ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING

26 MAY 2021

LIVERPOOL CITY COUNCIL

LIVERPOOL THE GREAT SOUTH WEST

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LIVERPOOL CITY COUNCIL

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

Adopted: *xxx*

065542.2021

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DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

1. LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act
Environmental Planning and Assessment Regulations
State Environmental Planning Policies (SEPPs)
Local Environmental Plan (LEPs)
Contribution Plans
Development Control Plans (DCPs)
Community Participation Plan

2. PURPOSE/OBJECTIVES

Council has the following objectives in providing for the development and subdivision of land:

2.1 To provide a functional, attractive, and safe environment for residents that is consistent with community standards and needs.

2.2 To minimise adverse effects on the natural environment.

2.3 To provide for the needs of future users of the land in respect to building requirements, vehicular and pedestrian access, provision of services and an amenity appropriate to the zoning of the land.

2.4 To assist developers by providing for the economic utilisation of the land resource of the area.

2.5 To achieve a balance between the development / subdivision of residential, commercial, and industrial land and the amenity of existing occupants.

2.6 To provide for an equitable and efficient distribution of public amenities and services.

2.7 To minimise Council's future maintenance costs for roads, services, and open spaces.

3. DEFINITIONS

Approved Material - Shall mean material approved by the Engineer before use in, or on, the work site.

Council - Shall refer to Liverpool City Council.

Developer - Shall mean the applicant or their authorised contractor.

Engineer - Shall mean the Coordinator Land Development Engineering of Liverpool City Council or their representative.

Experienced soils technician - A soils technician employed by a NATA registered testing authority who has the necessary qualifications and experienced to perform the required tests and procedures.

NATA registered testing Authority - A laboratory that has been registered by NATA to perform the required testing. The laboratory shall only perform tests or procedures that are covered by the terms of their registration by NATA.

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

TfNSW – Transport for New South Wales (formerly RMS)

ABBREVIATIONS

ARRB - Australian Road Research Board.

AS - Australian Standard.

Austroads - National Association of Road Transport and Traffic Authorities in Australia.

NAASRA - National Association of Australian State Road Authorities.

NATA - National Association of Testing Authorities.

SAA - Standards Association of Australia

4. STATEMENT

4.1 Council's Authority

Council is the authority responsible for granting consent to local development and subdivisions within the Liverpool Local Government Area.

4.1.1 Council has adopted Development Control Plans (DCPs) and a Local Environmental Plan (LEP) which set out objectives, development standards and controls for development and subdivision. There are also numerous State Environmental Planning Policies (SEPPs) which outline provisions for certain development.

4.1.2 In some circumstances, Council is required to obtain the concurrence of the Department of Planning Industry and Environment and Council must also comply with legislative requirements. Compliance with the provisions of Council's DCP and EPI's does not necessarily imply that Council is required to consent to, or approve, an application.

4.2 Restrictions to Council's activities

Restrictions to Council's powers to approve subdivision of land are set out in the various planning instruments, including the Local Environmental Plan (LEP) and State Environmental Planning Policies (SEPPs), which are applicable throughout the local government area. Advice as to which of these restrictions apply to a property should be initially obtained from Council by applying for a planning certificate under Section 10.7 of the Environmental Planning & Assessment Act.

4.3 Development application and consent

4.3.1 A Development Application is a requirement of the Environmental Planning and Assessment Act (EP&A Act) requesting consent for the proposed development in relation to planning controls and requirements e.g. land use, traffic generation, environmental considerations etc.

4.3.2 It is important to understand that development consent is required before land can be developed or subdivided. Council's LEP or other EPIs may identify minor development as complying or exempt development. Detail of these minor developments and the

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

requirements of the approval process may be obtained from Council.

4.4 Construction and Subdivision Works Certificate

4.4.1 Following Development Consent being issued by Council, the more detailed requirements of the development or subdivision are investigated during the preparation of construction / engineering designs and other matters for completion as tabled in Council's conditions of consent.

4.4.2 A Construction Certificate or a Subdivision Works Certificate is required before any works may be commenced.

4.4.3 Construction Certificates are issued by a consent authority (Council or the Minister)or an accredited certifier and allows Developers to nominate Council or a private certifier as the Principal Certifying Authority (PCA). Subject to the provisions of Section 6.5 of the Environment Planning and Assessment Act (1979).

4.5 Compliance Certificates

Compliance Certificates are issued in relation to the completion of all or various components of a development. The PCA shall identify each stage of work to be provided with certification.

4.6 Occupation Certificates

Prior to the occupation of a new building (excluding a Class 1a or 10 building under BCA), an Occupation Certificate is to be acquired. The PCA shall upon receiving a Compliance Certificate for the various aspects of the development, provide an Occupation Certificate.

4.7 Subdivision Certificates

4.7.1 In the case of subdivision, a Subdivision Certificate is issued by the PCA endorsing the plan of subdivision and any associated instruments when all aspects of the Development Consent have been satisfied including the Plan Registration and the Title Issue.

4.7.2 The issue of a Subdivision Certificate occurs upon completion of all conditions and payment of fees / levies as required in the Development Consent. Councils have varying standards for the strict compliance of works or staging of developments. Council's DCP's, Policies and Standards identify any departures that may be accepted.

4.8 Plan Registration and Title issue

Following endorsement of the final plan of subdivision, the Developer may lodge the plan for registration by the NSW Land Registry Service (LRS). Separate titles for the new lots created will subsequently be issued.

5. FORMULATING A DEVELOPMENT/SUBDIVISION APPLICATION

5.1 Development application form

A person or company making application to develop and/or subdivide an area of land within Liverpool City Council's area will be required to lodge a Development Application on the NSW Planning Portal.

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

5.2 Site information

Before formally applying to Council to develop and/or subdivide, a considerable amount of information about the site needs to be sought. The Applicant should be aware of;

- the nature of title of the land,
- easements,
- items of heritage significance,
- topography,
- slope and aspect,
- stormwater flows,
- surrounding development,
- vegetation, trees,
- road and traffic situations and
- other physical characteristics pertinent to the design of the development.

5.3 Early consultation

It is recommended that preliminary consultation with Council be undertaken to enable the Applicant to determine what Council and State environmental planning instruments (SEPP or LEP) are applicable, what zone classification applies and which legislative requirements are applicable and most importantly whether professional assistance is required. For smaller scale applications, consultation with Council's Duty Planner is encouraged, whereas a formal Pre-DA meeting is recommended for large scale development and subdivisions.

5.4 Sketch plan

It is advantageous to prepare a preliminary sketch plan at this early stage indicating the location, aspect, and size of the various elements of the development including subdivision patterns surrounding the site. The more information shown on the preliminary sketch plan, the more likely the consultations with Council and others will give a true indication of possible success with a subsequent formal application.

5.5 Purpose of consultation

The purpose of consultation about preliminary sketch plans/proposals (which may be accompanied by explanatory reports or background material) is to:

- assess whether any modifications to the proposal are necessary prior to its being formally submitted;
- identify Council's requirements regarding the Development Application;
- identify any problems which may necessitate the Applicant reviewing their approach;
- indicate Council's likely subsequent requirements (e.g. development contributions , standards for construction for the asset to be accepted by Council, etc.).

5.6 Consultation – not mandatory

While consultation with Council at this early stage and the preparation of preliminary sketch plans is not mandatory, it is obviously in the Applicant's interest. It will reduce costs in preparing plans, increase the likelihood of development consent, and reduce the time the Council needs to consider the formal application. Similarly, early consultation with Public Utility Authorities is also advantageous to ascertain their requirements, e.g. water, sewer, gas, telephone, electricity.

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

The applicant is advised to contact council to seek the current process of Pre DA meetings/consultation. At the time of the creation of this guideline document Liverpool City Council organised weekly Pre DA meetings for applicants.

5.7 Fees/contributions

Fees for Development Applications are prescribed in the *Environmental Planning and Assessment Regulations*. A fee schedule can be obtained from Council including fees/contributions which are likely to be required.

6. MAKING APPLICATION FOR DEVELOPMENT/SUBDIVISION

6.1 Development application information

A Development Application is only required if stated in the environmental planning instrument(s) applying to the land (SEPP, or LEP). Minor development and subdivisions such as boundary adjustments which meet specified standards set out in the relevant LEP or SEPP applying to a site do not require consent. The applicant is advised to contact council to confirm whether an application falls under exempt development. Whilst formulating the application and preparing the development/subdivision sketch plan, a description of the existing and proposed site and a statement of environmental effects should be included.

6.2 Owner's approval

The applicant must ensure that all property owners provide their consent to any application being made on the subject property.

6.3 Development application form

A Development Application is required for all types of subdivision and all forms of building construction not identified as being Exempt or Complying Development. Development Applications are made on the NSW Planning Portal.

6.5 Details of consultation with public authorities

In addition, the Applicant may be required to provide details of consultation with public authorities responsible for provision, alteration or amplification of utility services required by the proposed development / subdivision.

Council may require additional information about the proposed development to be provided where that information is essential to the assessment of the Development Application.

6.6 Additional Information

Additional information required may include:

- principles, assumptions and calculations behind stormwater drainage and on-site detention (OSD) proposals;
- rationale for the design of utilities, roads, open space, bicycle and pedestrian ways, bus routes, etc;
- a contamination assessment. (SEPP 55)
- evaluation of building lines, fencing, building materials etc.

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A checklist used by Councils Land Development Engineers to assess development applications received, is enclosed in **Appendix 2**. The applicant is encouraged to utilise these checklists and ensure all items suggested are incorporated into plans submitted as part of any development application.

7. COUNCIL'S CONSIDERATION OF APPLICATIONS FOR DEVELOPMENT AND SUBDIVISION

7.1 Assessment criteria

Council will assess each application on its merits, however, the assessment criteria in the Environmental Planning and Assessment Act 1979 (Section 4.15) shall be applied.

These criteria relate to site specific relevant matters such as:

- the provisions of any environmental planning instruments, development control plans and regulations pertaining specifically to the subject site;
- natural and built environmental impacts;
- social and economic impacts;
- suitability of the site;
- public interest.

7.2 Design standards

Council's LEP, DCPs and other planning instruments incorporate minimum design standards for different types of developments. These standards should not be interpreted as relieving the Applicant of the responsibility to properly address all criteria and to use sound planning and engineering practices in the development of designs. Council is prepared to consider alternative approaches to development / subdivision design where the Applicant satisfies Council that its objectives have been achieved.

7.3 Determination of development applications

Planning legislation requires Council to determine applications within 40 days of receipt of the application, or 60 days where the application requires referral to other authorities. Upon determination of any application, a written notification will be sent to the Applicant stating that consent has been granted subject to detailed conditions, or that consent has been refused (with reasons).

Under Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act (EP&A Act) 1979*, an applicant has the right to appeal an application if it not determined within the above specified timeframes.

7.4 Review of Determination

7.4.1 If an applicant is dissatisfied with a notice of determination (such as a refusal of an application) or the conditions contained within a notice of determination, Section 8.2 of the *Environmental Planning and Assessment Act 1979* allows the applicant to request a review of the determination within six months after the date on which the application is taken to have been determined.

7.4.2 It is highly recommended that such an application is lodged within 28 days of the determination of the Development Application to enable the review of determination to

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

be made within six months, as required by the Environmental Planning and Assessment Act 1979.

7.4.3 The right to consider the review of a determination does not apply to:

- a determination to issue or refuse to issue a complying development certificate, or
- a determination in respect of designated development, or
- a determination in respect of integrated development, or
- a determination made by the council under Division 4 in respect of an application by the Crown.

A council must, on a request made in accordance with this section, conduct a review.

A determination cannot be reviewed:

(a) after the time limited for the making of an appeal under Section 8.7 and 8.10 expires, if no such appeal is made against the determination, or
(b) after an appeal under Section 8.7 and 8.10 against the determination is disposed of by the Court, if such an appeal is made against the determination.

An applicant who is dissatisfied with a determination of an application determined under Section 8.2, 8.3, 8.4, 8.5, may appeal to the Court within 6 months the development application being determined.

7.5 Appeal to court

Alternatively, (and preferably as a last resort), the Applicant may lodge an appeal with the Land and Environment Court. Such an appeal is required to be lodged with the Court within twelve months of receipt of Council's determination of the application.

7.6 Appeal by third party

Applicants are reminded that any third-party person may lodge an appeal to the Land and Environment Court where they believe a breach of the EP & A Act (1979) has occurred (Section 9.45 of the EP & A Act).

7.7 Revocation of consent

Council can revoke or modify consent in circumstances where there is fraud or failure to comply with the Act. The Environmental Planning & Assessment Act 1979 allows Council to issue orders for breaches of the Act such as non-compliance with conditions of consent.

8. TIME REQUIREMENTS FOR DEVELOPMENT / SUBDIVISION WORKS

8.1 Maximum 5-year limit on development consent

A development consent for development / subdivision requires works to be commenced within the consent period of five years (or such other shorter period stipulated in the consent).

8.2 Staged development

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

In some cases, a development may be of sufficient magnitude that it requires staging. Where staged development is proposed, the Applicant should prepare a sketch plan showing the complete concept so that Council can see the various stages in the overall context. Each stage should comply with the standard requirements.

8.3 Subdivision final survey plan, original plan release fees

8.3.1 When all conditions of Development Consent and Construction Certificate approval have been satisfied, including all construction works required as part of the subdivision being completed, the Developer will arrange for a Registered Surveyor to prepare the final survey plan.

8.3.2 This subdivision plan, together with any Section 88B Instrument under the Conveyancing Act (detailing easements, restrictions etc) is submitted to the PCA with the appropriate fees for the PCA's endorsement of the Subdivision Certificate. All applications for a Subdivision Certificate are made via the NSW Planning Portal.

8.3.3 Where council is the PCA, the applicant should ensure that all items on the subdivision certificate checklist (copy enclosed in Appendix 3) have been provided to council with the subdivision certificate application. Council will not commence assessment of the certificate prior to all this information being provided.

8.4 Private certification

Certain types of subdivision certificates can be issued by an accredited private certifier.

8.5 Section 88B instrument

The original plan, plus one copy, together with any Section 88B Instrument, all personally signed by the PCA, are then released to the Developer.

8.6 Issue of new titles

To effect plan registration and the issue of new titles for the proposed subdivision lots, the documents released should be lodged promptly with NSW Land Registry Services (Land Titles Office).

8.7 Suspension of works

8.7.1 The Council's Engineer may suspend work on site if it is determined that work is not being undertaken in accordance with the requirements of this Standard or not in accordance with directions given by the Council's Engineer.

8.7.2 The developer is to rectify any unsatisfactory work and obtain Council's approval prior to continuing with the remaining works.

8.7.3 Failure to rectify any unsatisfactory work will result in Council carrying out the works required at the Developer's expense.

8.7.4 The amount invoiced for works carried out by Council will be in accordance with Council's adopted Fees and Charges current at the time.

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

9. ENGINEERING DRAWINGS AND SPECIFICATIONS

9.1 Qualification of designers

All Drawings for earthworks (site regrading), roadworks, drainage works, water supply, sewerage works, and foreshore works are to be certified by a Civil Engineer or Registered Surveyor accredited by the Institution of Surveyors for civil design in the appropriate area. All Drawings for bridgeworks, retaining walls, other major structures and pumping stations are to be certified by a Civil Engineer.

9.2 Council's specifications

Standard Drawings, Design Specifications and Construction Specifications have been prepared by Council and can be purchased for use in developments/subdivisions. Specifications other than those supplied by Council are required to be prepared by a Civil Engineer and will need to be submitted to the Principal Certifying Authority (PCA) for approval with each set of engineering Design Drawings. Such alternative specifications will be required to meet Council's minimum standards contained in Council's specifications.

In Councils Development Construction Specifications the "Superintendent" shall mean Liverpool City Councils Engineer for all developments undertaken in council's road reserve, public reserve or drainage reserve, council owned land or easements and for all subdivision/engineering works on private land where council will issue the Construction Certificate as per Part 6 of the Environmental Planning and Assessment Act (1979). For all other subdivision works the "Superintendent" shall mean the Accredited Certifier (subdivisions) or Liverpool City Councils Engineer or council's nominated representative.

10. COMMENCEMENT OF WORKS

10.1 Necessary conditions

10.1.1 No development/subdivision works are to be undertaken until the Design Drawings and Specifications are formally approved by Council or an Accredited Certifier with the issue of a Construction Certificate.

10.1.2 Works within a public road reserve, public reserve or council drainage reserve or easement must be approved by council via a Permit to Carry Out Works (Section 138 Roads Act 1993 or Section 68 Local Government Act 1993 Approval). No works are to commence, or construction certificate/s issued prior to the applicant obtaining these permits/approvals.

10.1.3 Any plans submitted whether to Council or an Accredited Certifier shall include certification reports in accordance with the requirements set out in councils "Quality Assurance Requirements for Design", Development Design Specification. This information shall be provided to the Council or Accredited Certifier's satisfaction prior to the issue of any Construction Certificate/s.

10.2 Unauthorised work for water and sewerage

The Developer must ensure that the Works are carried out in compliance with the Local Government Act 1993. Attention is drawn specifically to Chapter 16 Offences. Part 3 Clause 634(1) and (4) especially refer to unauthorised work for water and sewerage.

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

10.3 Water and sewerage, operating requirements

The Developer must ensure that water and sewerage work abide by the Local Government Act and associated Regulations, in particular, Clauses 18 and 19 of the Local Government Act (Approvals) Regulation 1999 regarding complying with any operating requirements notified by the Council.

11. INSPECTIONS AND TESTING

11.1 Cost of quality testing

The full cost of all testing is to be met by the Applicant (Developer). Test results will be required to ensure that the material supplied, and the Work carried out conforms to the approved specification.

11.2 Inspections

Similarly, joint inspections at key stages of construction will be required to be carried out by representatives of both Certifying Authority for works and the Developer/Supervising Consultant (Contractor). All inspections shall require at least 24 hours prior notification to the Certifying Authority for works. Key stages may include:

- Erosion & sediment controls
- Traffic control
- Site fencing
- Clearing & stripping
- Bulk earthworks
- Site sampling and testing
- Drainage pipeline installation prior to backfilling
- Drainage pits, Headwalls
- Common Drainage lines
- Subsoil drainage
- Subgrade preparation – Roll Test
- Road Pavement construction – Roll Test
- Kerb & Gutter, dish crossings
- Laybacks & driveways
- Road Pavement surfacing (bitumen surfacing)
- Prior to the construction of footpath paving
- Signage & Line marking
- Public utilities
- Landscaping/Turfing
- Final Inspection
- End of maintenance period
- Others deemed critical by Council or the Accredited Certifier

11.3 Records of testing and inspections

The Certifying Authority for works will always insist on uninterrupted access to enable audit inspections or testing. Records of all test results required will be made available to the Certifying Authority for works promptly when requested and tests will be undertaken strictly to prescribed test procedures by testing organisations approved by Council prior to work commencement. Certain stages of construction will be subject to a hold on works pending acceptable test results. See construction specifications for further details.

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

12. INSURANCES

12.1 Third party insurance public risk

The Developer's Supervising Consultant (contractor) shall take out professional indemnity insurance indemnifying themselves. The Developer's Supervising Consultant will also provide the PCA with evidence that all Contractors have obtained appropriate third party and public risk insurance (minimum insured value $20 million) satisfactory to the PCA's requirements and prior to the commencement of any works.

12.2 Safety

The developer shall comply with all the requirements and responsibilities under:

i) *Work Health and Safety Act (2011).*
ii) And respective Codes of Practice(s).
iii) Respective Australian Standards.

13. WORK-AS-EXECUTED DRAWINGS

13.1 Certification

Following completion of the work, two full set of Work-As-Executed (WAE) Drawings marked up in red showing any discrepancies from the design is to be submitted to and retained by Council. All WAE Drawings shall bear the Supervising Consultant's or Accredited Certifier's Certification stating that all information shown on the Drawings is accurate. Council prefers to accept WAE drawings in electronic format with suitable certification. Electronic copies of the WAE shall be provided in DWG format with the appropriate certification to Council.

CCTV footage in video format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Example compilation of drawings – roadworks plans are enclosed in **Appendix 4**

Accredited Certifiers are to ensure that all compliance certificates and reports are submitted to council. (refer to subdivision certificate plan checklist in Appendix 3 for an indicative list of compliance certificates and reports required to be provided)

13.2 Council's obligations – water services

For water supply WAE drawings must allow Councils to meet their obligations under Part 6 of the *Local Government (General) Regulations*.

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

AUTHORISED BY

Chief Executive Officer

EFFECTIVE FROM

XXXX 2021.

DIRECTORATE RESPONSIBLE

City Economy & Growth

REVIEW DATE

Two years after the adoption of this Standard.

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Adopted by CEO	Original adoption of Standard	XXXXXXXX	065542.2021

THIS STANDARD HAS BEEN DEVELOPED IN CONSULTATION WITH

City Corporate (Governance & Legal Services)

ATTACHMENTS

1. **Flowchart**
2. **Development Assessment Checklist**
3. **Subdivision Certificate (Linen Plan) Checklist**
4. **Requirements for design drawings**
5. **Subdivision Factsheet**

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

REFERENCES

- Strategic Development Control Guidelines
- AUS-SPEC Development Design Specifications
- AUS-SPEC Development Construction Specifications

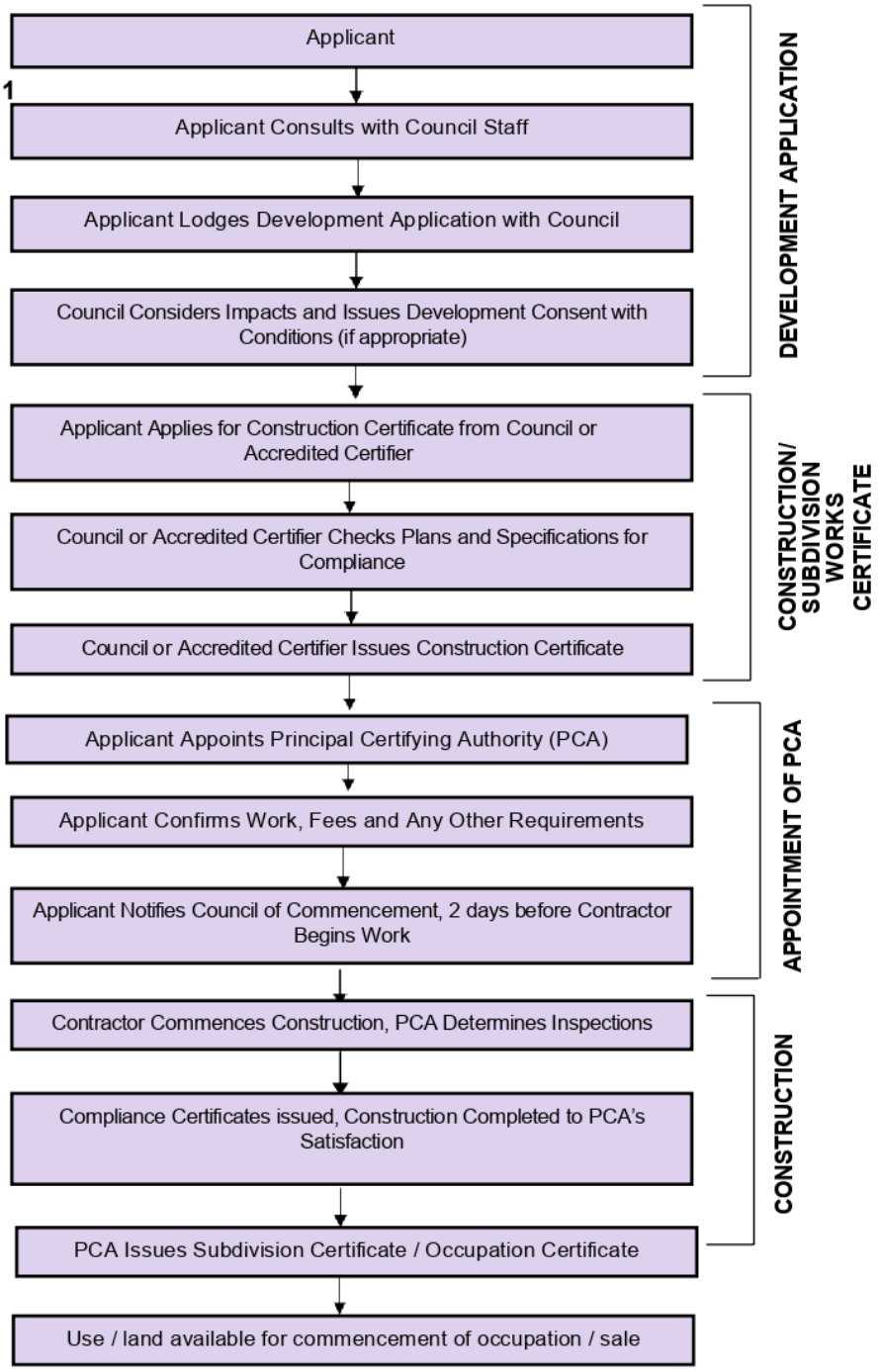
- AS 1742 Set-2009 Manual of uniform traffic control devices Set
- AS 1743-2001 Road signs - Specifications
- AS 1744-1975 Forms of letters and numerals for road signs (known as Standard alphabets for road signs)
- AS 2008 Residual Bitumen for Pavements
- AS 4058 – 2007 Precast Concrete Pipes

AUSTROADS Documents

- AGPT02/2008 Pavement Structural Design - Guide to Pavement Technology
- PART 6 Roundabouts
- PART 10 Local Area Traffic Management
- PART 14 Bicycles

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

APPENDIX 1



DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

APPENDIX 2

Development Assessment Checklist	
Lot and DP description:	
DA file number:	
Location Description:	
EXISTING TOPOGRAPHIC PLAN, SUPPLIED BY APPLICANT:	
Trees indicated?	
Existing site contours shown in sufficient extent?	
Are scales indicated on the plan? Does plan qualify scale i.e. NTS	
Spot levels shown on critical points?	
Natural Water Courses identified?	
Dimensions of the property boundaries shown?	
North Point shown on the plan	
Contours and levels in AHD?	
Levels extend into adjoining properties?	
Overhead power and other services shown on the street frontage?	
INFORMATION PROVIDED BY ADMIN. OFFICER:	
Geocortex street and site plan with flood layer?	*Council use only*
Dates on referral correct?	*Council use only*
File reference number shown?	*Council use only*
Copy provided of the DP and 88B instrument?	*Council use only*
SITE INSPECTION	
Visual verification on site of submitted existing topographic (topo) plan, Deposited Plans and 88B?	*Council use only*
Observe any features not shown on topo plan including location of neighbour's assets.	*Council use only*
Observe adjoining properties and conditions. (Sight over fences for relative levels, and changes proposed to any existing overland flow paths across boundaries)	*Council use only*
Observe existing drainage infrastructure	*Council use only*
Observe existing road infrastructure.	*Council use only*
SITE LAYOUT / CONCEPT GRADING PLAN SUPPLIED BY APPLICANT	
Does site conform to DA plan?	
Boundary dimensions shown.	
North point and scales shown.	
Existing contours and levels shown and in AHD(metres)	
Details of retaining walls shown?	

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

Cut and fill limits shown?	
Is subdivision lot layout proposed in accordance with councils DCP's? i.e. frontage widths and lot areas conform.	
Have following items been shown in accordance with councils DCP - Road layout - Road widening identified - Public open space identified - Drainage reserve identified - Cycleway's identified - Roundabouts/traffic facilities accounted for - Landscape strips/acoustic fence/s accounted for	
Check lot access to Council Roads.	
CONCEPT DRAINAGE PLAN	
Are design contours shown that adequately describe the finished site?	
Is the drainage connecting to an existing Council Drainage system?	
Is the drainage connecting to a pipeline in a private easement? If so, does the property have rights to connect? (check 88B instrument)	
If the drainage connects to the easement pipe has the pipe sufficient capacity **for site** and roof water of new proposal? (If insufficient may need pre-DA provision of new easement purchase from neighbours!)	
Has the applicant provided hydrological and hydraulic calculations addressing the suitability of future connections to Council or private drainage?	
Is there any on site detention? (Refer to Council's On-Site Detention Standard and Design Specification requirements.)	
On site detention check list: 1. Proposed location of OSD facility accurately dimensioned? 2. Type of onsite detention identified. 3. Point of discharge identified? 4. Overland flow path for surcharge identified? 5. Grades, pipe sizes, orifices, pits, swales shown and dimensioned? 6. Design contours shown? 7. Weir location and RL identified? 8. Pre and post development drainage calculations shown?	

Is the stormwater both onsite and overland from neighbouring properties adequately controlled within this site? Have they been included in the calculations?	

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Details provided demonstrating that the overland flow off this site will not cause a nuisance to neighbours and makes its way to existing council trunk drainage system.	
Details provided demonstrating that the upstream catchment has been adequately catered for?	
Details provided demonstrating that the downstream discharge will not cause any nuisance to downstream properties.	
Is the site flood affected? If there is any doubt has the applicant gained a 149 Certificate indicating 1% AEP level. Is the floor level identified as per standard?	
Has the existing downstream drainage system been assessed?	
Are any works within 40 metres of a natural watercourse requiring DIPNR notification and certification?	
Is the trunk drainage infrastructure proposed in accordance with councils DCPs?	
Has the applicant indicated discharge to rubble pit? Has a design size been provided? Check location of rubble pit for proximity of overflow to neighbours' assets	
CONCEPT ROAD AND TRAFFIC ACCESS PLAN	
Is this site affected by road widening?	
Traffic interface of driveways with existing road? (Has a referral been sent to Traffic? Ask Planner to see referral from Traffic!)	
Does subdivision have access to a dedicated public road?	
Is road layout and road reserve width in accordance with councils DCP?	
Is proposed road widening shown in accordance with councils DCP and LEP?	
Is interface with existing adjoining roads safe? Need to pre-empt if site distance and rider comfort will become an obvious problem.	
Is there an interface with RTA or crown lands? If so, has comment been sought from the RTA?	
Has a temporary turning head facility been shown, to accommodate garbage vehicle turning movements?	
Does the road suggest any grudge strips? If so will need to amend to remove.	
Turning movements OK to get access for each designated garage and car space?	
FOR RURAL DEVELOPMENTS ONLY	

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

Does the development create increased traffic movements? Will it cause problems for the public road shoulder? Will any required vehicle access create dust problems for neighbours?	
Does the proposal detail a new vehicle crossing driveway on Council road?	
Will the driveway require a pipe culvert or dish concrete across the table drain?	
SEDIMENTATION AND EROSION CONTROL	
Does the concept drainage plan include a sedimentation and erosion control plan?	
Does the plan conform to Councils Policy and Code?	
If the sedimentation plan failed would the overflow go to the street or cause neighbour nuisance?	
Does the sedimentation plan need integration with staged drainage construction to prevent failure?	
VEGETATION	
Have impacts on existing vegetation on site regarding: - locations of proposed roads - amount of filling - possible utility and infrastructure placement been checked	

SITE INSPECTION NOTES:

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

APPENDIX 3

LIVERPOOL CITY COUNCIL

Subdivision Certificate (Linen Plan) Check List

Officer Completing Assessment :	Strata Subdivision	Bdy Adjustment	Subd + Roadwork	Subd. No Roadwork	Comm.Title (no road)	Easement Only
Neighborhood Management Statement						
Neighborhood Development Contact						
Assets Management Plan (if specified in the DA consent only)						
Subdivision Plan +3 copies						
88B instrument						
Does Lot layout conform with approved DA?						
DA conditions "prior to issue SC" complied with?						
Site Validation Report						
Road dedication shown on plan and admin sheet						
Approved/Correct street names						
Dedication of drainage/public reserve shown on plan & admin sheet						
Works in parks-sign off from Council Park Maintenance Dept.						
Stormwater easements created						
Utility Certificates						
Sydney Water Section 73 Certificate						
Telecommunication Certificate -Pre Provisioning confirmation						
Endeavour Energy Notification of Arrangement						
Works as executed Plans in red and PDF copy						
Compliance Certificates for						
Road Pavement						
Drainage						
If OSD exists has restriction and positive covenant been created?						
Has Hydraulic Engineer provided certification for OSD?						
Service Crossings						
Structures Pits, headwall etc.						
Road fill areas identified on the plan						
Road fill compaction report from the geotechnical engineer						
Lot fill areas identified on the plan						
Lot fill compaction report from the Geotechnical Engineer						
Imported fill venm report and origin						
Lot Classifications						
If classifications of H1 or H2 exist has restriction been placed on lots ?						
CCTV of storm water in roads						
SC Referral						
Flooding						
Landscape						
Planning						
Propery						
Other Key Business Units						
Payments						
Section 7.11 fees and payment letter						
Linen release and 88B fees paid						
Maintenance bond for roadworks						
Road restoration fees paid						
Other bonds as required by the DA or requested applicant						
Special Infrastructure Contruction (SIC Levy)						

Note: Bonds can be cash or unconditional bank guarantee.

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

NOTES:
1. Section 73 certificates may be delayed until immediately prior to linen release
2. Any bonding requests not required by Council policy are subject to an administration fee
3. Bonds require a completed application form
4. Bonds can be cash or unconditional bank guarantee.

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

APPENDIX 4

EXAMPLE COMPILATION OF DRAWINGS - ROADWORKS PLANS

An example of the sequence of drawing sheets acceptable to Council in the compilation of a full set of Roadworks Drawings is set out as follows.

Sheet No	TOPIC
1	Development consent number and/or *Roads Act Section 138* permit number Locality sketch and index of sheets
2	General subdivision plan with contour details, proposed and existing, and a clear indication of the extent of work.
3	Typical road cross sections showing road widths, pavement (design) configuration, batter slopes, footpath location, kerb, and gutter types.
4	Plan and longitudinal section of each road showing set out data and services.
5	Road cross sections.
6	Kerb return profiles/details.
7	Intersection layout details.
8	Traffic calming devices details (including roundabout details).
9	Drainage catchment plan and Schedule of drainage elements (Pipelines and structures). NOTE: Drainage drawings documentation to be provided shall be in accordance with the requirements detailed in Development Design Specification "D5 – Stormwater drainage design" clauses D5.22 and D5.24.
10	Drainage profiles/long sections
11	Drainage structure details.
12	Drainage calculation tables
13	Pavement marking and signposting.
14	Traffic management plan
15	Erosion and sedimentation control plan / soil and water management plans in accordance with the requirements of development design specification "D7 – erosion control and stormwater management" (short term and long-term treatment).
16	Structure details – bridges, retaining walls, etc.
17	Street lighting design plan

NOTES:

1. Any one set of Roadworks Plans may require more than 1 sheet for each of the topics

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

listed and may also require supplementary sheets for site specific details

2. Scales are required to be nominated on all drawings and north points shown on all plan views.
3. Site Specific drawings may need to be added to list to include supplementary works required for the subdivision/engineering works (i.e. water pollution control ponds, basins, drainage channels, cycleways, public reserve and drainage reserve works, bridge crossings, gross pollutant trap structures, landscape plans).

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

APPENDIX 5

Development & subdivision of land

FACT SHEET

Prior to lodgement of any application to subdivide, advice should be sought in regard to zoning of the land, minimum lot sizes, development application lodgement requirements and fees, relevant development control plans and local environmental plans, and Section 7.11 payments. Service authorities, the Land Registry Service and a registered surveyor should also be consulted in regard to their requirements and fees.

Those seeking to subdivide should also ascertain the land constraints affecting their land. This information is available in a 149 certificate purchased online. Persons interested in subdividing land should make themselves aware of the *Environmental Planning and Assessment Act 1979* prior to seeking approval for their proposal.

STEPS INVOLVED IN SUBDIVIDING

STEP 1 - SUBMISSION OF A DEVELOPMENT APPLICATION (DA)

All subdivisions require approval from Council. This process starts with the submission of a Development Application (DA). The DA application form outlines what supporting documentation is required to be provided at the time of lodgement. Fees are applicable to this application and a fee estimate can be obtained from Council by calling Customer Service 1300 362 170.

Once the application is lodged via Council's Planning portal it is assigned a DA number. The application is then placed on public exhibition and submissions from the general public are received.

If any valid objections are received during the exhibition period it will be up to the applicant to address them during Council's assessment of the application.

Council's officers will then assess the proposed subdivision. A decision will then be made to determine the application either approving the application with conditions or refusing the application.

STEP 2 – SUBDIVISION WORKS CERTIFICATE (SWC)

Either Council or a Principal Certifier – Subdivision (see Institution of Engineers Australia website http://www.engineersaustralia.org.au/ for approved certifiers) can be used to issue your Subdivision Works Certificate (SWC). If using Council, a completed Subdivision Works Certificate application form must be submitted to via the NSW Planning Portal. Engineering approval fees and Compliance Inspection fees will be payable to Council once the application has been received from the NSW Planning portal.

An application for a Subdivision Works Certificate may only be made by a person who has the benefit of the development consent. An application may not be made by a person who will carry out the building work or subdivision work unless that person owns the land on which the work is to be carried out.

Subdivision Works Certificate applications must address all relevant conditions of the Development Consent. Plans detailing Subdivision Works works involved must be submitted with the Subdivision Works Certificate application for approval.

Once the application has been assessed and found to be acceptable, a Subdivision Works Certificate and a set of stamped plans will be returned to the applicant. If there is no mention of a Subdivision Works Certificate being required in the Development Consent conditions then the applicant may lodge a Subdivision Certificate application after receiving Development Consent. See Step 4.

LIVERPOOL CITY COUNCIL

Customer Contact Centre: 1300 36 2170
www.liverpool.nsw.gov.au

DEVELOPMENT AND SUBDIVISION OF LAND STANDARD

Development & subdivision of land

FACT SHEET

STEP 3 - CONSTRUCTION WORKS

Once the Subdivision Works Certificate approval is issued, the applicant must submit a Notice to commence work application form at least two days prior to work commencing. There is no charge to submit the form, however failure to submit the form prior to works commencing may incur penalties.

The applicant will be required to nominate an authority to carry out inspections to ensure compliance with the approved Subdivision Works Certificate drawings. The authority can either be Council or an Accredited Certifier. To nominate Council a Council PCA appointment & service agreement form must be completed and submitted prior to commencement of any works. An inspection fee will be charged in accordance with Council's adopted fees and charges.

Please note that if an Accredited Certifier-Civil Engineering is used, a Compliance Certificate from that certifier must be obtained and submitted with the Subdivision Certificate application.

The applicant must appoint (at their own expense) either, a suitably qualified Civil engineer, registered surveyor or experienced engineering foreman to supervise the works. Council will also require an approved contractor to construct works in Council's road reserve.

STEP 4 - SUBDIVISION CERTIFICATE

This is the final Council approval of the subdivision process. A completed Subdivision Certificate form must be submitted to Council with the appropriate fees. Before issuing the Subdivision Certificate, Council requires all Development Consent conditions to be addressed, all Subdivision Works Certificate approved works to be completed and all Compliance Certificates from certifiers to be submitted. A registered surveyor must prepare the final plan of subdivision and 88B instrument. This plan will be signed by Council and returned to the applicant.

STEP 5 - REGISTRATION OF PLANS

Upon receipt of signed final plan of subdivision and the 88b instrument the applicant must submit the documentation to NSW Land Registry Services (LRS) (www.nswlrs.com.au) for registration. Fees will apply. It is advisable to contact a registered surveyor for further information.

Council recommends using the services of a Consulting Civil Engineer or a Registered Land Surveyor in the preparation of Development Applications, Subdivision Works Certificate Applications and Subdivision Certificate Applications due to their expertise in the subdivision process.

TYPES OF SUBDIVISION

There are different types of subdivision:

- **Torrens Title**
  A Deposited Plan (DP) creates the legal identity of land.
- **Strata Title**
  A Strata Plan (SP) is the subdivision of a parcel of land to allow multiple occupancy and separate ownership of individual units.
- **Community Title**
  A Community Plan reflects the development of planned communities where some of the land is shared.

Where consent is required for subdivision, the following process is to be followed:

- **Development Application** (DA) approval to subdivide the property; and
- **Subdivision Certificate** (SC) to authorise the registration of a plan of subdivision.

Both require the applicant to complete Council's Development & Construction form and submit any necessary plans and documents. Should you have any questions about the Subdivision process after reading this Fact Sheet please call Council's Customer Service on 1300 362 170.

Disclaimers: This information was believed to be correct at the date of its publication. This information is for general information purposes only and should not be relied upon for legal advice.

LIVERPOOL CITY COUNCIL

Customer Contact Centre: 1300 36 2170
www.liverpool.nsw.gov.au

Gateway Determination

***Planning proposal (Department Ref: PP_2020-3230)**: to amend planning controls at 1370 Camden Valley Way Leppington*

I, the Director at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Liverpool Local Environmental Plan (LEP) (2008) to amend planning controls at 1370 Camden Valley Way, Leppington should proceed subject to the following conditions:

1. **Prior to public exhibition:**
   (a) the planning proposal is updated to identify the number of homes and jobs under existing and proposed controls;
   (b) Supporting studies are updated to ensure consistency with the proposed number of homes and jobs identified by condition 1 (a);
   (c) the planning proposal and relevant supporting studies are updated to determine the passive and open space needs as a result of the rezoning having regard to:
      a. walkable access within 400m of homes;
      b. the future population
      c. recreational need;
      d. the network of open space including the need for active vs passive open space;
      e. draft Greener Places Design Guide
   (d) Upon finalisation of condition (b), the planning proposal is updated to identify the amount of usable open space proposed differentiating between land that is constrained and unconstrained e.g. land containing infrastructure, biodiversity value, flood affected, etc.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

   (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

   - Campbelltown City Council
   - Camden City Council
   - Sydney Water
   - Jemena
   - Transport for NSW
   - Energy, Environment and Science Group (for Biodiversity and Flooding)

   Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 22 December 2020.

Adrian Hohenzollern
Director, Western
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces

Planning Agreement
1370 Camden Valley Way, Leppington

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

Vicliz Pty Ltd (ACN 063 429 130) (**Developer**)

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Planning Agreement
1370 Camden Valley Way, Leppington

Parties

Council	**Name**	Liverpool City Council
	Address	Ground Floor 33 Moore Street Liverpool NSW 2170
	ABN	84 181 182 471
Developer	**Name**	Vicliz Pty Ltd
	Address	67-69 Box Road Casula NSW 2170
	ACN	063 429 130

Background

A The Developer owns the Land.

B The Developer wishes to carry out the Development.

C The Developer has applied, or proposes to apply, for the Instrument Change.

D The Developer has agreed to make the Development Contributions on and subject to the terms of this document.

Operative Provisions

1 Agreement

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

2 Definitions

2.1 Defined Terms

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

2.2 Interpretation

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

3 Application and operation of document

3.1 Planning Agreement

This document is a planning agreement:

(1) within the meaning set out in s7.4 of the Act; and

(2) governed by Subdivision 2 of Part 7 of the Act.

3.2 Application

This document applies to both the Land and the Development.

3.3 Operation

(1) Subject to paragraph (2), this document operates from the date it is executed by both parties.

(2) The following clauses of this document will only operate if and when the Instrument Change is made:

(a) Clause 5; and

(b) Clause 10.

4 Application of s7.11 & s7.12

4.1 Application

This document does not exclude the application of section 7.11 or section 7.12 of the Act to the Development.

4.2 Consideration of Benefits

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

4.3 Section 7.24

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

5 Provision of Contributions

5.1 Works

The Developer, at its cost, must:

(1) obtain Development Consent, and any other form of consent required by a relevant Authority, for the construction and use of the Works;

(2) carry out and complete the Works to the satisfaction of the Council by the time specified in **Schedule 4** and **Schedule 5**; and

(3) carry out and complete the Works:

(a) in accordance with the specifications referred to in **Schedule 4** and **Schedule 5** for the relevant item of Work;

(b) in accordance with any relevant Development Consent;

(c) in accordance with the requirements of, or consents issued by, any Authority;

(d) ensuring that:

(i) all necessary measures are taken to protect people, property, and the Environment;

(ii) unnecessary interference with the passage of people and vehicles is avoided;

(iii) nuisances and unreasonable noise and disturbances are prevented; and

(iv) all relevant laws and regulations with respect to water, air, noise and land pollution (including 'pollution incidents') as defined under the *Protection of the Environment Operations Act 1997* (NSW);

(e) in accordance with any Australian Standards applicable to works of the same nature as each aspect of the Works; and

(f) in a proper and workmanlike manner complying with current industry practice and standards relating to each aspect of the Works.

5.2 Contribution Value

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

5.3 Access to the Land and location of Works

(1) The Developer is to permit the Council, its officers, employees, agents and contractors to enter the Land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any of the Works.

(2) The Developer must enable Council, its officers, employees, agents and contractors access to the location of the Works where this is not the Land, Council land or a public road.

5.4 Licence to Developer to Access

(1) If the Acquisition Land is acquired by Council before the Works are Completed, Council grants the Developer a licence to enter the Acquisition Land for the purpose of undertaking the Works (**Licence**).

(2) For the purpose of this clause 5.4, the Licence means the licence granted under paragraph (1).

(3) The Terms of the Licence are as set out in **Schedule 6**.

(4) When accessing the Land pursuant to the Licence, the Developer must:

(a) only do so at reasonable times after having provided to Council with at least seven (7) days' written notice of that access;

(b) only do so for so long as is reasonable necessary to complete the Works on the Land for which it is accessing the Land; and

(c) cause as little damage or disruption to the Land, or any surrounding land, and restore the Land as far as reasonably practicable to the condition it was in at the date of this document.

6 Completion of Works

6.1 Issue of Completion Notice

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

(1) is in writing;

(2) identifies the particular item of the Works to which it relates; and

(3) specifies the date on which the Developer believes the relevant item of the Works was completed,

(**Completion Notice**).

6.2 Inspection by Council

(1) Council must inspect the Works set out in a Completion Notice within ten (10) business days of the receipt of that notice.

(2) If Council fails to carry out an inspection required under paragraph (1) the Works referred to in the relevant Completion Notice will be deemed to be Complete.

6.3 Rectification Notice

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

(a) have been Completed; or

(b) have not been Completed, in which case the notice must also detail:

(i) those aspects of the Works which have not been Completed; and

(ii) the work Council requires the Developer to carry out in order to rectify the deficiencies in those Works.

(2) If Council does not provide the Developer with a Rectification Notice in accordance with paragraph (1), the Works set out in the Completion Notice will be deemed to have been Completed.

(3) Where Council serves a Rectification Notice on the Developer, the Developer must:

(a) rectify the Works in accordance with that notice; or

(b) serve a notice on the Council that it disputes the matters set out in the notice.

(4) Where the Developer:

(a) serves notice on Council in accordance with paragraph (3)(b), the dispute resolution provisions of this document apply; or

(b) rectifies the Works in accordance with paragraph (3)(a), it must serve upon the Council a new Completion Notice for the Works it has rectified.

6.4 Acceptance of Works

Subject to clause 6.5, Council accepts ownership, possession and control of, and risk in, any Works carried out on the Acquisition Land on the earlier of::

(1) the date that is twelve (12) months after those Works are Completed; or

(2) the date that the Acquisition Land has been acquired by Council.

6.5 Maintenance of Works

(1) If the Acquisition Land has not been acquired by Council before the Completion of the Works required to be carried out on the Acquisition Land, the Developer, at its own expense, must carry out the Maintenance Works during the period:

(a) commencing on the date that the relevant Work is Completed; and

(b) ending on the date that the Acquisition Land has been acquired by Council.

(2) For the purpose of this clause 6.5, if a detailed maintenance regime has been provided to the Developer by Council from time to time with respect to the Maintenance Works, then the Developer must carry out the Maintenance Works in accordance with that detailed maintenance regime.

6.6 Positive Covenant for public access to Works

If the Acquisition Land has not been acquired by Council before the Completion of the Works, the Developer, at its own expense, must register a positive covenant in accordance with **Schedule 4** on the title of the Acquisition Land, or on such other terms acceptable to Council acting reasonably, to enable members of the public to use and access the Acquisition Land after the Works are Completed and prior to Council acquiring the Acquisition Land (**Positive Covenant**).

7 Defects Liability

7.1 Defects Notice

(1) Where any part of the Works has been Completed but those Works contain a material defect which:

(a) adversely affects the ordinary use and/or enjoyment of the relevant Works; or

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

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

(2) A Defects Notice must contain the following information:

(a) the nature and extent of the Defect;

(b) the work Council requires the Developer to carry out in order to rectify the Defect; and

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

7.2 Developer to Rectify Defects

(1) The Developer must rectify the Defects contained within a Defects Notice as soon as practicable after receipt of the Defects Notice.

(2) The Developer must follow the procedure set out in clause 6 in respect of the satisfaction of the Defects Notice.

7.3 Right of Council to Step-In

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

7.4 Consequence of Step-In

If Council elects to exercise the step-in rights granted to it under clause 7.3 then:

(1) Council may:

(a) enter upon any part of the Land that it requires access to in order to satisfy the obligations of the Developer in accordance with the Defects Notice; and

(b) rectify the relevant Defects in accordance with the Defects Notice; and

(2) the Developer must not impede or interfere with Council in undertaking that work.

7.5 Costs of Council

Where Council exercises its step-in rights all, costs incurred by Council in rectifying the relevant Defects may call upon the Defects Security provided by the Developer pursuant to clause 10 and recover as a debt due in a court of competent jurisdiction any difference between the amount of the Defects Security and the costs incurred by the Council in rectifying the Defects.

8 Variation of scope or timing for provision of Works

8.1 Variation to the scope of an item of Work

(1) The Developer may request that Council approve in writing a variation to the scope any item of Work.

(2) The scope of an item of Work is not to be varied unless Council and the Developer agree in writing to the variation.

(3) Council may withhold its consent to a variation of an item of Work at its absolute discretion.

8.2 Deferral of the timing of Completion of an item of the Works

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

(a) it is unable to Complete any item of the Works by the time specified in **Schedule 5**; or

(b) it believes that there is a risk of damage to any item of the Works if they are delivered by the time required in **Schedule 5**,

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

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

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

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

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

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

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

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

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

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

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

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

9 Developer Warranties and Indemnities

9.1 Warranties

The Developer warrants to Council that it is:

(1) legally and beneficially entitled to the Land;

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

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

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

9.2 Indemnity

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

10 Security

10.1 Provision of Security

(1) Subject to paragraphs (2) and (3), prior to the acquisition of the Acquisition Land by Council, the Developer must deliver to Council separate Bank Guarantees, bonds or other forms of security to the satisfaction of the Council:

(a) for the amount equivalent to the sum of the Contribution Values (**Primary Security**) for all items of Work which are required to be Completed prior to the issue of a Subdivision Certificate with respect to that part of the Development to which the relevant Construction Certificate relates; and

(b) for an amount equivalent to fifteen (15%) of the sum of those Contribution Values (**Defects Security**),

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

(2) The Developer may satisfy its obligations under paragraph (1) (either in whole or in part), by directing Council to retain any Security held by Council which is required to be released by Council under this document.

(3) The Developer is not required to provide the Primary Security in the event that the Works have been Completed prior to the acquisition of the Acquisition Land by Council.

10.2 Replacement of Security

(1) The Developer may replace any Security provided by it at any time, provided that the amount of that replacement is not less than that which is required to be provided under this document.

(2) On receipt of a replacement Security, Council must immediately release the Security being replaced and return it to the Developer.

10.3 Council may call on Security

(1) If the Developer commits an Event of Default Council, without limiting any other remedies available to it, may call on any Security provided by the Developer.

(2) If Council calls on any Security, it may use the amount so paid to it in satisfaction of any costs incurred by it in remedying the relevant Event of Default.

10.4 Top up of Security

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

10.5 Release of Primary Security

Unless:

(1) Council has made or intends to make a demand against any Security provided by the Developer;

(2) the Development Contributions on account of which that Security was provided have not been made; or

(3) the Developer is in breach of this document at the relevant time,

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

10.6 Release of Defects Security

Unless:

(1) Council has made or intends to make a demand against any Security provided by the Developer for that Stage;

(2) the relevant Defects Liability Period has not expired; or

(3) the Developer is in breach of this document at the relevant time,

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

10.7 Indexation of value of Contribution Value

(1) The Contribution Values for the Works and any Security provided for the Works will be indexed quarterly in accordance with ABS Producer Price Index (Non-Residential Building Construction for NSW) #3020 provided by the Australian Bureau of Statistics.

(2) The Developer must ensure that the Security held by Council at all times equals the indexed amount notified to the Developer by Council.

10.8 Developer must not deal with property

(1) The Developer must not during the term of this document sell, transfer, mortgage, charge or grant a lease or license or any other right of occupancy to any person over the Acquisition Land without first obtaining Council's consent in writing.

(2) Council may, at its absolute discretion, refuse its consent or give consent with conditions.

10.9 Council may withhold Subdivision Certificate

(1) The Developer may only make, or cause, suffer or permit the making of, an application for a Subdivision Certificate in respect of the Development if, at the date of the application, the Developer is not in breach of its obligation to make any Contribution under this document.

(2) Council may withhold the issue of a Subdivision Certificate if, at the relevant time, the Developer is in breach of any obligation to make any Contribution under this document until such time as:

(a) the breach is rectified; or

(b) Council calls upon the Security provided by the Developer in respect of the Contribution to which the breach relates.

11 Registration of this document

11.1 Registration of this document

The Developer acknowledges and agrees that:

(1) this document must be registered on the title to the Land pursuant to section 7.6 of the Act; and

(2) subject to clause 11.2, Council will undertake that registration at the cost of the Developer.

11.2 Obligations of Developer

(1) The Developer, at its own expense, will promptly after this document comes into operation, take all practical steps, and otherwise do anything that the Council reasonably requires, to procure:

(a) the consent of each person who:

(i) has an estate or interest in the Land; or

(ii) is seized or possessed of an estate or interest in the Land;

(b) the execution of any documents; and

(c) the production of the relevant duplicate certificates of title,

to enable the registration of this document in accordance with clause 11.1.

(2) The Developer, at its own expense, will take all practical steps, and otherwise do anything that the Council reasonably requires:

(a) to allow the lodgement of this document with the Registrar-General as soon as reasonably practicable after this document comes into operation but in any event, no later than sixty (60) business days after that date; and

(b) to allow the registration of this document by the Registrar-General in the relevant folios of the Register for the Land as soon as reasonably practicable after this document is lodged for registration.

11.3 Discharge from the Register

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

(a) the obligations under this document have been satisfied in respect of the Works set out in **Schedule 5**; or

(b) if this document is terminated or rescinded.

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

(a) the Acquisition Land is acquired by Council; or

(b) if this document is terminated or rescinded.

12 Assignment

12.1 Restriction on Assignment

Other than in accordance with this clause 12 the Developer may not:

(1) Assign any part of the Land; and/or

(2) Assign their rights or obligations under this document.

12.2 Procedure for Assignment

(1) If the Developer:

(a) wishes to Assign any part of the Land; and/or

(b) wishes to Assign its rights or obligations under this document,

then the Developer must:

(c) provide a written request to Council for the consent of Council to the relevant Assignment;

(d) provide Council with any evidence required by Council, acting reasonably, to satisfy Council that the third party in whose favour the Assignment is to be made (**Assignee**) is reasonably capable of performing the obligations under this document that are to be Assigned to it;

(e) obtain written consent of Council to the relevant Assignment; and

(f) at no cost to Council, procure:

(i) the execution by the Assignee of an appropriate deed where the Assignee agrees to be bound by the terms of this document; and

(ii) the provision of all Securities to Council by the Assignee that the Developer is required to provide under this document (and any additional securities if required by Council acting reasonably) at the same time as, or prior to, entering into that deed.

(2) Council is under no obligation to consider granting its consent to any request made by the Developer under paragraph (1)(c) if, at the time the request is made, the Developer is in breach of this document.

13 Dispute Resolution

13.1 Notice of dispute

(1) If a dispute or lack of certainty between the parties arises in connection with this document or its subject matter (**Dispute**), then either party (**First Party**) must give to the other (**Second Party**) a notice which:

(a) is in writing;

(b) adequately identifies and provides details of the Dispute;

(c) stipulates what the First Party believes will resolve the Dispute; and

(d) designates its representative (**Representative**) to negotiate the Dispute.

(2) The Second Party must, within five (5) Business Days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person to negotiate the Dispute (the representatives designated by the parties being together, the **Representatives**).

13.2 Conduct pending resolution

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

13.3 Further steps required before proceedings

Subject to clauses 13.14 and 13.15 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 13.5 or determination by an expert under clause 13.6, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 13.1(2) is served.

13.4 Disputes for mediation or expert determination

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to either refer the matter to mediation under clause 13.5 or expert resolution under clause 13.6.

13.5 Disputes for mediation

(1) If the parties agree in accordance with clause 13.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.

(2) If the mediation referred to in paragraph (1) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 13.6.

13.6 Choice of expert

(1) If the Dispute is to be determined by expert determination, this clause 13.6 applies.

(2) The Dispute must be determined by an independent expert in the relevant field:

(a) agreed between and appointed jointly by the parties; or

(b) in the absence of document within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.

(3) If the parties fail to agree as to the relevant field within five (5) Business Days after the date that the matter is required to be determined by expert determination, either party may refer the matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.

(4) The expert appointed to determine a Dispute:

(a) must have a technical understanding of the issues in dispute;

(b) must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and

(c) must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.

(5) The parties must promptly enter into an document with the expert appointed under this clause 13.6 setting out the terms of the expert's determination and the fees payable to the expert.

13.7 Directions to expert

(1) In reaching a determination in respect of a dispute under clause 13.6, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.

(2) The expert must:

(a) act as an expert and not as an arbitrator;

(b) proceed in any manner as the expert thinks fit without being bound to observe the rules of natural justice or the rules of evidence;

(c) not accept verbal submissions unless both parties are present;

(d) on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;

(e) take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;

(f) not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);

(g) issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;

(h) issue a final certificate stating the expert's determination (together with written reasons); and

(i) act with expedition with a view to issuing the final certificate as soon as practicable.

(3) The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:

(a) a short statement of facts;

(b) a description of the Dispute; and

(c) any other documents, records or information which the expert requests.

13.8 Expert may commission reports

(1) Subject to paragraph (2):

(a) the expert may commission the expert's own advisers or consultants (including lawyers, accountants, bankers, engineers, surveyors or other technical consultants) to provide information to assist the expert in making a determination; and

(b) the parties must indemnify the expert for the cost of those advisers or consultants in accordance with clause 13.6(5) of this document.

(2) The parties must approve the costs of those advisers or consultants in writing prior to the expert engaging those advisers or consultants.

13.9 Expert may convene meetings

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

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

13.10 Other courses of action

If:

(1) the parties cannot agree in accordance with clause 13.4 to refer the matter to mediation or determination by an expert; or

(2) the mediation referred to in clause 13.5 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation,

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

13.11 Confidentiality of information provided in dispute resolution process

(1) The parties agree, and must procure that the mediator and the expert agree as a condition of his or her appointment:

(a) subject to paragraph (2), to keep confidential all documents, information and other material disclosed to them during or in relation to the mediation or expert determination;

(b) not to disclose any confidential documents, information and other material except:

(i) to a party or adviser or consultant who has signed a confidentiality undertaking; or

(ii) if required by Law or any Authority to do so; and

(c) not to use confidential documents, information or other material disclosed to them during or in relation to the mediation or expert determination for a purpose other than the mediation or expert determination.

(2) The parties must keep confidential and must not disclose or rely upon or make the subject of a subpoena to give evidence or produce documents in any arbitral, judicial or other proceedings:

(a) views expressed or proposals or suggestions made by a party or the mediator or the expert during the expert determination or mediation relating to a possible settlement of the Dispute;

(b) admissions or concessions made by a party during the mediation or expert determination in relation to the Dispute; and

(c) information, documents or other material concerning the dispute which are disclosed by a party during the mediation or expert determination unless such information, documents or facts would be discoverable in judicial or arbitral proceedings.

13.12 Final determination of expert

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

13.13 Costs

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

13.14 Remedies available under the Act

This clause 13 does not operate to limit the availability of any remedies available to Council under the Act.

13.15 Urgent relief

This clause 13 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

14 Force Majeure

14.1 Definition

In this clause 14, force majeure (**Force Majeure**), means any physical or material restraint beyond the reasonable control of a party claiming the Force Majeure and includes, without limitation, fire, the discovery of threatened species on the Land or industrial disputes.

14.2 Consequences of Force Majeure Event

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

(1) give to the other party prompt notice of the Force Majeure with reasonably full particulars; and

(2) suggest an alternative method, if any, of satisfying its obligations under this document.

(3) If a party is unable to satisfy its obligations under this document by an alternative method, the obligations of the parties so far as they are affected by the Force Majeure are then suspended during continuance of the Force Majeure and any further period as may be reasonable in the circumstances.

14.3 Inability to complete Works

(1) The party giving such notice under this clause must use all reasonable effort and diligence to remove the Force Majeure or ameliorate its effects as quickly as practicable.

(2) If the Developer is unable to Complete any part of the Works due to a Force Majeure event the Developer must pay to Council the Contribution Value of the relevant works and the amount payable to Council may be apportioned, if necessary, in such manner as may be fair and reasonable.

(3) In reference to paragraph (2), Council may at its absolute discretion call on the Bank Guarantees (or any part of it) pursuant to clause 10.3.

14.4 Exclusion of operation

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

14.5 Dispute

If the parties are unable to agree on the existence of an event of Force Majeure or the period during which the obligations of the parties are suspended during the continuance of the Force Majeure, that dispute must be referred for determination under clause 13.

15 Breach of this document

15.1 Breach Notice

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

(1) the nature and extent of the alleged breach;

(2) if:

(a) the breach is capable of being rectified other than by the payment of compensation, what Council requires the Developer to do in order to rectify the breach; or

(b) the breach is not capable of being rectified other than by payment of compensation, the amount of compensation Council requires the Developer to pay in order to rectify the breach, and

(3) the time within which Council requires the breach to be rectified, which must be a reasonable time of not less than forty (40) business days.

15.2 Events of Default

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

(1) fails to comply with a Breach Notice; or

(2) becomes subject to an Insolvency Event.

15.3 Consequences of Events of default

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

(1) exercise the Step in Rights so as to carry out any work specified in the relevant Breach Notice; or

(2) call on the Security to the extent of any compensation claimed in a Breach Notice and not paid by the Developer.

16 Termination, Rescission or Determination

16.1 Termination

This document terminates in the following events:

(1) The parties agree in writing to terminate the operation of this document at any time.

(2) Council serves notice on the Developer terminating this Planning Agreement where the Developer has failed to comply with a notice issued in accordance with clause 15.1.

16.2 Consequence of termination

Upon termination of this Planning Agreement:

(1) all future rights and obligations of the parties are discharged; and

(2) all pre-existing rights and obligations of the parties continue to subsist.

16.3 Determination

This Planning Agreement will determine upon the Developer satisfying all of the obligations imposed on it in full.

17 Position of Council

17.1 Consent authority

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

17.2 Document does not fetter discretion

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

(1) the power of Council to make any Law; or

(2) the exercise by Council of any statutory power or discretion,

(**Discretion**).

17.3 Severance of provisions

(1) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:

(a) they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 17 is substantially satisfied; and

(b) in the event that paragraph (1)(a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and

(c) to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.

(2) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.

17.4 No Obligations

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

18 Confidentiality

18.1 Document not Confidential

The terms of this document are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

18.2 Other Confidential Information

(1) The parties acknowledge that:

(a) Confidential Information may have been supplied to some or all of the parties in the negotiations leading up to the making of this document; and

(b) The parties may disclose to each other further Confidential Information in connection with the subject matter of this document.

(c) Subject to paragraphs (2) and (3), each party agrees:

(i) not to disclose any Confidential document received before or after the making of this document to any person without the prior written consent of the party who supplied the Confidential Information; or

(ii) to take all reasonable steps to ensure all Confidential Information received before or after the making of this document is kept confidential and protected against unauthorised use and access.

(2) A party may disclose Confidential Information in the following circumstances:

(a) in order to comply with the Law, or the requirements of any Authority; or

(b) to any of their employees, consultants, advisers, financiers or contractors to whom it is considered necessary to disclose the information, if the employees, consultants, advisers, financiers or contractors undertake to keep the information confidential.

(3) The obligations of confidentiality under this clause do not extend to information which is public knowledge other than as a result of a breach of this clause.

19 GST

19.1 Defined GST Terms

Defined terms used in this clause 19 have the meaning ascribed to them in the GST Law.

19.2 GST to be Added to Amounts Payable

(1) If GST is payable on a Taxable Supply made under, by reference to or in connection with this document, the party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.

(2) This clause does not apply to the extent that the Consideration for the Taxable Supply is expressly agreed to be GST inclusive.

(3) Unless otherwise expressly stated, prices or other sums payable or Consideration to be provided under or in accordance with this document are exclusive of GST.

19.3 GST Obligations to Survive Termination

This clause 19 will continue to apply after expiration of termination of this document.

20 Miscellaneous

20.1 Obligation to act in good faith

The parties must at all times:

(1) cooperate and use their best endeavours to profitably and professionally give effect to their rights and obligations set out in this document;

(2) not unreasonably delay any action, approval, direction, determination or decision which is required of them;

(3) make approvals or decisions that are required of them in good faith and in a manner consistent with the completion of the transactions set out in this document; and

(4) be just and faithful in their activities and dealings with the other parties.

20.2 Legal costs

The Developer agrees to:

(1) pay or reimburse the reasonable legal costs and disbursements of Council of the negotiation, preparation, execution, and stamping of this document;

(2) pay the reasonable legal costs and disbursements referred to in paragraph (1) within ten (10) business days of receipt of a Tax Invoice from Council; and

(3) pay or reimburse the legal costs and disbursements of Council arising from the ongoing administration and enforcement of this document including any breach or default by the Developer of it obligations under this document.

21 Administrative Provisions

21.1 Notices

(1) Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:

(a) delivered to that person's address;

(b) sent by pre-paid mail to that person's address; or

(c) transmitted by facsimile to that person's address.

(2) A notice given to a person in accordance with this clause is treated as having been given and received:

(a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;

(b) if sent by pre-paid mail, on the third Business Day after posting; and

(c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.

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

21.2 Entire Document

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

21.3 Waiver

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

21.4 Cooperation

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

21.5 Counterparts

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

21.6 Amendment

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

21.7 Unenforceability

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

21.8 Power of Attorney

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

(1) the revocation or suspension of the power of attorney by the grantor; or

(2) the death of the grantor.

21.9 Governing law

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

(1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this document; and

(2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.

Schedule 1– Requirements under s7.4

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT
Planning instrument and/or development application – (Section 7.4(1)) The Developer has:	
(c) sought a change to an environmental planning instrument.	(a) Yes
(d) made, or proposes to make, a Development Application.	(b) Yes
(e) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(c) Not applicable
Description of land to which this agreement applies – (Section 7.4(3)(a))	Lot E in DP 28997
Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))	Yes
Application of section 7.11 of the Act – (Section 7.4(3)(d))	Applies
Applicability of section 7.12 of the Act – (Section 7.4(3)(d))	Applies
Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))	Refer to clause 4.2 of the Planning Agreement.
Mechanism for Dispute resolution – (Section 7.4(3)(f))	See clause 13.
Enforcement of this agreement (Section 7.4(3)(g))	See clause 10.
No obligation to grant consent or exercise functions – (Section 7.4(3)(9))	See clause 16.

Schedule 2 – Defined Terms and Interpretation

Part 1 – Definitions

Acquisition Act	means the *Land Acquisition (Just Terms Compensation) Act* 1991.
Acquisition Land	means that part of the Land coloured yellow and hatched in red labelled SP2 and RE1 on the plan that is attached as **Annexure 1**.
Act	means the *Environmental Planning and Assessment Act 1979* (NSW).
Assign	as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.
Authority	means (as appropriate) any: (1) federal, state or local government; (2) department of any federal, state or local government; (3) any court or administrative tribunal; or (4) statutory corporation or regulatory body.
Bank Guarantee	means an irrevocable and unconditional undertaking without any expiry or end date by one of the following trading banks: (1) Australia and New Zealand Banking Group Limited. (2) Commonwealth Bank of Australia. (3) Macquarie Bank. (4) National Australia Bank Limited. (5) St George Bank Limited. (6) Westpac Banking Corporation. (7) Any other financial institution approved by the Council, in its absolute discretion, in response to a request from the Developer.
Claim	against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.
Completed	means completed in accordance with the requirements of this document.
Completion Notice	has the meaning ascribed in clause 6.1.
Confidential Information	means any information and all other knowledge at any time disclosed (whether in writing and orally) by the parties to each other, or acquired by the parties in relation to the other's activities or services which is not already in the public domain and which:

	(1) is by its nature confidential; (2) is designated, or marked, or stipulated by either party as confidential (whether in writing or otherwise); (3) any party knows or ought to know is confidential; (4) is information which may be reasonably considered to be of a confidential nature.
Construction Certificate	has the same meaning as in section 6.4(d) of the Act.
Contributions	means the Works, the Maintenance Works and the Positive Covenant.
Contribution Value	means the amount specified in Schedules 4 and 5 in the column headed "contribution value" for each item of the Contributions.
Defect	has the meaning ascribed to it in clause 7.1.
Defects Notice	has the meaning ascribed to it in clause 7.1.
Defects Liability Period	means twelve (12) months.
Defects Security	has the meaning ascribed to it in clause 10.
Development	means any development permitted to be undertaken on the Land after the Instrument Change is made.
Dispute	has the meaning ascribed to it in clause 13.1.
Encumbrance	means an interest or power: (1) reserved in or over an interest in any asset; (2) arising under, or with respect to, a Bio-Banking Agreement; (3) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, covenant, lease, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or (4) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation. **Encumber** means to grant an Encumbrance.
Event of Default	has the meaning ascribed to it in clause 15.2.
Force Majeure	has the meaning ascribed to it in clause 14.
GST Law	means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Insolvency Event	means the happening of any of the following events: (8) Application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order or an order is made that a body corporate be wound up. (9) An application which is not withdrawn or dismissed within fourteen (14) days is made to a court for an order appointing a liquidator or provisional liquidator in respect of a body corporate or one of them is appointed, whether or not under an order. (10) Except to reconstruct or amalgamate while solvent, a body corporate enters into, or resolves to enter into, a scheme of arrangement, agreement of company arrangement or composition with, or assignment for the benefit of, all or any class of its creditors, or it proposes a reorganisation, moratorium or other administration involving any of them. (11) A body corporate resolves to wind itself up, or otherwise dissolve itself, or gives notice of intention to do so, except to reconstruct or amalgamate while solvent or is otherwise wound up or dissolved. (12) A body corporate is or states that it is insolvent. (13) As a result of the operation of section 459F(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**), a body corporate is taken to have failed to comply with a statutory demand; (14) A body corporate is or makes a statement from which it may be reasonably deduced that the body corporate is, the subject of an event described in section 459C(2)(b) or section 585 of the Corporations Act. (15) A body corporate takes any step to obtain protection or is granted protection from its creditors, under any applicable legislation or an administrator is appointed to a body corporate. (16) A person becomes an insolvent under administration as defined in section 9 of the Corporations Act or action is taken which could result in that event. (17) A receiver, manager or receiver and manager is appointed to the Company. (18) A claim is filed in a court against a person that is not defended, released or otherwise settled within twenty eight (28) days of the date of its filing at the court. (19) Anything analogous or having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.
Instrument Change	means the instrument change as described in **Schedule 3**.
Land	means the "Land" set out in **Schedule 1**.
Law	means all legislation, regulations, by-laws, common law and other binding order made by any Authority.
Location Plan	means the plan that is attached as **Annexure 2**.

Maintenance Works	means all works set out in **Schedule 4** and the Positive Covenant.
Occupation Certificate	has the same meaning as in section 6.4(c) of the Act.
Planning Legislation	means the Act, the *Local Government Act 1993* (NSW) and the *Roads Act 1993* (NSW).
Positive Covenant	has the meaning ascribed to it in clause 6.6.
Primary Security	has the meaning ascribed to it in clause 10.
Rectification Notice	has the meaning ascribed to it in clause 6.3.
Security	means collectively the Primary Security and the Defects Security.
Subdivision Certificate	has the same meaning as in section 6.4(d) of the Act.
Works	means the works specified or described in **Schedule 4** and **Schedule 5**.

Part 2 - Interpretational Rules

clauses, annexures and schedules	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this document.
reference to statutes	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
singular includes plural	the singular includes the plural and vice versa.
person	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
executors, administrators, successors	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
dollars	Australian dollars, dollars, $ or A$ is a reference to the lawful currency of Australia.
calculation of time	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
reference to a day	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
accounting terms	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.
reference to a group of persons	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
meaning not limited	the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words

	to which the example relates to that example or examples of a similar kind.
next day	if an act under this document to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
next Business Day	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
time of day	time is a reference to Sydney time.
headings	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this document.
agreement	a reference to any agreement, document or instrument includes the same as varied, supplemented, novated or replaced from time to time.
Gender	a reference to one gender extends and applies to the other and neuter gender.

Schedule 3 – Instrument Change

Proposed changes to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* sought by the proponent under the Planning Proposal RZ-1/2017 (LEP Amendment no. 88).

To facilitate the proposed changes, the following SEPP maps are to be amended:

Land Zoning Map

- SEPP_SRGC_SW_LZN_013_020_20131128

Lot Size Map

- SEPP_SRGC_SW_LSZ_013_020_20131031

Height of Building Map

- SEPP_SRGC_SW_HOB_013_020_20130111

Land Reservation Acquisition Map

- SEPP_SRGC_SW_LRA_ 013_020_20131128

Residential Density Map

- SEPP_SRGC_SW_RDN_ 013_020_20131128

The upper limit of permissible total retail Gross Floor Area (GFA) in clause 6.4 under Appendix 8 – Liverpool Growth Centre Precinct Plan of the Growth Centre SEPP is to be amended to reflect the increase of permissible retail GFA from 2,500 m2 to 4,800 m2 in B1 Neighbourhood Centre zone.

The amended clause will read –

"6.4 Maximum gross floor area for retail premises in Zone B1 in East Leppington Precinct. Despite any other provision of this Precinct Plan, the total gross floor area of all retail premises on land in Zone B1 Neighbourhood Centre within the East Leppington Precinct must not exceed 4,800 square metres."

The planning proposal will further induce amendments to the Liverpool Growth Centre Precincts DCP to reflect the changes proposed under the planning proposal.

Schedule 4 – Maintenance Works – Positive Covenant

Item	Specification	Time for Completion	Contribution Value
Maintenance Works .	All Maintenance Works required to maintain and keep in good repair the Acquisition Land, and any improvements on it, prior to its acquisition by Council.	In accordance with clause 6.5.	[Note: To be inserted prior to public exhibition]
Registration of Positive Covenant on the title of the Acquisition Land to provide for public use and access of the Acquisition Land and to ensure the Developer carries out the Maintenance Works.	The terms of the Positive Covenant must be as set out in **Annexure 3** unless otherwise agreed by Council.	Prior to the issue of the first subdivision certificate which, when registered would create a lot that is intended to be sold for residential purposes and which is not a super lot intended to be further subdivided or a lot intended to be dedicated to Council.	[Note: To be inserted prior to public exhibition]

Schedule 5 – Works

Item of Works	Specification	Time for Completion	Contribution Value
Social Court	Broom finish concrete surface plaza with outdoor seating and tree plantings. Informal recreation elements (i.e. basketball/netball hoop, bocce court etc). Width 20m, length 20m, area 400m².	Prior to the issue of the first subdivision certificate which, when registered would create a lot that is intended to be sold for residential purposes and which is not a super lot intended to be further subdivided or a lot intended to be acquired by Council.	[Note: To be inserted prior to public exhibition.]
Walking Loop	Broom finished concrete. Width 2.5m, length 180m, area 450m².	Prior to the issue of the first subdivision certificate which, when registered would create a lot that is intended to be sold for residential purposes and which is not a super lot intended to be further subdivided or a lot intended to be acquired by Council.	[Note: To be inserted prior to public exhibition.]
Link Across Riparian Corridor (Boardwalk/Bridge)	Broom finished concrete path connecting to boardwalk spanning riparian corridor. Structure: steel and timber. Decking: recycled plastic. Balustrade: steel and timber. Width 3.5m, length 70m (actual span of boardwalk to be acceptable to Council), area 245m².	Prior to the issue of the first subdivision certificate which, when registered would create a lot that is intended to be sold for residential purposes and which is not a super lot intended to be further subdivided or a lot intended to be acquired by Council.	[Note: To be inserted prior to public exhibition.]
Pedestrian Crossing	Raised, marked pedestrian crossing in accordance with AS 1742.10. Pedestrian refuge to be included, if required. Width 3.6m and length 17m.	Prior to the issue of the first subdivision certificate which, when registered would create a lot that is intended to be sold for residential purposes and which is not a super lot intended to be further subdivided or a lot intended to be acquired by Council.	[Note: To be inserted prior to public exhibition.]

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Schedule 6 – Terms of Licence

1 Definitions

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

(2) For the purpose of this **Schedule 6:**

(a) **the Land** means the land being accessed in accordance with this licence;

(b) **the Licensor** means the party that owns the land being accessed under this licence;

(c) **the Licensee** means the other party; and

(d) **the Purpose** means the purpose for which the Licensee is accessing the Land from time to time.

2 Licence

2.1 Personal rights

(1) The Licence is personal to the Licensee.

(a) The Licensee may not encumber, assign or transfer (either directly or indirectly) the Licence without the prior written consent of the Licensor.

(b) The Licensor may refuse the granting of consent under paragraph (a) without reason and at its absolute discretion.

2.2 Leasehold interest

(1) This document does not grant to the Licensee a leasehold interest in the Land. The parties agree that:

(a) subject to any contrary terms of this document, this licence does not confer exclusive possession of the Land on the Licensee; and

(b) the Licensee may not exclude the Licensor, its officers, employees and invitees from:

(i) entry onto the Land; and/or

(ii) the performance of any works on the Land;

provided that such entry onto and/or performance of work on the Land does not unreasonably interfere with the Purpose; and

(2) the Licensee does not have any right to quiet enjoyment of the Land; and

(3) the Licensee will not at any time seek to enforce an interest in the Land in competition with the interest held by the Licensee.

3 Compliance With authorities

3.1 No warranty as to suitability for use

The Licensee acknowledges and agrees that the Licensor has not made any representation or warranty to the Licensee regarding the suitability of the Land for the Purpose.

3.2 Compliance with the terms of consents

In the conduct of the Purpose and compliance with its obligations under this document, the Licensee must comply with the requirements of all Authorities.

3.3 Compliance with directions from Authorities

The Licensee must comply with all notices, directions, orders or other requests served upon itself or the Licensor and which arise from the conduct of the Purpose on the Land by the Licensee.

3.4 Obtaining further consents

(1) If the Licensee requires further consents to conduct the Purpose it must:

(a) make such applications itself; and

(b) bear all costs incurred by it in relation to obtaining the relevant consent.

(2) The Licensor agrees that it will, where required, sign all authorities reasonably required by the Licensee to make any application for consent to any Authority.

4 Limitation of the Licensor's liability

4.1 Insurances

(1) The Licensee must effect and keep current and in force the following policies of insurance:

(a) a Broadform Public Liability Insurance policy with a reputable insurance company approved by the Licensor in an amount of $20,000,000 for any one occurrence in respect of any liability for:

(i) personal injury or death of any person; and

(ii) loss of or damage to property,

(b) workers compensation insurance under the *Workers Compensation Act 1987* (NSW) covering all persons employed or deemed to be employed by the Licensee in connection with the conduct of the Purpose;

(c) a comprehensive policy of motor vehicle insurance or an unlimited third party property insurance policy in respect of all motor vehicles used in the conduct of the Purpose; and

(d) a contractor's risk policy of insurance in respect of all plant and equipment (including unregistered motor vehicles) used in the conduct of the Purpose.

(2) The policies referred to in paragraphs (1)(a), (1)(c) and (1)(d) must note the interest of the Licensor as principal.

4.2 Inspection of insurance

(1) The Licensee must produce at the renewal of each policy a certificate of currency issued by the insurer establishing that the policy is valid.

(2) The Licensor may carry out random audits to verify insurances held by the Licensee. The Licensee will assist in any audit and provide evidence of the terms and currency of the insurance policies whenever requested by the Licensor.

4.3 Cancellation of insurance

If any policy is cancelled either by the Licensee or the insurer the Licensee must notify the Licensor immediately.

4.4 Risk

The Licensee uses and occupies the Land at its own risk.

4.5 Indemnity

The Licensee indemnifies the Licensor against any Claim (of whatever nature) made in respect of the Licensee's use and occupation of the Land but only to the extent that any such Claim does not arise as the result of the wilful or negligent acts or omissions of the Licensor, its officer, employees, agents, contractors or invitees.

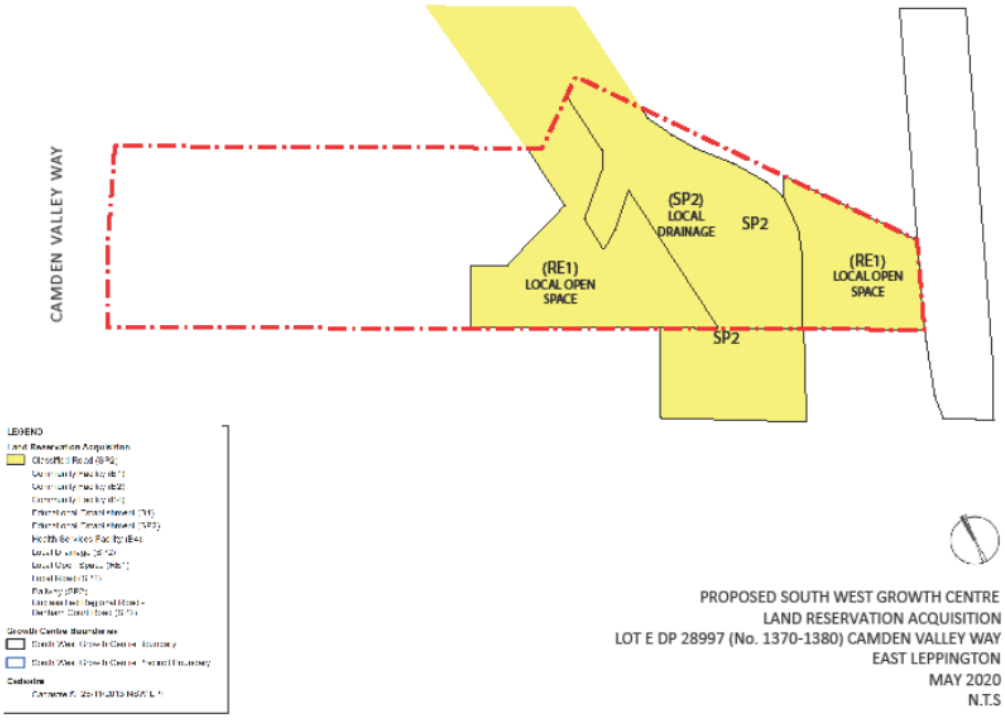
4.6 OH & S

For the purposes of this document and in accordance with clause 210 of the *Occupational Health & Safety Regulation 2001* (NSW) (**OH&S Regulation**), the Licensor:

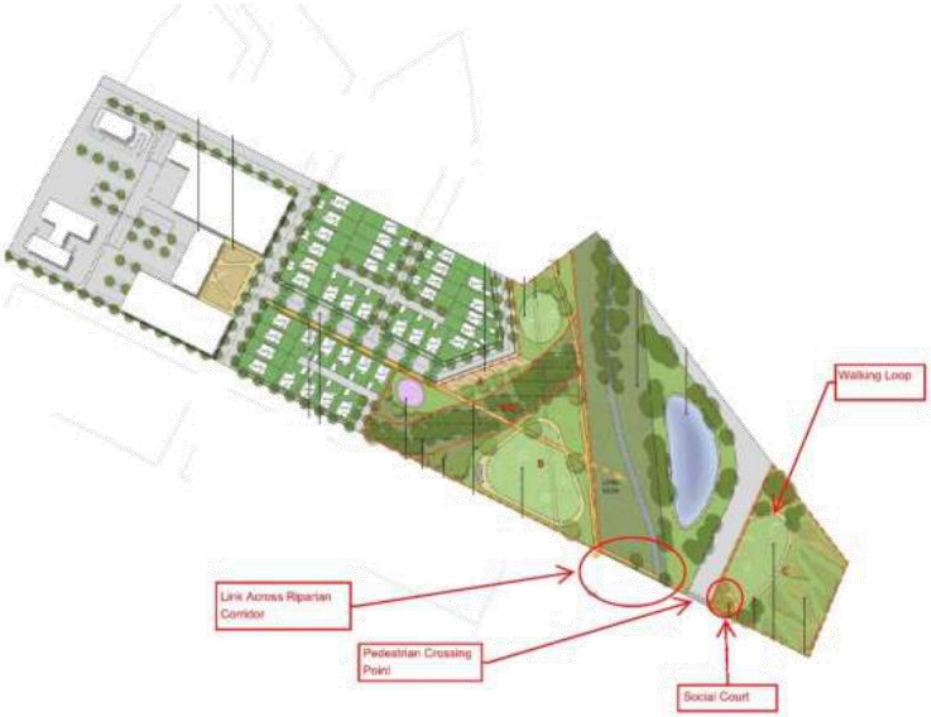
(1) will appoint as the "principal contractor" for any part of the Purpose conducted on the Land, the head civil works contractor specified by the Licensee from time to time; and

(2) will authorise the nominated head civil works contractor to exercise such authority of the Licensor as is necessary to enable the head civil works contractor to discharge the responsibilities imposed on a principal contractor under Part 8 of the OH&S Regulation.

Annexure 1- Plan of Acquisition Land



Annexure 2 – Location Plan



Annexure 3 – Form of Positive Covenant

ANNEXURE A TO POSITIVE COVENANT

PARTIES: VICLIZ PTY LTD (ACN 063 429 130) AND LIVERPOOL CITY COUNCIL (ABN 84 181 182 471)

BURDENED LAND: [INSERT]

DATED:

Maintenance and repair

(1) The Registered Proprietor of the Burdened Land from time to time will, at its own expense, do all things necessary to inspect, maintain, repair and/or replace all surfaces, sub-strata, structures and fittings that exist from time to time on the Land, and to otherwise monitor and maintain all vegetation and improvements on the Burdened Land, to the satisfaction of Liverpool City Council (**Council**), and comply with any reasonable direction of Council in that regard.

(2) Where the Registered Proprietor of the Burdened Land fails to comply with any written request of the Council referred to in paragraph (1) above, the Council and every person authorised by it has the full and free right to enter upon the Burdened Land in order to inspect, maintain, repair and/or replace all surfaces, sub-strata, structures and fittings, and to otherwise monitor and maintain all vegetation and improvements on the Burdened Land, and the Registered Proprietor will meet any reasonable cost incurred by the Council in carrying out that work.

Name of Authority with the right to release, vary or modify this positive covenant: Liverpool City Council.

Access to the public

The Registered Proprietor grants to the Council and to all members of the public a free, irrevocable licence to use and access the Burdened Land and remain on the Burdened Land during such days and times and for any purpose as nominated from time to time by Council at its sole discretion.

Name of Authority with the right to release, vary or modify this positive covenant: Liverpool City Council.

"**Burdened Land**" means the burdened land specified above.

"**Registered Proprietor**" means the registered proprietor of the land from time to time, and all its heirs, executors, assigns and successors in title to the Burdened Land and, where there are two or more registered proprietors of the land, the terms of this covenant shall bind all those persons jointly and severally.

Execution page

Executed as an agreement.

Dated:

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

General Manager (Signature)	Mayor (Signature)
Name of General Manager (Print Name)	Name of Mayor (Print Name)

Executed by **Vicliz Pty Ltd** in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by authority of its directors.

Director/Secretary (Signature)	Director (Signature)
Name of Director/ Secretary (Print Name)	Name of Director (Print Name)

Planning Agreement

Explanatory Note

1370 Camden Valley Way, Leppington

Marsdens Law Group

Level 1
49 Dumaresq Street
CAMPBELLTOWN NSW 2560

Tel: 02 4626 5077
Fax: 02 4626 4826

DX: 5107 Campbelltown

Ref: 43 3978

11808838_2

Planning Agreement

Explanatory Note

1370 Camden Valley Way, Leppington

1 Introduction

This Explanatory Note has been prepared jointly between the parties in accordance with clause 25E of the *Environmental Planning & Assessment Regulation 2000* (NSW).

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft planning agreement (**Planning Agreement**) between the parties under s7.4 of the *Environmental Planning & Assessment Act 1979* (NSW) (**EPA Act**).

This Explanatory Note is not to be used to assist in construing the Planning Agreement.

2 Parties to the Planning Agreement

The parties to the Planning Agreement are:

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

(2) Vicliz Pty Ltd (ACN 063 429 130) (**Developer**).

3 Description of the Land

The land to which the Planning Agreement relates, and to which the Planning Agreement will be registered, is set out in the table below.

Folio Identifier	Location
Lot E in DP28997	1370 Camden Valley Way, Leppington 2179 NSW

4 Summary of objects, nature and effect of the Planning Agreement

The **objective** of the Planning Agreement is to support the Developer's proposal to change the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* as sought by the Developer under Planning Proposal RZ-1/2017 (LEP Amendment no. 88) (**Instrument Change**), by providing contributions to the public, consisting of public recreation and pedestrian facilities, and ancillary maintenance works on part of the Land coloured yellow and hatched in red labelled SP2 and RE1 on the plan attached at **Annexure 1**.

The offer made by the Developer set out in the Planning Agreement is largely based on the need for public recreation facilities resulting from the Instrument Change and any development permitted to be undertaken on the Land after the Instrument Change is made. The Planning Agreement will assist in the early delivery of recreation facilities, without any additional cost to Council.

The development contributions provided by the Developer under the Planning Agreement are described in the table below and will be delivered prior to the issue of the first residential subdivision certificate in relation to the proposed development on the Land (**Contributions**).

Item of Works	Specification

Social Court	Broom finish concrete surface plaza with outdoor seating and tree plantings. Informal recreation elements (i.e. basketball/netball hoop, bocce court etc). Width 20m, length 20m, area 400m2.
Walking Loop	Broom finished concrete. Width 2.5m, length 180m, area 450m2.
Link Across Riparian Corridor (Boardwalk/Bridge)	Broom finished concrete path connecting to boardwalk spanning riparian corridor. Structure: steel and timber. Decking: recycled plastic. Balustrade: steel and timber. Width 3.5m, length 70m (actual span of boardwalk to be acceptable to Council), area 245m2.
Pedestrian Crossing	Raised, marked pedestrian crossing in accordance with AS 1742.10. Pedestrian refuge to be included, if required. Width 3.6m and length 17m.

As security for the Developer's obligations to pay the Contributions, the Planning Agreement will be registered on the title of the Land and the Developer will provide Council with bank guarantees to ensure completion of the Contributions.

The **nature** of the Planning Agreement is a contractual relationship between the Council and the Developer for providing the Contributions.

The **effect** of the Planning Agreement is that the Developer will provide the Contributions in the manner provided for by the Planning Agreement (as applicable).

5 Assessment of the merits of the Planning Agreement

5.1 The planning purposes served by the Planning Agreement

In accordance with section 7.4 of the EPA Act, the Planning Agreement promotes the following public purposes:

(1) the provision of public amenities and public services; and

(2) the monitoring of the planning impacts of development of the Land.

5.2 How the Planning Agreement promotes the public interest

In accordance with the objects of the EPA Act, the Planning Agreement promotes the public interest in the following manner:

(1) By providing certainty as to provision of the Contributions.

(2) The proper management, development and conservation of land.

(3) The promotion and co-ordination of the orderly and economic use and development of land.

(4) The Planning Agreement will provide an opportunity for involvement and participation by members of the community in development assessment, and are invited to make comment on the Planning Agreement.

5.3 How the Planning Agreement promotes Council's guiding principles

The Planning Agreement promotes a number of Council's guiding principles under section 8A of the *Local Government Act 1993* (NSW), as follows:

(1) the exhibition of the Planning Agreement facilitates the involvement of members of the public in the consultation process for the Planning Agreement;

(2) to plan strategically for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.

(3) to engage in long-term strategic planning on behalf of the local community;

(4) this explanatory note is prepared for the purposes of keeping the community informed about its activities and to ensure that its decision-making is transparent; and

(5) the Planning Agreement makes it clear that Council has a statutory role as consent authority in relation to the development proposal and that the Planning Agreement is not intended to unlawfully influence the exercise of Council's regulatory functions.

6 Identification of whether the Planning Agreement conforms with the Council's capital works program

The Contributions provided under the Planning Agreement are above and beyond the public facilities proposed under the East Leppington Development Contributions Plan, which means they are provided outside the scope of Council's capital works program.

Planning Proposal

Suburb of Wallacia

Amendment to Liverpool Local Environmental Plan 2008 to prohibit cemeteries and crematoria in Wallacia

23 April 2021

LIVERPOOL CITY COUNCIL

LIVERPOOL THE GREAT SOUTH WEST

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Figure 2: Existing land use zoning in the LEP (subject area outlined in red) 5

Introduction

This planning proposal relates to the suburb of Wallacia where it lies within the boundaries of the Liverpool local government area (LGA). The impetus for the planning proposal is to prohibit the development of cemeteries and crematoria within the suburb of Wallacia.

Background

Over many years, Council has received development applications for cemeteries and crematoria in rural areas. During the assessment of these applications, residents nearby have raised concerns regarding these proposals. At its meeting of 28 September 2011, Council resolved to propose amendments to the LEP, including prohibiting cemeteries and crematoria.

In March 2012, a planning proposal was submitted to the then Department of Planning & Infrastructure (the Department) to prohibit the use of cemeteries in rural areas. This planning proposal was not supported by the Department and did not proceed to public exhibition, as the Department deemed there was insufficient consideration on the broader implications for burial space in Greater Sydney.

Following this decision by the Department, Council undertook a review of planning controls for cemeteries and crematoria, considering the broader metropolitan context and best practice.

In November 2013, a subsequent planning proposal was submitted to the Department, proposing the following amendments to the LEP:

- Removal of cemeteries and crematoria as permitted with consent within the RU1 Primary Production, RU4 Primary Production Small Lots, RE1 Public Recreation and RE2 Private Recreation zones.
- Removal of crematoria as a land use permitted with consent in the B6 Business Enterprise zone.
- Addition of crematoria as a land use permitted with consent in the IN2 Light Industrial zone.

The Department allowed the planning proposal to proceed to public exhibition, subject to amendments. The Department supported the removal of cemeteries and crematoria as a land use permitted with consent from the B6 Enterprise Corridor, RE1 Public Recreation and RE2 Private Recreation zones.

However, the Department did not support the removal of cemeteries and crematoria from the RU1 Primary Production zone and the RU4 Primary Production Small Lots zone, as further sub-regional planning for burial lands was to be undertaken. The addition of crematoria to the IN2 Light Industrial zone was also not supported due to potential land use conflict. This LEP amendment (Amendment 36) was finalised in June 2014.

Phase 1 of the Liverpool Local Environmental Plan (LEP) Review (planning proposal) undertaken by Council during 2019 proposed the removal of cemeteries from the IN1 General Industrial, IN2 Light Industrial and IN3 Heavy Industrial zones. This amendment was in response to supporting industrial land use studies. The planning proposal was submitted to the Department of Planning, Industry & Environment (DPIE) in September 2019, however the Gateway determination received in April 2020 did not support the removal of cemeteries from industrial zoned land, therefore this amendment was removed from the planning proposal by DPIE.

On 16 December 2020, Council received an application proposing the staged development of a cemetery consisting of 775,000 burial plots on the banks of the Nepean River at Wallacia. In response, Council raised a notice of motion emphasising the residents' opposition to proposed cemeteries and crematoria, and the importance of preserving the significant rural landscape, agricultural qualities, and cultural heritage values of Wallacia. Accordingly, at its meeting of 24 February 2021, it was resolved that Council:

1. *Direct the CEO to bring to the April Council Meeting a planning proposal similar to that of Penrith City Council seeking to amend our LEP prohibiting cemeteries and crematoriums within Wallacia;*

2. *Write to Wollondilly Council informing them of Penrith's planning proposal and Liverpool's proposed amendment and requesting the same; and*

3. *Notes its opposition to DA-1059/2020, a proposal for the construction of a cemetery at 1290 Greendale Road, Wallacia, housing 775,000 burials.*

This planning proposal has been prepared in response to point 1 of the above Council resolution. The planning proposal seeks to amend Part 7 "Additional Local Provisions" of the LEP to prohibit the development of *cemeteries* and *crematoria* in the suburb of Wallacia.

Report Structure

This Planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 with consideration to DPIE's (formerly DPE's) 'A Guide to Preparing Planning Proposals' (December 2018). Accordingly, the proposal is discussed in the following parts:

- Site Description
- Statutory Planning Framework
- Part 1 – A Statement of the Objectives and Intended Outcome
- Part 2 – Explanation of Provisions
- Part 3 – Justification
- Part 4 – Mapping
- Part 5 – Community Consultation
- Part 6 – Project timeline

Site Description

The suburb of Wallacia lies across the boundaries of the Penrith, Liverpool and Wollondilly local government areas (LGA) and is located approximately 70km west of the Sydney CBD and 23km west of the Liverpool city centre. The subject portion of Wallacia (i.e. within the Liverpool LGA) has an area of 676.92ha and is bound by the Nepean River to the west, the Penrith LGA to the north, the suburb of Greendale to the south and the suburb of Luddenham to the east. The subject area is predominantly characterised by rural allotments (with the minority being large residential lots) and is largely serviced by 3 roads and a tributary of the Nepean River (Duncan's Creek).

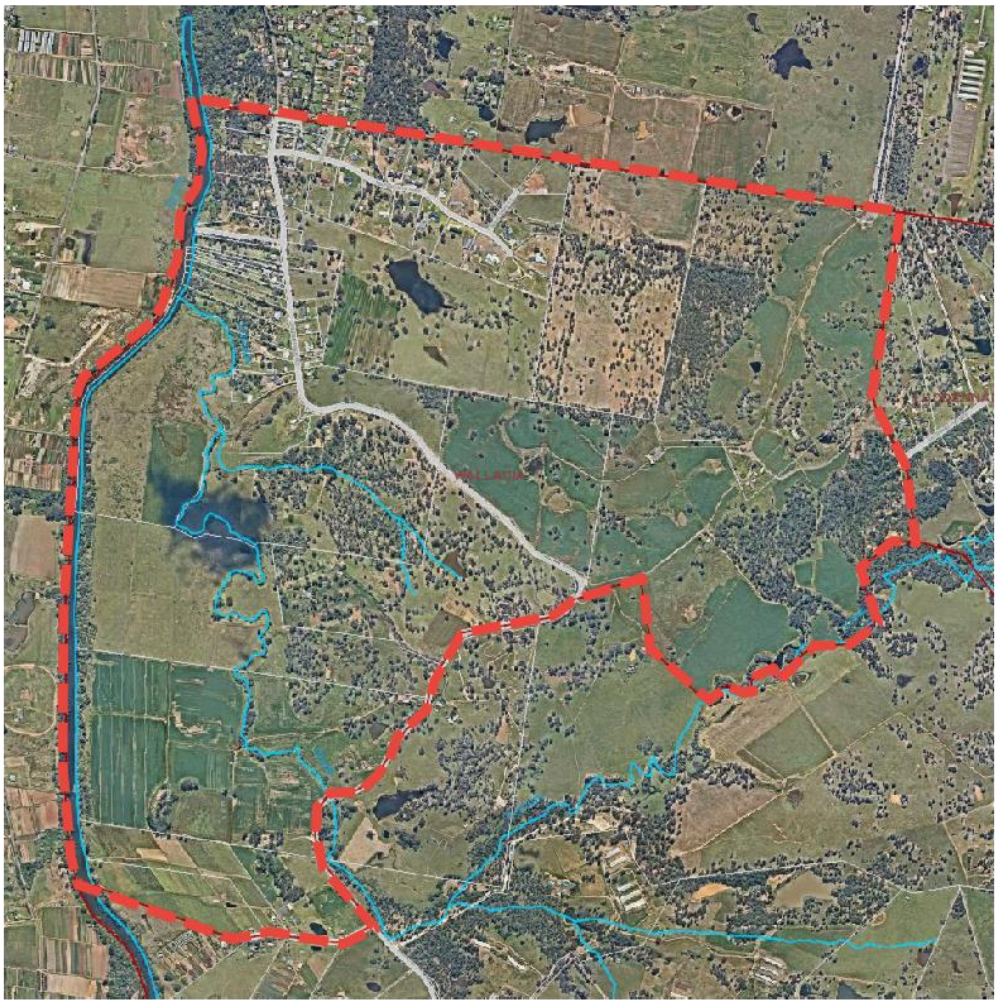


Figure 1: Aerial view of subject area (Nearmap Oct 2020)

Statutory Planning Framework

Liverpool Local Environmental Plan 2008

In accordance with the zoning map of the LLEP 2008, the subject area is predominantly zoned RU1 – Primary Production with the Nepean River being zoned W1 - Natural Waterways, and minor portions being zoned RU4 – Primary Production Small Lots and R5 - Large Lot Residential.

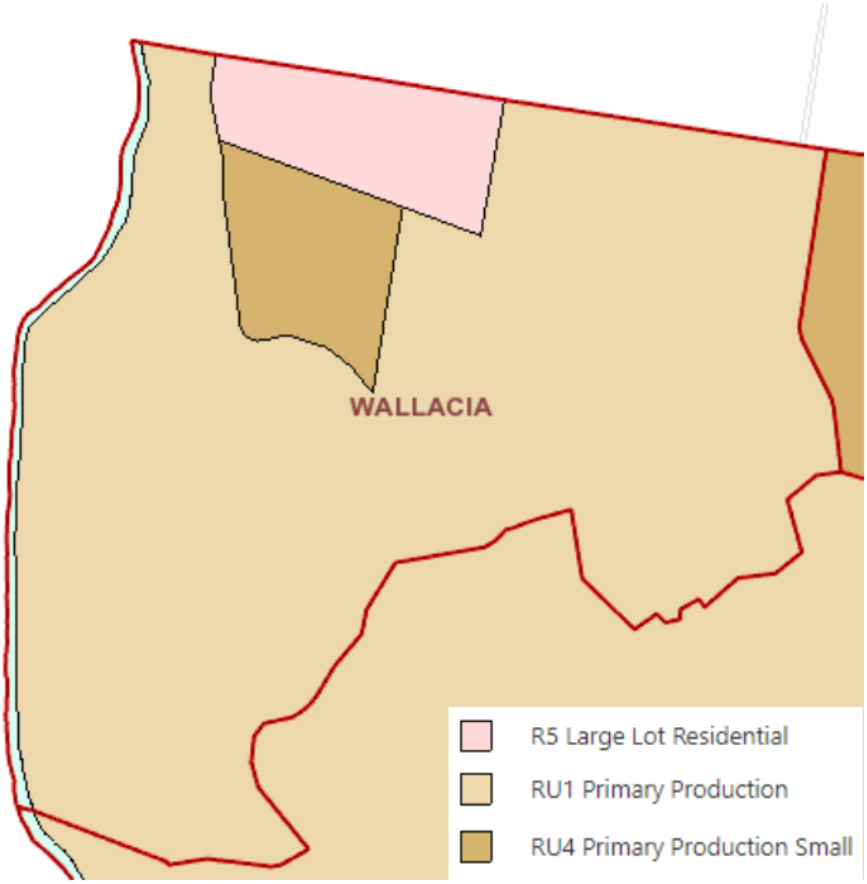


Figure 2: Existing land use zoning in the LEP (subject area outlined in red)

The objectives of the RU1 – Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- *To ensure that development does not hinder the development or operation of an airport on Commonwealth land in Badgery's Creek.*
- *To preserve bushland, wildlife corridors and natural habitat.*

The prohibition of cemeteries and crematoria will meet the objectives of the RU1 zone as it will ensure that land is preserved for bushland, wildlife corridors, natural habitat, and primary industries. Cemeteries and crematoria are crucial to the local community however, their location within rural areas can mean these uses are ill-equipped to deal with the proper drainage and water treatment facilities which can result in the enhanced risk of bacteria and viruses migrating off-site into the natural and built environs. Additionally, many rural roads are not capable of dealing with the additional traffic generation posing traffic safety concerns and increased road maintenance costs to Council.

The objectives of the RU4 – Primary Production Small Lots zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The prohibition of cemeteries and crematoria will meet the objectives of the RU4 zone as it will minimise potential conflict between existing and proposed land uses and ensure that land is preserved for primary industries in perpetuity. Additionally, cemeteries and crematoria are not considered to be intensive in nature. These uses are therefore not in line with the objectives and should be removed from rural land in Wallacia.

The objectives of the R5 - Large Lot Residential zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To provide for complementary uses that are of low impact and do not unreasonably increase the demand for public services or public facilities.*

Cemeteries and crematoria are already prohibited in the R5 zone.

The objectives of the W1 - Natural Waterways zone are:

- *To protect the ecological and scenic values of natural waterways.*
- *To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
- *To provide for sustainable fishing industries and recreational fishing.*
- *To enable the recreational enjoyment or scientific study of the natural environment.*
- *To allow development for water recreation purposes that does not have a significant adverse effect on the natural values of waterways in this zone.*

Cemeteries and crematoria are already prohibited in the W1 zone.

Delegation of plan making functions

This planning proposal seeks to make a minor amendment to the Liverpool Local Environmental Plan 2008. As such, Council is seeking authority of plan making functions pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act").

Part 1 – Objectives and Intended Outcomes

The objective of this planning proposal is to amend the LLEP 2008 to prohibit the development of cemeteries and crematoria in the suburb of Wallacia.

Part 2 – Explanation of provisions

The objective of this planning proposal is to be achieved through an amendment to Part 7 (Division 2) of the LLEP 2008. The amendment proposes to include an additional local provision that:

- Prohibits 'cemeteries' and 'crematoria' in Wallacia (the subject area);

- Excludes the operation of Clause 5.10 (10) *Conservation incentives;* and
- Overrides any other provision of the LEP as it relates to cemetery and crematorium development in the subject area.

Part 3 – Justification

Section A – Need for the planning proposal

3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not a result of any strategic planning statement, strategic study or report.

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered the best means of achieving the objectives and intended outcomes as indicated in Part 1 of this planning proposal. The alternative to the proposed Part 7 amendment is a rezoning of the subject area to a zone that prohibits 'cemeteries' and 'crematoria'. It is recognised that this would achieve the intended outcome of prohibiting such land uses in Wallacia. However, this would also permit additional uses in Wallacia that are not desired, or appropriate given the significant rural landscape and agricultural qualities of the locality.

The proposed Part 7 amendment will prohibit the development of cemeteries and crematoria in Wallacia whilst avoiding the introduction of inappropriate or incompatible uses and maintaining the existing amenity of the subject area.

Section B – Relationship to strategic planning framework.

DPIE's Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site-specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

a. Strategic Merit

The planning proposal will give effect to the relevant regional, sub-regional or district plan or strategies. The most relevant State and District plans that guide the land use direction for the site, are

- Greater Sydney Regional Plan – A Metropolis of Three Cities (GSRP); and
- Western City District Plan (WCDP).

<u>Greater Sydney Regional Plan – A Metropolis of Three Cities (GSRP)</u>

A Metropolis of Three Cities – The Greater Sydney Region Plan (GSRP) aims to rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney. The plan is built on a

vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

Objective 28 of the GSRP is of relevance to the proposed amendment. This objective being "*Scenic and cultural landscapes are protected"*. The proposed amendment will protect the existing character of Wallacia and the broader Metropolitan Rural Area by prohibiting land uses which would detract from the scenic quality of the subject area in perpetuity.

It is noted that Objective 6 (*Services and infrastructure meet communities' changing needs*) of the GSRP addresses cemeteries and crematoria:

> *"Cemeteries and crematoria are key social infrastructure that also need to be accessible geographically and economically, and reflective of a diversity of cultures and backgrounds. A growing Greater Sydney requires additional land for burials and cremations with associated facilities such as reception space and car parking."*

This limits the strategic merit of the planning proposal, in proposing to prohibit cemeteries and crematoria from the suburb of Wallacia. Be that as it may, Council staff see strategic merit in prohibiting such uses in Wallacia to ensure scenic and cultural landscapes are protected and enhanced.

Western City District Plan (WCDP)

The Western City District Plan provides planning priorities to guide the sustainable growth of Western City over the next 20 to 40 years. The District's population is expected to grow by around 464,000 (between 2016 and 2036), and the number of households in Liverpool LGA are expected to grow by 91%.

Planning Priority W16 of the WCDP is "*Protecting and enhancing scenic and cultural landscapes*". The priority is further detailed in the following action:

> *"Enhance and protect views of scenic and cultural landscapes from the public realm."*

Planning Priority W17 of the WCDP is "*Better managing rural areas*". The priority is further detailed in the following action:

> *"Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes."*

Cemeteries and crematoria impact on the viability of agricultural activities as they take up large land holdings in perpetuity and remove the potential for other land uses to occur in the future.

As mentioned in relation to the GSRP, Planning Priority W3 of the WCDP speaks to the future planning of cemeteries and crematoria. As discussed, this limits the strategic merit of the subject proposal. Nevertheless, Council staff see strategic merit in prohibiting such uses in Wallacia to ensure scenic and cultural landscapes are protected and enhanced.

This planning proposal is consistent with the WCDP as it will foster the long-term preservation of the natural environment and scenic landscape within the Metropolitan Rural Area. The proposal takes a place-based approach to removing an inappropriate land use from a specific locality, thereby ensuring that the land is maintained for rural/agricultural purposes, and that residents' concerns are allayed. Accordingly, the proposal will deliver positive environmental, social, and economic outcomes.

Local Strategy

Assessment of the proposal with regards to the Liverpool Local Strategic Planning Statement (LSPS) – *Connected Liverpool 2040* is detailed in Section 3.4.

b. Site Specific Merit

In addition to meeting at least one of the strategic merit criteria, a Planning proposal is required to demonstrate site-specific merit against the following criteria in Table 1 below.

Table 1 - Site Specific Merit

Criteria	Planning Proposal Response
Does the planning proposal have site specific merit with regard to: the natural environment (including known significant environmental values, resources or hazards)?	It is noted that the subject area contains: • *Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion; and* • *Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain Sydney Basin Bioregion.* • *Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion.* The establishment of cemeteries and crematoria (and their associated buildings, infrastructure and increased traffic and general activity), has the potential to adversely affect critical habitat or threatened species, ecological communities, or their habitat. By prohibiting these uses, the likelihood of adverse effects upon flora and fauna is minimised.
The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?	The proposed amendment will enhance the existing character of the area through the prohibition of land uses which would detract from the scenic quality of the subject area. It is anticipated that the proposed amendment will protect existing and future land uses by ensuring that large land holdings and agricultural lands are not sterilised from further development or cultivation in perpetuity.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?	The proposed prohibition will not incur the need for any additional services and infrastructure.

3.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Liverpool Local Strategic Planning Statement (LSPS) – *Connected Liverpool 2040*

The Local Strategic Planning Statement (LSPS) – *Connected Liverpool 2040* is Council's long-term plan to shape Liverpool's future which will help guide the development of Liverpool's suburbs and balance the need for housing, jobs and services as well as parks, open spaces and the natural environment.

Table 2 below demonstrates how the proposed amendment will give effect to the LSPS:

Table 2 - Assessment against the LSPS

Local Planning Priority	Extracts	Assessment
Local Planning Priority 16: Rural lands are protected and enhanced	*Ensure agricultural land is protected and enhanced to support the rural economy, ecosystem services and natural scenic landscapes.* *Manage land use conflict by supporting pre - existing agricultural land uses in the case of nuisance complaints and in a manner consistent with the Right to Farm Policy.*	The proposed amendment will enhance the existing character of the area through the prohibition of land uses which would detract from the scenic quality of the Metropolitan Rural Area. It is anticipated that the proposed amendment will protect existing and future land uses by ensuring that large land holdings in the Metropolitan Rural Area are not sterilised from further cultivation in perpetuity.

3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Several State Environmental Planning Policies apply to the land. The consistency of the planning proposal with pertinent SEPPs has been provided in Table 3 below. SEPPs which the planning proposal will not materially impact nor undermine are omitted from Table 3.

Table 3 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Comment / Consistency
SEPP (Infrastructure) 2007	The Planning Proposal does not include any provisions which would preclude the operation of this SEPP over the subject land.
SEPP No. 55 Remediation of Land	The subject area is predominantly occupied by agricultural land uses, however the Planning Proposal does not propose any development, rather it seeks to prohibit the development of cemeteries and crematoria. Therefore, the proposed prohibition is unlikely to affect the objectives within this policy.
Sydney Regional Environmental Plan No.	The subject area is bordered by the Nepean River to the immediate west and includes one of its tributaries (Duncan's Creek). The proposed

20 – Hawkesbury Nepean River (No. 2 – 1997) -	prohibition is unlikely to affect the objectives within this policy, or the environmental health and quality of the Hawkesbury Nepean River Catchment.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Table 4 - Ministerial Directions Compliance

Ministerial Direction	**Justification**	**Consistent**
1.2 Rural Lands	The Planning Proposal does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone. It does not contain provisions that will increase the permissible density of land within a rural zone. The objective of this direction is to protect the agricultural production value of rural land. Cemeteries and crematoria generally use the land in perpetuity. This Planning Proposal seeks to remove cemeteries and crematoria from the subject area, therefore maintaining the land for rural land uses.	Yes
2.3 Heritage Conservation	This planning proposal seeks to facilitate heritage conservation by including a provision that prohibits cemeteries and crematoria in the subject area, while overriding the operation of Clause 5.10(10) *Conservation incentives* as it relates to cemeteries and crematoria. This is appropriate due to the presence of a heritage item (Remnants of former farm homestead - "Pemberton") within Wallacia. A proponent can seek development consent for a prohibited land use on land containing a building that is a heritage item under Schedule 5 of the LEP. Therefore, the planning proposal seeks only to restrict the operation of Clause 5.10(10) as it applies to the subject area and development for cemeteries and crematoria. It's operation within the subject area will be otherwise unaffected and will result in an outcome consistent with this direction. The Planning Proposal does not propose changes to existing LEP clauses or maps relating to heritage. All future Development Applications will be required to comply with the relevant provisions within the LEP and the Heritage Act.	Yes
2.6 Remediation of Contaminated Land	The subject area includes rural land used for agricultural/horticultural activities. However, the proposal does not seek to rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Nor does it contain provisions that will increase the permissible density of land within a rural zone. The proposal only seeks to prohibit the development of cemeteries and crematoria. Therefore, a preliminary site investigation is not required for this proposal.	Yes
3.5 Development Near Regulated	The site is located within 2.5km of the proposed Nancy - Bird Walton International Airport. The proposed prohibition of	Yes

Ministerial Direction	Justification	Consistent
Airports and Defence Airfields	cemeteries and crematoria will not affect the Obstacle Limitation Surface as identified under the SEPP (Western Sydney Aerotropolis) 2020.	
4.3 Flood Prone Land	The subject area contains flood prone land, particularly on RU1 zoned allotments within the vicinity of the Nepean River and Duncan's Creek. As this proposal only relates to the prohibition of cemeteries and crematoria, it is considered that there will be no inherent flooding impacts.	Yes
4.4 Planning for Bushfire Protection	The subject area is predominately identified as bushfire prone land (with a few allotments being partially bushfire prone). However, this proposal does not propose any development, rather it seeks to prohibit the development of cemeteries and crematoria. Therefore, it is considered that bushfire mitigation measures are not required.	Yes
5.10 Implementation of Regional Plans	Consistency with Greater Sydney Region Plan - A Metropolis of Three Cities is demonstrated in Section 3.3 of this report.	Yes
6.1 Approval and Referral Requirements	The planning proposal does not contain provisions requiring additional concurrence, consultation or referral to a Minister or public authority for future DA's.	Yes
6.2 Reserving Land for Public Purposes	The proposed amendment is for a specific clause to prohibit the development of cemeteries and crematoria within the suburb of Wallacia. The proposal does not affect any land reserved for acquisition.	Yes
6.3 Site Specific Provisions	The proposed amendment is for a specific clause to prohibit the development of cemeteries and crematoria within the suburb of Wallacia. No development standards or requirements are imposed in addition to those already contained in the LEP.	Yes

Section C – Environmental, social, and economic impact

3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject area contains the following vegetation:

- Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion;
- Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain Sydney Basin Bioregion; and
- Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion.

The establishment of cemeteries and crematoria (and their associated buildings, infrastructure and increased traffic and general activity), has the potential to adversely affect critical habitats, threatened species and ecological communities. Accordingly, the proposed prohibition will reduce the likelihood of adverse effects upon flora and fauna.

3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed prohibition of cemeteries and crematoria will *minimise* the occurrence of the following adverse environmental effects:

- Land and groundwater contamination;
- Air pollution;
- Land use conflicts;
- Rural character and visual impacts; and
- Loss of productive agricultural land in the Sydney Basin

3.9 Has the planning proposal adequately addressed any social and economic effects?

Although there are economic benefits associated with the establishment of cemeteries and crematoria (including employment and the establishment of ancillary business), such land uses adversely impact on the potential for agricultural activities to occur.

Cemeteries and crematoria take up large land holdings in perpetuity. This removes the potential for other uses in the future. This planning proposal seeks to remove an inappropriate land use from the subject area thereby opening the land up for rural/agricultural purposes and encouraging local production of fresh food.

Further, this planning proposal seeks to eliminate cemeteries and crematoria from areas where they are not appropriate, thereby directing these uses to more appropriate areas and zones. Council advocates that planning for cemeteries and crematoria would be better considered at the Greater Sydney level, to ensure a broader strategic approach for these facilities.

The protection of rural lands for other economic uses and future residential growth will be achieved with the implementation of this planning proposal. Cemeteries and crematoria are an important social service ideally located along the periphery of economic centres which enhances their integration into open space networks and visitor frequency as these areas are not too far from public transport hubs and employment centres. When these uses occur in rural areas they are often isolated with their visitor frequency limited to private transport modes with little other purpose of travelling to the rural destination other than for burial services or visitation reasons. These uses (outside of their ancillary uses) provide little to no economic or environmental benefits to the local community.

This planning proposal is in accordance with all the planning directives and objectives that recognise the need for the provision of burial space and associated uses, appropriately provides for social infrastructure and services required for the function and use of cemeteries and crematoria, protects rural economies and primary agricultural lands, reserves land for the eventual transition into residential growth areas, mitigates pollution and health concerns associated with cemeteries and crematoria, and protects and conserves the environmental and recreational areas and open space networks. The proposal only has positive social, environmental, and economic outcomes with little to no negative consequences.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

There will be no demands for public infrastructure as part of the proposed prohibition.

3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

As a part of the Gateway determination, the relevant public authorities will be identified who are to be consulted in relation to the planning proposal. The referral advice provided by the public authorities will be considered, following consultation in the public exhibition period.

Part 4 – Mapping

No changes to LEP mapping are required as part of this proposal.

Part 5 – Community Consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for at least 14 days in accordance with DPIE's A Guide to Preparing Local Environmental Plans. The planning proposal exhibition will also be carried out in accordance with Council's Community Participation Plan.

At a minimum, the notification of the public exhibition of the Planning proposal is expected to involve:

- Notification on the Liverpool City Council website

Part 6 – Project Timeline

An anticipated project timeline is shown in Table 5.

Table 5 – Anticipated Project Timeline

Timeframe	Action
June 2021	Submission of Planning Proposal to DPIE
July 2021	Gateway Determination issued
July 2021 – August 2021	State agency consultation
July 2021 – August 2021	Community consultation
August 2021	Consideration of submissions and proposal post-exhibition
October 2021	Post-exhibition report to Council
November 2021	Legal drafting and making of the plan

LIVERPOOL CITY COUNCIL

ADVICE ON PLANNING PROPOSALS
LIVERPOOL LOCAL PLANNING PANEL

3 May 2021

Held Online via
MS Teams

Panel: Michael Mantei (Chair)
Marjorie Ferguson (Expert)
Lindsay Fletcher (Expert)
Stephen Dobell-Brown (Community Rep)

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.

LIVERPOOL CITY COUNCIL

ADVICE OF LIVERPOOL LOCAL PLANNING PANEL **PAGE 1**

3 May 2021

ITEM No:	1
APPLICATION NUMBER:	**RZ 2/2021**
SUBJECT:	Planning proposal to amend Part 7 of Liverpool Local Environmental Plan 2008 to prohibit cemeteries and crematoria in Wallacia

ADVICE OF THE PANEL

The Panel has been provided with a report prepared by Council's strategic planning officers concerning a planning proposal to amend Part 7 of Liverpool Local Environmental Plan 2008 to prohibit cemeteries and crematoria in the locality of Wallacia. The Panel was briefed by Council officers.

The Panel is required to provide Council with advice on the planning proposal prior to consideration by the elected representatives of Liverpool City Council.

The planning proposal follows previous planning proposals in 2013 and 2019 which sought amendments to Liverpool LEP 2008 to prohibit cemeteries and crematoria in various zones. The department of Primary Industry and Planning has refused to allow such a prohibition in rural and industrial zones. The current planning proposal is a direct response to a resolution of Liverpool City Council at its meeting on 24 February 2021 requiring the CEO to bring to the April Council Meeting a planning proposal similar to that of Penrith City Council seeking to amend the Liverpool LEP prohibiting cemeteries and crematoria within Wallacia.

The strategic and site specific merit for the proposal is outlined in the planning proposal justification statement dated 23 April 2021. In essence the Panel understands that the suburb of Wallacia contains areas of special scenic, environmental and agricultural value that are likely to be prejudiced by development for the purposes of cemeteries and crematoria. The Panel understands that the roads within the Wallacia locality are generally not designed to accommodate the large volumes of traffic movements that are often generated by cemeteries and crematoria.

When assessing the strategic merit of the planning proposal, the Panel must consider whether the planning proposal will give effect to the objectives and actions of the Greater Sydney Regional Plan and the Western City District Plan. As the justification statement notes, the strategic merit of the planning proposal is limited by objective 6 of the GSRP, which aim to ensure sufficient provision is made for burials and cremations and associated activities in the Sydney Metropolitan area, but is supported by objective 28 of the GSRP, and priorities 16 and 17 of the WCDP relating to the protection and enhancement of scenic and cultural landscapes.

The planning proposal does not appear to the Panel to be the result of a strategic planning exercise and does not conform with the plan making process prescribed by Part 3 of the *Environmental Planning and Assessment Act 1979*. The location of cemeteries and crematoria is a Metropolitan wide issue and requires strategic planning on a Metropolitan scale. The planning proposal before the Panel, and a similar proposal in the adjoining Penrith LGA, highlight the obvious need for the State Government to strategically address the location of cemeteries and crematoria. Apart from conflicting objectives and priorities in the GSRP and WCDP, there does not appear to be any real attempt by the State Government to plan for these types of land uses at the Metropolitan level.

LIVERPOOL CITY COUNCIL

ADVICE OF LIVERPOOL LOCAL PLANNING PANEL **PAGE 2**

3 May 2021

The Panel considers it is unable to conclude that the planning proposal has strategic merit, solely on the basis of objective 6 of the GSRP. The Panel recommends Council consider joining with Penrith and Wollondilly Shire Council to make a joint representation to the State Government encouraging it to undertake a proper strategic planning study to identify locations within the Sydney metropolitan area that are not primary production resource land, scenic or cultural landscapes, ecologically sensitive including riparian and wildlife corridors, and are provided with an appropriate level of road access.

VOTING NUMBERS:

4-0

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

3 MAY 2021

Application Number:	RZ-2/2021
Proposal:	Planning proposal to amend Part 7 of Liverpool Local Environmental Plan 2008 to prohibit cemeteries and crematoria in Wallacia
Property Address	Suburb of Wallacia
Legal Description:	N/A
Recommendation:	Proceed to Gateway determination
Assessing Officer:	Kweku Aikins, Strategic Planner

1. EXECUTIVE SUMMARY

The planning proposal amends Part 7 (Division 2) of Liverpool Local Environmental Plan 2008 (LLEP 2008) to prohibit 'cemeteries' and 'crematoria' in the suburb of Wallacia.

Wallacia is predominantly characterised by rural allotments (with the minority being large residential lots). The subject area is predominantly zoned RU1 – Primary Production with the Nepean River being zoned W1 - Natural Waterways, and minor portions being zoned RU4 – Primary Production Small Lots and R5 - Large Lot Residential.

Over many years, Council has received development applications for cemeteries and crematoria in rural areas. During the assessment of these applications, residents have raised concerns regarding these proposals. In response, Council raised a notice of motion emphasising the importance of preserving the significant rural landscape, agricultural qualities, and cultural heritage values of Wallacia. Accordingly, at its meeting of 24 February 2021, Council resolved to:

1. *Direct the CEO to bring to the April Council Meeting a planning proposal similar to that of Penrith City Council seeking to amend our LEP prohibiting cemeteries and crematoriums within Wallacia;*

2. *Write to Wollondilly Council informing them of Penrith's planning proposal and Liverpool's proposed amendment and requesting the same; and*

3. *Notes its opposition to DA-1059/2020, a proposal for the construction of a cemetery at 1290 Greendale Road, Wallacia, housing 775,000 burials.*

The planning proposal has been drafted (see **Attachment 1**) as required by the above Council resolution. It is envisioned that cemeteries and crematoria would be prohibited in the suburb of Wallacia, thereby maintaining large parcels of land for primary industries.

Determination of strategic merit and site-specific merit has been assessed in accordance with A guide to preparing planning proposals, as updated and published by the NSW Department of Planning, Industry and Environment in 2018. The proposal has been submitted pursuant to Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and the proposal is referred to the Liverpool Local Planning Panel for advice in accordance with Section 2.19 of the EP&A Act 1979.

On the basis that the planning proposal demonstrates strategic and site-specific merit, this report recommends that the planning proposal proceeds to a Gateway determination.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

3 MAY 2021

2. SITE DESCRIPTION AND LOCALITY

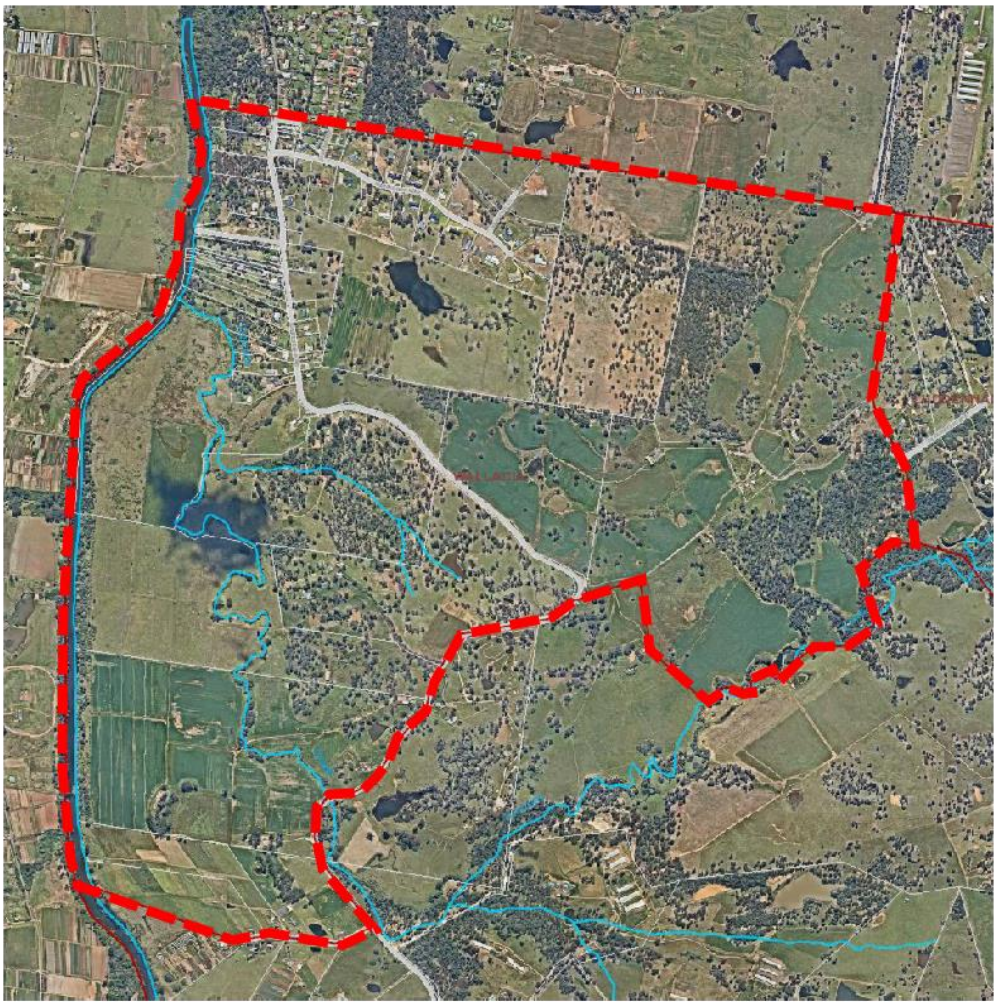


Figure 1: Aerial view of subject site (Nearmap Oct 2020)

The suburb of Wallacia lies across the boundaries of the Penrith, Liverpool and Wollondilly local government areas (LGA) and is located approximately 70km west of the Sydney CBD and 23km west of the Liverpool city centre. The subject portion of Wallacia (i.e. within the Liverpool LGA) has an area of 676.92ha and is bound by the Nepean River to the west, the Penrith LGA to the north, the suburb of Greendale to the south and the suburb of Luddenham to the east. The subject area is predominantly characterised by rural allotments (with the minority being large residential lots) and is largely serviced by 3 roads and a tributary of the Nepean River (Duncan's Creek)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

3 MAY 2021

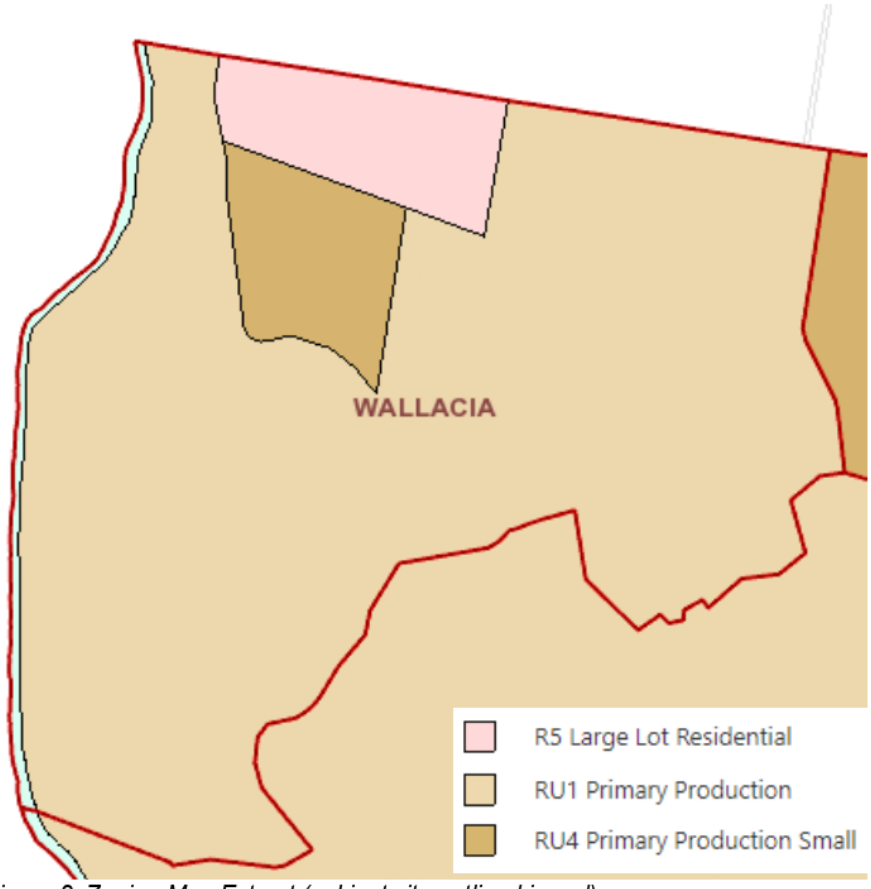


Figure 2: Zoning Map Extract (subject site outlined in red)

3. DETAILS OF THE PROPOSAL

At its ordinary meeting of 24 February 2021, Council resolved to:

1. *Direct the CEO to bring to the April Council Meeting a planning proposal similar to that of Penrith City Council seeking to amend our LEP prohibiting cemeteries and crematoriums within Wallacia;*

2. *Write to Wollondilly Council informing them of Penrith's planning proposal and Liverpool's proposed amendment and requesting the same; and*

3. *Notes its opposition to DA-1059/2020, a proposal for the construction of a cemetery at 1290 Greendale Road, Wallacia, housing 775,000 burials.*

The planning proposal has been drafted as required by the above Council resolution (see **Attachment 1**).

The Proposal

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

3 MAY 2021

The planning proposal amends Part 7 (Division 2) of LLEP 2008 to prohibit 'cemeteries' and 'crematoria' in the suburb of Wallacia.

4. CONSIDERATIONS FOR STRATEGIC MERIT

In summary, the proposed amendment is deemed to have strategic merit as outlined within the planning proposal justification report (**Attachment 1**). The proposal will prohibit undesirable land uses within the subject locality.

The proposal gives effect to the Metropolitan and District Plan, as well as the Liverpool Local Strategic Planning Statement (LSPS). Council staff deem that the proposal will ensure scenic and cultural landscapes are protected and enhanced. Further, the proposal will ensure that that large land holdings in the Metropolitan Rural Area are not sterilised from further cultivation in perpetuity.

It is noted that Objective 6 (*Services and infrastructure meet communities' changing needs*) and Planning Priority W3 (*Providing services and social infrastructure to meet people's changing needs*) both address cemeteries and crematoria:

> *"Cemeteries and crematoria are key social infrastructure that also need to be accessible geographically and economically, and reflective of a diversity of cultures and backgrounds. A growing Greater Sydney requires additional land for burials and cremations with associated facilities such as reception space and car parking."*

This limits the strategic merit of the planning proposal, in proposing to prohibit cemeteries and crematoria from the suburb of Wallacia. Be that as it may, Council staff see strategic merit in prohibiting such uses in Wallacia to ensure scenic and cultural landscapes are protected and enhanced and productive agricultural land is protected.

The proposed amendment has also been assessed against the current zoning objectives of the site and considered the DCP controls applying to the locality. Finally, consideration has been given to the relevant 9.1 Ministerial Directions and State Environmental Planning Policies to confirm consistency.

5. CONSIDERATIONS FOR SITE SPECIFIC MERIT

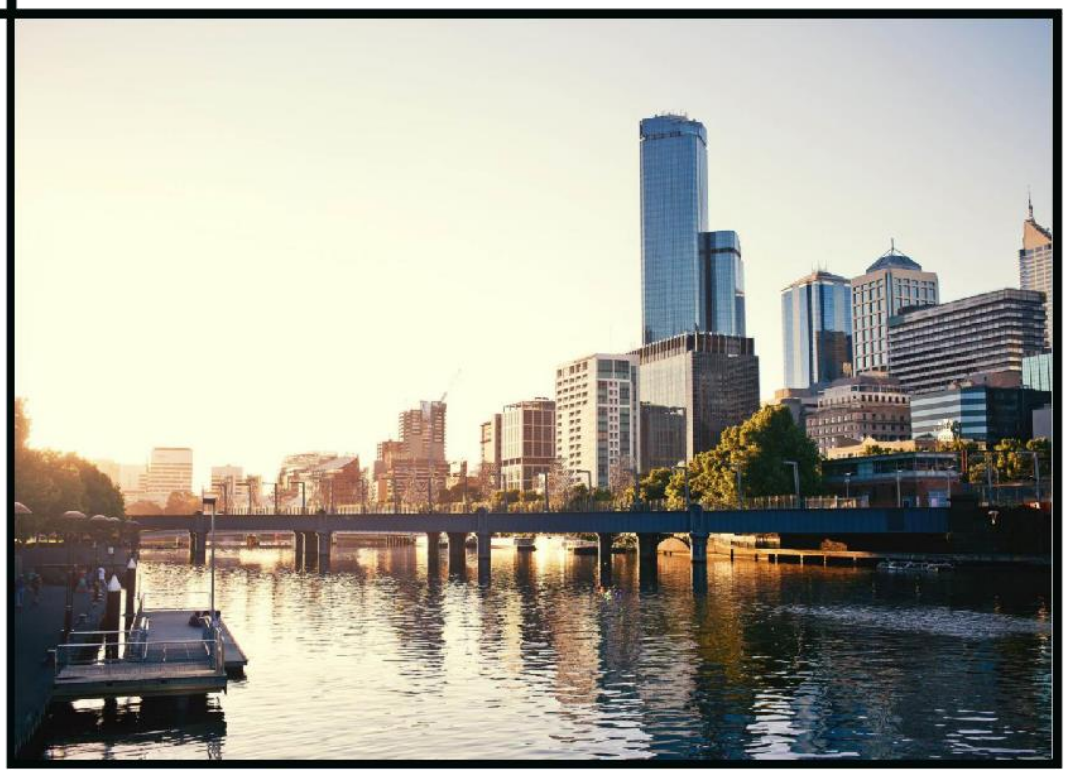
In summary, the proposed amendment is deemed to have site specific merit as outlined within the planning proposal justification report (**Attachment 1**). It is noted that the subject area is constrained in regard to flooding, bushfire threat, and land contamination. However, the proposal does not facilitate additional development, rather it seeks to prohibit undesirable land uses. Accordingly, supporting studies will not be required for the proposed prohibition.

6. CONCLUSION

It is recommended that the planning proposal proceeds to a Gateway determination as the proposal has demonstrated strategic and site-specific merit and is consistent with the resolution of Council.

7. ATTACHMENTS

1. **Planning Proposal**
2. **Council Resolution**



PLANNING PROPOSAL

193 Macquarie Street and
77-83 Moore Street, Liverpool

Prepared for
ARCHER & BECKETT PTY LTD
18 January 2021

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Report Number	FINAL

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1. INTRODUCTION

This Planning Proposal has been prepared by *Urbis Pty Ltd* (Urbis) on behalf of *Archer and Beckett Pty Ltd* (the Proponent) and seeks an amendment to the Liverpool Local Environmental Plan 2008 (LLEP 2008) for the land at 193 Macquarie Street and 77-83 Moore Street, Liverpool (the Site).

The Planning Proposal seeks to relocate the Site from 'Area 11' to 'Area 8' on the Floor Space Ratio (FSR) Map in the LLEP 2008. This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The intended outcome of this Planning Proposal is to amend LLEP 2008 to enable the Site's redevelopment for a future mixed-use development to support the growth of jobs and homes in the Liverpool city centre – a metropolitan centre.

In conjunction with the broader strategic vision for Liverpool, the proposed amendment to the LLEP 2008 provides the opportunity to enhance employment generating uses within the Liverpool CBD. Beyond the additional commercial floorspace generated by the proposal, there are several public benefits which can be delivered as part of the Site's potential redevelopment. Subject to detailed design and discussions with Council at the future DA stage, these benefits include:

- Ground floor active uses to revitalise the public domain and streetscape;
- The inclusion of residential floor space which will bring people back into the Liverpool city centre and create a sense of community;
- Overall net increase in commercial floor space which will strengthen the town centre by creating jobs;
- Greater access to local businesses to service the day-to-day needs of existing and future residents;
- Excellent amenity and access provided to Liverpool Plaza and nearby public transport; and
- A potential through-site link between Macquarie Street Mall and Davis Serviceway.

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act with consideration of the NSW Department of Planning, Industry and Environment (DPIE) *'A guide to preparing planning proposals'* and *'a guide to preparing local environmental plans'*, August 2016.

This Planning Proposal is structured as follows:

- **Section 2 –** provides a description of the Site and context.
- **Section 3 –** provides a summary of the relevant strategic planning policies and directions.
- **Section 4 –** provides a summary of the relevant statutory planning legislation and controls.
- **Section 5 –** provides a description of the proposed concept design.
- **Section 6 –** summarises the compelling reasons why Liverpool City Council should resolve to support the Planning Proposal and initiate the proposed amendments to the LLEP 2008.
- **Section 7** – includes:
  - Part 1 – A statement of the objectives and intended outcomes of the proposed instrument.
  - Part 2 – An explanation of the provisions that are to be included in the proposed instrument.
  - Part 3 – The justification for those objectives, outcomes, and the process for their implementation.
  - Part 4 – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
  - Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.
  - Part 6 – A project timeline to detail the anticipated timeframe for the plan making process.

The Planning Proposal is supported by the following technical documentation:

- Urban Design Report (**Appendix A**);

- Addendum Heritage Statement (**Appendix B**); and
- Survey Plan (**Appendix C**).

2. BACKGROUND

2.1. INITIAL PLANNING PROPOSAL

A Planning Proposal for the Site at 193 Macquarie Street and 77-83 Moore Street was submitted on 20 June 2014. This Planning Proposal sought to:

- Rezone the Site from B3 Commercial Core to B4 Mixed Use;
- Amend the FSR Map to increase the maximum FSR from 3:1 to 6:1; and
- Amend the Height of Buildings (HOB) Map to increase the maximum building height from 18 metres to 70 metres.

This Planning Proposal was further modified in 2015 as follows:

- Further increase the maximum building height from 70 metres to 100 metres;
- Amend the design of the foreshadowed development on the Site to incorporate an elliptical tower on the podium (where the original proposal envisaged a square tower); and
- Relinquish previous requests to increase the FSR on the Site, subject to Council's request to incorporate more commercial floor space.

This Planning Proposal was subsequently gazetted on 22 March 2019 under Amendment 56 (refer to **Section 2.3** below for further details on Amendment 56).

2.2. LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT NO. 52)

On 5 September 2018, LLEP 2008 (Amendment 52) was gazetted which covered an area of 25 hectares in the Liverpool city centre. The purpose of this amendment was to encourage new businesses into the city centre and double the residential population while fostering Liverpool's vision for a modern, walkable, and vibrant 24-hour economy in the CBD.

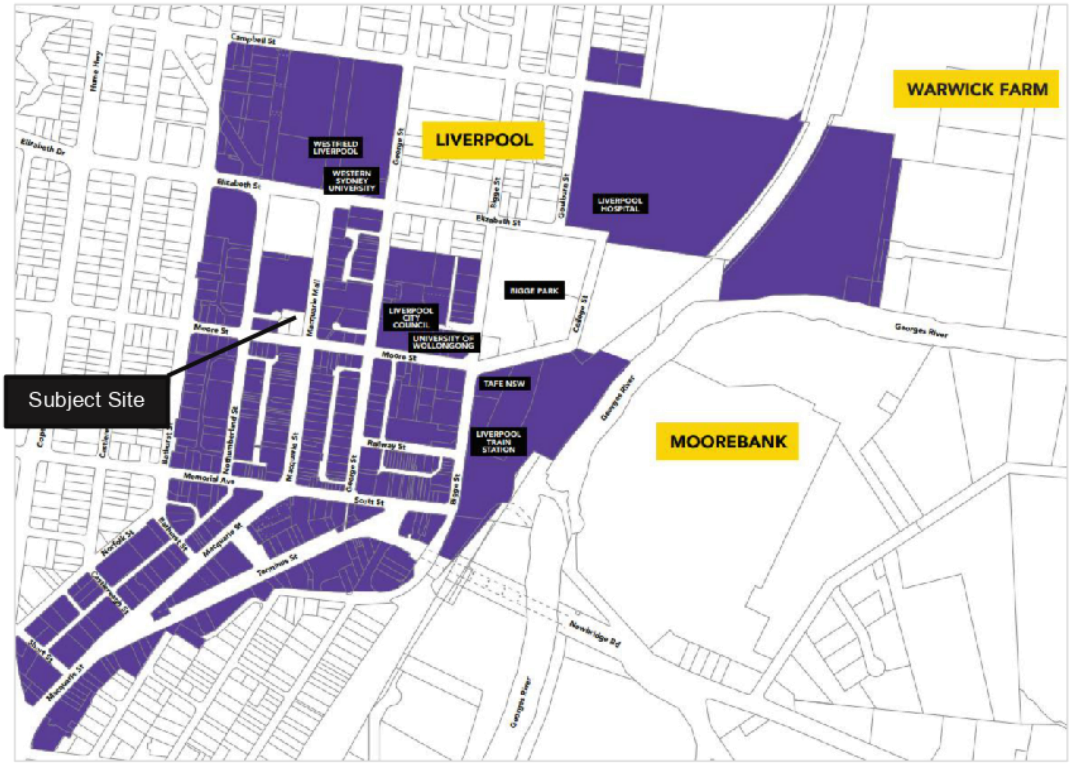
Lodged in 2015, the Planning Proposal rezoned the majority of the B3 Commercial Core zoned land in the city centre to B4 Mixed Use. The area of land rezoned under Amendment 52 is shown in **Figure 1** below.

In addition to rezoning the land, Amendment 52 also introduced Clause 7.5A to support large scale development on certain land within the city centre. Specifically, Clause 7.5A states:

> *(1) This clause applies to land development on land that:*
>
> > *(a) is identified as "Area 8", "Area 9" or "Area 10" on the Floor Space Ratio Map, and*
> >
> > *(b) has a lot size exceeding 1500m^2, and*
> >
> > *(c) has 2 or more street frontages.*
>
> *(2) Despite clauses 4.3 and 4.4, if at least 20% of the gross floor area of a building is used for the purposes of business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, food and drink premises, functions centres, information and education facilities, medical centres, public administration buildings or retail premises:*
>
> > *(a) the height of the building may exceed the maximum height shown for the land on the Height of Buildings Map, and*
> >
> > *(b) the maximum floor space ratio of the building may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map but must not exceed:*
> >
> > > *(i) in relation to a building on land identified as "Area 8" or "Area 10" on the map—10:1, or*
> > >
> > > *(ii) in relation to a building on land identified as "Area 9" on the map—7:1.*

Given that the Site at 193 Macquarie Street and 77-83 Moore Street was subject to a separate Planning Proposal at the time that Amendment 52 was being considered, the Site was not captured within the changes adopted by Amendment 52.

Figure 1 – Area Rezoned by Amendment 52 of the LLEP 2008



Source: Liverpool City Council (2018)

2.3. LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT NO. 56)

The rezoning of land in the Liverpool city centre and the introduction of Clause 7.5A under Amendment 52 facilitated floor space incentives, increased the maximum building height, and facilitated additional uplift for most sites in the city centre, subject to meeting the relevant criteria. These incentives were introduced by classifying certain sites as either 'Area 8', 'Area 9' or 'Area 10' on the LLEP 2008 FSR Map.

As shown in **Figure 1** above, the Site at 193 Macquarie Street and 77-83 Moore Street was excluded from the Liverpool city centre Planning Proposal that was gazetted under Amendment 52. The reason for its exclusion is that the Site was the subject of a separate Planning Proposal that was lodged in 2014 (as set out in **Section 2.1**), prior to the changes proposed under Amendment 52 which subsequently emerged in 2015.

The Planning Proposal for the Site at 193 Macquarie Street and 77-83 Moore Street (originally submitted on 20 June 2014) was subsequently gazetted as Amendment 56 in March 2019. Amendment 56 applies to the Site which is identified 'Area 11' on the FSR Map.

Despite forming part of a block which is predominantly identified as 'Area 8' and subject to incentivised floor space and height controls, the Site is restricted to a maximum FSR of 3:1 and a maximum building height of 100m. As a result, the current FSR of 3:1 does not allow a built form on site which reflects the 100m maximum building height. This Planning Proposal seeks to address this inconsistency.

2.4. CURRENT PLANNING PROPOSAL

On 27 February 2020, a Planning Proposal was submitted to Liverpool City Council by the Proponent which sought to amend the LLEP 2008 to correct an inconsistency in the planning controls that apply to the Site. The Planning Proposal sought to reclassify the Site at 193 Macquarie Street and 77-83 Moore Street from 'Area 11' to 'Area 8' on the FSR Map of LLEP 2008.

Although Council recognised the strategic merit of the Proposal, further information was requested to address the potential environmental impacts associated with the proposal, including:

- Traffic and parking;
- Economic impacts; and
- Public benefits.

In addition, Council also requested the following supporting documentation:

- Concept plans for an indicative building envelope;
- Addendum Heritage Statement;
- Survey Plan; and
- Economic Impact Assessment.

This revised Planning Proposal intends to address the matters raised within Council's request for further information (dated 31 March 2020). The revised Planning Proposal also aims to realise the Site's full potential for mixed use development within the Liverpool CBD so that it can make a positive contribution to the area and deliver economic, social and environmental benefits to the community.

3. SITE ANALYSIS

3.1. THE SITE AND EXISTING DEVELOPMENT

The Site is known as 193 Macquarie Street and 77-83 Moore Street, Liverpool and has a total area of 1,931m². It is legally described as Lot 2 in DP 1189772 and Lot 1 in DP 628824. The Site is generally level and rectangular in shape. It currently comprises aged low-rise retail buildings and at-grade car parking. Images of the existing Site are provided in **Figure 2** below.

Figure 2 – Images of the Existing Site

Picture 1 – Site Viewed from Moore Street

Picture 2 – Site Viewed from Corner of Moore Street and Macquarie Street

Picture 3 – Site Viewed from Liverpool Plaza

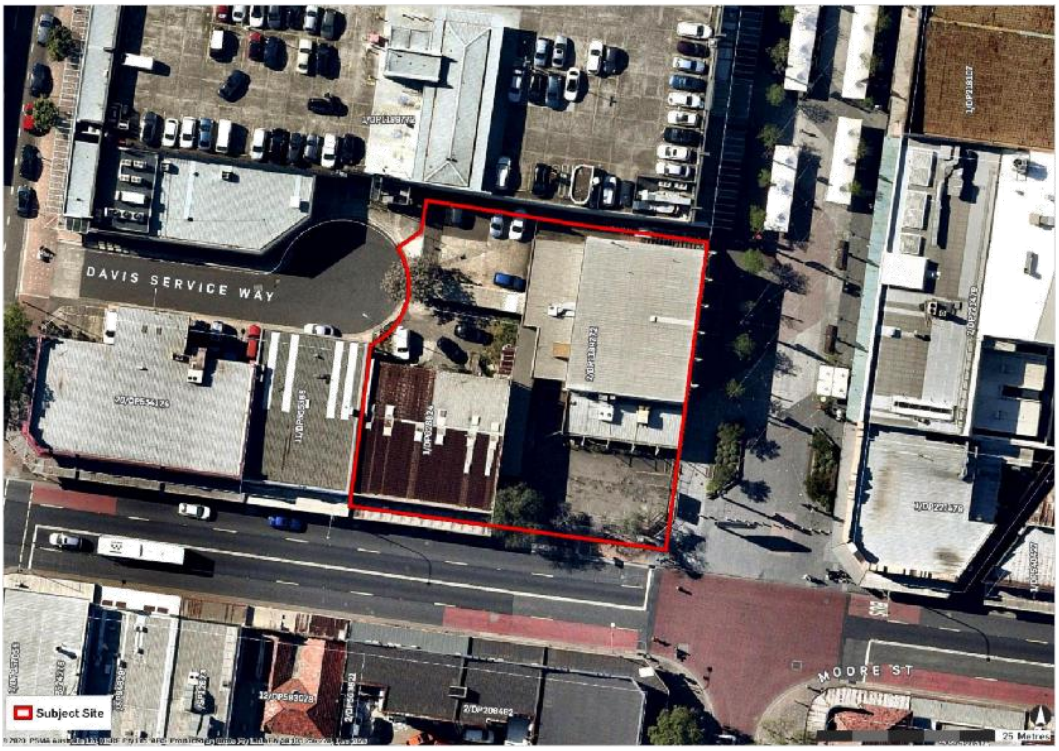
Picture 4 – Site Viewed from Davis Serviceway

Source: Google Maps (2020)

The Site is in the Liverpool city centre within the Liverpool Local Government Area (LGA) approximately 13 kilometres south-west of the Parramatta CBD and 27 kilometres west of the Sydney CBD. The Site is surrounded by the following land uses:

- Directly north of the Site is a mix of low-rise retail premises as part of Liverpool Plaza. Further north is St Luke's Anglican Church and Westfield Liverpool. North-east of the Site is All Saints Catholic College and Church. Immediately north-west are commercial and industrial areas with residential suburbs beyond.
- Directly south of the Site along Macquarie Street are a line of retail shops, with industrial and residential development located further south. Existing residential development comprises a mix of apartment buildings, generally three-storeys in height amongst recently constructed high-rise developments.
- Directly east of the Site is the pedestrianised Macquarie Street Mall. The University of Wollongong Campus is located further east along with Liverpool Courthouse, Liverpool Police Station and Bigge Park. Liverpool City Council and Liverpool Library are located approximately 400m east of the Site and TAFE Liverpool campus and Liverpool Hospital are beyond.
- Directly west of the Site is a mix of retail and industrial uses with residential areas comprising two to three storey apartments beyond.

Figure 3 – Aerial Image of the Site



Source: Nearmap (2020)

3.2. DESCRIPTION OF LOCATION

The Site is positioned adjacent to Liverpool Plaza within the heart of the Liverpool city centre and is accessible from Davis Serviceway to the rear and Moore Street to the south. The surrounding area comprises a mix of retail and commercial uses focused around Macquarie Street and Elizabeth Drive which are undergoing urban redevelopment. Several development applications (DAs) are currently with Council for high-rise mixed use buildings in this area.

The Liverpool city centre has been identified as Sydney's third CBD by the Greater Sydney Commission (GSC) and is expected to become a regionally significant location for commercial and retail businesses and the health and education sectors, as well as a gateway to the Western Sydney (Nancy-Bird Walton) Airport.

Figure 4 – Location Plan

Source: Urbis (2020)

3.3. SURROUNDING ROAD NETWORK

The Site is located approximately 350 metres east of the Hume Highway and 2 kilometres north of the M5 South Western Motorway. The M5 Motorway is a major arterial highway that links Sydney's southern suburbs surrounding the Sydney Airport to Sydney's outer South Western suburbs.

3.4. PUBLIC TRANSPORT

The Site has excellent access to public transport and is within 450m walking distance of the Liverpool Railway Station which connects to major centres including Parramatta, Bankstown and Sydney Central. Liverpool Railway Station is an interchange station located on the T2 Parramatta Inner West and Leppington Line, T3 Bankstown Line and T5 Cumberland Line. Services on these lines generally operate every five to ten minutes in each direction during peak periods.

Local and regional bus services through the area are provided by Sydney Buses. There are bus stops available on Northumberland Street, Moore Street and Elizabeth Drive. Bus services in the area comprise the following routes:

- (801) Badgerys Creek to Liverpool
- (802), (804), (806) Liverpool to Parramatta
- (805) Liverpool to Cabramatta
- (808) Liverpool to Fairfield
- (819) Liverpool to Prairiewood
- (827), (851), (852) Carnes Hill Marketplace to Liverpool

- (853), (854) Carnes Hill to Liverpool
- (855) Rutleigh Park to Liverpool
- (856) Bringelly to Liverpool
- (857) Narellan to Liverpool
- (865), (866) Casula to Liverpool
- (869) Ingleburn to Liverpool
- (870), (871), (872) Campbelltown to Liverpool
- (T80) Liverpool to Parramatta

Liverpool Railway Station provides a key intermodal transport interchange for local and regional bus services operating in the area.

3.5. FUTURE TRANSPORT STRATEGY 2056

In August 2019, the NSW Government's Future Transport 2056 Strategy was announced which identified the State government's current 40-year vision for the Sydney rail network. The strategy identified future investigations to be undertaken by Transport for NSW (TfNSW) including a rapid transit connection between the future Western Sydney (Nancy-Bird Walton) Airport and Aerotropolis to Liverpool, and an extension to the Sydney Metro Southwest from Bankstown to Liverpool within the long term (20+ years).

In line with the GSC's vision for a third CBD in Sydney, the Fifteenth Avenue Smart Transit (FAST) Corridor was announced in early 2020. The FAST corridor will deliver a high quality public transport link between the Liverpool CBD and Western Sydney (Nancy-Bird Walton) Airport. Under the Western Sydney City Deal, the NSW Government has committed to a rapid bus connection between the Airport, the new Aerotropolis and the Liverpool CBD by 2026.

Early design work has commenced on the preferred FAST corridor option and Liverpool Council has recently commissioned a Design Framework which provides options for how the transport corridor might be delivered. The indicative transit corridor is proposed to run along Moore Street which will continue to Western Sydney Airport. However, the exact location of stations will be confirmed in due course.

4. STRATEGIC PLANNING CONTEXT

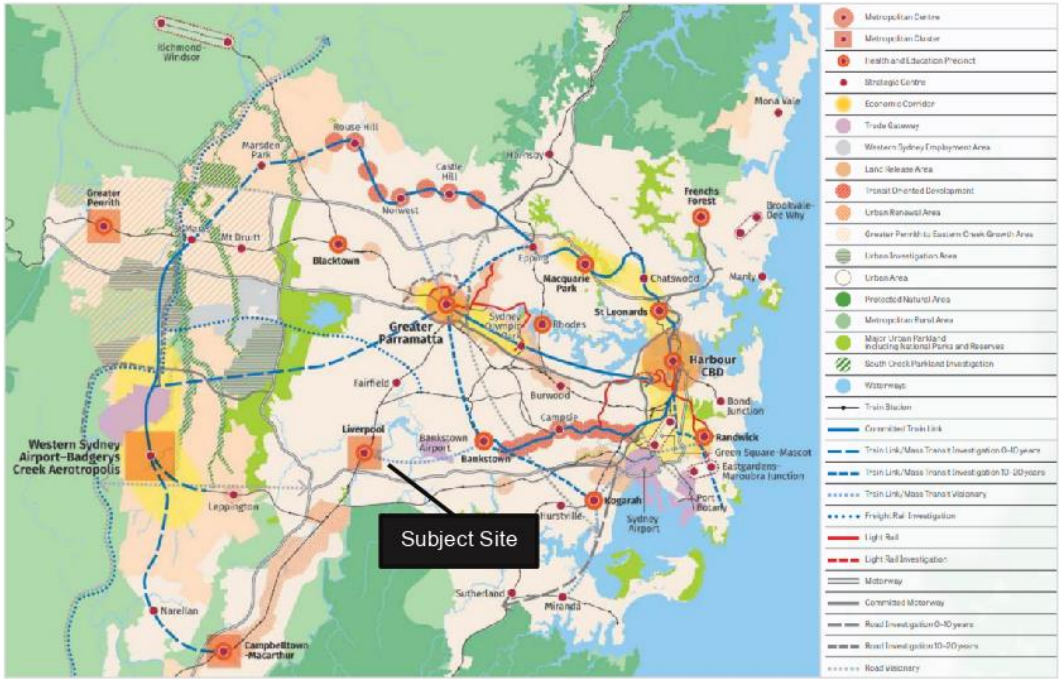
4.1. GREATER SYDNEY REGION PLAN: A METROPOLIS OF THREE CITIES

The *Greater Sydney Region Plan: A Metropolis of Three Cities* (Region Plan) was finalised by the GSC in March 2018 and provides a 40-year vision to (2056). It also establishes a 20-year plan to manage growth and change for the Greater Sydney region.

The Region Plan is built on a vision of three cities, 'where most residents live within 30 minutes of their jobs, education and health facilities, services, and great places'. It identifies four key themes – infrastructure and collaboration, liveability, productivity, and sustainability. Within these four themes, a set of planning priorities and actions are identified to achieve the Region Plan's vision. The Region Plan includes a high level structure plan identifying key centres, employment areas, and important infrastructure contributions.

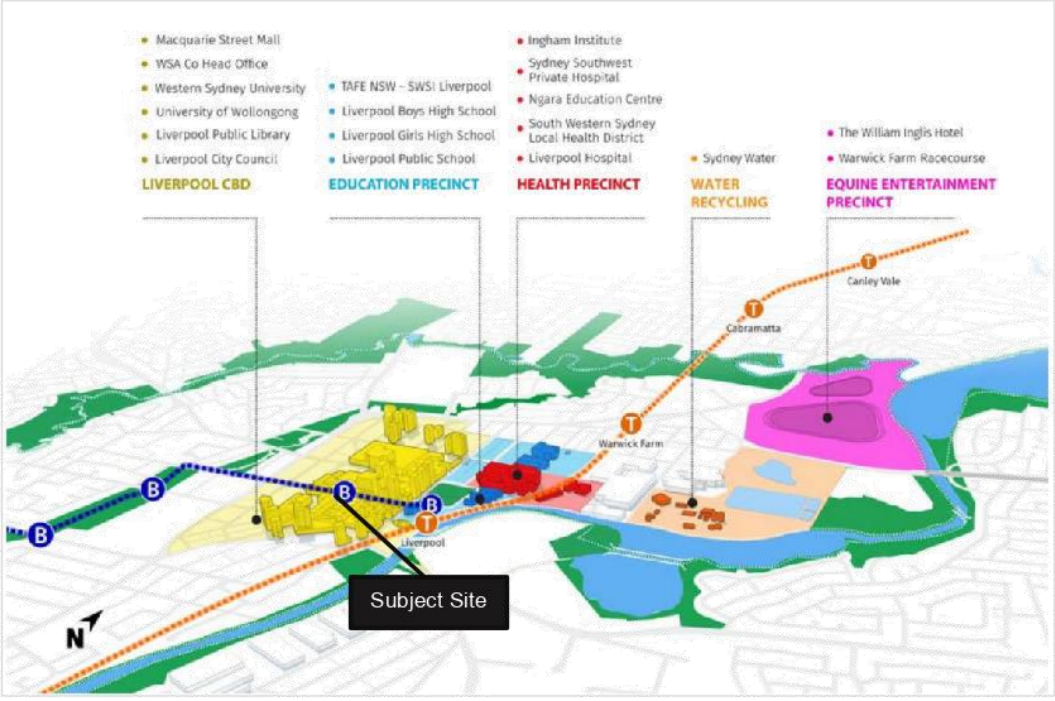
Under the Region Plan, the Site is in the Western District and lies within the Liverpool CBD which is identified as a Metropolitan Cluster. This is shown in **Figure 5** below. The Liverpool CBD is earmarked for future transport infrastructure including a new train link to Bankstown and forms part of the metropolitan cluster serving the Western Parkland City. Its fundamental role in providing commercial activities for Western Sydney's growing population creates the need for ongoing urban growth that leverages off the existing services illustrated in **Figure 6**.

Figure 5 – Sydney Region Plan's Structure Plan



Source: Greater Sydney Commission (2018)

Figure 6 – Liverpool Central Business District



Source: Greater Sydney Commission (2018)

The Region Plan sets ten directions to achieve 'a metropolis of three cities'. Under each direction, a series of objectives and actions are identified. This Planning Proposal contributes to the 30-minute city vision and specifically addresses the following directions and objectives listed under the Region Plan.

A city supported by infrastructure sets a direction ensuring growth is supported by essential infrastructure. The Site benefits from existing infrastructure, such as the T2 Parramatta Inner West and Leppington Line, T3 Bankstown Line and T5 Cumberland Line as well as the Hume Highway and M5 South Western Motorway.

A city for people, housing the city, and ***a city of great places*** directions aim to give people better access to housing, transport and employment as a well as social, recreational, cultural and creative opportunities. Development in proximity to jobs and transport infrastructure is identified to be of critical importance in the delivery of the 30-minute city vision. Uplift around existing employment centres and infrastructure provides opportunities for creating capacity for new housing that benefit from the local services. The proposal can accommodate almost 15,000m^2 of residential floor space within a variety of dwelling typologies to meet the growing populations needs.

A well-connected city and jobs and skills for the city outlines strategies and actions to rebalance opportunities for all residents to have greater access to jobs, shops and services. The Region Plan identifies the need for integrated land use and transport to create walkable and 30-minute cities. The Site's proximity to Liverpool Railway Station and its location within the Liverpool city centre has the potential to create new job opportunities and greater access to shops and services. The proposal also responds to the GSC'S vision to create a 30-minute city, by leveraging off local and regional transport connections offered by Liverpool Railway Station and surrounding bus routes.

The Planning Proposal is consistent with the Region Plan, as it responds to the following:

- *A city supported by infrastructure*
  - Objective 1: Infrastructure supports the three cities
  - Objective 2: Infrastructure adapts to meet future needs

  - Objective 4: Infrastructure use is optimised
- *Housing the city*
  - Objective 6: Services and infrastructure meet communities' changing needs
  - Objective 10: Greater housing supply
  - Objective 11: Housing is more diverse and affordable
- *A well-connected city*
  - Objective 14: *A Metropolis of Three Cities* – Integrated land use and transport creates walkable and 30-minute cities
  - Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive
- *Jobs and skills for the city*
  - Objective 21: Internationally competitive health, education, research, and innovation precincts
  - Objective 22: Investment and business activity in centres
  - Objective 24: Economic sectors are targeted for success

4.2. WESTERN CITY DISTRICT PLAN

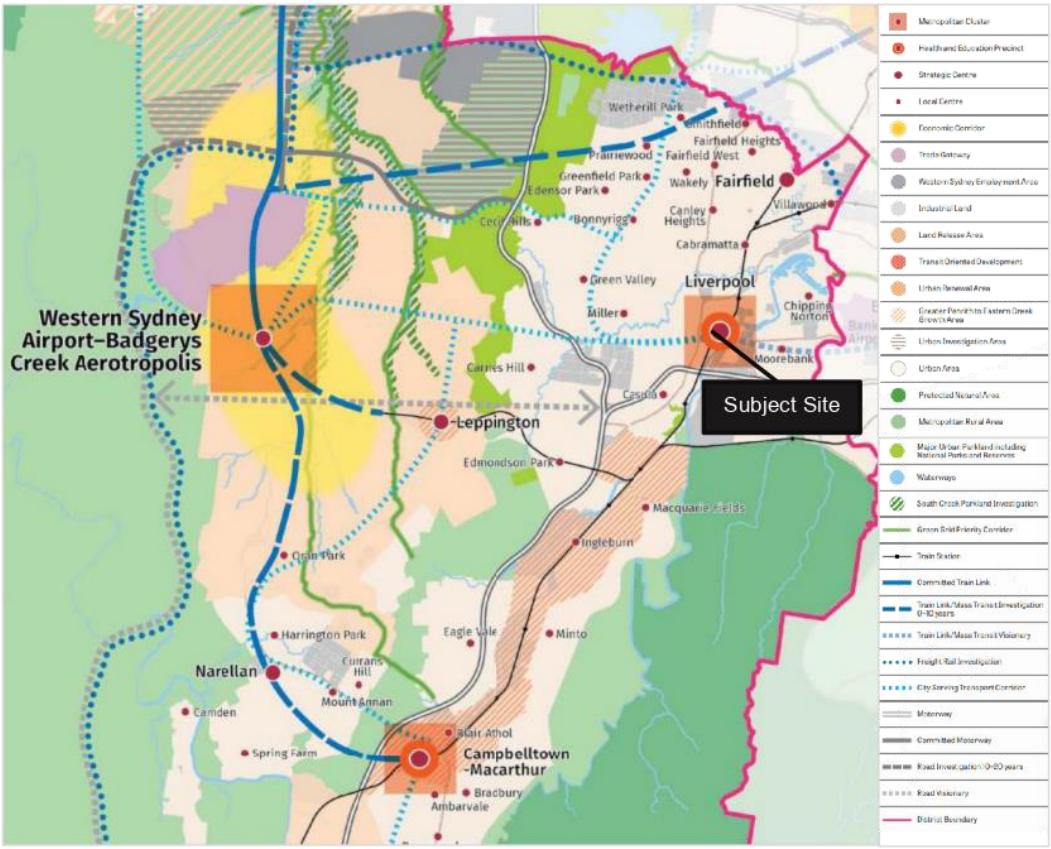
The *Western City District Plan* (District Plan) was finalised by the GSC in conjunction with the Region Plan in March 2018 and fulfils the directions and objectives of the Region Plan.

The Site is located within the Western City District. The District Plan sets out planning priorities and actions for improving the quality of life for residents and aims to deliver on the vision of the Region Plan at a district level.

The GSC has identified a five-year housing target that is based on both the Western City District's dwelling need and the opportunity to deliver additional housing supply. The Liverpool LGA is to provide 8,250 additional dwellings by 2021, which represents 20% of the 39,850 dwellings required across the entire Western District. The GSC has also identified a minimum 20-year housing target of 184,500 dwellings to be delivered within the Western District by 2036. The Liverpool city centre is identified as a Metropolitan Cluster as shown in **Figure 7** below.

The GSC identifies Metropolitan Clusters as an essential component of the three-city vision, specifically within the emerging Western Parkland City. Liverpool is identified as one of the four centres that will deliver metropolitan functions of providing concentrations of higher order jobs and a wide range of goods and services.

Figure 7 – Western Sydney District Plan's Structure Plan



Source: Greater Sydney Commission (2018)

The Planning Proposal is consistent with the Western District Plan as it aligns with the following Planning Priorities:

Planning Priority W1: Planning for a city supported by infrastructure

The Site is located close access to public transport and other essential community service infrastructure. Specifically, the Site is located among the Liverpool Hospital, the Ingham Institute of Applied Medical Research and the clinical schools of the University of NSW and Western Sydney University, South West Private Hospital and South Western Sydney TAFE. The Site's access to major health and education services and public transport makes it an ideal location to facilitate further development uplift, particularly comprising commercial and residential land uses which can leverage off existing infrastructure.

Planning Priority W5: Providing housing supply, choice and affordability with access to jobs, services and public transport

The Site can provide housing in a mixed-use area comprising a variety of dwelling typologies which will contribute to Liverpool City Council's dwelling target of 87,261 by 2026. Given the Site's optimal location within the heart of the Liverpool city centre and near Liverpool Station, it has good access to jobs in other major centres and emerging CBDs throughout Greater Sydney. Additionally, the Site is co-located amongst a range of education and health services that can support the daily needs of residents.

Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage

The Site currently comprises low rise, poorly kept retail buildings. This Proposal will renew the Site through a future DA to align with the vision for the Liverpool CBD, enhancing its commercial and

residential potential among the bustling city centre. The Addendum Heritage Statement at **Appendix B** identifies that the proposed uplift can be achieved without resulting in any additional adverse impacts on surround heritage items and areas.

Planning Priority W9: Growing and strengthening the metropolitan cluster

Critical to achieving the vision for the Western Parkland City is investment within the Metropolitan cluster. The Site is located within the Liverpool CBD which is identified as a Metropolitan Cluster. In line with the aims of the Liverpool Metropolitan Cluster, this Proposal will increase housing diversity and promote housing affordability by increasing the supply of housing. The proposed uplift will ultimately increase the commercial floor space capacity at the Site and provide greater employment space near the health and education precinct. The provision of active ground floor uses, commercial within the podium and residential uses above near Liverpool Plaza will also support the night-time economy. The Site and future mixed-use development will leverage off the existing transport infrastructure to support the GSC's vision for a 30-minute city.

Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres

Based on the proposed relocation of the Site from 'Area 11' to 'Area 8' on the FSR Map, the Site will be required to deliver a minimum 20% commercial GFA. This is set out within Clause 7.5A of the LLEP 2008. The urban design analysis included within **Appendix A** shows the indicative GFA that can be achieved on site under the current 'Area 11' and the proposed 'Area 8' controls.

This urban design analysis demonstrates that the indicative built form under the proposed Area 8 controls can achieve an overall net increase in the provision of commercial GFA beyond what is currently able to be achieved under the current controls for 'Area 11'.

The increased commercial floor space will support the 2036 baseline job target on 36,000 for Liverpool and higher target of 39,000. Additionally, the increase in residential floor space will promote utilisation of neighbouring retail, services, and infrastructure, ultimately contributing to the local economy.

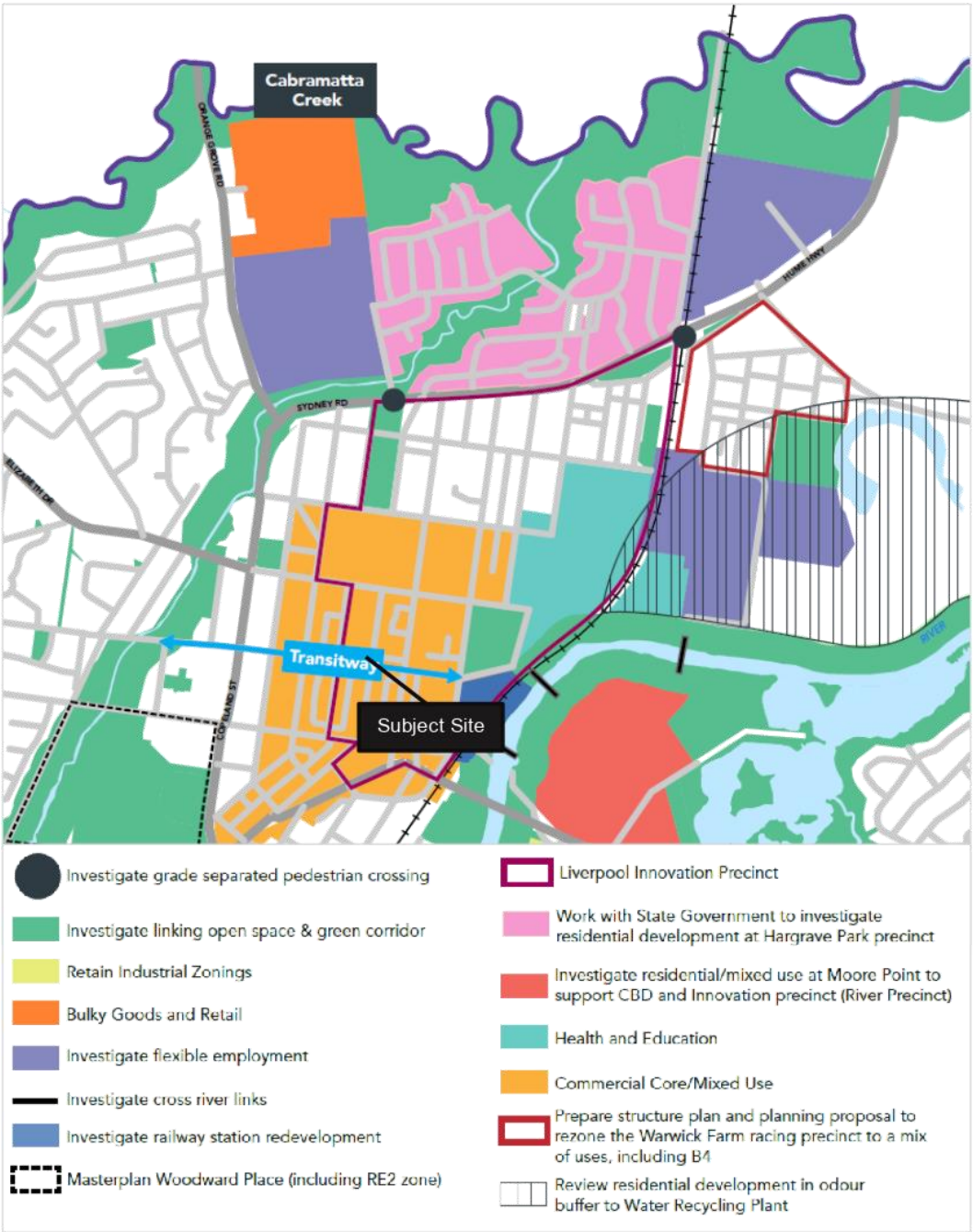
4.3. LIVERPOOL LOCAL STRATEGIC PLANNING STATEMENT – CONNECTED LIVERPOOL 2040

The *Liverpool Local Strategic Planning Statement – Connected Liverpool 2040* (LSPS) sets a 20-year vision for the Liverpool LGA to inform future development and planning. The LSPS contains 16 planning priorities, each with corresponding actions to deliver the City's vision, that is:

'A vibrant place for people that is community focused, walkable, public transport-oriented, sustainable, resilient and connected to its landscape. A place that celebrates local diversity and history and is connected to other Sydney centres. A jobs-rich city that harnesses health, research, education, innovation and growth opportunities to establish an inclusive and fair place for all.'

The LSPS provides a structure plan for the LGA which focuses on the Liverpool city centre as a key precinct of further growth and investigation. This is shown in **Figure 8** below. The Site is located within the Commercial Core/Mixed Use Precinct and the Liverpool Innovation Precinct which is directly adjacent to the proposed FAST corridor transitway.

Figure 8 – Liverpool LSPS' Structure Plan



Source: Liverpool City Council (March 2020)

The LSPS identifies four main themes being connectivity, liveability, productivity and sustainability. Each theme is supported by Planning Priorities to achieve the vision established by Liverpool Council. The Proposal aligns with the following Planning Priorities of the LSPS:

- *PP5 A vibrant, mixed-use, and walkable 24-hour City Centre with the Georges River at its heart.*

The Proposal will enable the future development of a mixed-use building within the heart of the Liverpool city centre. Consistent with the vision for a vibrant and walkable 24-hour CBD, the Site's future redevelopment will comprise a residential component with direct access to local services and retail and ground floor retail uses to activate the streetscape.

- *PP7 Housing choice for different needs, with density focused in the City Centre, and centres well-serviced by public transport.*

  The Proposal seeks to relocate the Site from 'Area 11' to 'Area 8' on the LLEP 2008 FSR Map. Through this amendment, the Site will benefit from incentivised uplift in FSR and unrestricted height controls. The uplift will allow for a future mixed-use development which comprises up to 80% residential GFA. This will provide increased dwelling capacities and varied unit mixes within the city centre which has direct access to public transport.

- *PP11 An attractive environment for local jobs, business, tourism and investment.*

  The Site is currently occupied by poorly maintained low-rise retail buildings which do not present positively to the streetscape. This Proposal will deliver on the B4 Mixed Use zoning of the site by establishing the development controls that will facilitate an attractive mixed-use development. This will increase the overall quantity of commercial floor space that is able to be achieved on site. The provision of additional residential floor space will also support local businesses and drive investment within the Liverpool city centre.

- *PP12 Industrial and employment lands meet Liverpool's future needs*

  The proposal will enable the provision of an overall net increase in commercial GFA in a mixed-use environment to support Liverpool's future employment needs within the city centre.

5. STATUTORY PLANNING CONTEXT

5.1. LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

The *Liverpool Local Environmental Plan 2008* (LLEP 228) is the principle environmental planning instrument applicable to the Site.

5.1.1. Land Use Zoning

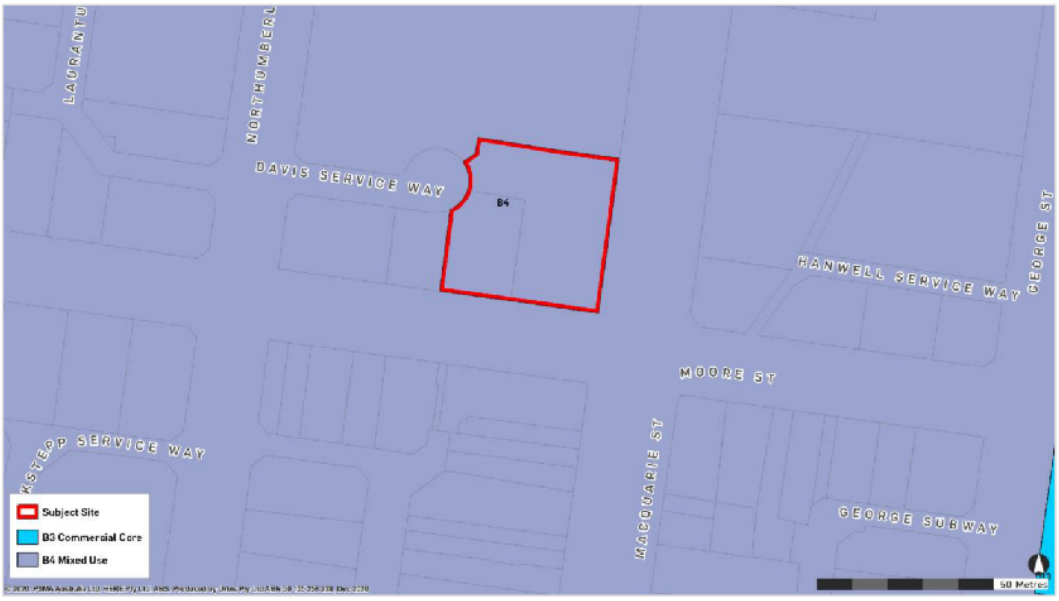
The Site is zoned B4 Mixed Use under the LLEP 2008 as shown in **Figure 9** below. The objectives of the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.*
- *To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.*

The following uses are permissible with consent in the B4 Mixed Use zone:

> *Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals and Water recreation structures.*

Figure 9 – LLEP 2008 Land Zoning Map



Source: NSW Legislation / Urbis (2020)

This Planning Proposal seeks to retain the existing B4 Mixed Use zoning applicable to the Site. By enabling development uplift on the Site consistent with the immediate surrounding sites in 'Area 8', future development will be able to further satisfy the zone objectives. Specifically, this Planning Proposal will:

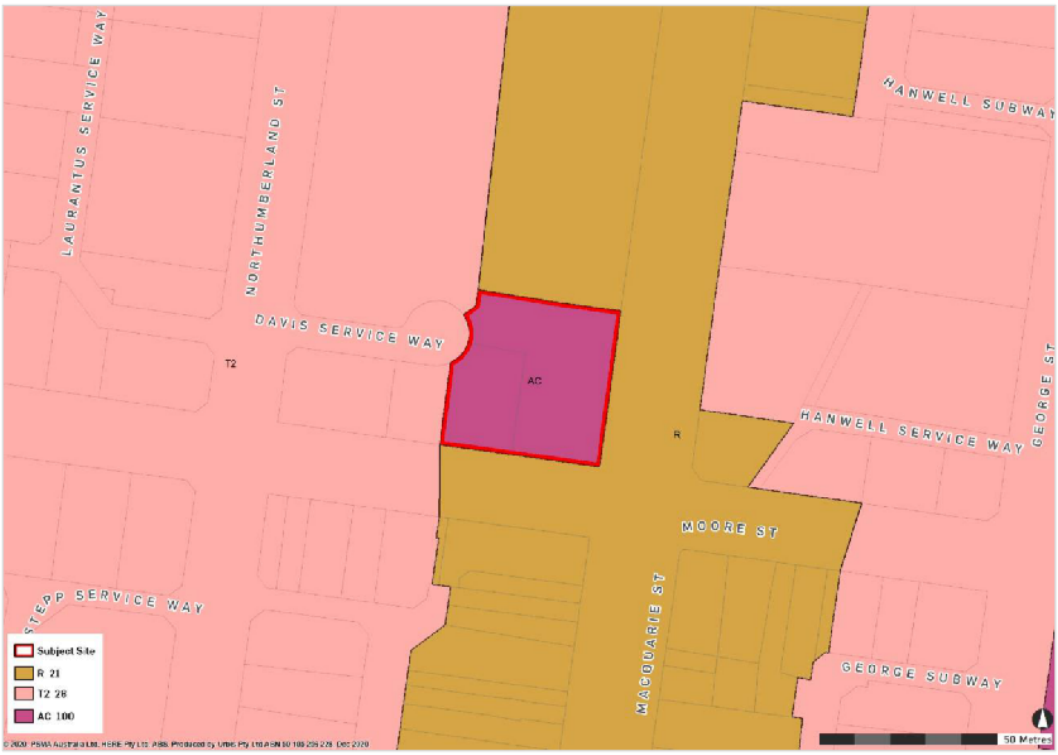
- Allow for a future mixed-use development comprising both commercial and residential land uses;
- Provide a mix of permissible business, office, residential and retail land uses in the heart of the Liverpool City Centre with close access to public transport and local services.
- Promote residential development within the CBD to support its growth and complement the expanding job market.
- Deliver active ground floor retail uses along the Moore Street and Macquarie Street Mall frontages that promote pedestrian activity and expand the civic feel of the adjoining Liverpool Plaza.

5.1.2. Building Height

The Site has a maximum building height of 100m (LLEP 2008 Clause 4.3) as shown in **Figure 10** below. The objectives of Clause 4.3 are as follows:

- *To establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- *To permit building heights that encourage high quality urban form,*
- *To ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- *To nominate heights that will provide an appropriate transition in built form and land use intensity.*

Figure 10 – LLEP 2008 Height of Buildings Map



Source: NSW Legislation / Urbis (2020)

This Planning Proposal does not seek to amend the maximum height control identified for the Site on the HOB Map. However, including the Site in 'Area 8' will allow for an incentivised height control which is capped by airspace restrictions from Bankstown Airport (maximum height of 135.9m AHD).

5.1.3. Floor Space Ratio

The base FSR identified for the Site is 3:1 (LLEP 2008 Clause 4.4) as shown in **Figure 11** below. The objectives of Clause 4.4 are as follows:

- *To establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic,*
- *To control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,*
- *To minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- *To maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- *To provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- *To facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design.*

Figure 11 – LLEP 2008 Floor Space Ratio Map

Source: NSW Legislation / Urbis (2020)

The current FSR control of 3:1 restricts the potential of future development to meet the objectives of Clause 4.4 for the following reasons:

- The Site is close to public transport and local services. As such it can achieve an urban density greater than the built form permitted under the existing FSR control (refer to the Urban Design Report at **Appendix A**).
- The vision for Liverpool city centre set out within the city centre Planning Proposal (Amendment No. 52) is one of taller and denser building compositions. Under the current FSR, the Site is not capable of adhering to the envisaged urban form intended for the city centre.
- Future redevelopment of the Site will be required to undertake an in-depth assessment of environmental impacts. However, the urban design analysis included at **Appendix A** demonstrates that the Site can accommodate a built form with an FSR greater than 3:1 whilst still maintaining adequate solar access to the public domain.
- There is a misalignment between the current 100m building height control and the 3:1 FSR standard. Under the proposed 'Area 11' controls, the indicative built form would result in a much lower building heights than the neighbouring properties which would be an inappropriate urban design outcome for this key corner site in the Liverpool CBD.
- The Liverpool city centre is currently undergoing substantial transformation as indicated by current DAs in the area. This is also due to the incentivised 10:1 FSR permitted under Clause 7.5A for land identified as 'Area 8' within the Liverpool city centre. The Site is isolated in terms of its applicable 3:1 ('Area 11') FSR control which, unless amended, will further deviate from the future character intended for the Liverpool CBD.
- The Site's regular shape and large site area presents an ideal development opportunity. The Site also has the potential to achieve design excellence if a greater FSR control allowed the Site to be redeveloped to its full potential.
- Under Clause 4.4 of the LLEP 2008, the Site falls within 'Area 11'. The aim of this Planning Proposal is to relocate the Site from 'Area 11' to 'Area 8' on the FSR Map so that it is consistent with surrounding land to the north and west of the site within the Liverpool city centre.

The outcome of incorporating the Site to 'Area 8' will result in the application of additional provisions contained within of Clause 7.5A of LLEP 2008. These are discussed further in **Section 5.1.5** of this revised Planning Proposal.

5.1.4. Heritage Conservation

The Site is not identified as a heritage item, nor is it located within a heritage conservation area. However, it adjoins Moore Street and Macquarie Street which are both identified as local heritage items (no. i89). State-listed heritage item Saint Luke's Church (no. i84) is located north of the Site, beyond Liverpool Plaza. South-east of the Site is the former Liverpool Hotel which is identified as a local heritage item (no. i95).

Several heritage items identified in the LLEP 2008 and their relationship to the subject site are shown in **Figure 12** below. *Clause 5.10 Heritage Conservation* and *Schedule 5 Environmental Heritage* in LLEP 2008 provides guidance on the treatment of heritage items and processes to propose new DAs on or in the vicinity of a heritage item.

On behalf of the former owners of the Site, the Urbis provided heritage advice associated with the Planning Proposal associated with Amendment No. 56 to the LLEP 2008 (Heritage Impact Statement prepared by Urbis in February 2017).

The 2017 HIS provided an assessment of the preliminary design for the proposed building envelope which comprised an indicative mix of residential, retail, serviced apartments, and commercial uses. The envisaged built form was to establish a low level podium with a 28 storey tower above.

This revised Planning Proposal is supported by an addendum Heritage Statement at **Appendix B** which demonstrates that the Site can achieve uplift without additional adverse impacts on nearby heritage items. The findings of the addendum Heritage Statement and local heritage considerations are further discussed in **Section 0**.

Figure 12 – LLEP 2008 Heritage Map

Source: NSW Legislation / Urbis (2020)

5.1.5. Liverpool City Centre Provisions

Division 1 of LLEP 2008 provides provisions for development within Liverpool city centre. The objectives for development in Liverpool city centre are as follows:

- *To preserve the existing street layout and reinforce the street character through consistent building alignments,*
- *To allow sunlight to reach buildings and areas of high pedestrian activity,*
- *To reduce the potential for pedestrian and traffic conflicts on the Hume Highway,*
- *To improve the quality of public spaces in the city centre,*
- *To reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,*
- *To enhance the natural river foreshore and places of heritage significance,*
- *To provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.*

Although the Planning Proposal does not seek to amend the Liverpool city centre provisions contained within Division 1 of LLEP 2008, the intended amendment will result in application of Clause 7.5A *Additional provisions relating to certain land at Liverpool city centre.* Fundamentally, this Planning Proposal must demonstrate that future development at the Site will remain consistent with the city centre objectives established under Clause 7.1 following gazettal of the proposed amendment.

The Proposal will not impact the ability of the Site to contribute towards the objectives of the Liverpool city centre as it does not propose development beyond the Site's boundaries.

The future development will also provide a public benefit – either being the upgrade of pedestrian links through the street block from Macquarie Street to Davis Serviceway or an alternative option to be determined at the DA stage. Further, a future mixed-use development will maximise patronage of nearby public transport and the future DA will be required to ensure that the significance of adjoining and nearby heritage items is not impacted.

Clause 7.2 Sun Access in Liverpool City Centre

LLEP 2008 restricts height controls for development in certain locations within the Liverpool city centre. Specifically, land within 4m of the public right of way on either side of Macquarie Street, between Elizabeth Street and Memorial Avenue (except the most southern 60m) is restricted to a maximum height of 21m.

As demonstrated in the indicative building envelope at **Appendix A**, the proposal will allow sufficient solar access to St Luke's Church which is consistent with the requirements of Clause 7.2.

Clause 7.3 Car Parking in Liverpool City Centre

Development within land zoned B4 Mixed Use within the Liverpool City Centre is required to provide parking at the following rates:

(a) *At least one car space for every 200m² of new gross floor area that is on the ground floor level of the building, and*

(b) *In respect to any other part of the building*

  (i) *At least one car parking space for every 100m² of any new gross floor area that is to be used for the purpose of retail premises, and*

  (ii) *At least one car parking space for every 150m² of any new gross floor area that is to be used for any other purpose.*

Any future development resulting from this Planning Proposal will provide car parking at the rates required by Clause 7.3 of LLEP 2008.

Clause 7.4 Building Separation in Liverpool City Centre

Building separation provisions are provided for development within the Liverpool city centre to ensure minimum separation of buildings for reasons of visual appearance, privacy, and solar access. Development within the B4 Mixed Use zone is required to provide the following separation distances from neighbouring buildings:

- *12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished), and*
- *28 metres for parts of buildings 45 metres or more above ground level (finished).*

The indicative building envelope under the proposed 'Area 8' controls has been designed in accordance with the above separation controls and demonstrates that the Site is able to comply with Clause 7.4 of the LLEP 2008.

Clause 7.5 Design Excellence in Liverpool City Centre

LLEP 2008 sets out design provisions to ensure any future development within the Liverpool city centre exhibits design excellence. Given that this Planning Proposal only seeks to enable development uplift consistent with the surrounding sites, detailed design has not been undertaken. Consistency with this control will be demonstrated and subsequently assessed at the DA stage.

Clause 7.5A Additional Provisions Relating to Certain Land in Liverpool City Centre

Clause 7.5A provides incentivised development provisions for land identified as 'Area 8', 'Area 9' or 'Area 10' on the FSR Map which:

- *Has a lot size exceeding 1,500m2, and*
- *Has 2 or more street frontages.*

Land identified as 'Area 8' or 'Area 10' allows the maximum height control to be exceeded and a maximum FSR of 10:1, subject to the provision of at least 20% GFA comprising any of the following commercial land uses:

Business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, food and drink premises, functions centres, information and education facilities, medical centres, public administration buildings or retail premises.

Furthermore, development consent will not be granted under Clause 7.5A unless:

(a) A development control plan that provides for the matters specified in subclause (4) has been prepared for the land, and

(b) The site on which the building is located also includes recreation areas, recreation facilities (indoor), community facilities, information and education facilities, through site links or public car parks.

This Planning Proposal does not seek to amend Clause 7.5A, rather it seeks to relocate the Site from 'Area 11' to 'Area 8' on the FSR Map to enable the application of Clause 7.5A on future development. Consistency with Clause 7.5A will be demonstrated and subsequently assessed at the DA stage.

5.1.6. Other Provisions

Clause 7.8 Flood Planning

Clause 7.8 of LLEP 2008 details provisions for Flood Prone land. The Site is not identified as being flood prone and an assessment against this clause is therefore not required.

Clause 7.16 Ground Floor Development in Zones B1, B2 and B4

Clause 7.16 of LLEP provides controls for ground floor development within certain Business Zones. Within the B4 Mixed Use zone, ground floor development must:

- *Not be used for the purposes of residential accommodation; and*
- *Have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.*

This Planning Proposal does not seek to amend Clause 7.16 of the LLEP 2008. However, future ground floor uses will comprise commercial land uses as indicated in the indicative building envelope analysis at **Appendix A**. This will be demonstrated and subsequently assessed at the DA stage.

5.2. LIVERPOOL DEVELOPMENT CONTROL PLAN 2008

The *Liverpool Development Control Plan 2008* (LDCP 2008) provides guidelines for new development and encourages high quality design based on planning principles, sustainability, and to enhance the quality of the landscape, streetscape character and amenity.

Liverpool Council has also adopted site-specific controls for strategic redevelopment areas throughout the Liverpool LGA, including the Liverpool city centre. Detailed provisions relating to certain land within the city centre guide the nature, form and scale of development in Liverpool. These provisions aim to strengthen the role of the city centre as Liverpool's major retail, commercial and residential centre.

The development controls for land within the B4 Mixed Use precinct were expanded as part of Amendment 52 to LLEP 2008. These controls seek to enable the redevelopment of certain lots within the *Fine Grain, Midrise and Long Term Civic site* precincts (in addition to the Commercial Core) pursuant to Clause 7.5A of LLEP 2008.

The DCP states the following in relation to sites subject to Clause 7.5A of LLEP 2008:

Lots that may be developed pursuant to clause 7.5A are large, strategically located sites, which can be developed subject to a concept development application as defined by section 4.23 of the Environmental Planning and Assessment (EP&A) Act 1979 and the delivery of a public benefit, as defined by clause 7.5A(3)(b) of LLEP 2008 (see 4.2.5 below).

Section 4.23(2) of the EP&A Act states that a requirement for a Development Control Plan (DCP) can be satisfied with the making and approval of a Concept DA which contains the matters required to be included in any such masterplan or DCP. Compliance against LDCP 2008 will be demonstrated at the DA stage.

6. INDICATIVE DEVELOPMENT CONCEPT

6.1. OVERVIEW

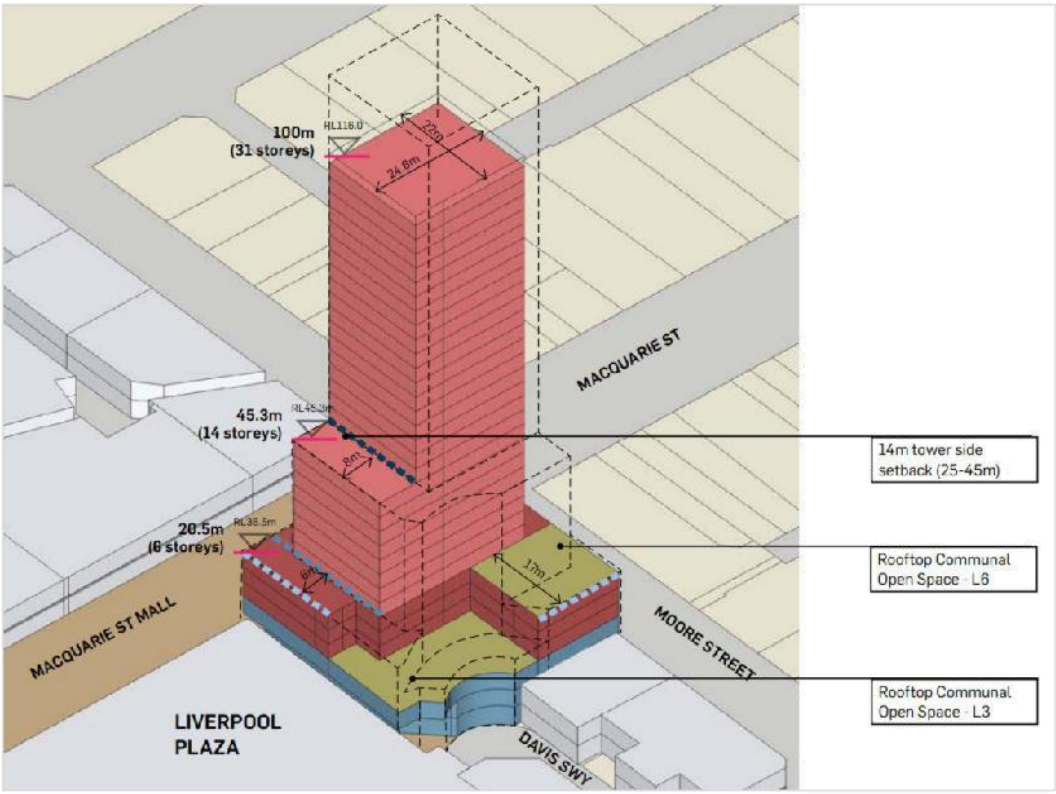
An initial development concept has been prepared by *Urbis* which comprises an indicative building envelope. This is set out within the Urban Design Report at **Appendix A** and **Figure 13** below. The key components of this indicative development concept include:

- A (28) storey mixed use development with six (6) storey podium comprising commercial uses on the ground floor and levels 1-2, and residential units on levels 3-5;
- A (22) storey north-west oriented residential tower above;
- Rooftop communal open space on level (6); and
- A 3m-wide through site link between Macquarie Street and Davis Serviceway.

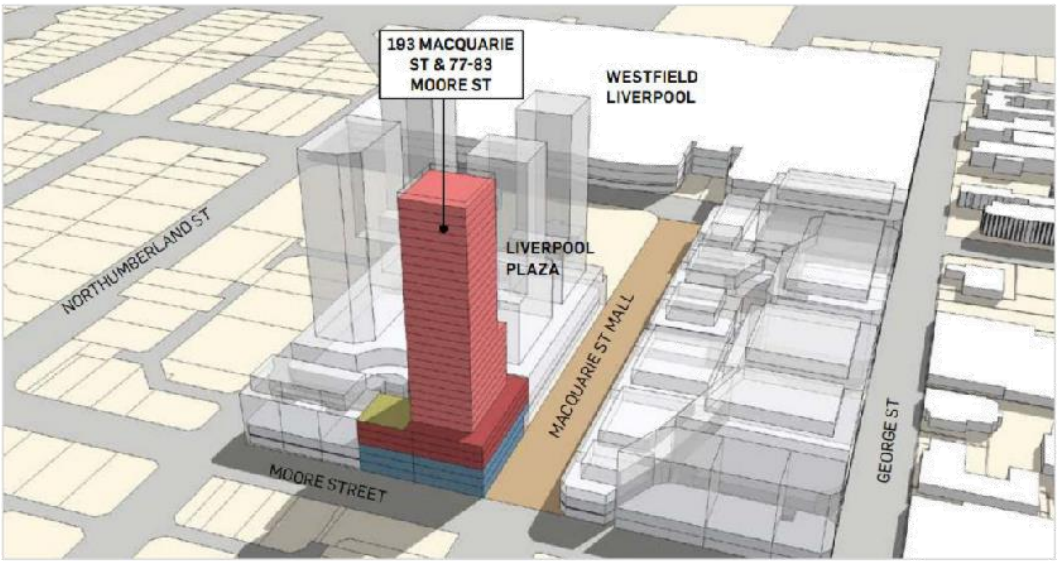
Table 1 – Key Components of Indicative Development Concept under Proposed 'Area 8' Controls

Component	Gross Floor Area (m^2)	Percentage (%)	Height (m)
Retail/Commercial	4,518 m^2	23%	103.1m / RL 119.1m
Residential	14,789 m^2	77%	
Lift Overrun	-	-	2
Total	**19,307 m^2**	**100**	**100m**

Figure 13 – Indicative Development Concept Under Proposed 'Area 8' Controls



Picture 5 – View from North-West Orientation



Picture 6 – View from South-East Orientation, including Indicative Built Form on Neighbouring Sites

Source: Urbis (2020)

6.2. COMMERCIAL

Consistent with the vision for the Liverpool CBD, the proposal seeks to expand the commercial offering within the city centre through the provision of additional commercial floor space and ground floor retail uses.

The provision of at least 20% commercial floor space is organised over three levels within the podium of the indicative development concept under the proposed 'Area 8' controls. The commercial levels could comprise an array of commercial uses ranging from any of the following:

- *Business premises;*
- *Centre-based child care facilities;*
- *Entertainment facilities;*
- *Food and drink premises;*
- *Medical centres; or*
- *Retail premises.*

Ground floor active retail uses will be established along the Macquarie Street Mall and Moore Street frontages as an extension of the Macquarie Mall civic features. This will service the day-to-day needs of local residents.

As part of the indicative development concept, commercial uses have been concentrated within the lower three levels of the building's podium as these levels provide the largest floor plate with the greatest floor-to-ceiling heights. This will also provide the opportunity and flexibility for a variety of commercial and retail tenancies to service their individual needs. The mix and number of retail/commercial tenancies to be provided within the podium will be determined at the detailed design stage.

6.3. RESIDENTIAL

The residential component is located within three upper-podium levels and the 26-storey tower component of the indicative development concept. The slender tower form provides a sufficiently sized floor plate which can deliver a mix of apartments. The exact unit mix will be confirmed at the detailed design stage.

Communal open space is also able to be provided on the podium roof (Level 5) at the north-west corner of the building overlooking Davis Serviceway and Liverpool Plaza. The location of indicative communal open space provides acoustic screening from traffic along Moore Street and privacy for residents, as well as enhanced opportunities for passive surveillance.

6.4. PUBLIC BENEFIT

The proposal incorporates an indicative through-site link along the Site's northern boundary which could provide connections between Macquarie Street and Davis Serviceway. At this stage, the through-site link is provided for conceptual purposes and is to be discussed further with Council at the DA stage to ensure the optimum public benefit is delivered at the Site.

The proposal also seeks to provide the following additional public benefits:

- Ground floor active uses to revitalise the public domain and streetscape;
- The inclusion of residential floor space which will bring people into the Liverpool city centre and create a sense of community and place;
- Overall net increase in commercial floor space which will strengthen the town centre by creating jobs;
- Greater access to local businesses to service the day-to-day needs of existing and future residents; and
- Excellent amenity and access provided to Liverpool Plaza.

7. THE CASE FOR CHANGE

To achieve the vision for the redevelopment of the Site and provision of the associated public benefits, an amendment to the existing planning controls is required. The compelling reasons why the Planning Proposal should be supported are summarised as follows.

7.1. CATALYST FOR GROWTH

The Liverpool city centre is positioned within a strategically important Metropolitan Cluster and emerging CBD between Campbelltown and Parramatta. The Metropolitan Cluster is the focus of economic growth and renewal due to its excellent public transport connectivity, major retail centre, health and education services and existing and planned residential and employment opportunities.

The Site can provide significant uplift in density without major impacts on public infrastructure or adjacent uses. Redevelopment of the Site will also provide the catalyst for urban renewal and growth within the Liverpool city centre. In addition, the increase in population through the provision of residential uses will result in subsequent benefits to local businesses and shops in the area.

7.2. PLANNING CONTROLS INHIBIT GROWTH

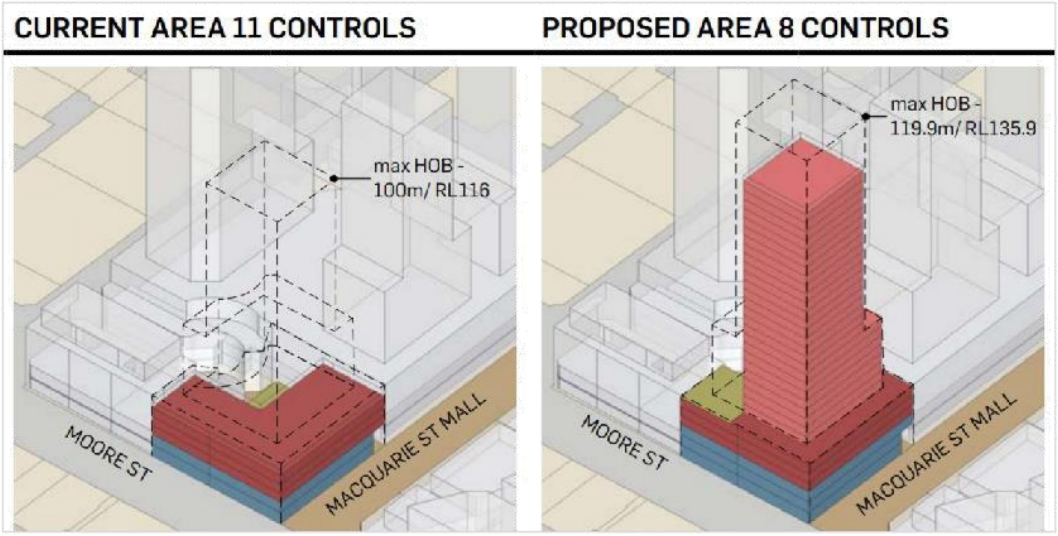
Under the current controls, the Site does not benefit from incentivised height and FSR provisions set out within Clause 7.5A of LLEP 2008, nor is it required to provide a public benefit. The current maximum building height of 100m cannot be delivered within the maximum FSR of 3:1. As a result, there is a need for the current planning controls at the Site to be changed to better reflect the strategic development opportunities that are envisaged for the Liverpool city centre.

As shown in the indicative building envelope in **Figure 14** below, the current 'Area 11' controls will result in a built form that is approximately 5-storeys in height. This does not meet the intended 6-storey street wall height as part of the future character of the Liverpool city centre.

Under the current 'Area 11' controls, the indicative built form would need to provide approximately 2,172m^2 of commercial GFA (minimum 37.5%). Under the proposed 'Area 8' controls, the Site would be required to deliver at least 3,862m^2 of commercial GFA (minimum 20%), subject to the development seeking to utilise the maximum 10:1 incentivised FSR under Clause 7.5A of the LLEP 2008.

The current 'Area 11' controls result in an inappropriate built form and urban design outcome for this key corner site in the Liverpool CBD.

Figure 14 – Indicative 'Area 11' and 'Area 8' Built Form Outcomes



Source: Urbis (2020)

7.3. SIGNIFICANT PUBLIC BENEFITS

This Planning Proposal embraces the opportunity for significant direct and indirect public benefits at the Site.

Key direct public benefits provided by the proposal are:

- Potential provision of a through-site link between Macquarie Street and Davies Serviceway, providing enhanced accessibility between lots within the City Centre (subject to further discussions with Council).
- Potential provision of a significant amount of affordable housing for key workers. The proposal embraces Council's plans to improve opportunities for people from all parts of the community to live in the CBD by incorporating a generous offer of providing affordable housing in future development.
- An overall net increase in the total provision of commercial GFA than that required under the current 'Area 11' controls. This will result in further employment opportunities within the Liverpool city centre for local residents.

7.4. TRANSIT ORIENTED DEVELOPMENT

The Planning Proposal achieves a Transit Oriented Development by optimising development outcomes in an area benefiting from exceptional transport infrastructure. The Site is near high frequency public transport services including rail and bus networks. The Site also has good access to essential services, employment, and educational opportunities.

Through providing employment and residential uses in the city centre, the proposal promotes the use of alternate transport modes. The location of high frequency sustainable transport modes (including the proposed FAST Corridor), essential services, employment, and education all within walking distance of the Site can significantly reduce private car dependency through implementing key transport principles within the development. This is consistent with government policy and Council's intent to focus density within highly accessible locations.

7.5. MORE JOBS AND HOMES FOR LIVERPOOL

The future redevelopment of the Site enabled by this Planning Proposal can a significant contribution to local employment opportunities and diversity through the provision of jobs both during construction and completion.

The Site's redevelopment can also provide a significant contribution to local housing choice, diversity and supply. A mix of one-, two-, three- and four-bedroom apartments could be provided on site within a range of sizes and layouts to meet the needs of future residents. Varied apartment configurations can be provided to support diverse household types and stages of life including single person households, families, multi-generational families, and group households.

For these reasons, we request that Liverpool City Council (as the relevant planning authority) resolve to initiate the amendment process under section 56 of the *EP&A Act* and seek a 'gateway determination' from the NSW DPIE.

8. PLANNING PROPOSAL

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act with consideration of the NSW Department of Planning and Environment's '*A guide to preparing planning proposals*' and '*A guide to preparing local environmental plans*', August 2016. Accordingly, the Planning Proposal is addressed in the following six parts:

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument.
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument.
- **Part 3** – The justification of those objectives, outcomes, and the process for their implementation.
- **Part 4** – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- **Part 5** – Details of the community consultation that is to be undertaken on the Planning Proposal.
- **Part 6** – A project timeline to detail the anticipated timeframe for the plan making process.

8.1. PART ONE: OBJECTIVES OR INTENDED OUTCOMES

The intended outcome of this Planning Proposal is to amend LLEP 2008 to facilitate the Site's future redevelopment. The proposed amendment to the FSR Map will facilitate a landmark mixed-use development incorporating:

- Vibrant and active ground floor retail uses and podium level comprising additional commercial uses.
- A publicly accessible through-site link or alternative public benefit which can deliver enhanced permeability through the civic core. This will also contribute towards activating the ground plane and facilitating direct pedestrian connectivity between the Site and Liverpool Plaza through the Macquarie Street pedestrian walkway and Northumberland Street (via Davis Serviceway).
- A residential tower with capacity to provide apartments in varying sizes and layouts, consistent with *SEPP 65: Design Quality of Residential Apartment Development* and the accompanying *Apartment Design Guide* (ADG).

8.2. PART TWO: EXPLANATION OF PROVISION

The objectives and intended outcomes of the Planning Proposal will be achieved by amending the FSR Map to relocate the Site from 'Area 11' to 'Area 8'. The proposed 'Area 8' controls will also trigger the application of Clause 7.5A of the LLEP 2008.

8.3. PART THREE: JUSTIFICATION

8.3.1. SECTION A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes, the Planning Proposal is consistent with *A Metropolis of Three Cities: Greater Sydney Region Plan (GSC 2018) and Western City District Plan (GSC 2018)* which was adopted by the NSW Government in March 2018.

In addition, the Planning Proposal is consistent with the directions established by Liverpool City Council in the *Liverpool Local Strategic Planning Statement – Connected Liverpool 2040* (LSPS). The LSPS identifies the city centre as a key precinct of further growth and investigation. It also recognises that employment and housing growth should be supported by infrastructure and high amenity whilst retaining the local character of the CBD.

The Site is located within the mixed-use core of the Liverpool city centre. Future development as a result of the Proposal will enable the provision of a mixed-use building along with public domain improvements. It is expected that the Proposal will support a more liveable and vibrant 24-hour city centre.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, this Planning Proposal is the best means of achieving the intended outcome as it is consistent with the previous LEP amendment (Amendment No. 52) and can easily be incorporated in 'Area 8' as shown on the current LLEP 2008 FSR Map 11.

The Planning Proposal can also be considered alongside recent background studies undertaken by Liverpool City Council as part of the LEP review process. These studies demonstrate that the Proposal is consistent with Liverpool's future needs and strategic policies.

8.3.2. SECTION B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including an exhibited draft plans or strategies)?

Yes, as described in Section 4 of this Report and summarised in **Table 2**, the Planning Proposal is consistent with the objectives and actions of *A Metropolis of Three Cities: Greater Sydney Region Plan (2018) and* the *Western City District Plan* (2018).

Table 2 – Relationship to Strategic Planning Framework

Strategic Plan	Consistency
A Metropolis of Three Cities: Greater Sydney Region Plan (2018)	The Planning Proposal is consistent with *A Metropolis of Three Cities: Greater Sydney Region Plan*, as it would: ▪ Maximise patronage of existing infrastructure including the Liverpool Railway Station and interchange (Direction: A city supported by infrastructure); ▪ Deliver greater housing supply and choice within the city centre which is surrounded by existing public transport, jobs and services (Direction: A city for people, housing the city and a city of great places); ▪ Contribute to a 30-minute city and integrate land use and transport to create a walkable environment (Direction: A well-connected city); and ▪ Provide greater commercial floor space and active ground floor retail uses within the mixed-use precinct of the CBD. It will also increase investment and stimulate business activity in the city centre to ensure day-to-day access to goods and services is supplied to users (Direction: jobs and skills for the city).
Western City District Plan (2018)	The Planning Proposal is consistent with the *Western City District Plan,* as it would: ▪ Leverage off existing infrastructure within the CBD (Planning Priority W1); ▪ Provide housing supply, choice and affordability with access to jobs, services and public transport (W5); ▪ Create and renew great places and local centres, and respects the District's heritage (Planning Priority W6);

Strategic Plan	Consistency
	▪ Grow and strengthen the metropolitan cluster (Planning Priority W9); and ▪ Grow investment, business opportunities and jobs in strategic centres (Planning Priority W11).

The Planning Proposal is consistent with the Region Plan and the relevant District Plan. As a result, the Proposal meets part one of the Strategic Merit Test.

Q4. Is the planning proposal consistent with a council's local strategy of other local strategic plan?

Yes, the Planning Proposal is consistent with the following relevant local strategy and planning study as described in Section 4 of this Report and summarised in **Table 3** below.

Table 3 – Relationship to Local Strategic Plans and Planning Studies

Local Council Plans and Studies	Consistency
Liverpool Local Strategic Planning Statement – Connected Liverpool 2040	The Planning Proposal is consistent with the *Liverpool Local Strategic Planning Statement,* as it would: ▪ Support a vibrant, mixed-use and walkable 24-hour city centre through the development of a mixed-use building within the heart of the CBD. Consistent with this vision, the Site's future redevelopment will comprise a residential component with direct access to local services and retail, reducing car dependence in the CBD. It will also deliver ground floor retail uses to activate the streetscape. ▪ Allow for a future mixed-use development which comprises up to 80% residential GFA. This will allow for the provision of increased dwelling capacities and varied unit mixes within the city centre which will have direct access to public transport. ▪ Support the mixed-use function of the Site by establishing the development controls that will enable the development of an attractive mixed-use development and increase the commercial floor space currently required on the Site. The increased residential floor space will support local businesses and drive investment within the Liverpool CBD. ▪ Enable the provision of a net increase in commercial GFA in a mixed-use composition to support Liverpool's future employment needs within the city centre.

The Planning Proposal is consistent with the relevant Local Strategic Planning Statement which has been endorsed by DPIE. As a result, the Proposal meets part two of the Strategic Merit Test.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, the Planning Proposal is consistent with the following applicable State Environmental Planning Policies (SEPPs):

- **SEPP 65 – Design Quality of Residential Apartment Development –** Nothing within this Planning Proposal will prevent a future DA from complying with SEPP 65. Detailed compliance with SEPP 65 and the ADG will be demonstrated as part of the future DA.
- **SEPP No 70 – Affordable Housing (Revised Schemes) –** SEPP No. 70 is not specifically relevant to the Planning Proposal but may be a consideration for the future DA.
- **SEPP (Building Sustainability Index: BASIX) 2004 –** Any future DA on will be accompanied by a BASIX assessment and certificate.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes, the Planning Proposal is consistent with the applicable Ministerial Directions under section 9.1 of the EP&A Act, as discussed in **Table 4** below.

Table 4 – Section 9.1 Directions

Direction and Objective	Comment
Direction 1.1 Business and Industrial Zones	
(1) The objective of this direction are to: *a. encourage employment growth in suitable locations,* *b. protect employment land in business and industrial zones, and* *c. support the viability of identified centres.*	The Planning Proposal retains the B4 Mixed Use zone. The Proposal will provide a minimum of 20% commercial GFA which will result in an overall net increase in commercial floor space. This will result in almost 2,000m^2 more commercial floor space being delivered than what is currently able to be achieved on site under the existing 'Area 11' controls. The Planning Proposal complies with Direction 1.1 as it presents an opportunity to support the viability and vision for the Liverpool City Centre.
Direction 2.3 Heritage Conservation	
(2) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The Planning Proposal does not have any heritage significance but is adjacent to locally listed heritage items and is in proximity to a state listed heritage item. The addendum Heritage Statement at **Appendix B** confirms that the proposal will not result in any adverse impacts on nearby heritage items. The proposal will result in a larger scale future development. However, it is in line with the future character for the Liverpool City Centre and 'Area 8' controls for adjoining properties.

Direction and Objective	Comment
	The LDCP 2008 will guide development outcomes and any future DA will be supported by a detailed heritage study to ensure development outcomes conserve the significance of nearby heritage items.
Direction 3.4 Integrating Land Use and Transport	
(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: *a. improving access to housing, jobs and services by walking, cycling and public transport, and* *b. increasing the choice of available transport and reducing dependence on cars, and* *c. reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and* *d. supporting the efficient and viable operation of public transport services, and* *e. providing for the efficient movement of freight.*	The Site is well serviced by a range of public transport networks and is within walking distance of Liverpool Railway Station. Services on the main line through these stations generally operate with headways of 5 to 10 minutes in each direction during peak periods and 10 to 15 minutes in each direction outside peak hours. Local and regional bus services through the area are provided by Sydney Buses. The proximity of these transport services will encourage public transport use, cycling or walking and discourage use of private transport.
Direction 3.5 Development Near Regulated Airports and Defence Airfields	
(1) The objectives of this direction are: *a. to ensure the effective and safe operation of regulated airports and defence airfields;* *b. to ensure that their operation is not compromised by the development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and* *c. to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*	The obstacle limitation surface (OLS) for Bankstown Airport applies to the proposed development. Future development will be restricted to the outer horizontal surface maximum of 135.9m AHD.
Direction 5.1 Implementation of Regional Strategies	
(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies,	The Planning Proposal is consistent with the objectives and actions of *A Metropolis of Three Cities: Greater Sydney Region Plan (2018).*

Direction and Objective	Comment
outcomes and actions contained in regional strategies	Specifically, the Planning Proposal aims to provide a mixed-use development within the Liverpool Metropolitan Cluster, reinforcing its role as a major CBD.

8.3.3. SECTION C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, the Site is situated within an urban context and was historically used for commercial purposes. The Site is highly modified and therefore it is expected that the Planning Proposal will not affect any critical habitat or threatened species, populations, or ecological communities.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal is not expected to give rise to any unreasonable environmental impacts. The following section provides a summary of the potential environmental impacts and management measures.

BUILT FORM

The Planning Proposal is supported by an indicative building envelope which illustrates a potential built form outcome resulting from the proposed relocation of the Site from 'Area 11' to 'Area 8' on the FSR Map. The building envelope has been designed in accordance with the relevant LEP and DCP controls and incorporates permissible setbacks, building separation distances, building heights and site coverage. The future built form will be further established during the detailed DA stage and will be designed with consideration to the future context of the CBD and the environmental impact assessment.

OVERSHADOWING

The Urban Design Report at **Appendix A** provides solar analysis for the indicative building envelope subject to the proposed 'Area 8' controls. As shown in **Figure 15** below, the indicative building envelope will only overshadow a small portion of Macquarie Street Mall between 12:30 and 3pm. However, Macquarie Street Mall will still receive more than 2 hours of direct sunlight at mid-winter.

The indicative building envelope is for conceptual purposes only and a future development at the Site can be articulated and designed to further mitigate solar impacts if required.

Figure 15 – Proposed 'Area 8' Built Form Solar Access Analysis

Source: Urbis (2020)

HERITAGE

An addendum Heritage Statement has been prepared to support this Planning Proposal and is provided at **Appendix B**. The addendum Heritage Statement assesses the potential built form outcome associated with this Proposal and its likely heritage impacts on nearby heritage items. Specific considerations have been given to the following heritage items:

- The Corner Pub (Local No. i95);
- The Plan of Town of Liverpool (Local No. i89); and
- Saint Luke's Church (State No. i84).

The vision and strategy for Liverpool CBD anticipates new, large scale developments within the City Centre along with key sites near the subject site that have been earmarked for redevelopment. Therefore, the potential additional heritage impacts as a result of the Proposal are minimal.

Any future development will be contained within the Site and will not result in visual or solar impacts to the state-listed Saint Luke's Church. Further, the heritage significance of Macquarie Street and Moore Street relate to their original Hoddle street pattern and layout, which will remain unchanged.

The findings of the comprehensive Heritage Impact Statement provided in 2017 and addendum Heritage Statement demonstrate that the proposal can be supported from a heritage perspective.

TRAFFIC AND TRANSPORT

This Planning Proposal will enable the site's incentivised uplift which will result in a development of approximately 19,000m^2 total GFA. The traffic impacts will be negligible in the context of the broader transformation currently and likely to occur throughout the Liverpool CBD. Furthermore, as demonstrated in **Section 3.4** of this report, the Site is well serviced by public transport and it is expected that the Liverpool commercial core grows, car dependency will decrease.

Traffic and parking impacts are required to be assessed at the DA stage. At this concept stage, it is considered that development contributions will be adequate in addressing the preliminary traffic and parking impacts.

Q9. Has the planning proposal adequately addressed any social and economic effects?

SOCIAL AND ECONOMIC

The proposal provides clear social and economic benefits, particularly in relation to the increased commercial floor space and public benefit offer.

Employment Generating Uses

Clause 7.5A of LLEP 2008 provides incentivised FSR and building height provisions for certain development in the Liverpool City Centre. Fundamentally, this proposal seeks to enable the application of Clause 7.5A to facilitate future development at the Site. In doing so, at least 20% of the development's GFA must comprise commercial uses comprising those set out in **Section 5.1.5**. As such, future development at the site with a 10:1 FSR will be required to incorporate at least 20% commercial GFA.

Under the current FSR provisions, a development at the Site would need to provide a maximum of 62.5% residential GFA and at least 37.5% commercial GFA. The indicative building envelope provided as part of this Planning Proposal results in an overall net increase in commercial floor space compared to what can be achieved under the current 'Area 11' controls. This will promote employment-generating uses on site, and is demonstrated within the Urban Design Report at **Appendix A**.

The findings of the Urban Design Report demonstrate that the proposed built form under the proposed 'Area 8' controls will result in an overall net increase in commercial floorspace. As such, an Economic Impact Assessment is not required and is not submitted with this Proposal.

The outcome of this Planning Proposal is in line with Council's vision to retain and increase commercial floor space within the Liverpool CBD and provides the opportunity for additional employment (retail and commercial) with close access to public transport.

Economic Benefits

Additional economic benefits associated with the Planning Proposal are identified below:

- Providing a catalyst for further investment in the locality;
- Contributing to housing diversity and affordability in the LGA and District;
- Providing jobs closer to home and contributing to the LGA's employment targets; and
- Contributing to the 30-minute city vision for Greater Sydney.

Social Benefits

In addition to the residual social benefits associated with greater employment land uses, the Proposal offers the following social benefits:

- Delivers jobs and homes in a highly accessible location, within the City Centre and close to local health services and education institutions;
- Increased housing diversity including an increase in the supply of dwellings that are more affordable for couples and young families;
- Increase in the employment floorspace and ground floor retail spaces among the civic core which will draw in workers and visitors from a broader catchment, facilitating opportunities for social interaction;
- Improving the identity and character of Liverpool by contributing to the desired future character without imposing significant heritage impacts; and
- Further passive surveillance opportunities to reduce crime risk and anti-social behaviour though greater residential floor space, particularly in currently isolated locations such as the rear Davis Serviceway.

Overall, the Planning Proposal will provide significant social and economic benefits to the Liverpool city centre which will be further realised during the detailed design stage.

As demonstrated above and in **Appendix B**, the built form outcome that can be achieved under the proposed 'Area 8' controls are indicative only. However, the Urban Design Report shows that the Proposal is capable of responding to a change in circumstances such that a different built form outcome with a different mix of land uses could be delivered on site, should there be a change in demographic trends or infrastructure that is not recognised in the existing controls. This meets the third part of the Strategic Merit Test.

As a result, the Planning Proposal clearly meets the Strategic Merit Test.

8.3.4. SECTION D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Yes, the Site is within walking distance to Liverpool Railway Station which is a major junction for regional and suburban rail services. Liverpool Railway Station has connections to Sydney CBD, Parramatta CBD, Penrith, Bankstown, Blue Mountains and Newcastle. The Site is already serviced by adequate stormwater, sewer, power, gas and telecommunication services to support the future development.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Gateway determination has not occurred at this stage. It is anticipated a pre-Gateway review process will be undertaken by DPIE and the Sydney Western City Planning Panel.

8.4. PART FOUR: MAPPING

Detailed mapping has been prepared to show the current and proposed LLEP 2008 FSR Map. This is shown in **Figure 16** below. The intended outcomes of the Planning Proposal are consistent with these maps.

Figure 16 – Existing and Proposed LLEP 2008 Floor Space Ratio Map

Picture 7 – Existing LLEP 2008 FSR Map

Picture 8 – Proposed LLEP 2008 FSR Map

Source: Urbis (2020)

8.5. PART FIVE: COMMUNITY CONSULTATION

It is anticipated Gateway Determination will require the Planning Proposal to be made available for public comment for a minimum of 28 days.

8.6. PART SIX: PROJECT TIMELINE

In accordance with the requirements set out in '*A guide to preparing planning proposals'*, **Table 5** sets out the anticipated project timeline. This table provides a mechanism to monitor the progress of the Planning Proposal through the plan-making process.

Table 5 – Anticipated Project Timeline

Process	Indicative Timeframe
Planning Proposal submitted to Liverpool City Council	Jan 2021
Council endorsement of the Planning Proposal	March 2021
Liverpool City Council forward Planning Proposal to the NSW Department of Planning, Industry and Environment (DPIE)	April 2021
Gateway Determination	June 2021
Public Exhibition and Consultation	July 2021

Process	Indicative Timeframe
Post Exhibition Review (Consideration of Submission)	TBC
Submission to the NSW Department of Planning, Industry and Environment (DPIE) for Finalisation	TBC
Legal Drafting of the LEP	TBC
Notification and Gazettal of the LEP	TBC

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193 MACQUARIE STREET & 77-83 MOORE STREET LIVERPOOL

BUILT FORM STUDY

PREPARED FOR

ARCHER & BECKETT PTY LTD

18 JAN 2021

FINAL REPORT

INTRODUCTION

This document has been prepared on behalf of Archer & Beckett Pty Ltd to undertake a built form testing in response to the additional information request of a planning proposal of the proposed development at 193 Macquarie Street & 77 Moore Street.

This package is structured as follows:

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3.0	BUILT FORM TESTING	12
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Project Code	P0030164
Report Ref	PLN_193MS_UD Package_RevB
Report Revision	B

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Owners of the country on which we meet and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

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EXECUTIVE SUMMARY

Archer & Beckett Pty. Ltd is preparing a planning proposal of its property asset at 193 Macquarie Street & 77-83 Moore Street as an amalgamated site (The Site). The site is located at the south-western bookend of Macquarie Street Mall within Liverpool CBD.

Liverpool City Council has requested additional information in relation to the Planning Proposal to re-allocate the site from "Area 11" to "Area 8" on the Liverpool LEP 2008 FSR Map. This allows for an increased FSR to be accommodated on site which supports incentivised maximum building heights under the current planning controls.

The purpose of this study is to analyse the development potential under these two planning controls, being:

- Current Area 11 Controls (FSR 3:1, HOB 100m, 62.5% max. residential GFA); and
- Proposed Area 8 Controls (FSR 10:1, HOB - PANS-OPS - RL135.9m, 20% min. commercial GFA)

The following page summarises the development outcome for both schemes and concluding statements.

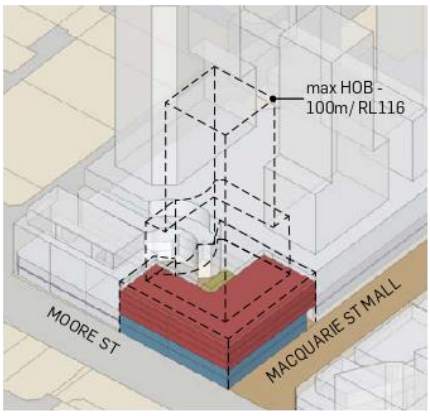
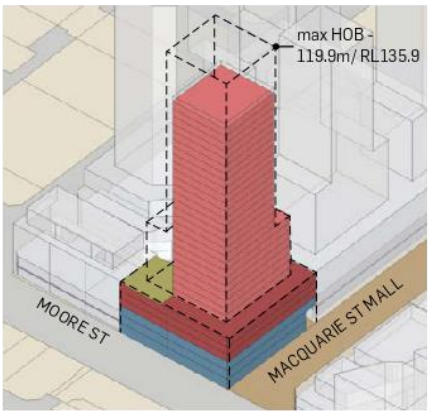
The detailed study of each scheme is explained in the following sections of this document.

CONCLUSION

1. **NET INCREASE IN COMMERCIAL GFA UNDER PROPOSED AREA 8 CONTROLS**
2. **THE BUILT FORM DOES NOT REFLECT THE FUTURE DESIRED CHARACTER WITHIN CURRENT AREA 11 CONTROLS**
3. **THE SITE HAS MORE CAPACITY TO ACCOMMODATE A TOWER FORM IN COMPARISON TO THE ADJOINING SITE**
4. **A TOWER BUILT FORM TO THE SOUTHERN BOOKEND OF MACQUARIE STREET MALL RESULTS IN LIMITED IMPACTS TO SOLAR ACCESS WITHIN THE PUBLIC DOMAIN**
5. **AN INTEGRATED DEVELOPMENT OPPORTUNITY WITH LIVERPOOL PLAZA**

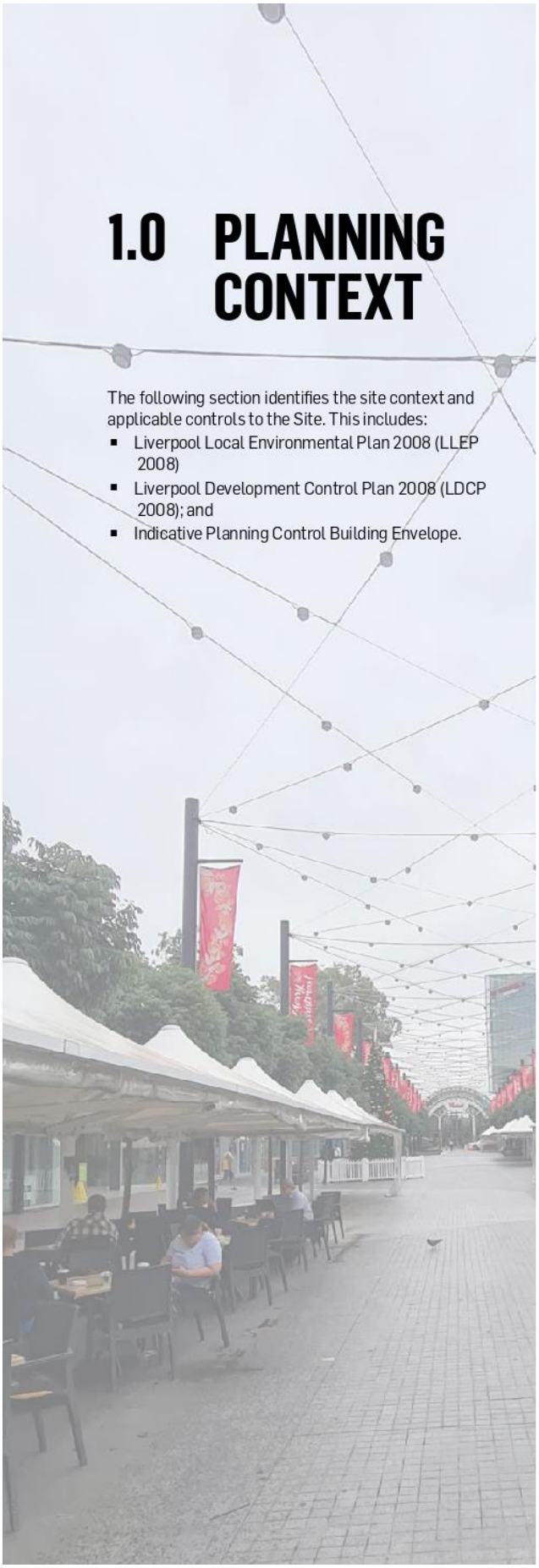
DRAFT

Table 1 Built Form Testing Summary

	CURRENT AREA 11 CONTROLS	PROPOSED AREA 8 CONTROLS
Indicative 3D massing		

	CURRENT AREA 11 CONTROLS	AREA 11 OUTCOME	PROPOSED AREA 8 CONTROLS	AREA 8 OUTCOME
Total Site Area (sqm)		**1,931.0**		**1,931.0**
Max Permissible FSR (n:1)	**3.0**	**3.0**	**10.0**	**10.0**
Max Permissible GFA (sqm)	**5,793.0**	**5,726.9**	**19,310.0**	**19,307.4**
Commercial GFA	**2,172.4 sqm/ min. 37.5%**	**2,603.1 sqm/ 45.5%**	**3,862 sqm/ min. 20.0%**	**4,518.4 sqm/ 23.4%**
Residential GFA	3,620.6 sqm/ max. 62.5%	3,123.8 sqm/ 54.5%	15,448 sqm/ max. 80.0%	14,789.0 sqm/ 76.6%
Max height of building	**100.0m/ RL115.9**	**18.9m/ RL34.9/ 5 storeys**	**119.9m/ RL135.9**	**103.1m/ RL119.1/ 32 storeys**

PROS	• The proposed envelope provides street activation along Moore Street and Macquarie Street Mall. • 0m podium front setback provides streetwall continuation along Macquarie Street Mall and Moore St.	• The proposed envelope provides street activation along Moore Street and Macquarie Street Mall. • 0m podium front setback provides streetwall continuation along Macquarie Street Mall and Moore St. • Area 8 provides more commercial GFA than Area 11. • The proposed envelope reflects the surrounding future desired character of the precinct. • The tower form on the corner of Moore Street and Macquarie Mall emphasizes the importance of this junction and forms a visual anchor at the south-western bookend of the Mall.
CONS	• Current Area 11 Controls provides less commercial GFA than Area 8 Controls; • Current Area 11 Controls does not emphasize the importance of this junction as well as responding to the future built form character of the surrounding Area 8 controls; and • The proposed envelope is significantly lower than the permissible building height of 100m.	• The 14m upper level northern setback is greater than required by the ADG which results in a smaller floor plate of 530sqm. • Communal open space requirements to consider solar access in accordance with the ADG and future development of Liverpool Plaza.
FURTHER CONSIDERATIONS		• Potential to co-locate ground floor public domain with Liverpool Plaza and accommodate through site linkage to Davis Serviceway. • Potential to co-locate residential amenities being rooftop communal open space with Liverpool Plaza.



1.0 PLANNING CONTEXT

The following section identifies the site context and applicable controls to the Site. This includes:

- Liverpool Local Environmental Plan 2008 (LLEP 2008)
- Liverpool Development Control Plan 2008 (LDCP 2008); and
- Indicative Planning Control Building Envelope.

1.1 LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (LLEP 2008)

The following table and opposite plans identify the LEP planning controls applicable to the Site.

Table 2 Liverpool Local Environmental Plan 2008 (LLEP 2008)

Total Site Area (sqm)	**1,931**
Land Use Zone	B4 Mixed Use
CURRENT AREA 11 CONTROLS	
Area 11 FSR (n:1)	3.0
Total Allowable GFA - Area 11 (sqm)	**5,793**
Min. Commercial GFA - 37.5% (sqm)	**2,172**
Max. Residential GFA - 62.5% (sqm)	3,621
Max HOB (m)	100
PROPOSED AREA 8 CONTROLS	
Area 8 FSR (n:1)	10.0
Total Allowable GFA - Area 8 (sqm)	**19,310**
Min. Commercial GFA - 20% (sqm)	**3,862**
Max. Residential GFA - 80% (sqm)	15,448
Max HOB (m)	PANS-OPS (RL135.9m)
BUILDING SEPARATION	
Built form between 25m-45m height (m)	12.0
Built form between >45m height (m)	28.0

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LAND ZONING

Figure 1 Land Zoning Plan

The Site is currently zoned B4 Mixed Use

FLOOR SPACE RATIO

Figure 2 Floor Space Ratio Plan

The Site is currently under Area 11 with maximum permissible FSR of 3:1

HEIGHT OF BUILDING

Figure 3 Height of Building Plan

The Site has a maximum permissible building height of 100m

HERITAGE

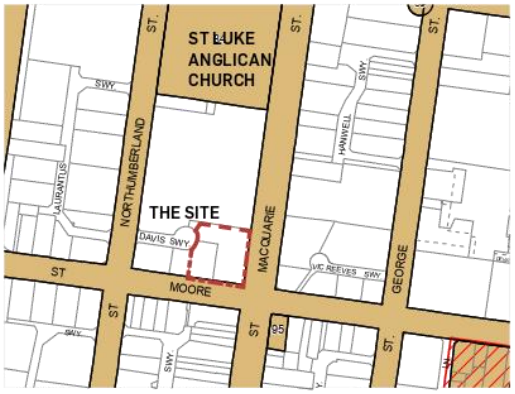

Figure 4 Heritage Plan

St Luke's Anglican Church and the road reserve within Liverpool CBD is listed as heritage items. This includes Macquarie Street and Moore Street that bounds the Site to the east and south.

1.2 LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 (LDCP 2008)

The following table identify the DCP planning controls applicable to the Site.

Table 3 Liverpool Development Control Plan 2008 (LDCP 2008)

Max site coverage (Area 11)	75%
Max site coverage (Area 8)	100%
Max podium height (street frontage)	6 st
Max podium height (laneway frontage)	4 st
BUILDING SETBACKS	
Podium front setback	0m
Podium side setback (if adjoining development built to boundary)	0m
Mid Rise - Upper level front setback	3m
Tower on podium/ corner site- upper level front setback	6m
Tower on podium/corner site - upper level side setback	12m
Laneway setback - above 14m	6m
Stand alone building - side setbacks	refer to Apartment Design Guide (ADG) building separation below
Apartment Design Guide - building separation	
up to 12m/ ~4st	*min. 6m (between non-habitable rooms) - 12m (between habitable rooms)*
between 12-25m/ ~5-8st	*min. 9m (between non- habitable rooms) - 18m (between habitable rooms)*
more than 25m/ >8st.	*min. 12m (between non- habitable rooms) - 24m (between habitable rooms)*
BUILT FORM FLOOR PLATE	
Residential tower max elevation length	45m
Residential tower max GFA/ level	700 sqm
Commercial tower max elevation length	45m
Commercial tower max GFA/ level	1,000 sqm
MIN FLOOR TO FLOOR HEIGHT	
Min. floor to ceiling height (GF)	3.6m
Min. floor to ceiling height (commercial above ground level)	3.3m
Min. floor to ceiling height (residential above ground level)	2.7m
THROUGH SITE LINK	
Min through site links width (open to sky)	3.0m
Min through site links width (arcades)	5.0m, two storeys high

This built form study adopts LLEP 2008 building separation control to identify the indicative building envelope, noting its discrepancies with LDCP setback controls which refer to Apartment Design Guide (ADG).

The following diagram identifies the setback controls applicable to the Site.

LEGEND

- The Site
- Indicative Podium Envelope
- Indicative Tower Envelope
- GF Commercial/ Retail Activation
- Min. 5m Wide Through Site Link

SETBACK CONTROL

- 0m Streetwall Front Setback
- 3m Upper Podium Front Setback
- 6m Tower Front Setback
- 6m Tower Side Setback/ 12m Building Separation (25-45m height)
- 14m Tower Side Setback/ 28m Building Separation (>45m height)
- 0m Streetwall Side Setback
- 0m Streetwall Rear Setback (up to 14m height)
- 6m Upper Level Rear Setback (>14m)

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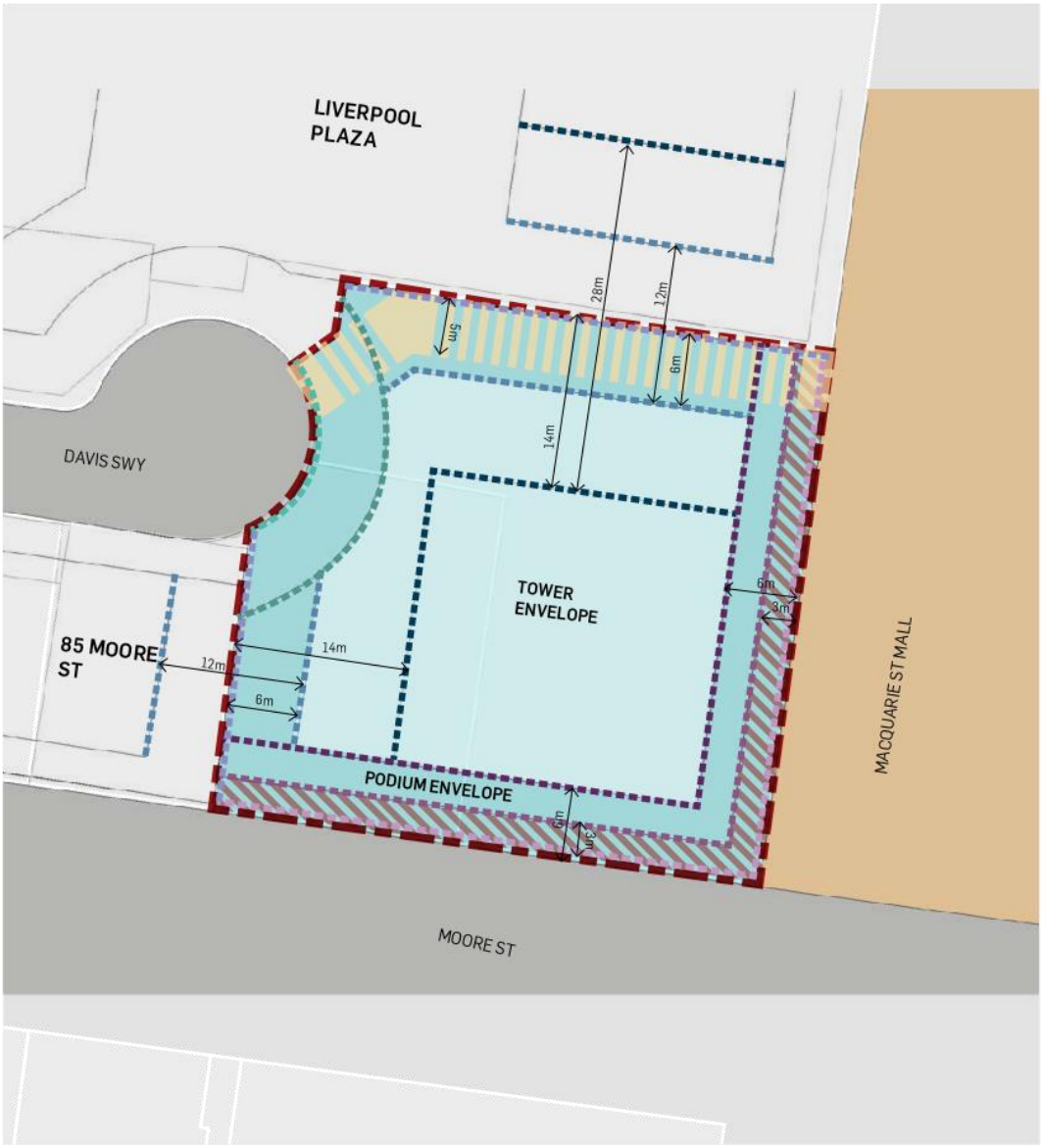

Figure 5 LLEP & LDCP Building Setbacks and Separation Controls

1:500 @ A4

1.3 INDICATIVE PLANNING CONTROL BUILDING ENVELOPE

An indicative building envelope has been prepared for two different typologies based on the LLEP 2008 and LDCP 2008 controls. This includes:

- Podium & tower typology; and
- Mid rise typology.

This also illustrates the indicative maximum building heights under both Area 11 and Area 8 controls.

TOWER ON A PODIUM TYPOLOGY

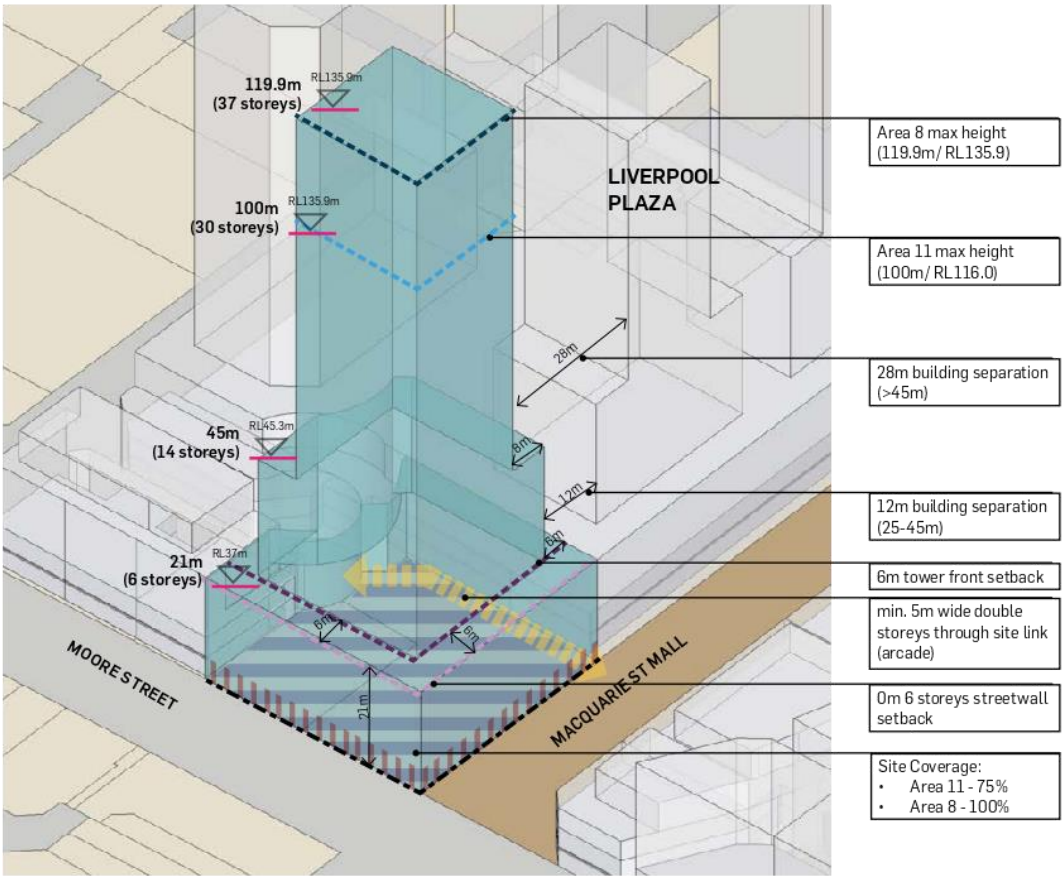

Figure 6 Indicative building envelope control - Tower on a Podium Typology

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LEGEND

- Subject Site
- Indicative Building Envelope
- Site Coverage
- GF Commercial/ Retail Requirement
- Min. 5m Wide Through Site Link

SETBACK STRATEGY

- 0m Streetwall Front Setback
- 3m Upper Podium Front Setback
- 6m Tower Front Setback
- Area 11 Max Height (100m/ RL116.0)
- Area 8 Max Height (119.9m/ RL135.9)

MID-RISE TYPOLOGY

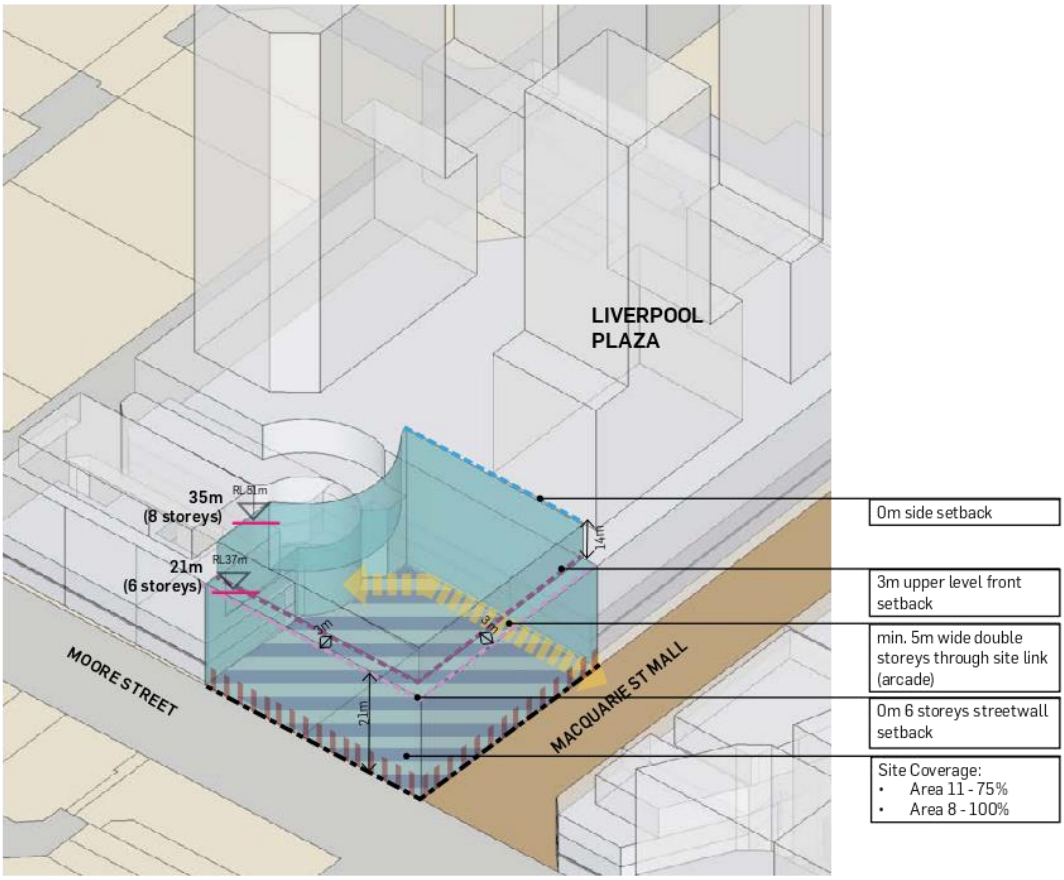
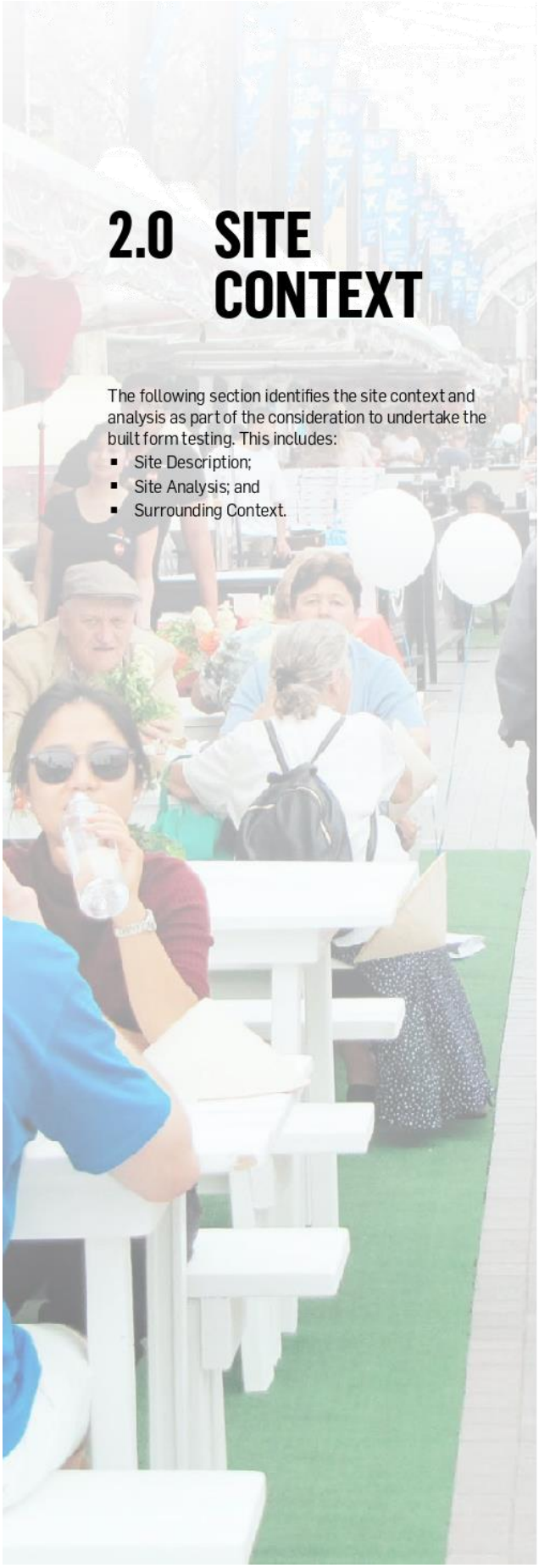


Figure 7 Indicative building envelope control - Mid Rise Typology



2.0 SITE CONTEXT

The following section identifies the site context and analysis as part of the consideration to undertake the built form testing. This includes:

- Site Description;
- Site Analysis; and
- Surrounding Context.

2.1 SITE DESCRIPTION

The Site comprises of two adjoining properties being 193 Macquarie Street and 77-83 Moore Street.

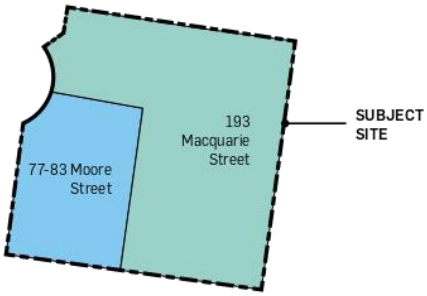


Figure 8 Subject site diagram

The Site is generally square in shape, with variations at the rear where it abuts Davis Serviceway. It has a dimension of approximately 45m x 45m and a total area of 1,931 sqm. There is an existing through site link to the northern boundary between Macquarie Street Mall and Davis Serviceway, however it is currently inaccessible.

The site is bounded by Moore Street to the south, Liverpool Plaza to the North, Macquarie Street Mall to the east and 85 Moore Street and Davis Serviceway to the west.

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2.2 SITE ANALYSIS

The following table and diagrams identifies the analysis of the Site.

LEGEND

- The Site
- Existing surface car park to the rear
- Existing corner plaza - currently inaccessible

STREET FRONTAGE & BUILDING INTERFACE

- Macquarie Street Mall Interface - a highly trafficked pedestrian and public domain space
- Moore Street frontage - identified as part of future transport corridor
- Built to boundary between the Site, 85 Moore Street and Liverpool Plaza

ACCESS AND MOVEMENTS

- Potential vehicular and service access from Davis Serviceway
- Existing through site link - currently inaccessible

GROUND FLOOR BASE RL

- RL 16.00 - 193 Macquarie Street level

Figure 9 Site Analysis

1:500 @ A4

2.3 SURROUNDING CONTEXT

The Site is situated at the heart of Liverpool CBD anchoring the south-western bookend of Macquarie Street Mall. It is surrounded by major commercial and retail uses including Liverpool Plaza, Westfield Liverpool and Macquarie Street Mall

Liverpool Plaza is a one storey shopping mall situated immediately to the north of the site that is currently under the same ownership as the subject Site.

Macquarie Street Mall is the primary public domain of Liverpool CBD whereby any future development needs to consider the solar access impact to this public domain.

Moore Street is the east-west collector road connecting Hume Highway to the west and Liverpool Station to the east. It is planned to be part of the future Fifteenth Avenue Smart Transit (FAST) corridor - a main transit corridor connecting Liverpool and future Western Sydney Aerotropolis .

Westfield Liverpool is the primary retail centre anchoring the northern bookend of Macquarie Street Mall. An 8-storey WSU campus is situated to the north-eastern part of the mall and is currently one of the tallest built forms within the within the vicinity of Macquarie Street Mall.

Macquarie Street Mall, Moore Street, 91 Moore Street and St Luke's Anglican Church to the north of Liverpool Plaza are listed as heritage items.

The diagram below and opposite page illustrates the site locality and the current condition of the surrounding context.

Figure 10 Site Context

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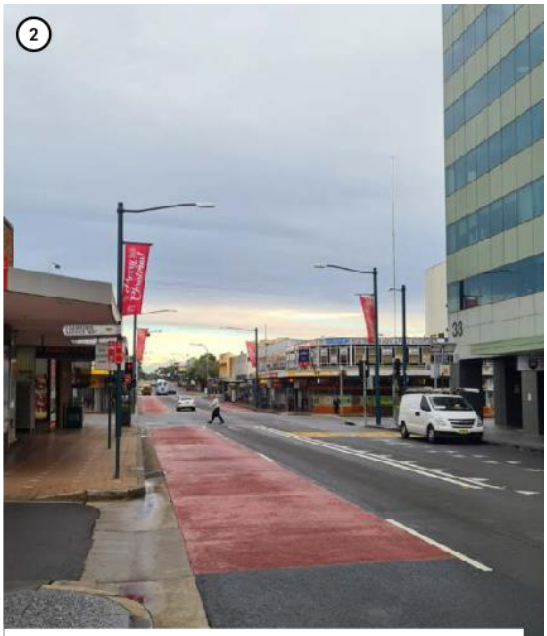
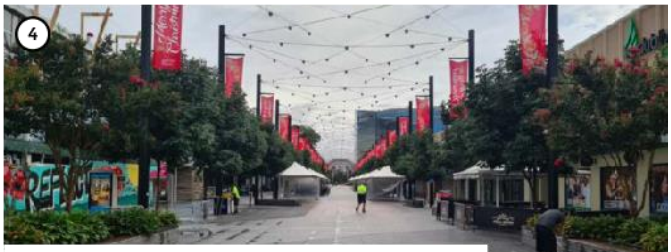
The south-western bookend of Macquarie Street Mall - The Site



Moore Street is planned to be four lanes as part of the future transport corridor connecting Liverpool and Western Sydney Aerotropolis.

Davis Swy. provides service access to the Site , Liverpool Plaza and 85-91 Moore Street.



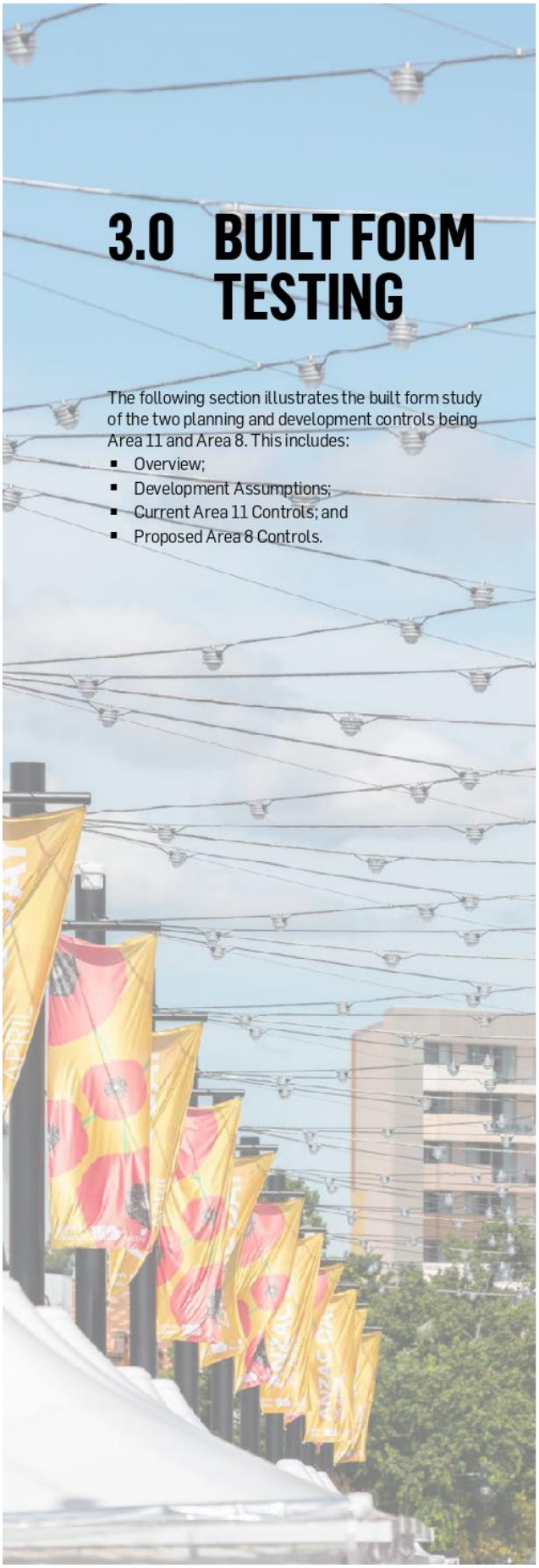
Macquarie Street Mall - A vibrant pedestrian orientated mall on the eastern frontage of the Site.

The Site existing condition - a prominent corner site

The 8-storey WSU campus is currently one of the tallest built forms within Macquarie Street Mall vicinity

Existing through site link along the northern boundary that is currently inaccessible

91 Moore Street - Existing heritage building to the west of the Site



3.0 BUILT FORM TESTING

The following section illustrates the built form study of the two planning and development controls being Area 11 and Area 8. This includes:

- Overview;
- Development Assumptions;
- Current Area 11 Controls; and
- Proposed Area 8 Controls.

3.1 OVERVIEW

Two built form testing schemes have been undertaken, being:

- Current Area 11 Controls (FSR 3:1, HOB 100m, 62.5% max. residential GFA); and
- Proposed Area 8 Controls (FSR 10:1, HOB - PANS-OPS - RL135.9m, 20% min. commercial GFA).

For each of the schemes, the following analysis was undertaken and illustrates the following outcomes:

- Development outcome summary;
- Indicative plan including applicable setbacks;
- Indicative 3D axonometric;
- Development breakdown;
- Indicative 3D context aerial view; and
- Solar access analysis to Macquarie Street Mall.

An indicative built form of the adjoining Liverpool Plaza and 85-91 Moore Street has been prepared in accordance with LLEP 2008 and LDCP 2008 controls. The Liverpool Plaza scheme illustrated herewith is high-level and does not consider calibrations such as solar access, amenity and other requirements for that site and surrounds.

The primary purpose of the 3d modelling of the adjacent site is to understand the future built form context in accordance with the current controls (FSR and HOB) and to consider the building separation implications for the subject site. The following table and opposite page identifies the planning control and development assumptions undertaken for the built form testing.

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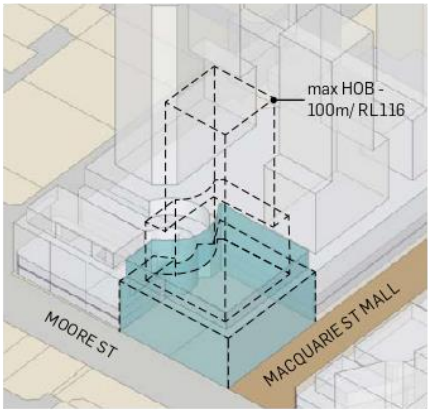
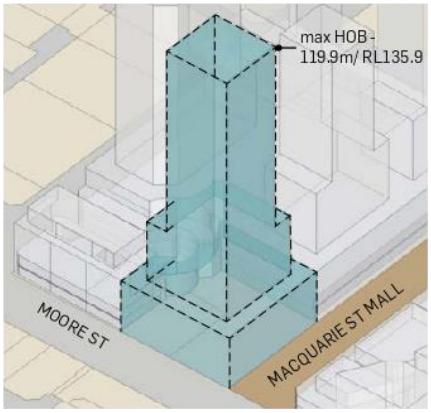
Table 4 Development Control Summary

	CURRENT AREA 11 CONTROLS	PROPOSED AREA 8 CONTROLS
Indicative 3D massing		
	CURRENT AREA 11 CONTROLS	**PROPOSED AREA 8 CONTROLS**
Total Site Area (sqm)	**1,931**	**1,931**
Max Permissible FSR (n:1)	**3.0:1**	**10.0:1**
Max Permissible GFA (sqm)	**5,793.0**	**19,310.0**
Commercial GFA	**2,172.4 sqm/ min. 37.5%**	**3,862 sqm/ min. 20.0%**
Residential GFA	3,620.6 sqm/ max. 62.5%	15,448 sqm/ max. 80.0%
Max height of building	**100.0m/ RL115.9**	**119.9m/ RL135.9**

3.2 DEVELOPMENT ASSUMPTIONS

The following assumptions are applied for the built form study:

BUILDING HEIGHT

- 4.0m Commercial floor to floor height - Ground level
- 3.6m Commercial floor to floor height - above ground level
- 3.1m Residential floor to floor height -above ground level
- 2m Lift Overrun
- RL16.0 Base RL

BUILDING EFFICIENCY

- 85% GBA to GFA-Commercial
- 75% GBA to GFA-Residential
- 82 sqm/ residential unit

CURRENT AREA 11 CONTROLS

BUILT FORM TESTING

OVERVIEW

The potential envelope results in a 5-storey podium form with the maximum height of 18.9m. Whilst the building envelope achieves its maximum FSR of 3.0:1, it is significantly under its permissible height control of 100m.

The following diagrams and tables on the following pages illustrates the compliant building envelope study based on the Current Area 11 Controls.

KEY SUMMARY

- The result of the Current Area 11 Controls does not reflect the future desired character that will be predominant on Moore Street and Macquarie Street.

Table 5 Development Outcome - Current Area 11 Controls Scheme

	PLANNING CONTROL	DEVELOPMENT OUTCOME
Total Site Area (sqm)		**1,931**
Total FSR (n:1)	**3.0**	**3.0**
Total GFA (sqm)	**5,793**	**5,727**
Min. Commercial GFA (sqm)	**2,172**	**2,603**
Min. Commercial GFA (%)	**37.5%**	**45.5%**
Min. Residential GFA (sqm)	3,621	3,124
Min. Residential GFA (%)	62.5%	54.5%
Max building height (m)	**100.0**	**18.9**
Max building height (RL)	115.9	34.9
Max building height (storeys)		5.0
Communal Open Space Provision (sqm)	482.75	253.17
Communal Open Space Provision (%)	**25%**	**13%**

5,727 SQM.
TOTAL GROSS FLOOR AREA

45.5 %.
COMMERCIAL GFA

3.0:1
FLOOR SPACE RATIO

18.9M/ 5 ST.
BUILDING HEIGHT

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Figure 11 Current Area 11 Controls Scheme

1:500 @ A4

LEGEND

- Subject Site
- Streetwall Podium Envelope - Residential
- Podium Rooftop Communal Open Space
- Ground Level Open Space
- Through Site Link - 5m wide (GF)

SETBACK STRATEGY

- 0m front setback - streetwall

CURRENT AREA 11 CONTROLS CONT'D

INDICATIVE BUILDING ENVELOPE

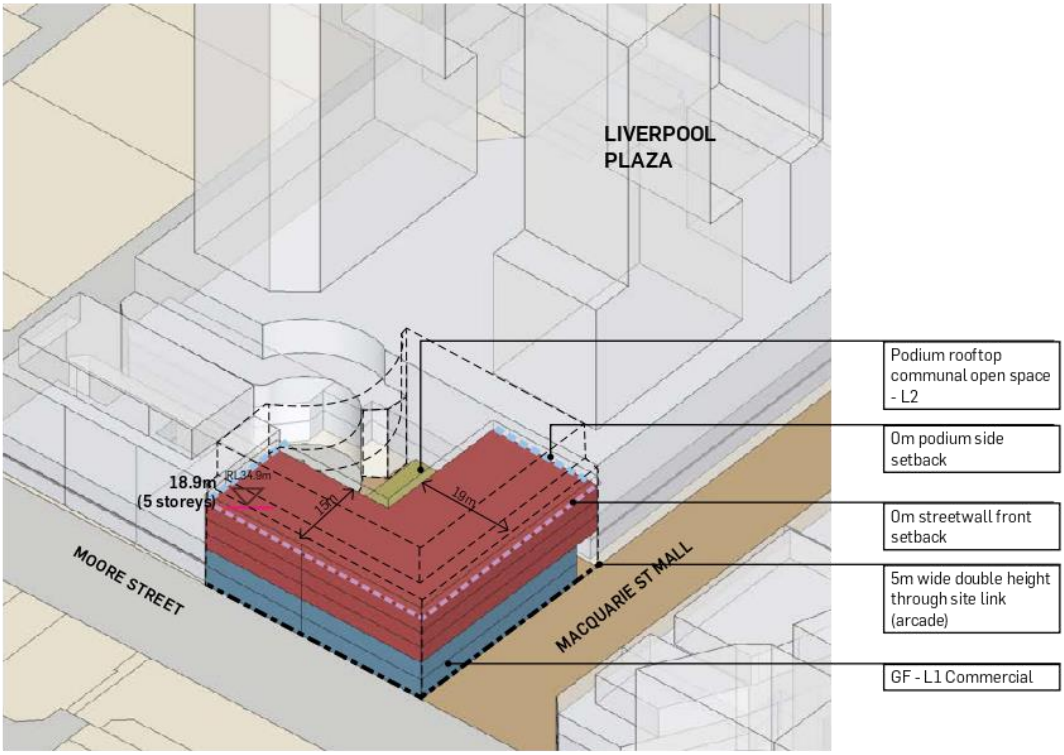

Figure 12 Current Area 11 Controls - Axonometric SE

LEGEND

- Subject Site
- Indicative Envelope - Mid Rise
- Streetwall Podium Envelope - Commercial
- Streetwall Podium Envelope - Residential
- Upper Podium Envelope - Residential
- Podium Rooftop Communal Open Space
- Ground :Level Open Space

SETBACK STRATEGY

- 0m Front Setback - Streetwall
- 0m Side Setback - Streetwall & Podium

Table 6 Development Breakdown - Current Area 11 Controls Scheme

LEVEL	USES	FP (SQM)	GBA (SQM)	GFA (SQM)	GFA (%)	FSR	NO. ST.	HEIGHT (M)	CUMULATIVE HEIGHT (M)	HEIGHT (RL)
G	P-Comm	1,531.2	1,531.2	1,301.5	22.7%		1	4.0	4.0	20.0
L1	P-Comm	1,531.2	1,531.2	1,301.5	22.7%		1	3.6	7.6	23.6
L2-5	P-Resi	1,388.4	2,776.7	2,082.5	36.4%		2	6.2	13.8	29.8
L6-7	T-Resi	1,388.4	1,388.4	1,041.3	5.4%		1	3.1	16.9	32.9
Lift Overrun								2.0	18.9	34.9
TOTAL			**7,227.6**	**5,726.9**	**100.0%**	**3.0**	**5.0**	**18.9**	**18.9**	**34.9**

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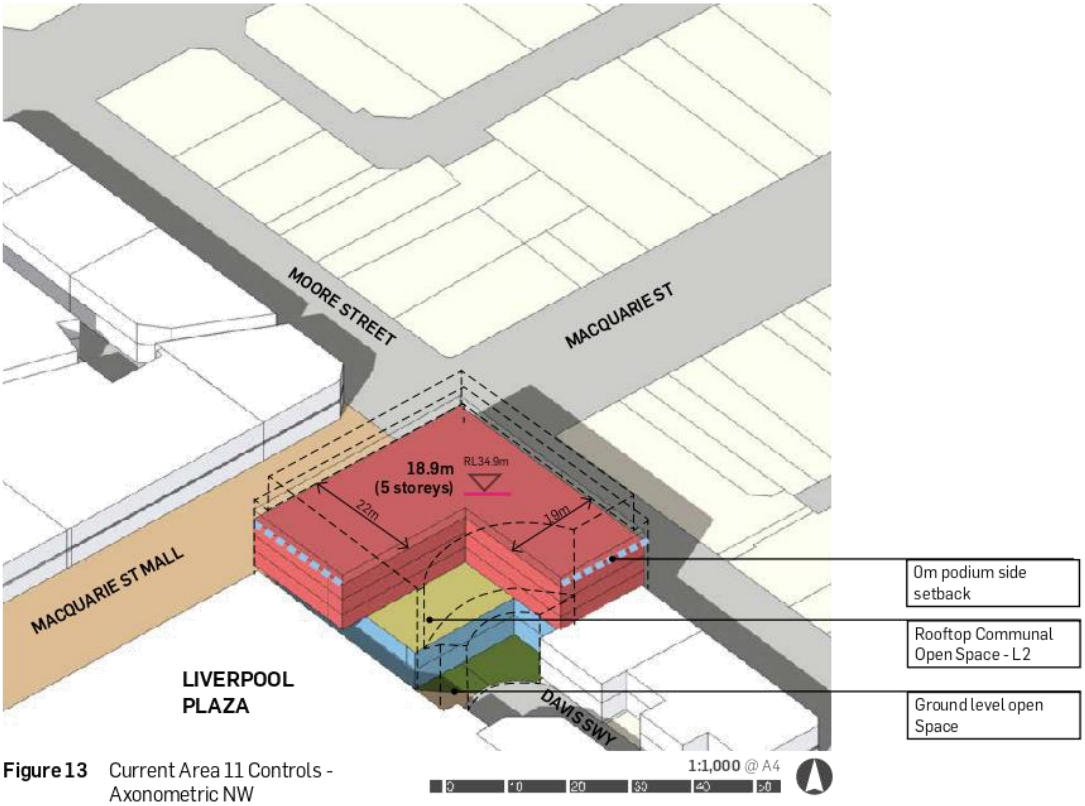

Figure 13 Current Area 11 Controls - Axonometric NW

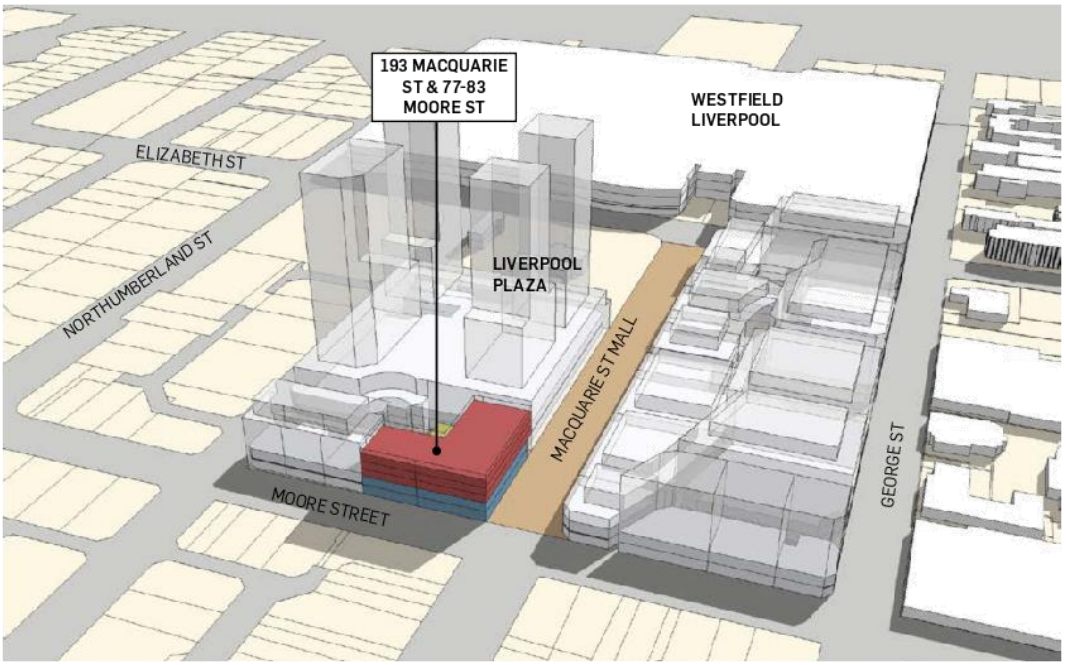

Figure 14 Current Area 11 Controls - Aerial South

CURRENT AREA 11 CONTROLS CONT'D

SOLAR ACCESS ANALYSIS - AREA 11

The following diagrams identifies the solar access analysis of Current Area 11 Controls Scheme proposed envelope to understand the additional shadow impact to Macquarie Street Mall.

The shadow study has been undertaken between 9AM - 3PM in mid winter with key summary illustrated in the following page.

KEY SUMMARY

- The proposed envelope provides very limited additional impacts to the solar access within Macquarie Street Mall. The public domain still receives a min. 2 hour sunlight in mid winter.

LEGEND

- The Site
- Streetwall Podium Envelope - Residential
- Upper Podium/ Tower Envelope - Residential
- Podium Rooftop Communal Open Space
- Macquarie Street Mall
- Surrounding Built Forms
- Additional Shadow within Macquarie Street Mall from The Proposed Envelope

SOLAR ACCESS ANALYSIS

Figure 15 Solar Access Analysis - Area 11 Controls

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PROPOSED AREA 8 CONTROLS

BUILT FORM TESTING

OVERVIEW

The potential envelope results in 6-storey podium and 26-storey residential tower form with the maximum height of 103.1m. This achieves the maximum allowable FSR 10:1 and still under the maximum height of RL139.5m.

The north-south orientated residential tower form maximises solar access to future residential units and provide a fast moving shadow that minimises overshadowing impact to the adjoining properties and public domain.

The following diagrams and tables on the following pages illustrates the compliant building envelope study based on the Proposed Area 8 Controls.

KEY SUMMARY:

- The corner podium and tower built form outcomes celebrates the importance of this corner site.

19,307 SQM.
TOTAL GROSS FLOOR AREA

23.4 %.
COMMERCIAL GFA

10.0:1
FLOOR SPACE RATIO

103.1M/ 32 ST.
BUILDING HEIGHT

Table 7 Development Outcome - Proposed Area 8 Controls Scheme

	PLANNING CONTROL	DEVELOPMENT OUTCOME
Total Site Area (sqm)		**1,931**
Total FSR (n:1)	**10.0**	**10.0**
Total GFA (sqm)	**19,310**	**19,307**
Min. Commercial GFA (sqm)	**3,862**	**4,518**
Min. Commercial GFA (%)	**20.0%**	**23.4%**
Min. Residential GFA (sqm)	15,448	14,789
Min. Residential GFA (%)	80.0%	76.6%
Max building height (m)	**119.9**	**103.1**
Max building height (RL)	135.9	119.1
Max building height (storeys)		32.0
Communal Open Space Provision (sqm)	482.75	733.29
Communal Open Space Provision (%)	**25%**	**38%**

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Figure 16 Proposed Area 8 Controls Scheme

1:500 @ A4

LEGEND

- Subject Site
- Streetwall Podium Envelope - Residential
- Tower Envelope - Residential
- Podium Rooftop Communal Open Space
- Ground Level Open Space
- Through Site Link (GF)

SETBACK STRATEGY

- 0m front setback - streetwall
- 6m Tower Front Setback
- 6m Tower Side Setback (25-45m height)
- 14m Tower Side Setback (>45m height)

PROPOSED AREA 8 CONTROLS CONT'D
INDICATIVE BUILDING ENVELOPE

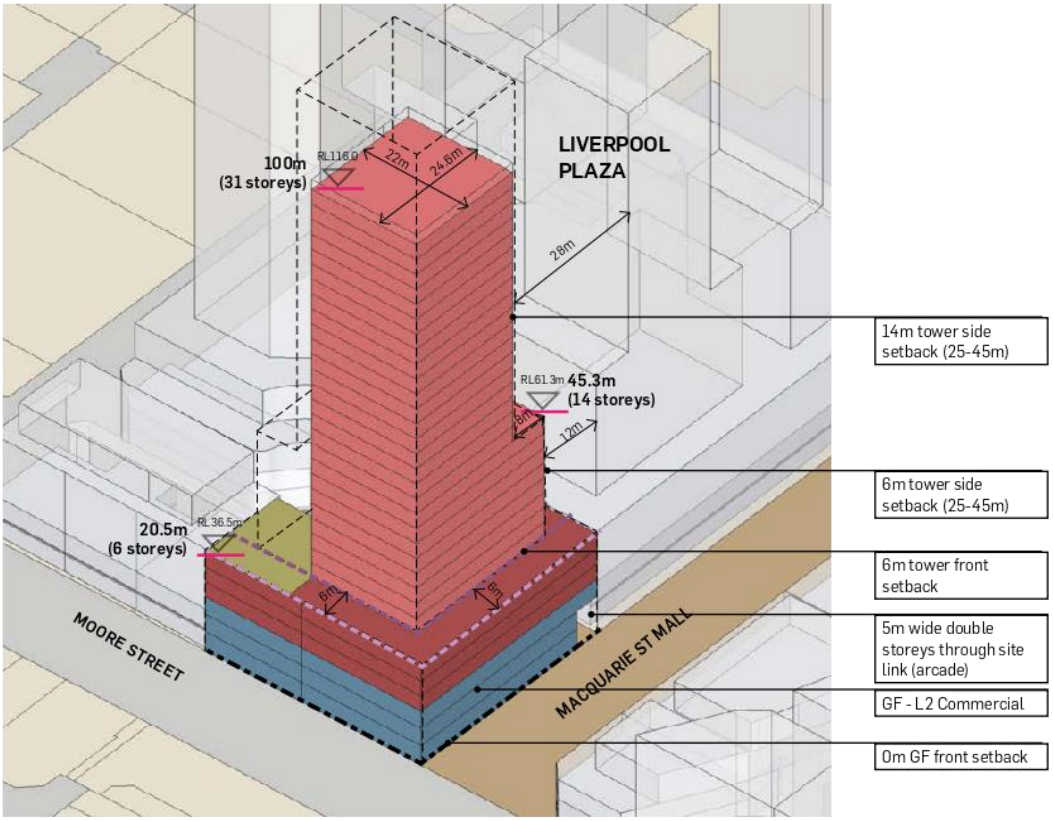

Figure 17 Proposed Area 8 Controls Scheme - Axonometric SE

LEGEND

- Subject Site
- Indicative Envelope - Tower + Podium
- Streetwall Podium Envelope - Commercial
- Streetwall Podium Envelope - Residential
- Upper Podium Envelope - Residential
- Podium Rooftop Communal Open Space
- Through Site Link

SETBACK STRATEGY

- 0m front setback - streetwall
- 6m Tower Front Setback
- 0m Podium Side Setback
- 6m Tower Side Setback (25-45m height)
- 14m Tower Side Setback (>45m height)

Table 8 Development Breakdown - Proposed Area 8 Controls Scheme

LEVEL	USES	FP (SQM)	GBA (SQM)	GFA (SQM)	GFA (%)	FSR	NO. ST.	HEIGHT (M)	CUMU-LATIVE HEIGHT (M)	HEIGHT (RL)
G	P-Comm	1,692.4	1,692.4	1,438.5	7.5%		1	4.0	4.0	20.0
L1	P-Comm	1,692.4	1,692.4	1,438.5	7.5%		1	3.6	7.6	23.6
L2	P-Comm	1,931.0	1,931.0	1,641.4	8.5%		1	3.6	11.2	27.2
L3-5	P-Resi	1,508.9	4,526.8	3,395.1	17.6%		3	9.3	20.5	36.5
L6-13	T-Resi	706.2	5,649.2	4,236.9	21.9%		8	24.8	45.3	61.3
L14-30	T-Resi	530.2	9,542.7	7,157.0	37.1%		18	55.8	101.1	117.1
Lift Over.								2.0	103.1	119.1
TOTAL			**25,034.4**	**19,307.4**	**100.0%**	**10.0**	**32.0**	**103.1**	**103.1**	**119.1**

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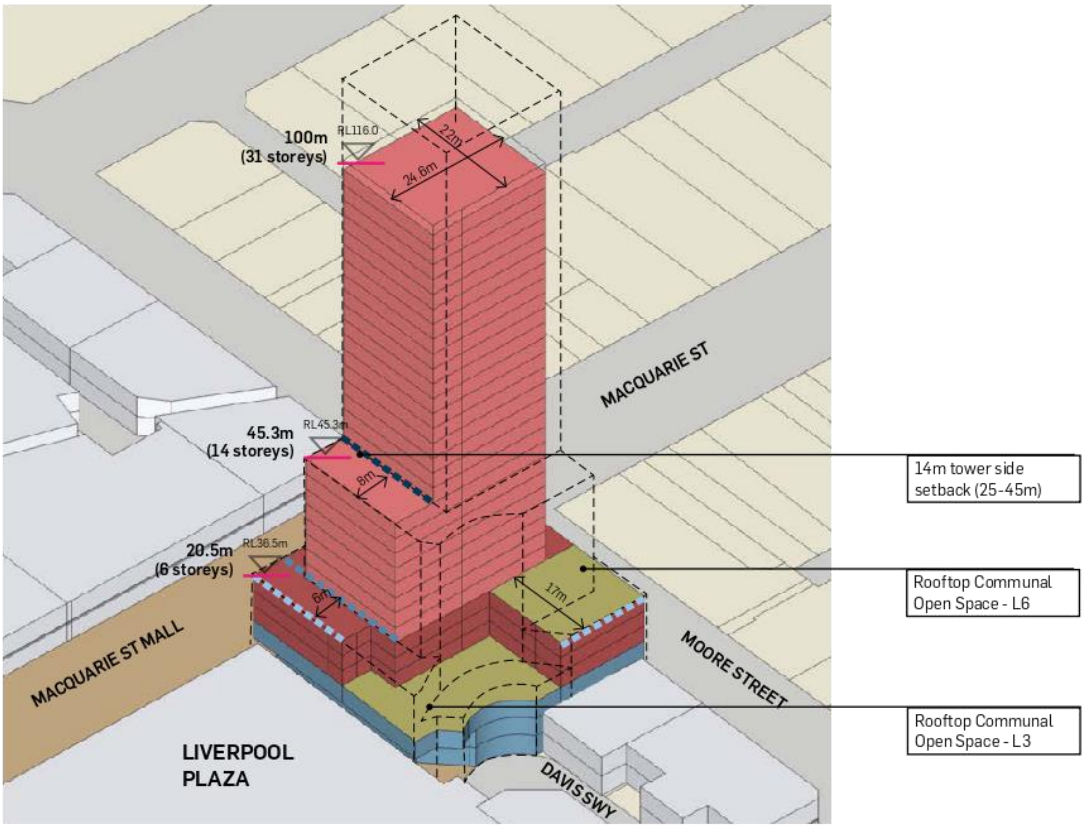

Figure 18 Proposed Area 8 Controls Scheme - Axonometric NW

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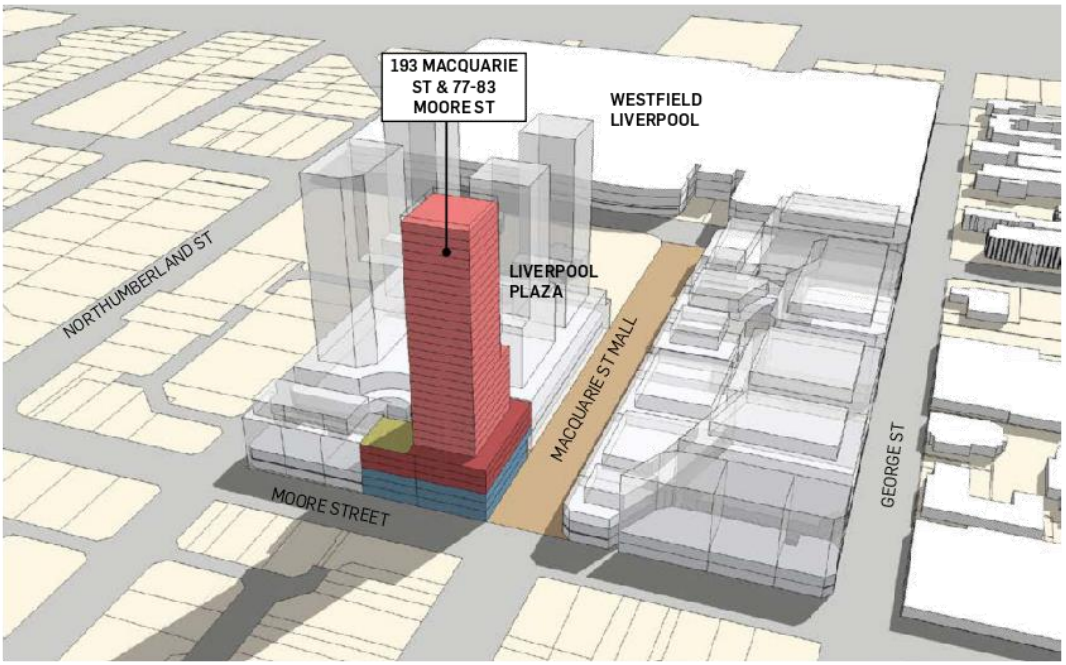

Figure 19 Proposed Area 8 Controls Scheme - Aerial South

PROPOSED AREA 8 CONTROLS CONT'D

SOLAR ACCESS ANALYSIS - AREA 8

The following diagrams identifies the solar access analysis of Area 8 proposed envelope to understand the additional shadow impact to Macquarie Street Mall.

The shadow study has been undertaken between 9AM - 3PM in mid winter with key summary illustrated in the following page.

KEY SUMMARY:

- The proposed envelope provides limited additional shadow impacts to the solar access within Macquarie Street Mall. The public domain still receives a min 2hr. sunlight in mid winter
- The proposed envelope starts impacting Macquarie Street Mall in the afternoon from 1PM - 3PM.

LEGEND

- The Site
- Streetwall Podium Envelope - Residential
- Upper Podium/ Tower Envelope - Residential
- Podium Rooftop Communal Open Space
- Macquarie Street Mall
- Surrounding Built Form
- Additional Shadow within Macquarie Street Mall from The Proposed Envelope

SOLAR ACCESS ANALYSIS

Figure 20 Solar Access Analysis - Proposed Area 8 Controls

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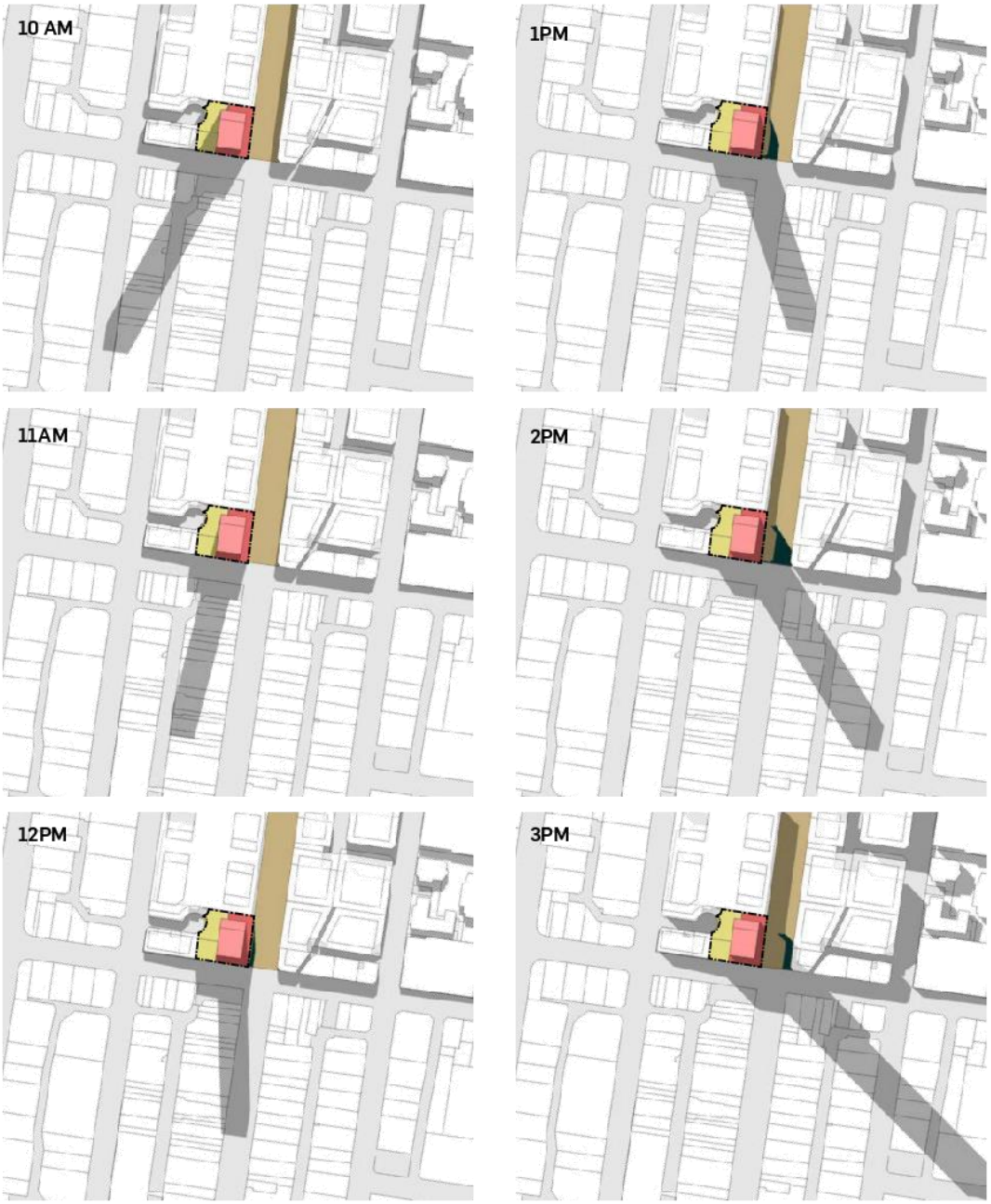

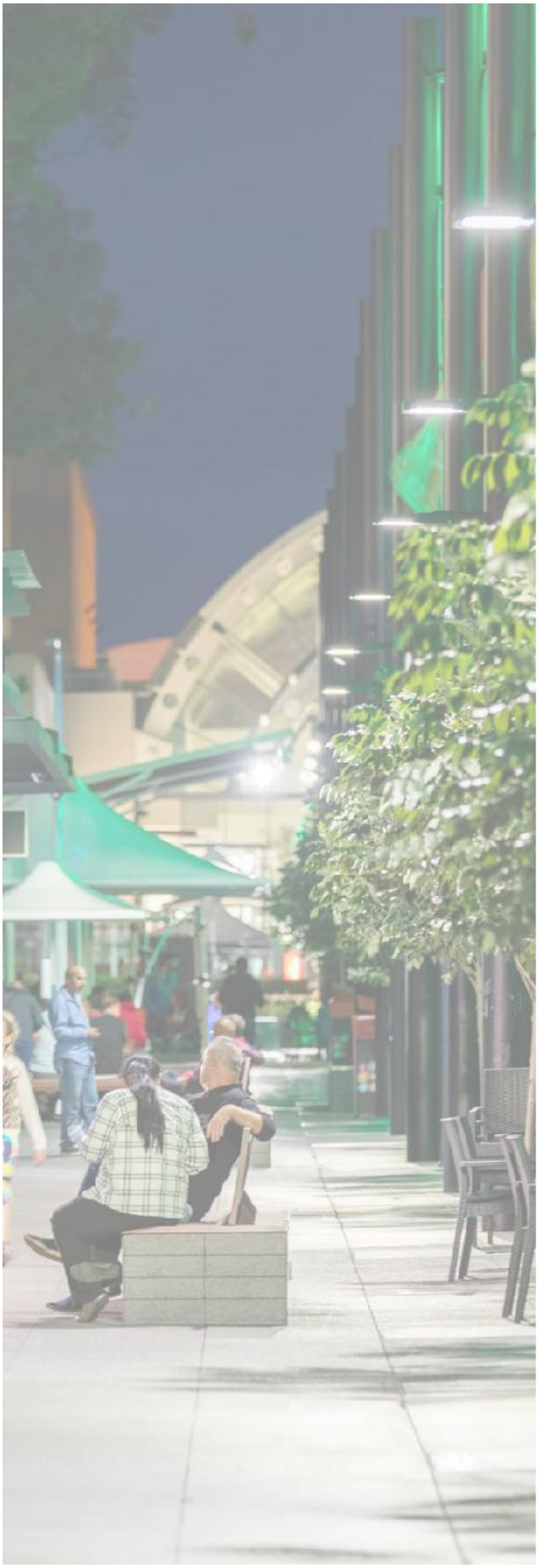

4.0 CONCLUSION

The following section provides the built form testing summary and key findings of this study identified in the following pages.

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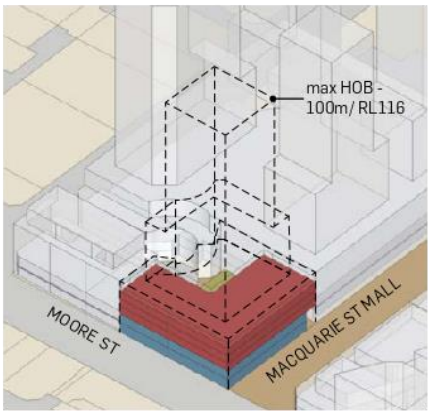
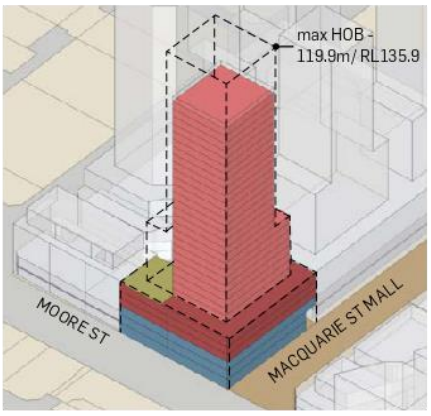
Table 9 Built Form Testing Summary

	CURRENT AREA 11 CONTROLS	PROPOSED AREA 8 CONTROLS
Indicative 3D massing		

	CURRENT AREA 11 CONTROLS	AREA 11 OUTCOME	PROPOSED AREA 8 CONTROLS	AREA 8 OUTCOME
Total Site Area (sqm)		**1,931.0**		**1,931.0**
Max Permissible FSR (n:1)	**3.0**	**3.0**	**10.0**	**10.0**
Max Permissible GFA (sqm)	**5,793.0**	**5,726.9**	**19,310.0**	**19,307.4**
Commercial GFA	**2,172.4 sqm/ min. 37.5%**	**2,603.1 sqm/ 45.5%**	**3,862 sqm/ min. 20.0%**	**4,518.4 sqm/ 23.4%**
Residential GFA	3,620.6 sqm/ max. 62.5%	3,123.8 sqm/ 54.5%	15,448 sqm/ max. 80.0%	14,789.0 sqm/ 76.6%
Max height of building	**100.0m/ RL115.9**	**18.9m/ RL34.9/ 5 storeys**	**119.9m/ RL135.9**	**103.1m/ RL119.1/ 32 storeys**

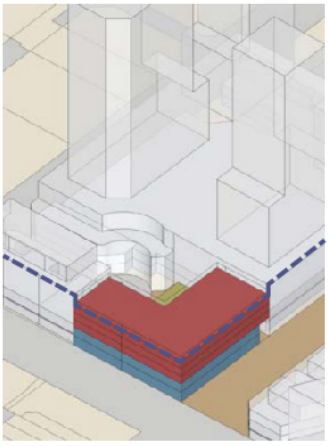
PROS	• The proposed envelope provides street activation along Moore Street and Macquarie Street Mall. • 0m podium front setback provides streetwall continuation along Macquarie Street Mall and Moore St.	• The proposed envelope provides street activation along Moore Street and Macquarie Street Mall. • 0m podium front setback provides streetwall continuation along Macquarie Street Mall and Moore St. • Area 8 provides more commercial GFA than Area 11. • The proposed envelope reflects the surrounding future desired character of the precinct. • The tower form on the corner of Moore Street and Macquarie Mall emphasizes the importance of this junction and forms a visual anchor at the south-western bookend of the Mall.
CONS	• Current Area 11 Controls provides less commercial GFA than Area 8 Controls; • Current Area 11 Controls does not emphasize the importance of this junction as well as responding to the future built form character of the surrounding Area 8 controls; and • The proposed envelope is significantly lower than the permissible building height of 100m.	• The 14m upper level northern setback is greater than required by the ADG which results in a smaller floor plate of 530sqm. • Communal open space requirements to consider solar access in accordance with the ADG and future development of Liverpool Plaza.
FURTHER CONSIDERATIONS		• Potential to co-locate ground floor public domain with Liverpool Plaza and accommodate through site linkage to Davis Serviceway. • Potential to co-locate residential amenities being rooftop communal open space with Liverpool Plaza.

The study concludes the followings:

▲1,915 SQM.
INCREASED MIN. COMMERCIAL GFA

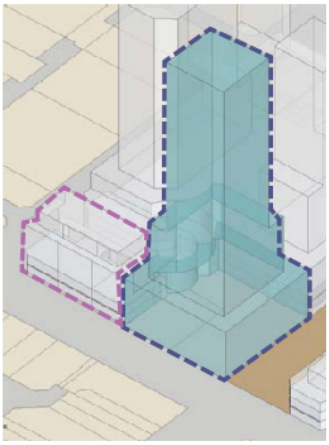
1 NET INCREASE IN COMMERCIAL GFA UNDER PROPOSED AREA 8 CONTROLS

- The Current Area 11 controls testing results in 2,603 sqm/ 45.5% commercial GFA.
- The Proposed Area 8 controls testing results in 4,518 sqm/ 23.4% commercial GFA.
- There is 1,915 sqm increased of commercial GFA between current Area 11 and proposed Area 8 controls. This results in an overall net increase in commercial GFA by relocating the Site from the current Area 11 controls to the proposed Area 8 controls.



2 THE BUILT FORM DOES NOT REFLECT THE FUTURE DESIRED CHARACTER WITHIN CURRENT AREA 11 CONTROLS

- The subject site is located in the south-western corner of Macquarie Mall and Moore Street which is an important junction within the CBD. A low-rise building in this location will not reflect the future desired character of the area.
- When viewed in the context of surrounding Area 8 which has a significantly higher density control, the site does not reflect its location and opportunity on the corner of a key public domain axis within the city centre.
- The 5-storey streetwall outcome does not align with future six-storey streetwall surrounding built form outcome.



3 THE SITE HAS MORE CAPACITY TO ACCOMMODATE A TOWER FORM IN COMPARISON TO THE ADJOINING SITE

- When adopting Proposed Area 8 Controls, the Site will be able to accommodate a N-S orientated tall slim tower form better than its western neighbouring site.
- The Site has a dimension of approximately 45m x 45m (1,931 sqm). It has more capacity to accommodate a tower built form when compared to the adjoining 87 & 91 Moore Street which has a shorter site depth.
- The adjoining 87 & 91 Moore Street has 21m site depth and sits under Area 8 controls that allows a higher density envelope and a total area of 970 sqm. This site depth will result in a small and narrow floor plate envelope of 12m depth. The potential residential floor plate will have an east-west orientation, creating an additional overshadowing on Moore Street and a suboptimal building floor plate for amenity and efficiency.

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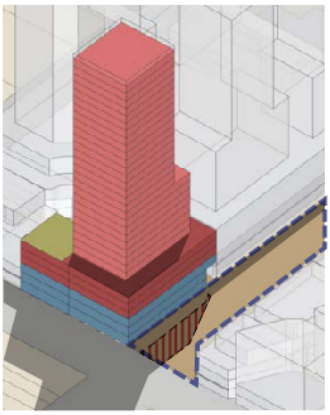
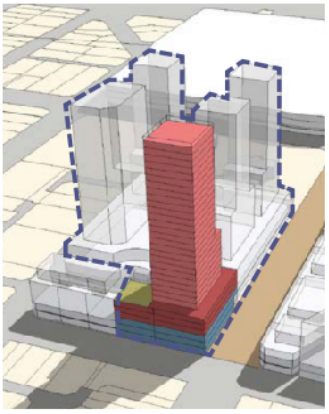


4 A TOWER BUILT FORM TO THE SOUTH-WESTERN BOOKEND OF MACQUARIE STREET MALL RESULTS IN LIMITED IMPACTS TO SOLAR ACCESS WITHIN THE PUBLIC DOMAIN

Proposed Area 8 Controls built form testing results in a 6-storey podium with 26-storey residential tower with an optimum north-south lengthwise orientation.

- The proposed podium and tower form provides only a small amount of additional overshadows to the southern end of Macquarie Mall between 1PM to 3PM in mid winter.
- Noting its location within the southern bookend of Macquarie Street Mall, this provides a fast moving shadow that results in the public domain still receiving a min. 2 hr. sunlight in mid winter.



5 AN INTEGRATED DEVELOPMENT OPPORTUNITY WITH LIVERPOOL PLAZA

- The current ownership control of Liverpool Plaza provides an opportunity for an integrated development with the Site.
- Further considerations such as building separation, podium communal open spaces, through-site links and public domain provision will ensure an optimal outcome for all.

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Urbis Pty Ltd
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18 January 2021

Liverpool City Council
2/33 Moore St,
Liverpool NSW 2170

To whom it may concern,

HERITAGE IMPACT STATEMENT - 193 MACQUARIE STREET LIVERPOOL, REVISED PLANNING PROPOSAL

BACKGROUND

Urbis has been engaged to prepare this Addendum Heritage Impact Statement for the revised Planning Proposal relevant to 193 Macquarie Street, Liverpool.

The subject site is not a heritage listed item nor is it in a heritage conservation area; however, it is located in the vicinity of a number of heritage listed items, including the following:

- St Luke's Anglican Church, a State heritage listed item, located at the end of the development site block, at Elizabeth Drive, Macquarie and Northumberland Streets, Liverpool (identified as item 00086 on the State Heritage Register (under the Heritage Act 1977) and item 84 on the LEP).
- The Corner Pub (former Liverpool Hotel), a local heritage listed item, located opposite the subject site, at 214 Macquarie Street (corner of Moore Street) (identified as item 95 on the LEP).
- Moore and Macquarie Streets themselves, local heritage listed items, which form part of the Plan of Town of Liverpool (early town centre street layout¬-Hoddle 1827) (identified as item 89 on the LEP).

This HIS therefore assesses the potential heritage impact of the indicative built form outcome set out within the revised planning proposal (refer section below) subject site and potential impacts to items in the vicinity.

Refer to the comprehensive Heritage Impact Statement prepared by Urbis in February 2017 (prepared in support of Amendment 56) for a history and site description.

THE PROPOSAL

Under Clause 4.4 of the LLEP 2008, the site falls within "Area 11". The aim of this Planning Proposal is to relocate the site from "Area 11" to "Area 8" on the FSR Map so that it is consistent with surrounding land to the north and west of the site.

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The outcome of relocating the site to "Area 8" will result in the application of additional provisions contained within of Clause 7.5A of LLEP 2008 which will allow a maximum FSR of 10:1 and unlimited height, subject to the provision of at least 20% commercial GFA.

The indicative 3D massing facilitated by the Planning Proposal is shown below in comparison to the current controls.

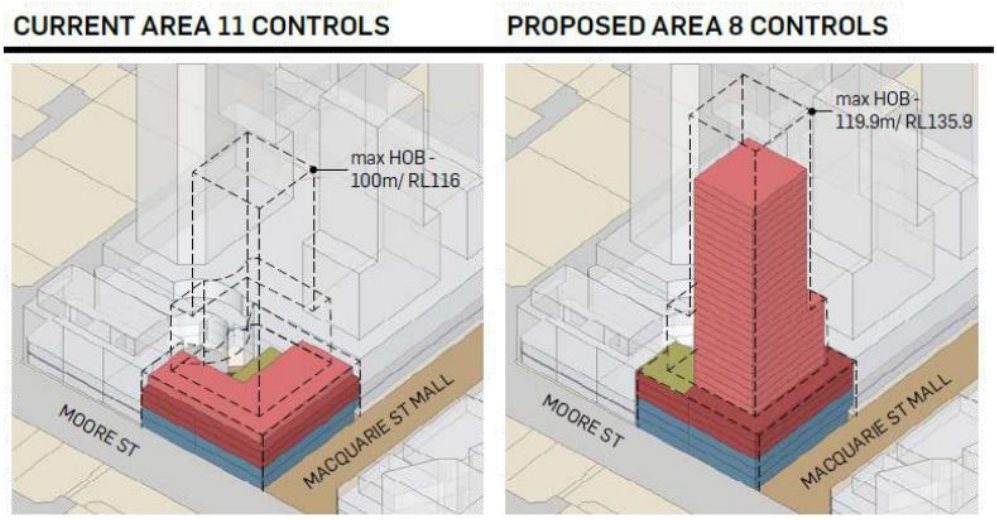

Figure 1 - Existing and proposed 3D Massing.

Source: Urbis

ASSESSMENT OF HERITAGE IMPACT

The revised Planning Proposal has been assessed in this letter in comparison with the previous Amendment 56 Planning Proposal (compliant with Area 11 controls). The following observations are set down in relation to the additional heritage impacts:

- The revised proposal allows for a higher scale of development on the site than previous. It is acknowledged that the scale is substantially increased. However, it should also be noted that it is not out of keeping with the existing character of the area which is established by existing planning controls (surrounding area subject to area 8 controls). The Planning Proposal would allow for similar building height as that which is able to be achieved in the immediate context and therefore the scale of the setting of the heritage items would not be notably changed.
- Both the previously approved tower and that facilitated by the revised Planning Proposal (Amendment 56) will be a noticeably taller development in the skyline. However, the assessment posed in the HIS (2017) remains relevant to the revised Planning Proposal.

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Specifically, the subject site will be visually separated from nearby heritage items as discussed in detail in Table 2 of the HIS 2017.

- The scale of development which would be facilitated under the previous Planning Proposal (Amendment 56) was assessed to be in line with the vision and strategy for Liverpool CBD, whereby new larger scale infrastructure and increased housing are expected within the city centre. Macquarie Street Mall is a key component of this vision, with key sites earmarked for redevelopment (including the subject site), to accommodate the city's rapid growth and to stimulate jobs and investment. Similarly, the revised Planning Proposal and 3D massing shown in the Urban Design Report is in line with the intended future character.
- The proposed built form and street alignments of the new development will not have any adverse impacts on the heritage listed Moore and Macquarie Streets. The heritage significance of these streets is embodied in their reflection of the original Hoddle street pattern and layout, which is unchanged in the subject proposal.
- The existing physical curtilage of the heritage items would continue to be wholly retained by the proposal without impact. Further, there is no proposed change to the heritage listings in the area as a result of the Planning Proposal. As such, the buildings would continue to be protected by the relevant provisions in the DCP in the context of a future Development Application.
- The design has not been progressed to resolved architecture however subject to future heritage advice the envelope facilitated by the Planning Proposal has potential to respect the scale of the immediate streetscape through scale/articulation of an appropriate podium.

CONCLUSION

It is considered that the assessment of heritage impact relevant to the built form facilitated under the previous Planning Proposal (Amendment 56) remains relevant to the revised Planning Proposal assessed herein. While the built form would be of a higher scale than that approved under Amendment 56 it would similarly be in line with the future intended character of the area and is sufficiently separated from the heritage items to ensure that it would not be visually dominant.

Please do not hesitate to contact the undersigned if you require any additional information.

Kind regards,

Alexandria Barnier
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17 April 2021

Kweku Aikens
Strategic Planner
Liverpool City Council
33 Moore Street
Liverpool NSW 2170

Dear Kweku,

ADDITIONAL INFORMATION TO PLANNING PROPOSAL RZ-3/2020 – 193 MACQUARIE STREET AND 77-83 MOORE STREET, LIVERPOOL 2170

This letter has been prepared by *Urbis Pty Ltd* (Urbis) on behalf of *Archer and Beckett Pty Ltd* (the Proponent) in response to a request for additional information regarding the revised Planning Proposal (RZ-3/2020) submitted to Liverpool City Council (Council) on 18 January 2021.

Council requested additional information regarding the estimated number of dwellings and jobs anticipated to be delivered by the proposal for the land at 193 Macquarie Street and 77-83 Moore Street, Liverpool within the Liverpool CBD (the Site).

This letter seeks to address Council's request and to demonstrate the economic benefits associated with the revised Planning Proposal and its consistency with Council's local strategies.

1. REVISED PLANNING PROPOSAL

The revised Planning Proposal (RZ-3/2020) seeks to relocate the Site from 'Area 11' to 'Area 8' on the Floor Space Ratio (FSR) Map in the *Liverpool Local Environmental Plan 2008* (LLEP 2008). The intended outcome of the revised Planning Proposal is to amend LLEP 2008 to enable the Site's redevelopment for a future mixed-use development to support the growth of jobs and homes in the Liverpool City Centre – a metropolitan centre.

The revised Planning Proposal was supported by the following technical studies:

- Urban Design Report;
- Addendum Heritage Impact Statement; and
- Survey Plan.

2. ECONOMIC BENEFITS

An assessment of the employment outcomes has been carried out, which is based on the indicative development concept submitted with the revised Planning Proposal (RZ-3/2020) in January 2021 (refer to the indicative concept design included within **Appendix A** – Urban Design Report).

This assessment quantifies the economic benefit of the indicative concept design and confirms that the proposal is able to make a substantial contribution to the provision of jobs in the Liverpool City Centre.

Summary of Findings

As shown in Table 1 below, it is estimated that the commercial and retail floor space within the first three levels of the indicative development concept could accommodate up to **195 jobs on an ongoing basis**. This estimate is based on Urbis benchmarks of employment density, which is informed by Landcom's *Workspace Ratios for Job Enabling Land Uses in Greater Sydney 2018*.

The current employment rate of four jobs on the existing site has been adopted. This reflects jobs at the existing bakery under normal operating conditions, noting that there are currently two people employed at the bakery. When compared to the four jobs currently on site, the indicative concept development could generate **an uplift of 191 additional jobs**.

Table 1 – Uplift of Operational Jobs on Site

Land Use	Scale (GFA sqm)	Workspace Ratio (sqm per job)	Total Jobs
Residential	14,789	0	0
Retail	1,439	35	41
Commercial Office	3,080	20	154
Total Jobs in Proposed Development Concept			**195**
Total Current Jobs on Site			**4**
Total Job Uplift			**191**

Source: Archer and Beckett; Landcom; Urbis (2021)

The REMPLAN modelling tool has been used to assess the potential economic contributions of the ongoing operation of the indicative development concept in terms of jobs and Gross Value Added (GVA). An explanation of the REMPLAN methodology is included at Attachment A of this letter.

The economic contribution that could be delivered as part of the indicative concept development includes:

- A total of **314 additional jobs**, including 191 additional direct jobs on site and 123 indirect jobs in the surrounding region.
- A total of **$66.6 million in GVA** to the economy each year, including $43.3 million direct GVA and $23.3 million indirect GVA.

Table 2 – Economic Contributions of the Indicative Development

	Direct	Indirect	Total
Avg Employment Per Annum (Total Jobs)	191	123	**314**
Avg Gross Value Added Per Annum ($M)	$43.3	$23.3	**$66.6**

Source: REMPLAN; Urbis (2021)

Based on the above economic assessment, the indicative development concept that could be achieved as part of the revised Planning Proposal has both site-specific and economic merit, and will make a substantial contribution to jobs in the Liverpool local government area (LGA).

3. STRATEGIC FRAMEWORK

Liverpool City Council is committed to growing the economic function of the Liverpool CBD and has commissioned several local studies to identify strategies to achieve its vision:

> *"To foster an 18-hour walkable city with a lively and well-integrated mix of activities, in order to attract private investment and stimulate Liverpool's communities to make greater use of the City Centre and its attributes."*

The following sections set out the role of the indicative development concept I in responding to Council's local studies and identifies the contribution of the site to Liverpool's night-time economy.

3.1. CITY ACTIVATION STRATEGY 2019-2024

The *City Activation Strategy 2019-2024* (the Strategy) aims to support Council in creating a well-integrated and economically vibrant City Centre. The Strategy provides an innovative model for precinct activation and recommends short-term (1-2 years), medium-term (3-5 years) and long-term (6+ years) activation initiatives to support Council in delivering the desired outcomes for Liverpool's City Centre.

The site is identified as a 'Major Precinct' (major retail and health) within the Strategy as indicated in **Figure 1** below due to its proximity to the Macquarie Street Mall and Liverpool Plaza. Although the majority of the City Activation initiatives are focused on the public domain, the revised Planning Proposal provides opportunities to contribute towards the relevant recommendations contained within the Strategy. Specifically, the Strategy recommends that Liverpool Council:

> *"… strengthen the public activation offer to balance the currently well-developed Macquarie Mall/Westfield end of the City Centre with the less developed offering at its southern end".*

Through the potential future redevelopment of the site which is located at the southern end of Macquarie Street Mall, the indicative development concept facilitated by the revised Planning Proposal facilitates a unique opportunity for the site to act as a gateway. It also allows the opportunity to incorporate a range of active ground floor retail uses and public domain improvements to encourage Council's vision for an 18-hour economy. The proposal is therefore consistent with the aims and objectives of the *City Activation Strategy*.

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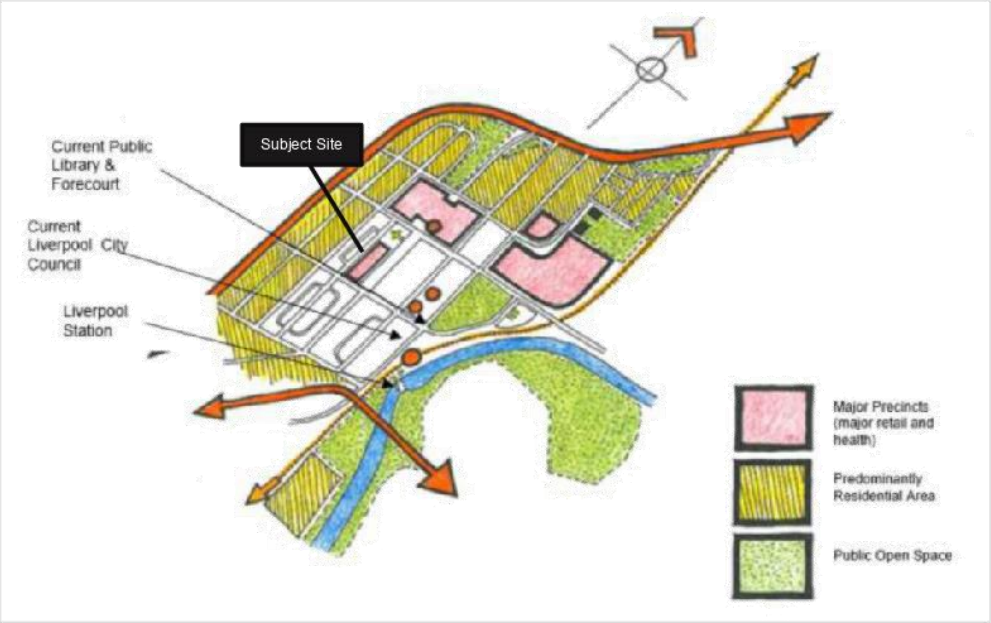
Figure 1 – Existing Circumstances in the Liverpool City Centre



Source: Liverpool City Council

3.2. LIVERPOOL CENTRES AND CORRIDORS STUDY

Council commissioned the *Liverpool Centres and Corridors Study 2020* (the Study) as part of the LEP Review process and to inform Council's *Local Strategic Planning Statement* which was finalised in 2020.

The Study involved a review of the existing retail centres hierarchy within the LGA and provided recommendations regarding future retail and business development. Key directions for retail planning are identified within the Study, including the following which is relevant to the proposal:

> *"Where possible, higher-density residential development, community facilities, social infrastructure and open space should be co-located with local centres which have good public transport accessibility and other attributes required to support higher density development."*

The proposed development concept facilitated by the revised Planning Proposal would allow for a true mixed-use development at the site within the Liverpool City Centre and co-located with existing access to major retail centres and public transport, as well as future transport infrastructure (Fifteenth Avenue Smart Transit corridor).

Based on the indicative concept design included within the Urban Design Report (submitted with the revised Planning Proposal), the proposal can deliver approximately **180 dwellings under the 'Area 8' controls**. The increased population resulting from the proposal will benefit from the site's location within the vicinity of existing services and infrastructure. Additional commercial and retail uses required

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to be delivered under the Area 8 controls will also provide local services and improved amenity to future residents.

The Study identifies that there is a large amount of development capacity in the Liverpool CBD much of which has been created by the Liverpool LEP 2008 Amendment 52 (which the site was excluded from). The Study suggests the following in regard to future development resulting from Amendment 52:

> *"If development in the City Centre occurs on a fragmented basis there is a risk that it will not deliver the kinds of retail or commercial development which increase the vibrancy and economic activity of the Liverpool CBD. Site amalgamation may be required, and if developers are focused on the residential portion of their developments, they may neglect the retail and commercial components."*

Any development delivered under the existing 'Area 11' controls, particularly in relation to the adjacent sites to the north and west that are subject to the 'Area 8' controls, could result in an inconsistent built form and exacerbate the fragmentation of development in the City Centre.

Clause 7.5A of LLEP 2008 provides incentivised uplift for development that delivers a minimum of 20% commercial gross floor area (GFA). Under the existing 'Area 11' controls, the proposal could deliver approximately 2,603 m^2 of commercial and retail floor space. Under the proposed 'Area 8' controls, any future development is required to deliver a significant amount of retail and commercial floor space. Based on the indicative development concept, this equates to approximately 4,518 m^2 which will result in a net increase in commercial floor space that is able to be delivered on site.

If the site is redeveloped under the existing 'Area 11' controls, the proposal will not deliver the retail or commercial development required to increase the vibrancy and economic activity of the Liverpool CBD. Therefore, the proposal is consistent with, and is able to deliver upon, the directions and recommendations identified in the Liverpool Centres and Corridors Study.

4. CONCLUSION

The proposal will help deliver the economic objectives set out within relevant local and strategic planning studies prepared for Liverpool City Council.

The evidence-based economic analysis undertaken for the site indicates that the indicative development concept included within the revised Planning Proposal will result in additional jobs and commercial floor space within the Liverpool City Centre. The proposal will also encourage new businesses into the city centre and double the residential population while fostering Liverpool's vision for a modern, walkable, and vibrant 18-hour economy in the CBB.

We welcome the opportunity to work closely with Liverpool City Council to ensure the progression of this Planning Proposal which supports the vision and long-term objectives for the Liverpool CBD.

Yours sincerely,

Toni Walter
Senior Consultant
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twalter@urbis.com.au

ATTACHMENT A REMPLAN METHODOLOGY

REMPLAN METHODOLOGY

This Economic Analysis uses **REMPLAN** to model the potential economic benefits associated with the proposed development. REMPLAN is an Input Output model that captures inter-industry relationships within an economy. It can assess the area specific direct and flow on implications across industry sectors in terms of employment, wages and salaries, output and value added (Gross State Product).

The potential economic benefits of the proposed development have been quantified in terms of value added expenditure generation and employment generation:

- Expenditure Generation – Estimation of the direct and indirect expenditure impacts resulting from the proposed development. This estimates value added expenditure impacts to the regional and state economies during both the development and operating phases
- Employment Creation – Estimation of the direct and indirect employment impacts resulting from the proposed developments. This estimates employment impacts using standard industry jobs per sq.m benchmarks and regional employment multipliers for New South Wales.

Key points regarding the workings and terminology of the model are as follows:

- REMPLAN uses either the value of investment or employment generation as the primary input. For this analysis, the value of total upfront investment has been used as the key input to assess the benefits of the construction phase, whereas future employment at the centre is the input to assessing the ongoing economic benefits of the operational phase
- Outputs from the model include direct and indirect employment and value added (i.e. economic growth) generated through the project
- Employment generated includes all full-time and part-time jobs created over the life of the construction phase; or in terms of the on-going operations, total on-going jobs generated
- Both the direct and indirect benefits are modelled for employment and value added
- Direct refers to the effect felt within the industry where the investment is being made. For example, during the construction phase, new direct jobs are created within the construction industry
- Indirect effects are:
  - Those felt within industries that supply goods to the industries directly affected (industry effects)
  - Those felt by industries that benefit from the wages that are earned and spent by those employed within the industries directly affected (consumption-induced effects).

For the purposes of this analysis, consumption-induced effects have been excluded. Consumption-induced effects are prone to overstate the benefits of a particular investment as they overestimate the impact of wage and salary increases in the local economy. This is accepted industry practice.

LIVERPOOL CITY COUNCIL

Our Ref: 078990.2020
Contact: Graham Matthews
Ph: 8711 7786
Date: 31 March 2020

Archer & Beckett Pty Ltd
52 Gloucester Street
THE ROCKS NSW 2000

Sent by email: tgoode@ethosurban.com

Re: Planning proposal request for 193 Macquarie Street and 77-83 Moore Street, Liverpool

Dear Mr Goode,

On 27 February 2020, Council received an LEP and DCP Amendment Application and planning proposal request document seeking to relocate 193 Macquarie Street and 77-83 Moore Street, Liverpool from "Area 11" to "Area 8" on the floor space ratio map in the Liverpool Local Environmental Plan 2008. The documents were sent to Council via Australia Post and included a cheque for $30,750.

Council has accepted the planning proposal request for lodgement, however ordinarily these applications are lodged via an appointment first with an Executive Planner.

A review of the application and supporting documents provided indicate that additional information is required to enable Council to properly assess the planning proposal request.

LEP amendment application fee

Council's website contains a schedule as to applicable fees for an application to amend Liverpool Local Environmental Plan (LLEP) 2008. The schedule has three steps.

The $30,750 fee is applicable to "*small scale (<$20m), site specific planning proposal request*". While it is acknowledged that the proposal applies to a single site (however, over two lots), the planning proposal request does not indicate why the proposal should be considered small-scale (i.e. having a CIV of less than $20 million).

Council requires evidence (such as the estimate from a registered quantity surveyor) that the proposed development of the site would have a CIV of less than $20 million. Alternatively, the appropriate fee for "*Large scale (>$20m) rezoning request or LEP Amendment where local environmental studies are required*" is $71,500.

Supporting documents required

Page 2 of the LEP and DCP Amendment Application Form details the documents required to be submitted with the planning proposal request. These include the following:

- Property and survey plans;
- Concept plans; and

Reports including,

- Traffic/parking;
- Retail (economic) impact;
- Details of the impact the proposal; and
- Details of the "substantial public benefit" the proposal would entail.

Property and survey plans and a concept plan were not provided with the planning proposal request.

While the Department of Planning, Industry and Environment's, *A guide to preparing planning proposals* advises that detailed architectural plans are not required in support of a planning proposal, it nevertheless recommends that a planning proposal include block/massing diagrams to identify the proposed building massing.

Council requests that property and survey plans, in addition to block/massing diagrams for the proposed development of the site accompany the planning proposal request.

Additional traffic impacts
The planning proposal request document makes reference to increased vehicle trips in the morning and evening peak. The planning proposal request document does not provide any evidence however, to demonstrate the traffic impacts of the proposal have been or can be appropriately mitigated. Council requests that a Traffic Impact Assessment also be submitted.

Economic impacts
The "intended outcomes" section of the planning proposal request states that the site should be developed with a minimum of 20% commercial floor space. However, clause 7.40 of LLEP 2008, states the following:

> ***7.40 Maximum floor space that may be used for residential purposes for certain land in Zone B4 at Liverpool***
> *(1) For development of a site on land shown as being within Area 11 on the Floor Space Ratio Map, no more than 62.5% of the gross floor area of all buildings on the site may be used for residential purposes.*
> *(2) Any area used for the purposes of car parking is not to be included when calculating the gross floor area used for non-residential purposes.*

Based on clause 7.40, which applies to land being within Area 11 (i.e. the subject site only), relocating the subject site to Area 8 would reduce the required commercial floor space developed in any building on the site, from a minimum of 37.5% to 20%. According to section 9.1 Ministerial Direction 1.1, Business and Industrial Zones, a planning proposal must *"not reduce the total potential floor space area for employment uses and related public services in business zones*".

Inconsistency with this Ministerial Direction must be "*justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction*".

Council requests that you also submit an appropriate study (i.e. Economic Impact Assessment), as required by Ministerial Direction 1.1.

Other impacts
With respect to impacts of the proposal, Council notes that the subject site is located in the vicinity of three heritage items, as follows:

- The Corner Pub;
- The Plan of Town of Liverpool; and
- The state-listed Saint Luke's Church.

While it is noted that a Heritage Impact Assessment was lodged pursuant to LLEP 2008 (Amendment 56) for the subject site, it is recommended that consideration be given to providing an addendum to that HIA at a minimum, should the intended built form be larger than that described in the planning proposal for Amendment 56.

Public benefit
A guide to preparing planning proposals stipulates that a planning proposal must demonstrate public benefit by illustrating how it has both strategic and site merit.

Your attention is drawn to the detailed discussion in the *Guide*, as to the range of evidence necessary to establish that a proposal has both strategic and site merit. In particular, Council notes the statement that,

> *There will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test.*

As you would be aware, the subject site was rezoned pursuant to LLEP 2008 (Amendment 56) on 22 March 2019. Please address this matter in the planning proposal request document.

Upon receipt of the above information, Council will commence the assessment of the proposal. Should you wish to discuss any of the matters raised in this letter, please don't hesitate to contact Graham Matthews, Senior Strategic Planner on 8711 7786 or via email at matthewsg@liverpool.nsw.gov.au.

Yours sincerely

David Smith
Manager Planning and Transport Strategy

LIVERPOOL CITY COUNCIL
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Item no	(Leave blank)
Application Number	RZ-3/2020
Proposal	Planning proposal to relocate land at 77 Moore Street and 193 Macquarie Street, Liverpool from 'Area 11' to 'Area 8' on the Floor Space Ratio Map
Recommendation	Proceed to Gateway determination
Planning Officer	Kweku Aikins, Strategic Planner

1. EXECUTIVE SUMMARY

In March 2020, Archer and Beckett Pty Ltd submitted a planning proposal prepared by Ethos Urban seeking to rezone land at 77 Moore Street and 193 Macquarie Street, Liverpool (Lot 1 DP 628824 and Lot 2 DP 1189772). The planning proposal was updated by Urbis in January 2021 to properly address the strategic planning framework (**Attachment 1**).

Previously, the site was subject to amendment 56 of the *Liverpool Local Environmental Plan 2008* (LLEP 2008) which achieved the following:

- Rezoned the site from B3 Commercial Core to B4 Mixed Use;
- Increased the permissible building height from 70 metres to 100 metres;
- Introduced a provision stipulating that no more than 62.5% of the gross floor area of any building on the site may be used for residential purposes
- Identified the site as 'Area 11' on the FSR map
- Included the site ('Area 11') under the 'Satisfactory Arrangements' Clause (now Clause 7.1A of LLEP 2008)

LLEP 2008 Amendment 56 was sent to the Department of Planning, Industry and Environment (DPIE) for finalisation after the gazettal of Amendment 52 and was gazetted on 22 March 2019.

The current planning proposal seeks to amend the LLEP 2008 as follows:

- Relocate the site from 'Area 11' to 'Area 8' on the Floor Space Ratio (FSR) Map; and
- Repeal Clause 7.40 (Amendment 56)

As a result, it is also recommended that 'Area 11' is removed from the 'Satisfactory Arrangements' Clause (Clause 7.1A).

The intent of the planning proposal is to bring the subject site into conformity with surrounding sites that are currently identified as 'Area 8' on the FSR Map. The planning proposal is supported by a concept plan for future development of the site.

Determination of strategic merit and site-specific merit has been assessed in accordance with A guide to preparing planning proposals, as updated and published by the NSW Department of Planning, Industry and Environment in 2018. The proposal has been submitted pursuant to Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and the proposal is referred to the Liverpool Local Planning Panel for advice in accordance with Section 2.19 of the EP&A Act 1979.

On the basis that the planning proposal demonstrates strategic and site-specific merit, this report recommends that the planning proposal proceeds to a Gateway determination.

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2. SITE AND LOCALITY DESCRIPTION

The Site

The planning proposal relates to land at 77 Moore Street and 193 Macquarie Street, Liverpool (Lot 1 DP 628824 and Lot 2 DP 1189772). The site is zoned B4 Mixed Use and has an applicable FSR of 3:1 (and is identified in 'Area 11' on the FSR Map). LLEP 2008 Clauses 7.1A and 7.40 apply to this site as a result of LLEP 2008 Amendment 56. The clauses are as follows:

7.1A Arrangements for designated State public infrastructure in intensive urban development areas

(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.

(3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).

(4) In this Part—

***intensive urban development** area means the area of land identified as "Area 7", "Area 8", "Area 9", "Area 10" or "Area 11" on the Floor Space Ratio Map.*

7.40 Maximum floor space that may be used for residential purposes for certain land in Zone B4 at Liverpool

(1) For development of a site on land shown as being within Area 11 on the Floor Space Ratio Map, no more than 62.5% of the gross floor area of all buildings on the site may be used for residential purposes.

(2) Any area used for the purposes of car parking is not to be included when calculating the gross floor area used for non-residential purposes.

The combined site area of the allotments is 1931sqm, and maximum FSR under the LLEP 2008 is 3:1, resulting in a maximum permissible floor space of 5,793sqm (with 2,172sqm dedicated to retail/commercial uses).

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Figure 1: Aerial Image of the site

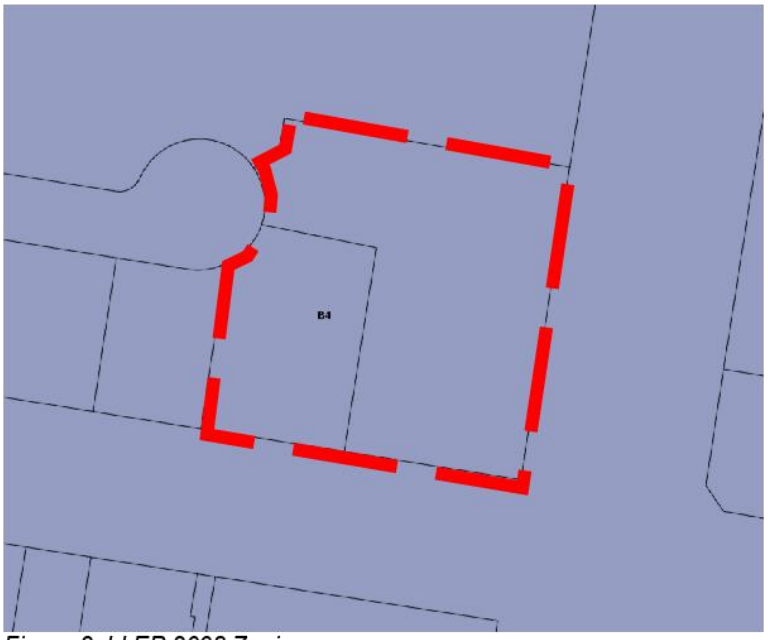

Figure 2: LLEP 2008 Zoning

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Figure 3: LLEP 2008 Floor Space Ratio (FSR)

The Locality

The subject site is located in the Liverpool City Centre and sits at the corner of Macquarie Street and Moore Street, with direct frontage to the 'Macquarie Street Mall' pedestrian walkway.

The City Centre includes a major public transport hub at Liverpool Station which is located approximately 500 metres from the site. The remainder of the locality predominantly consists of retail and commercial development in the B4 Mixed Use and B3 Commercial Core land use zones. There is high density residential and mixed use developments on the periphery of the City Centre with further development being planned for the City Centre core, as a result of the Amendment 52 City Centre rezoning.

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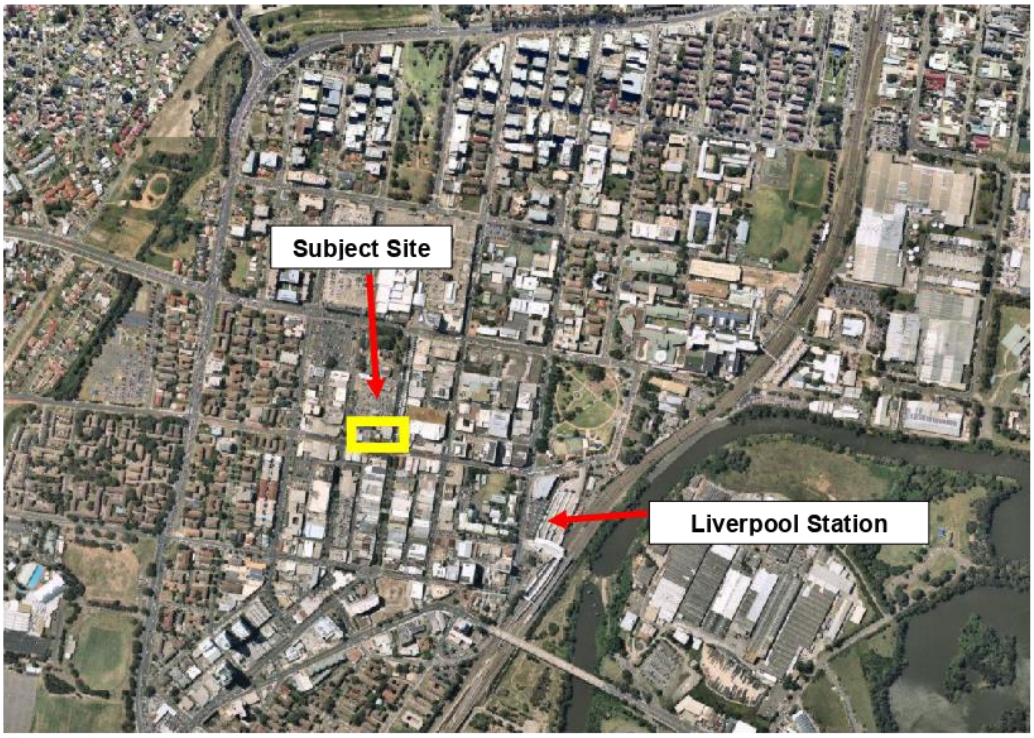

Figure 4: Locality

3. SITE HISTORY & BACKGROUND

Amendments to Liverpool Local Environmental Plan 2008

Amendment 52

In June 2015, Council prepared a planning proposal to rezone large portions of the City Centre from B3 Commercial Core to B4 Mixed Use to *"facilitate an increased population in the city centre and contribute toward Council's vision to increase activity and vibrancy within the CBD".* The proposal also sought to include additional provisions for increased development potential on 'opportunity sites'. However, it was proposed that 77 Moore Street and 193 Macquarie Street would form part of the proposed 'Fine Grain Precinct' ('Area 7'), thereby precluding the site from qualifying as a potential 'opportunity site'. Accordingly, the owner of 77 Moore Street and 193 Macquarie Street requested that the site be excluded from Amendment 52 and that efforts be made to keep progressing the planning proposal lodged in June 2014 (Amendment 56).

A Gateway determination was issued for Amendment 52 on 24 September 2015 and a revised version of the planning proposal was publicly exhibited between 18 November and 29 January 2015. A post-exhibition report was presented to Council on 27 July 2016 and due to further revisions and delays caused by the need to include a 'Satisfactory Arrangements' clause, Amendment 52 was gazetted on 4 September 2018.

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Amendment 56

In June 2014, Abacus Property Services Pty Ltd submitted a planning proposal to rezone the site from B3 Commercial Core to B4 Mixed Use. The proposal also sought to increase the permissible height from 18 to 70 metres and increase the FSR form 3:1 to 6:1.

In July 2015, the proposal was amended to increase the permissible height from 18 to 100 metres and retain the FSR of 3:1 (and include a provision for minimum commercial/retail floor space). Subsequently, at its Ordinary Meeting on 29 July 2015, Council resolved to provide in-principle support to the proposal and forward it to the Department of Planning and Environment (now DPIE) for a Gateway determination (subject to potential amendments made under delegated authority).

The proposal was forwarded to DPIE in November 2015 once consensus was reached with the applicant regarding a 37.5% minimum commercial/retail floor space requirement being incorporated into the planning proposal amendment. A Gateway determination was issued on 28 July 2016 and a post-exhibition report was presented to Council on 26 April 2017. Due to delays caused by the impending gazettal of Amendment 52, and the need to include the site in the corresponding 'Satisfactory Arrangements' clause, Amendment 56 was gazetted on 22 March 2019.

It was envisaged at the time that the site would be developed together with the neighbouring site (193 Macquarie St – The Liverpool Plaza). Development of both sites in concert, would enable a future applicant to share available FSR between the two sites, pursuant to the provisions of clause 4.4 and clause 4.5 of LLEP 2008.

As the subject site was not subject to LLEP 2008 (Amendment 52) it could not access the provisions of clause 7.5A Additional provisions relating to certain land at Liverpool city centre. Additionally, the maximum permissible height of building for the subject site is 100 m, meaning that development on the site cannot access the bonus provisions under clause 4.4 (2C) of LLEP 2008. Nothing in Amendment 56 exempts any building constructed on the subject site from the operation of LLEP 2008 clause 7.2 Sun access in Liverpool city centre. The effect of this provision is to limit the height of any building developed on the subject site to a maximum of 21m, to a depth of 4m from the edge of the Macquarie Street road reserve.

4. DETAILS OF THE PROPOSAL

The planning proposal as prepared by Ethos Urban was initially lodged in March 2020. The planning proposal was deficient in a number of ways, with a lack of supporting documentation inhibiting the ability of Council staff to properly assess the proposal. Consequently, a letter was sent to the applicant requesting a number of clarifications be made as well as supporting documentation be prepared and provided. Subsequently, a revised planning proposal (**Attachment 1**) prepared by Urbis was submitted to Council that provided clarification and further justification for the proposed amendment. Additionally, the following consultant studies were submitted:

- Urban Design Report (**Attachment 2**);
- Heritage Impact Statement addendum (**Attachment 3**); and
- Economic Impact addendum (**Attachment 4**).

A preliminary archaeological assessment is also being prepared and will be provided shortly to ensure this element of the subject site is appropriately considered in relation to the proposal.

This planning proposal request seeks to amend the LLEP to increase development potential on the subject site. It is envisaged that future development would support approximately 180

residential apartments and 4,519sqm of combined retail and commercial space resulting in approximately 195 future jobs on an ongoing basis.

The proposal is to be achieved through the following amendments to the LLEP:

- Relocate the site from 'Area 11' to 'Area 8' on the Floor Space Ratio (FSR) Map; and
- Repeal Clause 7.40

It is suggested by Council staff that any reference to 'Area 11' is also removed from the 'Satisfactory Arrangements' Clause (Clause 7.1A) as it will no longer be identified on the FSR map.

5. CONSIDERATIONS FOR STRATEGIC MERIT

The Department's *A guide to preparing planning proposals* includes the following questions to justify the proposal.

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any endorsed strategic study or report. As discussed earlier, the planning proposal aims to bring the site into conformity with surrounding sites that were rezoned under Amendment 52.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of achieving the intended outcome as it seeks to facilitate future development by amending the existing FSR Map.

Section B – Relationship to the strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

<u>Greater Sydney Regional Plan - A Metropolis of Three Cities</u>

The *Greater Sydney Regional Plan - A Metropolis of Three Cities* (Regional Plan) was released in March 2018 and prepared by the Greater Sydney Commission (GSC). The plan encompasses a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. The plan envisions for the people of Greater Sydney to live within 30 minutes of their jobs and have access to education and health facilities, services and high-quality places. The Liverpool LGA is located within the Western Parkland City and is identified as a significant metropolitan cluster and future health and education precinct.

Consistency with the relevant parts of the Regional Plan is assessed below in Table 1.

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Table 1: Consistency with the Regional Plan

Objective	Comment
A city for people	
Objective 10 - Greater Housing Supply	The proposal allows for a contemporary housing supply to be developed in close proximity to public transport and services. The core of the Liverpool City Centre is currently characterised by retail and commercial development with high density residential development occurring on the periphery. The planning proposal will facilitate the provision of high-density residential units in the core of the City Centre. The apartments will comprise of a mix of one, two and three bedroom units to cater for a range of people different households and will contribute to Council's supply of residential dwellings.
Objective 11 – Housing is more diverse and affordable	
A well-connected city	
Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The concept of a '30 minute city' is to be achieved by establishing connections between various airports, train stations and localities as identified in the Greater Sydney Services and Infrastructure Plan - Future Transport 2056. The site is well positioned to meet this requirement as it is within 500 metres of the Liverpool station interchange.
Jobs and skills for the city	
Objective 22 – Investment and business activity in centres	The proposal seeks to amend the LLEP 2008 to increase development potential of the subject site. Should consent be granted for development as outlined in concept plans, then a significant capital investment would be required at the construction stage. There will also be ongoing investment in the Liverpool City Centre through the occupation of residential dwellings and the operation of commercial and retail ventures on the site.

Western City District Plan

Section 3.8 of the EP&A Act requires that the planning proposal authority gives effect to any district strategic plan applying to the LGA to which the planning proposal relates. The Western City District Plan provides a series of priorities and actions to guide development and expected growth throughout the district. Relevant priorities and actions are outlined in Table 2:

Table 2: Consistency with the District Plan

Planning Priority	Comment
Liveability	
Planning Priority W5 Providing housing supply, choice and affordability with access to	The proposal has considered place-based planning priorities that support the vision of the locality and the benefits provided by mixed land uses permitted with consent in a B4 Mixed Use zone. The planning proposal enables a future development encompassing a range of diverse contemporary housing options in an area served by existing public transport and commercial services.

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Planning Priority	Comment
jobs, services and public transport	
Planning Priority W6 Creating and Renewing great places and local centres, and respecting the Districts heritage	Building upon the Region Plan, this planning priority sets out actions for the development of centres. Action 22 *"Use place-based planning to support the role of centres as a focus for connected neighbourhoods."* The proposed development is situated in the core of the Liverpool City Centre. The planning proposal is justified as it will renew the site, with a focus on the public realm and employment opportunities. Particularly, the proposal will facilitate a development which includes a mix of retail, commercial and residential land uses. It will include communal open space for residents and provide opportunities for through site linkage to Davis Serviceway. Heritage impacts have been largely addressed as part of LLEP 2008 (Amendment 56) and the Heritage Impact Statement lodged in support of the planning proposal. However, it has been identified that a preliminary archaeological assessment will be required to ascertain that there are no remnants of historical buildings on the site from the late nineteenth century. The applicant is currently preparing such a study to support the planning proposal going forward. It can be considered that the proposed development will foster increased enterprise and investment in the City Centre while being capable of respecting the heritage significance of the site and its surroundings. Accordingly, the proposal can be considered broadly consistent with the objectives and actions for this priority.
Productivity	
Planning Priority W9 Growing and strengthening the metropolitan cluster	The proposal will facilitate a future mixed-use development in the Liverpool City Centre. The future development as outlined in the submitted concept plan will include permitted land uses that are consistent with the role and function of a Metropolitan Cluster. The proposal seeks to increase development potential by reclassifying the site as 'Area 8' on the FSR map. The reclassification will trigger additional provisions under Clause 7.5A of the LLEP 2008 which would enable the development of shop top housing development comprising of a theoretical yield of approximately 15,448sqm of dwellings and at least 3,862sqm of retail and commercial floor space on the site (however, concept plans indicate that 14,789sqm of dwellings and 4,519sqm of retail/commercial will be provided). Accordingly, the proposal is consistent with the envisioned future development within the Metropolitan Cluster.
Planning Priority W11	Liverpool Council is working to create a vibrant 24-hour economy in the City Centre. The planning proposal is consistent with this objective as it will help to rejuvenate and activate the corner of Macquarie and Moore

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Planning Priority	Comment
Growing investment, business opportunities and jobs in strategic centres	Streets, while providing additional retail opportunities along the 'Macquarie Street Mall' pedestrian walkway in the core of the City Centre. The concept plans indicate that the site will accommodate a mixed-use development comprising of 180 dwellings and approximately 4,519sqm of combined commercial and retail floor space once developed. Should consent be granted for development as outlined in the concept plans, then a significant capital investment would be required at the construction stage. There will also be ongoing investment in the Liverpool City Centre through the occupation of residential dwellings and the operation of commercial and retail ventures on the site.

Liverpool Collaboration Area Place Strategy

The Place Strategy addresses strategic as well as site-specific issues. The preparation of the Place Strategy by the Greater Sydney Commission has occurred in collaboration with Liverpool City Council, the Department of Industry, Planning and Environment, Transport for NSW and 15 other government and institutional stakeholders.

Planning Priority W4 of the Place Strategy is *"Create and renew great places for people"*. The priority is further detailed in action 8 which aims to:

> *"Deliver great places by prioritising a people-friendly public realm and open spaces; providing fine grain and diverse urban form; a diverse land use and housing mix, high amenity and walkability; and recognising and celebrating the character of the place and its people."*

The planning proposal would provide a mixed-use development with direct frontage to the existing 'Macquarie Street Mall' pedestrian walkway. The introduction of residential uses to complement the existing commercial and retail, would provide a social benefit for the City Centre core and broader Collaboration area. The proposed development would provide increased amenity and encourage walkability in the City Centre. Further place-based planning and refinement of urban design details to achieve an optimal built form will occur at later stages through consultation with the Design Excellence Panel and during the development assessment process. It is noted that development pursuant to clause 7.5A of LLEP 2008 is to be supported by a site specific DCP or concept DA as per Section 4.2.5 of Part 4 within the LDCP 2008.

4. Will the planning proposal give effect to council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Connected Liverpool 2040 - Local Strategic Planning Statement (LSPS)

Assessment of consistency with the LSPS is provided in the Table 3.

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Table 3: Consistency with LSPS

Planning Priority	Comment
Liveability	
Planning Priority 5 - A vibrant, mixed-use and walkable 24-hour City Centre with the Georges River at its heart	Liverpool is working to create a vibrant 24-hour economy in the City Centre. The planning proposal is consistent with this as it will activate the corner of Macquarie and Moore Streets, while providing additional retail opportunities along the 'Macquarie Street Mall' pedestrian walkway in the core of the City Centre. The concept plans indicate that the site will accommodate a mixed-use development comprising of approximately 180 dwellings and 4,519sqm of combined commercial and retail floor space.
Planning Priority 7 – Housing choice for different needs, with density focused in the City Centre and centres well serviced by public transport	The proposal would support additional housing supply and housing choice by delivering approximately 180 dwellings which would assist in meeting Liverpool City Council's five-year housing supply target. The dwellings will be within 500m of Liverpool train station and cater for a range of people including singles, couples, and families.
Productivity	
Planning Priority 11 - An attractive environment for local jobs, business, tourism and investment	The proposal will foster an attractive environment for local jobs and businesses as the retail and commercial GFA will cater for a wider range of uses on the site, which will inevitably lead to increased employment opportunities for local workers.
Planning Priority 12 – Industrial and employment lands meet Liverpool's future needs	The proposal will maintain the existing B4 Mixed Use zone and the submitted concept plan indicates that any development would provide approximately 4,519sqm of combined retail and commercial floor space, thereby providing an estimated 195 jobs on the site on an ongoing basis. Accordingly, the proposal will preserve and enhance existing employment to meet Liverpool's future needs.

Liverpool Centres and Corridors Strategy 2020

The Liverpool Centres and Corridors Strategy (the Strategy) is underpinned by the Centres and Corridors Study prepared by SGS Economics & Planning (February 2020). The SGS Study was prepared in consultation with key stakeholders to understand key retail trends and the performance of the local retail market. The Strategy identifies the subject site as being within a 'Metropolitan Cluster'. The role, function and development of Metropolitan Clusters is outlined below:

> *Role*
> *Provide for the convenience and specialised retail needs of the local community, but do not act as mixed-use centres of the local community.*
>
> *Function*

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- *Commercial office development*
- *Mixed Use residential*
- *Multiple supermarkets and department stores*
- *Higher-order services*

Future Development
Significant future development is likely.

The proposal will facilitate a future mixed-use development in the Liverpool City Centre. The future development as outlined in the submitted concept plan will include permitted land uses that are consistent with the role and function of a Metropolitan Cluster.

The Strategy also stipulates five 'Guiding Criteria' for the assessment of planning proposals.

Table 4: Assessment against the Strategy's Guiding Criteria

Guiding Criteria	Consistency
1. *Proposals must not have a significant negative impact on the retail operation of the Liverpool City Centre, town centres and local centres (including planned future centres).*	The proposal will make a positive contribution to the retail operation of the Liverpool City Centre as the site will accommodate a mixed-use development comprising of residential dwellings and approximately 4,519sqm of combined commercial and retail floor space.
2. *The creation of new out of centre retail developments are not encouraged.*	NA
3. *In all centres (except neighbourhood centres), proposals must retain the existing amount of retail and commercial floorspace as part of a mixed-use development.*	The site currently consists of vacant and occupied retail space. The existing LEP provision under Clause 7.40 would potentially facilitate approximately 2,172sqm of retail and commercial floorspace as such land uses must equate to 37.5% of the total floor space of any future development on site. However, it is proposed to delete Clause 7.40 and identify the site under 'Area 8' on the FSR map. Given that the site has an area in excess of 1500sqm and multiple street frontages, the change to 'Area 8' would trigger the 'Opportunity Site' provisions under Clause 7.5A of the LEP. Any DA lodged pursuant to Clause 7.5A would potentially facilitate a theoretical yield of 3,862sqm of retail and commercial floor space on the subject site, as any development would have a maximum FSR of 10:1 in which 20% of the floor space would need to be dedicated to such land uses. Accordingly, the potential retail and commercial floor space under Clause 7.5A ('Area 8') would exceed the potential retail and commercial floor space under Clause 7.40.
4. *Proposals for redevelopment or expansion of town centres and local centres must*	The site is wholly within the core of the Liverpool City Centre. The proposal facilitates infill development in an existing centre and will provide for place-based retailing

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Guiding Criteria	Consistency
demonstrate improved integration with the public domain and with nearby open space, social infrastructure and other services.	within the podium fronting the 'Macquarie Street Mall' pedestrian walkway.
5. Allow additional retail uses in the B5 zone if it can be demonstrated they could not reasonably locate in another centre and they constitute a small proportion of the total retail floorspace.	NA

5. Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPPs) are of relevance to the site.

Table 5: Consistency with applicable SEPPs

SEPP	Consistency
SEPP No 55 – Remediation of Land	Land contamination issues for the planning proposal are addressed under the Ministerial Directions. Any future DA would be required to comply with the provisions of the SEPP.
SEPP (Affordable Rental Housing) 2009	A future affordable housing provision may be pursued in consultation with the proponent post-Gateway. Any such potential future development is required to comply with the provisions of the SEPP. The planning proposal, as presented, does not appear to present any inconsistency to the SEPP.
SEPP (State and Regional Development) 2011	The planning proposal does not affect the application of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Any future development will be required to adhere with the requirements of BASIX, as stipulated within the SEPP.
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	The planning proposal is unlikely to affect the objectives within the SEPP significantly nor significantly detriment the environmental health or quality of the Georges River Catchment.
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	The planning proposal is accompanied by an architectural design concept that provides a conceptual development outcome that could occur as a result of the planning proposal. Further refinement of urban design and architectural details will occur at a later stage.

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6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal addresses the following Directions, pursuant to Section 9.1 of the EP&A Act 1979:

Table 6: Ministerial Direction Consistency

Section	Comment	Consistency
1. Employment and Resources		
Direction 1.1 Business and Industrial Zones	In its current form, the planning proposal is inconsistent with this direction. The objectives of this direction are to: • *encourage employment growth in suitable locations,* • *protect employment land in business/industrial zones,* • *support the viability of identified centres.* The site currently consists of vacant and occupied retail space. The existing LEP provision under Clause 7.40 would facilitate a theoretical yield of approximately 2,172sqm of retail and commercial floorspace as such land uses must account for 37.5% of the total floor space of any future development on the site. However, it is proposed to delete Clause 7.40 and identify the site under 'Area 8' on the FSR map. Given that the site has an area in excess of 1500sqm and multiple street frontages, the change to 'Area 8' would trigger the 'Opportunity Site' provisions under Clause 7.5A of the LEP. As a result, any DA lodged pursuant to Clause 7.5A would be required to provide a minimum of 20% commercial GFA in order to ensure that a potential FSR of up to 10:1 is realised. This could result in a development comprising of a theoretical yield of approximately 3,862sqm of retail and commercial floor space on the subject site (with the remaining 15,448sqm being dedicated to residential development). Accordingly, the potential retail and commercial floor space under Clause 7.5A ('Area 8') would exceed the potential retail and commercial floor space required under Clause 7.40. The Planning Proposal complies with Direction 1.1 as it presents an opportunity to support the viability and vision for the Liverpool City Centre as it will result in an overall net increase in commercial floor space being made available on the site.	Consistent
2. Environment and Heritage		

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Section	Comment	Consistency
Direction 2.3 Heritage Conservation	The subject site is located in the vicinity of three heritage items, as follows: • The Corner Pub; • The Plan of Town of Liverpool; and • The state-listed Saint Luke's Church. Heritage impacts have been largely addressed as part of LLEP 2008 (Amendment 56) and the Heritage Impact Statement lodged in support of the planning proposal. However, it has been identified that a preliminary archaeological assessment will be required to ascertain that there are no remnants of historical buildings on the site from the late nineteenth century. Heritage details will need to be addressed prior to Gateway determination. The applicant is currently preparing such a study to support the planning proposal going forward.	Partially Consistent
Direction 2.6 Remediation of land	The planning proposal states, *"the site is not known to have been used for any contaminating uses in the past".* As the planning proposal primarily seeks to amend the FSR map, and does not seek to introduce sensitive uses, it is deemed to be consistent with this direction.	Consistent
3. Housing, Infrastructure and Urban Development		
Direction 3.1 Residential Zones	The site is zoned B4 – Mixed Use, which although not a residential zone, otherwise provides for the undertaking of some forms of residential development, including shop top housing as permissible within the zone. The Planning Proposal will facilitate the delivery of high-quality housing of this type, currently not present within the core of the Liverpool City Centre. The development will increase housing supply and improve the variety and choice of dwelling types available.	Consistent
Direction 3.4 Integrating Land Use and Transport	The objective of this direction is *"to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:* • *improving access to housing, jobs and services by walking, cycling and public transport, and* • *increasing the choice of available transport and reducing dependence on cars, and* • *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and* • *supporting the efficient and viable operation of public transport services, and* • *providing for the efficient movement of freight."*	Consistent

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Section	Comment	Consistency
	The site is located within the Liverpool City Centre which is well serviced by public transport and active transport connections. The site is within 500 metres of the Liverpool railway station and transport interchange, which provides connections to Sydney, Bankstown and Parramatta.	
3.5 Development Near Regulated Airports and Defence Airfields	The site is located approximately 5.6km west of Bankstown Airport. The site is not burdened by any ANEF restrictions. It is proposed to identify the site under 'Area 8' on the FSR map, which is consistent with that of surrounding sites. Given that the site has an area in excess of 1500sqm and multiple street frontages, changing to 'Area 8' would trigger the 'Opportunity Site' provisions under Clause 7.5A of the LEP. Any DA lodged pursuant to Clause 7.5A would potentially facilitate a mixed-use development with a FSR of 10:1 and no discernible height limit. Accordingly, any potential development would only be limited by the Obstacle Limitation Surface (OLS) as imposed by Sydney Metro Airports (Bankstown & Camden). As a result, there could effectively be a theoretical 8m increase to the current 100m height limit. Given that the proposal merely brings the site into conformity with surrounding sites, any referral to the relevant authorities can be undertaken at DA stage.	Consistent
5. Regional Planning		
Direction 5.10 Implementation of Regional Plans	This Direction requires consistency with the relevant Region Plan. This has been assessed in Table 3 of this report, and in its current form has not demonstrated consistency with this plan.	Consistent
6. Local Plan Making		
Direction 6.1 Approval and referral requirements	The planning proposal is consistent with this Direction as it does not introduce additional concurrence, consultation or referral requirements.	Consistent

6. CONSIDERATIONS FOR SITE SPECIFIC MERIT

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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The site and any proposed land uses would be contained within an established urban environment, therefore there will be no adverse impacts on ecological communities or habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Heritage

Heritage impacts have been largely addressed as part of LLEP 2008 (Amendment 56) and the Heritage Impact Statement lodged in support of the planning proposal. However, it has been identified that a preliminary archaeological assessment will be required to ascertain that there are no remnants of historical buildings on the site from the late nineteenth century. The applicant is currently preparing such a study to support the planning proposal going forward.

Built Form and Urban Design

The planning proposal would provide a mixed-use development with direct frontage to the existing 'Macquarie Street Mall' pedestrian walkway. Further place-based planning and refinement of urban design details will occur through consultation with the Design Excellence Panel and during the development assessment process. It is noted that development pursuant to clause 7.5A of LLEP 2008 is to be supported by a site specific DCP or concept DA as per Section 4.2.5 of Part 4 within the LDCP 2008.

There are no other identifiable site constraints or affectations that would be triggered as a result of this proposal. All constraints have been addressed pursuant to the Ministerial Directions.

9. How has the planning proposal adequately addressed any social and economic effects?

Economic Impacts
The planning proposal would allow for additional land uses that would neither negate nor reduce employment outcomes in the area and would be complimentary to the approved neighbouring developments. The proposal will activate a site that has been underutilised for several years, thereby contributing to the 18-hour economy that is envisioned for the Liverpool City Centre.

Social Impacts
The proposal will not introduce any adverse impacts on the social fabric of the area surrounding the site. The subject site is well suited for a mixed-use development and is in context with neighbouring developments. The development will not significantly reduce or impact upon the level of service provided by existing social infrastructure and facilities. Accordingly, there are no notable social implications for the proposal.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The site is within an established urban area. The proposed amendments will not expunge the applicability of Clause 7.1A which requires the Secretary of DPIE to confirm that "satisfactory arrangements" (i.e. generally a payment levied per dwelling) will be made to contribute to the cost of State public infrastructure in the vicinity of Liverpool City Centre as part of any DA.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

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Views of State and Commonwealth public authorities will be consulted should a Gateway determination be issued. Relevant public authorities will be identified for consultation at the Gateway determination stage.

7. NEXT STEPS

Following the Panel's consideration, the planning proposal will be finalised and reported to Council for consideration. Should the planning proposal request be endorsed, it will be forwarded to DPIE seeking a Gateway determination.

Following a Gateway determination in support of the planning proposal, there will be public authority consultation, a public exhibition period and a further report to Council, prior to proceeding with the making of any amendment to the LLEP 2008. It is noted that the provision of various additional studies and clarification may be required by DPIE prior to exhibition occurring.

8. CONCLUSION

Pursuant to the requirements of a Guide to Preparing Planning Proposals and relevant Ministerial Directions, this report provides a merit assessment of the planning proposal request.

The above assessment has shown that the proposal is consistent with State and local strategies. There is strategic merit to support the proposed rezoning. The proposal demonstrates site specific merit where the amended development standards will facilitate increased housing supply and retail uses, without negatively impacting upon current or future land uses in the vicinity. As demonstrated in this report, the urban design and built form considerations for this proposal are consistent with Council's future vision for the site.

The planning proposal request is presented to the Panel for consideration and advice.

9. RECOMMENDATION

That the planning proposal is supported as discussed in this report, and that the proposal be presented to Council seeking a Gateway determination.

10. ATTACHMENTS

1. Planning Proposal
2. Urban Design Report
3. Heritage Impact Statement addendum
4. Economic Impact addendum

LIVERPOOL CITY COUNCIL

ADVICE ON PLANNING PROPOSALS
LIVERPOOL LOCAL PLANNING PANEL

3 May 2021

Held Online via
MS Teams

Panel: Michael Mantei (Chair)
Marjorie Ferguson (Expert)
Lindsay Fletcher (Expert)
Stephen Dobell-Brown (Community Rep)

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.

ITEM No:	2
APPLICATION NUMBER:	**RZ 3/2020**
SUBJECT:	Planning proposal to relocate land at 77 Moore Street and 193 Macquarie Street, Liverpool from 'Area 11' to 'Area 8' on the Floor Space Ratio Map

ADVICE OF THE PANEL

The Panel has been provided with a report prepared by Council's strategic planning officers concerning a planning proposal to amend Liverpool Local Environmental Plan 2008 the effect of which is to identify land at 77 Moore Street and 193 Macquarie Street, Liverpool in 'Area 8' on the Floor Space Ratio Map, and to repeal clause 7.40 of Liverpool Local Environmental Plan 2008.

The Panel was briefed by Council officers and heard representations from town planning consultants representing the land owner. The Panel is required to provide Council with advice on the planning proposal prior to consideration by the elected representatives of Liverpool City Council.

The Panel understands that the identification of the subject land in area 11 is an historic legacy arising from an overlap between prior amendments to LLEP 2008. The subject land is the only land in the City Centre within area 11 and is somewhat of an anomaly in the context of planning controls surrounding the land. The planning proposal seeks to bring the subject land into line with the controls on adjoining land to the north and west.

The Panel considers that the proposed zoning will have benefits to the City Centre by encouraging a higher resident population close to City Centre amenities and additional commercial floor space than is currently permitted on the site.

The Panel recommends that Council investigate building envelope controls for future development on the site that:

a. minimise overshadowing on the Macquarie Street Mall; and
b. ensure carparking is constructed below ground level, rather than adding to the bulk of the building above ground level.

The panel supports progression of the proposal to a gateway determination.

VOTING NUMBERS:

4-0

ITEM NO: CONF 06
FILE NO: 273423.2020
SUBJECT: Liverpool Animal Shelter

COUNCIL DECISION

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

That Council:

1. Endorse Rossmore Grange, Austral (Lot 1016 DP 258344) as the preferred site for the Liverpool Animal Shelter on the basis that it would incur no additional land cost to Council with further detailed studies of the site being required;

2. Direct the Acting Chief Executive Officer to proceed with the process required to amend the plan of management and prepare a planning proposal to amend the Liverpool Local Environmental Plan 2008 to permit, with development consent, an "animal boarding or training established" on the site, including an appropriate budget allocation for the necessary studies to support the planning proposal;

3. Note that a further report will be submitted to Council regarding the progress of the planning proposal, including the advice of the Liverpool Local Planning Panel and detailed design/costings;

4. Approve the costs associated with establishing a new Animal Shelter on the site to be funded by proceeds of sales from surplus land (which will be considered by Council at the November 2020 meeting). In the instance Council does not resolve to sell surplus land, then the Animal Shelter be funded via a T-Corp loan; and

5. Approve an extension of the interim arrangements with Rossmore Vet for a further period as outlined in this report.

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

Councillors voted unanimously for the motion.

The meeting reopened at 9.33pm.

Mayor Waller then read out the resolutions for CONF 01 - Order of Liverpool Awards, CONF 05 - Woodward Place Master Plan and CONF 06 - Liverpool Animal Shelter (as shown above) that were passed in Closed Session.

.....

Chairperson

Planning Proposal

40 Ramsay Road, Rossmore (Rossmore Grange)

Amendment to Liverpool Local Environmental Plan 2008 to permit, with development consent, an animal boarding or training establishment at 40 Ramsay Road, Rossmore

22 March 2021

LIVERPOOL CITY COUNCIL

LIVERPOOL THE GREAT SOUTH WEST

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Introduction

This planning proposal relates to 40 Ramsay Road, Rossmore (the subject site) which is legally described as Lot 1016 DP 258344. The Council owned site is also known as Rossmore Grange and is categorised as community land. The impetus for the planning proposal is to enable the development of a future animal shelter on the site despite the RE1 – Public Recreation zoning that applies.

Background

On 1 December 2016 Council took over the operation of the Renbury Farm Facility at Austral and renamed it Liverpool Animal Shelter. The original lease was for two years and a subsequent lease extension lapsed on 20 March 2020.

Prior to expiration of the lease, Council at its meeting on 26 February 2020, resolved to explore options for the establishment of a permanent animal holding facility and to develop concept plans for such a facility on land owned by Council. In accordance with the Council resolution, an extension of the lease for Liverpool Animal Shelter was also agreed upon until 19 July 2020.

Upon cessation of the lease, Council at its meeting on 29 July 2020 considered a report for the Liverpool Animal Shelter. The report identified that a further report would need to provide options for a permanent future site for the Liverpool Animal Shelter.

After consideration of various options, it was recommended that Council endorse Rossmore Grange (Lot 1016 DP 258344) as the preferred site for the provision of a permanent Liverpool Animal Shelter. Accordingly, at the 27 October 2020 Council meeting, it was resolved among other things that Council:

1. *Endorse Rossmore Grange, Austral (Lot 1016 DP 258344) as the preferred site for the Liverpool Animal Shelter on the basis that it would incur no additional land cost to Council with further detailed studies of the site being required;*

2. *Direct the Acting Chief Executive Officer to proceed with the process required to amend the plan of management and prepare a planning proposal to amend the Liverpool Local Environmental Plan 2008 to permit, with development consent, an "animal boarding or training establishment" on the site, including an appropriate budget allocation for the necessary studies to support the planning proposal;*

3. *Note that a further report will be submitted to Council regarding the progress of the planning proposal, including the advice of the Liverpool Local Planning Panel and detailed design/costings*

This planning proposal has been prepared in response to the above Council resolution. The planning proposal seeks to amend Schedule 1 "Additional Permitted Uses" of the Liverpool Local Environmental Plan 2008 (LEP) to permit an *animal boarding or training establishment* with consent on the subject site.

Report Structure

This Planning proposal has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 with consideration to DPIE's (formerly DPE's) 'A Guide to Preparing Planning Proposals' (December 2018). Accordingly, the proposal is discussed in the following parts:

- Site Description
- Statutory Planning Framework

- Part 1 – A Statement of the Objectives and Intended Outcome
- Part 2 – Explanation of Provisions
- Part 3 – Justification
- Part 4 – Mapping
- Part 5 – Community Consultation
- Part 6 – Project timeline

Site Description

The subject site is known as 40 Ramsay Road, Rossmore (Rossmore Grange) and is legally described as Lot 1016 within DP 258344. The site has an area of 81.09ha and is irregular in shape. The site is currently used for passive recreation purposes and predominately consists of grassland, with vegetation being concentrated along the South/Wianamatta creek to the west. The site is located to the southwest of the Western Sydney International (Nancy-Bird Walton) Airport (WSA) that is currently under construction and lies within the 'non-initial' Rossmore precinct of the Western Sydney Aerotropolis Plan.

Figure 1: Aerial view of subject site (Nearmap Jan 2021)

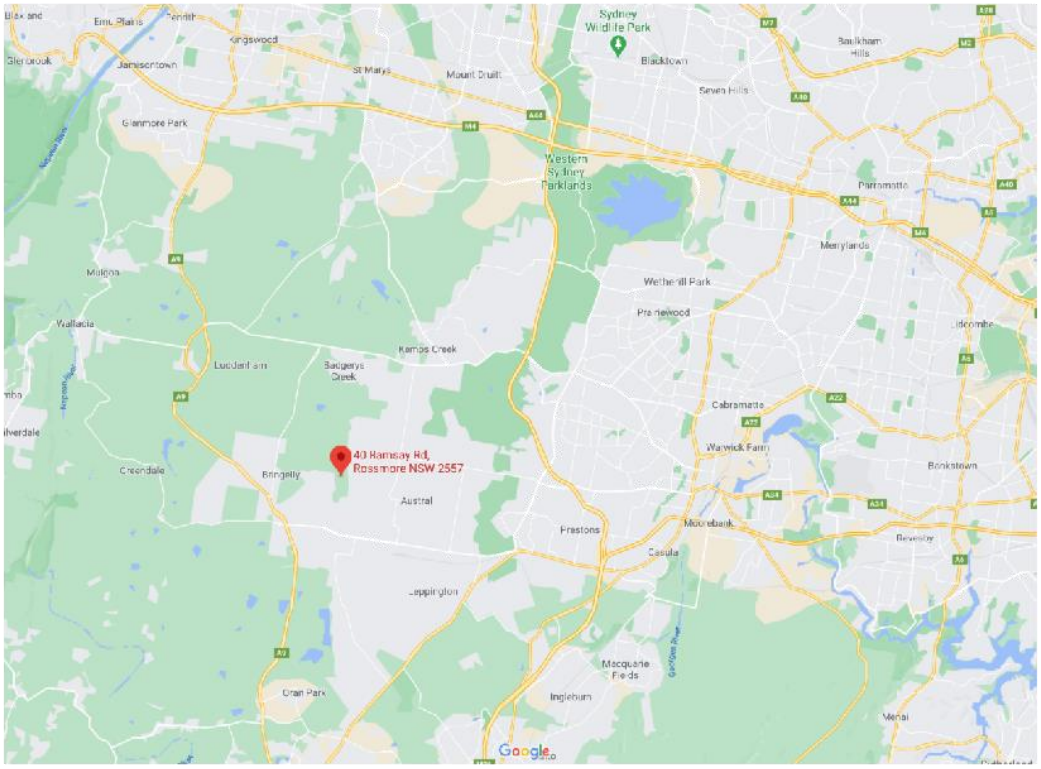


Figure 2: Regional Context Map (Google Maps)

Statutory Planning Framework

Liverpool Local Environmental Plan 2008

The land is partially zoned RE1 – Public Recreation in accordance with the zoning map of the LLEP 2008. The remainder of the site is zoned under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020. The proposal only applies to the RE1 zoned portion under the LLEP 2008.

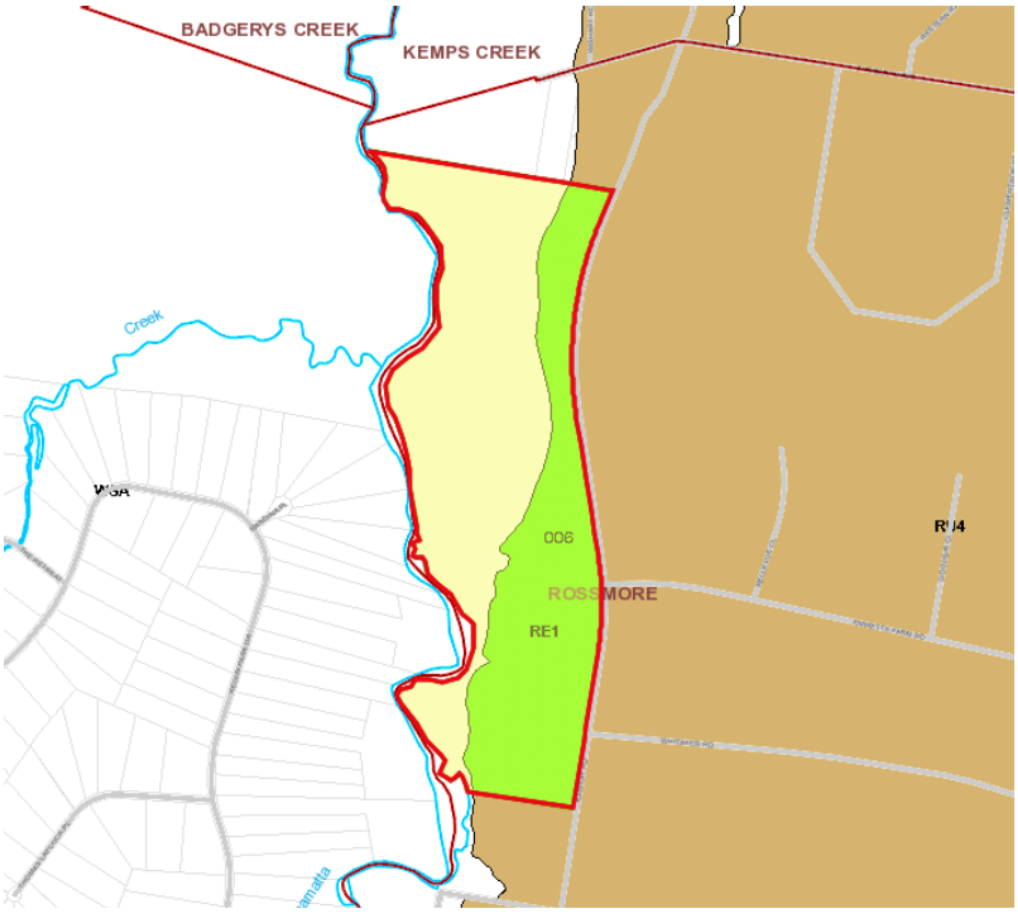


Figure 3: Existing land use zoning in the LEP (subject site outlined in red)

The objectives of the RE1 – Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide sufficient and equitable distribution of public open space to meet the needs of residents.*
- *To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.*

Delegation of plan making functions

This planning proposal seeks to make a minor amendment to the Liverpool Local Environmental Plan 2008. As such, Council is seeking authority of plan making functions pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act").

Part 1 – Objectives and Intended Outcomes

The objective of this planning proposal is to amend the LLEP 2008 to permit the development of an animal boarding or training establishment at Rossmore Grange with consent. This objective applies to the subject site only.

Part 2 – Explanation of provisions

The objective of this planning proposal is to be achieved through an amendment to Schedule 1 of the LLEP 2008. The amendment proposes a new clause for the additional permitted use of an animal boarding or training establishment within the RE1 – Public Recreation zone of the subject site (40 Ramsay Road, Rossmore).

Part 3 – Justification

Section A – Need for the planning proposal

3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not a result of any strategic planning statement, strategic study or report.

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered the best means of achieving the objectives and intended outcomes as indicated in Part 1 of this planning proposal. The alternative to the schedule 1 amendment proposed is a rezoning of the site to a zone that permits an 'animal boarding or training establishment' with consent. It is recognised that this would achieve the intended outcome of enabling the development of an animal shelter on the subject site. However, this would also permit additional uses on the site that are not desired, or appropriate given the nature and use of Rossmore Grange.

The schedule 1 amendment proposed will allow for an animal boarding or training establishment on the site whilst avoiding any risk of losing the existing recreational uses on the site or introducing inappropriate or incompatible uses.

Section B – Relationship to strategic planning framework.

DPIE's Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site-specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

a. Strategic Merit

The planning proposal will give effect to the relevant regional, sub-regional or district plan or strategies. The most relevant State and District plans that guide the land use direction for the site, are

- Greater Sydney Regional Plan – A Metropolis of Three Cities (GSRP); and
- Western City District Plan (WCDP).

Greater Sydney Regional Plan – A Metropolis of Three Cities (GSRP)

A Metropolis of Three Cities – The Greater Sydney Region Plan (GSRP) aims to rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney. The plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

Objective 6 of the GSRP is of relevance to the proposed amendment. This objective being "*Services and infrastructure to meet communities' changing needs*". The proposed amendment will allow for the provision of a crucial, permanent animal detention and rehoming service that would otherwise be unavailable within the local government area.

Western City District Plan (WCDP)

The Western City District Plan provides planning priorities to guide the sustainable growth of Western City over the next 20 to 40 years. The District's population is expected to grow by around 464,000 (between 2016 and 2036), and households in Liverpool LGA are expected to grow by 91%.

Planning Priority W3 of the WCDP is "*providing services and social infrastructure to meet people's changing needs*". The priority is further detailed in the following action:

> *"Deliver social infrastructure that reflects the needs of the community now and in the future."*

The proposed facility will provide a service that meets a critical need for the wider community. This is evident in the way that temporary facilities have helped to control the prevalence of stray animals and provide an educational service for local pet owners. A new, permanent Council-owned facility will ensure that residents would not have to travel beyond Liverpool to access this critical community service.

Local Strategy

Assessment of the proposal with regards to the Liverpool Local Strategic Planning Statement (LSPS) – *Connected Liverpool 2040* is detailed in Section 3.4.

b. Site Specific Merit

In addition to meeting at least one of the strategic merit criteria, a Planning proposal is required to demonstrate site-specific merit against the following criteria in Table 1below.

Table 1 - Site Specific Merit

Criteria	Planning Proposal Response
Does the planning proposal have site specific merit with regard to: the natural environment (including known significant environmental values, resources or hazards)?	It is noted that the site contains: • *Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion* • *Coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion;*

Criteria	Planning Proposal Response
	• *Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion; and* The proposed facility would be principally located within cleared land and impacts to biodiversity will be minimised. Any future DA will be required to address this further. In terms of hazards, the subject site is bushfire affected. This is further addressed in section 3.8 of this report.
The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?	The proposed amendment will not impact on the existing character of the area. It is noted that the entire locality of Rossmore will experience changes as the Western Sydney Aerotropolis develops into the future. It is not anticipated that the proposed amendment will impact these future uses given the minor scale and low-impact nature of the facility.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?	The proposed animal shelter will not require services and infrastructure above and beyond that of a standard animal boarding and training establishment. It is deemed that a future animal shelter as facilitated by this planning proposal will not put undue pressure on existing services and infrastructure available within the locality.

3.4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Liverpool Local Strategic Planning Statement (LSPS) – *Connected Liverpool 2040*

The Local Strategic Planning Statement (LSPS) – *Connected Liverpool 2040* is Council's long-term plan to shape Liverpool's future which will help guide the development of Liverpool's suburbs and balance the need for housing, jobs and services as well as parks, open spaces and the natural environment.

Table 2 below demonstrates how the proposed amendment will give effect to the LSPS:

Table 2 - Assessment against the LSPS

Local Planning Priority	Extracts	Assessment
Local Planning Priority 6 High-quality, plentiful and accessible community facilities, open space and infrastructure aligned with growth	*Liverpool City Council is committed to the delivery of high-quality facilities and services that are attractive, flexible and address the needs of the general community.*	The proposed amendment will facilitate the delivery of an important facility that provides a valuable service to the community.

3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Several State Environmental Planning Policies apply to the land. The consistency of the planning proposal with pertinent SEPPs has been provided in Table 3 below. SEPPs which the planning proposal will not materially impact nor undermine are omitted from Table 3.

Table 3 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Comment / Consistency
SEPP (Western Sydney Aerotropolis) 2020	The proposed amendment will not impact on the achievement of the objectives, planning principles and priorities of the Western Sydney Aerotropolis.
SEPP No. 55 Remediation of Land	Any proposed development will be required to adhere to Clause 7 of SEPP 55 at the DA stage.
SEPP No. 64 Advertising and Signage	Any advertising signage proposed will be required to adhere to SEPP 64 at the DA stage.
SEPP (Sydney Region Growth Centres) 2006	The site lies within the yet to be released suburb of Rossmore. The SEPP (Sydney Region Growth Centres) 2006 identified Rossmore as a future urban release area. However, this designation has been superseded by future plans as outlined under the Western Sydney Aerotropolis Plan (WSAP). Nevertheless, the site is still subject to the biodiversity certification orders as outlined under the SEPP (Sydney Region Growth Centres) 2006. The site has been identified as being non-certified, therefore any potential impacts to biodiversity will be considered at DA stage. Accordingly, the proposed amendment will not impact on the achievement of the objectives, planning principles and priorities of the South West Growth Centre.
SEPP No. 19 Bushland in Urban Areas	Any proposed removal of vegetation will be required to adhere to SEPP 19 at the DA stage.
Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No. 2 – 1997)	Although the site is bordered by the South/Wianamatta Creek to the immediate west, the planning proposal is unlikely to affect the objectives within this policy, or the environmental health and quality of the Hawkesbury Nepean River Catchment.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Table 4 - Ministerial Directions Compliance

Ministerial Direction	Justification	Consistent
2.3 Heritage Conservation	The site is not a listed heritage item, however it has an Aboriginal Heritage Information Management System (AHIMS) recording and two known potential historical archaeological deposits. Accordingly, subject to a future	Yes

Ministerial Direction	Justification	Consistent
	Council resolution, it is intended to prepare a an Aboriginal and European Heritage Assessment prior to the issuance of a Gateway determination, to ensure that site - specific merit can be achieved.	
2.6 Remediation of Contaminated Land	The existing site has been used for agricultural/horticultural activities in the past. However, the proposed amendment will facilitate an *animal boarding and training establishment* which exhibits similar characteristics to the formative land use on the site. Additionally, the land is currently used for passive recreation activities and minimal complaints have been made regarding the illegal dumping of waste. Accordingly, subject to a future Council resolution, it is intended to prepare a preliminary site investigation prior to the issuance of a Gateway determination to ensure that site - specific merit can be achieved.	Yes
3.2 Caravan Parks and Manufactured Homes	The proposal will retain 'Caravan Parks' as a permitted use in the RE1 zone.	Yes
3.4 Integrated Land Use and Transport	The inherent traffic impacts would be negligible as the proposal would only facilitate one animal shelter. A traffic investigation will accompany any development application relating to the future development of the site.	Yes
3.5 Development Near Regulated Airports and Defence Airfields	The site is located within 3km of the proposed Nancy - Bird Walton International Airport. Should the proposal receive Gateway determination, then the relevant authorities will need to be notified as part of the post Gateway Determination process. Any future application for the animal shelter will need to include plans indicating that the height of any building would be less than the Obstacle Limitation Surface as identified under the SEPP (Western Sydney Aerotropolis) 2020.	Yes
4.3 Flood Prone Land	The site is identified as flood prone land. However, the RE1 zoned portion of the site is not flood prone. Therefore, for the purposes of this planning proposal it is considered that there will be no inherent flooding impacts.	Yes
4.4 Planning for Bushfire Protection	The site is identified as bushfire prone land. This affectation will be considered in the final design of the animal shelter, with a future development capable of complying with the Rural Fires Act 1997 and the NSW Rural Fire Service 'Planning for Bushfire Protection' guidelines 2019, subject to concurrence from the NSW Rural Fire Service. It should be noted that the site is mostly covered by grassland of introduced pasture and weed species that can be easily cleared with no adverse biodiversity impacts. Consequently, appropriate asset protection zones (APZ's) can be established around a future animal shelter to ensure bushfire risks are mitigated.	Yes

Ministerial Direction	Justification	Consistent
5.10 Implementation of Regional Plans	Consistency with Greater Sydney Region Plan - A Metropolis of Three Cities is demonstrated in Section 3.3 of this report.	Yes
6.1 Approval and Referral Requirements	The planning proposal does not contain provisions requiring additional concurrence, consultation or referral to a Minister or public authority for future DA's.	Yes
6.2 Reserving Land for Public Purposes	The proposed amendment is for a site-specific clause to allow an animal boarding or training establishment to be permitted with consent on the subject site. The proposal does not affect any land reserved for acquisition. The site will remain classified as community land.	Yes
6.3 Site Specific Provisions	The proposed amendment is for a site-specific clause to allow an animal boarding or training establishment to be permitted with consent on the subject site. No development standards or requirements are imposed in addition to those already contained in the LEP.	Yes
7.8 Implementation of Western Sydney Aerotropolis Plan	The site lies within the non-initial (yet to be released) precinct of Rossmore. The Western Sydney Aerotropolis Plan (WSAP) provisionally identifies the RE1 zoned portion of site as being subject to a future 'Urban Land' designation. Accordingly, the proposed amendment is unlikely to impact on the achievement of the objectives, planning principles and priorities of the WSAP.	Yes

Section C – Environmental, social, and economic impact

3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject site contains the following vegetation:

- Coastal freshwater lagoons of the Sydney Basin Bioregion and South East Corner Bioregion;
- Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion; and
- Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain Sydney Basin Bioregion.

The proposed facility would be predominantly located within cleared land and impacts to biodiversity will be minimised. It is also noted that the site is non-certified for the purposes of biodiversity conservation under the SEPP (Sydney Region Growth Centres) 2006. Some small portions of land are identified on the Biodiversity Values Map (Figure 4), which forms part of the Biodiversity Offsets Scheme Threshold (under the Biodiversity Conservation Act 2016).

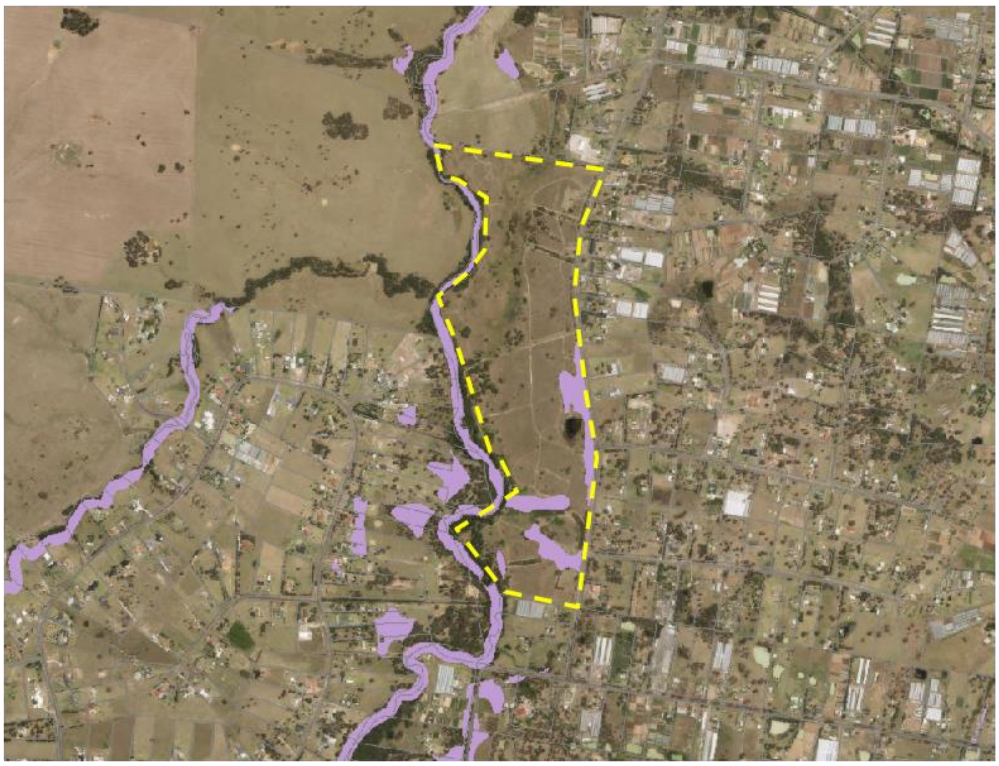


Figure 4: Land identified on the Biodiversity Values Map (DPIE)

It is noted that the siting of a future animal shelter can avoid impacting on these small portions with relative ease. Nonetheless, any potential impacts to biodiversity will be considered at DA stage.

3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire

The entire site is bushfire prone with the land predominately being subject to Vegetation Category 3 (Medium hazard – Grassland) and the remainder being identified as Vegetation Category 1 (High hazard - Forest) along South/Wianamatta creek. The site is mostly covered by grassland of introduced pasture and weed species that can be easily cleared with no adverse biodiversity impacts. Consequently, it is deemed that appropriate asset protection zones (APZ's) can be established around a future animal shelter to ensure bushfire risks are mitigated.

Accordingly, subject to a future Council resolution, it is intended to prepare a Bushfire Constraints Assessment prior to the issuance of a Gateway determination, to ensure that site - specific merit can be achieved. Alternatively, a Bushfire Constraints Assessment can be submitted with any DA indicating that the proposed development can comply with the Rural Fires Act 1997 and the NSW Rural Fire Service 'Planning for Bushfire Protection' guideline

Land Contamination

The existing site has been used for agricultural/horticultural activities in the past. However, the proposed amendment will facilitate an *animal boarding and training establishment* which exhibits similar characteristics to the formative land use on the site. Additionally, the land is currently used for passive recreation activities and minimal complaints have been made regarding the illegal dumping of waste.

Accordingly, subject to a future Council resolution, it is intended to prepare a preliminary site investigation prior to the issuance of a Gateway determination to ensure that site - specific merit can be achieved. Alternatively, a preliminary site investigation will need to be submitted with any DA indicating that the proposed development can comply with SEPP 55.

Traffic and Parking

The proposed amendment will not create capacity issues in relation to the local road network, given the nature of the proposed use and surrounding area. The traffic caused by the development will be minor, and the surrounding road network is not constrained by any capacity issues currently. In relation to parking, any future DA will be required to ensure parking provision is provided.

Noise

The proposed amendment will facilitate the operation of an animal shelter in a permissible manner. A future DA will require noise impacts to be addressed and managed appropriately.

3.9 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is expected to result in positive social and economic impacts by providing a valuable service to the community. The proposal would facilitate a positive economic impact in the locality through the capital investment value of the future animal shelter, the creation of construction jobs, and the employment of local residents. Inherent social benefits will be realised through the reestablishment of a much needed, permanent animal shelter that provides a benevolent service for the community.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

Given the nature of the additional permitted use proposed, there is little to no demands for public infrastructure.

3.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

As a part of the Gateway determination, the relevant public authorities will be identified who are to be consulted in relation to the planning proposal. The referral advice provided by the public authorities will be considered, following consultation in the public exhibition period.

Part 4 – Mapping

No changes to LEP mapping are required as part of this proposal.

Part 5 – Community Consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for at least 14 days in accordance with DPIE's A Guide to Preparing Local Environmental Plans. The planning proposal exhibition will also be carried out in accordance with Council's Community Participation Plan.

Part 6 – Project Timeline

An anticipated project timeline is shown in Table 5.

Table 5 – Anticipated Project Timeline

Timeframe	Action
May 2021	Submission of Planning Proposal to DPIE
May 2021	Gateway Determination issued
June 2021	State agency consultation
June 2021	Community consultation
June – July 2021	Consideration of submissions and proposal post-exhibition
August 2021	Post-exhibition report to Council
September 2021	Legal drafting and making of the plan

Final Minutes Liverpool Local Planning Panel electronic meeting

31st March 2021

Present: Julie Walsh (Chair)

Jason Perica (Expert)

Matthew Taylor (Expert)

Daryl Hawker (Community representative)

There were no conflicts of interest declared in relation to the Planning Proposal RZ-1/2021 .

Planning Proposal RZ-1/2021 to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 to allow "animal boarding or training establishment" as a land use permitted with consent at Rossmore Grange.

Issues related to the Planning Proposal

The Panel members familiarized themselves with the site, read the Council officer's report and the Planning Proposal dated 22 March 2021, and received a briefing from the Council officers who answered questions from the Panel.

The Panel is concerned that on the material provided, the Planning Proposal (PP) does not satisfy either the strategic merit test or the site specific merit test and therefore does not support the PP proceeding.

PANEL ADVICE

Strategic Merit

1.The Metropolitan and District strategic directions of the wider Western Sydney and area surrounding the aerotropolis include celebrating and enhancing open space and waterways, which are very important aspects of the amenity for residents and workers, underpinning the growing and important role of the region. This favours giving primacy to the recreational role of open space, rather than facilitating uses which compromise their future use and amenity.

2.There is no compelling or obvious strategic case for the proposal, other than the reference to land cost savings compared to other (unknown) sites.

3.The proposal is not consistent with the following provisions of the Western City District Plan:

Planning Priority W18 – Delivering high quality open space.

Planning Priority W15 – Increasing urban tree canopy cover and delivering green grid connections

Planning Priority W14 – Protecting and Enhancing bushland and biodiversity.

4.The PP will alienate land required for the recreational needs of the growing population of the Liverpool local government area and the Western City District.

5.The PP is not consistent with the objectives of the RE1 – Public Recreation zone under Liverpool LEP 2008 which are as follows:

To enable land to be used for public open space or recreational purposes

To provide a range of recreational settings and activities and compatible land uses

To protect and enhance the natural environment for recreational purposes

To provide sufficient and equitable distribution of open space to meet the needs of residents.

To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.

6.It is noted that a number of more appropriate zones allow this use as a permissible use, including RU1, RU2, RU4, IN2, RE2.

7.The Panel is not satisfied that the facility sought to be enabled by the PP cannot be located on any other site in the Liverpool local government area.

Site Specific Merit

The Panel is not satisfied, on the information provided, that the site has site specific merit, noting that the PP documentation calls for further reports to establish this.

VOTING: 4-Nil

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

29 MARCH 2021

Application Number:	RZ-1/2021
Proposal:	Planning proposal to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 to allow 'animal boarding or training establishment' as a land use permitted with consent at Rossmore Grange.
Property Address	40 Ramsay Road, Rossmore (Rossmore Grange)
Legal Description:	Lot 1016 DP 258344
Recommendation:	Proceed to Gateway determination
Assessing Officer:	Luke Oste, Executive Planner

1. EXECUTIVE SUMMARY

The planning proposal amends Schedule 1 of Liverpool Local Environmental Plan 2008 (LLEP 2008) to permit 'animal boarding or training establishment' as an additional permitted use with development consent at the subject site.

Rossmore Grange is an expansive public open space which is used for non-competitive equestrian activities and passive recreation. The site is currently zoned RE1 – Public Recreation under the LLEP 2008, and ENZ – Environment and Recreation under the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*. The proposal only applies to the RE1 zoned portion of the site where animal boarding or training establishments are prohibited under the LEP.

Council has entered into various lease agreements with third parties to ensure that temporary arrangements for the rehoming and rehabilitation of stray animals can be maintained. However, given the tenuous nature of lease agreements, Council has explored options for the location of a permanent animal shelter. Accordingly, at its meeting of 27 October 2020, Council resolved (among others) to:

1. *Endorse Rossmore Grange, Austral (Lot 1016 DP 258344) as the preferred site for the Liverpool Animal Shelter on the basis that it would incur no additional land cost to Council with further detailed studies of the site being required;*

2. *Direct the Acting Chief Executive Officer to proceed with the process required to amend the plan of management and prepare a planning proposal to amend the Liverpool Local Environmental Plan 2008 to permit, with development consent, an "animal boarding or training establishment" on the site, including an appropriate budget allocation for the necessary studies to support the planning proposal;*

3. *Note that a further report will be submitted to Council regarding the progress of the planning proposal, including the advice of the Liverpool Local Planning Panel and detailed design/costings*

The planning proposal has been drafted (see **Attachment 1**) as required by the above Council resolution. This planning proposal represents the first step in facilitating the future construction of a permanent animal shelter by enabling 'animal boarding or training establishment' as a permitted landuse on the site under the LLEP 2008. It is envisioned that the future development would be located within the RE1 zoned portion of the site to ensure that it does not encroach upon the floodplain along South/Wianamatta Creek.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

29 MARCH 2021

Determination of strategic merit and site-specific merit has been assessed in accordance with A guide to preparing planning proposals, as updated and published by the NSW Department of Planning, Industry and Environment in 2018. The proposal has been submitted pursuant to Section 3.33 of the Environmental Planning and Assessment (EP&A) Act 1979 and the proposal is referred to the Liverpool Local Planning Panel for advice in accordance with Section 2.19 of the EP&A Act 1979.

In relation to site-specific merit, it has been identified that supporting studies are required in order to ensure site-specific merit is achieved. These studies will ensure the constraints within the site are addressed appropriately. These supporting studies include:

- Heritage studies:
  - Aboriginal Heritage Assessment;
  - European Heritage Assessment;
- A Preliminary Site Investigation (PSI) study; and
- Bushfire report.

These required studies will be identified in a future Council report with the recommendation that these be prepared in support of the planning proposal prior to a Gateway determination request being made.

On the basis that the planning proposal demonstrates strategic and site-specific merit (subject to the findings of the studies identified), this report recommends that the planning proposal proceeds to a Gateway determination.

2. SITE DESCRIPTION AND LOCALITY

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

29 MARCH 2021

Figure 1: Aerial view of subject site (Nearmap Jan 2021)

The subject site is Rossmore Grange and is legally identified as Lot 1016 DP 258344. The total area of the subject site is approximately 810,900m^2. The site is bound by Ramsay Road to the east, South/Wianamatta Creek to the west and rural properties to the north and south. The site contains the old Emmetts Farm Homestead, an extensive network of horse trails and access tracks, a horse enclosure/training ring, a small picnic area, playground and parking area.

The site is partially zoned RE1 – Public Recreation under the LLEP 2008 with the remainder of the site being zoned under the SEPP (Western Sydney Aerotropolis) 2020. Refer to Figure 2 below for the zoning map extract of the subject site.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

29 MARCH 2021

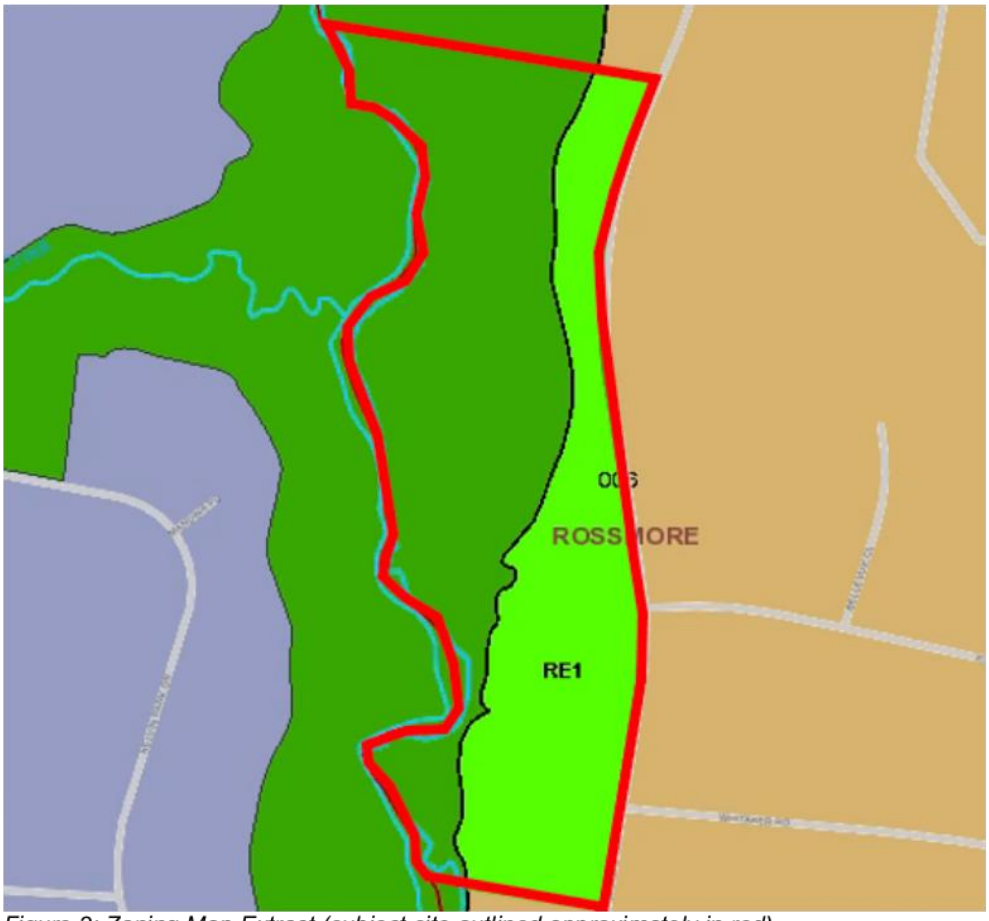


Figure 2: Zoning Map Extract (subject site outlined approximately in red)

3. DETAILS OF THE PROPOSAL

At its ordinary meeting of 27 October 2020, Council resolved (among others):

That Council:

1. *Endorse Rossmore Grange, Austral (Lot 1016 DP 258344) as the preferred site for the Liverpool Animal Shelter on the basis that it would incur no additional land cost to Council with further detailed studies of the site being required;*

2. *Direct the Acting Chief Executive Officer to proceed with the process required to amend the plan of management and prepare a planning proposal to amend the Liverpool Local Environmental Plan 2008 to permit, with development consent, an "animal boarding or training establishment" on the site, including an appropriate budget allocation for the necessary studies to support the planning proposal;*

3. *Note that a further report will be submitted to Council regarding the progress of the planning proposal, including the advice of the Liverpool Local Planning Panel and detailed design/costings*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

29 MARCH 2021

The planning proposal has been drafted as required by the above Council resolution (see **Attachment 1**).

The Proposal

The planning proposal amends Schedule 1 of LLEP 2008 to permit 'animal boarding or training establishment' as an additional permitted use with development consent at the subject site to facilitate the future development of an animal shelter.

4. CONSIDERATIONS FOR STRATEGIC MERIT

In summary, the proposed amendment is deemed to have strategic merit as outlined within the planning proposal justification report (**Attachment 1**). The proposal will facilitate a valued and important piece of community infrastructure in an appropriate location.

The proposal gives effect to the Metropolitan and District Plan, as well as the Liverpool Local Strategic Planning Statement (LSPS). The proposed amendment has also been assessed against the current zoning objectives of the site and considered the DCP controls applying to the locality. Finally, consideration has been given to the relevant 9.1 Ministerial Directions and State Environmental Planning Policies to confirm consistency.

5. CONSIDERATIONS FOR SITE SPECIFIC MERIT

In summary, the proposed amendment is deemed to have site specific merit as outlined within the planning proposal justification report (**Attachment 1**). It is noted that the site is constrained in regard to flooding, bushfire threat, and because of the existence of significant bushland. Additionally, there is further potential constraints in the form of possible contamination and historical archaeological deposits.

It is deemed at this stage that site-specific merit can be met. However, it is intended that site-specific studies will be prepared in support of the planning proposal. A study conducted by Gondwana Consulting and Associates in April 2006 entitled '*Cultural and Heritage Assessment and Vegetation Plan for Rossmore Grange'* (**Attachment 3**) provides some context regarding the nature of Rossmore Grange. However, this study is no longer current. Consequently, the following supporting studies are to be conducted to support the planning proposal:

- Heritage studies:
  - Aboriginal Heritage Assessment;
  - European Heritage Assessment;
- A Preliminary Site Investigation (PSI) study; and
- Bushfire report.

As per the Council resolution from the 27 October 2020 meeting, budget for these studies will be identified within a future Council report. It is intentioned that these studies will occur prior to the planning proposal being forwarded to DPIE for a Gateway determination to ensure site merit is achieved in relation to the proposed additional permitted use.

6. CONCLUSION

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

29 MARCH 2021

It is recommended that the planning proposal proceeds to a Gateway determination as the proposal has demonstrated strategic and site-specific merit (subject to the findings of the studies identified) and is consistent with the resolution of Council.

7. ATTACHMENTS

1. **Planning Proposal**
2. **Council Resolution**
3. **Cultural and Heritage Assessment and Vegetation Plan for Rossmore Grange (April 2006)**

4th November 2020

Ms Kiersten Fishburn
Chief Executive Officer
Liverpool City Council
33 Moore Street
LIVERPOOL NSW 2170

Re: The Northern Road upgrade – naming of roads bypassed/newly built

Dear Ms Fishburn

Transport for New South Wales (Transport) is delivering the upgrade of The Northern Road between The Old Northern Road, Narellan and Jamison Road, South Penrith in stages. This is part of the $4.1b funding by the Australian and NSW Governments for the Western Sydney Infrastructure Program.

I am writing to you on behalf of the Transport Project team delivering the upgrade between Mersey Road, Bringelly and Glenmore Parkway, Glenmore Park. This project is being delivered as a State Significant Infrastructure project under a Part 5.2 Environmental Impact Statement (EIS).

Naming of roads

As a part of this road upgrade a number of roads within Liverpool City Council are being bypassed and/or new roads created.

At a meeting with Council representatives on 23 January 2020 and again on 12 May 2020, Transport raised the issue of the naming of these roads. At these meetings the advice received was for Transport to recommend names to Council and a decision would be made by Council for recommendation to the Geographical Names Board.

In October 2020, Transport called for suggestions from the community for naming some of some of these roads. Details of the promotion and response are included in Appendix A.

Names submitted for consideration

Transport has considered the names suggested by the community on the basis of:

- the reason for suggesting the name
- local relevance of the name (if any)
- whether the name already exists in the suburb

Transport for NSW
27 Argyle Street, Parramatta. PO Box 973, Parramatta 2124
P 0455 068 886 | **W** rms.nsw.gov.au | ABN 18 804 239 602

Transport has also put forward some names to Council for roads which have been impacted by the road upgrades.

Appendix B details the roads to be renamed recommendations based on feedback from the community.

It would be appreciated if you could consider these suggestions and provide Transport with a decision so that street signage can be installed and Transport can facilitate the handover of the roads to Council.

If you could respond to this letter with your recommendations via email to [redacted].

If there are any questions, please do not hesitate to contact [redacted] on [redacted].

Yours sincerely

[redacted]

[redacted]
Infrastructure and Place
Transport for New South Wales

Encl:
Appendix A – Community promotion to input into proposed names
Appendix B – Recommended names

Transport for NSW
27 Argyle Street, Parramatta NSW 2124
W roads-maritime.transport.nsw.gov.au | ABN 18 804 239 602

Appendix A – Consultation for road naming

Summary

The local community was invited to participate in the naming of local roads being created/bypassed as a part of The Northern Road upgrade between Mersey Road and Eaton Road

The promotion consisted of:

- A notification distributed to around 800 residences and businesses in the community on 7 October 2020, inviting suggestions for the road names.
- An email sent to over 1300 emails on the database on 7 October
- A media release sent to local media
- A Facebook post which reached over 50000 subscribers

24 suggestions were received for the names of all the road

Community notification

Australian Government
BUILDING OUR FUTURE

NSW GOVERNMENT

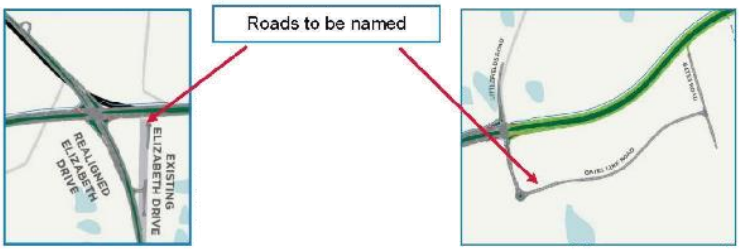
Your opportunity to name the road where you live in Luddenham and Penrith

Transport for NSW is building new roads as a part of The Northern Road upgrade between Mersey Road, Bringelly and Glenmore Parkway, Glenmore Park.

The Northern Road between the Shell Service Station and Elizabeth Drive will become a local road and will need a new name as the new road being built will become part of The Northern Road. The map below shows the new road and the section of the road which will become a local road.

A number of other new roads are being built or bypassed as a part of the upgrade:

- Elizabeth Drive will be realigned creating a small cul-de-sac which will need a new name
- A new road connecting Gates Road and an extended Littlefields Road is currently temporarily called Gates Link Road and this will need a new name.



Names to be suggested

Transport for NSW invites you to provide your suggestions for names for these roads. All suggestions will be collated and a shortlist drawn up with Liverpool City Council and Penrith City Council for consideration by the NSW Geographical Names Board.

The NSW Geographical Names Board will be the final deciding authority on the names.

What you need to do

Send your name suggestions via email or mail for one or all of the three roads, giving your reason for why you are suggesting this name. Information on the protocol for naming new places can be found on the Geographical Names Board website https://www.gnb.nsw.gov.au . You can also do a search on this website to see that you are not duplicating a name.

Your suggestions need to be sent to us by close of business **Friday 23 October 2020** at:

E: thenorthernroad@rms.nsw.gov.au
Post: c/- Transport for NSW – The Northern Road upgrade project
c- Luddenham Post Office
The Northern Road, Luddenham NSW 2745.

Contact

If you have any questions about the project, please contact the project Community Relations Team on 1800 703 457 press 1 then press 4 or email thenorthernroad@rms.nsw.gov.au

For more information on our projects, visit rms.nsw.gov.au/thenorthernroad.

Translating and Interpreting Service

If you need an interpreter, please call the Translating and Interpreting Service (TIS National) on **131 450** and ask them to telephone Roads and Maritime Services on 1800 703 457

Arabic
إذا كنتم بحاجة إلى مترجم، الرجاء الاتصال بخدمة الترجمة الخطية والشفهية (TIS National) على الرقم **131 450**، وطلب منهم الاتصال بوكالتكم Roads and Maritime Services على الرقم 1800 703 457

Cantonese
若你需要口譯員，請致電 **131 450** 聯絡翻譯和口譯服務署 (TIS National)，要求他們致電 1800 703 457 聯絡 Roads and Maritime Services。

Mandarin
如果你需要口译员，请致电 **131 450** 联系翻译和口译服务署 (TIS National)，要求他们致电 1800 703 457 联系 Roads and Maritime Services。

Greek
Αν χρειάζεστε διερμηνέα, παρακαλείστε να τηλεφωνήσετε στην Υπηρεσία Μετάφρασης και Διερμηνείας (Εθνική Υπηρεσία TIS) στο **131 450** και ζητήστε να τηλεφωνήσουν Roads and Maritime Services στο 1800 703 457

Italian
Se desiderate l'assistenza di un interprete, prego telefonare al Servizio Interpreti e Traduttori (TIS National) al **131 450** chiedendo di contattare Roads and Maritime Services al 1800 703 457

Korean
통역사가 필요하시면 번역통역서비스 (TIS National) 에 **131 450** 으로 연락하여 이들에게 1800 703 457 번으로 Roads and Maritime Services 에 전화하도록 요청하십시오.

Vietnamese
Nếu cần thông ngôn viên, xin quý vị gọi cho Dịch Vụ Thông Phiên Dịch (TIS Toàn Quốc) qua số **131 450** và nhờ họ gọi cho Roads and Maritime Services qua số 1800 703 457

NSW GOVERNMENT

MEDIA RELEASE

October 2020

HAVE YOUR SAY ON THE STREETS WITH NO NAME

A call out to the community is officially under way to name some of the new roads that are being created as part of The Northern Road upgrade between Mersey Road and Glenmore Parkway.

A Transport for NSW spokesperson said this is an exciting opportunity for the community to contribute to this major project and be part of its history.

“The Northern Road upgrade is a major infrastructure project that will benefit more than 16,000 motorists once completed,” the spokesperson said.

“The 16 kilometre section of the upgrade between Mersey Road and Glenmore Parkway is currently under way, including building new roads and creating a bypass of The Northern Road through Luddenham town centre

“It is these roads that need naming, and who better placed to take on the naming rights than people from this community.”

The three new roads to receive new names, with the help of the community, are:

- The Northern Road between the Shell Service Station and Elizabeth Drive
- The current Elizabeth Drive at The Northern Road intersection which has become a cul-de-sac
- The new road, informally known as Gates Link Road.

The NSW Geographical Names Board, in collaboration with Liverpool City Council and Penrith City Council, will consider all suggestions and be the final decision maker.

Suggestions, including the reason for the suggestion, can be sent via email to thenorthernroad@rms.nsw.gov.au or mail to:

Post: c/- Transport for NSW – The Northern Road upgrade project
c- Luddenham Post Office
The Northern Road, Luddenham NSW 2745.

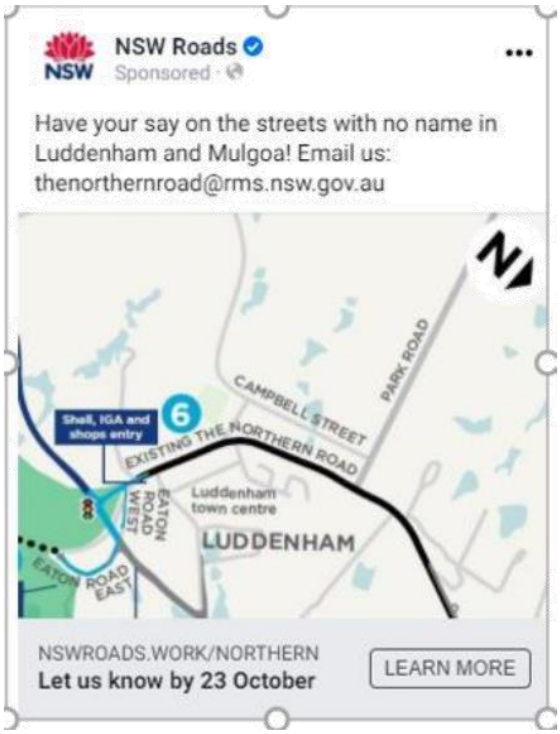
Submissions close on Friday 23 October 2020, close of business.

Find out more information on the protocol for naming new places on the Geographical Names Board website https://www.gnb.nsw.gov.au

The Northern Road is being upgraded as part of the Australian and NSW governments' $4.1 billion Western Sydney Infrastructure Plan to improve safety, increase road capacity and reduce travel times and congestion in the future.

MEDIA: Nathan Alexander – 0417 824 819

Social media post



LIVERPOOL CITY COUNCIL

ORDINARY MEETING
16 DECEMBER 2020
CITY ECONOMY AND GROWTH REPORT

EGROW 01	**Draft Urban Cat Management Plan**

Strategic Direction	Leading through Collaboration Strive for best practice in all Council processes
File Ref	292594.2020
Report By	Nada Mardini - Manager Community Standards
Approved By	David Smith - Acting Director City Economy and Growth

EXECUTIVE SUMMARY

On 27 May 2020, Council resolved to *"work towards (developing) an urban stray cat management plan"*. As part of research for the preparation of the plan, contact was made with Emeritus Professor Jacquie Rand and Emeritus Professor Helen Swarbrick who are both on the board of the Australian Pet Welfare Foundation (APWF).

The APWF is a not-for-profit organisation with an extensive track record and expertise in urban cat management. Two workshops were conducted with Professor Jacquie Rand and Professor Helen Swarbrick which provided background information for the development of the Urban Cat Management Plan.

The purpose of the Plan is to reduce cat related complaints in the community including behaviour such as roaming, soiling and noise, as well as promoting responsible pet ownership, educating the community and improved welfare of cats.

In order to manage cat populations and improve outcomes for cats and the community, the following is recommended in the Plan:

- Desexing programs that are low cost or free;
- Encouraging residents to utilise subsidised desexing programs through having a Community Liaison Officer working with them;
- Providing free vaccination and microchipping events to encourage registration and identification; and
- Developing effective public education communication material to promote responsible cat ownership.

The draft urban Cat Management Plan and Action Plan is included as **Attachment 1**. An action plan has been developed for 2021 to implement the key actions contained in the Plan. The action plan will cost approximately $185,000 annually.

RECOMMENDATION

That Council:

1. Endorse the draft Urban Cat Management Plan and Action Plan for consultation and advice from the Companion Animals Advisory Committee; and

2. Receive a further report on the adoption of the Urban Cat Management Plan and Action Plan following consultation with the Companion Animals Advisory Committee incorporating any recommended changes.

REPORT

Background

Council resolved on 27 May 2020 to *"work towards (developing) an urban stray cat management plan"*. As part of research for the preparation of the plan, contact was made with Emeritus Professor Jacquie Rand, Veterinary Internal Medicine and Executive Director and Chief Scientist of the Australian Pet Welfare Foundation (APWF) and Emeritus Professor Helen Swarbrick who is on the board for the Australian Pet Welfare Foundation and is a Community Cat Coordinator.

The APWF is a not-for-profit organisation with an extensive track record and expertise in urban cat management. APWF is the peak research body and advocate for pet welfare in Australia. It is also leading Australia in researching effective cat management strategies to reduce intake into shelters and to reduce euthanasia rates and costs.

Emeritus Professor Rand has been involved in shelter research over the last 14 years, including collaborative studies with the RSPCA, Animal Welfare League (AWL) and local government.

Emeritus Professor Helen Swarbrick has worked in advocacy and consulting roles with Sydney Councils, in developing effective cat management strategies.

Two workshops were conducted with Professor Jacquie Rand and Professor Helen Swarbrick which provided the background information for the Urban Cat Management Plan.

This report provides a summary of the areas covered in the Urban Cat Management Plan.

Cat Numbers in the Liverpool LGA

It is estimated, based on average statistics reported by the RSPCA, that there are approximately 24,000 owned cats and 10,000 – 20,000 unowned or semi owned cats in the Liverpool LGA. However, the Companion Animals Register indicates there are 13,000 cats registered/identified for the period 2010-2020 in the Liverpool LGA.

Legislation

The Companion Animals Act 1998 and Regulations requires cats to be microchipped by 12 weeks of age and registered by 6 months of age. Cats are also free to roam except in prohibited areas (wildlife protection areas and within 10 meters of public food preparation areas).

Purpose of the Urban Cat Management Plan

The purpose of the Urban Cat Management Plan is to reduce cat related complaints in the community concerning behaviours such as roaming, soiling and noise, as well as promoting responsible pet ownership, educating the community and improving welfare of humans and cats.

Strategic Framework for Cat Management

In 2018 – 2019, 659 cats from suburbs in the Liverpool LGA went to the RSPCA. Of these, 69% were stray cats and 76% were kittens. Out of these, 5 were reclaimed (1.89%), 49% rehomed and 37% euthanised.

Current RSPCA Australia National Statistics indicate that there is only a 4% reclaim rate from pounds and the RSPCA. Very few cats have microchips and of those that do, 37% have the wrong contact details.

These figures indicate that there are:

- Excessive numbers of stray cats/kittens;
- Large numbers of owned but unidentified and unregistered cats; and
- Large numbers being euthanised.

In addition, given the estimated cat numbers mentioned above and the unsatisfactory outcomes for cats that are surrendered to shelters (e.g. the RSPCA) the following focus areas should be considered in order to manage cat population and outcomes in the Liverpool LGA:

- Desexing programs that are low cost or free desexing subsidies.

- Encouraging residents to utilise subsidised desexing programs through having a Community Liaison Officer working with them.
- Provide free vaccination and microchipping events to encourage registration and identification.
- Develop effective public education communication material to promote responsible cat ownership.

Consolidated Action Plan for 2021

- Employ a Community Liaison Officer for 12 months to implement programs and work with the community;
- Provide free vaccination and microchipping events quarterly;
- Prepare a responsible cat ownership education program;
- Promote desexing subsidy;
- Commence a free desexing program targeting the 2168 suburbs (Busby, Ashcroft, Miller, Cartwright, Heckenberg and Sadlier).

Financial Implications

The following is an estimated cost to Council over a 12-month period to fund the Action Plan:

- Community Liaison Officer and free microchipping and vaccination events $140,000;
- Free desexing programs and desexing subsidy $40,000; and
- Education and Communication $5,000.

Review

It is recommended that Council review the action plan after 12 months and report the outcomes to Council.

Conclusion

It is recommended that Council endorse the draft Urban Cat Management Plan and Action Plan for consultation and advice from the Companion Animals Advisory Committee and receive a further report on the adoption of the Urban Cat Management Plan and Action Plan following consultation with the Companion Animals Advisory Committee incorporating any recommended changes.

CONSIDERATIONS

Economic	A Consolidated Action Plan has been developed for 2021 to implement the key actions in the Plan. The action plan will cost approximately $185,000 annually.
Environment	Raise community awareness and support action in relation to environmental issues.
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	Act as an environmental leader in the community. Foster neighbourhood pride and a sense of responsibility. 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. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	Companion Animal Act 1998 and Regulations.
Risk	The risk is deemed to be Low This risk is considered within Council's risk appetite.

ATTACHMENTS

1. Draft Urban Cat Management Plan

Council

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Kaliyanda**

That Council:

1. Endorse the draft Urban Cat Management Plan and Action Plan, in principle, for further consultation and advice from the Companion Animals Advisory Committee; and

2. Receive a further report on the adoption of the Urban Cat Management Plan and Action Plan following consultation with the Companion Animals Advisory Committee incorporating any recommended changes.

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

LIVERPOOL CITY COUNCIL

URBAN CAT MANAGEMENT PLAN

Adopted: *(Current date)*

139228.2020-016

LIVERPOOL THE GREAT SOUTH WEST

Introduction

Purpose of the Cat Management Plan

This document has been developed to provide a cat management plan that reduces cat related complaints in the community about behaviours such as roaming, soiling, noise and other nuisance behaviour.

The plan prescribes a comprehensive set of actions to address the core issue which is uncontrolled cat populations. This includes:

- Desexing;
- Education about containment and responsible pet ownership; and
- Identification and registration.

The plan also includes a framework to promote responsible pet ownership, educate the community and improve the welfare of humans and cats.

Definitions section

According to the RSPCA (2018) report titled "Identifying best practice cat management in Australia", the following definitions should be used to categorise cats.

- **Domestic cats** are those with some dependence (direct or indirect) on humans and can be subcategorised as follows:
  - **Owned cats** are identified with and cared for by a specific person and are directly depending on humans. They are usually sociable although sociability varies.
  - **Semi-owned cats** are fed or provided with other care by people who do not consider they own them. They are of varying sociability with many socialised to humans and may be associated with one or more households.
  - **Un-owned cats** are indirectly depending on humans with some having casual and temporary interactions with humans. They are of varying sociability, including some who are unsocialised to humans, and may live in groups.
- **Feral cats** are unowned, unsocialised, have no relationship with or dependence on humans and reproduce in the wild. The Australian Government (2015) report "Threat abatement plan for predation by feral cats" provides similar definitions.
- In relation to policy on management of cats held in shelters and pounds, the term "no-kill" means that healthy and treatable animals are not killed. Under this policy, euthanasia of animals is acceptable where treatment would not be expected to give them a good quality of life, or for those cats considered dangerous to public safety.

Summary of Liverpool City Council's statutory compliance requirements

- Companion Animals Act 1998 (as revised in 2019) and Regulations:

  - Cats must be microchipped by 12 weeks of age;
  - Cats must be registered by 6 months of age;
  - Annual permit is required after 4 months of age if not desexed;
  - Cats can be seized if they cause injury to a person or another animal;
  - Cats are free to roam except in prohibited areas, (wildlife protection areas, within 10 metres of public food preparation areas); and
  - Minimum holding period in shelter is 7 days for unidentified cats and 14 days for identified cats.

- Council's Animal Management Plan:
  - No more than 4 cats to be kept at a premises.

Cat management services in Liverpool City Council

Liverpool Local Government Area

The Liverpool Local Government Area (LGA) consists of 42 suburbs and is one of the fastest growing regions in Sydney. It has a current population of 227,585 and land area of 30,552 ha (306km²).

The Liverpool LGA is experiencing substantial growth from urban release development and from redevelopment in established areas. Its population is expected to increase to more than 320,000 over the next 20 years.

Liverpool City is located in Sydney's south-western suburbs and is about 25 kilometres from the Sydney CBD. It contains the Western Sydney Airport which is currently under construction.

The Metro area (including residential, industrial and Holsworthy army barracks) is 17,744 ha (178 km²) with a population of 220,674.

The Rural area (Western Area) is 12,808 ha (128 km²) with a population of 6911.

Numbers of Companion Animals in Liverpool LGA (Companion Animals Register Period 2010-2020):

- Identified cats – 9730
- Registered cats – 3270
- **Total cats - 13,000**
- Identified dogs – 24,282
- Registered dogs – 11,574
- **Total dogs – 35,856**

Based on average statistics reported for Australia:
- 27% of households have 1.4 cats
- 40% of households have 1.3 dogs

In 2016 the City of Liverpool had 64,000 households
- Estimated owned cats = 24,000
- Estimated owned dogs = 33,000
- Estimated unowned/semi-owned cats = 10,000-20,000

There are 9 veterinary practices in Liverpool LGA.

There are 3 pet shops in Liverpool LGA (2 Petbarn and one independent pet shop).

Principles underpinning cat management by Liverpool City Council

- Council staff work within legal framework;
- People and pets live in harmony with each other;
- Animals are treated with respect and compassion;
- Improve the health and wellbeing of cats; and
- Recognise that cats are great pets and highly valued companions.

Current Liverpool City Council Animal Management Team

Animal management services are delivered through the Community Standards Department, which is part of Council's City Economy & Growth Directorate.

The equivalent of six effective full time (EFT) positions are dedicated to delivering animal management services.

The primary focus of the service is on:

- Re-uniting lost animals with their owners and rehoming unclaimed animals;
- Coordination of re-homing programs, including marketing and promotion (of available animals) and working with rescue groups;
- Attending to dogs and livestock that have escaped their property, with preference to returning pets to their rightful owner or, if required, transferring to the Liverpool Animal Shelter;
- Providing animal support and advice to the community;
- Educating the community on their responsibilities in owning companion animals and livestock;
- Enforcing state legislation and council policies relating to cats, dogs and livestock;
- Management of cat and dog registration through the NSW State Government Companion Animals Register and the collection of registration fees;
- Attending to complaints, investigation of incidents e.g. dog attacks, barking dogs, and attending court proceedings;
- Running desexing, microchipping and vaccinating events;
- Encouraging and promoting pet related opportunities for working with the RSPCA, AWL, Cat Protection Society, Department of Housing and other groups; and
- Patrolling of public areas and dog off-leash areas.

Strategic framework for cat management

Focus area one: service management and authorised officers

- Training and education:
  - Continue to offer training in implanting microchips in order to provide a free service to Liverpool City Council residents; and
  - Ensuring all officers have training to scan for a microchip.
- Building the team and potential for future hirings and secondments:
  - Employing or seconding a Community Liaison Officer to deal with preparation of desexing, microchipping and vaccination programs; and assist in resident participation in these programs.
- Setting cat management priorities relative to dog management:
  - Legislation and framework for dog management is under control but this is not so clear for cats as legislation is less stringent for cats. Therefore other priorities need to be developed for managing cats.
- Facilitating interactions with RSPCA, AWL and Cat Protection Society:
  - Develop a schedule for regular meetings about conducting desexing, vaccination and microchipping programs.

Focus area two: cat overpopulation and welfare of cats

- Current statistics from Liverpool City Council pound and the RSPCA:
  - 27 cats were impounded last year by Liverpool Animal Shelter;
    - All were dumped at the shelter or picked up by animal management officers;
    - None were seized after attacking someone;
  - 26 were rehomed and one reclaimed;
  - It took an average of 45 days to rehome a cat;
  - In 2018-2019, 659 cats from Liverpool City Council suburbs went to the RSPCA (see Appendix);
    - Of these, 69% were stray cats and 76% were kittens;
    - Out of these 659 cats, 5 were reclaimed (1.8%), 49% rehomed and 37% euthanased (50% of strays).

<u>Potential solutions:</u>

- Reducing cat abandonment at the shelter and surrenders to the RSPCA:
  - Identify and support pet owners who are struggling to provide care for their cat/s – this may include assistance with desexing, health care, provision of pet food/cat litter

- Identify and support people caring for undesexed cats, including those with with large numbers of cats – this may include free desexing, microchipping and assistance with registration costs
- Provide access to an animal behaviourist for owners who require assistance with cat management.

- Proposals for desexing programs:
  - Low-cost or free desexing subsidised by Liverpool City Council, provided as a general service across LCC;
    - Focus on desexing females that are producing unwanted litters;
    - Collaboration with RSPCA to identify people surrendering litters to RSPCA shelter, and ensure mother of these litters is also desexed;
    - Target people feeding multiple cats to ensure all cats are desexed and best practice colony management is followed, including early identification and desexing of immigrant cats.
  - Targeted campaigns to cover specific suburbs where there are large numbers of cats needing to be desexed;
    - Primary target for 2021 is the 2168 postcode, because of reports of large semi-owned/unowned cat populations;
    - Aim to achieve 30-50 cats desexed/1000 residents in target suburbs.

- Encouraging resident uptake of subsidised desexing programs:
  - Potential role of Community Liaison Officer for door knocking and follow-up in targeted areas;
  - Assisting with transport of cats to desexing site, catching the cat in a trap, medication administration; and
  - Promote availability of pensioner subsidy for desexing; and
  - Making desexing both affordable and accessible.

- Encouraging adoption and rehoming, particularly from shelters:
  - Social media;
  - Local cat rescue groups;
  - Promote home to home adoptions.

Focus area three: registration and identification

- Current statistics:
  - 4% cat reclaim rate from pound and RSPCA;
  - Very few cats have microchips; and
  - Of those that do have a microchip, 37% have the wrong contact details.
- Numbers of cats registered per 1000 residents is only 25% of that in Victoria.

Potential solutions:

- Reviewing administrative management of microchipping and registration:
  - Lobby State Government to combine/ streamline current complex and arduous process of microchip and registration.
- Maintaining accuracy of microchip contact information:
  - Animal management staff in the field will be encouraged to scan microchips and offer to update owner contact details;
  - Email reminders to owners to encourage them to update their details; and
  - Build database of owner phone numbers to send out reminder texts - include link to online system to make it easy for people to update their contact details.
- Articulating advantages of registration for owners:
- Acknowledge and address access and affordability issues:
  - Use of mobile “pop-up” microchip and vaccination vans.
- Reviewing and refining strategies for monitoring and enforcement.

Focus area four: dealing with nuisance issues and complaints

- Current level and nature of complaints:
  - 55 complaints per year.
  - Most common complaints are:
    - Cats roaming on a property and using garden as a toilet;
    - Someone feeding multiple cats (overwhelmed feeder).

- Where/who do most complaints come from (location of issues):
  - Some habitual complainers, some complaints about the same site from multiple different complainers;
  - People living in unit complexes (usually about a resident feeding cats**) 50%;**
    - 80% of these complaints are from Department of Housing complexes;
  - People from a single house complaining about a cat on their property **50%;**

<u>Potential solutions:</u>

- Effective communication with complainants about options:
  - Explaining that cats are free to roam in NSW;
  - Most effective options include managing cat numbers, reducing number of entire cats, keeping cats contained at night, and providing information on strategies to keep cats off property.

- Cat curfews, containment:
  - Difficult and expensive to enforce, education is the key;
  - Containment at night is highest priority – distance travelled by a cat at night is double that during the day, and more fights occur at night resulting in higher risk of disease transmission and more complaints;
  - Educating owners on advantages of keeping cats indoors (especially at night) and strategies to achieve this, such as utilising strategic feeding times to facilitate night-time containment.

- Educating and liaising with colony feeders:
  - Help to organise desexing of their colony cats;
  - Encourage best practice feeding strategies (e.g. hide the food, don't feed more food than can be eaten in 30 minutes, remove uneaten food to avoid attracting vermin, remove/hide used feeding plates);
  - Ongoing management, watch for immigrant cats and manage as necessary.

- Deterring cats from property:
  - Availability of deterrent devices from council (e.g. rental service) – motion-triggered water sprays, etc.
  - Educating about other effective strategies (e.g. eggshells on garden beds).

Focus area five: pets and people

- Develop effective public education and advocacy strategies to promote responsible cat ownership:
    - Collaborate with council communications team for development and effective distribution of media/materials;
    - Distribute educational material particularly to areas where there are complaints (including CPS pamphlet on being a good neighbour); and
    - Advice on practical strategies that can be implemented.
- Dealing with people and cats in crisis (e.g. domestic violence situations, elderly moving to nursing homes/hospitals/dying, owners hospitalised, owners with short remand/ incarceration periods):
    - Liaise with relevant organisations depending on the situation; and
    - Make the community aware of the other welfare groups and their services that are available in these situations.
- Managing animal abuse and cruelty issues:
    - These are usually referred to the RSPCA;
        - Important to recognise and nurture the relationship with the RSPCA.
- Building trust and better interactions with street cat rescue groups and colony feeders.

Consolidated Action Plan for 2021

Action	Responsibility	Timeframe
Employing/seconding a Community Liaison Officer for 12 months	Manager Community Standards and Coordinator Regulatory Services	By September 2021
Free Vaccination & Microchipping events	Community Liaison Officer	Quarterly
Responsible Cat Ownership Program	Communication Team and Community Liaison Officer	Commence September 2021
Desexing Subsidy	Communication Team and Community Liaison Officer	Commence September 2021
Free Microchipping Service	Rangers	As required
Free Desexing Program (Target 2168 Suburbs: Busby, Ashcroft, Miller, Cartwright, Heckenberg, Sadlier)	Community Liaison Officer	Commence November 2021
Lobbying State Government to combine microchipping/registration	Manager Community Standards and Coordinator Regulatory Services	Commence September 2021

Monitoring outcomes, evaluation

- Review action plan annually and report outcomes to Liverpool City Council.

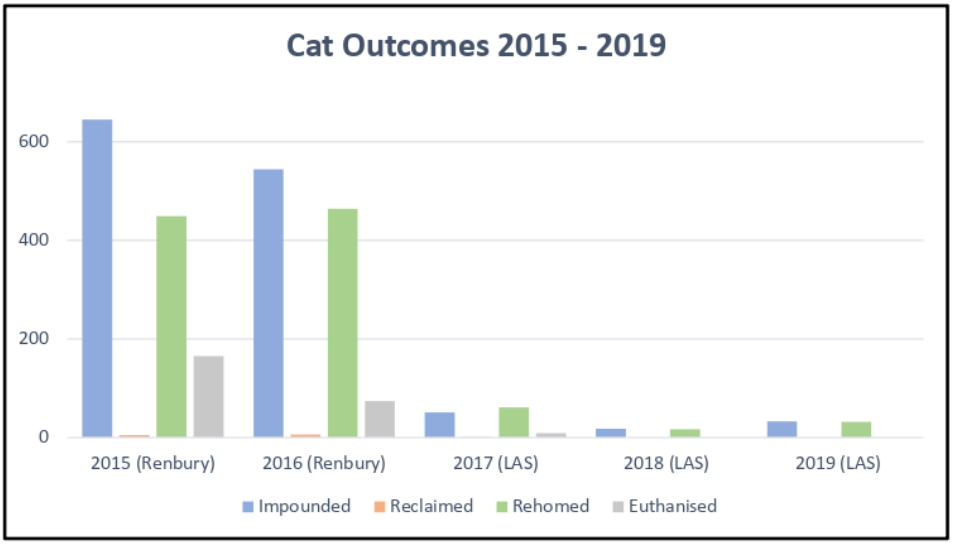
Acknowledgements and References

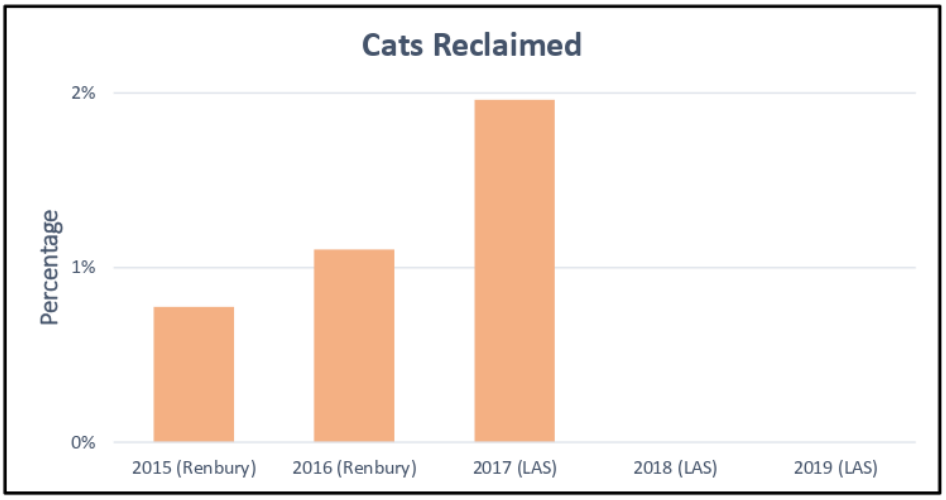
Australian Pet Welfare Foundation:
Emeritus Professor Jacquie Rand
Emeritus Professor Helen Swarbrick
Emily Lancaster
Yarra Ranges Domestic Animal Management Plan
Greater Shepparton Domestic Animal Management
Marrondah City Council Draft Domestic Management Plan

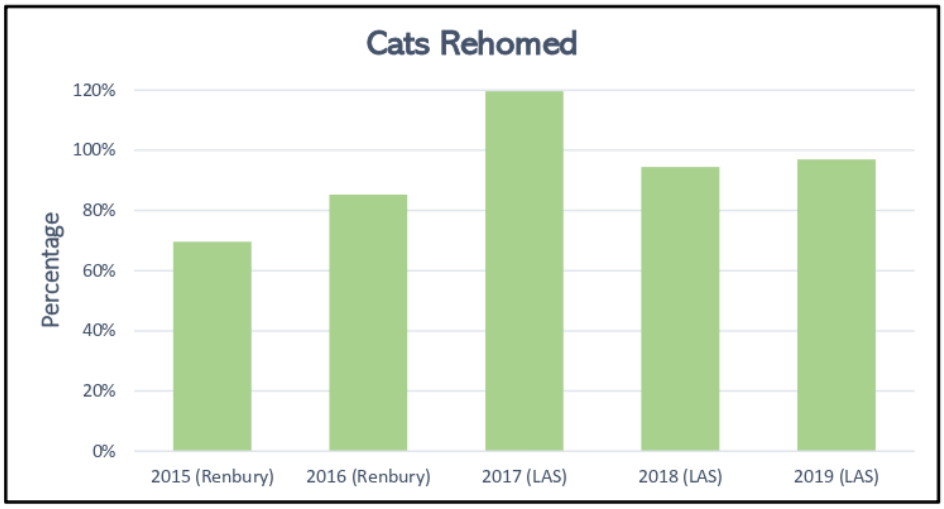
Appendices

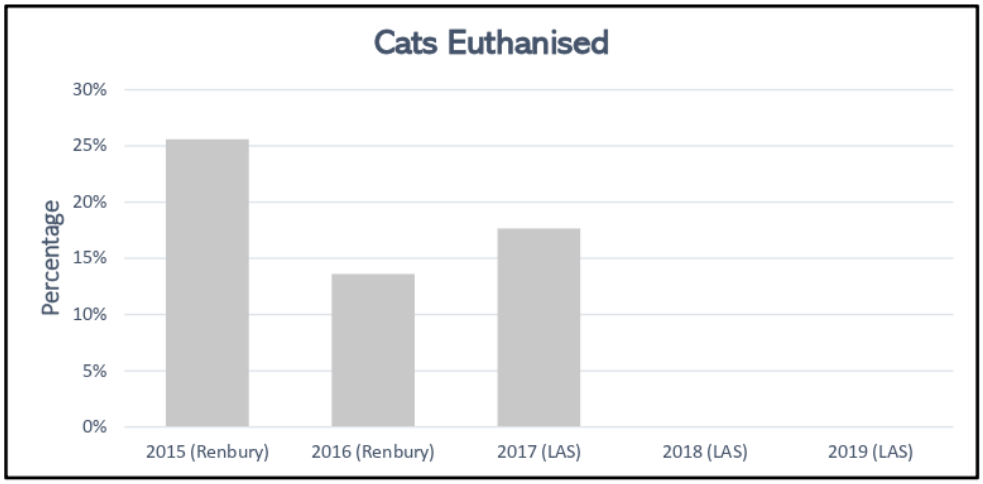
Key Statistics

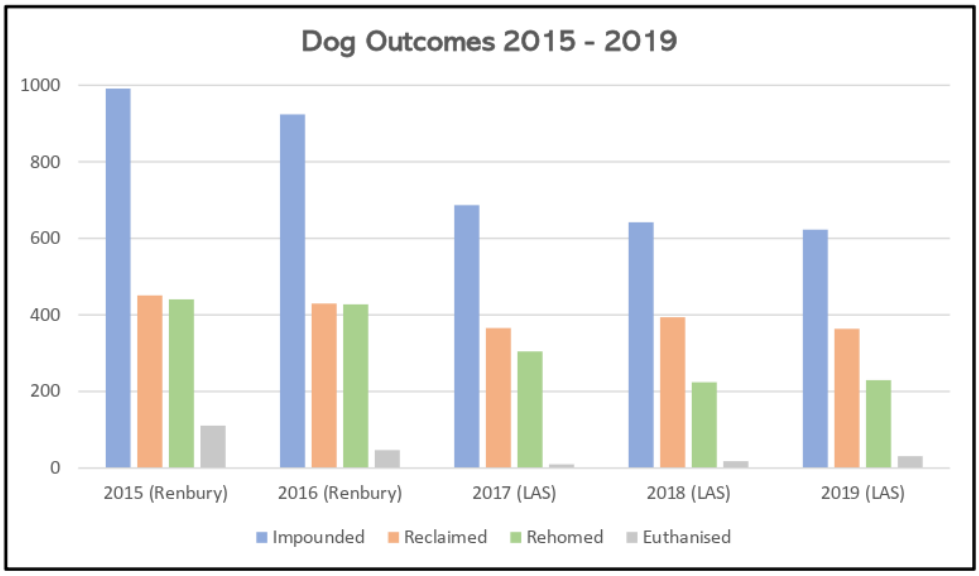
- Data from Liverpool Animal Shelter (LAS, previously Renbury) – 2015 - 2019
- RSPCA Yagoona data for 2019 calendar year

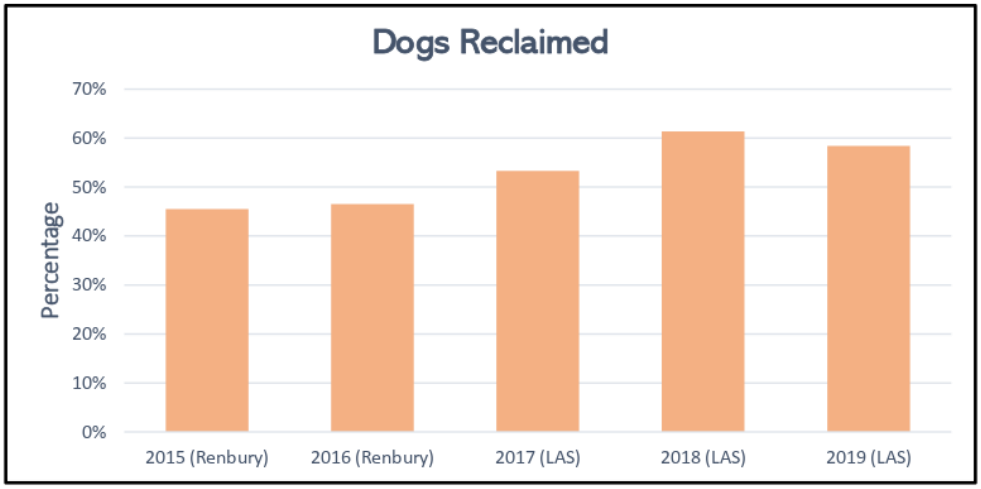

Cat Outcomes 2015 - 2019
600
400
200
0
2015 (Renbury)
2016 (Renbury)
2017 (LAS)
2018 (LAS)
2019 (LAS)
Impounded
Reclaimed
Rehomed
Euthanised

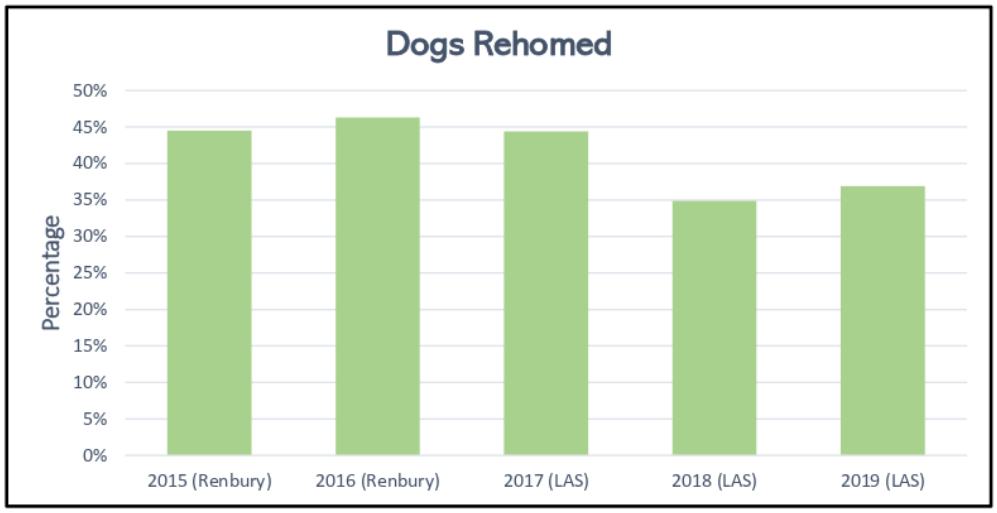

Cats Reclaimed
Percentage
2%
1%
0%
2015 (Renbury)
2016 (Renbury)
2017 (LAS)
2018 (LAS)
2019 (LAS)

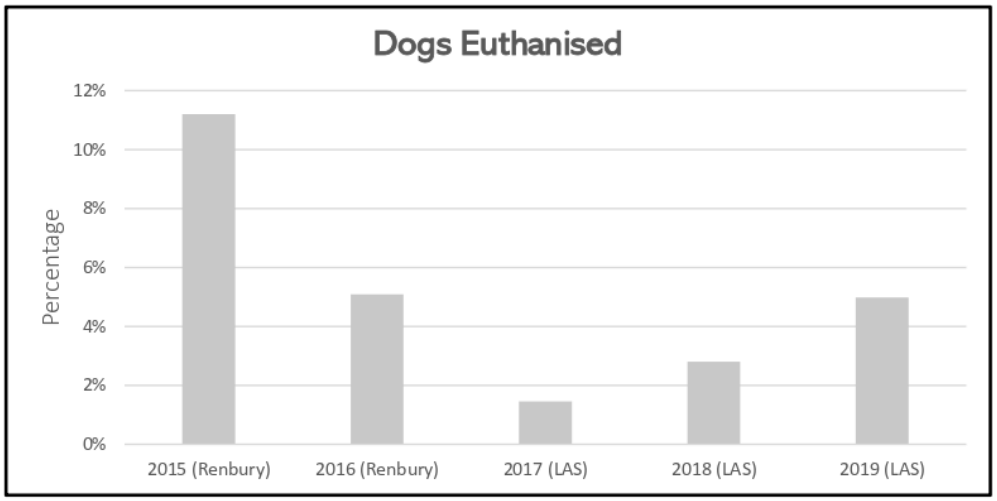

Cats Rehomed
Percentage
120%
100%
80%
60%
40%
20%
0%
2015 (Renbury)
2016 (Renbury)
2017 (LAS)
2018 (LAS)
2019 (LAS)


Cats Euthanised
Percentage
30%
25%
20%
15%
10%
5%
0%
2015 (Renbury)
2016 (Renbury)
2017 (LAS)
2018 (LAS)
2019 (LAS)


Dog Outcomes 2015 - 2019
1000
800
600
400
200
0
2015 (Renbury)
2016 (Renbury)
2017 (LAS)
2018 (LAS)
2019 (LAS)
Impounded
Reclaimed
Rehomed
Euthanised


Dogs Reclaimed
Percentage
70%
60%
50%
40%
30%
20%
10%
0%
2015 (Renbury)
2016 (Renbury)
2017 (LAS)
2018 (LAS)
2019 (LAS)


Dogs Rehomed
Percentage
50%
45%
40%
35%
30%
25%
20%
15%
10%
5%
0%
2015 (Renbury)
2016 (Renbury)
2017 (LAS)
2018 (LAS)
2019 (LAS)


Dogs Euthanised
Percentage
12%
10%
8%
6%
4%
2%
0%
2015 (Renbury)
2016 (Renbury)
2017 (LAS)
2018 (LAS)
2019 (LAS)

Cats arriving at RSPCA Yagoona from Liverpool City Council LGA (2019 Calendar Year)

Source	Cat	Kitten	Total
Stray	99	355	454
Owner Surrender	45	128	173
Humane Officer Seized	3	8	11
DOA - Stray	3	5	8
Euthanasia Request	1	3	4
Humane Officer Surrendered	4	2	6
DOA - Humane Officer Seized	1	1	2
Returns		1	1
Total	**156**	**503**	**659**

Suburb	Cat	Kitten	Total
LIVERPOOL NSW 2170	21	77	98
WARWICK FARM NSW 2170	13	65	78
CASULA NSW 2170	10	55	65
AUSTRAL NSW 2179	12	20	32
PRESTONS NSW 2170	5	27	32
MOOREBANK NSW 2170	3	27	30
CHIPPING NORTON NSW 2170	8	20	28
MOUNT PRITCHARD NSW 2170	7	21	28
HECKENBERG NSW 2168	8	19	27
LURNEA NSW 2170	4	22	26
BUSBY NSW 2168	6	19	25
HINCHINBROOK NSW 2168	6	18	24
GREEN VALLEY NSW 2168	2	17	19
MILLER NSW 2168	7	12	19
AUSTRAL NSW 2171		11	11
WEST HOXTON NSW 2171	5	6	11
CARTWRIGHT NSW 2168	2	7	9
HOXTON PARK NSW 2171	2	7	9
LEPPINGTON NSW 2171	4	5	9
ROSSMORE NSW 2557	1	6	7
ASHCROFT NSW 2168	4	2	6
HOLSWORTHY NSW 2173	1	4	5
SADLEIR NSW 2168	2	3	5
WATTLE GROVE NSW 2173	1	4	5
EDMONDSON PARK NSW 2171	3	1	4
CARNES HILL NSW 2171	2	1	3
MIDDLETON GRANGE NSW 2171		2	2
BRINGELLY NSW 2556	1		1
Other	16	25	41
Total	156	503	659

NB 5 of these cats were reclaimed, all adults (>1yr)

GRANTS, DONATIONS, AND CORPORATE SPONSORSHIP POLICY

Adopted: 29 May 2019

TRIM: 2016/2682, 091748.2019

GRANTS, DONATIONS, AND CORPORATE SPONSORSHIP POLICY

1. LEGISLATIVE REQUIREMENTS

Local Government Act 1993, Section 356

2. OBJECTIVE

Council is committed to building strong and resilient communities within the Liverpool Local Government Area (LGA) and to increase social wellbeing for all residents. One way of achieving these goals is to provide financial assistance in the form of grants, donations, and sponsorships to individuals and groups to develop leadership skills, increase participation in community life and address identified social issues. Council seeks to support programs that can build or enhance the reputation and brand of Liverpool City in accordance with Council's Community Strategic Plan.

3. DEFINITIONS

Acquittal	Reporting on the activities of a project as set out in the funding agreement. This could take the form of providing financial reports, written reports, evidence of activity performance and where funding was spent
Auspice	An agreement where an incorporated organisation agrees to apply for funding or resources on behalf of an applicant that is not incorporated. If the application is successful, the auspicing organisation then administers the resources on behalf of the applicant, and is legally responsible for ensuring that the terms of the agreement are met
Charity	Listed on the Australian Charities and Not-for-profit Commission (ACNC) website as a registered charity
Community Capacity Building	Involves the provision of community activities that contribute to people developing their own capacity and resilience to maintain and build on their own resources and to manage future challenges
Incorporated Association	A legal entity (organisation) that provides legal protection to its members in legal transactions

4. GRANT PRIORITIES

4.1 Council seeks to enhance the use of public funds through effective and efficient grant processes. Clear grant program objectives are linked to the organisation's strategic goals, outlined in Council's Community Strategic Plan. Council's grants and sponsorship programs provide a coordinated and integrated approach to growing Liverpool socially, culturally, economically and environmentally.

Council grants, donations and sponsorships may be provided to individuals who reside in the LGA, or to community-based groups, organisations and services that operate within the Liverpool LGA and/or for the benefit of Liverpool residents. Council facilitates nine programs for the allocation of grants, donations, and sponsorship:

1. Kick-Starter Grants
2. Small Grants
3. Liverpool Young Achievers Awards
4. Community Grants
5. Sustainable Environment Grants
6. Matching Grants
7. Corporate Sponsorship
8. Sporting Grants
9. Sporting Donations

GRANTS, DONATIONS, AND CORPORATE SPONSORSHIP POLICY

4.2 GRANT MAKING PRINCIPLES

The key principles that inform grant making by Council are:

- Council's Community Strategic Plan. All grants align with Council's Community Strategic Plan, and other social, economic and environmental policies and plans;
- Partnerships and collaboration. Develop and maintain partnerships between Council and the community to achieve Council's strategic directions based on mutual respect and transparency;
- Capacity building. Support community groups and organisations to function positively, develop skills and increase community participation;
- Social inclusion. Liverpool is a diverse community and our grant making process encourages directing resources to specific needs of disadvantaged groups;
- Leveraging value. Council seeks to leverage community expertise, capacity, networks and resources to provide the best suite of grant programs to meet the needs of and maximise positive outcomes for the community and business. Council supports projects that represent good value for the level of cash or in-kind support requested. Through effective and efficient grant management processes, Council seeks to ensure costs for administration by the Council and grant applicants are minimised;
- Good governance. Council is committed to demonstrating integrity, professionalism and transparency in our decision making and have strong governance structures in place to support this. Council will ensure that grant processes are transparent and fair. Applications are assessed objectively against the assessment criteria. All conflicts of interests are addressed and declared as part of this process; and
- Reflection and learning. As part of Council's commitment to continuous improvement, Council will ensure there are evaluation mechanisms in place and opportunities for feedback on grant processes.

5. GENERAL ELIGIBILITY AND EXCLUSIONS

5.1 GENERAL ELIGIBILITY

To be eligible for funding an applicant must:

a) Acquit previous Council grants, donations or sponsorship and have no outstanding debts to Council;
b) Be a resident of the LGA, or an organisation located in the LGA and/or principally providing services to the residents of Liverpool; and
c) Include all required supporting documentation with their application.

5.2 APPLICATIONS THAT ARE INELIGIBLE FOR FUNDING INCLUDE:

a) Projects that duplicate existing Council services or programs.
b) Projects that directly contravene existing Council policy.
c) Projects that do not meet the identified priority needs of Liverpool as set out in Council's Community Strategic Plan.
d) Applications from government departments, political parties, or commercial/profit-making/private organisations (excluding Corporate Sponsorship which accepts applications from private organisations).
e) Applications from charities for general donations.
f) Applications for general fundraising activities, general operational expenditure (e.g. administration, insurance, office equipment, car parking, IT costs/equipment), shortfalls in funding by government departments, or completed/retrospective projects.
g) For employee salaries/wages or any direct employment costs.
h) Projects that will rely on recurrent funding from Council.

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i) Identical projects that have previously been funded by Council (excluding Corporate Sponsorship).
j) Projects or programs that charge people for participation, including charges to participants through an individual's NDIS funding plan.

5.3 FURTHER CONDITIONS

5.3.1 Council will not:
a) Provide in-house design, printing and distribution services (organisations may apply for funding to undertake these activities themselves).
b) Provide cleansing and waste services for events (organisations may apply for cash funding to undertake these activities themselves).
c) Support political activities or activities that could be perceived as benefiting a political party or political campaign.
d) Support religious activities that could be perceived as divisive within the community.
e) Support activities that deliberately exclude any individuals or groups from participating or attending.
f) Provide in-kind support of any nature (eg: the provision of chairs or portable toilets for events).

5.3.2 For specific eligibility requirements and exclusions for each program, refer to Section 7 of this policy.

5.4 ETHICS FRAMEWORK

Council will not support any activities or entities that:
a) Pollute land, air or water, or destroy or waste non-recurring resources.
b) Market or promote products/services in a misleading or deceitful manner.
c) Produce, promote or distribute products/services likely to be harmful to the community.
d) Acquire land or commodities primarily for speculative gain.
e) Create or encourage militarism or engage in the manufacture of armaments.
f) Entice people into financial over-commitment
g) Exploit people through the payment of below award wages or poor working conditions.
h) Discriminate by way of race, religion, or sex in employment, marketing or advertising.
i) Contribute to the inhibition of human rights generally.

5.5 CONFLICTS OF INTEREST

5.5.1 Council staff assessing and determining applications should identify and manage any potential conflicts of interest in accordance with Council's Code of Conduct and Ethical Governance: Conflicts of Interest Policy.

5.5.2 Members of Council staff and Councillors must ensure that any affiliation between them and the applicant is appropriately managed when assessing and determining applications for grants and donations.

6. GRANTS MANAGEMENT PROCESS

6.1 APPLICATIONS

All applicants must register with Council's online grants management system before applying. Applications must be submitted using the approved online application form on Council's online grants management system. Council will not accept any hard copy or emailed submissions, or any submissions after any applicable closing date or time.

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6.2 ASSESSMENT AND RECOMMENDATIONS

6.2.1 All applications received by Council will be assessed by relevant Council staff members. Sporting Grants and Donations will be sent to the Sports Committee for review. Recommendations for funding of $1,000 or less may be approved by the CEO or their delegate, provided the funding is in accordance with sections 356(3), 377(1A), and 378 of the Local Government Act 1993. Council will be notified of funded projects by Council report as soon as appropriately possible. Recommendations for funding over $1,000 will be made to Council for endorsement in accordance with Section 356 of the Local Government Act 1993.

6.2.2 For grant programs that are open for applications all year, recommendations will be made to the next available Council Meeting. For grant programs with specific funding rounds, recommendations will be made within three months of the closing date.

6.2.3 Unsuccessful applicants are encouraged to seek feedback from relevant Council staff on their application. Programs are highly competitive and even though an application may meet the program criteria it may not be competitive against other applications.

6.2.4 Council uses the Australian Business Register (ABN) as its sole source of truth to confirm an applicant's operating status as an incorporated not-for-profit or charitable organisation http://www.abr.business.gov.au/.

6.2.5 Council values and recognises the importance of applicant financial and in-kind contributions. Applicants that demonstrate a commitment to the project through either financial or volunteer support are considered favourably.

6.3 APPROVAL

6.3.1 The elected Council has authority to approve grants, donations, and sponsorship. In some circumstances, specific delegation for this purpose is given to the CEO.

6.3.2 Approval of a grant, donation or sponsorship does not imply that Council has given any other consent. Applicants should note that events or any capital works require approvals and consents from Council, NSW Police and other state government agencies.

6.4 FUNDING AGREEMENTS

All successful applicants are required to enter into a funding agreement before funds are released and before a project can commence.

Council's support must be acknowledged on all promotional material. The Council logo should be used with the text "proudly supported by Liverpool City Council". All promotional material must be approved by Council prior to publication. Council also reserves the right to receive the following: joint media release opportunities, opportunity for Mayor to speak at the event or occasion, space at the event (table or marquee stall), and tickets to attend the event or occasion.

6.5 REPORTING

All grant recipients are required to acquit their project as detailed in their funding agreement. Reports are to be submitted using the approved online grants management system. Reports provide feedback on the success of the project in terms of the agreed outputs and outcomes, relevant data, and any lessons learnt. Funding recipients are required to submit detailed financial reports and may be requested to provide further documentation and evidence of expenditure. Council may audit recipients at any time. Previously funded applicants must receive an acknowledgement of a successful acquittal

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prior to applying for further funding. No further funding will be granted to any organisation who has failed to submit an acquittal report for previous funding from Council.

6.6 MINOR CHANGES TO THIS POLICY

Council authorises the CEO to make minor changes to this policy to reflect changes in legislation, expiry of or changes to grant programs, and changes in Council structure.

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7. FUNDING PROGRAMS

7.1 KICK-STARTER GRANTS | UP TO $500 | OPEN ALL YEAR

This program supports individuals or unincorporated community groups to establish a social enterprise aimed at addressing priorities in Council's Community Strategic Plan or a project which promotes social inclusion and increased community participation. Applications can be made for funding of up to $500 per financial year. Repeated applications of the same project in subsequent years will not be accepted. Applications for events are not eligible under this program.

Project outcomes must meet at least one of the below priorities:

a) Improve connections and social networks within the community.
b) Increase participation in community activities, including by those experiencing social disadvantage.
c) Facilitate access to education, training, or employment opportunities.
d) Improve collaboration and coordination of community support and services.
e) Improve social and physical wellbeing through prevention and early intervention approaches.

7.1.1 Program timeframe

Applications can be made all year. Grants must be spent within 12 months of receiving them.

7.1.2 Eligibility

To be eligible for funding applicants must:

a) Be an individual resident or unincorporated community group based within the Liverpool LGA.
b) Be 100% volunteer run or operate as a not-for-profit.
c) Must update Council's Community Development Worker (Funding and Support) during the delivery of the project or initiative.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

Assessment criteria

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan
The anticipated number of individuals that will benefit from the proposed project
Timeframe and budget are realistic and align with project objectives
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication
Evidence that project strategies are innovative or practical to meeting the project need
Appropriate project evaluation method
Sustainability of project post funding

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7.2 SMALL GRANTS | UP TO $1,000 | OPEN ALL YEAR

This program supports a range of small-scale community initiatives and is for community groups who may not have experience with grants programs. It aims to provide more intensive support and build the capacity of less established groups to familiarise themselves with grants programs and Council processes.

7.2.1 Expected program outcomes

Initiatives and projects can contribute to one or more of the following outcomes:

a) Develop trial community capacity building programs or facilitate small-scale community awareness events.
b) Increase engagement of individuals in academic, cultural, and environmental fields.
c) Improve relative equality, resilience and adaptive capacity of Liverpool's diverse communities.
d) Enhance positive social, cultural, or sustainability outcomes for local communities related to Council's strategic priorities.

7.2.2 Available funding

Applications can be made for funding of up to $1,000 per project. Repeated applications of the same project or initiative in subsequent years will not be accepted.

7.2.3 Program timeframe

Grants must be spent within 12 months of receiving them.

7.2.4 Eligibility

To be eligible for funding applicants must:
a) Be incorporated or auspiced by an incorporated organisation;
b) A non-profit community service organisation or group providing programs/services to the residents of Liverpool; and
c) Supply a copy of their most recent annual report and/or financial statements.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.2.5 Assessment criteria

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Evidence that the organisation has capacity to deliver the project
Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan
The anticipated number of individuals that will participate in and benefit from the proposed project
Timeframe and budget are realistic and align with project objectives
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication
Evidence that project strategies are innovative or practical to meeting the project need
Appropriate project evaluation method
Sustainability of project after funding ceases

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7.3 LIVERPOOL YOUNG ACHIEVERS AWARDS | OPEN ALL YEAR

The Liverpool Young Achiever Awards are given as a prize to a student who has excelled in citizenship, academic studies, artistic endeavors, or sporting proficiency.

7.3.1 Available funding
Under each applicable category there will be two prizes as follows:

Citizenship: 1x $1,000 for a high school student 1x $500 for a primary school student	**Artistic Endeavours:** 1x $1,000 for a high school student 1x $500 for a primary school student
Academic Studies: 1x $1,000 for a high school student 1x $500 for a primary school student	**Sporting Proficiency:** 1x $1,000 for a high school student 1x $500 for a primary school student

Highly Commended:
All eligible nominees who are not selected for the major prize will be awarded a $200 student donation.

Each high school and primary school are only eligible to submit one student nomination per year.

7.3.2 Program timeframe
Applications will be accepted from the beginning of school Term 1 until the end of Term 3. A presentation ceremony will be held during Term 4.

7.3.3 Eligibility
To be eligible for this award applicants must:

a) Be a high school or primary school based in the Liverpool Local Government Area (LGA);
b) Be nominating a student attending either a high school or primary school based in the Liverpool LGA; and
c) Supply a letter of support from the principal of the applying school for the nominated student.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

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7.4 COMMUNITY GRANTS | UP TO $5,000 | TWO ROUNDS PER YEAR

This program provides financial assistance to community groups, organisations and services for projects that foster partnerships and collaboration, build capacity, promote social inclusion and increase community participation. The program assists in developing pilot or trialling innovative services or programs that address the needs of residents, workers and visitors. The program will support projects that:

a) Improve connections and build social networks within the community.
b) Increase participation of people in community activities and programs, including members of the community who are experiencing social disadvantage.
c) Facilitate access to education, training and employment opportunities.
d) Improve opportunities for people to build confidence and develop their skills.
e) Facilitate inclusion and access to facilities, services, open spaces and activities.
f) Improve collaboration and coordination of community support and services.
g) Improve social or physical wellbeing through prevention and early intervention.
h) Strengthen governance and accountability in community organisations.

7.4.1 Expected program outcomes
Initiatives and projects can contribute to one or more of the following outcomes:

a) Increased involvement and engagement by communities in social activities.
b) Increased number of people feeling a strong sense of social wellbeing.
c) Strengthened maintenance, management or improvement of physical and mental health and wellbeing.
d) Improved access to information and development of new skills.
e) Increased numbers of people undertaking educational courses and gaining sustainable employment.
f) Reduced financial hardship and social disadvantage, including food insecurity and homelessness.

7.4.2 Available funding
Applications can be made for funding of up to $5,000 per year.

7.4.3 Program timeframe
This grant program has two rounds per year. Round dates will be advised on Council's website. Grants must be spent within 12 months of receiving them.

7.4.4 Program eligibility and exclusions
To be eligible for funding through the Community Grants Program applicants must:

a) Be incorporated or auspiced by an incorporated organisation.
b) A non-profit community service organisation or group providing programs/services to the residents of Liverpool.
c) Have public liability insurance of at least $10 million (must be active during the period of funding).
d) Supply a copy of their most recent annual report and/or financial statements.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Conditions.

7.4.5 Assessment criteria
To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

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Evidence that the organisation has capacity to deliver the project
Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan
Anticipated number of individuals participating in and benefiting from the proposed project
Timeframe and budget are realistic and align with project objectives
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication
Evidence that project strategies are innovative or practical to meeting the project need
Appropriate project evaluation method
Sustainability of project after funding ceases

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7.5 SUSTAINABLE ENVIRONMENT GRANTS | UP TO $5,000 | TWO ROUNDS PER YEAR

The Sustainable Environment Grants program provides financial assistance to support schools and community groups to play an active role in reducing their impact on the environment and implementing environmentally sustainable actions. The program seeks projects focused on environmental improvement, sustainability education, awareness-raising and the promotion of sustainable living as a way of life that provide benefit to the natural environment and local community. Projects can include:

- **Waste Minimisation** – including reuse, recycling, litter reduction, composting and worm farming, waste education projects.
- **Sustainable Water Use** – including water efficiency, stormwater harvesting and water reuse, rain gardens and water quality improvements, and sustainable water use education programs.
- **Environmental Improvement** – including protection and enhancement of natural areas, habitat creation for native fauna, and natural environment education programs.
- **Sustainable Living** – including establishment of vegetable or native display gardens, bush tucker or community gardens, and the keeping of chickens or native bees.

7.5.1 Expected program outcomes

Grants from this program can contribute to one or more of the following outcomes:

a) Build the capacity of schools and community groups to promote efficient resource use and improve the quality of the local environment.
b) Encourage community members to become involved and take initiative in improving their behaviours for a more sustainable future.
c) Encourage schools and community groups to identify and implement innovative approaches and positive solutions that protect and enhance Liverpool's unique natural environment.
d) Improve the health of vegetation, water quality and healthy ecosystems contributing to cleaner waterways, air and healthier native vegetation.
e) Raise awareness and promote sustainable living as a way of life, including actively participating in Council's environmental programs and activities.
f) Generate positive community engagement (e.g. involvement of local businesses, environmental education centres or botanic gardens).

7.5.2 Available funding

Applications can be made for funding of up to $5,000 per year by a school or an incorporated community group.

7.5.3 Program timeframe

This grants program has two rounds per year. Round dates will be advised on Council's website. Grants must be spent within 12 months of receiving them.

7.5.4 Program eligibility and exclusions

To be eligible for the Sustainable Environment Grants program applicants must have not received funding under this or another program for the same project (separate and additional stages of a previous project are eligible), and:

a) Be a registered NSW school, not-for profit pre-school or child care centre; or
b) An incorporated, non-profit, community service, welfare or charitable organisation or group providing programs or services to the residents of Liverpool; or
c) Community group auspiced by an incorporated organisation.

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Applications will not be accepted for:
a) For profit organisations
b) Overall project coordination
c) Capital works for major infrastructure or construction of buildings
d) Work being completed on land not owned by the applicant without evidence of approval from the landowner.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Conditions.

7.5.5 Assessment criteria
To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Demonstrate the capacity to deliver the project or activity and subsequent sustainability of the project beyond initial funding
Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan
Demonstrate tangible and measurable environmental outcomes
The anticipated number of individuals that will participate in and benefit from the project
Demonstrate measurable student learning and/or increase teacher capacity to deliver environmental education
Value for money

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7.6 MATCHING GRANTS | UP TO $20,000 | TWO ROUNDS PER YEAR

This program is designed to provide financial support to projects and activities that build or strengthen communities within Liverpool. These projects will focus on supporting the development and implementation of community capacity building activities and providing opportunities for a broader cross section of the community to be involved in community and recreational activities. Funding will support projects that address one of the following categories:

Arts	Contribute community art to a neighbourhood or work to increase the participation of residents within art-based programs/projects.
Community capacity building	Bring residents together and enhance participation in the community, including those who are experiencing social disadvantage, or provide benefits to address an identified community need. This could be a community event or community-based capacity building project.
Youth engagement	Focus on increasing the ability of young people to obtain skills and qualifications or increase their active participation within the community.
Accessibility	Enhance and improve access options for the community, either through education, transport, disability access or connectivity.
Environmental	Address environmental issues and concerns or contribute to environmental education and awareness.
Community safety/public space activation	Address community safety and security issues such as activities that activate or diversify the night time economy including pop up entertainment and night time performances in public spaces. These projects can also include addressing perceptions of community safety.
Sports development	Contribute to the development of sporting groups or enhance participation in sporting and recreational activities.

7.6.1 Expected program outcomes

Grants from this program can contribute to one or more of the following outcomes:

a) Develop social connections and partnerships within communities, or reinforcement of those that already exist.
b) Increased participation in community activities and organisations by improving collaboration and coordination of community support and services.
c) Strengthened opportunities for community members and others to build personal creativity and self-expression.
d) Increased opportunities for community members to acquire or develop new skills and/or employment.
e) Create, renew or revitalise places and spaces within the community.
f) Strengthened community members' feelings of safety and sense of belonging within public spaces.

7.6.2 Available funding

The matching grants program recognises community contribution towards a project and can offer up to $20,000 support to match this contribution. The program supports projects that involve genuine community participation. By 'matching' what the community contributes, Council is building a sense of community and strengthening partnerships as people work together on the project. Contributions from the community or Council can be made in cash or value-in-kind. Recognised in-kind community contributions include:

a) Design services, professional services, trade services (such as plumbing), provision of trucks and plant, concreting and painting, donated supplies, materials or venues.
b) Volunteer time such as labour, set up and pack down, and meeting time to identify, plan and implement projects. The rate of volunteer time is calculated as $20 per hour. For professional or contracted services, the rate is $75 per hour.
c) Direct cash input to the project through donations or income generated.

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The value of in-kind contributions should be verified by an independent quote, and where the value is in question, Council's assessment of the value of in-kind contributions will take precedence in the assessment of the matching grant given. The costs of Council and other approvals required by government agencies/authorities must also be considered when applying under this grants program.

7.6.3 Program timeframe

This program accepts applications twice per year. Grants must be spent within 12 months of receiving them.

7.6.4 Program eligibility and conditions

To be eligible for the Matching Grants program applicants must:

a) Be incorporated or auspiced by an incorporated organisation.
b) A non-profit community service organisation or group providing programs/services to the residents of Liverpool.
c) Have public liability insurance of at least $20 million (must be active during the period of funding).
d) Supply a copy of their most recent annual report and/or financial statements.

Organisations are only eligible to receive funding through this program once each financial year. Council reserves the right to defer consideration of a Matching Grant application where planning, leasing or ownership, statutory approvals, or appropriate development issues are raised by a project.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.6.5 Assessment criteria

Matched contribution (financial or in-kind)
Consulted with Council staff prior to submitting application
Project is considered an appropriate development on the proposed site
Project meets Council's construction and safety standards
Evidence that the organisation has capacity to deliver the project
Evidence provided to support the need for the project, including the degree to which the project addresses at least one of the strategic directions in Council's Community Strategic Plan
The anticipated number of individuals that will participate in and benefit from the proposed project
Timeframe and budget are realistic and align with project objectives
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication
Proposed project evaluation method including sustainability of project

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7.7 CORPORATE SPONSORSHIP | UP TO $10,000 | OPEN ALL YEAR

Council may provide financial contributions of up to $10,000 through its Corporate Sponsorship Program to organisations, groups, or individuals for programs that can build or enhance Council's reputation. These include but are not limited to providing appropriate branding benefits and opportunities for Council, and/or providing cross-promotional opportunities for Council's services or facilities.

Applications to Council for sponsorship must address at least one of the following:

1. **Economic benefit**
   a) Delivers significant economic benefit to the Liverpool LGA.
   b) Delivers benefit to tourism, hospitality and retail sectors through the attendance of regional, national, or international delegates at events.
   c) Provides a platform for research, trade, and/or investment opportunities.
   d) Attracts national or international attention to Liverpool as a place to reside, visit, work and/or invest.
   e) Creates employment opportunities within the Liverpool LGA.

2. **Community, cultural, and social benefit**
   a) Provides an innovative opportunity to meet community needs and promote Liverpool's cultural diversity and celebrate our City's uniqueness.
   b) Enhances Liverpool's profile and reputation as an outward looking, creative and connected city.
   c) Creates opportunities for education and information exchange between Council, the community and the sector.
   d) To support the organisation and activation of a charity event with the Liverpool LGA. Sponsorship funds are not to be used for direct fundraising, including but not limited to the purchase of tickets or tables at a fundraising event.
   e) Attracts a major program to Liverpool that has South West-Sydney region, state or national significance.

3. **Environmental benefit**
   a) Enhances Liverpool's reputation as a sustainable city through leadership in waste and environment management.

7.7.1 <u>Expected program outcomes</u>

Projects must contribute to one or more of the following outcomes:

a) Provide an opportunity for measurable economic, social, environmental and/or cultural benefits to Council and the Liverpool LGA.
b) Provide opportunities for the community to participate and contribute in activities/events in the Liverpool LGA.
c) Create a valuable strategic alliance for Council.
d) Provide extensive coverage and promotional/publicity opportunities across a range of media outlets.
e) Promote Liverpool's reputation as a great place to live, visit, work, and invest.

7.7.2 <u>Program timeframe</u>

- This program accepts applications all year.
- Applications must be submitted at least three months prior to an event taking place. Applications submitted with less than three months lead time will be deemed ineligible.

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- Activities should take place within 12 months of successful sponsorship funding being received.

7.7.3 Program eligibility and conditions:

To be eligible for the Corporate Sponsorship program applicants must:

a) Be incorporated or auspiced by an incorporated organisation and hold a current ABN.
b) A non-profit community service organisation or group providing programs/services to the residents of Liverpool.
c) Have public liability insurance of at least $10 million (must be current during the period of funding).
d) Supply a copy of their most recent annual report and/or financial statements.
e) Must apply for sponsorship towards an event or activity in the Liverpool LGA that attracts a significantly high level of attendance from the community and provides direct benefits for Liverpool based organisations and/ or Liverpool residents.
f) Must ensure that attendance and participation is free where sponsorship is sought for a community event.
g) Must be registered with the Australian Charities and Not-for-profits Commission if an application is for a local charity event.

7.7.4 Funding will not be provided to:

a) Projects that do not address the identified directions of the Liverpool LGA as set out in Council's Community Strategic Plan.
b) Charities for general donations including the purchase of tickets or fundraising tables at an event.
c) Projects that will rely on recurrent funding from Council.
d) More than one event within the Liverpool area in a two-month period that celebrates or marks a specific occasion or activity.
e) Organisations whose activities are not aligned with the City's ethical framework.
f) Previous recipients who have not fulfilled the conditions of a sponsorship.
g) Organisations that are not registered in Australia.
h) Activities or events that do not benefit the Liverpool LGA or its residents.
i) Underwrite events, programs or projects.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.7.5 Council's current standing sponsorship resolution:

Sponsorship Activity	Amount	Council Resolution
Police Officer of the Year	$1,000	27/06/2011

7.7.6 Approval of sponsorship does not imply that Council has given any other consent. Applicants should note that many festivals and events require approvals and consents from Council, NSW Police and other NSW Government agencies. For guidelines on applying to host an event in Liverpool, visit www.liverpool.nsw.gov.au/whats-on/events/event-organisers-information-kit-guidelines

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7.8 SPORTING GRANTS | UP TO $5,000 | ONE ROUND PER YEAR

This program offers funding to sporting clubs and junior disability sporting clubs to assist with the development of young people and encourage participation of the broader community in local sporting and recreational activities. Grants can also be used towards the purchase or maintenance of sporting equipment.

Funding will support applications by recreation and sporting organisations/clubs under one of six categories:

a) **Sports development** – Coaching clinics, sports camps, or training/development
b) **Ground development** – Minor capital improvements
c) **Maintenance Equipment** – Line marking equipment or ground maintenance equipment (to be eligible, equipment must remain the property of the club)
d) **Sporting Equipment** – Kits, bags, first aid supplies, safety equipment (to be eligible, equipment must remain the property of the club)
e) **Education** – First aid training, coaching programs or safe play
f) **Club diversity** – Introduction of additional sports or expansion of club to encourage greater community involvement

7.8.1 Expected program outcomes
Projects must contribute to one or more of the following outcomes:

a) Increased opportunities for participation of the broader community in sporting and recreational activities.
b) Improved condition and functionality of sporting equipment.
c) Enhanced awareness of emerging trends in sports development and demonstrated best practice.
d) Strengthened maintenance, management or improvement of physical and mental health and wellbeing by improving opportunities for physical activity.

7.8.2 Available funding
Grants of up to $5,000 per sporting club are available. Clubs may submit applications for more than one project. Within the funding pool, $5,000 is reserved to fund applications that support participants with a disability. Where eligible applications that support participants with a disability are less than $5,000 the remaining funds are returned to the main pool of funding for distribution.

7.8.3 Program timeframe
This program accepts applications once per year. Grants must be spent within 12 months of receiving them.

7.8.4 Program eligibility and exclusions
To be eligible for the Sporting Grants Program applicants must:

a) Be incorporated or auspiced, a non-profit recreation or sporting organisation/club, providing programs/services to the residents of Liverpool.
b) Have public liability insurance of up to $10 million.
c) Supply a copy of most recent annual report and/or financial statements.
d) Have not received funds from the Sporting Grants program in the previous year.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

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7.8.5 Assessment criteria

An independent panel consisting of members from the Liverpool Sports Committee will assess applications based on set criteria. To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Application received prior to the closing date
Proof of costs provided
Grant able to be spent within 12 months
Applications signed by Club Office bearers
Project meets Council's construction and safety standards
Demonstrate improvements to the delivery of junior sport in Liverpool
Demonstrate meeting an identified community need including access opportunities for specific special needs groups or individuals
Timeframe and budget are realistic and align with project objectives
Contribution from club (financial or in-kind)
Demonstrate benefit to the broader community
Proposed project evaluation method including sustainability of project

7.9 SPORTING DONATIONS | UP TO $500 | OPEN ALL YEAR

This program enables Council to provide small amounts of funding to assist community members in their efforts to achieve excellence in sport at a regional, state or national representative level. Individuals and teams based in the Liverpool LGA are eligible to apply for donations towards the cost of participating in representative sporting events for which they have qualified. Donations are based on the level of representation achieved and where events will be held. Participation at school sport events is also eligible for consideration.

7.9.1 Expected program outcomes

Donations from this program can contribute to one or more of the following outcomes:

a) Increased participation of individuals/teams in representative sporting events.
b) Improved accessibility to participation in representative sporting events.
c) Improved confidence and capacity of local individuals and teams by acknowledging and supporting participation at a representative level.
d) Enhanced positive social outcomes and opportunities for local communities.

7.9.2 Available funding

Donations are available for the following amounts:

a) $100 for regional representation (competitor only), or for coach/referee/umpire/official representation at a regional, state or national event more than 100km from Liverpool.
b) $200 for state representation (competitor only).
c) $300 for Australian national representation at an event within New South Wales, Australian Capital Territory, Queensland and Victoria (competitor only).
d) $400 for Australian national representation at an event within Tasmania, South Australia, Northern Territory and Western Australia (competitor only).
e) $500 for Australian national representation at an overseas event (competitor only).
f) $500 for team representation.

7.9.3 Program timeframe

This program accepts applications all year and applicants are required to submit their application prior to the event taking place. Activities must take place within 12 months from when the application was submitted. Information must be provided on the costs associated with participating in the representative events.

GRANTS, DONATIONS, AND CORPORATE SPONSORSHIP POLICY

7.9.4 Program eligibility and exclusions

To be eligible for funding through the Sporting Donations Program the following criteria applies:

a) Individual applicants must be a resident of the Liverpool LGA.
b) Applicants must provide proof of selection for the event.
c) Applications from students at state, private or independent schools or for participation at school sport events, are eligible for consideration.
d) Team applications – must have a minimum of 75% of the team residing in the Liverpool LGA, club must be based in the Liverpool LGA, and a maximum of three teams per club can be funded in a financial year.

For more information on eligibility and exclusions refer to Section 5: General Eligibility and Exclusions.

7.9.5 Assessment criteria

To be considered for a grant, applicants should meet the following criteria:

Evidence the individual/team qualified for a representative sporting event
Information provided on costs associated with participating in the representative event
Evidence that the individual or 75% of the team resides in the Liverpool LGA

AUTHORISED BY
Council Resolution

EFFECTIVE FROM
XXXX 2019

DEPARTMENT RESPONSIBLE
City Community and Culture (Community Development and Planning)

REVIEW DATE
The policy will be reviewed every two years.

VERSION	AMENDED BY	DATE	TRIM NUMBER
1	Council Resolution	18 October 2010	158320.2014
2	Council Resolution	29 May 2013	097264.2013
3	Council Resolution	31 July 2013	150967.2014
4	Council Resolution	25 February 2014	026269.2014
5	Council Resolution	28 May 2014	126057.2014
6	Council Resolution	30 September 2015	227843.2015
7	Minor changes approved by CEO	12 July 2016	185151.2016
8	Council Resolution	26 April 2017	026648.2017
9	Council Resolution	26 April 2019	

THIS POLICY WAS DEVELOPED AFTER CONSULTATION WITH
City Community and Culture, Corporate Services (Governance, Legal and Procurement), Infrastructure and Environment.

REFERENCES
Australian Institute of Grants Management: Grant making Manifesto (2011)
Liverpool City Council: Council's Community Strategic Plan
Liverpool City Council: Code of Conduct Procedures
Liverpool City Council: Social Justice Policy and Ethical Governance, Conflicts of Interest Policy
Services: Community Builders Program Guideline (2012)