

# **COUNCIL AGENDA ADDENDUM**

**ORDINARY COUNCIL MEETING**

**22 November 2023**

**BOOK 5**

## ADDENDUM ITEMS

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<b>PLAN 09</b>	<b>Adoption of Liverpool City Council Section 7.11 Austral and Leppington North Contribution Plan 2021</b>
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<b>Strategic Objective</b>	Visionary, Leading, Responsible Ensure Council is accountable and financially sustainable through the strategic management of assets and resources
<b>File Ref</b>	386366.2023
<b>Report By</b>	Claire Scott - Coordinator Contributions Planning
<b>Approved By</b>	Lina Kakish - Director Planning & Compliance

## EXECUTIVE SUMMARY

On 28 July 2023 the Independent Pricing and Regulatory Tribunal (IPART) completed their review of the Draft Austral and Leppington North Contributions Plan and a final report with their recommendations, **Attachment 3**, was forwarded to Minister for Planning and Public Spaces, Department of Planning and Environment (DPE) for consideration.

In October 2023, the nominee of the Minister of Planning and Public Spaces wrote to Council regarding the *draft Austral and Leppington North Contribution Plan 2021*, **Attachment 2**. Following review by the IPART, the Minister's nominee has advised that the Plan can now be adopted by Council provided that only the recommended changes are incorporated into the document.

The purpose of this report is for Council to adopt the amended Austral and Leppington North Contribution Plan 2021 (Plan), in accordance with Minister's nominee recommendations. In responding to changes recommended by IPART, the Plan has satisfied all its requirements and once adopted is deemed to be an "IPART-reviewed Contributions Plan" as authorised under clause 5(3) of the Environmental Planning and Assessment (Local Infrastructure Contributions) Directions (2012) - further amendment direction 2020.

A planning circular issued by DPE on 12 February 2021 (PS-21-002) advised councils that the Environmental Planning and Assessment Regulation provides no formal legal obligation to re-exhibit IPART-reviewed contributions plans following receipt of advice by the Minister or the Minister's nominee.

Council can now adopt an IPART-reviewed plan following receipt of and compliance with the Minister (or Minister's Nominee) advice without the need to re-exhibit the plan.

## RECOMMENDATION

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That Council:

1. Adopt the revised Section 7.11 Contributions Plan for Austral and Leppington North as shown in **Attachment 1**.
2. Advises the Department of Planning and Environment that the Minister's nominee's changes have been made as shown in **Attachment 2**.
3. Publish the Liverpool City Council Section 7.11 Austral and Leppington North Contribution Plan 2021 on Council's website with immediate effect on all future determinations, including modifications to which the plan applies.
4. Acknowledge that this version of the Plan repeals all previous versions in accordance with Environmental Planning and Assessment Regulation 2021 cl 215(2)(a)
5. Acknowledge the Minister's nominee advice to regularly review the Plan, and comprehensively review all works costs
6. Acknowledge editorial changes in the Plan as recommended by IPART (Table 4.20 Attachment 3) without the need for a further review by IPART.

## REPORT

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In April 2021, Council submitted a draft Austral Leppington North Contributions Plan to IPART for assessment. IPART assessed the draft Plan against the Department of Planning and Environment Practice Note as well as IPART's 'essential works' criteria. The draft plan was required to be reviewed by IPART as Council sought to remove the Ministerial Direction cap of \$30,000 per lot or dwelling in the Austral and Leppington North greenfield development areas, which currently applies to the Plan.

IPART's final assessment of Contributions Plan Austral and Lepping North was finalized in July 2023 along with their recommendation to the Minister, Planning and Public Spaces (Attachment 3). Their report demonstrates that Council's Contribution plan complies with the criteria of practice note, with consideration to their recommendations.

Their Report, along with their recommendations is submitted to the Minister Planning and Public Spaces. The Minister's nominee assess the IPART report and recommendations, and it is the final notice of satisfactory arrangements from the Minister's nominee that must be implemented into the Plan, prior to the Council adopting this amended version.

The Planning Circular (PS 21-002) acknowledges that Council has no legal obligation to re-exhibit the IPART Review plan post Ministerial recommended changes. Council does, however, have an obligation to inform the Minister and place the adopted Plan on the Council Website making the Plan public, within 28 days of Council resolution.

**IPART and Minister’s Nominee Recommendations:**

The Plan has been amended to include a foreword acknowledging the letter and recommendation of the Minister’s nominee, as well as a reference to the IPART report and Council report. The following recommendations from IPART and Minister Nominee are detailed with additional information on the background of the recommendation and Council’s proposed actions / amendment to the Plan.

**Recommendation 1 and 2 – Stormwater Strategy**

<b>IPART</b>	<b>Minister Nominee</b>	<b>Minister comments</b>
<p><i>The stormwater strategy should be comprehensively reviewed within two years of the contributions plan becoming an IPART reviewed contributions plan to consider:</i></p> <ul style="list-style-type: none"> <li><i>a) Safety and performance viability of the stormwater strategy</i></li> <li><i>b) Changes to design standards</i></li> <li><i>c) Concerns raised during IPART’s consultations process.</i></li> <li><i>d) Actual performance data of infrastructure already delivered</i></li> </ul>	<p><b>Recommendation accepted with amendment</b>  <i>Liverpool Council should comprehensively review the stormwater strategy to consider:</i></p> <ul style="list-style-type: none"> <li><i>a. Safety and performance viability of the stormwater strategy</i></li> <li><i>b. Changes to design standards</i></li> <li><i>c. Concerns raised during IPART’s consultation process</i></li> <li><i>d. Actual performance data of infrastructure already delivered</i></li> </ul>	<p>This recommendation is for advice only and does not require immediate action to amend the contributions plan. Any changes to costs in the Plan because of a future review must be further considered by IPART.</p>
<p><i>Adjustment to the strategy should be made based on the findings of the review</i></p>	<p><b>Recommendation accepted as part of recommendation 1</b></p>	

The first section of the report focused on the strategies prepared for the Plan. IPART engaged civil engineers to review the Stormwater works schedule and the nexus. Their engagement also included a technical review of the stormwater and detail design studies. Council did not support the engagement of a consultant to undertake a technical review of the stormwater strategy and consider that the specifics within the technical review and recommendation is beyond the terms of IPART role as ‘economic regulator’. It is considered that their engagement of a consultant, quantified an opinion based on limited information and via a desktop review, with minimal data modelling information, connection with existing technical studies and consideration of overarching land use principles that underpin the design, performance and function of the stormwater strategy.

**Action:** Council accepts the recommendation to review the strategy at a later stage and that any amendments identified to the Plan will require an IPART process.

**Recommendation 3 – Land Values**

<b>IPART</b>	<b>Minister Nominee</b>	<b>Minister comments</b>
<p><i>The LVI should only apply to the value of land not yet purchased at the time the contributions plan is adopted. Any future reviews of the plan should revised the value of land not yet purchased to be indexed by the LVI</i></p>	<p><b>Recommendation accepted with amendment</b>  <i>Liverpool Council must ensure that the Land Value Index (LVI) only apply to the value of land not yet purchased, at the time the contributions plan is adopted.</i></p>	<p>Land that has been purchased should only be indexed by Consumer Price Index (CPI). Refer to page 30 of IPART's final report for additional information.            Any future review of the plan must revise the value of land that has been purchased and ensures it is indexed by CPI.            Any changes to costs in the Plan because of this review must be further considered by IPART.</p>

The recommendation will increase the administration management and calculation formulas to the Plan. As a result, the ability to calculate a per dwelling rate will change as a result of the multiple variables and may be difficult for landowners to ascertain their development calculation when it is due. This will especially apply to Complying Development Certificates, and again will increase demand on Council limited resources. Effectively the Plan calculations will change at any time during Land value reviews, acquisitions, dedications, land transfers and application of CPI.

As a result of the above variables with land values indexation, and CPI, Council may require augmentation to the software application utilised by Council development and accounting teams. Council officers will monitor the process to ensure that rates are calculated in accordance with the Plan.

**Action:**

Council amended the Plan as per Minister's nominee recommendation. Council also reviewed page 30 of the IPART report and amended the calculations and administration tables to reflect the recommended changes.

**Recommendation 4 – Works Costs**

<b>IPART</b>	<b>Minister Nominee</b>	<b>Minister comments</b>
<p><i>Liverpool Council should comprehensively review all works costs in the LAN contributions plans within the next 2 years. The review should include:</i></p> <ul style="list-style-type: none"> <li><i>a. Any changes to the assumptions or strategies within the plan.</i></li> <li><i>b. Actual costs of delivering land and works within or near the precinct (where available)</i></li> <li><i>c. Site specific estimates, recent benchmarks or other relevant sources</i></li> </ul>	<p><b>Recommendation accepted with amendment</b></p> <p><i>Liverpool Council should undertake a comprehensive review of all works costs in the ALN contributions plan. This review should include:</i></p> <ul style="list-style-type: none"> <li><i>a. Any changes to the assumptions or strategies within the plan.</i></li> <li><i>b. Actual costs of delivering land and works within or near the precinct (where available)</i></li> <li><i>c. Site specific estimates, recent benchmarks or other relevant sources</i></li> </ul>	<p>This recommendation is for advice only with no immediate action to amend the contributions plan required. Any changes to costs in the plan because of this review must be further considered by IPART.</p>

This comment is reflective on the assessment period of the Plan. Between the preparation of the Plan and the IPART review it has been more than 2 years. At the time the cost of works were collated, building costs and works had not escalated. This is demonstrated by the last recommendation where the plan has a cost of the plan (as at March 2021) of a medium rate of \$55,384 per residential dwelling. On comparison the medium rate per residential dwelling today would be \$79,305.

As the Plan was prepared in March 2021, the Plan costs of works table apply a CPI rate as at March 2021. The Plan cost of works, once adopted, will be indexed to the current CPI rate. The CPI cost adjustment is permissible under the Plan and will address some of the concerns raised by IPART and DPE.

**Action:** Council acknowledges the advice to review the assumptions, costs and estimates and will program this work as part of its Delivery Plan.

**Recommendation 5 – Contributions Plan Review**

<b>IPART</b>	<b>Minister Nominee</b>	<b>Minister comments</b>
<i>Following the review of the ALN contributions plan, Liverpool Council should submit the plan to IPART for assessment within 3 years from the date that this plan becomes an IPART reviewed contributions plan within the meaning of the Ministers 2019 Direction.</i>	<b>Recommendation accepted with amendment</b> <i>Liverpool Council should regularly review the contributions plan to ensure that development occurs as expected and that the infrastructure identified, and its costs remain appropriate.</i>	This recommendation is for advice only with no immediate action to amend the contributions plan required. Any changes to costs in the plan because of this review must be further considered by IPART.

The recommendation to review the Plan within 3 years is advisory only with no changes required to the current Plan. However, taking into consideration the current Planning Proposal for Leppington Town Centre and population density for the town centre has not be captured in this Plan, the need to review and amend the Plan should be made a priority of Council, ensuring that all development contributes to the need and demand of infrastructure.

There are also additional legislative amendments being considered by the Department, which may also require the facilitation of additional local infrastructure that has not been captured within the precinct. Any review should also align with all Strategic Planning Land Use changes being proposed.

**Action:** Council to identify and program the review of the Plan and development of an amended Austral Leppington North Contributions Plan in its 2024 – 2026 Delivery Plan.

**Recommendation 6 – Open Space**

<b>IPART</b>	<b>Minister Nominee</b>	<b>Minister comments</b>
<i>Liverpool Council should explore the recommended options to increase open space provision to meet industry standards and internal benchmarks prior to future resubmission of the Plan to IPART</i>	<b>Recommendation accepted with amendment</b> <i>Liverpool Council should assess whether open space provision in the precinct is appropriate to meet the needs of the community.</i>	This recommendation is for advice only with no immediate action to amend the contributions plan required. Any changes to costs in the plan because of changes to open space provision must be further considered by IPART.

Table 4.19 (page 36) of the IPART report highlighted the shortfall in open space proposed in the ALN plan. The suggestion that Council to explore options ‘to increase open space provision to meet industry standards’ is an acceptable comment. However, it is noted that the Austral Leppington North precincts land use zones and land acquisition map is governed by a State Environmental Planning Policy. The ability for Council to identify additional recreation land and acquisition will require a planning proposal process via an LEP amendment to be undertaken by Council, with authorization by Department. Council may acquire developable



land to provide infrastructure, but it is currently not identified in the Plan and the acquisition and provision will need to be funded from alternate sources.

**Action:** Council to identify an Open Space Strategy for the ALN precinct, including LTC, in the Delivery Program 2024 – 2026. Actions arising from the strategy to be considered in an LEP amendment and that this work also to be included in the Delivery Program 2024 - 2026.

**Recommendation 7 – Monetary Contribution Rate table (1.2.1)**

IPART	Minister Nominee	Minister comments
<p><i>Liverpool Council should amend its 'monetary contributions rate' table currently in section 1.2.1 of the ALN contributions plan in line with Table 4.20 in IPART's final report.</i></p>	<p><b>Recommendation accepted with amendment</b>  <i>Liverpool Council must review the monetary contribution rates tables in section 1.2.1 of the contributions plan:</i></p> <ul style="list-style-type: none"> <li>a. Council must amend the contributions rates for road costs in line with Table 4.20 in IPART's final report.</li> <li>b. Council should consider other suggested changes in table 4.20 in IPART's final report and determine any editorial amendments that are appropriate.</li> </ul>	<p>Part (a) of the recommendation corrects a minor rounding error and must be completed prior to the adoption of the plan. Part (b) of the recommendation is advice for council to review the other table amendments as suggested by IPART. If appropriate, Council can make the changes prior to adoption of the plan. These amendments do not require further review by IPART.</p>

IPART identified a minor error in the calculation of monetary contributions rates presented in the table in section 1.2.1 of the Plan. The error was in the order of a 0.3% for one category of population-based charges for the 'Roads' category of infrastructure. The new rate has been identified in the table 4.20 of the report and forms part of the recommendation. An additional administration editorial amendment to the Plan now identifies the CPI rate as at March 2021.

The column descriptions are also amended, and now include a variation with the calculation of dual occupancies. A different calculation for dual occupancies will apply where there is a single title (detached / subdivision of land) to a Strata title (attached – two properties on one title).

**Action:** Council has made the amendment to the table as per the recommendation.

With the minor changes made to the Plan, Council has met its obligation under the Ministerial Direction. Based on the table of 4.20, the medium rate per residential lot for a dwelling house is \$55,384 (as at March 2021). However, on adoption of the Plan, Council will immediately update the land value for non-acquired land, in accordance with the Plan, and apply CPI to works and acquired land. This will significantly increase the per lot rate, for the reason that land values have risen since March 2021, so too the CPI against works.

As mentioned above and as a result of land acquisition, the rate will consistently change. Council officers will continually maintain a live sheet of rates which will be available on the Council's website.

### **FINANCIAL IMPLICATIONS**

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Costs associated with this recommendation have been included in Council's budget for the current year and long-term financial plan.

The future strategic planning work and review recommended by IPART and supported as advice by DPE are to future funded from the Plan via the administration levy calculated. It is also anticipated that further staff resources will be funded via the administration levy to assist with the implementation and administration of the Plan.

<b>Economic</b>	<p>Deliver and maintain a range of transport related infrastructure such as footpaths, bus shelters and bikeways.</p> <p>Facilitate economic development.</p>
<b>Environment</b>	<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>Promote an integrated and user friendly public transport service.</p> <p>Support the delivery of a range of transport options.</p>
<b>Social</b>	<p>Provide cultural centres and activities for the enjoyment of the arts.</p> <p>Support policies and plans that prevent crime.</p> <p>Preserve and maintain heritage, both landscape and cultural as urban development takes place.</p> <p>Regulate for a mix of housing types that responds to different population groups such as young families and older people.</p> <p>Support access and services for people with a disability.</p> <p>Deliver high quality services for children and their families.</p>
<b>Civic Leadership</b>	<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>
<b>Legislative</b>	<p>Environmental Planning and Assessment Act 1979 – Part 7</p> <p>Environmental Planning and Assessment regulations 2021 – Part 9</p> <p>Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 and amendments</p> <p>Practice Note - Local Infrastructure Contributions- Review by IPART January 2019</p>

<b>Risk</b>	There is no risk associated with this report.
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**ATTACHMENTS**

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1. Attachment 1 - Liverpool Section 7.11 Contributions Plan 2021 - Austral and Leppington North - March 2021
2. Attachment 2 - Letter to Minister
3. Attachment 3 - IPART Final Report Assessment of Liverpool City Council s ALN Contributions Plan July 2023

# LIVERPOOL CITY COUNCIL

## LIVERPOOL CITY COUNCIL SECTION 7.11 -

### AUSTRAL AND LEPPINGTON NORTH CONTRIBUTIONS PLAN 2021



Adopted: at Ordinary Meeting held 22 November 2023  
Content Manager: TBC



























































































































































































































































































































































**CTTE 05**

**Minutes of the Governance Committee meeting  
held on 15 November 2023**

<b>Strategic Objective</b>	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
<b>File Ref</b>	393118.2023
<b>Report By</b>	Melissa Wray - Council and Executive Support Officer
<b>Approved By</b>	Tina Bono - Director Community & Lifestyle

**EXECUTIVE SUMMARY**

A Governance Committee Meeting was held on 15 November 2023.

This report attaches a copy of the minutes of the meeting for Council endorsement.

**RECOMMENDATION**

That Council:

1. Receives and notes the Minutes of the Governance Committee meeting held on 15 November 2023; and
2. Endorse the recommendations in the Minutes.

**REPORT**

The Minutes of the Governance Committee meeting held on 15 November 2023 are attached to this report.

The minutes contain the following actions or Committee recommendations:

**Item No. 02 – Development Assessment**

**Action Items:**

- With regards to Class 1 Appeals, future reports to contain percentages of appeals settled by agreement or through judgement of a court.
- Clr Ammoun to send specifics to the CEO of a constituent who has contacted Clr Ammoun regarding Council’s request for further reports.

**Item No. 04 - Review of Council's Financial progress, forecasts and assumptions**

**Action item:**

A report to be sent to Councillors on all motions this financial year which include spending money that is not included in the budget.

**Item No. 06 - Review of Council's Memberships and status of WSROC Engagement**

**Action Item:**

That the CEO to come back to the committee with a report.

**FINANCIAL IMPLICATIONS**

None of the actions contained in the minutes will have a financial impact on Council.

**CONSIDERATIONS**

<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	There are no social and cultural considerations.
<b>Civic Leadership</b>	Provide information about Council’s services, roles and decision making processes. Deliver services that are customer focused. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
<b>Legislative</b>	There are no legislative considerations relating to this report.



<b>Risk</b>	The risk is deemed to be low and is considered to be within Council's risk appetite.
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**ATTACHMENTS**

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1. Minutes of the Governance Committee Meeting held on 15 November 2023























**CTTE 06**

**Minutes of the Project Control Advisory  
Committee Meeting held on 15 November 2023**

<b>Strategic Objective</b>	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
<b>File Ref</b>	394200.2023
<b>Report By</b>	Melissa Wray - Council and Executive Support Officer
<b>Approved By</b>	Shayne Mallard - Director City Futures

**EXECUTIVE SUMMARY**

A Project Control Advisory Committee Meeting was held on 15 November 2023.

This report attaches a copy of the minutes of the meeting for Council endorsement.

**RECOMMENDATION**

That Council:

1. Receives and notes the Minutes of the Project Control Advisory Committee meeting held on 15 November 2023; and
2. Endorse the recommendations in the Minutes.

**REPORT**

The Minutes of the Project Control Advisory Committee meeting held on 15 November 2023 are attached to this report.

The minutes contain the following actions or Committee recommendations:

**Action Items:**

**Strategic Planning**

**Action:**

Presentation at next Committee meeting – LCC Contribution Plan Reform Program

**Operations & City Futures**

**Action:**

Schedule a Councillor Workshop - Short Term Priority Infrastructure planning program – Site specific projects funded by Contributions, Operational budgets and West Invest (priority and sequencing for 3-year Delivery Plan)

**Corporate Support & City Futures**

**Action:**

Schedule a Councillor Workshop - Land Acquisition program - 10-year priority program

**FINANCIAL IMPLICATIONS**

None of the actions contained in the minutes will have a financial impact on Council.

**CONSIDERATIONS**

<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	There are no social and cultural considerations.
<b>Civic Leadership</b>	Provide information about Council’s services, roles and decision making processes. Deliver services that are customer focused. Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.
<b>Legislative</b>	There are no legislative considerations relating to this report.
<b>Risk</b>	There is no risk associated with this report.

**ATTACHMENTS**

- Minutes of the Project Control Advisory Committee Meeting held on 15 November 2023









