is the “horse training precinct”. The boundary of the Warwick Farm Racing Precinct, included in the LSPS, does not include the racecourse. Including this additional land may jeopardise the planning proposal’s strategic merit, as provided by the LSPS, given that the LSPS does not identify rezoning land on the racecourse as a local planning priority or action.

It is unclear from ATC’s submission whether the proposal to incorporate parts of the racecourse for rezoning and development has strategic or site-specific merit. If ATC believe that the proposal contained in their submission has strategic and site-specific merit, then additional justification can be provided, and Council can then further consider this matter. Council will further engage with ATC on this matter going forward.

ATC also proposed increasing development standards for its landholdings within the current horse training precinct area. One lot has been indicated as necessary in the draft plans for flood mitigation and accordingly is proposed to be zoned RE1. The recommended detailed flood impact assessment may identify alternative options for flood mitigation that could result in amendments to the draft structure plan.

The ATC submission is summarised in detail in **Attachment 2**.

TfNSW Submission

TfNSW noted that the draft planning proposal is Council’s response to Action 10.2 of the Liverpool LSPS. The draft planning proposal identifies the potential for 2,252 dwellings and commercial (retail and office) GFA of 24,417 m². TfNSW noted that this is a substantial proportion of the uplift envisaged for the Liverpool Collaboration Area as a whole. The Liverpool Collaboration Area Place Strategy identifies a preferred growth profile of 18,800 dwellings and 16,200 jobs by 2036.

TfNSW indicated that traffic and transport implications of the planning proposal would likely have an effect across the Liverpool Collaboration Area and not just at the precinct level. Council is involved in a Collaboration Area wide strategic transport infrastructure assessment to understand infrastructure required to support the preferred growth profile in the Liverpool Collaboration Area. TfNSW stated that the Transport Impact Assessment (TIA) should be reviewed once the strategic transport infrastructure assessment is completed. This is likely to occur by mid-2021.

Sydney Water Submission

Sydney Water owns and operates the Warwick Farm sewage treatment plant. Sydney Water's submission indicated that it could not support the draft planning proposal in its current form, as more detail was needed on timing/staging and details of how odour is to be mitigated.

Sydney Water indicated that it would be unlikely to upgrade the Warwick Farm sewage treatment plant until 2027, but this timeframe would only be confirmed later in 2021. Sydney Water states that the proposal will pose a risk to Sydney Water if development proceeds before the upgrade of the plant.

Council staff met with Sydney Water officers on 11 November 2020. At that meeting, Sydney Water staff confirmed the extent of the Odour Buffer Zone (OBZ) and Sydney Water's opposition to any high-density residential development on land affected by the OBZ. This included opposition to the rezoning of 10 Stroud Avenue from R2 Low Density Residential to R4 High Density Residential, even though only a very small proportion of the site is within the OBZ.

Sydney Water staff also raised concerns regarding an existing Sydney Water sewage pumping station located at Lot 22 Shore Street, which they indicated was an additional potential source of odour. Lot 22 Shore Street is within the existing OBZ. With regard to the sewage pumping station, Sydney Water have indicated that they *"would like to see the timeframe for this development in order to undertake an assessment, and if necessary, an odour control unit can be installed at this pump station to effectively remove the odour."*

Council staff are continuing to work collaboratively with Sydney Water through the Liverpool Collaboration Area Steering Committee to resolve issues that may impede realisation of the vision for the Liverpool Collaboration Area Place Strategy. This is in line with the Greater Sydney Commission's letter of support for the LSPS, which requires Council to consult with relevant State agencies on the preparation of the Structure Plan.

Economic Feasibility Testing

Council engaged Atlas Urban Economics (Atlas) to test the economic feasibility of three nominated sites within the draft structure plan, as was recommended by the LPP and resolved by Council. The feasibility testing considers implications of proposed planning controls, development yield and draft section 7.11 contribution rates.

The report (**Attachment 4**) identified that the planning controls proposed for the three nominated sites were not feasible. Key reasons include:

- the relatively high cost of land due to the value of existing uses;
- the relatively high non-residential Gross Floor Area (GFA) required; and
- section 7.11 contribution rates for flood mitigation and local infrastructure works.

The report notes that “*higher densities are not a viable solution to overcoming the ‘high’ contribution rates tested*”. This is because the taller buildings are, the more they cost to construct. The cost of developing an apartment building does not change based on its location, but the amount willing to be paid for apartments does change based on location. Atlas has found that the willingness to pay in areas like the Warwick Farm racing precinct isn’t as high as more mature markets like Parramatta and Liverpool CBDs. Atlas therefore considers that feasibility will not be improved by increasing development standards.

The report recommends that Council considers reducing s7.11 contribution rates. This may include investigating options to encourage the relocation of horse stables from land which may be required for infrastructure, and/or investigating floor space transfer mechanisms for land partially identified as required for infrastructure. The report also recommends reviewing non-residential GFA rates and locations.

It is recommended that the findings of the Atlas report are fully considered in an update to the draft structure plan, draft planning proposal and draft contributions plan in order to improve the feasibility and affordability of developing within the Warwick Farm Racing Precinct. As noted previously, it is also recommended that open space provision and flood mitigation options are reviewed, which may also help to reduce s7.11 contributions and improve feasibility.

Refusal to issue a Gateway determination for 240 Governor Macquarie Drive Planning Proposal

Council separately supported a planning proposal to rezone 240 Governor Macquarie Drive from B5 Business Development to part B4 Mixed Use and part R4 High Density Residential. The draft structure plan identified this earlier Council decision by adopting the zoning and development standards that had already been endorsed by Council.

On 22 September 2020, during the exhibition period of the draft structure plan, Council received confirmation that the planning proposal for 240 Governor Macquarie Drive had been formally refused by DPIE.

The CEO update on 25 September 2020 included a memo detailing the refusal by DPIE to issue a Gateway determination for this planning proposal (**Attachment 5**). In summary, the proposal was refused due to:

- Insufficient strategic merit: the planning proposal did not adequately address consistency with the Greater Sydney Regional Plan, the District Plan or Council’s draft Local Housing Strategy and draft Industrial and Employment Lands Strategy.
- Relationship with draft Warwick Farm Structure Plan: the planning proposal was not informed by, or addressed, the draft Warwick Farm structure plan and its supporting studies. Likewise, the planning proposal did not adequately address the considerations for the implementation of the LSPS as provided by the Greater Sydney Commission, as the site was not integrated within the broader Warwick Farm structure plan.

- Inadequacy of the planning proposal: DPIE determined that the urban design report submitted with the planning proposal did not support the proposed 2:1 FSR, and that the flood study (which had been prepared for a previous version of the planning proposal) was inadequate and must be integrated into a Flood Impact Report for the precinct as a whole. DPIE also found that the Traffic Impact Assessment provided was inadequate and needed to address the proposed Manning Street bypass in addition to the broader traffic study being conducted for the Collaboration Area as a whole. DPIE also required that the planning proposal respond to the feasibility study being prepared for the precinct.
- Concerns raised by the Liverpool Local Planning Panel: DPIE found that the issues raised by the Liverpool LPP in their planning advice regarding the proposal, particularly regarding the inconsistency of the proposal with the Liverpool Collaboration Area Place Strategy, had not been addressed.

It is recommended that Council consider including 240 Governor Macquarie Drive in a revision of the draft structure plan and planning proposal, in order to address the abovementioned issues that led to a Gateway refusal, as well as considering public feedback regarding the site's relationship to the entire precinct in terms of distribution of density, proposed zoning and SEPP 65 concerns.

Completion of precinct-wide studies

Recent changes in DPIE's planning proposal assessment processes mean that more information is now being required prior to planning proposals being lodged for Gateway review. Council has recently had proposals within the Liverpool Collaboration Area and Moorebank East returned from Gateway assessment (example letter attached at **Attachment 6**), with DPIE stating that planning proposals should be resubmitted "once the findings of Council's Regional Flood Evacuation Study can inform the proposal".

Council will meet with DPIE, Environment, Energy & Science Group, and the State Emergency Service (SES) to further refine and finalise the flood evacuation study. It is expected this will be completed by mid-2021. Based on previous and ongoing correspondence with DPIE, a proposal sent to Gateway prior to this study being completed will not be accepted.

In addition, in response to TfNSW submission, it is also recommended any planning proposal not proceed before considering the outcomes of the Liverpool Collaboration Area Traffic and Transport Assessment, which is also expected to be completed by mid-2021.

Council is also progressing an Open Space Needs Analysis for the Liverpool Collaboration Area to understand the quantum of open space required to cater for the expected population growth as set out in the Liverpool Collaboration Area Place Strategy and set more appropriate open space metrics for urban renewal areas. This is expected to be completed by May 2021.

Next Steps

In its current form, the draft structure plan and planning proposal should not proceed to a Gateway determination. Amendments are required to respond to the Atlas report which concludes that development is not currently feasible, submissions received as part of the exhibition, the refusal of 240 Governor Macquarie Drive planning proposal by DPIE, and precinct-wide studies required to be completed before planning proposals can be sent for Gateway determination.

It is recommended that the draft structure plan and planning proposal is progressed after the Liverpool Collaboration Area studies are completed. Current anticipated timeframes are as follows:

- Liverpool Collaboration Area Open Space Needs Assessment: May 2021
- Liverpool Collaboration Area Strategic Transport Infrastructure Assessment:
June 2021
- Liverpool Collaboration Area Regional Flood Evacuation Strategy: June 2021

While the above studies are being finalised, Council can progress the following:

- Further consultation with ATC regarding their proposal to expand the Warwick Farm Racing Precinct to include part of the racecourse;
- Further consultation with Sydney Water to understand its policy position on development within the odour buffer zone; and
- The completion of a detailed flood impact assessment to better understand land required for flood mitigation and alternative flood mitigation options.

It is proposed that consultants are re-engaged to further refine the draft structure plan. An appropriate budget allocation will be required to refine the draft structure plan, planning proposal and contributions plan, and a request will be included in the 2021/22 Operational Plan and Budget. No general funds have, to date, been expended on this project as Council received funding under the LEP Review project, provided by the State Government to prepare the draft plans. That funding has now ceased and further refinements to the draft plans will need to be funded by Council.

CONSIDERATIONS

Economic	<p>Deliver and maintain a range of transport related infrastructure such as footpaths, bus shelters and bikeways.</p> <p>Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.</p> <p>Facilitate economic development.</p>
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CITY ECONOMY AND GROWTH REPORT

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

ATTACHMENTS

1. Draft Warwick Farm Racing Precinct Structure Plan - Urban Design Report (Under separate cover)
2. Detailed Summary of Submissions (Under separate cover)
3. Detailed Flood FAQ - Warwick Farm Racing Precinct (Under separate cover)
4. Draft Warwick Farm Structure Plan - Economic Feasibility Testing (Under separate cover)
5. Memo to Mayor & Councillors Warwick Farm (Under separate cover)
6. Letter from DPIE regarding Moore Point Planning Proposal (Under separate cover)

EGROW 05	Proposed Planning Agreement in support of Draft Amendment 79 to Liverpool Local Environmental Plan - 4-8 Hoxton Park Road, Liverpool
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Strategic Direction	Generating Opportunity Meet the challenges of Liverpool's growing population
File Ref	102338.2021
Report By	Cameron Jewell - Senior Strategic Planner
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

At its ordinary meeting of 27 February 2019 (EGROW 06), Council resolved to endorse a planning proposal request to rezone 4-8 Hoxton Park Road, Liverpool from B6 Enterprise Corridor to B4 Mixed use. Council also resolved:

2. *Noting the additional demands for community facilities and infrastructure arising from the increased density proposed, it is Council's expectation that the LEP amendment would not proceed unless there are satisfactory arrangements to address these additional demands with appropriate public benefits.*

As part of meeting this point of the resolution, the proponent provided Council with a letter of offer to enter into a planning agreement. The planning agreement includes a monetary contribution to Council of \$77,750 to complete public domain improvements close to the site and the provision of 5% affordable rental housing, which is to be managed by a Community Housing Provider (CHP).

This report recommends that Council endorse the proposed planning agreement for public exhibition.

RECOMMENDATION

That Council:

1. Endorse the draft planning agreement and direct the CEO to publicly exhibit the planning agreement and accompanying explanatory note for 28 days.
2. Delegate authority to the CEO, subject to consideration of any changes following public exhibition, to execute the planning agreement in the form that is publicly exhibited or with minor modifications.

3. Notes that if changes, other than minor changes, arise from the public exhibition process these will be reported back to Council for endorsement.

REPORT

Background

Council received a planning proposal request for 4-8 Hoxton Park Road, Liverpool (Lot 1 DP 860799) on 29 March 2018. The proposal, which has been refined following a Gateway determination (**Attachment 1**), seeks to rezone land from B6 Enterprise Corridor to B4 Mixed Use. The planning proposal further seeks to amend the applicable development standards as follows:

- Amend the maximum height of buildings development standard from 24m to 50m;
- Amend the maximum floor space ratio development standard from 2.5:1 to 5:1;
- Apply Clause 6.4A of the LLEP 2008 to the site and amend the floor space ratio map to identify the site as Area 12; and
- Removal of the site from the 'Key Site' on Key Sites Map KYS 10.

The proposal aims to facilitate the development of 90 dwellings and 790m² of commercial floor space.

At its meeting of 27 February 2019, Council considered the planning proposal request and resolved as follows:

1. *Endorse the planning proposal to rezone 4-8 Hoxton Park Road, Liverpool from B6 – Enterprise Corridor to B4 – Mixed Use, subject to a detailed site contamination investigation being prepared;*
2. *Noting the additional demands for community facilities and infrastructure arising from the increased density proposed, it is Council's expectation that the LEP amendment would not proceed unless there are satisfactory arrangements to address these additional demands with appropriate public benefits;*
3. *Forwards the planning proposal to the Department of Planning and Environment, pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination;*
4. *Subject to Gateway determination, undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination;*
5. *Receive a further report on the outcomes of public exhibition and community consultation; and*

6. *Notify the applicant of Council's decision.*

In support of the planning proposal and to comply with Council's resolution that satisfactory arrangements would need to be made to address additional demand with appropriate benefits, the proponent has provided a letter of offer dated 9 August 2019, to enter into a Planning Agreement with Council. A copy of the letter of offer is attached as **Attachment 2**.

The letter of offer indicated the proponent would be willing to enter into a Planning Agreement that may include the following items:

1. *Public domain improvements*
2. *Upgraded bus stops*
3. *Affordable housing*

Development contributions would also continue to apply, in addition to the planning agreement items.

The proponent has been advised that Council would be amenable to the provision of a monetary contribution for specific public domain improvements and for 5% of units to be set aside as affordable rental housing and managed by a community housing provider.

The proponent, their legal representatives and Council negotiated appropriate terms and finalised a draft planning agreement for public exhibition. In addition, an explanatory note for public exhibition has been prepared. A copy of the draft planning agreement and explanatory note is attached as **Attachment 3 and 4**.

Due to delays in negotiating the planning agreement with the proponent, the planning proposal was placed on public exhibition from 17 February 2021 to 17 March 2021 to ensure that the Gateway determination timeframes can be met. Council requested from the Department of Planning, Industry and Environment (DPIE) an extension to the Gateway deadline so that the planning agreement can be resolved and exhibited before being presented to Council with the final planning proposal for adoption, which is planned for the July 2021 Ordinary Council meeting. This request has been granted, and the Gateway deadline to finalise the planning proposal is now 13 September 2021.

Contents of draft Planning Agreement

Table 1 shows the list of items proposed to be delivered under the planning agreement.

Item	Specification	Time for Completion
Affordable Housing	The aggregate Gross Floor Area of the Affordable Housing Lots must be no less than five per cent (5%) of the Gross Floor Area of all residential lots within the Development and must comprise at a	Upon the registration of any strata plan of subdivision with respect to the Development.

CITY ECONOMY AND GROWTH REPORT

	<p>minimum the following composition of Affordable Housing Lots:</p> <p>(1) 1 x 1 Bedroom Affordable Housing Lot.</p> <p>(2) 2 x 2 Bedroom Affordable Housing Lot.</p> <p>(3) 1 x 3 Bedroom Affordable Housing Lot.</p> <p>The Affordable Housing Lots must be to a similar and comparable standard to all other residential lots within the Development.</p>	
Monetary Contributions	\$77,750 for public domain improvements, such as the planting of mature trees in the vicinity of the Hume Highway, Hoxton Park Road and Macquarie Street intersection.	Within sixty (60) days of the Instrument Change being made.

Table 1: Proposed works under the PA

Regarding affordable housing, Council staff advised the proponent that the affordable housing should be provided in line with the Greater Sydney Region Plan and Western City District Plan – that is 5-10% of new residential floor space. The draft planning agreement proposes that no less than 5% of the gross floor area of residential lots be provided as affordable rental housing, with management of the units to be undertaken by a registered Community Housing Provider (CHP).

In regard to public domain improvements, Council's City Design and Public Domain team has advised that public domain improvements such as the planting of mature trees in the vicinity of the Hume Highway, Hoxton Park Road and Macquarie Street intersection would improve the gateway experience from the southern approach to the city centre. The improvement is to be carried out in line with the Liverpool City Centre Public Domain Master Plan.

The probable costs for the works was estimated by Council to be \$77,750, and the draft PA proposes a monetary contribution be provided to Council to undertake these works.

Planning Agreement and Legal Advice

Council's Legal team have reviewed the draft planning agreement to confirm that the planning agreement has been drafted in accordance with Section 7.4 of the *Environmental Planning and Assessment Act 1979* and Council's Planning Agreement Policy. It is advised that the draft planning agreement can be entered into subject to endorsement by Council and following public exhibition.

Internal Consultation

Consultation was undertaken with Council's Community Planning, Property, Infrastructure Planning and City Design and Public Domain teams. No significant issues were identified with the final draft planning agreement offer.

Financial Implication

The proposed items under the draft planning agreement will not incur any additional cost to Council. This will facilitate the provisions of public domain improvements and affordable housing for the residents of Liverpool.

Next Steps

Subject to Council's endorsement, the draft planning agreement will be exhibited for public comment in accordance with Section 25D of the *Environmental Planning and Assessment Regulation 2000*, for 28 days.

Conclusion

In consideration of the provision of affordable housing and a monetary contribution for public domain improvements under the planning agreement, Council staff are of the opinion that the draft planning agreement offered by ZHC Investments Pty Ltd will assist in addressing the additional demands created by the planning proposal, as required by Council. It is important to note that development contributions will also apply to this development.

It is recommended that the draft planning agreement be placed on exhibition for public consideration and comment.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	There are no environmental and sustainability considerations.
Social	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Environmental Planning and Assessment Act 1979
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Planning Proposal - 4 - 8 Hoxton Park Road Liverpool Lot 1 DP860799 (Under separate cover)
2. Initial Letter of Offer - 4-8 Hoxton Park Road, Liverpool (Under separate cover)
3. Draft Planning Agreement - 4-8 Hoxton Park Road, Liverpool (Under separate cover)
4. Explanatory Note to Planning Agreement - 4-8 Hoxton Park Road, Liverpool (Under separate cover)

EGROW 06

Planning Proposal request to amend provisions contained within Clauses 21 and 24 of Schedule 1 of the Liverpool Local Environmental Plan 2008 to facilitate the expansion of The Grove, Warwick Farm

Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	102681.2021
Report By	Luke Oste - Executive Planner
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

On 7 September 2020, Council received a request to prepare a planning proposal on behalf of Gazcorp Pty Ltd for land at 10 Orange Grove Road (Lot 101 DP 1043160) and 5 Viscount Place (Lot 23 DP 1190437), Warwick Farm. An updated planning proposal request (**Attachment 1**) with supporting documentation (**Attachment 2 – 3**) was submitted to Council on 5 November 2020 after a request for additional information was sent by Council staff (**Attachment 4**).

The Grove consists of four lots, however the planning proposal request applies to the two large lots which comprise the majority of the centre. The lot in the northern part of The Grove contains the Homemaker Centre (Homemaker site), and the lot in the southern part contains the Fashion Spree outlet (Fashion Spree site).

The planning proposal request as lodged sought to amend the Liverpool Local Environmental Plan 2008 (LEP) as follows:

- **Homemaker Centre - Schedule 1 Clause 24**
 - Add business premises as a permissible use.
- **Fashion Spree - Schedule 1 Clause 21**
 - Update legal description of the site;
 - Add '*business premises*' as a permissible use;

- Remove the 19,000sqm GFA cap applying to all '*retail premises*', and apply the cap to '*shops*' and '*business premises*' only. The maximum individual premises of 1,200sqm is retained for '*shops*' and '*business premises*'; and
- Increase the 19,000sqm GFA cap to 21,000sqm.

The applicant states that the objective of the planning proposal request is to “provide greater flexibility in the permissible uses and realise the full development potential of The Grove Liverpool site, as proposed in the forthcoming DA”.

Since its lodgment, the planning proposal request has undergone pre-Gateway public exhibition in accordance with Council's Community Participation Plan, where three public submissions were received (**Attachment 5**). SGS Economics and Planning (SGS) were engaged to undertake a peer review of the planning proposal (**Attachment 6**), specifically in relation to economic impacts, including a review of submissions from this initial exhibition. Gazcorp have provided a response letter to this peer review (**Attachment 7**).

A Council staff planning assessment report (**Attachment 8**) was drafted for the Liverpool Local Planning Panel (LPP). Opportunity was given to the applicant to provide a response to this assessment report and a response letter from Ethos Urban (**Attachment 9**) was provided prior to the LPP meeting date. This response letter offered a compromise that limited the scope of the amendments proposed as follows:

- **Homemaker Centre - Schedule 1 Clause 24**
 - Add business premises as a permissible use.
- **Fashion Spree - Schedule 1 Clause 21**
 - Update legal description of the site;
 - ~~○ Add '*business premises*' as a permissible use;~~
 - ~~○ Remove the 19,000sqm GFA cap applying to all '*retail premises*', and apply the cap to '*shops*' and '*business premises*' only. The maximum individual premises of 1,200sqm is retained for '*shops*' and '*business premises*';~~
 - Increase the 19,000sqm '*retail premises*' GFA cap to 21,000sqm.

Following discussions with the applicant, a memorandum (**Attachment 10**) was submitted to the LPP meeting as an addendum to the assessment report to provide a Council staff position on the response letter from Ethos Urban. This memorandum confirmed that the compromise amendment proposed had merit and was supported by Council staff.

Advice was then sought from the LPP at its meeting on 6 April 2021, in accordance with the Local Planning Panel Direction – Planning Proposals dated 23 February 2018 (**Attachment 11**). Following consideration of the planning assessment report, Ethos Urban response letter and the Council staff memorandum, the panel advised that the proposal (as amended) has

strategic and site-specific merit and supported the proposal proceeding to a Gateway determination.

The panel also advised Council to consider the inclusion of legal mechanisms to ensure that the *Fashion Spree* site operates as a retail factory outlet centre and does not transition to a more 'traditional' retail offering; and that any food and drink premises at both the *Homemaker Centre* site and *Fashion Spree* site remain ancillary to other land uses. Upon review of the LPP advice, Council do not see it appropriate to further consider legal mechanisms to limit the permissibility of The Grove as recommended by the LPP. The applicant has also submitted a response letter (**Attachment 12**) that provides responses to the key issues raised by the LPP.

An existing planning agreement applies to the subject site to enable necessary road upgrades to occur in support of The Grove. A letter of offer has been provided by the applicant (**Attachment 13**) to ensure the monetary contribution towards public infrastructure which is payable subject to Clause 6 of the existing planning agreement will be applicable to both shop and business premises uses on the Fashion Spree site and the Homemaker site as well as the additional 2,000sqm of retail premises that is being requested on the Fashion Spree site. It is recommended that Council endorse in principle this letter of offer, subject to an amendment, to ensure the monetary contribution subject to the existing planning agreement applies to development facilitated by the planning proposal in its current amended form.

It is recommended that Council note the advice of the LPP and support the planning proposal request. It is also recommended that Council submit the proposal to the Department of Planning, Industry and Environment seeking a Gateway determination, noting that a further report will be provided to Council after state-agency consultation and public exhibition.

RECOMMENDATION

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses in principle the amended planning proposal request as follows:
 - Include *business premises* as an additional permitted use under Schedule 1, Clause 24 as it applies to the 'Homemaker Centre' site at 10 Orange Grove Road, Warwick Farm (Lot 101 DP 1043160).
 - Increase the current cap on *retail premises* under Schedule 1, Clause 21 from 19,000sqm to 21,000sqm and change the legal description so that the subject clause would apply to the 'Fashion Spree' site at 5 Viscount Place, Warwick Farm (Lot 23 DP 1190437).
3. Delegates to the CEO to make any typographical or other editing amendments to the planning proposal if required;
4. Endorses in principle the public benefit offer dated 13 April 2021;

5. Forwards the planning proposal to the Department of Planning, Industry and Environment pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination;
6. Subject to Gateway determination, undertakes public exhibition and community consultation in accordance with the conditions of the Gateway determination; and
7. Receives a further report on the outcomes of public exhibition and community consultation.

REPORT

The site and locality

The Grove retail centre (The Grove) at Warwick Farm is located approximately 1.5km north of the Liverpool City Centre and 2km south-west of the Cabramatta Town Centre. Directly south of The Grove is a general industrial precinct with frontage to Orange Grove Road to the west, and Homepride Avenue to the East. The remainder of the locality is predominantly low-density residential development. There are a number of recreation areas in the vicinity of the site, with Cabramatta Creek directly north, Cabramatta Golf Club to the north-west, and Dwyer Oval to the east.



Figure 1 - Aerial image of the locality (Source: Near Map)

The planning proposal relates to two lots forming the majority of The Grove. The northern lot, at 10 Orange Grove Road (Lot 101, DP 1043160), contains the Homemaker Centre, which is a specialised retail (bulky goods) centre. The site has an area of 99,420sqm and the existing specialised retail centre has a GFA of 34,500sqm. The southern lot, at 5 Viscount Place (Lot 23 DP 1190437), contains the Fashion Spree retail outlet and has an area of 18190sqm with the existing Fashion Spree development having a GFA of approximately 14,000sqm, with an additional 4,260sqm approved under DA-1254/2016.



Figure 2 - Aerial image of The Grove site (source: Near Map)

There are several environmental constraints applying to these sites. The sites are subject to flooding, with low and medium flood risk land across both sites and high-risk flooding on the Homemaker site. The Homemaker site is also subject to Environmentally Significant Land mapping under the LLEP 2008. Both sites are subject to Bush Fire Prone Land mapping, with the Homemaker site containing Vegetation Category 1, and both sites identified as containing Vegetation buffer 100m and 30m. The sites are also in the proximity area for coastal wetlands under SEPP (Coastal Management) 2018.

Zoning History

The Grove was previously zoned 4(b) Industrial under the Liverpool Local Environmental Plan 1997 (LLEP 1997). In September 2001, Council approved a Development Application (DA) for a warehouse retail outlet on the Fashion Spree site. In December 2003, this consent was

challenged by Westfield in the Land and Environment Court. Subsequently, in January 2004, the Court found that a warehouse retail outlet could not operate under the applicable 4(b) Industrial zone under the LLEP 1997, and the outlet was ordered to close.

On 28 August 2008, the Liverpool Local Environmental Plan 2008 (LLEP 2008) was gazetted and the Grove was zoned B5 Business Development due to the presence of specialised retail on the site. In December 2008, Council approved a DA for the vacant warehouse retail outlet building to be used for the purposes of 'weekend markets' only.

Amendment 22

In May 2011, Gazcorp submitted a planning proposal to rezone the Fashion Spree site to B6 Enterprise Corridor to "facilitate a reuse of the existing weekend markets building as a factory outlet retail centre trading seven days per week". However, on 29 July 2011, the planning proposal was amended to ensure that the 'weekend markets' would be facilitated via an additional permitted use under Schedule 1 of the LLEP 2008 instead (see below):

- (1) *This clause applies to Lot 121 DP 876962 in Zone B5 Business Development at Orange Grove Road, Warwick Farm.*
- (2) *Development for the purpose of a single building comprising retail premises having a maximum Gross Floor Area of 19,000m² is permitted with consent.*
- (3) *No single retail tenancy shall be greater than 1200m²*

In this instance, the B5 Business Development zone was retained to ensure that bulky goods retailing would be maintained on the site. The amended planning proposal proceeded to public exhibition and a post-exhibition report was presented to Council on 5 November 2012. Amendment 22 was gazetted on 21 June 2013.

Amendment 61

In April 2015, Gazcorp submitted a planning proposal to rezone the Homemaker site from B5 Business Development to B2 Local Centre. The planning proposal also proposed to place a limit of 21,000sqm GFA for 'shops' on this site. In September 2015, a letter was sent to the proponent recommending the planning proposal be amended to seek an additional permitted use of 'shops' with a maximum GFA of 21,000sqm for the site, rather than rezone the site to B2 Local Centre. A revised planning proposal was submitted accordingly (see below).

- (1) *This clause applies to part of Lot 101, DP 1043160, 10 Viscount Place, Warwick Farm, as shown coloured green on the Key Sites Map.*
- (2) *Development for the purpose of shops is permitted with consent if the total gross floor area of shops on the site does not exceed 21,000sqm.*

At its Ordinary Meeting on 16 December 2015, Council resolved to forward the planning proposal to DPIE for a Gateway Determination and public exhibition. The amended planning

proposal proceeded to public exhibition, and a post-exhibition report was presented to Council on 28 February 2018. Amendment 61 was gazetted on 2 August 2019.

Planning Proposal

The subject planning proposal request was lodged in September 2020. The planning proposal as lodged in its original form (**Attachment 1**) sought to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (LEP) as follows:

- **Homemaker Centre - Schedule 1 Clause 24**
 - Add business premises as a permissible use.
- **Fashion Spree - Schedule 1 Clause 21**
 - Update legal description of the site;
 - Add '*business premises*' as a permissible use;
 - Remove the 19,000sqm GFA cap applying to all '*retail premises*', and apply the cap to '*shops*' and '*business premises*' only. The maximum individual premises of 1,200sqm is retained for '*shops*' and '*business premises*';
 - Increase the 19,000sqm GFA cap to 21,000sqm.

The planning proposal request seeks to expand permissible uses across The Grove to enable the further development of these two sites. The planning proposal included concept designs for the proposed development and identifies the future lodgment of a development application (DA) that is facilitated by the planning proposal. This DA "*will seek approval for the refurbishment of the existing tenancies, the construction of a new retail centre providing up to 21,000sqm of additional GFA for 'shops', the integration of The Grove Homemaker and Fashion Spree centres and the construction of regional road works and landscaping*".

Additional Information Request

Following on from advice received from internal referrals, a letter (**Attachment 4**) was sent to the applicant requesting some additional information on 3 November 2020. The points outlined within the letter were addressed by the applicant in the revised documentation submitted on 5 November 2020 (**Attachments 1 - 3**).

Initial Public Exhibition and SGS Peer Review

In accordance with Council's Community Participation Plan, the planning proposal request was placed on pre-Gateway exhibition from 15 September – 13 October 2020. Public submissions were received from Scentre Group and two residents (**Attachment 5**). It is noted that one resident's submission was in relation to the unrelated Warwick Farm Structure Plan work that Council is progressing separately.

CITY ECONOMY AND GROWTH REPORT

A peer review of the planning proposal was undertaken by SGS, specifically for the economic impacts of the planning proposal, including a review of submissions from this initial exhibition (**Attachment 6**). Table 1 provides a summary of the outcomes from the SGS peer review study.

Table 1 - Summary of SGS peer review

Proposed Amendment	Supported by SGS	Comment
Summary for Homemaker Site		
Addition of business premises	Yes	Subject to cap, along with shops, at 21,000sqm
Summary for Fashion Spree Site		
Address change	n/a	n/a
Addition of business premises	No	This is contrary to the principle SGS proposed of maintaining function separation as much as possible between outlet retailing and traditional retailing, and creates a risk of creation of a larger traditional retail centre than has been supported.
Addition of 2,000sqm GFA of shops/business premises	Qualified	Unlikely to have a substantial retail turnover impact in itself, but only supported if it is for additional outlet retailing and would not have the design outcome of removing functional separation of the outlet and traditional retailing.
Removing cap on retail uses apart from shops	Partly	SGS support removing the cap on retail premises apart from shops and food and drink premises, as specialised retail premises and other likely development types are permitted in the B5 zone, uncapped on the Homemaker Site, and are unlikely to significantly compete with traditional centres. SGS would not support the creation of a large dining precinct on either or both sites, which could be facilitated by uncapping food and drink premises, and which would be compete with the Liverpool CBD and be contrary with the intended stand-alone centre function of the site.
Food & Drink Premises across The Grove site		
SGS raised concerns regarding the development of a hospitality precinct at The Grove.	Qualified	SGS would not support the creation of a large dining precinct on either or both sites, which could be facilitated by uncapping food and drink premises, and which would be compete with the Liverpool CBD and be contrary with the intended stand-alone centre function of the site.

The applicant was offered the opportunity to respond to the SGS peer review and a letter response was provided by Ethos Urban on behalf of Gazcorp (**Attachment 7**).

Planning Assessment

The Council staff planning assessment report is provided as **Attachment 8**. It provides a detailed assessment of the merits of the proposal (as lodged) against the District and Region Plans and the Department of Planning's 'Guide to Preparing Planning Proposals'. The assessment also took note of the SGS peer review and the applicant's response letter.

The report concluded that the planning proposal request had demonstrated site specific merit but did not demonstrate strategic merit in its current form. More specifically, "the addition of business premises, and addition 2,000sqm GFA for additional permitted uses on the Fashion Spree site has potential to transition The Grove away from a stand-alone centre, as identified in the Local Strategic Planning Statement and the Liverpool Centres & Corridors Strategy." Council staff proposed some exclusions from the planning proposal request as lodged in order to ensure strategic merit was met. This is summarised in Table 2:

Table 2 - Council Staff Recommendations Within the LPP Assessment Report

Proposed Amendment	Support	Council Staff Comment
Homemaker Centre		
Addition of 'business premises' within 21,000sqm shop limit.	Yes	Support the inclusion of 'business premises', as long as it is capped within the 21,000sqm additional permitted use for shops.
Fashion Spree Site		
Change of legal description.	Yes	Support the administrative amendment.
Addition of 'business premises' within the 19,000sqm cap.	No	The intent of the initial amendment (Am. 22) was to allow for the specialised use as a fashion outlet. The addition of business premises will move away from this intent, and would support the transition to more traditional shop retailing.
Add 2,000sqm GFA of shops/business premises	No	Economic impacts of this addition are believed to be negligible in isolation. Despite this, the additional floorspace may result in the Fashion Spree site connecting with the Homemaker Centre as indicated within the planning proposal report. Council staff are concerned that the current Fashion Spree site could transition to a more expansive retail centre within the broader 'The Grove' site. Council staff identify that this increase would result in a broader cumulative expansion of The Grove and therefore not align with the strategic intent of the stand-alone centre as identified within the Retail Centres and Corridors Strategy.

CITY ECONOMY AND GROWTH REPORT

Removal of 'retail cap', restricting all retail uses on the site to 19,000sqm. The 19,000sqm cap will then only apply only to 'shops', so uses already permissible under B5 zone can be developed without this GFA restriction.	Yes	Since the initial amendment (Am. 22), the definition of 'retail premises' has changed to a group term which incorporates other retail uses, thereby restricting permissible retail uses under the B5 Business Development zone within this GFA cap. As these other retail uses are already permitted with consent within the B5 Business Development zone, they should not be subject to GFA cap within this additional permitted use clause.
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Environment

The sites are subject to environmental constraints, being flooding, bushfire risk and environmentally significant land. As evident within the assessment report, the planning proposal is not deemed to increase exposure to natural hazards nor introduce adverse impacts. It is deemed that these constraints can be appropriately managed at the DA stage.

Amended Proposal and Assessment

The applicant was offered the opportunity to respond to the Council staff planning assessment report. A response letter (**Attachment 9**) was provided by Ethos Urban on behalf of the applicant that offered an amended planning proposal request as follows:

- Homemaker Centre - Schedule 1 Clause 24
 - Add business premises as a permissible use.
- Fashion Spree - Schedule 1 Clause 21
 - Update legal description of the site;
 - ~~Add 'business premises' as a permissible use;~~
 - ~~Remove the 19,000sqm GFA cap applying to all 'retail premises', and apply the cap to 'shops' and 'business premises' only. The maximum individual premises of 1,200sqm is retained for 'shops' and 'business premises';~~
 - Increase the 19,000sqm 'retail premises' GFA cap to 21,000sqm.

Following discussions with the applicant, a memorandum (**Attachment 10**) was provided by Council staff. This memorandum was attached as an addendum to the LPP assessment report to provide a Council staff position on the response letter from Ethos Urban. The memorandum confirmed that the compromise amendment proposed exhibited site and strategic merit and was supported by Council staff.

It was noted that the proposed addition of 2,000sqm at the Fashion Spree site will have some implications in terms of additional traffic impacts. The traffic impacts are likely to be minor in nature given the modest increase in floorspace. Nonetheless, these impacts will need to be

addressed in consultation with the applicant, Council's traffic team and Transport for New South Wales (TfNSW) at the post-Gateway stage of the process.

Liverpool Local Planning Panel Advice

Pursuant to Clause 2.19(1)(b) of the Environmental Planning and Assessment Act 1979, the planning proposal request was submitted to the LPP for their advice prior to consideration by Council. Attached as appendices to the Council staff assessment report (**Attachment 8**) was the applicant's response letter (**Attachment 9**) and Council staff's memorandum (**Attachment 10**).

Following consideration of the planning assessment report, Ethos Urban response letter and the Council staff memorandum, the LPP advised (**Attachment 11**) that the proposal (as amended) has strategic and site-specific merit and supported the proposal proceeding to a Gateway determination. The panel also advised Council to consider the inclusion of legal mechanisms to ensure that the *Fashion Spree* site operates as a retail factory outlet centre and does not transition to a more 'traditional' retail offering; and that any food and drink premises at both the *Homemaker Centre* site and *Fashion Spree* site remain ancillary to other land uses.

Officer Comment on Local Planning Panel Advice

As per the LPP advice, it is recommended that Council support in principle the planning proposal request (as amended) and submit the proposal to DPIE seeking a Gateway determination and public exhibition.

Upon review of the specific recommendations made by the LPP, Council do not see it appropriate to enforce legal mechanisms to limit the permissibility of The Grove. Council staff's comments on the LPP advice is outlined in Table 3.

Table 3 - Council staff response to LPP advice

LPP Advice	Council Staff Comment
<i>There be an enforceable legal mechanism to ensure that the Fashion Spree site remain as a retail factory outlet centre and does not transition to a more "traditional" retail offering such as is found in the Liverpool town centre.</i>	<p>It is noted that the existing retail factory outlet use has merit and offers a valued contribution to Liverpool. Council staff do not see it appropriate to propose a legal mechanism that enforces the continued operation of the existing use through the plan making process.</p> <p>It is noted that the site currently enables several different permissible uses with consent through the LEP. Any future DA will be required to be assessed against the B5 – Business Development zone objectives, be supported by an Economic Impact Assessment that addresses the Liverpool Retail Hierarchy, and be assessed against the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.</p>

	Following consideration of the initial submissions received, SGS peer review, LPP advice, and correspondence with the applicant, it is deemed that this process is sufficient in ensuring any hypothetical future proposals do not transition to a more “traditional” retail offering such as is found in the Liverpool town centre.
<i>A legal mechanism to ensure that any food and drink premises at both the Homemaker site and Fashion Spree site are ancillary to the other uses.</i>	<p><i>‘Food and drink premises’ are currently permissible within the B5 – Business Development zone. Further, this use is to be limited as stated within the zone objective “to maintain the economic strength of centres by limiting the retailing of food and clothing”.</i></p> <p>It is highly unusual to limit an existing permitted use without strong policy justification for such an imposition. Therefore, Council staff do not support this recommendation.</p>

The applicant has also submitted a response letter (**Attachment 12**) that provides responses to the key issues raised by the LPP.

Consistency with the Local Strategic Planning Statement and Centres and Corridors Strategy

All planning proposals must be consistent with Council’s adopted Local Strategic Planning Statement (LSPS). Further, all planning proposals that involve amendments to business zones within the LEP must be consistent with the Liverpool Centres and Corridors Strategy (CCS).

The planning proposal request (as amended) has demonstrated strategic merit and is deemed to give effect to the LSPS and CCS. The planning proposal request will facilitate the future expansion of The Grove in alignment with the ‘Stand Alone Centre’ designation is assigned within the strategic planning framework of Liverpool.

Planning Agreement Amendment

An existing planning agreement applies to the subject site to enable necessary road upgrades to occur in support of The Grove. A letter of offer (**Amendment 13**) has been provided by the applicant to ensure the monetary contribution towards public infrastructure which is payable subject to Clause 6 of the existing VPA will be applicable to both shop and business premises uses on the Fashion Spree site and the Homemaker Site as well as the additional 2,000sqm of retail premises that is being requested on the Fashion Spree site. It is recommended that Council endorse in principle this letter of offer. Once negotiated with the applicant, a draft VPA will be reported to Council for in principle support prior to public exhibition.

CONCLUSION

The planning proposal request as lodged has since been amended and refined through the initial exhibition, peer review, and assessment process. The planning proposal as refined seeks to amend the LEP as follows:

- Include *business premises* as an additional permitted use under Schedule 1, Clause 24 as it applies to the 'Homemaker Centre' site at 10 Orange Grove Road, Warwick Farm (Lot 101 DP 1043160).
- Increase the current cap on *retail premises* under Schedule 1, Clause 21 from 19,000sqm to 21,000sqm and change the legal description so that the subject clause would apply to the 'Fashion Spree' site at 5 Viscount Place, Warwick Farm (Lot 23 DP 1190437).

The planning proposal request as amended has sufficiently demonstrated both strategic and site-specific merit. Therefore, it is recommended that Council provides in-principle support and endorses the planning proposal to proceed to a Gateway determination. A further report will be provided to Council after the state-agency consultation and public exhibition period, detailing any submissions received and any amendments proposed.

It is recommended that Council endorse in principle the letter of offer submitted. Once negotiated with the applicant, a draft VPA will be reported to Council for in principle support prior to public exhibition.

CONSIDERATIONS

Economic	Further develop a commercial centre that accommodates a variety of employment opportunities. Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues. Facilitate economic development.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.

CITY ECONOMY AND GROWTH REPORT

Civic Leadership	<p>Encourage the community to engage in Council initiatives and actions.</p> <p>Provide information about Council's services, roles and decision making processes.</p> <p>Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.</p>
Legislative	Environmental Planning and Assessment Act 1979.
Risk	<p>The risk is deemed to be Low.</p> <p>The risk is considered within Council's risk appetite.</p>

ATTACHMENTS

1. Planning Proposal Request (Under separate cover)
2. Economic Analysis Report (Under separate cover)
3. Traffic Impact Statement (Under separate cover)
4. Request for Additional Information Letter (Under separate cover)
5. Submissions (Redacted) (Under separate cover)
6. SGS Peer Review (Under separate cover)
7. Applicant Response Letter to SGS Peer Review (Under separate cover)
8. Local Planning Panel Assessment Report (Under separate cover)
9. Applicant Response Letter to Local Planning Panel Assessment Report (Under separate cover)
10. Council Staff Memorandum (Under separate cover)
11. Local Planning Panel Assessment Minutes (Under separate cover)
12. Applicant Response Letter to Local Planning Panel Assessment Advice (Under separate cover)
13. Proposed Public Benefit Letter of Offer (Under separate cover)

EGROW 07**Proposed Moorebank Avenue Realignment –
Submission on Environmental Impact Statement**

Strategic Direction	Generating Opportunity Advocate for, and develop, transport networks to create an accessible city
File Ref	103300.2021
Report By	Charles Wiafe - Acting Manager Planning & Transport Strategy
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

Sydney Intermodal Terminal Alliance (SIMTA), the company developing the Moorebank Logistics Park (MLP), is seeking approval to realign and upgrade a section of Moorebank Avenue under Environmental Planning and Assessment Act 1979 (EP&A Act) and Federal Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The Project involves realignment of the section of Moorebank Avenue from approximately 130 metres south of the Anzac Road/Moorebank Avenue intersection to the bridge over the East Hills railway.

The Project is one of two Moorebank Avenue upgrade options specified in the Planning Agreement between Transport for NSW (TfNSW) and Qube Holdings Pty Ltd (owner of SIMTA), to accommodate the expected additional traffic from the Moorebank Intermodal Precinct West (MIPW) development:

- Option 1 – Realignment to the east of the MPE site (the Project); or
- Option 2 – Road upgrade to a four-lane road from south of the entrance to MPE freight terminal to a point approximately 120m south of the MPE site, (along the existing road alignment).

The two road upgrades options in the Moorebank Logistic Park are as shown in Figure 1.

The realignment involves construction of approximately 3km of new road to bypass the Moorebank Logistics Park (MLP) to the east and would result in the road being relocated from the current alignment (which is approximately 1km from the western boundary of residential properties in Wattle Grove), to between 400m and 600m from the western boundary of residential properties in Wattle Grove. After construction, the road is to be transferred to TfNSW as a public road.

SIMTA has prepared an Environment Impact Statement (EIS) which the Department of Planning, Industry and Environment (DPIE) has placed on public exhibition and is seeking Council's submission before 28 April 2021.

The EIS has assessed potential construction and operational environmental impacts including issues identified in the Secretary's Environmental Assessment Requirements (SEARs).

The EIS outlines that the project could have significant environmental and traffic impacts, including biodiversity, traffic, construction noise and vibration, as well as increased road traffic noise on the adjoining Wattle Grove community.

To outline community concerns (to DPIE), Council will be making a submission on the EIS. This report outlines the key issues including the above-mentioned impacts that will be included in the submission.

Details of the key issues to be outlined in the submission includes:

- Biodiversity impacts - Clearing of areas of significant native vegetation, high-quality threatened species habitat and threatened ecological communities (TECs), disturbance of waterway beds and banks and riparian vegetation; habitat fragmentation and increased fauna vehicle strikes.
- Traffic impacts - Increased travel distance of approximately 1km and travel time of up to 60% for through traffic including bus services, at the existing 60km/hr sign posted speed limit.
- Construction noise and vibration impacts - Construction noise levels could exceed the relevant Interim Construction Noise Guideline at residential properties in the western boundary of Wattle Grove (to the east of the proposed road corridor works).
- Road noise impacts - Increased road traffic noise levels at residential areas (to the east), in the western boundary of Wattle Grove with a request for further assessment to confirm the need for noise mitigation measures such as noise walls or a raised embankment with landscaping along the eastern side of the project.

In addition to the above, the submission will outline that further consideration should be given to upgrading Moorebank Avenue along the existing road alignment which would cause less impacts than the proposed realignment.

RECOMMENDATION

That Council:

1. Notes that a submission will be made to DPIE on the proposed Moorebank Avenue Realignment Environmental Impact Statement.
2. Endorse the key issues identified in this report to be included in the submission.

REPORT

Sydney Intermodal Terminal Alliance (SIMTA) is seeking approval to realign and upgrade a section of Moorebank Avenue, approximately 130 metres south of its intersection with Anzac Road, to the East Hill Railway from a two-lane road to a four-lane divided road, (the Project) under the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

SIMTA has prepared an Environment Impact Statement (EIS) and DPIE has placed the EIS on public exhibition and is seeking submissions before 28 April 2021.

The EIS has assessed potential construction and operational environmental impacts including issues identified in the Secretary's Environmental Assessment Requirements (SEARs) issued by DPIE.

The Project will likely have significant environmental and traffic impacts, including to the adjoining Wattle Grove community.

Project Description

The project involves:

- Realigning and construction of approximately 3km of new road to bypass the Moorebank Logistics Park (MLP) to the east, between 130 m south of the Anzac Road/Moorebank Avenue intersection to the bridge over the East Hills railway, made up of:
 - A four-lane divided road separated by a central median island, from approximately 130 m south of the Anzac Road/Moorebank Avenue intersection and adjacent to the Moorebank Precinct East (MPE) site, to the south-eastern corner of the MPE site; and
 - A two-lane road (one lane in each direction) from the south-eastern corner of the MPE site to north of the bridge over the East Hills railway.
 - A shared pedestrian/cycling path on the western side and paved footpath on the eastern side adjoining the undeveloped land.

- The northern and southern ends of the project would tie-in into the existing Moorebank Avenue to the north, and Cambridge Avenue to the south, which are planned to be upgraded to four-lane divided roads.
- The existing road alignment is to be partly retained and modified to a service road to the MLP with restricted access.

The project is estimated to cost \$300m and the forecast construction period is up to 16 months. After construction, the road will be transferred to TfNSW as a public road. This requires the completed road to be classified as a state classified road.

Project Justification

To accommodate expected additional traffic from the Moorebank Intermodal Terminal developments, Council and TfNSW traffic impact assessments have identified the need for the section of Moorebank Avenue, south of the M5 Motorway, to be upgraded including road widening of the section south of the Anzac Road from the current two-lane road to a four-lane road.

The Project:

- addresses a development contribution requirement under a voluntary planning agreement signed between TfNSW and Qube, in 2019; and
- is part of the satisfactory arrangements made by SIMTA for the provision of relevant state public infrastructure required by Clause 7.36 of the Liverpool Local Environment Plan (Liverpool LEP) in respect of the Moorebank Precinct West Stage 2 development (SSD 7709).

The EIS indicates that Moorebank Avenue currently acts as a barrier to east-west movements within the MLP and significantly restricts operational efficiency of the precinct. The realignment will achieve the following benefits:

- Enable shorter, more efficient, and direct travel route for haulage vehicles between the railway yard and terminals.
- Facilitate a direct access between MPE and MPW and contribute to achievement of precinct targets.
- Facilitate future automation of the precinct (including the use of the most efficient modes of transport for a given task); and
- Enhance access arrangements between the MLP and Moorebank Avenue by separating public through traffic and haulage vehicles between MPE and MPW and minimise traffic conflicts between through traffic and traffic generated by the MLP.

Road Upgrade Options

The Planning Agreement (between TfNSW and Qube) outlines the following two Moorebank Avenue upgrade options:

- Option 1 – Realignment to the east of the MPE site (the Project); or
- Option 2 – Road upgrade to a four-lane road from south of the entrance to MPE freight terminal to a point approximately 120m south of the MPE site, (along the existing road alignment).

In addition, Qube is required to upgrade the existing Moorebank Avenue, should all approvals not be obtained for the realignment by December 2021.

The two road upgrades options in the Moorebank Logistic Park are as shown in Figure 1 below.

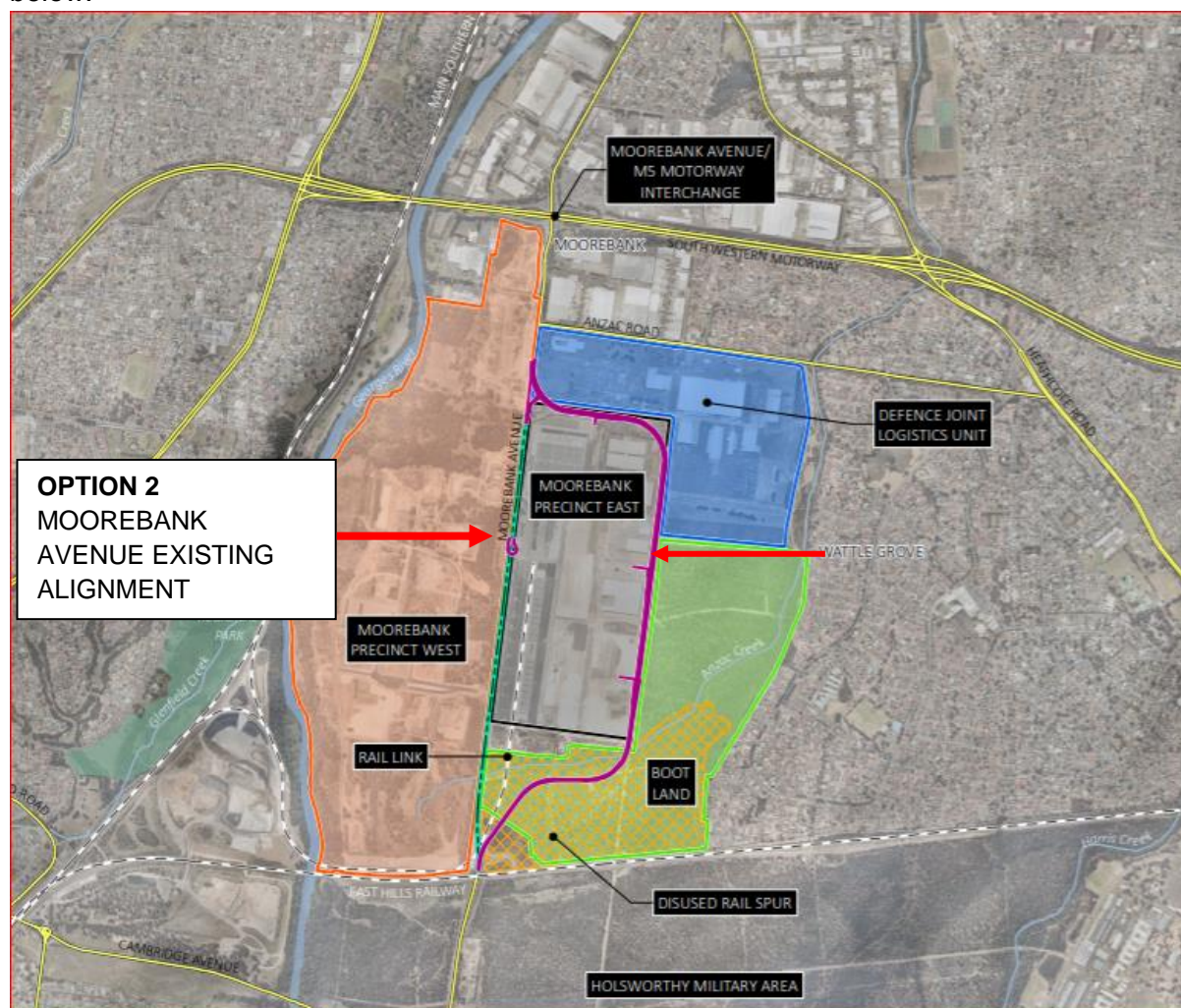


Figure 1 - Moorebank Avenue Road Upgrade Options

SIMTA has already obtained a concept approval for Moorebank Avenue Upgrade (Option 2) to a four-lane road along the existing road alignment.

SIMITA is now seeking approval for option 1, which is the subject of the EIS. Should approval be secured before December 2021; the company will be seeking to construct the realigned road instead of the upgrade of the existing road.

Council's Submission on the EIS

The Project will likely have significant environmental and traffic impacts, including on the adjoining Wattle Grove community.

The EIS has identified that despite a preferred route selection and design refinements during the project development process, there will be temporary and permanent environmental impacts during the construction and operation of the Project.

A summary of the key impacts to be raised in Council's submission includes the following:

Biodiversity

The Project is to be located adjacent to lands which have been established as a biobanking site and would directly result in clearing of areas of significant native vegetation, high-quality threatened species habitat and threatened ecological communities (TECs).

It would also result in disturbance of waterway beds and banks and riparian vegetation; and could cause habitat fragmentation and fauna vehicle strikes.

The project could also affect known and potential habitat for a range of additional threatened species and ecological communities. These impacts would trigger an offset obligation in accordance with the Biodiversity Assessment Method:

- Broad-leaved Ironbark - Grey Box - Melaleuca decora grassy open forest on clay/gravel soils of the Cumberland Plain, Sydney Basin Bioregion),
- Broadleaved Ironbark – Melaleuca decora shrubby open forest on clay soils of the Cumberland Plain, Sydney Basin Bioregion),
- Hard-leaved Scribbly Gum - Parramatta Red Gum heathy woodland of the Cumberland Plain, Sydney Basin Bioregion description)
- Parramatta Red Gum woodland on moist alluvium of the Cumberland Plain, Sydney Basin Bioregion).

In addition, the Project would have a potential significant impact on matters of national environmental significance protected under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), including the Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion EEC, Thick Lip Spider Orchid, Woronara Beard-heath and Koala.

As a result of the above biodiversity impacts, it is considered that upgrading of the existing road (Option 2) would cause less impacts than the proposed realignment (Option 1) and should be considered further.

Bushfire Risk

The proposed realigned road corridor is partially mapped as Bushfire Prone Land (Vegetation Category 1 and Buffer) on Council's Bushfire Prone Land Map.

The EIS indicates that a Bushfire Management Plan would be prepared post-approval. This could result in the identification of measures such as Asset Protection Zones and access provisions, that are not considered by the EIS Biodiversity Development Assessment Report.

To address this concern, all project impacts, including preparation of a Bushfire Management Plan, which outlines mitigation measures for managing bushfire risks (during construction and operation of the project) such as identification of Asset Protection Zones and access arrangement, are to be carried out prior to approval.

Traffic and Transport Impacts

Moorebank Avenue south of Anzac Road is a currently a private road previously owned by the Department of Defence. In its previous submissions to DPIE, Council has stressed that Moorebank Avenue needs to be maintained to provide its current public road function.

Moorebank Avenue south of the M5 Motorway provides a regional road link between the Motorway and Cambridge Avenue. The EIS outlines that the realigned road would result in a detour of approximately 1km and travel time increase of up to 60% for through traffic including bus services, at the existing 60 km/hr sign posted speed limit.

The project would only replicate existing traffic conditions and would have a predicted level of service at LOS E or F during peak traffic periods. This indicates that the road section would experience traffic delays. A project of this scale needs to consider options to improve traffic conditions rather than simply replicate existing conditions.

The EIS does not demonstrate whether the project has taken into consideration the TfNSW Cambridge Avenue upgrade. The forecast traffic impacts needs to take this into consideration and further consider options that would improve traffic conditions and travel time such as upgrading the existing road.

Construction traffic impact

The Project would require importation of approximately 80,000 tonnes of fill material. In addition to the M5 Motorway as a haulage route, an alternative route south along Moorebank Avenue from the Moorebank Avenue / Newbridge Road intersection, over the M5 Motorway, is proposed.

The Newbridge Road/Heathcote Road and Heathcote Road/Moorebank Avenue intersections are operating at capacity, particularly during the morning and afternoon peak periods, and would be affected if Newbridge Road and Moorebank are used as haulage routes during such times.

Haulage routes should be restricted to the M5 Motorway and Moorebank Avenue south of the Motorway, particularly during the peak traffic periods.

Noise and Vibration

The project is seeking to realign Moorebank Avenue from approximately 1km, to between 600m and 400m from the western boundary of residential properties in Wattle Grove.

The EIS outlines that:

- Construction noise levels would satisfy the required Interim Construction Noise Guideline noise management levels at nearby commercial and industrial assessment locations, however, could be exceeded at residential assessment locations to the east of the works.
- Vibration impacts at the adjoining residential properties east of the road alignment are highly unlikely given setback distances.
- There is little opportunity to provide significant noise mitigation due to the extent of works, the use of road construction plant and equipment, proximity of residential properties and local topography.

To minimise construction vibration impacts, management and mitigation measures would need to be implemented. Affected residents need to be notified of the possible impacts and implementation of the mitigation measures during construction and operation.

Road Traffic Noise

As indicated above, the realigned road would be between 400m and 600m from residential properties in Wattle Grove.

The EIS outlines that while the project is predicted to increase road traffic noise levels at residential areas (to the east), it would be less than the recommended Road Noise Policy (RNP) criteria by 2024 and 2034.

The project is proposing to construct 200m of noise wall in the vicinity of the Defence Joint Logistics Unit (DJLU) site (chainage 600-800). However, noise walls are not proposed along other sections of the project.

Residents in the western part of Wattle Grove would be exposed to increased road traffic noise. The EIS does not indicate whether the road traffic noise assessment takes into consideration the expected additional traffic volumes from the TfNSW proposed Cambridge Avenue upgrade project.

Further assessment is required to confirm the need for noise mitigation measures such as noise walls or a raised embankment along the eastern side of the road.

Remediation of Land

The EIS indicates that the proposed road corridor and surrounding area has been occupied by the Department of Defence, since at least 1915. Previous land uses have included warehousing, refuelling and chemical storage areas.

A review of site history has identified potential sources of contamination, including stockpiling of fill material, with potential asbestos containing material, and a former grenade range in the southern portion of the site.

As a result, the EIS outlines that additional intrusive investigations are required, and a Contamination Management Plan would be developed to provide details of contamination management and mitigation measures during construction.

If the Stage 2 - Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) would need to be prepared or reviewed and certified by a suitably qualified environmental consultant.

Water Quality Impacts

The proposed development has the potential to increase stormwater flows due to the increased impervious surface area. Construction activities may also result in erosion and sedimentation issues.

A comprehensive assessment of water quality impacts is required for pre-construction monitoring, detailed design, construction, and operational stages of the project. In addition, a water quality monitoring program is to be prepared to identify and manage any potential pollution issues. The water quality treatment scheme is to be designed to meet Council's DCP requirement.

European and Aboriginal Heritage

The EIS states, based on the outcomes of field survey and documentary research, that the proposed road corridor is not considered to contain European archaeological material.

In addition, the project would likely impact very low densities of aboriginal cultural material, which would generally be considered of low significance. However, an Aboriginal Heritage Management Plan would be developed for management of Aboriginal heritage, and mitigation measures during construction.

Air Quality

The EIS indicates that during construction, dust is unlikely to represent a serious ongoing problem to the surrounding environment, given the distance between the project and sensitive receptors.

During operation, air quality has been assessed to be below impact assessment criteria, and changes to the project design are not recommended. However, an Air Quality Management Plan including mitigation measures is to be developed, prior to construction, to minimise air quality impacts.

Construction Environmental Management Plan

A detailed Construction Environmental Management Plan (CEMP) must be prepared for the proposed development.

The CEMP must address all environmental aspects of the development's construction phases, including Asbestos Management Plan; Project Contact Information; Site Security Details; Timing and Sequencing Information; Site Soil and Water Management Plan; Noise, Vibration, Dust Control, Health and Safety, Waste Management Plan; as well as Incident Management Contingency and Unexpected Finds Protocol.

Flooding

The EIS indicates that for the 1 in 100-year flood event, there would be an increase in flood levels downstream of the proposed Moorebank Avenue realignment. In addition, there would be an increase in flood levels by up to 230mm adjacent to the proposed Moorebank Avenue realignment

The flood afflux map (flood level difference map) for the 1% AEP event is to be reproduced to present any change in flood levels downstream of the proposed Moorebank Avenue realignment. If there is an increase in flood levels at the vicinity of the downstream model boundary, then the model extent shall be extended further downstream to assess the impact of flooding to downstream areas.

Consultation

The EIS indicates that SIMTA has consulted with key stakeholders and the community prior to and during its preparation. The company has also given a commitment that it will continue to consult with key stakeholders and the community during detailed design and the delivery of the Project.

Late last year, in response to a request from DPIE, Council staff advised the Department that appropriate consultation with the Wattle Grove community is required. The requested community consultation has been carried out.

CITY ECONOMY AND GROWTH REPORT

The submission will again request that appropriate consultation be undertaken with the Wattle Grove community. In addition, Liverpool, and Campbelltown Councils are to be consulted as the road connects to existing roads in two local government areas.

CONSIDERATIONS

Economic	Deliver a high-quality local road system including provision and maintenance of infrastructure and management of traffic issues.
Environment	Protect, enhance and maintain areas of endangered ecological communities and high-quality bushland as part of an attractive mix of land uses. Support the delivery of a range of transport options.
Social	Preserve and maintain heritage, both landscape and cultural as urban development takes place.
Civic Leadership	Undertake communication practices with the community and stakeholders across a range of media.
Legislative	Environmental Planning & Assessment Act Roads Act
Risk	The risk in lodging a submission on this project is considered to be Low. The risk is considered within Council's risk appetite.

ATTACHMENTS

Nil

COM 01

Grants, Donations and Corporate Sponsorship

Strategic Direction	Creating Connection Implement access and equity for all members of the community
File Ref	094378.2021
Report By	Galavizh Ahmadi Nia - Manager Community Development and Planning
Approved By	Tina Bono - Acting Director City Community and Culture

EXECUTIVE SUMMARY

Council is committed to building strong and resilient communities in the Liverpool Local Government Area (LGA) and to maximising social wellbeing. Council helps achieve these goals by providing financial support through grants and sponsorships to develop leadership skills, increase participation in community activities and address identified social issues.

Impacts from COVID-19 and respective social distancing requirements continue to limit the capacity and eligibility of programs, projects, or events. To ascertain community safety, demonstrate compliance with NSW Health guidelines, and demonstrate evidence of proactive and measurable program governance, all applicants have been requested to provide a COVID-19 safety plan.

This report provides funding recommendations totalling \$9,870 under the Corporate Sponsorship Program.

RECOMMENDATION

That Council endorses the recommendation of **\$9,870** (GST exclusive) under **Corporate Sponsorship** for the following project:

Applicant	Project	Recommended
The Business Concierge LTD	Survivor Life Skills	\$9,870

REPORT

Corporate Sponsorship

Corporate Sponsorship received one application which met the eligibility criteria and is recommended for funding as follows:

Applicant	The Business Concierge LTD		
Project	Survivor Life Skills		
Amount Requested	\$9,870	Total Project Cost	\$9,870
Date	August 2021 – May 2022		
About the applicant	<p>The Business Concierge LTD is a not-for-profit organisation that provides training courses to young people in primary and high schools. Courses include subjects on financial literacy, stress and mental health, employment and other essential life skills, and teach participants to make informed and educated decisions in an inclusive learning environment.</p> <p>The Business Concierge LTD has previously delivered the Survivor Life Skills program at Miller Tech High, Miller Public School, Liverpool Boys, Liverpool Girls and All Saints Catholic College. Over 400 schools in NSW and Queensland have participated in The Business Concierge Programs.</p>		
Description	<p>The Survivor Life Skills Program will deliver full day courses to schools in the Liverpool LGA, covering a range of subjects that can be tailored to meet identified needs or priorities not currently covered in school curriculum. Courses include budget management, exams and further education assistance, and employment pathway advice.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • Deliver 15 full day Survivor Life Skills Programs covering up to 60 subjects to 1,500 school students across the Liverpool LGA; • Provide independent, tailored advice and guidance on topics such as budgeting and money saving, credit and debit cards, car insurance, registration and driver licence, and mental health and stress management; and • Identify and present employment and education pathways. 		

	<p>Outcomes:</p> <ul style="list-style-type: none"> • Equip participants with relevant knowledge to develop and apply smart financial decisions in an impressionable period of their lives; • Foster an understanding and importance for participants to pursue part-time or full-time employment and be aware of their value to the community; • Provide a platform for participants to lead discussion, role play, connect with their peers in a robust learning environment; and • Raise awareness of further educational opportunities and choices that are available during or afternoon schooling years.
COVID-19 Safety Plan	<p>The Business Concierge LTD is COVID-19 trained and registered with NSW Government and have in place a COVID Safe Plan. The program will be delivered in line the restrictions and guidelines outlined in each School's COVID Safe Plan.</p>
Beneficiaries	<ul style="list-style-type: none"> • 1,500 school students; and • 100 School support staff and parents.
Assessment	<p>Recommended for Funding - \$9,870</p> <p>The applicant's program aligns with the Community Strategic Plan <i>Direction 1 Creating Connections</i> and <i>Direction 3 Generating Opportunity</i> and meets the Corporate Sponsorship Program's funding outcomes.</p> <p>Economic Benefit 7.7 – 1. e) Community, cultural, and social benefits 7.7 – 2. a), and c) Expected program outcomes 7.7.1 - b), and c)</p>

CONSIDERATIONS

Economic	CORPORATE SPONSORSHIP			
	Budget	Balance	<i>Recommended funding in this report</i>	Remaining
	\$100,000	\$80,000	\$9,870 \$20,000 has also been taken to fund council resolution for NOM 02 (24 Feb 2021)	\$50,130
	COMMUNITY GRANTS			
	Budget	Balance	<i>Recommended funding in this report</i>	Remaining
	\$102,000	\$93,000	Nil	\$93,000
	MATCHING GRANTS			
	Budget	Balance	<i>Recommended funding in this report</i>	Remaining
	\$200,000	\$185,000	Nil	\$185,000
	SUSTAINABLE ENVIRONMENT GRANTS*			
	Budget	Balance	<i>Recommended funding in this report</i>	Remaining
	\$75,000	\$59,150	Nil	\$59,150
	COMBINED FUNDING BALANCE			
	Combined Budget	Combined Balance	<i>Total recommended funding in this report</i>	Remaining
	\$477,000	\$417,150	\$9,870 \$20,000 has also been taken to fund council resolution for NOM 02 (24 Feb 2021)	\$387,280
* Sustainable Environment Grants funding is via a rate levy and is only eligible to be used for the Sustainable Environment Grants Program.				
Environment	Support schools and community groups to play an active role in reducing their impact on the environment and implementing environmentally sustainable actions.			
Social	Support community organisations and groups to deliver services.			
Civic Leadership	Role model to applicants, residents, and general public COVID-19 safe practices and procedures when supporting funding requests.			
Legislative	Local Government Act 1993 - s356.			
Risk	Risk of supporting this activity is considered low. The applicant has provided information on their compliance with COVID-19 safety guidelines published by NSW Health.			

ATTACHMENTS

1. Grants, Donations and Corporate Sponsorship Policy (Under separate cover)

CORP 01

Investment Report March 2021

Strategic Direction	Leading through Collaboration Seek efficient and innovative methods to manage our resources
File Ref	077589.2021
Report By	Chi Nguyen - Accountant - Investments & Treasury Management
Approved By	Vishwa Nadan - Chief Financial Officer

EXECUTIVE SUMMARY

This report details Council's investment portfolio and its performance for the month ended 31st March 2021:

- Council held investments with a market value of \$308 million.
- The economic environment globally, including Australia, suffered significantly from the start of the COVID-19 pandemic in March 2020. The market value of Council's investment in Floating Rate Notes (FRN) has since improved;
- RBA has decided to lower the cash rate to 0.10% with an indication to keep it at this level for next three years. This will have significant impact on Council's interest earnings;
- The portfolio yield was 124 basis points above the AusBond Bank Bill index;

	AusBond Bank Bill Index (BBI)
Benchmark	0.11%
Portfolio yield	1.35%
Performance above benchmarks	1.24%

- Return on investment was \$1.9m lower than the original budget. This does not take into account \$1.2m capital gain on FRN's;
- Council's investment advisor, Amicus Advisory, has completed its review of Emerald Mortgage Backed Securities and recommends Council continue to hold its investments in the "Class A" and both "Class C" securities given current poor market pricing. MBS Securities are now not rated;
- Council's investments and reporting obligations fully complied with the requirements of section 625 of the *Local Government Act 1993* and clause 212 of the *Local Government (General) Regulation 2005*;

- Council's portfolio also fully complied with limits set out in its current Investment Policy; and
- Council is committed to NSW TCorp's balanced investment framework and held 18.94% of its portfolio in ADI's rated BBB and below.

RECOMMENDATION

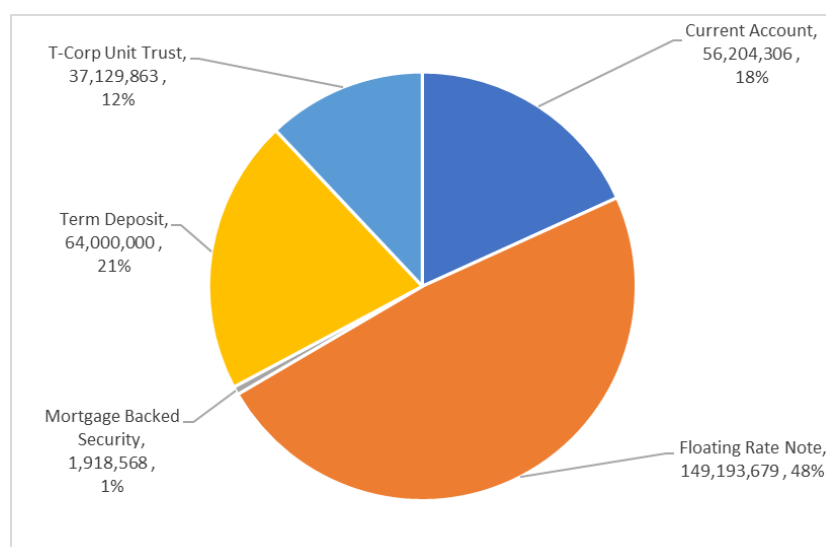
That Council receives and notes this report.

REPORT

Clause 212 of the *Local Government (General) Regulation 2005* requires that the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the *Local Government Act 1993*.

Council's Portfolio

At 31st March 2021, Council held investments with a market value of \$308 million. Council's investment register detailing all its investments is provided as an attachment to this report. In summary, Council's portfolio consisted of investments in:



The ratio of market value compared to face value of various debt securities is shown in the table below.

Asset Class	Mar-21	Jun-21
Senior Debts (FRN's ,TCD's & FRB)*	101.32%	100.75%
MBS (Reverse Mortgage Backed Securities)	75.74%	62.11%
T-Corp Unit Trusts	103.14%	102.81%

***Definition of terms**

- *Transferrable Certificate of Deposit (TCD) - security issued with the same characteristics as a Term Deposit however it can be sold back (transferred) into the market prior to maturity. A floating TCD pays a coupon linked to a variable benchmark (90 days BBSW).*
- *Fixed Rate Bond (FRB) – returns Fixed Coupon (interest) Rate and is tradeable before maturity.*
- *Floating Rate Note (FRN) - returns an aggregate of a fixed margin and a variable benchmark (usually BBSW).*

The economic environment globally, including Australia, suffered significantly from the start of the COVID-19 pandemic in March. The market value of Council's investment in FRN's has since improved. Council has sufficient funds in its current account and has no plans at this stage to sell off any of its FRN's to meet its short-term cashflow requirements.

Council is fully compliant with the requirements of the Ministerial Investment Order including the grandfathering provisions. The grandfathering provisions state that Council may continue to hold to maturity, redeem or sell investments that comply with previous Ministerial Investment Orders. Any new investments must comply with the most recent Order. Council continues to closely monitor the investments in its portfolio to ensure continued compliance and minimal exposure to risk.

Council is committed to NSW TCorp's balanced investment framework and held 18.94% of its portfolio in ADI's rated BBB and below.

Emerald – Mortgaged Backed Securities

Council's new investment advisor, Amicus Advisory, was asked on appointment to review Council's investments in "grandfathered" mortgage backed securities. Amicus has completed its review and recommends Council continue to hold its investments in the "Class A" and both "Class C" securities given current poor market pricing. Notwithstanding this recommendation, Amicus has assessed that both "Class C" securities are likely to eventually default. However, Council will continue to receive interest up until default which is likely to be many years away. Fitch Rating Agency has decided to withdraw its rating on mortgage backed securities and as a result, Council investments in these securities are now classed non-rated.

Portfolio Maturity Profile

The table below shows the percentage of funds invested at different durations to maturity.

Term to Maturity	Total	% Holdings	Term to Maturity Policy Limit Minimum	Term to Maturity Policy Limit Maximum	Complies to Investment Policy 'Yes/No'
Current Account	56,204,306	18.22%			
Term Deposits < 1 Yr	54,000,000	17.51%			
T-Corp Unit Trust	37,129,863	12.04%			
Tradeable securities	149,193,679	48.37%			
Portfolio % < 1 Yr - (Short term liquidity)	296,527,848	96.14%	30%	100%	Yes
Term Deposit > 1 Yr < 3Yrs	10,000,000	3.24%	0%	70%	Yes
Grand Fathered Securities	1,918,568	0.62%	N/A	N/A	Yes
Portfolio % Medium term liquidity)	11,918,568	3.86%			Yes
Total Portfolio	308,446,416	100.00%			

Market Value by Issuer and Institution Policy limit as per Investment Policy

Issuer	Security Rating	Market Value	% Total Value	Maximum Institutional Policy Limit % holdings	Complies to Investment Policy' "Yes/No"
AMP Bank Ltd	BBB	23,659,269	7.67%	15%	Yes
ANZ Banking Group Ltd	AA-	18,321,469	5.94%	35%	Yes
Auswide Bank Ltd	BBB	3,000,000	0.97%	15%	Yes
Bank Australia Ltd	BBB	3,508,472	1.14%	15%	Yes
Bank of China/Sydney	A	2,000,614	0.65%	25%	Yes
Bank of Communications Co. Ltd/Sydney	A-	3,017,454	0.98%	25%	Yes
Bendigo & Adelaide Bank Ltd	BBB+	506,616	0.16%	15%	Yes
Bank of Nova Scotia	A+	5,569,635	1.81%	25%	Yes
Bank of Queensland Ltd	BBB+	3,001,557	0.97%	15%	Yes
Citibank Australia Ltd	A+	1,013,365	0.33%	25%	Yes
Commonwealth Bank of Australia Ltd	AA-	67,914,455	22.02%	35%	Yes
Credit Union Australia Ltd	BBB	4,553,236	1.48%	15%	Yes
Emerald Reverse Mortgage Trust (Class A)	Unrated	888,955	0.29%	5%	Yes
Emerald Reverse Mortgage Trust (Class C)	Unrated	1,029,613	0.33%	5%	Yes
HSBC Sydney Branch	AA-	8,070,121	2.62%	35%	Yes
Macquarie Bank	A+	19,133,608	6.20%	25%	Yes
Members Banking Group Ltd t/a RACQ Bank	BBB+	1,509,963	0.49%	15%	Yes
Members Equity Bank Ltd	BBB	4,600,467	1.49%	15%	Yes
National Australia Bank Ltd	AA-	38,431,292	12.46%	35%	Yes
Newcastle Permanent Building Society Ltd	BBB	3,544,565	1.15%	15%	Yes
Northern Territory Treasury	AA-	4,000,000	1.30%	35%	Yes
NSW Treasury Corporation	AA	37,129,863	12.04%	45%	Yes
Police Credit Union	Unrated	2,000,000	0.65%	5%	Yes
Qbank	BBB-	4,515,106	1.46%	15%	Yes
Rabobank Australia Ltd	A+	4,016,460	1.30%	25%	Yes
Suncorp Bank	A+	8,072,472	2.62%	25%	Yes
Teachers Mutual Bank Ltd	BBB	2,106,082	0.68%	15%	Yes
UBS AG	A+	2,501,321	0.81%	25%	Yes
Westpac Banking Corporation Ltd	AA-	30,830,389	10.00%	35%	Yes
Portfolio Total		\$308,446,416	100.00%		

Overall Portfolio Credit Framework compliance to Investment Policy

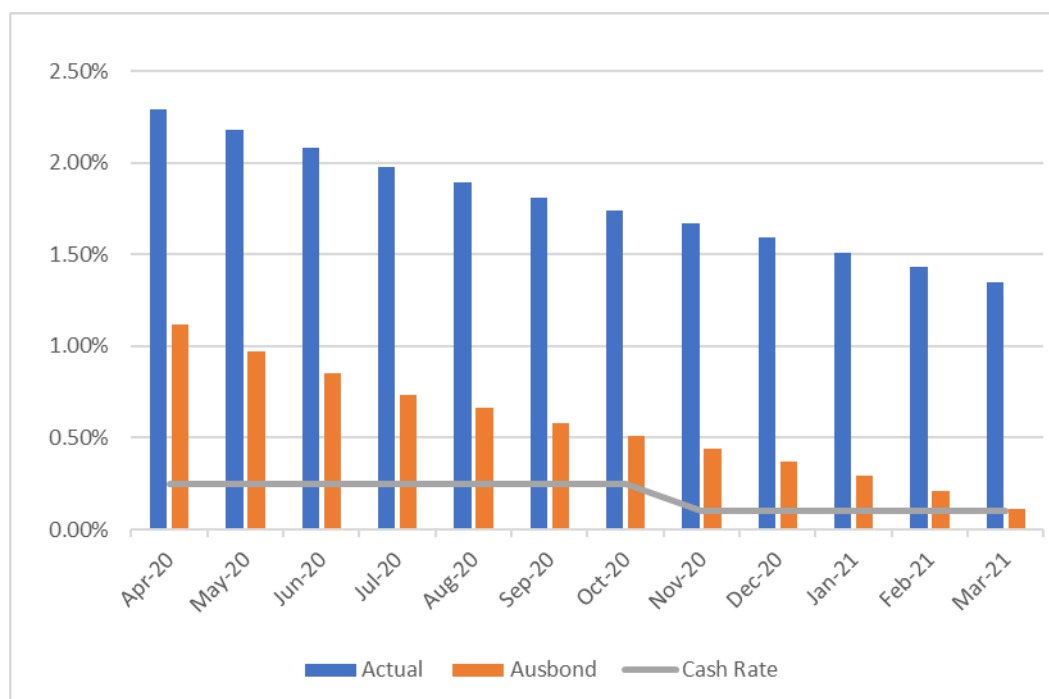
Credit Rating	Market Value	% Portfolio	Maximum Policy Limit	Complies to Investment Policy' "Yes/No"
AA Category	204,697,589	66.36%	100%	Yes
A Category	45,324,928	14.69%	60%	Yes
BBB Category	54,505,332	17.67%	45%	Yes
Unrated	3,918,568	1.27%	10%	Yes
Total Portfolio	308,446,416	100.00%		

Portfolio performance against relevant market benchmark.

Council's Investment Policy prescribes the AusBond Bank Bill Index (ABBI) as a benchmark to measure return on cash and fixed interest securities. The ABBI represents the average daily yield of a parcel of bank bills. Historically there has been a positive correlation between changes in the cash rate and the resulting impact on the ABBI benchmark.

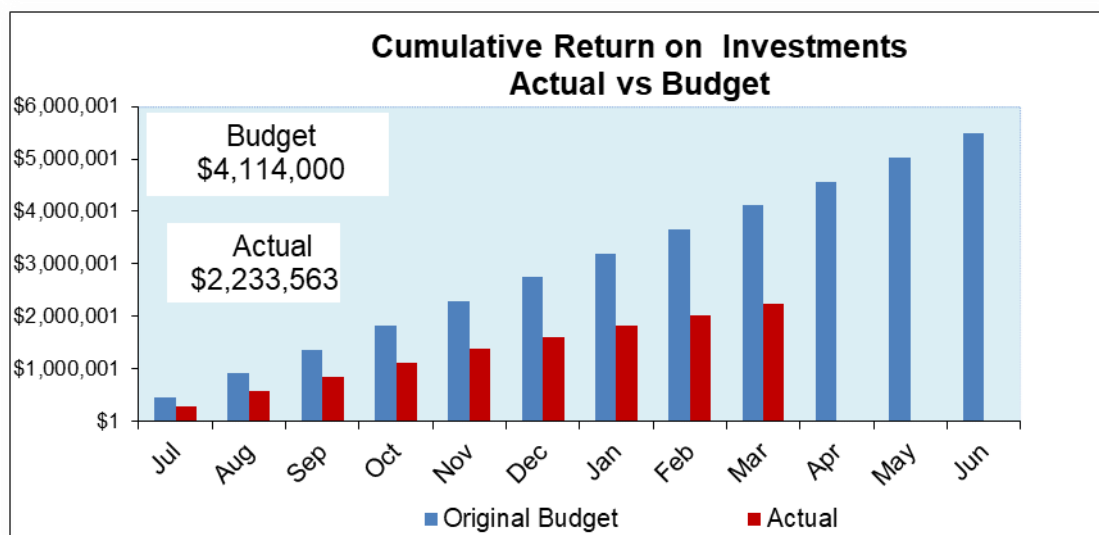
The portfolio yield to 31st March 2021 exceeded the AusBond Bank Bill index by 124 basis points (1.35% against 0.11%)

Council portfolio continues to perform at above benchmark rates despite ongoing margin contraction and significantly lower market term deposit yields. Comparative yields for the previous months are charted below:



Performance of Portfolio Returns against Budget

Council's investment income for March 2021 is lower than the original budget by \$1.9m. This does not take into account \$1.2m capital gain on FRN's.



Investment Portfolio at a Glance

Portfolio Performance	✓	The portfolio yield to 31 st March 2021 exceeded the AusBond Bank Bill index by 124 basis points (1.35% against 0.11%).
Annual Income vs. Budget	✓	Council's investment interest income is lower than the original budget by \$1.9m as at 31 st March 2021 and will be closely monitored.

Investment Policy Compliance

Legislative Requirements	✓	Fully Compliant
Portfolio Credit Rating Limit	✓	Fully Compliant
Institutional Exposure Limits	✓	Fully Compliant
Overall Portfolio Credit Limits	✓	Fully Compliant
Term to Maturity Limits	✓	Fully Compliant

Economic Outlook – Reserve Bank of Australia

The Reserve Bank has left the official cash rate on hold at 0.10 per cent in its meeting on 6th April 2021. The current 0.10 per cent cash rate is at a historically low level and impacts returns on investment.

Certificate of Responsible Accounting Officer

The Chief Financial Officer, as Responsible Accounting Officer, certifies that the investments listed in the attached report have been made in accordance with section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment Policy at the time of their placement. The previous investments are covered by the grandfathering clauses of the current investment guidelines issued by the Minister for Local Government.

CONSIDERATIONS

Economic	Council's investment interest income is lower than the original budget by \$1.9m as at 31 st March 2021 and will be closely monitored.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Council is fully compliant with the requirements of the <i>Local Government Act 1993</i> – Investment Order (authorized investments) and with reporting requirements under clause 212 of the <i>Local Government (General) Regulation 2005</i> .
Risk	<p>The capital value and return on investment is subject to market risks. Investment limits prescribed in Council's policy framework is aimed to mitigate these risks.</p> <p>Market interest is expected to stay at its lowest rate for a long period and will continue to put pressure on Council's budget.</p>

ATTACHMENTS

1. Investment Portfolio March 2021



Portfolio Valuation As At 31 March 2021

Fixed Interest Security	Maturity Date	Security Rating	Face Value Current	Market Value	% Total Value	Running Yield
Current Account						
CBA Business Saver		AA-	26,394,699.48	26,394,699.48	8.56%	0.30%
CBA General Account		AA-	1,120,260.09	1,120,260.09	0.36%	0.00%
AMP Business Saver		BBB	4,328,750.58	4,328,750.58	1.40%	0.50%
AMP Notice Account		BBB	14,325,203.21	14,325,203.21	4.64%	0.80%
Macquarie Bank Accelerator Account		A+	10,035,392.58	10,035,392.58	3.25%	0.50%
			56,204,305.94	56,204,305.94	18.22%	
Fixed Rate Bond						
Northern Territory Treasury	15/12/2021	AA-	4,000,000.00	4,000,000.00	1.30%	0.60%
UBS AG	26/02/2026	A+	2,550,000.00	2,501,320.50	0.81%	1.10%
			6,550,000.00	6,501,320.50	2.11%	
Floating Rate Deposit						
Westpac	18/08/2022	AA-	6,000,000.00	6,000,000.00	1.95%	1.07%
			6,000,000.00	6,000,000.00	1.95%	
Floating Rate Note						
AMP Bank	10/09/2021	BBB	5,000,000.00	5,005,315.00	1.62%	1.11%
ANZ Bank	09/05/2023	AA-	3,000,000.00	3,044,829.00	0.99%	0.91%
ANZ Bank	06/12/2023	AA-	7,000,000.00	7,148,246.00	2.32%	1.07%
ANZ Bank	29/08/2024	AA-	5,000,000.00	5,080,490.00	1.65%	0.79%
ANZ Bank	16/01/2025	AA-	3,000,000.00	3,047,904.00	0.99%	0.77%
Bank Australia	30/08/2021	BBB	1,500,000.00	1,505,377.50	0.49%	1.33%
Bank Australia	02/12/2022	BBB	2,000,000.00	2,003,094.00	0.65%	0.93%
Bank of China, Sydney Branch	19/04/2021	A	2,000,000.00	2,000,614.00	0.65%	1.04%
Bendigo and Adelaide	25/01/2023	BBB+	500,000.00	506,616.00	0.16%	1.06%
BOQ	18/05/2021	BBB+	1,000,000.00	1,001,557.00	0.32%	1.49%
Citibank, N.A.	14/11/2024	A+	1,000,000.00	1,013,365.00	0.33%	0.89%
Commonwealth Bank	25/04/2023	AA-	3,000,000.00	3,037,854.00	0.98%	0.81%
Commonwealth Bank	16/08/2023	AA-	7,500,000.00	7,629,907.50	2.47%	0.94%
Commonwealth Bank	11/01/2024	AA-	9,500,000.00	9,731,733.50	3.16%	1.15%
Credit Union Australia	06/09/2021	BBB	2,000,000.00	2,008,888.00	0.65%	1.29%
Credit Union Australia	24/10/2024	BBB	2,500,000.00	2,544,347.50	0.82%	1.13%
HSBC	27/09/2024	AA-	3,000,000.00	3,028,407.00	0.98%	0.86%
HSBC	27/09/2024	AA-	2,000,000.00	2,018,938.00	0.65%	0.86%
HSBC Bank Australia	07/12/2022	AA-	3,000,000.00	3,022,776.00	0.98%	0.84%
Macquarie Bank	21/06/2022	A+	2,000,000.00	2,012,912.00	0.65%	0.78%
Macquarie Bank	07/08/2024	A+	4,000,000.00	4,046,960.00	1.31%	0.81%
Macquarie Bank	12/02/2025	A+	3,000,000.00	3,038,343.00	0.99%	0.85%
Members Equity Bank	16/04/2021	BBB	1,600,000.00	1,600,467.20	0.52%	1.28%
NAB	16/05/2023	AA-	2,000,000.00	2,029,718.00	0.66%	0.91%
NAB	26/09/2023	AA-	8,000,000.00	8,139,264.00	2.64%	0.96%
NAB	26/09/2023	AA-	4,000,000.00	4,069,632.00	1.32%	0.96%
NAB	26/02/2024	AA-	5,000,000.00	5,111,550.00	1.66%	1.07%
NAB	19/06/2024	AA-	4,000,000.00	4,081,128.00	1.32%	0.95%
Newcastle Permanent	24/01/2022	BBB	2,000,000.00	2,022,074.00	0.66%	1.66%
Newcastle Permanent	06/02/2023	BBB	1,500,000.00	1,522,491.00	0.49%	1.41%
QBANK	14/12/2021	BBB-	1,000,000.00	1,004,743.00	0.33%	1.54%
QBANK	25/03/2022	BBB-	1,500,000.00	1,507,359.00	0.49%	1.43%
QBANK	06/12/2022	BBB-	2,000,000.00	2,003,004.00	0.65%	1.19%

Fixed Interest Security	Maturity Date	Security Rating	Face Value Current	Market Value	% Total Value	Running Yield
Rabobank Australia Branch	03/03/2022	A+	2,000,000.00	2,016,460.00	0.65%	1.11%
RACQ Bank	23/05/2022	BBB+	1,500,000.00	1,509,963.00	0.49%	1.06%
ScotiaBank	08/09/2022	A+	3,000,000.00	3,030,117.00	0.98%	0.96%
ScotiaBank	07/09/2023	A+	2,500,000.00	2,539,517.50	0.82%	1.02%
Suncorp	12/04/2021	A+	2,000,000.00	2,000,410.00	0.65%	1.39%
Suncorp	16/08/2022	A+	1,000,000.00	1,010,267.00	0.33%	0.98%
Suncorp	30/07/2024	A+	3,000,000.00	3,037,077.00	0.98%	0.79%
Suncorp	30/07/2024	A+	2,000,000.00	2,024,718.00	0.66%	0.79%
Teachers Mutual Bank	02/07/2021	BBB	2,100,000.00	2,106,081.60	0.68%	1.38%
Westpac	06/03/2023	AA-	5,000,000.00	5,062,930.00	1.64%	0.87%
Westpac	16/11/2023	AA-	6,000,000.00	6,113,268.00	1.98%	0.96%
Westpac	24/04/2024	AA-	4,000,000.00	4,105,276.00	1.33%	1.15%
Westpac	16/08/2024	AA-	2,500,000.00	2,548,915.00	0.83%	0.89%
			141,700,000.00	143,674,904.30	46.58%	
Floating Rate TCD						
Bank of Communications	28/10/2022	A-	3,000,000.00	3,017,454.00	0.98%	0.90%
			3,000,000.00	3,017,454.00	0.98%	
Mortgage Backed Security						
EmeraldMBS2006-1A	21/08/2051	Unrated	1,033,041.87	888,955.26	0.29%	0.46%
EmeraldMBS2006-1C	21/08/2056	Unrated	1,000,000.00	682,888.00	0.22%	1.21%
EmeraldMBS2007-1C	23/07/2057	Unrated	500,000.00	346,724.50	0.11%	0.96%
			2,533,041.87	1,918,567.76	0.62%	
Term Deposit						
Auswide Bank	06/09/2021	BBB	3,000,000.00	3,000,000.00	0.97%	1.80%
BOQ	07/02/2022	BBB+	2,000,000.00	2,000,000.00	0.65%	3.75%
Commonwealth Bank	01/10/2021	AA-	3,000,000.00	3,000,000.00	0.97%	0.75%
Commonwealth Bank	25/02/2022	AA-	4,000,000.00	4,000,000.00	1.30%	0.73%
Commonwealth Bank	06/10/2021	AA-	3,000,000.00	3,000,000.00	0.97%	0.73%
Commonwealth Bank	28/01/2022	AA-	2,000,000.00	2,000,000.00	0.65%	0.43%
Commonwealth Bank	16/04/2021	AA-	8,000,000.00	8,000,000.00	2.59%	0.22%
Members Equity Bank	12/07/2021	BBB	3,000,000.00	3,000,000.00	0.97%	0.45%
NAB	22/07/2021	AA-	5,000,000.00	5,000,000.00	1.62%	0.32%
NAB	08/09/2021	AA-	5,000,000.00	5,000,000.00	1.62%	0.80%
NAB	26/11/2021	AA-	5,000,000.00	5,000,000.00	1.62%	0.57%
Police Credit Union SA	16/08/2021	Unrated	2,000,000.00	2,000,000.00	0.65%	3.20%
Rabobank Australia Branch	29/08/2022	A+	2,000,000.00	2,000,000.00	0.65%	3.38%
Westpac	31/08/2022	AA-	2,000,000.00	2,000,000.00	0.65%	3.32%
Westpac	14/09/2021	AA-	5,000,000.00	5,000,000.00	1.62%	0.77%
			54,000,000.00	54,000,000.00	17.51%	
Total			269,987,347.81	271,316,552.50	87.96%	
Security Type						
			Face Value Current	Market Value		
NSWTC IM Cash Fund	AA		35,000,000.00	36,026,160.14	11.68%	
NSWTC IM Short Term Income Fund	AA		1,000,000.00	1,103,702.93	0.36%	
			36,000,000.00	37,129,863.07	12.04%	
Total			269,987,347.81	271,316,552.50	87.96%	
Portfolio Total			305,987,347.81	308,446,415.57	100.00%	

CORP 02	Submission on Consultation Paper regarding Remote Attendance by Councillors at Council Meetings
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Strategic Direction	Leading through Collaboration Strive for best practice in all Council processes
File Ref	100327.2021
Report By	George Georgakis - Manager Council and Executive Services
Approved By	George Hampouris - Acting Director City Corporate

EXECUTIVE SUMMARY

The *Local Government (General) Regulation 2005* has been amended to temporarily exempt councils from complying with the requirement under their codes of meeting practice for Councillors to be personally present at meetings to participate. The exemption expires on 31 December 2021.

In addition, the Office of Local Government (OLG) is currently consulting with councils on proposed amendments to the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) that will allow Councillors to attend meetings remotely using audio-visual links in certain circumstances. If adopted, this would apply beyond 2021. A Consultation Paper has been issued and submissions are due by 3 May 2021.

RECOMMENDATION

That Council:

1. Makes a submission to the Office of Local Government supporting the proposed amendments outlined in the "*Remote attendance by Councillors at Council Meetings Consultation Paper*".
2. Adopt the Procedures attached to the OLG Circular, with the timeframe for requests by Councillors to attend meetings remotely by audio-visual link to be made in writing to the CEO at least 48 hours before a meeting. This would form an Appendix to the Code of Meeting Practice whilst it is in effect.

REPORT

Temporary amendments were made to the *Local Government Act 1993* in March 2020 in response to the COVID-19 pandemic allowing Councillors to participate in meetings remotely by audio-visual link. The temporary amendments expired on 25 March 2021.

The State Government recognises that most councils have successfully implemented remote attendance by Councillors at meetings by audio-visual link during the pandemic. Several councils have called for the option of remote attendance to be made available to them on an ongoing basis particularly while the risk of contracting Coronavirus still exists.

Councils were required to resume meeting in person from 26 March 2021. As an interim measure, the *Local Government (General) Regulation 2005* has been amended to allow councils to permit individual (but not all) Councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code. If the changes are included in the Model Meeting Code and subsequently adopted by Council, this would allow Councillors to attend meetings remotely using audio-visual links beyond 2021.

The OLG has advised that councils are not required to amend their codes of meeting practice to allow Councillors to attend meetings remotely by audio-visual link while the Regulation amendment is in force but should adopt procedures governing attendance by Councillors at meetings by audio-visual link to supplement their codes of meeting practice. Suggested procedures are attached to the OLG Circular. It is recommended that the Procedures attached to the OLG Circular be endorsed, with the timeframe for requests by Councillors to attend meetings remotely to be made in writing to the CEO at least 48 hours before a meeting.

The OLG has issued a Circular (attached) on 1 April 2021 regarding the “*Temporary exemption from the requirement for Councillors to attend meetings in person*”.

The OLG is currently consulting with councils on proposed amendments to the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code). A Consultation Paper has been issued and submissions are due by 3 May 2021.

The OLG is proposing to amend the Model Code of Meeting Practice for Local Councils in NSW to include non-mandatory provisions that allow councils to permit Councillors to attend Council and Committee meetings remotely by audio-visual link in certain circumstances.

Under the proposed new provisions, Councils will only be able to give approval for individual Councillors to attend a Council or Committee meeting remotely by audio-visual link where the Councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.

The proposed provisions also state that where attending a meeting by audio-visual link, Councillors will be required to do so from a location within NSW or within 100km of the NSW border.

It is recommended that Council make a submission to the Office of Local Government supporting the proposed amendments outlined in the *“Remote attendance by Councillors at Council Meetings Consultation Paper”*.

It is also recommended that the Procedures attached to the OLG Circular be endorsed, with the timeframe for requests by Councillors to attend meetings remotely by audio-visual link to be made in writing to the CEO at least 48 hours before a meeting.

It should be noted that the Council Chambers has been set up to allow for a hybrid meeting arrangement which allows for participants to be in the Chambers while others are participating remotely via MS Teams. Costs in the order of \$10,180 per meeting would be incurred for such infrastructure to be set up for any off-site meeting, which also allows for the live web streaming as required by Council’s Code of Meeting Practice.

CONSIDERATIONS

Economic	There are no economic and financial considerations for meetings held in the Council Chambers. Costs in the order of \$10,180 per meeting would be incurred for such infrastructure to be set up for any off-site meeting.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	Provide information about Council’s services, roles and decision making processes. Deliver services that are customer focused. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	Section 360 of the <i>Local Government Act 1993</i> which refers to the Code of Meeting Practice.
Risk	The risk is deemed to be low and is considered to be within Council’s risk appetite.

ATTACHMENTS

1. Consultation Paper - Remote Attendance by Councillors at Council Meetings
2. Office of Local Government Circular - Temporary exemption from the requirement for Councillors to attend meetings in person

Remote Attendance by Councillors at Council Meetings

Consultation Paper

March
2021



Office of Local Government, Department of Planning, Industry and Environment
5 O'Keefe Avenue Locked Bag 3015 Phone 02 4428 4100 olg@olg.nsw.gov.au
NOWRA NSW 2541 NOWRA NSW 2541 TTY 02 4428 4209 www.olg.nsw.gov.au

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Overview

Temporary amendments were made to the *Local Government Act 1993* (the Act) in March 2020 in response to the COVID-19 pandemic allowing councillors to participate in meetings remotely by audio-visual link. The amendments allowing remote attendance are time limited and will automatically expire on 25 March 2021.

Most councils have successfully implemented remote attendance by councillors at meetings by audio-visual link during the pandemic. Some councils have called for the option of remote attendance to be made available to them on an ongoing basis to encourage greater diversity of representation.

The Government agrees that allowing remote attendance by councillors at meetings may serve to remove some of the impediments that currently prevent underrepresented groups from serving on their local councils.

The Government is therefore proposing to amend the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) to include non-mandatory provisions that allow councils to permit councillors to attend council and committee meetings remotely by audio-visual link in certain circumstances.

While councils will be required to resume meeting in person from 26 March 2021, as an interim measure, the *Local Government (General) Regulation 2005* will be amended to allow councils to permit individual (but not all) councillors to attend meetings remotely until 31 December 2021 pending the changes to the Model Meeting Code.

While the Government strongly supports the objective of encouraging greater diversity of representation on councils, this should be counterbalanced by the need to ensure communities are effectively represented by

their elected councillors. The Government believes that to be effective local elected representatives, councillors need to live or work in the area and should exercise their duties diligently. Councillors should not, for example, be permitted to move interstate or overseas and attend every third meeting remotely to collect their fees. Councillors should also not be permitted to attend meetings while at work where their attention may be focussed on matters other than council business.

To ensure this does not occur, the grounds on which councillors will be permitted to attend meetings by audio-visual link will be limited. Under the proposed new provisions, councils will only be able to give approval for individual councillors to attend a meeting remotely by audio-visual link where the councillor is prevented from attending the meeting because of ill health, disability, carer responsibilities, natural disaster or, on a limited number of occasions in each year, because they are absent from the local area due to a prior work commitment.

The Government recognises that remote attendance by councillors at meetings by audio-visual link may not be supported by all councils or may pose insurmountable logistical and technological challenges for some councils. For this reason, the proposed new provisions will not be mandatory, and councils can choose whether to include them in their adopted codes of meeting practice.

What is being proposed?

■ The proposed amendments will allow councillors to attend meetings by audio-visual link with the approval of the council in certain circumstances.

"Audio-visual" link will be defined as "a facility that enables audio and visual communication between persons at different places".

Under the proposed amendments, a councillor will be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or the committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting in person because of ill health, disability, carer responsibilities or natural disaster.

A councillor will also be permitted to attend a meeting of the council or a committee of the council by audio-visual link with the prior approval of the council or committee, or approval granted by the council or committee at the meeting concerned, where they are prevented from attending the meeting because they are absent from the local area due to a prior work commitment. However, a councillor will not be permitted to attend an ordinary or extraordinary meeting of the council or a meeting of a committee of the council by audio-visual link on these grounds on any more than three occasions in each year (inclusive of all ordinary, extraordinary and committee meetings attended by the councillor by these means).

Where a councillor is proposing to seek the council's or a committee's approval to attend a meeting by audio-visual link at the meeting concerned, they must first give the general manager at least 5 working days' notice that they will be seeking the council's or committee's approval, to allow sufficient time for the necessary arrangements to be made for them to attend the meeting remotely, should the council or committee give its approval.

Where attending a meeting by audio-visual link, councillors will be required to do so from a location within NSW or within 100km of the NSW border.

■ As with decisions to grant a leave of absence under the existing provisions of the Model Meeting Code, the decision to permit a councillor to attend a meeting by audio-visual link is one that will be at the council's or committee's discretion.

The council or committee will be required to act reasonably when considering whether to grant a councillor's request to attend a meeting by audio-visual link.

However, the council or committee will be permitted to refuse a councillor's request to attend a meeting by audio-visual link, where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting by audio-visual link.

➤ **When attending meetings by audio-visual link, meeting rules and standards will apply to councillors in the same way they would if the councillor was attending the meeting in person.**

The council's adopted code of meeting practice will apply to a councillor attending a meeting of the council or a committee of the council by audio-visual link in the same way it would if they attended the meeting in person.

Councillors will be required to give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.

Councillors will also be required to be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Where a councillor has attended a meeting by audio-visual link, the minutes of the meeting must record the fact that the councillor attended the meeting by audio-visual link.

➤ **Councillors attending meetings by audio-visual link will be required to disclose and appropriately manage conflicts of interest.**

Councillors attending a meeting by audio-visual link will be required to declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.

Where the councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the

councillor's audio-visual link to the meeting must be terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

➤ **Councillors attending meetings by audio-visual link will be required to protect the confidentiality of information considered while the meeting is closed to members of the public.**

Councillors attending a meeting by audio-visual link will be required to ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Act.

➤ **The proposed amendments will contain provisions that allow the chair to enforce compliance with meeting rules by councillors attending meetings by audio-visual link.**

Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson will be permitted to mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.

If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson will be permitted to terminate the councillor's audio-visual link to the meeting.

Have your say

We now want to hear from you.



Key questions to consider

✔ Do you support the proposed changes to the Model Meeting Code to allow councillors to attend meetings remotely by audio-visual link?

✔ Do you have any concerns about the proposed changes? What are your concerns?

✔ Do you have any suggestions for how the proposed new provisions could be improved?

Submissions may be made in writing by
COB 3 May 2021 to the following addresses.

POST:

**Locked Bag 3015
NOWRA NSW 2541**



EMAIL:

olg@olg.nsw.gov.au

Further information

For more information, please contact
Office of Local Government's Council
Governance Team on **(02) 4428 4100** or via
email at olg@olg.nsw.gov.au.

Submissions should be labelled 'Remote attendance at council and committee meetings' and marked to the attention of Office of Local Government's Council Governance Team.





Office of
Local Government

Circular to Councils

Circular Details	21-02 / 1 April 2021 / A765862
Previous Circular	21-01 <i>Transitioning back to in-person council and committee meetings and consultation on proposed changes allowing remote attendance at meetings</i>
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Temporary exemption from the requirement for councillors to attend meetings in person**What's new or changing**

- The Office of Local Government (OLG) is currently consulting with councils and others on proposed amendments to the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) allowing councillors to attend meetings remotely using audio-visual links. A [discussion paper](#) has been issued and submissions are due on **3 May 2021**.
- The *Local Government (General) Regulation 2005* (the Regulation) has been amended to temporarily exempt councils from complying with the requirement under their codes of meeting practice for councillors to be personally present at meetings to participate in them. The exemption expires on **31 December 2021**.
- The Regulation amendment will operate to allow councils to permit councillors to attend meetings remotely by audio-visual link while OLG consults on the new provisions of the Model Meeting Code and until such time as councils are able to adopt them.

What this will mean for your council

- As of **26 March 2021**, councils are now required under section 10 of the *Local Government Act 1993* to hold meetings of the council and committees comprising only of councillors in physical venues and to permit members of the public to attend meetings in person, subject to the requirements of any Public Health Order in force at the time and social distancing requirements.
- The Regulation amendment operates to exempt councils from the requirement under clause 5.2 of the Model Meeting Code for councillors to be personally present at a meeting in order to participate in it.
- For the period in which the Regulation amendment is in force, councils have the option to permit councillors to attend and participate in meetings remotely by audio-visual link should councils choose to do so.
- Councils are not required to amend their codes of meeting practice to allow councillors to attend meetings remotely by audio-visual link while the Regulation amendment is in force but should adopt procedures governing attendance by councillors at meetings by audio-visual link to supplement their codes of meeting practice. Suggested procedures are attached to this circular.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- The Regulation amendment does not apply to joint organisations of councils or county councils. The regulation making power under which the Regulation has been amended only allows exemptions to be made for “areas” constituted under Part 1 of Chapter 9 of the Act. These provisions do not apply to joint organisations of councils or county councils.
- Joint organisations are already permitted to meet by telephone or other electronic means under clause 397G of the Regulation and the Model Meeting Code. However, it is not possible to exempt county councils by regulation and members of county councils will need to continue to attend meetings in person to participate in them until amendments are made to the Model Meeting Code permitting attendance at meetings by audio-visual link.
- In dealing with requests by councillors to attend meetings by audio-visual link on grounds of illness, disability or caring responsibilities, councils must ensure they comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002*.

Where to go for further information

- Suggested procedures for attendance by councillors at meetings using audio-visual link are attached to this circular.
- The *Remote Attendance by Councillors at Council Meetings* consultation paper is available on OLG's website [here](#).
- Guidance on the Health Privacy Principles is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

ATTACHMENT**Procedures for attendance by councillors at meetings by audio-visual link****What is an “audio visual link”**

- For the purposes of these procedures, an audio-visual link is a facility that enables audio and visual communication between persons at different places.

Approval for councillors to attend meetings by audio visual link

- The council and committees of the council comprising wholly of councillors may, in response to a request made by a councillor, resolve to permit the councillor to attend one or more meetings of the council or committee remotely by audio visual link where it is satisfied that the councillor will be prevented from attending the meeting/s in person because of illness, disability, caring responsibilities, or such other reason that is acceptable to the council or committee.
- Requests by councillors to attend meetings remotely by audio-visual link must be made in writing to the General Manager at least *[council to specify a timeframe that is consistent with the timeframe for lodging notices of motion]* business days before a meeting, and must provide information about the meetings the councillor will be prevented from attending in person and the reason why the councillor will be prevented from attending the meeting/s in person.
- A resolution by the council or a committee of the council permitting a councillor to attend one or more meetings by audio-visual link must provide the following information:
 - the grounds on which the councillor is being permitted to attend meetings remotely by audio visual link, but not where those grounds relate to illness, disability or caring responsibilities, and
 - details of the meetings the resolution applies to.
- The council or committee of the council may permit more than one councillor to attend a meeting by audio-visual link but must not permit all councillors to attend a meeting by audio-visual link.
- A decision to permit a councillor to attend a meeting remotely by audio-visual link is at the council's or the committee's discretion. The council and its committees must act reasonably when considering requests by councillors to attend meetings remotely by audio-visual link.
- The council and its committees are under no obligation to permit a councillor to attend a meeting remotely by audio-visual link where the technical capacity does not exist to allow the councillor to attend a meeting by these means.
- The council and its committees may refuse a councillor's request to attend a meeting remotely by audio-visual link where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting of the council or its committees by audio-visual link.

4

Attendance by councillors at meetings by audio visual link

- Where a councillor attends a meeting by audio-visual link with the approval of the council or a committee of the council they are to be taken as attending the meeting in person for the purposes of the council's code of meeting practice and will have the same voting rights as if they were attending the meeting in person.
- The council's code of meeting practice will apply to a councillor attending a meeting remotely by audio-visual link, in the same way it would if the councillor was attending the meeting in person.
- Councillors must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.
- Councillors must be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.
- Where a councillor attends a meeting of the council or a committee of the council by audio-visual link, the minutes of the meeting must record that they attended the meeting by audio-visual link.

Conflicts of interest

- Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.
- Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

Confidentiality

- Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the *Local Government Act 1993*.

Maintenance of order

- Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.
- If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Compliance with the Health Privacy Principles

- The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting remotely by audio-visual link.

PRES 01

Nature Strip/ Verge Mowing Policy

Strategic Direction	Creating Connection Create a dynamic, inclusive environment, including programs to support healthy living
File Ref	092596.2021
Report By	Jeya Shanmuganathan - Maintenance Planning and Reports Coordinator
Approved By	Peter Diplas - Acting Director, City Presentation

EXECUTIVE SUMMARY

Liverpool City Council aims to maintain an overall consistency and appearance of nature strips. The Nature Strip/Verge Mowing Policy sets the standards for the maintenance and management of nature strip areas that contribute significantly to the streetscape and visual amenity of local neighbourhoods. The policy provides clear direction for nature strip maintenance and defines the key responsibilities that will underpin nature strip/verge maintenance in the Liverpool Local Government Area (LGA).

The current Footpath/Nature Strip Mowing Policy was adopted in November 2016 and is due for its second review. The purpose of this report is to present a new draft policy for Council's adoption.

RECOMMENDATION

That Council approve and adopt the revised Nature Strip/Verge Mowing Policy

REPORT

The current Footpath/Nature Strip Mowing Policy was adopted in November 2016 and is due for its second review.

The revised policy provides similar services as existing and additional paragraphs have been included that outline Council's resident notification methods of this policy.

It was identified that a few newly moved residents were not aware of the mowing policy nor their maintenance responsibility of the nature strip/verge area. Therefore, it has been considered that Council will encourage property owners or occupiers to mow their nature strips to a standard that enhances the look of their property and does not create any potential risk to the safety of the public.

Where a resident fails to maintain the nature strip in accordance with this policy, Council will send the resident a letter along with a copy of this policy. This will allow the resident to better understand their responsibilities when it comes to the nature strip.

Council will also arrange for letter drops to new dwellings notifying the residents of this policy. Council may also use other forms of resident notifications such as social media, Council's webpage, and rate notices to remind residents of Council's expectations regarding the maintenance of the nature strip.

CONSIDERATIONS

Economic	There are economic and financial considerations. Should a significant number of requests be received from special needs groups the cost will escalate at almost \$1000 per annum per request approved.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	Deliver services that are customer focused.
Legislative	There are no legislative considerations relating to this report.
Risk	The risk is deemed to be very low.

ATTACHMENTS

1. Nature Strip/Verge Mowing Policy



NATURE STRIP / VERGE MOWING POLICY

Adopted: 28 April 2021

TRIM (*Number*)



NATURE STRIP/VERGE MOWING POLICY

DIRECTORATE: City Presentation

BUSINESS UNIT: City Works

1. PURPOSE/ OBJECTIVES

- 1.1 The purpose of the Nature Strip/Verge Mowing Policy is to set standards for the maintenance and management of nature strip areas that contribute significantly to the streetscape. Council aims to maintain an overall consistency and appearance of nature strips. The policy provides clear directions for nature strip maintenance and defines the key responsibility that will underpin nature strip maintenance in the Liverpool Local Government Area (LGA).
- 1.2 The objective of this policy is to guide nature strip maintenance and management activities in a way that:
 - a) Define the extent of Council involvement in the mowing and weed poisoning of nature strips and weeds growing in footpaths.
 - b) Provide direction to officers when determining the limit of maintenance activities with respect to nature strip mowing and footpath weeding.
 - c) Clarify the criteria for determining eligibility to receive Council service.

2. DEFINITIONS

Footpath – is a path for pedestrians.

Nature strip - The area of land between a property boundary's private frontage and the edge of a roadway. The primary purpose of this land is to facilitate pedestrian movement alongside the roadway and provide an area for underground infrastructure access.

Verge - The area of land between a property boundary's private frontage and the edge of a roadway. The primary purpose of this land is to facilitate pedestrian movement alongside the roadway and provide an area for underground infrastructure access.

3. POLICY STATEMENT

3.1 NATURE STRIPS ADJACENT TO COUNCIL-OWNED PROPERTIES

The properties with high visibility such as The Casula Powerhouse Arts Centre, City Centre, Libraries, Community and Childcare Centres and in the vicinity of these properties should be maintained at a high standard, including hand mowing, edge trimming and removal of clippings.

All other Council properties - Tractor mowing should be carried out wherever possible to a standard sufficient for safe and nuisance-free pedestrian usage. Hand mowing activities are not encouraged unless unavoidable.

Glyphosate herbicides to be used only on multi-lane roads.

The Council owned properties that are tenanted or leased - the tenant or lessee will initially be asked to carry out the work.

3.2 NATURE STRIPS ADJACENT TO GOVERNMENT – OWNED PROPERTIES

Mowing should not be carried out unless the Government body concerned meets the cost.

3.3 NATURE STRIPS ADJACENT TO PRIVATE PROPERTY

Council does not mow nature strips in front of private, commercial or industrial property.

Council will encourage property owners or occupiers to mow their nature strips to a standard that enhances the look of their property and does not create any potential risk to safety of the public.

Where a resident fails to maintain the nature strip in accordance with this policy, Council will send the resident a letter along with a copy of this policy. This will allow the resident to better understand their responsibilities when it comes to the nature strip.

Council will also arrange for letter drops to new dwellings notifying the residents of this policy. Council may also use other forms of resident notifications such as social media, Council's webpage and rate notices etc to remind the residents of Council's expectations regarding the maintenance of the nature strip.

The property owners or occupiers shall not use Glyphosate Herbicides for controlling grass growth.

Where the property owner is not carrying out mowing or, upon receiving a complaint regarding an overgrown nature strip, or a request to mow a nature strip, Council will inspect the site to undertake a risk assessment.

The risk assessment will determine whether further action is necessary, based on the following criteria:

- a) The grass on the nature strip is generally higher than 500mm and the nature strip is overgrown to the extent that it risks the safety of pedestrians using the footpath or nature strip;

- b) The nature strip is overgrown to the extent that it potentially obstructs traffic visibility; and
- c) The nature strip is overgrown to the extent that it is detrimental to the look of the neighbourhood.

If the public risk is assessed as being unacceptable, then Council will make appropriate arrangements to undertake a "rough cut" of the area to eliminate the risk.

The property owner or occupier will then be contacted to ascertain their intentions regarding the regular mowing of the nature strip.

3.4 ELIGIBILITY CRITERIA FOR NATURE STRIP MOWING SERVICE ADJACENT TO PRIVATE PROPERTY

Council provides a nature strip mowing service policy in circumstances where residents, due to health or financial reasons, are unable to mow the nature strip adjoining their residence, to ensure that Liverpool Local Government Area (LGA) grassed nature strips and streetscape look is maintained. Only where residents meet certain criteria will the nature strip mowing service be provided by Council.

The nature strip mowing service is not an entitlement program. At all times the mowing service will only be provided subject to availability of funding.

The following criteria will be considered in assessing a person's eligibility for inclusion on the nature strip mowing list.

- Be a permanent resident of Liverpool LGA, and occupy the property which is the subject of the nature strip mowing service application; and
- Be receiving or be assessed as eligible to receive home care services such as Meals on Wheels, or have a disability or other medical condition which makes it impossible for that person to mow their nature strip; and
- Be the holder of a current Pensioner Concession Card issued by the Commonwealth Government or in receipt of a Service Pension; or some other type of income substitution resulting from a physical disability that restricts a person from mowing their nature strip e.g. worker's compensation or income protection benefit; and
- Have no other members of the household who are able to mow the nature strip.

Council reserves the right to take special conditions into consideration, other than those listed above.

Council requires applications including the medical certificate to be updated and resubmitted on a six-monthly basis.

3.4.1

The Director City Presentation has authority to approve exceptions to this policy due to special circumstances.

4. RELEVANT LEGISLATIVE REQUIREMENTS

Local Government Act 1993

RELATED POLICIES & PROCEDURE REFERENCES

Not applicable

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

This date is the date the policy is adopted by Council resolution.

REVIEW DATE

The policy must be reviewed every two years or more frequently depending on its category or if legislative or policy changes occur.

VERSIONS

The current and previous version of the policy should be set out in the following table.

Version	Amended by	Changes made	Date	TRIM Number
1.	Council Resolution	Not Applicable	23 November 2016	085490.2017
2.	Council Resolution	Re-write		

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Governance and Legal

ATTACHMENTS

NIL

CTTE 01

**Minutes of the Liverpool Youth Council meeting
held Tuesday 9 March 2021**

Strategic Direction	Leading through Collaboration Encourage community participation in decision-making
File Ref	090198.2021
Report By	Galavizh Ahmadi Nia - Manager Community Development and Planning
Approved By	Tina Bono - Acting Director City Community and Culture

EXECUTIVE SUMMARY

This report is tabled in order to present the Minutes of the Liverpool Youth Council Meeting held on Tuesday 9 March 2021.

RECOMMENDATION

That Council receives and notes the Minutes of the Liverpool Youth Council Meeting held on Tuesday 9 March 2021.

REPORT

The Minutes of the Liverpool Youth Council held on Tuesday 9 March 2021 are attached for the information of Council.

The Minutes identify a number of actions that require Council staff to undertake, none of which will have any financial impact on Council.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	Support community organisations, groups and volunteers to deliver coordinated services to the community. Support access and services for people with a disability.

Civic Leadership	Facilitate the development of community leaders. Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes.
Legislative	There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Minutes Liverpool Youth Council 9 March 2021



Minutes

MINUTES OF LIVERPOOL YOUTH COUNCIL MEETING

9 March 2021

COUNCILLORS:

Councillor Nathan Hagarty
Councillor Geoff Shelton
Councillor Karress Rhodes

Liverpool City Council
Liverpool City Council
Liverpool City Council

COMMITTEE MEMBERS:

Phillip Gigliotti
Simbarashe Zimudzana
Mustafa Sawalhi
Vishal Kunnathur Senthilkumar
Sonia Sharma
Alyssia Dower
Ella-Jay Nuttall
Jorja Suga
Adrian Lal
Mikaela Jenkins

President (**Chairperson**)
Youth Liaison Representative
Treasurer
Secretary (**Minutes**)
Media Representative
Media Assistant
Youth Councillor
Youth Councillor
Youth Councillor
Youth Councillor

COUNCIL ATTENDEES:

Derek Tweed

Liverpool City Council

APOLOGIES:

Mayor Wendy Waller
Councillor Charishma Kaliyanda
Emily D'Silva

Liverpool City Council
Liverpool City Council
Deputy President

GUESTS:

Natasha Ferrer

Youth Council Nominee



Minutes

1. WELCOME, ATTENDANCE AND APOLOGIES

President Phillip Gigliotti opened the meeting at 6.05pm and welcomed everyone to the Liverpool Youth Council March meeting. Phillip commenced the meeting with an Acknowledgement to Country.

2. DECLARATIONS OF INTEREST

Nil.

3. YOUTH WEEK PLANNING

Youth Week 2021 will be held from Friday 16 April - Saturday 24 April 2021. The theme for Youth Week 2021 is "Together more than ever".

Youth Councillors had a discussion on possible activities for Youth Week. Members chose to proceed with two activities:

- Pop-Up Movie Cinema; and
- Three-on-Three Basketball Competition.

These activities will be held indoors at the Michael Clarke Recreation Centre at Carnes Hill on Friday 16 April from approximately 2:00pm – 9:30pm. This venue was selected as it is a popular hub for young people and holding both activities there will assist in maintaining the required COVID safe plan.

The Community Development Worker (Youth) will begin planning the activities and seek input from the Youth Council members as the planning progresses.

Moved: Simbarashe Zimbudzana

Seconded: Alyssia Dower

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

4. CONFIRMATION OF PREVIOUS MINUTES

The minutes from the meeting held on 9 February 2021 were confirmed as a true record of that meeting.

Moved: Simbarashe Zimbudzana

Seconded: Adrian Lal

MOTION: That the information be received and noted.



Minutes

On being put to the meeting, the motion was declared carried.

5. BUSINESS ARISING FROM PREVIOUS MINUTES

5.1 Wagga Wagga City Council Esports Competition

The Community Development Worker (Youth) will meet with the Youth Development Officer at Wagga Wagga City Council to discuss their Esports competition. An update will be provided at the April Youth Council meeting.

5.2 Youth Week Funding Applications

The Community Development Worker (Youth) has sought responses to the questions raised by Youth Councillors regarding Youth Week funding applications. The responses to these queries have been shared with Youth Councillors.

The Community Development Worker (Youth) advised members that a poll has been conducted to rank eligible Youth Week funding applicants in order of priority to receive a grant. This poll has been completed and successful applicants notified.

Moved: Simbarashe Zimbudzana

Seconded: Vishal Kunnathur Senthilkumar

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

6. CORRESPONDENCE

There was no correspondence tabled at this meeting.

7. COUNCILLOR UPDATE

The following update from the Council meeting held on 24 February 2021 was provided:

- Council meetings have returned to face-to-face at the Liverpool Council Chambers. To comply with NSW Health guidelines and social distancing restrictions, there is a limit on the number of people who can attend Council meetings. Registrations can be made via the Council website;
- Council will convene one of its upcoming meetings at the Bringelly Community Centre;
- Council will hold a civic ceremony in April 2021 to commemorate the bicentenary of Pioneers Memorial Park;
- Council endorsed to "opt-in" to the initiative from the Department of Planning, Industry & Environment (DPIE) for a new natural disaster clause to be included in the Liverpool Local Environmental Plan, State Environmental Planning Policy



Minutes

(Sydney Region Growth Centres) and State Environmental Planning Policy (State Significant Precincts). This new clause will include outbuildings on the site of the dwelling or secondary dwelling;

- Council endorsed submissions on the Aerotropolis Precinct Plan, the Special Infrastructure Contribution and the Draft Western Sydney Place Infrastructure Compact;
- Council endorsed the Draft Miller Masterplan;
- Council endorsed the development of a Climate Action Plan, which plans to set realistic and explicit goals to address climate matters; and
- Councillors attended International Women's Day activities on Monday 8 March including the Quota breakfast and a High Tea at Carnes Hill.

Moved: Simbarashe Zimbudzana

Seconded: Adrian Lal

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

8. YOUTH WORKER'S REPORT

8.1 Youth Week Funding Small Grants

Council will provide funding to three Youth Week activities:

- Australian Foundation for Disability - Making Things Happen Together;
- Cultural Diversity Network Inc - Bond with Mother Nature collaborative artwork; and
- CORE Community Services – The Future is YOUTH youth festival and stalls.

8.2 Preparing for the HSC Information Night for Parents and Teens

HSC expert Daniel Merza will be hosting an information evening for parents and HSC students to be held Thursday 11 March 2021 from 6:00pm - 7:30pm. The event will provide HSC students with information to assist them in decision making and HSC choices in 2021. Refreshments provided.

8.3 School Holiday Activities

A variety of school holiday activities in April have been organised and they will include:

1. Skateboard clinics at Kelso Skate Park, Moorebank and Carnes Hill Skate Park;
2. Basketball clinics will be held at Warwick Farm and Carnes Hill; and
3. New activations will be trialled at Carnes Hill including sports zone, jumping castle, gaming bus and laser tag.



Minutes

Moved: Simbarashe Zimbudzana

Seconded: Vishal Kunnathur Senthilkumar

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

9. TREASURER'S REPORT

The Youth Council budget expenditure for the 2020/2021 financial year is \$1,475 with a remaining balance of \$9,330.

Moved: Simbarashe Zimbudzana

Seconded: Adrian Lal

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

10. YOUTH LIAISON REPORT

Youth Liaison Representative Simbarashe Zimbudzana has organised a meeting between Headspace Liverpool and Liverpool Youth Council to investigate opportunities for collaboration. The meeting will be held on Tuesday 30 March.

Moved: Adrian Lal

Seconded: Alyssia Dower

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

11. MEDIA REPRESENTATIVE'S REPORT

The following updates were provided on the Youth Council Facebook and Instagram page:

- The number of followers for the Youth Council Facebook page are 1,226; and
- The Youth Council Instagram page has 309 followers.

Media Representative Sonia Sharma will work on producing Youth Council mini biographies so people can get to know the Youth Council members.

Moved: Simbarashe Zimbudzana

Seconded: Vishal Kunnathur Senthilkumar



Minutes

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

12. GENERAL BUSINESS

12.1 Career Opportunities Survey

At the Liverpool Youth Council meeting held on 10 November 2020, Council's Employment Officer Liz Young presented on Future Careers in Liverpool.

An action from that meeting was to design a survey for Youth Council members to provide feedback regarding career support in local schools.

The Community Development Worker (Youth) led a discussion on the Career Opportunities Survey and invited all Youth Council members to participate in the survey.

The survey was completed at the meeting. The results will be collated and shared with the City Economy team for future planning.

Youth Council members will share the survey with schools, TAFE and Universities across Liverpool for further feedback.

12.2 Youth Council New Member Nomination Update

Natasha Ferrer has been nominated as the new member for the Liverpool Youth Council. Natasha is attending this meeting as a guest, and her nomination will be sent to Council for endorsement at the March Council meeting.

Moved: Vishal Kunnathur Senthilkumar **Seconded:** Simbarashe Zimbudzana

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

13. CLOSE

The meeting closed at 7:45pm.

The next Liverpool Youth Council meeting will be held on Tuesday 13 April 2021 from 6.00pm – 8.00pm.

CTTE 02

Minutes of the Liverpool Pedestrian, Active Transport and Traffic Committee meeting held on 17 March 2021

Strategic Direction	Generating Opportunity Advocate for, and develop, transport networks to create an accessible city
File Ref	101733.2021
Report By	Charles Wiafe - Acting Manager Planning & Transport Strategy
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

This report presents the recommendations of the Liverpool Pedestrian, Active Transport and Traffic Committee meeting held on 17 March 2021. At the meeting, the Committee considered ten (10) agenda items, and six (6) general business items.

Agenda item 6 - Festival of Chariots scheduled for Saturday 17 July 2021 and item 7 - The Australian Air League, Moorebank Squadron scheduled for Sunday 18 July 2021, are two-street parades which would require rolling road closures in the Liverpool City Centre on the same weekend. The Committee noted that the events would have traffic impacts in the City Centre but did not raise objection. However, the Committee has requested the organisers to obtain relevant approval from NSW Health for the street parades.

A copy of the meeting minutes, incorporating the Committee's recommendations on the agenda items is included as **Attachment 1**.

RECOMMENDATION

That Council adopts the following recommendations of the Committee:

Item 1 - Badgerys Creek Road, Badgerys Creek – Access to the metro station proposed roundabout.

- Approves the submitted concept design of the proposed roundabout.
- Consideration is to be given for tree planting in the central island or around the roundabout.
- Detailed design to be submitted to the Committee for further assessment prior to construction.

Item 2 - Governor Macquarie Drive, Chipping Norton – Signs and Linemarking Scheme.

- Approves signs and linemarking scheme for the road upgrade of Governor Macquarie Drive between Newbridge Road and Alfred Road, Chipping Norton to a four-lane divided road.

Item 3 - Adams Road, Luddenham – Revised access to existing quarry - request to lift load limit.

- Approves lifting the load limit on the northern section of Adams Road approximately 300m from Elizabeth Drive, to permit heavy vehicle movements.
- Community consultation is to be carried out prior to removing the load limit.

Item 4 - Braidwood Drive and Michelago Circuit – proposed signs and linemarking scheme.

- Approves Installation of a raised threshold across the northern approach to the existing roundabout at Braidwood Drive, Michelago Circuit and Ulladulla Drive intersection, Prestons.
- Modification to the existing splitter islands on all approaches to the existing roundabout to include a pedestrian refuge and to narrow the traffic lanes around the roundabout.

Item 5 - Regentville Drive, Elizabeth Hills – proposed traffic management changes.

- Approves Installation of the proposed speed thresholds on Regentville Drive, Elizabeth Hills at the following locations, subject to community consultation:
 - In front of House Nos. 23
 - In front of House Nos. 53
- All stakeholders be advised accordingly of Council's decision.

Item 6 - Special Event – Street Parade, Liverpool by Australian Air League on 18 July 2021.

- Approves the event as a Class 2 Special Event with all associated conditions including:
 - Submission of a Special Event Transport Management Plan for TfNSW endorsement.
 - Police approval for the management of the associated rolling road closures.
 - Advertisement of the event in local newspapers.
 - Road Occupancy License to be obtained from Transport Management Centre.
 - The organisers must obtain relevant approval from NSW Health for this street parade.
- The Committee support in principle the Australian Air League march through the Liverpool City Centre on 18 July 2021.
- Council liaise and if required, organise a meeting with the event organisers, Police and local bus companies to adopt a revised route that would minimise traffic impacts of the event.

- The organisers to obtain relevant approval from NSW Health for this street parade.

Item 7 - Liverpool City Centre - Special Community Event, Festival of Chariots on 17 July 2021.

- Approves the event as a Class 2 Special Event with all associated conditions including:
 - Submission of a Special Event Transport Management Plan for TfNSW endorsement.
 - Police approval for the management of the associated rolling road closures.
 - Advertisement of the event in local newspapers.
 - Road Occupancy License to be obtained from Transport Management Centre.
 - The organisers must obtain relevant approval from NSW Health for this street parade.
- Support in principle the route and classify the event as Class 2.
- Council liaises and if required organise a separate meeting with the event organisers, Police and local bus companies to ensure that traffic impacts of the event is minimised.

Item 8 - Powerhouse Road and Woodbrook Road – proposed new carpark signs and linemarking.

- Approves in principle the reopening of Woodbrook Road, associated shared path and pedestrian refuge to connect to Powerhouse Road.
- Consultation be carried out with the local residents and for the results to be presented to a future committee meeting.
- Detailed design of the car park in front of CPAC is to include paved footpath connection to the path along the river and signs and linemarking scheme including 4P (8am-12pm) parking for the new carpark.

Item 9 - Subdivision and development – signs and linemarking – Seventh Avenue and Fifteenth Avenue.

- Approves signs and linemarking scheme for the four subdivisions as indicated in the agenda item.

Item 10 - Items Approved Under Delegated Authority.

- Approves the Delegated Authority applications approved by the NSW Police Force and TfNSW representatives over the period between 3 February 2021 and 17 March 2021.

REPORT

This report presents the recommendations of the Liverpool Pedestrian, Active Transport and Traffic Committee meeting held on 17 March 2021. At the meeting, the Committee considered ten (10) agenda items, and six (6) general business items.

Agenda item 6 - Festival of Chariots scheduled for Saturday, 17 July 2021 and item 7 - The Australian Air League, Moorebank Squadron scheduled for Sunday 18 July 2021, are two-street parades which would require rolling road closures in the Liverpool City Centre on the same weekend.

The Committee noted that the events would have traffic impacts in the City Centre but did not raise objection. However, the Committee has requested the organisers to obtain relevant approval from NSW Health for the street parades.

A copy of the meeting minutes, incorporating the Committee's recommendations on the agenda items is included as **Attachment 1**. It is recommended that Council adopts the Committee's recommendations on the agenda items as outlined above.

General Business Items

GB1 - Airfield Drive, Len Waters Estate

Transit systems drivers have expressed safety concerns including difficulty entering and exiting their driveway due to speeding along the road section between the company's driveway and the Bunnings driveway with a request for installation of a traffic calming device. Investigation will be carried out for further consideration.

GB2 - Moore Street, Liverpool at the entrance/exit to the Liverpool Interchange

Transit systems has requested re-linemarking of the keep clear zone in front of the Liverpool bus interchange to prevent queuing across the interchange driveway. Investigation will be carried out in consultation with TfNSW.

GB3 – Frederick Road, Cecil Hills

Transit systems is requesting installation of bus zones in front of Cecil Hills High School to ensure the bus stops are not occupied by motorists. Investigation will be carried out for further consideration.

GB4 – Sixth Avenue, Austral

Sixth Avenue across the Water NSW canal (near its intersection with Thirteenth Avenue) is via an existing one-lane bridge.

The bridge has stop signs on both sides and restricted sight distance. To maintain road safety, Council is proposing installation of two rubber speed cushions on either side of the bridge. The Committee discussed and supported installation of two rubber speed cushions on either side of the bridge.

GB5 – Speeding and reckless driving in Holsworthy, Hammondville and Wattle Grove

Speeding concern raised by the Member for Holsworthy. Update from the Police on speed enforcement. The Police representative advised that the speed enforcement is continuing.

GB6 - 125 Memorial Avenue, Liverpool - Decommission of Bus stop

Transit Systems have advised that a bus stop at 125 Memorial Avenue next to the T-way is no longer required. The Committee discussed and supported the decommissioning of this bus stop.

Budget impact of matters arising from the minutes

Item	Description	Funding, Indicative Cost and Timing
1	Badgerys Creek Road, Badgerys Creek – Access to the metro station proposed roundabout	Sydney Metro Timing – In accordance with Sydney Metro Construction consent
2	Governor Macquarie Drive, Chipping Norton – Signs and Linemarking Scheme	Federal Government grant funding# Indicative Cost - \$1.1m Timing – Feb 2022
3	Adams Road, Luddenham – Revised access to existing quarry request to lift load limit	Developer Timing – In accordance with development consent requirement
4	Braidwood Drive and Michelago Cct – proposed signs and linemarking scheme	Council's traffic facilities project Indicative Cost - \$100,000 Timing – June 2022.
5	Regentville Drive, Elizabeth Hills – proposed traffic management changes	Council's traffic facilities project Indicative Cost - \$60,000 Timing – June 2022.
6	Special Event – Street Parade, Liverpool by Australian Air League on 18 July 2021	Organisers Timing – 18 July 2021
7	Liverpool City Centre - Special Community Event, Festival of Chariots	Organisers Timing – 17 July 2021
8	Powerhouse Road and Woodbrook Road – proposed new carpark signs and linemarking	TfNSW grant funding# Indicative Cost - \$2.8m (funding to be received in instalments) Timing – December 2021
9	Subdivision and development – signs and linemarking – Seventh Avenue and Fifteenth Avenue	TfNSW grant funding# Developer Timing – In accordance with development consent requirement
10	Items Approved Under Delegated Authority	TfNSW block grant funding# Indicative Cost - \$10,000. Timing – May 2021.

RMS block grant funding has no financial implication on Council

CONSIDERATIONS

Economic	Provide efficient parking for the City Centre.
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Environment	Deliver a high-quality local road system including provision and maintenance of infrastructure and management of traffic issues.
Social	Promote an integrated and user-friendly public transport service.
Civic Leadership	Support the delivery of a range of transport options.
Legislative	Support access and services for people with a disability.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Minutes of the Liverpool Pedestrian Active Transport and Traffic Committee - Wednesday 17 March 2021 (under separate cover)

QWN 01	Question with Notice - Cllr Rhodes - Mobile Office Services
Strategic Direction	Creating Connection Implement access and equity for all members of the community
File Ref	105834.2021

QUESTION WITH NOTICE

Please address the following:

Mobile Office Services

1. People in the Community who are not computer literate, have no internet service, and consequently are not on facebook or other social media platforms have asked when is Council intending to start Council Mobile Office services again?
2. What else can Council do to bridge the communication gap with constituents who are not Computer or smart phone savvy?

Response to point 1 (as provided for the Council meeting of 31 March 2021)

The last Council Mobile Office was held on 12 February 2020 and then ceased due to Covid-19.

Staff propose to recommence Mobile Offices in May and hold another one in July for the current term of Council.

It's intended that Mobile Offices then continue to be held bi-monthly in the new term of Council.

Response to point 2

Council are aware that community members have varied experiences when accessing Council information and services. COVID-19 restrictions impacted most of the traditional and direct communication methods with community. Prior to COVID-19 Council utilised a variety of methods to communicate with residents including door to door consultations, info stalls at events, community BBQ, district forums and presenting at various networks and community functions.

Council acknowledges the use of online methods as a primary communication method disadvantages residents who are not computer literate, have no access to internet, or are not using social media platforms. Residents and community groups mostly impacted include new arrivals, older people, people with a disability or residents who experience financial difficulties.

Council is currently in the process of developing a Community Engagement Strategy. The Strategy is intended to review current methods of engaging with residents; and to develop new and innovative ways to inform and consult residents. The limitations imposed by COVID-19 and lessons learnt will be key considerations during the review; and will assist Council with developing a holistic approach to communicating with residents. Key internal and external stakeholders, including Councillors, will be consulted on the draft Community Engagement Strategy in the coming months, prior to presenting it to Council for consideration

ATTACHMENTS

Nil

QWN 02	Question with Notice - Cllr Kaliyanda - Food Insecurity
Strategic Direction	Leading through Collaboration Strive for best practice in all Council processes
File Ref	094288.2021

QUESTION WITH NOTICE

Please address the following:

1. What is the status of food insecurity in the Liverpool LGA?

The significance of food insecurity across Liverpool is largely undetermined, however anecdotally, demand for free food and low-cost groceries in Liverpool continues to grow as reported by charity and religious groups.

The demand for Council's Christmas food and gift hampers program was unprecedented, with 19 service providers engaged to distribute 270 hampers to their clients across Liverpool. The verbal feedback received from participating service providers was that many families and individuals were in dire financial situations impacting their access to food and other necessities. It should be noted that the Council hampers were in addition to other hampers distributed directly from non-participating charity and religious groups.

More recently, general feedback from some local free food service providers that engage with Council suggests there is inadequate supply and distribution of free food and low-cost groceries in Liverpool to meet the demand. Further, they predict the end of Jobkeeper will put more pressure on charities to increase their supplies.

Information received from one charity indicated they are seeing increased demand for services from different facets of the community that would not normally access their programs as a direct result of job losses.

One service reported that in the last six months a sharp increase in demand for their free hot meal program has seen an average of 60 meals per day increase to an average of 100 meals per day. Similarly, their low-cost grocery program went from 15-20 shoppers per week to over 40 per week.

Another charity group has reported that while requests for their low-cost groceries has increased slightly, the demand for free food has skyrocketed due to increased financial hardship amongst their client base. This has put considerable pressure on the service to keep

up with added operational costs, as well as the increased need for volunteers and in-kind supports.

2. As COVID-19 related restrictions have eased, what impact has this had on people accessing food relief?

Feedback from Liverpool's food service providers indicates that the easing of COVID-19 restrictions has not had much impact on the community accessing free food services. Council's Community Development and Planning team worked closely with charity and religious groups to ensure vital free food services were supported throughout the pandemic to meet community need. Since the easing of restrictions, the free food and low-cost grocery programs continue to provide their services albeit, with increased community demand.

3. How are gaps in government support being met in the Liverpool LGA?

Gaps in government support are largely being filled by a dedicated group of volunteers representing not-for-profit charity, religious and government funded agencies in meeting community demand for access to free food services and low-cost groceries.

Council engages with known charities and religious groups where possible to help coordinate a balanced delivery of free food services to the Liverpool community.

At the height of the pandemic the free food services were encouraged to support one another by way of sharing space and resources, thus opening opportunities for creating new partnerships and networks. For example, a major free food service (Liverpool Community Kitchen and Hub) forced to close at the height of the pandemic was able to continue delivering free hot meals to the community outside the Uniting Church premises via a partnership arrangement with the Bill Crew's Exodus Foundation.

Council continues to receive enquiries from charities and religious groups wanting to set up free food services in Liverpool. In recent months, two new free food programs have been established at Pioneers Memorial Park.

Council provides a schedule of known Free Food Services to community members, which is available on Council's website and is updated and shared regularly with Council's community partners for distribution to their client cohort.

ATTACHMENTS

1. Meal Schedule as at March 2021

QWN 03	Question with Notice - Cllr Kaliyanda - Gender Pay Gap
Strategic Direction	Leading through Collaboration Strive for best practice in all Council processes
File Ref	094294.2021

QUESTION WITH NOTICE

Please address the following:

1. Has Council ever conducted a gender pay gap analysis for the organisation?
2. If so, how does our Council compare to benchmarks?

Response

1. Council participates in the *Australian Local Government Performance Excellence Program*, an annual survey of participating Councils comparing and benchmarking against a range of metrics, including gender diversity.

During recruitment, a mixed gender panel is required as part of Council's Recruitment and Appointment Policy. In addition, as per this Policy, all people involved in the recruitment and appointment process are responsible for ensuring all decisions are made on merit and free from bias and discrimination which includes, amongst other things, gender.

Council through its endorsed Plan, is committed to eliminate and ensure the absence of discrimination in employment, and places particular emphasis on the promotion of equal opportunity for woman.

Council is currently developing a formal *Diversity and Inclusion Strategy* aimed at aligning the diversity of Council's workforce to reflect the diversity of the population that Council serves. A range of initiatives targeting gender equity will form part of the strategy.

2. As at 30 June 2020, the proportion of women across all participating Councils was 44% of the workforce. For Liverpool, women represented 46% of the workforce.

ATTACHMENTS

Nil

QWN 04	Question with Notice - Cllr Hagarty - Infrastructure and Services in Growth Areas
Strategic Direction	Generating Opportunity Meet the challenges of Liverpool's growing population
File Ref	094306.2021

QUESTION WITH NOTICE

Background

There is still a lack of infrastructure and services in our growth areas. Suburbs like Middleton Grange, Edmondson Park and Austral are poorly served with choked roads and a lack of bus services. This issue is set to become worse if it is not addressed quickly.

While Council is delivering on State Government housing targets, other levels of Government must provide their fair share such as main roads, bus services and regional infrastructure like hospitals, schools, police stations and top tier venue spaces.

Please address the following:

1. What additional bus services are planned for our growth suburbs?
2. When are these new bus services set to arrive?
3. How are major upgrades to roads like Fifteenth Avenue funded?
4. Are there plans for additional public services and infrastructure like hospitals, schools, police stations, ambulance stations in our growth suburbs?
5. When are these expected to be delivered?

Response

1. What additional bus services are planned for our growth suburbs?

As with other areas in the Liverpool LGA, bus services are provided by three local bus companies on contract with Transport for NSW (TfNSW).

TfNSW has advised that as the new suburbs develop, and the required road network is constructed, bus services will be provided, subject to funding allocation in the NSW State Budget.

The agency is planning improvements to existing bus services to provide local connections to train stations and activity centres including shopping centres, places of employment and entertainment.

On 2 March 2019, the NSW Government announced that it was planning to introduce an additional 14,000 weekly services across the greater metropolitan area over the next four years. As part of these additional services, there will be the following new or additional services within Liverpool LGA:

Route	Planned improvements
859 Carnes Hill – Edmondson Park	Increase peak service frequency. Extend span of hours later in the evening; and introduce new weekend services.
869 Liverpool – Ingleburn via Edmondson Park	Increase weekend service frequency. Extend span of hours
New route Austral to Carnes Hill via Edmondson Park	Introduce new route between Austral and Carnes Hill
901, 902 Liverpool to Holsworthy via Wattle Grove/Moorebank	Increase weekday AM & PM frequency to 15 minutes. Extend weekday and weekend service hours

2. When are these new bus services set to arrive?

As indicated above, the extra or new bus services will be rolled out over the next four years and funded under TfNSW's Growth Services Program.

In the last twelve months the following additional bus services have been added to services in the Liverpool LGA.

- More than 120 extra weekly services on route 869 from Ingleburn to Liverpool via Edmondson Park.
- A new N31 night ride service between Liverpool and Leppington, seven days a week, with stops at Liverpool, Casula, Edmondson Park and Leppington.
- New electric bus service along route 859 (Carnes Hill to Edmondson Park) since early 2021.

Council has previously made representations for bus services to Middleton Grange but has been advised by TfNSW that funding is not yet available. Council will continue to make representations to TfNSW for the provision of new bus services.

3. How are major upgrades to roads like Fifteenth Avenue funded?

As part of the Austral Leppington North release area, The Department of Planning, Industry and Environment (DPIE), in consultation with TfNSW, carried out regional transport studies which identified that Fifteenth Avenue along with Edmondson Avenue needed to be upgraded to accommodate the expected additional travel demand.

The NSW Government established a Special Infrastructure Contribution (SIC) Program for the South-West and North-West Sydney Growth Centres to assist in funding infrastructure improvements, including transport infrastructure in the growth centres.

The South West Growth Centre includes the Austral / Leppington North and East Leppington release areas. The SIC program contains a funding allocation for the upgrading of Fifteenth Avenue.

The program requires land developers to make a SIC contribution to fund the required infrastructure improvements. DPIE collects and distributes contributions to the relevant delivery agencies, including TfNSW and Councils.

To date, Council has received funding for the design of Fifteenth Avenue upgrade for the section between Cowpasture Road and Devonshire Road. Once the design is completed, Council will be submitting funding applications under the SIC to DPIE to enable the required road upgrade to be carried out.

4. Are there plans for additional public services and infrastructure like hospitals, schools, police stations, ambulance stations in our growth suburbs?

Plans for the provision of public services and infrastructure like hospitals, schools, police stations, ambulance stations in the growth suburbs (within the south-west growth centre) are outlined in the South Western Sydney State Infrastructure Contribution Scheme (the SIC) and the relevant precinct plans for the release areas.

In addition, the draft Western Sydney Place Infrastructure Compact (the PIC) is another infrastructure planning document which outlines infrastructure needs in the broader area. The PIC covers the Western Sydney Aerotropolis Growth Area and the Austral to Glenfield Corridor.

The South Western Sydney State Infrastructure Contribution Scheme

The SIC scheme requires land developers (within the Growth Centre) to make contributions towards state/regional roads, public transport infrastructure, health, education, emergency, and open space/conservation facilities within its catchment.

In the Liverpool Local Government area, the SIC applies to rezoned precincts such as Edmondson Park, Austral, and Leppington (but not Middleton Grange).

The SIC also includes a table of works which will be funded by monies collected. Key items of the SIC for the Edmondson Park, Austral, Leppington North and East Leppington precincts include:

- Fifteenth Avenue, Cowpasture Road to Western Road
- Edmondson Avenue, Bringelly Road to Fifteenth Avenue
- 1x bus depot in Austral
- 1x bus interchange at Leppington and
- Leppington Integrated Health Care Centre (noting that 0% of construction cost is attributed to the SIC, only a land component)

Other key items identified for the South West Priority Growth Areas include:

- 37 primary schools
- 6 secondary schools
- 1 special school
- 1 TAFE site (identified near Leppington Station)
- Land for 6 ambulance services
- Land for 5 fire services, and
- Land for 3 police services.

The Western Sydney Place Infrastructure Compact

The draft Western Sydney Place Infrastructure Compact (the PIC) is another infrastructure planning document which outlines infrastructure needs in the area. The PIC covers the Western Sydney Aerotropolis Growth Area and the Austral to Glenfield Corridor.

The PIC sits above the SIC and identifies all state infrastructure demands, with components to be funded by the SIC and other revenue sources. Combined, these two documents provide a broad outline of state/regional infrastructure to be delivered in growth areas. The PIC includes estimated timeframes for when infrastructure is predicted to be required.

The 'Thriving Aerotropolis Scenario' (preferred scenario of the PIC) is the scenario most likely to inform the provision of state/regional infrastructure in the area. Council recently made a submission on the PIC, raising concerns that the population and infrastructure commitments do not appear to reflect the anticipated population growth. Council has met with the Greater Sydney Commission to further explain Council's concerns.

Infrastructure highlights relevant to Middleton Grange, Austral, Leppington North, East Leppington, and Edmondson Park includes:

Suburb	Planned Infrastructure
Austral within 20 years	New primary school Primary school upgrade
Leppington within 20 years	1 Ambulance station 1 school for specific purposes Primary school upgrade
Edmondson Park within 20 years	1 new primary school 1 new high school
Outside of the 20-year period key items identified for the Austral to Glenfield corridor	1 secondary school "South-west Sydney courthouse expansion/upgrade"

Precinct plans

Middleton Grange, Edmondson Park, East Leppington, and the Austral & Leppington North precincts were all rezoned on the basis that new populations would be supported by new and/or upgraded state and local infrastructure. In most instances, new state social infrastructure land was zoned to enable acquisition of that land by a relevant authority.

Social infrastructure assessments were prepared for these release areas. Details of the plans and the proposed infrastructure are as follows.

Austral and Leppington North

Precinct	Planned Infrastructure
<p>Austral/Leppington North</p> <p>The precinct was forecast to yield 17,350 dwellings with a population of approximately 54,000.</p> <p>It is likely that the population forecast will be exceeded and could be approximately 70,000.</p>	<p>An existing primary school (Austral Primary School)</p> <p>4 x new primary schools at:</p> <ul style="list-style-type: none"> • Gurner Avenue east of Fourth Avenue (site of Amity College SSD proposal), • Thirteenth Avenue on the corner with Fourth Avenue, • Kelly Street near the corner of Tenth Avenue, • Sixth Avenue west of Fourth Avenue

	<p>A new high school between Eighth and Ninth Avenues west of Fourth Avenue</p> <p>A new TAFE (in the Camden LGA on the Corner of Bringelly and Rickard Roads)</p> <p>A new health facility (in the Camden LGA on Rickard Road)</p> <p>A new district community facility (in the Camden LGA on Rickard Road),</p> <p>A new district indoor sports facility (in the location of Scott Memorial Park)</p>
	<p>A police station and a courthouse</p> <p>These two facilities were identified as being required in the Leppington Town Centre, but land has not been zoned.</p>
<p>East Leppington</p> <p>The precinct covers areas in Campbelltown, Camden, and Liverpool LGAs.</p> <p>The combined dwelling forecast was 4,386 dwellings (1,153 in Liverpool), with a population of 14,493 persons. This population forecast is likely to be exceeded.</p>	<p>1 primary school (which is currently under construction), though it was acknowledged that a single school wouldn't be sufficient to cater for 4,386 dwellings.</p> <p>No high schools. The study acknowledged that surrounding schools were at capacity, but the precinct isn't large enough to cater for a new school. Like with the additional primary school, a site would need to be identified in a future precinct.</p> <p>No health facilities, acknowledging that GPs and the like can locate in commercial centres, and that higher order facilities will be provided at the Leppington Major Centre.</p>
<p>Edmondson Park</p> <p>The benchmarks for state infrastructure would be considered outdated, but indicative of the kinds of infrastructure needed.</p> <p>The assessment predicted that the zoning and development standards would provide for 7,566 dwellings and 20,835 persons. Recent forecasts estimate 8,642 dwellings and</p>	<p>3 new primary schools (note: Bardia Public School was assumed to close).</p> <p>1 new high school.</p> <p>1 Primary Health Care Service (though it was noted in the assessment that these spaces would operate satellite services and would likely be rented floorspace in a community or privately operated medical facility).</p> <p>The report identified that a new police station would be needed in the south-west growth sector, but would be more suited to a major centre, rather than Edmondson Park (Leppington would most likely have satisfied this criteria had it have been identified as a strategic centre in 2003).</p>

about 27,500-29,000 persons.	A fire station was identified as being likely required, but not confirmed as the ILP road layout had not been developed at the time and the authority could not assess the longest potential response time.
<p>Middleton Grange</p> <p>Like Edmondson Park, the benchmarks for state infrastructure will be outdated, but relevant in identifying the kind of infrastructure that the precinct will demand.</p> <p>The projected population of Middleton Grange is and was lower than that of other release areas (being less than 10,000 residents), and benefits from proximity to assets in adjoining areas (such as West Hoxton, Hoxton Park and Hinchinbrook).</p>	A new primary school (Middleton Grange Public School).

5. When are these expected to be delivered?

None of the above-mentioned infrastructure provision plans commits to specific delivery timeframes (particularly social infrastructure, such as schools and healthcare).

Timing for regional road upgrades such as Fifteenth Avenue and Edmondson Avenue is dependent on Council being allocated funding by DPIE (on funding submissions every two/three years).

Many utility agencies and state government agencies rely on state government budget allocations, population projections, or their own forecasting methodologies to predict and provide for state infrastructure (and the PIC aims to better co-ordinate this process).

Often such state agencies will consult with Council and communities prior to infrastructure being delivered (e.g. Bringelly Road), although it is noted that this is still usually at an advanced planning stage. State government budget estimates will often indicate when a project will receive funding for planning and investigation.

However, whilst such items may be investigated and have preliminary designs prepared, this does not guarantee that the state government will then commit to delivery, and as such, Council needs to continue representations to Government, as it has been doing, for the required infrastructure to be delivered to support growth in the LGA.

ATTACHMENTS

Nil

QWN 05

**Question with Notice - Cllr Hadchiti - Civic Place
Documentation**

Strategic Direction	Leading through Collaboration Increase community engagement
File Ref	094310.2021

QUESTION WITH NOTICE

Please address the following:

Can all the documents relating to Civic Place, ie QS reports etc, be made public?

Response

Liverpool Civic Place documentation is Commercial and in Confidence and cannot be made public.

With regards to Liverpool Civic Place delivery, the Council web site is updated regularly to ensure the community is aware of the project's status.

ATTACHMENTS

Nil

QWN 06

Question with Notice - Cllr Hadchiti - Aerotropolis

Strategic Direction	Leading through Collaboration Strive for best practice in all Council processes
File Ref	094313.2021

QUESTION WITH NOTICE

Please address the following:

Currently landowners in the Aerotropolis are stuck in no man's land based on the new zonings. Although a range of developments are permissible under the new zoning, applications are not able to be submitted or determined due to the lack of an infrastructure plan or infrastructure to service the land.

1. What options are available to landowners for temporary use DAs?
2. What discretions can Council apply if it chooses to allow structures to remain that are currently in place?

Response

Background

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) came into effect on 1 October 2020 and rezoned the initial precincts within the Aerotropolis, being the Northern Gateway, Aerotropolis Core, Agribusiness, Badgerys Creek and Wianamatta-South Creek precincts to non-standard land use zones of Enterprise, Mixed Use, Agribusiness and Environment & Recreation.

Certain provisions within the Aerotropolis SEPP also apply to the non-initial precincts within the Liverpool LGA (Dwyer Road, Rossmore, and Kemps Creek), however these precincts retain their existing zoning under the Liverpool Local Environmental Plan 2008 (LLEP 2008).

A Draft Precinct Plan was placed on public exhibition in 2020 by the Department of Planning, Industry and Environment and submissions have now closed. The Draft Precinct Plan builds upon the Western Sydney Aerotropolis Plan and Aerotropolis SEPP and further establishes the strategic vision and objectives of the initial precincts, by setting out the location of land uses and specifying criteria for land development. This includes the staging of infrastructure delivery, water cycle management, open space framework, centre hierarchy, and built form requirements.

Development prior to precinct plan

Clause 42 of the Aerotropolis SEPP applies to development on land in the Western Sydney Aerotropolis where there is no precinct plan in force, except for development that has a capital investment value of less than \$1 million and which relates to an existing or permitted use. Currently, there is no finalised precinct plan in force in the Aerotropolis

This Clause states that development consent must not be granted to development unless the consent authority has considered whether the development:

- is consistent with the aims of this Policy, and
- will result in further fragmentation of land holdings, and
- will hinder the orderly and co-ordinated provision of infrastructure that is planned for the land to which this Policy applies, and
- is incompatible with, or will adversely affect, the long-term operations and development of the Airport, and
- appropriately takes into account the development and infrastructure in areas adjacent to the development, and
- will be adequately serviced by public utility infrastructure.

Restrictions on issuing DAs due to infrastructure requirements

Clauses 49-51 of the Aerotropolis SEPP specifies infrastructure matters that a consent authority must take into consideration when assessing a development application in the Aerotropolis. This applies to new residential, commercial, and industrial developments (except for development that has a capital investment value of less than \$1 million and relates to an existing or permitted use).

Clause 50 of the Aerotropolis SEPP states that development consent must not be granted unless the consent authority has obtained the concurrence of the Planning Secretary, who, before granting concurrence, must consider:

- the impacts of the development on existing designated State public infrastructure;
- the need for additional designated State public infrastructure;
- the cumulative impact of the development with other development that has, or is likely to be, carried out in surrounding areas on existing designated State public infrastructure, and the need for additional designated State public infrastructure;
- the steps taken to address those impacts, including whether a planning agreement has been, or will be, entered into contributing to designated State public infrastructure.

This Clause only applies until such a time that a Special Infrastructure Contribution Plan is in force pursuant to Section 7.23 of the Act.

Clause 51 of the Aerotropolis SEPP further restricts development consent from being granted, unless the consent authority is satisfied that:

- The development will be adequately serviced by public utility infrastructure (water, sewerage, and electricity) when required.

This requirement ensures that new residential, commercial and industrial developments will have adequate access to utilities (or is able to manage sewer, drinking water, and/or electricity supply to the satisfaction of the utility agency and Council).

Exempt Development

As in other areas of the Liverpool LGA, certain developments may be characterised as exempt, or complying development. The Aerotropolis SEPP also contains provision for exempt and complying developments, however such development is narrower than in other areas of the Liverpool LGA.

Clause 36 of the Aerotropolis SEPP specifies that the Codes SEPP does not apply to the Aerotropolis, however, Clauses 37-39 of the Aerotropolis SEPP then enable some of these codes, albeit for minor developments and often with different specifications.

Complying Development

Under Clause 36 of the Aerotropolis SEPP, none of the complying development codes apply to the Aerotropolis precincts; however, under Clauses 43-45 of the Aerotropolis SEPP, if a masterplan is prepared for a particular site, the masterplan may provide provisions relating to complying development.

Response to Questions

1. What options are available to landowners for temporary use Development Applications (DAs)?

Similar to Clause 2.8 of the Liverpool LEP and the Growth Centres SEPP, Clause 18 of the Aerotropolis SEPP provides for the ability to apply to Council, via a development application, for the temporary use of land (for no more than 52 days within a 12-month period).

As with other areas in the LGA, there are matters that the consent authority must consider when considering the application, including how the use will impact surrounding land-uses, whether the temporary use will prejudice the long-term use of the land, and how the land will be restored back to its previous state. The Aerotropolis SEPP also has specific considerations relating to minimising impacts on the airport.

The Aerotropolis SEPP also has a savings and transitional clause (Clause 53). This Clause allows a development application that was lodged prior to the SEPP coming into force, but not determined by then, to continue to be assessed under the zoning and development controls in the Liverpool LEP.

This Clause also allows for development in Luddenham Village, that was previously permissible under the Liverpool LEP, to remain permissible until such a time as a Precinct Plan is in force for the land.

Other than those provisions above, the Aerotropolis SEPP does not have any other provisions to permit land uses (whether permanent or temporary) that were previously permitted under the LEP in the new zones under the Aerotropolis SEPP.

2. What discretion can Council apply if it chooses to allow structures to remain that are currently in place?

Existing, lawfully established buildings are not impacted by the changes to the planning framework. This is known as existing use rights. These buildings would most likely have either been exempt from needing development consent under an Environmental Planning Instrument applying at the time or were constructed under a complying development certificate or a development application.

Under the Enforcement Policy, if a complaint is received by Council concerning alleged development without consent in the Aerotropolis, as is the case for any allegations throughout the LGA, Council will investigate the matter to determine whether the building was built without obtaining the required approvals and whether grounds exist to issue an Order.

Some buildings unlawfully constructed may be able to be regularised by applying for a development consent or building information certificate. However, given the changes in the planning framework, Council can only consider that pathway if the use is permitted with consent in the zone.

As outlined above, Clause 42(2) of the Aerotropolis SEPP allows for development that has a capital investment value of less than \$1 million, and relates to an existing or permitted use, to not need to satisfy the provisions of Clause 42 of the SEPP (relating to development prior to a precinct plan) or Division 4 (relating to Infrastructure provision).

ATTACHMENTS

Nil

QWN 07	Question with Notice - Cllr Hadchiti - Drainage Channels
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Strategic Direction	Leading through Collaboration Strive for best practice in all Council processes
File Ref	094317.2021

QUESTION WITH NOTICE

Please address the following:

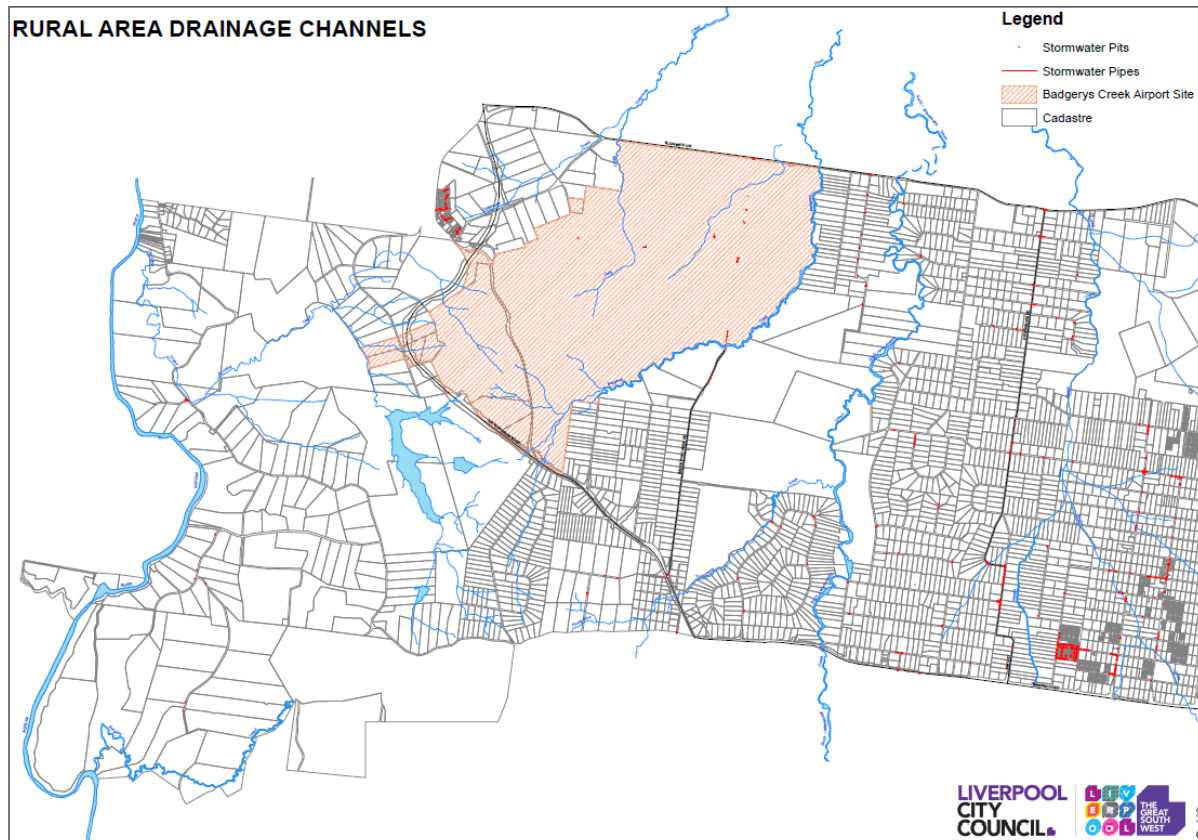
Can the CEO please provide a map of the drainage channels that Council is responsible for in the rural/growth areas and a timeline for when they will all be cleared?

Response

Below is a copy of the current Rural Area Drainage Channels taken from Council's Geocortex system.

Currently, the cleaning of the channels is undertaken as a reactive response to the requests received. If Council were to adopt a proactive approach to the maintenance of drainage channels within growth areas, additional resources, including labour and equipment, would be required.

City Presentation is planning to review its drainage maintenance operations and develop a combined proactive and reactive operation that will manage a sustainable service for current and future growth of the LGA.



ATTACHMENTS

Nil

QWN 08	Question with Notice - Cllr Rhodes - The Moorebank Intermodal Special Rates Provision
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Strategic Direction	Strengthening and Protecting our Environment Develop, and advocate for, plans that support safe and friendly communities
File Ref	112343.2021

QUESTION WITH NOTICE

Please address the following:

1. What date was the special rate provision with the Moorebank Intermodal Company Inc. negotiated and what, if any, were any conditions that formed part of the negotiated Agreement?
2. What amount of funds have been received so far?
3. What Council account are the funds being held?
4. What is the current account balance of funds received as part of the Agreement?
5. How have any funds been spent so far?
6. Is there any current need for any of the funds collected from the Intermodal Company Inc. as a part of the negotiated special rates agreement to be returned to Intermodal Company Inc.?
7. If so, what is the amount that needs to be returned and why do they have to be returned?
8. If so, has there been any recent negotiation by Council before the May Council Meeting 2021 to negate the need for Council to return any funds if owing to the Intermodal Company Inc.?
9. If so, were there any conditions expressed or implied and placed on Council that may have formed part of any possible negotiations for any possible agreement to negate the need for Council to return any funds to the Intermodal Company Inc. if owed to them by Liverpool Council?
10. If so, what were the conditions expressed or implied upon Council in order to negate the return of any funds if owing to the Moorebank Intermodal Company Inc.?

A response to these questions will be provided to Councillors before the meeting.

ATTACHMENTS

Nil

QWN 09	Question with Notice - Cllr Rhodes - Semi detached housing engineering specifications in New Release Areas
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Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	112508.2021

QUESTION WITH NOTICE

Please address the following:

Does Liverpool Council have necessary engineering specifications for semi-detached housing opportunities permitted in the new development areas, that details when one side of the property is bought and built and that has to attach to a second dwelling as a part of the development conditions, but the second attached dwelling has yet to be built by a new and separated Development Application. Are engineering specifications submitted in the first development application done to acceptable specifications that is subject to the engineering needs that permits a second dwelling to be attached to the first dwelling built?

Or, are all the necessary engineering specifications only addressed and imposed on the second dwelling to attach to the first dwelling in order to comply with the condition of development for semi-detached developments when the adjoining Development Application is submitted?

A response to these questions will be provided in the May 2021 Council meeting business papers.

ATTACHMENTS

Nil

QWN 10**Question with Notice - Cllr Hagarty - Mice**

Strategic Direction	Leading through Collaboration Strive for best practice in all Council processes
File Ref	113145.2021

QUESTION WITH NOTICE

Background

After drought, bushfires, COVID and floods, rural Australia is now being severely impacted by a mouse plague. There have also been recent reports of mice in Liverpool's own rural and new release areas.

Please address the following:

1. Has Council received any recent complaints about mouse infestations?
2. Does Council have any jurisdiction in controlling mouse populations? If not, who does?

A response to these questions will be provided in the May 2021 Council meeting business papers.

ATTACHMENTS

Nil

QWN 11	Question with Notice - Cllr Hagarty - Towards Zero
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Strategic Direction	Strengthening and Protecting our Environment Develop, and advocate for, plans that support safe and friendly communities
File Ref	113157.2021

QUESTION WITH NOTICE

Background

Each year over a thousand people die on Australian roads. Thankfully, these figures have decreased significantly over recent decades.

The NSW Government's "Toward Zero" initiative urges all of us to do everything in our power to push the number of deaths on NSW roads towards zero.

We absolutely must try new approaches to ensure road deaths continue to trend down. Any number higher than zero is unacceptable.

However, if an approach is poorly implemented or not working, it must be reassessed and potentially stopped.

Please address the following:

1. When does the Transport for NSW's 30kmh trial in the Liverpool CBD finish?
2. Who decides whether to continue or finish the trial?
3. What input does Council have into the future of the trial?
4. What input do local residents and businesses have into the future of the trial?
5. How much revenue has the State Government raised from the speed camera on Bigge Street since the trial commenced?

A response to these questions will be provided in the May 2021 Council meeting business papers.

ATTACHMENTS

Nil

QWN 12

Question with Notice - Cllr Ayyad - Civic Place

Strategic Direction	Leading through Collaboration Strive for best practice in all Council processes
File Ref	113176.2021

QUESTION WITH NOTICE

Please address the following:

1. Can the CEO guarantee the community and Councillors, that when Civic Place is completed, Council will have the building fully leased?
2. If not, how will the \$11 million in mortgage repayments be covered?
3. Can you please provide Council with three scenarios of how the \$11m yearly repayments will be made in the scenario that no tenant is found?
4. In the last agenda, council is showing current debt at \$38 million in 2020. It then shows debt at \$175 million in 2024.

If Council is borrowing \$177 million to build Civic Place, shouldn't the debt be \$38 million plus \$177 million, which totals \$215 million?

A response to these questions will be provided in the May 2021 Council meeting business papers.

ATTACHMENTS

Nil