

COUNCIL AGENDA

ORDINARY COUNCIL MEETING

26 April 2023



You are hereby notified that an **Ordinary Council Meeting** of Liverpool City Council will be held at the **FRANCIS GREENWAY CENTRE, 170 GEORGE STREET, LIVERPOOL** on **Wednesday, 26 April 2023** commencing at 2.00pm. Doors to the Francis Greenway Centre will open at 1.50pm.

Liverpool City Council Meetings are livestreamed onto Council's website and remain on Council's website for a period of 12 months. If you have any enquiries, please contact Council and Executive Services on 8711 7584.

A handwritten signature in black ink, appearing to read "John Ajaka".

Hon John Ajaka

CHIEF EXECUTIVE OFFICER

Statement of Ethical Obligations

Oath or Affirmation of Office

In taking the Oath or Affirmation of Office, each Councillor has made a commitment to undertake the duties of the office of councillor in the best interests of the people of Liverpool and Liverpool City Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Conflicts of Interest

A councillor who has a conflict of interest in any matter with which the council is concerned, and who is present at a meeting of the council when the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable. Both the disclosure and the nature of the interest must be recorded in the minutes of the Council meeting where the conflict of interest arises. Councillors should ensure that they are familiar with Parts 4 and 5 of the Code of Conduct in relation to their obligations to declare and manage conflicts of interests.

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Questions with Notice

NIL

Presentations by Councillors

Notices of Motion

NIL

Council in Closed Session

The following items are listed for consideration by Council in Closed Session with the public excluded, in accordance with the provisions of the Local Government Act 1993 as listed below:

CONF 01 Minutes of the Heritage Advisory Committee of 5 December 2022

Reason: Item CONF 01 is confidential pursuant to the provisions of s10A(2)(a) (c) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors); AND information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ORDER OF BUSINESS

- CONF 02 Exemption from Tender - Litmos Learning Management System with LearningSeat Pty Ltd
- Reason: Item CONF 02 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- CONF 03 Exemption from Tender - Content Manager Transition to Cloud
- Reason: Item CONF 03 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- CONF 04 Exemption of John Holland from Tendering Process
- Reason: Item CONF 04 is confidential pursuant to the provisions of s10A(2)(c) (d i) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- CONF 05 Exemption from Tender - Pathway Commitment and Transition to Cloud
- Reason: Item CONF 05 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- CONF 06 Alternate Sydney Western City Planning Panel (SWCPP) Council Members
- Reason: Item CONF 06 is confidential pursuant to the provisions of s10A(2)(a) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors).*
- CONF 07 Purchase of Lot 141 DP 1265897, 95-105 Seventh Avenue, Austral for SP2 Local Drainage
- Reason: Item CONF 07 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

ORDER OF BUSINESS

CONF 08 Legal Affairs Report

Reason: Item CONF 08 is confidential pursuant to the provisions of s10A(2)(a) (c) (d i) (g) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors); AND information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CONF 09 Question with Notice - Cllr Rhodes - Liverpool Animal Shelter

Reason: Item CONF 09 is confidential pursuant to the provisions of s10A(2)(d i) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Close



MINUTES OF THE ORDINARY MEETING HELD ON 29 MARCH 2023

PRESENT:

Mayor Ned Mannoun
 Councillor Ammoun
 Councillor Goodman
 Councillor Green
 Councillor Hadid
 Councillor Hagarty
 Councillor Harle
 Councillor Kaliyanda
 Councillor Karnib
 Councillor Macnaught (online)
 Councillor Rhodes
 Hon John Ajaka, Chief Executive Officer
 Mr Farooq Portelli, Acting Director Corporate Support
 Ms Tina Bono, Director Community & Lifestyle
 Ms Lina Kakish, Acting Director Planning & Compliance
 Ms Julie Scott, Acting Director City Futures
 Ms Anna Rizos, Acting Director Customer & Business Performance
 Mr Jason Breton, Acting Director Operations
 Mr David Galpin, General Counsel, Manager Governance, Legal and Procurement
 Mr Vishwa Nadan, Chief Financial Officer
 Mr George Georgakis, Manager Council and Executive Services
 Ms Susan Ranieri, Coordinator Council and Executive Services (minutes)

The meeting commenced at 2.00pm.

STATEMENT REGARDING WEBCASTING OF MEETING

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

May he rest in peace.

Motion: **Moved: Mayor Mannoun**

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

One minute silence was then observed for Mr Mohamad El Dana.

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

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

Clr Green declared a non-pecuniary, but significant interest in the following item:

Reason: Clr Green is a chairperson of a women's refuge.

Clr Green left the Chambers for the duration of this item.

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

Item: PLAN 02 - Liverpool Local Environmental Plan 2008 Amendment: 22 Box Road, Casula.

Reason: Clr Hadid's friends live on the same street who he meets occasionally.

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

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

Item: PLAN 02 - Liverpool Local Environmental Plan 2008 Amendment: 22 Box Road, Casula.

Reason: Clr Goodman lives on the same street.

Clr Goodman remained in the Chambers for the duration of this item.

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

Item: BUS 01 - 2023 Local Government Remuneration Review - Recategorisation of Liverpool.

Reason: It deals with a matter relating to the NSW Government and as Clr Hagarty has recently been elected as a State Member of Parliament, he declared an interest.

Clr Hagarty remained in the Chambers for the duration of this item.

Item: COM 02 - Carnes Hill Recreation and Community Precinct Stage 2 - Update to Masterplan following successful WestInvest Aquatic and Leisure Centre Grant.

Reason: It deals with a matter relating to the NSW Government and as Clr Hagarty has recently been elected as a State Member of Parliament, he declared an interest.

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

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

Item: BUS 01 - 2023 Local Government Remuneration Review - Recategorisation of Liverpool.

Reason: It deals with a matter relating to the NSW Government and as Clr Kaliyanda has recently been elected as a State Member of Parliament, she declared an interest.

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

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

Item: COM 02 - Carnes Hill Recreation and Community Precinct Stage 2 - Update to Masterplan following successful WestInvest Aquatic and Leisure Centre Grant.

Reason: It deals with a matter relating to the NSW Government and as Clr Kaliyanda has recently been elected as a State Member of Parliament, she declared an interest.

Clr Kaliyanda left the Chambers for the duration of this item.

PUBLIC FORUM

Presentation – items not on agenda

Nil.

Representation – items on agenda

Nil.

MAYORAL MINUTES

1. Harry Hunt Bridge
2. NSW State Election
3. The Project

ITEM NO: MAYOR 01
SUBJECT: Harry Hunt Memorial Bridge
REPORT OF: Mayor Ned Mannoun

At its meeting on 31 August, Council resolved to name the bridge on Kurrajong Road that connects Prestons to Carnes Hill 'Harry Hunt Memorial Bridge' in commemoration of the late Harry Hunt.

It is my great honour to raise this Mayoral Minute to propose a Civic Ceremony to officially name the bridge and unveil the plaque. This ceremony is a testament to the deep respect and appreciation that we hold for Harry and who was a pillar of our community. It is a time for us to reflect on his selfless service and to honour his memory.

The naming of this bridge serves as a fitting tribute to Harry's legacy, and it will stand as a symbol of his unwavering commitment to the people of Liverpool for generations to come.

I would like to extend my deepest gratitude to all those involved in making this bridge naming possible, including the residents, the Council staff, and Harry's family and friends. Your efforts have helped us to commemorate a great man and ensure that his contributions to our city will never be forgotten.

In conclusion, it is my privilege to officially dedicate the 'Harry Hunt Memorial Bridge' on Kurrajong Road, and I invite you all to join me in commemorating this important milestone in our city's history. Thank you.

RECOMMENDATION

That Council hold a Civic Ceremony to celebrate the naming of the 'Harry Hunt Memorial Bridge' on Kurrajong Road, in memorandum of the late 'Harry Hunt'.

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun**

That the recommendation be adopted.

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

ITEM NO: MAYOR 02
SUBJECT: NSW State Election
REPORT OF: Mayor Ned Mannoun

I would like to congratulate The Hon. Chris Minns, MP on being elected as the 47th Premier of New South Wales.

Furthermore, I would like to acknowledge and congratulate my councillor colleagues Nathan Hagarty and Charishma Kaliyanda on their successful election to the Parliament of New South Wales in the State seats of Leppington and Liverpool.

As they embark on this new journey, I would like wish Nathan and Charishma all the best.

I look forward to the great things you will accomplish in the years to come.

RECOMMENDATION

That Council:

1. Write to The Hon. Chris Minns, MP to congratulate him on being elected as the Premier of New South Wales and express Council's willingness to work with the NSW Government to deliver much needed infrastructure and services for our region.
2. Write to all newly elected Members of NSW Parliament who represent electorates within the Liverpool LGA boundary to offer Council's congratulations and outline the infrastructure and service priorities for the City of Liverpool.

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun**

That the recommendation be adopted.

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

ITEM NO: MAYOR 03
SUBJECT: The Project
REPORT OF: Mayor Ned Mannoun

As the Mayor of Liverpool City Council, I believe I have an obligation to remind everyone of the importance of respecting one another - irrespective of race, religion, gender or creed. We are a diverse and multicultural community, and at the cornerstone of what makes our social fabric so unique and special is the way we celebrate our differences.

It is with great disappointment that I feel compelled to address the comments made by comedian Reuben Kaye on Network Ten's "The Project". Reuben Kaye's comments have outraged Christians and Muslims across the world.

It is unacceptable to ridicule someone's beliefs and values, especially on National TV. It is critical that as a Council Organisation, we stand up against hate speech and bigotry, and continue to work towards fostering and advocating inclusivity and harmony in our LGA as we have always done.

We must remember that freedom of speech comes with a responsibility to use it wisely and respectfully. It is important to express our views and opinions without resorting to hate speech or insults. We must ensure that our words and actions do not harm others, and that we uphold the values of tolerance, acceptance, and diversity.

In conclusion, let us remember that we are all part of a larger community and that we have a responsibility to ensure that everyone is treated with dignity and respect. Let us strive to build bridges between our differences, rather than walls, and work towards creating a more tolerant and compassionate society.

RECOMMENDATION

That Council writes to the Australian Communications Media Authority (ACMA) on behalf of residents to condemn the highly offensive and crude "religious joke" made during a segment on Network Ten's, The Project on 28 February 2023. Council calls on the ACMA to make a statement regarding Reuban Kaye's comments.

NOTE: This matter was considered at the end of the meeting and is shown as the last item of these minutes.

Motion: **Moved: Cllr Harle** **Seconded: Cllr Rhodes**

1. Notes the advice of the Liverpool Local Planning Panel.
2. Endorses the planning proposal for 22 Box Road, Casula to amend the Land Use Zone, Floor Space Ratio, Lot Size and Height of Building development standards in the *Liverpool Local Environmental Plan 2008*.
3. Forwards the planning proposal to Department of Planning and Environment, pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway Determination.
4. Reclassify 22 Box Road Casula from Community to Operational Land as per the requirements in the *Environmental Planning and Assessment Act 1979*, and *Local Government Act 1993*.
5. Subject to Gateway Determination, undertake community consultation in accordance with the conditions of the Gateway determination, the Liverpool Community Participation Plan 2022 and the *Local Government Act 1993*.
6. Receives a further report on the outcomes of public exhibition and community consultation.

Councillors voted unanimously for this motion.

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

1. Notes funding has been secured for the identified short-term Kurrajong Road/Lyn Parade/Beech Road intersection upgrade.
2. Notes funding has been secured for Kurrajong Road/Mowbray Street intersection upgrade (including an allocation of approximately \$720,000 from Council's general revenue).

Councillors voted unanimously for this motion.

ITEM NO: PLAN 04
FILE NO: 053193.2023
SUBJECT: Display of Goods on Footpaths - Local Approvals Policy

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Harle**

That Council:

1. Endorse the draft 'Display of Goods on Footpaths Local Approvals Policy' for public exhibition for a period of not less than 28 days (Attachment 1).
2. Delegates to the CEO the finalisation of the Display of Goods on Footpaths Local Approvals Policy should no submissions be received; or report back to Council the details of the submissions upon conclusion of the exhibition period.

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

COMMUNITY & LIFESTYLE REPORTS

ITEM NO: COM 01

FILE NO: 059121.2023

SUBJECT: Grants Donations and Community Sponsorship Report

COUNCIL DECISION

Motion: **Moved: Cllr Ammoun** **Seconded: Cllr Green**

That Council:

1. Endorses the funding recommendation of **\$5000** GST exclusive) under the **Community Grant Program** for the following project;

Applicant	Project	Recommended
Australian Sickle Cell Advocacy Incorporated	World Sickle Cell Day Awareness Activities	\$5000

2. Endorses the funding recommendation of **\$25,050** GST exclusive) under the **Matching Grant Program** for the following project;

Applicant	Project	Recommended
Sumer Association for Culture and Arts Incorporated	Sound of Terra 2023	\$14,050
Preston Hornets Cricket Club	Scott Park cricket pitch	\$11,000

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

Cllrs Hagarty and Kaliyanda left the Chambers at 2:20pm.

ITEM NO: COM 02

FILE NO: 084226.2023

SUBJECT: Carnes Hill Recreation and Community Precinct Stage 2 - Update to Masterplan following successful WestInvest Aquatic and Leisure Centre Grant

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun** **Seconded: Cllr Rhodes**

That Council:

1. Receives and notes this report; and
2. Endorse the updated Carnes Hill Recreation Precinct Masterplan, to include a 50-metre pool.

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

Clrs Hagarty and Kaliyanda returned to the Chambers at 2:21pm.

CORPORATE SUPPORT REPORTS

ITEM NO: CORP 01
FILE NO: 070874.2023
SUBJECT: Investment Report February 2023

COUNCIL DECISION

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

That Council receive and note this report.

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

Motion: **Moved:** Clr Rhodes **Seconded:** Clr Green

1. Approve creation of an easement for padmount substation 3.35m wide, restriction on the use of the land and easement for underground cables 6.1m wide within Lot B DP 381267, part Cirillo Reserve, 43 Hall Circuit, Middleton Grange on the terms outlined in this report; and
2. Authorises the CEO or delegate to execute any documents necessary to give effect to this decision.

Chairperson

CUSTOMER & BUSINESS PERFORMANCE REPORTS

ITEM NO: BUS 01
FILE NO: 081144.2023
SUBJECT: 2023 Local Government Remuneration Review - Recategorisation of
Liverpool

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Goodman**

That Council endorses the submission lodged with the Local Government Remuneration review on the 13 December 2022 in relation to recategorising Council to "Major CBD".

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

ITEM NO: CFD 02
FILE NO: 056365.2023
SUBJECT: Review of the Flags and Banners Policy

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Ammoun**

That Council adopts the revised Flags and Banner Policy.

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

OPERATIONS REPORTS

ITEM NO: OPER 01
FILE NO: 069325.2023
SUBJECT: City Presentation Parks Review

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun** **Seconded: Cllr Rhodes**

That Council acknowledge the outcomes described in this Parks Review with a further update on our progress in September 2023.

The Outcomes described in this review be presented to Council in satisfaction of the Resolution and in response to Councils Delivery Program 2022-2026 and Operational Plan 2022-2023. These are, in summary:

1. A comprehensive register developed of all Council's assets.
2. A comprehensive program of activities led by the incoming CEO.
3. Expand the use of the Asset Management Software called Brightly®
4. Prepared its Parks Maintenance Work Standards (Appendix A) which details a baseline delivery service offering.
5. A more collegiate and collaborate industrial model.
6. Modelled resource levels through to 2031.
7. Re-opening of the Western Depot; and
8. Research and develop green efficiencies.

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

Motion: **Moved: Clr Kaliyanda** **Seconded: Clr Karnib**

1. Endorses the *Climate Change Policy* and *Liverpool Climate Action Plan*; and
2. Thanks Council staff for all the hard work that has gone into the policy and the hard work going forward, as it is a fast changing space.

Chairperson

COMMITTEE REPORTS

ITEM NO: CTTE 01
FILE NO: 449509.2022
SUBJECT: Minutes of the Community Safety & Crime Prevention Advisory Committee meeting held on 1 December 2022

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Green**

That Council:

1. Receives and notes the Minutes of the Community Safety and Crime Prevention Advisory Committee Meeting held on 1 December 2022; and
2. Endorses the recommendations in the Minutes, with the addition of the following:
 - **Toilet Park Facilities**
 On page 190 of the 29 March 2023 Council Agenda, the minutes state that a few bus drivers raised concerns regarding the opening times for the toilets during winter which is currently 11am. Therefore the following motion is proposed:
 - i. That Council initiates a uniform 9am opening time of all park toilet facilities in the Liverpool LGA.
 - **CCTV Cameras**
 - ii. That Council considers installation of CCTV cameras at all water parks throughout the Liverpool LGA and a report is brought to the 31 May 2023 Council meeting, outlining the practicability and costs of doing that.

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

Motion: **Moved: Clr Macnaught** **Seconded: Clr Ammoun**

1. Receives and notes the Minutes of the Liverpool Youth Council Meeting held on 8 November 2022 and the Meeting Notes of the Liverpool Youth Council Meeting held on 13 December 2022; and
2. Endorse the recommendations in the Minutes.

Chairperson

ITEM NO: CTTE 03
FILE NO: 053920.2023
SUBJECT: Minutes of the Aboriginal Consultative Committee meeting held on 1 December 2022

COUNCIL DECISION

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

That Council defer this item to seek further advice regarding the Welcome sign.

The wording of the sign be investigated to ensure that it's accurate and inclusive of all Aboriginal clans (if applicable) and that the report with further advice be brought to Council.

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

NOTE: Cllr Green would like it noted that she was disappointed that Council did not wish to endorse the advice of the Aboriginal Consultative Committee.

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 080194.2023
SUBJECT: Question with Notice - Clr Harle - Consultants

Background

Council hires external consultants for a range of matters that inhouse staff may not have the necessary overall expertise.

As a Councillor I am interested in the budgetary impact of hiring external consultants.

Please address the following:

1. How much has Council spent on external Consultants, in each of the areas below, for this financial year to date?
 - a. Finances.
 - b. Legal and Governance.
 - c. Major construction projects.
 - d. Planning.
2. Who were these consultants?
3. What projects did these consultants work on?
4. Were consultants hired for areas other than those mentioned above, if so, what are they and what were their overall costs?

Response (provided by Corporate Support)

Attached is a schedule of 'consultants' engaged by Council from July 2022 through to February 2023. The total overall figure is \$2,128,215.

By definition, a consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high-level specialist or professional advice to assist decision making by management. Generally, it is the advisory nature of the work that differentiates a consultant from other contractors.

On this basis, the attached schedule excludes:

- contracted staff engaged through recruitment agencies.
- temporary staff directly appointed on vacant positions.
- representatives on design excellence and planning panels.
- legal firms engaged to provide advice and represent council on various legal matters.
- contractors engaged to work under specific direction of council staff on various projects.

ITEM NO: QWN 02
FILE NO: 081379.2023
SUBJECT: Question with Notice - Clr Green - Cumberland Plain Woodland Protection and Preservation

Cumberland Plain Woodlands are considered special and unique to western Sydney and have been listed as critically endangered facing a high risk of extinction. Only 6% of Cumberland Plain Woodland remains with less than 2% protected in National Parks.

Cumberland Plains Woodlands are known to be found in a number of western and south western LGAs including Liverpool.

Ecologically Cumberland Plains Woodland is important as a vital habitat for native birds, animals and plants and as such play a critical role in the ecosystem.

Can Council provide:

1. An update on the presence and locations of unique Cumberland Plain Woodlands in Liverpool LGA.
2. The actions Council currently takes in protecting and preserving Cumberland Plains Woodlands in Liverpool including ensuring the removal of vegetation species does not occur in the context of development applications.
3. Community can play an important role in preserving and protecting Cumberland Plains Woodlands, how does Council involve the community in this activity, and what community education does Council provide and/or conduct?
4. What programs does Council actively lead and/or support community led organisations in the active regeneration of Cumberland Plains Woodlands in our LGA?

Response (provided by Operations)

1. An update on the presence and locations of unique Cumberland Plain Woodlands in Liverpool LGA.

The vegetation communities within the LGA, including Cumberland Plain Woodland, were last mapped by Council in 2019. This mapping indicates that there is approximately 3,000 ha of Cumberland Plain Woodland within the LGA. Most stands of Cumberland Plain Woodland are highly degraded and fragmented. Some stands occur within land managed by council, but a large portion is within private land.

2. The actions Council currently takes in protecting and preserving Cumberland Plains Woodlands in Liverpool including ensuring the removal of vegetation species does not occur in the context of development applications.

Development applications for land that contains native vegetation are typically referred to an internal technical officer for expert advice. Cumberland Plain Woodland is listed as a critically endangered ecological community under the *Biodiversity Conservation Act 2016*. Development applications for land that contains Cumberland Plain Woodland are assessed in accordance with the *Biodiversity Conservation Act 2016*, which sets the reporting and assessment requirements including the need to avoid certain impacts. However, large portions of the LGA have been biodiversity certified by the State Government, which limits Council's ability to consider impacts to biodiversity for development applications on that land.

3. Community can play an important role in preserving and protecting Cumberland Plains Woodlands, how does Council involve the community in this activity, and what community education does Council provide and/or conduct?

Council involves the community through the Environment Restoration Plan (ERP), which provides many opportunities to become involved in environmental activities. Typical community activities include planting native plants, weeding, restoration and litter removal. Other activities that volunteers can be involved in include water testing, bird watching and nature safari type programs. Participants don't need to have any special skills or knowledge to be involved as all sessions are guided by experienced staff members or external facilitators.

Council runs 12 active environmental volunteer groups which undertake on-ground works to help improve the health of bushland, including sites with Cumberland Plain Woodland. Council also hosts 8 community tree planting events per year to enhance public reserves and bushland areas by increasing the cover of native species.

Council produces four Sustaining Liverpool newsletters per year to showcase case studies & environmental activities, including topics related to native plant communities such as Cumberland Plain Woodland. A minimum of 10 community sustainability workshops are also held each year, which include sessions that inform the community about the species that live on the Cumberland Plain and their importance.

4. What programs does Council actively lead and/or support community led organisations in the active regeneration of Cumberland Plains Woodlands in our LGA?

Under the ERP, Council has a team of bush regenerators, including Council staff and contractors that routinely manage bushland, including Cumberland Plain Woodland, within Council Reserves. The outcomes of this program are regularly reported to Council's Environmental Advisory Committee.

The ERP also includes environmental projects, programs, and on-ground works that further help improve the natural environment of Liverpool by:

- Protecting and restoring Liverpool's threatened ecological communities and other bushland through bush regeneration activities – a minimum of eight bush regeneration projects are carried out each year.
- Building community networks and partnerships.
- Supporting environmental projects.
- Installing fencing and access paths for environment protection.

Last year, 54,000 plants were installed and maintained under the ERP.

ITEM NO: QWN 03
FILE NO: 083280.2023
SUBJECT: Question with Notice - Clr Green - Heavy Vehicle Parking in LGA

The following questions were taken on notice at the Council meeting of 1 February 2023 in relation to agenda item **Plan 02 Review of parking permit policy**;

1. *If Council knew how many trucks were parking illegally in residential streets across Liverpool LGA and,*
2. *Has there been an audit which looked into that?*

It is noted that between January 2022-January 2023 Council received 1012 complaints regarding illegal parking of heavy vehicles in the Liverpool Local Government Area.

The majority of these complaints related to illegal parking in residential areas and 30 complaints related to illegal parking in the CBD.

Can Council please advise:

1. Out of 1012 complaints received by Council in the stated period how many fines were issued and if not why?
2. What steps is Council taking to encourage heavy vehicles compliance to parking restrictions in residential areas?

Responses (provided by Planning and Compliance)

1. ***Out of 1012 complaints received by Council in the stated period how many fines were issued and if not why?***

Fines will always be issued by officers for illegally parked heavy vehicles if the offence is proven. From 1 January 2022 to 31 January 2023, Council officers issued 1195 fines for breaches of the Road Rules relating to heavy vehicles.

2. ***What steps is Council taking to encourage heavy vehicles compliance to parking restrictions in residential areas?***

Council has published information on its Facebook page to advise the community of the NSW Road Rules, including that of heavy vehicles in residential areas not being permitted. The information advises that 15 road sections in industrial areas have been line marked and signposted to permit heavy vehicle parking after business hours. This is encouraging drivers to comply with the parking restrictions in residential areas. A link to the Facebook page is as follows:

<https://www.facebook.com/photo heavy vehicles in residential areas>

Arrangements will be made to also have this information posted on Council's webpage.

Clr Green left the Chambers at 2:45pm.

ITEM NO: QWN 04
FILE NO: 084827.2023
SUBJECT: Question with Notice - Clr Kaliyanda - NSW Government Core and Cluster Program: Building Refuges for Women and Children Escaping Domestic Violence

The NSW Government has committed \$426.6million to establish and commence operation of newly built (and refurbished) core and cluster refuges for women and children escaping domestic and family violence over four years from 2022-2026. This represents the most significant capital investment.

Domestic and family violence is a serious problem, the most recent crime data shows Liverpool recorded a 3.2% increase in the offence of domestic violence assault (NSW Recorded Crime Statistics 2018-2022, BOSCAR).

Currently in southwest Sydney there are 5 existing women's refuges, under the Core and Cluster Program it is anticipated between 12-15 new refuges and 1-2 Aboriginal led women and children's refuges will be established (Communities and Justice Core and Cluster Discussion Paper, May 2022).

A briefing for Local Government was delivered on-line in the latter part 2022 that included a Local Government NSW presentation to mayors, councillors, social policy and housing professionals to gain information and resources to support the Core and Cluster Program. This is because local government is recognised as having a key role to play in partnering with and supporting local organisations that apply for funding in this program.

The third and last tranche for providers to apply for funding will be opening soon.

Please address the following:

1. Since local organisation preparing to participate in the Core and Cluster Program are primarily services providing direct crisis support and accommodation to women and children escaping domestic and family violence what practical steps is Council taking in providing support and assistance?
2. Partnership and collaboration is recognised as central to the Core and Cluster Program in the delivery of these new refuges. How will Council work in partnership with local services planning to build and operate new refuges in our LGA?

Response (provided by Community & Lifestyle and Corporate Support)

- 1. Since local organisation preparing to participate in the Core and Cluster Program are primarily services providing direct crisis support and accommodation to women and children escaping domestic and family violence what practical steps is Council taking in providing support and assistance?**

Response: Council became aware of the Core and Cluster Program in October 2022. In November 2022, Council officers from Planning and Compliance and Community and Culture attended a briefing meeting with Homelessness NSW who are working on the Program and a local support service intending to apply for funding to establish a women refugee in Liverpool.

From a service gap and demand analysis and increasing rates of domestic violence in Liverpool, the project was discussed as an important project to support. Council continued liaising with the local service provider during November and December to develop a project proposal, outlining the project scope and the support required from Council. A project proposal was submitted to Council on 20 December, seeking partnership with Council, whereby Council provides suitable land for this project that meeting their needs. Council's Property Services has been reviewing potential sites that would be suitable and immediately available.

- 2. Partnership and collaboration is recognised as central to the Core and Cluster Program in the delivery of these new refuges. How will Council work in partnership with local services planning to build and operate new refuges in our LGA?**

Response: An opportunity exists for Council to identify and provide a suitable site for local services to build and operate new refuges in our LGA.

Council has been approached by Bonnie Support Services Ltd (BSSL) a Specialist Homelessness Service (SHS), providing support to women and their accompanying children across Liverpool and Fairfield Local Government Areas (LGA).

BSSL is seeking a partnership with Liverpool Council, whereby Council provides suitable land (ideally a site of approximately 1,000sqm zoned residential and classified as operational land) for this project to construct and operate a women's refuge. They are seeking a site that is accessible to public transport, in a safe location, well located near schools and suitable for a build that could accommodate 6 independent units alongside the core of services.

They require identification of a site prior to the EOI for first tranche of funding on 27 April 2023.

Options for the business model, comparable to that at their location in Fairfield LGA would be for a 25–50-year lease between Liverpool Council and BSSL to provide long term security of service, as long as the property is being used for its agreed upon purpose. In a similar partnership BSSL has subsidised rent, council rates are waived and BSSL is responsible for repairs and maintenance of the property.

It should be noted that Council has previously been approached, by other Not for Profit service providers also seeking Council land for establishment of Womens refuge. The lack of suitable surplus sites has been an issue in Council providing assistance.

A site that could potentially accommodate the requirements has been identified at 75-77 Hill Road, Lurnea (comprising Lot 1 DP 513777, Lot 2 DP 513777, Lot 3 DP 513777 and Lot 4 DP51377). This is a Council owned site that is zoned R3 Medium Density and classified as operational land with a total area of 2,770 sqm situated opposite Phillips park, Lurnea. The CT Lewis Centre is identified for demolition in conjunction with the adjacent Aged Care Building currently tenanted by Afford on a month to month tenancy. This site would require a subdivision to accommodate the proposal. This property was estimated to have a value of \$2.8M



Subject site 75-77 Hill Road, Lurnea shown edged red on the above map.

It should be noted that in a Confidential report to Council on 30 June 2021 “Further investigation of Surplus Properties” dealt with this property. This report followed previous reports in respect to the identification of potential surplus Council land.

The report identified the potential to provide a funding source for the construction of the new Liverpool Animal Shelter through the investigation and sale of the following sites.

- 75-77 Hill Road, Lurnea (comprising Lot 1 DP 513777, Lot 2 DP 513777, Lot 3 DP 513777 and Lot 4 DP51377)
- 22 First Avenue, Hoxton Park (comprising Lot 1 DP 1220807, Lot 2 DP 1220807 and Lot 3 DP 1220807)
- 9 McLean St, Liverpool (Lot 7 DP 238364)

Council resolved to endorse further investigations into the suitable uses of these properties and to receive a further report upon completion of investigations.

The investigation into the suitable uses for these properties identified the following options:

1. Retain the properties unless a future alternative community need is identified or a funding source is required from these properties for the provision of new/upgraded open space/community facilities in the future.
2. Consider an EOI process for the engagement of community/cultural and Not for Profit organisations for proposals for the use of these sites for community benefit on a potential long term lease basis with a market return.
3. Consider the sale of the properties, subject to determining a Reserve Price and a further report to Council.

Upon undertaking further investigation, it was identified that all three properties may provide future benefit to Council in facilitating a potential land swap required with NSW Housing at Miller or as part of negotiations in the NSW Crown Lands, Land Negotiation Program in addition to potentially realising income from sale.

Even if disposal was an option, given the nature of the property market, it was considered that any potential surplus properties should be retained until the income is required for the provision of new/upgraded open space/community facilities in the future, to ensure that Council captures any capital gains in a rising market.

On this basis it was recommended that Council retain the properties, unless a future alternative community need is identified, or a funding source is required from these properties for the provision of new/upgraded open space/community facilities in the future.

Council resolved to endorse the recommendation to retain the following properties subject to future requirements on the terms outlined in the report.

Based on the current request from BSSL, Council would need to provide approval to proceed with an MOU with BSSL for part of the site (up to 1,000sqm) at 75-77 Hill Road, Lurnea (comprising Lot 1 DP 513777, Lot 2 DP 513777, Lot 3 DP 513777 and

Lot 4 DP51377), which would involve a nominal long term lease for a women's refuge.

This would involve a direct negotiation, noting that other providers have previously approached Council and an EOI, process would not have been undertaken.

This would also result Council foregoing any potential capital value in the site estimated at \$2.8M for the term of a long term lease, which could otherwise be utilised for meeting Council's budget requirements.

Accordingly, direction is required from Council to determine if it will consider entering directly into an MOU for a long-term lease at a nominal rental to BSSL for the provision of up to 1,000sqm of land at 75-77 Hill Road, Lurnea.

Motion: Moved: Clr Rhodes **Seconded:** Mayor Mannoun

1. Purchases Lot 142 DP 1265897, 95-105 Seventh Avenue, Austral for the price and terms as outlined in this report;
2. Upon settlement classifies Lot 142 DP 1265897 as “Operational Land” to allow dedication as public road;
3. Upon acquisition, dedicates Lot 142 DP 1265897 as Public Road pursuant to Section 10 of the Roads Act 1993 and a Request document lodged at Land Registry Services to formally dedicate on the title of the land;
4. Keeps confidential this report pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
5. Authorises the CEO or delegate to execute any documents necessary to give effect to this decision.

Chairperson

Motion: **Moved: Clr Green** **Seconded: Clr Harle**

1. Approves the grant of an easement for gas purposes over Lot 201 in Deposited Plan 1194243, Kurrajong Road, Carnes Hill on the terms outlined in this Confidential Report;
2. Keeps this report confidential pursuant to the provisions of Section 10A(2)(c) of the *Local Government Act 1993* as this information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
3. Approves the transfer of the compensation amount into the General Property Reserve; and
4. Authorises its Delegated Officer to execute any document, under Power of Attorney, necessary to give effect to this decision.

Chairperson

ITEM NO: CONF 04
FILE NO: 004062.2023
SUBJECT: Liverpool Local Planning Panel (LLPP) - Engagement of Additional Panel Members

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun** **Seconded: Cllr Hagarty**

That Council defer this item and investigate further members for the Liverpool Local Planning Panel (LLPP).

Ensure the criteria includes a demonstrated connection to, and understanding of, the area.

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

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

1. Purchases Lots 64, 65, 66 & 67 in DP 1271974, 35-55 Tenth Avenue, Austral for the price and terms as outlined in this report.
2. Upon settlement classifies Lots 64, 65, 66 & 67 in DP 1271974 as "Operational Land".
3. Upon construction of the road being completed, dedicates Lot 67 DP 1271974 as Public Road pursuant to Section 10 of the Roads Act 1993 and a Request document lodged at Land Registry Services to formally dedicate on the title of the land.
4. Keeps confidential this report pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
5. Authorises the CEO or delegate to execute any documents necessary to give effect to this decision.

Chairperson

ITEM NO: CONF 07
FILE NO: 098581.2023
SUBJECT: Liverpool Civic Place

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Ammoun**

That Council:

1. Agrees to enter into the proposed loan agreement with NSW Treasury Corporation to borrow \$50.1 million for the Liverpool Civic Place project; and
2. Authorises the CEO or delegate to execute the loan agreement.

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

ITEM NO: MAYOR 03
SUBJECT: The Project
REPORT OF: Mayor Ned Mannoun

As the Mayor of Liverpool City Council, I believe I have an obligation to remind everyone of the importance of respecting one another - irrespective of race, religion, gender or creed. We are a diverse and multicultural community, and at the cornerstone of what makes our social fabric so unique and special is the way we celebrate our differences.

It is with great disappointment that I feel compelled to address the comments made by comedian Reuben Kaye on Network Ten's "The Project". Reuben Kaye's comments have outraged Christians and Muslims across the world.

It is unacceptable to ridicule someone's beliefs and values, especially on National TV. It is critical that as a Council Organisation, we stand up against hate speech and bigotry, and continue to work towards fostering and advocating inclusivity and harmony in our LGA as we have always done.

We must remember that freedom of speech comes with a responsibility to use it wisely and respectfully. It is important to express our views and opinions without resorting to hate speech or insults. We must ensure that our words and actions do not harm others, and that we uphold the values of tolerance, acceptance, and diversity.

In conclusion, let us remember that we are all part of a larger community and that we have a responsibility to ensure that everyone is treated with dignity and respect. Let us strive to build bridges between our differences, rather than walls, and work towards creating a more tolerant and compassionate society.

RECOMMENDATION

That Council writes to the Australian Communications Media Authority (ACMA) on behalf of residents to condemn the highly offensive and crude "religious joke" made during a segment on Network Ten's, The Project on 28 February 2023. Council calls on the ACMA to make a statement regarding Reuben Kaye's comments.

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

THE MEETING CLOSED AT 3.04pm.

<Signature>

Name: Ned Mannoun

Title: Mayor

Date: 26 April 2023

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 29 March 2023. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

PLAN 01

Department of Planning Conflict of Interest Policy

Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	075253.2023
Report By	Michael Oliveira - Coordinator Development Assessment
Approved By	William Attard – Acting Director Planning & Compliance

EXECUTIVE SUMMARY

Development Assessment is carried out under the provisions of the *Environmental Planning & Assessment Act 1979* (the Act) and the *Environmental Planning & Assessment Regulation 2021* (the Regulations). Amendments to the Act and the Regulations which took effect on 3 April 2023, require all Councils in NSW to adopt a new policy that specifies how conflicts of interest in connection with Council-related development applications will be identified, assessed, and managed.

Council has prepared a draft *Conflict of Interest Council-related Development Policy* (**Attachment 1**) as required by the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022* (**Attachments 2 & 3**) and in accordance with the *Department of Planning & Environment - Council-related Development Application Conflict of Interest Guidelines* (**Attachment 4**). Following adoption, the draft *Conflict of Interest Council-related Development Policy* will apply to Council-related development applications lodged within the Liverpool Local Government Area.

All Councils are required to have a *Conflict of Interest Council-related Development Policy* in place prior to determining Council-related development applications. The policy does not apply to development applications which were lodged, but not finally determined, before the commencement date of the amendment to the Regulations, being 3 April 2023.

RECOMMENDATION

That Council:

1. Receive and note the contents of this report;
2. Endorse the adoption of the draft Conflict of Interest – Council-related Development Policy;
3. Endorse the drafting of a Community Participation Plan (CPP), in accordance with Division 2.6, Part 2 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), to require that Council-related development applications be exhibited for a period of at least 28 days;
4. Exhibits changes to the CPP for a period of 28 days, in accordance with Division 1, Part 1 of Schedule 1 of the EP&A Act 1979;
5. Receives a further report regarding the outcome of public exhibition of changes to the CPP, or delegates authority to the CEO to finalise changes to the CPP should no submissions be received.

REPORT

Background

In response to concerns identified by the NSW Ombudsman in its report '*An inherent conflict of interest: Councils as a developer and regulator*' (December 2020), changes to the Regulations require all Councils to adhere to the following:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with Council-related development applications will be handled. The policy must comply with the requirements in the Guidelines (section 66A).
- Council-related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the Council has no management strategy for the application (section 30B).
- Councils must record conflicts of interest in connection with each Council-related development application, and the measures taken to manage the conflicts, in their existing DA register (section 240).
- Council-related development applications must be exhibited for a minimum of twenty-eight (28) days to ensure transparency during the assessment process (Environmental Planning and Assessment Act 1979, Schedule 1, Clause 9B).

About the Policy

Council-related development to which this policy applies, is defined in point 3 in the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022*, as follows:

Council-related development means a development application, for which a council is the consent authority, that is—

- *made by or on behalf of the council, or*
- *for development on land other than a public road within the meaning of the Local Government Act 1993-*
 - o *of which the council is an owner, a lessee, or a licensee, or*
 - o *otherwise vested in or under the control of the council.*

Note: Land vested in or under the control of Council includes public land within the meaning of the Local Government Act 1993.

Currently, pursuant to Council's *Procedure for Assessment and Determination of Development and Modification Applications lodged by or on behalf of Council, Councillors, Council Staff or their Relatives*, Council outsources the assessment of Council-related development applications and refers them to either the Local Planning Panel (LPP) or the Sydney Western City Planning Panel (SWCPP) for determination.

Pursuant to the *Local Planning Panels Direction – Development Applications to Modify Development Consents*, and the *Instruction on Functions Exercisable by Council on behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents*, the following development applications are not referred to the LPP or SWCPP for determination, and are delegated to Council's Director Planning & Compliance, or their delegate, to determine:

- internal alterations and additions to any building that is not a heritage item,
- advertising signage,
- maintenance and restoration of a heritage item,
- minor building structures projecting from a building over public land (such as awnings, verandahs, bay windows, flagpoles, pipes and services, and sun shading devices), or
- Section 4.55 (1) and (1A) applications as defined by the *Environmental Planning and Assessment Act 1979*, that are not required to be referred to the Liverpool LPP or SWCPP for determination.

The draft *Conflict of Interest Council-related Development Policy* seeks to align with this existing procedure.

To comply with both the requirements of the amended legislation and guidelines, the key changes to the existing process include:

- Prior to the lodgement of a Council-related development application, the proposal is to be referred to the Director Planning & Compliance, or their delegate, to undertake a Conflict-of-Interest Risk Assessment.
- In undertaking a Conflict-of-Interest Risk Assessment, a Conflict of Interest Management Strategy Statement or statement that the Council has no management strategy, must be prepared by the Director Planning & Compliance, or their delegate, and issued to the Chief Executive Officer to endorse.
- The Conflict of Interest Management Strategy Statement is to accompany the application at time of lodgement to the NSW Planning Portal, and is to be published with the application.
- Council-related development applications must be exhibited for a minimum of twenty-eight (28) days.
- Council must record conflicts of interest in connection with each Council-related development application, and the measures taken to manage the conflicts, in their existing DA register.

Additional Considerations

Should the draft *Conflict of Interest Council-related Development Policy* be adopted, an amendment to Liverpool City Council Community Participation Plan 2022 is required, to include the requirement for Council-related development applications to be exhibited for a minimum of twenty-eight (28) days.

Separately, should the draft *Conflict of Interest Council-related Development Policy* be adopted, an amendment to Council's *Procedure for Assessment and Determination of Development and Modification Applications lodged by or on behalf of Council, Councillors, Council Staff or their Relatives* is required, to ensure the procedure aligns with the policy.

Conclusion

For a number of years, Liverpool City Council has managed Council-related development applications under the endorsed *Procedure for Assessment and Determination of Development and Modification Applications lodged by or on behalf of Council, Councillors, Council Staff or their Relatives*. The draft *Conflict-of-Interest Council-related Development Policy* seeks to align with this existing procedure.

It is recommended that Council endorse the draft *Conflict-of-Interest Council-related Development Policy* to ensure Council-related applications can continue to be determined.

CONSULTATION

This Policy has been developed in consultation with Governance (Corporate Support).

FINANCIAL IMPLICATIONS

Costs associated with this recommendation have been included in Council's budget for the current year and long-term financial plan. Council currently outsources Council-related development applications as per existing procedures, therefore the financial implications of the draft *Conflict-of-Interest Council-related Development Policy* are captured by the current budget.

CONSIDERATIONS

Economic	There are no economic and financial impacts beyond the existing procedure.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	<i>Environment & Planning Assessment Act 1979</i> <i>Environment & Planning Assessment Regulation 2021</i> <i>Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022</i>
Risk	The risk is deemed to be Low.

ATTACHMENTS

1. Draft - Policy - Conflict of Interest - Council Related Development
2. Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 (579)
3. Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023 (95)
4. Department of Planning & Environment - Council-related Development Application Conflict Of Interest Guidelines - September 2022



CONFLICT OF INTEREST COUNCIL-RELATED DEVELOPMENT POLICY

Adopted: *(Current date)*

TRIM *(Number)*



Conflict of Interest Council-related Development Policy

DIRECTORATE: Planning & Compliance
BUSINESS UNIT: Development Assessment

1. INTRODUCTION

1.1. Under the provisions of the *Environmental Planning and Assessment Regulation 2021*, Council must adopt a policy that specifies how conflicts of interest in connection with Council-related development applications lodged with Liverpool City Council and within the Liverpool Local Government Area will be identified, assessed, and managed. The Policy must also comply with the Department of Planning and Environment's *Council-related Development Application Conflict of Interest Guidelines*.

2. PURPOSE

2.1. This policy aims to

- Manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development; and
- To meet the legislative requirements of *Section 66A Environmental Planning and Assessment Regulation 2021*.

3. SCOPE

3.1. This Policy applies to council-related development.

4. DEFINITIONS

4.1. A word or expression in this policy has the same meaning as it has in the *Environmental Planning & Assessment Act 1979* (the Act), and any instruments made under the Act, unless it is otherwise defined in this Policy.

4.2. In this policy-

4.2.1. **Act** means the *Environmental Planning and Assessment Act 1979*.

4.2.2. **Development Application** means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate.

4.2.3. **Council** means Liverpool City Council.

4.2.4. Council-related development means a development application, for which a council is the consent authority, that is—

- made by or on behalf of the council, or
- for development on land other than a public road within the meaning of the *Local Government Act 1993*-
 - of which the council is an owner, a lessee, or a licensee, or
 - otherwise vested in or under the control of the council.

Note: Land vested in or under the control of Council includes public land within the meaning of the *Local Government Act 1993*.

4.2.5. Development process means application, assessment, determination, and enforcement.

4.2.6. DA means development application.

4.2.7. LGA means Local Government Area.

4.2.8. LPP means Local Planning Panel.

4.2.9. SWCPP means Sydney Western City Planning Panel.

5. POLICY STATEMENT

5.1. Liverpool City Council is the development regulator within the Liverpool Local Government Area. However, Liverpool City Council can also be the developer, landowner, or hold a commercial interest in the land they regulate. Where Liverpool City Council has this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

5.2. Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows Council to strengthen their relationship with communities and build and enhance trust.

6. POLICY

Council's policy specifies how conflicts of interest in connection with Council-related development applications will be identified, assessed, and managed.

6.1. Management Controls & Strategies

Management controls and strategies are identified and applied to all Council-related development applications.

6.1.1. Strategy

Council has determined to adhere to a low-risk strategy for managing Council-related development applications. Council is to outsource the assessment of Council-related development applications as per the management controls tabled under section 6.1.2 of this policy and refer them to the LPP or alternatively the SWCPP for determination.

Pursuant to the *Local Planning Panels Direction – Development Applications to Modify Development Consents*, and the *Instruction on Functions Exercisable by Council on behalf of Sydney District or Regional Planning Panels – Applications to Modify Development Consents*, the following development applications are not referred to the LPP or SWCPP for determination, and are delegated to Council's Director Planning & Compliance, or their delegate, to determine:

- internal alterations and additions to any building that is not a heritage item;
 - advertising signage;
 - maintenance and restoration of a heritage item;
 - minor building structures projecting from a building over public land (such as awnings, verandahs, bay windows, flagpoles, pipes and services, and sun shading devices); or
- Section 4.55 (1) and (1A) applications as defined by the *Environmental Planning and Assessment Act 1979*, that are not required to be referred to the Liverpool LPP or SWCPP for determination.

6.1.2. Management Controls

The following table identifies types of management controls that apply for the assessment and determination stages of a Council-related development application where the need for controls is identified.

Development Application	Assessment	Determining Body
Minor/Standard DA <ul style="list-style-type: none"> • Development that is small-scale, routine, or non- controversial 	External town planning consultant	Liverpool Local Planning Panel, or otherwise delegated by the panel to Council staff
Major DA <ul style="list-style-type: none"> • Large scale, significant or controversial • Regionally significant development 	External town planning consultant	Sydney Western City Planning Panel

6.1.3. No Management Controls

In certain circumstances, Council may determine the risks associated with a Council-related development application are sufficiently low and no specific controls are required. No management controls need to be applied to development applications listed as excluded development within section 6.1.1 of this policy.

To ensure transparency a statement confirming no management controls are required must still accompany these applications upon lodgment and publishing to the NSW Planning Portal.

6.1.4. Documentation

A *Conflict of Interest Management Strategy Statement* which explains how Council will manage potential conflicts of interest is required for all council-related development applications. The statement must reflect the terms and requirements of this policy.

The statement is to accompany the application at time of lodgment to the NSW Planning Portal and is to be published with the application.

6.1.5. Public Exhibition

Council-related development applications must be exhibited for a minimum of twenty-eight (28) days to ensure transparency during the assessment process.

6.1.6. Records Management

Council must record conflicts of interest in connection with each council-related development application, and the measures taken to manage the conflicts, in their existing DA register.

6.2. Conflict of Interest Risk Assessment

6.2.1. Prior to lodgment of a council-related development application, the proposal is to be referred to the Director Planning & Compliance, or their delegate, to undertake a conflict-of-interest risk assessment.

6.2.2. In reviewing the development application, the Director Planning & Compliance, or their delegate, will:

- assess whether the application is one in which a conflict of interest applies;
- identify the phase(s) of the development process at which the identified conflict of interest arises;
- assess the level of risk involved at each phase of the development process;
- determine what (if any) management controls should be implemented to address the identified conflict of interest;
Note: The Director Planning & Compliance, or their delegate could determine no management controls are necessary; and
- prepare the *Conflict of Interest Management Strategy Statement*, and issue to the Chief Executive Officer to endorse.
- *The endorsed statement will be forward Council's Coordinator Governance to register.*

7. RELEVANT LEGISLATIVE REQUIREMENTS

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2021
Local Government Act 1993

8. RELATED POLICIES & PROCEDURE REFERENCES

Department of Planning & Environment: Council-related Development Application
 Conflict of Interest Guidelines
 Local Planning Panels Direction – Development Applications and Applications to
 Modify Development Consent Instruction on Functions Exercisable by Council on
 behalf of Sydney District or Regional Planning Panels – Applications to Modify
 Development Consents

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

This date is the date the policy is adopted by Council resolution.

REVIEW DATE

April 2025

This policy must be reviewed every two years or as legislation is updated.

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1.0		New policy due to legislation changes		

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Development Assessment (Planning & Compliance)
 Compliance and Standards (Planning & Compliance)
 Governance (Corporate Support)



New South Wales

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

Explanatory note

The object of this Regulation is to impose requirements on councils to manage conflicts of interest that may arise in connection with council-related development applications because the council is the consent authority.

A ***council-related development application*** is a development application, for which the council is the consent authority, that is—

- (a) made by or on behalf of the council, or
- (b) for development on land—
 - (i) of which the council is an owner, a lessee or a licensee, or
 - (ii) otherwise vested in or under the control of the council.

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 [NSW]

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022*.

2 Commencement

This Regulation commences on 3 April 2023.

3 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 1 Community participation requirements

Insert after clause 9A—

9B Council-related development applications

- (1) Minimum public exhibition period for a council-related development application—28 days.
- (2) In this clause—
council-related development application means a development application, for which a council is the consent authority, that is—
 - (a) made by or on behalf of the council, or
 - (b) for development on land—
 - (i) of which the council is an owner, a lessee or a licensee, or
 - (ii) otherwise vested in or under the control of the council.

Note— Land vested in or under the control of the council includes public land within the meaning of the *Local Government Act 1993*.

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2021

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2021

[1] Section 30B

Insert after section 30A—

30B Council-related development applications

A council-related development application must be accompanied by—

- (a) a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority (a *management strategy*), or
- (b) a statement that the council has no management strategy for the application.

[2] Section 66A

Insert after section 66—

66A Council-related development applications—the Act, ss 4.16(11)

- (1) A council-related development application must not be determined by the consent authority unless—
 - (a) the council has adopted a conflict of interest policy, and
 - (b) the council considers the policy in determining the application.
- (2) In this section—
 - conflict of interest policy* means a policy that—
 - (a) specifies how a council will manage conflicts of interest that may arise in connection with council-related development applications because the council is the consent authority, and
 - (b) complies with the *Council-related Development Application Conflict of Interest Guidelines* published by the Department and available on the NSW planning portal.

[3] Section 240 Council to keep a register of development applications and development consents

Insert after section 240(3)(m)—

- (m1) for a development consent granted in response to a council-related development application—
 - (i) conflicts of interest that may arise in connection with the application because the council is the consent authority, and
 - (ii) measures taken by the council to manage the conflicts of interest,

[4] Schedule 7 Dictionary

Insert in alphabetical order—

council-related development application has the same meaning as in the Act, Schedule 1, clause 9B.



New South Wales

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

Explanatory note

The objects of this Regulation are—

- (a) to update a definition of *council-related development application* to exclude development applications in relation to public roads, and
- (b) to permit certain conflict of interest guidelines to be updated from time to time, and
- (c) to correct a cross-reference, and
- (d) to provide that the proposed amendments do not apply to existing development applications.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.16(11), 10.13, the general regulation-making power and 10.15 and Schedule 1, clause 21.

Section 3 of this Regulation is made under a Henry VIII provision.

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023 [NSW]

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023*.

2 Commencement

This Regulation commences on 3 April 2023.

3 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 1 Community participation requirements

Insert “, other than a public road within the meaning of the *Local Government Act 1993*” after “development on land” in clause 9B(2), definition of *council-related development application*, paragraph (b).

4 Amendment of Environmental Planning and Assessment Regulation 2021

(1) Section 66A, heading

Omit “ss 4.16(11)”. Insert instead “s 4.16(11)”.

(2) Section 66A(2), definition of “conflict of interest policy”

Insert “, as in force from time to time” after “NSW planning portal” in paragraph (b).

(3) Schedule 6 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and section numbering—

Part Provisions consequent on Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023

Amendments do not apply to existing development applications

An amendment made by the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023* does not apply to a development application made but not finally determined before the commencement of the amendment.

Department of Planning and Environment



Council-related Development Application Conflict of Interest Guidelines

Introduction

Councils are development regulators. But they also can be the developer, landowner or hold a commercial interest in the land they regulate. Where councils have this dual role, an inherent conflict can arise between their interests in the development and their duty as regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

The following requirements have been introduced into the *Environmental Planning and Assessment Regulation 2021* to address conflicts of interest in council related development:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled. The policy must comply with the requirements in these Guidelines (section 66A).
- Council-related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application (section 36A).
- Councils must record conflicts of interest in connection with each council-related development application, and the measures taken to manage the conflicts, in their existing DA register (section 242A).
- Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*Environmental Planning and Assessment Act 1979*, schedule 1, clause 9B).

While the regulation changes do not mandate the use of the framework once a development consent is issued, it is best practice when developing their policies for councils to also address conflicts that may occur after development consent has been granted. This could be as simple as stating in the policy that the council will seek to enter a shared services arrangement with a neighbouring council about this phase of the development process, for any development that is the subject of the policy.

Purpose of these Guidelines

These Guidelines are intended to:

- set out the requirements for the council conflict of interest policy required under section 66A,



- assist councils in meeting these requirements by providing a sample policy and management strategy statement that can be used as a template when developing their policies
- provide general information and guidance about the policy.

Flexibility

In some circumstances, council may determine the risks associated with a council-related development are sufficiently low and no specific controls are warranted. Where this is the case, council should still publicly communicate that fact to ensure transparency.

Where a council determines for a particular class of development that the risks of a conflict of interest are very low, it may decide to not have any management controls for a specified type of development unless there is some direct involvement of a councillor or a council staff member in their private capacity.

This can happen, for instance, where the council is the owner of a large commercial building that has a range of shops within it, for which it receives many development applications for commercial fit outs and minor changes to the building facade. In those circumstances, the council's policy could outline that its management strategy for this class of development does not apply additional controls for conflicts of interest.

Other examples where this approach might be appropriate include development for internal alterations or additions to buildings that are not a heritage item, advertising signage, minor building structures projecting from a building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services), and development where the council might receive a small fee for the use of their land.

Sample policy

The sample policy below is to help councils develop their conflict of interest policies for council-related development. It provides practical solutions for developing and implementing ways to manage potential conflicts at all stages of the development process.

For councils that have local planning panels, the council's policy only needs to deal with a subset of this development, as a range of development to which the policy would otherwise apply will already be referred to local planning panels.

Using the sample policy is optional. Each council and local government area is different and has unique local settings, therefore, councils should decide what is appropriate in their circumstances and develop a policy for managing conflicts of interest about council-related development that is suitable for their local area.

An example management strategy statement is also included below.

Requirements for conflict-of-interest policies

Any policy prepared and adopted by a council must:



- establish management controls and/or a management strategy to address potential conflicts of interest at the different phases of the development process for the types of council-related development that the council could be involved in,
- outline the process through which potential conflicts of interest will be identified, the risks assessed and appropriate management controls determined, and
- outline the process that will be followed to publicly communicate the management approaches for each development subject to the policy.

Sample policy

Part 1 Preliminary

(1) Name of policy

This policy is the [insert name of policy].

Note: For example, Conflicts of interest policy – dealing with council-related development throughout the development process.

(2) Aim of policy

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

(3) Scope

This policy applies to council-related development.

(4) Definitions

(1) In this policy:

application means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate.

council means [insert name of the council]

council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority

development process means application, assessment, determination, and enforcement

the Act means the *Environmental Planning and Assessment Act 1979*.

(2) A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

(3) Notes included in this policy do not form part of the policy.



Note: Other definitions can be inserted.

Part 2 Process for identifying and managing potential conflicts of interest

(5) Management controls and strategies

(1) The following management controls may be applied to:

- a. the **assessment** of an application for council-related development
 - *insert control(s)*
- b. the **determination** of an application for council-related development
 - *insert control(s)*
- c. the **regulation and enforcement** of approved council-related development
 - *insert control(s).*

Note: For example, council will enter into a shared services arrangement with a neighbouring council.

(2) The management strategy for the following kinds of development is that no management controls need to be applied:

- a. commercial fit outs and minor changes to the building façade
- b. internal alterations or additions to buildings that are not a heritage item
- c. advertising signage
- d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
- e. development where the council might receive a small fee for the use of their land.

Notes:

1. *While councils must have a policy that sets out how they propose to deal with potential conflicts of interest for council-related development, it could implement different controls for dealing with them based on the level of risk. For example, councils could set their controls based on:*
 - a. *risk category – low, moderate, high, very high*
 - b. *types of development – non-controversial small-scale development, development of a certain value with/without a commercial interest, controversial development, or even*
 - c. *capital investment value of the proposed development.*
2. *There is a range of management controls that could be applied in particular circumstances. The following are some examples that councils could use. Note that councils are not limited to one approach and could specify more than one approach if appropriate in their local settings:*
 - a. *Assessment and determination*
 - i. *The assessment and/or determination of an application are to be undertaken by council staff under delegation – this might be appropriate if the proposal is considered to be a low-level risk or non-controversial. For more controversial projects, this might only be effective if strict role separation controls are imposed.*
 - ii. *The application could also be referred for external assessment and/or determination to either:*



1. another council
2. a local planning panel if one is in place
3. a regional planning panel (may require negotiation – RPPs are not required to accept referrals)
4. a consultant.

The involvement of an external third party might be appropriate for development where council has a commercial interest in the land, or the development is seen to be a political priority for the council.

b. Regulation and enforcement

- i. Engagement of a private certifier
- ii. Publication of certificates issued under Part 6 of the Act on the NSW Planning Portal
- iii. Peer review by a neighbouring council and/or entering into a shared services arrangement with a neighbouring council
- iv. Reporting of key milestones to the full council.

3. Councils may also wish to take advantage of their audit and risk committee to provide guidance for the types of controls that could be applied in specific circumstances.

(6) Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls

- (1) Development applications lodged with the council that are council-related development are to be referred to the general manager (or a delegate) for a conflict-of-interest risk assessment.

Note: Council-related development is defined in section 4.

- (2) The general manager is to:

- a. assess whether the application is one in which a potential conflict of interest exists,
- b. identify the phase(s) of the development process at which the identified conflict of interest arises,
- c. assess the level of risk involved at each phase of the development process,
- d. determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 5 of the policy and the outcome of the general manager's assessment of the level of risk involved as set out clause 6(2)(c) of the policy,

Note: The general manager could determine that no management controls are necessary in the circumstances.

- e. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

Note: The following is an example of a statement that could be published by councils to document its proposed management approach in a particular circumstance.

**Scenario**

BlueStar Council is upgrading one of their assets, 'Blue River Civic Place'. Council is the landowner and the applicant and is proposing to redevelop the site into a mixed-use development with a total capital investment value (CIV) of \$4.9 million. The development application seeks approval for the construction and use of an additional 2 storeys on an existing 3 storey building comprising a childcare centre, commercial office spaces and partial use of the building for council's public administration.

Example management statement

Council conflict of interest management statement	
Project name	Blue River Civic Place
DA number	DA21/0001
Potential conflict	BlueStar Council is the applicant. Blue River Civic Place has an estimated capital investment value of \$4.9 million and the council expects to receive revenue through renting commercial office spaces.
Management strategy	<p>The council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> • The application will be referred to the local planning panel to determine the development application. • Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team. • A private certifier will be engaged to undertake the certification for the development. • Green Hill Council has agreed to peer review any regulatory decisions should compliance decisions be made. • Key project milestones following the development consent will be reported at a public council meeting.
Contact	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.

PLAN 02

Planning Proposal request to amend development standards in the Liverpool Local Environmental Plan 2008 at 368-370 Cowpasture Road, Middleton Grange

Strategic Objective	Evolving, Prosperous, Innovative Implement planning controls and best practice urban design to create high-quality, inclusive urban environments
File Ref	045698.2023
Report By	Brianna Van Zyl - Strategic Planner
Approved By	Lina Kakish - Acting Director Planning & Compliance

EXECUTIVE SUMMARY

Council is in receipt of a planning proposal request for land at 368-370 Cowpasture Road, Middleton Grange (Lot 4 DP 1052704) (**Attachment 1**).

The subject site is zoned R1 General Residential, and approximately 4,500m² in size with an 80m primary road frontage to Cowpasture Road. It presently comprises of two take away food and drink premises and a service station with an associated convenience store.

The planning proposal seeks to amend the land use zoning, floor space ratio (FSR), and height of building (HOB) development standards to the *Liverpool Local Environmental Plan 2008* (LLEP 2008). Specifically, the planning proposal proposes:

- Land Use Zoning: from R1 General Residential to B6 Enterprise Corridor;
- Floor Space Ratio (FSR): from 0.65:1 to 0.75:1; and
- Height of Building (HOB): from 8.5m to 15m.

The proponent initially sought a HOB of 15m, and FSR of 1:1 during the pre-lodgement phase. Council staff did not consider this appropriate given the adjoining residential context. As a result, the planning proposal was revised by the proponent to have a HOB to 15m and FSR of 0.75:1. Staff are recommending a further reduction to a 12m HOB, which is discussed within this report.

The site is currently identified under Schedule 1, Clause 9 of the LLEP 2008, which allows for the additional permitted use of service stations, and take away food and drink premises. If the site is rezoned, it is recommended the additional permitted use no longer applies to the site and is removed from the Key Site Map provision, as it will no longer be required.

The rezoning of the site from R1 General Residential to B6 Enterprise Corridor will ensure the zoning accurately reflects the approved land-uses on site and will enable development of land uses which are currently prohibited under R1 General Residential Zone. The indicative future development noted within the planning proposal shows the site could be used as a 3,375m² specialised retail premises. Under this indicative proposal, the existing service station, convenience store and two fast-food premises would be required to be demolished.

The planning proposal was considered by the Local Planning Panel (LPP) on 14 November 2022. The panel unanimously agreed with the staff recommendation that the planning proposal demonstrated sufficient strategic and site-specific merit and should progress to the Department of Planning and Environment (DPE) for a Gateway determination. The panel also supported the reduction of the proposed 15m height limit down to 12m in accordance with the Council staff assessment report.

It is recommended that Council endorse the planning proposal (**Attachment 1**) request in principle and forward the proposal to the Department of Planning and Environment seeking a Gateway determination.

RECOMMENDATION

That Council:

1. Notes this report, and the advice of the Local Planning Panel;
2. Endorses in principle the planning proposal request to amend the land use zoning to B6 Enterprise Corridor, Floor Space Ratio to 0.75:1; and Height of Building development standards to 12m in the *Liverpool Local Environmental Plan 2008* at 368-370 Cowpasture Road, Middleton Grange;
3. Delegates the CEO (or delegate) to prepare the formal planning proposal, including any typographical or editing amendments if required;
4. Forwards the planning proposal to Department of Planning and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway determination;
5. Subject to Gateway Determination, undertake community consultation in accordance with the conditions of the Gateway determination and the Liverpool Community Participation Plan 2022; and
6. Receives a further report on the outcomes of public exhibition and community consultation.

REPORT

BACKGROUND INFORMATION

The Site

The planning proposal relates to 368-370 Cowpasture Road, Middleton Grange (Lot 4 DP 1052704). The site has a total area of approximately 4,500m², and a 4m slope from the north-western corner down to the south-eastern corner. The site has a primary road frontage of approximately 80m to Cowpasture Road which is a Classified Road and contains TransGrid Infrastructure.

The site is currently zoned R1 General Residential under the *Liverpool Local Environmental Plan 2008* (LLEP 2008), with a specified Floor Space Ratio of 0.65:1, and Height of Building of 8.5m. The site is also identified under Clause 9, Schedule 1 Additional Permitted Uses of the LLEP 2008, which allows for additional permitted uses of service stations and take away food and drink premises on the site, subject to a size restriction of 300m². The site presently comprises of two take-way food and drink premises and a service station with an associated convenience store. The subject site can be seen in Figure 1 below:

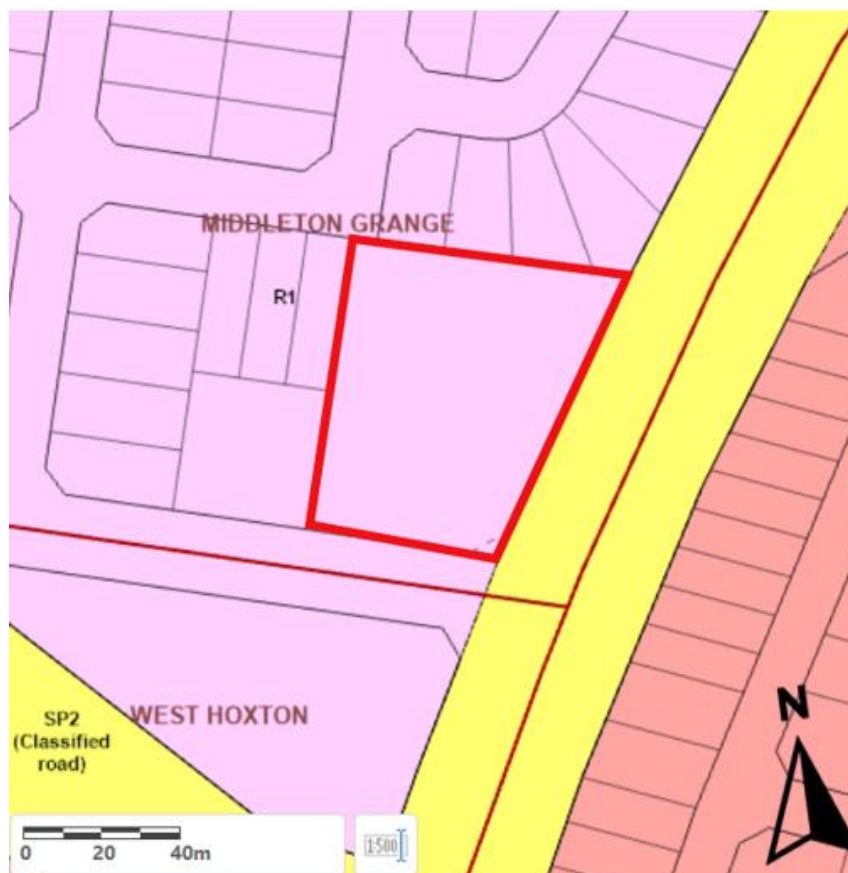


Figure 1: Subject Site Outlined in red (Source: Nearmap)

Locality

The site is located approximately 7.5km west of the Liverpool City Centre, and approximately 1.5km north of Carnes Hill Market Place. It also benefits from being located 200m from Fifteenth Avenue, a future transit corridor.

To the west of the subject site, the land is zoned R1 General Residential, with the sites on the eastern side of Cowpasture Road zoned R2 Low Density Residential. Development within these residential zones is predominantly low scale detached dwellings, except for 20 Mustang Close, which is operating as a gym.

The context of the locality is shown below on Figure 2:



Figure 2: Locality (Source: Nearmap)

Planning Proposal Summary

The planning proposal seeks to amend the land use zone, height of building (HOB) and floor space ratio (FSR) development standards applying to the site. A summary of the proposed amendments and the existing planning controls are outlined below:

Table 1: Current and Proposed Development Standards at 368-370 Cowpasture

	Existing Standards	Planning Proposal	Staff Recommendation
Zone	R1 General Residential	B6 Enterprise Corridor	B6 Enterprise Corridor
FSR	0.65:1	0.75:1	0.75:1
Height	8.5m	15m	12m

Conceptual Development

The indicative concept plan for the proposal as shown in Figure 3, provides for a 3,375m² two story specialised retail premise in the north-west corner of the site, including 23 parking spaces. The proposed scheme includes a 3m landscape setback. Under these conceptual plans, the existing service station and convenience store, and two take away food and drink premises would be demolished and replaced by a specialised retail premises. The revised plans would require a future Development Application. It is noted that the planning proposal primarily relates to the rezoning of the site to reflect its current uses.

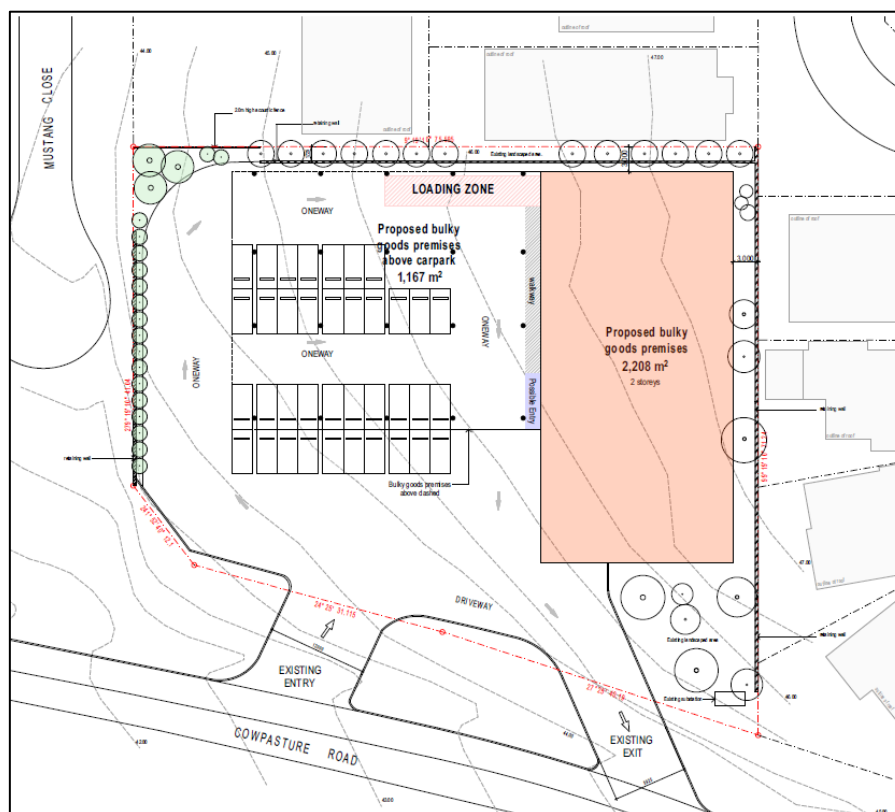


Figure 3: Conceptual Plan (Source MPA Architects)

Application Timeline17 December 2021

The planning proposal was submitted via the NSW planning portal, however was not lodged. Council requested several outstanding items, including a site plan and concept plan, Preliminary Site Investigation Report, Traffic Report, and Economic Impact Study.

17 January 2022

The planning proposal was re-submitted, but not lodged. A Preliminary Site Investigation Report was still required to be submitted, and Council raised concerns that the proposed development standards (1:1 FSR and 15m HOB) were significantly greater in scale than the development envisioned and additional justification was required.

8 March 2022

The planning proposal was resubmitted, and officially lodged with Council. The proposal sought rezoning from R1 General Residential to B6 Enterprise Corridor, HOB from 8.5 to 15m and FSR from 0.65:1 to 0.75:1. On 30 March 2022, Council staff requested that supporting documents were updated to reflect the development standards within the planning proposal.

14 September 2022

The planning proposal and supporting documents were resubmitted, and staff assessment of the planning proposal continued.

4 November 2022

Prior to the LPP Meeting, Council sent the proponent the LPP assessment report, with a letter outlining outstanding issues, including the need for a Preliminary Site Investigation.

14 November 2022

The proposal was referred to the Liverpool Local Planning Panel, as outlined in this report. On 16 November 2022, the LPP Minutes were shared with the proponent, re-instating the requirement for a Preliminary Site Investigation.

3 February 2023

The proponent submitted a Preliminary Site Investigation to address Ministerial Direction 4.4 'Remediation of Land'. On 17 February 2023, Council sent correspondence to the proponent explaining the submitted Preliminary Site Investigation did not meet Council lodgement requirements as it wasn't prepared or reviewed by a suitably qualified person. Council requested a peer review of the Preliminary Site Investigation be conducted by a suitably qualified person and be resubmitted to Council.

9 March 2023

The proponent resubmitted a peer reviewed Preliminary Site Investigation which was considered satisfactory by Council's Environmental Health Team.

PLANNING ASSESSMENT

Consideration of Strategic Merit

The rezoning will ensure the site is zoned appropriately and will increase the range of permissible commercial and light industrial uses on the site. The rezoning is considered to have strategic merit, as it will ensure the zoning accurately reflect the existing and intended land uses on site.

The proposal is considered consistent with the relevant Ministerial Directions and State Environmental Planning Policies, and thus demonstrate strategic merit. The Ministerial Direction of specific relevance are outlined below. A detailed assessment of the criteria is included in the Council Local Planning Panel report (**Attachment 1**).

Specifically, Ministerial Direction '4.4 Remediation of Contaminated Land' aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation is considered by planning proposal authorities. Service Stations are considered a high risk land use. Given the existing and proposed zones both permit residential development, Ministerial Direction 4.4 is required to be addressed.

Ministerial Direction 4.4. requires Preliminary Site Investigation (PSI) to demonstrate consistency with the direction. On 3 February 2023 the proponent submitted a Preliminary Site Investigation. A peer reviewed version was resubmitted on the 9 March 2023 (**Attachment 6**) which made the following conclusion, which can be addressed at the DA stage:

"The contaminants that may be present were considered to be of low and moderate significance in terms of risk to the human and environmental receptors identified. As the site is proposed to change to a less sensitive land use, the site is considered suitable for a commercial land use. However, if the site is redeveloped and sealed surfaces removed, a further supplementary DSI is recommended."

In addition, the PSI states 1 of the 3 groundwater monitoring wells have not been installed in accordance with the Underground Petroleum Storage Systems (UPSS) Guidelines. As such, the report recommends monitoring to take place at regular intervals (every 6 months).

The subject peer reviewed PSI was referred to Council's Environmental Health team who was satisfied the proposal demonstrated consistency with Ministerial Direction 4.4.

Given the site is being rezoned to a less sensitive land use (from residential to a business use), and it will ensure the site is protected for commercial / light industrial uses which reflect the current use of the land, the rezoning is considered to have Strategic Merit.

Consideration of Site-Specific Merit

The proposed amendment was assessed against the site-specific merit test outlined in the ‘*Local Environmental Plan Making Guideline*’. Given the site is already occupied by a service station and two take-away food and drink premises, the site is considered to have site specific merit to be rezoned to the B6 Enterprise Corridor zone. The considerations of note are outlined below.

Development Standards

The planning proposal seeks an increase in allowable HOB from 8.5m to 15m. Whilst there is strategic merit in rezoning the site to B6 Enterprise Corridor, the proposed height of building standard of 15m will result in unreasonable amenity and overlooking impacts on the adjoining residential lots.

In addition, on 2 February 2022, Council endorsed the “Mayors 100 Day Revitalisation Action Plan” which included:

Prepare a planning proposal to lower the height of building development standards in the Liverpool Local Environmental Plan 2008 down to 12m in the following suburbs:

- *Chipping Norton*
- *Wattle Grove*
- *Hammondville*
- *Casula*
- *Prestons*
- *Carnes Hill*
- *Cecil Hill*
- *Green Valley*

Following this, on 27 July 2022, Council endorsed the following principles for the Local Environmental Plan Review:

- “2. Adopt the following principles for managing commercial land under the new LEP:”*
- c. All centres, regardless of their hierarchy are to have a height of building development standards of 12m or less to limit the height of buildings across all centres within the LEP, with exclusions as noted within this report, such as the Liverpool City Centre centres subject to planning proposal.”*

The proposed 15m HOB does not align with the above principles endorsed by Council for the new LEP. Given the low density, residential context directly adjacent, and the endorsed principles of the LEP review, it is recommended that a 12m HOB is more suitable. This will allow for additional design flexibility, while still managing the sensitive interface.

Visual Impact / Zone Transition

There is a 4m slope across the site from the residential properties on the adjoining western boundary, and the proposed 15m HOB control would have a moderate to high impact on the low scale residential properties adjoining the site. As stated above, a 12m HOB standard on site is recommended, as a 15m height would result in an unreasonable impact on adjoining neighbours.

At the design stage of any future Development Application, measures to reduce the bulk and visual impacts including landscape setbacks, planting of mature trees and facades and articulation design elements should be incorporated.

Traffic and Parking

The planning proposal is accompanied by a Traffic Report (**Attachment 2**) that analyses the traffic implication of the additional floor space and building heights. The traffic report considered both the existing and future development on site, stating the existing uses on site generated 85 vehicles per hour during the weekday morning peak hour, and 175 vehicles per hour during the weekend afternoon peak.

In addition, the traffic report states that the conceptual plans provide a 3375m² specialised retail premises with the provisions of 23 parking space. As per Transport for NSW guidelines, the conceptual development would generate some 35 to 85 vehicles per hour. It concludes the proposed development facilitated by this planning proposal would generate less traffic than the existing uses on site.

Council's assessment of the traffic report indicated in the last 10 years, three car crashes occurred in front of the subject site due to the existing site access arrangements. Council staff also identified discrepancies between the proponent's traffic report and their assessment. As per Council's assessment, if the concept plans were to be developed, it would generate an additional 10 vehicles trips per hour. This traffic increase is minor and not expected to have a noticeable impact on the operation of the adjacent road work. In addition, the proposed development will be required to provide 36 parking spaces as per the Liverpool Development Control Plan (DCP).

Council staff have raised no objection to the planning proposal subject to any future Development Application providing a safety gap analysis for the existing entry and exit access arrangements. Furthermore, a referral of the planning proposal to TfNSW will occur during the legislated public exhibition stage.

Local Planning Panel Advice

The Planning proposal was referred to the Liverpool Local Planning Panel for advice as required by the Local Planning Panel Direction - Planning Proposals. The advice of the LPP is included as **Attachment 8**.

The panel unanimously agreed with the Council staff recommendation, that the planning proposal to amend the Land Use Zoning (B6 Enterprise Corridor), HOB (12m), and FSR (0.75:1) demonstrated site and strategic merit.

The panel supported the amendment to proceed to a Gateway determination subject to the proponent providing Council with a Preliminary Site Investigation as required by Local Planning Direction 4.4 'Remediation of Contaminated Land. This outcome has been resolved and is detailed in the 'Consideration of Strategic Merit' section of this report.

NEXT STEPS

If Council adopts the recommendation of this report, the planning proposal will be forwarded to DPE seeking a Gateway determination. Pending a successful Gateway determination, community consultation will occur as per the conditions outlined in the Gateway determination and Council's Community Participation Plan 2022. Results of the exhibition will be reported to Council.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation. Costs associated with a planning proposal are within Council's current budget for Strategic Planning.

CONSIDERATIONS

Economic	Further develop a commercial centre that accommodates a variety of employment opportunities.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Division 3.4 of the <i>Environmental Planning and Assessment Act 1979</i>
Risk	The risk is deemed to be Low. There is a low risk that unintended outcomes will occur because of the changes facilitated by the planning proposal. The risk of this is reduced through community consultation, referrals to state agencies, and the consideration of the advice from the Local Planning Panel. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. Attachment 1 Proponent Prepared Planning Proposal Report (Under separate cover)
 2. Attachment 2 Traffic Report September 2022 (Under separate cover)
 3. Attachment 3 Economic Report (Under separate cover)
 4. Attachment 4 Conceptual Plan (Under separate cover)
 5. Attachment 5 Existing Site Plan (Under separate cover)
 6. Attachment 6 Peer Reviewed Preliminary Site Investigation - 368-370 Cowpasture Road, Middleton Grange (Under separate cover)
 7. Attachment 7 Local Planning Panel Report 368-370 Cowpasture Road (Under separate cover)
 8. Attachment 8 Liverpool Local Planning Panel Determination Minutes (Under separate cover)
 9. Attachment 9 ASIC Extract: 368-370 Cowpasture Road (Under separate cover)
- Confidential**

PLAN 03

Issues and Options Report: Sirius Road, Voyager Point

Strategic Objective	Liveable, Sustainable, Resilient Protect and enhance our natural environment and increase the city's resilience to the effects of natural hazards, shocks and stresses
File Ref	084905.2023
Report By	Lilyan Abosh - Strategic Planner
Approved By	Lina Kakish - Acting Director Planning & Compliance

EXECUTIVE SUMMARY

At its Ordinary Meeting of Council on 26 October 2022, Council resolved the following:

That Council:

7. *Investigates the rezoning of 1 Sirius Road and lots 68 and 75 Sirius Road, Voyager Point from C3 Environmental Management to C2 Environment Conservation.*
8. *Consult with the owners of the properties and include their feedback in the report back to Council.*
9. *Receive a further report back to Council following this investigation for a decision on whether to progress a planning proposal to rezone those sites to Environmental Conservation.*
10. *Allocate funding from the LEP review budget to complete these investigations.*

This report investigates at a high level the strategic and site-specific merits of rezoning the properties from C3 Environmental Management (C3 zone) to C2 Environmental Conservation (C2 zone). It notes that a rezoning is likely to be consistent with Liverpool's Local Land Use Strategies and Studies, as well as the relevant objectives in the District and Region Plans. With regards to site specific merit, various matters such as the limited development potential of the land, positive social impact on the community and relationship of the sites to the Georges River Cycling Track are addressed in this report.

The Department of Planning and Environment has a Practice Note to guide Council's on the application of the Conservation zones. The Practice Note emphasises the need for a study or strategy to justify the rezoning of any land to the C2 zone. Whilst existing resources indicate

there are biodiversity values present on the land which are likely to be consistent with the C2 zone (such as endangered ecological communities, threatened and migratory species and habitats, and coastal wetlands), Council staff do not have a current, comprehensive biodiversity assessment regarding the consistent application of the Conservation zones.

As per point 8 of the above resolution, a letter was issued to the owners on 23 January 2023 seeking their feedback. All three owners objected to rezoning and/or provided alternative recommendations, such as the partial rezoning of their lots to C2, or acquisition of the land by Council or other authority. Submissions are available at **Attachments 1 - 3**.

The Early Engagement period on the LEP Review indicated the high regard the community has for conservation, with a survey question regarding the protection of waterways, trees and vegetation scoring the highest results. It is recommended that an individual rezoning of 1 Sirius Road and lots 68 and 75 Sirius Road is not undertaken, and instead, a broader study to assess the application of Conservation zones is undertaken as part of the LEP Review.

This would mean that the Sirius Road sites are considered along with other publicly and privately owned land, identified by Council staff through previous studies or planning processes. A copy of the list of potential properties to be investigated for a Conservation zone is within **Attachment 10**.

A study would ensure a consistent approach to the rezoning of land, which would protect the significance of the C2 zone. It would guide the future application of the Conservation zones, by providing the evidence-based study required to support a planning proposal for the rezoning of land. It will also investigate other matters for consideration such as permissible land uses within each zone, as well as any potential financial implications of rezoning land on landowners. If proposed land use zones are deemed to be too restrictive, they will require an acquisition authority to acquire the land, to ensure fair compensation where required. This study will inform recommendations for future planning proposals.

RECOMMENDATION

That Council:

1. Receives and notes the report;
2. Undertakes a broader Conservation Zones Study as part of the Principal LEP Review project;
3. Allocate funding to the LEP Review budget to complete this Study; and
4. Further investigates the rezoning of 1 Sirius Road, Lot 68 Sirius Road and Lot 75 Sirius Road, Voyager Point along with other identified sites, as part of a broader Conservation Zones Study.

REPORT

BACKGROUND

Council Resolutions

At its Ordinary Meeting of Council on 27 October 2021, Council resolved the following:

That Council:

- 4. Investigates rezoning 1 Sirius Road and Lots 68 and 75 Sirius Road, Voyager Point from E3 Environmental Management to E2 Environmental Conservation if it's purchased by a public authority;*
- 5. Subject to point 4, directs the CEO to prepare a planning proposal to rezone 1 Sirius Road and Lots 68 and 75 Sirius Road, Voyager Point to E2 Environmental Conservation;*

A letter was sent to the Minister for Energy and Environment on 11 November 2021, requesting the NSW Government consider acquiring these properties, and no response was received. The properties were not purchased by a State or Federal authority, and suitable funding sources for Council to acquire the land could not be identified. Therefore, an investigation into the potential rezoning of the properties did not occur. A Notice of Motion (NOM 03) regarding the same land was presented at the Ordinary Meeting of Council on 26 October 2022. At this meeting, Council resolved the following:

That Council:

- 7. Investigates the rezoning of 1 Sirius Road and lots 68 and 75 Sirius Road, Voyager Point from C3 Environmental Management to C2 Environment Conservation.*
- 8. Consult with the owners of the properties and include their feedback in the report back to Council.*
- 9. Receive a further report back to Council following this investigation for a decision on whether to progress a planning proposal to rezone those sites to Environmental Conservation.*
- 10. Allocate funding from the LEP review budget to complete these investigations.*
- 11. That the report back to Council include how the rezoning of this land would affect the previous resolution about having a continuous bike track along the length of the river and whether this land potentially forms part of that.*

This report addresses point 9 of the above resolution.

Sites and Locality

The subject sites are located at:

- No. 1 Sirius Road, Voyager Point (Lot 72 DP 661069);
- Lot 75 Sirius Road, Voyager Point (Lot 75 DP 752034); and
- Lot 68 Sirius Road, Voyager Point (Lot 68 DP 752034).

The sites are currently zoned C3 Environmental Management (C3) under the *Liverpool Local Environmental Plan 2008* (LLEP 2008). The lots have a total approximate area of 43.8 hectares, and largely comprise of bushland and wetland. There are two dwellings and ancillary structures also located on Lot 68 Sirius Road.

The sites are bound by the Georges River to the north and east, and Voyager Point Bushland Reserve to the west, which is owned by Liverpool City Council. Land south of Sirius Road includes the Voyager Point Community Centre and Park, and low-density housing.

Development History

Council records show no development applications have been lodged for Lot 68 and Lot 75 Sirius Road since 2000. Council received four development applications between 2002 - 2013 for land at 1 Sirius Road, all of which were refused. In 2016, development application (DA-1137/2016) was lodged for 1 Sirius Road, seeking approval for the construction of a single storey dwelling and associated works. The application was refused by Council, however development consent was subsequently granted through agreement by the Land and Environment Court. The dwelling is yet to be constructed.

Unauthorised Land Clearing

In October 2022, Council Officers inspected 1 Sirius Road and identified the unauthorised removal and damage of vegetation. A Notice of Proposed Restore Works Order was served to the owner, and a Bushland Restoration Plan (BRP) was submitted to Council. In February 2023, Council issued a Restore Works Order to carry out the works in the BRP.

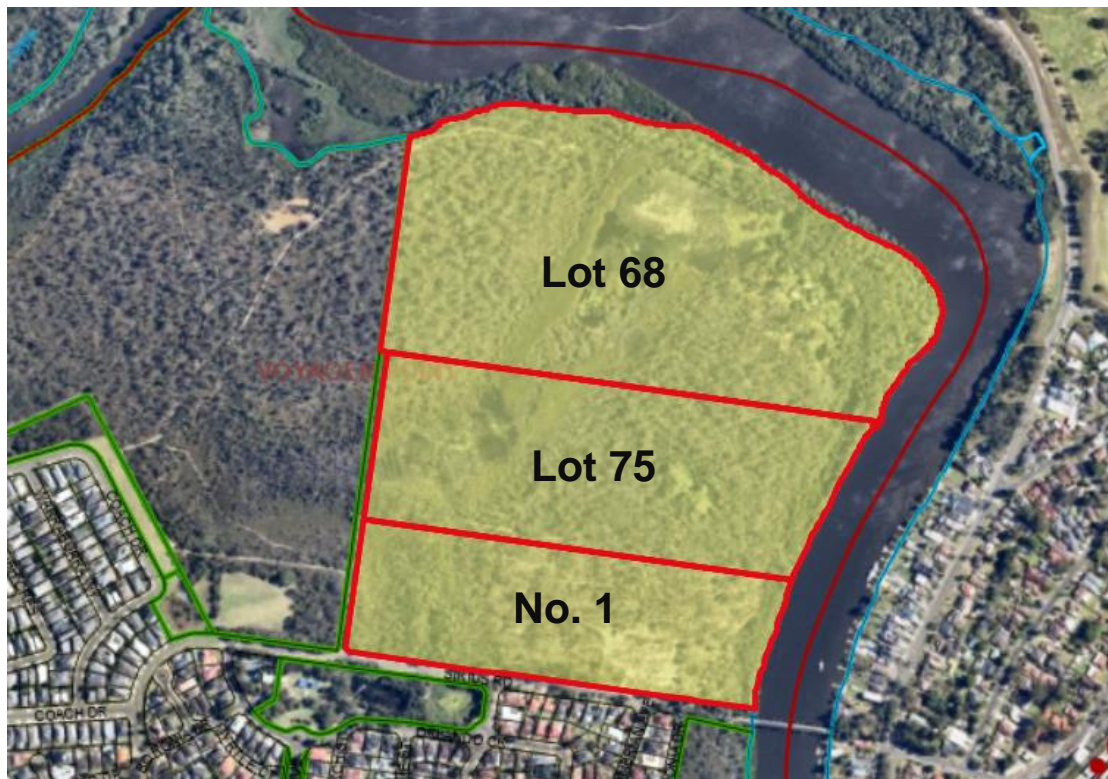


Figure 1 - Aerial Image of the Subject Lots and Locality

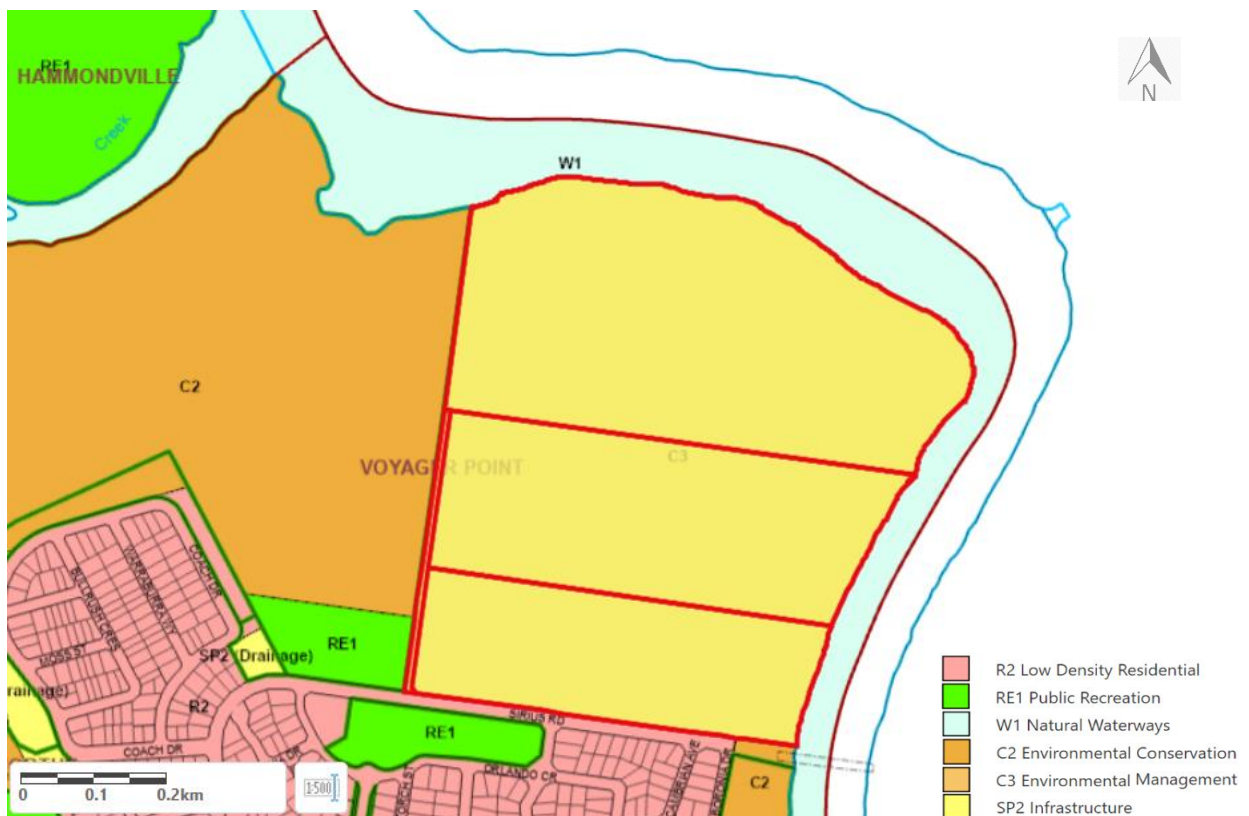


Figure 2 - Zoning of the Subject Lots and Locality under LLEP 2008

STRATEGIC MERIT**Conservation Zones within the LLEP 2008**

The LLEP 2008 contains the C1 National Parks and Nature Reserves, C2 Environmental Conservation and C3 Environmental Management zones. Each zone provides different levels of conservation, with C1 being the highest level, and permissible uses vary accordingly. It is noted the C1 zone is only intended for land reserved under the *National Parks and Wildlife Act 1974*.

These zones are intended to facilitate the best conservation outcomes in the long term. Accordingly, the C2 zone is typically prioritised for environmentally significant land owned by Council, State or Federal agencies. This approach is reflected in the use of the C2 zone during the making of LLEP 2008, which was generally applied to publicly owned lots, or lots marked for acquisition. Since then, the C2 zone has also been applied in various instances to privately owned lots (e.g., where 88B restrictions apply). The C3 zone applies to the subject lots, as well as other publicly and privately owned land of environmental value.

Council is currently reviewing the LLEP 2008. Initial public consultation held in late 2022 heard a strong message from the community regarding environmental land. The survey question regarding the protection of waterways, trees and vegetation scored the highest results, with 88% of respondents rating this matter as either 'Highly Important' or 'Important'. Submissions requested retention of trees, bush regeneration and urban heat management. Feedback from the State Government as part of the LEP Review has also led to recommendations for further protective measures, like the application of Conservation zones.

It is therefore recommended that the Sirius Road sites are investigated as part of a broader study into the application of Conservation zoned land in the LEP. This would include a review of other private and Council owned sites, as discussed throughout this report.

Region and District Plans

The rezoning of the subject sites to a higher order Conservation zone would align with several directions in the Greater Sydney Region Plan 'A Metropolis of Three Cities', and the Western City District Plan. This includes protection of waterways (Priority W12 and Objective 25), protection of biodiversity and urban bushland (Priority 14 and Objective 7) and reduced exposure to natural hazards (Priority W20 and Objective 37).

Liverpool Strategies and Studies

The rezoning of the properties is also likely to be consistent with Action 14.2 of the Liverpool Local Strategic Planning Statement 'Connected Liverpool 2040', which relates to the protection of biodiversity, waterway quality, and implementation of the green grid.

Additionally, the Liverpool Biodiversity Study 2019 (the Study) makes recommendations on the future application of the C2 zone, which is summarised in Table 1 below. All three sites meet one of the recommendations in the Study, regarding the presence of state and regionally significant land. Despite this, it is noted that these categories constitute 91% of existing vegetation in the LGA, and rezoning the sites on this basis alone would not be appropriate.

Table 1: Recommended Application of C2 Zone (Source: Liverpool Biodiversity Study 2019)

C2 Application	1 Sirius Road	Lot 75 Sirius Road	Lot 68 Sirius Road
Public Reserves of high biodiversity value	x	x	x
Private land designated as environmental offsets	x	x	x
State Core and Corridor, areas of Regional Core and biocertified land	'State Core and Corridor' and 'Regional Core' land identified.	State Core and Corridor' and 'Regional Core' identified.	'State Core and Corridor' and 'Regional Core' identified.

LEP Practice Note: Environment Protection Zones

The LEP Practice Note for Environment Protection Zones PN 09-002 (now Conservation Zones) is intended to guide Council's on the application of Conservation zones. The LEP Practice Note is at **Attachment 7**, and a detailed assessment of the subject sites against the example attributes of C2 zoned land is found at **Attachment 8**.

Table 2: Review of LEP Practice Note against Subject Sites

LEP Practice Note Summary	Comments Regarding Rezoning of the Sites
The Conservation zones are to be applied consistently, so that their value is not diminished by inappropriate application, or by permitting incompatible uses.	A planning proposal to rezone the subject sites only would not reflect this approach, as the lots would be rezoned in isolation and without consideration of existing C2 zoned lots.
Councils will generally have limited areas displaying the characteristics suitable for the C2 zone.	Noted, in this case a rezoning based solely on the recommendations of the Liverpool Biodiversity Study 2019 is not appropriate.
In most cases, Council's proposal to zone land to C2 needs to be supported by a strategy or study that demonstrates the high status of ecological, scientific, cultural or aesthetic values.	Council currently does not have a specific strategy/study in favour of a rezoning. Should these investigations eventuate into a planning proposal, a study/strategy would be needed to support the planning proposal.

Where Council wishes to acknowledge different land capabilities on a single allotment, it may consider applying more than one zone across the land.	Noted, the application of split zoning is most beneficial where the primary use of the land varies across a single lot. The primary use of the land varies where there is existing residential development on Lot 68 Sirius Road. The same could be said for 1 Sirius Road where an approval for a dwelling exists but has not yet been constructed.
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Section 9.1 Ministerial Directions

Ministerial Direction 3.4 relates to the application of the C2 and C3 Zones in Far North Coast LEP's. These principles however can be used to guide other Council's zoning. The Direction requires consistency with the 'Northern Councils E Zone Review Final Recommendations Report', which considers the primary use of the land (i.e., the main use for which the land has been used for the last 2 years) as the focus when making zoning decisions. The Report recommends the C2 zone be generally applied if the primary use of the land is considered environmental conservation, and if the land has attributes that meet the C2 zone criteria. However, if the land has attributes that meet the C2 zone criteria, but the primary use is not conservation, a Council may apply a C3 zone.

Based off Council's development records and satellite imagery, the primary use for the majority of the subject land appears to be conservation. There are two dwellings located on Lot 68 Sirius Road, and the primary use of the land where these dwellings are located is residential. It may be found appropriate that certain areas used for residential purposes are retained as C3 Environmental Management.

SITE SPECIFIC MERIT

Biodiversity Value of Sirius Road Sites

Ecological Value

When applying the C2 zone, State guidance tools (i.e., the LEP Practice Note and Northern Councils E Zone Review Final Recommendations Report) are consistent on the need to verify that the ecological, scientific, cultural, or aesthetic values of the land are of a high status. Council staff however do not have a current and comprehensive biodiversity assessment covering the entire subject land.

Notwithstanding this, existing resources indicate there are biodiversity values present on the sites that are of conservation significance, and these are likely to be consistent with the attributes referenced in the Practice Note for the C2 zone.

Known features of the land that are identified in the Practice Note include coastal wetlands under the *State Environmental Planning Policy (Resilience and Hazards) 2021* and Endangered Ecological Communities including the River-Flat Eucalypt Forest, Castlereagh Swamp Woodland and Freshwater Wetlands

Additional attributes of the land are also anticipated to contribute to their biodiversity value. The Voyager Point Wetland is located within these properties and is registered as a wetland of national significance in the National Estate and Directory of Important Wetlands in Australia

The sites also include a unique and diverse range of biodiversity and habitats, many of which are not well represented in the Liverpool conservation network. The wetlands and adjacent bushland areas provide habitat for a range of threatened and migratory species, including recent records of the Green and Golden Bell Frog (*Litoria aurea*), Nodding Geebung (*Persoonia nutans*) and the Small-flower Grevillea (*Grevillea parviflora* sp. *Parviflora*).

More broadly, the sites form part of the Georges River (and its tributaries) ecological corridor, which spans from Lieutenant Cantello Reserve in Hammondville to the Holsworthy Military Reserve, and catchment lands further.

Aboriginal Cultural Heritage

There is high potential for Aboriginal Cultural Heritage to be found, as the sites appear to be relatively undisturbed, and are in proximity to a high order watercourse, where opportunities for locating Aboriginal objects or sites are greatly increased. There is evidence that the Cabrogal people, along with the Dharawal, were largely based along the riverbanks and adjacent land for access to materials and food. Through previous investigations, it is also known that there are caves, rock carvings and middens located along the Georges River.

Current Development Potential

A rezoning would reduce the development potential of the lots by further prohibiting certain development (e.g., dwellings). Notwithstanding this, the current development potential of the properties is already considered to be significantly constrained.

Environmental Constraints

All three properties are Category 1 bushfire prone, contain Environmentally Significant Land (ESL) and range in low to moderate salinity and Class 1 – 5 Acid Sulphate Soils. The sites include a foreshore area to the Georges River and are substantially affected by high-risk flooding (i.e., land categorised below the 1% AEP flood). Considering this, flood mitigation works, and compensatory flood excavation would not be considered appropriate, and development would be contained to the portion of land located above the 1% AEP flood.

Existing Development Standards

The Minimum Lot Size applying to each lot is 40 hectares, and further subdivision is not possible. The lots are also subject to certain provisions in the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, relating to vegetation and the Georges River Catchment. Complying development pathways under various State Environmental Planning Policies are not applicable to these properties due to the abovementioned constraints.



Figure 3: Flood extent



Figure 4: Environmentally Significant Land

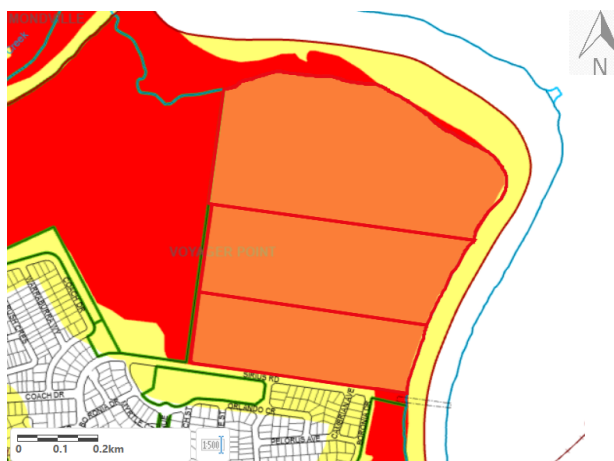


Figure 5: Bushfire Risk extent

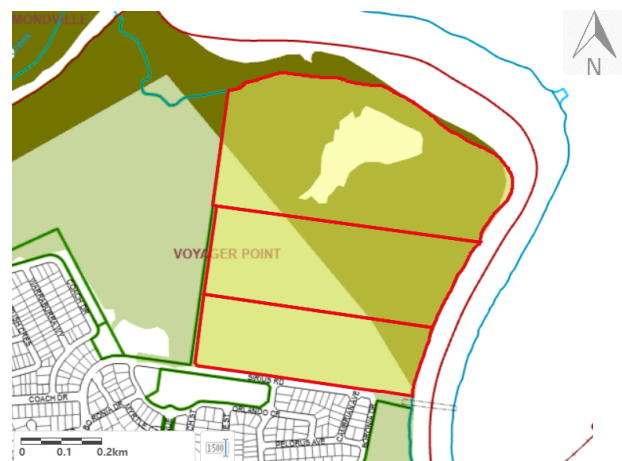


Figure 6: Terrestrial Biodiversity Affectation



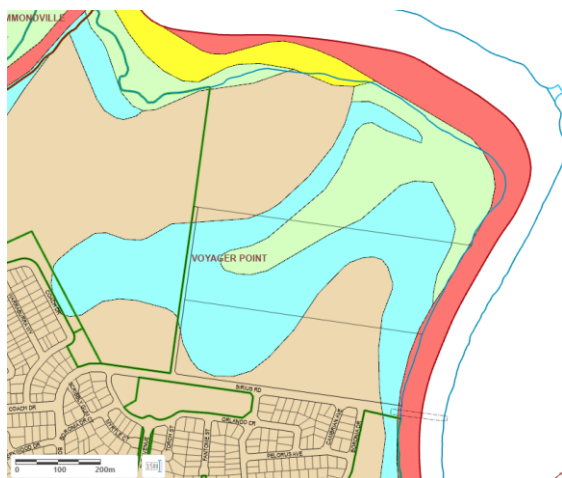


Figure 7: Acid Sulphate Soils



Figure 8: Foreshore Building Line

Social and Economic Considerations

Existing Use Rights

The C2 zone is more restrictive than the C3 zone, and does not permit certain uses, such as dwelling houses. A rezoning from the C3 zone to the C2 zone would not require existing lawful structures to be demolished, however it would mean that new dwellings cannot be approved. Development approved and not yet constructed may also still be constructed (unless the development consent lapses). Existing use rights provisions under the *Environmental Planning and Assessment Regulations 2021* allow an existing use to be enlarged, altered or rebuilt, subject to certain limitations. Existing use rights would need to be demonstrated for these provisions to be used, which usually involves a detailed analysis of the history of uses and historical development consents.

Acquisition Requirements

The Practice Note states that an acquisition authority for C2 zoned land is not required unless the land is expressly set aside for a public purpose, i.e. as a public reserve. However, if the range of permissible uses are too restrictive for the site, the need for acquisition may be triggered. The Practice Note further advises if dwelling houses and other uses were previously permitted, and are then restricted, acquisition of the land may be considered, if a reasonable range of uses are not permitted. The rezoning of these lots to C2 would result in dwellings becoming a prohibited land use, therefore it is likely in this instance acquisition may be warranted, as development potential has been reduced compared to the existing zone.

Although there are several privately owned lots which are zoned C2, these are arising from various circumstances which have not triggered acquisition (e.g. land is burdened by 88B restriction). The Department of Planning and Environment (DPE) may advise there is a requirement for acquisition to occur, as the rezoning would be restricting further development.

The estimated value of the lots if Council were to acquire the three properties is provided at **Attachment 9**.

Social Concern on Locality

There has been strong community response historically in support of protecting land north of Sirius Road. A Change.Org Petition to protect 1 Sirius Road, as referenced in the Council resolution of October 2021, had 1,407 signatures at the time of this report.

Georges River Cycling Track

Point 11 of the Council resolution requires this report to address the potential contribution of these sites to a continuous bike track along the Georges River, which Council committed to in its 100-day plan. In relation to this, a route has been developed which does not traverse through the subject lots. This is due to the ESL and topographical condition of the properties, which does not support cycling. Notwithstanding this, a rezoning would have no impact on the mechanisms available to Council for constructing and obtaining ownership of a cycle path.

LANDOWNER FEEDBACK

A letter was issued on 23 January 2023 to the owners of the three properties, seeking their feedback and submissions were received concerning all three sites. All owners objected to a rezoning and/or provided alternative recommendations, such as the partial rezoning of their lots to C2 where residential development is not to be located, or acquisition of the land by Council or other authority. A meeting was also held with the landowners and representatives of Lot 75 Sirius Road to discuss the concerns in their submission.

These objections were based on concerns relating to the existing environmental protections, financial impact on owners, impact on existing development and future development potential. A summary of the key concerns raised in the submissions is provided below and original copies are included in **Attachments 1 - 3**.

- Previous Council Resolutions**

Summary of Concern	Council Planning Response
No justification for this other than requested by constituents.	The sites are only being investigated. If a planning proposal is progressed, justification through a study is still needed.
Unlike October 2021 resolution, the 2022 resolution does not consider the owners being disadvantaged by a rezoning.	The sites are only being investigated with feedback from the owners being considered. Any financial impacts will be considered further if investigations progress.
Council did not attempt to purchase the land following resolution of October 2021.	Council did not locate a suitable funding source for the purchase of the three lots at the time.
Land should be acquired by a public authority, which would improve green space connections and access to Georges River.	It is noted this is the position of one landowner. Council contacted the State Government to consider acquiring the land and did not receive a response.

- Existing environmental protections are already in place.**

Summary of Concern	Council Planning Response
No environmental advantage of rezoning as owner is actively maintaining the land.	A rezoning would protect the land irrespective of ownership, which can change.
The C3 zone and controls provide high protection and added protection is minimal, as evidenced by the limited development and impacts on the land.	The C3 zone provides a level of protection for these sites. The C2 zone increases this protection, whilst only permitting uses compatible with the zone objectives.

- Recommended Use of the C2 Zone and its Current Application**

Summary of Concern	Council Planning Response
Not supportive of the entire lot being rezoned. However, would like to see C3 zone retained where dwellings are, and remainder rezoned to C2.	It is noted this is the position of one owner. The use of split zoning and retention of the C3 zone where dwellings are located is consistent with State guidance tools.
Willing to have the rear of the site rezoned to C2 where land is considered to have high biodiversity value.	It is noted this is the position of one owner, separate to the above.

Summary of Concern	Council Planning Response
Private ownership of C2 land is not envisaged as the uses are negligible to owner.	A Study would further clarify the suitability of C2 zoned land in private ownership, and if so, whether the land should be acquired.
A review of C2 land in Liverpool shows no situation where it is applied to an entire privately owned site, making it of no use to the owner.	

• **Concerns Regarding Existing Development / Future Restrictions on Development**

Summary of Concern	Council Planning Response
Impact ability to retain the family home or require the family relocate.	The C2 zone will not impact existing structures or necessitate relocation.
Approval for rebuilding and / or renovation of existing dwellings in the C2 zone would be much more difficult and uncertain.	Noted. Any rebuilding and / or renovations to dwellings in the C2 zone can occur if existing use rights are proven.
The owner currently hosts groups to the site to view environmentally sustainable lifestyles. Rezoning may prohibit this venture if in future the owner decides to turn this into a small scale business.	A rezoning would mean uses like dwellings, neighbourhood shops, cellar door premises and aquaculture would become prohibited, whilst 'environment facility' and 'Information and education facility' are permissible and require a DA, which would require further information to support those uses.
Would affect owner of vacant lot most which is an inequitable outcome as owners have paid for land for 40+ years.	Noted.
A dwelling is an appropriate outcome on the subject vacant lot and could reduce likelihood of illegal occupation / activities.	The intent of the investigations is to determine whether the environmental value of the sites is more consistent with the C2 zone, where a dwelling is not considered a suitable use.
Will sterilise and devalue the land, which will have a serious financial burden on the owner.	These concerns are acknowledged and are a matter for consideration. It is noted the development potential is limited due to environmental constraints.

OPTIONS FOR REZONING

Following investigations of the strategic and site specific merit of a rezoning, the options available are as follows:

Option #1 (Recommended) – Develop a Study and Review Multiple Sites across the LGA

It is the preferred recommendation by staff that a wider study is undertaken as part of the LEP Review, to assess various aspects of the Conservation zones and make recommendations on their future application in the new LEP. This would mean that the subject lots are considered within a broader strategic review of the LGA, which would also review public and private owned sites for the application of the Conservation zone. These sites have been identified through the LEP review process, and a copy of the list of potential properties is found at **Attachment 10**. The study would review permissible uses, suitability of C2 for private ownership, and implications on land acquisition requirements.

The option prioritises the consistent application of the Conservation zones in accordance with State guidance tools, by reducing opportunities to rezone land in a piecemeal manner which could undermine the intent of the C2 zone. This option will also provide the evidence-based study required to support a planning proposal for the Sirius Road sites, should they be determined to be suitable to be rezoned by the Study.

Option #2 – Progress a Planning Proposal based on Existing Resources

Option two is to prepare a planning proposal for the three subject lots, based on existing resources. The planning proposal would seek to rezone the areas of land across the lots which have a conservation function and retain the C3 zone where the primary use is residential.

Existing resources may provide sufficient justification for the initial stages of the planning proposal process, however it is anticipated that a Study would be required by the Department of Planning and Environment (DPE) for the planning proposal to progress, as detailed in the LEP Practice Note. The study would have to confirm and justify that the biodiversity value of the land intended to be rezoned is of a high status.

DPE will also likely advise at the Gateway determinate stage whether the *Land Acquisition (Just Terms Compensation) Act 1991* is invoked. It is anticipated that acquisition is likely to be required, due to the change in permissible uses, i.e., ability to develop dwelling houses. This means Council may have the responsibility of having to acquire the lots.

This approach is not recommended as it does not favor the consistent application of the Conservation zones, which is discussed in the Practice Note. The rezoning of these lots in isolation would stray further from attempts to apply the C2 zone consistently, which will diminish its value in the long term. It would also mean proceeding without the required study

supporting the planning proposal. There is also a risk a planning proposal would progress to a draft amendment that would burden the landowners prior to the required study being prepared.

Option #3 – Retain the C3 Environmental Management Zone

An alternative option is to retain the C3 Environmental zone, which already provides a level of environmental protection. This is further assisted by the environmental constraints and development standards applying to the sites. This will also have no financial implications on Council.

Considering there are existing dwellings on Lot 68 Sirius Road, and a dwelling approved to be constructed on 1 Sirius Road, two of the three lots will be built out to capacity shortly. Lot 75 however is not known to have been developed, and land uses like dwellings, neighbourhood shops etc may be proposed on the land in future.

This option would also dismiss certain attributes of the land, which may warrant application of the C2 zone. Like Option 2, this option does not favour the consistent application of Conservation zones, as a comparison of the sites to other Conservation zoned sites has not occurred.

CONCLUSION

It is recommended that Council supports Option 1 and undertakes a Conservation Zone Study. The study will guide the future application of the conservation zones for the subject sites as well as a number of other sites identified.

FINANCIAL IMPLICATIONS

At its meeting on 26 October 2022. Council resolved to: *“Allocate funding from the LEP review budget to complete these investigations.”*

Costs associated with the LEP Review are included in the 2022/2023 budget and the Long-Term Financial Plan for Year 1 (2022-23) and Year 2 (2023-24). Additional funds will be required within the Consultants budget to factor in the Conservation Zone Study, or a Sirius Road Planning Proposal. The additional amount will be determined when one of these options is resolved by Council.

201594 - LEP & DCP Review	Year 1 (2022-23)	Year 2 (2023-24)
Employee - LEP Review Staff	\$224,892	\$112,446
Consultants	\$337,608	\$75,054

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	Manage the environmental health of waterways. Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.
Social	Preserve and maintain heritage, both landscape and cultural as urban development takes place.
Civic Leadership	Act as an environmental leader in the community. Actively advocate for federal and state government support, funding and services.
Legislative	Sections 3.14 and 4.65 to 4.70 of the <i>Environmental Planning and Assessment Act 1979</i> Sections 162 to 167 of the <i>Environmental Planning and Assessment Regulation 2021</i> Section 21 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> may be applicable if acquisition is required.
Risk	The risk is deemed to be Low. It is recommended that a study be undertaken which will assess whether several privately owned parcels of land should be rezoned to a Conservation zone. The findings of the study however do not necessarily need to be followed through with a planning proposal. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. No. 1 Sirius Road Owner Submission (Under separate cover) - **Confidential**
2. Lot 75 Sirius Road Owner Submission (Under separate cover) - **Confidential**
3. Lot 68 Sirius Road Owner Submission (Under separate cover) - **Confidential**
4. Council Resolution October 2021
5. Council Questions with Notice May 2022
6. Council Resolution October 2022
7. LEP Practice Note PN 09-002
8. LEP Practice Note Examples for Application of C2 Zone
9. Estimated Value of Properties (Under separate cover) - **Confidential**
10. List of Potential Sites for Study (Under separate cover) - **Confidential**

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

1. Investigates funding sources, including through State and Federal Government programs, for the purchase of all land north of Sirius Road, Voyager Point currently zoned E3 Environment Management;
2. Approves the necessary funding to obtain an independent valuation of the three parcels of land zoned E3 Environmental Management;
3. Notes that a further report will be brought back to Council upon completion of the valuations and funding investigations to confirm if funding is available to proceed with offers for purchase;
4. Investigates rezoning 1 Sirius Road and Lots 68 and 75 Sirius Road, Voyager Point from E3 Environmental Management to E2 Environmental Conservation if it's purchased by a public authority;
5. Subject to point 4, directs the CEO to prepare a planning proposal to rezone 1 Sirius Road and Lots 68 and 75 Sirius Road, Voyager Point to E2 Environmental Conservation;
6. Notes that any planning proposal is required to be considered by the Liverpool Local Planning Panel before a decision by Council on whether to endorse the planning proposal for a Gateway determination by the Department of Planning, Industry and Environment;
7. Writes to the State Government in support of the site's designation as a Strategic Conservation Area;
8. Write to the NSW Minister for the Environment requesting consideration to be given to the NSW Government purchasing the properties identified in this report for inclusion in the NSW National Park estate or as a nature reserve; and
9. Send the petition along with other representations to the State Government.

Councillors voted unanimously for this motion.

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 150330.2022
SUBJECT: Question with Notice - Clr Rhodes - Lots 68 and 75 Sirius Road Voyager Point

The following motion was moved in 2021.

That Council:

1. *Investigates funding sources, including through State and Federal Government programs, for the purchase of all land north of Sirius Road, Voyager Point currently zoned E3 Environment Management;*
2. *Approves the necessary funding to obtain an independent valuation of the three parcels of land zoned E3 Environmental Management;*
3. *Notes that a further report will be brought back to Council upon completion of the valuations and funding investigations to confirm if funding is available to proceed with offers for purchase;*
4. *Investigates rezoning 1 Sirius Road and Lots 68 and 75 Sirius Road, Voyager Point from E3 Environmental Management to E2 Environmental Conservation if it's purchased by a public authority;*
5. *Subject to point 4, directs the CEO to prepare a planning proposal to rezone 1 Sirius Road and Lots 68 and 75 Sirius Road, Voyager Point to E2 Environmental Conservation;*
6. *Notes that any planning proposal is required to be considered by the Liverpool Local Planning Panel before a decision by Council on whether to endorse the planning proposal for a Gateway determination by the Department of Planning, Industry and Environment;*
7. *Writes to the State Government in support of the site's designation as a Strategic Conservation Area;*
8. *Write to the NSW Minister for the Environment requesting consideration to be given to the NSW Government purchasing the properties identified in this report for inclusion in the NSW National Park estate or as a nature reserve; and*
9. *Send the petition along with other representations to the State Government.*

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

30

However I am led to believe the said land was recently sold.

A new colony of Koalas have been recently found in close proximity to this land and it was hoped that this land could have been used to protect natural flora and fauna in this area.

Can Council:

1. Provide an update about the sale of the land?
2. Provide an update on any of the actions by Council regarding the above resolution?
3. Provide advice on why the above resolution failed if that is the case, to protect the above land from being privately sold and not saved as protected land.

Response

1. Provide an update about the sale of the land? (Provided by Economy and Commercial Development)

Please see response to Question 2 – Resolution point 2 below.

2. Provide an update on any of the actions by Council regarding the above resolution? (Provided by Economy and Commercial Development and Planning and Compliance)

Resolution point 1: (Community and Culture)

Council's Strategic Grants Officer has not identified any suitably funding sources, including through State and Federal Government programs for the potential purchase of these sites.

Resolution point 2: (Economy and Commercial Development)

The agent that was handling the sale of 1 Sirius Road, Voyager Point (Lot 72 DP 661069) advised that the property was sold in February 2022. Domain shows the property as both having been sold on 19 February 2022. The updated sale details are not shown on Council's GIS system as the updated details are not shown on the NSW Land Registry Services system.

Resolution point 3: (Economy and Commercial Development)

As the property does not have a public purpose designated zoning or approved funding, Property has not made any attempt to purchase the three properties. At this stage a valuer has been engaged but has identified that owner's approval was required for access to the properties before a detailed Valuation could be undertaken.

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As the land is not designated for a public purpose and with no approved existing funding for the purchase, the private sale reflects the owners right to sell on the open market.

Resolution point 4, 5 and 6 (Planning and Compliance):

Council resolved to investigate the rezoning of these properties if it's purchased by a public authority. If these properties are ultimately purchased by a public authority, then a planning proposal to rezone these sites will be progressed.

Resolution point 7, 8 and 9: (Planning and Compliance)

Council wrote to the NSW Government on 11 November 2021 in support of the site's designation as a Strategic Conservation Area (See Attachment 1) and to the NSW Minister for the Environment on 11 November 2021 requesting consideration be given to the NSW Government purchasing the properties identified in the report for inclusion in the NSW National Park estate or as a nature reserve (See Attachment 2). A copy of the petition was also forwarded to the State Government on 11 November 2021. The Department of Planning and Environment responded to Council's letter (see Attachment 3) advising that Lot 1 Sirius Road was not included in the Strategic Conservation Area under the Cumberland Plain Conservation Plan due to vegetation on the site "*not fitting within the Plan's offset needs*".

3. Provide advice on why the above resolution failed if that is the case, to protect the above land from being privately sold and not saved as protected land? (Provided by Economy and Commercial Development)

As the land is not designated for a public purpose and with no approved existing funding for the purchase, the private sale reflects the owners right to sell on the open market.

ITEM NO: NOM 03
FILE NO: 349221.2022
SUBJECT: Protection of Ecologically Significant Land

NOTICE OF MOTION (submitted by Cllr Rhodes)

That Council:

1. Note Council's resolution on CONF 02 from the 27 October 2021 Council meeting (attached).
2. Alter point 4 of the resolution on CONF02 from the 27 October 2021 Council meeting to remove the words **"if it's purchased by a public authority"**. Point 4 to read **"Investigates rezoning 1 Sirius Road and Lots 68 and 75 Sirius Road, Voyager Point from C3 Environmental Management to C2 Environmental Conservation"**.
3. Note the recent announcements from the Federal Minister for Environment regarding the importance of preserving our natural flora and fauna in the wake of continuing extinctions of many Australian species.
4. Note that recent skate findings within this area indicate that it is a known koala habitat and other rare and endangered species are also known to inhabit the land.
5. Note that EPA reports that Liverpool LGA as having one of the worst reported quality air in Sydney.
6. Note that recent air quality monitoring has found that the natural vegetation along the banks of the Georges River contributes significantly to improving the quality of the Liverpool LGA air.
7. Continue lobbying the NSW and Federal Governments for funding to increase ecological reserves in the Liverpool LGA.
8. Investigates the rezoning of 1 Sirius Road and lots 68 and 75 Sirius Road, Voyager Point from C3 Environmental Management to C2 Environment Conservation.
9. Consult with the owners of the properties and include their feedback in the report back to Council.
10. Receive a further report back to Council following this investigation for a decision on whether to progress a planning proposal to rezone those sites to Environmental Conservation.
11. Allocate funding from the LEP review budget to complete these investigations.

COUNCIL DECISION**Motion:****Moved: Cllr Rhodes****Seconded: Cllr Green**

That Council:

1. Note Council's resolution on CONF 02 from the 27 October 2021 Council meeting (attached).
2. Note the recent announcements from the Federal Minister for Environment regarding the importance of preserving our natural flora and fauna in the wake of continuing extinctions of many Australian species.
3. Note that recent skate findings within this area indicate that it is a known koala habitat and other rare and endangered species are also known to inhabit the land.
4. Note that EPA reports that Liverpool LGA as having one of the worst reported quality air in Sydney.
5. Note that recent air quality monitoring has found that the natural vegetation along the banks of the Georges River contributes significantly to improving the quality of the Liverpool LGA air.
6. Continue lobbying the NSW and Federal Governments for funding to increase ecological reserves in the Liverpool LGA.
7. Investigates the rezoning of 1 Sirius Road and lots 68 and 75 Sirius Road, Voyager Point from C3 Environmental Management to C2 Environment Conservation.
8. Consult with the owners of the properties and include their feedback in the report back to Council.
9. Receive a further report back to Council following this investigation for a decision on whether to progress a planning proposal to rezone those sites to Environmental Conservation.
10. Allocate funding from the LEP review budget to complete these investigations.
11. That the report back to Council include how the rezoning of this land would affect the previous resolution about having a continuous bike track along the length of the river and whether this land potentially forms part of that.

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

NSW GOVERNMENT
Department of Planning

LEP practice note

STANDARD INSTRUMENT FOR LEPS

Standard zones

Note	PN 09–002
Date	30 April 2009
Related	

Environment Protection Zones

The purpose of this practice note is to provide guidance to councils on the environment protection zones in the standard instrument and how they should be applied in the preparation of local environmental plans.

Overview

The standard instrument for principal local environmental plans (LEPs) contains four environment protection zones specifically for land where the primary focus is the conservation and/or management of environmental values. The zones provide for varying levels of environmental protection from zone E1 to E4:

- **E1 National Parks and Nature Reserves**
This zone is for existing national parks, nature reserves and conservation areas and new areas proposed for reservation that have been identified and agreed by the NSW Government.
- **E2 Environmental Conservation**
This zone is for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. The zone provides the highest level of protection, management and restoration for such lands whilst allowing uses compatible with those values.
It is anticipated that many councils will generally have **limited areas** displaying the characteristics suitable for the application of the E2 zone. Areas where a broader range of uses is required (whilst retaining environmental protection) may be more appropriately zoned E3 Environmental Management.
- **E3 Environmental Management**
This zone is for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values.
- **E4 Environmental Living**
This zone is for land with special environmental

or scenic values, and accommodates low impact residential development.

As with the E3 zone, any development is to be well located and designed so that it does not have an adverse effect on the environmental qualities of the land.

Additional considerations of each zone are located in Attachment 1.

Application of environment protection zones

The environment protection zone E1 is only to be applied to existing areas identified under the *National Parks and Wildlife Act 1974* or areas identified as proposed for national park or nature reserves agreed by the NSW Government.

The environment protection zones E2 through to E4 are applied where the protection of the environmental significance of the land is the primary consideration. Their importance for visitation, tourism and job creation should also be carefully considered.

Prior to applying the relevant zone, the environmental values of the land should be established, preferably on the basis of a strategy or from an environmental study developed from robust data sources and analysis. This is particularly important where land is identified as exhibiting high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. For example, in most cases, council's proposal to zone land E2 needs to be supported by a strategy or study that demonstrates the high status of these values. Under such a strategy or study, zoning would need to be appropriate and land uses would need to be capable of being sustained.

The application of these zones is also to be consistent with relevant legislation, State and regional planning policies and subregional strategies.

The zones are to be applied consistently so that their value is not diminished by inappropriate application or by permitting incompatible uses.

The detailed zone guide attached to this practice note will assist council's application of the environment protection zones. In selecting additional uses, council is supported by the requirement that these be consistent with the mandatory zone objectives and any mandatory uses.

Supplementary detail

Zones E2 to E4 will generally need to be supplemented by detailed provisions in the development control plan. These would most likely cover the design, construction and management of uses in these zones, particularly with respect to eco-tourism, tourist accommodation and dwellings (where permissible).

Identification of areas for future acquisition

Land to be acquired for certain public purposes

Where council is aware of land to be reserved for future acquisition for certain public purposes, such land will be identified according to its intended future public purpose under the *Environmental Planning and Assessment Act 1979*.

The land reserved for future acquisition is to be identified on the Land Reservation Acquisition Map accompanying the principal LEP and the acquiring authority of the State shown in clause 5.1.2 of the principal LEP. Land listed in clause 5.1.2 requires the relevant authority to consent to the listing.

Other circumstances

The range of uses proposed to be permitted in the E zones is a consideration for council in consultation with the Department of Planning. In determining uses, council should be aware that the range of uses should not be drawn too restrictively as they may, depending on circumstances, invoke the *Land Acquisition (Just Terms Compensation) Act 1991* and the need for the Minister to designate a relevant acquiring authority.

Unless a relevant acquisition authority has been nominated and that authority has agreed to the proposed acquisition, council should ensure, wherever possible, that the range of proposed land uses assists in retaining the land in private ownership.

Use of alternative zones

Where the primary focus is not the conservation and/or management of environmental values, a different zone type should be applied.

Such zones may be applied in conjunction with local environmental provisions and maps in the principal LEP to identify any special considerations.

Local environmental provisions

Local environmental provisions may be applied where zone provisions need to be augmented in order to ensure that special environmental features are considered. For example, rural land that is still principally for agriculture but which contains environmentally sensitive areas may be zoned RU1 or RU2 and the environmental sensitivities managed through a local provision and associated ('overlay') map.

The benefits of this approach include:

- The intended conservation or management outcomes for land can be clearly articulated in the LEP.
- Areas are clearly defined and controls streamlined.
- Sub-zones are not created. (These are not permitted under the standard instrument).

Provisions for environmentally sensitive areas may include multiple natural resource or other features such as acid sulfate soils and riparian land. A local provisions clause may include objectives and, where the sensitivity is a mappable attribute, a map would accompany the provision.

Any local provision will apply in addition to the objectives and land use table for zones. The local provision must be consistent with mandated objectives and permissible or prohibited uses of the relevant zone/s.

Split zone considerations

Where council wishes to acknowledge different land capabilities on a single allotment, council may consider applying more than one zone across the land. For example, this approach may be considered appropriate over an allotment to distinguish between areas of environmental value and areas for agricultural purposes.

In choosing this approach, council needs to consider the implications of such splits. Appropriate minimum lot sizes and development standards are to be selected to support the intent of the zones and identify a suitable scale and intensity of development. Identifying appropriate minimum lot sizes at the same time as zone splitting would reduce the potential for future uncertainty if land is proposed for subdivision at a later stage.

Application of legislation

Council needs to be aware of the following:

- section 117 directions apply, including Direction 1.3—*Mining, petroleum and extractive industries* and Direction 2.1—*Environment protection zones*. Council must check the relevance of all directions and justify any proposed inconsistency
- State and regional environmental planning policies apply and may include other uses that may be permissible in a particular zone. Other uses may be provided in other planning instruments, e.g. State Environmental Planning Policy (Infrastructure) 2007 and State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

Further information

A copy of this practice note, the standard instrument, and other specific practice notes and planning circulars on using the standard instrument for principal LEPs, can be accessed on the Department's website at <http://www.planning.nsw.gov.au/planningsystem/lo calplanning.asp>.

Authorised by:

Sam Haddad
Director-General

Attachment 1 – Additional zone considerations
Attachment 2 – Frequently asked questions

Important note

This note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this note.

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DOP 09_004
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E1

National Parks and Nature Reserves



Application

This zone is for land reserved under the *National Parks and Wildlife Act 1974*, including existing national parks, reserves and conservation areas. This zone is also to be applied to new areas proposed for reservation as identified and agreed by the NSW Government.

This zone is not generally intended to apply to Crown land reserved for conservation purposes under the *Crown Lands Act 1989*.

Objectives and uses

It is not necessary to add any additional objectives or uses to this zone, as the relevant matters are already covered by the standard provisions.

Uses currently authorised under the *National Parks and Wildlife Act 1974* are permitted without consent within the zone.

Other considerations

Land reserved for acquisition for future national park should be identified on the Land Reservation Acquisition Map. The approval of the Department of Environment and Climate Change must be obtained for the reservation of such land.

Waterways within a National Park will also be zoned E1.

E2

Environmental Conservation



Application

Use of the zone will depend on land capabilities and the proposed future uses based on environmental protection values and strategic directions.

The use of the E2 zone needs to be supported by an appropriate assessment of the area meeting the zone objectives of high ecological, scientific, cultural or aesthetic values of this zone.

The following are examples of where the E2 zone should also be applied:

- lands with very high conservation values such as old growth forests, significant wildlife, wetlands or riparian corridors or land containing endangered ecological communities
- high conservation coastal foreshores and land acquired, or proposed for acquisition, under a Coastal Lands Protection Scheme
- some land with a registered BioBanking agreement
- land under the care, control and management of another catchment authority such as the Department of Water and Energy or a council for critical town water supply, aquifer or catchment as appropriate
- land with significant Aboriginal heritage values, if appropriate
- coastal foreshores and land subject to coastal hazards, including climate change effects
- land currently zoned for environmental protection where strict controls on development apply, e.g. steeply sloping escarpment lands, land slip areas.

The section 117 Direction 5.2—*Sydney drinking water catchments* identifies Special Areas (owned or under the care, control and management of the Sydney Catchment Authority). In the hydrological catchments in this direction, an E2 zone is to be applied to those parts of the Special Areas above the full water supply level.

Objectives

The mandatory zone objectives focus on protecting land with high conservation value and preventing development that could destroy, damage or otherwise have an adverse effect on that value.

Local objectives may reflect the particular types of values in the E2 zone within the council area. For example, an LEP might include an additional objective to identify the protection of drinking water catchment lands.

Objectives referring to land uses need to be carefully worded to avoid reducing the conservation focus of the zone. For example objectives such as 'to provide uses compatible with the high ecological, scientific, cultural or aesthetic values of this zone' may be appropriate under carefully controlled conditions.

Uses

There are no mandatory permitted uses for this zone.

Councils should carefully choose uses that protect the high conservation value of the land and avoid adverse effects in relation to natural hazards.

Additional uses that may be suitable (as permitted with consent) depending on location, include, but are not limited to:

- bed and breakfast accommodation
- eco-tourism¹
- environmental facility
- farm stay accommodation
- Information and education facility (environmental information and education)
- water recreation structure
- wetland rehabilitation.

It is important that councils maintain the integrity of the E zones by including only uses consistent with the zone objectives. As well, **councils should, wherever appropriate, retain existing uses that maintain conservation land capabilities.**

In relation to the standard instrument for principal LEPs the following uses are mandatory prohibited uses: business premises, hotel or motel accommodation, industries, multi dwelling housing; recreation facilities (major), residential flat buildings, retail premises, seniors housing,

¹ The draft definition of 'eco-tourism development' means nature-based tourism development with a primary focus on the education, interpretation, cultural understanding and appreciation of the natural environment that is managed to be ecologically sustainable.

service stations, and warehouse or distribution centres.

Councils should be aware that uses should not be drawn too restrictively as they may, depending on circumstances, invoke the *Land Acquisition (Just Terms Compensation) Act 1991* and the need for the Minister to designate a relevant acquiring authority.

In selecting additional uses, the following are unlikely to be suitable in the E2 zone:

- intensive agriculture
- rural industry
- signage (other than as ancillary to environmental facilities).

Where conservation is not the main objective, another zone series is appropriate, e.g. the residential or rural zone series.

Other considerations

Generally an acquisition authority for E2 land would not be identified unless the land is expressly set aside for a public purpose under section 26(1)(c) of the *Environmental Planning and Assessment Act 1979*, e.g. as public open space or a public reserve.

However, depending on circumstances, if the permitted uses are considered to be drawn too restrictively, a relevant acquiring authority may need to be designated.

E3

Environmental Management

Application

The following are examples of where the E3 zone may be applied:

- areas of special ecological, scientific, cultural or aesthetic attributes that require management in conjunction with other low-impact uses, e.g. scenic protection areas, areas with contiguous native vegetation or forest cover.
- as a transition between high conservation value land, e.g. land zoned E1 or E2 and other land such as that zoned rural or residential.
- where rehabilitation and restoration of its special environmental qualities are the primary purpose.
- highly constrained land where elements such as slope, erodible soils or salinity may have a key impact on water quality within a hydrological catchment.

There are instances where environmentally significant land has been zoned rural in the past but has not been used primarily for agriculture. Such lands should be zoned E3.

However, the zone is generally not intended for cleared lands including land used for intensive agriculture.

Objectives

The mandatory zone objectives focus on protecting, managing and restoring areas with special ecological, scientific, cultural or aesthetic values and to provide for a limited range of development that does not have an adverse effect on those values.

Additional local objectives may be applied if they are compatible with the mandatory objectives and uses.

Uses

Mandatory uses

Dwelling houses are a permitted use (with consent) in this zone. Home occupations may be carried out without consent.

In accordance with the direction for this zone, environmental protection works and roads must be permitted with or without consent.



A number of land uses considered to be inappropriate for this zone are listed as mandatory prohibited uses.

Additional uses

Councils can specify additional uses to be permitted in the zone at Items 2 and 3.

Councils may generally (but need not) permit, with consent, home industries, kiosks, cellar door premises, neighbourhood shops and roadside stalls in the zone. All other forms of retail premises and industries are prohibited in the zone.

Councils should choose uses that do not have an adverse effect on the special values of the land. Generally, if intensive forms of agriculture are proposed, a rural zone would be more appropriate (than an E zone). Additional uses that may be suitable (as permitted with consent) depending on location, include, but are not limited to:

- bed and breakfast accommodation
- building/identification signs and business identification signs, e.g. as exempt or complying development
- community facility
- dwelling house
- eco-tourism²
- environmental facility
- farm stay accommodation
- home business, home industry and home-based child care
- information and education facility
- kiosk
- recreation area
- water recreation structure
- wetland rehabilitation.

It is important that councils maintain the integrity of the E zones by including only uses consistent with the zone objectives. As well, **councils should, wherever appropriate, retain existing uses that maintain conservation land capabilities.**

Unless they are existing uses in the zone, the following uses are generally considered to be unsuitable:

² The draft definition of 'eco-tourism development' means nature-based tourism development with a primary focus on the education, interpretation, cultural understanding and appreciation of the natural environment that is managed to be ecologically sustainable.

- intensive plant agriculture and intensive livestock agriculture
- residential accommodation other than detached dwelling houses
- retail premises (excluding neighbourhood shops)
- rural industry
- storage premises.

Councils should be aware that uses should not be drawn too restrictively as they may, depending on circumstances, invoke the *Land Acquisition (Just Terms Compensation) Act 1991* and the need for the Minister to designate a relevant acquiring authority.

Consideration of mining

As part of council's consideration of whether or not to apply the E3 zone, council must take into account the section 117 Direction 1.3—*Mining, petroleum production and extractive industries* in relation to significant resources and Direction 2.1—*Environmental protection zones* and justify any inconsistency.

Under the State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007, underground mining can be carried out on any land with development consent. Under this SEPP, surface mining can be carried out with consent on land for which agricultural and industrial uses are permitted (with or without consent).

Where there are mining, petroleum or extractive industries resources identified in a section 117 Direction, and a council proposes to apply the E3 zone, council needs to clarify the permissibility of mining in this zone. Councils are therefore advised to include the following note at the beginning of the E3 land use table:

'Note. State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 may apply to land within this zone.'

E4

Environmental Living



Application

This zone will be typically applied to existing low impact residential development. This may include areas already zoned for rural residential that have special conservation values. Where lands have higher conservation values and fewer intended land uses than the E4 zone, an E2 or E3 zone may be appropriate.

Regional councils should distinguish carefully between the E4 zone, the RU4 Rural Small Holdings and R5 Large Lot Residential zones to address environmental, agricultural and residential land capabilities respectively.

Where small holdings undertake agricultural production such as viticulture or cropping such as growing berries, the RU4 zone should be considered. If there are few environmental considerations, then R5 may be the appropriate zone.

Objectives

The mandatory zone objectives seek to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.

Any additional objectives should reflect local characteristics and not duplicate the matters covered in the core objectives.

Uses

Mandatory uses

The zone permits dwelling houses (with consent) and home occupations (without consent).

In accordance with the direction for this zone, councils must permit environmental protection works and roads with or without consent in the zone.

Additional uses

Councils can specifically list additional uses to be permitted in the zone at items 2 and 3. The direction for this zone allows home industries to be permitted if desired (they would otherwise be prohibited under the term industries).

Care should be taken to select uses that are in keeping with the special conservation values of the land and complement low impact residential development. Additional uses that may be suitable (as permitted with consent), depending on location, include, but are not limited to:

- bed and breakfast accommodation
- building identification signs and business identification signs
- caravan park
- community facility
- dwelling house
- eco-tourism³
- environmental facility
- home business, home industry and home-based child care
- information and education facility
- kiosk
- recreation area
- secondary dwellings, e.g. attached to the principal dwelling
- tourist and visitor accommodation.

Additional uses that are generally unsuitable in the zone include:

- business premises
- office premises
- residential accommodation (other than dwelling houses and secondary dwellings)
- retail premises
- rural industry
- storage premises.

Other considerations

Where environmental capabilities are the primary concern on land that may be zoned R5 Large Lot Residential, RU4 Rural Small Holdings or E4 Environmental Living, preference should be given to the E4 zone.

³ The draft definition of 'eco-tourism development' means nature-based tourism development with a primary focus on the education, interpretation, cultural understanding and appreciation of the natural environment that is managed to be ecologically sustainable.

Frequently asked questions

Q. How are additional local environmental provisions to be referenced in LEPs?

A. Areas should be mapped and a separate clause included. For example a map identifying scenic protection areas should be referred to as follows:

6.1 Scenic protection

- (1) The objective of this clause is _____.
- (2) This clause applies to land identified as a scenic protection area on the Scenic Protection Map.
- (3) Before granting consent to development to which this clause applies, the consent authority must be satisfied that the development:
 - (a) _____.
 - (b) _____.
- (4) For the purpose of this clause, Scenic Protection Map means the [Name of local government area or other relevant name] Local Environmental Plan [Year] Scenic Protection Map.

It is important that the map clearly identifies 'Scenic protection area' in the legend and is prepared in accordance with the LEP Mapping Requirements.

Q. Is the E2 zone suitable for public open space land that has high conservation value?

A. Public open space principally used for public recreation purposes should be zoned RE1 Public Recreation, as this zone includes the protection of the natural environment among its core objectives. (Where recreational space is to be used for golf courses, registered clubs, caravan parks and the like it should be zoned RE2).

Areas of bushland within a public reserve will be protected under the plan of management required for community land under the *Local Government Act 1993*.

The E2 or E3 zone can be applied to public land such as bushland reserves with very high conservation value if the land meets the criteria for the application of the zone, for example where future land use is restricted for conservation reasons. This may be considered particularly where a bushland park offers recreation on walking trails and in the form of lookouts rather than as sporting fields and children's playgrounds.

Q. How would zone changes affect existing uses?

A. Existing legal land uses will not be affected, providing these remain in use.

Q. Can dwelling houses be prohibited in the E2 zone?

A. Yes, however, this needs to be adequately justified on conservation grounds. Note, if dwelling houses and other uses were previously permitted on this land and uses including dwelling houses are then proposed to be prohibited, the land may be considered to be an acquisition zone if a reasonable range of uses are not permitted.

Q. Council has recent detailed mapping of vegetation that differs from areas identified in SEPP 14 and SEPP 26. Should the new information be used to determine the zone boundaries or should the mapping be based on the SEPP maps?

A. The extent of SEPP lands remains that identified in the relevant SEPP map. Where new information identifies additional land with conservation value assets, these lands may be considered for inclusion in an appropriate environment protection zone, e.g. land including old growth forest.

Q. How should land be zoned which is owned by the Sydney Water Catchment Authority but which lies below the high water mark or is operational land.

A. This land should be zoned SP2 Infrastructure and the uses annotated on the relevant land zone map.



Memo

Subject: LEP Practice Note Examples for Application of C2 Zone

Reference: 096091.2023

For the Information of Mayor and Councillors

The following table summarises the examples of where the C2 Environmental Conservation zone should be applied, sourced from the LEP Practice Note.

Table 1: Review of LEP Practice Note against Sirius Road Sites

LEP Practice Note Summary	Comment on Sirius Road Sites
a) Lands with very high conservation values (E.g., significant wetlands, land containing endangered ecological communities etc.)	A discussion on the conservation value of the sites based on available resources is discussed in the Council report. A study or strategy would also be required as part of any planning proposal to address this.
b) High conservation coastal foreshores and land acquired, or proposed for acquisition, under a Coastal Lands Protection Scheme	The sites are not marked for acquisition.
c) Land with a registered Biobanking agreement	The sites do not have an agreement.
d) Land under the care of a catchment authority or a Council	All three lots are in private ownership.
e) Land with significant Aboriginal heritage values, if appropriate	The sites are likely to have high Aboriginal Cultural Heritage retention value.
f) Coastal foreshores and land subject to coastal hazards	The sites are mapped as coastal wetlands.
g) Land currently zoned for environmental protection where strict controls on development apply, e.g., steeply sloping escarpment lands, land slip areas	The lots are currently zoned C3, and development potential is constrained due to the characteristics of the land.

PLAN 04	Post Exhibition Report - Liverpool Local Environmental Plan 2008 Amendment 80 at 2 MacArthur Drive, Holsworthy
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Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	101670.2023
Report By	Stephen Peterson - Senior Strategic Planner
Approved By	Lina Kakish - Acting Director Planning & Compliance

EXECUTIVE SUMMARY

On 28 October 2019, Council endorsed a planning proposal for 2 Macarthur Drive, Holsworthy (Lot 5 DP 825745), for the proposed Holsworthy Local Centre development. The planning proposal seeks to amend the *Liverpool Local Environmental Plan 2008* (LLEP 2008), including increased development standards to enable a mixed use development on the site. The amendments to the LLEP 2008 are supported by a corresponding amendment to Part 2.6 (Holsworthy Station Area) of the Liverpool Development Control Plan 2008 (DCP).

It is proposed to amend the maximum height of building development standard from 21m to 45m and the floor space ratio (FSR) development standard from 1.5:1 to 2.15:1. It is also proposed to include a site specific clause, limiting retail premises uses to a Gross Floor Area (GFA) of 9,000sqm on the site. It is noted that a previous planning proposal was lodged in October 2017, which originally sought greater height of building and greater FSR development standards, which was reduced to the current proposed height and FSR development standards, due to concerns raised with the scale of the proposed development.

The current planning proposal received a Gateway determination on 8 June 2022, and was publicly exhibited from 14 November 2022 to 12 December 2022. During the exhibition period, Council received 62 individual submissions including 1 submission from the proponent in support of the proposal, and 2 submissions from Transport for New South Wales, raising no objections subject to certain conditions to be addressed.

The majority of submissions were objecting to the planning proposal in its current form regarding the residential component, however supported the commercial portion of the proposed development and a reduced scale of the residential component. The key concerns outlined in the submissions include the scale of the proposed development, being concerns regarding the number of residential units and the height proposed, security to Holsworthy Army

Barracks, transport impacts including the capacity of existing railway services and increased traffic congestion by vehicles, property values, and environmental concerns. A detailed submission summary table can be found in **Attachment 11**.

As required by the Gateway determination, the planning proposal was referred to State agencies including NSW Rural Fire Service, Bankstown Airport, Transport for New South Wales and APA Group which are discussed below within this report under the section of Public Authority Consultation. The proposal was also referred to the Department of Defence who raised concerns regarding security, impact to aviation, traffic and noise.

This report details the feedback received from the exhibition and post exhibition actions to address these submissions. Council staff met with the proponent to discuss submissions and design solutions within the draft DCP. The proponent responded with documentation including a response table to the summary of public submissions, architectural plans demonstrating design solutions and further amendments to the site specific DCP detailing objectives and development controls. This is to ensure the site enables a future development which remains feasible, however addresses the concerns raised by way of submissions and State agency correspondence through design solutions.

The Planning Proposal demonstrates strategic and site specific merit, and post exhibition, measures have been implemented to manage the concerns raised through submissions received during the public exhibition period. It is therefore recommended that the Planning Proposal be forwarded to the Department of Planning and Environment to make the amendment, as it is noted that Council is not the nominated plan making authority.

RECOMMENDATION

That Council:

1. Notes the Gateway determination dated 8 June 2022, for *Liverpool Local Environmental Plan 2008* (Amendment 80), the submissions received from State Agencies, the Department of Defence, the proponent and members of the public.
2. Proceeds with Amendment 80 to increase the permissible Height of Building to 45m and Floor Space Ratio to 2.15:1, and include a site specific clause to limit 'retail premises' to a Gross Floor Area (GFA) of 9000sqm;
3. Delegates authority to the Chief Executive Officer (or his delegate) to forward the planning proposal to the Department of Planning and Environment as the plan making authority for this planning proposal;
4. Finalise the draft Part 2.6 (Holsworthy Station Area) DCP, to come into effect on the date of Gazettal of the LEP amendment; and
5. Notifies the submitters of Council's decision.

REPORT

BACKGROUND

Site Description

The Planning Proposal is site specific and relates to 2 Macarthur Drive, Holsworthy (Lot 5 DP 825745) (see Figures 1 and 2 below). The subject site is a vacant, triangular shaped parcel of land with an area of approximately 1.86ha.



Figure 1: Aerial view of subject site (Nearmap November 2022)

The land is wholly zoned B2 – Local Centre under the *Liverpool Local Environmental Plan 2008* (see Figure 2). The zoning of the site is not proposed to change as part of the Planning Proposal.

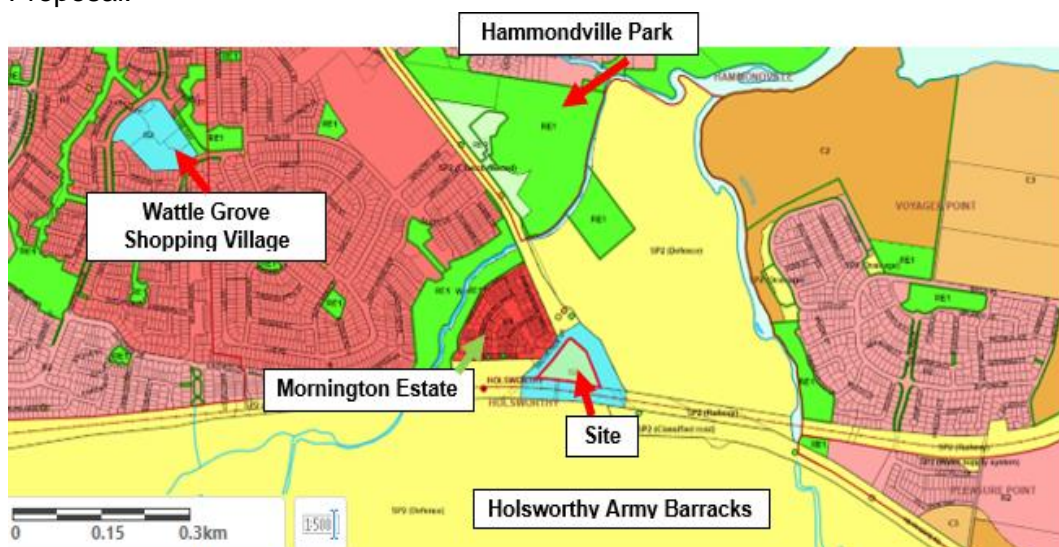


Figure 2: Existing land use zoning in the *Liverpool Local Environmental Plan 2008* (subject site outlined in red)

Previous Planning Proposal

A previous planning proposal was lodged with Council in October 2017 for a proposed greater height and FSR being 54m and 2.5:1m which was reduced in October 2018 to a maximum of 45m, and FSR to 2.15:1 in October 2018.

In August 2019, the planning proposal was referred to the Liverpool Local Planning Panel who provided advice including that the proposal proceeds to Gateway determination and at its meeting on 28 October 2019, Council resolved to support the planning proposal. In July 2020, a 12 month Gateway determination was issued by the Department of Planning and Environment (DPE). Due to ongoing negotiations with a draft VPA letter of offer, two extensions to the Gateway timeframe were requested, however the Gateway was rescinded by DPE on 9 September 2021.

Current Planning Proposal

In September 2021, Council received a request for the planning proposal to be re-submitted. The planning proposal (**Attachment 1**) is to amend the *Liverpool Local Environmental Plan 2008* (LLEP 2008) by increasing the applicable Height of Building from 21m to a maximum of 45m, and Floor Space Ratio (FSR) from 1.5:1 to 2.15:1.

The amended development standards are to be accompanied by a site specific amendment to the LLEP 2008, limiting 'retail premises' uses to a Gross Floor Area (GFA) of 9000sqm. The planning proposal was exhibited as proposing a site specific clause under Schedule 1 for a 9,000sqm cap on 'non-residential uses', however during the exhibition period, the proponent requested for the clause to only apply to 'shops'. The submitted Economic Impact Assessment (EIA) (**Attachment 2**), considers a future development comprising a full-line supermarket of 3,962m² and a smaller discount supermarket of 1,584m², specialty retail/commercial floorspace of about 3,129m², and as such it is proposed to have a 9,000sqm cap on retail premises. As such, the post exhibition planning proposal has been amended to show the intent for a site specific clause in the LLEP 2208, with a 9,000sqm cap on retail premises, rather than non-residential uses.

On 8 June 2022, DPE issued a Gateway determination (**Attachment 4**) which included a 12month timeframe for completion, being 8 June 2023. It included conditions for public exhibition and Public Authority consultation. Due to the scale of the planning proposal, the Gateway specifies that Council is not authorised as the local plan-making authority, meaning DPE will assess and finalise the plan.

During the period of 14 November 2022 to 12 December 2022, the planning proposal was publicly exhibited. Council received 62 individual submissions with 10 of the submissions in support of the planning proposal. Between the Gateway determination of June 2022 and February 2023, Council received all state agency correspondence.

In March 2023, Council issued a Request for Information Letter to the proponent, which included submissions from the Department of Defence and TfNSW, and a summary of the issues raised within the public submissions. In March 2023, a meeting was held between Council, Department of Defence, the proponent (including landholders) and a representative from DPE to discuss Defence concerns raised in correspondence received. Additional meetings were held between Council and the proponent to further address submissions and refine the Site Specific DCP.

It is noted the current Planning Proposal does not include a VPA, as the matters previously raised in the planning proposal have either been incorporated into the Draft DCP (e.g. landscaping and open space provision) or relate to matters to be addressed at the development application stage.

PUBLIC AUTHORITY CONSULTATION

The Planning Proposal was referred to the Department of Defence (**Attachment 5**) for comment. The following agencies were consulted with in accordance with the Gateway determination:

- Transport for NSW (**Attachment 6**);
- NSW Rural Fire Service (**Attachment 7**)
- APA Group (**Attachment 8**);
- Bankstown Airport (**Attachment 9**); and
- Relevant infrastructure service providers (Sydney Water – **Attachment 10**).

A. Department of Defence

In April 2018 and August 2020, the Department of Defence (Defence) provided comments on the initial planning proposal. Further, Defence correspondence was provided on the current planning proposal in February 2023. On 3 March 2023, a meeting was held with representatives from Defence, DPE, Council, and the proponent to discuss Defence correspondence. Defence noted that they are not a concurrence authority and are solely providing comments.

Defence correspondence states that they do not support the proposed amendment to increase density and height, due to concerns regarding security, impact to aviation, traffic, noise and concern for security. However as detailed below, correspondence notes that if Council is inclined to support the proposal, Defence would seek to ensure that appropriate conditions and design measures proposed by Defence are incorporated in any future development proposal.

Following exhibition, Council and the proponent have collaborated to amend the site-specific draft DCP, to include various objectives and controls to address the concerns raised by Defence. Architectural plans indicating possible design solutions to Defence's concerns were

submitted by the proponent. The draft DCP includes comprehensive objectives and controls to ensure security and operations of the adjoining army base are maintained.

- **Noise from operations including training and aircraft**

Issue: Noise complaints received from urban development encroachment upon the army base is likely to occur in the future.

Solution: Post exhibition amendments to the draft site specific DCP and architectural plans demonstrating design solutions have been undertaken to address potential noise impacts to future visitors and residents of the subject site. This includes controls within the DCP for a future development application (DA) to be referred to Defence, a Noise Impact Assessment Report to be prepared, and increased indoor design sound levels (as per AS 2021—2015, Acoustics—Aircraft noise intrusion—Building siting) to ensure that the operations of the army base are not affected by noise complaints.

- **Base Security**

Issue: Concern that the height and orientation of any future development on the subject site could pose a security risk, as it will provide overview opportunities to sensitive installations and operations.

Solution: The subject site southern boundary is approximately a minimum of 60m from the Holsworthy Army Base boundary and is separated by a railway corridor. Objectives and development controls have been incorporated within the DCP, to ensure security to the army base is maintained. This includes a section for security and privacy and for external referral to Defence at the DA stage.

Controls within the DCP include requirements for trees to be planted which screen views to the army base, residential buildings be designed to minimise overlooking defence lands to the south, no surveillance or communication equipment to be installed without Defence approval, buildings facing the army base incorporate privacy design solutions including on windows, balconies, decks etc that prevent overlooking into the Army Base, and no public access to areas of buildings which provide a vantage point to overlook Defence lands.

The proponent submitted concept architectural plans (**Attachment 3**) which demonstrate design solutions for a future development on the subject site for buildings which have potential to provide views of Defence land. These include balconies orientated away from the army base, external louvres over windows and 'pop out walls' to allow windows to be orientated away from Defence lands.

- **Impact to aviation**

Issue: Referral to Airservices Australia at DA stage and obstacle lighting is required.

Solution: The site specific DCP has been amended to include a control for a formal referral to Airservices Australia to be undertaken at a DA stage and for the developer to install and maintain approved red obstacle lighting if required to delineate tall structures within the proximity of an active aerodrome.

- **Traffic**

Issue: Ensure minimal disruption to Heathcote Road as the main arterial road.

Solution: TfNSW have stated that no vehicular access is to be provided via Heathcote Road and all vehicular access to/from the subject site is to be from Macarthur Drive.

In addition, TfNSW is currently widening Heathcote Road to increase two divided four lanes road and upgrade the existing roundabout at the intersection of Heathcote Road and Macarthur Drive to a signalised intersection. The upgrade will increase the road capacity and accommodate the additional traffic likely to be generated by the proposed development. The upgrade will minimise traffic delays along Heathcote Road.

B. Transport for NSW (TfNSW)

TfNSW provided comments on the initial planning proposal in July 2018. In addition, TfNSW made a submission on 7 December 2022 during the exhibition period for the current planning proposal and provided comments on 20 December 2022. The TfNSW correspondence was provided to the proponent, who provided a post exhibition response prepared on 27 March 2023.

It is noted that the previous Planning Proposal was subject to Voluntary Planning Agreement (VPA), including for the existing roundabout (servicing the intersection of Macarthur Drive, Morningside Parade and The Boulevarde), to be upgraded to a traffic light intersection. It was concluded that the future development application shall consider the upgrade of the intersection to a traffic light intersection, to increase vehicle and pedestrian safety, including providing safe pedestrian access to/from Holsworthy Railway Station, from the increased development yield.

- Issue: Documentation including proponents Traffic Impact Assessment (TIA) does not correspond and is outdated including surveys and modelling.
- Solution: The proponents Traffic Consultant on 27 March 2023 submitted a response to TfNSW December 2022 correspondence.

As Council is not the plan making authority as per the Gateway Determination, should the proposal proceed, the Planning Proposal is highly likely to be re-referred to TfNSW prior to finalisation by the Department (DPE) to ensure all concerns are addressed sufficiently. A future DA will also be referred to TfNSW for approval.

C. NSW Rural Fire Service

- Issue: Future development to comply with relevant section(s) of Planning for Bush Fire Protection (PBP) 2019.
- Solution: A future DA will be referred to NSW Rural Fire Service. It is expected that the above requirement will form a condition of development consent should development consent be issued.

D. APA Group

APA has one pipeline located adjoining the southern boundary of the subject site being the Moomba to Sydney Ethane Pipeline. APA group provided comments on the initial planning proposal in March 2018 and February 2023.

- Issue: Future Development to consider AS2885, Safety Management Study (SMS) and easement management.
- Solution: The DCP has been amended following exhibition with a section for APA Group requirements as per the APA group correspondence dated February 2023 including reference to AS2885 and SMS.

E. Bankstown Airport

Bankstown Airport provided comments on the initial planning proposal in July 2020 and on the current planning proposal in November 2022. The Bankstown Airport correspondence states that there are no height issues for Bankstown Airport and that no further action is required.

F. Sydney Water

Sydney Water provided comments on the current planning proposal on 22 December 2022 regarding the servicing needs for a future development on site. It was stated that the closest watermain has the capacity to service the potential uplift and that upgrades to the wastewater may be required to service future developments on site which will be confirmed at the section 73 stage. A future Development Application (DA) will be referred to Sydney Water of which conditions of consent for the DA may be issued.

COMMUNITY CONSULTATION

The proposal was placed on public exhibition from 14 November 2022 to 12 December 2022. The exhibition included notification via letters within an 800m radius of the subject site. Information was also available on Liverpool Listens, Council's Eplanning portal and NSW Planning Portal. During the exhibition period, Council received 62 individual submissions including, 1 submission from the proponent, and 2 submissions from Transport for New South Wales.

Of the 62 submissions received during the exhibition period:

- 10 submissions were in support of the planning proposal (including one submission from the proponent and two submissions from Transport for New South Wales raising no objections subject to conditions).
- 52 submissions were objecting to the planning proposal. A common theme raised was that development is supported at the subject site that is of a reduced residential and increased commercial scale, and for infrastructure and services such as roads, public transport frequency, schools, medical centres etc being expanded to offset the increased population.

Areas of community concern and the number of times the concern area was raised is indicated by Figure 3. Key matters raised, and responses are detailed below.

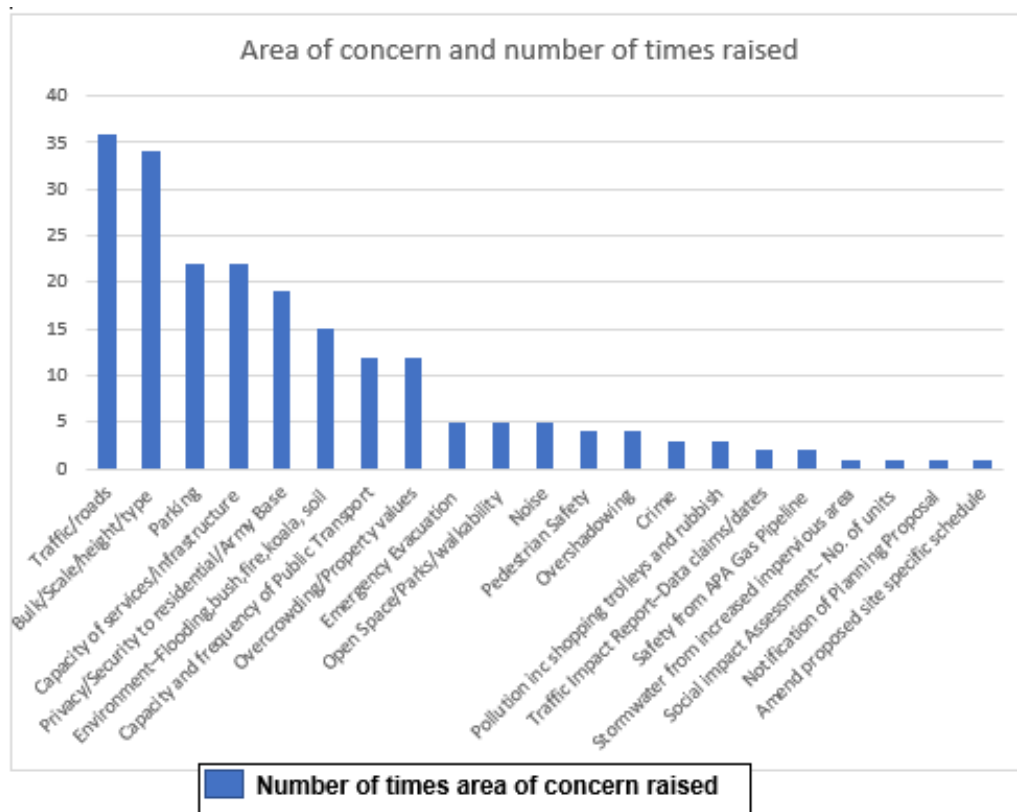


Figure 3: Table of area of concerns and number of times that area of concern was raised during the exhibition period.

Support for the Planning ProposalKey Matters Raised:

- Provide a public plaza/shopping centre with minimum area of 1000m²;
- Need for commercial use/town centre as there is minimal commercial uses within close proximity for residents of Voyager Point, Sandy Point and Pleasure Point; and
- Ideal site for high density living and commercial use given proximity to railway station.

Response:

The planning proposal demonstrates a public plaza with commercial uses including various food and drink premises. The subject site is currently zoned B2 Local Centre which is not proposed to change as part of the planning proposal and permits both commercial and residential land uses.

Currently the nearest commercial land for residents of Hammondville, Wattle Grove, Mornington Estate, Sandy Point, Voyager Point and Pleasure Point is a small number of food and drink and commercial uses at Hammondville, approximately 2.1km driving distance to the north east from the subject site, and Wattle Grove Village Centre which is approximately 2.5km driving distance to the east from the subject site. The site is alongside Holsworthy Railway Station which provides direct access to Campbelltown and Central Railway Stations and further provides access to Liverpool Railway Station.

Road, Traffic, Access/Exit ConcernsKey Concerns Raised:

- Congestion;
- Pedestrian safety from extra vehicles;
- One way entry/exit to/from Heathcote Road for proposed development, Mornington Estate and vehicles using Holsworthy railway station car park; and
- Increased traffic.

Response:

The planning proposal was submitted with architectural plans, draft site specific DCP and a Traffic Impact Assessment (TIA) report. During the assessment of the planning proposal, the proposal was referred internally to Council's Traffic and Transport team, and externally to TfNSW. In December 2022, TfNSW provided correspondence to Council indicating that no vehicular access is to be provided from Heathcote Road and raised concerns predominantly regarding the date and accuracy of the data/modelling used within the TIA being from 2018.

Following public exhibition and all correspondence from State Agency's being received, the documentation for the proposal was amended including a letter from the proponents Traffic Consultant dated March 2023, in response to TfNSW correspondence dated December 2022.

Should the Planning Proposal proceed, it will be assessed by DPE as the plan making authority who will likely refer the planning proposal to TfNSW for further review.

A site specific DCP provides objectives and development controls to prioritise pedestrians and provide safe connectivity between Heathcote Road, Macarthur Drive, the subject site and Holsworthy Railway Station. Further, any development at the subject site will be subject to a future DA which will include detailed design plans and further detailed assessment of a development proposal at the subject site. Council staff are satisfied that traffic concerns have been sufficiently considered at this stage of the planning process, with further work to occur at the DA stage.

Proposed Bulk, Scale and Height

Key Matters Raised:

- Some mixed use development on the site is supported however the size and scale proposed is excessive;
- Development is out of place and not suitable for the area;
- Area is low and medium density developments with no high-rise units;
- Height not consistent with the vicinity, or of areas outside of Liverpool CBD;
- Proposed height should be limited to Liverpool CBD;
- 6-8 stories with commercial level is more appropriate for the vicinity;
- Infrastructure is at capacity and cannot cope with proposed number of units;
- Height will affect helicopters from Army base; and
- Increase existing Wattle Grove shopping Village instead of the subject site.

Response:

The subject site is located adjacent to Holsworthy Railway Station providing direct public transport access to Campbelltown and Central station and public transport connectivity to Liverpool CBD. In August 2019 the planning proposal was supported by the Liverpool Local Planning Panel and deemed to have strategic and site specific merit. The Planning Proposal is consistent with Council's Local Strategic Planning Statement, including Planning Priority 3 for Accessible and connected suburbs, and Planning Priority 7 for Housing choice for different needs, including density focused in centres well serviced by public transport.

Following an assessment of the Planning Proposal, Public Exhibition and all State Agency correspondence being received, Council issued a letter to the proponent on 1 March 2023 requesting response to submissions, including their consideration of revised height and FSR in relation to community concerns. A meeting was held on 3 March 2023 with the proponent, landholders, Council, Defence and DPE at which the proponent advised reduced development standards were not viable for the development to proceed.

In this regard, amendments to the site specific DCP were made, including design solutions to ensure a future development is designed to ensure the bulk and scale will not have adverse impacts to the Mornington Estate (where majority of concerns were raised), to reduce the bulk and scale impact on the streetscape and vicinity, and protect the operations and security of the Army Base.

- There is approximately a 37m distance between the proposed development to the nearest existing dwelling within Mornington Estate, and approximately 60m distance from the subject site to Holsworthy Army Base boundary;
- Along Macarthur Drive, near the Mornington Estate, there is to be a 2m landscape buffer, followed by the next 3m being limited to 1 storey and following 20m to be a maximum of 6 storeys fronting Macarthur Drive;
- The site is limited to 12 storeys maximum and an indicative site plan indicates approximately 11 separate buildings separated by open space, with the tallest proposed buildings to be orientated away from Mornington Residential Estate towards the eastern portion of the subject site; and
- The Mornington Residential Estate is located north of the subject site and is not expected to be impacted by overshadowing.



Figure 4: Aerial view of an indicative development layout, including indicative number of storeys for each building and approximate distance from site to Holsworthy Army Base and nearest dwelling of Mornington Estate.

Parking

Key Concerns Raised:

- Excess cars parked on street from units having multiple cars;
- Lack of parking as most residents will have more than 1 vehicle each;
- Lack of retail parking proposed;
- Limited room of streets for movement of waste collection vehicles; and
- Excess vehicles will park in the existing Holsworthy station carpark.

Response:

The planning proposal was referred externally to TfNSW and internally to Council's Traffic Planning section for comment. Should the planning proposal proceed, specific required parking numbers and layout, vehicular access, loading/unloading areas, residential and commercial waste vehicle access will be subject of a future development application assessment. Currently, the DCP specifies the parking rates required for types of development

within the Liverpool Local Government Area. The use of vehicles parking within the Holsworthy Station carpark is a matter for TfNSW.

Provision of Services and Infrastructure

Key Concerns Raised:

Infrastructure and services such as schools, trains, commuter carpark, childcare centres, medical centre's, hospital, dentists, grocery shops etc are at capacity.

Response:

The Planning Proposal was submitted with a Social Impact Assessment, Servicing and Utilities Infrastructure Strategy Report and an Economic Impact Assessment which was reviewed through the Planning Proposal assessment including by Councils Economic Development unit and Liverpool Local Planning Panel. The planning proposal was found to have site and strategic specific merit. The subject site is Zoned B2 Local Centre under Liverpool Local Environmental Plan 2008 which permits a variety of commercial uses including medical centres. Council continues to advocate to the relevant authorities for additional services and infrastructure to cater for the Liverpool Local Government Area population.

Privacy and Security

Key Concerns Raised:

- View from units including balconies to existing low density dwellings; and
- Privacy/security to army base from overlooking from apartments including balconies.

Response:

As per figure 4 above, the nearest building to a residential dwelling within the Mornington Estate is approximately 37m and the subject site is a minimum of approximately 60m to the boundary of the Holsworthy Army Base, with the buildings proposed to front Macarthur Drive being a maximum of 6 storeys.

Post exhibition and State Agency Correspondence, and a draft site specific DCP has been amended to further implement design solutions to protect privacy and security to existing dwellings within Mornington Estate and the operations of the Holsworthy Army Base. Refer to the public authority consultation section of this report above regarding the Department of Defence which outlines in detail design solutions to address security and privacy to the Holsworthy Army Base.

Submission from ProponentKey Matters Raised:

Amend the proposed site-specific provision under Schedule 1 stipulating a maximum non-residential gross floor area of 9,000m² on the site, to instead stipulate a maximum 'shop' gross floor area of 9,000m².

Response:

In order to be consistent with the submitted Economic Impact Assessment and commercial Hierarchy, it is recommended that the proposed site-specific provision stipulate a maximum 'retail premises' gross floor area of 9,000m². This will be a site specific provision in the LLEP 2008.

POST EXHIBITION ASSESSMENT

Upon completion of the exhibition period, and receipt of State Agency submissions, Council issued a Request for Information Letter to the proponent which included the correspondence from Defence and TfNSW received, and a summary of the areas of concern raised within the public submissions. As previously noted, the letter requested consideration of development standards as a way of addressing community concerns.

A meeting was held with Council, Defence, the proponent including landholders and a representative from DPE to discuss Defence concerns and possible design solutions. A further meeting was held between Council and the Proponent to discuss response to submissions. During this meeting, the proponent explained further reduced development standards are not an available option due to feasibility, however they can address concerns using design controls within the DCP.

Following discussion, Council issued an updated post exhibition draft Site Specific DCP to the proponent which included possible design solutions to address the Defence's concerns, to address the community concerns raised during the exhibition period and to further address amenity, bulk and scale, traffic and streetscape for a future development on the subject site. The proponent provided a response to Request for Information Letter and a further workshop meeting was held with Council and the Proponent regarding the draft DCP.

Council staff maintain that the proposal at the subject site demonstrates strategic and site specific merit. The proposal enables a development to be constructed which provides highly sought after commercial uses, as commonly raised throughout the public submissions received. The subject site also provides opportunity for diverse housing options within a well connected area to provide transport options to the Sydney CBD, Campbelltown CBD and Liverpool CBD. Furthermore, protection of the amenity of the existing Mornington Residential Estate, future residents of the subject site and Holsworthy Army Base operations will be sufficiently provided through design solutions incorporated within the draft site specific DCP.

The subject site presents as one of one of the most strategically meritorious sites within Liverpool given its location. The proposal will help to facilitate a local centre development that harnesses the development potential of the site whilst being sensitive to the adjoining uses at Mornington Estate and the Defence land.

NEXT STEPS

If Council resolves to finalise Amendment 80 as recommended, staff will forward the planning proposal to DPE, to make the Plan, as Council is not the Local Plan Making Authority for this proposal. Once finalised, LLEP 2008 Amendment 80 will be notified in the NSW Government Gazette.

If Council resolve to endorse the draft DCP as recommended, this will come into effect on the date of gazettal of Amendment 80.

CONCLUSION

The Gateway requirements for Amendment 80, including consultation with required State agency and public exhibition has been undertaken. The planning proposal and draft DCP have been amended following exhibition to address State Agency and community concerns raised.

This report recommends that Council proceeds with Amendment 80 and the supporting DCP amendment, as the planning proposal demonstrates strategic and site specific merit.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	Further develop a commercial centre that accommodates a variety of employment opportunities. Facilitate economic development.
Environment	Enhance the environmental performance of buildings and homes.
Social	Regulate for a mix of housing types that responds to different population groups such as young families and older people
Civic Leadership	Foster neighbourhood pride and a sense of responsibility Encourage the community to engage in Council initiatives and actions.
Legislative	Sections 3.31 to 3.37 of the Environmental Planning and Assessment Act 1979.
Risk	The risk is deemed to be Low. There is a low risk that a future development as facilitated by this planning proposal and DCP amendment will have adverse impacts to adjoining land owners. The design measures and controls analysed and embedded in the DCP amendment are deemed to be sufficient to avoid such impacts. The risk is deemed to be within Council's appetite.

ATTACHMENTS

- 1) Post Exhibition Planning Proposal (Under separate cover)
- 2) Economic Impact Assessment (Under separate cover)
- 3) Concept Architectural design solution plans (Under separate cover)
- 4) Gateway Determination Letter dated 8 June 2022 (Under separate cover)
- 5) Correspondence from Department of Defence (Under separate cover)
- 6) Correspondence from TfNSW (Under separate cover)
- 7) Correspondence from RFS (Under separate cover)
- 8) Correspondence from APA Group (Under separate cover)
- 9) Correspondence from Bankstown Airport (Under separate cover)
- 10) Correspondence from Sydney Water (Under separate cover)
- 11) Submission Table by theme (Under separate cover)
- 12) Detailed Submissions (Confidential) (Under separate cover) - **Confidential**

- 13) Council Resolution 2019 (Under separate cover)
- 14) Proponent Response to Submissions (Under separate cover)
- 15) Site Specific DCP with track changes (Under separate cover)
- 16) Site Specific DCP (Under separate cover)
- 17) ASIC Report (Under separate cover) - **Confidential**

PLAN 05**Quarterly Report - Clause 4.6 Variations to Development Standards**

Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	106031.2023
Report By	William Attard - Manager Development Assessment
Approved By	Lina Kakish - Acting Director Planning & Compliance

EXECUTIVE SUMMARY

The Department of Planning and Environment (DPE) Planning Circular PS 20-002 requires a quarterly report be tabled at a Council meeting for information only, which outlines Development Applications that have been determined by the Sydney Western City Planning, the Liverpool Local Planning Panel, or by planning officers under delegated authority; where there was a variation to a Development Standard pursuant to Clause 4.6 of the respective Environmental Planning Instrument.

Council provides the quarterly report to DPE and publishes the register on an ongoing basis on Council's website.

There was one (1) development application approved in the last reporting quarter with a Clause 4.6 variation.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Clause 4.6 of the Standard Instrument permits a consent authority to consider Development Applications that do not comply with specified Development Standards contained within the Liverpool Local Environmental Plan 2008 (LEP) or other Environmental Planning Instruments, such as State Environmental Planning Policies. This is a common rule that applies to all Councils across NSW.

Generally, a Development Standard is a requirement of an Environmental Planning Instrument that has a numerical value. Common development standards include Height of Building, Minimum Lot Size and Floor Space Ratio. Development Control Plan numerical values are not development standards.

Clause 4.6 is common to all standard instrument LEPs across all NSW Councils. The objectives of the Clause are:

- To provide an appropriate degree of flexibility in applying certain Development Standards to development, and
- To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Planning Circular PS20-002 specifies how Councils throughout NSW can use and interpret the Clause. The Circular also contains information about reporting requirements. For example, Council is required to report its (or the Local or Regional Panel's) use of Clause 4.6 to the Department of Planning and Environment on a quarterly basis.

To ensure transparency and integrity in the planning framework, and consistency with Planning Circular PS 20-002, quarterly reporting to a Council meeting is also required.

The Clause 4.6 Variation Register for the quarter between January to March 2023 is provided within **Attachment 1** for the information of the Council and community.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	This report fulfils Council's obligation with Planning Circular PS 20-002.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Clause 4.6 Variation Register

ATTACHMENT 1 – CLAUSE 4.6 VARIATION REGISTER
January – March 2023

ITEM 1 – DA-756/2022 – 33 St Johns Road, Busby

DA Number:	DA-756/2022
Property Address:	33 St Johns Road, Busby Lot 318 DP 222642
Development Category:	Residential – Single dwelling
Description:	Demolition of existing buildings and construction of a two-storey dwelling
Environmental Planning Instrument:	Liverpool LEP 2008
Zoning of Land:	R3 Medium Density Residential
Development Standard Varied:	Clause 4.3 - Height of Buildings
Justification of Variation:	<p>The proposed variation to the maximum Height of Buildings development standard was considered acceptable in this instance. The height variation does not negatively impact on the local area in terms of additional overshadowing or detrimental impact to the design of the building. Further, the additional height does not contribute to any detrimental increases in bulk and scale over the site, and the development achieves compliance with the floor space ratio provisions for the site.</p> <p>The objectives of Clause 4.3 as well as the R3 Medium Density Residential zone are upheld because of the proposed development.</p> <p>The maximum Height of Building development standard under Liverpool LEP 2008 is 8.5m. The maximum height proposed as part of this DA is 9m. This equates to a variation of 0.5m (5.88%) to the development standard.</p>
Extent of Variation:	0.5m / 5.88%
Concurring Authority:	Delegated Authority - Liverpool City Council
Date Determined:	7 March 2023

PLAN 06**Liverpool Local Environmental Plan Review -
Post Early Engagement Report**

Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	110180.2023
Report By	Nancy-Leigh Norris - Executive Planner
Approved By	Lina Kakish - Acting Director Planning & Compliance

EXECUTIVE SUMMARY

At its meeting on 2 February 2022, Council endorsed the '100 Day Plan', which included the commitment to "start the process to create a new Liverpool Local Environmental Plan (LEP) as a matter of urgency".

At its meeting on 27 July 2022, Council endorsed a set of principles for how residential, commercial and industrial land is proposed to be managed under a new Liverpool LEP. Following this, on 31 August 2022, Council endorsed the LEP Review Scoping Report, which is the first stage in the creation of a new LEP.

The Scoping Report was used to facilitate initial engagement between Council, the community, the Department of Planning and Environment and other stakeholders. It was publicly exhibited from 19 September to 13 November 2022, in accordance with the *Liverpool Community Participation Plan* (Participation Plan). This was the LEP Review's 'Early Engagement' period, as further community engagement will occur during the planning proposal process.

The exhibition was promoted through various channels including a flyer with Council's yearly rates notice, district forums, website, social media, newsletters, posters and digital signage. Engagement methods included a LEP Review survey and written submissions. The exhibition also had a focus on medium density housing, with a targeted survey to certain residents, and an Industry Workshop to discuss the design and delivery of medium density housing in the LGA.

A total of 198 LEP Review surveys and 53 Medium Density Housing surveys were received. Written submissions totaled 132, comprising of 94 comments made through the LEP Review survey, 17 submissions through the LEP Review interactive webpage, 14 direct submissions to Council and 7 agency submissions.

Key themes from the Early Exhibition period include the following matters:

- Natural environment, e.g. trees, open space and sustainability;
- Traffic and transport, e.g. road widths and car parking issues;
- Opposition to proposed 12m height reduction for high density residential land;
- Requests for further reduced high density residential development;
- Medium density housing, including support, opposition, lot sizes and design; and
- Commercial land, including opposition to reduced development standards.

This report recommends the height of commercial zoned land is not reduced to a height of 12m or less, as previously resolved by Council in PLAN 02 at the OMC on 27 July 2022. Whilst the results of the LEP Review Early Exhibition demonstrate support for reduction in heights in suburban areas, this can be achieved by reviewing heights of residential zoned land. Survey results and numerous submissions were in support of the redevelopment and revitalisation of centres, and the proposed reduction in heights will not achieve this vision. Consequently, a re-established position on this key principle is required prior to the preparation of the planning proposal and supporting technical studies.

The Participation Plan and Council's resolution made on 31 August 2022 requires feedback received during the exhibition to be reported to Council. This report details the outcomes of community engagement. Additional studies to support a planning proposal will occur in Q2 and Q3 of 2023, and a planning proposal will be presented to the Local Planning Panel and a future Council meeting, at this anticipated for Q3 of 2023.

RECOMMENDATION

That Council:

1. Notes the results of public authority and community consultation from the Early Engagement period;
2. **Council to endorse either Resolution 2(a) or 2(b) regarding commercial land under the new LEP:**
 - a) Further investigate Height of Building development standards for commercial land in response to feedback received as part of the Early Exhibition period, as noted in this report; or
 - b) Proceed with reduced Height of Building development standards as per the Scoping Report, as exhibited.
3. Delegates to the CEO to prepare a Principal Planning Proposal for the creation of a new Liverpool Local Environmental Plan, and present the planning proposal to the Local Planning Panel and Council for endorsement; and
4. Notify submitters of Council's decision.

REPORT

Ordinary Meetings of Council & Councillor Input on the LEP Review

Previous Councillor involvement and Ordinary Meetings of Council (OMC) is noted below:

- OMC 2 February 2022: Council endorsed its '100 Day Plan', which included the commitment to create a new Liverpool LEP as a matter of urgency, and reduce the permissible height of buildings in certain suburbs to a maximum of 12m;
- May and June 2022: Four Councillor workshops and an LGA bus tour were held to determine the scope for the new Liverpool Local Environmental Plan (LEP);
- OMC 27 July 2022: Council endorsed 'Principles for the Liverpool Local Environmental Plan' which established general guidance on how residential, commercial and industrial land is to be managed under the new LEP; and
- OMC 31 August 2022: Council endorsed the LEP Review Scoping Report for engagement with the community, the Department of Planning and Environment (the Department) and relevant agencies. The Scoping Report contained detailed information on how the endorsed principles were being applied to each suburb or precinct within the Liverpool LEP application area. It was resolved to report the findings of the engagement period back to Council.
- OMC 1 March 2023: Council deferred the Post Exhibition Report to Council, for further consideration. Ongoing workshops will occur during the LEP Review process.

Early Engagement on the Liverpool LEP Review

The Engagement Strategy for the LEP Review project specifies two engagement periods for the LEP Review. The first was the Early Engagement period from 19 September – 13 November 2022. Refer to **Attachment 1** Early Engagement Outcomes Report, for detailed information on outcomes, responses to submissions and promotional material. A second engagement period will occur after a Gateway determination has been received from the Department.

This Early Engagement period was promoted through various channels including:

- LEP Review flyer with Councils yearly rates notice;
- Presentations at Councils District Forums and Aboriginal Consultative Committee;
- Notification emails to stakeholder lists (e.g. businesses);
- Social Media Posts – Facebook, Instagram and LinkedIn;
- Liverpool Life Newsletter;
- Mayor Media Release and Video;

- Digital advertising in Macquarie Mall and Customer Service display screens;
- Posters and printed copies at Customer Service and at each library; and
- Promotion on Councils webpage – home page banner, Liverpool Listens, ePlanning.

Engagement methods included an LEP Review survey and an interactive website. The exhibition also had a focus on medium density housing, with a targeted survey sent to certain occupants of multi dwelling housing, and an Industry Workshop held on the design and delivery of medium density housing in the LGA. The following responses were received:

- 198 LEP Review survey responses;
- 53 survey responses from targeted medium density survey; and
- 132 written comments comprising of 94 via the LEP Review survey, 17 via the interactive webpage, 14 direct to Council and 7 agency submissions.

LEP Review Survey Outcomes

The LEP Review survey contained 12 mandatory questions, and an optional question for comments. A total of 198 surveys were received, with 94 of these providing comments.

Residential Land Questions

More than 75% of survey respondents selected 'Strongly Agree' or 'Agree' in relation to the following residential questions. This demonstrates a high degree of consensus within the community on these issues. It is recommended to continue progressing matters relating to these questions.

Table 1 – Residential Survey Questions that had broad community consensus

Question	Survey Results												
Q2: New apartment buildings are located around the Liverpool City Centre, large shopping areas with public transport and services (libraries, parks etc), and along main roads and train stations.	<table border="1"> <thead> <tr> <th>Response</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>STRONGLY DISAGREE</td> <td>8</td> </tr> <tr> <td>DISAGREE</td> <td>6</td> </tr> <tr> <td>UNDECIDED</td> <td>10</td> </tr> <tr> <td>AGREE</td> <td>40</td> </tr> <tr> <td>STRONGLY AGREE</td> <td>36</td> </tr> </tbody> </table>	Response	Count	STRONGLY DISAGREE	8	DISAGREE	6	UNDECIDED	10	AGREE	40	STRONGLY AGREE	36
Response	Count												
STRONGLY DISAGREE	8												
DISAGREE	6												
UNDECIDED	10												
AGREE	40												
STRONGLY AGREE	36												
Q3: Reduce the height of buildings to a maximum of 12m in suburban areas (certain exceptions apply e.g. near the City Centre) (see below).	<table border="1"> <thead> <tr> <th>Response</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>STRONGLY DISAGREE</td> <td>9</td> </tr> <tr> <td>DISAGREE</td> <td>11</td> </tr> <tr> <td>UNDECIDED</td> <td>4</td> </tr> <tr> <td>AGREE</td> <td>22</td> </tr> <tr> <td>STRONGLY AGREE</td> <td>55</td> </tr> </tbody> </table>	Response	Count	STRONGLY DISAGREE	9	DISAGREE	11	UNDECIDED	4	AGREE	22	STRONGLY AGREE	55
Response	Count												
STRONGLY DISAGREE	9												
DISAGREE	11												
UNDECIDED	4												
AGREE	22												
STRONGLY AGREE	55												
Q4: Incentives to encourage town houses to be built near shops, public transport and other services (libraries, parks etc.).	<table border="1"> <thead> <tr> <th>Response</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>STRONGLY DISAGREE</td> <td>6</td> </tr> <tr> <td>DISAGREE</td> <td>6</td> </tr> <tr> <td>UNDECIDED</td> <td>7</td> </tr> <tr> <td>AGREE</td> <td>44</td> </tr> <tr> <td>STRONGLY AGREE</td> <td>33</td> </tr> </tbody> </table>	Response	Count	STRONGLY DISAGREE	6	DISAGREE	6	UNDECIDED	7	AGREE	44	STRONGLY AGREE	33
Response	Count												
STRONGLY DISAGREE	6												
DISAGREE	6												
UNDECIDED	7												
AGREE	44												
STRONGLY AGREE	33												
Q6: Increase the minimum lot size in low density areas from 300sqm to 400sqm, so new lots are larger and reflect the low density character of the area.	<table border="1"> <thead> <tr> <th>Response</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>STRONGLY DISAGREE</td> <td>7</td> </tr> <tr> <td>DISAGREE</td> <td>6</td> </tr> <tr> <td>UNDECIDED</td> <td>5</td> </tr> <tr> <td>AGREE</td> <td>24</td> </tr> <tr> <td>STRONGLY AGREE</td> <td>57</td> </tr> </tbody> </table>	Response	Count	STRONGLY DISAGREE	7	DISAGREE	6	UNDECIDED	5	AGREE	24	STRONGLY AGREE	57
Response	Count												
STRONGLY DISAGREE	7												
DISAGREE	6												
UNDECIDED	5												
AGREE	24												
STRONGLY AGREE	57												
Q7: Allowing 'neighbourhood shops' (corner shops) to be built in low density areas.	<table border="1"> <thead> <tr> <th>Response</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>STRONGLY DISAGREE</td> <td>3</td> </tr> <tr> <td>DISAGREE</td> <td>6</td> </tr> <tr> <td>UNDECIDED</td> <td>8</td> </tr> <tr> <td>AGREE</td> <td>38</td> </tr> <tr> <td>STRONGLY AGREE</td> <td>45</td> </tr> </tbody> </table>	Response	Count	STRONGLY DISAGREE	3	DISAGREE	6	UNDECIDED	8	AGREE	38	STRONGLY AGREE	45
Response	Count												
STRONGLY DISAGREE	3												
DISAGREE	6												
UNDECIDED	8												
AGREE	38												
STRONGLY AGREE	45												

The following two questions had varied results, with no clear consensus within the community. It is therefore recommended that these matters are considered further in design testing as part of required investigations prior to the development of the Principal Planning Proposal.

Table 2 - Residential Survey Questions that did not have clear consensus

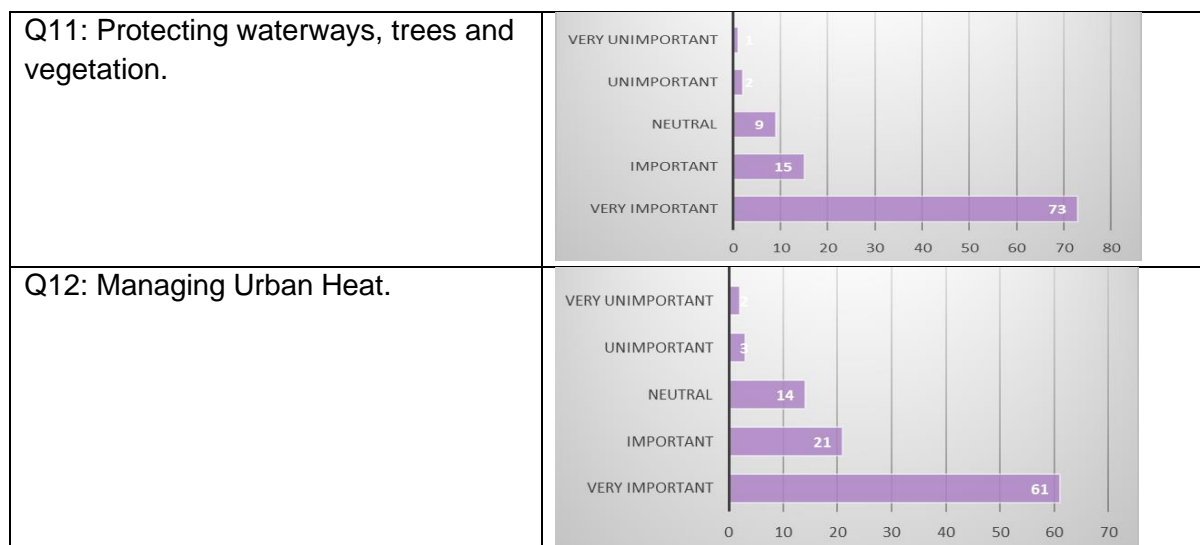
Question	Survey Results												
Q5: Introduce planning controls which would generally require two sites to be combined for town houses (rather than development occurring on single sites).	<table border="1"> <thead> <tr> <th>Response</th> <th>Percentage (%)</th> </tr> </thead> <tbody> <tr> <td>STRONGLY DISAGREE</td> <td>6</td> </tr> <tr> <td>DISAGREE</td> <td>11</td> </tr> <tr> <td>UNDECIDED</td> <td>14</td> </tr> <tr> <td>AGREE</td> <td>30</td> </tr> <tr> <td>STRONGLY AGREE</td> <td>38</td> </tr> </tbody> </table>	Response	Percentage (%)	STRONGLY DISAGREE	6	DISAGREE	11	UNDECIDED	14	AGREE	30	STRONGLY AGREE	38
Response	Percentage (%)												
STRONGLY DISAGREE	6												
DISAGREE	11												
UNDECIDED	14												
AGREE	30												
STRONGLY AGREE	38												
Q8: How important do you believe redevelopment potential should be in residential areas? (see below).	<table border="1"> <thead> <tr> <th>Response</th> <th>Percentage (%)</th> </tr> </thead> <tbody> <tr> <td>VERY UNIMPORTANT</td> <td>16</td> </tr> <tr> <td>UNIMPORTANT</td> <td>17</td> </tr> <tr> <td>NEUTRAL</td> <td>27</td> </tr> <tr> <td>IMPORTANT</td> <td>20</td> </tr> <tr> <td>VERY IMPORTANT</td> <td>20</td> </tr> </tbody> </table>	Response	Percentage (%)	VERY UNIMPORTANT	16	UNIMPORTANT	17	NEUTRAL	27	IMPORTANT	20	VERY IMPORTANT	20
Response	Percentage (%)												
VERY UNIMPORTANT	16												
UNIMPORTANT	17												
NEUTRAL	27												
IMPORTANT	20												
VERY IMPORTANT	20												

Non-Residential Land Questions

Greater than 75% of survey respondents selected 'Very Important' or 'Important' in relation to the following questions. This demonstrates a high degree of value from the community.

Table 3 - Residential Survey Questions that did not have clear consensus

Question	Survey Results												
Q9: Redevelopment of Commercial areas (e.g. revitalised shops).	<table border="1"> <thead> <tr> <th>Response</th> <th>Percentage (%)</th> </tr> </thead> <tbody> <tr> <td>VERY UNIMPORTANT</td> <td>1</td> </tr> <tr> <td>UNIMPORTANT</td> <td>4</td> </tr> <tr> <td>NEUTRAL</td> <td>13</td> </tr> <tr> <td>IMPORTANT</td> <td>34</td> </tr> <tr> <td>VERY IMPORTANT</td> <td>48</td> </tr> </tbody> </table>	Response	Percentage (%)	VERY UNIMPORTANT	1	UNIMPORTANT	4	NEUTRAL	13	IMPORTANT	34	VERY IMPORTANT	48
Response	Percentage (%)												
VERY UNIMPORTANT	1												
UNIMPORTANT	4												
NEUTRAL	13												
IMPORTANT	34												
VERY IMPORTANT	48												
Q10: Redevelopment of Industrial areas (when 'Neutral' submissions are included).	<table border="1"> <thead> <tr> <th>Response</th> <th>Percentage (%)</th> </tr> </thead> <tbody> <tr> <td>VERY UNIMPORTANT</td> <td>8</td> </tr> <tr> <td>UNIMPORTANT</td> <td>9</td> </tr> <tr> <td>NEUTRAL</td> <td>32</td> </tr> <tr> <td>IMPORTANT</td> <td>30</td> </tr> <tr> <td>VERY IMPORTANT</td> <td>21</td> </tr> </tbody> </table>	Response	Percentage (%)	VERY UNIMPORTANT	8	UNIMPORTANT	9	NEUTRAL	32	IMPORTANT	30	VERY IMPORTANT	21
Response	Percentage (%)												
VERY UNIMPORTANT	8												
UNIMPORTANT	9												
NEUTRAL	32												
IMPORTANT	30												
VERY IMPORTANT	21												



LEP Review – Written Submissions

An overview of key matters raised, and responses to submissions is provided below. A total of 132 written submissions were received, via:

- 94 submissions by ‘Optional Comments’ in the LEP Review Survey;
- 17 through the LEP Review Exhibition Website;
- 14 direct submissions to Council; and
- 7 State Government and other agency comments.

A. Natural Environment

A strong message during this exhibition was the importance of trees and green space, with submissions requesting:

- increased tree canopy;
- retention of trees;
- redevelopment with mature vegetation;
- bush regeneration;
- more recreation areas/parks;
- urban heat management; and
- improved sustainability e.g. water tanks and solar panels.

Response: The LEP Review is investigating new environmental mapping, and clauses for urban heat, stormwater management and recycled water. The design of residential development is being reviewed with the intent to improve landscaping outcomes. Other Council policies manage natural areas, parks and trees, such as the Tree Management Policy, Development Control Plans (DCP), park masterplans and tree planting initiatives.

B. Traffic and Transport

The impact of new development on parking, streets and traffic was a key matter raised with comments requesting:

- wider streets in residential areas;
- provision of more car parking spaces; and
- more consideration of the impacts of increased density on local traffic.

Response: It is proposed that densities in suburban areas are reduced in comparison to what the LLEP 2008 currently allows, in consideration of the impacts of traffic on suburban areas. Other documents such as the DCP, Parking Strategy, and Bike Plan also play a role in managing these issues.

C. Opposition to proposed 12m height reduction for high density residential land

There were requests that height of buildings is not reduced, and new apartment buildings are encouraged, for the following reasons:

- delivery of affordable and diverse housing to cater for a range of people;
- delivery of units near public transport and retail;
- concerns over accessibility, e.g. requirements for lifts; and
- ability for RFBs to deliver deep soil landscaping compared to low density.

Response: When the LLEP 2008 came into effect, it proposed high density areas in the suburbs. Since this time, the LLEP 2008 was amended to promote high density in the City Centre, therefore removing the need for high density development within suburban areas. The new LEP intends to allow diverse forms of housing in suburban areas (of an appropriate scale), located around major transport corridors (roads, T-Way, train stations) as well as around retail hubs with services and transport access.

D. Request for reduced high density residential development

Certain submissions supported the proposed reduction to height of buildings, and requested further reductions were made. The submissions raised the following:

- opposition to the height of high density development within the City Centre;
- opposition to apartments located in the suburbs, with the 12m height being too high;
- preference to retain suburban character with less units and more houses;
- agreement apartments should be within the City Centre and along corridors; and
- improvements required to services, infrastructure, and the public domain.

Response: Certain land around Town Centres is to contain R4 High Density Residential land, as these areas have the highest quality retail, public transport, services and infrastructure, outside of the City Centre. These areas are highly suitable for diverse forms of housing, other

than single dwelling housing, to ensure the future population has access to these services. The LEP Review focuses on protecting suburban character where appropriate.

E. Medium Density Housing

Certain submissions focused on medium density type housing, such as town houses, dual occupancies and secondary dwellings, and raised the following:

- importance of more medium density housing for housing diversity;
- should be easy to develop, with less restrictive controls;
- support and opposition to Complying Development Certification process; and
- concerns over the impacts such as overcrowding of lots, parking, overdevelopment of single sites, and amenity concerns.

Response: The Local Housing Strategy has a focus on providing housing diversity, through quality medium density housing, and an in-depth review of medium density development is occurring as part of this LEP Review. This includes an analysis of lot sizes and widths within the R3 Medium and R2 Low Density Residential zones, to determine how Complying Development will occur. Design testing for new controls for multi dwelling housing will occur, with consideration of the matters raised by the community as part of this exhibition.

F. Commercial Land

Comments on commercial land included:

- support for development within the City Centre;
- general and site-specific opposition to proposed height reduction;
- matters regarding existing planning proposals; and
- advertising to become a permissible use in commercial zones.

Response: City Centre and other Centre controls will be reviewed with a Post-COVID lens. The proposed height of building reduction is recommended to be reconsidered in light of submissions. Existing planning proposals are being addressed through their own process and are not subject to this LEP Review.

G. Miscellaneous

Miscellaneous comments received included:

- general support or opposition for the LEP Review;
- the need to deliver infrastructure (schools, hospitals, roads, sewerage, parks etc) to support development; and
- City Presentation matters such as park maintenance etc.

Response: Infrastructure delivery is a priority for Liverpool City Council. Council will continue advocating for quality infrastructure to support development, and park maintenance matters have been forwarded to the City Presentation team.

H. Site Specific Requests

Refer to **Attachment 2** for detailed responses to all submissions. These typically requested rezoning or changes to development standards such as height of building and/or floor space ratio. In response to submissions, the following changes are recommended to be addressed in the future planning proposal:

- **Area west of T-Way in Liverpool**

The Scoping Report recommended the area marked in black below is reduced to a maximum height of building development standard of 12m, instead of its current 12-15m range. Four submissions requested the height of buildings in this area not be reduced. The image below shows Residential Flat Buildings in this area which are existing, under construction and undergoing approvals. Given the existing and emerging high density residential development in proximity to the City Centre, the existing height of buildings is recommended to be retained where this future development is already occurring.

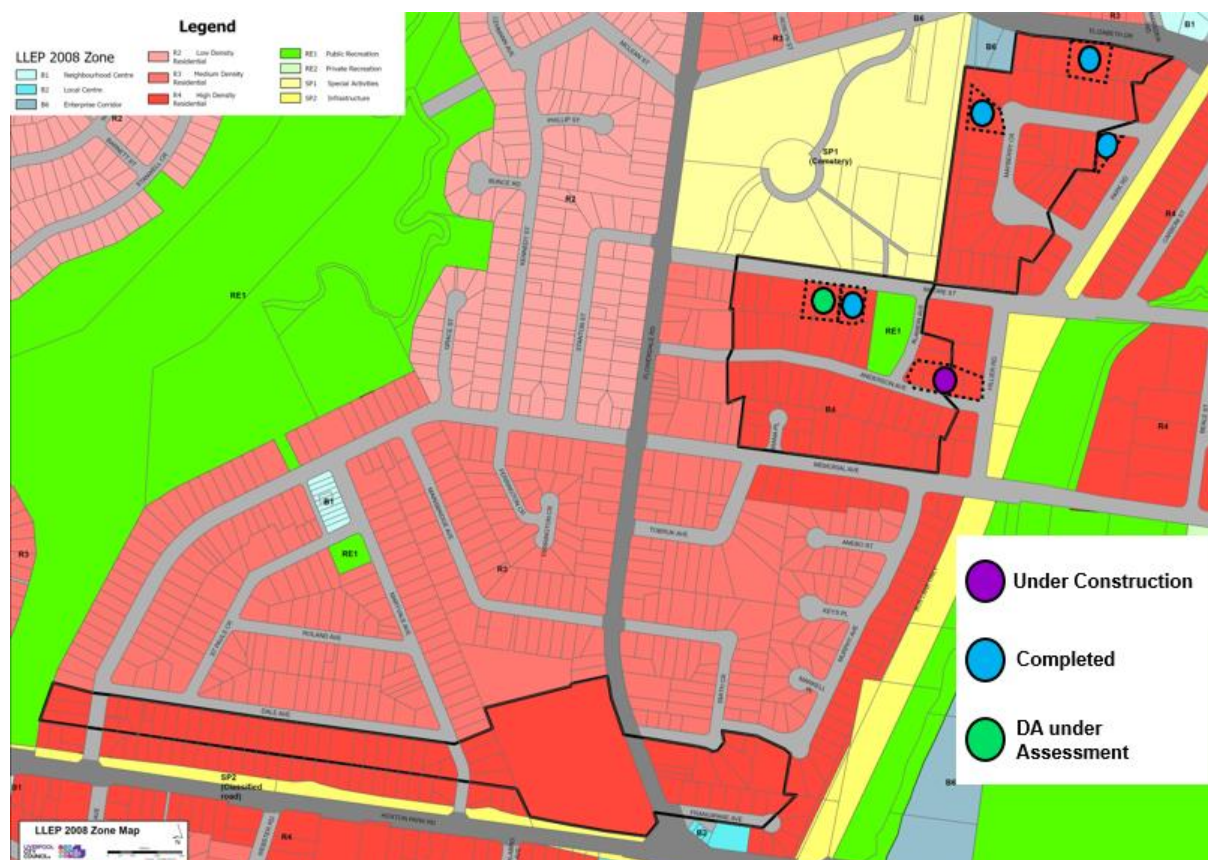


Figure 1 - Land west of T-Way in Liverpool to retain existing height limits

- Green Valley**

Two submissions, including one from NSW Land & Housing Co, was in relation to the high density residential zone around Green Valley Town Centre. It is recommended that the R4 High Density Residential areas marked in black below are retained as per the Scoping Report, and a new area south of the Town Centre and park is investigated as part of the planning proposal.

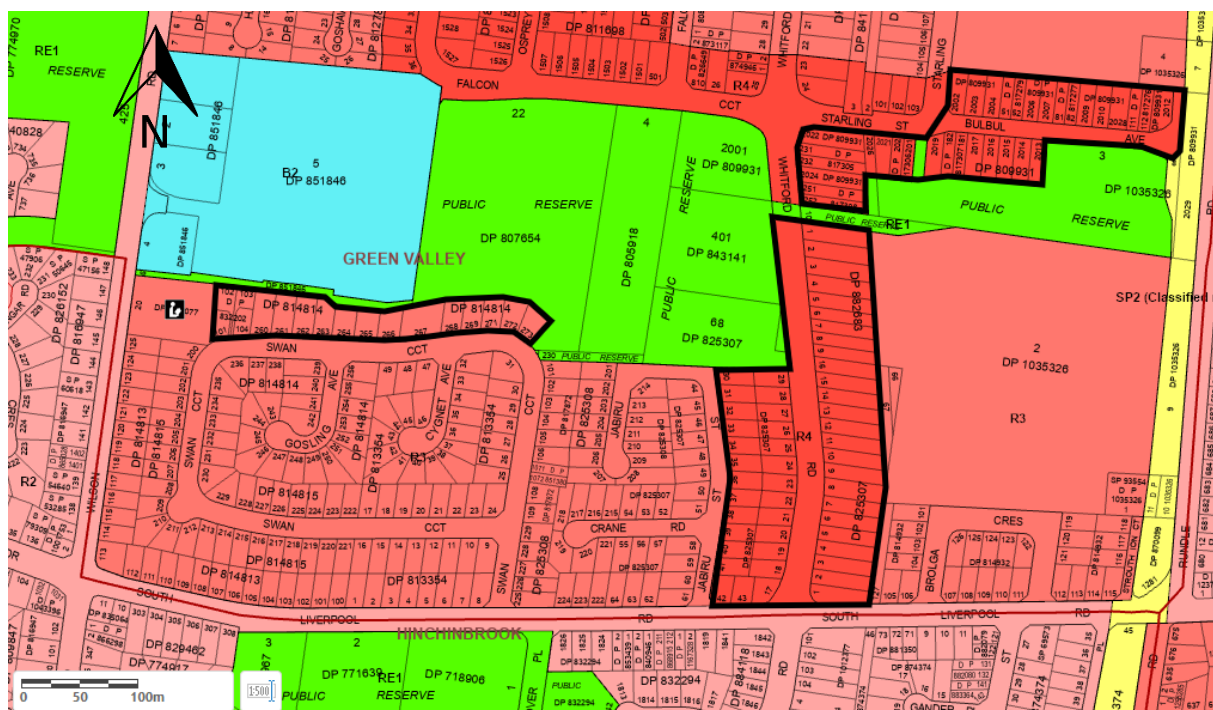


Figure 2 - Land around Green Valley Town Centre to be investigated for High Density Residential under a new LEPP

- **Ashcroft**

NSW Land & Housing Co has requested the R4 High Density Residential Land around Ashcroft is retained. The area marked in black below contains 18m height of building standards, and was recommended in the Scoping Report to become R3 Medium Density Residential. Following post exhibition feedback, it is recommended that investigation of retaining the R4 High Density Residential zone occurs, with reduced development standards, e.g. 9m height of buildings, as part of the planning proposal. This is to reflect the type of development built by NSW Land & Housing.

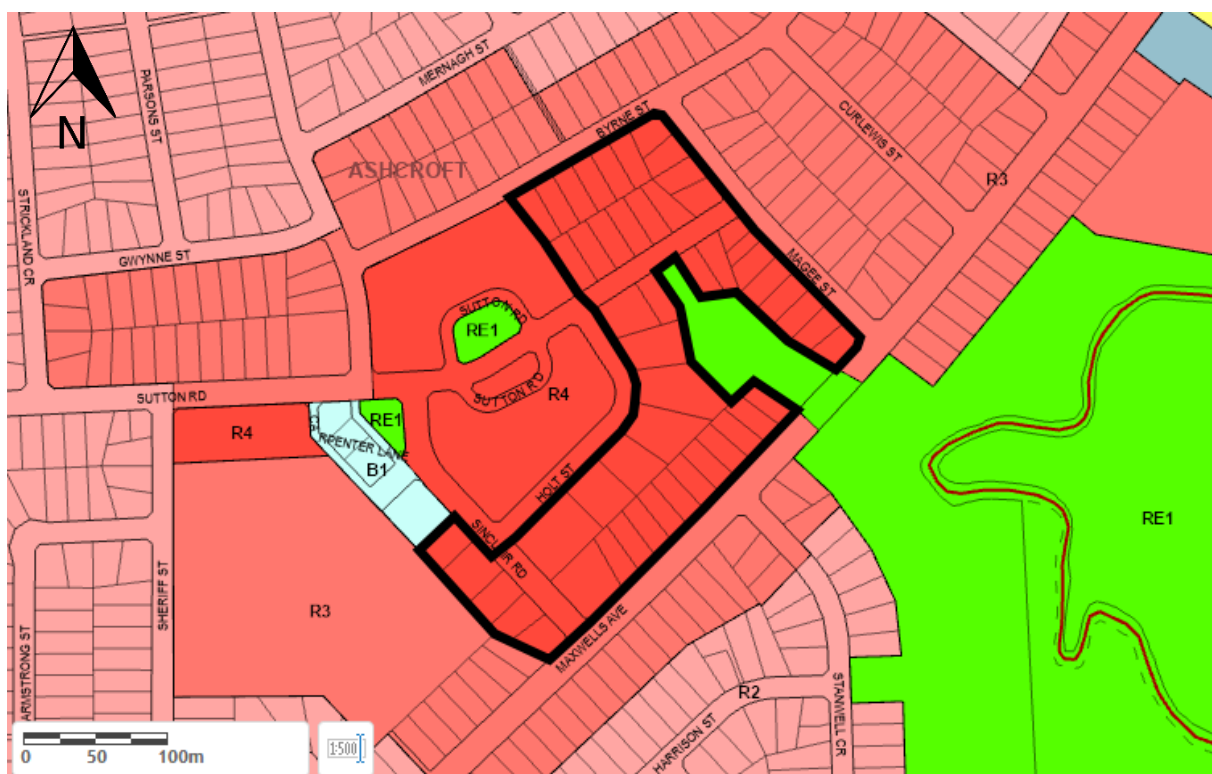


Figure 3 - Land in Ashcroft recommended to retain the R4 High Density Residential zone with reduced development standards

Reconsideration of Reduced Height of Building Controls in Commercial Areas

At its OMC on 27 July 2022, Council resolved the following:

2(c) "All centres, regardless of their hierarchy, are to have a height of building development standard of 12m or less to limit the height of buildings across all centres within the LEP, with exclusions as noted within this report, such as the Liverpool City Centre centres subject to planning proposals."

Early Exhibition Feedback

In response to the survey question: "*How important is redevelopment of Commercial areas to you? (e.g. revitalised Town and Local Centre Shops)*", almost half (48%) of respondents selected 'Very Important' and over a third (34%) selected 'Important'.

A number of written submissions were received during the exhibition period in opposition to the proposed reduction in development standards for commercial zoned land.

These submissions raised the following issues:

- The broad application of 12m heights is inflexible and does not allow for site specific responses in relation to urban design assessment;
- The restriction of development standards will mean redevelopment opportunities are not available, and rejuvenation of sites, including for their expansion will not occur; and
- Redevelopment would provide for new retail and office opportunities, as well as shop top housing, which would support planning principles such as walkable 15-minute neighbourhoods, and support the vibrancy of suburbs.

Commercial Building Height Recommendation

There is a high risk that redevelopment of commercial areas will not occur in line with the community's vision and landowners' aspirations if development controls of 12m and 10m are proposed.

It is recommended that the height of buildings in Town and Local Centre commercial zoned areas are not restricted to a 12m and 10m height of building respectively, and further investigation occurs regarding the retention of existing development standards, and/or slightly revised standards in relation to creating the centres hierarchy. It is suggested that the specific heights and controls for each centre is based on the strategic merit of these centres in alignment with Council's Centres and Corridors Strategy, the feasibility of redevelopment of each centre, and the potential impacts on surrounding residential areas. This would be presented within the planning proposal to Council for in-principal support prior to a Gateway determination.

Medium Density Housing Findings

Background

Following the outcomes of the Councillor Workshop in May 2022, the LEP Review Early Exhibition included the following research on Medium Density Housing:

- Targeted survey sent to approximately 800 medium density dwellings with 21 questions regarding their house design and preferences; and
- Industry Workshop with architects, developers and planners to discuss the design and delivery of Medium Density Housing across the Liverpool LGA.

Medium Density Survey

A total of 53 surveys were completed. Key findings are below, and detailed findings are within **Attachment 1** LEP Review Early Engagement Outcomes Report.

- Majority surveys responded as containing 3 bedrooms (75.5%) and the most common household composition was 'Couple with Child/Children' (58.5%).
- Dwelling Design:
 - 80% responded number of bedrooms meets the needs of the household;
 - 51% required more storage space;
 - 53% rated internal living area as adequate, and 34% required more;
 - 48% rated private open space as adequate, and 36% required more;
 - 53% rated solar access as adequate, and 19% rated as good; and
 - 38% rated acoustic privacy as poor, and 26% as adequate.
- Car Parking:
 - 76% specified 'garage attached to dwelling' as their preferred arrangement;
 - 47% required more car parking spaces, and 43% rated spaces as adequate; and
 - 74% require more visitor parking spaces.
- Positive aspects of medium density housing was primarily proximity to services, size of the dwelling, bedroom and living areas. Negative aspects were mostly in relation to car parking arrangements, including the need for more resident and visitor parking.

Medium Density Housing Workshop

An Industry Workshop was conducted on 26 October 2022, with architects, developers and planners present to discuss the design and delivery of Medium Density Housing. Several activities were conducted to determine the challenges and opportunities for medium density

development and to hear ideas for innovation and potential incentives. Refer to **Attachment 5** for a summary of workshop outcomes.

Stakeholder Engagement

The following State Government submissions have been received and are summarised below. Further stakeholder engagement will continue to occur in 2023, both before and after the development of the Principal Planning Proposal.

Department of Planning and Environment

- **General Comments:** Council's proposal to establish a new LEP constitutes a comprehensive LEP amendment, however comprehensive LEP amendments are only supported in the case of Council amalgamations or de-amalgamations.
- **Housing:** Council's LEP Principles for residential land are consistent with the actions of the District and Regional plans, and Council's LSPS and LHS.
- **Centres:** An overall reduction in floorspace across multiple centres is not considered to be in alignment with the Regional and District plans, or the LSPS. It is considered that the proposed amendments may result in undue restriction on future investment and growth. It is recommended that the planning proposal be submitted with a robust feasibility assessment of the proposed control changes to affected centres.
- **Sustainability and Resilience:** ongoing discussion with the Department is required in relation to environmentally sensitive mapping. DPE Water Group provided suggestions for new LEP clauses.
- **Transport and Infrastructure:** The proposal seeks to deliver density in areas that are well serviced, thereby and optimising existing infrastructure.
- **Further consultation:** consultation and support from the following is required:
 - Greater Cities Commission
 - Transport for NSW
 - DPE Environment and Heritage
 - DPE Housing
 - Local Aboriginal Land Council
 - Relevant utility providers

Environment, Energy and Science

It was suggested that the proposed LEP clauses for Terrestrial Biodiversity and Riparian Land will have limited success in protecting biodiversity and waterway health, and further protections such as application of Conservation zones is recommended. It is noted the LEP currently contains an Environmentally Significant Land layer. The Scoping Report proposes to update this mapping and various Councils in NSW contain similar clauses. Further discussion will occur with the Department regarding their recommendations. Further studies may include a review of Conservation zones under the LEP to support the planning proposal.

Land & Housing NSW

LAHC supports the LEP Review in general and wishes to be involved throughout the process to ensure there is an increase to the supply of affordable housing, providing a diversity in housing choice, and to encourage infill housing and increased densities to facilitate a greater housing mix across the Liverpool LGA. Site specific comments were made in relation to Liverpool, Green Valley and Ashcroft.

Endeavour Energy and Sydney Water

Supported the proposed changes to rezoning sites to SP2 Infrastructure.

Transport for New South Wales

Recommends that local centres have the capacity to evolve and provide fine grain urban form, diverse land use, high walkability and to meet future demand for services and amenities by local communities which supports the 15-minute neighbourhood and 30-minute city concept. Further consultation within TfNSW will occur in relation to specific sites within the LEP.

Next Steps

Additional investigations are required to support the Principal Planning Proposal, this includes the following:

- Impacts of proposed changes on LGA housing targets;
- Design and feasibility testing of medium density housing;
- Feasibility testing of proposed changes to development standards in centres;
- Application of *SEPP (Exempt and Complying Development Codes) 2008*;
- Changes to industrial land development standards;
- Potential conservation (environmental) zoning review; and
- City Centre viability work.

Following additional investigations, a Principal Planning Proposal will be prepared and submitted to the Local Planning Panel and Council, anticipated at this stage for early Q3 of 2023.

Conclusion

The extensive community consultation process provided detailed, valuable feedback from the community and state agencies. Findings of the Early Engagement Exhibition period will continue to inform the Principal Planning Proposal for a new LEP. Further community exhibition will occur once a Gateway determination has been received from the Department of Planning and Environment.

FINANCIAL IMPLICATIONS

Costs associated with this recommendation have been included in Council's budget for the current year and long-term financial plan.

201594 - LEP & DCP Review	Year 1 (2022-23)	Year 2 (2023-24)
Employee - LEP Review Staff	\$224,892	\$112,446
Employee – Heritage Review	\$260,000	\$0
Consultants	\$337,608	\$75,054
Total	\$822,500	\$187,500

CONSIDERATIONS

Economic	Further develop a commercial centre that accommodates a variety of employment opportunities.
Environment	Manage the environmental health of waterways.
Social	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Division 3.2 and 3.4 of the <i>Environmental Planning and Assessment Act 1979</i> .
Risk	The risk is deemed to be Low. Changes to the Liverpool Local Environmental Plan 2008 will lead to implications for landowners in the LGA, however engagement will continue to occur, along with feasibility testing. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. LEP Review - Early Engagement Outcomes Report (Under separate cover)
2. Attachment A - Response to Submissions (Under separate cover)
3. Attachment B - Site Specific Requests (Under separate cover) - **Confidential**
4. Attachment C - Exhibition Promotional Material (Under separate cover)
5. Attachment D - Medium Density Housing Workshop Outcomes (Under separate cover)

COM 01**Framework for Community Owned and Led
Community Gardens**

Strategic Objective	Healthy, Inclusive, Engaging Improve liveability and quality of life for the community by delivering vibrant parks, places and facilities
File Ref	072210.2023
Report By	Galavizh Ahmadi Nia - Manager Community Development and Planning
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

At its ordinary meeting on 27 July 2022, Council endorsed a Community Garden Guidelines for establishment of communal gardens on private property; and moved a motion to receive:

- *A further report come back to Council with a framework based on these guidelines to enable residents to construct and operate community gardens on community land.*

By way of background, Liverpool community garden network was funded under the *Living Streets Program* commencing in 1997 and ceasing in 2015 when the external grant was no longer available. In 2021 Council considered a Community Gardens Option Paper and resolved to encourage community and developer gardens on private properties, rather than on community land.

The option of establishing and managing new community gardens on community land was discussed in the Option Paper and was not recommended as the estimated costs and drain on Council resources were found to be unjustifiable. Council officers have since identified the option of community gardens being established on community land to be managed by community groups and organisations. A simplified and community friendly process has been developed though consultation with various internal stakeholders. The *Establishing a Community Owned and Led Garden on Council Land or Council Managed Land Application Form* has been developed, aiming to manage customer/ public inquiries in a cost effective and efficient manner. The draft application form is submitted for Council's consideration.

RECOMMENDATION

That Council:

1. Notes and receives this report; and
2. Adopt the *Establishing a Community Owned and Led Garden on Council Land or Council Managed Land Application Form* as the framework to enable residents to construct and operate community gardens on community land.

REPORT

Background

Liverpool's community gardens network was predominately initiated under the Living Streets Program (LSP). The LSP was a grant-funded project which commenced in 1997 and ceased in 2015. The LSP included a dedicated part-time Program Coordinator, whose role was to engage and work with communities in areas of identified disadvantage across Liverpool. They worked closely with various agencies and community groups; and applied community cultural development methods to engage with residents to create sustainable and vibrant new urban spaces, such as community gardens and public art initiatives. Initiated by LSP, there are currently three community gardens in Liverpool that are being supported by Council.

The most recent discussion and considerations relating to community gardens in Liverpool dates back to early 2021 and subsequent Council reports, as summarised below:

Council Resolution	Outcome
<p><u>In February 2021 Council considered a Notice of Motion and resolved to:</u></p> <ol style="list-style-type: none"> 1. <i>To explore the feasibility of expanding community gardens, including footpath gardening and their long-term operation and financial sustainability; and</i> 2. <i>Report back the finding to Council at the June 2021 Council meeting.</i> 	<p>Council endorsed the Options Paper for individual and communal gardens on private properties.</p>
<p><u>In August 2021 Council considered a Community Garden Options Paper and resolved to:</u></p> <p><i>Develops a framework for community and developer driven opportunities for individual and communal gardening on private property in Liverpool. This could</i></p>	<p>Council officers to investigate the Community Garden Guidelines and to bring a further report back to Council.</p>

<p><i>include rooftop gardening, balcony gardening and garden beds in common areas and that Council receives a report on the progress of this resolution.</i></p>	
<p><u>In July 2022 Council received and endorsed the Community Garden Guidelines and resolved to:</u> <i>A further report come back to Council with a framework based on these guidelines to enable residents to construct and operate community gardens on community land.</i></p>	<p>As per the Council endorsed Guidelines, Council officers were to develop a Framework for establishing Community Owned and Led Garden on Council Land and associated costs.</p>

It is noted that the additional item of the resolution in July 2022 (*enable residents to construct and operate community gardens on community land*) technically conflicts with the resolution dated August 2021 (*community and developer driven opportunities for individual and communal gardening on private property in Liverpool*).

At the August 2021, Council considered a Community Gardens Options Report (COM 01). The rationale for the recommendation endorsed at the August Council meeting (noted above) was based on a comprehensive review of the existing community gardens in Liverpool. The review concluded:

- The cost (monetary and staff resourcing) could not be justified for benefits of establishing new and maintaining existing gardens;
- Opportunities of existing gardens were limited;
- Significant barriers to verge gardening due to underground services. Assessing of requests for verge gardening would be cost and resource intense; and
- Alternative models of supporting the community through gardening opportunities, including developer and community driven gardens, were more feasible.

Further to that comprehensive review, the Council resolution of August 2021 and the Community Garden Guidelines, this report has investigated a framework to assess and enable community owned and community led gardens on public land. This means if a community group can demonstrate their capacity and capability to construct and manage a community garden as outlined in the Community Garden Guideline, Council could consider allocating underutilised or excess public land for community garden purpose.

Framework for community owned and community led gardens.

To support community driven initiatives, the following scope has been developed for assessing requests to establish community group led gardens on public land. Importantly, assessment of community requests and proposals for establishing community gardens is to be undertaken by staff for technical viability, using the adopted guidelines as a basis for assessment. The assessment process could include but not limited to the following steps:

1. Completion of a “*Establishing a Community Owned and Led Garden on Council Land or Council Managed Land Application Form*” to Council Customer Service team (either online or in person).
2. Assessment of application undertaken by Council Officers based on site suitability (if known), applicants’ technical capacity and capability, financial modelling including the applicants’ ability to fund, environmental considerations. Planning Approval may be required.
3. Formal response provided by Council outlining the outcomes of the assessment process within three (3) months of receiving the proposal.

The draft “*Establishing a Community Owned and Led Garden on Council Land or Council Managed Land Application Form*” is attached to this report for Council’s information.

Resource Implications

Currently, there are no dedicated staff resources for managing such inquiries or processes, hence this process has been developed to assess and manage requests as a customer service inquiry. Alternatively, Council could allocate funds to sub-contract the management of current gardens and the above process to a not-for-profit garden management group for efficiency and effective outcomes. The cost of such service or a part time staff resource is estimated to be \$50,000-\$60,000 per annum. As per the Options Paper presented in 2021, this approach is not recommended as the current community engagement does not reflect a sound return on investment.

Conclusion

Council officers have investigated Council’s resolution for development of a framework to construct and operate community led and community owned gardens on community land. An application and assessment process has been devised to enable Council to assess and respond to public inquiries and is presented to Council for consideration.

FINANCIAL IMPLICATIONS

Currently, there are no dedicated staff resources for managing such inquiries or processes, hence this process has been developed as a customer service inquiry which could be managed in that manner. Alternatively, Council would need to allocate funds to sub-contract the management of current gardens and the above process to a not-for-profit garden management group for efficiency and effective outcomes. At minimum part-time staff resources will be required, costing approximately \$50,000-\$60,000 per annum.


Costs associated with this recommendation are outside of Council’s current budget and long-term financial plan and it is not recommended.

CONSIDERATIONS

Economic	Financial implications are outlined above.
Environment	Raise community awareness and support action in relation to environmental issues.
Social	Support community organisations, groups, and volunteers to deliver coordinated services to the community.
Civic Leadership	Foster neighborhood pride and a sense of responsibility. Provide information about Council's services, roles and decision-making processes.
Legislative	There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Establishing a Community Garden Application Form

		Establishing a Community Owned and Led Garden on Council Land or Council Managed Land Application Form	
Is the proposed site managed/owned by Council? Yes <input type="checkbox"/> No <input type="checkbox"/>			
If not, do not complete this form. You need to identify ownership and approach lander owner directly to discuss your proposal.			
Applicant Details			
Name:			Office Use
Street:			
Suburb:		Postcode:	
Phone:	Email:		
Community Garden Group Details			
Community Garden Group Name:			
Number of current members in the group?			
Estimated maximum no. of members			
Does your group carry its own Public Liability Insurance? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please attach a copy.			
Does your group currently have funds available to establish a community garden? (eg Purchase of materials, compost bins, tools, shed, insurance) Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please attach details.			
Community Garden Model (See Guidelines for further detail) – Communal <input type="checkbox"/> Allotment <input type="checkbox"/> Combination <input type="checkbox"/>			
Describe the proposed management structure for the community garden including: <ul style="list-style-type: none"> • How decisions will be made • How you will resolve conflict and communication • What is your membership criteria and recruitment of new members • How you will conduct and keep records of group meetings • Provide insurance details • Provide details of consultation with members and surrounding properties. • How do you pay for operation cost and maintenance? Please attach your management structure relating to above considerations.			
Community Garden Site Details			
Proposed Garden Site/Address:			

Please provide details on the following:		
<ul style="list-style-type: none"> • The site safety plan and activation plan • A map/ diagram of accessible footpaths and parking • Is the site suitable for your proposed garden type? i.e. sun, water and water tanks, drainage, passive surveillance, contamination, 		
Garden Type: Small Verge Garden <input type="checkbox"/> Combination of Single and Shared Plots <input type="checkbox"/>		
Completely Shared Garden <input type="checkbox"/> Single Plots Only <input type="checkbox"/>		
What type of plants do you plan to grow? Vegetables <input type="checkbox"/> Herbs <input type="checkbox"/> Native Plants/Bush Foods <input type="checkbox"/>		
Fruit trees and shrubs <input type="checkbox"/> Flowers <input type="checkbox"/> other (please specify)		
Applicant's Signature(s):	Date:	
Print name(s)		
Members contact details:		
Name	Address	

The Application and Assessment process.

1. The community group complete and submit the application form to Council's Customer Service.
2. Council to assess the application form.
 - a. If application supported by Council, application proceeds to public exhibition.
 - b. If application is not supported by Council, the group is advised.
3. Public exhibition: community feedback is invited and considered. Council decides if the application is successful.
 - a. If successful: Council formalise the agreement with the group through the Community Garden Agreement Form.
 - b. If unsuccessful: the group is advised.
4. Group begins works to establish and manage community garden.

COM 02

**Grants Donations and Community Sponsorship
Report**

Strategic Objective	Healthy, Inclusive, Engaging Promote a harmonious community that celebrates its diversity
File Ref	079886.2023
Report By	Galavizh Ahmadi Nia - Manager Community Development and Planning
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

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

This report provides a recommendation for endorsement of funding totalling **\$28,000** from Sustainable Environment Program, Community Grants Program, and the Community Sponsorship Program.

RECOMMENDATION

That Council:

1. Endorses the funding recommendation of \$3000 (GST exclusive) under the **Community Grant Program** for the following project.

Applicant	Project	Recommended
Association For Community Development Incorporated	Ramadan Shopping Festival	\$3000

2. Endorses the funding recommendation of **\$5000** (GST exclusive) under the **Sustainable Environment Grant Program** for the following project.

Applicant	Project	Recommended
City of Liverpool Meals on Wheels Inc.	Compostable Food Containers	\$5,000

3. Endorses the funding recommendation of **\$20,000** (GST exclusive) under the **Community Sponsorship Program** for the following projects.

Applicant	Project	Recommended
Western Sydney Wanderers Football Club	Western Sydney Wanderers Football Clinic	\$10,000
Vedic Festival Inc.	Festival of Chariots 2023	\$10,000

REPORT

Community Grant Program

The Community Grant Program received one application which met the eligibility criteria and is recommended for funding as follows:

Applicant	Association For Community Development Incorporated		
Project	Ramadan Shopping Festival 2023		
Amount Requested	\$3000	Total Project Cost	\$10,000
Location	Liverpool LGA	Date	April 2023
About the Applicant	Association for Community Development (ACD) is a volunteer-based organisation focused on fostering cohesion amongst community members. Founded by a group of immigrants who now call Australia home, ACD organises various multicultural events that celebrates Liverpool's diversity and encourages cultural exchange.		
Description	Objective: The Ramadan Shopping Festival 2023 is a cultural marketplace enabling local entrepreneurs and small businesses with an opportunity to promote their craftsmanship (traditional clothing, jewelry, and arts). The festival is free to attend and aims to promote business connections for local vendors while providing a social opportunity for the broader community to participate in a vibrant exchange of culture through stalls, food, and entertainment.		

	Outcomes: <ul style="list-style-type: none"> • Increase community participation and promotion of Liverpool's rich cultural diversity through a marketplace; and • Improve brand exposure and opportunities for small businesses and local entrepreneurs in the Liverpool LGA;
Beneficiaries	<ul style="list-style-type: none"> • Residents and multicultural groups of Liverpool LGA • Small businesses and local entrepreneurs
Assessment	Recommended for Funding - \$3000 The project aligns with the Community Strategic <i>Objective 1 - Healthy, Inclusive, Engaging</i> , <i>Objective 3 – Evolving, Prosperous, Innovative</i> , Strategic <i>Objective 4 – Visionary, Leading, Responsible</i> . Expected program outcomes 7.4.1 a), b) and c).

Sustainable Environment Grants Program

The Sustainable Environment Grant Program received one application which met the eligibility criteria and is recommended for funding as follows:

Applicant	City of Liverpool Meals on Wheels Inc.		
Project	Compostable Food Containers		
Amount Requested	\$5000	Total Project Cost	\$5,000
Location	Liverpool LGA	Date	May 2023
About the Applicant	Meals on Wheels (MoW) is a not-for-profit organisation supporting the health and wellbeing of older residents across the Liverpool LGA. Through a network of volunteers MoW plays an important role in early intervention and health prevention through meaningful community connections, particularly with vulnerable groups.		
Description	Objective: MoW are passionate about sustainability and motivated to change habits around food delivery. The organisation intends to reduce its impact on the environment by investing in sustainable ways to deliver fresh and nutritious food to the aged community.		

	<p>Funds will be used to invest in food packaging that is made from renewable and recyclable resources.</p> <p>Outcomes:</p> <ul style="list-style-type: none"> Promote efficient resource use and improve the quality of the local environment by reducing landfill waste; and Encourage community members to become involved in sustainable waste disposal practices and take initiative in improving their behaviours for a more sustainable future.
Beneficiaries	Senior residents of Liverpool LGA
Assessment	<p>Recommended for Funding - \$5000</p> <p>The project aligns with the Community Strategic Plan <i>Objective 1 - Healthy, Inclusive, Engaging, Objective 2 - Livable, Sustainable, Resilient</i>, and meets the Sustainable Environment Grants Program's funding priorities of <i>Waste Minimisation; Sustainable Water Use; Environmental Improvement; and Sustainable Living</i>.</p> <p>Expected program outcomes 7.5.1 a), b), c) e) and f)</p>

Community Sponsorship Program

The Community Sponsorship Program received two applications which met the eligibility criteria and are recommended for funding as follows:

Applicant	Western Sydney Wanderers Football Club (WSWFC) – Wanderer's Foundation		
Project	Western Sydney Wanderers Football Clinic		
Amount Requested	\$10,000	Total Project Cost	\$10,000
Location	Liverpool Boys High School Liverpool, 2170	Date	April to June 2023
About the Applicant	Through the Wanderers Foundation, Australia's A-League Football Club (WSWFC) is committed to promoting healthy active lifestyle through youth development programs and engaging with disadvantaged communities in Western Sydney through football clinics and mentoring programs.		
Description	<p>Objective:</p> <p>Through the delivery of a ten-week skills development program at Liverpool Boys High School (LBHS), the Wanderers Foundation aims to provide an</p>		

	<p>opportunity for young males to access elite football coaching and receive information about healthy living, mental resilience, physical conditioning, and nutrition.</p> <p>The program recognises the youth of Liverpool growing up in a socioeconomically disadvantaged area, with a need for youth to access sporting opportunities to enhance physical, social, and mental wellbeing.</p> <p>This unique program also offers an opportunity for talented young players to be identified and placed in pathway programs at the WSW Academy. Funding will be used to deliver the Football Clinic over a ten-week program in partnership with Liverpool Boys High School, inclusive of resource packs for each participant.</p> <p>Outcome:</p> <ul style="list-style-type: none"> • Improved physical and mental wellbeing through participation in sporting activities at LBHS; • Improved access to professional football coaching and information around physical and mental wellbeing for students (male) in the Liverpool LGA; and • Promote Liverpool's reputation as an active place for youth to live and play.
Beneficiaries	Year 7 to 12 Students of Liverpool Boys High School
Assessment	<p>The project aligns with the Community Strategic Plan Objective 1 - <i>Healthy, Inclusive, Engaging</i>, Objective 2 - <i>Livable, Sustainable, Resilient</i>, and meets the Community Sponsorship funding priorities.</p> <p>Expected program outcomes 7.7.1 a), b), c), d) and e).</p>

Applicant	Vedic Festival Incorporated		
Project	Festival of Chariots 2023		
Amount Requested	\$10,000	Total Project Cost	\$40,000
Location	Liverpool LGA	Date	June 2023
About the Applicant	<p>Vedic Festival Incorporated (VFI) is a not-for-profit organisation engaging the community through Indian cultural experiences. The group works closely with Liverpool's large Indian and Fijian community and aims to promote Indian culture and art through accessible community events such as street parades and festivals. VFI also invests in programs that integrate migrants and international students to Australia and creates opportunities for groups to establish beneficial networks within the community.</p>		
Description	<p>Objectives: The Festival of Chariots is a large street parade and fair that attracts many visitors to the Liverpool LGA. This multicultural event aims to celebrate traditions and culture through various activities and musical performances, encourages a vibrant cultural exchange. The event envisions to unite community members from all backgrounds to share knowledge and culture. Funding will be used to deliver the street parade through the Liverpool CBD, followed by a cultural fair at Bigge Park.</p> <p>Outcomes:</p> <ul style="list-style-type: none"> • Celebrate diversity and strengthen community cohesion. • Increase community participation and social wellbeing through cultural events. • Promote tourism through regional, national, and international visitors; and provide economic benefit to the Liverpool LGA. • Provides promotional and publicity opportunities to the Liverpool LGA; and • Promotes Liverpool's reputational as a great place to live, work, and invest. 		
Beneficiaries	CALD residents and the broader Liverpool community (approx. 3000 people)		
Assessment	<p>The project aligns with the Community Strategic Plan Objective 1 - <i>Healthy, Inclusive, Engaging</i>, Objective 2 - <i>Livable, Sustainable, Resilient</i>, and meets the Community Sponsorship funding priorities.</p> <p>Expected program outcomes 7.7.1 a), b), c), d) and e).</p>		

FINANCIAL IMPLICATIONS

Costs associated with this recommendation have been included in Council's budget for the current year and long-term financial plan. A full breakdown of operating budget is included below.

COMMUNITY SPONSORSHIP			
Budget	Balance	<i>Recommended for funding in this report</i>	Remaining
\$100,000	\$40,000	<i>\$20,000</i>	\$20,000
COMMUNITY GRANTS			
Budget	Balance	<i>Recommended funding in this report</i>	Remaining
\$102,000	\$58,419	<i>\$3000</i>	\$55,419
MATCHING GRANTS			
Budget	Balance	<i>Recommended funding in this report</i>	Remaining
\$200,000	\$106,450	<i>Nil</i>	\$106,450
SUSTAINABLE ENVIRONMENT GRANTS*			
Budget	Balance	<i>Recommended funding in this report</i>	Remaining
\$75,000	\$56,997.40	<i>\$5,000</i>	\$51,997.40
COMBINED FUNDING BALANCE			
Combined Budget	Combined Balance	<i>Total recommended funding in this report</i>	Remaining
\$477,000	\$261,866.40	<i>\$28,000</i>	\$233,866.40

CONSIDERATIONS

Economic	The financial impacts are outlined in the report above.
Environment	Raise community awareness and support action in relation to environmental issues.
Social	Support community organisations, groups, and volunteers to deliver coordinated services to the community.
Civic Leadership	Foster neighborhood pride and a sense of responsibility. Operate a well-developed governance system that demonstrates accountability, transparency, and ethical conduct.
Legislative	Local Government Act 1993, including sections 24 and 356. Council may by resolution contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions. The Council's grant programs are targeted to ensure a lawful and consistent approach to its contributions and financial assistance. Key functions that are supported are Council's functions of providing goods, services, and facilities, and carrying out activities, appropriate to the current and future needs within the Liverpool local community and of the wider public, subject to the Local Government Act, the regulations and any other law.
Risk	There is no risk associated with this report.

ATTACHMENTS

Nil

CORP 01

Investment Report March 2023

Strategic Objective	Visionary, Leading, Responsible Ensure Council is accountable and financially sustainable through the strategic management of assets and resources
File Ref	110020.2023
Report By	Vishwa Nadan - Chief Financial Officer
Approved By	Farooq Portelli - Acting Director Corporate Support

EXECUTIVE SUMMARY

This report details Council's investment portfolio and its performance at 31 March 2023. Key highlights include:

- Council held investments with a market value of \$438 million.
- The Reserve Bank of Australia (RBA)'s official cash rate is at 3.60 per cent.
- The portfolio yield (for the year to March 2023) was 96 basis points above the benchmark (AusBond Bank Bill Index)

	AusBond Bank Bill Index (ABBI)
Benchmark	2.04%
Portfolio yield	3.00%
Performance above benchmark	0.96%

- Year-to-date, Council's investment income was \$6.82 million higher than the original budget. This is due to a combination of increase in market interest rates and unrealised gain in fair value of Floating Rate Notes (FRNs).
- Year-to-date, Council's investment in mortgage-backed securities (MBSs) are valued at \$418 thousand below face value. Council's investment advisor (Amicus Advisory) continues to review Council's investment in MBSs and recommends Council continue to hold its investments in the Class A and both Class C securities. There is significant uncertainty associated with these investments, however presently the investment advisor believes there is, on balance, more upside opportunity than downside risk. This is subject to ongoing regular review. MBSs are no longer rated.

- Council's investments and reporting obligations fully complied with the requirements of section 625 of the *Local Government Act 1993* and section 212 of the *Local Government (General) Regulation 2021*, except for a non-complying investment with "Toronto-Dominion Bank" during March 2023 which was redeemed on 4 April 2023.
- Council's portfolio also fully complied with limits set out in its current Investment Policy, noting the exception applicable to MBSs (as investment in them pre-dates the current Investment Policy).
- Council is committed to NSW TCorp's balanced investment framework and held 17.46 per cent of its portfolio in ADIs rated BBB and below.

RECOMMENDATION

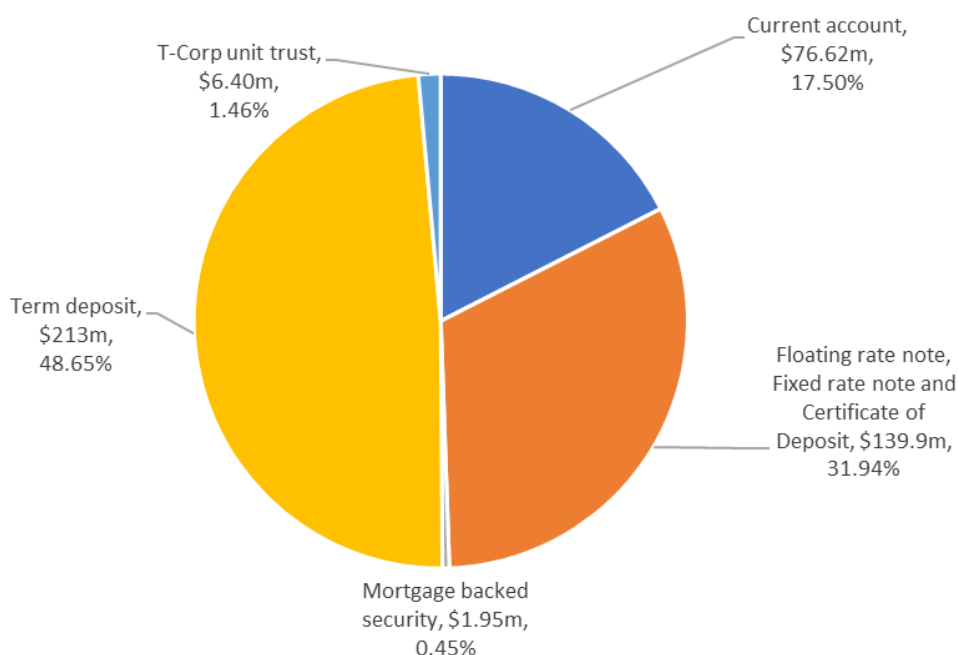
That Council receive and note this report.

REPORT

Section 212 of the *Local Government (General) Regulation 2021* requires that the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the *Local Government Act 1993*.

Council's portfolio

At 31 March 2023, Council held investments with a market value of \$438 million. Council's investment register detailing all its investments is provided as an attachment to this report. In summary, Council's portfolio consisted of investments in:



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

Asset class	Mar-23	Feb-23	Jun-22
Senior debts (FRNs ,TCDs & FRBs)*	98.81%	98.55%	98.62%
MBS (Reverse mortgage-backed securities)	82.36%	80.73%	76.53%
T-Corp unit trusts	104.43%	104.98%	103.12%

***Definition of terms**

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

Council continues to closely monitor the investments in its portfolio to ensure continued compliance and minimal exposure to risk.

Council is committed to NSW TCorp's balanced investment framework and held 17.46 per cent of its portfolio in ADIs rated BBB and below.

Mortgaged-backed securities

Council's investment advisor (Amicus Advisory) regularly reviews investments in grandfathered mortgage-backed securities (MBSs) and continues to recommend "hold" position on investments in Class A and both Class C securities.

There is significant uncertainty associated with these investments, however presently the investment advisors believe there is, on balance, more upside opportunity than downside risk. Notwithstanding this recommendation, Amicus has assessed that both Class C securities are likely to eventually default. However, Council will continue to receive interest up until default which is likely to be many years in the future. Fitch Rating Agency has decided to withdraw its rating on MBSs and as a result, Council's investments in these securities are now classed as non-rated. Year-to-date, Council's investment in MBSs are valued at \$418 thousand below face value.

Portfolio maturity profile

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

Term to maturity	Total	% Holdings	Term to maturity policy limit minimum	Term to maturity policy limit maximum	Complies to Investment policy "Yes/No"
Current account	76,624,079	17.50%			
Term deposits < 1 year	150,000,000	34.26%			
T-Corp unit trust	6,396,647	1.46%			
Tradeable securities	139,866,399	31.94%			
Portfolio % < 1 year (Short term liquidity)	372,887,125	85.17%	30%	100%	Yes
Term deposit > 1 year < 3 years	63,000,000	14.39%	0	0.7	Yes
Grand fathered securities	1,953,276	0.45%	N/A	N/A	Yes
Portfolio % (Medium term liquidity)	64,953,276	14.83%			Yes
Total portfolio	437,840,402	100.00%			

Counterparty policy limit compliance

Issuer	Security rating	Market value	% Total value	Maximum Institutional policy limit % holdings	Complies to Investment policy "Yes/No"
AMP Bank Ltd	BBB	22,102,601	5.05%	15%	Yes
ANZ Banking Group Ltd	AA-	20,543,989	4.69%	35%	Yes
Australian Unity Bank	BBB+	4,000,000	0.91%	15%	Yes
Bendigo & Adelaide Bank Ltd	BBB+	2,677,033	0.61%	15%	Yes
Bank of Nova Scotia	A+	2,503,769	0.57%	25%	Yes
Bank of Queensland Ltd	BBB+	19,297,122	4.41%	15%	Yes
Citibank Australia Ltd	A+	999,647	0.23%	25%	Yes
Commonwealth Bank of Australia Ltd	AA-	136,943,729	31.28%	35%	Yes
Emerald Reverse Mortgage Trust (Class A)	Unrated	822,959	0.19%	5%	Yes
Emerald Reverse Mortgage Trust (Class C)	Unrated	1,130,317	0.26%	5%	Yes
Great Southern Bank	BBB	2,502,611	0.57%	15%	Yes
HSBC Sydney Branch	AA-	5,002,756	1.14%	35%	Yes
ING Direct	A	1,614,409	0.37%	25%	Yes
Macquarie Bank	A+	17,289,270	3.95%	25%	Yes
Members Equity Bank Ltd	BBB	9,000,000	2.06%	15%	Yes
National Australia Bank Ltd	AA-	67,330,831	15.38%	35%	Yes
Northern Territory Treasury	AA-	15,000,000	3.43%	35%	Yes
NSW Treasury Corporation	Unrated	6,396,647	1.46%	5%	Yes
Police Credit Union	Unrated	2,000,000	0.46%	5%	Yes
P&N Bank	BBB	5,000,000	1.14%	15%	Yes
Rabobank Australia Ltd	A+	4,183,425	0.96%	25%	Yes
RACQ Bank	BBB+	1,496,866	0.34%	15%	Yes
Sumitomo Mitsui Banking	A	3,967,151	0.91%	25%	Yes
Suncorp Bank	A+	9,183,696	2.10%	25%	Yes
Toronto Dominion Bank	AAA	3,000,000	0.69%	45%	No
UBS AG	A+	2,301,201	0.53%	25%	Yes
Westpac Banking Corporation Ltd	AA-	71,550,375	16.34%	35%	Yes
Portfolio Total		437,840,402	100.00%		

Council purchased a FRN covered bond issued by “The Toronto-Dominion Bank” marketed by some of the joint lead managers during the month. Post-transaction Council was alerted to the fact that the bond was not issued from its Australian branch and therefore not an ADI regulated by the Australian Prudential Regulation Authority (APRA). As this investment was outside the scope of the Ministerial Order and redeemed on 4 April 2023.

Credit rating policy limit compliance

Credit rating	Market value	% Portfolio	Maximum policy limit	Complies to Investment policy "Yes/No"
AA Category	320986088.66	73.31%	100%	Yes
A Category	40,428,159	9.23%	60%	Yes
BBB Category	66,076,232	15.09%	45%	Yes
Unrated	10,349,923	2.36%	10%	Yes
Total Portfolio	437,840,402	100.00%		

Compliance with Investment policy – In summary

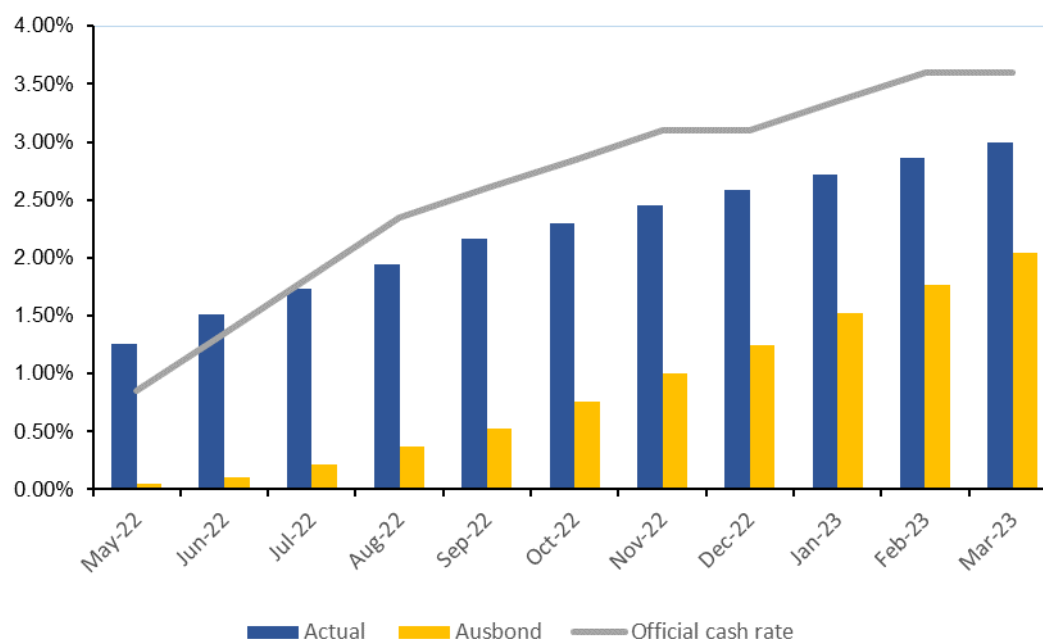
Legislative requirements	✓	Fully compliant, noting exception applicable to grandfathered mortgaged-backed investments.
Portfolio credit rating limit	✓	Fully compliant
Institutional exposure limits	✓	Fully compliant
Overall portfolio credit limits	✓	Fully compliant
Term to maturity limits	✓	Fully compliant

Portfolio performance against relevant market benchmark

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

The portfolio yield for the year to March 2023 exceeded the ABBI index by 96 basis points (portfolio yield: 3.00%; ABBI: 2.04%).

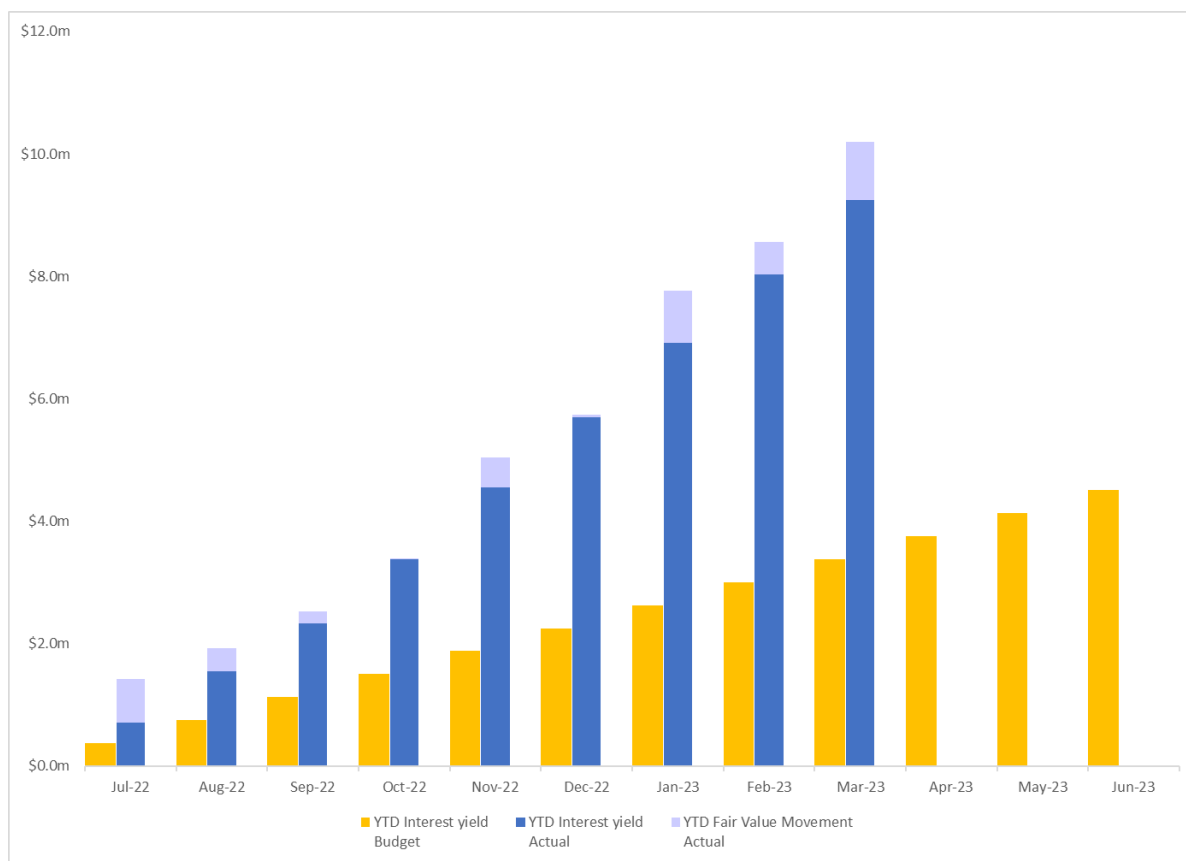
Comparative yields for the previous months are charted below:



Performance of portfolio returns against budget

Year-to-date, Council's investment income was \$6.82 million higher than the original budget. This is due to a combination of increase in market interest rate and unrealised gain in fair value of Floating Rate Notes (FRNs).

	YTD Budget	YTD Actuals	Budget Variance
Interest yield on cash holdings	\$3.38m	\$9.25m	\$5.87m
Fair value market movement	\$0.00m	\$0.95m	\$0.95m
Total	\$3.38m	\$10.20m	\$6.82m



Economic outlook – Reserve Bank of Australia

The Reserve Bank of Australia has increased the official cash rate to 3.60 per cent in its meeting on 04 April 2023.

Certificate of Responsible Accounting Officer

The Chief Financial Officer, as Responsible Accounting Officer, certifies that the investments listed in the attached report have been made in accordance with section 625 of the *Local Government Act 1993*, section 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy at the time of their placement. The previous investments are covered by the grandfathering clauses of the current investment guidelines issued by the Minister for Local Government.

CONSIDERATIONS

Economic	Council's investment income was \$6.82 million higher than the original budget at 31 March 2023.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	<p>Local Government Act 1993, section 625</p> <p>Local Government (General) Regulation 2021, section 212</p> <p>As required by the Local Government Act, Council is fully compliant with the ministerial requirements specified in the <i>Local Government Act 1993 – Investment Order</i> (relating to investments by councils) and with reporting requirements under section 212 of the <i>Local Government (General) Regulation 2021</i>.</p>
Risk	The capital value and return-on-investment is subject to market risks. Investment limits prescribed in Council's policy framework is aimed to mitigate these risks.

ATTACHMENTS

1. Investment Portfolio March 2023



Portfolio Valuation As At 31 March 2023

Fixed Interest Security	Maturity Date	Security Rating	Face Value Current	Market Value	% Total Value	Running Yield
Current Account						
CBA Business Saver		AA-	47,923,146.64	47,923,146.64	10.95%	3.10%
CBA General Account		AA-	1,312,652.06	1,312,652.06	0.30%	0.00%
AMP Business Saver		BBB	2,375,458.40	2,375,458.40	0.54%	1.50%
AMP Notice Account		BBB	14,727,142.17	14,727,142.17	3.36%	4.05%
Macquarie Bank Accelerator Account		A+	10,285,680.06	10,285,680.06	2.35%	2.82%
			76,624,079.33	76,624,079.33	17.50%	
Fixed Rate Bond						
Commonwealth Bank	14/01/2027	AA-	5,000,000.00	4,657,043.00	1.06%	2.40%
Bank of Queensland	27/10/2026	BBB+	4,750,000.00	4,342,954.16	0.99%	2.10%
Bank of Queensland	29/10/2025	BBB+	4,000,000.00	3,954,167.43	0.90%	4.00%
Bendigo & Adelaide Bank	17/03/2025	BBB+	2,750,000.00	2,677,032.63	0.61%	3.00%
UBS AG	26/02/2026	A+	2,550,000.00	2,301,201.29	0.53%	1.10%
ING Direct	19/08/2026	A	1,800,000.00	1,614,408.63	0.37%	1.10%
NAB	25/02/2027	AA-	4,500,000.00	4,264,388.38	0.97%	2.90%
Suncorp	25/01/2027	A+	4,500,000.00	4,182,606.18	0.96%	2.50%
			29,850,000.00	27,993,801.71	6.39%	
Floating Rate Note						
ANZ Bank	09/05/2023	AA-	3,000,000.00	2,999,561.71	0.69%	4.36%
ANZ Bank	06/12/2023	AA-	7,000,000.00	7,024,762.82	1.60%	4.66%
ANZ Bank	29/08/2024	AA-	5,000,000.00	5,012,415.51	1.14%	4.33%
ANZ Bank	16/01/2025	AA-	3,000,000.00	3,008,310.19	0.69%	4.11%
ANZ Bank	31/03/2028	AA-	2,500,000.00	2,498,938.28	0.57%	4.78%
Citibank, N.A.	14/11/2024	A+	1,000,000.00	999,646.89	0.23%	4.37%
Commonwealth Bank	25/04/2023	AA-	3,000,000.00	2,999,072.57	0.68%	4.06%
Commonwealth Bank	16/08/2023	AA-	7,500,000.00	7,505,883.07	1.71%	4.40%
Commonwealth Bank	11/01/2024	AA-	9,500,000.00	9,545,931.71	2.18%	4.47%
Credit Union Australia	24/10/2024	BBB	2,500,000.00	2,502,610.76	0.57%	4.40%
HSBC	27/09/2024	AA-	3,000,000.00	3,001,653.60	0.69%	4.52%
HSBC	27/09/2024	AA-	2,000,000.00	2,001,102.40	0.46%	4.52%
Macquarie Bank	07/08/2024	A+	4,000,000.00	4,004,941.45	0.91%	4.18%
Macquarie Bank	12/02/2025	A+	3,000,000.00	2,998,648.82	0.68%	4.34%
NAB	16/05/2023	AA-	2,000,000.00	1,999,850.06	0.46%	4.37%
NAB	26/09/2023	AA-	8,000,000.00	8,016,222.83	1.83%	4.63%
NAB	26/09/2023	AA-	4,000,000.00	4,008,111.42	0.92%	4.63%
NAB	26/02/2024	AA-	5,000,000.00	5,023,964.50	1.15%	4.59%
NAB	19/06/2024	AA-	4,000,000.00	4,018,294.09	0.92%	4.61%
Rabobank Australia Branch	27/01/2027	A+	2,700,000.00	2,676,425.14	0.61%	4.11%
Rabobank Australia Branch	19/01/2028	A+	1,500,000.00	1,506,999.66	0.34%	4.49%
RACQ Bank	24/02/2026	BBB+	1,500,000.00	1,496,865.96	0.34%	5.01%
ScotiaBank	07/09/2023	A+	2,500,000.00	2,503,768.57	0.57%	4.61%
Suncorp	30/07/2024	A+	3,000,000.00	3,000,653.70	0.69%	4.16%
Suncorp	30/07/2024	A+	2,000,000.00	2,000,435.80	0.46%	4.16%
Sumitomo Mitsui Banking	20/01/2027	A	4,000,000.00	3,967,150.94	0.91%	4.05%
Toronto Dominion Bank	16/03/2026	AAA	3,000,000.00	3,000,000.00	0.69%	4.36%
Westpac	16/11/2023	AA-	6,000,000.00	6,015,729.50	1.37%	4.42%
Westpac	24/04/2024	AA-	4,000,000.00	4,024,903.19	0.92%	4.42%
Westpac	16/08/2024	AA-	2,500,000.00	2,509,742.50	0.57%	4.35%
			111,700,000.00	111,872,597.64	25.55%	

Fixed Interest Security	Maturity Date	Security Rating	Face Value Current	Market Value	% Total Value	Running Yield
Mortgage Backed Security						
EmeraldMBS2006-1A	21/08/2051	Unrated	871,547.88	822,959.00	0.19%	3.95%
EmeraldMBS2006-1C	21/08/2056	Unrated	1,000,000.00	777,536.67	0.18%	4.70%
EmeraldMBS2007-1C	23/07/2057	Unrated	500,000.00	352,780.79	0.08%	4.24%
			2,371,547.88	1,953,276.47	0.45%	
Term Deposit						
AMP	04/12/2023	BBB	2,000,000.00	2,000,000.00	0.46%	3.30%
AMP	17/07/2023	BBB	3,000,000.00	3,000,000.00	0.69%	4.00%
Australian Unity Bank	25/08/2023	BBB	4,000,000.00	4,000,000.00	0.91%	3.40%
Bank of Queensland	22/12/2023	BBB+	5,000,000.00	5,000,000.00	1.14%	1.20%
Bank of Queensland	28/03/2024	BBB+	3,000,000.00	3,000,000.00	0.69%	2.40%
Bank of Queensland	31/05/2024	BBB+	3,000,000.00	3,000,000.00	0.69%	3.72%
Commonwealth Bank	23/06/2023	AA-	10,000,000.00	10,000,000.00	2.28%	3.94%
Commonwealth Bank	17/07/2023	AA-	10,000,000.00	10,000,000.00	2.28%	4.25%
Commonwealth Bank	28/03/2024	AA-	3,000,000.00	3,000,000.00	0.69%	2.43%
Commonwealth Bank	23/05/2023	AA-	5,000,000.00	5,000,000.00	1.14%	3.76%
Commonwealth Bank	21/04/2023	AA-	5,000,000.00	5,000,000.00	1.14%	3.81%
Commonwealth Bank	22/11/2023	AA-	5,000,000.00	5,000,000.00	1.14%	4.19%
Commonwealth Bank	12/12/2024	AA-	10,000,000.00	10,000,000.00	2.28%	4.63%
Commonwealth Bank	13/01/2025	AA-	5,000,000.00	5,000,000.00	1.14%	4.63%
Commonwealth Bank	27/11/2025	AA-	10,000,000.00	10,000,000.00	2.28%	4.60%
Members Equity Bank	22/12/2023	BBB	5,000,000.00	5,000,000.00	1.14%	1.20%
Members Equity Bank	23/05/2023	BBB	4,000,000.00	4,000,000.00	0.91%	3.20%
NAB	18/04/2023	AA-	5,000,000.00	5,000,000.00	1.14%	3.95%
NAB	31/05/2023	AA-	5,000,000.00	5,000,000.00	1.14%	2.90%
NAB	23/06/2023	AA-	5,000,000.00	5,000,000.00	1.14%	3.80%
NAB	14/07/2023	AA-	5,000,000.00	5,000,000.00	1.14%	4.10%
NAB	20/10/2023	AA-	5,000,000.00	5,000,000.00	1.14%	4.51%
NAB	30/05/2024	AA-	5,000,000.00	5,000,000.00	1.14%	3.49%
NAB	13/09/2024	AA-	5,000,000.00	5,000,000.00	1.14%	1.10%
NAB	08/09/2025	AA-	5,000,000.00	5,000,000.00	1.14%	0.82%
Northern Territory Treasury	16/12/2024	AA-	5,000,000.00	5,000,000.00	1.14%	1.00%
Northern Territory Treasury	15/12/2025	AA-	5,000,000.00	5,000,000.00	1.14%	1.20%
Northern Territory Treasury	15/12/2026	AA-	5,000,000.00	5,000,000.00	1.14%	1.50%
Police Credit Union SA	16/08/2023	Unrated	2,000,000.00	2,000,000.00	0.46%	0.65%
P&N Bank	22/12/2023	BBB	5,000,000.00	5,000,000.00	1.14%	1.20%
Westpac	22/12/2023	AA-	10,000,000.00	10,000,000.00	2.28%	1.25%
Westpac	31/05/2023	AA-	5,000,000.00	5,000,000.00	1.14%	2.95%
Westpac	23/06/2023	AA-	5,000,000.00	5,000,000.00	1.14%	3.80%
Westpac	03/10/2023	AA-	2,000,000.00	2,000,000.00	0.46%	4.20%
Westpac	17/10/2023	AA-	5,000,000.00	5,000,000.00	1.14%	4.44%
Westpac	20/10/2023	AA-	8,000,000.00	8,000,000.00	1.83%	4.57%
Westpac	20/11/2023	AA-	10,000,000.00	10,000,000.00	2.28%	4.60%
Westpac	25/03/2024	AA-	3,000,000.00	3,000,000.00	0.69%	2.39%
Westpac	31/05/2024	AA-	5,000,000.00	5,000,000.00	1.14%	3.54%
Westpac	21/08/2023	AA-	6,000,000.00	6,000,000.00	1.37%	3.96%
			213,000,000.00	213,000,000.00	48.65%	
Total			433,545,627.21	431,443,755.15	98.54%	
T-Corp						
NSWTC IM Long Term Growth Fund		Unrated	6,125,337.88	6,396,646.69	1.46%	
			6,125,337.88	6,396,646.69	1.46%	
Total			433,545,627.21	431,443,755.15	98.54%	
Portfolio Total			439,670,965.09	437,840,401.83	100.00%	

CFD 01	Advocacy Proposal - Renaming Liverpool City Council to City of Liverpool
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Strategic Objective	Evolving, Prosperous, Innovative Promote and deliver an innovative, thriving and internationally recognised city
File Ref	068783.2023
Report By	Emily Tinson - Senior Officer, City Innovation
Approved By	Michael Zengovski – Acting Director City Futures

EXECUTIVE SUMMARY

Council proposes investigating the opportunity to change Liverpool City Council's name to "City of Liverpool" to bring it into line with the City of Sydney and City of Parramatta and, continue to cement its position as Sydney's third CBD.

The renaming has the potential to increase Liverpool's status and Council's ability to advocate, influence and engage strategic government and corporate stakeholders to achieve its vision as the capital of Southwest Sydney.

RECOMMENDATION

That Council:

1. provide in-principle support to change the name of Liverpool City Council to City of Liverpool;
2. investigate the methods and processes to be followed to achieve the name change;
and
3. include \$350,000 in 2023/2024 Financial Year budget to begin rebrand.

REPORT

Background

Liverpool is experiencing substantial growth in both urban release areas and redevelopment in established areas. The population is forecast to grow by 59 per cent in the next 20 years from 242,817 to 386,646. It is estimated that within the next five years, 20,000 tertiary students

will be studying in Liverpool at the University of Wollongong, Western Sydney University, University of NSW, TAFE NSW and tertiary colleges.

Liverpool City is home to projects which will significantly increase its economic footprint in the short-term future, including:

- Western Sydney International (Nancy-Bird Walton) Airport (WSIA): the \$5.3 billion airport located in the Liverpool LGA;
- Western Sydney Infrastructure Plan: the \$4.1 billion infrastructure package is providing better road linkages within Western Sydney and open access to the WSIA and the Western Sydney Aerotropolis, the majority in Liverpool;
- Moorebank Intermodal Facility: a nationally significant infrastructure development that has created the opportunity for significant investment into logistics and new employment opportunities cross the city;
- Liverpool Health and Academic Precinct (LHAP): Liverpool Hospital is one of the largest standalone hospitals in Australia and a major trauma centre. The hospital is undergoing a \$740 million redevelopment which will transform it into a world-class medical, research and education precinct (creating one of the largest hospitals in the Southern Hemisphere);
- Liverpool City Centre redevelopment: The Liverpool City Centre Public Domain Master Plan is Council's 10-year vision to guide the development of public space within the CBD enabling its transition into Sydney's third CBD creating a greener, more vibrant and active city centre while fostering an 18-hour economy;
- Major future development proposals including Liverpool Private Hospital, Leppington Town Centre, and Moore Point; and
- Liverpool CBD North precinct (along Elizabeth Street) alone is expected to inject \$1.4 billion of direct spending into the local economy, further generating 2796 local jobs on completion and an ongoing contribution of \$515 million to Liverpool's Gross Regional Product.

The City is experiencing a commercial office space boom, with more than 100,000 sq m of commercial floor space in the pipeline and a total of \$13 billion worth of infrastructure invested. Significant development in Liverpool includes the \$400 million Liverpool Civic Place development which will anchor and activate the Southern end of the CBD.

Proposed Change

Liverpool City Council has the opportunity to present itself in a stronger position for prospective employees and corporate stakeholders by renaming the council 'City of Liverpool'.

As "City of Liverpool", Council can deliver a stronger branding proposition. The name captures the City's aspirations as a leader in Western Sydney and creates renewed opportunities for Council to advocate, influence and engage government and corporate stakeholders to achieve

its vision. The new name has the potential to raise the city's profile and boost its reputation with the public and private sector.

'Liverpool City Council' potentially underplays Council's important role as the local government area which is the gateway city to the Western Sydney International (Nancy Bird Walton) Airport, the home of the Western Sydney Aerotropolis, Liverpool Innovation Precinct and the future suburb of Bradfield.

The name change would bring Liverpool into alignment with the City of Parramatta and the City of Sydney and cement its position as Sydney's third CBD.

Next Steps

Council would need to investigate the process required to change the name through the Office of Local Government. Preliminary advice from LGNSW indicates councils may change their name for brand purposes by Council resolution.

Preliminary discussions have been held on the steps and transitional arrangements required for the name change both to Council collateral and to the rebranding of all assets.

A three-step approach is recommended:

1. Include \$350,000 in the 23/24 budget towards an update of internal collateral and the rebrand of the website;
2. Commission City of Liverpool signage for Civic Place. Costs are embedded in the current construction budget so no new funds required; and
3. Update signs and assets over time as they are replaced and/or renewed.

FINANCIAL IMPLICATIONS

There is no provision in the 2022/23 budget for this initiative. If endorsed, this will have to be considered in the 2023/2024 and forward budget forecast.

CONSIDERATIONS

Economic	Nil considerations other than those outlined in the report.
Environment	There are no environmental and sustainability considerations.

Social	City of Liverpool rebranding has the potential to create a connection with place that better resonates with employees, the community and corporate stakeholders. This will facilitate establishment of appropriate partnerships and alliances to provide better social and economic outcomes for the community.
Civic Leadership	Council will need to investigate the process required to change its name.
Legislative	Local Government Act 1993
Risk	The risk is deemed to be Low.

ATTACHMENTS

Nil

CTTE 01

**Minutes of the Moorebank Intermodal Precinct
Committee meeting held on 6 February 2023**

Strategic Objective	Evolving, Prosperous, Innovative Facilitate quality local employment, training and education opportunities
File Ref	050742.2023
Report By	Chris Guthrie - Coordinator Business Development
Approved By	Julie Scott - Acting Director City Futures

EXECUTIVE SUMMARY

This report is tabled in order to present the minutes of the Intermodal Precinct Committee Meeting held on 6 February 2023.

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Moorebank Intermodal Precinct Committee Meeting held on 6 February 2023.
2. Endorse the recommendations in the Minutes.

REPORT

The Minutes of the Moorebank Intermodal Precinct Committee held on 6 February 2023 are attached for the information of Council.

The minutes contain the following actions or Committee recommendations:

- That LOGOS organise a tour of the site (with Biobanking environmental offset areas to be included) and invite committee members and to liaise with the Coordinator Business Development to find a suitable date and time
- That the Committee engage with stakeholders in relation to the proposed bridge over the Georges River to connect with the Casula Station

- That Council write to National Intermodal to seek construction of a noise wall on the eastern side of the development, taking into consideration the cumulative effect of background noise levels
- That the Coordinator Business Development contact the Department of Planning to clarify whether the new (recently adopted) SEPP now overrides or supersedes the conditions of consent

FINANCIAL IMPLICATIONS

None of the actions contained in the minutes will have a financial impact on Council.

CONSIDERATIONS

Economic	<p>Enhance the environmental performance of buildings and homes.</p> <p>Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.</p> <p>Facilitate economic development, culture and creative industries.</p>
Environment	<p>Manage the environmental health of waterways.</p> <p>Manage air, water, noise and chemical pollution.</p> <p>Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.</p> <p>Raise community awareness and support action in relation to environmental issues.</p> <p>Promote an integrated and user friendly public transport service.</p> <p>Support the delivery of a range of transport options.</p>

Social	<p>Preserve and maintain heritage, both landscape and cultural as urban development takes place.</p> <p>Promote community harmony and address discrimination.</p> <p>Support access and services for people with a disability.</p>
Civic Leadership	<p>Act as an environmental leader in the community.</p> <p>Undertake communication practices with the community and stakeholders across a range of media.</p> <p>Foster neighbourhood pride and a sense of responsibility.</p> <p>Encourage the community to engage in Council initiatives and actions.</p> <p>Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.</p> <p>Actively advocate for federal and state government support, funding and services.</p>
Legislative	<p>There are no legislative considerations relating to this report.</p>
Risk	<p>The risk is deemed to be Low.</p> <p>The risk is considered within the Council's risk appetite.</p>

ATTACHMENTS

1. Minutes of Intermodal Precinct Committee 6 February 2023



This meeting was recorded for minute taking purposes
This meeting occurred on MS Teams

MINUTES FROM INTERMODAL PRECINCT COMMITTEE MEETING

6 February 2023

COUNCILLORS:

Karress Rhodes
Fiona Macnaught

(Chairperson)

COMMITTEE MEMBERS:

Carlo Di Giulio
Darren Foxe
Erik Rakowski

Community Representative
Committee Representative
Committee Representative

COUNCIL ATTENDEES:

Christopher Guthrie

Coordinator Business Development

GUEST ATTENDEES:

Kate OConnell
Carla Trainor
Westly Owers

LOGOS
National Intermodal (NI)
National Intermodal (NI)

APOLOGIES:

Charles Wiafe
Elizabeth Pirolo

Service Manager Transport Management
Administration Officer – City Economy



OPEN

Meeting opened at 6:05 pm.

1. WELCOME, ATTENDANCE AND APOLOGIES

Councillor Rhodes welcomed the Committee and opened the meeting. Acknowledgements were made to the traditional custodians of the land. It was also noted that the meeting rules relating to quorum was achieved for this meeting. All members attending.

Processes have now changed and this committee will report to a Governance Committee which will have delegated authority rather than Council.

2. DECLARATIONS OF INTEREST

Nil

3. MINUTES FROM PREVIOUS MEETING

Cr Rhodes stressed the importance of everyone attending meetings. There will be a critique of Committees and assessment in future.

Item 3.1 Carlo Di Giulio requested clarity of funding allocation for trainees and apprentices on site. To be discussed at Item 4.

Conditions of consent were contained in the email that Erik Rakowski had sent prior to the meeting. Coordinator Business Development had forwarded on this to the committee.

3.2 Tour to warehousing facilities – Coordinator Business Development and Kate OConnell from LOGOS had circulated proposed dates however no date had been confirmed. Darren Foxe and Carlo Di Giulio confirmed they had not been on a tour as yet but others had already visited.

MOTION: That Kate OConnell from LOGOS organise a tour of the site (with environmental offset biobanking areas to be included) and invite committee members. To liaise with Coordinator Business Development Moved Cr Rhodes Seconded Carlo Di Giulio Carried

3.3 Car park on eastern side of river to allow access to Casula Parklands – advised by LOGOS that no plans for this at this stage or the bridge other than a community desire. There was a willingness to discuss however the potential of such a project.

Erik had some questions on the bridge and Kate OConnell from LOGOS responded that there was a commitment to investigate these matters with the stakeholders. There was a smaller meeting proposed with stakeholders who are involved in the proposed bridge.

The Committee all expressed interest to be involved. The LOGOS representative suggested this would need to be during business hours as a number of staff would be involved.

ACTION: Kate OConnell from LOGOS and Coordinator Business Development to liaise and arrange a meeting of stakeholders including the Committee to discuss the proposed bridge.

MOTION: That the Committee try and make themselves available for the meeting

Moved: Erik Rakowski Sec: Darren Foxe Carried

3.4 Traffic submission was circulated prior to the meeting

3.5 Noise walls letters – have been sent but no response as yet.



Erik Rakowski asked the NI representative who would be responsible for building the wall. NI responded that they would be responsible. Mr Rakowski suggested that precautionary principles should be followed and has there been consideration now that footprint is extended and three sources of noise now impacting. How do we report to the community on this basis? Response was that the EIS did rigorously assess a need for a noise wall and no wall is necessary. Commitment is there for a noise wall at the north western portion site but not on the eastern side.

Some disagreement occurred on the background noise levels and need for a wall between Committee/Community and NI.

NI reps said complaints and questions could be lodged formally via website and register.

MOTION: That Council write to NI to seek construction of a noise wall on the eastern side of the development, taking into consideration of the cumulative effect of background noise levels. Moved Erik Rakowski Sec Carlo di Giulio Carried

3.6 Does the SEPP override or supercede the conditions of consent? Luke Oste, A/Manager Strategic Planning had suggested the question should go to the Department of Planning as the consent and SEPP were approved by that Department.

MOTION: That the Department of Planning clarify whether the SEPP now overrides or supercedes the conditions of consent Moved: Erik Rakowski Sec: Darren Foxe Carried

3.7 Design of the noise wall at Moorebank Precinct West – there was a question about the façade treatment of the wall. LOGOS representatives clarified that there are no current façade plans for the wall. The construction is finished and the biobanking area is in front of the wall and will grow to soften the external visual impact. Anti-graffiti coating is to be applied externally on the wall. Internal is the same and landscaping also will grow to soften visual impact. There is opportunity however for some sections of the wall to contain murals/façade treatment art.

3.8 Complaint – relating to Glenfield farm monitoring. Forwarded to LOGOS and formally added to complaints register. Initial investigation was that it was adjacent to the farm. And not on Glenfield Farm itself.

ACTION: Kate OConnell to report back regarding the noise recording report adjacent to Glenfield Farm

4. NATIONAL INTERMODAL COMPANY (NI) UPDATE

Bike path – a meeting has occurred between respective legal teams to negotiate the licence agreement. Coordinator Business Development reported that the parties were hopefully close to an agreement.

Play for All launch – engagement and launch with high swings for disabled children and a swing suitable for play. NI and Council both supporters and sponsors of this initiative.

Community funding – \$300,000 is still “on the table”. LOGOS to provide further at next meeting but they are researching some models of skills development.

Biobanking (environmental offset areas) – Wesley provided a presentation on the Biobanking areas at the Intermodal. 105 hectares in total over three biodiversity sites. Casula, Moorebank, Wattle Grove (bootland). Activities include biodiversity restoration, removal of weeds and some



poisoning, replanting areas. In year 1 now of a 5 year program. Primary focus is the Georges River area.

Cr Rhodes questioned the types of chemicals used and more specifics. Response : A specialised contractor is used so works are carried out effectively to achieve good quality restoration

ACTION: NI will confirm methodology and detail back to Committee including chemicals used and weeds controlled.

Cr Rhodes asked if it is possible for the Committee to tour the biodiversity areas that are being treated as part of a future site tour. (Note: added to resolution above)

Erik asked about the program of works and where it is at? Wesley confirmed now in Year 1 of a 5 year program. Ongoing maintenance after that. **ACTION: NI to report back on further detail.**

5. LOGOS UPDATE

Junction Road power upgrade.

Kate OConnell reported that LOGOS had agreed, following engagement with Council and residents to underground the powerlines along Junction Road, between Smith Reserve and Nuwarra Road. Addendum to the Review of Environmental Factors now to take place. Expected it won't need to be re-exhibited but landholders will be advised and Endeavour Energy is the consent authority for the upgrade. LOGOS advised that they will come to Council for any road based approvals. And that community relations are ongoing for residents as the project progresses to construction as there will be disruptions.

Cr Rhodes commented that this is a great outcome and thanks to LOGOS for listening to the community but asked who pays for the upgrade? The response from representatives was that LOGOS as the developer will pay for the upgrade.

Cr Macnaught also thanked LOGOS for listening and engaging with the community.

Erik Rakowski asked about the actual plans for the upgrade and if these were available.

ACTION: Kate OConnell to present to the next meeting of the Committee

Other

Road upgrades are continuing. Changes to traffic arrangements coming up. Chatham Avenue will be closed to traffic soon. Operational access will be via Bapaume Road.

Warehouse development on east side to be completed mid-year. Two more warehouses on MPW beginning later in the year.

Workforce skills development program is currently in development. Immediate skills needs in construction first to be considered and then "rolling into" operational facility skills needs. A business case will be developed first and then be submitted to the LOGOS executive for consideration. Ultimately the thinking at this stage is to employ a resource, in order to develop partnerships which will deliver the outcomes hoped for. The Buraga Gul training facility is a great model to leverage or work towards, suggested the LOGOS representative.

Round table with stakeholders proposed along with collaboration with stakeholders.



Cr Rhodes asked about the biofuels option that had previously been discussed. Kate OConnell advised she would follow this matter up. The Environmental Sustainability Manager is supportive she stated. There was some concern expressed that a fuel blending facility being located too close to populated areas was an issue.

Air quality monitoring – reports are produced every six months, Next one is due April/May and will be circulated to the committee via Coordinator Business Development.

Erik Rakowski asked about Bushmaster Avenue and how are construction vehicles to turn right into Bapaume Road? – he also asked about reporting and clarification on Particulate Matter (PM 2.5 microns) monitoring, as this had potential to have negative effects on local residents' health.

ACTION – Kate to report back on these matters at the Community Consultative Committee (CCC) meeting next week.

General Business

Erik Rakowski had circulated 5 documents to the committee prior to the meeting (not to LOGOS or NI though). Summary of some conclusions are to be circulated to the Committee.

Mr Rakowski claimed the following:

- The Traffic Study or report is “not worth the paper its printed on”. It doesn’t solve any weave problems. Before and after M5 widening the accident rate more than doubled. Traffic volumes are already exceeding expected growth of 2026. Projections already being exceeded.
- Charles Wiafe, Council’s Traffic Manager, had already pointed out previously that there is currently no east bound solution. However, truck growth will be on the east. Detailed analysis can be made available if required.
- Noise wall – there must be a drawing somewhere. Guidelines for T4NSW in building noise walls should be followed.
- Principal point is that we should do some research into “greening technologies” for noise walls. This could help mitigate the effects of noise and visual impacts.

Cr Macnaught asked if Mr Rakowski would raise with these questions/matters at the CCC. He confirmed that he would.

Cr Rhodes suggested discussing the above also at next meeting.

Cr Macnaught suggested a summary could be sent by Mr Rakowski to the committee. Mr Rakowski replied, saying he would endeavour to do so.

CLOSE

Meeting closed at 7:45 pm

CTTE 02

**Minutes of the Tourism and CBD Committee
meeting held 14 February 2023**

Strategic Objective	Evolving, Prosperous, Innovative Maintain strong relationships with agencies, stakeholders and businesses to achieve beneficial outcomes for the city
File Ref	057195.2023
Report By	Susana Freitas - Visitor Economy Officer
Approved By	Julie Scott - Acting Director City Futures

EXECUTIVE SUMMARY

This report is tabled in order to present the Minutes of the Tourism and CBD Committee Meeting held on 14 February 2023.

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Tourism and CBD Committee Meeting held on 14 February 2023.
2. Endorse the recommendations in the Minutes except for the following due to logistics and Council calendar constraints:

Visitor Economy Officer to contact all community representatives regarding their ability to attend and consideration be taken by Council staff for dates that are suitable.

REPORT

The Minutes of the Tourism and CBD Committee held on 14 February 2023 are attached for the information of Council.

The minutes contain the following actions or Committee recommendations:

- Strategic Events Lead to present the overall events budget including grants at a future committee meeting
- Visitor Economy Officer to provide future committee meeting presentations to committee members prior to the meeting

- Visitor Economy Officer to share the successful Westinvest project concept plans with the minutes of the meeting
- Visitor Economy Officer to pass feedback to Council's Urban Design and Public Domain Unit for Westinvest high street projects to have light coloured pavers and consider changing the colour of the road to deal with urban heating for discussion and consideration
- Visitor Economy Officer to research the potential of a cruise provider on the Georges River and report back to the committee
- Visitor Economy Officer to present at a future committee meeting the number of international students currently staying in Liverpool
- Visitor Economy Officer to present to a future committee meeting the current number of workers in the Liverpool CBD and future projections in the next 20 years
- Visitor Economy Officer to contact VIP Karaoke to receive an analysis of the type of customers which are attending the venue and what time they are in Liverpool to help target specific markets to come to Liverpool at night
- Visitor Economy Officer to explore opportunities to be more involved with international tour operators and report back to committee
- Visitor Economy Officer to provide committee members with the CBD cleaning timetable including how regularly Macquarie Mall is cleaned
- Visitor Economy Officer to share Ian Bailey's letter regarding hospitality customer service, CBD sophistication and CBD cleanliness with the committee members
- Visitor Economy Officer to work with Ms Hannouch (Manager of the Experience Centre) to hold future a committee meeting at the Western Sydney Airport Experience Centre
- Visitor Economy Officer to contact committee members who have not attended three meetings in a row and have not extended an apology or have continually apologised for not attending and provide accurate figures on their attendance. Visitor Economy Officer to ask if there are issues in their attendance and if they wish to continue as part of the committee
- Councillor Rhodes requested that future committee meetings be held hybrid to provide the opportunity for people technology issues to access it face to face
- Visitor Economy Officer to contact all community representatives their ability to attend and consideration be taken by Council staff for dates that are suitable
- That the Expression of Interest process for the Tourism and CBD Committee to be always open for new members when there are vacancies
- Visitor Economy Officer to contact University of Wollongong and Club Liverpool regarding their attendance and suggest that they send an alternative representative when the main person cannot attend

Council Staff recommend removing the following action due to logistic constraints with organising the calendar of a large committee and coordinating it with Councillors and Council staff availability and deadlines:

- Visitor Economy Officer to contact all community representatives their ability to attend and consideration be taken by Council staff for dates that are suitable

FINANCIAL IMPLICATIONS

None of the actions contained in the minutes will have a financial impact on Council.

CONSIDERATIONS

Economic	<p>Further develop a commercial centre that accommodates a variety of employment opportunities.</p> <p>Encourage and promote businesses to develop in the hospital health and medical precinct (of the City Centre).</p> <p>Facilitate economic development.</p> <p>Facilitate the development of new tourism based on local attractions.</p> <p>Culture and creative industries.</p>
Environment	<p>There are no environmental and sustainability considerations.</p>
Social	<p>Provide cultural centres and activities for the enjoyment of the arts.</p> <p>Preserve and maintain heritage, both landscape and cultural as urban development takes place.</p> <p>Deliver high quality services for children and their families.</p>
Civic Leadership	<p>There are no civic leadership and governance considerations.</p>
Legislative	<p>There are no legislative considerations relating to this report.</p>
Risk	<p>There is no risk associated with this report.</p>

ATTACHMENTS

1. Minutes of the Tourism and CBD Committee meeting held 14 February 2023



This meeting was recorded for minute taking purposes
This meeting occurred on MS Teams

MINUTES OF TOURISM AND CBD COMMITTEE

14TH FEBRUARY 2023

COUNCIL MEMBERS

Karress Rhodes
Fiona Macnaught

Councillor (chair)
Councillor

COUNCIL STAFF

Christopher Guthrie
Susana Freitas
Natasha Checinski
Kellie Hughes
Susie Najjar

Coordinator Business Development
Visitor Economy Officer
Major Events Producer
Acting Major Events Producer
Committee Officer

COMMUNITY REPRESENTATION

Alex Simmons
Carol North-Samardzic
Donna James
George Khoury
Jeff Gibbs
Katy Hannouch
Nataly Rahme
Navid Diwan

Belgravia Leisure
Community Representative
Western Sydney University
Khourys and Associates
Moorebank Sports Club
Western Sydney International Airport
Community Representative
Diwansons Collection/ Designer Palace

APOLOGIES

Mazhar Hadid
June Young OAM
Marc Edwards
Fazila Farhad

Deputy Mayor
Community representative
Club Liverpool
South West Sydney Tourism Taskforce

OPEN

Meeting opened at 10:03am.

1. WELCOME, ATTENDANCE AND APOLOGIES

Councillor Rhodes opened the meeting and acknowledged the traditional custodians of the land.

2. DECLARATIONS OF INTEREST

Nil



3. ACKNOWLEDGEMENT OF PREVIOUS MINUTES

Motion: That this Committee endorse the previous minutes from the meeting held December 2022

On being put to the meeting, the motion was declared carried

4. PRESENTATION

Major Event Producer presented an overview of 2023 events.

Highlights of the presentation include:

- Lanterns and Lights (Friday 17 to Sunday 19 February) includes stallholders from different Asian regions and will present to the community an array selection of cuisine, as well as activities, face painting, competitions and arcade games
- Most Blessed Nights (Fridays, Saturdays and Sundays from 24 March to 23 April) which will be held for 5 weeks over Ramadan, Easter and Orthodox Easter with a vast representation of the Middle Eastern cuisine as well as different draw-card street food items
- Motherland Africa (Fri 19 to Sun 21 May) is an African festival experience with an array of entertainment on stage as well as workshops, hawker-market style food vendors, fashion and artisan stalls
- European Winter Fest (Fri, Sat, Sun 30 June -16 July) which is a European winter aesthetic themed event. Providing ice-skating with school holiday programs. Food, entertainment, free activities and a pop-up bar will also be offered
- Starry Sari Nights (Fri 22 – Sun 24 September) is a three-night event offering South-Asian inspired food, stalls, activities and entertainment
- Primavera Latin American Festival (Fri 20 – Sun 22 October) is a Latin inspired event where entertainment will be provided. Latin American food will be offered as well as entertainment such as traditional dancers
- Pacifika (Fri 17 – Sun 19 November) will include Pacific Islander inspired entertainment including performances, activities and workshops as well as traditional dishes

Other events scheduled in for 2023 are as follows:

- Railway Street Opening Night (Streets as Shared Spaces)
- Anzac Day Commemorative Event
- NAIDOC Week
- Garden Competition 2023
- Christmas Market
- New Years Eve



Queries and Discussions

4.1. Mr Khoury queried if Knafeh Bakery will be present at the Most Blessed Nights as he thinks it will bring a following due to their popularity. At last years event they created a buzz and a large crowd.

Response: Acting Major Events Producer advised that Knafeh Bakery has been informed and provided with an EOI to see if they interested in participating in this years Most Blessed Nights Event.

4.2. Mr Diwan expressed that Starry Sari Night over three nights was too long. They only received small bursts of the customers during the day due to the road closure. Mr Diwan suggested that the event be compressed to one day.

Response: Councillor Rhodes responded that this year's Starry Sari Night will be held in the mall instead. This was confirmed by the Major Events Officer that the location has changed for the upcoming festival. Visitor Economy Officer advised that Starry Sari Night will be developed in close consultation with businesses on George Street and the event will encourage customers to shop at businesses on George Street.

Motion: Strategic Events Lead to present the overall events budget including grants to a future committee meeting.

Moved: Councillor Rhodes

Seconded: Mr Khoury carried

Action: Councillor Rhodes requested that future committee meeting presentations be provided to committee members prior to the meeting to allow members to get the opportunity to provide feedback during the committee.

PRESENTATION

CBD & VISITOR ECONOMY UPDATE

Visitor Economy Officer presented the Tourism and CBD update.

Westinvest Highlights:

Liverpool City Council has successfully secured funding for the following projects as part of the NSW Government's Westinvest program:

- Scott St upgrade - \$8.1m
- Railway St upgrade - \$6.9m
- Macquarie St upgrade- \$13.4m
- Brickmakers Creek – Woodward Park - \$43.9m
- Carnes Hill Aquatic and Leisure Centre- \$53.4m

The forthcoming high street funding will create a better pedestrian experience as well as improve lighting, freshen the face of Liverpool. This will also initiate more people in the community to visit the CBD as it will be more inviting and appealing.



Queries and Discussions

5.1. Mr Khoury requested that the concept plans for each of the projects be shared with the committee.

Action: Visitor Economy Officer to share the concept plans with the minutes of the meeting.

5.2. Councillor Rhodes asked if the Visitor Economy Officer can investigate a consideration of using pavers that are of lighter colour and painting the road a lighter colour to help avoid heat island effects and heat sinking.

Motion: Visitor Economy Officer to pass feedback to Council's Urban Design and Public Domain Unit for discussion and consideration.

Moved: Mr Diwan

Seconded: Councillor Rhodes Carried

5.3. Councillor Rhodes raised a query if the Woodward Park, Brickmakers Creek project is additional to the overall design for Woodward Park.

Response: Visitor Economy Officer replied that it is a part of the master plan that currently exists.

24 HOUR ECONOMY AND DESTINATION MANAGEMENT WORKSHOP

Highlights:

Council held a workshop in December 2022 with Tourism and CBD Committee, the full report was provided to the committee members. Topics discussed include:

Objectives:

- Increase appeal and competitiveness of Liverpool as a destination and lifestyle choice
- A growing visitor economy that is economically, socially and environmentally sustainable
- Increase local knowledge of tourism experience available in the LGA

Priority actions:

- Building on cultural experiences
- Investment attraction to Liverpool

Key Tourism Markets:

- Conference and sporting events, cultural tourists and, visiting friends and relatives and medical tourism

Council's role for the night-time economy

- Council as a convener of stakeholders and leading where possible
- Leverage new commercial offerings to increase economic activity
- Fit for purpose time frame to build a night-time economy



Queries and Discussions

5.4 Councillor Rhodes advised that Council needs to consider how do we market Liverpool's location and the geographic advantage and connection to a range of experiences at a minimum of cost. This opportunity has not been identified in the report presented by Astrolabe.

5.5. Councillor Rhodes advised that she has been advised that Liverpool lacks sophistication and that Liverpool is being limited on opportunities. Council needs to consider how do we add sophistication to Liverpool.

5.6. Councillor Rhodes highlighted that the report doesn't include the need to create destination attraction in Liverpool and the document doesn't mention the opportunity for the Georges River to become more attractive and the opportunity for solar powered water features, cruises and on-river restaurants and accommodation.

Action: Visitor Economy Officer to research the potential of a cruise provider and opportunities for river cruises and report back to the committee.

5.7. Councillor Rhodes requested current figures of international students who stay in Liverpool. Councillor Rhodes highlighted that international students are essential to a 24-hour economy in Liverpool and the demographic mix means the nighttime cannot be alcohol focused.

Action: Visitor Economy Officer to present at a future committee meeting the number of international students currently staying in Liverpool.

5.8 Councillor Rhodes highlighted the Parramatta case study in the Astrolabe Report.

Action: Visitor Economy Officer to present to a future committee meeting the current number of workers in the Liverpool CBD and future projections in the next 20 years.

Action: Visitor Economy Officer to contact VIP Karaoke to receive an analysis of the type of customers which are attending the venue and what time they are in Liverpool to help target specific markets to come to Liverpool at night.

5.9. Councillor Rhodes highlighted that if Liverpool is to attract greater customers Liverpool needs to work with more international tour operations.

Action: Visitor Economy Officer to explore opportunities to be more involved with international tour operators and report back to committee.

5.10. Councillor Rhodes highlighted that Council needs to look at a destination video for Liverpool and a visitor website promoting Liverpool.

5.11. Coordinator Business Development highlighted the idea to have a concierge service at Western Sydney International Airport.

Motion: all actions above to be approved.

Moved: Councillor Rhodes

Seconded: Mr Gibbs Carried



TOURISM WEBSITE AND UPCOMING BRAINSTORM

Visitor Economy Officer advised that the April committee meeting will include a brainstorm session to determine content for the destination website. The website will be promoted online and physically across the LGA through posters with QR codes.

6. GENERAL BUSINESS

6.1. Councillor Rhodes received a letter from Ian Bailey who is involved in tourism, and raised the following points. The first point that was mentioned is that he would like Council to advise what is being done to ensure Liverpool has a selection of high-class venues offering multicultural cuisines served by professional staff.

The second inquiry on Ian Bailey's letter is how is Council advocating and lobbying state and federal governments to ensure travellers will have rapid transport direct from the airport to Liverpool district.

Response: Coordinator Business Development mentioned that a proposal for a concierge will initiate a much smoother process. This will ensure that visitors are welcomed when they arrive, activities they can do in the local area and given some information about the local amenities.

The third inquiry made by Ian Bailey is when can residents, ratepayers and businesses expect Liverpool to be hygienically clean and presentable at all times. Councillor Rhodes made a recommendation that there should be a timetable of when the CBD is cleaned, in particularly the mall.

Action: Visitor Economy Officer to provide committee members with the CBD cleaning timetable including how regularly the Mall is cleaned.

Motion: Visitor Economy Officer to share Ian Baileys letter with the committee members.

Moved: Mr Khoury

Seconded: Councillor Rhodes Carried

6.2. Mr Khoury raised regarding potential for having a future meeting at the new airport.

Action: Visitor Economy Officer work with Ms Hannouch (Manager of the Experience Centre) to hold future a committee meeting at the Western Sydney Airport Experience Centre.

6.3. Councillor Rhodes mentioned the request regarding the RV parks and understands that creating this facility may be an issue being in a flood prone area. However would like to get some more clarity on this topic.

Response: Coordinator Business Development mentioned that they thought they found a good spot for this project however the flooding engineers did not approve of this as it was in a high-risk flood area. However if this was to be progressed any further it seemed there may have to be a change in the DCP. The main concern is the safe evacuation of people during major flood events.

6.4. Councillor Rhodes highlighted that there are concerns regarding low attendance from some committee members and committees would all be reviewed by Council in coming months.

Mr Khoury expressed his appreciation for the committee and concerns if the committee were to be discontinued and that it would be a big loss.



Action: Visitor Economy Officer to contact committee members who have not attended for three meetings in a row and have not extended an apology or have continually apologised for attending and provide accurate figures on their attendance. Visitor Economy Officer to ask if there are issues in their attendance and if they wish to continue as part of the committee.

Motion: Councillor Rhodes requested that future committee meetings be held hybrid to provide the opportunity for people technology issues to access it face to face.

Moved: Mr Khoury

Seconded: Councillor Rhodes Carried

Motion: All community representatives to be contacted regarding their ability to attend and consideration be taken by Council staff for dates that are suitable.

Moved: Councillor Rhodes

Seconded: Mr Simmons Carried

Motion: That an expression of interest process for the Tourism and CBD Committee to be always open for new members when there are vacancies.

Moved: Mr Khoury

Seconded: Councillor Rhodes Carried

Action: Visitor Economy Officer to contact University of Wollongong and Club Liverpool regarding their attendance and suggest that they send an alternative representative when the main person cannot attend.

CLOSE

Meeting closed at 11:56am

CTTE 03

**Minutes of Community Safety & Crime
Prevention Advisory Committee - March 2023**

Strategic Objective	Healthy, Inclusive, Engaging Improve liveability and quality of life for the community by delivering vibrant parks, places and facilities
File Ref	097639.2023
Report By	Galavizh Ahmadi Nia - Manager Community Development and Planning
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

This report is tabled in order to present the Minutes of the Community Safety & Crime Prevention Advisory Committee Meeting held on 2 March 2023.

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Community Safety & Crime Prevention Advisory Committee Meeting held on 2 March 2023; and
2. Endorse the recommendations in the Minutes.

REPORT

The Minutes of the Community Safety & Crime Prevention Advisory Meeting held on 2 March 2023 are attached for the information of Council.

The minutes contain the following actions or Committee action:

- That the matter of homelessness issues to be referred to Governance Committee for further discussion.

FINANCIAL IMPLICATIONS

None of the actions contained in the minutes will have a financial impact on Council.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	Raise awareness in the community about the available services and facilities. Support policies and plans that prevent crime.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Community Safety & Crime Prevention Advisory Committee Meeting Minutes
March 2 2023



This meeting was recorded for minute taking purposes

MINUTES FROM THE COMMUNITY SAFETY AND CRIME PREVENTION ADVISORY COMMITTEE MEETING

2 March 2023

COUNCILLORS:

Councillor Karress Rhodes
Councillor Peter Harle

Liverpool City Council (**Chairperson**)
Liverpool City Council

COMMITTEE MEMBERS:

Sarithya Tuy
Liesa Davis
Det. Insp. Timothy Liddiard
Sarithya Tuy
Nadine Lawzoni
Andrew Miles
Nohara Odicho

Hume Community Housing
Wesley Mission
Liverpool City Police Area Command
Hume Community Housing
MTC Australia
SWSLHD Drug Health Services
Legal Aid

GUESTS:

Nil

COUNCIL ATTENDEES:

Cynthia Death
(Minutes)
Alex Helderan
Michael Michael Zengovski
Toula Athanasiou

Community Development Worker - Safety & Wellbeing
Parking Services Coordinator
Manager City Environment
Road Safety Officer

APOLOGIES:

Mayor Ned Mannoun
Jaqueline Druart
Ryan Roumieh

Liverpool City Council
MTC Australia
Lifeline



OPEN

Meeting opened at 10:05 am.

1. WELCOME, ATTENDANCE AND APOLOGIES

Councillor Karress Rhodes opened the meeting and conducted the Acknowledgement of Country.

2. DECLARATIONS OF INTEREST

Nil.

3. CONFIRMATION OF PREVIOUS MINUTES

Det. Insp. Timothy Liddiard requested minutes be amended in relation to the discussion regarding Bigge Park. The requested changes were made and updated minutes were shared to the Committee on 1 March.

Following this amendment, the minutes of the previous meeting held on 1 December 2022 were confirmed as a true record of that meeting.

Moved: Councillor Rhodes

Seconded: Councillor Peter Harle

4. BUSINESS ARISING FROM PREVIOUS MINUTES

4.1: CCTV Cameras for water parks in Liverpool LGA

Council has received quotes for CCTV cameras at water play facilities across the LGA. The estimated cost of each camera is \$15-20,000. This cost is outside of Council's current CCTV budget allocation and cannot be drawn from other sources.

Clr Rhodes suggested that Council to continue to investigate external funding sources to facilitate the installation of CCTV in these locations.

5. GENERAL BUSINESS

5.1 Liverpool City Police Area Command

Det. Insp. Timothy Liddiard provided an update on crime statistics:

- Crime rates are trending low and there has been a steady decline of crime in recent months;
- Most of the crime (around 40-50%) is happening in the Liverpool CBD area and therefore most police resources are tasked to this area;



- Macquarie Mall and Miller Shopping Centre are currently target areas;
- There is also a focus on traffic and road offences across the LGA;
- Property crime and break and enter businesses has increased but not at an alarming rate as one individual has been charged with 30 of these offences;
- Residents need to report any criminal activity directly to police via crime stoppers, online portal, local police station or call 000 in an emergency; and
- If crime is reported to Police consistently, Police will target these areas.

5.2 Councillors Report

Councillor Karress Rhodes shared that 'Light the Lantern' celebrations were well attended by the public. However, there was a homeless person sleeping on a table in the event space who appeared to be under the influence of drugs or alcohol influence. Councillor Rhodes queried what could Police do to help with this situation.

Det. Insp. Timothy Liddiard responded that Police have protocols in place to manage homelessness carefully and can only intervene if the person is engaging in criminal offences so if the person is sleeping, there isn't much police can do unless they are threat to the public.

Councillor Peter Harle shared that he is hopeful that the Liverpool area will start to look better with the new CEO at Council.

Councillor Karress Rhodes responded that extra funding has been allocated to City Presentation to address issues including a lack of staff and purchase of extra equipment.

5.3 Michael Zengovski, Acting Director Economy and Commercial Development City Environment – Warren Street Service way Car Park issues

Micheal delivered a presentation on the current issues, concerns with rough sleepers occupying the Warren Serviceway car park;

- Contract cleaners accompanied by two security guards (one for each crew) started on Monday 20 February. Overall cleanliness of the space has improved;
- Council has spoken to the Department of Community and Justice (DCJ), who have agreed to support Council where possible to clear the stairwells;
- Damaged lift controls are currently being repaired and are due to be installed by the end of March 2023;
- Council has engaged additional security patrols with two security guards per day (7 days per week) for the next four weeks. The security requirements will be re-assessed after four weeks;
- Council will work with DCJ to prepare and issue a notice to the rough sleepers currently occupying the stairwells to remove their belongings;



- After the notice period, Council staff will attend the stairwell, accompanied by DCJ staff (if necessary), security and Police to clear the stairwells;
- Security staff to ensure that the rough sleepers do not return and the stairwells are maintained clear; and
- Next step is to consider closing some exits, if possible and to consider security fencing.

Det. Insp. Liddiard shared a Protocol for Homeless People in Public Places;

- The protocol provides a guide to government, non-government organisations, and private businesses on how to interact and engage with people experiencing homelessness, so they are treated respectfully, with dignity, and do not face discrimination;
- The Protocol encourages government and non-government organisations to provide a response or deliver support to people experiencing homelessness if they need or request it;
- The Protocol does not override existing laws or regulations, or the enforcement of those laws or regulations. The Protocol does not prevent government or non-government organisations from taking appropriate action where health or safety is at risk; and
- A copy of the protocols can be found on DCJ's website - <https://www.facs.nsw.gov.au/providers/working-with-us/programs/homelessness/specialist-services/partnerships/safe-in-public/protocol>.

Councillor Karress Rhodes stated requested that the matter of homelessness issues to be referred to Governance Committee for further discussion.

5.4 Community Safety & Crime Prevention Community Survey

Council is currently undertaking a survey to understand what local residents think about crime and community safety in Liverpool.

- The findings will help Council to prepare the new Community Safety and Crime Prevention Plan 2023-27;
- This will be a four-year plan to improve safety for families and individuals across the Liverpool area;
- Council will use the strategy to identify and address crime and safety related issues in Liverpool; and
- The survey needs to be completed before 30 March 2023 by;
 - post using the Reply Paid envelope supplied (no stamp required);
- Online at <https://www.liverpool.nsw.gov.au/ll/projects/2023/community-safety-and-crime-prevention-survey-2023>; or
- Email completed form to DeathC@liverpool.nsw.gov.au



5.5 Coffee with a Cop

A 'Coffee with a Cop' event was held on Thursday 23 March at Macchiato and Co. at Liverpool Plaza. This event provided the Community with an opportunity to interact with Police and share any concerns regarding safety and crime in the area in a informal setting over coffee.

5.6 Road safety workshops statistics

Toula Athanasiou shared statistics for the previous child car seat checking event which took place on Friday 10th February 2023;

- The event takes place at Liverpool Catholic Club – Level 1 multi-storey car park;
- Total number of cars booked into the event – 40 cars;
- Total number of seats checked/installed/adjusted – 52 child car seats;
- Number of seats that were correctly fitted – 5;
- Number of seats where a problem was identified or requiring adjustment – 30 child car seats;
- New installation of child car seats – 10;
- Turnaround from rear to forward facing – 6;
- Common issues being seatbelts loose, harness twisted or adjusted, installation incorrect or wrong child restraint for child;
- The percentage of child car seat restraints requiring some sort of adjustment was 85.71%;
- The most popular form of communication channel used to promote Council's event is Facebook;
- The event is popular, always fully booked and receives positive community feedback; and
- The next child car seat checking event will be conducted on Friday 31 March 2023 and bookings are open by contacting Council's Road Safety Team. The event is promoted on both Council's website and social media channels.

6. CORRESPONDENCE

NIL

CLOSE

Meeting closed at 11:55 am

Next Meeting to be held on Thursday 1 June 2023 at Liverpool Library at 10am.

CTTE 04**Minutes of the Liverpool Youth Council Meeting
held on Tuesday 14 February 2023**

Strategic Objective	Healthy, Inclusive, Engaging Communicate, listen, engage and respond to the community by encouraging community participation
File Ref	098177.2023
Report By	Galavizh Ahmadi Nia - Manager Community Development and Planning
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

This report is tabled in order to present the Minutes of the Liverpool Youth Council Meeting held on 14 February 2023.

RECOMMENDATION

That Council receives and notes the Minutes of the Liverpool Youth Council Meeting held on 14 February 2023.

REPORT

The Minutes of the Liverpool Youth Council held on 14 February 2023 are attached for the information of Council.

FINANCIAL IMPLICATIONS

None of the actions contained in the minutes will have a financial impact on Council.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.

Social	There are no social and cultural considerations.
Civic Leadership	Facilitate the development of community leaders. Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes.
Legislative	There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Minutes of the Liverpool Youth Council meeting held on 14 February 2023



Minutes

MINUTES OF LIVERPOOL YOUTH COUNCIL MEETING

Tuesday 14 February 2023

COUNCILLORS:

Councillor Fiona Macnaught

Liverpool City Council

COMMITTEE MEMBERS:

Simbarashe Zimbudzana

Mikaela Jenkins

Nishant Goyal

Jorja Suga

Tiaan Vamarasi

Vishal Kunnathur Senthilkumar

Ella-Jay Nuttall

President (**Chairperson**)

Secretary (**Minutes**)

Treasurer

Media Representative

Deputy Media Representative

Youth Councillor

Youth Councillor

COUNCIL ATTENDEES:

Derek Tweed

Liverpool City Council

APOLOGIES:

Emily D'Silva

Phillip Gigliotti

Mustafa Sawalhi

Councillor Charishma Kaliyanda

Youth Councillor

Youth Councillor

Youth Councillor

Liverpool City Council



Minutes

1. WELCOME, ATTENDANCE AND APOLOGIES

President Simbarashe Zimudzana opened the meeting at 6.10pm and welcomed everyone to the February meeting for the Liverpool Youth Council. Simbarashe commenced the meeting with an Acknowledgement to Country.

2. DECLARATIONS OF INTEREST

Nil.

3. YOUTH WEEK PLANNING 2023

The Community Development Worker (Youth) advised that Youth Week 2023 will be held from Thursday 20 April – Sunday 30 April 2023.

Council has funds allocated to support Youth Week activities that acknowledge the theme of Youth Week 2023, set out by the Department of Communities and Justice (DCJ): 'Connect. Participate. Celebrate'.

Youth Council members participated in a brainstorming session to plan and develop ideas for Youth Week 2023 with a draft plan of activities outlined below:

- Carnes Hill Activation: hosting a number of activities to activate the Carnes Hill precinct including, skateboard workshops, Hexagol football, yard games, rock climbing wall, music performers and a food truck;
- Youth Council Creative Writing Competition Book Launch: the Youth Council will work with Council's Communications team to have the entries of last year's inaugural Creative Writing Competition developed into a book. The book launch will be open to all participants and their families and will include an afternoon tea and copies of the book for the participants; and
- Music and Dance Showcase at Ed Square, Edmondson Park: activating a new space that young people and families frequent – the Ed Square precinct. This activity will introduce the Youth Council and local youth support services to the emerging communities around Edmondson Park. Possible activities include a music and dance showcase including young performers, engagement activities and information stalls. Currently there are no youth support services located nearby, so this activity provides a great opportunity for the Youth Council and youth services to outreach to this community.



Minutes

Moved: Ella-Jay Nuttall

Seconded: Nishant Goyal

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

4. CONFIRMATION OF PREVIOUS MINUTES

The Meeting Notes from the meeting held on 13 December 2022 were confirmed as a true record of that meeting.

Moved: Vishal Kunnathur Senthilkumar

Seconded: Nishant Goyal

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

5. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

6. CORRESPONDENCE

Youth Council Secretary Mikaela Jenkins provided two updates relevant to Youth Council members:

- The Codebreakers project engages young people from Western Sydney in conversations about race, identity, and belonging on social media. Through this project, young people are seen as champions of community harmony and are presented with opportunities to strengthen their voice through skills incubators, the Youth Summit and to amplify their voices through the Codebreakers Gallery; and
- Paid infrastructure traineeships are currently available with the NSW Government. This is available to young people who completed year 12 in 2020, 2021 or 2022. The traineeship includes two years full-time paid work combined with 2 days study per week and a nationally recognised Certificate IV qualification with TAFE NSW.



Minutes

7. COUNCILLOR UPDATE

The following updates from the Council meeting held on 1 February 2023 were provided:

- The 2023 Representatives on the Youth Council Committee are Councillor Macnaught and Councillor Kaliyanda;
- Council has adopted a consolidated Governance Committee structure. Governance Committee meetings will be held monthly on a Tuesday beginning March 2023; and
- Council is planning several events and festivals for 2023 to build on the momentum gained in 2022. Macquarie Mall will continue to be the centrepiece for events beginning in February with the Lanterns and Lights Night Market, followed by the return of the popular Most Blessed Nights Street Food Market operating throughout March and April 2023.

Moved: Vishal Kunnathur Senthilkumar **Seconded:** Ella-Jay Nuttall

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

8. YOUTH WORKER'S REPORT

8.1 Liverpool Young Citizen of the Year Award

Congratulations to Youth Councillor Jorja Suga who was awarded Liverpool's Young Citizen of the Year Award on Australia Day at the Casula Powerhouse Arts Centre.

Councillor Peter Harle asked that the following message of congratulations be shared at the Youth Council meeting:

Unfortunately, I cannot attend this meeting of the Youth Committee due to chairing commitments elsewhere.

However, I would like to congratulate Jorja Suga on being awarded Young Citizen of the year award. Reading through Jorja's profile, it is remarkable that this young lady has achieved so much in such a short time and I wish her all the very best in her future endeavours. I would also like to congratulate the Liverpool City Council Youth Committee and its members for their contribution to the Liverpool Community, your input is highly valued and significantly contributes to decisions made at Council to benefit the greater community.

*Warm Regards,
Councillor Peter Harle JP*



Minutes

8.2 School Holidays Activities update

School holiday activities in January were very successful. Council provided over 40 separate activities for school aged students throughout the holiday period including outdoor sports and recreation activities, art/craft activities at the Regional Museum and digital and technology activities at our Library networks.

8.3 First Nations Cultural Education workshop

The Fairfield Youth Advisory Committee has invited members of the Liverpool Youth Council to join them in their excursion to the First Nations Cultural Education workshop at Rouse Hill. Further information will be provided to interested Youth Council members.

8.4 Liverpool Youth Council Recruitment

Recruitment for the new group of 12 young people for the Youth Council of 2023 – 2026 will begin on Monday 13 March. Applications will be open until Sunday 16 April.

Youth Council members were encouraged to share this opportunity with their peers at schools, universities and family and friends to help recruit a group of young people who will represent the diversity of the Liverpool LGA.

Moved: Vishal Kunnathur Senthilkumar

Seconded: Nishant Goyal

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

9. TREASURER'S REPORT

The Youth Council budget is still looking healthy, with approximately \$9,300 available.

Moved: Jorja Suga

Seconded: Ella-Jay Nuttall

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.



Minutes

10. YOUTH LIAISON REPORT

10.1 Radio 2GLF

Youth Liaison Representative Simbarashe Zimbudzana has confirmed training with radio station 2GLF will be available on Saturdays for those interested to be involved in presenting a radio program. Please contact Simbarashe directly if you are interested to participate.

10.2 Headspace

Headspace Liverpool are planning the following activities in collaboration with their Youth Reference Group:

- Mental Health Month Festival in October;
- Rainbow Run activity to support young people who identify or are allies for young people who identify as LGBTIQA+; and
- A writing competition that will be themed on a mental health topic.

Moved: Jorja Suga

Seconded: Nishant Goyal

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

11. MEDIA REPRESENTATIVE'S REPORT

There are currently 791 followers on Instagram, and 1,400 on Facebook.

The first stories from the Creative Writing Competition have been posted onto Youth Council's social media pages with good engagement. The posts showcased the third placegetters of the competition and will be followed by the second placegetters and winners in the coming weeks.

Moved: Ella-Jay Nuttall

Seconded: Nishant Goyal

MOTION: That the information be received and noted.

On being put to the meeting, the motion was declared carried.

12. GENERAL BUSINESS

Nil.



Minutes

13. CLOSE

The meeting closed at 7:50pm.

The next Liverpool Youth Council meeting will be held on Tuesday 21 March 2023 from 6.00pm – 8.00pm.

CTTE 05

Minutes of the Liverpool Local Traffic Committee meeting held on 15 March 2023

Strategic Direction	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
File Ref	099180.2023
Report By	Charles Wiafe - Manager Transport Management
Approved By	Lina Kakish - Acting Director Planning & Compliance

EXECUTIVE SUMMARY

This report presents the recommendations from the Liverpool Local Traffic Committee meeting held on 15 March 2023. At the meeting, the Committee considered ten (10) agenda, two (2) technical discussion, and seven (7) general business items.

A copy of the meeting minutes with the Committee's recommendations and an Attachment Booklet containing design layouts with signs and line marking schemes are included in **Attachment 1**.

RECOMMENDATION

That Council adopts the following Committee recommendations:

Item 1 – Grove Street, Casula – Traffic Management

- Approves full Road Closure of Grove Street at its intersection with the Hume Highway subject to endorsement of a Transport Management Plan by Transport for NSW, prior to the road closure, and concurrence for an entry driveway to the existing Ibis Hotel.

Item 2 – Pearce Street, Liverpool – One Way Access into Gillespie Street

- Approves the retention of the closed intersection at Pearce Street and Gillespie Street.

Item 3 – Governor Macquarie Drive Upgrade, Munday Street to ATC Access Road, Chipping Norton

- Approves road upgrade of the above-mentioned section of Governor Macquarie Drive and the associated signs and line marking scheme as shown in Attachments 3.1-3.8.

- A revised signs and line marking scheme is to be submitted to TfNSW for review prior to installation.

Item 4 – Governor Macquarie Drive Upgrade, Alfred Road to Childs Road, Chipping Norton

- Approves road widening of GMD between Alfred Road and Childs Road and associated signs and line marking scheme as shown in Attachments 4.1- 4.4.

Item 5 - Kurrajong Road, Lyn Parade and Beech Road Intersection Upgrade to Signalised Intersection, Prestons

- Approves the Kurrajong Road, Lyn Parade and Beech Road intersection upgrade and associated signs and line marking scheme as shown in Attachments 5.1 to 5.5.
- Council to submit the required traffic signal phasing design of the intersection to TfNSW for approval prior to installation.

Item 6 - Bernera Road Upgrade, Yarrawa Street to Yato Road (Approximately 300m), Prestons

- Approves road upgrade of approximately 300m of Bernera Road, between Yarrawa Street and Yarrunga Street/Yato Road intersection and associated signs and line marking scheme as shown in Attachment 6.

Item 7 – Carnes Hill and Edmondson Park - High Pedestrian Activity Areas Traffic Study

- Approves in-principle the proposed traffic facilities to establish high pedestrian activity zones in Carnes Hill and Edmondson Park town centres.
- Prepare detailed designs and resubmit to the committee for its support prior to installations.

Item 8 – Leacocks Lane, Casula - Proposed Traffic Facilities

- Approves installation of four speed humps across sections of Leacock Lane in front of House Nos. 113/115 and 24, as well as Glen Regent Reserve and edge line marking as shown in Attachments 8.1 and 8.2.

Item 9 - Fourth Avenue, Tenth and Eleventh Avenue Intersections, Austral – Proposed Interim Roundabouts

- Approves installation of single lane temporary roundabouts at the intersections of Fourth Avenue/Tenth Avenue and Fourth Avenue//Eleventh Avenue intersections, Austral as shown in Attachments 10.1 and 10.2.
- Detailed designs are to be submitted to TfNSW and the Police for their review, prior to construction.

Item 10 – Cecil Hills High School – Proposed Traffic Management Changes

- Deferred for the applicant to carry out additional assessments addressing concerns about traffic impact of the proposed second pedestrian crossing and a need for construction of off-street parking in the vacant lane within the school boundary.

Item 11 - Approved Items Under Delegated Authority

Notes the approved items under delegated authority.

REPORT

This report presents the recommendations of the Liverpool Local Traffic Committee meeting held on 15 March 2023. At the meeting, the Committee considered ten (10) agenda, two (2) technical discussion, and seven (7) general business items.

A copy of the meeting minutes with the Committee's recommendations along with an Attachment Booklet containing design layouts with signs and line marking schemes are included in **Attachment 1**.

It is recommended that Council adopts the Committee's recommendations on the agenda items as outlined above.

For Item 1 – Grove Street, Casula – Traffic Management

As part of the assessment, Traffic Counts was carried out over four days which indicated that approximately 150 vehicles turn from the highway into Grove Street legally and approximately 46 vehicles turn out of Grove Street illegally.

Council initiated Community consultation was carried out involving the distribution of approximately 140 letters to residents along Grove Street and the adjacent street and door knocking of 40 houses along Grove Street. In response, Council received 18 responses with twelve preferring to maintain the existing access arrangement. Of the remaining six – two

preferred full road closure and four preferred restricted access but with hotel access to be maintained.

In addition to the Council initiated community consultation, a community representative has advised that she door knocked residents along Grove Street and received responses from eighteen residents, all preferring full road closure of Grove Street at the intersection with the Highway.

With this level of preference, the Traffic Committee has raised no objections for full road closure. However, this is subject to the endorsement of a Transport Management Plan by Transport for NSW prior to the road closure.

In addition, the road closure requires an entry driveway to be provided to the IBIS Hotel. This also requires TfNSW concurrence.

Hence the TMP and a revised driveway to the Hotel will be prepared and submitted to TfNSW in April and feedback will be presented through a future Traffic Committee meeting prior to the full road closure.

Comments on the technical discussion and general business items with recommended actions are as follows:

TD1 – Fifteenth Avenue and Edmondson Avenue Intersection, Austral – Request for Temporary Roundabout

The Committee noted that Council will prepare a design of a temporary roundabout, such as mountable rubber or asphaltic concrete and present to a future Traffic Committee meeting, for further consideration.

TD2 – Kurrajong Road and Mowbray Road Intersection Upgrade, Prestons – Upgrade Options

The Committee supports Option 1 involving closure of the driveway to the carpark on the southern side of Kurrajong Road, opposite Mowbray Road, for detailed design to be carried out and presented to a future Traffic Committee meeting for further consideration.

The seven general business items discussed, and associated summary comments are as follows:

GB1 - Intersection of Warren Serviceway and Dewsbury Lane, Liverpool – Request to Remove Existing Timed ‘No Right Turn’ Restriction

The Committee supports removal of the timed ‘No Right Turn’ (4pm-6pm Mon-Fri) restriction to be implemented.

GB2 - Memorial Avenue / Hoxton Park Road – Request to remove ‘No Left; 6am-10am; Mon-Fri’

The existing restriction of No Left 6am-10am; Mon-Fri’ is to be retained.

GB3 - 195 Braidwood Drive, Prestons – Parking on Footpath/SUP – Request for Bollards

The Committee does not support installation of bollards as this could affect the mobility impaired walking along the footpath in front of House No. 195 Braidwood Drive.

GB4 - Wellwood Crescent, Moorebank – One-Way Proposal

The Committee supports community consultation to be carried out on a one-way or staggered parking configuration.

Results of the community consultation to be presented to a future Traffic Committee meeting.

GB5 – 50 Hill Road, Lurnea – Bus Stop Relocation

The Committee noted that the bus stop has been relocated to the previous location in front of House No. 48 Hill Road.

GB6 – Traffic Queueing Across Major Signalised Intersections in the LGA

Council to request TfNSW to investigate and consider options to address the practice to improve traffic flow at the intersections.

GB7 - 42 Hoxton Park Road, Liverpool – Illegal Parking

Council rangers to include the road section, in front of 42 Hoxton Park Road, in their regular patrol to issue warning or infringement notice to prohibit this practice.

FINANCIAL IMPLICATIONS

The actions contained in the minutes are funded as outlined in the table below:

Item	Description	Funding, Indicative Cost and Timing
1	Grove Street, Casula – Traffic Management	Funding – Council’s minor traffic facilities program. Indicative Cost – Cost to be estimated after detailed design is completed. Timing – Dependent on the TfNSW endorsement of the required Transport Management Plan and next financial years construction program.
2	Pearce Street, Liverpool – One Way Access into Gillespie Street	No financial implication to Council as the intersection is not being changed.
3	Governor Macquarie Drive Upgrade, Munday Street to ATC Access Road, Chipping Norton	Funding – Federal Government funding under the Western Sydney Infrastructure Program. TfNSW block funding Indicative Cost – \$5.8m Timing – March/April 2025
4	Governor Macquarie Drive Upgrade, Alfred Road to Childs Road, Chipping Norton	Funding – Federal Government funding under the Western Sydney Infrastructure Program. TfNSW block funding Indicative Cost – \$3.6m Timing – March/April 2025
5	Kurrajong Road, Lyn Parade and Beech Road Intersection Upgrade to Signalised Intersection, Prestons	Funding – Federal Government funding under the Western Sydney Infrastructure Program. TfNSW block funding Indicative Cost – \$4.0m Timing – March/April 2025
6	Bernera Road Upgrade, Yarrowa Street to Yato Road (Approximately 300m), Prestons	Funding – Federal Government funding under the Western Sydney Infrastructure Program. TfNSW block funding Indicative Cost – \$2.6m Timing – March/April 2025
7	Carnes Hill and Edmondson Park - High Pedestrian Activity Areas Traffic Study	Funding – No financial implication at this stage. Application for grant funding will be submitted to TfNSW. Indicative Cost – cost to be estimated after detailed design. Timing – Dependent on TfNSW funding allocation.

8	Leacocks Lane, Casula - Proposed Traffic Facilities	Funding – Council’s minor traffic facilities program. Indicative Cost – \$160,000.00 Timing – May/June 2024
9	Fourth Avenue, Tenth and Eleventh Avenue Intersections, Austral – Proposed Interim Roundabouts	Funding – Developer (Sydney Catholic Schools). No cost to Council. Timing – Dependent on the developer’s construction program.
10	Cecil Hills High School – Proposed Traffic Management Changes	NSW School Infrastructure. No financial implication, as the item was deferred.
11	Items Approved Under Delegated Authority	Funding – TfNSW grant funding. Indicative Cost – \$10,000 Timing – April/May 2023

CONSIDERATIONS

Economic	Provide efficient parking for the City Centre. Deliver a high-quality local road system including provision and maintenance of infrastructure and management of traffic issues.
Environment	Promote an integrated and user-friendly public transport service. Support the delivery of a range of transport options.
Social	Support access and services for people with a disability. Improve road and pedestrian safety.
Civic Leadership	Actively advocate for federal and state government support, funding and services.
Legislative	Roads Act 1993.
Risk	The risk is deemed to be Low. The risk is considered within Council's risk appetite.

ATTACHMENTS

- Attachment 1 - Liverpool Local Traffic Committee Agenda (Under separate cover)

CTTE 06

**Minutes of the Aboriginal Consultative
Committee meeting held on 2 March 2023**

Strategic Objective	Healthy, Inclusive, Engaging Communicate, listen, engage and respond to the community by encouraging community participation
File Ref	100796.2023
Report By	Galavizh Ahmadi Nia - Manager Community Development and Planning
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

This report is tabled in order to present the Minutes of the Aboriginal consultative Committee Meeting held on 2 March 2023.

RECOMMENDATION

That Council receives and notes the Minutes of the Aboriginal Consultative Committee meeting held on 2 March 2023.

REPORT

The Minutes of the Aboriginal Consultative Committee meeting held on 2 March 2023 are attached for the information of Council.

The minutes contain the following actions or Committee recommendations:

- **Action:** Liverpool Library to provide clarification on the engagement and consultation with the ACC and/or other First Nations community members on the development and accuracy of the historical flyer.
- **Action:** Council to provide a response on the Aboriginal and Torres Strait Islander flags being absent at the Australia Day event in Macquarie Mall.

FINANCIAL IMPLICATIONS

None of the actions contained in the minutes will have a financial impact on Council.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	Preserve and maintain heritage, both landscape and cultural as urban development takes place. Promote community harmony and address discrimination.
Civic Leadership	Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes. Deliver services that are customer focused.
Legislative	There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Minutes of the Aboriginal Consultative Committee meeting held on 2 March 2023



This meeting was recorded for minute taking purposes

MINUTES FROM ABORIGINAL CONSULTATIVE COMMITTEE MEETING 2 March 2023

COUNCILLORS:

Councillor Betty Green
Councillor Richard Ammoun

Liverpool City Council (**Chairperson**)
Liverpool City Council

COMMITTEE MEMBERS:

Sandy Oldfield
Emma Eldridge
Auntie Gayle Smith
Darrell Fabar
Judy Fabar
Steve Ingram
Ruth Maginness
Kathy Musico
Stephen Dobell-Brown

Aboriginal Community Member
Aboriginal Community Member
Aboriginal Community Member
Aboriginal Community Member
Aboriginal Community Member
Aboriginal Community Member
Aboriginal Community Member
Aboriginal Community Member
Community Member

COUNCIL ATTENDEES:

Michael Anderson
Kellie Hughes
Jazz Sananikone

Community Development Worker (First Nations)
Acting Major Events Producer
Events Assistant Producer

APOLOGIES:

Kerriane Gerard
Christine Nickel

Aboriginal Community Member
Aboriginal Community Member



OPEN

Meeting opened at 6:00 pm.

1. WELCOME, ATTENDANCE AND APOLOGIES

Councillor Green welcomed everyone and opened the meeting. Apologies were noted.

Committee member Emma Eldridge acknowledged the traditional custodians of the land, the Cabrogal Clan of the Dharug nation, and paid respects to Elders past, present, and emerging.

2. DECLARATIONS OF INTEREST

Nil.

3. GUEST SPEAKERS

3.1 Kellie Hughes and Jazz Sananikone, Major Events Team – NAIDOC Family Fun Day 2023

Kellie and Jazz provided an overview of the planned NAIDOC Week Family Fun Day 2023. Committee members were invited to be part of the NAIDOC Planning Committee, which will meet on the last Wednesday of each month in the lead up to NAIDOC Week, commencing 29 March 2023.

A copy of their presentation will be circulated with the minutes.

3.2 Collingwood Master Plan overview

Committee members were advised that the guest speaker on this item was unable to attend at late notice. A brief update was provided to the committee on their behalf:

- Council have engaged consultants to prepare a masterplan, the Yerrabingin consultants will lead Aboriginal history and heritage of the site, including consultations;
- They are seeking to engage with local First Nations community members to explore ideas, aspirations and opportunities for this site with the community;
- Committee members are invited to participate in a "Design Jam" to begin to form ideas for the site; and
- This will be the first of a series of community consultations which will inform the Master Plan.



4. CONFIRMATION OF MEETING MINUTES

The minutes of the meeting held on 1 December 2022 were confirmed as a true record of that meeting.

5. BUSINESS ARISING FROM PREVIOUS MINUTES

5.1 Consultation on the use of the term “First Nations:

The Committee has had ongoing discussions around this topic.

It is recognised that the terms “First Nations” and “Aboriginal” are often intertwined with the same meaning, and are often used interchangeably in policy documents, strategies, and formal settings (such as speeches). Michael Anderson gave the example of using First Nations when describing a whole of community and Aboriginal in reference to an individual or small groups.

5.2 Donation to “NAIDOC Week School Initiatives”

Committee members were advised that Council has facilitated a donation of \$500 to this program on behalf of the committee.

6. GENERAL BUSINESS

6.1 Memories in the Mall 2023

The annual Memories in the Mall event was held on 10 February 2023. Community attendance and participation was high, with many Aboriginal and non-Aboriginal residents attending to hear speeches from the Mayor and representatives of Gandangara Local Aboriginal Land Council, entertainment and information stalls.

Committee members appreciated Council and GLALCs ongoing collaboration and acknowledgement of this important occasion.

6.2 Flags at Australia Day event in Macquarie Mall

Auntie Gayle Smith raised concerns that the Aboriginal and Torres Strait Islander flags were not on display in Macquarie Mall during Council’s Australia Day event. Michael Anderson will seek further clarification on this issue from the relevant Council department and provide a response at the next meeting.



Action: Council to provide a response on the of Aboriginal and Torres Strait Islander flags being absent at the Australia Day event in Macquarie Mall.

6.3 Liverpool Library historical flyer

Stephen Dobell-Brown tabled a flyer he obtained from the Liverpool Library that included several Aboriginal elements such as names of rivers. He raised concerns that this flyer was not consulted on or communicated with the ACC members. Stephen asked for a response to be provided at the next meeting.

Action: Liverpool Library to provide clarification on the engagement and consultation with the ACC and/or other First Nations community members on the development and accuracy of this flyer.

6.4 Updates of Committee members contact details

Michael Anderson outlined the importance of ensuring Committee members provide up to date contact information to Council. Council often receives requests for advice and feedback from this Committee, so it is vital that contact details are current and accurate.

Michael asked that Committee members to confirm their contact details and ask any absent members to contact Council and confirm their contact details so future invitations to meetings and other pertinent information is not missed.

7. COUNCILLOR'S REPORT

Councillor Green provided a brief update on the outcomes of the most recent Council meeting. It was noted that most information relevant to this Committee had been discussed earlier in the meeting.

CLOSE

Meeting closed at 8:28pm.