

# ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING  
26 JUNE 2024

BOOK 2

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<b>Strategic Objective</b>	Evolving, Prosperous, Innovative Implement planning controls and best practice urban design to create high-quality, inclusive urban environments
<b>File Ref</b>	247515.2023
<b>Report By</b>	Stephen Peterson - Senior Strategic Planner
<b>Approved By</b>	Lina Kakish - Director Planning & Compliance

### EXECUTIVE SUMMARY

At its Ordinary Meeting of Council on 31 May 2023, Council resolved to:

1. Investigate amendments to the Liverpool Development Control Plan 2008 for the Liverpool CBD to better encourage the development of larger, family friendly apartments.
2. Investigate improved quality and design requirements that matches the specific needs of families living in apartments in the Liverpool CBD.
3. Write to Federal and State Planning Ministers calling for incentives to encourage family friendly apartments.
4. That the report be brought to the Governance Committee which further investigates the needs of families with children.

In relation to the Liverpool Development Control Plan (LDCP 2008), the following sections apply to Residential Flat Buildings:

- Part 3.7 Residential Flat Buildings (applies outside of the City Centre).
- Part 4 Development in the City Centre.

In response to this resolution, a review of the objectives and controls in the Liverpool Development Control Plan 2008 (LDCP 2008) occurred to facilitate the delivery of family-friendly apartments in Liverpool CBD and a report (**Attachment 5**) was referred to the August 2023 Governance Committee Meeting. At the Governance Committee, it was resolved to present the proposed amendments to a Council meeting.

This Council report addresses the following:

1. Amendments to the Liverpool DCP (Part 3.7 and Part 4) to encourage Family Friendly Apartments; and
2. Amendments to Part 3.7 of the DCP to update this section with the NSW Apartment Design Guide.

Action 11 of the Liverpool Local Housing Strategy, states '*Review apartment mix controls for RFB development in the City Centre, R1 and R4 zones*'.

Part 3.7 and Part 4 of the DCP has been updated in response to the 31 May 2023 Council Meeting resolution and action 11 of the Liverpool Local Housing Strategy. The new proposed Apartment Diversity Section also addresses the resolution and recommendations of the 22 August 2023 Governance Committee Meeting. This includes changes to dwelling mix, objectives and controls encouraging family friendly apartments.

The draft amended LDCP 2008 Part 3.7 also includes amendments to align the DCP Part with *State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65)*, and the Apartment Design Guide (ADG).

The ADG applies to apartment development applications lodged from 19 June 2015 and determined after 17 July 2015. Section 6A of SEPP 65 states that a Development Control Plan cannot be inconsistent with certain aspects of the ADG including:

- visual privacy;
- solar and daylight access;
- common circulation and spaces;
- apartment size and layout;
- ceiling heights;
- private open space and balconies;
- natural ventilation; and
- storage.

As the current part 3.7 of LDCP 2008 was last updated on 19 February 2014, it is proposed to be amended to reduce conflict with the ADG and to provide clarity regarding design and assessment.

It is recommended that Council endorses the Draft DCP Amendments and proceeds to publicly exhibit the Draft DCP's in accordance with Council's Community Participation Plan 2022. The Draft DCP amendments are to be presented to the Liverpool Design Excellence Panel, in accordance with clause 15 of the *Environmental Planning and Assessment Regulation 2021*.

Upon completion of exhibition, it is recommended that Council receives a further report detailing the outcomes of the Design Excellence Panel and of the public exhibition period including any submissions received.

## **RECOMMENDATION**

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That Council:

1. Receive and note this report;
2. Supports in principle the proposed amendment to Part 3.7 Residential Flat Buildings (Outside Liverpool City Centre) and Part 4 (Development in Liverpool City Centre) of the Liverpool Development Control Plan 2008;
3. Delegates authority to the CEO (or delegate) to make minor or topographical changes to the DCP prior to public exhibition;
4. Undertake Public Exhibition of the draft DCP Amendment, for 28 days in accordance with the Liverpool Community Participation Plan;
5. As part of the community consultation period, present the draft Liverpool Part 3.7 amended Development Control Plan to the Design Excellence Panel (DEP), in accordance with clause 15 of *Environmental Planning and Assessment Regulations 2021*.
6. Receives a further report detailing the outcomes of the Design Excellence Panel and outcome of the public exhibition period including any submissions received. Alternatively, if no objections are received, delegate to the CEO for the Draft Development Control Plans to be finalised.

## **REPORT**

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### **Background**

The Liverpool Development Control Plan 2008 (LDCP 2008) provides detailed planning and design guidelines to support the planning controls in areas subject to the *Liverpool Local Environmental Plan 2008* (LLEP 2008).

In relation to the LDCP 2008, the following sections apply to Residential Flat Buildings:

- Part 3.7 Residential Flat Buildings (applies outside of the City Centre).
- Part 4 Development in the City Centre.

A report was referred to the 22 August 2023. At the Committee meeting, it was resolved:

*That the Committee recommends that Council:*

1. *Note proposed draft amendments to the Liverpool Development Control Plan 2008, Part 4 Development in Liverpool City Centre and Part 3.7 Residential Flat Buildings in the R4 Zone, to encourage family friendly apartments.*
2. *Note further draft amendments will occur to align Part 3.7 Residential Flat Buildings in the R4 Zone with the Apartment Design Guide.*
3. *Present draft amendments to the Liverpool Design Excellence Panel, as required by Clause 15 of the Environmental Planning and Assessment Regulation 2021.*
4. *Receive a Council report detailing the proposed draft LDCP 2008 amendments, detailing the outcomes of the Design Excellence Panel.*

The Committee further resolved the following:

5. *Objectives to allow developer to justify providing alternate dwelling mixes for unique and innovative developments;*
6. *Investigate the existing dual-key apartment provisions to see if amendments to the 'maximum 10% dual key units' can be increased;*
7. *Incentives or bonuses to further encourage family friendly apartment development; and*
8. *Exceptions to state government policies. For example, communal open space.*

This report addresses the following aspects:

- Update Part 3.7 and Part 4 of LDCP 2008 to encourage Family Friendly Apartments.
- Update Part 3.7 to align the part with the Apartment Design Guide.
- Address within Part 3.7 and Part 4 of LDCP 2008 the further recommendations from the 22 August 2023 committee meeting minutes.

### **Family Friendly Apartments**

The Apartment Design Guide (ADG) includes section 4K relating to Apartment Mix with design criteria stating:

*"A variety of apartment types is provided. The apartment mix is appropriate, taking into consideration, the distance to public transport, employment and education centres, the current market demands and projected future demographic trends, the demand for social and affordable housing and different cultural and socioeconomic groups."* Further the ADG design criteria states *"flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households."*

Currently Part 4 of the LDCP 2008 includes section 4.2.10 (Housing Choice and Mix) whilst Part 3.7 of LDCP 2008 does not include any apartment mix controls.

Action 11 of the Liverpool Local Housing Strategy states to 'Review apartment mix controls for RFB development in City Centre, R1 and R4 zones'. Housing Priority 1 of the Strategy aims to provide 'a diverse range of housing options and flexibility of use is provided to ensure the housing needs of the Liverpool community are met'.

In order to address section 4K of the ADG, Housing Priority 1 and Action 11 of the Liverpool Local Housing Strategy, and the recommendations of the 22 August 2023 Governance meeting, the following changes are proposed to section 4.2.10 (Housing Choice and Mix) of Part 4 (City Centre) of the LDCP 2008, and these controls are to also be included within Part 3.7 (RFB's outside of City Centre) of the LDCP 2008:

Table One: Section 4.2.10 (Housing Choice and Mix) of Part 4 of the LDCP 2008

	Current	Proposed
Studio/One Bedroom apartments	Minimum 10%	Minimum 10%
Three or more bedroom apartments	Minimum 10%	Minimum 25%
Dual Key apartments	Maximum 10%	No minimum or maximum*
Adaptable apartments	Minimum 10%	Minimum 10%

\* Subject to both dual key apartments meeting the ADG requirements, e.g. solar access requirements.

Additional controls proposed include:

- Clarification that the apartment diversity section applies to development for the purpose of residential flat buildings only and does not apply for Boarding House, Senior's Housing, Group Homes, Co-Living or Build to Rent developments or for residential flat buildings provided by social housing providers, public authorities and joint venture under SEPP (Housing) 2021;
- Controls stating that apartments with various number of bedrooms are to be located on different levels and with different orientations (i.e., facing north, east etc) and for adaptable apartments to be located on the ground floor for accessibility.

In relation to the additional Committee resolutions:

5. Objectives to allow developer to justify providing alternate dwelling mixes for unique and innovative developments;

- A Development Control Plan is not a statutory document and can be amended where required and justified. The objectives of each section contain emphasis to provide for a variety of housing choice, and the nature of the DCP already allows for amendments such as these to occur, when justified. The proposed controls state that the part applies to development for the purpose of residential flat buildings only, and does not apply for boarding house, senior's housing, group homes, co-living or build to rent, or developments by social housing providers, public authorities and joint ventures.
6. *Investigate the existing dual-key apartment provisions to see if amendments to the 'maximum 10% dual key units' can be increased;*
- Part 4 of the DCP allows for maximum of 10% dual key units. In response, no minimum or maximum for dual key apartments are proposed, subject to both dual key apartments meeting the ADG requirements, e.g. solar access requirements.
7. *Incentives or bonuses to further encourage family friendly apartment development; and*
- Incentives or bonuses would need to be enabled under the LLEP 2008. The LLEP 2008 already contains significant bonuses and development standards for development to occur. It is recommended to proceed with increased requirements under the Development Control Plan.
8. *Exceptions to state government policies. For example, communal open space.*
- State Environmental Planning Policy 65 (SEPP 65) applies to development residential flat building developments, and overrides the non-statutory weight of a DCP. Clause 6A of SEPP 65 also specially overrides certain matters, such as storage and solar access. Part 3.7 of the DCP has been updated (as discussed below) to ensure it only contains provisions which are able to exceed the requirements of SEPP 65.

The draft amendments outlined above to Part 3.7 and Part 4 of LDCP 2008 emphasise a focus on housing affordability, increased housing rental opportunities, greater apartment diversity and larger family friendly 3 bedroom and greater apartments.

#### **Update Part 3.7 of the DCP to align with SEPP 65 and Apartment Design Guide (ADG)**

The current version of LDCP 2008 Part 3.7 Residential Flat Buildings in the R4 Zone (Outside the City Centre) is dated 19 February 2014. Since this time:

- Environmental Planning Instrument (EPI) *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65) has been amended.

- The Apartment Design Guide (ADG) applies for apartment development applications lodged from 19 June 2015 and determined after 17 July 2015. The ADG replaced the previous Residential Flat Design Code.

SEPP 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component. SEPP 65 includes 9 design quality principles.

The SEPP states that, *'Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to—*

- (a) the design quality principles, and*
- (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.*

Further, clause 6A of SEPP 65 states that DCP's cannot be inconsistent with controls regarding:

- Visual privacy
- Solar and daylight access
- Common circulation and spaces
- Apartment size and layout
- Ceiling heights
- Private open space and balconies
- Natural ventilation
- Storage

Clause 6A of SEPP 65 also states that if a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which clause 6A of SEPP 65 applies, those provisions are of no effect regardless of when the DCP was made.

Part 3.7 has therefore been updated as follows:

- Deletion of sections and controls which are contained within clause 6A of SEPP 65 (matters listed above, where a DCP cannot be inconsistent with the ADG requirements).
- Deletion of sections and controls which are duplicated with the same intent within parts 3 and 4 of the ADG.
- New section regarding Apartment Diversity with emphasis on larger family friendly apartments (as noted within this report).
- New section regarding amalgamation for developments which do not meet the minimum lot size or lot width, or that would result in an isolated site or adjoining site not meeting the minimum lot size or lot width.
- Inclusion of percentage of apartments capable of being adapted for habitation by seniors and/or persons with disabilities.



- Encouragement of larger amenity for apartments including emphasis on larger balconies and storage (Note. This can only be encouraged as per clause 6A of SEPP 65).

This part was updated in consultation with Council's Development Assessment section. Further it is noted currently that all development applications for residential flat buildings are required to be referred to the Design Excellence Panel. This will occur as part of the community exhibition period.

The amendment to Part 3.7 Residential Flat Buildings (Outside Liverpool City Centre) of LDCP 2008 is anticipated to help streamline the development application process associated with residential flat building development. This has occurred by removing duplication with SEPP 65 and the ADG, whilst still ensuring the matters of clause 4.15 of the *Environmental Planning and Assessment Act 1979*, (including the impact of a developments environmental, social and economic impacts in the locality) are adequately considered during the assessment process.

#### **Minor Housekeeping**

It is noted that a minor housekeeping change is proposed in Part 4 Development in the City Centre, Chapter 4.4.2 Onsite Car Parking. The proposed change is to enable above ground car parking to be an available option for all Development Applications (DA's), rather than solely available to Concept DA's. Control is also strengthened to ensure visual impacts are addressed.

#### **Conclusion & Next Steps**

As per the *Environment Planning and Assessment Regs 2021*, and Council's Community Participation Plan, the amendments, if supported, will be placed on public exhibition, for a minimum of 28 days.

In addition, the amendments will be referred to the Liverpool Design Excellence Panel in accordance with clause 15 of *Environmental Planning and Assessment Regulations 2021*. Upon completion of exhibition, it is recommended that Council receives a further report detailing the outcomes of the Design Excellence Panel and of the public exhibition period including any submissions received. Alternatively, if no objections are received, that Council delegate to the CEO for the Draft Development Control Plans to be finalised.

**ATTACHMENTS**

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1. DCP amendment - Part 3.7 Residential Flat Buildings (Under separate cover)
2. DCP amendment - Part 4 Development in the City Centre (Under separate cover)
3. Governance Committee Meeting Report - 22 August 2023 - Amendments to Liverpool Development Control Plan - Family Friendly Apartments and Apartment Design Guide Update (Under separate cover)
4. Governance Committee Meeting Minutes - 22 August 2023 - Amendments to Liverpool Development Control Plan - Family Friendly Apartments (Under separate cover)



**MINUTES OF THE ORDINARY MEETING  
 HELD ON 27 SEPTEMBER 2023**

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**PRESENT:**

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

The meeting commenced at 2.01pm.

**ITEM NO:** PLAN 02  
**FILE NO:** 247515.2023  
**SUBJECT:** Amendments to Liverpool Development Control Plan - Family Friendly  
Apartments and Apartment Design Guide Update

### **COUNCIL DECISION**

**Motion:** **Moved: Cllr Rhodes** **Seconded: Cllr Macnaught**

That Council:

1. Receive and note this report;
2. Supports in principle the proposed amendment to Part 3.7 Residential Flat Buildings (Outside Liverpool City Centre) and Part 4 (Development in Liverpool City Centre) of the Liverpool Development Control Plan 2008;
3. Delegates authority to the CEO (or delegate) to make minor or topographical changes to the DCP prior to public exhibition;
4. Undertake Public Exhibition of the draft DCP Amendment, for 28 days in accordance with the Liverpool Community Participation Plan;
5. As part of the community consultation period, present the draft Liverpool Part 3.7 amended Development Control Plan to the Design Excellence Panel (DEP), in accordance with clause 15 of *Environmental Planning and Assessment Regulations 2021*.
6. Receives a further report detailing the outcomes of the Design Excellence Panel and outcome of the public exhibition period including any submissions received.

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

Councillors voted unanimously for this motion.



DESIGN EXCELLENCE PANEL BRIEFING REPORT	
ASSESSMENT OFFICER:	Stephen Peterson, Senior Strategic Planner
PREVIOUSLY CONSIDERED BY DEP:	Not Applicable
PRE-DA MEETING HELD:	Not Applicable

PROPOSAL INFORMATION	
FILE NUMBER:	Trim Reference: 2023/3658
PROPOSAL:	<p>Amendments to Liverpool Development Control Plan 2008:</p> <ul style="list-style-type: none"> <li>Part 3.7 Residential Flat Buildings in the R4 zone</li> <li>Part 4 Development in the City Centre</li> </ul> <p>Proposed amendments are to encourage family friendly apartments in residential flat buildings and shop top housing developments in areas subject to the Liverpool LEP 2008. Additionally, amendments to Part 3.7 are to align this chapter with the Apartment Design Guide and State Environmental Planning Policy - Design Quality of Residential Apartment Development.</p>
APPLICATION AREA:	<p><b>Part 3.7 Residential Flat Buildings in the R4 zone</b>, applies to:</p> <ul style="list-style-type: none"> <li>Any land where the Liverpool LEP 2008 applies being the R4 – High Density Residential and E1 Local Centre zones; and</li> <li>Excludes land of which Liverpool Development Control Plan 2008 – Part 2.11 - Edmondson Park applies.</li> </ul> <p><b>Part 4 Development in the City Centre</b>, applies to:</p> <ul style="list-style-type: none"> <li>Land identified as the Liverpool City Centre (Refer to Figure 1).</li> </ul>

APPLICABLE CONTROLS	
SEPPs:	<ul style="list-style-type: none"> <li>State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development.</li> </ul>
OTHER:	<ul style="list-style-type: none"> <li>Apartment Design Guide</li> <li>Clause 15 of Environmental Planning and Assessment Regulation 2021</li> </ul>
Dcps:	<ul style="list-style-type: none"> <li>Liverpool Development Control Plan 2008 – Part 3.7 – Residential Flat Buildings in the R4 Zone.</li> <li>Liverpool Development Control Plan 2008 – Part 4 – Development in Liverpool City Centre.</li> </ul>

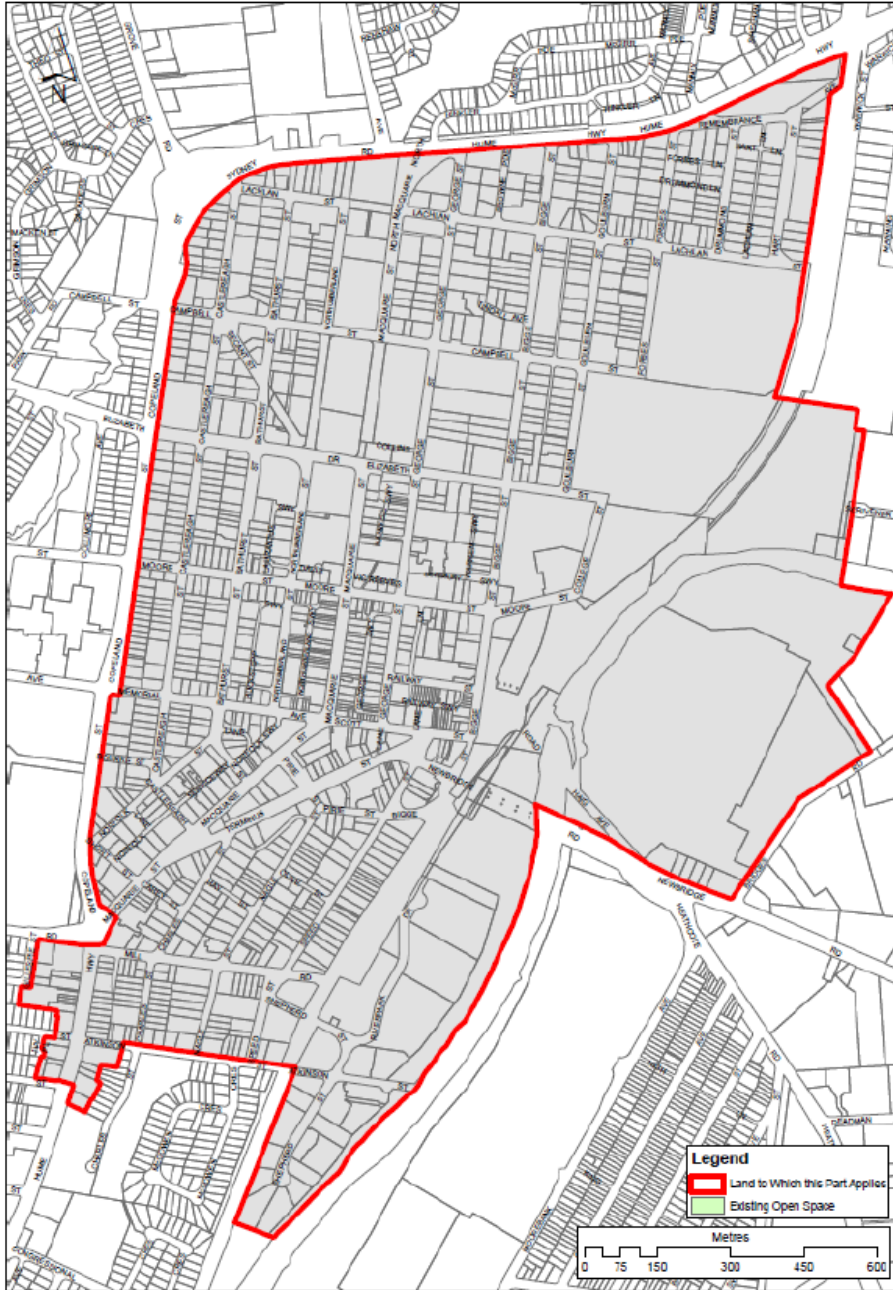


Figure 1: Area of which Liverpool Development Control Plan 2008 - Part 4 – Development within the Liverpool City Centre applies.



## ISSUES TO BE CONSIDERED

### Background Information

At its Ordinary Meeting on 31 May 2023, Council resolved to support a Notice of Motion to, '*Investigate amendments to the Liverpool Development Control Plan 2008 for the Liverpool CBD to better encourage the development of larger, family friendly apartments*' and '*Investigate improved quality and design requirements that matches the specific needs of families living in apartments in the Liverpool CBD*'.

Draft DCP amendments were presented to the Governance Committee Meeting on 22 August 2023, and formally reported to Council on 27 September 2023 (**Attachment 4**), where Council resolved to proceed with public exhibition of the draft DCP amendments. Accordingly, the following draft amendments to Liverpool Development Control Plan 2008 are on public exhibition:

- Part 3.7 Residential Flat Buildings in the R4 zone (**Attachment 1 & 2**)
- Part 4 Development in the City Centre (**Attachment 3**)

The proposed amendments are referred to the Design Excellence Panel pursuant to clause 15 of the *Environmental Planning and Assessment Regulation 2021* for comment, as they relate to changes to Residential Flat Buildings.

### 1. Proposed Amendments – Apartment Mix & Family Friendly Apartments

Currently Part 4 of the LDCP 2008 includes section 4.2.10 (Housing Choice and Mix) whilst Part 3.7 of LDCP 2008 does not include any apartment mix controls.

The Apartment Design Guide (ADG) includes section 4K relating to Apartment Mix with design criteria stating: "*A variety of apartment types is provided. The apartment mix is appropriate, taking into consideration, the distance to public transport, employment and education centres, the current market demands and projected future demographic trends, the demand for social and affordable housing and different cultural and socioeconomic groups.*"

Further the ADG design criteria states "*flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.*"

Action 11 of the Liverpool Local Housing Strategy states to '*Review apartment mix controls for RFB development in City Centre, R1 and R4 zones*'. Housing Priority 1 of the Strategy aims to provide '*a diverse range of housing options and flexibility of use is provided to ensure the housing needs of the Liverpool community are met*'.

The following changes are proposed to section 4.2.10 (Housing Choice and Mix) of Part 4 (City Centre) of the LDCP 2008, and these controls are to also be included within Part 3.7 (RFB's outside of City Centre) of the LDCP 2008:



Table One: Section 4.2.10 (Housing Choice and Mix) of Part 4 of the LDCP 2008

	Current	Proposed
Studio/One Bedroom apartments	Minimum 10%	Minimum 10%
Three or more bedroom apartments	Minimum 10%	Minimum 25%
Dual Key apartments	Maximum 10%	No minimum or maximum*
Adaptable apartments	Minimum 10%	Minimum 10%

\* Subject to both dual key apartments meeting the ADG requirements, e.g. solar access requirements.

Additional controls proposed include:

- Clarification that the apartment diversity section applies to development for the purpose of residential flat buildings only and does not apply for Boarding House, Senior's Housing, Group Homes, Co-Living or Build to Rent developments or for residential flat buildings provided by social housing providers, public authorities and joint venture under SEPP (Housing) 2021;
- Controls stating that apartments with various number of bedrooms are to be located on different levels and with different orientations (i.e., facing north, east etc) and for adaptable apartments to be located on the ground floor for accessibility.

## 2. Proposed Amendments – Apartment Design Guide Update

The current version of Part 3.7 Residential Flat Buildings in the R4 Zone (Outside the City Centre) is dated 19 February 2014. Since this time the Apartment Design Guide has come into effect.

Clause 6A of SEPP 65 states that DCP's cannot be inconsistent with controls regarding:

- Visual privacy
- Solar and daylight access
- Common circulation and spaces
- Apartment size and layout
- Ceiling heights
- Private open space and balconies
- Natural ventilation
- Storage

Part 3.7 has therefore been updated as follows:

- Deletion of sections and controls which are contained within clause 6A of SEPP 65 (matters listed above, where a DCP cannot be inconsistent with the ADG requirements).





- Deletion of sections and controls which are duplicated with the same intent within parts 3 and 4 of the ADG.
- New section regarding Apartment Diversity with emphasis on larger family friendly apartments (as noted within this report).
- New section regarding amalgamation for developments which do not meet the minimum lot size or lot width, or that would result in an isolated site or adjoining site not meeting the minimum lot size or lot width.
- Inclusion of percentage of apartments capable of being adapted for habitation by seniors and/or persons with disabilities.
- Encouragement of larger amenity for apartments including emphasis on larger balconies and storage (Note. This can only be encouraged as per clause 6A of SEPP 65).

The amendment to Part 3.7 Residential Flat Buildings (Outside Liverpool City Centre) of LDCP 2008 is anticipated to help streamline the development application process associated with residential flat building development. This has occurred by removing duplication with SEPP 65 and the ADG, whilst still ensuring the matters of clause 4.15 of the *Environmental Planning and Assessment Act 1979*, (including the impact of a developments environmental, social and economic impacts in the locality) are adequately considered during the assessment process.

### **3. Proposed Amendments - Minor Housekeeping**

It is noted that a minor housekeeping change is proposed in Part 4 Development in the City Centre, Chapter 4.4.2 Onsite Car Parking. The proposed change is to enable above ground car parking to be an available option for all Development Applications (DA's), rather than solely available to Concept DA's. Control is also strengthened to ensure visual impacts are addressed.

#### **Next Steps**

Advice of the Design Excellence Panel will be included in the post exhibition assessment of the proposed DCP amendments. The Draft DCP will be reported to Council for finalisation in early 2024.



## ATTACHMENTS

1. Draft Part 3.7 – Residential Flat Buildings in the R4 Zone (with edits)
2. Draft Part 3.7 – Residential Flat Buildings in the R4 Zone (clean version)
3. Draft Part 4 – Development in Liverpool City Centre (with edits)
4. Council Report & Resolution - 27 September 2023 - PLAN 02 - Amendments to Liverpool Development Control Plan - Family Friendly Apartments and Apartment Design Guide Update



## Minutes

### MINUTES OF DESIGN EXCELLENCE PANEL MEETING Thursday the 9<sup>th</sup> of November 2023

#### DEP PANEL MEMBERS PRESENT:

Matthew Taylor (chair)	Chairperson	Taylor Brammer L. Architects
Michael Mandl	Panel Member	Mandl Consults
Sam Crawford	Panel Member	Sam Crawford Architects

#### APPLICANT REPRESENTATIVES:

NIL.

#### OBSERVERS:

Amanda Merchant	Panel Support Officer	Liverpool City Council
Di Wu	Convenor	Liverpool City Council
Stephen Peterson	Senior Strategic Planner	Liverpool City Council
Nancy-Leigh Norris	Executive Planner	Liverpool City Council
Joshua Walters	A/Senior Urban Designer	Liverpool City Council

#### ITEM DETAILS:

**Item Number: 4**

**Application Reference Number:** 2023/3658

**Council's Planning Officer:** Stephen Peterson

**Proposal:** Amendments to Liverpool Development Control Plan 2008:

- Part 3.7 Residential Flat Buildings in the R4 zone
- Part 4 Development in the City Centre

Proposed amendments are to encourage family friendly apartments in residential flat buildings and shop top housing developments in areas subject to the Liverpool LEP 2008. Additionally, amendments to Part 3.7 are to align this chapter with the Apartment Design Guide and State Environmental Planning Policy - Design Quality of Residential Apartment Development.

**Application Area: Application Area:**

**Part 3.7 Residential Flat Buildings in the R4 zone**, applies to:

- Any land where the Liverpool LEP 2008 applies being the R4 – High Density Residential and E1 Local Centre zones; and
- Excludes land of which Liverpool Development Control Plan 2008 – Part 2.11 - Edmondson Park applies.

**Part 4 Development in the City Centre**, applies to:

- Land identified as the Liverpool City Centre (Refer to Figure 1 in Briefing Report).

**Meeting Venue:** Microsoft Teams Meeting



## Minutes

### 1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Chairperson introduced the Panel and Council staff to the Applicant Representatives. Attendees signed the Attendance Registration Sheet. The Liverpool Design Excellence Panel's (the Panel), comments are to assist Liverpool City Council in its consideration of the Development Application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

All nine design principles must be considered and discussed. Recommendations are to be made for each of the nine principles, unless they do not apply to the project. If repetition of recommendations occur, these may be grouped together but must be acknowledged.

### 2.0 DECLARATIONS OF INTEREST

NIL.

### 3.0 PRESENTATION

The planner presented their proposal for amendments to Liverpool Development Control Plan 2008:

- Part 3.7 Residential Flat Buildings in the R4 zone
- Part 4 Development in the City Centre

### 4.0 DEP PANEL RECOMMENDATIONS

**The Design Excellence Panel makes the following recommendations in relation to the project:**

The Panel offer the following comments, as an overview.

1. The Panel acknowledges that the Council has actively pursued opportunities to revise planning controls in response to evolving demographics and residents' housing preferences in Liverpool. The Panel further highlights the unique character of Liverpool LGA, with its proximity to natural amenities and the Aerotropolis, the incorporation of adaptive family friendly units and flexible planning could position Liverpool as a standout example of innovative urban development.
2. In discussing the proposed dwelling mix for 3-bedroom units, the Panel seeks information on the dwelling mix in other LGAs with a character similar to Liverpool, such as Campbelltown and Parramatta. The planner has confirmed that the highest observed ratio is 20%, as seen in the recently implemented document by Hillshire Council. The planner further emphasises that the proposed 25% for 3-bedroom units maximizes alignment with the demographic, noting that complete alignment would be around 50%.
3. The Panel notes that in the Sydney metropolitan context, the typical dwelling mix is usually around 70% for 2-bedroom units, 20% for 1-bedroom units, and 10% for 3-bedroom units.
4. The proposed 25% allocation for 3-bedroom units appears to exceed typical benchmarks. The Panel suggests that the proposed dwelling mix should be strategically

aligned with state policies and benchmarks. To strike a balance between demand, social responsibility, and affordability, the Panel recommends reducing the allocation for 3-bedroom units to 15%-20%.

5. The Panel expresses support for extending the exhibition period for this DCP amendment and emphasises the significance of obtaining feedback from developers during this extended timeframe. The Panel highly recommends the Council to proactively engage with developers for their insights.
6. The Panel suggests exploring potential incentive schemes that Council could implement to encourage developers to actively participate in delivering the family-friendly apartments program.
7. The definition of the Dual Key typology remains unclear, particularly regarding whether it is categorized as 2-bedroom or 1-bedroom units. The planner highlights that the allowance for Dual Key apartment typology in the Liverpool City area is intended to address social and affordable housing concerns. Regardless of its classification, the Dual Key units must adhere to relevant ADG amenity requirements, ensuring compliance with standards for solar access and cross ventilation.
8. The Panel underscores the significance of including adaptive units in the development across the entire LGA, emphasising their versatility and flexibility for future use, whether combined to form larger units or subdivided into smaller ones.
9. It is recommended that there be a minimum of 1 car space per unit.
10. A detailed marked-up Draft DCP Part 3.7 has been provided in Attachment 1.

## 5.0 OUTCOME

The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

**NIL.**

**Key for the text colours**

This document provides all the proposed changes to the existing Part 3.7 of the Liverpool Development Control Plan 2008. Different text colours are used to enhance the legibility as explained in Table 1 below.

Table 1 – Key for the text colours

<b>Text colours</b>	<b>Reason/ Interpretation</b>
Black Text	Existing text to remain either in existing or new section of DCP.
<del>Red Text with strikethrough</del>	Existing text to be deleted – Duplicated within the ADG and listed under clause 6A of SEPP 65
<del>Blue text with strikethrough</del>	Existing text to be deleted – Duplicated within the ADG however not listed under clause 6A of SEPP 65
<del>Orange text with strike through</del>	Other text to be deleted such as title page, figures etc
Green Text	New text added



**~~Liverpool Development Control Plan 2008~~**  
**~~Part 3.7~~**  
**~~Residential Flat Buildings~~**

**~~19 February 2014~~**

**~~Part 3.7 must be read in conjunction with Part 1~~**  
**~~Check if any Locality Parts also apply~~**

**Liverpool Development Control Plan 2008**  
**Part 3.7**  
**Residential Flat Buildings**  
(Outside Liverpool City Centre)

September 2023

**Part 3.7 must be read in conjunction with Part 1**

Other parts of Liverpool Development Control Plan 2008 may apply depended upon site location

LIVERPOOL  
CITY  
COUNCIL





## Liverpool Development Control Plan 2008

### Part 3.7 Residential Flat Buildings ~~in the R4~~ ~~Zone~~ (Outside Liverpool City Centre)

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- Table of figures deleted as ADG provides own figures and some figures relate to matters under 6A of SEPP 65. (Figure 3 retained as relates to Council's DCP Setbacks which are not provided in the ADG).
- List of tables deleted as table 1 and table 2 relate to setbacks (Retained within setback section of DCP). Table 3 relates to Private Open Space of which clause 6A of SEPP 65 over rides.

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## 1. Preliminary Land to which this part applies

### Applies to

1. Part 3.7 applies to residential flat building development on land ~~in the Residential, R4—High Density Residential zone~~ under *Liverpool LEP 2008* except as described in 3.
2. Part 1 of the DCP also applies to the land.
3. Part 3.7 does not apply to residential development on land in the following locations. All controls in relation to the Private and Public Domain are covered by the respective parts.
  - ~~Middleton Grange (Refer to Part 2.5 for all controls on residential development).~~
  - Land of which Edmondson Park of which LDCP 2008 Part 2.11 applies.
  - Liverpool City Centre (Refer to Part 4 or all controls on residential development).

*Note:* All residential flat buildings will be reviewed by the Liverpool Design Excellence Panel for advice.

### Background

Residential Flat Buildings are permitted in the R4 zone under *Liverpool LEP 2008*.

Good quality buildings help improve the quality of life. The quality involves the location, size and scale, appearance and amenity of the buildings in which many people live. The design of new residential flat buildings is important to neighbourhoods - to provide good quality and amenity to growing populations with changing needs. Quality design contributes to enjoyable places: buildings, streets, squares and parks.

Residential Flat Buildings are also subject to State Environmental Planning Policy No 65—Design Quality of Residential Flat Development and the Apartment Design Guide.

### Link to Liverpool LEP 2008

*Liverpool LEP 2008* provides overall requirements and objectives for development in the residential areas of Liverpool. It does not just cover residential development but also non-residential development in residential areas.

Each zone provides objectives, which provide direction for the controls in the DCP. There are also general provisions for development in the residential zones as well as provisions for specific forms of development in the residential areas or for development on specific sites.

### Objectives

- a) To provide controls for residential development to ensure that it achieves a high standard of urban design, that is compatible with the amenity and character of the area.
- b) To provide for a variety of housing choice within residential areas with Liverpool.
- c) Additional objectives are listed in the detailed controls for the various land uses.

## 2 Frontage and Site Area

### Site Area and Frontage

#### Objective

- a) To permit residential flat buildings on land that can adequately accommodate landscaping, open space, parking, and solar access requirements.

#### Control

1. The minimum lot width is 24m.

*Note: The amalgamation of land parcels into larger development sites is encouraged as this will result in better forms of housing development and design.*

- ~~2.~~ Refer to the Liverpool LEP 2008 written statement and maps for the minimum site area and width. ~~in the R4 zone.~~

### 3. Amalgamation

#### Objectives

- a) Ensure that a subject site and adjoining sites can achieve development that is consistent with the planning controls.
- b) Avoid landlocking of adjoining sites or isolation of small sites which may result in poor built form outcomes.
- c) Ensure that Isolation of sites does not occur to avoid a development resulting in poor built form outcomes and to ensure better streetscape amenity outcome to be achieved.

#### Controls

1. Site amalgamation shall be considered and/or required if the subject development application site:
  - a) Does not meet the minimum lot size or lot width requirements for a residential flat building.
  - b) Creates an isolated site adjoining the subject site which does not meet the minimum lot size or lot width for a residential flat building.
  - c) Creates poor streetscape design and/or a poor amenity outcome for an adjoining site.
2. If site amalgamation is required as per control one above, however amalgamation cannot be achieved, the following documentation is to be provided with a development application: Documentation demonstrating that negotiations for amalgamation between the owners of the properties has been undertaken. The documentation is to be dated no later than 6 months from the development application lodgement date. The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site.

Documentation shall, at least, include:

- Two independent valuations\* that represent the potential value of the affected site. The valuations are to be dated within 6 months from lodgement of a development application. The valuations are to include other reasonable expenses likely to be incurred by the owner of the isolated property should the property sell; and
- Evidence that a genuine and reasonable fair market value offer (dated within 6 months from lodgement of a development application) has been made to the owners of the affected adjoining site.

\*The following persons are considered suitably qualified to provide evidence of value of property:

- A member of the Australian Valuers Institute.
- A member of the Australian Property Institute who has acquired membership in connection with his or her occupation as a valuer.
- a member of the Royal Institution of Chartered Surveyors who holds the designation "Chartered Valuer" or "Chartered Valuation Surveyor".

## 3 4. Site Planning

• Control 6 deleted as is contained within Part 1 (Preliminary)

### Site Planning

#### Objectives

- a) To ensure that the residential flat building is sensitive to site attributes, such as streetscape character, natural landform, drainage, existing vegetation, land capability, slope, solar access and if relevant, heritage items.
- b) To ensure privacy for residents and neighbours.
- c) To ensure that residential flat buildings that do not result in the loss of amenity to adjacent dwellings and open space.
- d) To ensure that the development reflects the character of the locality and environment.

#### Controls

1. The building should relate to the site's topography with minimal earthworks, except for basement car parking.
2. Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.
3. Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.
4. Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.
5. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.

~~6. The development will need to satisfy the requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.~~

Note: A Site Analysis Plan is required for each development application.

- Figures deleted as ADG contains site analysis and residential flat building context figures.

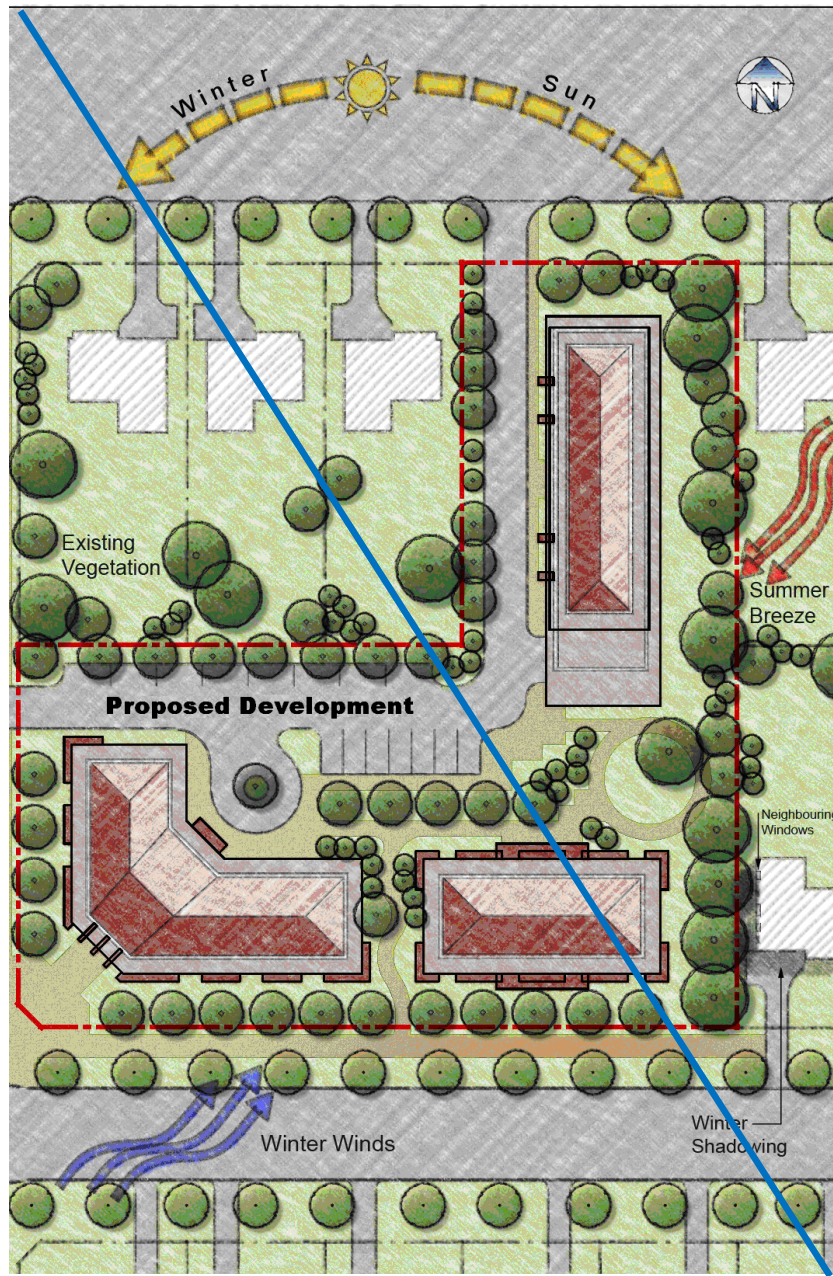


Figure 1 Site analysis plan for a Residential Flat Building





Figure 2 Residential Flat Building in context with its surroundings



## 4. 5. Setbacks

### Objectives

- a) To set buildings back from the street and adjacent properties to provide reasonable space for landscaping, open space and solar access.
- b) To set buildings back from each other to provide visual and acoustic privacy.
- c) To establish a streetscape of a scale and sense of enclosure appropriate to the locality.
- d) To provide convenient and unobtrusive vehicle access and car parking without the use of long driveways.

### Controls

1. Residential flat building development shall be provided in accordance with the below setbacks within table 1 and table 2.

#### Front and Secondary Setbacks

- ~~1.~~ a. Buildings shall be setback in accordance with the following table.

Table 1

Road	Front Setback	Secondary Setback
Classified Roads	7.0m	7.0m
Other Streets	5.5m	5.5m

- ~~2.~~ b. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.
- ~~3.~~ c. The secondary setback is along the longest length boundary.

#### Side and Rear Setbacks

- ~~1.~~ d. Buildings shall be setback from the side and rear boundaries in accordance with the following table.

Table 2

Item	Side Setback	Rear Setback
Boundary to land in R2 & R3 zones	10m	10m
Boundary to land in R2 & R3 zones (no windows to habitable rooms)	10m	10m
Boundary to land in R4 zone (First 10m in height, excluding roof/attic)	3m	8m
Boundary to land in R4 zone (Greater than 10m in height)	8m	8m
Boundary to public open space	6m	6m

- ~~2.~~ e. Consideration will need to be given to existing and approved setbacks of residential flat buildings on adjoining buildings.

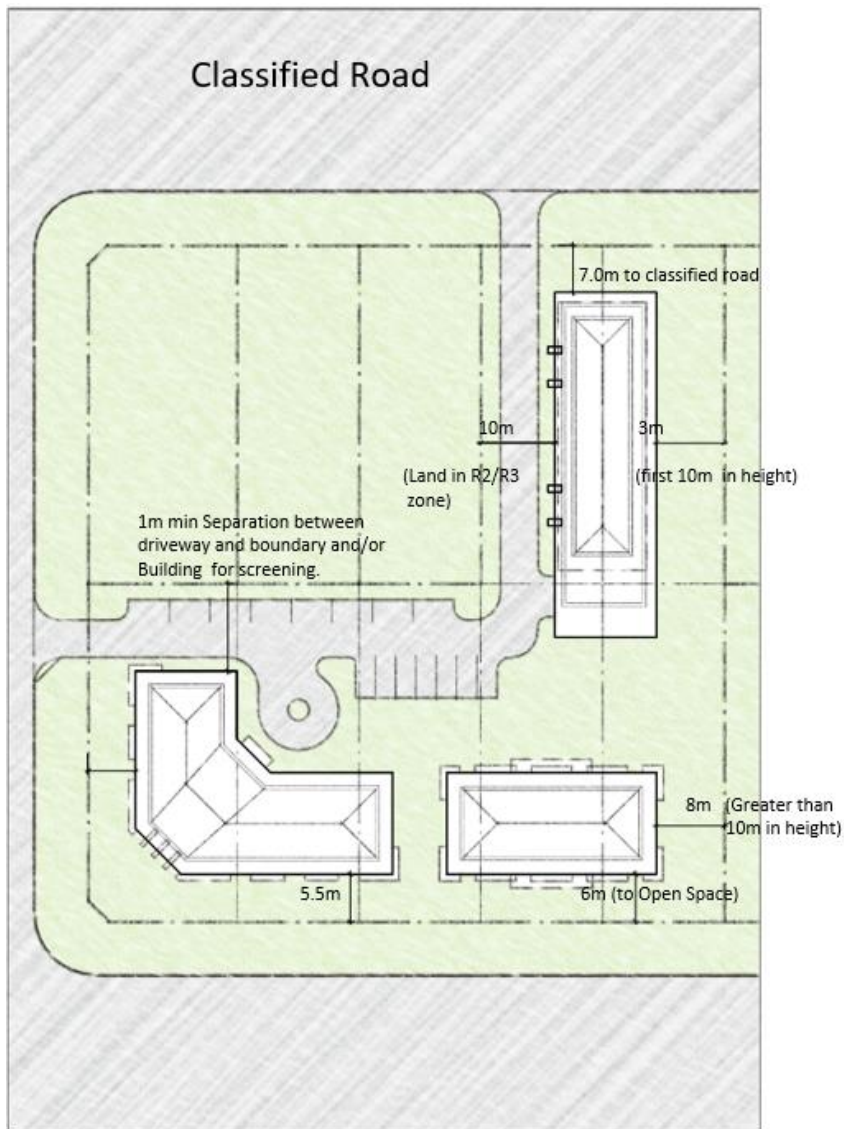


Figure 3.1 Residential Flat Building showing setbacks

## 6. Apartment Diversity

Part 4K of the ADG refers to Apartment Mix and requires for a variety of apartment types to be provided in residential flat buildings and matters to be taken into consideration when determining the apartment mix.

This section applies to development for the purpose of residential flat buildings only and does not apply for boarding house, Senior's housing, Group Homes, Co-Living or Build to Rent developments. Further this part does not apply for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by *State Environmental Planning Policy (Housing) 2021*.

### Objectives

- a) To provide for a variety of housing choice within Liverpool Local Government Area which caters for different household requirements now and in the future.
- b) To increase the housing and lifestyle choices available in dwelling buildings.
- c) Four and five bedroom apartments are encouraged to provide greater housing diversity and affordability choices to cater for the Liverpool Local Government Area demographics and socioeconomic status.
- d) Meet the Australian Adaptable Housing Standard (AS 4299-1995) and provide a sufficient proportion of dwellings that include accessible layouts and features to accommodate the changing requirements of elderly, disabled residents and families.

### Controls

1. In addition to apartment mix requirements within the ADG, residential flat buildings are to provide for a variety of apartment types and sizes with minimum percentage of apartment mix as per the following table:

<u>Number of bedrooms</u>	<u>Minimum percentage to be provided of total number of apartments</u>
Studio and one bedroom	10%
Three bedrooms or greater	25%
Dual Key apartments	Optional (no minimum or maximum), subject to both dual key apartments meeting the Apartment Design Guide requirements.

2. At least 10% of all apartments are to be capable of being adapted for habitation by seniors and/or persons with disabilities complying with relevant Australian Standards including AS 4299 -1995. This is to include a mix of number of bedroom units. Note. This is different to section 4Q (Universal Design of the ADG).
3. Apartments with a varying number of bedrooms (1 bedroom apartments, 2 bedroom apartments, etc) and adaptable apartments are to be located on the ground floor for accessibility by families and the elderly.
4. Three bedroom and greater apartments are to be located on the ground and top floor.
5. The layout of the apartment buildings are to provide for dwelling types that are oriented in a range of directions and provide for dual-aspect layouts maximising solar access and minimising privacy impacts to adjoining residential properties.

## 5. Landscaped Area and Private Open Space

• This Section is deleted and combined with Section 7 Amenity, Deep Soil and Communal Open Space. Certain Landscape controls are retained, and objectives and controls are amended to align with the Apartment Design Guide:

- Landscaped Area (Deep soil area) – Certain controls retained and relocated within new Part 7 of DCP (Amenity, Landscape, Deep Soil and Communal Open Space)
- Open Space – Certain controls retained and relocated as within new Part 7 of DCP (Amenity, Landscape, Deep Soil and Communal Open Space)
- Private Open Space – Deleted as within 6A of SEPP 65
- Drying Areas – Certain controls retained and relocated within new Part 7 of DCP (Amenity, Landscape, Deep Soil and Communal Open Space)

*Landscaped area is defined in Liverpool LEP 2008.*

### Landscaped Area (deep soil area)

#### Objectives

- a) ~~To provide an area to allow vegetation to mature.~~
- b) ~~To assist with management of the water table.~~
- c) ~~To assist with management of water quality.~~
- d) ~~To enhance the existing streetscape and soften the visual appearance of the buildings.~~

#### Controls

1. ~~A minimum of 25% of the site area shall be landscaped area.~~
2. ~~A minimum of 50% of the front setback area shall be landscaped area.~~
3. ~~Optimise the provision of consolidated landscaped area within a site by:
 
  - ~~The design of basement and sub-basement car parking, so as not to fully cover the site.~~
  - ~~The use of front and side setbacks.~~
  - ~~Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.~~~~
4. ~~Promote landscape health by supporting for a rich variety of vegetation type and size.~~
5. ~~Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.~~

### Open Space

~~Open space includes Landscaped Areas and hard paved areas such as footpaths and barbeque areas. It does not include driveways, drying areas or waste storage areas.~~

#### Objectives

- a) ~~To provide residents with passive and active recreational opportunities.~~
- b) ~~To provide an area on site that enables soft landscaping and deep soil planting.~~
- c) ~~To ensure that communal open space is consolidated, configured and designed to be useable and attractive.~~

~~d) To provide a pleasant outlook.~~

#### Controls

- ~~1. Provide communal open space, which is appropriate and relevant to the context and the building's setting.~~
- ~~2. Where communal open space is provided, facilitate its use for the desired range of activities by:
 
  - ~~— Locating it in relation to buildings to optimise solar access to dwellings.~~
  - ~~— Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape.~~
  - ~~— Designing its size and dimensions to allow for the range of uses it will contain.~~
  - ~~— Minimising overshadowing.~~
  - ~~— Carefully locating ventilation duct outlets from basement car parking.~~~~
- ~~3. Locate open space to increase the potential for residential amenity.~~

#### **Private Open Space**

##### Objective

- ~~a) To ensure that private open space is clearly defined, usable and meets user requirements for privacy, solar access, outdoor activities, accessibility and landscaping.~~
- ~~b) To provide all dwellings with private open space.~~

##### Controls

- ~~1. Private open space shall be provided for each dwelling in accordance with the following table.~~

~~Table 3~~

<del>Dwelling Size</del>	<del>Private Open Space Area</del>	<del>Minimum Width</del>
<del>Small &lt; 65 sqm</del>	<del>10sqm</del>	<del>2m</del>
<del>Medium 65 – 100</del>	<del>12sqm</del>	<del>2m</del>
<del>Large &gt; 100 sqm</del>	<del>12sqm</del>	<del>2m</del>

- ~~2. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.~~
- ~~3. Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.~~
- ~~4. Private open space should be clearly defined for private use.~~

~~For balconies refer to Building Design, Streetscape and Layout for controls on their design.~~

#### **Drying areas**

##### Objective

~~To provide adequate area clothes drying area for residents.~~

##### Controls

~~Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.~~

## 6. ~~Building Design, Streetscape and Layout~~

- This Section is deleted and combined with Section 7 (Amenity, Landscape, Deep Soil and Communal Open Space). Certain controls are retained, objectives and controls are amended to align with the Apartment Design Guide.
  - Building Height – Deleted as within LEP 2008.
  - Building appearance and streetscape – Deleted - Certain controls retained and relocated within new Part 7 of DCP (Amenity, Landscape, Deep Soil and Communal Open Space).
    - Pedestrian entrance within ADG Section 3G
    - Vehicle access within ADG section 3H
    - Streetscape throughout ADG parts 3 and 4
    - Facades in ADG section 4M
  - Roof Design – Deleted as within ADG section 4N.
  - Building Entry – Deleted as within ADG section 3G.
  - Balconies – Deleted as listed under 6A of SEPP 65.
  - Daylight Access – Deleted as listed under 6A of SEPP 65.
  - Internal design – Parts deleted as contained throughout the ADG.
  - Ground Floor Dwellings – Parts deleted as contained within section 4L of the ADG.
  - Security – Deleted as contained throughout the ADG and controls within proposed amended DCP.
  - Natural Ventilation – Deleted as listed under part 6A of SEPP 65.
  - Building layout – Deleted as contained throughout ADG.
  - Storage – Deleted as listed under part 6A of SEPP 65.

### ~~Building Height~~

#### ~~Objective~~

~~To ensure that the new development is compatible with the character of residential flat buildings and the adjoining neighbourhood.~~

#### ~~Controls~~

~~Refer to the Liverpool LEP 2008 written statement and maps for the maximum Building Height in the R4 zone. Note that this varies depending on the location.~~



Figure 4 Streetscape Presentation

### **Building Appearance and Streetscape**

#### Objectives

- a) ~~To ensure an attractive streetscape that is consistent with the environment of residential flat buildings.~~
- b) ~~To promote high architectural quality in residential flat buildings.~~
- c) ~~To ensure that new developments have facades which define and enhance the public domain and desired street character.~~
- d) ~~To ensure that building elements are integrated into the overall building form and facade design.~~

#### Controls

1. ~~Residential Flat Buildings shall comply with State Environmental Planning Policy No 65—Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.~~
2. ~~Building facades shall be articulated and roof form is to be varied to provide visual variety.~~
3. ~~The pedestrian entrance to the building shall be emphasised.~~
4. ~~A sidewall must be articulated if the wall has a continuous length of over 14 m.~~
5. ~~Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.~~
6. ~~Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.~~
7. ~~Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.~~
8. ~~The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint.~~
9. ~~A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space.~~

- ~~10. Consider the relationship between the whole building form and the facade and/or building elements. The number and distribution of elements across a facade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.~~
- ~~11. Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to:~~
- ~~— Defining a base, middle and top related to the overall proportion of the building.~~
  - ~~— Expressing key datum lines in the context using cornices, a change in materials or building set-back.~~
  - ~~— Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall divisions.~~
  - ~~— Expressing the variation in floor-to-floor height, particularly at the lower levels.~~
  - ~~— Articulating building entries with awnings, porticoes, recesses, blade walls and projecting bays.~~
  - ~~— Selecting balcony types which respond to the street context, building orientation and residential amenity.~~
  - ~~— Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles.~~
  - ~~— Detailing balustrades to reflect the type and location of the balcony and its relationship to the facade detail and materials.~~
- ~~12. Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.~~
- ~~13. Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.~~
- ~~14. Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.~~
- ~~15. Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design~~





Figure 5 Building appearance and streetscape

### **Roof Design**

#### **Objectives**

- a) ~~To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings;~~
- b) ~~To integrate the design of the roof into the overall facade, building composition and desired contextual response;~~
- e) ~~To increase the longevity of the building through weather protection.~~

#### **Controls**

1. ~~Relate roof design to the desired built form. This may include:
 
  - ~~Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms.~~
  - ~~Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas.~~
  - ~~Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line.~~
  - ~~Using special roof features, which relate to the desired character of an area, to express important corners.~~~~
2. ~~Design the roof to relate to the size and scale of the building, the building elevations and three dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.~~
3. ~~Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.~~
4. ~~Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.~~
5. ~~Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.~~



Figure 6 Roof design keeping in with the surrounds

### **Building Entry**

#### **Objectives**

- a) ~~To create entrances which provide a desirable residential identity for the development.~~
- b) ~~To orient the visitor.~~
- e) ~~To contribute positively to the streetscape and building facade design.~~

#### **Controls**

1. ~~Improve the presentation of the development to the street by:
 
  - ~~Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network.~~
  - ~~Designing the entry as a clearly identifiable element of the building in the street.~~
  - ~~Utilising multiple entries-main entry plus private ground floor dwelling entries- where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.~~~~
2. ~~Provide as direct a physical and visual connection as possible between the street and the entry.~~
3. ~~Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.~~
4. ~~Ensure equal access for all~~
5. ~~Provide safe and secure access by:
 
  - ~~Avoiding ambiguous and publicly accessible small spaces in entry areas.~~
  - ~~Providing a clear line of sight between one circulation space and the next.~~
  - ~~Providing sheltered well lit and highly visible spaces to enter the building, meet and collect mail.~~~~

- ~~6. Generally provide separate entries from the street for:~~
- ~~— Pedestrians and cars.~~
  - ~~— Different uses, for example, for residential and commercial users in a mixed-use development.~~
  - ~~— Ground floor dwellings, where applicable.~~
- ~~7. Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.~~
- ~~8. Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by:~~
- ~~— Locating them adjacent to the major entrance and integrated into a wall, where possible.~~
  - ~~— Setting them at 90 degrees to the street, rather than along the front boundary.~~



Figure 7 Entry to the Residential Flat Building

### **Balconies**

#### **Objectives**

- ~~a) To ensure that balconies contribute positively to the façade of a building.~~
- ~~b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents.~~
- ~~c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.~~
- ~~d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.~~

#### **Controls**

- ~~1. Balconies may project up to 1m from the façade of a building.~~
- ~~2. Balustrades must be compatible with the façade of the building.~~

- ~~3. Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.~~
- ~~4. Design balustrades to allow views and casual surveillance of the street.~~
- ~~5. Balustrades on balconies at lower levels shall be of solid construction.~~
- ~~6. Balconies should where possible should be located above ground level to maximise privacy for occupants, particularly from the street.~~
- ~~7. Solid or semi-solid louvres are permitted.~~
- ~~8. Noise attenuation measures on balconies facing a Classified Road should be considered.~~
- ~~9. Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.~~
- ~~10. Primary balconies should be:
 
  - ~~— Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space;~~
  - ~~— Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.~~~~
- ~~11. Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.~~
- ~~12. Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by:
 
  - ~~— Locating balconies facing predominantly north, east or west to provide solar access.~~
  - ~~— Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind.~~
  - ~~— Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions – along rail corridors, on busy roads or in tower buildings – choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.~~~~
- ~~13. Provide primary balconies for all dwellings with a minimum depth of 2m.~~
- ~~14. Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.~~
- ~~15. Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:
 
  - ~~— Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night.~~
  - ~~— Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units.~~~~
- ~~16. Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.~~



Figure 8 Balcony design

### **Daylight Access**

#### **Objectives**

- a) ~~To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.~~
- b) ~~To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.~~
- c) ~~To provide residents with the ability to adjust the quantity of daylight to suit their needs.~~

#### **Controls**

- 1. ~~Plan the site so that new residential flat development is oriented to optimise northern aspect.~~
- 2. ~~Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.~~
- 3. ~~Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows:~~
- 4. ~~Ensure daylight access to habitable rooms and private open space, particularly in winter – use skylights, clerestory windows and fanlights to supplement daylight access.~~
- 5. ~~Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces.~~
- 6. ~~Ensure single aspect, single-storey dwellings have a northerly or easterly aspect – locate living areas to the north and service areas to the south and west of the development.~~
- 7. ~~Avoid south facing dwellings.~~
- 8. ~~Design for shading and glare control, particularly in summer:~~

- ~~— Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting.~~
- ~~— Optimising the number of north-facing living spaces.~~
- ~~— Providing external horizontal shading to north-facing windows.~~
- ~~— Providing vertical shading to east or west windows.~~
- ~~9. Consider higher ceilings and higher window heads to allow deeper sunlight penetration.~~
- ~~10. On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun.~~
- ~~11. On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun.~~
  - ~~— Using high performance glass but minimising external glare off windows.~~
  - ~~— Avoid reflective films.~~
  - ~~— Use a glass reflectance below 20%.~~
  - ~~— Consider reduced tint glass.~~
  - ~~— Limit the use of lightwells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms. Where they are used:~~
    - ~~— Relate lightwell dimensions to building separation, for example, if non-habitable rooms face into a light well less than 12m high, the lightwell should measure 6 x 6 m.~~
    - ~~— Conceal building services and provide appropriate detail and materials to visible walls.~~
    - ~~— Ensure light wells are fully open to the sky.~~
    - ~~— A combination of louvres provides shading for different times of the day.~~

### Internal design

#### Objective

~~To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.~~

#### Controls

- ~~1. All staircases should be internal.~~
- ~~2. Minimise the length of common walls between dwellings.~~
- ~~3. Basement car parking shall be located beneath the building footprint.~~
- ~~4. Where possible natural ventilation shall be provided to basement car parking.~~
- ~~5. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings~~
- ~~6. Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells.~~
- ~~7. Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.~~
- ~~8. Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.~~
- ~~9. Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).~~

**Ground Floor Dwellings****Objectives**

- a) ~~To contribute to the desired streetscape of an area and to create active safe streets.~~
- b) ~~To increase the housing and lifestyle choices available in dwelling buildings.~~

**Controls**

1. ~~Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.~~
2. ~~Create more pedestrian activity along the street and articulate the street edge by:
 
  - ~~Balancing privacy requirements and pedestrian accessibility.~~
  - ~~Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape.~~
  - ~~Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings.~~
  - ~~Increasing street surveillance with doors and windows facing onto the street.~~~~
3. ~~Planting along the terrace edge contributes to a quality streetscape.~~
4. ~~Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children.~~
5. ~~Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.~~
6. ~~Provide ground floor dwellings with access to private open space, preferably as a courtyard.~~

**Security****Objectives**

- a) ~~To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings.~~
- b) ~~To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders.~~
- c) ~~To ensure buildings are safe and secure for residents and visitors.~~
- d) ~~To contribute to the safety of the public domain.~~

**Controls**

1. ~~Entrances to buildings should be orientated towards the front of the site and facing the street.~~
2. ~~The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.~~
3. ~~Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must~~



~~be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.~~

- ~~4. Minimise the number of entry points to buildings.~~
- ~~5. Reinforce the development boundary to strengthen the distinction between public and private space by:
 
  - ~~— Employing a level change at the site and/or building threshold (subject to accessibility requirements).~~
  - ~~— Signage.~~
  - ~~— Entry awnings.~~
  - ~~— Fences, walls and gates.~~
  - ~~— Change of material in paving between the street and the development.~~~~
- ~~6. Optimise the visibility, functionality and safety of building entrances by:
 
  - ~~— Orienting entrances towards the public street.~~
  - ~~— Providing clear lines of sight between entrances, foyers and the street.~~
  - ~~— Providing direct entry to ground level dwellings from the street rather than through a common foyer.~~
  - ~~— Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.~~~~
- ~~7. Improve the opportunities for casual surveillance by:
 
  - ~~— Orienting living areas with views over public or communal open spaces, where possible.~~
  - ~~— Using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street.~~
  - ~~— Using corner windows, which provide oblique views of the street.~~
  - ~~— Providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.~~~~
- ~~8. Minimise opportunities for concealment by:
 
  - ~~— Avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways.~~
  - ~~— Providing well-lit routes throughout the development.~~
  - ~~— Providing appropriate levels of illumination for all common areas.~~
  - ~~— Providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.~~~~
- ~~9. Control access to the development by:
 
  - ~~— Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings.~~
  - ~~— Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas.~~
  - ~~— Providing direct access from car parks to dwelling lobbies for residents.~~~~

### **Natural Ventilation**

#### **Objectives**

- ~~a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.~~



- ~~b) To provide natural ventilation in non-habitable rooms, where possible.~~
- ~~c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.~~

**Controls**

- ~~1. Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include:
 
  - ~~— Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings.~~
  - ~~— Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette dwellings and two-storey dwellings.~~~~
- ~~2. Select doors and windows (that open) to maximise natural ventilation opportunities established by the dwelling layout.~~
- ~~3. Provide narrow building depths to support cross ventilation.~~
- ~~4. Avoid single aspect dwellings with a southerly aspect.~~
- ~~5. Design the internal dwelling layout to promote natural ventilation by:
 
  - ~~— Minimising interruptions in air flow through a dwelling.~~
  - ~~— Grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together. This allows the dwelling to be compartmentalised for efficient summer cooling or winter heating.~~
  - ~~— Select doors and operable windows to maximise natural ventilation opportunities established by the dwelling layout.~~~~

**Building Layout****Objectives**

- ~~(a) To provide variety in appearance.~~
- ~~(b) To provide increasing privacy between dwellings within the building.~~
- ~~(c) To assist with flow through ventilation.~~
- ~~(d) To improve solar access.~~

**Controls**

~~The layout of dwellings within a residential flat building should minimise the extent of common walls. Figure 9 shows layouts that are not preferred and options that are considered acceptable.~~

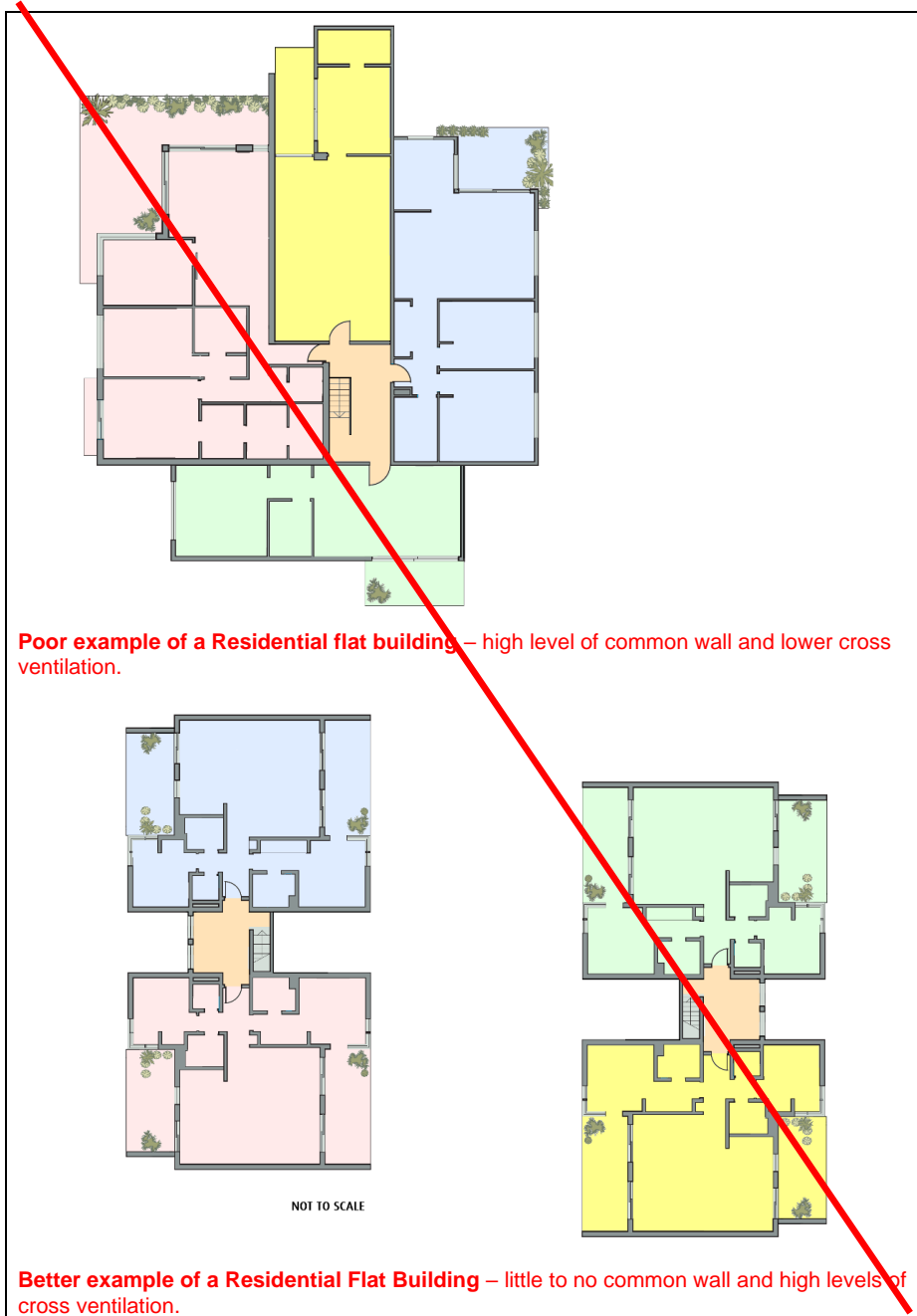


Figure 9 Layout of dwellings

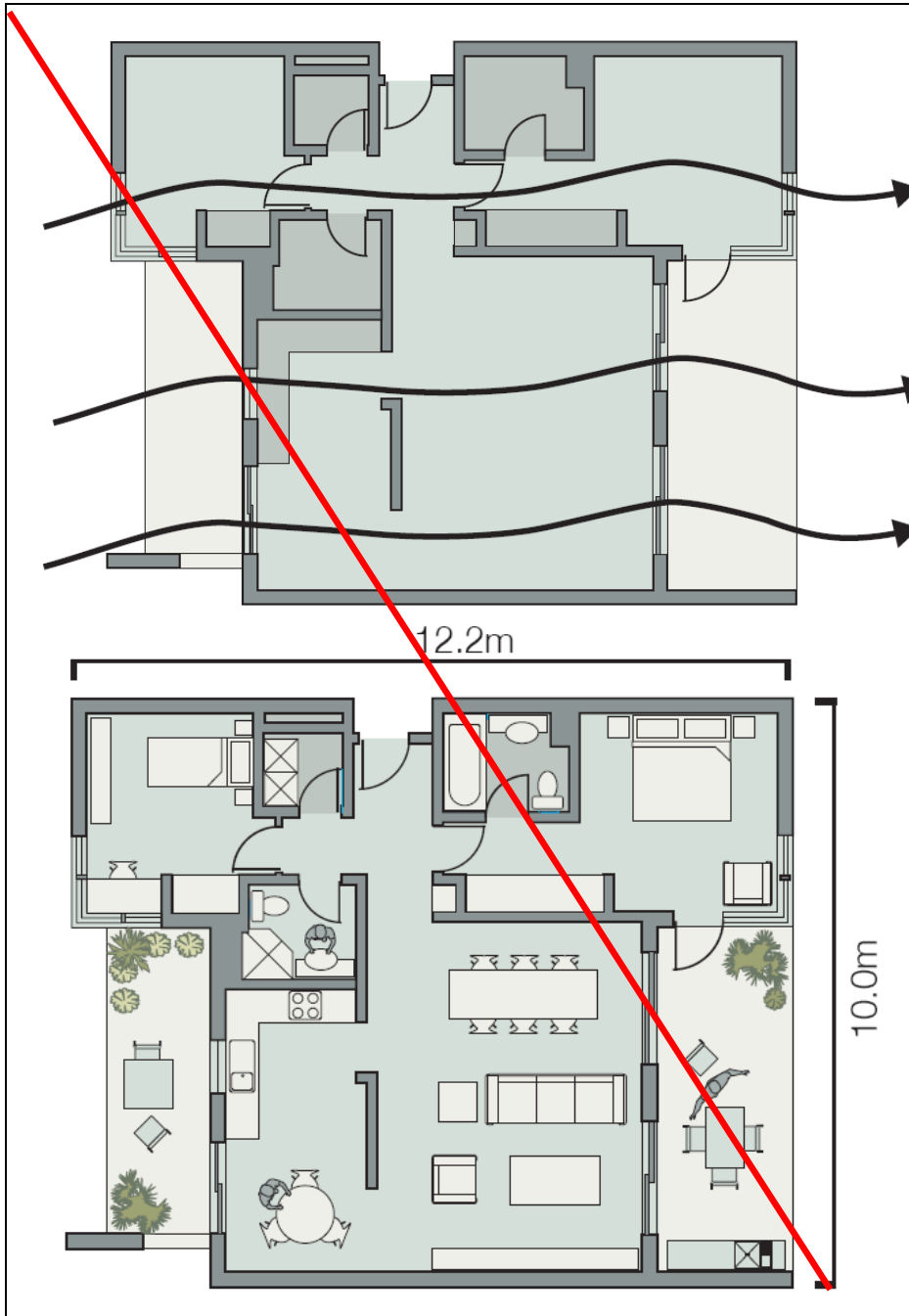


Figure 10 Cross Ventilation

**Storage Areas****Objective**

~~To provide for the need of residents to be able to store personal items adjacent to the car parking area.~~

**Controls**

- ~~1. A secure storage space is to be provided for each dwelling with a minimum volume 8 m<sup>3</sup> (minimum dimension 1m<sup>2</sup>). This must be set aside exclusively for storage as part of the basement or garage.~~
- ~~2. Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.~~

## 7. Amenity, Landscape, Deep Soil and Communal Open Space

### Objectives

- a) The site area and frontage of a proposed development is of sufficient size to accommodate a residential flat development building and provide adequate open space, deep soil zones and car parking.
- b) Integrate new development with the established setback character of the street or in accordance with the emerging pattern of development in areas undergoing transition.
- c) Ensure that the height, bulk and scale of development is compatible with neighbouring developments and both the established character and the desired future amenity of particular residential areas.
- d) Ensure that basement and building envelopes do not impact upon existing trees to maximise tree retention.
- e) Minimise any overshadowing and manage privacy of adjacent properties and their private or communal open spaces.

### Controls

1. Larger balconies, particularly greater balcony depth, are encouraged to be beyond the minimum area and depth outlined within Part 4E-1 of the ADG particularly for three bedroom or greater apartments, subject to providing adequate privacy design to adjoining sites.
2. Storage within apartments, within the hallway of each level and storage cages within basements are encouraged to be beyond the minimum storage volume of part 4G-1 of the ADG particularly for three bedroom or greater apartments.
3. At a minimum, one communal clothes drying facility/area of adequate size based on the number and size of apartments is to be provided and not be visible from the street.
4. External staircases should be minimised.
5. Balconies which face other residential lands are to include a solid (non-transparent) balustrade. Louvers may be used.
6. If an adjoining site does not contain a building which is 3 storeys or greater, the adjoining property must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: One living/rumpus room or the like, any solar collectors and minimum 50% of the private open space. For buildings 3 storeys or greater refer to part 3B of the Apartment Design Guide.
7. Communal open space is to be avoided on southern elevations and not be located on a road frontage.
8. Communal open space located above the ground level shall incorporate privacy measures as per part 3F-2 of the ADG. (i.e. Privacy screening and/or be located towards the centre of a rooftop) to minimise privacy impacts to adjoining sites.
9. Rooftop communal open space areas, shall incorporate amenities such as shelter, BBQ facilities, seating, garden beds, green walls etc.

10. Hard surfaced areas are to be minimised. (i.e. For pathways, storage, communal open space and amenity uses only).
11. Where tree removal cannot be avoided, each tree, recommended to be removed as per an Arborist Report prepared by a minimum AQF level 5 Arborist, is to be replaced at a two to one replacement ratio of a similar species and mature height, as recommended within the Arborist Report prepared by a minimum AQF level 5 Arborist. Replacement tree selection shall predominantly comprise of native species.
12. For sites with multiple buildings, the areas between the buildings shall provide deep soil and high amenity areas including, wall art, garden and security lighting, seating and shelter and are:
  - a) To provide building separation that encourages a walkable environment and direct travel lines through the site.
  - b) To be designed to maximise solar access and CPTED principals.
  - c) Be designed in accordance with accessible requirements for persons with limited mobility.
  - d) Include a combination of soft and hard landscaping with tree plantings for shading and cooling.
13. Articulation is to be provided after a maximum wall length of 14m. If a building proposes a predominantly blank side/rear wall (i.e. minimal windows or balconies), the wall of the building is to include wall art/rendering.
14. A minimum of 25% of a site area is to be landscaped.
15. A minimum of 50% of the front setback (minimum 50% for primary street setback and 50% of secondary street setbacks if applicable) are to be landscaped.
16. Deep soil as defined within 3B of the Apartment Design Guide is to be:
  - a) a minimum of 10% with minimum dimensions of 3m for sites with an area of 650m<sup>2</sup> to 1,500m<sup>2</sup>; and
  - b) 15% minimum dimensions of 6m for sites greater than 1,500m<sup>2</sup>.

## 7. Landscaping and Fencing

- **Landscaping** – Deleted as contained within new section 7 (Amenity, Landscape, Deep Soil and Communal Open Space) of DCP and sections 3D, 3E, 4O and 4P of the ADG.
- **Planting on structures** – Deleted as contained within section 4P of ADG.
- **Fencing** – Majority of controls relocated to new section 9 of DCP.

### Landscaping

#### Objectives

- a) ~~To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape.~~
- b) ~~To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape.~~
- e) ~~To ensure that the use of planting and landscape elements are appropriate to the scale of the development.~~
- a) ~~To retain existing mature trees within the site in a way which ensures their ongoing health and vitality.~~
- b) ~~To provide privacy, summer shade and allow winter sun.~~
- e) ~~To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.~~
- d) ~~To add value to residents' quality of life within the development in the forms of privacy, outlook and views.~~

#### Controls

1. ~~The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas.~~
2. ~~Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees.~~
3. ~~The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600—1800mm) especially along paths and close to windows and doors.~~
4. ~~Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.~~
5. ~~Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties.~~
6. ~~Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.~~
7. ~~The development must be designed around significant vegetation on the site.~~
8. ~~It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.~~
9. ~~Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.~~

- ~~10. Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years.~~
- ~~11. All species of trees and shrubs should be drought resistant.~~
- ~~12. Advanced tree species are to be used for key elements with the landscape design concept.~~
- ~~13. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.~~
- ~~14. Contribute to streetscape character and the amenity of the public domain by:~~
- ~~— Relating landscape design to the desired proportions and character of the streetscape.~~
  - ~~— Using planting and landscape elements appropriate to the scale of the development.~~
  - ~~— Mediating between and visually softening the bulk of large development for the person on the street.~~
- ~~15. Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces.~~
- ~~16. Planting design solutions include:~~
- ~~— Trees for shading low angle sun on the eastern and western sides of a dwelling.~~
  - ~~— Trees that do not cast a shadow over solar collectors at any time of the year.~~
  - ~~— Deciduous trees for shading of windows and open space areas in summer.~~
- ~~17. Design landscape which contributes to the site's particular and positive characteristics, for example by:~~
- ~~— Enhancing habitat and ecology.~~
  - ~~— Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate.~~
  - ~~— Retaining and incorporating changes of level, visual markers, views and any significant site elements.~~



Figure 11 Vegetation and fencing



**Planting on Structures****Objectives**

- a) ~~To contribute to the quality and amenity of communal open space on podiums and internal courtyards.~~
- b) ~~To encourage the establishment and healthy growth of trees in urban areas.~~

**Controls**

1. ~~Design for optimum conditions for plant growth by:
 
  - ~~Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established.~~
  - ~~Providing appropriate soil conditions and irrigation methods.~~
  - ~~Providing appropriate drainage.~~
  - ~~Design planters to support the appropriate soil depth and plant selection by:~~
    - ~~Ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant. However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth.~~
    - ~~Providing square or rectangular planting areas rather than long narrow linear areas.~~~~
2. ~~The following are recommended as minimum standards for a range of plant sizes:~~
  - ~~Large trees such as figs (canopy diameter of up to 16 m at maturity)~~
    - ~~Minimum soil volume 150m<sup>3</sup>.~~
    - ~~Minimum soil depth 1.3m.~~
    - ~~Minimum soil area of 10 x 10m or equivalent.~~
  - ~~Medium trees (8m canopy diameter at maturity).~~
    - ~~Minimum soil volume 35m<sup>3</sup>.~~
    - ~~Minimum soil depth 1m.~~
    - ~~Approximate soil area of 6 x 6m or equivalent.~~
  - ~~Small trees (4 m canopy diameter at maturity).~~
    - ~~Minimum soil volume 9m<sup>3</sup>.~~
    - ~~Minimum soil depth 0.8m.~~
    - ~~Approximate soil area of 3.5 x 3.5m or equivalent.~~
  - ~~Shrubs: Minimum soil depths 500—600mm.~~
    - ~~Ground cover: Minimum soil depths 300—450mm.~~
  - ~~Turf: Minimum soil depths 100—300mm.~~

~~Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.~~

**Fencing****Objectives**

- a) ~~To provide a clear transition between public and private open space.~~
- b) ~~To provide variety in the streetscape.~~
- e) ~~To provide fencing that enhances the streetscape.~~

**Controls**

### Primary Frontage

- ~~1. The maximum height of a front fence is 1.2m.~~
- ~~2. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.~~
- ~~3. Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.~~
- ~~4. The front fence must be 30% transparent.~~
- ~~5. Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.~~
- ~~6. The front fence may be built to a maximum of 1.8m only if:~~
  - ~~• The primary frontage is situated on a Classified Road.~~
  - ~~• The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion.~~
  - ~~• The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site.~~

### Secondary Frontage

- ~~7. Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.~~
- ~~8. For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary.~~

### Boundary Fences

- ~~9. The maximum height of side boundary fencing within the setback to the street is 1.2m.~~
- ~~10. Boundary fences shall be lapped and capped timber or metal sheeting.~~

## 8. Car Parking and Access

- **Car Parking – Some controls retained within new section 8 (Car parking and Basement Envelope) of DCP and within section 3H and 3J of the ADG.**
- **Pedestrian Access – Some controls retained throughout proposed amended DCP and pedestrian access is within section 3G of the ADG.**

### Car Parking

#### Objectives

- a) ~~To provide convenient, accessible and safe on site car parking for residents and visitors.~~
- b) ~~To minimise driveway crossings to maximise on street parking and landscaped nature strips.~~
- c) ~~To integrate the location and design of car parking with the design of the site and building without compromising street character, landscape or pedestrian amenity and safety.~~
- d) ~~To integrate the location and design of car parking with the design of the site and the building.~~

#### Controls

1. ~~Visitor car parking shall be clearly identified and may not be stacked car parking.~~
2. ~~Visitor car parking shall be located between any roller shutter door and the front boundary.~~
3. ~~Pedestrian and driveways shall be separated.~~
4. ~~Driveways shall be designed to accommodate removalist vehicles.~~
5. ~~Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.~~
6. ~~Give preference to underground parking, whenever possible by:~~
  - ~~Retaining and optimising the consolidated areas of deep soil zones.~~
  - ~~Facilitating natural ventilation to basement and sub-basement car parking areas, where possible.~~
  - ~~Integrating ventilation grills or screening devices of car park openings into the facade design and landscape design.~~
  - ~~Providing safe and secure access for building users, including direct access to residential dwellings, where possible.~~
  - ~~Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths.~~
7. ~~Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by:~~
  - ~~Avoid exposed parking on the street frontage.~~
  - ~~Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail.~~



Figure 12 Car parking at ground level

### **Pedestrian Access**

#### **Objectives**

- a) ~~To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain.~~
- b) ~~To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.~~

#### **Controls**

1. ~~Utilise the site and it's planning to optimise accessibility to the development.~~
2. ~~Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.~~
3. ~~Promote equity by:~~
  - ~~— Ensuring the main building entrance is accessible for all from the street and from car parking areas.~~
  - ~~— Integrating ramps into the overall building and landscape design.~~
  - ~~— Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space.~~
4. ~~Maximise the number of accessible and adaptable dwellings in a building by:~~
  - ~~— Providing more than one accessible entrance where a development contains clusters of buildings.~~
  - ~~— Separating and clearly distinguish between pedestrian accessways and vehicle accessways.~~
  - ~~— Locating vehicle entries away from main pedestrian entries and on secondary frontages.~~

## 8. Car Parking and Basement Envelope

### Objectives

- a) Ensure the design of the buildings and location of uses responds appropriately to the site, provides a high quality of amenity and protects visual privacy to future occupants and surrounding residential uses, provides substantial deep soil.
- b) Ensure basements do not reduce the deep soil for a site.
- c) Ensure basements do not impact upon existing significant trees and ensure the trees retention.

### Controls

- 1) Basements are to be provided for all residential flat buildings. At grade car parking may be considered for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by chapter 2, part 2, division 5 of *State Environmental Planning Policy (Housing) 2021*.
- 2) Where above ground enclosed parking cannot be avoided, the design of the development is to ensure mitigation of any negative impact on the streetscape and street amenity including avoiding parking from fronting the street frontage and providing car parking behind the building façade.
- 3) Basements are not to reduce the overall deep soil for the subject site and are not to impact upon any existing significant trees on a site or on an adjoining site.
- 4) Basement car parking shall be located beneath the building footprint.
- 5) Driveway walls adjacent to the entrance of a basement car park and visible above ground are to be treated so that their appearance is consistent with the building.
- 6) Car parking beyond the minimum requirement of 2 spaces as per LDCP 2008 Part 1 for 3 or more bedroom apartments is permitted.
- 7) Basements for residential flat buildings must demonstrate the location for Electrical distribution boards dedicated to electric vehicle charging in accordance with J9D4 of the National Construction Code.
- 8) All residential flat buildings must provide a car wash bay.
- 9) Pedestrian and driveways shall be separated.
- 10) Car parking allocated to adaptable apartments is to comply with the relevant Australian Standards for disabled parking.
- 11) Accessible/shared car parking spaces are to be located adjacent to elevators.
- 12) Stacked parking is not permitted unless allocated to the same unit. Stacked parking for visitor parking is prohibited.
- 13) Visitor car parking shall be clearly identified.

## 9. Amenity and Environmental Impact

- **Overshadowing – Controls retained and moved within new section 7 (Amenity, Landscape, Deep Soil and Communal Open Space) of DCP.**
- **Privacy – Intent of some controls retained throughout proposed amended DCP. Majority of controls deleted as visual privacy is listed under clause 6A of SEPP 65 and within section 3F of the ADG.**
- **Acoustic Impact – Deleted as within section 4H of ADG.**

### Overshadowing

#### Objective

~~To minimise overshadowing of neighbouring dwellings and their private open space.~~

#### Controls

- ~~1. Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least:
 
  - One living, rumpus room or the like; and
  - 50% of the private open space.~~

### Privacy

#### Objectives

- ~~To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents.~~
- ~~To avoid any external impacts of a development, such as overlooking of adjoining sites.~~
- ~~To provide reasonable levels of visual privacy externally and internally, during the day and at night.~~
- ~~To maximise outlook and views from principal rooms and private open space.~~

#### Controls

- ~~1. Building siting, window location, balconies and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.~~
- ~~2. Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.~~
- ~~3. Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.~~
- ~~4. Where possible the ground floor dwellings should be located above ground level to ensure privacy for occupants of the dwellings.~~
- ~~5. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by:
 
  - Balconies to screen other balconies and any ground level private open space.
  - Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms.
  - Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space.~~

~~6. Use detailed site and building design elements to increase privacy without compromising access to light and air by:~~

- ~~— Offsetting windows of dwellings in new development and adjacent development windows.~~
- ~~— Recessed balconies and/or vertical fins between adjacent balconies.~~
- ~~— Solid or semi-solid balustrades to balconies — louvres or screen panels to windows and/or balconies.~~
- ~~— Fencing.~~
- ~~— Vegetation as a screen between spaces.~~
- ~~— Incorporating planter boxes into walls or balustrades to increase the visual separation between areas.~~
- ~~— Utilising pergolas or shading devices to limit overlooking of lower dwellings or private open space.~~

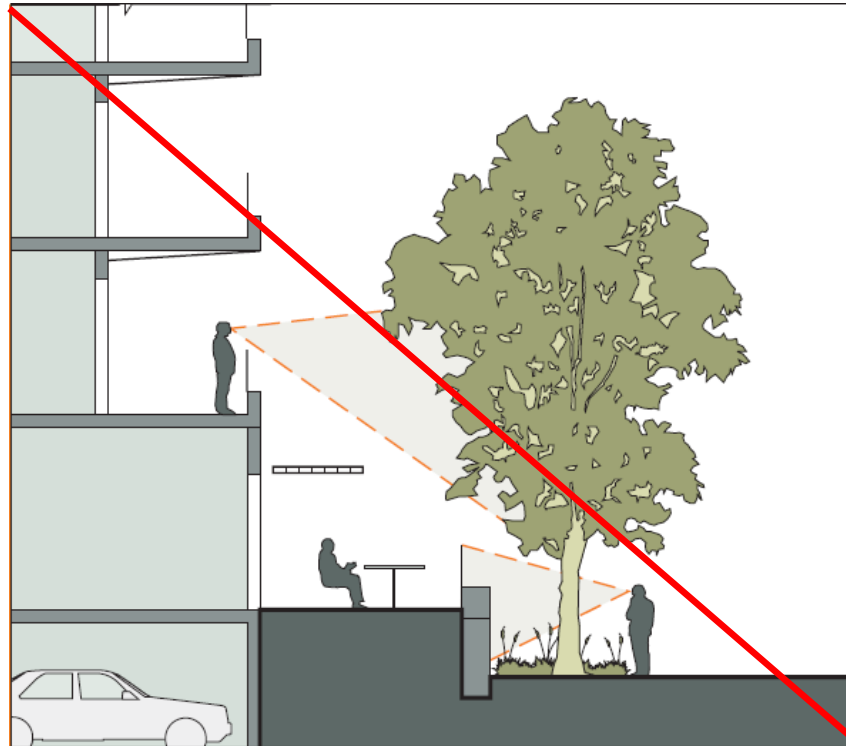


Figure 13 Screening and lower level balconies

#### **Acoustic Impact**

##### **Objective**

~~To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.~~

##### **Controls**

- ~~1. Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.~~
- ~~2. Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration~~

~~mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.~~

- ~~3. The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.~~
- ~~4. Arrange dwellings within a development to minimise noise transition between dwellings by:
  - ~~— Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms~~
  - ~~— Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas~~
  - ~~— Minimising the amount of common walls with other dwellings.~~
  - ~~— Design the internal dwelling layout to separate noisier spaces from quieter spaces by:~~
    - ~~— Grouping uses within a dwelling – bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.~~~~



## 9. Boundary fencing

### Objectives

- a) To provide a clear transition between public and private open space.
- b) To provide variety in the streetscape.
- c) To provide fencing that enhances the streetscape.

### Controls

1. Primary street fencing:
  - a) The maximum height of a front fence is to be 1.2m.
  - b) If the site has a frontage to a classified road, the front fence is permitted to be 1.8m height if the fence is articulated and includes plantings.
  - c) Front fencing is to be a minimum of 30% transparent.
  - d) Front fences are not to prevent surveillance by occupants of the street or communal areas.
  - e) Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling. Colourbond material for front fencing is not permitted.
  - f) Front fencing is not to impede safe sight lines from the street and from vehicles entering and exiting the site.
2. Secondary street fencing:
  - a) The maximum height of a secondary street fence is to be 1.8m.
  - b) For secondary street fencing within the front building envelope setback, the fence is to be a maximum of 1.2m height.
3. Other Boundary fencing:
  - a) For boundary fencing within the front building envelope setback, the fence is to be a maximum of 1.2m height.

## 10. Site Services

- Letterboxes – Retained.
- Waste Management - Retained with one new control.
- Frontage works and damage to Council infrastructure – Retained.
- Electricity Sub Stations - Included fire boosters.
- Lift overrun – New section.
- Services between levels – New section.

### Objectives

- a) To ensure that the required services are provided.
- b) To ensure that the services provided are easily protected or maintained.

### Controls

1. Letterboxes:
  - a) ~~4~~ Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.
  - b) ~~2~~ Freestanding letterbox structures should be designed and constructed of materials that relate to the main building.
  - c) ~~3~~ Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.
2. Waste Management:
  - a. ~~4~~ Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.
  - b. ~~2~~ Any structure involving waste disposal facilities shall be located as follows:
    - i. ~~3~~ Setback 1 m from the front boundary to the street.
    - ii. ~~4~~ Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape.
    - iii. ~~5~~ Not be located adjacent to an adjoining residential property.
  - c. Waste chutes on each level are encouraged.
  - d. ~~6~~ Details of the design of waste disposal facilities are shown in Part 1 of the DCP and the Apartment Design Guide.
3. Frontage works and damage to Council infrastructure:
  - a) ~~4~~ Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.
  - b) ~~2~~ Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.
  - c) ~~3~~ Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.

#### 4. Electricity Sub Stations and fire boosters:

- a) Consultation shall be undertaken to deem if a fire booster is required and consultation shall be undertaken with the relevant energy provider to deem if an electrical substation is required at the development application stage.
- b) ~~a) In some cases it may be~~ If necessary to provide an electricity substation at the front of the development adjacent to a street frontage, this will involve dedication of the area as a public road to allow access by the electricity provider. ~~The front boundary treatment used elsewhere on the street frontage~~
- c) Services such as substations and fire booster assemblies must be integrated within the development. This may be through colours and materials and are to include measures to prevent graffiti (i.e. Plantings, artwork or louvre frame over the substation that retains access by the relevant agency). The shorter elevation of the substation is to face the street frontage.

#### 5. Lift overrun:

- a) Any lift over runs to the rooftop of a building are to be demonstrated on the architectural plans at the development application stage.

#### 6. Services between levels:

- a) The architectural plans submitted at development application stage are to ensure that the ceiling levels and finished floor levels nominated on the architectural plans include enough separation for any services required between the ceiling of the level below and finished floor level of the level above.

Updated with current  
end page, logo and  
details.



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**LIVERPOOL  
CITY  
COUNCIL**



**LIVERPOOL CITY COUNCIL**

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NRS 133 677 (for hearing and  
speech impaired callers only)

Liverpool DCP Part 3.7	DEP Comment	Council response to DEP comment
<p>Part 1 (Land to which this part applies) (Page 5)</p>	<p><b>Background</b></p> <p>Residential Flat Buildings are permitted in the R4 zone under <i>Liverpool LEP 2008</i>. Good quality buildings help improve the quality of life. The quality involves the location, size and scale, appearance and amenity of the buildings in which many people live. The design of new residential flat buildings is important to neighbourhoods - to provide good quality and amenity to growing populations with changing needs. Quality design contributes to enjoyable places: buildings, streets, squares and parks.</p> <p>Residential Flat Buildings are also subject to State Environmental Planning Policy No 66—Design Quality of Residential Flat Development and the <a href="#">Apartment Design Guide</a>.</p> <p><a href="#">Link to Liverpool LEP 2008</a></p> <p><i>Liverpool LEP 2008</i> provides overall requirements and objectives for development in the residential areas of Liverpool. It does not just cover residential development but also non-residential development in residential areas.</p> <p>Each zone provides objectives, which provide direction for the controls in the DCP. There are also general provisions for development in the residential zones as well as provisions for specific forms of development in the residential areas or for development on specific sites.</p> <p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>To provide controls for residential development to ensure that it achieves a high standard of urban design, that is compatible with the amenity and character of the area.</li> <li>To provide for a variety of housing choice within residential areas with Liverpool.</li> </ol>	<p>The purpose of this DCP amendment was to align the DCP with the ADG to avoid repetition. However, if a clause within the DCP is repeated within the ADG, the ADG prevails. Wording has been added to the DCP part to state this.</p> <p>The second comment 'issued by NSW Department.', has been included within the updated DCP part (Now Department of Planning Housing and Infrastructure).</p>

**Note**  
Michael Mandl  
15/11/2023 3:49:05 PM (X)  
Options

It is not clear to me how the various controls in the ADG are to be communicated and also applied. For instance which control has precedence.

**Note**  
Michael Mandl  
15/11/2023 3:49:51 PM (X)  
Options

Issued by the NSW Department of Planning and Environment.

<p>Part 2 (Frontage and Site Area (Page 6))</p>	<p><b>2 Frontage and Site Area</b></p> <p><b>Site Area and Frontage</b></p> <p><b>Objective</b></p> <p>a) To permit residential flat buildings on land open space, parking, and solar access req</p> <p><b>Control</b></p> <p>1. The minimum lot width is 24m.</p> <p><i>Note: The amalgamation of land parcels into will result in better forms of housing develop</i></p> <p>Refer to the Liverpool LEP 2008 written sta width. <del>in the flat zone</del></p> <div data-bbox="459 837 722 1279" style="border: 1px solid black; padding: 5px;"> <p><b>Note</b> 15/11/2023 4:01:17 PM (X) Options</p> <p>Michael Mandl</p> <p>This may be too narrow for buildings up to 25m where the separation distance to side and rear boundaries is 9m for buildings between 12m and 25 m high.. might need a minimum related to the building height..</p> </div>	<p>This is an existing control within the current Liverpool DCP Part 3.7. As this control is not duplicated within the ADG, SEPP (Housing) 2021 or part of the family friendly amendments, this control is proposed not to be amended and remain at 24m.</p>
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<p>Part 3 (Amalgamation) Page 7</p>	<p><b>3. Amalgamation</b> <u>Objectives</u></p> <ul style="list-style-type: none"> <li>a) Ensure that a subject site and adjoining sites can achieve development that is consistent with the planning controls.</li> <li>b) Avoid landlocking of adjoining sites or isolation of small sites which may result in poor built form outcomes.</li> <li>c) Ensure that isolation of sites does not occur to avoid a development resulting in poor built form outcomes and to ensure better streetscape amenity outcome to be achieved.</li> </ul> <p><u>Controls</u></p> <ol style="list-style-type: none"> <li>1. Site amalgamation shall be considered and/or required if the subject development application site:             <ul style="list-style-type: none"> <li>a) Does not meet the minimum lot size or lot width requirements for a residential flat building.</li> <li>b) Creates an isolated site adjoining the subject site which does not meet the minimum lot size or lot width for a residential flat building.</li> <li>c) Creates poor streetscape design and/or a poor amenity outcome for an adjoining site.</li> </ul> </li> <li>2. If site amalgamation is required as per control one above, however amalgamation cannot be achieved, the following documentation is to be provided with a development application:             <ul style="list-style-type: none"> <li>- Documentation demonstrating that negotiations for amalgamation between the owners of the properties has been undertaken. The documentation is to be dated no later than 6 months from the development application lodgement date. The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site.</li> </ul> </li> </ol> <p>Documentation shall, at least, include:</p> <ul style="list-style-type: none"> <li>- Two independent valuations* that represent the potential value of the affected site. The valuations are to be dated within 6 months from lodgement of a development application. The valuations are to include other reasonable expenses likely to be incurred by the owner of the isolated property should the property sell; and</li> <li>- Evidence that a genuine and reasonable fair market value offer (dated within 6 months from lodgement of a development application) has been made to the owners of the affected adjoining site.</li> </ul> <p>*The following persons are considered suitably qualified to provide evidence of value of property:             <ul style="list-style-type: none"> <li>- A member of the Australian Valuers Institute.</li> <li>- A member of the Australian Property Institute who has acquired membership in connection with his or her occupation as a valuer.</li> <li>- a member of the Royal Institution of Chartered Surveyors who holds the designation "Chartered Valuer" or "Chartered Valuation Surveyor".</li> </ul> </p> <p><b>3. Amalgamation</b> <u>Objectives</u></p> <ul style="list-style-type: none"> <li>a) Ensure that a subject site and adjoining sites can achieve development that is consistent with the planning controls.</li> <li>b) Avoid landlocking of adjoining sites or isolation of small sites which may result in poor built form outcomes.</li> <li>c) Ensure that isolation of sites does not occur to avoid a development resulting in poor built form outcomes and to ensure better streetscape amenity outcome to be achieved.</li> </ul> <p><u>Controls</u></p> <ol style="list-style-type: none"> <li>1. 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The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site.</li> </ul> </li> </ol> <p>Documentation shall, at least, include:</p> <ul style="list-style-type: none"> <li>- Two independent valuations* that represent the potential value of the affected site. The valuations are to be dated within 6 months from lodgement of a development application. The valuations are to include other reasonable expenses likely to be incurred by the owner of the isolated property should the property sell; and</li> <li>- Evidence that a genuine and reasonable fair market value offer (dated within 6 months from lodgement of a development application) has been made to the owners of the affected adjoining site.</li> </ul> <p>*The following persons are considered suitably qualified to provide evidence of value of property:             <ul style="list-style-type: none"> <li>- A member of the Australian Valuers Institute.</li> <li>- A member of the Australian Property Institute who has acquired membership in connection with his or her occupation as a valuer.</li> <li>- a member of the Royal Institution of Chartered Surveyors who holds the designation "Chartered Valuer" or "Chartered Valuation Surveyor".</li> </ul> </p> <p><b>Note</b> Michael Mandl 28/05/2024 9:59:29 AM Options</p> <p>before or after the lodgment? this is pretty harsh and the clause doesn't say what will happen if an agreement to amalgamate hasn't been reached&gt;. I believe the the valuations should be made prior to lodgment., and the DA should not be lodged unless an offer to amalgamate has been accepted the owner of the isolated block.</p>	<p>Control 2 states that If site amalgamation is required however amalgamation cannot be achieved, documentation is to be obtained and is to be provided with the lodgement of a development application.</p> <p>This section is updated post design excellence panel meeting for clarification.</p> <p>Control 2 further outlines what documentation is required to be submitted with the lodgement of a development application should amalgamation be required, however not proposed, to ensure sufficient negotiation process has occurred in an attempt to amalgamate with an adjoining site. No changes made to the control post DEP.</p>
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<p>9 Part (Setbacks) (Page 11)</p>	<p>5</p> <p><b>Controls</b></p> <p>1. Residential flat building development shall be provided in accordance with the below setbacks within table 1 and table 2.</p> <p><b>Front and Secondary Setbacks</b></p> <p>a. Buildings shall be setback in accordance with the following table.</p> <p>Table 1</p> <table border="1"> <thead> <tr> <th>Road</th> <th>Front Setback</th> <th>Secondary Setback</th> </tr> </thead> <tbody> <tr> <td>Classified Roads</td> <td>7.0m</td> <td>7.0m</td> </tr> <tr> <td>Other Streets</td> <td>5.5m</td> <td>5.5m</td> </tr> </tbody> </table> <p>b. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.</p> <p>c. The secondary setback is along the longest length boundary.</p> <p><b>Side and Rear Setbacks</b></p> <p>d. Buildings shall be setback from the side and rear boundaries in accordance with the following table.</p> <p>Table 2</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Side Setback</th> <th>Rear Setback</th> </tr> </thead> <tbody> <tr> <td>Boundary to land in R2 &amp; R3 zones</td> <td>10m</td> <td>10m</td> </tr> <tr> <td>Boundary to land in R2 &amp; R3 zones (no windows to habitable rooms)</td> <td>10m</td> <td>10m</td> </tr> <tr> <td>Boundary to land in R4 zone (First 10m in height, excluding roof/rafc)</td> <td>3m</td> <td>8m</td> </tr> <tr> <td>Boundary to land in R4 zone (Greater than 10m in height)</td> <td>8m</td> <td>8m</td> </tr> <tr> <td>Boundary to public open space</td> <td>6m</td> <td>6m</td> </tr> </tbody> </table> <p>e. Consideration will need to be given to existing and approved setbacks of residential flat buildings on adjoining buildings.</p> <p>Liverpool Development Control Plan 2008 Part 3.7</p> <p>11</p> <p>Setbacks</p>	Road	Front Setback	Secondary Setback	Classified Roads	7.0m	7.0m	Other Streets	5.5m	5.5m	Item	Side Setback	Rear Setback	Boundary to land in R2 & R3 zones	10m	10m	Boundary to land in R2 & R3 zones (no windows to habitable rooms)	10m	10m	Boundary to land in R4 zone (First 10m in height, excluding roof/rafc)	3m	8m	Boundary to land in R4 zone (Greater than 10m in height)	8m	8m	Boundary to public open space	6m	6m	<p>The controls under this section are existing within the current Liverpool DCP Part 3.7. As these controls are not duplicated within the ADG, SEPP (Housing) 2021 or part of the family friendly amendments, these controls are not proposed to be amended and may be amended in the future as part of a comprehensive DCP review.</p>
Road	Front Setback	Secondary Setback																											
Classified Roads	7.0m	7.0m																											
Other Streets	5.5m	5.5m																											
Item	Side Setback	Rear Setback																											
Boundary to land in R2 & R3 zones	10m	10m																											
Boundary to land in R2 & R3 zones (no windows to habitable rooms)	10m	10m																											
Boundary to land in R4 zone (First 10m in height, excluding roof/rafc)	3m	8m																											
Boundary to land in R4 zone (Greater than 10m in height)	8m	8m																											
Boundary to public open space	6m	6m																											

**Note**  
Michael Mandl  
14/11/2023 4:42:44 PM  
Options

the setbacks should be no less than the ADDG Objective 3E-1 Privacy clause which varies the setback for Habitable or Non Habitable rooms and for heights up to 12m , 25m , over 25m. Further discussion is necessary .

**Note**  
Crawford  
16/11/2023 1:14:28 PM  
Options

This clause could be more clearly spelt out. Giving "consideration" can mean nothing much. Best to clearly state what is required. ie. if neighbouring setback is "x", then....."y" applies etc.

<p>Part 6 (Apartment Diversity) (Page 13)</p>	<p><b>Controls</b></p> <p>1. In addition to apartment mix requirements within the ADG, residential flat buildings are to provide for a variety of apartment types and sizes with minimum percentage of apartment mix as per the following table:</p> <table border="1"> <thead> <tr> <th>Number of bedrooms</th> <th>Minimum percentage to be provided of total number of apartments</th> </tr> </thead> <tbody> <tr> <td>Studio and one bedroom</td> <td>0%</td> </tr> <tr> <td>Three bedrooms or greater</td> <td>25%</td> </tr> </tbody> </table> <p>Options for minimum or maximum) subject to each dual key apartment meeting the Apartment Design Guide requirements.</p> <p>2. At least 10% of all apartments are to be capable of being adapted for habitation by seniors and/or persons with disabilities complying with relevant Australian Standards including AS 4299 - 1995. This is to include a mix of number of bedroom units. <u>Note</u>. This is different to section 4Q (Universal Design of the ADG).</p> <p>3. Apartments with a varying number of bedrooms (1 bedroom apartments, 2 bedroom apartments, etc) and adaptable apartments are to be located on the ground floor for accessibility by families and the elderly.</p> <p>4. Three bedroom and greater apartments are to be located on the ground and top floor.</p> <p>5. The layout of the apartment buildings are to provide for dwelling types that are oriented in a range of directions and provide for dual-aspect layouts maximising solar access and minimising privacy impacts to adjoining residential properties.</p> <p>Liverpool Development Control Plan 2008 Part 3.7</p> <p>13</p> <p>This control has been updated to separate studio and one bedroom apartments as per the DEP recommendation (Minimum 5% studios and minimum 10% one bedroom).</p> <p>Minimum percentage of three bedrooms amended from 25% to 20% as per DEP recommendations.</p> <p>Additional controls added to permit flexibility to the apartment mix percentages with adequate justification.</p> <p>Additional control added stating for varying number of bedroom apartments to be located at ground level.</p> <p>Wording of controls 3 and 4 (Now controls 4 and 5 post DEP) updated post DEP and post exhibition as per DEP comments.</p> <div style="border: 1px solid gray; padding: 5px;"> <p><b>Note</b> Michael Mandl 28/05/2024 10:02:08 AM (X) Options ▾</p> <p>suggest breaking the studio and 1 bed into two groups with say 5% Studios , 10% one bed, I would suggest reducing the 3 beds to 20%.</p> <p><b>Note</b> Crawford 16/11/2023 1:03:16 PM (X) Options ▾</p> <p>yes - agree with MM comments</p> <p><b>Note</b> Michael Mandl 14/11/2023 4:58:27 PM (X) Options ▾</p> <p>Confusing clause</p> <p><b>Note</b> Michael Mandl 14/11/2023 5:02:18 PM (X) Options ▾</p> <p>too restrictive for the threes &amp; the Adg explains why these arrangements on ground and top floor may be desirable , the DCP should also..</p> <p><b>Note</b> Crawford 16/11/2023 1:03:43 PM (X) Options ▾</p> <p>yes agree with MM comments</p> </div>	Number of bedrooms	Minimum percentage to be provided of total number of apartments	Studio and one bedroom	0%	Three bedrooms or greater	25%
Number of bedrooms	Minimum percentage to be provided of total number of apartments						
Studio and one bedroom	0%						
Three bedrooms or greater	25%						

<p>Part 7 (Amenity, Landscape, Deep Soil and Communal Open Space (Page 31))</p>	<p><b>7. Amenity, Landscape, Deep Soil and Communal Open Space</b></p> <p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>The site area and frontage of a proposed development is of sufficient size to accommodate a residential flat development building and provide adequate open space, deep soil zones and car parking.</li> <li>Integrate new development with the established setback character of the street or in accordance with the emerging pattern of development in areas undergoing transition.</li> <li>Ensure that the height, bulk and scale of development is compatible with neighbouring developments and both the established character and the desired future amenity of particular residential areas.</li> <li>Ensure that basement and building envelopes do not impact upon existing trees to maximise tree retention.</li> <li>Minimise any overshadowing and manage privacy of adjacent properties and their private or communal open spaces.</li> </ol> <p><b>Controls</b></p> <ol style="list-style-type: none"> <li>Larger balconies, particularly greater balcony depth, are encouraged to be beyond the minimum area and depth outlined within Part 4E-1 of the ADG particularly for three bedroom or greater apartments, subject to providing adequate privacy design to adjoining sites.</li> <li>Storage within apartments, within the hallway of each level and storage cages within basements are encouraged to be beyond the minimum storage volume of part 4G-1 of the ADG particularly for three bedroom or greater apartments.</li> <li>At a minimum, one communal clothes drying facility of adequate size based on the number and size of apartments is to be provided and not be visible from the street.</li> <li>External staircases should be minimised.</li> <li>Balconies which face other residential lands are to include a solid (non-transparent) balustrade. Louvers may be used.</li> <li>If an adjoining site does not contain a building which is 3 storeys or greater, the adjoining property must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least one living/dining room or the like, any solar collectors and minimum 50% of the Private Open Space. For buildings 3 storeys or greater refer to part 3B of the Apartment Design Guide.</li> <li>Communal open space is to be avoided on southern elevations and not be located on a road frontage.</li> <li>Communal open space located above the ground level shall incorporate privacy measures as per part 3F-2 of the ADG (i.e. Privacy screening and/or be located towards the centre of a rooftop) to minimise privacy impacts to adjoining sites.</li> <li>Roof-top communal open space areas, shall incorporate amenities such as shelter, BBQ facilities, seating, garden beds, green walls etc.</li> </ol> <p><small>Liverpool Development Control Plan 2008 Part 3.7</small></p>	<p>Wording of objective D updated as per DEP comment</p> <p>Wording of control 7 and control 9 amended as per DEP comment.</p>
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**Note**  
Michael Mandl  
14/11/2023 5:10:22 PM  
Options  
Ensure that abasements are sufficiently setback from boundaries to allow natural ground , deep soil to support trees and landscaping..

**Note**  
Michael Mandl  
14/11/2023 5:12:48 PM  
Options  
.....it shall .....

**Note**  
Crawford  
16/11/2023 1:06:05 PM  
Options  
Yes - and it is critical that this clause is enforced. It seems that this requirement is often overlooked

**Note**  
Michael Mandl  
14/11/2023 5:15:42 PM  
Options  
the clause should say why , its probably too prescriptive..

**Note**  
mtaylor  
16/11/2023 1:26:32 PM  
Options  
Agree with Michael

**Note**  
mtaylor  
16/11/2023 1:27:35 PM  
Options  
Green walls are really not successful, high maintenance etc. Suggest that this reference be deleted

<p>Part 7 (Amenity, Landscape, Deep Soil and Communal Open Space (Page 32))</p>	<p>10. Hard surfaced areas are to be minimised. (i.e. For pathways, storage, communal open space and amenity uses only).</p> <p>11. Where tree removal cannot be avoided, each tree, recommended to be removed as per an Arborist Report prepared by a minimum AQF level 5 Arborist, is to be replaced at a two to one replacement ratio of a similar species and mature height, as recommended within the Arborist Report prepared by a minimum AQF level 5 Arborist. Replacement tree selection shall predominantly comprise of native species.</p> <p>12. For sites with multiple buildings, the areas between the buildings shall provide deep soil and high amenity areas including, wall art, garden and security lighting, seating and shelter and are:</p> <ul style="list-style-type: none"> <li>a) To provide building separation that encourages a walkable environment and direct travel lines through the site.</li> <li>b) To be designed to maximise solar access and CPTED principals.</li> <li>c) Be designed in accordance with accessible requirements for persons with limited mobility.</li> <li>d) Include a combination of soft and hard landscaping with tree plantings for shading and cooling.</li> </ul> <p>13. Articulation is to be provided after a maximum wall length of 14m. If a building proposes a predominantly blank side/rear wall (i.e. minimal windows or balconies), the wall of the building is to include wall art/rendering.</p> <p>14. A minimum of 25% of a site area is to be landscaped.</p> <p>15. A minimum of 50% of the front setback (minimum 50% for primary street setback and 50% of secondary street setbacks if applicable) are to be landscaped.</p> <p>16. Deep soil as defined within 3B of the Apartment Design Guide is to be:</p> <ul style="list-style-type: none"> <li>a) a minimum of 10% with minimum dimensions of 3m for sites with an area of 650m<sup>2</sup> to 1,500m<sup>2</sup>; and</li> <li>b) 15% minimum dimensions of 6m for sites greater than 1,500m<sup>2</sup>.</li> </ul>	<p>Wording of control 12 amended as per DEP comments.</p> <p>Wording of control 15 amended post DEP.</p> <p>Wording of control 14 amended post DEP as Liverpool LEP 2008 defines landscaped area the same as deep soil. In this regard, control 16 is deleted post DEP.</p>
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**Note**  
mtaylor  
16/11/2023 1:32:42 PM  
Options  
Potentially have a clause along the lines of: that the area have the capacity for private open space(s) adjacent to the main area to encourage socialisation and engagement?

**Note**  
Crawford  
16/11/2023 1:07:18 PM  
Options  
of site area? or landscaped area? hopefully site area. Best to be 100% clear.

**Note**  
Crawford  
16/11/2023 1:07:39 PM  
Options  
same as above comment

<p>Part 8 (Car Parking and Basement Envelope) (Page 39)</p>	<p><b>8. Car Parking and Basement Envelope</b></p> <p><u>Objectives</u></p> <ol style="list-style-type: none"> <li>Ensure the design of the buildings and location of uses responds appropriately to the site, provides a high quality of amenity and protects visual privacy to future occupants and surrounding residential uses, provides substantial deep soil.</li> <li>Ensure basements do not reduce the deep soil for a site.</li> <li>Ensure basements do not impact upon existing significant trees and ensure the trees retention.</li> </ol> <p><u>Controls</u></p> <ol style="list-style-type: none"> <li>Basements are to be provided for all residential flat buildings. At grade car parking may be considered for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by chapter 2, part 2, division 5 of <i>State Environmental Planning Policy (Housing) 2021</i>.</li> <li>Where above ground enclosed parking cannot be avoided, the design of the development is to ensure mitigation of any negative impact on the streetscape and street amenity including avoiding parking from fronting the street frontage and providing car parking behind the building facade.</li> <li>Basements are not to reduce the overall deep soil for the subject site and are not to impact upon any existing significant trees on a site or on an adjoining site.</li> <li>Basement car parking shall be located beneath the building footprint.</li> <li>Driveway walls adjacent to the entrance of a basement car park and visible above ground are to be treated so that their appearance is consistent with the building.</li> <li>Car parking beyond the minimum requirement of 2 spaces as per LDCP 2008 Part 1 for 3 or more bedroom apartments is permitted.</li> </ol> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Note</b> Crawford 16/11/2023 1:10:00 PM Options</p> <p>this control is not clearly spelt out. "reduce" from what? Does the clause mean to say reduce the minimum required deep soil area as per Clause xx?</p> </div>
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Wording of control 3 amended as per DEP comments.

<p>Part 9 (Boundary Fencing) (Page43)</p>	<p><b>9. Boundary fencing</b></p> <p><u>Objectives</u></p> <ul style="list-style-type: none"> <li>a) To provide a clear transition between public and private open space.</li> <li>b) To provide variety in the streetscape.</li> <li>c) To provide fencing that enhances the streetscape.</li> </ul> <p><u>Controls</u></p> <ol style="list-style-type: none"> <li>1. Primary street fencing:             <ul style="list-style-type: none"> <li>a) The maximum height of a front fence is to be 1.2m.</li> <li>b) If the site has a frontage to a classified road, the front fence is permitted to be 1.8m height if the fence is articulated and includes plantings.</li> <li>c) Front fencing is to be a minimum of 30% transparent.</li> <li>d) Front fences are not to prevent surveillance by occupants of the street or communal areas.</li> <li>e) Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.</li> </ul> <p>Colourbond material for front fencing is not permitted.</p> <ul style="list-style-type: none"> <li>f) Front fencing is not to impede safe sight lines from the street and from vehicles entering and exiting the site.</li> </ul> </li> <li>2. Secondary street fencing:             <ul style="list-style-type: none"> <li>a) The maximum height of a secondary street fence is to be 1.8m.</li> <li>b) For secondary street fencing within the front building envelope setback, the fence is to be a maximum of 1.2m height.</li> </ul> </li> <li>3. Other Boundary fencing:             <ul style="list-style-type: none"> <li>a) For boundary fencing within the front building envelope setback, the fence is to be a maximum of 1.2m height.</li> </ul> </li> </ol> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>Note: Michael Mandl 15/11/2023 3:37:10 PM (X) Options Except if condition 1b applies?</li> <li>Note: Michael Mandl 15/11/2023 3:36:59 PM (X) Options except if condition 1b applies?</li> <li>Note: Michael Mandl 15/11/2023 3:38:57 PM (X) Options Other ADG Controls relative to ground floor apartments and fencing at the street are worthwhile including or referring to - Section 3c ADG .</li> </ul>	<p>Wording of control 2 and control 3 amended as per DEP comments.</p> <p>Control 3a amended to state for front fencing to be 1m height and should be permeable materials as per part 3C of ADG as per DEP comment.</p>
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<p>Part 10 (Site Services) (Page 45)</p>	<p>Word 'hydrant' added to clause as per DEP comment.</p> <p>Wording of control 6a amended as per DEP comments.</p> <div data-bbox="343 660 459 1019"> <p>Note Michael Mandl 15/11/2023 3:40:46 PM Options</p> <p>Fire Hydrant Booster</p> </div> <p>4. Electricity Sub Stations and fire boosters:</p> <ul style="list-style-type: none"> <li>a) Consultation shall be undertaken to deem if a fire booster is required and consultation shall be undertaken with the relevant energy provider to deem if an electrical substation is required at the development application stage.</li> <li>b) <del>at the same access it may be</del> if necessary to provide an electricity substation at the front of the development adjacent to a street frontage, this will involve dedication of the area as a public road to allow access by the electricity provider. <del>The fire</del> <del>boundary treatment used elsewhere on the street frontage</del></li> <li>c) Services such as substations and fire booster assemblies must be integrated within the development. This may be through colours and materials and are to include measures to prevent graffiti (i.e. Plantings, artwork or louvre frame over the substation that retains access by the relevant agency). The shorter elevation of the substation is to face the street frontage.</li> </ul> <p>5. Lift overrun:</p> <ul style="list-style-type: none"> <li>a) Any lift over runs to the rooftop of a building are to be demonstrated on the architectural plans at the development application stage.</li> </ul> <p>6. Services between levels:</p> <ul style="list-style-type: none"> <li>a) The architectural plans submitted at development application stage are to ensure that the ceiling levels and finished floor levels nominated on the architectural plans include enough separation for any services required between the ceiling of the level below and finished floor level of the level above.</li> </ul> <div data-bbox="869 828 1098 1187"> <p>Note Michael Mandl 28/05/2024 10:15:24 AM Options</p> <p>Sufficient duct space shall be allocated and shown on typical floor plans to allow services interconnection between all levels. duct spaces which require access shall be shown on the plans at DA stage</p> </div>
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## **Liverpool Development Control Plan 2008**

### **Part 3.7**

## **Residential Flat Buildings**

**(Outside Liverpool City Centre)**

**June 2024**

**Part 3.7 must be read in conjunction with Part 1**

Other parts of Liverpool Development Control Plan 2008 may apply depended upon site location

**LIVERPOOL  
CITY  
COUNCIL**





## Liverpool Development Control Plan 2008

### Part 3.7 Residential Flat Buildings (Outside Liverpool City Centre)

#### Table of Contents

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8.	Car parking and Basement Envelope	13
9.	Boundary Fencing	14
10.	Site Services	15

## 1. Land to which this part applies

### **Applies to**

1. Part 3.7 applies to residential flat building development on land under *Liverpool LEP 2008* except as described in 3.
2. Part 1 of the DCP also applies to the land.
3. Part 3.7 does not apply to residential development on land in the following locations. All controls in relation to the Private and Public Domain are covered by the respective parts.
  - Edmondson Park of which LDCP 2008 Part 2.11 applies.
  - Liverpool City Centre (Refer to Part 4 for all controls on residential development).

**Note:** All residential flat buildings will be reviewed by the Liverpool Design Excellence Panel for advice.

### **Background**

Good quality buildings help improve the quality of life. The quality involves the location, size and scale, appearance and amenity of the buildings in which many people live. The design of new residential flat buildings is important to neighbourhoods to provide good quality and amenity to growing populations with changing needs. Quality design contributes to enjoyable places: buildings, streets, squares and parks.

Residential Flat Buildings are also subject to State Environmental Planning Policy (Housing) 2021 – Chapter 4 (Design of residential apartment development) and the Apartment Design Guide issued by the NSW Department of Planning Housing and Infrastructure.

The ADG takes precedence over a DCP. Should there be inconsistencies within this part, such as duplicated controls within the Apartment Design Guide (ADG), The ADG shall prevail.

### **Link to Liverpool LEP 2008**

*Liverpool LEP 2008* provides overall requirements and objectives for development in the residential areas of Liverpool. It does not just cover residential development but also non-residential development in residential areas.

Each zone provides objectives, which provide direction for the controls in the DCP. There are also general provisions for development in the residential zones as well as provisions for specific forms of development in the residential areas or for development on specific sites.

### **Objectives**

- a) To provide controls for residential development to ensure that it achieves a high standard of urban design, that is compatible with the amenity and character of the area.
- b) To provide for a variety of housing choice within residential areas with Liverpool.
- c) Additional objectives are listed in the detailed controls for the various land uses.

## 2. Frontage and Site Area

### Site Area and Frontage

#### Objective

- a) To permit residential flat buildings on land that can adequately accommodate landscaping, open space, parking, and solar access requirements.

#### Control

1. The minimum lot width is 24m.

*Note: The amalgamation of land parcels into larger development sites is encouraged as this will result in better forms of housing development and design.*

2. Refer to the Liverpool LEP 2008 written statement and maps for the minimum site area and width.

DRAFT

### 3. Amalgamation

#### Objectives

- a) Ensure that a subject site and adjoining sites can achieve development that is consistent with the planning controls.
- b) Avoid landlocking of adjoining sites or isolation of small sites which may result in poor built form outcomes.
- c) Ensure that Isolation of sites does not occur to avoid a development resulting in poor built form outcomes and to ensure better streetscape amenity outcome to be achieved.

#### Controls

1. Site amalgamation shall be considered and/or required if the subject development application site:
  - a) Does not meet the minimum lot size or lot width requirements for a residential flat building.
  - b) Creates an isolated site adjoining the subject site which does not meet the minimum lot size or lot width for a residential flat building.
  - c) Creates poor streetscape design and/or a poor amenity outcome for an adjoining site.
2. If site amalgamation is required as per control one above, however amalgamation cannot be achieved, the following documentation at a minimum is to be obtained and is to be provided with the lodgement of a development application:

Documentation demonstrating that negotiations for amalgamation between the owners of the properties has been undertaken prior to lodgement of a development application. The documentation is to be dated within 6 months from the development application lodgement date (I.e: For a development application lodged on 1 December 2024, the documentation demonstrating negotiations for amalgamation is to be dated between 1 June 2024 and 1 December 2024). The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site.

Documentation shall, at least, include:

- Two independent valuations\* that represent the potential value of the affected site. The valuations are to be dated within 6 months from lodgement of a development application as per the paragraph above. The valuations are to include other reasonable expenses likely to be incurred by the owner of the isolated property should the property sell; and
- Evidence that a genuine and reasonable fair market value offer (dated within 6 months from lodgement of a development application) has been made to the owners of the affected adjoining site.

\*The following persons are considered suitably qualified to provide evidence of value of property:

- A member of the Australian Valuers Institute.
- A member of the Australian Property Institute who has acquired membership in connection with his or her occupation as a valuer.
- a member of the Royal Institution of Chartered Surveyors who holds the designation "Chartered Valuer" or 'Chartered Valuation Surveyor'.

## 4. Site Planning

### Objectives

- a) To ensure that the residential flat building is sensitive to site attributes, such as streetscape character, natural landform, drainage, existing vegetation, land capability, slope, solar access and if relevant, heritage items.
- b) To ensure privacy for residents and neighbours.
- c) To ensure that residential flat buildings do not result in the loss of amenity to adjacent dwellings and open space.
- d) To ensure that the development reflects the character of the locality and environment.

### Controls

1. The building should relate to the site's topography with minimal earthworks, except for basement car parking.
2. Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.
3. Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.
4. Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.
5. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.

Note: A Site Analysis Plan is required for each development application

## 5. Setbacks

### Objectives

- a) To set buildings back from the street and adjacent properties to provide reasonable space for landscaping, open space and solar access.
- b) To set buildings back from each other to provide visual and acoustic privacy.
- c) To establish a streetscape of a scale and sense of enclosure appropriate to the locality.
- d) To provide convenient and unobtrusive vehicle access and car parking without the use of long driveways.

### Controls

1. Residential flat building development shall be provided in accordance with the below setbacks within table 1 and table 2.

### Front and Secondary Setbacks

- a. Buildings shall be setback in accordance with the following table.

Table 1

Road	Front Setback	Secondary Setback
Classified Roads	7.0m	7.0m
Other Streets	5.5m	5.5m

- b. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.
- c. The secondary setback is along the longest length boundary.

### Side and Rear Setbacks

- d. Buildings shall be setback from the side and rear boundaries in accordance with the following table.

Table 2

Item	Side Setback	Rear Setback
Boundary to land in R2 & R3 zones	10m	10m
Boundary to land in R2 & R3 zones (no windows to habitable rooms)	10m	10m
Boundary to land in R4 zone (First 10m in height, excluding roof/attic)	3m	8m
Boundary to land in R4 zone (Greater than 10m in height)	8m	8m
Boundary to public open space	6m	6m

- e. Consideration will need to be given to existing and approved setbacks of residential flat buildings on adjoining buildings.

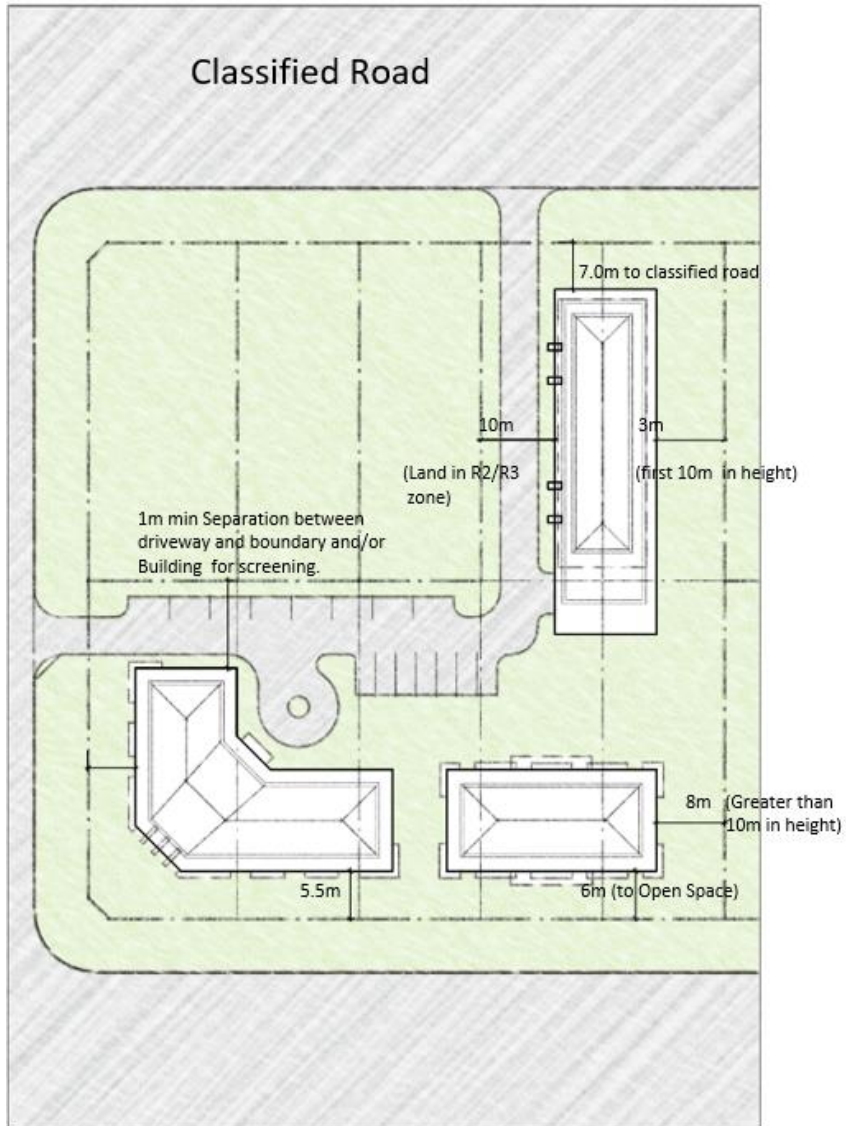


Figure 1 Residential Flat Building showing setbacks

## 6. Apartment Diversity

Part 4K of the ADG refers to Apartment Mix and requires for a variety of apartment types to be provided in residential flat buildings and matters to be taken into consideration when determining the apartment mix.

This section applies to development for the purpose of residential flat buildings only and does not apply for boarding house, Senior's housing, Group Homes, Co-Living or Build to Rent developments. Further this part does not apply for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by chapter 2, part 2, division 5 of State Environmental Planning Policy (Housing) 2021.

### Objectives

- a) To provide for a variety of housing choice within Liverpool Local Government Area which caters for different household requirements now and in the future.
- b) To increase the housing and lifestyle choices available in dwelling buildings.
- c) Meet the Australian Adaptable Housing Standard (AS 4299-1995) and provide a sufficient proportion of dwellings that include accessible layouts and features to accommodate the changing requirements of elderly, disabled residents and families.

### Controls

1. In addition to apartment mix requirements within the ADG, residential flat buildings are to provide for a variety of apartment types and sizes with minimum percentage of apartment mix as per the following table:

<u>Number of bedrooms</u>	<u>Minimum percentage to be provided of total number of apartments</u>
Studio	5%
One bedroom	10%
Three bedrooms or greater	20%
Dual Key apartments	Optional (No minimum or maximum).

2. If a variation to control 2 above is proposed, the development application is to demonstrate why a variation to the apartment mix of control 2 is justified. This includes taking into consideration:
  - the distance to public transport, employment and education centres.
  - the current market demands and projected future demographic trends.
  - the demand for social and affordable housing.
  - the surrounding current & future community.
3. At least 10% of all apartments are to be capable of being adapted for habitation by seniors and/or persons with disabilities complying with relevant Australian Standards including AS 4299 -1995. This is to include a mix of number of bedroom units. Note. This is different to section 4Q (Universal Design of the ADG).
4. The ground floor of residential flat buildings is to include a mix of apartments (i.e.: A mix of one bedroom, two bedroom, three or larger bedroom and adaptable apartments).
5. The top level of a residential flat building is to include three bedroom or greater apartments, including corner apartments as per objective 4K-2 of the ADG.



6. The layout of the apartment buildings are to provide for dwelling types that are oriented in a range of directions and provide for dual-aspect layouts maximising solar access and minimising privacy impacts to adjoining residential properties.

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## 7. Amenity, Landscape, Deep Soil and Communal Open Space

### Objectives

- a) The site area and frontage of a proposed development is of sufficient size to accommodate a residential flat development building and provide adequate open space, deep soil zones and car parking.
- b) Integrate new development with the established setback character of the street or in accordance with the emerging pattern of development in areas undergoing transition.
- c) Ensure that the height, bulk and scale of development is compatible with neighbouring developments and both the established character and the desired future amenity of particular residential areas.
- d) Ensure that basement and building envelopes are sufficiently setback from boundaries as to not impact upon existing trees to maximise tree retention.
- e) Minimise any overshadowing and manage privacy of adjacent properties and their private or communal open spaces.

### Controls

1. Larger balconies, particularly greater balcony depth, are encouraged to be beyond the minimum area and depth outlined within Part 4E-1 of the ADG particularly for three bedroom or greater apartments subject to providing adequate privacy design to adjoining sites.
2. Storage within apartments, within the hallway of each level and storage cages within basements are encouraged to be beyond the minimum storage volume of part 4G-1 of the ADG particularly for three bedroom or greater apartments.
3. At a minimum, one communal clothes drying facility/area of adequate size based on the number and size of apartments shall be provided and not be visible from the street.
4. External staircases should be minimised.
5. Balconies which face other residential lands are to include a solid (non-transparent) balustrade. Louvers may be used.
6. If an adjoining site does not contain a building which is 3 storeys or greater, the adjoining property must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: One living/rumpus room or the like, any solar collectors and minimum 50% of the private open space. For buildings 3 storeys or greater refer to part 3B of the Apartment Design Guide.
7. Communal open space is to be avoided on southern elevations to increase solar access and are not to be located on a road frontage to reduce air and noise pollution to future residents of the residential flat building.
8. Communal open space located above the ground level shall incorporate privacy measures as per part 3F-2 of the ADG. (I.e. Privacy screening and/or be located towards the centre of a rooftop) to minimise privacy impacts to adjoining sites.
9. Rooftop communal open space areas, shall incorporate amenities such as shelter, BBQ facilities, seating, garden beds etc.

10. Hard surfaced areas are to be minimised. (I.e. For pathways, storage, communal open space and amenity uses only).
11. Where tree removal cannot be avoided, each tree, recommended to be removed as per an Arborist Report prepared by a minimum AQF level 5 Arborist, is to be replaced at a two to one replacement ratio of a similar species and mature height, as recommended within the required Arborist Report. Replacement tree selection shall predominantly comprise of native species.
12. For sites with multiple buildings, the areas between the buildings shall provide deep soil and high amenity areas including, wall art, garden and security lighting, seating and shelter and are:
  - a) To provide building separation that encourages a walkable environment and direct travel lines through the site.
  - b) To be designed to maximise solar access and CPTED principals.
  - c) Be designed in accordance with accessible requirements for persons with limited mobility.
  - d) Include a combination of soft and hard landscaping with tree plantings for shading and cooling
  - e) Have the capacity for useable private open space to encourage socialisation and engagement.
13. If a building proposes a predominantly blank side/rear wall (I.e. Minimal windows or balconies), the wall of the building is to include wall art/rendering. Articulation is to be provided after a maximum wall length of 14m.
14. A minimum of 25% of a site area is to be landscaped to ensure action 6.2 of Local Planning Priority 6 of Council's Local Strategic Planning Statement, 'Connected Liverpool 2040' is activated. *Note: landscape area is defined within Liverpool LEP 2008 and this control takes precedence over Design criteria 1 of Objective 3E-1 of the ADG (Deep soil zones).*
15. A minimum of 50% of the front setback area shall be landscaped area.

## 8. Car Parking and Basement Envelope

### Objectives

- a) Ensure the design of the buildings and location of uses responds appropriately to the site, provides a high quality of amenity and protects visual privacy to future occupants and surrounding residential uses, provides substantial deep soil.
- b) Ensure basements do not reduce the deep soil for a site.
- c) Ensure basements do not impact upon existing significant trees and ensure the trees retention.

### Controls

- 1) Basements are to be provided for all residential flat buildings. At grade car parking may be considered for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by chapter 2, part 2, division 5 of State Environmental Planning Policy (Housing) 2021.
- 2) Where above ground enclosed parking cannot be avoided, the design of the development is to ensure mitigation of any negative impact on the streetscape and street amenity including avoiding parking from fronting the street frontage and providing car parking behind the building façade.
- 3) Basements are not to reduce the overall deep soil, as required by section 7 of this DCP part, for the subject site beyond the building envelope and are not to impact upon any existing significant trees on a site or on an adjoining site.
- 4) Driveway walls adjacent to the entrance of a basement car park and visible above ground are to be treated so that their appearance is consistent with the building.
- 5) Car parking beyond the minimum requirement of 2 spaces as per LDCP 2008 Part 1 for 3 or more bedroom apartments is permitted.
- 6) Basements for residential flat buildings must demonstrate the location for Electrical distribution boards dedicated to electric vehicle charging in accordance with J9D4 of the National Construction Code.
- 7) All residential flat buildings must provide a car wash bay.
- 8) Pedestrian and driveways shall be separated.
- 9) Car parking allocated to adaptable apartments is to comply with the relevant Australian Standards for disabled parking.
- 10) Accessible/shared car parking spaces are to be located adjacent to elevators.
- 11) Stacked parking is not permitted unless allocated to the same unit. Stacked parking for visitor parking is prohibited.
- 12) Visitor car parking shall be clearly identified.

## 9. Boundary fencing

### Objectives

- a) To provide a clear transition between public and private open space.
- b) To provide variety in the streetscape.
- c) To provide fencing that enhances the streetscape.

### Controls

1. Primary street fencing:
  - a) The maximum height of a front fence is to be 1m.
  - b) If the site has a frontage to a classified road, the front fence is permitted to be 1.8m height if the fence is articulated and includes plantings.
  - c) Front fencing is to be a minimum of 30% transparent.
  - d) Front fences are not to prevent passive surveillance by occupants of the street or communal areas.
  - e) Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling. Colourbond material for front fencing is not permitted.
  - f) Front fencing is not to impede safe sight lines from the street and from vehicles entering and exiting the site.
2. Secondary street fencing:
  - a) The maximum height of a secondary street fence is to be 1.8m.
  - b) For secondary street fencing within the front building envelope setback, the fence is to be a maximum height of 1m unless control 1B above applies for sites with a frontage to a classified road.
3. Other Boundary fencing:
  - a) For boundary fencing within the front building envelope setback, the fence is to be a maximum height of 1m, and should use visually permeable materials and treatments as per part 3C of the ADG unless control 1B above applies for sites with a frontage to a classified road.

## 10. Site Services

### Objectives

- a) To ensure that the required services are provided.
- b) To ensure that the services provided are protected & easily maintained.

### Controls

#### 1. Letterboxes:

- a) Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.
- b) Freestanding letterbox structures should be designed and constructed of materials that relate to the main building.
- c) Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.

#### 2. Waste Management:

- a. Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.
- b. Any structure involving waste disposal facilities shall be located as follows:
  - i. Setback 1 m from the front boundary to the street.
  - ii. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape.
  - iii. Not be located adjacent to an adjoining residential property.
- c. Waste chutes on each level are encouraged.
- d. Details of the design of waste disposal facilities are shown in Part 1 of the DCP and the Apartment Design Guide.

#### 3. Frontage works and damage to Council infrastructure:

- a) Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.
- b) Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.
- c) Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.

**4. Electricity Sub Stations and fire hydrant boosters:**

- a)** Consultation shall be undertaken to deem if a fire hydrant booster is required and consultation shall be undertaken with the relevant energy provider to deem if an electrical substation is required at the development application stage.
- b)** If necessary to provide an electricity substation or fire booster at the front of the development adjacent to a street frontage, this will involve dedication of the area as a public road to allow access by the electricity provider.
- c)** Services such as substations and fire booster assemblies must be integrated within the development. This may be through colours and materials and are to include measures to prevent graffiti (i.e. Plantings, artwork or louvre frame over the substation that retains access by the relevant agency). The shorter elevation of the substation is to face the street frontage.

**5. Lift overrun:**

- a)** Any lift over runs to the rooftop of a building are to be demonstrated on the architectural plans at the development application stage.

**6. Services between levels:**

- a)** The architectural plans submitted at development application stage are to ensure that the ceiling levels and finished floor levels nominated on the architectural plans include enough separation for any services including duct space and any access to duct space required between the ceiling of the level below and finished floor level of the level above.

**LIVERPOOL  
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speech impaired callers only)



### Key for the text colours

This document provides all the proposed changes to the existing Part 3.7 of the Liverpool Development Control Plan 2008. Different text colours are used to enhance the legibility as explained in Table 1 below.

Table 1 – Key for the text colours

Text colours	Reason/ Interpretation
Black Text	Existing text to remain either in existing or new section of DCP.
Red Text with strikethrough	Existing text to be deleted – Duplicated within the ADG and listed under clause 149 of SEPP (Housing) 2021.
Blue text with strikethrough	Existing text to be deleted – Duplicated within the ADG however not listed under clause 149 of SEPP (Housing) 2021
Orange text with strike through	Other text to be deleted such as title page, figures etc
Green Text	New text added
Yellow Highlight	Matters changed post-exhibition and post Design Excellence Panel



**~~Liverpool Development Control Plan 2008~~**  
**~~Part 3.7~~**  
**~~Residential Flat Buildings~~**

**~~19 February 2014~~**

**~~Part 3.7 must be read in conjunction with Part 1~~**  
**~~Check if any Locality Parts also apply~~**

**Liverpool Development Control Plan 2008**  
**Part 3.7**  
**Residential Flat Buildings**  
(Outside Liverpool City Centre)

**June 2024**

**Part 3.7 must be read in conjunction with Part 1**

Other parts of Liverpool Development Control Plan 2008 may apply depended upon site location

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## Liverpool Development Control Plan 2008

### Part 3.7 Residential Flat Buildings ~~in the R4~~ **Zone** (Outside Liverpool City Centre)

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- Table of figures deleted as ADG provides own figures and some figures relate to matters under clause 149 of SEPP (Housing) 2021. (Figure 3 retained as relates to Council's DCP Setbacks which are not provided in the ADG).
- List of tables deleted as table 1 and table 2 relate to setbacks (Retained within setback section of DCP). Table 3 relates to Private Open Space of which clause 149 of SEPP (Housing) 2021 overrides.

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## 1. Preliminary Land to which this part applies

### Applies to

1. Part 3.7 applies to residential flat building development on land ~~in the Residential, R4 – High Density Residential zone~~ under *Liverpool LEP 2008* except as described in 3.
2. Part 1 of the DCP also applies to the land.
3. Part 3.7 does not apply to residential development on land in the following locations. All controls in relation to the Private and Public Domain are covered by the respective parts.
  - ~~Middleton Grange (Refer to Part 2.5 for all controls on residential development).~~
  - Land of which Edmondson Park of which LDCP 2008 Part 2.11 applies.
  - Liverpool City Centre (Refer to Part 4 or all controls on residential development).

Note: All residential flat buildings will be reviewed by the Liverpool Design Excellence Panel for advice.

### Background

~~Residential Flat Buildings are permitted in the R4 zone under *Liverpool LEP 2008*.~~

Good quality buildings help improve the quality of life. The quality involves the location, size and scale, appearance and amenity of the buildings in which many people live. The design of new residential flat buildings is important to neighbourhoods - to provide good quality and amenity to growing populations with changing needs. Quality design contributes to enjoyable places: buildings, streets, squares and parks.

Residential Flat Buildings are also subject to [State Environmental Planning Policy \(Housing\) 2021 – Chapter 4 \(Design of residential apartment development\)](#) and the [Apartment Design Guide](#) issued by the NSW Department of Planning Housing and Infrastructure.

[The ADG takes precedence over a DCP. Should there be inconsistencies within this part, such as duplicated controls within the Apartment Design Guide \(ADG\), The ADG shall prevail.](#)

### Link to Liverpool LEP 2008

*Liverpool LEP 2008* provides overall requirements and objectives for development in the residential areas of Liverpool. It does not just cover residential development but also non-residential development in residential areas.

Each zone provides objectives, which provide direction for the controls in the DCP. There are also general provisions for development in the residential zones as well as provisions for specific forms of development in the residential areas or for development on specific sites.

### Objectives

- a) To provide controls for residential development to ensure that it achieves a high standard of urban design, that is compatible with the amenity and character of the area.
- b) To provide for a variety of housing choice within residential areas with Liverpool.
- c) Additional objectives are listed in the detailed controls for the various land uses.

## 2 Frontage and Site Area

### Site Area and Frontage

#### Objective

- a) To permit residential flat buildings on land that can adequately accommodate landscaping, open space, parking, and solar access requirements.

#### Control

1. The minimum lot width is 24m.

*Note: The amalgamation of land parcels into larger development sites is encouraged as this will result in better forms of housing development and design.*

- ~~2.~~ Refer to the Liverpool LEP 2008 written statement and maps for the minimum site area and width. ~~in the R4 zone.~~

### 3. Amalgamation

- **New section included as LDCP 2008 does not refer to Amalgamation of lots, for which proposed developments will create an adjoining lot becoming isolated (i.e, Not meeting minimum lot size or lot width for a type of development) due to the proposed development.**
- **The purpose of this section is to reduce sites becoming undevelopable for the intent of a zone (i.e. A lot zoned R4 – High Density Residential becoming not suitable and creating non compliances such as minimum lot size or minimum lot width for a residential flat building development).**

#### Objectives

- a) Ensure that a subject site and adjoining sites can achieve development that is consistent with the planning controls.
- b) Avoid landlocking of adjoining sites or isolation of small sites which may result in poor built form outcomes.
- c) Ensure that Isolation of sites does not occur to avoid a development resulting in poor built form outcomes and to ensure better streetscape amenity outcome to be achieved.

#### Controls

1. Site amalgamation shall be considered and/or required if the subject development application site:
  - a) Does not meet the minimum lot size or lot width requirements for a residential flat building.
  - b) Creates an isolated site adjoining the subject site which does not meet the minimum lot size or lot width for a residential flat building.
  - c) Creates poor streetscape design and/or a poor amenity outcome for an adjoining site.
2. If site amalgamation is required as per control one above, however amalgamation cannot be achieved, the following documentation at a minimum is to be obtained prior and is to be provided with the lodgement of a development application:

Documentation demonstrating that negotiations for amalgamation between the owners of the properties has been undertaken prior to lodgement of a development application. The documentation is to be dated ~~no later than~~ **within** 6 months from the development application lodgement date. The documentation should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site.

Documentation shall, at least, include:

- Two independent valuations\* that represent the potential value of the affected site. The valuations are to be dated within 6 months from lodgement of a development application **as per paragraph above**. The valuations are to include other reasonable expenses likely to be incurred by the owner of the isolated property should the property sell; and
- Evidence that a genuine and reasonable fair market value offer (dated within 6 months from lodgement of a development application) has been made to the owners of the affected adjoining site.

*\*The following persons are considered suitably qualified to provide evidence of value of property:*

- *A member of the Australian Valuers Institute.*
- *A member of the Australian Property Institute who has acquired membership in connection with his or her occupation as a valuer.*



- *a member of the Royal Institution of Chartered Surveyors who holds the designation "Chartered Valuer" or 'Chartered Valuation Surveyor'.*

## 3 4. Site Planning

• Control 6 deleted as is contained within Part 1 (Preliminary)

### Site Planning

#### Objectives

- a) To ensure that the residential flat building is sensitive to site attributes, such as streetscape character, natural landform, drainage, existing vegetation, land capability, slope, solar access and if relevant, heritage items.
- b) To ensure privacy for residents and neighbours.
- c) To ensure that residential flat buildings ~~that~~ do not result in the loss of amenity to adjacent dwellings and open space.
- d) To ensure that the development reflects the character of the locality and environment.

#### Controls

1. The building should relate to the site's topography with minimal earthworks, except for basement car parking.
2. Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.
3. Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.
4. Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.
5. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.

~~6. The development will need to satisfy the requirements of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development.~~

Note: A Site Analysis Plan is required for each development application.

- Figures deleted as ADG contains site analysis and residential flat building context figures.

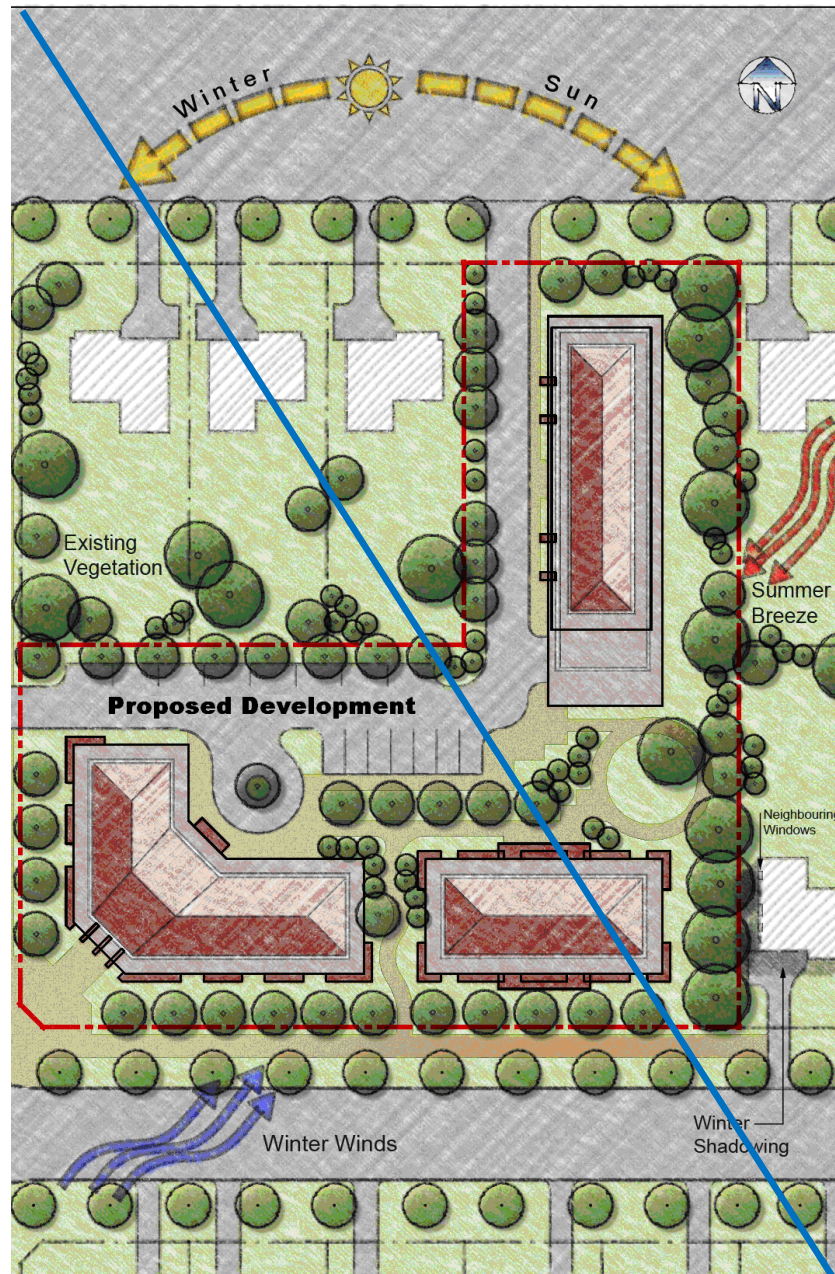


Figure 1 Site analysis plan for a Residential Flat Building



Figure 2 Residential Flat Building in context with its surroundings

## 4. 5. Setbacks

### Objectives

- a) To set buildings back from the street and adjacent properties to provide reasonable space for landscaping, open space and solar access.
- b) To set buildings back from each other to provide visual and acoustic privacy.
- c) To establish a streetscape of a scale and sense of enclosure appropriate to the locality.
- d) To provide convenient and unobtrusive vehicle access and car parking without the use of long driveways.

### Controls

1. Residential flat building development shall be provided in accordance with the below setbacks within table 1 and table 2.

#### Front and Secondary Setbacks

- ~~1.~~ a. Buildings shall be setback in accordance with the following table.

Table 1

Road	Front Setback	Secondary Setback
Classified Roads	7.0m	7.0m
Other Streets	5.5m	5.5m

- ~~2.~~ b. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.
- ~~3.~~ c. The secondary setback is along the longest length boundary.

#### Side and Rear Setbacks

- ~~1.~~ d. Buildings shall be setback from the side and rear boundaries in accordance with the following table.

Table 2

Item	Side Setback	Rear Setback
Boundary to land in R2 & R3 zones	10m	10m
Boundary to land in R2 & R3 zones (no windows to habitable rooms)	10m	10m
Boundary to land in R4 zone (First 10m in height, excluding roof/attic)	3m	8m
Boundary to land in R4 zone (Greater than 10m in height)	8m	8m
Boundary to public open space	6m	6m

- ~~2.~~ e. Consideration will need to be given to existing and approved setbacks of residential flat buildings on adjoining buildings.



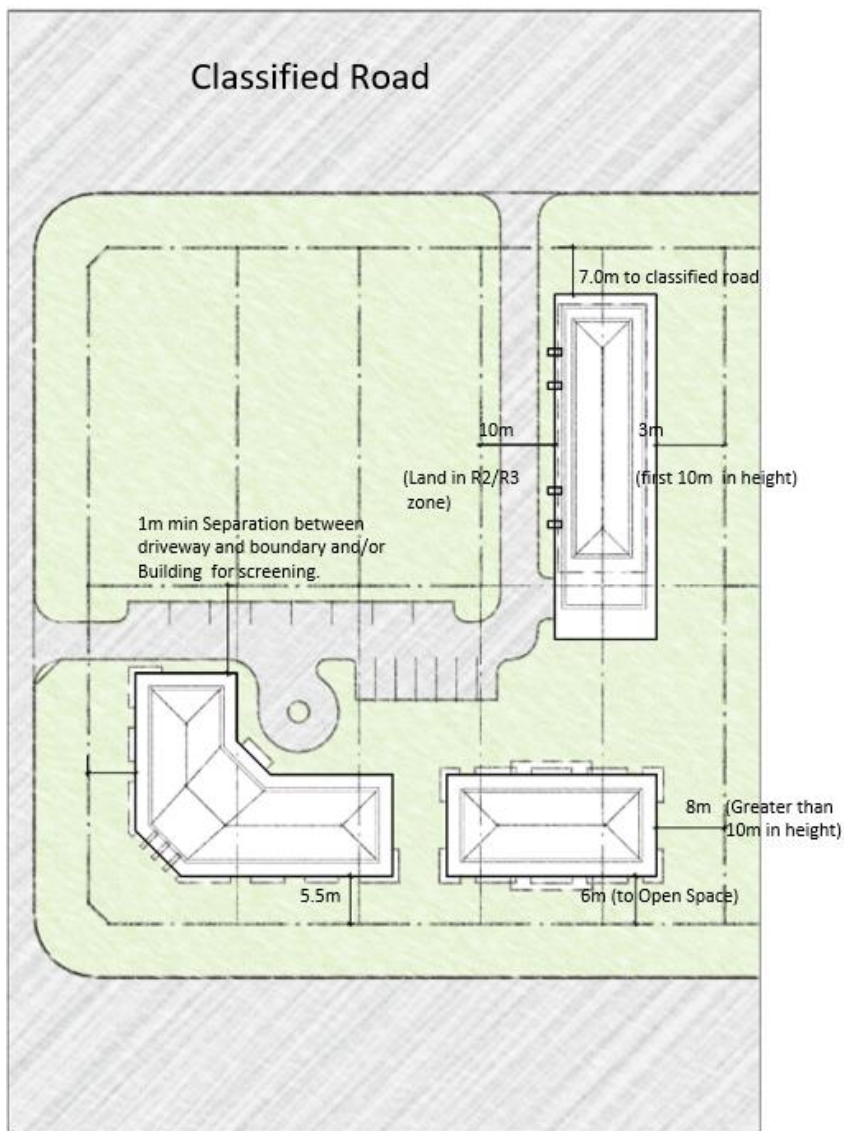


Figure 3.1 Residential Flat Building showing setbacks

## 6. Apartment Diversity

- New section included in response to May 2023 Council meeting, August 2023 Governance meeting and Action 11 of the Liverpool Local Housing Strategy which states 'Review apartment mix controls for RFB development in the City Centre, R1 and R4 zones'.
- The purpose of this section is to encourage development which aligns with the Liverpool LGA demographics, encourage larger family friendly apartments and provide greater flexibility for dual key apartments to encourage greater affordable rent opportunities within the Liverpool LGA.

Part 4K of the ADG refers to Apartment Mix and requires for a variety of apartment types to be provided in residential flat buildings and matters to be taken into consideration when determining the apartment mix.

This section applies to development for the purpose of residential flat buildings only and does not apply for boarding house, Senior's housing, Group Homes, Co-Living or Build to Rent developments. Further this part does not apply for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by *State Environmental Planning Policy (Housing) 2021*.

### Objectives

- To provide for a variety of housing choice within Liverpool Local Government Area which caters for different household requirements now and in the future.
- To increase the housing and lifestyle choices available in dwelling buildings.
- ~~Four and five bedroom apartments are encouraged to provide greater housing diversity and affordability choices to cater for the Liverpool Local Government Area demographics and socioeconomic status.~~
- Meet the Australian Adaptable Housing Standard (AS 4299-1995) and provide a sufficient proportion of dwellings that include accessible layouts and features to accommodate the changing requirements of elderly, disabled residents and families.

### Controls

- In addition to apartment mix requirements within the ADG, residential flat buildings are to provide for a variety of apartment types and sizes with minimum percentage of apartment mix as per the following table:

<u>Number of bedrooms</u>	<u>Minimum percentage to be provided of total number of apartments</u>
Studio	5%
One bedroom	10%
Three bedrooms or greater	20%
Dual Key apartments	Optional (no minimum or maximum)

- If a variation to control 2 above is proposed, the development application is to demonstrate why a variation to the apartment mix of control 2 is justified. This includes taking into consideration:
  - the distance to public transport, employment and education centres.
  - the current market demands and projected future demographic trends.
  - the demand for social and affordable housing.

• ~~different cultural and socioeconomic groups.~~ The surrounding current & future community

3. At least 10% of all apartments are to be capable of being adapted for habitation by seniors and/or persons with disabilities complying with relevant Australian Standards including AS 4299 -1995. This is to include a mix of number of bedroom units. Note. This is different to section 4Q (Universal Design of the ADG).
4. The ground floor of residential flat buildings is to include a mix of apartments (i.e.: A mix of one bedroom, two bedroom, three or larger bedroom and adaptable apartments). Apartments with a varying number of bedrooms (1 bedroom apartments, 2 bedroom apartments, etc) and adaptable apartments are to be located on the ground floor for accessibility by families and the elderly.
5. Three bedroom or greater apartments are to be located on the top level and on corners of the building. Three bedroom and greater apartments are to be located on the ground and top floor.
6. The layout of the apartment buildings are to provide for dwelling types that are oriented in a range of directions and provide for dual-aspect layouts maximising solar access and minimising privacy impacts to adjoining residential properties.



## 5. Landscaped Area and Private Open Space

• This Section is deleted and combined with Section 7 Amenity, Deep Soil and Communal Open Space. Certain Landscape controls are retained, and objectives and controls are amended to align with the Apartment Design Guide:

- Landscaped Area (Deep soil area) – Certain controls retained and relocated within new Part 7 of DCP (Amenity, Landscape, Deep Soil and Communal Open Space)
- Open Space – Certain controls retained and relocated as within new Part 7 of DCP (Amenity, Landscape, Deep Soil and Communal Open Space)
- Private Open Space – Deleted as within clause 149 of SEPP (Housing) 2021.
- Drying Areas – Certain controls retained and relocated within new Part 7 of DCP (Amenity, Landscape, Deep Soil and Communal Open Space)

*Landscaped area is defined in Liverpool LEP 2008.*

### Landscaped Area (deep soil area)

#### Objectives

- a) ~~To provide an area to allow vegetation to mature.~~
- b) ~~To assist with management of the water table.~~
- e) ~~To assist with management of water quality.~~
- d) ~~To enhance the existing streetscape and soften the visual appearance of the buildings.~~

#### Controls

1. ~~A minimum of 25% of the site area shall be landscaped area.~~
2. ~~A minimum of 50% of the front setback area shall be landscaped area.~~
3. ~~Optimise the provision of consolidated landscaped area within a site by:~~
  - ~~— The design of basement and sub-basement car parking, so as not to fully cover the site.~~
  - ~~— The use of front and side setbacks.~~
  - ~~— Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.~~
4. ~~Promote landscape health by supporting for a rich variety of vegetation type and size.~~
5. ~~Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.~~

### Open Space

~~Open space includes Landscaped Areas and hard paved areas such as footpaths and barbeque areas. It does not include driveways, drying areas or waste storage areas.~~

#### Objectives

- a) ~~To provide residents with passive and active recreational opportunities.~~
- b) ~~To provide an area on site that enables soft landscaping and deep soil planting.~~
- e) ~~To ensure that communal open space is consolidated, configured and designed to be useable and attractive.~~

~~d) To provide a pleasant outlook.~~

#### Controls

- ~~1. Provide communal open space, which is appropriate and relevant to the context and the building's setting.~~
- ~~2. Where communal open space is provided, facilitate its use for the desired range of activities by:
 
  - ~~— Locating it in relation to buildings to optimise solar access to dwellings.~~
  - ~~— Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape.~~
  - ~~— Designing its size and dimensions to allow for the range of uses it will contain.~~
  - ~~— Minimising overshadowing.~~
  - ~~— Carefully locating ventilation duct outlets from basement car parking.~~~~
- ~~3. Locate open space to increase the potential for residential amenity.~~

#### **Private Open Space**

##### Objective

- ~~a) To ensure that private open space is clearly defined, usable and meets user requirements for privacy, solar access, outdoor activities, accessibility and landscaping.~~
- ~~b) To provide all dwellings with private open space.~~

##### Controls

- ~~1. Private open space shall be provided for each dwelling in accordance with the following table.~~

~~Table 3~~

<del>Dwelling Size</del>	<del>Private Open Space Area</del>	<del>Minimum Width</del>
<del>Small &lt; 65 sqm</del>	<del>10sqm</del>	<del>2m</del>
<del>Medium 65 – 100</del>	<del>12sqm</del>	<del>2m</del>
<del>Large &gt; 100 sqm</del>	<del>12sqm</del>	<del>2m</del>

- ~~2. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.~~
- ~~3. Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.~~
- ~~4. Private open space should be clearly defined for private use.~~

~~For balconies refer to Building Design, Streetscape and Layout for controls on their design.~~

#### **Drying areas**

##### Objective

~~To provide adequate area clothes drying area for residents.~~

##### Controls

~~Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.~~

## 6. ~~Building Design, Streetscape and Layout~~

• This Section is deleted and combined with Section 7 (Amenity, Landscape, Deep Soil and Communal Open Space). Certain controls are retained, objectives and controls are amended to align with the Apartment Design Guide.

- Building Height – Deleted as within LEP 2008.
- Building appearance and streetscape – Deleted - Certain controls retained and relocated within new Part 7 of DCP (Amenity, Landscape, Deep Soil and Communal Open Space).
  - Pedestrian entrance within ADG Section 3G
  - Vehicle access within ADG section 3H
  - Streetscape throughout ADG parts 3 and 4
  - Facades in ADG section 4M
- Roof Design – Deleted as within ADG section 4N.
- Building Entry – Deleted as within ADG section 3G.
- Balconies – Deleted as listed under clause 149 of SEPP (Housing) 2021,
- Daylight Access – Deleted as listed under clause 149 of SEPP (Housing) 2021.
- Internal design – Parts deleted as contained throughout the ADG.
- Ground Floor Dwellings – Parts deleted as contained within section 4L of the ADG.
- Security – Deleted as contained throughout the ADG and controls within proposed amended DCP.
- Natural Ventilation – Deleted as listed under clause 149 of SEPP (Housing) 2021.
- Building layout – Deleted as contained throughout ADG.
- Storage – Deleted as listed under clause 149 of SEPP (Housing) 2021.

### ~~Building Height~~

#### ~~Objective~~

~~To ensure that the new development is compatible with the character of residential flat buildings and the adjoining neighbourhood.~~

#### ~~Controls~~

~~Refer to the Liverpool LEP 2008 written statement and maps for the maximum Building Height in the R4 zone. Note that this varies depending on the location.~~



Figure 4 Streetscape Presentation

### **Building Appearance and Streetscape**

#### **Objectives**

- a) ~~To ensure an attractive streetscape that is consistent with the environment of residential flat buildings.~~
- b) ~~To promote high architectural quality in residential flat buildings.~~
- c) ~~To ensure that new developments have facades which define and enhance the public domain and desired street character.~~
- d) ~~To ensure that building elements are integrated into the overall building form and facade design.~~

#### **Controls**

1. ~~Residential Flat Buildings shall comply with State Environmental Planning Policy No 65—Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.~~
2. ~~Building facades shall be articulated and roof form is to be varied to provide visual variety.~~
3. ~~The pedestrian entrance to the building shall be emphasised.~~
4. ~~A sidewall must be articulated if the wall has a continuous length of over 14 m.~~
5. ~~Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.~~
6. ~~Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.~~
7. ~~Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.~~
8. ~~The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint.~~
9. ~~A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space.~~

- ~~10. Consider the relationship between the whole building form and the facade and/or building elements. The number and distribution of elements across a facade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.~~
- ~~11. Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to:~~
- ~~— Defining a base, middle and top related to the overall proportion of the building.~~
  - ~~— Expressing key datum lines in the context using cornices, a change in materials or building set-back.~~
  - ~~— Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall divisions.~~
  - ~~— Expressing the variation in floor-to-floor height, particularly at the lower levels.~~
  - ~~— Articulating building entries with awnings, porticoes, recesses, blade walls and projecting bays.~~
  - ~~— Selecting balcony types which respond to the street context, building orientation and residential amenity.~~
  - ~~— Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles.~~
  - ~~— Detailing balustrades to reflect the type and location of the balcony and its relationship to the facade detail and materials.~~
- ~~12. Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.~~
- ~~13. Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.~~
- ~~14. Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.~~
- ~~15. Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design~~



Figure 5 Building appearance and streetscape

### **Roof Design**

#### **Objectives**

- a) ~~To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings;~~
- b) ~~To integrate the design of the roof into the overall facade, building composition and desired contextual response;~~
- e) ~~To increase the longevity of the building through weather protection.~~

#### **Controls**

1. ~~Relate roof design to the desired built form. This may include:
 
  - ~~Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms.~~
  - ~~Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas.~~
  - ~~Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line.~~
  - ~~Using special roof features, which relate to the desired character of an area, to express important corners.~~~~
2. ~~Design the roof to relate to the size and scale of the building, the building elevations and three dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.~~
3. ~~Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.~~
4. ~~Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.~~
5. ~~Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.~~



Figure 6 Roof design keeping in with the surrounds

### **Building Entry**

#### **Objectives**

- a) ~~To create entrances which provide a desirable residential identity for the development.~~
- b) ~~To orient the visitor.~~
- e) ~~To contribute positively to the streetscape and building facade design.~~

#### **Controls**

1. ~~Improve the presentation of the development to the street by:
 
  - ~~Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network.~~
  - ~~Designing the entry as a clearly identifiable element of the building in the street.~~
  - ~~Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.~~~~
2. ~~Provide as direct a physical and visual connection as possible between the street and the entry.~~
3. ~~Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.~~
4. ~~Ensure equal access for all~~
5. ~~Provide safe and secure access by:
 
  - ~~Avoiding ambiguous and publicly accessible small spaces in entry areas.~~
  - ~~Providing a clear line of sight between one circulation space and the next.~~
  - ~~Providing sheltered well lit and highly visible spaces to enter the building, meet and collect mail.~~~~



- ~~6. Generally provide separate entries from the street for:~~
- ~~— Pedestrians and cars.~~
  - ~~— Different uses, for example, for residential and commercial users in a mixed-use development.~~
  - ~~— Ground floor dwellings, where applicable.~~
- ~~7. Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.~~
- ~~8. Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by:~~
- ~~— Locating them adjacent to the major entrance and integrated into a wall, where possible.~~
  - ~~— Setting them at 90 degrees to the street, rather than along the front boundary.~~



Figure 7 Entry to the Residential Flat Building

### **Balconies**

#### **Objectives**

- ~~a) To ensure that balconies contribute positively to the façade of a building.~~
- ~~b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents.~~
- ~~c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.~~
- ~~d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.~~

#### **Controls**

- ~~1. Balconies may project up to 1m from the façade of a building.~~
- ~~2. Balustrades must be compatible with the façade of the building.~~



- ~~3. Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.~~
- ~~4. Design balustrades to allow views and casual surveillance of the street.~~
- ~~5. Balustrades on balconies at lower levels shall be of solid construction.~~
- ~~6. Balconies should where possible should be located above ground level to maximise privacy for occupants, particularly from the street.~~
- ~~7. Solid or semi-solid louvres are permitted.~~
- ~~8. Noise attenuation measures on balconies facing a Classified Road should be considered.~~
- ~~9. Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.~~
- ~~10. Primary balconies should be:
 
  - ~~— Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space;~~
  - ~~— Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.~~~~
- ~~11. Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.~~
- ~~12. Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by:
 
  - ~~— Locating balconies facing predominantly north, east or west to provide solar access.~~
  - ~~— Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind.~~
  - ~~— Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions – along rail corridors, on busy roads or in tower buildings – choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.~~~~
- ~~13. Provide primary balconies for all dwellings with a minimum depth of 2m.~~
- ~~14. Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.~~
- ~~15. Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include:
 
  - ~~— Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night.~~
  - ~~— Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units.~~~~
- ~~16. Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.~~



Figure 8 Balcony design

### **Daylight Access**

#### **Objectives**

- a) ~~To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.~~
- b) ~~To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.~~
- c) ~~To provide residents with the ability to adjust the quantity of daylight to suit their needs.~~

#### **Controls**

- 1. ~~Plan the site so that new residential flat development is oriented to optimise northern aspect.~~
- 2. ~~Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.~~
- 3. ~~Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows:~~
- 4. ~~Ensure daylight access to habitable rooms and private open space, particularly in winter – use skylights, clerestory windows and fanlights to supplement daylight access.~~
- 5. ~~Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces.~~
- 6. ~~Ensure single aspect, single-storey dwellings have a northerly or easterly aspect – locate living areas to the north and service areas to the south and west of the development.~~
- 7. ~~Avoid south facing dwellings.~~
- 8. ~~Design for shading and glare control, particularly in summer:~~

- ~~— Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting.~~
- ~~— Optimising the number of north-facing living spaces.~~
- ~~— Providing external horizontal shading to north-facing windows.~~
- ~~— Providing vertical shading to east or west windows.~~
- 9. Consider higher ceilings and higher window heads to allow deeper sunlight penetration.
- 10. On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun.
- 11. On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun.
  - ~~— Using high performance glass but minimising external glare off windows.~~
  - ~~— Avoid reflective films.~~
  - ~~— Use a glass reflectance below 20%.~~
  - ~~— Consider reduced tint glass.~~
  - ~~— Limit the use of lightwells as a source of daylight by prohibiting their use as the primary source of daylight in habitable rooms. Where they are used:~~
    - ~~— Relate lightwell dimensions to building separation, for example, if non-habitable rooms face into a light well less than 12m high, the lightwell should measure 6 x 6 m.~~
    - ~~— Conceal building services and provide appropriate detail and materials to visible walls.~~
    - ~~— Ensure light wells are fully open to the sky.~~
    - ~~— A combination of louvres provides shading for different times of the day.~~

### Internal design

#### Objective

To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.

#### Controls

1. All staircases should be internal.
2. Minimise the length of common walls between dwellings.
3. Basement car parking shall be located beneath the building footprint.
4. Where possible natural ventilation shall be provided to basement car parking.
5. Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings
6. Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells.
7. Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.
8. Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.
9. Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).

### **Ground Floor Dwellings**

#### **Objectives**

- a) ~~To contribute to the desired streetscape of an area and to create active safe streets.~~
- b) ~~To increase the housing and lifestyle choices available in dwelling buildings.~~

#### **Controls**

1. ~~Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.~~
2. ~~Create more pedestrian activity along the street and articulate the street edge by:
 
  - ~~Balancing privacy requirements and pedestrian accessibility.~~
  - ~~Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape.~~
  - ~~Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings.~~
  - ~~Increasing street surveillance with doors and windows facing onto the street.~~~~
3. ~~Planting along the terrace edge contributes to a quality streetscape.~~
4. ~~Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children.~~
5. ~~Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.~~
6. ~~Provide ground floor dwellings with access to private open space, preferably as a courtyard.~~

### **Security**

#### **Objectives**

- a) ~~To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings.~~
- b) ~~To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders.~~
- c) ~~To ensure buildings are safe and secure for residents and visitors.~~
- d) ~~To contribute to the safety of the public domain.~~

#### **Controls**

1. ~~Entrances to buildings should be orientated towards the front of the site and facing the street.~~
2. ~~The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.~~
3. ~~Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must~~

~~be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.~~

- ~~4. Minimise the number of entry points to buildings.~~
- ~~5. Reinforce the development boundary to strengthen the distinction between public and private space by:
 
  - ~~— Employing a level change at the site and/or building threshold (subject to accessibility requirements).~~
  - ~~— Signage.~~
  - ~~— Entry awnings.~~
  - ~~— Fences, walls and gates.~~
  - ~~— Change of material in paving between the street and the development.~~~~
- ~~6. Optimise the visibility, functionality and safety of building entrances by:
 
  - ~~— Orienting entrances towards the public street.~~
  - ~~— Providing clear lines of sight between entrances, foyers and the street.~~
  - ~~— Providing direct entry to ground level dwellings from the street rather than through a common foyer.~~
  - ~~— Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.~~~~
- ~~7. Improve the opportunities for casual surveillance by:
 
  - ~~— Orienting living areas with views over public or communal open spaces, where possible.~~
  - ~~— Using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street.~~
  - ~~— Using corner windows, which provide oblique views of the street.~~
  - ~~— Providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.~~~~
- ~~8. Minimise opportunities for concealment by:
 
  - ~~— Avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways.~~
  - ~~— Providing well-lit routes throughout the development.~~
  - ~~— Providing appropriate levels of illumination for all common areas.~~
  - ~~— Providing graded illumination to car parks and illuminating entrances higher than the minimum acceptable standard.~~~~
- ~~9. Control access to the development by:
 
  - ~~— Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings.~~
  - ~~— Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas.~~
  - ~~— Providing direct access from car parks to dwelling lobbies for residents.~~~~

### **Natural Ventilation**

#### **Objectives**

- ~~a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.~~

- ~~b) To provide natural ventilation in non-habitable rooms, where possible.~~
- ~~c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.~~

#### Controls

- ~~1. Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include:
 
  - ~~— Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings.~~
  - ~~— Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette dwellings and two-storey dwellings.~~~~
- ~~2. Select doors and windows (that open) to maximise natural ventilation opportunities established by the dwelling layout.~~
- ~~3. Provide narrow building depths to support cross ventilation.~~
- ~~4. Avoid single aspect dwellings with a southerly aspect.~~
- ~~5. Design the internal dwelling layout to promote natural ventilation by:
 
  - ~~— Minimising interruptions in air flow through a dwelling.~~
  - ~~— Grouping rooms with similar usage together, for example, keeping living spaces together and sleeping spaces together. This allows the dwelling to be compartmentalised for efficient summer cooling or winter heating.~~
  - ~~— Select doors and operable windows to maximise natural ventilation opportunities established by the dwelling layout.~~~~

#### Building Layout

##### Objectives

- ~~(a) To provide variety in appearance.~~
- ~~(b) To provide increasing privacy between dwellings within the building.~~
- ~~(c) To assist with flow through ventilation.~~
- ~~(d) To improve solar access.~~

##### Controls

~~The layout of dwellings within a residential flat building should minimise the extent of common walls. Figure 9 shows layouts that are not preferred and options that are considered acceptable.~~

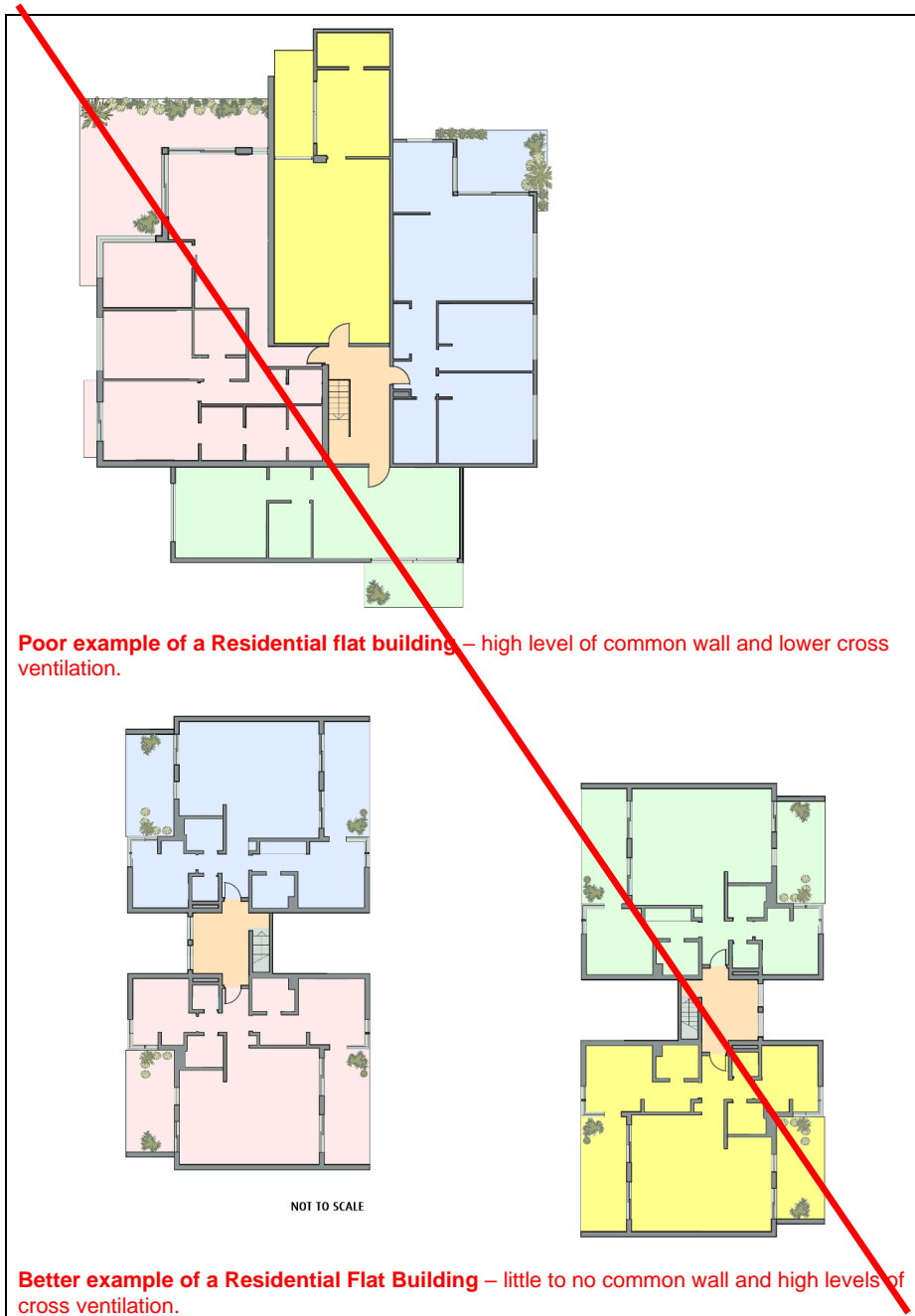


Figure 9 Layout of dwellings

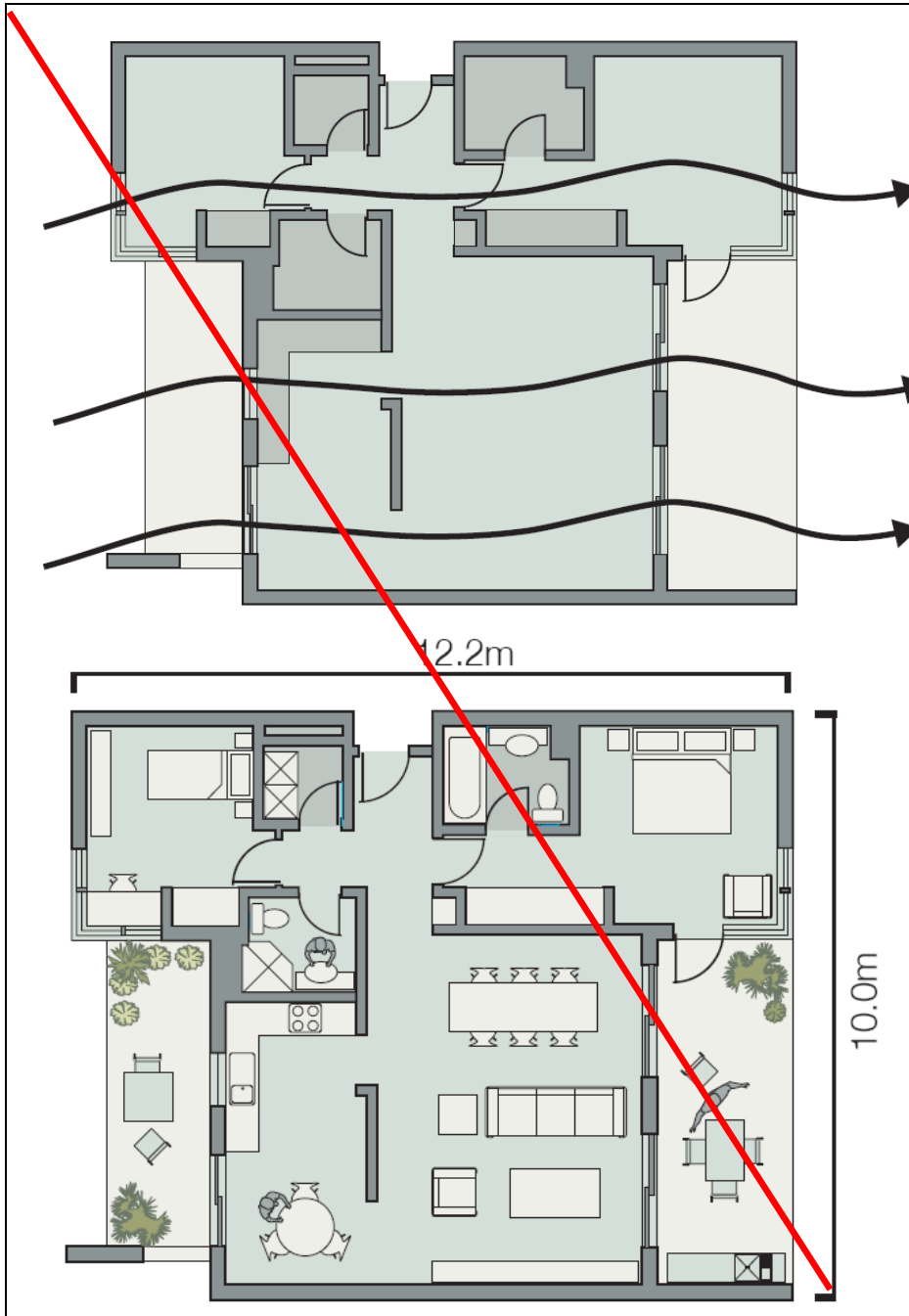


Figure 10 Cross Ventilation



**Storage Areas****Objective**

~~To provide for the need of residents to be able to store personal items adjacent to the car parking area.~~

**Controls**

- ~~1. A secure storage space is to be provided for each dwelling with a minimum volume 8 m<sup>3</sup> (minimum dimension 1m<sup>2</sup>). This must be set aside exclusively for storage as part of the basement or garage.~~
- ~~2. Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.~~

## 7. Amenity, Landscape, Deep Soil and Communal Open Space

### Yellow text box -

#### Objectives

- a) The site area and frontage of a proposed development is of sufficient size to accommodate a residential flat development building and provide adequate open space, deep soil zones and car parking.
- b) Integrate new development with the established setback character of the street or in accordance with the emerging pattern of development in areas undergoing transition.
- c) Ensure that the height, bulk and scale of development is compatible with neighbouring developments and both the established character and the desired future amenity of particular residential areas.
- d) Ensure that basement and building envelopes are sufficiently setback from boundaries as to not impact upon existing trees to maximise tree retention.
- e) Minimise any overshadowing and manage privacy of adjacent properties and their private or communal open spaces.

#### Controls

1. Larger balconies, particularly greater balcony depth, are encouraged to be beyond the minimum area and depth outlined within Part 4E-1 of the ADG particularly for three bedroom or greater apartments, subject to providing adequate privacy design to adjoining sites.
2. Storage within apartments, within the hallway of each level and storage cages within basements are encouraged to be beyond the minimum storage volume of part 4G-1 of the ADG particularly for three bedroom or greater apartments.
3. At a minimum, one communal clothes drying facility/area of adequate size based on the number and size of apartments shall be provided and not be visible from the street
4. External staircases should be minimised.
5. Balconies which face other residential lands are to include a solid (non-transparent) balustrade. Louvers may be used.
6. If an adjoining site does not contain a building which is 3 storeys or greater, the adjoining property must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: One living/rumpus room or the like, any solar collectors and minimum 50% of the private open space. For buildings 3 storeys or greater refer to part 3B of the Apartment Design Guide.
7. Communal open space is to be avoided on southern elevations to increase solar access and along major transport corridors to avoid amenity impacts. ~~Communal open space is to be avoided on southern elevations and not be located on a road frontage.~~
8. Communal open space located above the ground level shall incorporate privacy measures as per part 3F-2 of the ADG. (i.e. Privacy screening and/or be located towards the centre of a rooftop) to minimise privacy impacts to adjoining sites.
9. Rooftop communal open space areas, shall incorporate amenities such as shelter, BBQ facilities, seating, garden beds, green walls etc.

10. Impervious hard surfaced areas are to be minimised. (i.e. For pathways, storage, communal open space and amenity uses only).
11. Where tree removal cannot be avoided, each tree, recommended to be removed as per an Arborist Report prepared by a minimum AQF level 5 Arborist, is to be replaced at a two to one replacement ratio of a similar species and mature height, as recommended within the required Arborist Report prepared by a minimum AQF level 5 Arborist. Replacement tree selection shall predominantly comprise of native species.
12. For sites with multiple buildings, the areas between the buildings shall provide deep soil and high amenity areas including, wall art, garden and security lighting, seating and shelter and are:
  - a) To provide building separation that encourages a walkable environment and direct travel lines through the site.
  - b) To be designed to maximise solar access and CPTED principals.
  - c) Be designed in accordance with accessible requirements for persons with limited mobility.
  - d) Include a combination of soft and hard landscaping with tree plantings for shading and cooling.
  - e) Have the capacity for useable private open space to encourage socialisation and engagement.
13. Articulation is to be provided after a maximum wall length of 14m. If a building proposes a predominantly blank side/rear wall (i.e. minimal windows or balconies), the wall of the building is to include wall art/rendering.
14. A minimum of 25% of a site area is to be landscaped to ensure action 6.2 of Local Planning Priority 6 of Council's Local Strategic Planning Statement, 'Connected Liverpool 2040' is activated. Note: landscape area is defined within Liverpool LEP 2008 and this control takes precedence over Design criteria 1 of Objective 3E-1 of the ADG (Deep soil areas).
15. A minimum of 50% of the front setback (minimum 50% for primary street setback and 50% of secondary street setbacks if applicable) are to be landscaped. A minimum of 50% of the front setback area shall be landscaped area.
- ~~16. Deep soil as defined within 3B of the Apartment Design Guide is to be:
 
  - a) a minimum of 10% with minimum dimensions of 3m for sites with an area of 650m<sup>2</sup> to 1,500m<sup>2</sup>; and
  - b) 15% minimum dimensions of 6m for sites greater than 1,500m<sup>2</sup>.~~

- Landscaping – Deleted as contained within new section 7 (Amenity, Landscape, Deep Soil and Communal Open Space) of DCP and sections 3D, 3E, 4O and 4P of the ADG.
- Planting on structures – Deleted as contained within section 4P of ADG.
- Fencing – Majority of controls relocated to new section 9 of DCP.

## 7. Landscaping and Fencing

### Landscaping

#### Objectives

- a) ~~To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape.~~
- b) ~~To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape.~~
- c) ~~To ensure that the use of planting and landscape elements are appropriate to the scale of the development.~~
- a) ~~To retain existing mature trees within the site in a way which ensures their ongoing health and vitality.~~
- b) ~~To provide privacy, summer shade and allow winter sun.~~
- c) ~~To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.~~
- d) ~~To add value to residents' quality of life within the development in the forms of privacy, outlook and views.~~

#### Controls

1. ~~The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas.~~
2. ~~Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees.~~
3. ~~The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600—1800mm) especially along paths and close to windows and doors.~~
4. ~~Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.~~
5. ~~Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties.~~
6. ~~Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.~~

- ~~7. The development must be designed around significant vegetation on the site.~~
- ~~8. It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.~~
- ~~9. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.~~
- ~~10. Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years.~~
- ~~11. All species of trees and shrubs should be drought resistant.~~
- ~~12. Advanced tree species are to be used for key elements with the landscape design concept.~~
- ~~13. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.~~
- ~~14. Contribute to streetscape character and the amenity of the public domain by:
  - ~~— Relating landscape design to the desired proportions and character of the streetscape.~~
  - ~~— Using planting and landscape elements appropriate to the scale of the development.~~
  - ~~— Mediating between and visually softening the bulk of large development for the person on the street.~~~~
- ~~15. Improve the energy efficiency and solar efficiency of dwellings and the microclimate of private open spaces.~~
- ~~16. Planting design solutions include:
  - ~~— Trees for shading low angle sun on the eastern and western sides of a dwelling.~~
  - ~~— Trees that do not cast a shadow over solar collectors at any time of the year.~~
  - ~~— Deciduous trees for shading of windows and open space areas in summer.~~~~
- ~~17. Design landscape which contributes to the site's particular and positive characteristics, for example by:
  - ~~— Enhancing habitat and ecology.~~
  - ~~— Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate.~~
  - ~~— Retaining and incorporating changes of level, visual markers, views and any significant site elements.~~~~



Figure 11 Vegetation and fencing

### **Planting on Structures**

#### **Objectives**

- a) ~~To contribute to the quality and amenity of communal open space on podiums and internal courtyards.~~
- b) ~~To encourage the establishment and healthy growth of trees in urban areas.~~

#### **Controls**

1. ~~Design for optimum conditions for plant growth by:~~
  - ~~— Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established.~~
  - ~~— Providing appropriate soil conditions and irrigation methods.~~
  - ~~— Providing appropriate drainage.~~
  - ~~— Design planters to support the appropriate soil depth and plant selection by:~~
    - ~~— Ensuring planter proportions accommodate the largest volume of soil possible. Minimum soil depths will vary depending on the size of the plant. However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth.~~
    - ~~— Providing square or rectangular planting areas rather than long narrow linear areas.~~
2. ~~The following are recommended as minimum standards for a range of plant sizes:~~
  - ~~Large trees such as figs (canopy diameter of up to 16 m at maturity)~~
    - ~~— Minimum soil volume 150m<sup>3</sup>.~~
    - ~~— Minimum soil depth 1.3m.~~
    - ~~— Minimum soil area of 10 x 10m or equivalent.~~
  - ~~Medium trees (8m canopy diameter at maturity).~~
    - ~~— Minimum soil volume 35m<sup>3</sup>.~~
    - ~~— Minimum soil depth 1m.~~

- ~~-Approximate soil area of 6 x 6m or equivalent.~~
- ~~Small trees (4 m canopy diameter at maturity).~~
- ~~-Minimum soil volume 9m<sup>3</sup>.~~
- ~~-Minimum soil depth 0.8m.~~
- ~~-Approximate soil area of 3.5 x 3.5m or equivalent.~~
- ~~Shrubs: Minimum soil depths 500—600mm.~~
- ~~—Ground cover: Minimum soil depths 300—450mm.~~
- ~~Turf: Minimum soil depths 100—300mm.~~
- ~~Any subsurface drainage requirements are in addition to the minimum soil depths quoted above.~~

## **Fencing**

### **Objectives**

- ~~a) To provide a clear transition between public and private open space.~~
- ~~b) To provide variety in the streetscape.~~
- ~~e) To provide fencing that enhances the streetscape.~~

### **Controls**

#### **Primary Frontage**

- ~~1. The maximum height of a front fence is 1.2m.~~
- ~~2. The front fence may be built to a maximum height of 1.5m if the fence is setback 4m from the front boundary with suitable landscaping in front of the proposed fence.~~
- ~~3. Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.~~
- ~~4. The front fence must be 30% transparent.~~
- ~~5. Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.~~
- ~~6. The front fence may be built to a maximum of 1.8m only if:~~
  - ~~• The primary frontage is situated on a Classified Road.~~
  - ~~• The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion.~~
  - ~~• The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site.~~

#### **Secondary Frontage**

- ~~7. Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.~~
- ~~8. For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary.~~

#### **Boundary Fences**

- ~~9. The maximum height of side boundary fencing within the setback to the street is 1.2m.~~
- ~~10. Boundary fences shall be lapped and capped timber or metal sheeting.~~

## 8. Car Parking and Access

- **Car Parking – Some controls retained within new section 8 (Car parking and Basement Envelope) of DCP and within section 3H and 3J of the ADG.**
- **Pedestrian Access – Some controls retained throughout proposed amended DCP and pedestrian access is within section 3G of the ADG.**

### Car Parking

#### Objectives

- a) ~~To provide convenient, accessible and safe on site car parking for residents and visitors.~~
- b) ~~To minimise driveway crossings to maximise on street parking and landscaped nature strips.~~
- c) ~~To integrate the location and design of car parking with the design of the site and building without compromising street character, landscape or pedestrian amenity and safety.~~
- d) ~~To integrate the location and design of car parking with the design of the site and the building.~~

#### Controls

1. ~~Visitor car parking shall be clearly identified and may not be stacked car parking.~~
2. ~~Visitor car parking shall be located between any roller shutter door and the front boundary.~~
3. ~~Pedestrian and driveways shall be separated.~~
4. ~~Driveways shall be designed to accommodate removalist vehicles.~~
5. ~~Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.~~
6. ~~Give preference to underground parking, whenever possible by:~~
  - ~~Retaining and optimising the consolidated areas of deep soil zones.~~
  - ~~Facilitating natural ventilation to basement and sub-basement car parking areas, where possible.~~
  - ~~Integrating ventilation grills or screening devices of car park openings into the facade design and landscape design.~~
  - ~~Providing safe and secure access for building users, including direct access to residential dwellings, where possible.~~
  - ~~Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths.~~
7. ~~Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by:~~
  - ~~Avoid exposed parking on the street frontage.~~
  - ~~Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail.~~





Figure 12 Car parking at ground level

### **Pedestrian Access**

#### **Objectives**

- a) ~~To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain.~~
- b) ~~To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.~~

#### **Controls**

1. ~~Utilise the site and it's planning to optimise accessibility to the development.~~
2. ~~Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking areas, public streets and internal roads.~~
3. ~~Promote equity by:~~
  - ~~— Ensuring the main building entrance is accessible for all from the street and from car parking areas.~~
  - ~~— Integrating ramps into the overall building and landscape design.~~
  - ~~— Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space.~~
4. ~~Maximise the number of accessible and adaptable dwellings in a building by:~~
  - ~~— Providing more than one accessible entrance where a development contains clusters of buildings.~~
  - ~~— Separating and clearly distinguish between pedestrian accessways and vehicle accessways.~~
  - ~~— Locating vehicle entries away from main pedestrian entries and on secondary frontages.~~

## 8. Car Parking and Basement Envelope

### Objectives

- a) Ensure the design of the buildings and location of uses responds appropriately to the site, provides a high quality of amenity and protects visual privacy to future occupants and surrounding residential uses, provides substantial deep soil.
- b) Ensure basements do not unreasonably reduce the deep soil for a site.
- c) Ensure basements do not impact upon existing significant trees and ensure the trees retention.

### Controls

- 1) Basements are to be provided for all residential flat buildings. At grade car parking may be considered for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by chapter 2, part 2, division 5 of State Environmental Planning Policy (Housing) 2021.
- 2) Where above ground enclosed parking cannot be avoided, the design of the development is to ensure mitigation of any negative impact on the streetscape and street amenity including avoiding parking from fronting the street frontage and providing car parking behind the building façade.
- 3) Basements should avoid extending beyond the building envelope to maximise overall landscaped area for the subject site and are not to impact upon any existing significant trees on a site or on an adjoining site. Basements are not to reduce the overall deep soil for the subject site and are not to impact upon any existing significant trees on a site or on an adjoining site
- 4) Basement car parking shall be located beneath the building footprint.
- 5) Driveway walls adjacent to the entrance of a basement car park and visible above ground are to be treated so that their appearance is consistent with the building.
- 6) Car parking beyond the minimum requirement of 2 spaces as per LDCP 2008 Part 1 for 3 or more bedroom apartments is permitted.
- 7) Basements for residential flat buildings must demonstrate the location for Electrical distribution boards dedicated to electric vehicle charging in accordance with J9D4 of the National Construction Code.
- 8) All residential flat buildings must provide a car wash bay.
- 9) Pedestrian and driveways shall be separated.
- 10) Car parking allocated to adaptable apartments is to comply with the relevant Australian Standards for disabled parking.
- 11) Accessible/shared car parking spaces are to be located adjacent to elevators.
- 12) Stacked parking is not permitted unless allocated to the same unit. Stacked parking for visitor parking is prohibited.

13) Visitor car parking shall be clearly identified.

## 9. Amenity and Environmental Impact

- **Overshadowing – Controls retained and moved within new section 7 (Amenity, Landscape, Deep Soil and Communal Open Space) of DCP.**
- **Privacy – Intent of some controls retained throughout proposed amended DCP. Majority of controls deleted as visual privacy is listed under clause 149 of SEPP (Housing) 2021 and within section 3F of the ADG.**
- **Acoustic Impact – Deleted as within section 4H of ADG.**

### Overshadowing

#### Objective

~~To minimise overshadowing of neighbouring dwellings and their private open space.~~

#### Controls

1. ~~Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least:
 
  - One living, rumpus room or the like; and
  - 50% of the private open space.~~

### **Privacy**

#### Objectives

- a) ~~To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents.~~
- b) ~~To avoid any external impacts of a development, such as overlooking of adjoining sites.~~
- e) ~~To provide reasonable levels of visual privacy externally and internally, during the day and at night.~~
- d) ~~To maximise outlook and views from principal rooms and private open space.~~

#### Controls

1. ~~Building siting, window location, balconies and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.~~
2. ~~Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.~~
3. ~~Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.~~
4. ~~Where possible the ground floor dwellings should be located above ground level to ensure privacy for occupants of the dwellings.~~
5. ~~Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by:
 
  - Balconies to screen other balconies and any ground level private open space.
  - Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms.
  - Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space.~~

~~6. Use detailed site and building design elements to increase privacy without compromising access to light and air by:~~

- ~~— Offsetting windows of dwellings in new development and adjacent development windows.~~
- ~~— Recessed balconies and/or vertical fins between adjacent balconies.~~
- ~~— Solid or semi-solid balustrades to balconies — louvres or screen panels to windows and/or balconies.~~
- ~~— Fencing.~~
- ~~— Vegetation as a screen between spaces.~~
- ~~— Incorporating planter boxes into walls or balustrades to increase the visual separation between areas.~~
- ~~— Utilising pergolas or shading devices to limit overlooking of lower dwellings or private open space.~~

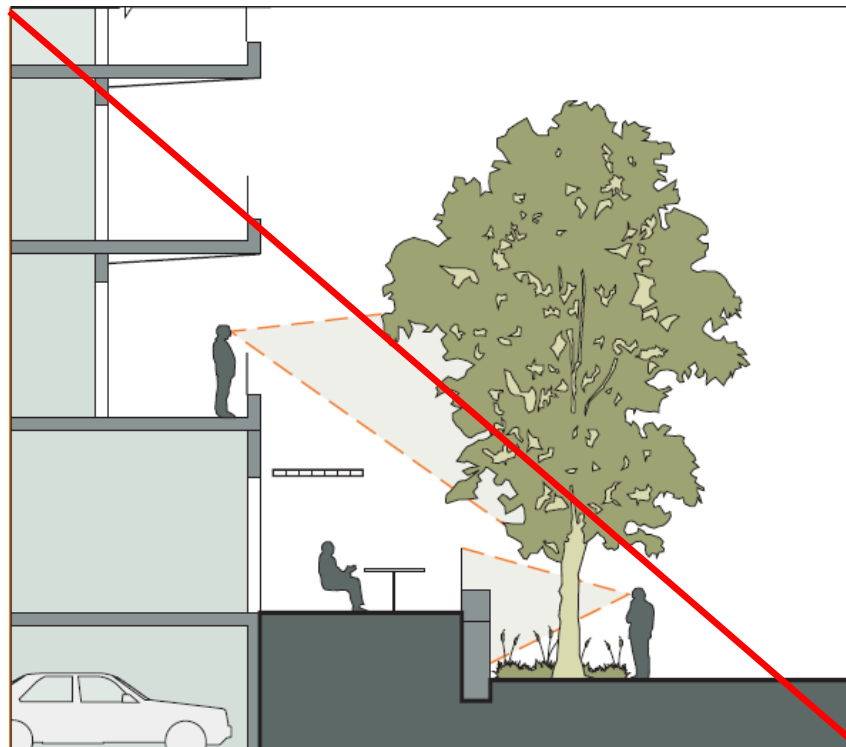


Figure 13 Screening and lower level balconies

#### Acoustic Impact

##### Objective

~~To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.~~

##### Controls

- ~~1. Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.~~
- ~~2. Buildings having frontage to a Classified Road or a railway and impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration~~

~~mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.~~

- ~~3. The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.~~
- ~~4. Arrange dwellings within a development to minimise noise transition between dwellings by:
  - ~~— Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms~~
  - ~~— Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas~~
  - ~~— Minimising the amount of common walls with other dwellings.~~
  - ~~— Design the internal dwelling layout to separate noisier spaces from quieter spaces by:~~
    - ~~— Grouping uses within a dwelling – bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.~~~~

## 9. Boundary fencing

### Objectives

- a) To provide a clear transition between public and private open space.
- b) To provide variety in the streetscape.
- c) To provide fencing that enhances the streetscape.

### Controls

1. Primary street fencing:
  - a) The maximum height of a front fence is to be 1.2m.
  - b) If the site has a frontage to a classified road, the front fence is permitted to be 1.8m height if the fence is articulated and includes plantings.
  - c) Front fencing is to be a minimum of 30% transparent.
  - d) Front fences are not to prevent passive surveillance by occupants of the street or communal areas.
  - e) Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling. Colourbond material for front fencing is not permitted.
  - f) Front fencing is not to impede safe sight lines from the street and from vehicles entering and exiting the site.
2. Secondary street fencing:
  - a) The maximum height of a secondary street fence is to be 1.8m.
  - b) For secondary street fencing within the front building envelope setback, the fence is to be a maximum height of 1.2m unless control 1B above applies for sites with a frontage to a classified road.
3. Other Boundary fencing:
  - a) For boundary fencing within the front building envelope setback, the fence is to be a maximum height of 1.2m, and should use visually permeable materials and treatments as per part 3C of the ADG unless control 1B above applies for sites with a frontage to a classified road

## 10. Site Services

- Letterboxes – Retained.
- Waste Management - Retained with one new control.
- Frontage works and damage to Council infrastructure – Retained.
- Electricity Sub Stations - Included fire boosters.
- Lift overrun – New section.
- Services between levels – New section.

### Objectives

- a) To ensure that the required services are provided.
- b) To ensure that the services provided are easily protected ~~of~~ & easily maintained.

### Controls

1. Letterboxes:
  - a) ~~4-~~ Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.
  - b) ~~2-~~ Freestanding letterbox structures should be designed and constructed of materials that relate to the main building.
  - c) ~~3-~~ Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.
2. Waste Management:
  - a. ~~4-~~ Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.
  - b. ~~2-~~ Any structure involving waste disposal facilities shall be located as follows:
    - i. ~~3-~~ Setback 1 m from the front boundary to the street.
    - ii. ~~4-~~ Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape.
    - iii. ~~5-~~ Not be located adjacent to an adjoining residential property.
  - c. Waste chutes on each level are encouraged.
  - d. ~~6-~~ Details of the design of waste disposal facilities are shown in Part 1 of the DCP and the Apartment Design Guide.
3. Frontage works and damage to Council infrastructure:
  - a) ~~4-~~ Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.
  - b) ~~2-~~ Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.
  - c) ~~3-~~ Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.



4. Electricity Sub Stations and fire **hydrant** boosters:

- a) Consultation shall be undertaken to deem if a fire **hydrant** booster is required and consultation shall be undertaken with the relevant energy provider to deem if an electrical substation is required at the development application stage.
- b) ~~a) In some cases it may be~~ If necessary to provide an electricity substation at the front of the development adjacent to a street frontage, this will involve dedication of the area as a public road to allow access by the electricity provider. ~~The front boundary treatment used elsewhere on the street frontage~~
- c) Services such as substations and fire booster assemblies must be integrated within the development. This may be through colours and materials and are to include measures to prevent graffiti (i.e. Plantings, artwork or louvre frame over the substation that retains access by the relevant agency). The shorter elevation of the substation is to face the street frontage.

5. Lift overrun:

- a) Any lift over runs to the rooftop of a building are to be demonstrated on the architectural plans at the development application stage.

6. Services between levels:

- a) The architectural plans submitted at development application stage are to ensure that the ceiling levels and finished floor levels nominated on the architectural plans include enough separation for any services **including duct space and access to duct space** required between the ceiling of the level below and finished floor level of the level above.

Updated with current  
end page, logo and  
details.



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**LIVERPOOL  
CITY  
COUNCIL**



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**Liverpool Development Control Plan 2008**  
**Part 4**  
**Development in**  
**Liverpool city centre**

**14 March 2024**

**Part 4 must be read in conjunction with Part 1**



## Liverpool Development Control Plan 2008

### Part 4 Liverpool city centre

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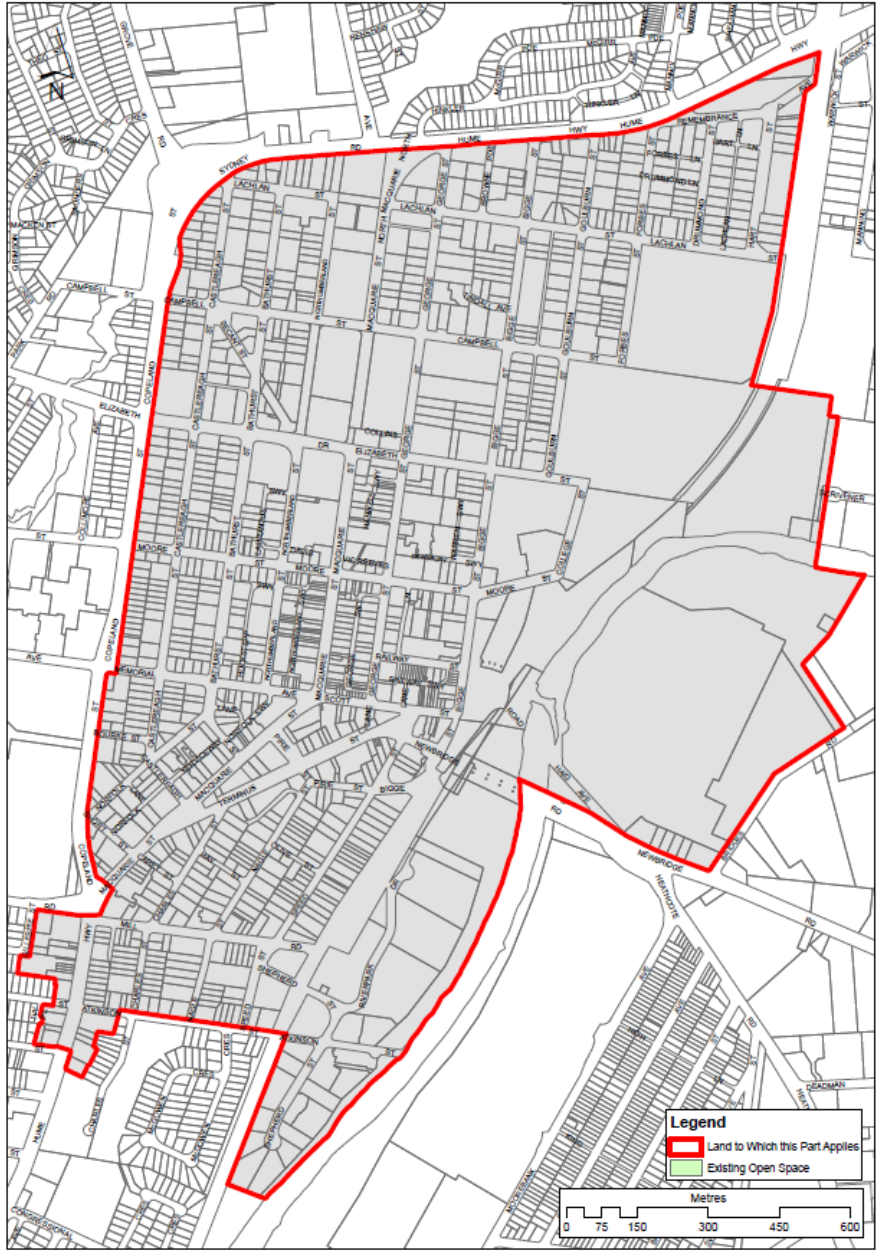
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## 4.1. PRELIMINARY

### Applies to

This Part applies to the area shown in Figure 4-1.  
Part 1 also applies to the area shown in Figure 4-1.

Figure 4-1: Land to which this Part applies



**Background**

The Liverpool city centre was identified by the Department of Planning as a regional city through the Sydney Metropolitan Strategy – A City of Cities in 2005. This status was confirmed in A Plan for Growing Sydney released by the Department of Planning and Environment in December 2014.

In March 2018 the Sydney Regional Plan, *A metropolis of three cities* was published by the Greater Sydney Commission (GSC), establishing a renewed planning framework for the Sydney region as a whole towards 2056. The Western City District Plan — connecting communities (WCDP), was finalised by the GSC in March 2018 also. The WCDP provides detailed planning direction for the future development of Liverpool city centre, as part of the Liverpool LGA.

**Liverpool city centre LEP revision**

In 2015 Council launched a review of the planning controls applying to Liverpool city centre. The city centre LEP review sought to revitalise Liverpool city centre, to create a mixed-use, vibrant 18-hour city centre, a walkable city that offers living, recreation and work opportunities and a city focused along the river. To this end it was decided to significantly expand the area of B4 – Mixed Use zoned land and reduce the area of land zoned B3 – Commercial Core. This amendment to Liverpool Local Environmental Plan (LLEP) 2008 — Amendment 52, was gazetted and came into force on 5 September 2018.

In addition to rezoning land to reduce the size of the Commercial Core and expand the area of Mixed Use zoned land, Amendment 52 defined legible character precincts based on ownership, subdivision, street block patterns, and the role of the public domain. It also specified an urban form that responds to the character of each precinct, has different building typologies, and offers different economic opportunities.

Amendment 52 enables individual owners to develop sites without the requirement for amalgamation, improves connectivity to and within the city centre, de-couples car parking from development where appropriate and develops consistent urban form, where possible, for new development within the city centre. It is envisaged that increasing the number of residents in the city centre will activate the city centre, and will lead to increased demand for retail and services, resulting in more jobs.

This Part of Liverpool Development Control Plan (LDCP) 2008 seeks to provide appropriate development objectives and controls that will facilitate development in Liverpool city centre in concert with the Liverpool Local Environmental Plan (LLEP) 2008.

**Characteristics of the Liverpool city centre**

The character of Liverpool city centre can be divided into specific areas which have a number of character elements as described below. The character areas are illustrated in **Figure 4.2** below. However, where appropriate, reference is also made to which precinct, illustrated on the FSR map as amended by Amendment 52, also applies:

- Mixed Use (Area 7 and Area 8).
- High Density Residential.
- Education and Medical Precinct (Area 9).
- Commercial Core (Area 10)
- Standalone sites (including Area 11)
- City Centre Riverfront.
- Georges River Precinct.

**Commercial Core**



Land considered as part of Amendment 52, but which retains the B3 — Commercial Core zoning. Council aims to increase employment in the city centre to a total of 30,000 jobs by 2031. Commercial development is encouraged throughout the Mixed Use and Commercial Core areas of the city centre.

Liverpool city centre's commercial core is located near the public transport interchange on land bounded by Elizabeth Street to the north, Bigge Street to the east, George Street to the west and Railway Street to the south. In addition, the existing Westfield shopping centre is also part of the Commercial Core. Preservation of a Commercial Core in the city centre will support the broader base of uses likely to arise in the Mixed Use areas. Retail development will continue to be focused around the Macquarie Street Mall and Westfield shopping centre, though retail uses will also be permitted throughout the Mixed Use and Commercial precincts.

#### **Mixed Use**

Amendment 52 expanded the area of Liverpool city centre zoned B4 – Mixed Use. Land zoned B4 – Mixed Use may be developed for a range of retail/commercial and residential uses. Three new precincts have been defined for the rezoned sites in Liverpool city centre and some existing B4 sites. These precincts relate to the existing site characteristics, ownership patterns and subdivision patterns. The precincts are identified as Fine Grain, Midrise and Long Term Civic Sites. Certain lots within the Mid-Rise and Long-term Civic Sites (in addition to the Commercial Core) precincts may be developed pursuant to clause 7.5A of LLEP 2008, but only if they meet lot size and access requirements.

The Fine Grain and the Midrise sites use a perimeter block typology, defined by building envelopes (see 4.22 below). The building envelopes enable buildings constructed to these profiles to relate to each other and the street network.

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

#### **High Density Residential**

Liverpool city centre is an increasingly popular residential destination. The Commercial Core and Mixed Use areas of the city centre are surrounded by R4 – High Density Residential zoned land. With the growth of the hospital, there will be increasing demand for accommodation for health workers. One of Council's aims is to improve access to residential areas and the city centre.

In addition to significant residential development in the Mixed Use areas of the city centre, residential development will be focused around the northern, western and southern periphery. It is desirable that the frontages to Macquarie Street at Pioneer Park accommodate retail/café/restaurant activities at ground floor with residential and potentially some office space on floors above. Shepherd Street (at the southern extremity of the city centre) offers the potential to accommodate residential development with good access to the Georges River. Planning controls have been reviewed to assist this outcome.

#### **Education and Medical Precinct**

The Education and Medical precinct is located on the eastern edge of the city centre. It is defined by the South-Western Sydney Area Health Service (Liverpool Hospital) and attendant medical centres and clinics, the Liverpool Private Hospital, public and private schools, and the Liverpool TAFE buildings. The precinct is centred on historic Bigge Park and the Francis Greenway-designed old Liverpool Hospital, now part of TAFE.

LLEP 2008 identifies Liverpool Hospital as a Long-Term Civic Site so that the site may develop using a concept development application and with a full range of building typologies.

#### **Standalone sites**

Standalone sites, as illustrated in **Figure 4.2**, describes a number of sites in certain locations around the city centre, which have been rezoned by Council independently of Amendment 52. The sites have been recognised by Council with development standards which will encourage architecturally significant buildings. It is envisaged that these buildings will develop using the tower on podium building typology.

#### **City centre riverfront**

Liverpool city centre was the first of the 'Macquarie towns', chartered by Governor Lachlan Macquarie in 1810. From its foundation, the city identity was closely connected to the Georges River. Since the development of the railway line along the river as early as 1856, the city centre has become increasingly divorced from the river. The State Rail Freight Line, which runs alongside the passenger line immediately adjacent to the river, has further divided the city and obstructs connections across the Georges River, both physically and visually.

The natural edge of the Georges River and the Chipping Norton lakes system is one of Liverpool's most valuable assets. Opportunities exist to create continuous urban parkland. Council is committed to exploring improved connections from the city centre to the river and to Moorebank.

#### **Georges River Precinct**

The Georges River Precinct has been identified for potential city centre expansion due to the large sites, the limited ownership and proximity to the train station. The site has a number of constraints however, including the location of the railway line, which presents a barrier to access to the city centre, the river and the site's location within the 1% AEP (i.e. 100 year flood). There is limited existing connectivity to the city centre.

#### **Streets, Laneways and Serviceways**

The Hoddle grid, adopted as the township plan shortly after Governor Macquarie founded Liverpool, provides an excellent and legible framework for development. It has a vital role in determining the city's built form.

Streets make up the largest area of public space in Liverpool city centre. Used primarily for traffic and pedestrian movement, they also accommodate business, shopping, festivals, dining, socialising and entertainment. Within the formal grid of north-south and east-west streets there are serviceways (lanes) and arcades. Currently the serviceways do not generally provide direct connections between streets but the arcades do.

In the southern part of the city centre, the grid distorts in response to the topography, forming a secondary grid. The meeting of the regular Hoddle grid with the secondary grid along Memorial Avenue creates corner blocks with obtuse and acute angles. This provides a valuable opportunity to reinforce the character and streetscape quality of Liverpool city centre.

The core of the city centre is bounded by Bathurst Street, Campbell Street, Bigge Street, Pirie Street and Terminus Street. These streets carry the bulk of through traffic around the city centre to access the major arterials – Newbridge Road, Hoxton Park Road, the Hume Highway, Elizabeth Drive and the Cumberland Highway.

The network of serviceways complements the dominant qualities of the main streets. Hidden

within the blocks, the serviceways have the potential to be extended to provide important direct pedestrian links to the streets. If this can be achieved, the serviceways have the capacity to improve permeability and provide spaces that diversify and enrich the city structurally and economically. The active street frontages along Macquarie Street and throughout the city centre are also an asset that should be maintained and expanded.

The development controls in this Part complement the amended LLEP 2008 and define the built form required to ensure that the amenity of the streets and lanes/serviceways is protected and enhanced.

#### **Satisfactory arrangements**

At the request of Transport for NSW, Council conducted a review of the transport needs that would be created by the additional residential development that would be made possible by rezoning much of the existing commercial core of the city centre to permit residential development. The review made a number of recommendations, including that a range of improvements to designated State public infrastructure would be required to support the planned residential growth.

In order to fund the required infrastructure improvements, clause 6.4A of LLEP 2008 indicates that the development of any and all residential accommodation on land within the intensive urban development area of Liverpool city centre (i.e. "Area 7", "Area 8", "Area 9", "Area 10" or "Area 11" shown on the Floor Space Ratio Map), must demonstrate via written confirmation from the Secretary of the DP&E that, according to clause 6.4A(2), "satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relationship to the land on which the development is to be carried out."

The satisfactory arrangements provision must be satisfied prior to the determination of a DA which includes residential development. It is expected that the satisfactory arrangements will take the form of an additional levy on residential development, and may require the making of the planning agreement with the DP&E.

Development of hotel, motel, backpacker, bed-and-breakfast or serviced apartment accommodation is not considered "residential development" and will not be subject to satisfactory arrangements as described in clause 6.4A of LLEP 2008.

#### **Site-specific Development Control Plan**

Clause 6.6, Development control plan, of LLEP 2008 requires that:

- (1) Development consent must not be granted for development on land in an urban release area or intensive urban development area unless a development control plan that provides for the matters specified in subclause (2) has been prepared for the land.*

The "intensive urban development area" is defined in clause 6.4A as being "Area 7", "Area 8", "Area 9" or "Area 10" shown on the Floor Space Ratio Map.

Proposed development that does not rely on clause 7.5A of LLEP 2008 (see Section 2.1.4 below), would not require the lodgement of a site-specific DCP. Council will accept an assessment of compliance with Part 1 and Part 4 of LDCP 2008 in lieu of the submission of a site-specific DCP. For development undertaken pursuant to the floor space bonuses described in clause 7.5A of LLEP 2008, please refer to Section 4.2.5 of this Part.

## 4.2. CONTROLS FOR BUILDING FORM

### 4.2.1 Building form

#### **Background**

Building form refers to the individual elements of building design that collectively contribute to the character and appearance of the built environment. LLEP 2008 includes provisions for land use, building heights, sun access, floor space ratio (FSR) and design excellence. The development controls in this Part of the DCP are intended to reinforce the desired outcomes for the city centre. The resulting built form and character of new development should contribute to an attractive public domain in Liverpool city centre and produce a desirable setting for the intended uses.

The provisions in the Apartment Design Guidelines (ADG) associated with State Environmental Planning Policy (Housing) 2021 – Chapter 4 (Design of residential apartment development) are incorporated in this DCP to apply to all residential development in the Liverpool city centre including apartments, any residential component of a mixed use development, and serviced apartments that are strata titled. Where there is an inconsistency between other provisions in the ADG and this DCP, the ADG prevails to the extent of the inconsistency.

Within the existing Liverpool city centre, the diversity of uses is reflected in the different building typologies. These are:

- Perimeter Block (accommodating commercial and residential uses).
- Towers on a Podium (accommodating commercial and residential uses).
- Detached Buildings (apartment buildings, religious, commercial, education and medical uses).

LLEP 2008 identifies specific precincts on the FSR map for Liverpool city centre (Area 7, Area 8, Area 9, Area 10 and Area 11). The precincts relate to specific character areas defined in this Part as follows:

- “Area 7” is the Fine Grain Precinct;
- “Area 8” is the Midrise Precinct;
- “Area 9” is the Long-Term Civic Sites Precinct;
- “Area 10” is the Commercial Core Precinct; and
- “Area 11” is the Standalone site known as 77-83 Moore Street and 193 Macquarie Street.

The precincts are shown in **Figure 4-2**.

#### **Objectives**

1. Establish the scale, dimensions, form and separation of buildings as appropriate for the city centre and the range of uses.
2. Provide a strong definition of the public domain with buildings on a common alignment.
3. Promote building frontages with good connections to the street.

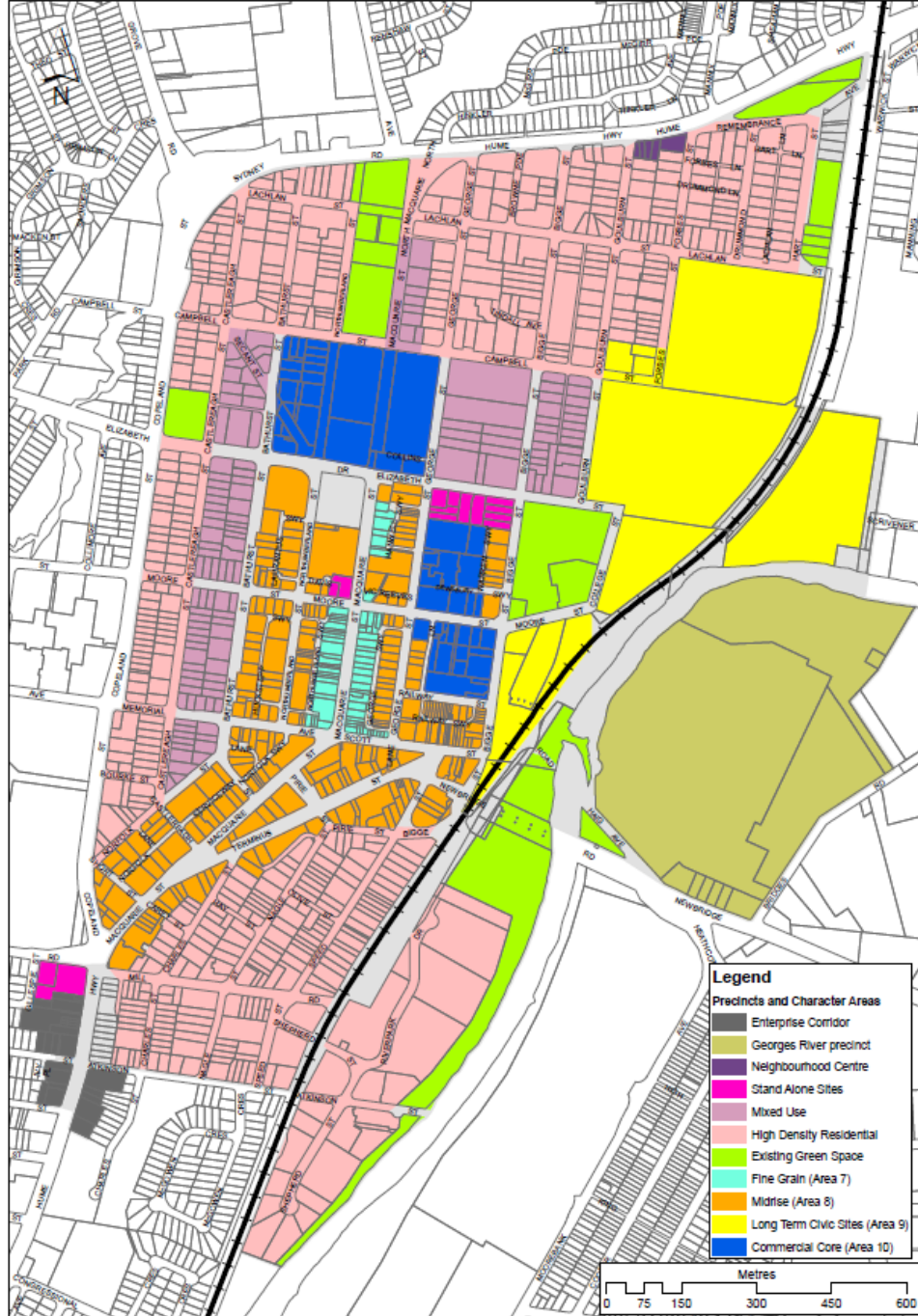
#### **Controls**

Develop new buildings in Liverpool city centre using the following building typologies for precincts as identified in **Figure 4-2**:

1. Perimeter block typology for Fine Grain precinct.
2. Perimeter block typology for Midrise precinct, with the exception of those Midrise sites developed pursuant to clause 7.5A of LLEP 2008 (which may also be developed with a tower on podium typology).

3. Perimeter block, tower on podium or detached building typology for Long Term Civic Sites.
4. Tower on podium or detached building typology for standalone sites.
5. Perimeter block, tower on podium or detached building typology for Commercial Core sites.
6. Perimeter block, or detached building typology for Mixed Use.
7. Detached building typology for High Density Residential sites.
8. Perimeter block, or detached building typology for Enterprise Corridor sites and Neighbourhood Centre sites.

Figure 4-2 Precincts



## 4.2.2 Building Envelopes

### **Background**

Building envelopes provide buildings with a strong address to the street, ensure compatibility between sites and maintain a suitable relationship to the scale of existing buildings. The lower scale buildings on the Fine Grain and Midrise sites contribute to the character of the existing city centre and make a positive contribution to its vitality, image and identity.

Midrise and Commercial Core sites of over 1,500m<sup>2</sup> in area may be developed as described in clause 7.5A of LLEP 2008 in certain circumstances. See section **4.2.5 Controls for sites requiring the submission of a DCP** for greater clarification.

## 4.2.3 Controls for the Fine Grain Precinct

### **Background**

The Fine Grain Precinct is identified on **Figure 4-2**. Fine Grain Sites are small sites that have a very important role for pedestrian interface along streets. They are important because of their short frontages to streets, variety of uses, but also because the diverse ownership offers significant contrast of character, opening hours and price-point for retail offerings.

### **Objectives**

1. Create a contiguous street wall even though sites are developed independently.
2. Address solar access/privacy and light within the building envelope so that separate studies are not required.
3. Provide active street and lane/serviceway frontages.
4. Encourage development without car parking on site.

### **Controls**

Design new buildings in the Fine Grain Precinct as follows:

1. Construct a maximum of four storeys to the street and four storeys to the serviceway frontages, with an additional two storeys set back to street frontages in accordance with **Figures 4-3 and 4-4**.
2. Locate retail uses at the ground floor on street and lane/serviceway frontages (where possible).
3. Develop no more than one level of (at grade) car parking (where necessary), which is to be appropriately screened or sleeved.
4. Provide parking in accordance with LLEP 2008 provisions or make an alternative arrangement to the satisfaction of Council.

Figure 4-3: Fine Grain/Mid-Block

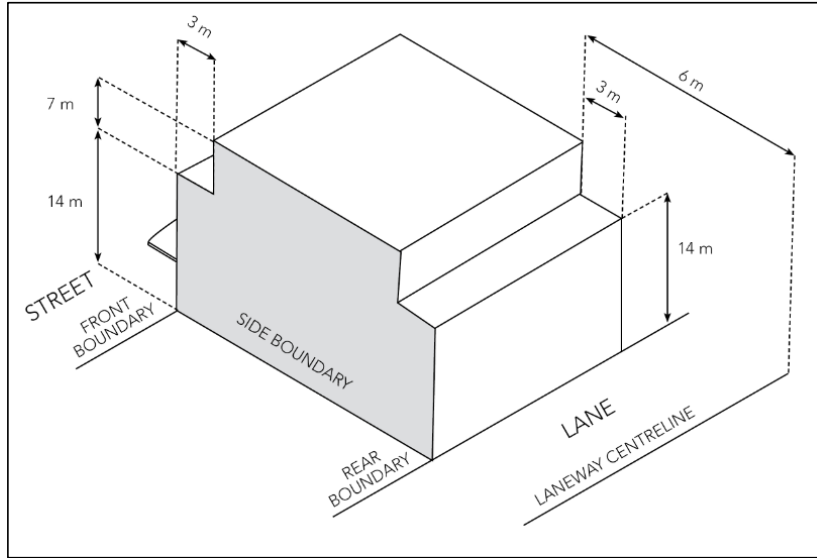
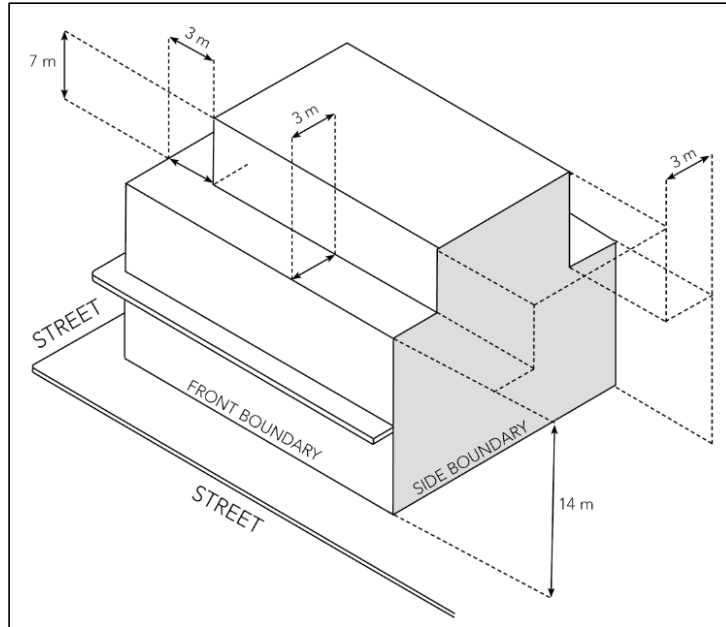


Figure 4-4: Fine Grain/Corner





#### 4.2.4 Controls for the Midrise Precinct

##### **Background**

The Midrise Precinct is identified on **Figure 4-2**. Midrise Sites are capable of accommodating more development than Fine Grain Sites. They are important because of the relatively short-frontages to streets and their diverse range of uses. Differing ownership also provides a variety of use and form that single ownership of large city buildings does not achieve.

##### **Objectives**

1. Form a contiguous street wall even though sites are developed independently.
2. Address solar access/privacy and light within the building envelope so that separate studies are not required.
3. Provide active street and lane/serviceway frontages.
4. Allow flexibility of uses within the building envelope (long life/loose fit) that can change over time.
5. Provide parking for the development on site.

##### **Controls**

Design new buildings in the Midrise Precinct as follows:

1. Construct buildings to a maximum of six storeys to the street and four storeys to the lane/serviceway frontages, with an additional two storeys set back to both frontages in accordance with **Figures 4-5** and **4-6**.
2. Develop retail uses at the ground floor at street and lane/serviceway frontages (where possible).
3. Develop at least one level above the ground floor for a commercial use, or that is capable of being adapted to a commercial use.
4. Provide parking in a basement car park. No more than one level of service (at grade) car parking is permitted and this is to be appropriately screened or sleeved.
5. Provide parking in accordance with the LLEP 2008.

Figure 4-5: Mid-Rise/Mid-Block

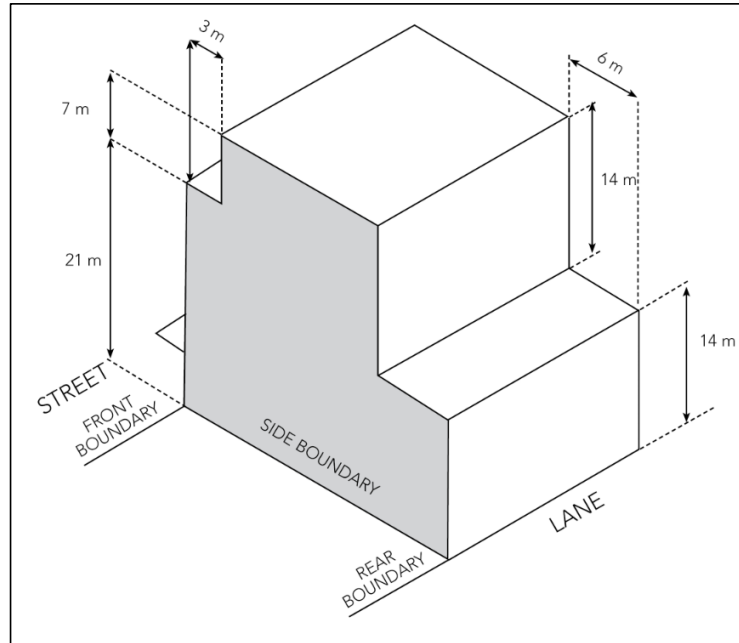
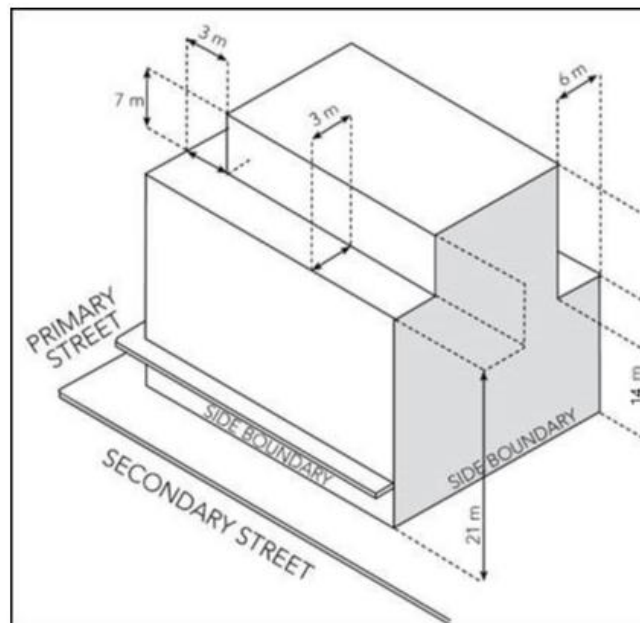


Figure 4-6 Mid-Rise/Corner



#### **4.2.5 Controls for sites that require the submission of a site specific DCP or concept DA**

##### **Background**

Clause 7.5A of LLEP 2008 provides additional provisions relating to certain land in Liverpool city centre. This section specifies the requirements for a lot to be developed according to the provisions of clause 7.5A.

The provisions of clause 7.5A are not considered development standards and therefore may not be varied according to clause 4.6 of LLEP 2008. Minimum requirements for the development of a lot pursuant to clause 7.5A are:

- That the lot is situated within "Area 8", "Area 9" or "Area 10" on the Floor Space Ratio Map; and
- Has a lot size exceeding 1500m<sup>2</sup>; and
- Has two or more street frontages.

Pursuant to clause 7.5A(2), any building which is proposed to exceed the maximum height shown for the land on the Height of Buildings Map, and the maximum floor space ratio shown for the land on the Floor Space Ratio Map for the site (to a maximum FSR of 10: 1 in "Area 8" or "Area 10" and 7:1 in "Area 9"), must be developed so that at least 20% of the gross floor area is used for the purposes of:

- business premises;
- centre based childcare facilities;
- community facilities;
- educational establishments;
- entertainment facilities;
- food and drink premises;
- functions centres;
- information and education facility;
- medical centres;
- public administration buildings; or
- retail premises.

The Dictionary of LLEP 2008 defines the meaning and development requirements of each of the specified uses.

Development of sites pursuant to clause 7.5A of LLEP 2008 will require the submission of a DCP. According to section 4.23(2) of the EP&A Act 1979:

*(2) However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*

In other words, the requirement to lodge a DCP pursuant to clause 7.5A(3)(a) of LLEP 2008, may be satisfied by the lodging of a concept development application pursuant to the requirements of section 4.23 of the EP&A Act 1979 instead. It is to be noted however, that section 4.23(3) of the EP&A Act also applies to any such application meaning that:

*3) Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.*

**Objectives**

1. That development of sites within Liverpool city centre pursuant to clause 7.5A demonstrates the appropriate mix of uses and standards of design excellence.
2. Provide appropriate parking for the development on site.
3. Provide active street and lane/serviceway uses .

**Controls**

1. Sites that require the submission of a DCP are to be developed pursuant to the adopted site specific DCP or a concept development application consistent with Division 4.4 of the EP&A Act 1979 and clause 7.5A of LLEP 2008.
2. Clause 7.5A(3)(b) of LLEP 2008 specifies that any proposed development which seeks to utilise the additional provisions relating to certain land in Liverpool city centre must yield a public benefit, in that the site on which the building is to be located must also include one or more of the following uses (NB: in order to provide the required public benefit, these uses must be publicly accessible):
  - recreation areas;
  - recreation facilities (indoor);
  - community facilities;
  - information and education facilities;
  - through site links; or
  - public car parks.

Each land use that is required to yield public benefit (with the exception of “through site links” and “public car parks”, defined below), is defined in the Dictionary of LLEP 2008. The size, scale, location and detailed use of any such proposed development, must be included in the required site specific DCP or concept development application, and be to the satisfaction of Council.

**Through site links** are only to be developed on those sites indicated in Figure 4.12 and must be developed in accordance with the requirements of section 4.3 Pedestrian Amenity.

**Public car parks** are only to be developed with the written permission of Council and must be vested in or under the control of Council. Provision of public car parking must be consistent with Council's Parking Strategy and locational requirements. Any such public car park must be of sufficient scale and located so as to be of a public benefit acceptable to Council.

3. The concept development application lodged pursuant to clause 7.5A of LLEP 2008, must demonstrate how the proposal addresses all matters described in 7.5A(4)(a-m), as follows:

***(a) the suitability of the land for development.***

The site specific DCP or concept development application must articulate planning and design principles relating to development of the land and explain how these address Part 4 of Liverpool Development Control Plan 2008 and any other relevant documents or plans. It must include an analysis of the characteristics and the local context of the land to which it applies.

It must conceptually outline and show graphically the proposed site layout and planning for the development of the land, including the conceptual vertical and horizontal distribution of potential future uses, arrangement, footprint, envelopes and

mix of building types. Through analysis of a number of illustrated options for redevelopment it must determine the preferred approach,

**(b) the existing and proposed uses and use mix.**

The site specific DCP or concept development application must describe the existing uses of any building currently occupying the site, and the proposed use mix to be developed on the site (noting additional use requirements outlined in control 1 above),

**(c) any heritage issues and streetscape constraints.**

The site specific DCP or concept development application must describe how the proposal will address all heritage items in the vicinity, in accordance with the requirements of clause 5.10 of LLEP 2008 and section 4.6.1 of this Part,

**(d) the impact on any conservation area.**

The site specific DCP or concept development application must indicate how any proposed development within the Bigge Park Conservation Area addresses the requirements of clause 5.10 of LLEP 2008 and section 5.10 of this Part,

**(e) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form.**

Liverpool city centre is a mixed-use environment. The site specific DCP or concept development application must ensure that any proposed residential tower is consistent with ADG separation and side setback distances, taking into account existing or proposed towers on the same site or neighbouring sites. Siting of all proposed towers, residential or commercial, must be consistent with clause 7.4 of LLEP 2008 Building separation in Liverpool city centre,

**(f) the bulk, massing and modulation of buildings**

The site specific DCP or concept development application must illustrate the proposed bulk, massing and modulation of buildings to be developed on the site,

**(g) street frontage heights.**

The site specific DCP or concept development application must indicate the street frontage heights of any proposed building. A tower on podium building is to be designed so that the podium is:

- a. four to six storeys in height at the primary street frontage;
- b. four storeys in height to the lanes and/or serviceways; and
- c. 6 metres from a side/rear boundary if the site is adjoining a property that is not zoned B4 – Mixed Use or contains a stand-alone building. The setback should be in accordance with the ADG,

**(h) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity.**

The site specific DCP or concept development application must illustrate how the proposed design will satisfactorily address environmental impacts on the public domain and other sites in proximity, depending on the scale of the development. Designs must ensure the streetscape environment is of pedestrian scale and ensures human qualities of solar access, shade and amenity are provided and negative elements such as noise and wind are minimised,

**(h) the achievement of the principles of ecologically sustainable development.**

The site specific DCP or concept development application must illustrate the ways by which the development proposed maximises ecological sustainability,

**(i) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use.**

The site specific DCP or concept development application must incorporate a Transport Management and Access Plan (TMAP). The TMAP must illustrate how the

proposed development will encourage sustainable transport including:

- measures to encourage increased use of public transport, walking and cycling;
- provisions for access (for pedestrians, cyclists and vehicles including heavy vehicles), circulation and car parking; and
- other measures to reduce car use (e.g. carpooling and car-share services),

**(j) the impact on, and any proposed improvements to, the public domain.**

The site specific DCP or concept development application must demonstrate how the proposed development will integrate with and/or make improvements to the existing public domain, including the provision of setbacks where required. The site specific DCP or concept development application must include a detailed public domain plan.

Improvements to the public domain include:

1. Contributing to the urban tree canopy through new street tree plantings consistent with the Liverpool CBD Streetscape and Paving Manual 2018.
2. Providing street furniture and pedestrian amenity items.
3. Installing high quality pedestrian paving consistent with the Liverpool CBD Streetscape and Paving Manual 2018.
4. Integrating public art in accordance with section 4.3.10 of this Part.
5. Making provision for pedestrians to access to sunlight and shade.
6. Providing a design that contributes to activation of street frontages.
7. Integration of WSUD elements to improve vegetation success within the public domain,

**(k) achieving appropriate interface at ground level between buildings and the public domain.**

The site specific DCP or concept development application must demonstrate how all buildings, including any proposed tower building, achieves an appropriate interface at ground level with existing and proposed buildings and the public domain, according to the requirements of Section 4.3.1 to 4.3.10 of this Part.

Electricity substations and waste collection points must be appropriately integrated into the building design to minimise disruption and visual clutter in the ground plane and streetscape,

**(l) the excellence and integration of landscape design.**

The concept development application must demonstrate compliance with section 4.2.13 of this Part.

4. Locate non-residential uses at ground level that address all street frontages (and laneway/service way frontages, where possible).
5. Develop a maximum of two levels of above-ground car parking, provided it is sleeved by other uses on street frontages and appropriately screened or sleeved by other uses on lane/serviceway frontages. Aboveground parking must achieve minimum floor to ceiling heights that would permit adaption for another use (e.g. commercial/retail or residential).
6. Construct buildings according to the requirements illustrated in **Figure 4.7**, **Figure 4.8** or **Figure 4.9**, depending on the location of the site.

Figure 4-7: Tower on a Podium/Mid-Block

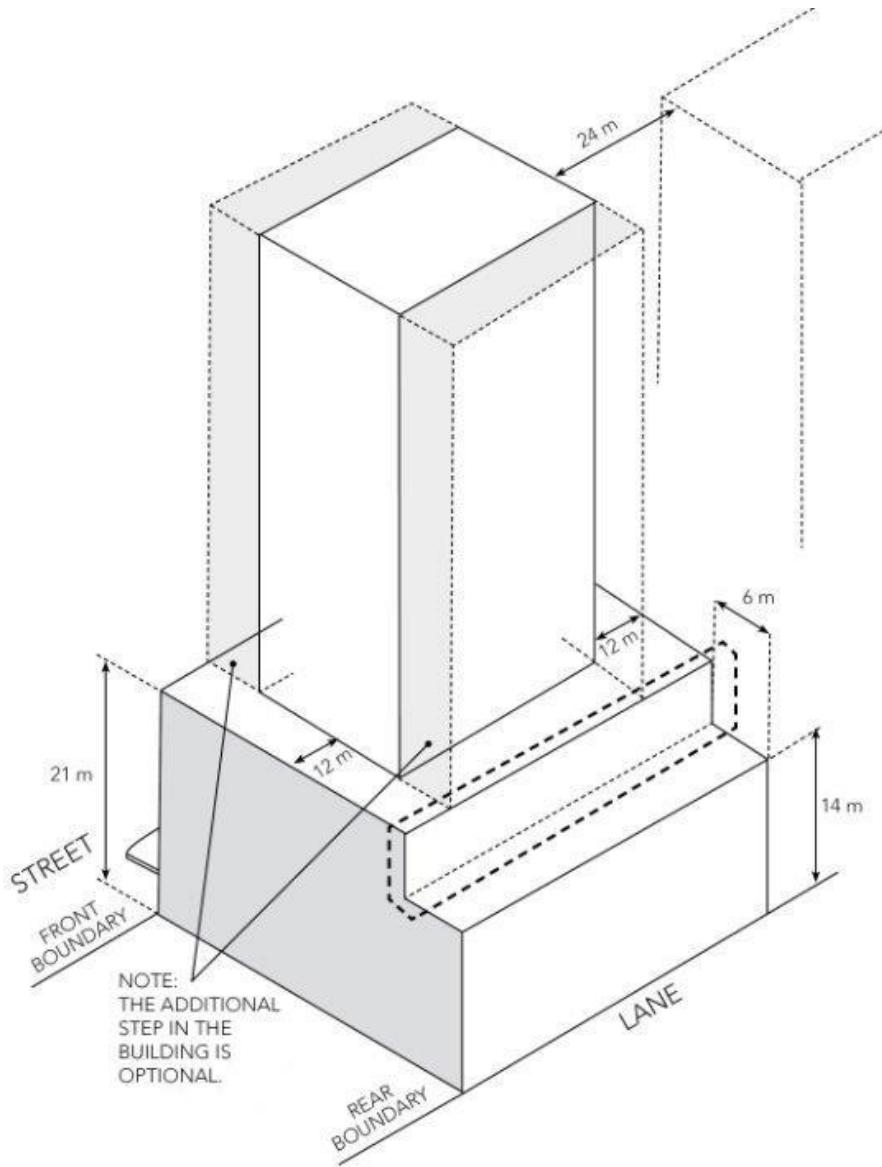


Figure 4-8: Tower on a Podium/Corner Site

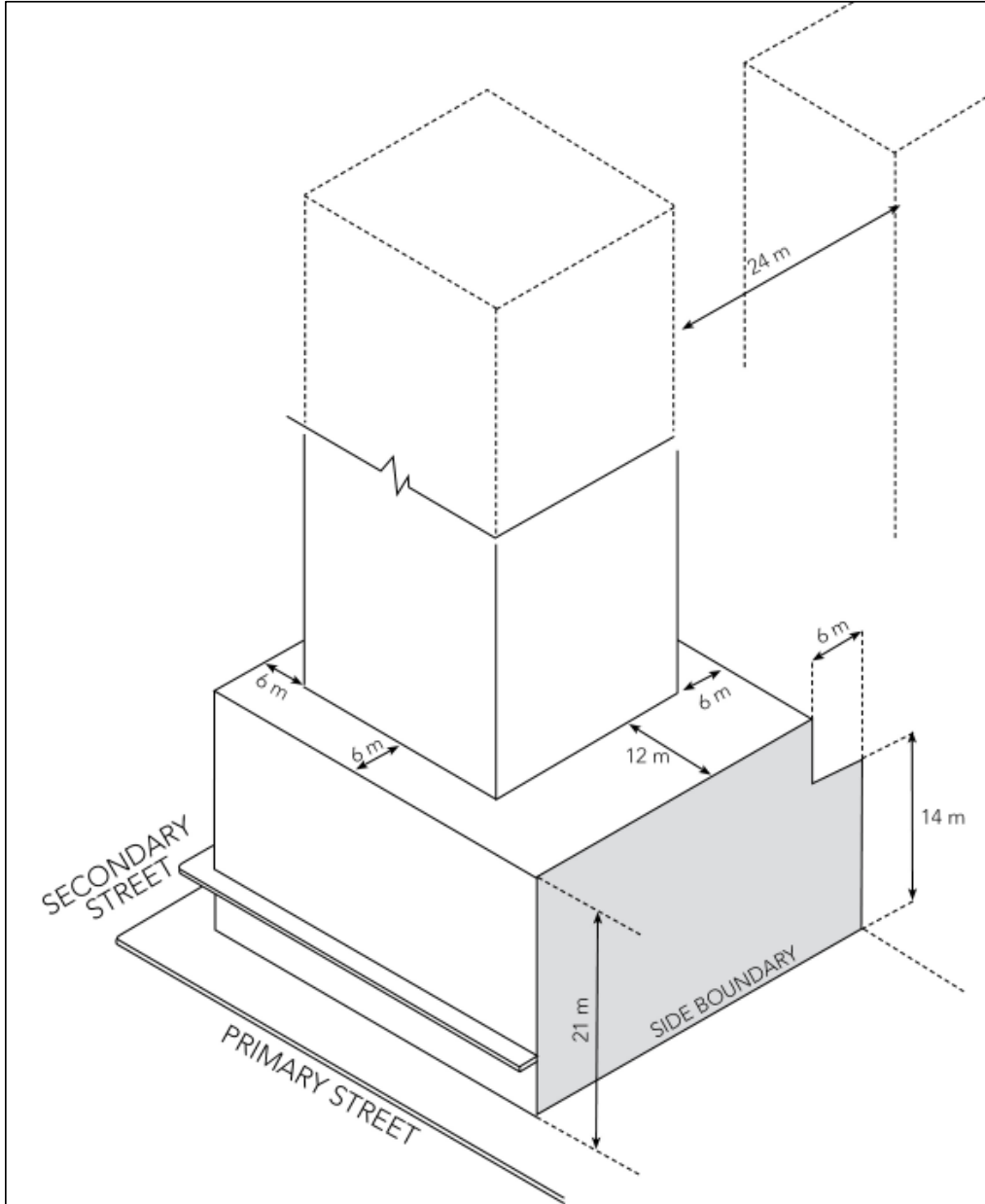
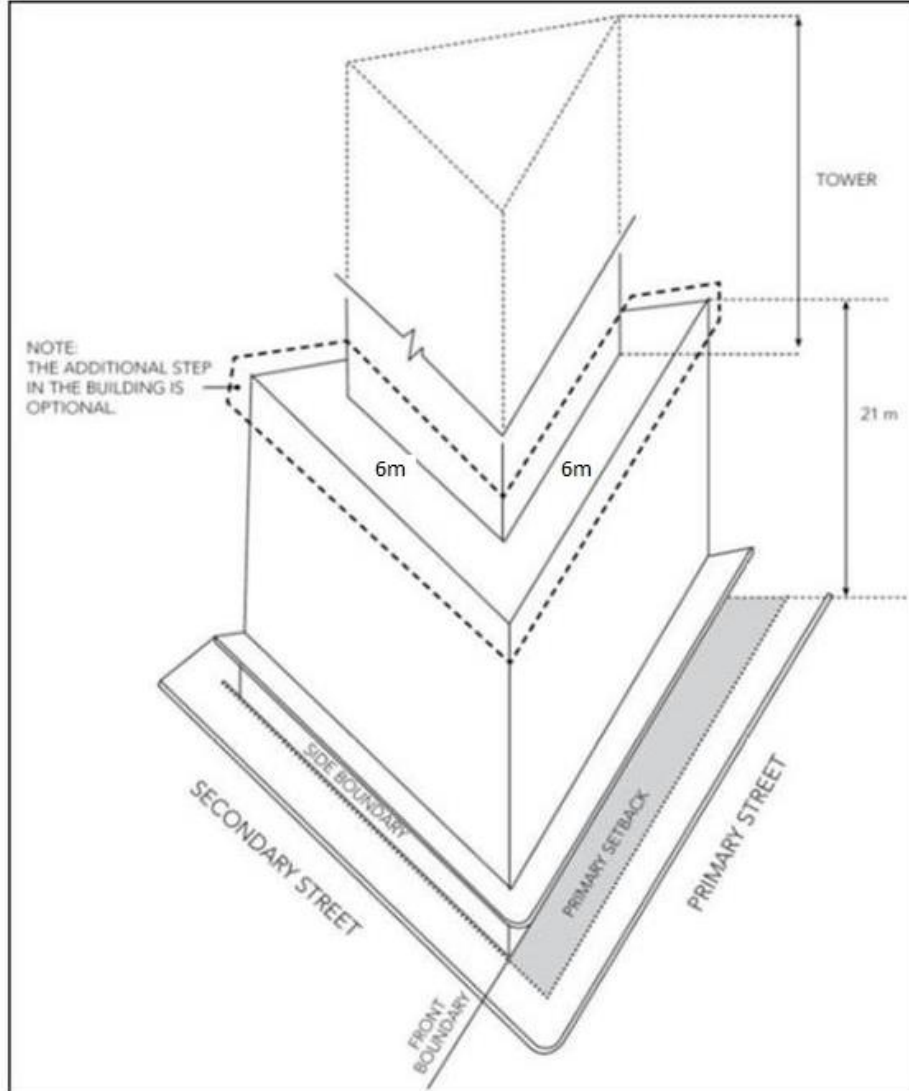




Figure 4-9: Tower on a Podium/Acute Corner Site



#### 4.2.6 Building Floor Plates

##### **Background**

Limiting the size of tower floor plates allows for good internal amenity in terms of natural light and ventilation, while mitigating the potentially adverse impacts that tall and bulky buildings may have on the public domain including overshadowing and poor street amenity. Building depth is related to building use, meaning that commercial floor plates are typically deeper and larger than residential floor plates.

##### **Objectives**

1. Achieve living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.
2. Provide viable and useable commercial and/or residential floor space.
3. Contribute to useable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings.
4. Reduce the apparent bulk and scale of buildings by limiting the size of the building.

##### **Controls**

1. Design the floor plate sizes and depth of buildings for Fine Grain and Midrise sites as indicated in the building envelopes.
2. Provide a maximum GFA of 700m<sup>2</sup> per level for residential towers with maximum length of elevation of 45m.
3. Comply with ADG standards for building depth and number of apartments.
4. Provide a maximum GFA of 1,000m<sup>2</sup> per level for commercial towers with maximum length of elevation of 45m. Where sites are greater than 2,000m<sup>2</sup> a proportionally larger GFA per floor may be considered.

#### 4.2.7 Street Alignments and Street Setbacks

##### **Background**

Buildings define the street network and public domain. For this reason, the alignment and setbacks of buildings are critical to the quality of internal and external environments. Land in the setback areas may be utilised as outdoor dining and may have basement car parking located under it if required.

##### **Objectives**

1. Create a strong and consistent definition of the public domain.
2. Define the street as a spatial entity. Reinforce the importance of the public role of the street.
3. Provide front setbacks appropriate to building function and character.
4. Establish the desired spatial proportions of the street.
5. Provide sunlight access to streets, comfortable wind conditions, a generous footpath for pedestrians, and to assist growing conditions for street trees. Allow for street landscaping.
6. Locate active uses, such as shopfronts, close to pedestrian activity areas. Allow an outlook to, and surveillance of, the street.
7. Create a transition between public and private space.

##### **Controls**

1. Buildings are to comply with the front setbacks as set out in **Figures 4-12**.
2. Upper level frontages to a lane/serviceway must be setback 6 metres from the centre line of the lane/serviceway.
3. Construct perimeter block buildings and podiums, which comply with the building envelope requirement, to the street and side boundaries (0m setback).

4. Buildings with a boundary to the Hume Highway have a minimum setback of 8m.
5. Buildings on the southern side of streets identified in **Figure 4-10** have minimum front setbacks as follows, in order to maximise solar access:
  - a. Elizabeth Street between Bathurst Street and George Street - 6m.
  - b. Railway Street, Scott Street and Memorial Avenue - 3m.
  - c. Parts of George, Bathurst, Terminus and Bigge Streets – 2.5m.

**Figure 4-10 Street Setbacks**

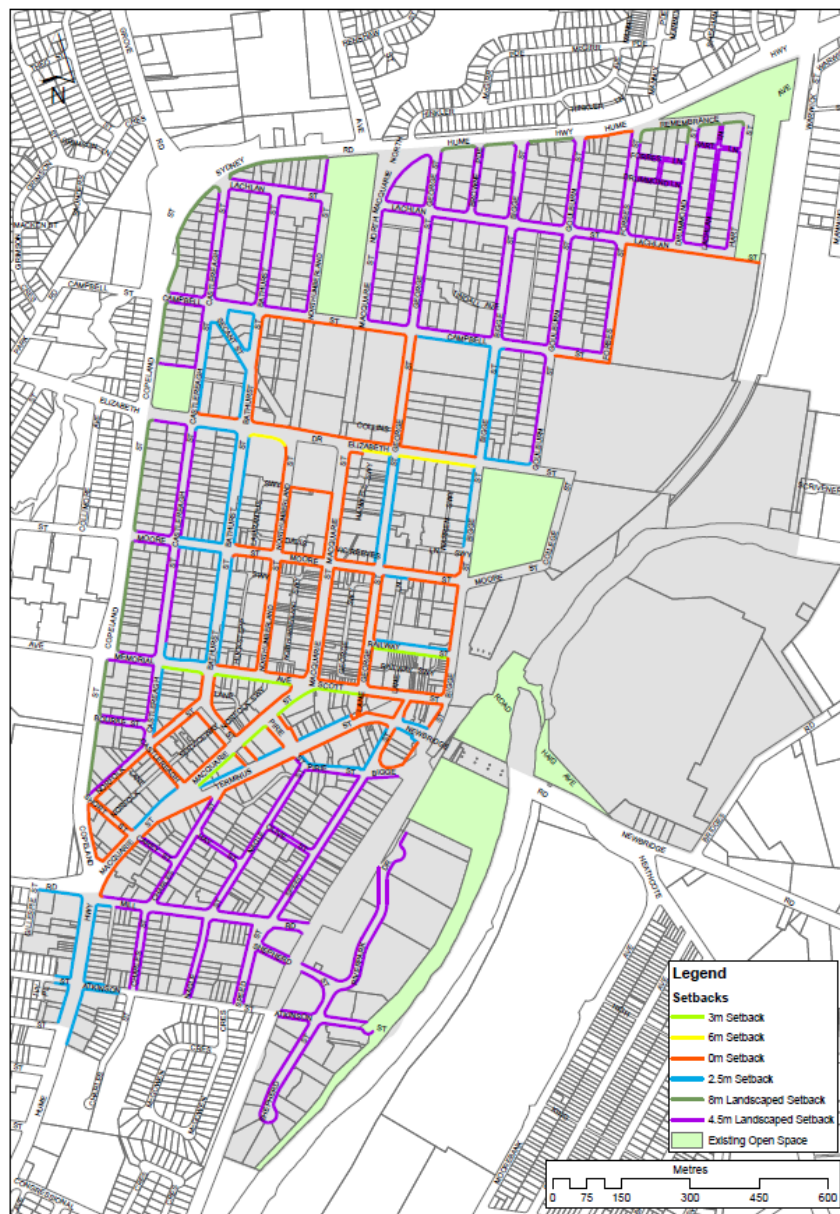
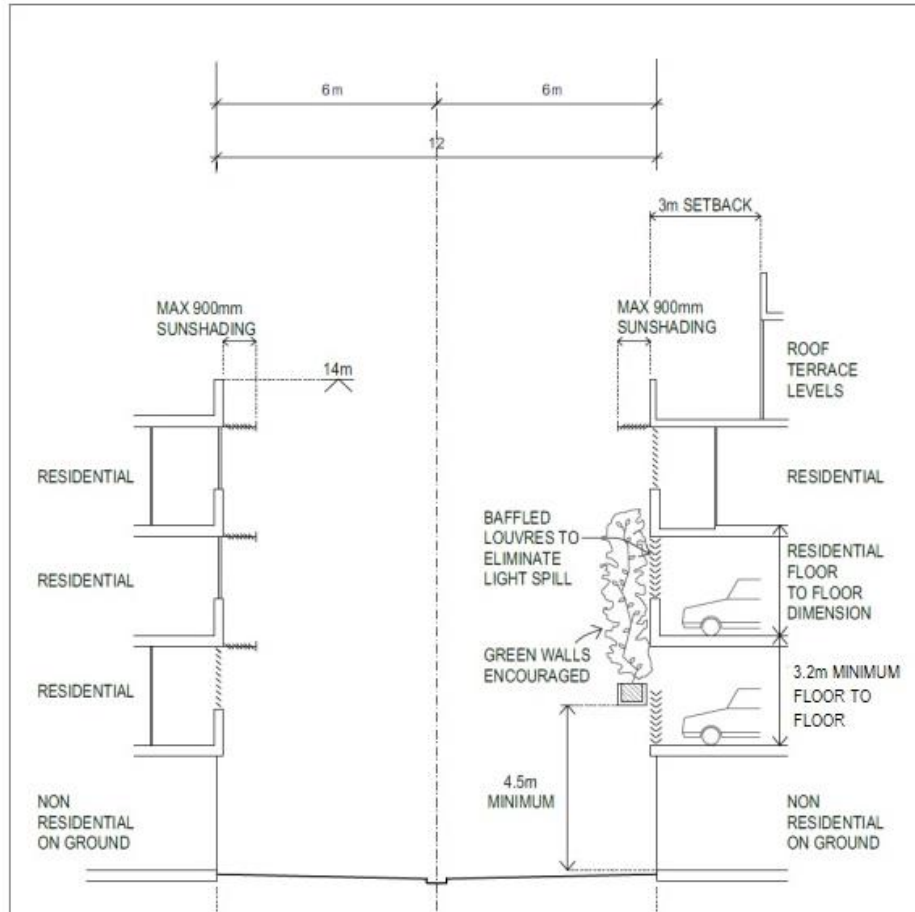


Figure 4-11 Laneway and Serviceway Setbacks



6. Pave the land in the set-back zone to match the paving in the public street so that it provides a seamless and level ground plane.
7. Ensure that no columns, blade walls or other building elements encroach the ground level of the front setback.
8. Ensure that balconies project a maximum of 1.2 metres into front building setbacks in the R4 - High Density Residential Zone.
9. Ensure that minor projections into front building lines and setbacks above ground level are designed for sun shading, entry protection or building articulation and enhance the amenity of the public domain.
10. Allow enclosures or screening of balconies only if they are moveable and aid the amenity of the apartments.

#### 4.2.8 Side and rear boundary setbacks

##### **Background**

Side and rear setbacks, where provided, allow ventilation, solar and daylight access, assist with visual privacy, acoustic amenity, view sharing, and can reduce adverse wind effects. Building separation should relate to building height to ensure appropriate urban form, amenity and privacy for building occupants.

**Objectives**

Side and rear boundary setbacks must:

1. Ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.
2. Achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.

**Controls**

1. All residential and commercial buildings must comply with the separation distances in State Environmental Planning Policy (Housing) 2021 – Chapter 4 (Design of residential apartment development) and the ADG unless otherwise agreed with Council in an approved concept development application.
2. For existing buildings that do not comply with the setback requirements identified in control 1 above, appropriate screening must be installed should the building be refurbished or converted.
3. Buildings with a rear or side boundary to the rail corridor are to provide a minimum setback of 12m. The setback is to be appropriately landscaped.
4. Buildings on land zoned B6 – Enterprise Corridor and B1 – Neighbourhood Centre located in the Liverpool city centre, to have setbacks consistent with Table 4-1 below.
5. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries.

**Table 4-1 Side and rear boundary setbacks**

Enterprise Corridor, Neighbourhood Centre and Existing Mixed Use areas	Setbacks	
	Side	Rear
Podium up to six levels :		
- If adjoining development built to boundary	0m	0m
- If adjoining stand-alone development	ADG	ADG
Stand-Alone Buildings		
- Building height up to 12m	ADG	6m
- Building height 12-25m	ADG	9m
- Building height over 25m	ADG	12m

**4.2.9 Minimum Floor to Ceiling Heights****Background**

The height of a ceiling contributes to amenity within an apartment and the perception of space. Well designed and appropriately defined ceilings can create spatial interest and hierarchy in apartments. Ceiling height is directly linked to achieving sufficient natural ventilation and daylight access to habitable rooms. The ground and first floor levels of mixed use apartment buildings should have increased ceiling heights to ensure their longer term adaptability for non-residential uses.

**Objectives**

Minimum floor to ceiling heights must:

1. Address the internal amenity of all users.
2. Assist in ensuring buildings are well-proportioned, articulated and modulated.
3. Allow for the potential for commercial uses in the first floor of any new building.

**Controls**

The minimum floor to ceiling heights are:

1. Ground floor: 3.6m.
2. Above ground level:
  - a) Commercial office 3.3m.
  - b) Capable of adaptation to commercial uses 3.3m.
  - c) Residential 2.7m.
  - d) Active public uses, such as retail and restaurants 3.6m.
3. Car Parks: Sufficient to cater to the needs of all vehicles that will access the car park and, if aboveground, adaptable to another use, as above.

**4.2.10 Apartment Diversity****Background**

A mix of dwelling types is essential to cater for different family groups and lifestyles, and to achieve housing affordability. Dwellings require internal flexibility as well as a variety of outdoor and recreational areas. Part 4K of the ADG refers to Apartment Mix and requires for a variety of apartment types to be provided in residential flat buildings and matters to be taken into consideration when determining the apartment mix.

This section applies to development for the purpose of residential flat buildings only and does not apply for boarding house, Senior's housing, Group Homes, Co-Living or Build to Rent developments. Further this part does not apply for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by chapter 2, part 2, division 5 of State Environmental Planning Policy (Housing) 2021.

**Objectives**

Developments must:

- a) To provide for a variety of housing choice within Liverpool Local Government Area which caters for different household requirements now and in the future.
- b) To increase the housing and lifestyle choices available in dwelling buildings.
- c) Four and five bedroom apartments are encouraged to provide greater housing diversity and affordability choices to cater for the Liverpool Local Government Area demographics and socioeconomic status.
- d) Meet the Australian Adaptable Housing Standard (AS 4299-1995) and provide a sufficient proportion of dwellings that include accessible layouts and features to accommodate the changing requirements of residents. elderly, disabled residents and families

**Controls**

1. In addition to apartment mix requirements within the ADG, residential flat buildings are to provide for a variety of apartment types and sizes with minimum percentage of apartment mix as per the following table:

<u>Number of bedrooms</u>	<u>Minimum percentage to be provided of total number of apartments</u>
Studio	5%
One bedroom	10%
Three bedrooms or greater	20%
Dual Key apartments	Optional (No minimum or maximum)

2. At least 10% of all apartments are to be capable of being adapted for habitation by seniors and/or persons with disabilities complying with relevant Australian Standards including

AS 4299 -1995. This is to include a mix of number of bedroom units. *Note.* This is different to section 4Q (Universal Design of the ADG).

3. The layout of the apartment buildings are to provide for dwelling types that are oriented in a range of directions and provide for dual-aspect layouts maximising solar access and minimising privacy impacts to adjoining residential properties.

#### 4.2.11 Deep Soil Zones and Site Cover

##### **Background**

Deep soil zones are areas of natural ground retained within a development, uninhibited by artificial structures and with relatively natural soil profiles. Deep soil zones have important environmental benefits, including promoting healthy growth of large trees with large canopies, protecting existing mature trees, and allowing stormwater infiltration.

Limiting site cover provides separation between buildings. This space may be public (accessible and useable by the general public), communal (shared by all occupants of a development) or private (for the exclusive use of a single dwelling or tenancy).

##### **Objectives**

1. Provide an area on site that enables soft landscaping and deep soil planting, permit the retention and/or planting of trees that will grow to a large or medium size.
2. Improve amenity by allowing for good daylight access, ventilation, and assisting improved visual privacy.
3. Integrate with the open space and provide passive and active recreational opportunities.

##### **Controls**

1. The maximum permitted site coverage for development is specified in **Table 4-2**.

**Table 4-2 Site coverage**

Zone	Commercial & Mixed Use	Residential
Commercial Core, Fine Grain and Midrise	Up to 100%	N/A
Existing Mixed Use	75%	N/A
Enterprise Corridor and Infrastructure	75%	50%
All other zones	60%	50%

2. Include a deep soil zone as per Section 3E of the ADG in all developments with a residential component in all areas other than the Fine Grain Precinct and Midrise Precinct, or where perimeter block buildings are developed.

#### 4.2.12 Public Open Space and Communal Open Space

##### **Background**

Public and communal open spaces are critically important for outdoor recreation opportunities for residents, connection to the natural environment, and valuable 'breathing space' between apartment buildings and within the city centre.

They also contribute to the appeal of the city, the individual development and the wellbeing of residents. High quality open space is essential in higher density urban precincts. The size, location and design of public and communal open space will vary depending on the site context

and the scale of development.

Council encourages the development of the rooftop of residential flat buildings and mixed-use developments for the purposes of communal open space, including rooftop gardens, where possible. Better use of the rooftop space will increase the overall amenity and quality of new development in Liverpool city centre.

### **Objectives**

Open space must:

1. Provide amenity in the form of:
  - a) landscape character and design;
  - b) opportunities for group and individual recreation and activities, including on the roof space of new residential flat buildings and mixed-use developments;
  - c) opportunities for social interaction;
  - d) environmental and water cycle management; and
  - e) opportunities to enhance microclimate.
2. Allow for a range of activities.
3. Provide an attractive outlook for residents.
4. Respond to and enhance site characteristics and context.
5. Optimise safety.

### **Controls**

#### *Existing Public Open Space*

1. Ensure that at least 70% of Bigge Park, Apex Park, Pioneer Park and any other public open space in the city centre has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June (Winter Solstice).

#### *New Public Open Space*

2. Dedicate open space to Council, where required, as part of an approved concept development application if the space meets the requirements of Council in terms of:
  - a) location;
  - b) aspect;
  - c) accessibility;
  - d) safety; and
  - e) solar access. The open space must be located and designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June (Winter Solstice).
3. Developments with a residential component in all zones must comply with the sections 3D Communal Public Open Space and 4F Common Circulation and Spaces, of the ADG. Consistent with the requirements of the ADG, communal open space is to be collocated with areas of deep soil, where possible.
4. The roof space of residential flat buildings (RFBs) and mixed-use development (including shop-top housing) is to be developed for the purposes of communal open space that incorporate shade structures and amenity facilities (barbecue and rooftop garden) that complement the development.

## **4.2.13 Landscape Design**

### **Background**

Landscape design includes the planning, design, construction and maintenance of all utility, open space and garden areas. The landscape qualities of the city centre are an important influence on its image, comfort, public and private amenity. Landscaping within the public domain will be



implemented within the framework established by the Liverpool CBD Streetscape and Paving Manual 2018. In the private domain, it is important that a strong and consistent approach to landscaping is achieved in order to contribute to both a high level of amenity and a cohesive image for the city centre.

#### **Objectives**

1. Enhance quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.
2. Ensure potable water for irrigation is minimised. Incorporate passive irrigation where possible.
3. Ensure landscaping is integrated into the design of development.
4. Improve stormwater quality and control run-off.
5. Improve the microclimate and solar performance within the development.
6. Improve urban air quality and contribute to biodiversity.

#### **Controls**

1. Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the above objectives and section 4V, water management and conservation, of the ADG.

### **4.2.14 Planting on Structures**

#### **Background**

The following controls apply in the Commercial, Mixed Use and Enterprise Corridor zones (as identified in **Figure 4-2**) for planting on roof tops or over car park structures, particularly for communal open space required as a component of mixed use residential development, and in non-residential developments where the landscaping proposed is not on natural ground.

#### **Objectives**

1. Contribute to the quality and amenity of open space on roof tops and internal courtyards.
2. Encourage the establishment and healthy growth of trees in urban areas.
3. Minimise the use of potable water for irrigating planting on structures.

#### **Controls**

1. Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.

## **4.3. PEDESTRIAN AMENITY**

Pedestrian amenity incorporates all those elements of individual developments that directly affect the quality and character of the public domain. These provisions are intended to achieve a high standard of public domain design and pedestrian comfort in city centre public spaces. The pedestrian environment is to be characterised by excellence of design, high quality materials and a standard of finish appropriate to a regional city centre. The city's lanes, arcades and through-site links are to form an integrated pedestrian network providing a choice of routes at ground level for pedestrians.

The controls in this section aim to increase the vitality, safety, security and amenity of the public domain by:

1. Developing future through-site links at ground level;
2. Ensuring active street frontages;
3. Ensuring a positive relationship between the building and the public domain;

4. Ensuring provision of awnings along the retail frontages; and
5. Mitigating adverse impacts on the street arising from driveway crossings.

#### **4.3.1 Pedestrian Permeability**

##### **Background**

The existing serviceways and through-site links are an integral component of the pedestrian movement system, providing direct access between the street frontage, serviceways and rear parking areas. The north-south oriented street grid in the city centre provides excellent connectivity in this direction, but the city's street pattern would benefit from additional through-site links in an east-west direction. This will assist in reducing the overall street block size.

In some blocks, additional north-south connections will also improve accessibility and choice. Additionally, laneways provide for site servicing in a manner that protects the quality of main street frontages in the city centre.

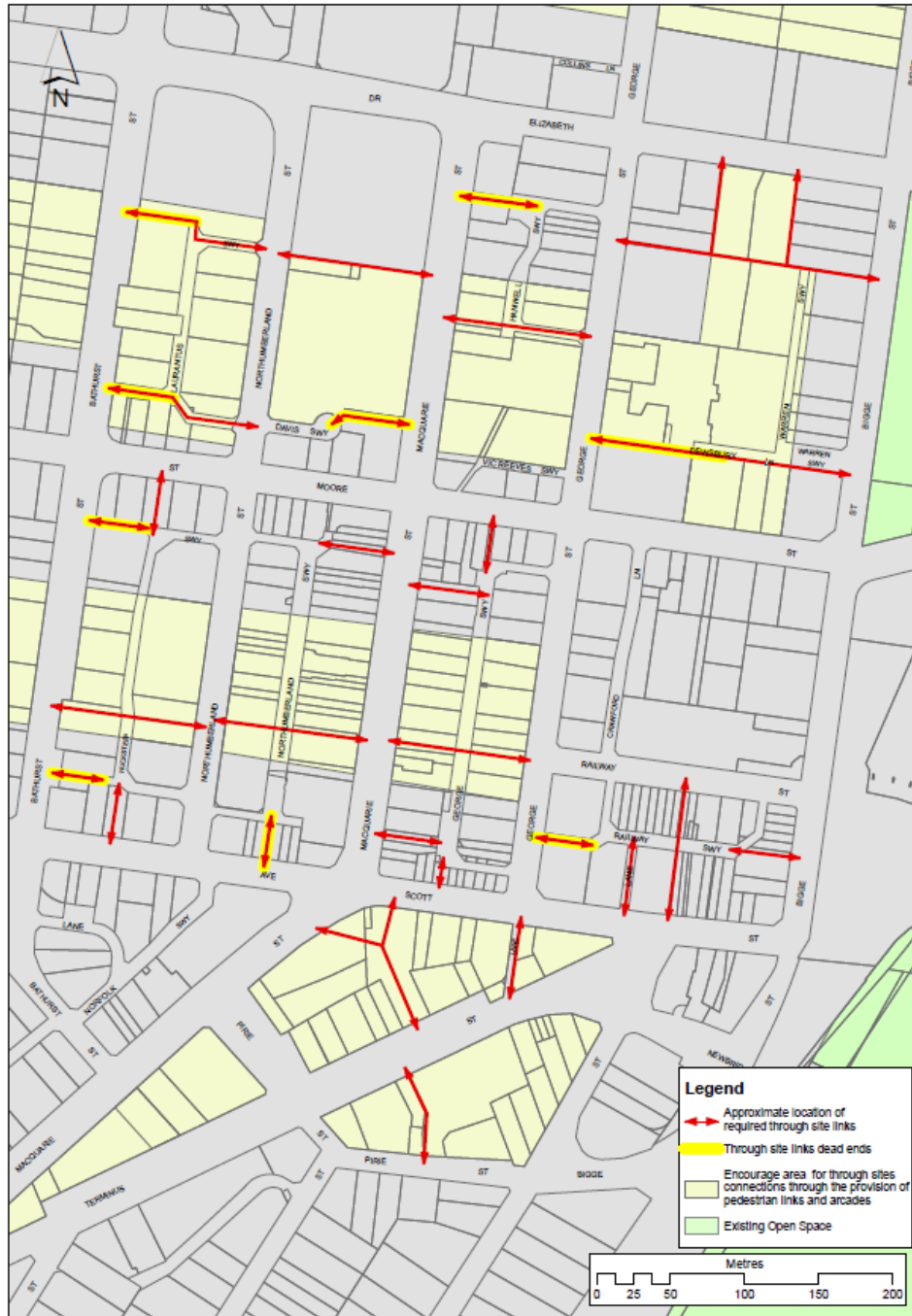
##### **Objectives**

1. Improve access and choice in the city centre by providing through-site links as redevelopment occurs.
2. Reduce the size of large street blocks to provide greater movement choice.
3. Create clear and direct throughways for pedestrians.
4. Increase the range of economic opportunities.
5. Retain and enhance existing through site links as redevelopment occurs.
6. Enable active street frontages on through site links.
7. Discourage vehicular access from the primary street frontages. Vehicular access shall be provided from secondary streets or laneways.

##### **General Controls**

1. Design through-site links to have direct sight lines.
2. Locate through-site links as shown in **Figure 4-12**.
3. Locate through-site links within "through site link encouragement areas" (as identified in **Figure 4-12**) opposite other through site links.
4. Extend existing dead end lanes (as identified in in **Figure 4-12**) through to the next street as redevelopment occurs.
5. Connect new through site links with existing and proposed through site links, serviceways, shared zones, arcades and pedestrian ways.
6. The siting of new through site links may be varied where new links cannot be directly aligned with existing links.
7. Retain existing, publicly and privately owned, through-site links.
8. Locate active uses on through site links where possible.
9. Nominate sites for through-site links, shared zones etc. that may be acquired by Council or may be dedicated to Council at no cost as part of a concept development application.
10. Vehicular access shall be provided from secondary streets or laneways only. Vehicular access will not be allowed from the primary street.

Figure 4-12 Through Site Links



**Specific Controls for Different Link Typologies**

1. Shareway | Pedestrians and Cars (Public) Through Site Links must:
  - a) Be a minimum width of 6m and clear of all obstructions.
  - b) Be open to the sky and to be publicly accessible at all times.
  - c) Display signage at street entries indicating public accessibility and the street to which the through site link connects.
  
2. Pedestrian Paths | (Public) Through Site Links must:
  - a) Be a minimum width of 3m clear of all obstructions.
  - b) Be open to the sky and to be publicly accessible at all times.
  - c) Have signage at street entries indicating public accessibility and the street to which the through site link connects.
  
3. Pedestrian Arcades and Through Site Links must:
  - a) Be a minimum width of 5m and clear of all obstructions (including columns, stairs, and escalators).
  - b) Provide public access at all business trading times.
  - c) Be at least 2 storeys high.
  - d) Have access to natural light for at least 50% of their length, where appropriate.
  - e) Incorporate clear glazed entry doors comprising at least 50% of the entrance where air conditioned, and to be accessible at least 18 hours per day, 7 days per week.
  - f) Display signage at street entries indicating public accessibility and the street to which the through site link connects

**4.3.2 Pedestrian Overpasses and Underpasses****Background**

Streets provide the best amenity and safety when activated by pedestrians. Pedestrians should be encouraged to use the street to enhance and contribute to street life, and to maximise safety and security of the public domain.

Pedestrian overpasses linking commercial or retail buildings over the public street are discouraged as they can have a negative impact on the streetscape quality and on views and vistas along streets. New pedestrian overpasses or underpasses will only be considered where they directly connect to major transport nodes (such as Liverpool railway station), and/or can substantially improve pedestrian safety and access over major arterial roads (such the Hume Highway).

**Objectives**

1. Promote pedestrian activation of streets and public places by limiting pedestrian overpasses and underpasses.
2. Encourage pedestrian circulation at street level.
3. Protect views and vistas along streets.

**Controls**

1. Design underpasses or overpasses in accordance with *Crime Prevention Through Environmental Design* principles and compliant with the applicable Australian Standard for Disabled Access.
2. Design overpasses to be fully glazed or open, and not greater than 3m wide or more than one level high.
3. Consider underpasses for direct connection under adjacent streets to the railway station where they:

- a) would substantially improve pedestrian safety and accessibility;
- b) incorporate active uses, particularly at entry and exit points; and
- c) have a minimum width of 4.5m clear of all fixed obstructions and a minimum ceiling height of 6m.

### 4.3.3 Active Street Frontages

#### **Background**

Active street frontages promote an interesting and safe pedestrian environment.

Active frontage uses are defined as one or a combination of the following at street level:

- entrance to retail;
- glazed entries to commercial and residential lobbies;
- café or restaurant, if accompanied by an entry from the street;
- active office uses, such as reception, if visible from the street; and/or
- public building if accompanied by an entry.

#### **Objectives**

1. Promote pedestrian activity and safety in the public domain.
2. Maximise active street frontages in Liverpool city centre.
3. Development in Liverpool city Centre is consistent with the Liverpool City Activation Strategy 2019-24.

#### **Controls**

1. Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links.
2. Locate active street frontages in the Mixed Use, Commercial Core, Enterprise Corridor and Neighbourhood zones (as identified in **Figure 4-2**), on ground level. This does not preclude servicing activities particularly in the serviceways.
3. Locate active street frontages at first floor level in addition to ground for sites addressing major roads as depicted in **Figure 4-16**.
4. Locate street fronts at the same level as the footpath and with direct access from the street.
5. Use only open grill or transparent security (at least 50% visually transparent) shutters to retail frontages.

### 4.3.4 Street Address

#### **Background**

Street address is defined as that part of a building that has a frontage to the street, contains entries, lobbies, balconies and habitable rooms overlooking the street. Buildings can contribute positively to the street by providing a clear address to, direct access from and outlook over, the street.

#### **Objectives**

1. The street address for buildings must provide:
  - a) An attractive interface between the public and private domains.
  - b) Legible entries to the building from the street.
  - c) Opportunities for surveillance of the street and public domain.

#### **Controls**

1. Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments.
2. Provide multiple entrances to large developments on all street frontages.

3. Provide direct 'front door' and/or garden access to the street in ground floor residential units.

#### **4.3.5 Street and Building Interface**

##### **Background**

Buildings are to provide privacy if dwellings are located on the ground floor. Where fences are used, they need to be designed to enable a positive relationship between the building and the street. Front fences include all fences to the primary and secondary street frontages, and side boundary fences forward of the building alignment.

##### **Objectives**

1. Clearly define the interface between the public and private domain.
2. Provide privacy for dwellings on the ground floor of buildings.
3. Ensure front fences allow for passive surveillance of the street.
4. Encourage the preservation and/or construction of fences, walls and landscaped areas that contribute to the character of the locality.

##### **Controls**

1. Design the area between the building and the public footpath so that it:
  - a) provides visibility to and from the street (if non-residential use);
  - b) provides privacy if residential uses are on the ground floor;
  - c) introduces paving and/or landscaping between the street and the building; and/or
  - d) screens any above ground car parking.
2. Use front fences that:
  - a) do not present a solid edge to the public domain greater than 1.2 m above the footpath / public domain level; and
  - b) are not constructed of sheet metal or opaque glass.

#### **4.3.6 Lane / Serviceways and Building Interface**

##### **Background**

Council envisages lane ways and serviceways in Liverpool city centre developing to offer some of the higher order functions of streets. While preserving functions necessary to the servicing of businesses, lane ways and serviceways may develop to include independent/niche retail businesses and/or residential accommodation in addition to providing back of house services. Active street frontages on service ways can assist in promoting interesting and safe environments in which vehicles and pedestrians have access and a range of uses may flourish.

##### **Objectives**

1. Clearly define the interface between the public and private domain.
2. Provide for passive surveillance of the street from the building to the serviceway.
3. Minimise the impact of above ground car parking.
4. Provide suitable non-residential uses with direct pedestrian access to the lane/serviceway.
5. Ensure the effective operation of loading facilities.

##### **Controls**

1. Set back all levels above ground of buildings 6m from the centre line of the lane/serviceway so that residential uses can be accommodated on opposite sides of the serviceway, as described in **Figure 4-11**.
2. Provide active uses and/or entries at ground level where possible.
3. Screen or sleeve above ground car parking with green walls or other screening devices.
4. Electricity substations (where required) shall be situated within the building or its basement.
5. Vehicular entry points must be of high quality design. The impact of vehicular entry points

on pedestrians must be minimised.

6. Garbage collection points, fire services and other service requirements are to be integrated into the design of the building.

#### **4.3.7 Awnings**

##### **Background**

Awnings increase the useability and amenity of public footpaths by protecting pedestrians from sun and rain. Awnings provide a public presence and interface within the public domain to contribute to the identity of a development.

##### **Objectives**

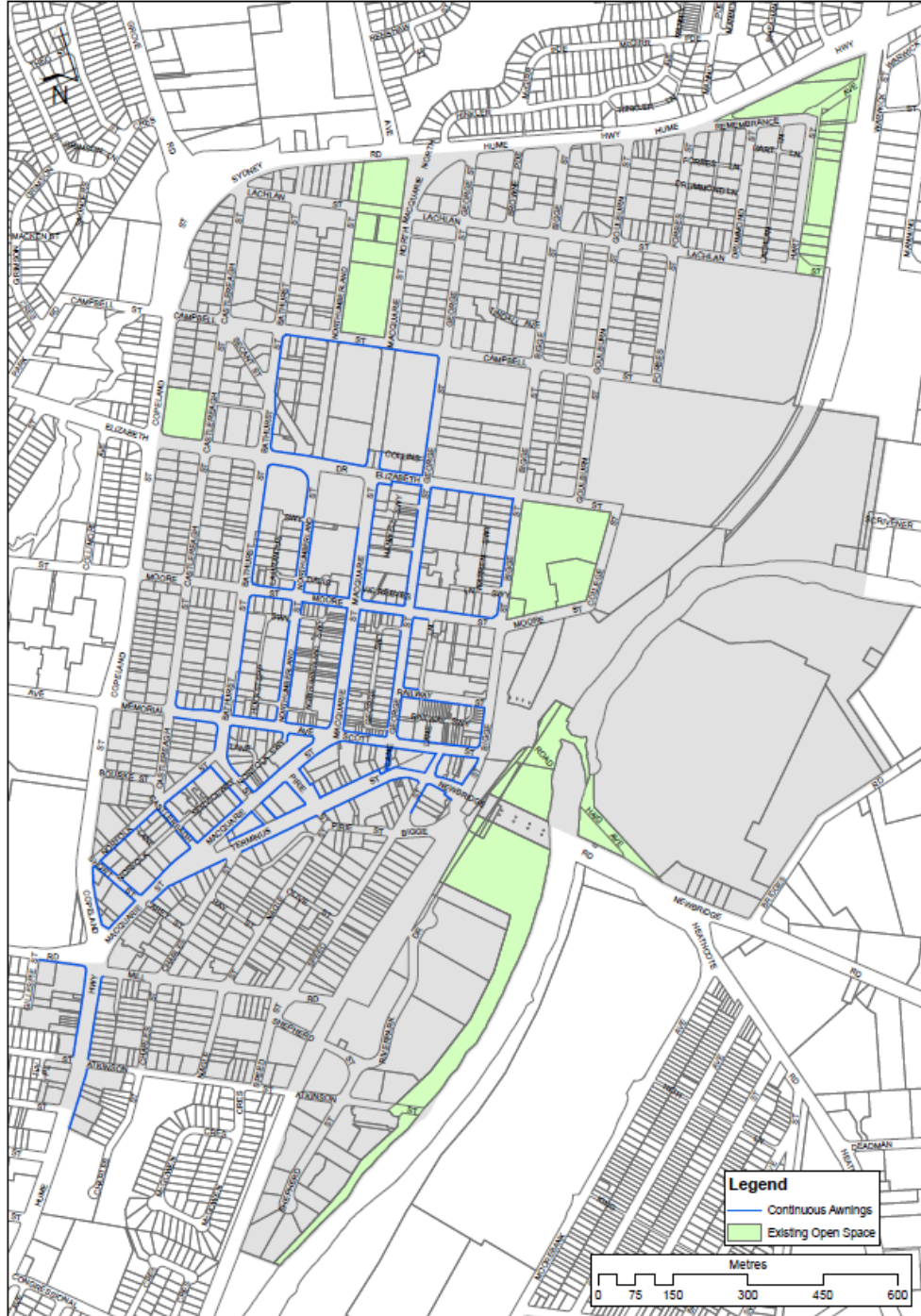
Awnings on buildings must:

1. Provide shelter for public streets where most pedestrian activity occurs.
2. Address the streetscape by providing a consistent street frontage.

##### **Controls**

1. Provide street frontage awnings for all new developments on streets identified in **Figure 4-13**.
2. Awnings must be:
  - a) horizontal in form;
  - b) minimum 2.4m deep (dependent on footpath width);
  - c) minimum soffit height of 3.2m and maximum of 4m;
  - d) stepped to accommodate sloping streets;
  - e) integral with the building design;
  - f) slim vertical faciae or eaves (generally not to exceed 300mm height); and
  - g) setback 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements.
3. Match awning design to building facades, so that they maintain continuity and are complementary to those of adjoining buildings.
4. Include appropriate sun shading device for the outer edge of awnings along east-west streets if required. These blinds must not carry advertising or signage.
5. Provide lighting recessed into the soffit of the awning to facilitate night use and to improve public safety.
6. Maintain a minimum clearance of 2.8m from the level of the pavement to the underside of awning signage.
7. Provide all residential buildings in areas not identified for continuous awnings in **Figure 4-13** with awnings or other weather protection at their main entrance area.

Figure 4-13 Awnings





### 4.3.8 Building Design and Public Domain Interface

#### **Background**

Liverpool's public domain is defined by the buildings, streets and public places. The quality of the public domain is dependent on a consistent approach to the design of new development including the articulation and finish of building exteriors.

Dark coloured finishes (e.g. black, charcoal) can tend to increase heat absorption and add to the urban heat island effect, whereby the urban environment is hotter than surrounding land. Council encourages the use of lighter coloured finishes to help reduce the urban heat island effect in Liverpool city centre.

#### **Objectives**

The design of new/modified buildings in Liverpool city centre must:

1. Contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes.
2. Provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops.
3. Clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security.
4. Seek to reduce the urban heat island effect by selecting lighter coloured external finishes.

#### **Controls**

1. Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider:
  - a) the street 'wall' alignment and building envelope;
  - b) the 'depth' within the façade;
  - c) facade proportions; and
  - d) the response to the corners at street intersections.
2. Provide balconies and terraces appropriately orientated where buildings face public spaces.
3. Articulate façades to address the street, proportion the building, provide 'depth' in the street wall when viewed obliquely along the street and add visual interest.
4. Use high quality robust finishes and avoid finishes with high maintenance costs, and those susceptible to degradation due to a corrosive environment. Large expanses of rented concrete finish is discouraged.
5. Select lighter-coloured materials for external finishes including roofs and avoid the use of darker-coloured materials (e.g. black, charcoal) to reduce the urban heat island effect.
6. Maximise glazing in the facades for retail uses.
7. For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.
8. Construct only minor projections up to 600mm from building walls into the public space. These must not add to the GFA and must provide a benefit, such as:
  - a) expressed cornice lines that assist in enhancing the definition of the street; or
  - b) projections such as entry canopies that add visual interest and amenity.
9. Do not locate communication towers such as mobile phone towers, but excluding satellite dishes, on residential buildings or mixed use buildings with a residential component.
10. Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building.
11. Screen air conditioning units on balconies.
12. No clothes drying facilities to be allowed on balconies.

### 4.3.9 Street Intersections and Corner Buildings

#### **Background**

As buildings located on corner sites address two street frontages instead of one, they are more visibly prominent than mid-block buildings. Corner buildings therefore play a particularly important role in the city centre. Corners can strengthen the form of city blocks, streets and intersections, identify important junctions, assist in revealing topographic features and define pedestrian routes.

#### **Objectives**

Corner buildings must:

1. Contribute to the legibility of the city.
2. Ensure they address all street frontages.
3. Support the role of corner sites in creating a clear skyline and minimising apparent density.
4. Respond to any heritage buildings on opposing corner sites.

#### **Controls**

1. Address all street frontages in the design of corner buildings.
2. Design the corner buildings to respond to the character of the intersection by recognising the different hierarchies of the street typologies.

Note: Intersections of different street types all require varied design responses.

### 4.3.10 Public Artworks

#### **Background**

Public Art enhances the visual quality and cultural influence of both the public domain. It contributes to people feeling positive about their surroundings. Public Art may be ephemeral, temporary or permanent in nature. It may be located in or part of a public space or facility and may be commissioned by either the public or private sector.

Public art also includes the conceptual contribution of an artist to the design of public spaces and facilities. Public Art is crucial to the development of public places which are innovative, vibrant and meaningful and allow curiosity, playfulness and or a sense of connection to form. Public art may take any of the following forms:

- a) Functional Connection; seating, lighting, bollards
- b) Decorative: Incorporated into structures eg paving, awnings
- c) Iconic: Stand-alone sculptural works
- d) Integrated: fully incorporated within the design eg flooring, windows
- e) Interpretative: describe, inform or educate, on issues, events, situations eg signage, plaques, text based work

#### **Objectives**

Public Art in Liverpool city centre must:

1. Contribute to the city's physical attractiveness and the quality of life that it offers visitors and residents.
2. Interpret and express Liverpool's historical and cultural themes, particularly as identified in *Our Home, Liverpool 2027. Community Strategic Plan*
3. Improve the quality of public artworks in Liverpool.
4. Encourage the development of public art as consistent with Council's Public Art Policy.

**Controls**

1. Design public art to respond to the particular site of the development as well as the city as a whole.
2. Provide well designed and visually interesting public art created by artists or organisations that are competent in the selected field and committed to best practice.
3. Construct Public Art of materials that are durable, resistant to vandalism, safe for the public and constructed to ensure minimal maintenance.
4. Develop clear and concise agreements with artists/organisations in relation to expectations and deaccession (the process used to permanently remove an object, artwork or assemblage).

**4.4. TRAFFIC AND ACCESS****Background**

This section contains objectives specifically related to pedestrian access, vehicular access, on-site parking and site facilities in the city centre. An upgrade of the intersection of the Hume Highway and Hoxton Park Road is also under consideration.

**4.4.1 Vehicular Access and Manoeuvring Areas****Background**

The location, type and design of vehicular access points to a development can have significant impacts on the streetscape, the site layout and the building façade design.

**Objectives**

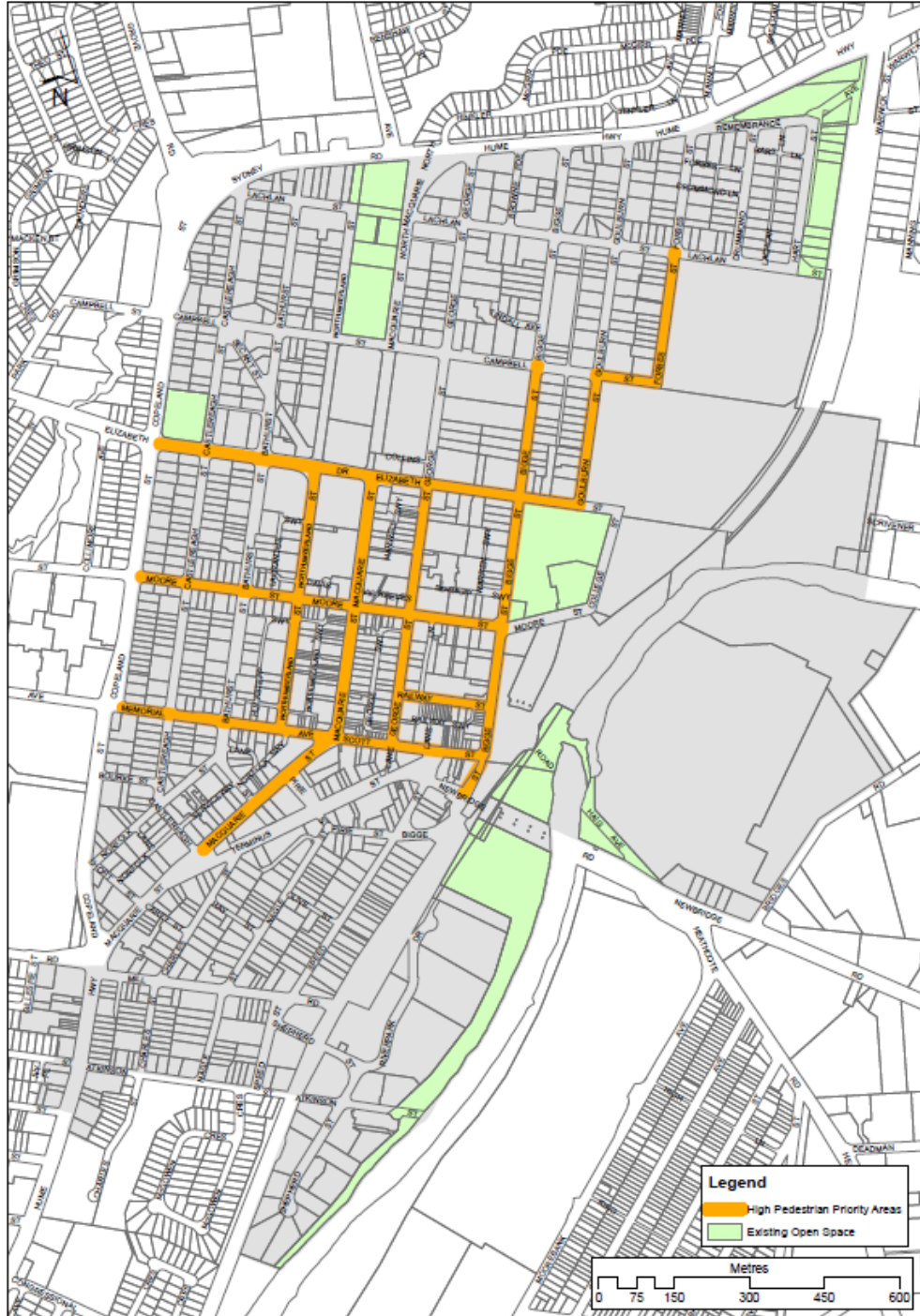
The design and location of vehicular access to developments must:

1. Avoid or minimise conflicts between pedestrians and vehicles on footpaths, particularly along pedestrian priority areas identified in **Figure 4-15**.
2. Not intrude visually into the streetscape continuity.

**Controls**

1. Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible.
2. Design of vehicle entry points must be of high quality and relate to the architecture of the building, including being constructed of high quality materials and finishes.
3. All weather access:
  - a) Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage and pedestrian amenity considerations.
  - b) Design porte cochere to be internal to the building, where practical, with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development.
  - c) In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level and provides an active frontage at its perimeter.

Figure 4-14 High Pedestrian Priority Areas



#### 4.4.2 On Site Parking

##### **Background**

On-site parking includes underground (basement), surface (at grade) and above ground parking, including parking stations. Parking requirements for buildings on land zoned B3 — Commercial Core B4 — Mixed Use within Liverpool city centre are detailed in clause 7.3 of LLEP 2008. For other development (including buildings on land zoned R4 — High Density Residential, B1 — Neighbourhood Centre or B6 — Enterprise Corridor) are detailed below. Bicycle parking requirements are detailed in section 21.3 of Part 1 LDCP 2008, On-Site Car Parking Provision and Service Facilities by Land Use.

##### **Objectives**

On site car parking must:

1. Provide a sufficient supply of on-site parking on the outskirts of the city centre to cater for a mix of development types.
2. Encourage economic growth within the city centre.
3. Enable the conversion of above ground parking to other uses in the future.
4. Encourage a modal shift in transport and recognise the complementary use and benefit of public transportation and non-motorised modes of transport such as bicycles and walking.

##### **Controls**

1. All required car parking is to be provided on site in an underground (basement) carpark except to the extent provided below:
  - a) On Fine Grain and Midrise sites, a maximum of one level of surface (at grade) parking may be provided where it is fully integrated into the building design; and
  - b) A maximum of one level of surface (at grade) and one additional level of above ground parking may be provided where it is fully integrated into the building design and visible from the public domain.
2. Provide car parking for buildings developed on land in the R4 - High Density Residential zone as follows:
  - a) 1 space per two studio apartments.
  - b) 1 space per one bedroom or two bedroom apartments.
  - c) 1.5 spaces per three or more bedroom apartments.
3. Provide car parking for buildings developed on land in other zones (B1 — Neighbourhood Centre and B6 — Enterprise Corridor) as follows:
  - a) 1 space per 100 m<sup>2</sup> of floor area
4. Service and visitor parking is to be provided for all development within the city centre. For sites zoned B3 — Commercial Core or B4 — Mixed Use, service and visitor parking is to be provided as part of the parking required according to clause 7.3 of LLEP 2008, Car parking in Liverpool city centre. For all other sites, service and visitor parking requirements are additional to that specified in controls 2 and 3 above.

Service and visitor parking is to be provided In accordance with the following formula:

- Residential (including residential components of mixed-use or other developments)
- 1 space per 10 apartments or part thereof, for visitors; and
  - 1 space per 40 apartments for service vehicles (including removalist vans and car washing bays) up to a maximum of 4 spaces per building

All other development

5. Sufficient service and delivery vehicle parking adequate to provide for the needs of the development.

Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces.

6. No less than 2% of the total parking demand generated by development shall be accessible parking spaces, designed and appropriately signposted for use by persons with a disability.

## 4.5. ENVIRONMENTAL MANAGEMENT

### 4.5.1 Wind Mitigation

#### Background

Windy conditions can cause discomfort and be dangerous to pedestrians. Downdrafts from buildings can inhibit the growth of street trees. Conversely, moderate breezes that penetrate streets can enhance pedestrian amenity and disperse vehicle emissions and air conditioning plant exhausts.

#### Objectives

Wind mitigation measures must:

1. Ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.
2. Ensure that the moderate breezes are able to penetrate the streets of Liverpool city centre.

#### Controls

1. Design all new buildings to meet the following maximum wind criteria :
  - a) 10m/second in retail streets;
  - b) 13m/second along major pedestrian streets, parks and public places; and
  - c) 16m/second in all other streets.
2. Submit a Wind Effects Report with the DA for all buildings greater than 35m in height.
3. Submit results of a Wind Tunnel Testing report for buildings over 48m in height.

### 4.5.2 Noise

#### Background

Noise sources from major road and railway corridors and mixed-use and commercial development have been identified within and adjacent to the city centre. It is important for the amenity and comfort of future occupants of buildings in proximity to these areas that appropriate measures are put in place.

#### Objectives

1. Noise mitigation measures must achieve appropriate amenity in noise affected locations.

#### Controls

1. Design development on sites adjacent to road and rail noise sources identified in **Figure 4-16**, in a manner that shields any residential development from the noise source through the location and orientation of built form on the site, supported by an appropriate acoustic report as required by the State Environmental Planning Policy (Infrastructure) 2007.
2. Provide an 8m setback from the primary street frontage to any residential component of development located along Terminus Street and the Hume Highway.

All residential apartments and / or serviced apartments within a mixed use development should be designed and constructed with double-glazed windows and / or laminated windows, solid walls, sealing of air gaps around doors and windows as well as appropriate insulating building elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or serviced apartment(s).

Figure 4-15 Noise



## 4.6. CONTROLS FOR SPECIFIC AREAS

### **Background**

The following controls are in addition to the general controls elsewhere in this DCP. The purpose of this section is to provide additional, site specific controls for areas of sensitivity within the city centre. These included heritage areas and sites requiring the lodgement of a site-specific DCP.

### 4.6.1 Heritage Items and Conservation Areas

#### **Background**

Heritage items and heritage conservation areas identified on the heritage map and in Schedule 5 of the LLEP 2008. Works affecting listed heritage items or areas, or development on listed heritage sites, are subject to the provisions of the LLEP 2008. As part of the assessment process, the consent authority must have regard to:

- Heritage provisions outlined in Clause 5.10 of the LLEP 2008;
- Heritage objectives, controls and conservation criteria as listed below;
- The relevant Statement of Significance for each item;
- Any conservation management plan, heritage impact statement or study required by the consent authority in response to proposed development of these areas;
- For development that may impact a heritage item, information addressing relevant issues must be included in a Statement of Heritage Impact submitted with the DA; and
- Development within the curtilage of a listed item, or a heritage conservation area, or which will impact upon the setting of a heritage item or heritage conservation area is also subject to the following provisions. Where there is a discrepancy with general controls elsewhere in this DCP, the following objectives and controls are to apply.

#### **Objectives**

1. Facilitate the conservation and protection of heritage items and heritage conservation areas and their settings.
2. Reinforce the special attributes and qualities of the heritage significance by ensuring that development has regard to the fabric and prevailing character of the item or conservation area, including scale, proportions, materials and finishes.
3. Design infill development to complement the heritage values and address the desired future character.
4. Conserve, maintain and enhance existing views and vistas to buildings and places of heritage significance.
5. Ensure new buildings and landscaping in heritage precincts recognise community values and provide a sense of continuity. Refer to the joint NSW Heritage Office and RAIA publication "Designing in Context: Guidelines for Infill Development in the Historic Environment" (2005) for further guidance.

#### **Controls**

1. Submit a Conservation Management Plan prior to the submission of any development application for the following sites:
  - a) St Luke's Church;
  - b) Liverpool Railway Station; and
  - c) Liverpool College of TAFE (Francis Greenway Building).
2. Ensure that all development in the Bigge Park Conservation Area addresses any potential impact on the heritage significance of the area as a whole.
3. Retain and enhance the significance of heritage items and their setting in any new development within Liverpool city centre.



4. Undertake an assessment for sites in the vicinity of heritage items or heritage conservation areas, of the impact of the proposal on the setting of nearby heritage items or heritage conservation areas.
5. Establish the relevant criteria for each proposal depending on the nature of development, the proximity of the development to surrounding heritage items and conservation areas in addition to any other factors considered in the design of the subject building.
6. Infill building must not precisely imitate its neighbour but use recognisable tools such as spatial organisation, massing, scale, alignment, detailing, materials, roof forms and coursing lines to complement adjacent heritage items.
7. New buildings must not obstruct important views and vistas of a heritage item.

#### **4.6.2 Site specific DCPs**

##### **Background**

As noted in Section 4.2.5 above, certain sites in Liverpool city centre (having a minimum lot size of 1500 m<sup>2</sup> with two or more Street frontages and situated in "Area 8", "Area 9" or "Area 10") may be developed pursuant to Clause 7.5A of LLEP 2008. While Council's preferred option is that development of these sites proceeds pursuant to a concept developed application, the option is to lodge a site specific DCP which meets all the requirements of clause 7.5A(4) of LLEP 2008. Any such site-specific DCPs are to be considered as amendments to Part 4 LDCP 2008 and included in this section.

### Key for the text colours

This document provides all the proposed changes to the existing Part 3.7 of the Liverpool Development Control Plan 2008. Different text colours are used to enhance the legibility as explained in Table 1 below.

Table 1 – Key for the text colours

Text colours	Reason/ Interpretation
Black Text	Existing text to remain either in existing or new section of DCP.
<del>Red Text with strikethrough</del>	Existing text to be deleted.
Green Text	New text added
Yellow Highlight	Matters changed post-exhibition

**Liverpool Development Control Plan 2008**  
**Part 4**  
**Development in**  
**Liverpool city centre**

**14 March 2024**

**Part 4 must be read in conjunction with Part 1**

**LIVERPOOL  
CITY  
COUNCIL**



## Liverpool Development Control Plan 2008 Part 4 Liverpool city centre

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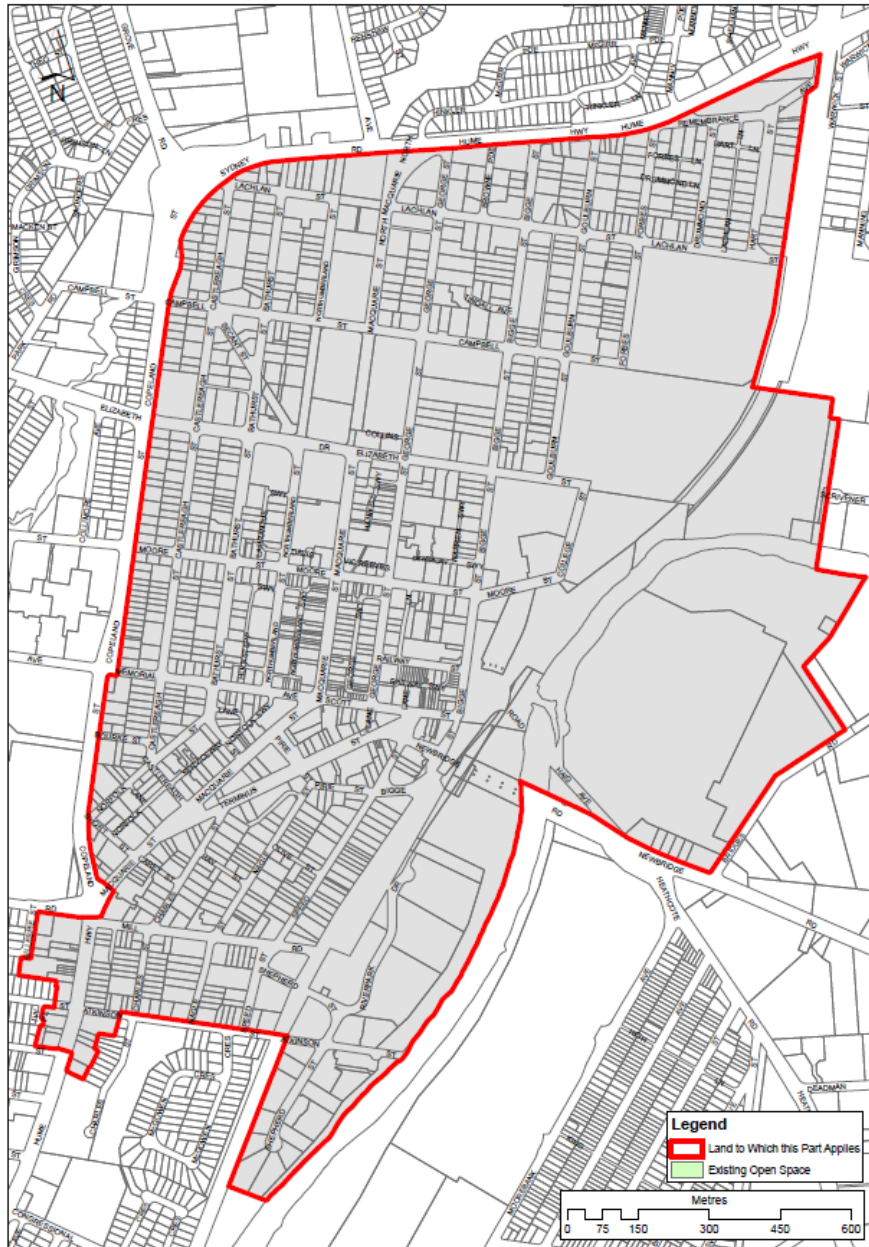
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### 4.1. PRELIMINARY

**Applies to**

This Part applies to the area shown in Figure 4-1.  
Part 1 also applies to the area shown in Figure 4-1.

**Figure 4-1: Land to which this Part applies**



### Background

The Liverpool city centre was identified by the Department of Planning as a regional city through the Sydney Metropolitan Strategy – A City of Cities in 2005. This status was confirmed in A Plan for Growing Sydney released by the Department of Planning and Environment in December 2014.

In March 2018 the Sydney Regional Plan, *A metropolis of three cities* was published by the Greater Sydney Commission (GSC), establishing a renewed planning framework for the Sydney region as a whole towards 2056. The Western City District Plan — connecting communities (WCDP), was finalised by the GSC in March 2018 also. The WCDP provides detailed planning direction for the future development of Liverpool city centre, as part of the Liverpool LGA.

### Liverpool city centre LEP revision

In 2015 Council launched a review of the planning controls applying to Liverpool city centre. The city centre LEP review sought to revitalise Liverpool city centre, to create a mixed-use, vibrant 18-hour city centre, a walkable city that offers living, recreation and work opportunities and a city focused along the river. To this end it was decided to significantly expand the area of B4 – Mixed Use zoned land and reduce the area of land zoned B3 – Commercial Core. This amendment to Liverpool Local Environmental Plan (LLEP) 2008 — Amendment 52, was gazetted and came into force on 5 September 2018.

In addition to rezoning land to reduce the size of the Commercial Core and expand the area of Mixed Use zoned land, Amendment 52 defined legible character precincts based on ownership, subdivision, street block patterns, and the role of the public domain. It also specified an urban form that responds to the character of each precinct, has different building typologies, and offers different economic opportunities.

Amendment 52 enables individual owners to develop sites without the requirement for amalgamation, improves connectivity to and within the city centre, de-couples car parking from development where appropriate and develops consistent urban form, where possible, for new development within the city centre. It is envisaged that increasing the number of residents in the city centre will activate the city centre, and will lead to increased demand for retail and services, resulting in more jobs.

This Part of Liverpool Development Control Plan (LDCP) 2008 seeks to provide appropriate development objectives and controls that will facilitate development in Liverpool city centre in concert with the Liverpool Local Environmental Plan (LLEP) 2008.

### Characteristics of the Liverpool city centre

The character of Liverpool city centre can be divided into specific areas which have a number of character elements as described below. The character areas are illustrated in **Figure 4.2** below. However, where appropriate, reference is also made to which precinct, illustrated on the FSR map as amended by Amendment 52, also applies:

- Mixed Use (Area 7 and Area 8).
- High Density Residential.
- Education and Medical Precinct (Area 9).
- Commercial Core (Area 10)
- Standalone sites (including Area 11)
- City Centre Riverfront.
- Georges River Precinct.

### Commercial Core

Land considered as part of Amendment 52, but which retains the B3 — Commercial Core zoning. Council aims to increase employment in the city centre to a total of 30,000 jobs by 2031. Commercial development is encouraged throughout the Mixed Use and Commercial Core areas of the city centre.

Liverpool city centre's commercial core is located near the public transport interchange on land bounded by Elizabeth Street to the north, Bigge Street to the east, George Street to the west and Railway Street to the south. In addition, the existing Westfield shopping centre is also part of the Commercial Core. Preservation of a Commercial Core in the city centre will support the broader base of uses likely to arise in the Mixed Use areas. Retail development will continue to be focused around the Macquarie Street Mall and Westfield shopping centre, though retail uses will also be permitted throughout the Mixed Use and Commercial precincts.

#### **Mixed Use**

Amendment 52 expanded the area of Liverpool city centre zoned B4 – Mixed Use. Land zoned B4 – Mixed Use may be developed for a range of retail/commercial and residential uses. Three new precincts have been defined for the rezoned sites in Liverpool city centre and some existing B4 sites. These precincts relate to the existing site characteristics, ownership patterns and subdivision patterns. The precincts are identified as Fine Grain, Midrise and Long Term Civic Sites. Certain lots within the Mid-Rise and Long-term Civic Sites (in addition to the Commercial Core) precincts may be developed pursuant to clause 7.5A of LLEP 2008, but only if they meet lot size and access requirements.

The Fine Grain and the Midrise sites use a perimeter block typology, defined by building envelopes (see 4.22 below). The building envelopes enable buildings constructed to these profiles to relate to each other and the street network.

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

#### **High Density Residential**

Liverpool city centre is an increasingly popular residential destination. The Commercial Core and Mixed Use areas of the city centre are surrounded by R4 – High Density Residential zoned land. With the growth of the hospital, there will be increasing demand for accommodation for health workers. One of Council's aims is to improve access to residential areas and the city centre.

In addition to significant residential development in the Mixed Use areas of the city centre, residential development will be focused around the northern, western and southern periphery. It is desirable that the frontages to Macquarie Street at Pioneer Park accommodate retail/café/restaurant activities at ground floor with residential and potentially some office space on floors above. Shepherd Street (at the southern extremity of the city centre) offers the potential to accommodate residential development with good access to the Georges River. Planning controls have been reviewed to assist this outcome.

#### **Education and Medical Precinct**

The Education and Medical precinct is located on the eastern edge of the city centre. It is defined by the South-Western Sydney Area Health Service (Liverpool Hospital) and attendant medical centres and clinics, the Liverpool Private Hospital, public and private schools, and the Liverpool TAFE buildings. The precinct is centred on historic Bigge Park and the Francis Greenway-designed old Liverpool Hospital, now part of TAFE.



LLEP 2008 identifies Liverpool Hospital as a Long-Term Civic Site so that the site may develop using a concept development application and with a full range of building typologies.

#### **Standalone sites**

Standalone sites, as illustrated in **Figure 4.2**, describes a number of sites in certain locations around the city centre, which have been rezoned by Council independently of Amendment 52. The sites have been recognised by Council with development standards which will encourage architecturally significant buildings. It is envisaged that these buildings will develop using the tower on podium building typology.

#### **City centre riverfront**

Liverpool city centre was the first of the 'Macquarie towns', chartered by Governor Lachlan Macquarie in 1810. From its foundation, the city identity was closely connected to the Georges River. Since the development of the railway line along the river as early as 1856, the city centre has become increasingly divorced from the river. The State Rail Freight Line, which runs alongside the passenger line immediately adjacent to the river, has further divided the city and obstructs connections across the Georges River, both physically and visually.

The natural edge of the Georges River and the Chipping Norton lakes system is one of Liverpool's most valuable assets. Opportunities exist to create continuous urban parkland. Council is committed to exploring improved connections from the city centre to the river and to Moorebank.

#### **Georges River Precinct**

The Georges River Precinct has been identified for potential city centre expansion due to the large sites, the limited ownership and proximity to the train station. The site has a number of constraints however, including the location of the railway line, which presents a barrier to access to the city centre, the river and the site's location within the 1% AEP (i.e. 100 year flood). There is limited existing connectivity to the city centre.

#### **Streets, Laneways and Serviceways**

The Hoddle grid, adopted as the township plan shortly after Governor Macquarie founded Liverpool, provides an excellent and legible framework for development. It has a vital role in determining the city's built form.

Streets make up the largest area of public space in Liverpool city centre. Used primarily for traffic and pedestrian movement, they also accommodate business, shopping, festivals, dining, socialising and entertainment. Within the formal grid of north-south and east-west streets there are serviceways (lanes) and arcades. Currently the serviceways do not generally provide direct connections between streets but the arcades do.

In the southern part of the city centre, the grid distorts in response to the topography, forming a secondary grid. The meeting of the regular Hoddle grid with the secondary grid along Memorial Avenue creates corner blocks with obtuse and acute angles. This provides a valuable opportunity to reinforce the character and streetscape quality of Liverpool city centre.

The core of the city centre is bounded by Bathurst Street, Campbell Street, Bigge Street, Pirie Street and Terminus Street. These streets carry the bulk of through traffic around the city centre to access the major arterials – Newbridge Road, Hoxton Park Road, the Hume Highway, Elizabeth Drive and the Cumberland Highway.

The network of serviceways complements the dominant qualities of the main streets. Hidden

within the blocks, the serviceways have the potential to be extended to provide important direct pedestrian links to the streets. If this can be achieved, the serviceways have the capacity to improve permeability and provide spaces that diversify and enrich the city structurally and economically. The active street frontages along Macquarie Street and throughout the city centre are also an asset that should be maintained and expanded.

The development controls in this Part complement the amended LLEP 2008 and define the built form required to ensure that the amenity of the streets and lanes/serviceways is protected and enhanced.

#### **Satisfactory arrangements**

At the request of Transport for NSW, Council conducted a review of the transport needs that would be created by the additional residential development that would be made possible by rezoning much of the existing commercial core of the city centre to permit residential development. The review made a number of recommendations, including that a range of improvements to designated State public infrastructure would be required to support the planned residential growth.

In order to fund the required infrastructure improvements, clause 6.4A of LLEP 2008 indicates that the development of any and all residential accommodation on land within the intensive urban development area of Liverpool city centre (i.e. "Area 7", "Area 8", "Area 9", "Area 10" or "Area 11" shown on the Floor Space Ratio Map), must demonstrate via written confirmation from the Secretary of the DP&E that, according to clause 6.4A(2), "satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relationship to the land on which the development is to be carried out."

The satisfactory arrangements provision must be satisfied prior to the determination of a DA which includes residential development. It is expected that the satisfactory arrangements will take the form of an additional levy on residential development, and may require the making of the planning agreement with the DP&E.

Development of hotel, motel, backpacker, bed-and-breakfast or serviced apartment accommodation is not considered "residential development" and will not be subject to satisfactory arrangements as described in clause 6.4A of LLEP 2008.

#### **Site-specific Development Control Plan**

Clause 6.6, Development control plan, of LLEP 2008 requires that:

- (1) Development consent must not be granted for development on land in an urban release area or intensive urban development area unless a development control plan that provides for the matters specified in subclause (2) has been prepared for the land.*

The "intensive urban development area" is defined in clause 6.4A as being "Area 7", "Area 8", "Area 9" or "Area 10" shown on the Floor Space Ratio Map.

Proposed development that does not rely on clause 7.5A of LLEP 2008 (see Section 2.1.4 below), would not require the lodgement of a site-specific DCP. Council will accept an assessment of compliance with Part 1 and Part 4 of LDCP 2008 in lieu of the submission of a site-specific DCP. For development undertaken pursuant to the floor space bonuses described in clause 7.5A of LLEP 2008, please refer to Section 4.2.5 of this Part.

## 4.2. CONTROLS FOR BUILDING FORM

### 4.2.1 Building form

#### **Background**

Building form refers to the individual elements of building design that collectively contribute to the character and appearance of the built environment. LLEP 2008 includes provisions for land use, building heights, sun access, floor space ratio (FSR) and design excellence. The development controls in this Part of the DCP are intended to reinforce the desired outcomes for the city centre. The resulting built form and character of new development should contribute to an attractive public domain in Liverpool city centre and produce a desirable setting for the intended uses.

The provisions in the Apartment Design Guidelines (ADG) associated with State Environmental Planning Policy (Housing) 2021 – Chapter 4 (Design of residential apartment development) are incorporated in this DCP to apply to all residential development in the Liverpool city centre including apartments, any residential component of a mixed use development, and serviced apartments that are strata titled. Where there is an inconsistency between other provisions in the ADG and this DCP, the ADG prevails to the extent of the inconsistency.

Within the existing Liverpool city centre, the diversity of uses is reflected in the different building typologies. These are:

- Perimeter Block (accommodating commercial and residential uses).
- Towers on a Podium (accommodating commercial and residential uses).
- Detached Buildings (apartment buildings, religious, commercial, education and medical uses).

LLEP 2008 identifies specific precincts on the FSR map for Liverpool city centre (Area 7, Area 8, Area 9, Area 10 and Area 11). The precincts relate to specific character areas defined in this Part as follows:

- “Area 7” is the Fine Grain Precinct;
- “Area 8” is the Midrise Precinct;
- “Area 9” is the Long-Term Civic Sites Precinct;
- “Area 10” is the Commercial Core Precinct; and
- “Area 11” is the Standalone site known as 77-83 Moore Street and 193 Macquarie Street.

The precincts are shown in **Figure 4-2**.

#### **Objectives**

1. Establish the scale, dimensions, form and separation of buildings as appropriate for the city centre and the range of uses.
2. Provide a strong definition of the public domain with buildings on a common alignment.
3. Promote building frontages with good connections to the street.

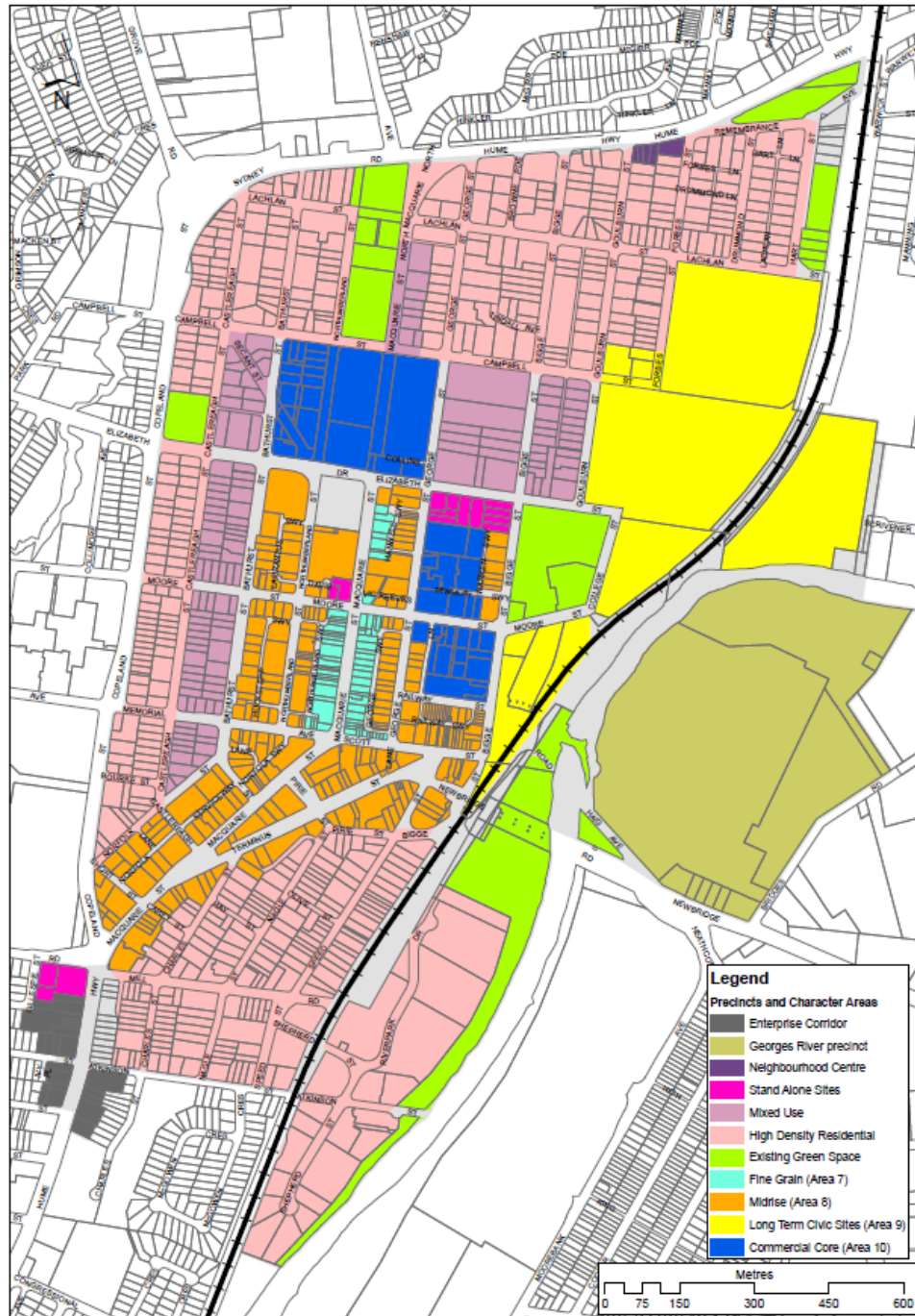
#### **Controls**

Develop new buildings in Liverpool city centre using the following building typologies for precincts as identified in **Figure 4-2**:

1. Perimeter block typology for Fine Grain precinct.
2. Perimeter block typology for Midrise precinct, with the exception of those Midrise sites developed pursuant to clause 7.5A of LLEP 2008 (which may also be developed with a tower on podium typology).

3. Perimeter block, tower on podium or detached building typology for Long Term Civic Sites.
4. Tower on podium or detached building typology for standalone sites.
5. Perimeter block, tower on podium or detached building typology for Commercial Core sites.
6. Perimeter block, or detached building typology for Mixed Use.
7. Detached building typology for High Density Residential sites.
8. Perimeter block, or detached building typology for Enterprise Corridor sites and Neighbourhood Centre sites.

Figure 4-2 Precincts



## 4.2.2 Building Envelopes

### **Background**

Building envelopes provide buildings with a strong address to the street, ensure compatibility between sites and maintain a suitable relationship to the scale of existing buildings. The lower scale buildings on the Fine Grain and Midrise sites contribute to the character of the existing city centre and make a positive contribution to its vitality, image and identity.

Midrise and Commercial Core sites of over 1,500m<sup>2</sup> in area may be developed as described in clause 7.5A of LLEP 2008 in certain circumstances. See section **4.2.5 Controls for sites requiring the submission of a DCP** for greater clarification.

## 4.2.3 Controls for the Fine Grain Precinct

### **Background**

The Fine Grain Precinct is identified on **Figure 4-2**. Fine Grain Sites are small sites that have a very important role for pedestrian interface along streets. They are important because of their short frontages to streets, variety of uses, but also because the diverse ownership offers significant contrast of character, opening hours and price-point for retail offerings.

### **Objectives**

1. Create a contiguous street wall even though sites are developed independently.
2. Address solar access/privacy and light within the building envelope so that separate studies are not required.
3. Provide active street and lane/serviceway frontages.
4. Encourage development without car parking on site.

### **Controls**

Design new buildings in the Fine Grain Precinct as follows:

1. Construct a maximum of four storeys to the street and four storeys to the serviceway frontages, with an additional two storeys set back to street frontages in accordance with **Figures 4-3 and 4-4**.
2. Locate retail uses at the ground floor on street and lane/serviceway frontages (where possible).
3. Develop no more than one level of (at grade) car parking (where necessary), which is to be appropriately screened or sleeved.
4. Provide parking in accordance with LLEP 2008 provisions or make an alternative arrangement to the satisfaction of Council.

Figure 4-3: Fine Grain/Mid-Block

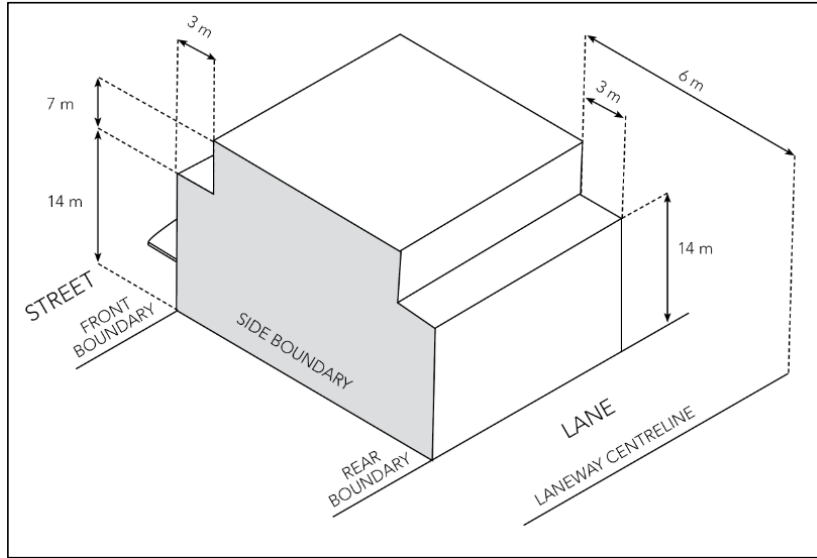
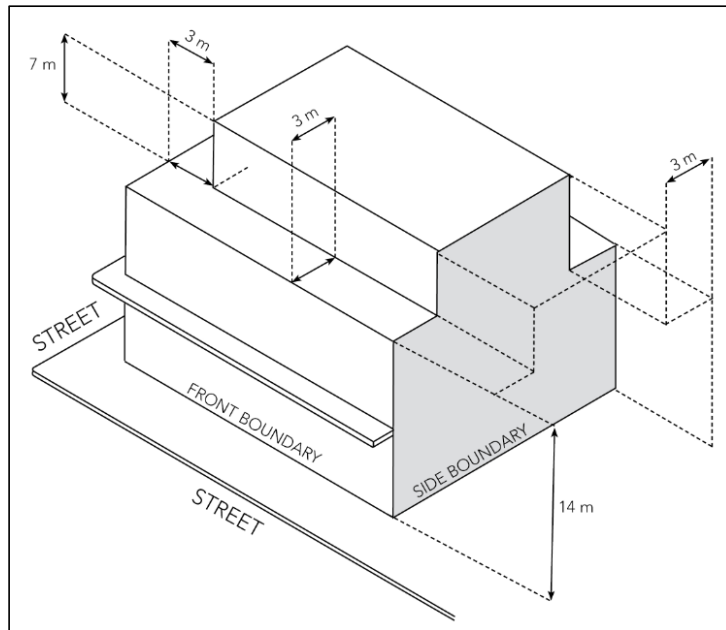


Figure 4-4: Fine Grain/Corner



#### 4.2.4 Controls for the Midrise Precinct

##### **Background**

The Midrise Precinct is identified on **Figure 4-2**. Midrise Sites are capable of accommodating more development than Fine Grain Sites. They are important because of the relatively short-frontages to streets and their diverse range of uses. Differing ownership also provides a variety of use and form that single ownership of large city buildings does not achieve.

##### **Objectives**

1. Form a contiguous street wall even though sites are developed independently.
2. Address solar access/privacy and light within the building envelope so that separate studies are not required.
3. Provide active street and lane/serviceway frontages.
4. Allow flexibility of uses within the building envelope (long life/loose fit) that can change over time.
5. Provide parking for the development on site.

##### **Controls**

Design new buildings in the Midrise Precinct as follows:

1. Construct buildings to a maximum of six storeys to the street and four storeys to the lane/serviceway frontages, with an additional two storeys set back to both frontages in accordance with **Figures 4-5** and **4-6**.
2. Develop retail uses at the ground floor at street and lane/serviceway frontages (where possible).
3. Develop at least one level above the ground floor for a commercial use, or that is capable of being adapted to a commercial use.
4. Provide parking in a basement car park. No more than one level of service (at grade) car parking is permitted and this is to be appropriately screened or sleeved.
5. Provide parking in accordance with the LLEP 2008.



Figure 4-5: Mid-Rise/Mid-Block

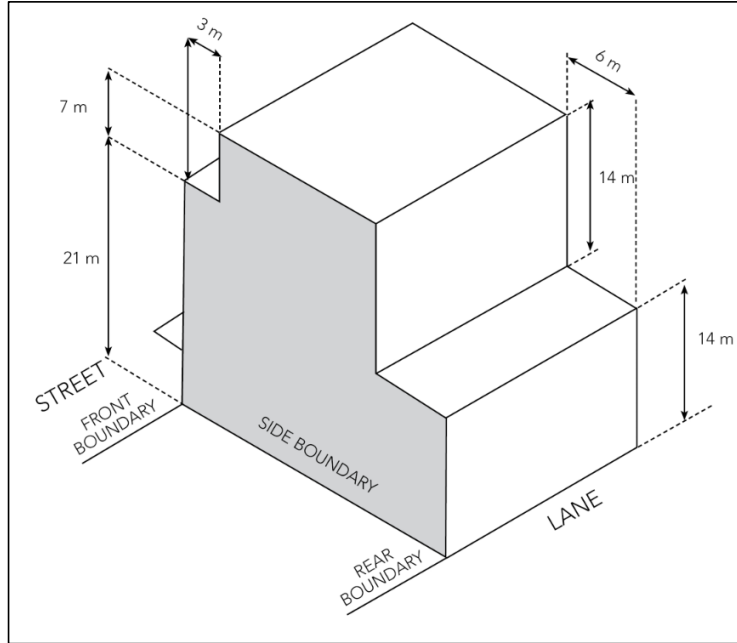
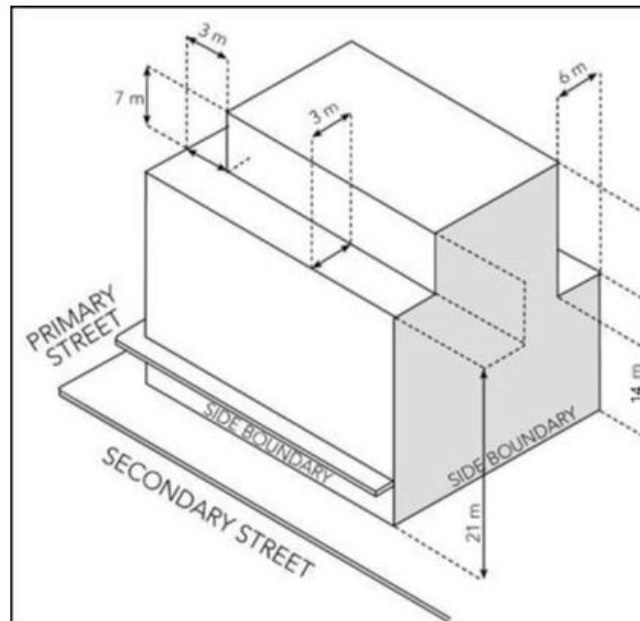


Figure 4-6 Mid-Rise/Corner



#### 4.2.5 Controls for sites that require the submission of a site specific DCP or concept DA

##### **Background**

Clause 7.5A of LLEP 2008 provides additional provisions relating to certain land in Liverpool city centre. This section specifies the requirements for a lot to be developed according to the provisions of clause 7.5A.

The provisions of clause 7.5A are not considered development standards and therefore may not be varied according to clause 4.6 of LLEP 2008. Minimum requirements for the development of a lot pursuant to clause 7.5A are:

- That the lot is situated within "Area 8", "Area 9" or "Area 10" on the Floor Space Ratio Map; and
- Has a lot size exceeding 1500m<sup>2</sup>; and
- Has two or more street frontages.

Pursuant to clause 7.5A(2), any building which is proposed to exceed the maximum height shown for the land on the Height of Buildings Map, and the maximum floor space ratio shown for the land on the Floor Space Ratio Map for the site (to a maximum FSR of 10: 1 in "Area 8" or "Area 10" and 7:1 in "Area 9"), must be developed so that at least 20% of the gross floor area is used for the purposes of:

- business premises;
- centre based childcare facilities;
- community facilities;
- educational establishments;
- entertainment facilities;
- food and drink premises;
- functions centres;
- information and education facility;
- medical centres;
- public administration buildings; or
- retail premises.

The Dictionary of LLEP 2008 defines the meaning and development requirements of each of the specified uses.

Development of sites pursuant to clause 7.5A of LLEP 2008 will require the submission of a DCP. According to section 4.23(2) of the EP&A Act 1979:

*(2) However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*

In other words, the requirement to lodge a DCP pursuant to clause 7.5A(3)(a) of LLEP 2008, may be satisfied by the lodging of a concept development application pursuant to the requirements of section 4.23 of the EP&A Act 1979 instead. It is to be noted however, that section 4.23(3) of the EP&A Act also applies to any such application meaning that:

- 3) *Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations.*

**Objectives**

1. That development of sites within Liverpool city centre pursuant to clause 7.5A demonstrates the appropriate mix of uses and standards of design excellence.
2. Provide appropriate parking for the development on site.
3. Provide active street and lane/serviceway uses .

**Controls**

1. Sites that require the submission of a DCP are to be developed pursuant to the adopted site specific DCP or a concept development application consistent with Division 4.4 of the EP&A Act 1979 and clause 7.5A of LLEP 2008.
2. Clause 7.5A(3)(b) of LLEP 2008 specifies that any proposed development which seeks to utilise the additional provisions relating to certain land in Liverpool city centre must yield a public benefit, in that the site on which the building is to be located must also include one or more of the following uses (NB: in order to provide the required public benefit, these uses must be publicly accessible):
  - recreation areas;
  - recreation facilities (indoor);
  - community facilities;
  - information and education facilities;
  - through site links; or
  - public car parks.

Each land use that is required to yield public benefit (with the exception of “through site links” and “public car parks”, defined below), is defined in the Dictionary of LLEP 2008. The size, scale, location and detailed use of any such proposed development, must be included in the required site specific DCP or concept development application, and be to the satisfaction of Council.

**Through site links** are only to be developed on those sites indicated in Figure 4.12 and must be developed in accordance with the requirements of section 4.3 Pedestrian Amenity.

**Public car parks** are only to be developed with the written permission of Council and must be vested in or under the control of Council. Provision of public car parking must be consistent with Council's Parking Strategy and locational requirements. Any such public car park must be of sufficient scale and located so as to be of a public benefit acceptable to Council.

3. The concept development application lodged pursuant to clause 7.5A of LLEP 2008, must demonstrate how the proposal addresses all matters described in 7.5A(4)(a-m), as follows:

**(a) the suitability of the land for development.**

The site specific DCP or concept development application must articulate planning and design principles relating to development of the land and explain how these address Part 4 of Liverpool Development Control Plan 2008 and any other relevant documents or plans. It must include an analysis of the characteristics and the local context of the land to which it applies.

It must conceptually outline and show graphically the proposed site layout and planning for the development of the land, including the conceptual vertical and horizontal distribution of potential future uses, arrangement, footprint, envelopes and

mix of building types. Through analysis of a number of illustrated options for redevelopment it must determine the preferred approach,

**(b) the existing and proposed uses and use mix.**

The site specific DCP or concept development application must describe the existing uses of any building currently occupying the site, and the proposed use mix to be developed on the site (noting additional use requirements outlined in control 1 above),

**(c) any heritage issues and streetscape constraints.**

The site specific DCP or concept development application must describe how the proposal will address all heritage items in the vicinity, in accordance with the requirements of clause 5.10 of LLEP 2008 and section 4.6.1 of this Part,

**(d) the impact on any conservation area.**

The site specific DCP or concept development application must indicate how any proposed development within the Bigge Park Conservation Area addresses the requirements of clause 5.10 of LLEP 2008 and section 5.10 of this Part,

**(e) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form.**

Liverpool city centre is a mixed-use environment. The site specific DCP or concept development application must ensure that any proposed residential tower is consistent with ADG separation and side setback distances, taking into account existing or proposed towers on the same site or neighbouring sites. Siting of all proposed towers, residential or commercial, must be consistent with clause 7.4 of LLEP 2008 Building separation in Liverpool city centre,

**(f) the bulk, massing and modulation of buildings**

The site specific DCP or concept development application must illustrate the proposed bulk, massing and modulation of buildings to be developed on the site,

**(g) street frontage heights.**

The site specific DCP or concept development application must indicate the street frontage heights of any proposed building. A tower on podium building is to be designed so that the podium is:

- a. four to six storeys in height at the primary street frontage;
- b. four storeys in height to the lanes and/or serviceways; and
- c. 6 metres from a side/rear boundary if the site is adjoining a property that is not zoned B4 – Mixed Use or contains a stand-alone building. The setback should be in accordance with the ADG,

**(h) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity.**

The site specific DCP or concept development application must illustrate how the proposed design will satisfactorily address environmental impacts on the public domain and other sites in proximity, depending on the scale of the development. Designs must ensure the streetscape environment is of pedestrian scale and ensures human qualities of solar access, shade and amenity are provided and negative elements such as noise and wind are minimised,

**(h) the achievement of the principles of ecologically sustainable development.**

The site specific DCP or concept development application must illustrate the ways by which the development proposed maximises ecological sustainability,

**(i) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use.**

The site specific DCP or concept development application must incorporate a Transport Management and Access Plan (TMAP). The TMAP must illustrate how the

proposed development will encourage sustainable transport including:

- measures to encourage increased use of public transport, walking and cycling;
- provisions for access (for pedestrians, cyclists and vehicles including heavy vehicles), circulation and car parking; and
- other measures to reduce car use (e.g. carpooling and car-share services),

**(j) the impact on, and any proposed improvements to, the public domain.**

The site specific DCP or concept development application must demonstrate how the proposed development will integrate with and/or make improvements to the existing public domain, including the provision of setbacks where required. The site specific DCP or concept development application must include a detailed public domain plan.

Improvements to the public domain include:

1. Contributing to the urban tree canopy through new street tree plantings consistent with the Liverpool CBD Streetscape and Paving Manual 2018.
2. Providing street furniture and pedestrian amenity items.
3. Installing high quality pedestrian paving consistent with the Liverpool CBD Streetscape and Paving Manual 2018.
4. Integrating public art in accordance with section 4.3.10 of this Part.
5. Making provision for pedestrians to access to sunlight and shade.
6. Providing a design that contributes to activation of street frontages.
7. Integration of WSUD elements to improve vegetation success within the public domain,

**(k) achieving appropriate interface at ground level between buildings and the public domain.**

The site specific DCP or concept development application must demonstrate how all buildings, including any proposed tower building, achieves an appropriate interface at ground level with existing and proposed buildings and the public domain, according to the requirements of Section 4.3.1 to 4.3.10 of this Part.

Electricity substations and waste collection points must be appropriately integrated into the building design to minimise disruption and visual clutter in the ground plane and streetscape,

**(l) the excellence and integration of landscape design.**

The concept development application must demonstrate compliance with section 4.2.13 of this Part.

4. Locate non-residential uses at ground level that address all street frontages (and laneway/service way frontages, where possible).
5. Develop a maximum of two levels of above-ground car parking, provided it is sleeved by other uses on street frontages and appropriately screened or sleeved by other uses on lane/serviceway frontages. Aboveground parking must achieve minimum floor to ceiling heights that would permit adaption for another use (e.g. commercial/retail or residential).
6. Construct buildings according to the requirements illustrated in **Figure 4.7**, **Figure 4.8** or **Figure 4.9**, depending on the location of the site.

**Figure 4-7: Tower on a Podium/Mid-Block**

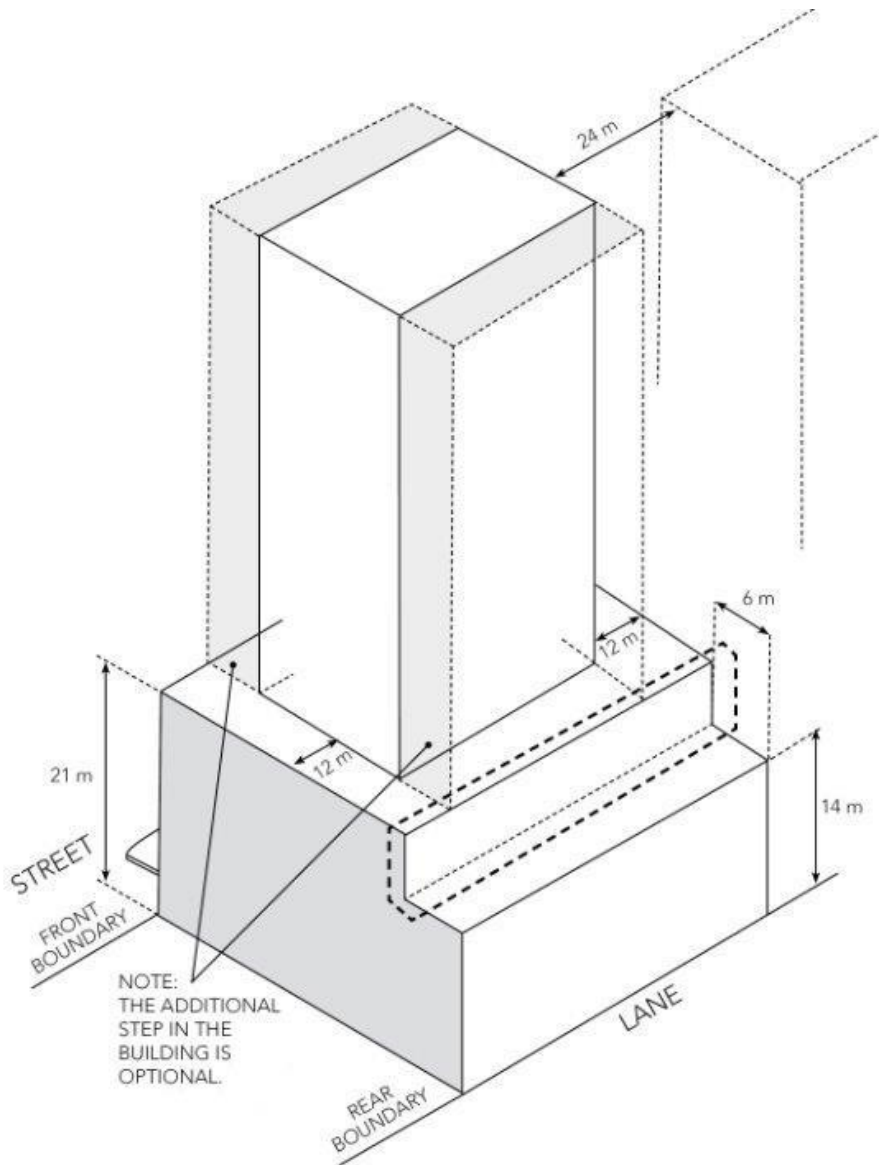


Figure 4-8: Tower on a Podium/Corner Site

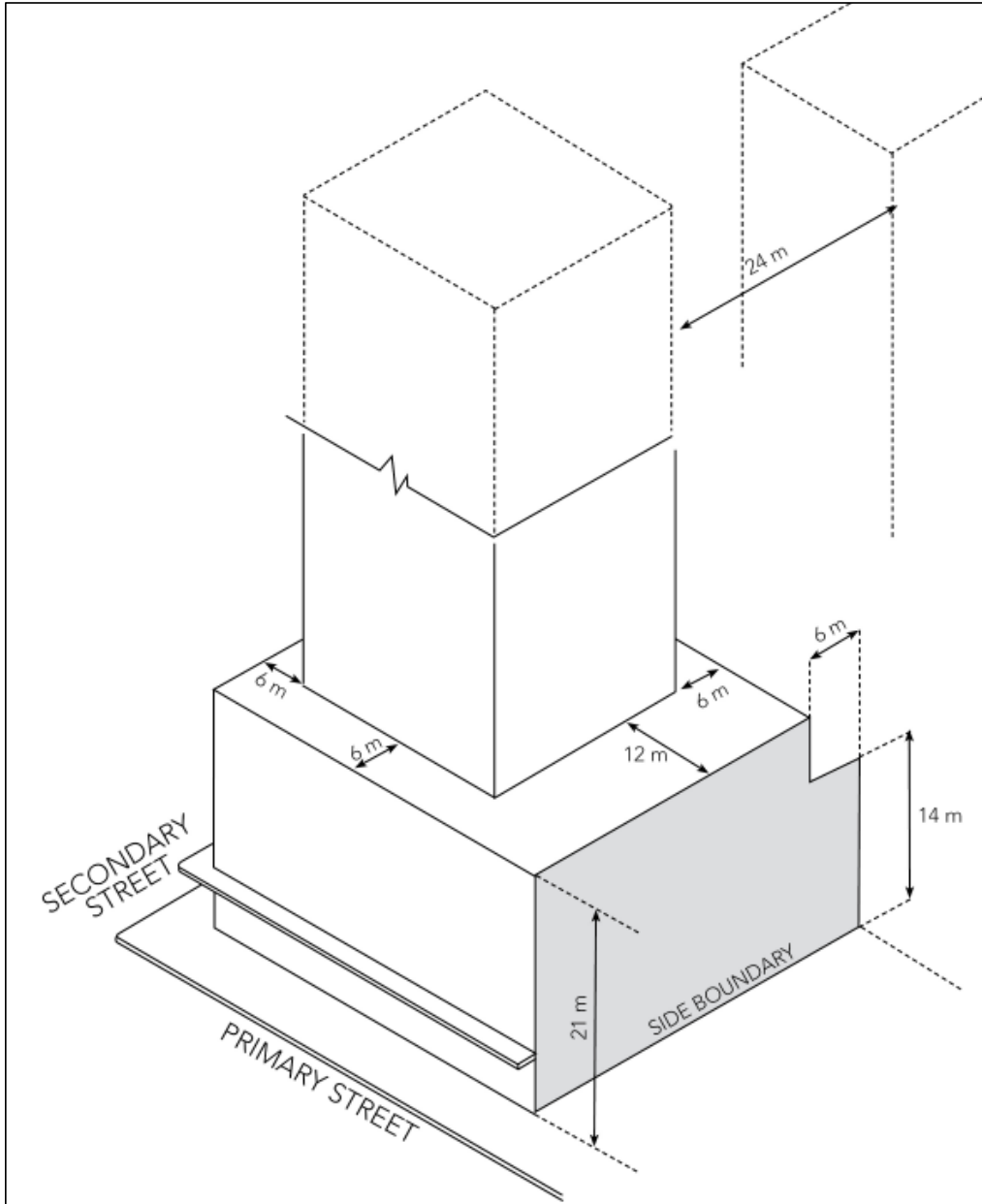
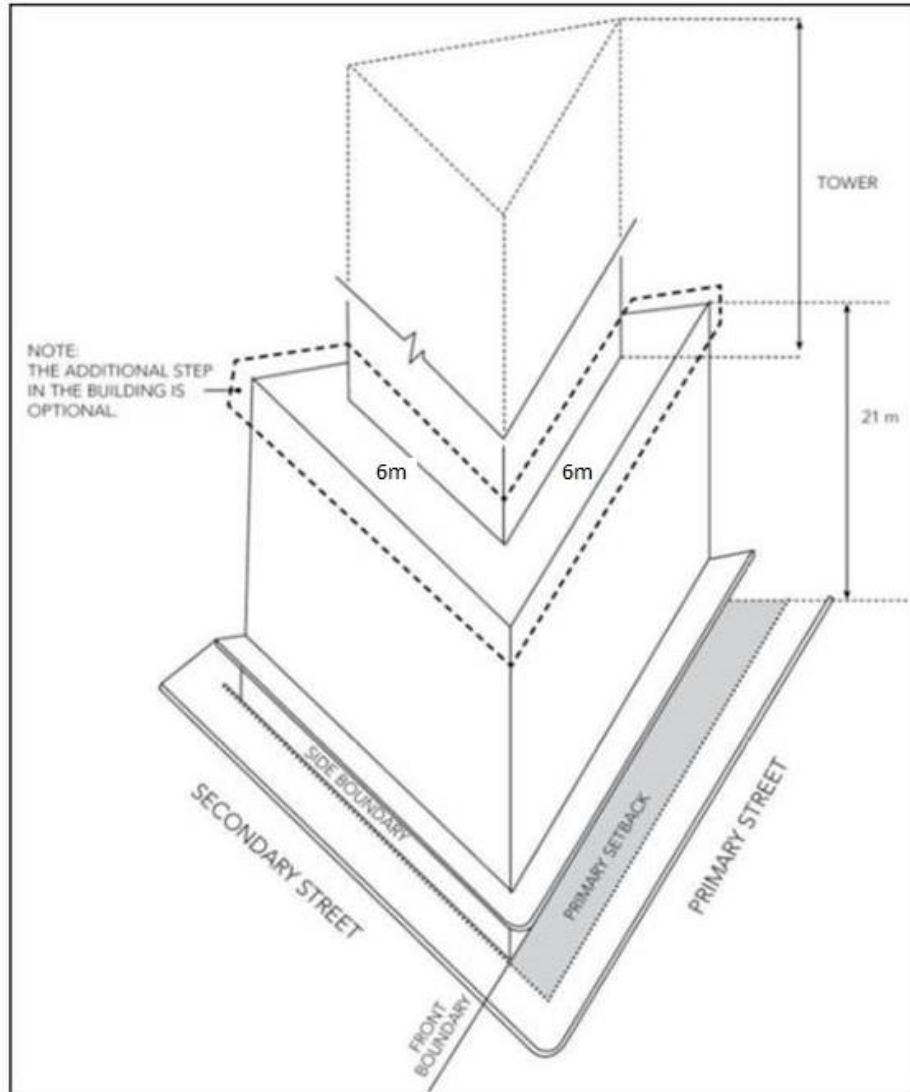


Figure 4-9: Tower on a Podium/Acute Corner Site





#### 4.2.6 Building Floor Plates

##### **Background**

Limiting the size of tower floor plates allows for good internal amenity in terms of natural light and ventilation, while mitigating the potentially adverse impacts that tall and bulky buildings may have on the public domain including overshadowing and poor street amenity. Building depth is related to building use, meaning that commercial floor plates are typically deeper and larger than residential floor plates.

##### **Objectives**

1. Achieve living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting.
2. Provide viable and useable commercial and/or residential floor space.
3. Contribute to useable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings.
4. Reduce the apparent bulk and scale of buildings by limiting the size of the building.

##### **Controls**

1. Design the floor plate sizes and depth of buildings for Fine Grain and Midrise sites as indicated in the building envelopes.
2. Provide a maximum GFA of 700m<sup>2</sup> per level for residential towers with maximum length of elevation of 45m.
3. Comply with ADG standards for building depth and number of apartments.
4. Provide a maximum GFA of 1,000m<sup>2</sup> per level for commercial towers with maximum length of elevation of 45m. Where sites are greater than 2,000m<sup>2</sup> a proportionally larger GFA per floor may be considered.

#### 4.2.7 Street Alignments and Street Setbacks

##### **Background**

Buildings define the street network and public domain. For this reason, the alignment and setbacks of buildings are critical to the quality of internal and external environments. Land in the setback areas may be utilised as outdoor dining and may have basement car parking located under it if required.

##### **Objectives**

1. Create a strong and consistent definition of the public domain.
2. Define the street as a spatial entity. Reinforce the importance of the public role of the street.
3. Provide front setbacks appropriate to building function and character.
4. Establish the desired spatial proportions of the street.
5. Provide sunlight access to streets, comfortable wind conditions, a generous footpath for pedestrians, and to assist growing conditions for street trees. Allow for street landscaping.
6. Locate active uses, such as shopfronts, close to pedestrian activity areas. Allow an outlook to, and surveillance of, the street.
7. Create a transition between public and private space.

##### **Controls**

1. Buildings are to comply with the front setbacks as set out in **Figures 4-12**.
2. Upper level frontages to a lane/serviceway must be setback 6 metres from the centre line of the lane/serviceway.
3. Construct perimeter block buildings and podiums, which comply with the building envelope requirement, to the street and side boundaries (0m setback).

4. Buildings with a boundary to the Hume Highway have a minimum setback of 8m.
5. Buildings on the southern side of streets identified in **Figure 4-10** have minimum front setbacks as follows, in order to maximise solar access:
  - a. Elizabeth Street between Bathurst Street and George Street - 6m.
  - b. Railway Street, Scott Street and Memorial Avenue - 3m.
  - c. Parts of George, Bathurst, Terminus and Bigge Streets – 2.5m.

**Figure 4-10 Street Setbacks**

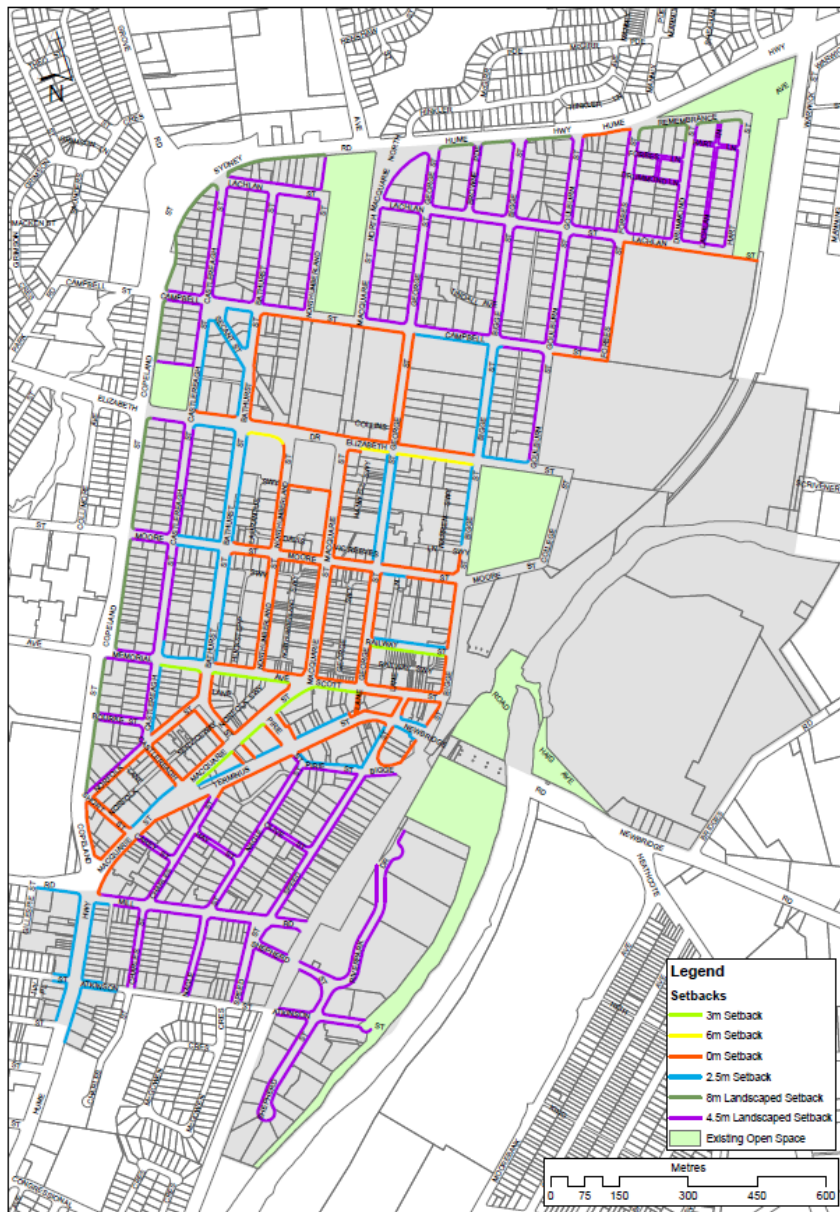
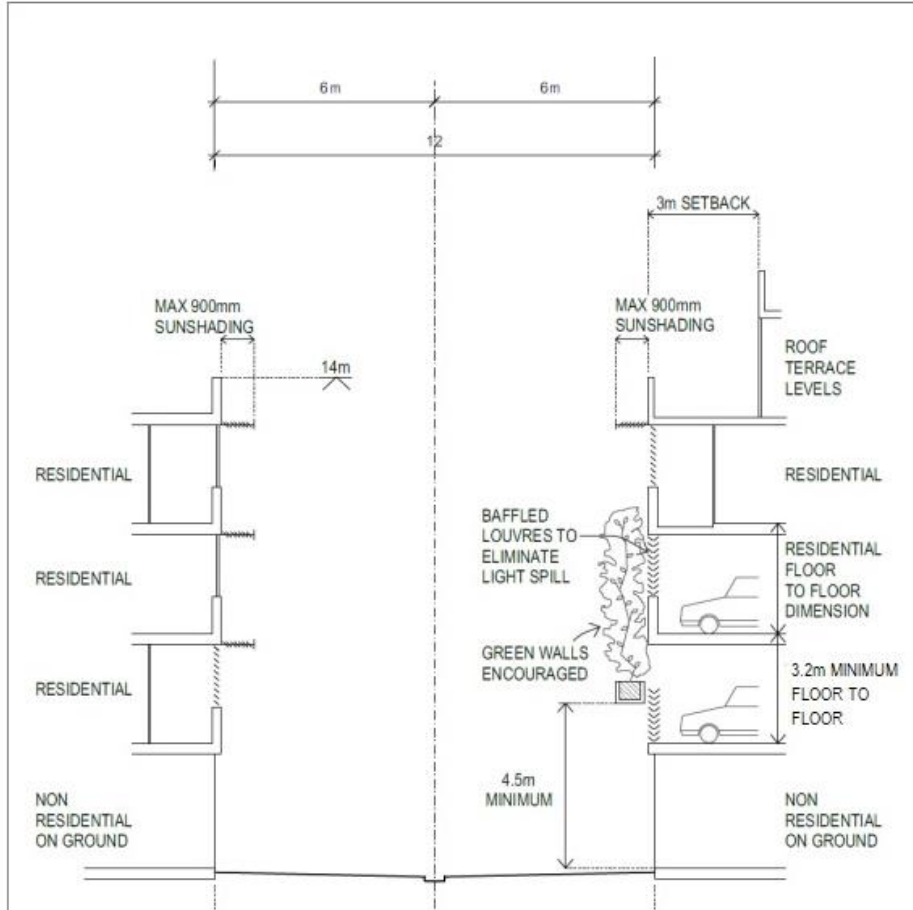


Figure 4-11 Laneway and Serviceway Setbacks



6. Pave the land in the set-back zone to match the paving in the public street so that it provides a seamless and level ground plane.
7. Ensure that no columns, blade walls or other building elements encroach the ground level of the front setback.
8. Ensure that balconies project a maximum of 1.2 metres into front building setbacks in the R4 - High Density Residential Zone.
9. Ensure that minor projections into front building lines and setbacks above ground level are designed for sun shading, entry protection or building articulation and enhance the amenity of the public domain.
10. Allow enclosures or screening of balconies only if they are moveable and aid the amenity of the apartments.

#### 4.2.8 Side and rear boundary setbacks

##### **Background**

Side and rear setbacks, where provided, allow ventilation, solar and daylight access, assist with visual privacy, acoustic amenity, view sharing, and can reduce adverse wind effects. Building separation should relate to building height to ensure appropriate urban form, amenity and privacy for building occupants.

**Objectives**

Side and rear boundary setbacks must:

1. Ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.
2. Achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.

**Controls**

1. All residential and commercial buildings must comply with the separation distances in State Environmental Planning Policy (Housing) 2021 – Chapter 4 (Design of residential apartment development) and the ADG unless otherwise agreed with Council in an approved concept development application.
2. For existing buildings that do not comply with the setback requirements identified in control 1 above, appropriate screening must be installed should the building be refurbished or converted.
3. Buildings with a rear or side boundary to the rail corridor are to provide a minimum setback of 12m. The setback is to be appropriately landscaped.
4. Buildings on land zoned B6 – Enterprise Corridor and B1 – Neighbourhood Centre located in the Liverpool city centre, to have setbacks consistent with Table 4-1 below.
5. Construct buildings across the site facing the street and the rear boundaries rather than facing side boundaries.

**Table 4-1 Side and rear boundary setbacks**

Enterprise Corridor, Neighbourhood Centre and Existing Mixed Use areas	Setbacks	
	Side	Rear
Podium up to six levels :		
- If adjoining development built to boundary	0m	0m
- If adjoining stand-alone development	ADG	ADG
Stand-Alone Buildings		
- Building height up to 12m	ADG	6m
- Building height 12-25m	ADG	9m
- Building height over 25m	ADG	12m

**4.2.9 Minimum Floor to Ceiling Heights****Background**

The height of a ceiling contributes to amenity within an apartment and the perception of space. Well designed and appropriately defined ceilings can create spatial interest and hierarchy in apartments. Ceiling height is directly linked to achieving sufficient natural ventilation and daylight access to habitable rooms. The ground and first floor levels of mixed use apartment buildings should have increased ceiling heights to ensure their longer term adaptability for non-residential uses.

**Objectives**

Minimum floor to ceiling heights must:

1. Address the internal amenity of all users.
2. Assist in ensuring buildings are well-proportioned, articulated and modulated.
3. Allow for the potential for commercial uses in the first floor of any new building.

**Controls**

The minimum floor to ceiling heights are:

1. Ground floor: 3.6m.
2. Above ground level:
  - a) Commercial office 3.3m.
  - b) Capable of adaptation to commercial uses 3.3m.
  - c) Residential 2.7m.
  - d) Active public uses, such as retail and restaurants 3.6m.
3. Car Parks: Sufficient to cater to the needs of all vehicles that will access the car park and, if aboveground, adaptable to another use, as above.

**4.2.10 ~~Housing Choice and Mix~~ Apartment Diversity****Background**

A mix of dwelling types is essential to cater for different family groups and lifestyles, and to achieve housing affordability. Dwellings require internal flexibility as well as a variety of outdoor and recreational areas. Part 4K of the ADG refers to Apartment Mix and requires for a variety of apartment types to be provided in residential flat buildings and matters to be taken into consideration when determining the apartment mix.

This section applies to development for the purpose of residential flat buildings only and does not apply for boarding house, Senior's housing, Group Homes, Co-Living or Build to Rent developments. Further this part does not apply for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by chapter 2, part 2, division 5 of State Environmental Planning Policy (Housing) 2021.

**Objectives**

Developments must:

- ~~1. Provide a mix of dwelling types, sizes and open space to cater for a range of household types and living styles.~~
- ~~2. Provide dwelling layout that is sufficiently flexible for residents' changing needs over time.~~
  - a) To provide for a variety of housing choice within Liverpool Local Government Area which caters for different household requirements now and in the future.
  - b) To increase the housing and lifestyle choices available in dwelling buildings.
  - c) Four and five bedroom apartments are encouraged to provide greater housing diversity and affordability choices to cater for the Liverpool Local Government Area demographics and socioeconomic status.
  - d) Meet the Australian Adaptable Housing Standard (AS 4299-1995) and provide a sufficient proportion of dwellings that include accessible layouts and features to accommodate the changing requirements of ~~residents~~, elderly, disabled residents and families.

**Controls**

- ~~1. In addition to the provisions for dwelling mix in the ADG, residential apartment buildings and shop-top housing must comply with the following apartment mix and size:
 
  - ~~• Studio and one bedroom units must not be less than 10% of the total mix of units within each development;~~
  - ~~• Three or more bedroom units must not be less than 10% of the total mix of units within each development;~~
  - ~~• Dual-key apartments must not exceed 10% of the total number of apartments; and~~
  - ~~• A minimum of 10% of all dwellings (or at least one dwelling whichever is greater) to be capable of adaptation for disabled or elderly residents.~~~~

- ~~2. Adaptable dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).~~
- ~~3. Provide certification from an Accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).~~
- ~~4. Ensure car parking and garages allocated to adaptable dwellings comply with the requirements of the relevant Australian Standard for disabled parking spaces.~~

1. In addition to apartment mix requirements within the ADG, residential flat buildings are to provide for a variety of apartment types and sizes with minimum percentage of apartment mix as per the following table:

Number of bedrooms	Minimum percentage to be provided of total number of apartments
Studio	5%
One bedroom	10%
Three bedrooms or greater	20%
Dual Key apartments	Optional (No minimum or maximum)

2. At least 10% of all apartments are to be capable of being adapted for habitation by seniors and/or persons with disabilities complying with relevant Australian Standards including AS 4299 -1995. This is to include a mix of number of bedroom units. Note. This is different to section 4Q (Universal Design of the ADG).

~~3. Apartments with a varying number of bedrooms (1 bedroom apartments, 2 bedroom apartments, etc) and adaptable apartments are to be located on the ground floor for accessibility by families and the elderly.~~

~~4. Three bedroom and greater apartments are to be located on the ground and top floor.~~

5. The layout of the apartment buildings are to provide for dwelling types that are oriented in a range of directions and provide for dual-aspect layouts maximising solar access and minimising privacy impacts to adjoining residential properties.

#### 4.2.11 Deep Soil Zones and Site Cover

##### **Background**

Deep soil zones are areas of natural ground retained within a development, uninhibited by artificial structures and with relatively natural soil profiles. Deep soil zones have important environmental benefits, including promoting healthy growth of large trees with large canopies, protecting existing mature trees, and allowing stormwater infiltration.

Limiting site cover provides separation between buildings. This space may be public (accessible and useable by the general public), communal (shared by all occupants of a development) or private (for the exclusive use of a single dwelling or tenancy).

##### **Objectives**

1. Provide an area on site that enables soft landscaping and deep soil planting, permit the retention and/or planting of trees that will grow to a large or medium size.
2. Improve amenity by allowing for good daylight access, ventilation, and assisting improved visual privacy.
3. Integrate with the open space and provide passive and active recreational opportunities.

**Controls**

1. The maximum permitted site coverage for development is specified in **Table 4-2**.

**Table 4-2 Site coverage**

Zone	Commercial & Mixed Use	Residential
Commercial Core, Fine Grain and Midrise	Up to 100%	N/A
Existing Mixed Use	75%	N/A
Enterprise Corridor and Infrastructure	75%	50%
All other zones	60%	50%

2. Include a deep soil zone as per Section 3E of the ADG in all developments with a residential component in all areas other than the Fine Grain Precinct and Midrise Precinct, or where perimeter block buildings are developed.

**4.2.12 Public Open Space and Communal Open Space****Background**

Public and communal open spaces are critically important for outdoor recreation opportunities for residents, connection to the natural environment, and valuable 'breathing space' between apartment buildings and within the city centre.

They also contribute to the appeal of the city, the individual development and the wellbeing of residents. High quality open space is essential in higher density urban precincts. The size, location and design of public and communal open space will vary depending on the site context and the scale of development.

Council encourages the development of the rooftop of residential flat buildings and mixed-use developments for the purposes of communal open space, including rooftop gardens, where possible. Better use of the rooftop space will increase the overall amenity and quality of new development in Liverpool city centre.

**Objectives**

Open space must:

1. Provide amenity in the form of:
  - a) landscape character and design;
  - b) opportunities for group and individual recreation and activities, including on the roof space of new residential flat buildings and mixed-use developments;
  - c) opportunities for social interaction;
  - d) environmental and water cycle management; and
  - e) opportunities to enhance microclimate.
2. Allow for a range of activities.
3. Provide an attractive outlook for residents.
4. Respond to and enhance site characteristics and context.
5. Optimise safety.

**Controls*****Existing Public Open Space***

1. Ensure that at least 70% of Bigge Park, Apex Park, Pioneer Park and any other public open space in the city centre has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June (Winter Solstice).

*New Public Open Space*

2. Dedicate open space to Council, where required, as part of an approved concept development application if the space meets the requirements of Council in terms of:
  - a) location;
  - b) aspect;
  - c) accessibility;
  - d) safety; and
  - e) solar access. The open space must be located and designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June (Winter Solstice).
3. Developments with a residential component in all zones must comply with the sections 3D Communal Public Open Space and 4F Common Circulation and Spaces, of the ADG. Consistent with the requirements of the ADG, communal open space is to be collocated with areas of deep soil, where possible.
4. The roof space of residential flat buildings (RFBs) and mixed-use development (including shop-top housing) is to be developed for the purposes of communal open space that incorporate shade structures and amenity facilities (barbecue and rooftop garden) that complement the development.

**4.2.13 Landscape Design****Background**

Landscape design includes the planning, design, construction and maintenance of all utility, open space and garden areas. The landscape qualities of the city centre are an important influence on its image, comfort, public and private amenity. Landscaping within the public domain will be implemented within the framework established by the Liverpool CBD Streetscape and Paving Manual 2018. In the private domain, it is important that a strong and consistent approach to landscaping is achieved in order to contribute to both a high level of amenity and a cohesive image for the city centre.

**Objectives**

1. Enhance quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities.
2. Ensure potable water for irrigation is minimised. Incorporate passive irrigation where possible.
3. Ensure landscaping is integrated into the design of development.
4. Improve stormwater quality and control run-off.
5. Improve the microclimate and solar performance within the development.
6. Improve urban air quality and contribute to biodiversity.

**Controls**

1. Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the above objectives and section 4V, water management and conservation, of the ADG.

**4.2.14 Planting on Structures****Background**

The following controls apply in the Commercial, Mixed Use and Enterprise Corridor zones (as identified in **Figure 4-2**) for planting on roof tops or over car park structures, particularly for communal open space required as a component of mixed use residential development, and in



non-residential developments where the landscaping proposed is not on natural ground.

#### **Objectives**

1. Contribute to the quality and amenity of open space on roof tops and internal courtyards.
2. Encourage the establishment and healthy growth of trees in urban areas.
3. Minimise the use of potable water for irrigating planting on structures.

#### **Controls**

1. Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.

### **4.3. PEDESTRIAN AMENITY**

Pedestrian amenity incorporates all those elements of individual developments that directly affect the quality and character of the public domain. These provisions are intended to achieve a high standard of public domain design and pedestrian comfort in city centre public spaces. The pedestrian environment is to be characterised by excellence of design, high quality materials and a standard of finish appropriate to a regional city centre. The city's lanes, arcades and through-site links are to form an integrated pedestrian network providing a choice of routes at ground level for pedestrians.

The controls in this section aim to increase the vitality, safety, security and amenity of the public domain by:

1. Developing future through-site links at ground level;
2. Ensuring active street frontages;
3. Ensuring a positive relationship between the building and the public domain;
4. Ensuring provision of awnings along the retail frontages; and
5. Mitigating adverse impacts on the street arising from driveway crossings.

#### **4.3.1 Pedestrian Permeability**

##### **Background**

The existing serviceways and through-site links are an integral component of the pedestrian movement system, providing direct access between the street frontage, serviceways and rear parking areas. The north-south oriented street grid in the city centre provides excellent connectivity in this direction, but the city's street pattern would benefit from additional through-site links in an east-west direction. This will assist in reducing the overall street block size.

In some blocks, additional north-south connections will also improve accessibility and choice. Additionally, laneways provide for site servicing in a manner that protects the quality of main street frontages in the city centre.

##### **Objectives**

1. Improve access and choice in the city centre by providing through-site links as redevelopment occurs.
2. Reduce the size of large street blocks to provide greater movement choice.
3. Create clear and direct throughways for pedestrians.
4. Increase the range of economic opportunities.
5. Retain and enhance existing through site links as redevelopment occurs.
6. Enable active street frontages on through site links.
7. Discourage vehicular access from the primary street frontages. Vehicular access shall be provided from secondary streets or laneways.

**General Controls**

1. Design through-site links to have direct sight lines.
2. Locate through-site links as shown in **Figure 4-12**.
3. Locate through-site links within "through site link encouragement areas" (as identified in **Figure 4-12**) opposite other through site links.
4. Extend existing dead end lanes (as identified in in **Figure 4-12**) through to the next street as redevelopment occurs.
5. Connect new through site links with existing and proposed through site links, serviceways, shared zones, arcades and pedestrian ways.
6. The siting of new through site links may be varied where new links cannot be directly aligned with existing links.
7. Retain existing, publicly and privately owned, through-site links.
8. Locate active uses on through site links where possible.
9. Nominate sites for through-site links, shared zones etc. that may be acquired by Council or may be dedicated to Council at no cost as part of a concept development application.
10. Vehicular access shall be provided from secondary streets or laneways only. Vehicular access will not be allowed from the primary street.



**Specific Controls for Different Link Typologies**

1. Shareway | Pedestrians and Cars (Public) Through Site Links must:
  - a) Be a minimum width of 6m and clear of all obstructions.
  - b) Be open to the sky and to be publicly accessible at all times.
  - c) Display signage at street entries indicating public accessibility and the street to which the through site link connects.
2. Pedestrian Paths | (Public) Through Site Links must:
  - a) Be a minimum width of 3m clear of all obstructions.
  - b) Be open to the sky and to be publicly accessible at all times.
  - c) Have signage at street entries indicating public accessibility and the street to which the through site link connects.
3. Pedestrian Arcades and Through Site Links must:
  - a) Be a minimum width of 5m and clear of all obstructions (including columns, stairs, and escalators).
  - b) Provide public access at all business trading times.
  - c) Be at least 2 storeys high.
  - d) Have access to natural light for at least 50% of their length, where appropriate.
  - e) Incorporate clear glazed entry doors comprising at least 50% of the entrance where air conditioned, and to be accessible at least 18 hours per day, 7 days per week.
  - f) Display signage at street entries indicating public accessibility and the street to which the through site link connects

**4.3.2 Pedestrian Overpasses and Underpasses****Background**

Streets provide the best amenity and safety when activated by pedestrians. Pedestrians should be encouraged to use the street to enhance and contribute to street life, and to maximise safety and security of the public domain.

Pedestrian overpasses linking commercial or retail buildings over the public street are discouraged as they can have a negative impact on the streetscape quality and on views and vistas along streets. New pedestrian overpasses or underpasses will only be considered where they directly connect to major transport nodes (such as Liverpool railway station), and/or can substantially improve pedestrian safety and access over major arterial roads (such the Hume Highway).

**Objectives**

1. Promote pedestrian activation of streets and public places by limiting pedestrian overpasses and underpasses.
2. Encourage pedestrian circulation at street level.
3. Protect views and vistas along streets.

**Controls**

1. Design underpasses or overpasses in accordance with *Crime Prevention Through Environmental Design* principles and compliant with the applicable Australian Standard for Disabled Access.
2. Design overpasses to be fully glazed or open, and not greater than 3m wide or more than one level high.
3. Consider underpasses for direct connection under adjacent streets to the railway station

where they:

- a) would substantially improve pedestrian safety and accessibility;
- b) incorporate active uses, particularly at entry and exit points; and
- c) have a minimum width of 4.5m clear of all fixed obstructions and a minimum ceiling height of 6m.

### 4.3.3 Active Street Frontages

#### **Background**

Active street frontages promote an interesting and safe pedestrian environment.

Active frontage uses are defined as one or a combination of the following at street level:

- entrance to retail;
- glazed entries to commercial and residential lobbies;
- café or restaurant, if accompanied by an entry from the street;
- active office uses, such as reception, if visible from the street; and/or
- public building if accompanied by an entry.

#### **Objectives**

1. Promote pedestrian activity and safety in the public domain.
2. Maximise active street frontages in Liverpool city centre.
3. Development in Liverpool city Centre is consistent with the Liverpool City Activation Strategy 2019-24.

#### **Controls**

1. Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links.
2. Locate active street frontages in the Mixed Use, Commercial Core, Enterprise Corridor and Neighbourhood zones (as identified in **Figure 4-2**), on ground level. This does not preclude servicing activities particularly in the serviceways.
3. Locate active street frontages at first floor level in addition to ground for sites addressing major roads as depicted in **Figure 4-16**.
4. Locate street fronts at the same level as the footpath and with direct access from the street.
5. Use only open grill or transparent security (at least 50% visually transparent) shutters to retail frontages.

### 4.3.4 Street Address

#### **Background**

Street address is defined as that part of a building that has a frontage to the street, contains entries, lobbies, balconies and habitable rooms overlooking the street. Buildings can contribute positively to the street by providing a clear address to, direct access from and outlook over, the street.

#### **Objectives**

1. The street address for buildings must provide:
  - a) An attractive interface between the public and private domains.
  - b) Legible entries to the building from the street.
  - c) Opportunities for surveillance of the street and public domain.

#### **Controls**

1. Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments.
2. Provide multiple entrances to large developments on all street frontages.

3. Provide direct 'front door' and/or garden access to the street in ground floor residential units.

#### 4.3.5 Street and Building Interface

##### **Background**

Buildings are to provide privacy if dwellings are located on the ground floor. Where fences are used, they need to be designed to enable a positive relationship between the building and the street. Front fences include all fences to the primary and secondary street frontages, and side boundary fences forward of the building alignment.

##### **Objectives**

1. Clearly define the interface between the public and private domain.
2. Provide privacy for dwellings on the ground floor of buildings.
3. Ensure front fences allow for passive surveillance of the street.
4. Encourage the preservation and/or construction of fences, walls and landscaped areas that contribute to the character of the locality.

##### **Controls**

1. Design the area between the building and the public footpath so that it:
  - a) provides visibility to and from the street (if non-residential use);
  - b) provides privacy if residential uses are on the ground floor;
  - c) introduces paving and/or landscaping between the street and the building; and/or
  - d) screens any above ground car parking.
2. Use front fences that:
  - a) do not present a solid edge to the public domain greater than 1.2 m above the footpath / public domain level; and
  - b) are not constructed of sheet metal or opaque glass.

#### 4.3.6 Lane / Serviceways and Building Interface

##### **Background**

Council envisages lane ways and serviceways in Liverpool city centre developing to offer some of the higher order functions of streets. While preserving functions necessary to the servicing of businesses, lane ways and serviceways may develop to include independent/niche retail businesses and/or residential accommodation in addition to providing back of house services. Active street frontages on service ways can assist in promoting interesting and safe environments in which vehicles and pedestrians have access and a range of uses may flourish.

##### **Objectives**

1. Clearly define the interface between the public and private domain.
2. Provide for passive surveillance of the street from the building to the serviceway.
3. Minimise the impact of above ground car parking.
4. Provide suitable non-residential uses with direct pedestrian access to the lane/serviceway.
5. Ensure the effective operation of loading facilities.

##### **Controls**

1. Set back all levels above ground of buildings 6m from the centre line of the lane/serviceway so that residential uses can be accommodated on opposite sides of the serviceway, as described in **Figure 4-11**.
2. Provide active uses and/or entries at ground level where possible.
3. Screen or sleeve above ground car parking with green walls or other screening devices.
4. Electricity substations (where required) shall be situated within the building or its basement.
5. Vehicular entry points must be of high quality design. The impact of vehicular entry points

on pedestrians must be minimised.

6. Garbage collection points, fire services and other service requirements are to be integrated into the design of the building.

#### 4.3.7 Awnings

##### **Background**

Awnings increase the useability and amenity of public footpaths by protecting pedestrians from sun and rain. Awnings provide a public presence and interface within the public domain to contribute to the identity of a development.

##### **Objectives**

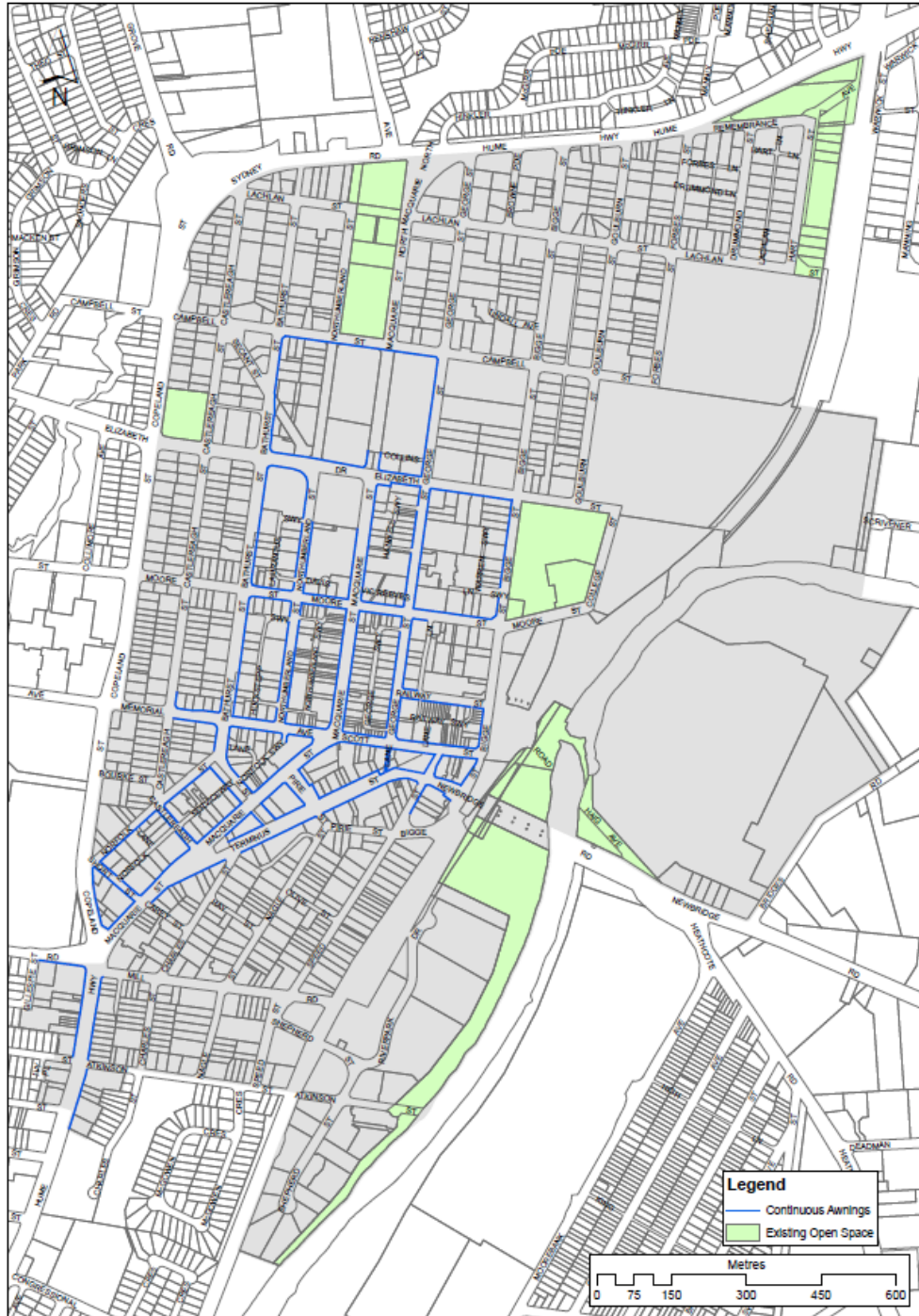
Awnings on buildings must:

1. Provide shelter for public streets where most pedestrian activity occurs.
2. Address the streetscape by providing a consistent street frontage.

##### **Controls**

1. Provide street frontage awnings for all new developments on streets identified in **Figure 4-13**.
2. Awnings must be:
  - a) horizontal in form;
  - b) minimum 2.4m deep (dependent on footpath width);
  - c) minimum soffit height of 3.2m and maximum of 4m;
  - d) stepped to accommodate sloping streets;
  - e) integral with the building design;
  - f) slim vertical faciae or eaves (generally not to exceed 300mm height); and
  - g) setback 1.2m from kerb to allow for clearance of street furniture, trees, and other public amenity elements.
3. Match awning design to building facades, so that they maintain continuity and are complementary to those of adjoining buildings.
4. Include appropriate sun shading device for the outer edge of awnings along east-west streets if required. These blinds must not carry advertising or signage.
5. Provide lighting recessed into the soffit of the awning to facilitate night use and to improve public safety.
6. Maintain a minimum clearance of 2.8m from the level of the pavement to the underside of awning signage.
7. Provide all residential buildings in areas not identified for continuous awnings in **Figure 4-13** with awnings or other weather protection at their main entrance area.

Figure 4-13 Awnings





### 4.3.8 Building Design and Public Domain Interface

#### **Background**

Liverpool's public domain is defined by the buildings, streets and public places. The quality of the public domain is dependent on a consistent approach to the design of new development including the articulation and finish of building exteriors.

Dark coloured finishes (e.g. black, charcoal) can tend to increase heat absorption and add to the urban heat island effect, whereby the urban environment is hotter than surrounding land. Council encourages the use of lighter coloured finishes to help reduce the urban heat island effect in Liverpool city centre.

#### **Objectives**

The design of new/modified buildings in Liverpool city centre must:

1. Contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes.
2. Provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops.
3. Clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security.
4. Seek to reduce the urban heat island effect by selecting lighter coloured external finishes.

#### **Controls**

1. Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider:
  - a) the street 'wall' alignment and building envelope;
  - b) the 'depth' within the façade;
  - c) facade proportions; and
  - d) the response to the corners at street intersections.
2. Provide balconies and terraces appropriately orientated where buildings face public spaces.
3. Articulate façades to address the street, proportion the building, provide 'depth' in the street wall when viewed obliquely along the street and add visual interest.
4. Use high quality robust finishes and avoid finishes with high maintenance costs, and those susceptible to degradation due to a corrosive environment. Large expanses of rented concrete finish is discouraged.
5. Select lighter-coloured materials for external finishes including roofs and avoid the use of darker-coloured materials (e.g. black, charcoal) to reduce the urban heat island effect.
6. Maximise glazing in the facades for retail uses.
7. For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.
8. Construct only minor projections up to 600mm from building walls into the public space. These must not add to the GFA and must provide a benefit, such as:
  - a) expressed cornice lines that assist in enhancing the definition of the street; or
  - b) projections such as entry canopies that add visual interest and amenity.
9. Do not locate communication towers such as mobile phone towers, but excluding satellite dishes, on residential buildings or mixed use buildings with a residential component.
10. Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building.
11. Screen air conditioning units on balconies.
12. No clothes drying facilities to be allowed on balconies.

### 4.3.9 Street Intersections and Corner Buildings

#### **Background**

As buildings located on corner sites address two street frontages instead of one, they are more visibly prominent than mid-block buildings. Corner buildings therefore play a particularly important role in the city centre. Corners can strengthen the form of city blocks, streets and intersections, identify important junctions, assist in revealing topographic features and define pedestrian routes.

#### **Objectives**

Corner buildings must:

1. Contribute to the legibility of the city.
2. Ensure they address all street frontages.
3. Support the role of corner sites in creating a clear skyline and minimising apparent density.
4. Respond to any heritage buildings on opposing corner sites.

#### **Controls**

1. Address all street frontages in the design of corner buildings.
2. Design the corner buildings to respond to the character of the intersection by recognising the different hierarchies of the street typologies.

Note: Intersections of different street types all require varied design responses.

### 4.3.10 Public Artworks

#### **Background**

Public Art enhances the visual quality and cultural influence of both the public domain. It contributes to people feeling positive about their surroundings. Public Art may be ephemeral, temporary or permanent in nature. It may be located in or part of a public space or facility and may be commissioned by either the public or private sector.

Public art also includes the conceptual contribution of an artist to the design of public spaces and facilities. Public Art is crucial to the development of public places which are innovative, vibrant and meaningful and allow curiosity, playfulness and or a sense of connection to form. Public art may take any of the following forms:

- a) Functional Connection; seating, lighting, bollards
- b) Decorative: Incorporated into structures eg paving, awnings
- c) Iconic: Stand-alone sculptural works
- d) Integrated: fully incorporated within the design eg flooring, windows
- e) Interpretative: describe, inform or educate, on issues, events, situations eg signage, plaques, text based work

#### **Objectives**

Public Art in Liverpool city centre must:

1. Contribute to the city's physical attractiveness and the quality of life that it offers visitors and residents.
2. Interpret and express Liverpool's historical and cultural themes, particularly as identified in *Our Home, Liverpool 2027. Community Strategic Plan*
3. Improve the quality of public artworks in Liverpool.
4. Encourage the development of public art as consistent with Council's Public Art Policy.

#### **Controls**

1. Design public art to respond to the particular site of the development as well as the city as a whole.

2. Provide well designed and visually interesting public art created by artists or organisations that are competent in the selected field and committed to best practice.
3. Construct Public Art of materials that are durable, resistant to vandalism, safe for the public and constructed to ensure minimal maintenance.
4. Develop clear and concise agreements with artists/organisations in relation to expectations and deaccession (the process used to permanently remove an object, artwork or assemblage).

#### 4.4. TRAFFIC AND ACCESS

##### **Background**

This section contains objectives specifically related to pedestrian access, vehicular access, on-site parking and site facilities in the city centre. An upgrade of the intersection of the Hume Highway and Hoxton Park Road is also under consideration.

##### **4.4.1 Vehicular Access and Manoeuvring Areas**

##### **Background**

The location, type and design of vehicular access points to a development can have significant impacts on the streetscape, the site layout and the building façade design.

##### **Objectives**

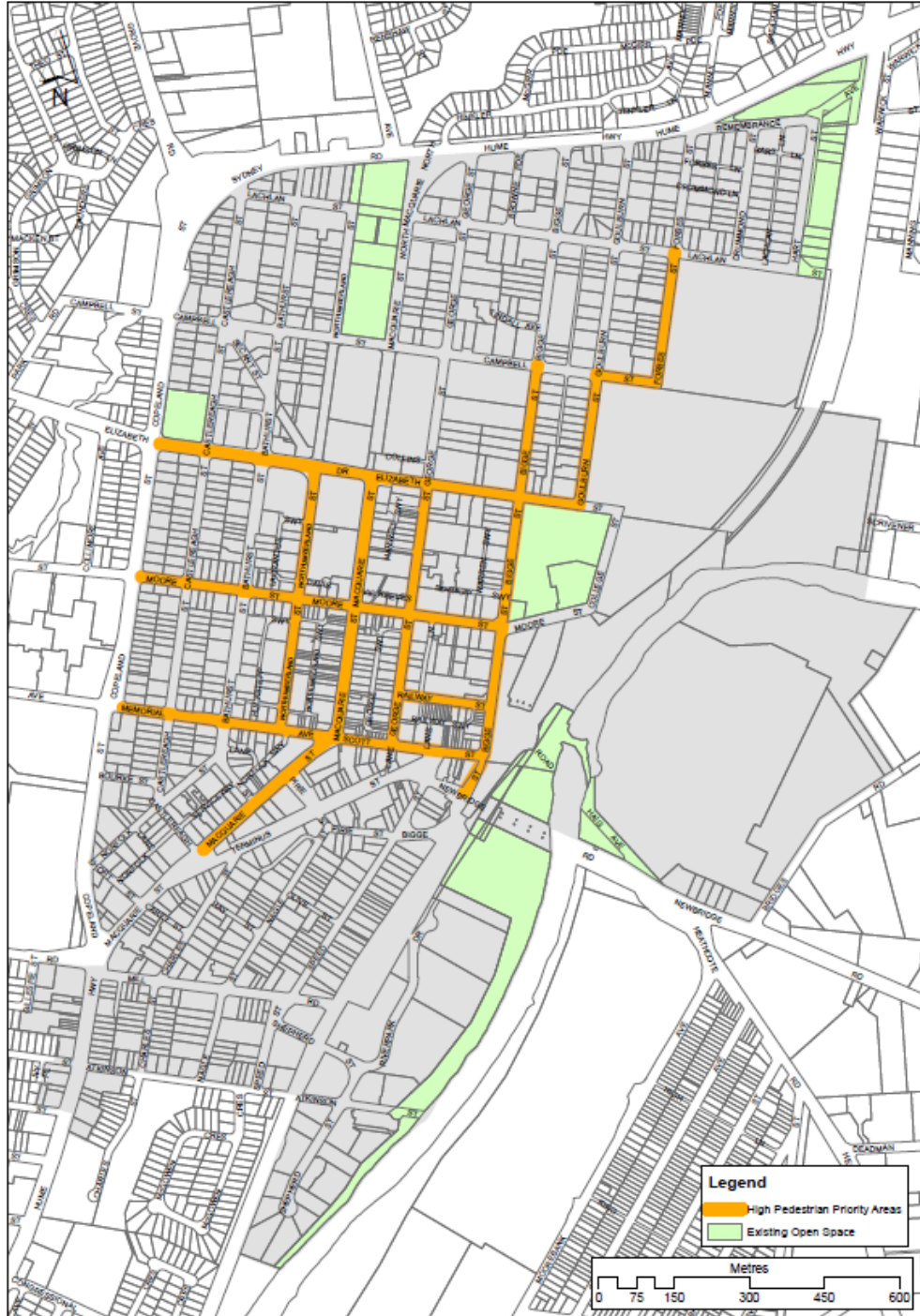
The design and location of vehicular access to developments must:

1. Avoid or minimise conflicts between pedestrians and vehicles on footpaths, particularly along pedestrian priority areas identified in **Figure 4-15**.
2. Not intrude visually into the streetscape continuity.

##### **Controls**

1. Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible.
2. Design of vehicle entry points must be of high quality and relate to the architecture of the building, including being constructed of high quality materials and finishes.
3. All weather access:
  - a) Locate and design porte cochere (for hotels only) to address urban design, streetscape, heritage and pedestrian amenity considerations.
  - b) Design porte cochere to be internal to the building, where practical, with one combined vehicle entry and exit point, or one entry and one exit point on two different frontages of the development.
  - c) In exceptional circumstances for buildings with one street frontage only, an indented porte cochere with separate entry and exit points across the footpath may be permitted, as long as it is constructed entirely at the footpath level and provides an active frontage at its perimeter.

Figure 4-145 High Pedestrian Priority Areas



#### 4.4.2 On Site Parking

##### **Background**

On-site parking includes underground (basement), surface (at grade) and above ground parking, including parking stations. Parking requirements for buildings on land zoned B3 — Commercial Core B4 — Mixed Use within Liverpool city centre are detailed in clause 7.3 of LLEP 2008. For other development (including buildings on land zoned R4 — High Density Residential, B1 — Neighbourhood Centre or B6 — Enterprise Corridor) are detailed below. Bicycle parking requirements are detailed in section 21.3 of Part 1 LDCP 2008, On-Site Car Parking Provision and Service Facilities by Land Use.

##### **Objectives**

On site car parking must:

1. Provide a sufficient supply of on-site parking on the outskirts of the city centre to cater for a mix of development types.
2. Encourage economic growth within the city centre.
3. Enable the conversion of above ground parking to other uses in the future.
4. Encourage a modal shift in transport and recognise the complementary use and benefit of public transportation and non-motorised modes of transport such as bicycles and walking.

##### **Controls**

1. All required car parking is to be provided on site in an underground (basement) carpark except to the extent provided below:
  - a) On Fine Grain and Midrise sites, a maximum of one level of surface (at grade) parking may be provided where it is fully integrated into the building design; and
  - b) ~~On sites requiring the lodgement of a concept DA, a~~ A maximum of one level of surface (at grade) and one additional level of above ground parking may be provided where it is fully integrated into the building design *and not visible from the public domain.*
2. Provide car parking for buildings developed on land in the R4 - High Density Residential zone as follows:
  - a) 1 space per two studio apartments.
  - b) 1 space per one bedroom or two bedroom apartments.
  - c) 1.5 spaces per three or more bedroom apartments.
3. Provide car parking for buildings developed on land in other zones (B1 — Neighbourhood Centre and B6 — Enterprise Corridor) as follows:
  - a) 1 space per 100 m<sup>2</sup> of floor area
4. Service and visitor parking is to be provided for all development within the city centre. For sites zoned B3 — Commercial Core or B4 — Mixed Use, service and visitor parking is to be provided as part of the parking required according to clause 7.3 of LLEP 2008, Car parking in Liverpool city centre. For all other sites, service and visitor parking requirements are additional to that specified in controls 2 and 3 above.

Service and visitor parking is to be provided In accordance with the following formula:

- Residential (including residential components of mixed-use or other developments)
- 1 space per 10 apartments or part thereof, for visitors; and
  - 1 space per 40 apartments for service vehicles (including removalist vans and car washing bays) up to a maximum of 4 spaces per building
- All other development

5. Sufficient service and delivery vehicle parking adequate to provide for the needs of the

development.

Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces.

6. No less than 2% of the total parking demand generated by development shall be accessible parking spaces, designed and appropriately signposted for use by persons with a disability.

## 4.5. ENVIRONMENTAL MANAGEMENT

### 4.5.1 Wind Mitigation

#### **Background**

Windy conditions can cause discomfort and be dangerous to pedestrians. Downdrafts from buildings can inhibit the growth of street trees. Conversely, moderate breezes that penetrate streets can enhance pedestrian amenity and disperse vehicle emissions and air conditioning plant exhausts.

#### **Objectives**

Wind mitigation measures must:

1. Ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians.
2. Ensure that the moderate breezes are able to penetrate the streets of Liverpool city centre.

#### **Controls**

1. Design all new buildings to meet the following maximum wind criteria :
  - a) 10m/second in retail streets;
  - b) 13m/second along major pedestrian streets, parks and public places; and
  - c) 16m/second in all other streets.
2. Submit a Wind Effects Report with the DA for all buildings greater than 35m in height.
3. Submit results of a Wind Tunnel Testing report for buildings over 48m in height.

### 4.5.2 Noise

#### **Background**

Noise sources from major road and railway corridors and mixed-use and commercial development have been identified within and adjacent to the city centre. It is important for the amenity and comfort of future occupants of buildings in proximity to these areas that appropriate measures are put in place.

#### **Objectives**

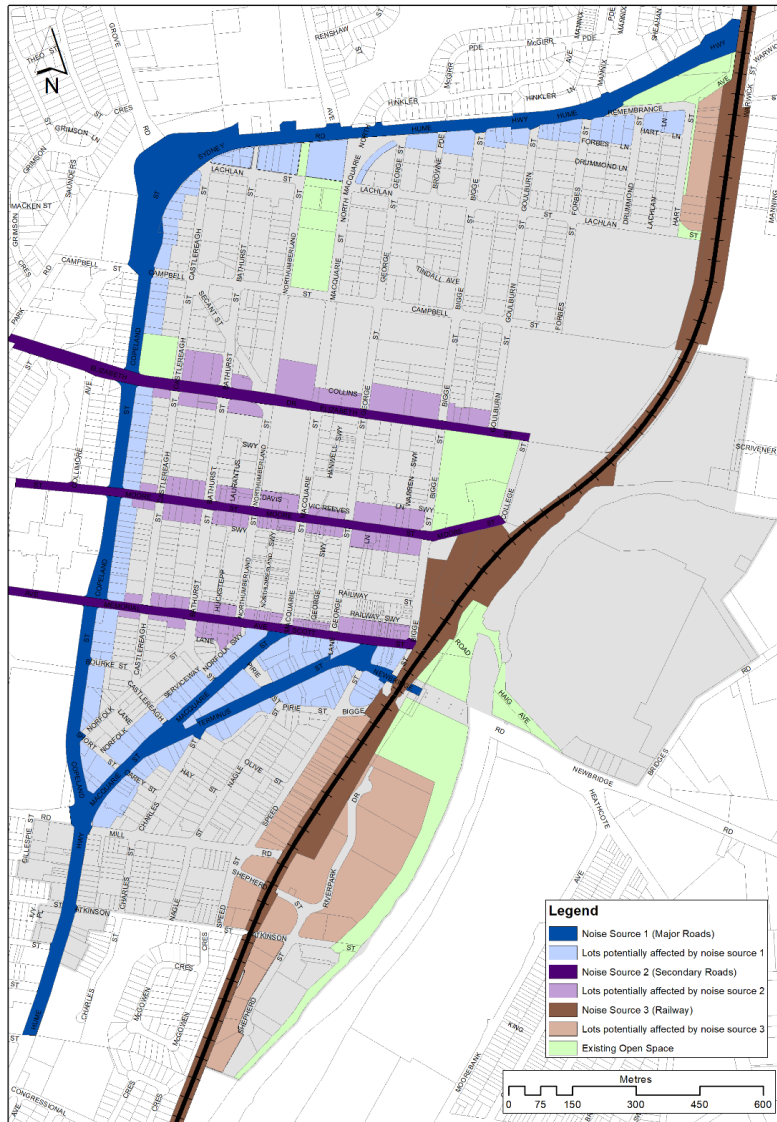
1. Noise mitigation measures must achieve appropriate amenity in noise affected locations.

#### **Controls**

1. Design development on sites adjacent to road and rail noise sources identified in **Figure 4-16**, in a manner that shields any residential development from the noise source through the location and orientation of built form on the site, supported by an appropriate acoustic report as required by the State Environmental Planning Policy (Infrastructure) 2007.
2. Provide an 8m setback from the primary street frontage to any residential component of development located along Terminus Street and the Hume Highway.

All residential apartments and / or serviced apartments within a mixed use development should be designed and constructed with double-glazed windows and / or laminated windows, solid walls, sealing of air gaps around doors and windows as well as appropriate insulating building elements for doors, walls, roofs and ceilings etc; to provide satisfactory acoustic privacy and amenity levels for occupants within the residential and / or serviced apartment(s).

Figure 4-165 Noise



## 4.6. CONTROLS FOR SPECIFIC AREAS

### **Background**

The following controls are in addition to the general controls elsewhere in this DCP. The purpose of this section is to provide additional, site specific controls for areas of sensitivity within the city centre. These included heritage areas and sites requiring the lodgement of a site-specific DCP.

### **4.6.1 Heritage Items and Conservation Areas**

#### **Background**

Heritage items and heritage conservation areas identified on the heritage map and in Schedule 5 of the LLEP 2008. Works affecting listed heritage items or areas, or development on listed heritage sites, are subject to the provisions of the LLEP 2008. As part of the assessment process, the consent authority must have regard to:

- Heritage provisions outlined in Clause 5.10 of the LLEP 2008;
- Heritage objectives, controls and conservation criteria as listed below;
- The relevant Statement of Significance for each item;
- Any conservation management plan, heritage impact statement or study required by the consent authority in response to proposed development of these areas;
- For development that may impact a heritage item, information addressing relevant issues must be included in a Statement of Heritage Impact submitted with the DA; and
- Development within the curtilage of a listed item, or a heritage conservation area, or which will impact upon the setting of a heritage item or heritage conservation area is also subject to the following provisions. Where there is a discrepancy with general controls elsewhere in this DCP, the following objectives and controls are to apply.

#### **Objectives**

1. Facilitate the conservation and protection of heritage items and heritage conservation areas and their settings.
2. Reinforce the special attributes and qualities of the heritage significance by ensuring that development has regard to the fabric and prevailing character of the item or conservation area, including scale, proportions, materials and finishes.
3. Design infill development to complement the heritage values and address the desired future character.
4. Conserve, maintain and enhance existing views and vistas to buildings and places of heritage significance.
5. Ensure new buildings and landscaping in heritage precincts recognise community values and provide a sense of continuity. Refer to the joint NSW Heritage Office and RAIA publication "Designing in Context: Guidelines for Infill Development in the Historic Environment" (2005) for further guidance.

#### **Controls**

1. Submit a Conservation Management Plan prior to the submission of any development application for the following sites:
  - a) St Luke's Church;
  - b) Liverpool Railway Station; and
  - c) Liverpool College of TAFE (Francis Greenway Building).
2. Ensure that all development in the Bigge Park Conservation Area addresses any potential impact on the heritage significance of the area as a whole.
3. Retain and enhance the significance of heritage items and their setting in any new development within Liverpool city centre.



4. Undertake an assessment for sites in the vicinity of heritage items or heritage conservation areas, of the impact of the proposal on the setting of nearby heritage items or heritage conservation areas.
5. Establish the relevant criteria for each proposal depending on the nature of development, the proximity of the development to surrounding heritage items and conservation areas in addition to any other factors considered in the design of the subject building.
6. Infill building must not precisely imitate its neighbour but use recognisable tools such as spatial organisation, massing, scale, alignment, detailing, materials, roof forms and coursing lines to complement adjacent heritage items.
7. New buildings must not obstruct important views and vistas of a heritage item.

#### **4.6.2 Site specific DCPs**

##### **Background**

As noted in Section 4.2.5 above, certain sites in Liverpool city centre (having a minimum lot size of 1500 m<sup>2</sup> with two or more Street frontages and situated in "Area 8", "Area 9" or "Area 10") may be developed pursuant to Clause 7.5A of LLEP 2008. While Council's preferred option is that development of these sites proceeds pursuant to a concept developed application, the option is to lodge a site specific DCP which meets all the requirements of clause 7.5A(4) of LLEP 2008. Any such site-specific DCPs are to be considered as amendments to Part 4 LDCP 2008 and included in this section.

Summary of submission received during public exhibition of the draft 'Parking Enforcement Policy'

Council received 40 online submissions during the public exhibition period of 14 September 2023 to 16 October 2023. Tabled below is a summary of the submissions received and responses.

Feedback method	Number of submissions
Submissions emailed to Council	37
Submissions received through Councils Customer Request portal	3
<b>Total</b>	<b>40</b>

Opinion	Count
For	18
Against	17
Unclear or Not Stated	5

	Main Comments in submission	Summary of submission	For / Against
1.	<p>I write in regards to the Council's draft Parking Enforcement Policy. In relation to parking on the nature strip the policy is illegal as it contravenes the NSW road rule number 197 which prohibits parking on footpaths and nature strips. The proposal is irresponsible and creates a public liability issue for Council and will result in uneven surfaces creating a trip hazard and potential serious injury to pedestrians. Council has a duty of care to ensure pedestrians have safe access on the nature strip.</p> <p>The penalty for parking on the footpath is \$257 and \$330 and 2 demerit points if in a school zone. The police can issue fines for offences under the NSW Road Rules. So, on one hand Council is encouraging illegal parking and taking no action however the police can issue a fine so where does a driver stand if this occurs?</p> <p>The draft policy under school zones claims Council will have a zero tolerance approach however when it comes to parking on the nature strip no action will be taken that's contradictory.</p>	<p>a) Policy is not legal due to inconsistency with NSW Road Rules for Council</p> <p>b) Policy creates a public liability issue</p> <p>c) Damaged nature strips will lead to injury to pedestrians</p> <p>d) Potential inconsistency between Council and police enforcement action</p> <p>e) Policy is in contravention of RMS technical direction</p> <p>f) Excess parking will have a negative visual impact</p> <p>g) Council should not approve narrow streets in the future</p>	Against
	<p>The draft Parking Enforcement Policy also contravenes the Technical Direction issued by RMS which deals with parking provisions on narrow roads. Liverpool Council has a policy for dealing with parking spaces along narrow streets (copy attached). The policy is well written and ensures that parking provisions along narrow streets comply with legislation and the RMS Technical Direction.</p>		
	<p>I urge the councillors to not proceed with this policy as it will lead to unsafe pedestrian access and possible serious injuries, damage to Council's infrastructure, public liability claims and create a detrimental visual impact with vehicles parked all over the nature strip. Also, the possibility of neighbourhood disputes when a neighbour decides to park in front of another neighbour's property and damage their well-maintained nature strip. Who is going to make the judgment that the following is being complied with – the motorist or the Ranger and where is the consistency?</p>		

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	<p>The motor vehicles must not interfere with the general use of the footpath area, obstruct sight lines for vehicles using the roadway or cause damage to Council infrastructure which includes the kerb, nature strip, footpath area and underground services.</p> <p>Finally has Council legal team checked the legality of such a policy given the requirements of the NSW Road rules?</p> <p>Moving forward Council should ensure new subdivisions have roads that are not narrow and that developers allow for roads that permit parking on both sides and movement of traffic.</p> <p>Great to see council is taking initiative to bring ease to our community through innovative thinking.</p> <p>I just had a thought about the new car parking idea (which is great btw, much needed).</p> <p>I live on a narrow street and the neighbour across the street already parks partially on his nature strip. But his parking spot is directly across from our driveway. When he is parked there we can't just drive straight into our driveway or drive straight out of it. Part of his car that is on the street is in the way of our turning curve.</p> <p>The point of above is, let people park partially on the nature strip if the street is narrow but maybe not on the nature strip that is directly across from a driveway if the street is a narrow lane type of thing.</p>		
2.		<p>a) Vehicles should not be able to park directly opposite a driveway on narrow streets</p>	For
3.	<p>I write regarding the new Draft Parking Enforcement Policy, as presented on the Liverpool City Council website (accessed via Instagram).</p> <p>I would like to express wholehearted support for this policy. As a resident of Cecil Hills, I see every day the effects of Council's current policy forbidding any parking on the nature strip.</p>	<p>a) Policy will benefit flow of traffic and parking in narrow streets</p>	For

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	<p>The streets of Cecil Hills are narrow enough that when a car is parked on either side of a street, that street is effectively rendered one-way. Most residents had taken to parking at least partly on the nature strip as a courtesy to their neighbours, but were discouraged by literature distributed by Council and severe fines.</p> <p>I am very pleased to see Council updating its parking policy to allow for partial parking on the nature strip.</p> <p>I am a resident of Labuan Road, Wattle Grove, NSW 2173.</p>		
4.	<p>I am writing to voice my strong support for the proposed new parking policy.</p> <p>Wattle Grove is a growing and vibrant community. Many young families have moved here over the past 25 years to raise their children and have remained in the area.</p> <p>As times have moved on and these children have grown up, we have more people, more vehicles - and with the development of duplexes all over the neighbourhood - more households in the area.</p> <p>The streets however have remained narrow (naturally) and the increase in vehicles has meant that parking is now creating dangers that weren't designed for or envisioned when the suburb was laid out. More and more people need to park at or near their home, and the current parking policy (requiring the vehicles to be entirely on the street) creates needless dangers for motorists daily.</p> <p>In my street, adherence to the parking enforcement policy requires people to park on both sides of a narrow street, around a blind corner.</p> <p>There is only room for one vehicle to pass through the remaining space, leading to frequent near misses of head on collisions in my own street!</p>	<p>a) Local roads are narrow and need to accommodate a large number of cars</p> <p>b) Policy will allow for better traffic flow in narrow streets</p> <p>c) Will lead to improved road safety</p>	For

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	<p>This adds a terrifying dimension to my daily commute- only a short one to the train station - that needn't be there. I daily wish for a better solution.</p> <p>We are blessed with well laid out nature strips and there is abundant room to park safely by using this resource and ensure the safety of our community.</p> <p>Imagine my delight when I saw the practical and effective draft proposal to allow parking half on, half off the kerb.</p> <p>By moving each vehicle halfway onto the nature strip, we create space for another lane of traffic.</p> <p>This is immensely safer and I wish to add my vote of strong support to this proposed change.</p>		
5.	<p>Please enact the draft policy for practical, safer streets in Wattle Grove.</p> <p>I agree with the proposed plans because it will allow for less congestion on the roads, less likely to create accidents, more people can visit family and friends in the area as more parking options available.</p>		For
6.	<p>From an access point of view it is good this council is allowing parking up rolled kerbs in line with their purpose, however I wonder how the prevention of damage to the nature strip etc will be managed. There is no parking outside my property, yet I have still had the nature strip turned to sludge by heavy vehicles recklessly straying off the road and onto the grass as they drive past. One thing I would suggest is to limit parking on the nature strip to vehicles under say 2000 kg to limit the impact on surfaces. Another consideration might be to make requirements around how long a vehicle may be parked without being moved, as exists in some areas for trailers and caravans, to prevent grasses dying or allow people to mow and weed.</p> <p>If people were made to use their garage to park their car rather than stuffing it full of garbage then that would be the ultimate solution.</p>	<p>a) Policy will help with traffic flow and parking</p> <p>b) Will improve road safety</p> <p>a) Vehicles will cause damage to the nature strip</p> <p>b) Policy should include vehicle weight limits</p> <p>c) Policy should include time limits to prevent long term parking</p> <p>d) Garages are not being utilised for the parking of vehicles as intended</p>	For

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7.	<p>We, residents of Carnes Hill area, strongly oppose the current proposal. We have a number of concerns that we would like to raise and to be addressed by the council,</p> <ul style="list-style-type: none"> <li>- who will be responsible at maintaining the nature strip? Especially when the grass is ripped or damaged by a vehicle, chances of this happening when it's raining and wet are a lot greater. Utes will do a lot of damage to the nature strip that we as residents maintain. Every second house in our street has a Ute</li> <li>- residents tend to park in front of neighbouring properties first before utilising their own parking, we do not wish for our front yard to become someone else's parking lot</li> <li>- someone else parking on the verge that we look after would cause friction as we would be left to fix the damage caused by vehicles, which would be really frustrating and unfair, and on top of it costly</li> <li>- would this apply to sides that have footpath only?</li> <li>- would this rule apply to corner blocks?</li> <li>- who would we call to fix damaged grass area? Will we have a direct contact from the council?</li> <li>- this will make our street look untidy, front yards look ghetto like and leave lots of dirt marks on the road when it rains.</li> </ul> <p>This problem could've been avoided or eased if residents used their garages to park cars, not for placement of kitchens, lounge areas etc.</p>	<p>a) Vehicles will cause damage to the nature strip that residents maintain</p> <p>b) Concerns that residents will choose to park on neighbours' nature strips</p> <p>c) Policy should clarify parking rules where there is no footpath or where there is a corner block</p> <p>d) Concerns regarding who will be responsible for repairing the damaged grass</p> <p>e) The damaged nature strips and parked vehicles will have a negative visual impact</p> <p>f) Garages are not being utilised for the parking of vehicles as intended</p>	Against
8.	<p>I am writing to tell you that I do not at all agree with this policy, it is very unsafe to allow cars to mount the kerb and park up on our grass. I have had this happen to my property many many times already and I have complained to the council many many times, even the rangers have come out to my property. I also find it ridiculous that with this draft policy it shows I cannot park entirely on my driveway. How does that make sense I cannot park towards the end of my driveway? There is no footpath along it. I live on Archer Way West Hoxton 2171 I strongly disagree and do not want cars parked up on my grass during busy peak times of school pick up and drop off, or as cars overflow from the local</p>	<p>a) Residents should be able to park on their own driveway</p> <p>b) Vehicles will cause damage to the nature strip that residents maintain</p> <p>c) It will be hard for residents to feel safe while on their own property</p> <p>d) It will be unsafe for children who play in the front yard</p>	Against

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	doctors surgery or from the sports field. It creates mess to my grass, makes it hard to feel safe and secure in my own house, it's unsafe for my 3 small children that play out the front on our grass that we constantly maintain, we have underground sprinklers too. We take pride in our property. So please mark me down as a big fat no to this draft parking enforcement policy, I disagree completely.		
9.	I have read the proposed draft parking enforcement policy. As a resident of Liverpool Council, I support the proposal as it will ease access on narrow streets by allowing vehicles to park further to the side. As this is already happening in practice anyway, removing the possibility of being unnecessarily fined is a positive step.	a) Policy will help with access on narrow streets b) Removes possibility of unnecessary fines	For
10.	According to Ned's post of Facebook Parking half on strip and road.	a) Concrete could be placed where cars may park on the strip to reduce mess	Not stated
11.	Is the a way of putting a slab of concrete on half the strip for cars to park as when it rains can get very messy and residents living there wouldn't like it. I am writing you after reading the draft parking enforcement policy.  I am so pleased to read that common sense is prevailing which will allow cars to park on part of the nature strip when there is a rollback kerb. I have lived in Horningsea Park for 19 years and there are always issues with cars parked allowing hardly any space to get through making it dangerous to drive.	a) Policy will help with access on narrow streets, improving road safety	For
12.	Thank you and you have my full support. Can you please ensure the parking policy and pictures address tandem parking on driveways WITHOUT a footpath. In the 10plus years I have lived in Horningsea Park I have never seen pedestrians walking down the side of the street without footpaths. In this case we should be able to park 2 cars tandem on our driveway as we are not technically blocking a footpath.  Your pictures and policy do not touch on this before or in the draft so it's unfair residents in my street have been fined.	a) Residents should be able to park on the Council owned part of the driveway if there is no footpath b) Policy should clarify parking rules where there is no footpath c) There should be a subsidy given to residents to concrete where cars may park on the strip	For



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13.	<p>I also think if you allow parking on the verge (which I think is commonsense) you should give a discount to residents to concrete maybe 1/2 a mtr on the lawn so it doesn't become a mud pit and rip up the lawns people work so hard to keep looking good.</p> <p>I believe it should not be approved because</p> <p>it's not a useful idea, parking your car half on the street and the other half on the grass can actually cause a crash if two cars driving at the same time next to the parked car</p> <p>Also In rainy days, this will make the road dirty</p>	<p>a) Parking half on the kerb will reduce road width which may cause road accidents</p> <p>b) Damage to the grass verge will cause the road to get dirty during rain</p>	Against
14.	<p>This new policy is overdue and is needed in our neighbourhoods now. Our street width is not adequate for the size of the homes in it. Typically our street has larger families with children who have grown to be adults still forced to live at home in our financial climate, so most homes have a minimum of four-five cars, with a driveway that can accommodate two.</p> <p>A large number of homes in our street are not able to garage all their cars and are forced to park in the street.</p> <p>With two opposite homes doing this, in an emergency situation there is no access for emergency vehicles.</p> <p>We have had two cars sideswiped with broken mirrors from parking 'legally' in our street.</p> <p>This policy is a sensible, workable and safe solution to the parking problems in our residential streets.</p>	<p>a) Residents have several cars per home, forcing many to park on the street which is already narrow</p> <p>b) Emergency vehicle access is currently restricted on narrow roads</p> <p>c) Cars parked legally have been damaged on narrow roads</p>	For
15.	<p>I have no issue with cars being parked with the near side wheels on the verge, as per your policy, particularly in narrow or busy streets.</p> <p>However, in my street, there has been an old 1990 BMW parked, legally, on the street but has not moved for a number of years that I have noticed. Some time ago I'm told there was a defect sticker on it. Having checked the registration it expired Dec 2022. I may be wrong but if it hasn't moved since prior to Dec 2021, it would have required either a pink or blue slip. Just wondering how it was acquired. Not content with one heap of rubbish, a couple of months ago, they had a second unregistered BMW, delivered on a</p>	<p>a) Cars are being parked on the road for long periods of time without being moved</p>	For

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	<p>flat top, which has been dumped on the council verge. I have not seen anyone working on either of these cars. This type of thing I do object to.</p> <p>I know many car enthusiasts who collect cars. They either have large garages or storage sheds.</p>		
16.	<p>I do not agree with the draft parking policy and totally object to curb side parking in our already congested streets.</p> <p>The streets are too narrow, this policy will put residents and visitors at risk and will result in injuries and fatalities.</p> <p>Council needs to reject development applications with narrow streets and provide streets wide enough for traffic and parking.</p>	<p>a) The policy will lead to injuries and accidents</p> <p>b) Council should not approve applications with narrow streets</p>	Against
17.	<p>I'm writing to you as a resident, property owner, and community member of the West Hoxton suburb regarding the Draft Parking Enforcement Policy.</p> <p>I appreciate that the newly drafted policy aimed to improve access and the safe movement of motor vehicles for narrow roads and where rollback kerbing is installed, but by allowing this proposal, it means allowing the nature strip and verges to get damaged by car parking/moving on it regularly, especially in a rainy day and could cause a muddy mess.</p> <p>I personally, and I'm sure some other residents like me, will not be happy seeing the nature strip in front of their property get damaged.</p> <p>Who will maintain the nature strip then? Or patching/replacing the damaged grass caused by some stranger's cars parking over it?</p> <p>We are already suffering from this even before it gets approved. For example, some cars park illegally over the nature strip on our street, Ormiston Ave, every day, especially during the school drop-off and pickup times. Some contrary to the NO STOPPING signs on both roadsides, and that's within a school zone area, which is a hazard, dangerous, and could cause an accident. And I personally lodged a few complaints regarding this</p>	<p>a) Vehicles will cause damage to the nature strip</p> <p>b) Concerns regarding who will be responsible for repairing the damaged grass</p> <p>c) Vehicles are already parking illegally on the nature strip, including in school zones leading to dangerous situations</p>	Against

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18.	<p>issue and I am not sure if any actions have been taken as it keeps happening.</p> <p>So, for me, it's a NO and only concrete or paved areas should be allowed to be parked over.</p> <p>I refer to the Draft Parking Enforcement Policy and would like to voice my opposition to that proposal.</p> <p>I am of the view that allowing vehicles to partially park over a nature strip is very damaging to the soil and grass of the nature-strip and it is left to property occupiers to rectify such damage. Allowing the parking of the cars on a regular basis would really damage the grass and the overall look of nature-strips would be ruined.</p> <p>In addition, as is often the case (and is in fact the case of my street, Renshaw Street, Warwick Farm) there are often essential services including water pipes, sewer pipes, telecommunication equipment (such as NBN cabling and telephone wiring) running underneath the ground on the nature-strip. Regular vehicle parking on the nature-strip would cause damage.</p> <p>An example, in passing, is my neighbour's nature-strip of 4 Renshaw Street, Warwick Farm. Due to heavy usage of the nature-strip, the water pipes underneath the nature-strip was damaged. Council and/or Sydney Water has attended on at least two occasions but the issue still remains outstanding (and has remained outstanding for a number of months). Please see attached.</p>	<p>a) Vehicles will damage the nature strip which the property owner maintains</p> <p>b) The damaged nature strips will have a negative visual impact</p> <p>c) Underground services will be damaged by vehicles</p>	Against
19.	<p>I urge you not to proceed with the proposal.</p> <p>I write in response to the draft parking enforcement policy. While I understand the merits of this, I question why we would be giving cars more of our public space when they already take up so much room?</p> <p>It would be a huge shame if people felt this enabled them to buy a second or third car, rather than a bike.</p>	<p>a) The policy results in excessive public space being given to car parking</p> <p>b) The policy encourages purchase of additional cars, rather than utilising bikes</p>	Not stated

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20.	<p>What is LCC doing to advocate for more cycling routes? I remember a strategy was released a few years ago. What has been done? Is there any State Government funding from this budget allocated to more cycling routes in our area?</p> <p>I would love to be able to use my bike, rather than my car, to go to work or the shops but currently it is too unsafe.</p> <p>Would love to see more policies that deter cars. If there is any way I can get involved to advocate for this that would be fantastic. I love Liverpool CBD but I always wish there was a way I could get there safely by bike rather than having to wind through the streets fighting for parking. More parking isn't the answer. More safe bike and walking routes are.</p> <p>I am not a cycling enthusiast. Rather, just someone who wants to have safer and more welcoming streets for children and adults alike. I am recommending looking at the work for Marco te Broomelstroet, who recently visited Sydney - <a href="https://sydney.org.au/events/movement-public-talk-with-marco-te-broomelstroet/">https://sydney.org.au/events/movement-public-talk-with-marco-te-broomelstroet/</a></p> <p>In regards to the new policies for the nature strip with roll back kerb I am not in favor of this policy being implemented as a present moment residents in Elizabeth Hills are damaging the lawns by parking this particular way and on nature strips and making it muddy When it rains. As well there is a lack of monitoring in this particular area, and I am trying to maintain my lawns to look presentable as residents/ visitors do-not respect Parking &amp; people with these proposed changes will try to push the boundaries and park in further in eventually damaging of our lawns ( council land ) which residents maintain.</p>	<p>c) More safe cycle and walking routes should be provided</p>	
21.	<p>I am deeply concerned about this proposed Parking Enforcement Policy leading to vehicles being legally allowed to permanently park on the nature strip if the policy is accepted.</p>	<p>a) Vehicles are causing damage to the nature strip which residents maintain during rain b) The damaged grass leads to mud parking further onto front yards</p> <p>a) Vehicles are already causing damage to the nature strip when parking b) Concerns regarding who will be responsible for repairing the damaged grass</p>	<p>Against</p> <p>Against</p>

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	<p>I have been a homeowner living in a quiet cul de sac in Hinchinbrook since 2015. We already have a problem with residences having a significant number of vehicles, currently parking illegally with no regards to the damage they cause to the nature strip.</p> <p>I understand the intent of the proposed policy is to make traffic flow safer especially for garbage trucks but there appears to be nothing contained in the policy referring to acceptable use by vehicles and no recourse for homeowners to attribute any damage to the vehicle's owner.</p> <p>The proposed policy is a licence for vehicles to be parked on nature strips permanently, in all weather conditions, with no allowances for the homeowners to maintain the grass or recourse in the event of damage.</p> <p>I would urge you to introduce limitations to the policy, acceptable use provisions, and protections for homeowners before progressing the policy beyond the draft stage.</p>	<p>c) Vehicles may park on the nature strip for an extended time rendering residents unable to maintain the verge</p> <p>d) The policy should contain acceptable use provisions</p>	
22.	<p>I have been a resident of the Liverpool for 50 years. For the last 15 years I have resided in Prestons. I am concerned that Council is proposing to allow road users to park illegally on the nature strip. My son is a Solicitor and daughter in law a Police Officer who have both informed me that this illegal and Council cannot lawfully adopt a policy that contravenes the NSW Road Rules.</p> <p>The other concerns my family and neighbours have is that this will damage Councils nature strip as vehicles are heavy and cause indentation which will become a trip hazard and cause serious injuries to pedestrians. This will also cause a major safety issue and liability to Council not to mention you will have to continue to monitor all nature strips in rolled kerbed areas to ensure the nature strip is repaired, even and kept in good order.</p> <p>Council currently deals with these issues correctly by educating via letters which I have received in the passed which is a fair and a good deterrent. People that continue to break the law after this then be fined which is fair.</p>	<p>a) Council cannot adopt a policy that contravenes the NSW Road Rules</p> <p>b) Vehicles will cause damage to the nature strip</p> <p>c) Damaged nature strips will lead to injury to pedestrians</p> <p>d) Council will have to monitor and maintain the nature strips</p> <p>e) The current method of dealing with illegal parking is sufficient</p> <p>f) Policy is inconsistent with approach taken by neighbouring Councils</p> <p>g) Council should require wider roads</p>	Against

Main Comments in submission	Summary of submission	For / Against
<p>Council already has a Narrow Street Policy addressing the narrow streets and complies with the law. The policy also has Council creating safe parking spaces in narrow streets which doesn't cause a hazard to pedestrians.</p> <p>I have checked all the neighbouring Councils and they also inform this is a huge safety issue and not to park illegally on nature strips. They don't send letters and fine straight away.</p> <p>I ask as I have lived in the area for years where or which program has Council had in widening the nature strip. I don't believe Council has ever widened the nature strip, can you please provide a list of where this has happened so I understand where this policy will be applicable.</p> <p>I wait for a reply and hope you do not adopt this as I believe this is major issue and if you want to address this continue with your Narrow Street Policy for existing streets and change your subdivision planning requirements, requiring developers to provide wider road.</p> <p>If you proceed with this a large number of us will hold Council liable as I have just placed you on notice and will also consider reporting this further to the State Government and media.</p> <p>I am extremely concerned that you believe the Policy has something to do with discretion. You don't need a Policy to apply discretion, although the law is the law and discretion should be used for example in a medical emergency or in the case were a vehicle is broken down. Discretion can not be used to permit motorists to park illegally and break a state government legislation (the government your apart of - are you saying the law is not correct?), which only a few years ago the fine amount was increased due to it being such an unsafe activity, not to mention permit points also apply in certain circumstances. Council already has a Narrow Street Policy which works and complies with the law and the Technical Direction issued by RMS. I recall when you last looked into this and adopted the Narrow Street Policy, Council was advised by the State Government that it would not</p>		

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	<p>change the law due safety issues. How can this Council now change a state law that is for all street (not just state roads as the CEO said he has the power to control parking and motorist rules on local roads - incorrect and concerning he believes this - needs better legal advice). Also the Policy talks that this is applicable were the nature strip has been widened. I take that this Policy is not applicable anywhere as there is no streets in Liverpool that have had their nature widened (if there has been please provide me with the list). I request Council stops this all before someone is injured and God forbid someone is killed due to having to walk out onto the road or fall or trip due to damage to the nature strip. Who's going to be liable and speak to the Coroner when this happens?</p> <p>The Parramatta Policy is not my concern but they might have only widened one or two streets not a blanket Policy which breaks the law. I have checked all other Sydney Councils and they fine on the spot - why? because it's so dangerous and it's the state Road Rule.</p> <p>Why did Council have to lobby the state government to change the speed zones if the local streets in the CBD if like what the CEO said was true he has the power to introduce a Policy which breaks the current legislation.</p> <p>Use the Narrow Street Policy and stop dangerous policy. You Policy will work as myself and most residents in my street will call Policy and media if you introduce and not take action which you are responsible for.</p>		
23.	<p>Seeing as though these changes have been implemented I request that the fine I paid for having parked on the nature strip be refunded as I don't believe I was obstructing the footpath and I had no option to partially park on the kerb as my unit complex gate wasn't operational that day. The fact that this was a few years ago doesn't matter and I want my money back but not doing enough for residents like myself who spent 20 minutes today if not more looking for parking after putting in a request back in June about Remembrance Av near Lachlan Lane no stopping should be a reason for people acting in these roles in council to hand in their resignation. If you can't do your job properly and can't act months after a request is put in with</p>	<p>a) Fines for parking on the kerb issued in the past should be refunded</p>	Not stated

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24.	<p>no reply please don't be in that role. Someone awake since a quarter to 4 this morning shouldn't have to drive around like that looking for parking, they should be able to come home and relax with their family.</p> <p>I just wanted to highlight some of the issues with the proposed changes to the parking enforcement policy regarding partial parking over nature strips in areas with rollback curbing.</p> <p>I live on Yengo Court, Holsworthy where rollback curbing exists. Because the current parking policy is rarely enforced, the draft parking policy is actually the default for most people parking here, so I wanted to share our insights observing cars parked in this manner over several years. In short, I believe the draft parking policy as currently proposed would result in damage to property, underground services and nature strips:</p> <ul style="list-style-type: none"> <li>• Damage to property stormwater drains running to the street is common (including our own), particularly during wet weather when the soil loses integrity and car wheels sink onto the stormwater pipe and crush it. I note that the parking policy mentions the issue of damage to underground services, but I think it is dubious that this could or would be effectively policed, and nobody is considering the location of stormwater pipes when finding a place to park. Meanwhile, property owners are left with the cost, inconvenience and property damage due to flooding as a result of compromised stormwater drainage.</li> <li>• Parking in this manner, particularly in wet weather, will always lead to damage to the nature strip, as became apparent during the recent La Nina. Large, muddy gouges were left in nature strips, causing permanent soil compaction and trip hazards where the soil level no longer met the edge of the concrete guttering. It also led to the dragging of significant quantities of mud onto the street when the vehicles left, which then washed into the local creek.</li> <li>• More broadly, LCC allowed these narrow roads with rollback curbing to be built, and it was an entirely predictable outcome that parking would be a major issue in such car dependent communities. It is unreasonable that Council has offloaded the costs of this poor decision by turning a blind eye to the parking behaviour already occurring, but proposing to sanction a</li> </ul>	<p>a) Vehicles will cause damage to stormwater pipes running from homes to the street</p> <p>b) Vehicles will cause damage to the nature strip</p> <p>c) Underground services will be damaged by vehicles</p> <p>d) Concerns regarding who will be responsible for repairing the damaged grass and property</p> <p>e) Mud will be created which could enter waterways</p>	Against



	Main Comments in submission	Summary of submission	For / Against
	<p>parking policy which will cause private property damage and degrade the environment seems like poor form, and likely conflicts with existing Council policy around the environment and sustainability.</p> <p>Given Council's lax enforcement of the current policy, how can residents have any confidence that the supposed protections within the draft policy can be relied upon? Will Council promptly repair damaged nature strips? Or compensate property owners for damage to property? Or ensure mud does not wash into local waterways?</p>		
25.	<p>I have viewed the proposed Draft Enforcement Parking Policy and the diagram that is with it.</p> <p>As a resident of Liverpool, this is my submission in response to the above. There are a few points I would like to raise with regard to the above draft.</p> <ol style="list-style-type: none"> <li>1. I note that, in the diagram, it does not make clear whether a vehicle is permitted legally to park fully on the nature strip where a footpath does not exist.</li> <li>2. In the case where you are washing your vehicle is it permitted to, temporarily, park fully on the nature strip so that the grass can absorb the soap suds and water.</li> </ol> <p>This proposal has been a long time coming and I am in agreement with the proposal.</p> <p>Some of the problems, we have experienced, living in a street that has roll back kerb on a very narrow road are the following:</p> <ol style="list-style-type: none"> <li>1. Cars, trucks and Garbage trucks have a difficult time navigating through the parked vehicles, on the road, particularly when vehicles are parked on either side of the street (wheel to kerb).</li> <li>2. Visiting vehicles have parked entirely on our nature strip as we don't have a footpath on our side of the road.</li> </ol>	<p>a) Policy should clarify parking rules where there is no footpath</p> <p>b) Policy should clarify if cars are able to be temporarily parked fully on the nature strip for washing</p> <p>c) Access is currently an issue on narrow streets</p>	For
26.	<p>I wish to advise against your proposed parking on the nature strip.</p> <p>Firstly... this is where our trees are ..hence the name nature strip, and we need as much greenery in our suburb as possible. Especially seeing as trees filter the ever increasing fumes from the M7.</p> <p>Secondly, people can't drive as it is, so asking them to park so close to where people (including children) walk or ride is like asking for them to drive into someone.</p>	<p>a) Nature strip should be used for trees</p> <p>b) It is unsafe for vehicles to park close to where pedestrians are</p> <p>c) Parked vehicles will impede on residents' ability to maintain nature strip</p>	Against

	Main Comments in submission	Summary of submission	For / Against
	<p>Thirdly ... If someone parks on my nature strip and I need to mow it on that day ... will YOU be coming to maintain the nature strip instead?</p> <p>Why are we the residents now paying for the fact that your council didn't plan the suburbs well enough, and THAT is why the streets are so narrow and have no parking!</p>		
27.	<p>I'm opposed to the draft Parking Enforcement Policy. Residents of Middleton Grange like myself have spent thousands of dollars developing the council strip and maintaining it when we purchased our lands and developed the property. I understand that the nature strip belongs to the council, but we are responsible to maintain it and look after that part of our house. Cars parking on the nature strip will destroy our landscaping. I've had cars previously park on the nature strip and create potholes in the grass and destroy the landscaped areas. I have purchased and laid sir grange Zoysia grass (the most expensive there is) and laid it on the nature strip. The landscaping alone has cost me over \$1000 just to the nature strip. It's not necessary to allow people to park on the nature strip. Most houses have a garage and a driveway that they can use to park their cars on. Passing this draft will encourage more people to park their cars in the street, instead of using their own driveways and garages.</p>	<p>a) Vehicles will damage nature strip which residents maintain</p> <p>b) Policy will encourage more street parking rather than use of garages and driveways</p>	Against
28.	<p>Hi, I am totally against this parking change. I live on a corner plot, and have seen how unsafe it is when cars are parked on kerbs. Also on rainy days, the kerb gets boggy and all grass gets damaged.</p>	<p>a) Vehicles parking on the kerb is not safe</p> <p>b) Vehicles will cause damage to the nature strip during rain</p>	Against
29.	<p>I fully support the changes which will allow motor vehicles to partially park over a nature strip.</p>	<p>a) Supports policy</p>	For
30.	<p>I strongly disagree with the proposed changes on allowing parking on the verge. We paid to grass these verges and maintain them to keep them neat and looking good, parking on them will destroy the grass, cause trenches which become a safety hazard, unless LCC are willing to repair and upkeep them.</p>	<p>a) Vehicles will cause damage to the nature strip that residents maintain</p> <p>b) Damaged nature strips will be a safety hazard</p>	Against
31.	<p>The proposal to allow residents to park their cars on the nature strip is very welcome and will greatly improve road safety as well as access for wider vehicles or emergency services vehicles (noting Middleton Grange is a bushfire rated/prone area).</p>	<p>a) Will improve road safety and access</p> <p>b) Policy is necessary due to inadequate road width</p>	For

	Main Comments in submission	Summary of submission	For / Against
	<p>With consideration of Liverpool council's failure to appropriately plan roadways by allowing for two-way traffic and street parking. Even with this proposal approved, the roads do not allow for two cars to be parked on the road and for another two cars to drive safely in between them like in nearby suburbs- only one car can pass between two parked cars therefore this change is very needed.</p> <p>Noting as well, residents are expected to maintain this same nature strip as if it were our own property, it seems ridiculous that residents are not able to make the streets safer by parking in a way in which increased space is made for passing cars to drive through</p>		
32.	I agree with the draft policy and vote yes for it to go ahead	a) Supports policy	For
33.	Thank you for conducting a review of the parking policy and how the relevant state legislation will be enforced within the Liverpool Local Government area.	a) Policy is common sense and will be beneficial for narrow streets	For
	<p>Section 1 to 3 helpfully provides the underlying principal that the primary aim of the parking policy is safety and free movement of traffic, rather than a focus on revenue raising. This is very helpful and is likely to have widespread community support.</p> <p>Appendix A addresses parking on nature strips. The current state legislation provides flexibility on enforcement based on the decisions of local councils, but in recent years the local community have repeatedly been told the hands of Liverpool Council are tied and they must fine people who park on the nature strip. I am delighted to see that common sense is prevailing, a policy the recognises the very narrow streets in many parts of the LGA has been produced, and having a vehicle partially on the nature strip will not be subject to enforcement action.</p> <p>While the long term intention of building more parking bays in narrow streets has been communicated by Council, that proposal is expensive and this policy change is a helpful step forward in quickly tackling the issue across a broader area of the LGA.</p> <p>Thank you for listening to the concerns of residents.</p>		

Main Comments in submission	Summary of submission	For / Against
<p>34. The image currently on public exhibition shows that a vehicle would be authorised to utilise the entire nature strip permitting there was no obstructing access to the footpath.</p> <p>It must be acknowledged by Council that not all areas within the LGA are the same. The area comprises a myriad of commercial, industrial and residential development. Each with it's own requirements and needs.</p> <p>In some parts of the LGA the streets are narrow, and parking safely to allow cars and emergency services ingress and egress from the street would pose a problem, in certain areas.</p> <p>The narrowing of street width and rollback kerbs does not and should not promote the illegal parking of vehicles, causing greater safety concerns due to poorer visibility when entering or exiting driveways and safety concerns when walking on footpaths.</p> <p>I acknowledge there would be some streets within the LGA where the streets are so narrow and there are no provisions for parking and parking on the nature strip may be required for homeowners/tenants or visitors, however this does not apply to the entire LGA.</p> <p>As you are aware, it is an offence under the Road Rules 2014 to park illegally on a nature strip and attracts a penalty infringement notice. Allowing ALL vehicles in the entire LGA where there are rollback kerbs to park on the nature strip when it is currently illegal is not the answer.</p> <p>In this estate, most homes have double driveways and double garages, with ample off-street parking. Visitors park on the road rather than parking on peoples front lawns and the nature strip because it is obvious that people take care of their homes and front yards.</p> <p>You can see that people take care of and maintain their front yards, including the nature strip, and cars parked up on the lawns almost to the footpath is not only illegal, but it destroys the aesthetics of the street. And</p>	<p>a) The policy should clarify parking rules where there is no footpath and the extent to which a car can park over the nature strip</p> <p>b) Vehicles will cause road safety issues due to reduced visibility for cars entering and exiting driveways</p> <p>c) Vehicles driving onto the kerb will be dangerous to pedestrians on footpaths</p> <p>d) Parking on the nature strip is not required throughout the entire LGA, and a uniform approach is not required. Some streets are wide enough that parking legally should be required</p> <p>e) Policy should not permit vehicles to park illegally</p> <p>f) Vehicles will cause damage to the nature strips that residents maintain</p> <p>g) Vehicles parked on the nature strip and damaged grass will have a detrimental visual impact on the street</p> <p>h) The policy should not be widely implemented but permits given to certain people to park on the nature strip</p>	<p>Against</p>

Main Comments in submission	Summary of submission	For / Against
<p>the safety risks presented by allowing this cannot and should not be overlooked or minimised.</p> <p>There are a small number of households in this entire estate who would require access to park a vehicle on the nature strip.</p> <p>During or after rain, for extended periods of time when vehicles are parked on the lawn - whatever ground cover is there, it is damaged, altered, dented, dead, muddy, uneven and requires attention and money spent to reinstate it to its original condition.</p> <p>Notwithstanding that there may be specified areas or households that have no other option than to utilise the nature strip as they have no alternative option. These people should be provided with a permit or approval from Council, on a case by case, individual needs basis. And it would be the minority rather than the majority of residents in the LGA with roll kerb.</p> <p>For reasons unbeknown to me, when walking beyond my immediate estate, I have observed that many people have double garages and several vehicles and choose not to garage them. The focus should be on forcing residents to park in their empty garages and driveways rather than encouraging illegal parking.</p> <p>How does Council intend to define 'damage' to the nature strip? How will Council enforce any provisions associated with this proposed policy? How will Council reprimand those damaging a nature strip? And who will be responsible for repairing and restoring the nature strip, when currently it is illegal to park on the nature strip and therefore is not an issue? Could people who are going overseas for a holiday or away for the weekend just park on a nature strip outside my property - indefinitely? Or on the nature strip at any property in the LGA where there is a roll kerb?</p> <p>What compensation will be provided to the thousands of residents in the LGA who have roll kerb and will have to maintain damaged and destroyed nature strips?</p>	<p>i) Garages and driveways are not being utilised for the parking of vehicles as intended</p> <p>j) Vehicles parked on the nature strip will make it harder for owners to maintain the grass</p> <p>k) Concern that vehicles may park indefinitely on the nature strip outside homes</p> <p>l) Concern regarding who will pay the cost of maintaining a nature strip if it is damaged</p>	

	Main Comments in submission	Summary of submission	For / Against
35.	<p>What compensation will be made to the ratepayer for the additional costs incurred to maintain the nature strip if you deem it compliant to park there? Will there be a rate reduction for all households with roll kerb? Will Council now maintain the nature strip as it will be designated parking space for anyone to use? Will Council concrete the Nature Strip for the legal carparking spaces? Will Council provide new sand/soil/turf and other supplies to each property that is damaged from cars parked on the Nature Strip, noting this has not been a cost borne by residents as it is illegal to park on the nature strip.</p> <p>I understand that in some areas it would be beneficial for this rule to be applied. My concern is damage to the nature strip and residents potentially parking wherever they please. Does this rule allow the vehicle to be parked entirely on the nature strip or only the left wheels? Does the rule apply to Rollback kerb and gutter? The draft policy references to rollback kerb and gutter as one of the headings, however only rollback kerb is referenced further in the explanation. Will areas where this is not allowed be automatically signposted by Council? I have read through your draft and think that this should pass.</p> <p>Living within the region and working from home partially at the moment, this move makes sense. The community is growing and unfortunately the streets are just becoming too narrow and dangerous with how many cars are currently parked completely on the road.</p> <p>My partners family home is in Pegasus Avenue, Hinchinbrook. If you attend that street during peak times especially after 4:30pm, due to the cars on the street, it becomes very hard to navigate through due to too many cars on the road however, having this rule in place will open the street up for traffic to go in both directions.</p>	<p>a) Vehicles will cause damage to the nature strip b) Policy should clarify if vehicles can park fully on the nature strip c) It should be clarified which areas the policy does not apply to</p>	Not stated
36.	<p>I have read through your draft and think that this should pass.</p> <p>Living within the region and working from home partially at the moment, this move makes sense. The community is growing and unfortunately the streets are just becoming too narrow and dangerous with how many cars are currently parked completely on the road.</p> <p>My partners family home is in Pegasus Avenue, Hinchinbrook. If you attend that street during peak times especially after 4:30pm, due to the cars on the street, it becomes very hard to navigate through due to too many cars on the road however, having this rule in place will open the street up for traffic to go in both directions.</p>	<p>a) Streets are too narrow with cars parked fully on the road b) Policy will help with access on narrow streets</p>	For

	Main Comments in submission	Summary of submission	For / Against
37.	Please do the right thing and have this issue passed. It makes sense I support the parking policy.	Supports policy	For
38.	<p>Having seen the proposed parking enforcement policy, I have to say that while the new policy of being able to park partially in the nature strip is great to open up the roads, I don't believe that parking on the road should then be prohibited.</p> <p>As someone that drives and drops off disabled and elderly family members, the incline that the nature strip will leave the car on will make it MUCH more difficult for these members of the community. I think that that we should be able to park on the road OR partially on the nature strip at our own discretion.</p> <p>Thank you for considering my opinion and I hope that you consider the disabled and elderly community in your decision.</p>	<p>a) Concern that this policy means it will not be legal to park normally on the roadside.</p> <p>b) Accessibility concerns for drivers and passengers when parking on the nature strip</p>	For
39.	<p>Since all new properties are tiny and the owners choice is to only park in their driveway it's ridiculous saying it's illegal to do so and get a fine for it So disagree not being able to park in your own driveway</p>	<p>a) Owners should be able to park in their own driveway</p>	Not stated
40.	<p>I would like to make a submission about Council's draft Parking enforcement policy. I'm very concerned that Council is proposing to allow people to park on the nature strip when it's not allowed across the state.</p> <p>We have had problems in the past with cars parked on the nature strip and damaging the ground. My neighbours reported it to the Council's rangers and they attended and wrote to everyone in the street and the illegal parking stopped. However, the nature strip was damaged and created a trip hazard. My neighbour called Council a number of times to get it fixed but no one responded and we eventually fixed it ourselves. I'm very worried if this policy is approved about the issues, we residents are going to have to deal with.</p> <p>After watching the Council meeting when this policy was debated, I was confused with some of the statements and obtained some advice from a friend of mine who is a solicitor regarding the NSW Road Rules concerning</p>	<p>a) Policy is not legal due to inconsistency with NSW Road Rules which apply to local roads</p> <p>b) Vehicles will cause damage to the nature strip that residents maintain</p> <p>c) Damaged nature strips have led to risks to pedestrians</p>	Against

Main Comments in submission	Summary of submission	For / Against
<p>parking on nature strip. Now that I have a better understanding of the law, I believe the CEO and the Councilors may not have been fully briefed about the NSW Road Rules.</p> <p>For instance, the CEO stated in the meeting that the NSW Road Rules were not applicable to local roads controlled by Council that's not correct as the NSW Road Rules apply to all roads in NSW .Therefore Road Rule number 197 is applicable which prohibits parking on the footpath and nature strips as such this policy is illegal.</p> <p>Some of the Councilors believed because Rangers have discretion, they can approve a policy that breaks the law again that's not correct discretion can be used ( which Council already does by writing to us residents first ) in certain circumstances but it can't be used to circumvent the law.</p>		





## PARKING ENFORCEMENT POLICY

Adopted: *(Current date)*

TRIM 259247.2023



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## PARKING ENFORCEMENT POLICY

**DIRECTORATE:** Planning and Compliance

**BUSINESS UNIT:** Community Standards

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### 1. PURPOSE/ OBJECTIVES

1.1 The purpose of this Policy is to set out a framework for the way motor vehicle parking arrangements within the Liverpool City Council (**Council**) local government area will be regulated under the laws relating to motor vehicle parking.

This Policy establishes clear and lawful guidelines for:

- enforcement of parking restrictions to ensure consistent application of the laws relating to motor vehicle parking.
- documenting enforcement practices utilised by Rangers and Parking Service Officers to detect illegal parking offences and for the issuing of infringement notices.
- processes for the consideration of representations concerning Penalty Infringement Notices (**PINs**) issued for parking offences.
- the general standards of behaviour of Council staff involved in parking enforcement.

1.2 The Policy applies to Council Officers authorised to issue parking infringements, including Council's Parking Officers and Rangers and to individuals who infringe the parking rules referred to in this Policy.

This Policy prescribes standards for the operational duties, functions and responsibilities of Council staff involved in all regulatory services associated with motor vehicle parking in the Liverpool Local Government Area, (**LGA**).

Authorised Council officers are empowered under the Road Transport Act 2013 to issue penalty notices for specified offences, including contraventions of nominated rules under the

Road Rules 2014.

Council also has the authority and delegation to enforce, under agreement, private roads and car parks. Council is not obliged to commit to all private parking enforcement requests but will consider all requests relative to impact and operational capacity.

## 2. DEFINITIONS *(where applicable)*

In this Policy, unless the context otherwise requires:

**Parking Officer/Ranger** means any member of Council staff who holds this position or any equivalent position that is responsible for the enforcement of the laws relating to motor vehicle parking. Before issuing Penalty Infringement Notices for parking offences, the Parking Officer or Ranger must be authorised under section 679 of the Local Government Act 1993.

**PIN** means a penalty infringement notice issued under the laws relating to motor vehicle parking because of the contravention of those laws.

**Policy** means this document.

**Red Zone** means parking signs that are red with white writing or white signs with symbols. These signs are used in high-risk areas and include No Stopping No Parking and bus zones. (Further information about these signs can be found in the Road Rules 2014).

**SEINS** means the Self-Enforcing Infringement Notice System. Revenue NSW online training relevant to the use (issuing) of Penalty Infringement Notices.

**School Zone** means:

- (a) if there is a school zone sign and an end school zone sign, or a speed limit sign with a different number on the sign, on a road and there is no intersection on the length of road between the signs, that length of road; or
- (b) if there is a school zone sign on a road that ends in a dead end and there is no intersection, nor a sign mentioned in paragraph (a), on the length of road beginning at the sign and ending at the dead end, that length of road.

**Standard Operating Procedures** means the operating procedures that apply from time to time to the performance by POs and Rangers of their duties.

**Valve Stemming** means the process by which the position of a vehicles wheels are recorded by identifying and noting the valve stem position on each wheel which is recorded on first inspection in timed parking zones. Upon returning to inspect the vehicle the position of the valve stem is inspected to determine if the wheels are still in the same position as first recorded.

**Mark Mode** means the process by which number plates are recorded in an Officer's mobile device to indicate the vehicle is parked within a time limited parking area within the LGA.

**Mobile Device** means the device used to issue PINs and cautions and record evidence related to those enforcement actions.

**Marking** means the process of applying crayon, chalk or any similar substance by Parking Officers and/or Rangers for any purpose connected with the enforcement of any of the provisions of any Act or any statutory rule made under any Act.

### 3. POLICY STATEMENT

#### 3.1 General

Council's Rangers are responsible for the administration of motor vehicles parking in the LGA in accordance with the laws relating to motor vehicle parking.

Council is committed to working with its stakeholders to ensure the long-term strategic management of the current and future traffic flow within of the City of Liverpool.

Efficient and effective parking regulation relies heavily on systematic presence of Council's Parking Officers (**PO**) and Rangers. Consistency in enforcement is the key component in an effective service. POs are required touse a number of methods to manage parking and the related legislation. They include education, warnings, cautions, issuing of PINs and submission of reports to Transport for NSW.

Where a PO observes a motor vehicle parked in an illegal position, a dangerous position or both, they may issue a PIN and if possible, locate the driver and instruct them to move the motor vehicle immediately. Motor vehicles parked illegally in a Red or School Zone will not be afforded any discretion if it is clear that an offence has been committed. Illegal parking in these high-risk areas may place a member of the public in danger or adversely affect the flow of traffic.

A PO may not cancel a PIN if they have commenced recording details on the notice.

The onus to comply with current parking rules and regulations lies solely with each driver of a motor vehicle in New South Wales.

### **3.2 Discretion**

A PO may exercise discretion in determining whether to issue a PIN because of contravention of the laws relating to motor vehicle parking. This discretion is personal to each PO based on the individual circumstances of each limited and potential illegality having regard to this Policy in determining how to exercise that discretion.

Appendix B to this Policy sets out guidelines to assist POs in the determining how to exercise their discretion.

### **3.3 Surveillance Types**

POs and Rangers can undertake high visibility and low visibility surveillance to ensure compliance with the laws relating to motor vehicle parking. This surveillance may take the following forms:

- 3.3.1 **High visibility surveillance** – This surveillance involves activities where POs and Rangers are clearly visible in full uniform for all motorists and members of the public to see.

3.3.2 **Low visibility surveillance** – This surveillance involves activities where POs and Rangers may not be clearly visible. All POs observing and recording illegal parking offences must be in full uniform and comply with the applicable Road Rules at all times.

### 3.4 Standard Procedures to be Followed

For the purposes of this Policy, POs and Rangers:

- a) Are to be appropriately attired in full uniform when conducting parking patrols.
- b) Should use Mark Mode and/or Valve Stemming in the first instance to record vehicle parking positions.
- c) If operational needs require tyre markings, these are to be placed on the tread of the tyre only, not on the wall of the tyre.
- d) PINs are not to be issued unless all signs are clear and visible, and all motor vehicle tyres are inflated.
- e) May allow a period of 10 minutes as a courtesy in circumstances where the relevant parking time restriction is greater than 15 minutes.
- f) May allow a period of 5 minutes as a courtesy in circumstances where the relevant parking time restriction is greater than 5 minutes but not greater than 15 minutes.
- g) In areas serviced by parking ticket kiosks, POs and Rangers must ensure that the parking meter is functional and may allow a period of 10 minutes as a courtesy for expired tickets.

### 3.5 Photographs

3.5.1 To ensure that appropriate evidence is collected, POs and Rangers are permitted to take photographs of vehicles where they intend to issue a PIN. Photographs should where possible be taken first and then the details of the offence and vehicle recorded to issue the PIN.

### 3.6 Behaviour Standards

3.6.1 Upon their appointment each PO and Ranger is required to be trained to understand and comply with Council's Code of Conduct and the Standard Operating Procedures.

3.6.2 POs and Rangers must comply with Council's Code of Conduct. It is expected that POs and Rangers will:

- a) Be courteous, polite, fair and equitable, diligent and always demonstrate

behaviour above reproach.

- b) Apply the 'benefit of the doubt' principle. This involves issuing a caution if there is any doubt as to whether an offence has been committed.
- c) Always observe and obey the Road Rules; except in the case of an emergency or where non-compliance was necessary in the interests of public safety.
- d) Understand that people may become upset when issued with a PIN for an illegal parking offence. POs and Rangers must not verbally abuse, threaten or assault any member of the public. POs and Rangers must report to their supervisor (and if they consider appropriate the Police) any verbal abuse directed to them, threats they receive or assault they suffer in accordance with Council's Incident Reporting Procedure.
- e) Act as ambassadors for our organisation and the community.

### 3.7 Parking Programs

3.7.1 POs and Rangers will undertake a range of activities to address illegal parking in addition to patrolling on street and off-street parking areas. From time-to-time Council will conduct programs to target specific illegal parking behaviour and the methods of monitoring parking breaches. These programs include;

**a) Mobility Parking Scheme Program**

This program seeks to manage mobility parking and to stop the misuse of permits issued to facilitate easier parking for persons with disabilities.

**b) School Safety Program**

This program seeks to discourage illegal parking in School Zones to ensure the safety of children.

**c) Complaint Based Program**

This program seeks to aid the investigation of parking related complaints.

Further information concerning parking programs appears in Appendix A.

### 3.8 Parking Infringement Review Process

3.8.1 Representations regarding PINs issued by Council Officers must be directed to Revenue NSW which is a State Government agency that undertakes the recovery of debts including PINs issued by Council. The postal address Revenue NSW is:

Revenue NSW  
PO Box 786  
Strawberry Hills NSW 2012

The online address is <https://www.revenue.nsw.gov.au/fines/pn/review>



3.8.2 Revenue NSW has a procedure that governs the consideration of representations made in respect of debts that Revenue NSW is recovering. Revenue NSW publishes guidelines that outline the way Revenue NSW will undertake the consideration of representations and review of request received in respect of any debt that Revenue NSW is pursuing. These guidelines can be viewed on Revenue NSW website [www.revenue.nsw.gov.au](http://www.revenue.nsw.gov.au) or by contacting Revenue NSW on 1300 138 118.

3.8.3 In general terms, Revenue NSW procedure involves:

- a) Assessment as to whether the PIN was issued lawfully.
- b) Assessment of representations against the Attorney General guidelines to determine if the PIN is to stand or whether a caution should be issued.
- c) Notification to the person making the request of its determination.
- d) If the State Debt Recovery Office (**SDRO**) determines that the relevant PIN was not lawfully issued, it recommends to the issuing authority that the PIN be withdrawn and notifies the person making the request of its determination.
- e) If the SDRO determines that the PIN was lawfully issued, it notifies the person making the determination.
- f) Upon a determination of "Penalty to Stand" persons may elect to either:
  - i. Pay the PIN, or
  - ii. Challenge the PIN before the Court.

#### **4. RELEVANT LEGISLATIVE REQUIREMENTS** *(where applicable)*

The laws relating to motor vehicle parking include the following legislation

- Roads Act 1993
- Road Rules 2014
- Road Transport Act 2013
- Road Transport (General) Regulations 2021
- Local Government Act 1993

#### **RELATED POLICIES & PROCEDURE REFERENCES**

- Enforcement Policy
- Code of Conduct Policy

**AUTHORISED BY**

Council Resolution

**EFFECTIVE FROM***This date is the date the policy is adopted by Council resolution.***REVIEW DATE**

The policy must be reviewed every two (2) years or more frequently depending on its category or if legislative or policy changes occur.

**VERSIONS**

The current and previous version of the policy should be set out in the following table.

Version	Amended by	Changes made	Date	TRIM Number
1			###	

**THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH***members of Council staff, management, Councillors, other government departments etc. You should consult with the Governance Coordinator before the policy is considered by the Chief Executive Officer or the elected Council.***ATTACHMENTS****Appendix A** – Parking Program**Appendix B** - Guidelines for discretion, warnings and issuing of PINs

## **APPENDIX A**

### **Parking Programs**

#### **Mobility Parking Scheme Program.**

Mobility Parking Schemes (**MPS**) are schemes that involve permits being issued to persons with a disability to facilitate easier parking arrangements for them.

The aim of this program is to stamp out the misuse by certain motorists who use a permit issued under an MPS that is not their own to obtain long term free parking. To validate the identity of permit holders, Council Officers are permitted to request to view the permit so they can ascertain it is being used correctly. If it is found that the driver is not the person to whom the permit was issued and that the person to whom the permit was issued is not in the immediate area in which the permit was being used, the Council Officer may

- Complete an RMS report of the incident.
- Issue a PIN to the person who is using the permit contrary to its terms.
- Send the completed report and a copy of the PIN to the RTA Fraud Unit.
- Confiscate MPS Permit where appropriate.

MPS programs may be conducted at times in conjunction with the RMS.

#### **School Safety Program**

The aim of this program is to ensure that motor vehicle drivers **do not** park illegally in School Zones. Motor vehicle drivers who disregard parking regulations in School Zones can create dangerous situations for children. Illegally parked vehicles can create blind spots or obstructions to other drivers which may result in the **injury** or **death** of a child.

To demonstrate the seriousness of this issue, higher penalties and greater loss of demerit points for School Zone parking offences were introduced. In line with a State Government directive to NSW Councils, POs and Rangers are required to have a zero-tolerance approach to illegal parking offences in School Zones.

POs and Rangers use a combination of high and low visibility enforcement practices when patrolling School Zones.

### **Complaint Based Program**

Council initiated this program because of complaints received in parking infringement related matters. It is an ongoing program that involves POs and Rangers investigating all complaints and taking appropriate action that may include warnings being issued or PINs being issued.

Complaints are received from residential areas and include issues such as truck and general parking issues, driveway and footpath obstructions. When a complaint is received Council staff will undertake an inspection to determine the appropriate course of action. At times they will identify other breaches occurring that they will need to investigate and enforce. A general issue that arises is the obstruction of footpath areas which is dealt with below.

### **Parking on Nature Strips in streets with Rollback Kerb and Gutter**

Rule 197(1) of the Road Rules 2014 provides that:

- (1) A driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built-up area, unless—*
- (a) the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Rules, or*
- (b) the driver is permitted to stop under another law of this jurisdiction.*

Authorised Council officers may issue penalty notices under section 195(1) of the Road Transport Act 2013 for non-compliance with rule 197(1).

Whilst motor vehicle drivers need to comply with rule 197(1), there are suburban streets within the Liverpool local government area where the road surface has been reduced in width and has rolled kerbs rather than traditional square kerbs. This can lead to a situation where emergency and service vehicles are unable to safely access streets and local vehicles cannot pass each other as the unencumbered width of the road is reduced to one lane.

The Road Rules 2014 aim to provide for the safe and efficient movement of vehicles and pedestrians on our roads, including both local traffic and emergency and service vehicles. Recognising both the objectives of the Road Rules 2014 and the safety issues in the Liverpool local government area, Parking Officers and Rangers will issue penalty infringement notices for contraventions of rule 197(1) unless all of the following conditions are met:

- the road surface is reduced in width and is narrow;

- the street has a nature strip with rollback kerbing;
- the parked vehicle is a light motor vehicle with a gross vehicle mass (GVM) of less than 4.5 tonnes and a length of less than 7.5 metres;
- the parked vehicle does not interfere with general use of the footpath area;
- the parked vehicle does not obstruct sight lines for vehicles using the roadway;
- the parked vehicle does not damage Council infrastructure, including the kerb, nature strip, footpath area, and underground services;
- there is no specific parking restriction signage which prevents parking.

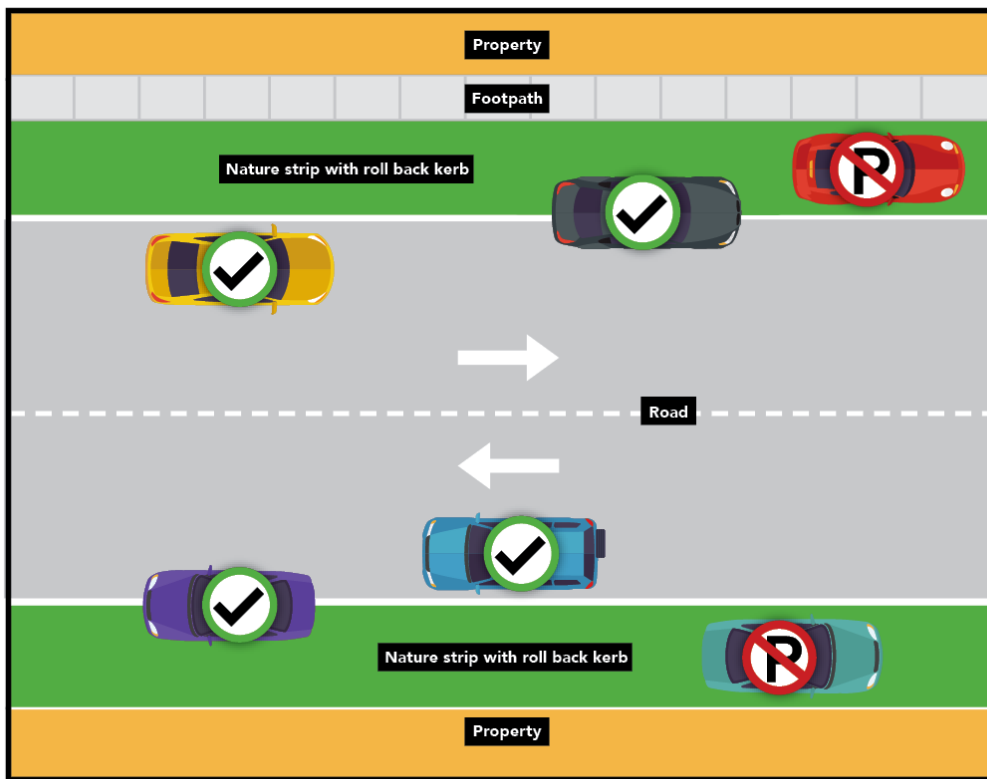
When a vehicle is found to be parked on a kerb or nature strip not in accordance with the above relevant considerations, the POs and Rangers will apply this parking enforcement policy in the usual way.

Residents and visitors are advised that while Council may not take enforcement action in the circumstances described above, other government agencies including Transport NSW and NSW Police are also able to take enforcement action for an infringement of the NSW Road Rules. Rule 197(1) of the Road Rules continues to apply and this Policy does not bind the actions of other agencies or their authorised officers.

See the following diagram for examples, where a motor vehicle is found to be parked in the manner depicted in the diagram a PIN will generally not be issued. (i.e., the vehicles marked with a “tick”)

 **Acceptable when parked in accordance with Council's Parking Enforcement Policy**

 **Parking not permitted**



**APPENDIX B****Guidelines for Exercising Discretion in Issuing PINs or Giving Warnings**

Generally, the disregard of parking restrictions and regulations by motorists (particularly in problem areas) should attract a penalty to operate as a deterrent. In some circumstances it may be prudent for a PO or Ranger to exercise discretion by issuing a formal caution or verbal caution and directing the driver to move on rather than issue a PIN. This should be appropriately recorded by the Pos and Rangers in Council's Customer Service tracking system.

It is also essential that each PO and Ranger exercises and demonstrates good judgement regarding educating the public about parking regulations.

**Department of Planning, Housing and Infrastructure**

Our ref: IRF24/142

Mr John Ajaka  
Chief Executive Officer  
Liverpool City Council  
Locked Bag 7064  
LIVERPOOL BC NSW 1871

28 March 2024

**Subject: East Leppington local infrastructure contributions plan**

Dear Mr Ajaka

I am writing in relation to the section 7.11 contributions plan '*Liverpool Contributions Plan 2021- East Leppington*', which Liverpool City Council submitted to the Independent Pricing and Regulatory Tribunal (IPART) for assessment. IPART has completed its assessment and made one finding in relation to the plan.

As nominee for the Minister for Planning and Public Spaces, I have considered IPART's advice and have accepted it with minor amendment. Details are set out in the table in **Attachment A**. No amendments are required to the plan.

Once council has finalised the plan it will meet the requirements of an IPART reviewed contributions plan within the meaning of clause 5(3) of the *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012*.

If you have any questions in relation to this matter, please contact Ms Katrine O'Flaherty, Director Local Infrastructure Funding Policy at the department on 0436 679 085.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Gainsford'.

David Gainsford  
Deputy Secretary  
Development Assessment and Infrastructure





Department of Planning, Housing and Infrastructure

Attachment A

Direction on East Leppington local infrastructure contributions plan

IPART findings	Minister's nominee direction	Comments
<p>1</p> <p>We encourage Liverpool City Council to review all works costs in the East Leppington contributions plan.</p> <p>The review should include:</p> <ul style="list-style-type: none"> <li>a. any changes to assumptions or strategies within the plan,</li> <li>b. actual costs of delivering land and works within or near the precinct (where available),</li> <li>c. site specific estimates, recent benchmarks or other relevant sources.</li> </ul>	<p><b>Finding accepted</b></p>	<p>Council to consider IPART's advice as implementation of the Plan progresses</p>





## LIVERPOOL CONTRIBUTIONS PLAN 2021 - EAST LEPPINGTON



Adopted: [Insert DATE]

Effective: [Insert DATE]

Content Manager: 129994.2024



**Liverpool Contributions Plan 2021 - East Leppington**

**Liverpool Contributions Plan 2021 – East Leppington**

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**Liverpool Contributions Plan 2021 - East Leppington**

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## 1 Summary of the Plan

### 1.1 Preamble

East Leppington is an urban release area in Sydney's South West Growth Centre that traverses land in Camden, Campbelltown, and Liverpool local government areas.

A range of new and augmented infrastructure needs to be planned, programmed, funded, and delivered in order to sustain this planned development.

The infrastructure will be delivered and coordinated by a number of parties including State Government public authorities, State owned corporations, Local Government and private developers.

Councils typically fund the provision of local infrastructure through a combination of developer contributions under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, general revenue (from rates and other charges), and grants from the State or Commonwealth government. Much of the capital cost of local infrastructure in new urban areas like East Leppington is funded by section 7.11 developer contributions as there is often a clear relationship between the need for new or upgraded infrastructure and population growth attributable to the new development.

As a result, the *Liverpool Contributions Plan 2021 – East Leppington* (the Plan) has been prepared to authorise the imposition of developer contributions on Residential and Non-residential development in East Leppington under Section 7.11 of the EP&A Act.

The Plan addresses the provision of those local infrastructure (public amenities and public services) to be delivered in East Leppington by or on behalf of Liverpool City Council (Council). The provision of local infrastructure in the Plan is estimated to cost approximately \$79,855,805 million and includes:

- Open space and recreation facilities such as informal / passive parks, sporting fields / active recreation and open space along riparian corridors;
- Traffic and transport management facilities, such as upgrades to existing roads, new roads and intersections; and
- Water cycle management facilities, such as detention basins stormwater channels and streetscape raingardens.

When this Plan was first established in 2014, a Ministerial Direction<sup>1</sup> put in place a cap of \$30,000 for each dwelling or lot required to pay a contribution. This Plan has now been assessed by IPART<sup>2</sup> and, consistent with the Ministerial nominee's associated advice, can now charge the full contribution rate outlined in Table 1.2-1.

This Plan was adopted by Council in [Insert DATE] and came into effect on [Insert DATE].

---

<sup>1</sup> The Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012

<sup>2</sup> The Independent Pricing and Regulatory Tribunal is in charge of reviewing Contributions Plans that levy above \$30,000 for greenfield areas and \$20,000 for infill areas.

## 1.2 Summary of contribution rates and works schedule costs

Table 1.2-1 shows the total value of works and land to be funded by contributions anticipated under this Plan as well as the applicable contribution rates. Part 1.3 provides a sample calculation intended to illustrate how these values are used to calculate a developer contribution. All costs in this Plan are expressed in January 2021 dollar values.

Table 1.2-1 Monetary Contribution Rates (January 2021 quarter values)

ESSENTIAL INFRASTRUCTURE		NON-RESIDENTIAL DEVELOPMENT	RESIDENTIAL DEVELOPMENT	
Item	Item Cost apportioned to East Leppington	\$ per hectare of NDA	\$ per residential lot for a detached dwelling	\$ per attached dwelling, semi-attached dwellings and multi-dwelling housing
<b>Open Space</b>				
Land	\$10,339,325		\$10,087	\$7,714
Works	\$5,519,476		\$5,385	\$4,118
Subtotal	<b>\$15,858,801</b>		<b>\$15,472</b>	<b>\$11,832</b>
<b>Traffic and Transport (Roads)</b>				
Land	\$2,650,368	\$33,461	\$2,533	\$1,937
Works	\$9,430,599	\$119,061	\$9,015	\$6,894
Subtotal	<b>\$12,080,967</b>	<b>\$152,522</b>	<b>\$11,548</b>	<b>\$8,831</b>
<b>Water Cycle Management (Drainage)</b>		<b>ALL DEVELOPMENT \$ per hectare of NDA</b>		
Land	\$15,999,950	\$202,096		
Works	\$35,164,370	\$444,163		
Subtotal	\$51,164,320	<b>\$646,259</b>		
<b>Plan Administration</b>				
Allowance	\$751,717	\$9,495		
Subtotal	\$751,717	<b>\$9,495</b>		
<b>TOTAL</b>	<b>\$79,855,805</b>			

The total contribution cost has been apportioned based on the development detailed in the above table. However, other residential development, including seniors living, secondary dwellings and shop top housing will also generate demand on local infrastructure. As such, all other residential development will be calculated at a per person x average occupancy rate (see Table 3.3-3)

### 1.3 Sample calculation

#### Residential Development Scenario

The residential contribution equals the sum of the following 4 contribution categories:

1. The open space contribution per dwelling, plus
2. The transport contribution per dwelling, plus
3. The water cycle management infrastructure contribution per hectare of NDA, plus
4. The plan administration contribution per hectare of NDA.

Contributions for open space, community facilities and transport infrastructure are levied based on the number of people expected to reside in the new dwelling, while contributions for stormwater infrastructure and plan administration are levied by the area (NDA) of the development.

This approach best aligns the contribution payable by a development to its estimated share of the demand for the different kinds of infrastructure in the Plan.

Below is an example of how to calculate the contribution payable by development.

Consider a scenario where a developer has 0.3 hectares (NDA) and applies to develop 5 low density dwelling houses on this land.

The total contribution under this Plan

$$\begin{aligned}
 &= (\text{Open space contribution in \$ per residential lot for a detached dwelling} \times \# \text{ of lots}) + \\
 &\quad (\text{Roads contribution in \$ per residential lot for a detached dwelling} \times \# \text{ of lots}) + \\
 &\quad (\text{Drainage contribution in \$ per hectare of NDA}) + \\
 &\quad (\text{Plan administration contribution in \$ per hectare of NDA}) \\
 &= (15,472 \times 5) + (11,548 \times 5) + (646,259 \times 0.3) + (9,495 \times 0.3) \\
 &= \$331,826
 \end{aligned}$$

This equals a contribution of \$66,365 per dwelling, on average, for this development.

#### Commercial Development Scenario

The non-residential contribution equals the sum of the following 3 contribution categories:

1. The transport contribution per NDA, plus
2. The water cycle management infrastructure contribution per NDA, plus
3. The plan administration contribution per NDA.

Below is an example of how to calculate the contribution payable by development.

Consider a scenario where a developer applies to develop a 0.5 hectare (NDA) site for business/commercial purposes.

The total contribution under this Plan

$$\begin{aligned}
 &= (\text{Roads contribution in \$ per hectare of NDA}) + \\
 &\quad (\text{Drainage contribution in \$ per hectare of NDA}) + \\
 &\quad (\text{Plan administration contribution in \$ per hectare of NDA}) \\
 &= (\$152,522 \times 0.5) + (\$646,259 \times 0.5) + (9,495 \times 0.5) \\
 &= \$404,138
 \end{aligned}$$



## 1.4 Plan Overview

Section 7.11 of the EP&A Act allows a consent authority responsible for determining a development application to grant consent to the proposed development subject to a condition requiring the payment of a monetary contribution, or the dedication of land free of cost, or a combination of them, towards the provision of public amenities and public services to meet the development.

Where the consent authority is a council or an accredited certifier, such a contribution may be imposed on a development only if it is of a kind allowed by and determined in accordance with a contributions plan, such as this Plan.

This Plan has been prepared to authorise the imposition of Section 7.11 developer contributions on development expected to occur in the East Leppington Liverpool Part Precinct. This is the portion of East Leppington situated in the Liverpool LGA and is referred to as the 'Precinct' in this Plan.

This Plan has been prepared:

- in accordance with the EP&A Act and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation); and
- having regard to the latest Practice Notes issued by the NSW Department of Planning, Industry and Environment (DPIE).

## 1.5 Structure of the Plan

The Plan is structured in the following parts:

**Part 1** (this part) contains an introduction and a summary schedule.

**Part 2** contains provisions that describe the contributions framework, essential Plan details, and how section 7.11 contributions in the Precinct will be imposed, settled and managed.

**Part 3** documents the expected development in the Precinct and the likely demand for infrastructure arising from that development.

**Part 4** discusses infrastructure costs and delivery, and for each infrastructure category, describes the relationship between development and infrastructure. This Part also contains contributions formulas, location maps and work schedules describing the proposed infrastructure addressed by the Plan.

### References and Appendices.

As a guide, Table 1.5-1 lists the minimum requirements<sup>3</sup> for section 7.11 contributions plans alongside its location in this document.

Table 1.5-1 Minimum requirements for a 7.11 Plan and their location in this document

EP&A Regulation requirements	Location in this document
(a) The purpose of the plan	2.3
(b) The land to which the plan applies	2.2
(c) The relationship between the expected types of development in the area to which the plan applies and the demand for additional public amenities and services to meet that development	Part 3
(d) The formulas to be used for determining the section 7.11 contributions required for different categories of public amenities and services	4.2.3 4.3.3 4.4.5

<sup>3</sup> As set out in Division 1C Clause 27 of the EP&A Regulation.

	4.5.2
(e) The section 7.11 contribution rates for different types of development, as specified in a schedule to the plan	1.2
(g) The council's policy concerning the timing of the payment of monetary section 7.11 contributions, and the imposition of section 7.11 conditions that allow deferred or periodic payment	2.9.1
(h) A map showing the specific public amenities and services proposed to be provided by the council, supported by a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds)	Part 4
(i) If the plan authorises monetary section 7.11 contributions paid for different purposes to be pooled and applied progressively for those purposes, the priorities for the expenditure of the contributions, particularised by reference to the works schedule.	2.13 Part 4

## 2 Administration and operation of the Plan

### 2.1 Name of the Plan

This Plan is called the Liverpool Contributions Plan 2021 - East Leppington Precinct (the Plan).

### 2.2 Land to which the Plan Applies

This Plan applies generally to all of the land situated within the East Leppington Precinct that is also within the Liverpool local government area (LGA), referred to as the 'Precinct' in this document.

This Plan applies to all of the land identified in Figure 2.2-1.

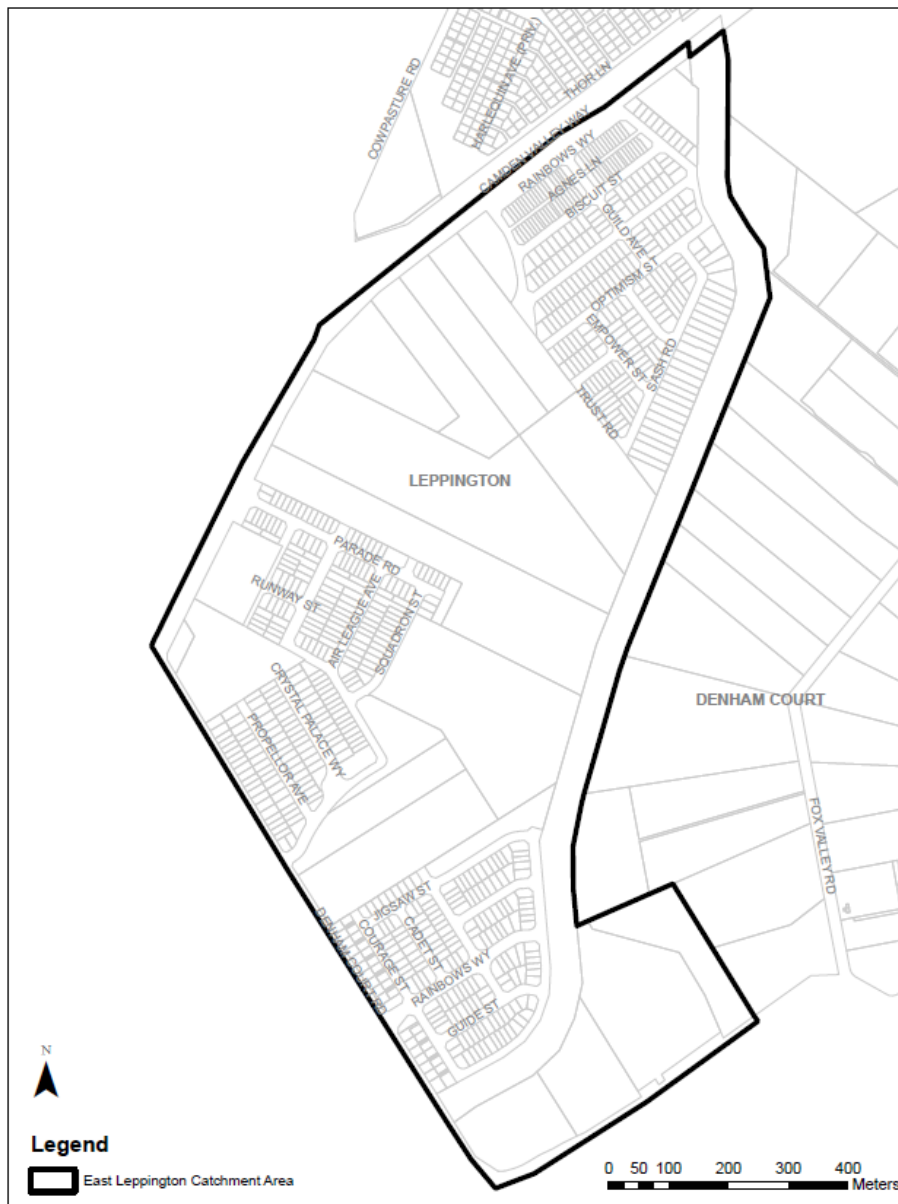


Figure 2.2-1 Application map of the Liverpool Contributions Plan 2021 - East Leppington

### 2.3 Purpose of the Plan

The purposes of the Plan are to:

- Provide an administrative framework under which specific public amenities and services strategies to serve the Precinct may be implemented and coordinated.
- Ensure that adequate public amenities and services are provided for as part of any new development in the Precinct.
- To authorise the Council or accredited certifiers to impose conditions under section 7.11 of the EP&A Act when granting consent to development on land to which this Plan applies.
- Provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions relating to the Precinct on an equitable basis.
- Ensure that the existing community is not burdened by the provision of public amenities and services required as a result of future development in the Precinct.
- Enable the Council to be both publicly and financially accountable in its assessment and administration of the Plan.

### 2.4 Adoption of the Plan

This Plan was adopted by Council on [Insert DATE] and in effect from [Insert DATE].

The Plan applies to development applications determined after the date on which the Plan came into effect.

### 2.5 Definitions used in this Plan

Except where indicated in this clause, the definitions of terms used in this Plan are the definitions included in the EP&A Act, EP&A Regulation and the Standard Instrument – Principal Local Environmental Plan and are adopted by this Plan.

In this clause, 'existing' means at the date on which this Plan came into effect.

In this Plan, the following words and phrases have been given the meanings provided in Appendix A: Glossary.

### 2.6 Relationship to other Plans

Prior to *Liverpool Contributions Plan 2021 – East Leppington Precinct* coming into effect, the land to which this Plan applies was subject to the *Liverpool Contributions Plan 2014 – East Leppington*. This Plan repeals the *Liverpool Contributions Plan 2014 – East Leppington* and applies to development applications determined after the date on which the Plan came into effect.

Table 2.6-1 Plans previously applicable to the land identified in Figure 2.2-1

	Plan name	Note
1	Liverpool Contributions Plan 2009 section 2.9	The Precinct was previously a part of section 2.9 of the Liverpool Contributions Plan 2009. This section was replaced by the Liverpool Contributions Plan 2014 – East Leppington when it took effect on 3 June 2015.
2	Liverpool Contributions Plan 2014 - East Leppington	This Plan took effect on 3 June 2015 and was amended in June 2020 to implement: <ul style="list-style-type: none"> <li>• Council's 11 December 2019 resolution regarding instalment payment for secondary dwellings and</li> </ul>

		<p>clarified relationship between Complying Development Certificates (CDCs) and developer contributions</p> <ul style="list-style-type: none"> <li>• Council's 29 April 2020 resolution on payment timing in response to COVID-19.</li> </ul> <p>This Plan was replaced by the Liverpool Contributions Plan 2021 - East Leppington when it took effect on [Insert DATE]</p>
--	--	---

The land to which this Plan applies is not otherwise subject to any contributions plans made under Subdivision 3 of Division 6 of Part 4 of the EP&A Act.

This Plan does not limit or otherwise affect any requirements for the payment of Special Infrastructure Contributions pursuant to Subdivision 4 of Division 6 of Part 4 of the EP&A Act.

## 2.7 Authority to require contributions

### 2.7.1 Monetary contributions

This Plan authorises the Council, when granting consent to an application to carry out development to which this Plan applies, to impose a condition under Section 7.11 of the EP&A Act requiring the payment of a monetary contribution to the Council towards:

- the provision of public amenities and public services as specified in the Works Schedule to meet the demands of the development; and/or
- the recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

This Plan requires the Council or an accredited certifier, when determining an application for a complying development certificate relating to development to which this Plan applies, to impose a condition under section 7.11 of the EP&A Act requiring the payment of a monetary contribution towards:

- the provision of public amenities and public services as specified in the Works Schedule to meet the demands of the development; and / or
- the recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

### 2.7.2 Land contributions

This Plan authorises the Council, by imposition of a condition of development consent, to require in connection with any development on land to which this Plan applies (and in addition to any monetary contribution that may be sought) the dedication free of cost to the Council of any part of the development site that is land that is to be acquired under this Plan.

The extent of land that may be required in the consent shall not exceed the amount of land the value of which does not exceed the monetary contribution otherwise authorised by this Plan.

The monetary development contribution otherwise authorised by this Plan shall be reduced by an amount corresponding to the value of the land required to be dedicated.

Where the value of the land exceeds the monetary development contribution otherwise authorised, the developer may offer to enter into a voluntary planning agreement dealing with an appropriate settle-up in exchange for the dedication of the remainder.

Further information on land contributions is included in clauses 2.9.5 and 2.11 of this Plan.

### 2.7.3 Obligations of accredited certifiers

In relation to an application made to an accredited certifier for a complying development certificate:

- the accredited certifier must, if a complying development certificate is issued, impose a condition requiring a development contribution, if such a contribution is authorised by this Plan; and
- any such contribution may only be a monetary contribution required under this Plan; and
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this Plan in respect of the development.

It is the responsibility of the principal certifying authority to accurately calculate and apply the local infrastructure contribution charges to complying development certificates. Deferred payments of contributions required by a condition of a complying development certificate will not be accepted.

### 2.7.4 Variation to contributions authorised by this Plan and contributions for unanticipated development

Council retains the right to reduce the development contribution otherwise calculated in accordance with the provisions of this Plan.

A developer's request for variation to a contribution calculated in accordance with this Plan must be supported by written justification included with the development application. Such request will be considered as part of the assessment of the application.

There may be circumstances when development is proposed that was not anticipated when this Plan was made and that is not specifically identified to be levied under this Plan, but which would if carried out result in the provision of, or increase the demand for, the public amenities and services included in this Plan. In these circumstances, Council will calculate a reasonable contribution proportionate to the demand for amenities and services generated by the unanticipated development and impose that contribution on the consent for that development.

Notwithstanding the above, an Accredited Certifier other than the Council must not:

- vary, waive or modify a development contribution calculated in accordance with this Plan, or
- impose any contribution other than a monetary contribution specifically authorised by this Plan

## 2.8 Types of development to be levied

Except as provided for by this clause, this Plan applies to:

- Residential Accommodation development, insofar as the Plan authorises the imposition of a requirement for a development contribution for the types of public amenities and public services described in clauses 4.2 to 4.5 of this Plan; and
- All other development, insofar as the Plan authorises the imposition of a requirement for a development contribution for the types of public amenities and public services described in clauses 4.3 to 4.5 of this Plan.

This Plan does not apply to development:

- for the sole purpose of affordable housing;
- for the sole purpose of the adaptive reuse of an item of environmental heritage;
- for the purposes of public infrastructure provided by or on behalf of State Government or the Council;

- for the purposes of public amenities or public services under this Plan or another contributions plan prepared under section 7.13 of the EP&A Act;
- for works to be carried out by Sydney Water, Endeavour Energy or equivalent water, sewer or energy provider; or
- that in the opinion of Council does not increase the demand for the categories of public amenities or public services addressed by this Plan.

## 2.9 Payment of Contributions

### 2.9.1 Timing of Payment

Unless specified by changes to the Act, Regulation or Planning Circular, Council requires contributions to be satisfied in full, as follows:

#### a. Development applications involving subdivision only

Monetary contributions are required to be paid prior to the release of the subdivision certificate whether by Council or an accredited certifier (in the case of strata subdivision). Any dedication of land to Council, in lieu of a monetary contribution, shall be shown on the plan of subdivision.

#### b. Development applications involving building work only

Monetary contributions are required to be paid to Council prior to the issuing of the construction certificate, whether by Council or an accredited certifier. Dedication of land to Council, in lieu of monetary contribution, shall be shown on a plan of subdivision, to be registered prior to the issue of an occupation certificate.

#### c. Development applications involving subdivision and building work (for example, dual occupancy and integrated housing)

Monetary contributions are required to be paid to Council prior to the release of the construction certificate or subdivision certificate, whichever occurs first, whether by Council or an accredited certifier. Any dedication of land to Council, in lieu of monetary contribution, shall be shown on a plan of subdivision, to be registered prior to issue of an occupation certificate.

#### d. Development applications where no building works are proposed

Monetary contributions are required to be paid to Council prior to occupation / commencement of the development. Any dedication of land to Council, in lieu of monetary contribution, shall be shown on a plan of subdivision to be registered prior to issue of an occupation certificate.

Note: Council implemented a Covid-19 response measure that allowed the deferral of 50% of the contributions required for development that did not involve CDCs or subdivision. This measure applied for any development applications lodged or approved between 16 April 2020 and 31 December 2020. An application lodged or determined between those dates is still eligible for the deferral.

### 2.9.2 Obligations of Accredited Certifiers

It is the responsibility of an accredited certifier issuing a post consent certificate (including construction certificate, subdivision works certificate and occupation certificate) to certify that the relevant contributions have been paid to Council prior to the issue of the certificate. The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that relevant contributions have been paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where Works in Kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

### 2.9.3 Deferred Payments

Council will allow payment of contributions to be deferred in the following cases only:

- where the applicant has the intention and ability to dedicate land or provide a material public benefit in part or to full satisfaction of a condition imposed by development consent, and that offer of land or material public benefit is acceptable to the Council; or
- in other circumstances, to be outlined in writing by the applicant and determined formally by Council on the merits of the case.

In the circumstances where deferred payments are accepted, the debtor must lodge with Council an unconditional bank guarantee for the amount to be deferred. Bank guarantees will be accepted on the following conditions:

- The guarantee must carry specific wording outlining the purpose for which those contributions were due, for example, "drainage contributions for Stage 3".
- The guarantee will be for the contribution amount plus the estimated amount of compound interest foregone by Council for the anticipated period of deferral (Refer to formula in clause 2.9.4 below).
- Council may call up the guarantee at any time without reference to the applicant, however, the guarantee will generally be called up only when cash payment has not been received, and land is not dedicated or material public benefit not provided by the end of the period of deferral.
- The period of deferral must be for a limited time only as agreed where land is to be dedicated or a material public benefit is to be provided. The period of deferral may be extended subject to providing a further bank guarantee for the extended period in accordance with the above terms.

Council will discharge the bank guarantee when payment is made in full by cash payment, land transfer or by completion of Works in Kind.

### 2.9.4 Formula for Bank Guarantee Amounts

The following formula to be applied to all bank guarantees for contributions is:

Guarantee Amount =  $P + P (CI \times Y)$ , where:

P = Contribution due;

CI = Compound interest rate comprising of Council's estimate over the period plus 3 percent (allowance for fluctuations); and

Y = Period of deferral (years).

### 2.9.5 Methods of settling contribution requirements

Contributions may be made by one or a combination of the methods described below.

#### Monetary contribution

A monetary contribution is the most common method of settling contribution requirements. However, Council may consider the transfer of land to Council or providing Works in Kind, but only where the offered land and or works are included in this Plan's Works Schedule (Part 4 of this Plan).



**Transfer of land**

An applicant may transfer land to Council in part or in full satisfaction of a contribution requirement. The land may be for open space, community facilities, drainage or roads and must be land, which is included in this Plan's Works Schedule (Part 4 of this Plan). The value of the land will be determined by an independent valuer appointed by Council.

Where land which is the subject of a development application contains land identified for acquisition under this Plan, Council may as a condition of consent require that land to be dedicated free of charge to Council. Monetary contributions will be adjusted accordingly to reflect the value of the land to be dedicated in lieu of payment of cash.

**Works in Kind**

Applicants are encouraged to provide Works in Kind in part or full satisfaction of a contribution. The works must be included in this Plan's Works Schedule (Part 4 of this Plan). The value of contingency for individual works will be paid where it can be proven to Council's satisfaction that unforeseen circumstances have given rise to additional costs.

Prior to proceeding with the works, applicants will be required to provide details of the works to be undertaken (including a development application), financial guarantees, bank guarantees and administration. A Works in Kind Agreement must be in place prior to commencing the works in accordance with the Council's Developer Contributions Works in Kind Policy.

Applicants may provide land or works included in Part 4 of this Plan in excess of that required for the development. The value of the works will be determined in accordance with Council's Works in Kind Procedure, available from Council's administration office.

**2.9.6 Goods and Services Tax**

No Goods and Services Tax (GST) is applicable to the payment of contributions made under section 7.11 of the EP&A Act. This exemption applies to both cash contributions and land or works in lieu of contributions.

**2.10 Contributions demand credits for existing development**

No credit will be given in the calculation of contributions for infrastructure attributable to development that existed at the time this Plan was prepared.

**2.11 Adjustment to Contribution Rates and Contribution Amounts****2.11.1 Overview**

The purpose of this clause is to ensure that the monetary contribution rates imposed at the time of development consent reflect the current costs of provision of the facilities included in this Plan.

To convert the cost of facilities included in the Plan to a current cost, the monetary contribution rates shown in Part 1 of this Plan are to be adjusted in accordance with the provisions set out below:

- at the time of imposing a condition on a development consent requiring payment of the monetary contribution; and again
- at the time that the monetary contribution is to be paid pursuant to the condition imposed on that same development consent.

The adjusted contribution rates will also be published quarterly on the Council's website [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

This process is distinct and separate from clause 2.12, which deals with future reviews of this Plan. Future reviews will not affect any consent granted in accordance with this Plan and such reviews are required to be publicly exhibited.

### 2.11.2 Adjustment methods

The Consumer Price Index (CPI) is the most commonly used index for adjusting contribution rates. However, it is not a suitable index for adjusting contributions relating to land that is yet to be acquired as land prices do not correlate with movements in the prices of goods and services, especially in urban release areas. As a result, Council will prepare and regularly publish a customised Land Value Index (LVI), generally consistent with in the contributions management arrangements it applies to other land release areas within the Liverpool LGA.

In accordance with the provisions of clause 32(3) of the EP&A Act Regulation, Council, without the necessity of preparing a new or amending contributions plan, will adjust the monetary development contribution rates set out in this Plan to reflect quarterly changes to both:

- the CPI (for all Works Schedule items identified in this Plan apart from the items comprising land yet to be acquired); and
- the customised LVI (for Works Schedule items identified in this Plan involving land yet to be acquired).

### 2.11.3 Works Schedule items other than land

The monetary contributions rates for Works Schedule items as set out in Part 4 of this Plan will be adjusted to reflect quarterly variations in the Consumer Price Index (All Groups - Sydney) from the date that the Plan came into effect.

Contribution at time of development consent

$$C_2 = \frac{C_1 \times \text{CPI}_2}{\text{CPI}_1}$$

Contribution at time of payment

$$C_3 = \frac{C_2 \times \text{CPI}_3}{\text{CPI}_2}$$

Where:

- $C_1$  = Contribution of rate for works as shown in this Plan
- $C_2$  = Contribution rate for works as included or to be included in the conditions imposed on the development consent
- $C_3$  = Contribution rate for works at the time that the contribution is to be paid

$\text{CPI}_1$  = *Consumer Price Index (All Groups - Sydney)* result at the time that the Plan was prepared - i.e. June 2021

$\text{CPI}_2$  = *Consumer Price Index (All Groups - Sydney)* result for the quarter immediately prior to the date of granting the relevant development consent

$\text{CPI}_3$  = *Consumer Price Index (All Groups - Sydney)* result for the quarter immediately prior to the date that the contribution is to be paid

#### 2.11.4 Land

The monetary contributions rates for Works Schedule items that relate to land as set out in Part 4 of this Plan will be adjusted in accordance to reflect quarterly variations in the Land Value Index (published on the Liverpool City Council website) from the date that the Plan came into effect.

The adjustments shall be made at the time of granting development consent so as to determine the appropriate contribution to be included on any relevant consent. A further adjustment will be made at the time of payment to reflect any further changes between the date of consent and payment of contribution.

Contribution at time of development consent

$$C_2 = \frac{C_1 \times LVI_2}{LVI_1}$$

Contribution at time of payment

$$C_3 = \frac{C_2 \times LVI_3}{LVI_2}$$

Where:

- $C_1$  = Land component of contributions as shown in this Plan
- $C_2$  = Land component of contributions subject of the conditions imposed on the development consent
- $C_3$  = Land component of contributions at the time that the contribution is to be paid
- $LVI_1$  = Land Value Index at the time that the Plan was prepared - i.e. [insert number(s)]
- $LVI_2$  = Land Value Index at the time of granting the relevant development consent
- $LVI_3$  = The latest Land Value Index at time that the contribution is to be paid

#### 2.11.5 Calculation of land Value Index

The Land Value Index is a measure to reflect the changes in land values during the life of the Plan from the date of the adoption of the Plan.

The land costs included in the Works Schedule in Part 4 of this Plan are based on estimates provided in the report prepared by AEC Group Ltd. and titled Land Valuations for the East Leppington Precinct.

#### 2.12 Review of Plan and contributions rates

Council will review this Plan on a regular basis.

The review process will canvass, as a minimum, the following issues (where data is available):

- development activity in terms of latest information on net additional dwellings and populations;
- likely total development activity to be experienced during the remainder of the Precinct's development;
- progress in the delivery of public amenities and services identified in Part 6 of this Plan;

- modification of facility concepts, changes in anticipated facility costs, facility timing and land values;
- annual contributions received and expenditure information; and
- any other factors likely to affect the delivery of works identified in this Plan.

Pursuant to clause 32(3) of the EP&A Regulation, Council may make only minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections and amendments to rates resulting from changes in the indexes adopted by this Plan.

Amendments beyond those authorised under clause 32 of the EP&A Regulation require the preparation of a new draft plan which in turn must meet the requirements of the EP&A Act and EP&A Regulation (including public exhibition of the draft plan for a period of at least 28 days). The nature of the proposed amendments and reasons for same would be clearly outlined as part of the exhibition.

Amendments requiring public exhibition would include adjustments to contribution rates taking account of more recent information and, where relevant, the following:

- actual costs of completed works;
- reviewed costs of yet to be completed works and land acquisition;
- adjustment in projected project management and contingency costs associated with works; and
- plan management and administration costs.

Plan reviews of the type described above will not affect any development contributions obligation required under any consent that is granted under this Plan.

### 2.13 Pooling of Funds

Council's ability to forward fund services and amenities identified in this Plan is very limited. Consequently, their provision is largely contingent upon the availability of contributions funds.

To provide a strategy for the orderly delivery of the public services and amenities, this Plan authorises monetary contributions paid for different purposes in accordance with the conditions of various development consents authorised by this Plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes. The priorities for the expenditure of pooled monetary contributions under this Plan are the priorities for works as set out in the Works Schedule in Part 4.

In any case of the Council deciding whether to pool and progressively apply contributions funds, the Council will have to first be satisfied that such action will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

### 2.14 Delivery of the Infrastructure

Aside from providing infrastructure identified in this Plan using contributions collected, Council encourages its provision as works-in-kind in conjunction with the civil works undertaken as part of land subdivision. A range of local infrastructure not addressed by this Plan will also be required to be undertaken directly by the developer as conditions of consent under section 4.17(1)(f) of the EP&A Act. These include the delivery of streets to the half-road, and 'non-trunk' reticulation works such as lot-scale OSD basins, rainwater tanks, construction of kerb, gutter and piping in local roads, installation of drainage pits and grates, and pipe connections to the trunk drainage network.

### 3 Demand for Public Amenities and Public Services

#### 3.1 Infrastructure demand arising from expected development

The extent of public amenities and services required for the future development of an area is usually based on standards or benchmarks rates (e.g. per capita provision).

The incoming population is directly related to the expected number and type of residential dwellings and extent of non-residential development floor space in an area.

A list of infrastructure requirements to meet that development has been quantified in the infrastructure studies referred to in Table 3.2-2, derived by the application of the provision standards to the estimate of expected dwellings and population (Table 3.3-3, Table 3.3-4).

This connection between expected dwellings and population, infrastructure standards, and the resultant infrastructure items and costs directly informs the contribution requirements in this Plan.

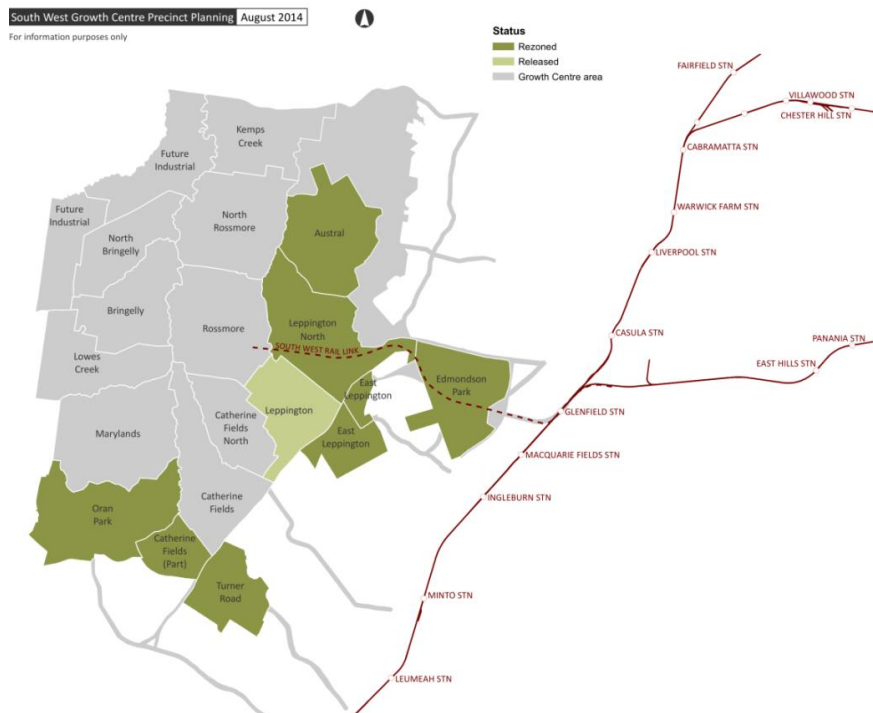
#### 3.2 Development and infrastructure planning context

##### 3.2.1 Growth Centres Structure Planning

The NSW State Government has undertaken planning for the development of land in the South West Growth Centre, of which East Leppington forms part.

To facilitate planning and orderly development of the South West Growth Centre, this area has been divided into seventeen precincts. The locations of the early release precincts, including East Leppington, are shown in Figure 3.2-1.

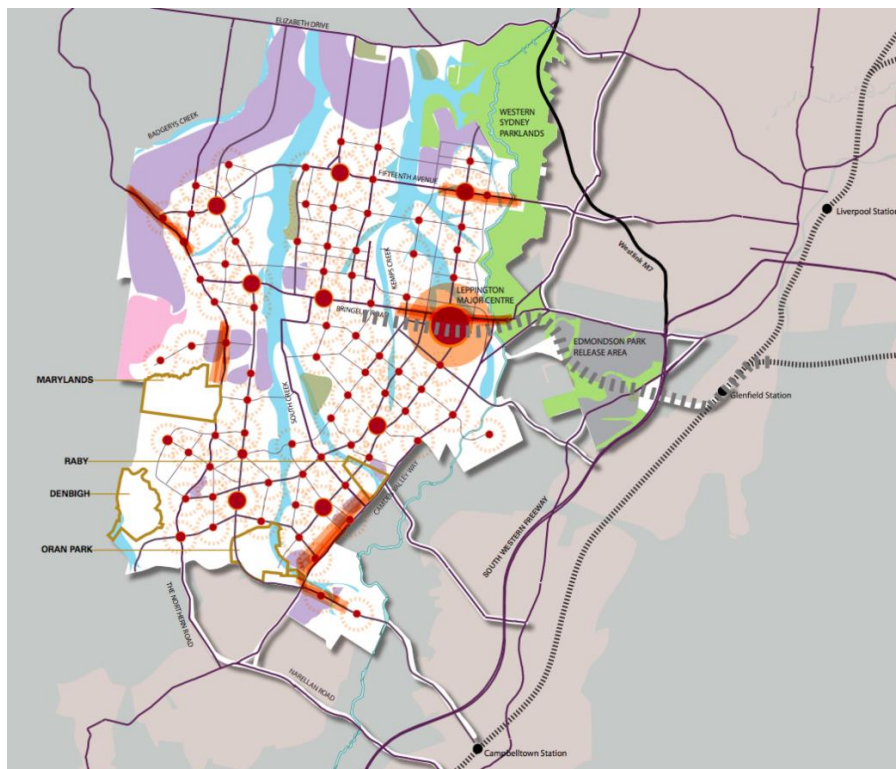
Figure 3.2-1 South West Growth Centre precincts



Source: East Leppington: Final Precinct Planning Report, 2012, Department of Planning, Industry and Environment

A structure plan has been prepared for the Growth Centre, a copy of which is included as Figure 3.2-2. Apart from the development of local neighbourhood centres, the structure plan proposes ten (10) new town or village centres. The largest of these is the planned Major Town Centre at Leppington that will be located in the Leppington North Precinct in the adjoining Camden LGA. Other infrastructure investment is underway to support the future Leppington Major Centre, including a new rail line from Glenfield via Edmondson Park.

Figure 3.2-2 South West Growth Centre Structure Plan



Source: South West Growth Centre Structure Plan Edition 3, prepared by Department of Planning

The East Leppington Precinct was released for precinct planning purposes by the Minister for Planning in November 2011. Table 3.2-1 provides context for East Leppington Precinct and the portion subject to this Plan in terms of the planned dwellings and population.

Table 3.2-1 Estimated dwelling and population

District	Area (ha)	Additional dwellings	Projected population
South West Growth Centre (17 Precincts)	17,000	110,000	300,000
East Leppington Precinct	463	4,386	14,497
East Leppington Precinct (Liverpool)*	106	1,128	3,485

\*The Contributions Plan adopts the values of 1,128 and 3,485 for total additional dwellings and projected population, respectively. See Table 3.3-4 for more detail.

Source: Growth Centres Commission (Structure Plan Explanatory Note); Indicative Layout Plan, Department of Planning, Industry and Environment

### 3.2.2 East Leppington Precinct Planning

The East Leppington Precinct falls within three different local government areas, namely, Camden, Campbelltown and Liverpool with more than 50% of the development being contained in Campbelltown Council's local government area. This Plan deals with that part of the East Leppington Precinct which falls within the Liverpool LGA and for which Liverpool City Council will serve as the consent authority. Liverpool City Council will also be the manager of the new local public infrastructure that will be required to be delivered in its jurisdiction.

A [package of information](#) on anticipated development and required infrastructure has been prepared for Liverpool City Council's portion of East Leppington. The relevant information includes:

- Indicative Layout Plan (ILP) for the Liverpool part of the Precinct (Figure 3.3-1). This will guide the planning and assessment of the Precinct.
- Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to facilitate the formal rezoning of the land to enable urban development.
- Development Control Plan for the Liverpool Growth Centre Precincts (including Liverpool Growth Centre Precincts DCP Schedule 3 East Leppington).
- This contributions plan prepared by Liverpool City Council.
- Infrastructure Delivery Plan (IDP). The IDP collates information from existing background studies for the East Leppington Precinct, and provides an overview for the staged delivery of infrastructure and services in the Precinct.

Research and studies have informed the preparation of the Precinct's public infrastructure needs and costs. Key information sources that have underpinned infrastructure planning and costing in this Plan in particular, are listed included in Table 3.2-2.

**Table 3.2-2 Studies supporting infrastructure planning and costing**

Public amenity or service	Studies informing infrastructure need and cost
Land acquisition for public amenities or services	AEC, Land Valuations for the East Leppington Precinct, December 2020.
Open space and recreation facilities	Elton Consulting, Social Infrastructure and Open Space Assessment East Leppington Precinct, prepared for NSW Department of Planning and Infrastructure, June 2013
Roads and transport works	Cardno, Traffic Assessment East Leppington, prepared for NSW Department of Planning and Infrastructure, June 2013 Cardno, Green Travel Strategy East Leppington, prepared for NSW Department of Planning and Infrastructure, June 2013
Stormwater drainage works	Cardno, Water Cycle Management Report East Leppington, prepared for NSW Department of Planning and Infrastructure, June 2013
Centres	SGS (Spiller, Gibbons and Swan), Employment and Retail Centres Study East Leppington, prepared for NSW Department of Planning and Infrastructure, March 2013

Substantial research has been applied to the derivation of the Plan's works schedule and the planning for the location of all facilities has been completed. The process used to quantify and cost the development infrastructure for the Precinct ensured a rigorous and independent verification procedure has been used to confirm the cost assumptions. This included preliminary infrastructure costing from Cardno which were then checked by an independent quantity surveyor and property valuer to set the final cost assumptions. These were then checked again by AECOM in preparing the detailed Section 7.11 calculations.

Following the life of the Plan, it is anticipated the Plan may be amended due to:

- Council preparing concept and detailed design for the facilities so that specification and costing of the facilities can be more accurately defined as implementation of this Plan proceeds.
- Where alternatives to the works schedule are proposed in conjunction with the development of areas and the alternatives are approved by the Council, the contribution applicable to a development application may be reviewed and the works schedule in this Plan may be updated.

As a result of Liverpool City Council:

- Completing detailed design studies, particularly on the delivery of water management infrastructure; and
- Land valuation costs being updated to January 2021 quarter values,  
the Plan's costs have been updated and supersedes the preliminary costs reflected in 2014.

### 3.3 Expected development outcomes

#### 3.3.1 Existing development

Current land use within the East Leppington Precinct comprises generally rural residential land and small lot agricultural activities including market gardens, grazing and poultry farms. Several businesses such as childcare centres and commercial greenhouses are currently in operation along Camden Valley Way.

Existing infrastructure and essential services within the East Leppington Precinct is consistent with the current predominantly rural land use. As such, there is limited existing infrastructure available in the Precinct to facilitate the proposed new urban development.

Considering the extent of additional infrastructure to be delivered to the East Leppington Precinct, there needs to be willingness and cooperation between agencies, landowners and developers for the development to proceed in an orderly and economic way. This will require a joint approach and communication and understanding of the issues which is further discussed in the IDP.

#### 3.3.2 Net Developable Area

The capacity for land development is restricted by a number of factors, including:

- natural constraints such as riparian and flood prone lands;
- man-made constraints such as existing infrastructure, easements and other legal restrictions, and existing infrastructure such as gas and transmission lines.

In addition to the constraints, there are future constraints. For example, certain land is needed to be set aside or reserved for public purposes such as roads, government buildings, education and health facilities.

Taking these matters into consideration allows a calculation of the amount of 'economic' land that is available for development. This 'Net Developable Area' (or NDA) is the development that will generate the demand for the urban infrastructure such as roads and drains that are required to sustain it.

The East Leppington Precinct has an estimated total NDA of approximately 75.59 hectares. The 'Equivalent NDA' (that is, total NDA adjusted to reflect the lower residential development potential of Environment zoned lands and higher potential of some areas) is used to calculate contributions under this Plan. Equivalent NDA for the Precincts is approximately 79.17 hectares and makes allowance for higher and lesser densities.

The precinct's NDA and equivalent NDA are shown in Table 3.3-1.



**Table 3.3-1 The Precinct's total NDA and equivalent NDA**

Land Use	NDA (ha)	Equivalent NDA assuming 15dw/ha	Apportioned % of Equivalent NDA
Environmental Living (5 dwellings/ha)	9.48	3.16	
Very Low Density Residential (12.5 dw/ha)	3.28	2.73	
Very Low Density Residential (8.3dw/ha)	3.10	1.72	
Lower Density Residential (15 dw/ha)	40.38	40.38	
Medium Density Residential (25 dw/ha)*	17.75	29.58	
<b>Sub Total Residential</b>	<b>74</b>	<b>77.57</b>	<b>97.98%</b>
Neighbourhood Centre**	1.60	1.60	
<b>Sub Total Non-Residential</b>	<b>1.60</b>	<b>1.60</b>	<b>2.02%</b>
<b>TOTAL</b>	<b>75.59</b>	<b>79.17</b>	<b>100%</b>

\*The Liverpool Contributions Plan 2014 – East Leppington incorrectly calculated the equivalent NDA for medium density residential as 19.97. It has been corrected and updated in this version of the Plan.

\*\* The Liverpool Contributions Plan 2014 – East Leppington incorrectly provides 2.0 as the Neighbourhood Centre's equivalent NDA. This has been corrected and updated in this version of the Plan. Although equivalent NDA is used to reflect various densities across a range of residential land uses, the Neighbourhood Centre does not have any residential component, so the equivalent NDA conversion cannot apply.

### 3.3.3 Overview of expected development

The Indicative Layout Plan (ILP) in Figure 3.3-1 provides an overview of the Precinct's expected development. The outcomes set to be achieved by the ILP is outlined in Table 3.3-2.

Figure 3.3-1 East Leppington Liverpool Part Precinct Indicative Layout Plan

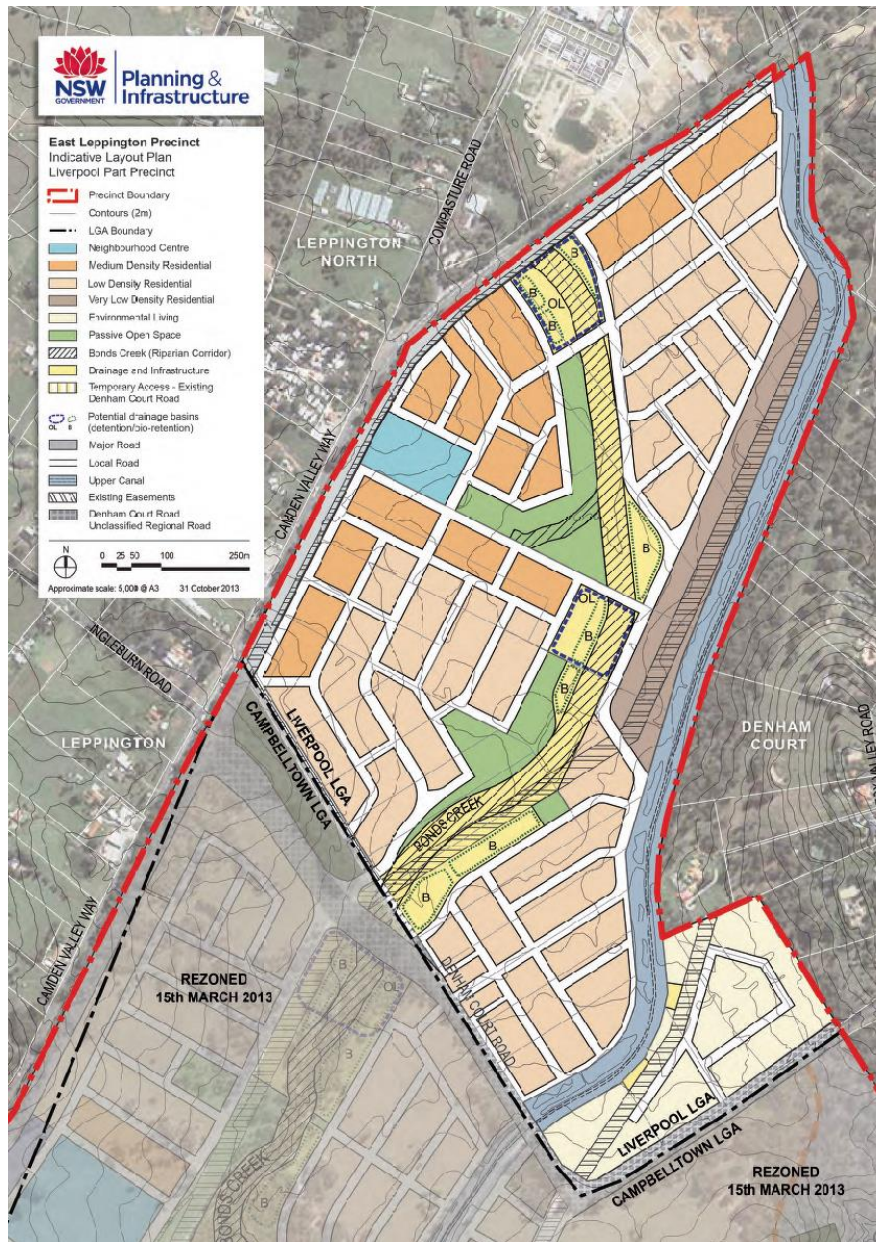


Table 3.3-2 Outcomes of the Precinct's Indicative Layout Plan

ILP Feature	Description
Residential areas	<ul style="list-style-type: none"> <li>Capacity for 1,129 dwellings and 3,485 people.</li> <li>A mix of housing types ranging from town houses and terrace style houses to single dwellings on both large and small blocks.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Minimum residential densities to encourage efficient use of land and infrastructure.</li> <li>▪ Medium density residential areas concentrated around the Neighbourhood Centre, Camden Valley Way and open space areas.</li> <li>▪ Very Low Density Residential and Environmental Living areas allowing houses on large lots to respond to existing constraints including topography and infrastructure easements or to provide a transition to adjoining rural residential development.</li> </ul>
Activity Centres	<ul style="list-style-type: none"> <li>▪ A Neighbourhood Centre with the capacity for up to 2,500m<sup>2</sup> of retail floor space is located near the Camden Valley Way and Cowpasture Road intersection.</li> </ul>
Road network	<ul style="list-style-type: none"> <li>▪ Upgrades to Camden Valley Way proposed by TfNSW due for completion by 2016.</li> <li>▪ Denham Court Road will require widening based on the predicted traffic volumes. Realignment with Ingleburn Road is also underway.</li> <li>▪ Alternative access points will be provided along Denham Court Road. The Access point along Camden Valley Way is consistent with the signalised intersection proposed by RMS as part of the Camden Valley Way upgrade.</li> <li>▪ The local road network is generally in the form of a grid network and responds to the existing constraints and topography.</li> <li>▪ There will be one vehicular crossing over the Upper Canal at the existing Denham Court Road crossing.</li> <li>▪ There will be two vehicular crossings over the realigned Bonds Creek.</li> </ul>
Open space and riparian corridor	<ul style="list-style-type: none"> <li>▪ 6 hectares of parks contiguous with the Bonds Creek corridor to meet the recreational needs of the Precinct.</li> </ul>
Pedestrian and cycleway network	<ul style="list-style-type: none"> <li>▪ Pedestrian paths and cycle ways within the open space network are located along the riparian corridors.</li> <li>▪ Pedestrian bridge crossings will be provided over Bonds Creek providing additional access.</li> <li>▪ On road cycle lanes and off-road pedestrian/shared paths are provided on all roads.</li> </ul>
Public transport	<ul style="list-style-type: none"> <li>▪ The road network provides opportunities for bus routes within walking distance of at least 90% of homes, to provide access to Leppington Major Centre, and to other regional destinations.</li> <li>▪ Local road network is suitable for a bus route.</li> </ul>
Protection of the environment	<ul style="list-style-type: none"> <li>▪ Riparian corridors along the existing part of Bonds Creek will be retained and/or progressively rehabilitated.</li> <li>▪ The rest of the creek corridor will be reconstructed to emulate a former naturalised creek system.</li> <li>▪ Where possible, the full extent of riparian corridors is incorporated into drainage and open space reserves and will be publicly owned.</li> <li>▪ Where parts of the riparian corridors are not bought into public ownership, the Growth Centres SEPP has a Riparian Protection Area Map and provisions to ensure that riparian corridors are restored and managed in the future.</li> <li>▪ Non-Certified Existing Native Vegetation is retained and protected to meet the requirements of the Biodiversity Certification</li> </ul>

Heritage	<ul style="list-style-type: none"> <li>▪ State-heritage listed Sydney Catchment Authority's Upper Canal is retained and protected.</li> <li>▪ Detailed investigations are required for all heritage items and areas prior to development proceeding.</li> </ul>
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### 3.3.4 Dwelling occupancy rates and anticipated residential population

The amount and mix of expected residential development will inform an estimate of the population of an area. The need for social infrastructure is usually based on per capita benchmarks. Section 7.11 contributions are levied on a development-by-development basis and in order for the contribution to be reasonable, there needs to be an assumption of how many people are likely to live in the proposed development.

Elton's Social Infrastructure and Open Space Assessment undertook an analysis of average households sizes in nearby areas to establish occupancy rate assumptions for the projected population (Table 3.3-3).

**Table 3.3-3 Dwelling occupancy rates assumed in this Plan**

Dwelling type	Occupancy rate per dwelling
Low density residential (Detached dwelling, detached dual occupancy)	3.4
Medium density residential (Semi-detached, town house, terrace, attached dual occupancy)	2.6
Large lots	3.4
Residential flat building unit, apartment, Secondary Dwelling	1.8
Seniors living dwelling	1.5

The anticipated population in the Precinct is shown in Table 3.3-4. These figures have been determined on the basis of the assumed average occupancy rates for various types of residential development.

**Table 3.3-4 Anticipated resident population**

Dwelling type	Anticipated dwellings	Assumed dwelling occupancy rate	Anticipated Population
Low density residential	605	3.4	2,057
Medium density residential	438	2.6	1,139
Large Lots	85	3.4	289
Expected net additional dwellings / population	1,128*		3,485

\*Table 5-2 of the [East Leppington Precinct Planning Report](#) gives 1,129 as a figure. However, this Contributions Plan adopts 1,128 as the total number of projected dwellings, as it is the total value, given the projected number of dwellings for each of the three dwelling types.

### 3.3.5 Anticipated non-residential floor space

Non-residential floor space in the Precinct is anticipated to be limited to the neighbourhood centre. This is wholly made up of retail space totalling 2,500 m<sup>2</sup>.

## 4 Strategy plans

### 4.1 Infrastructure costs and delivery generally

#### 4.1.1 Apportionment of the infrastructure costs to expected development

The quantum and costs of public services and amenities required as a result of the Precinct's expected development are informed by the precinct planning studies in Table 3.2-2. The relationship between the expected types of development and the demand for additional public facilities, as well as their apportionment across the Precinct are discussed by category in Part 0.

Developer contributions for the infrastructure identified in this Plan is determined by dividing the total cost of the infrastructure by the contribution catchment. This process ensures that fair apportionment of facility costs is calculated for development expected to occur under this Plan.

The contribution catchments for each infrastructure type are:

- in the case of open space and recreation, the expected additional resident population of the Precinct;
- in the case of water management, the total NDA of the Precinct;
- in the case of traffic and transport, the expected additional resident population of the Precinct for residential development and the total NDA of the Precinct for non-residential development; and
- in the case of plan administration, the total NDA of the Precinct.

The infrastructure included in this Plan has been sized to reflect the demand generated by the expected development under this Plan.

#### 4.1.2 Proposed infrastructure staging

The staging and prioritisation of infrastructure in this Plan is as follows:

1) Trunk drainage

This refers to the main spine of drainage running alongside Bonds Creek, which is a major drainage channel in the Precinct and includes online detention basins.

2) Infrastructure related / adjacent to the trunk drainage infrastructure

These refer to bio-retention basins co-located with passive open space infrastructure along Bonds Creek which includes pedestrian and vehicular creek crossings. This also refers to local parks and shared paths and cycleways along the Precinct's main spine.

3) Intersections with major roads as determined by Transport for NSW (TfNSW)

These refer to intersections roadworks and traffic signals from the Precinct to major roads like Camden Valley Way and Denham Court Road.

4) Collector road network

This includes any traffic management infrastructure like roundabouts necessary for the establishment of the Precinct's collector road network. Additionally, shared paths and off-street cycleways running along the collector road network will also be delivered.

5) Local roads adjacent to development sites

Local streets adjacent to development are developed on a half-road basis as a condition of consent for development to be completed.

These are general in scope but are informed principles of orderly development within the Precinct. The staging and prioritisation of works is regularly reviewed by Council and responds to development trends and community needs.

### 4.1.3 Infrastructure maps and schedules

The infrastructure referred to in the Plan are identified in the maps in the following sections. This map can be viewed at a large scale and shows all the infrastructure items on the one map in relation to property boundaries and the proposed local streets using [Council's online mapping service](#). Appendix B: Contributions Plan Infrastructure Items also illustrates all the required infrastructure in one map.

The cost schedules in this section are based on these infrastructure provision maps and extracted from the following MS Excel spreadsheet:

[Liverpool CP 2021 East Leppington Infrastructure Schedule.xlsx](#)

The spreadsheet also contains details on the components of each infrastructure, as well as the assumptions informing the calculation of costs included in this Part. Refer to the source spreadsheet file for more information on works and land items included in this Plan.

## 4.2 Open Space and Recreation Infrastructure

### 4.2.1 Existing Open Space and Recreation Provision

The Precinct contains no existing community facilities, services or open space which might be used or adapted for use by the future population of East Leppington.

Some local level facilities and open space areas are located in adjacent areas. However, the Social Infrastructure and Open Space Assessment identifies several reasons why these will not meet the needs of the future East Leppington population. This means that future demand for local level facilities, services and open space will need to be addressed by new social infrastructure to be provided within the Precinct.

The need for district and regional level facilities, services and open space will be met by existing facilities and regional open space and by those proposed to be developed within the North Leppington Precinct. There will be no need to provide any district nor regional facilities or open space within the Precinct.

### 4.2.2 Open Space requirements and provision

The Social infrastructure and open Space Assessment details open space requirements for the Precinct. The ILP provides 5.91 hectares of open space at a rate of 1.69 hectares per 1,000 people.

The details of total open space provision for the Precinct by hierarchy and by type of open space is set out in Table 4.2-1 and mapped in Figure 4.2-1 (alongside the proposed water management infrastructure).

**Table 4.2-1 Open Space Provision**

Type of district and local open space	Hectares of open space to be provided
Informal / passive parks Shown in this Plan as "Open Space (Local Parks) – OSC"	1.7
Open space along riparian corridor Shown in this Plan as "Open Space (Passive) – OSa"	4.1
<b>Total</b>	<b>5.9</b>



Figure 4.2-1 Proposed Provision of Open Space infrastructure



### East Leppington - Contribution Plan Items (Open Space)

Source: Geocortex, Liverpool City Council, 2021

**Local Parks**

Local parks should have a range of play spaces and opportunities and cater to older children and young people as well as the traditional playground for young children. This might also include a grassed area for ball games, with seats and shelter and may contain a practice wall, fitness equipment, and other elements.

These are 0.2 hectares to 0.5 hectares in size and are to be provided within 400-500m walking distance of 90% of dwellings.

**Passive open space**

In terms of informal/passive recreation, the ILP for East Leppington has identified significant land areas that will be set aside as riparian corridors, conservation areas and detention basins. These have potential to meet some of the passive recreation needs of the future population.

Before conservation areas, riparian corridors, buffers and detention basins can be accepted as areas of open space, it will need to be confirmed that they are usable and capable of providing quality recreation settings, and that it will be appropriate for them to contain embellishments such as barbecue and picnic facilities, seating, playgrounds, pathways etc.

**4.2.3 Calculation of contributions for Open Space and Recreation Infrastructure**

Contributions toward open space and recreation infrastructure will only be collected from residential development.

Monetary contributions are calculated on a per person or per resident basis, then factored up to a per lot or per dwelling amount.

The monetary contribution per person in a development containing residential dwellings or lots (whether or not that development also comprises non-residential floor space) is calculated as follows:

$$\text{Contribution per person (\$)} = \sum \frac{\$INF}{TP}$$

Where:

$\$INF$  = the estimated cost (or if the infrastructure is existing, the indexed, completed cost) of providing the Plan's open space and recreation infrastructure (refer 4.2.4 Open Space and Recreation Infrastructure cost schedules).

$TP$  = the estimated resident population (in persons) that will generate demand for the infrastructure - that is, the expected net additional population of the Precinct (refer Table 3.3-4)

The contribution per person (\$) can then be used to calculate the monetary contribution for different residential development types as follows:

$$\text{Contribution per residential lot / unit (\$)} = \frac{\text{Contribution per person (\$)}}{\text{Estimated occupancy rate}}$$

The estimated occupancy rates have been provided in Table 3.3-3 and the contribution amount per residential lot / unit (\$) have been provided in Table 1.2-1.



**4.2.4 Open Space and Recreation Infrastructure cost schedules****Land**

Item	Area (Ha)	Total Cost
Open Space (Local Parks)		
OSc1	0.3500	\$1,715,000
	0.8401	\$924,110
OSc2	0.5712	\$628,320
	<b>1.7613</b>	<b>\$3,267,430</b>
Open Space (Passive)		
OSa1	0.1193	\$357,900
	0.3774	\$452,880
OSa2	0.0061	\$18,300
	1.4631	\$1,609,410
OSa3	0.0567	\$113,400
	0.3827	\$459,240
OSa4	0.7094	\$1,347,860
	0.8374	\$1,004,880
OSa5	0.1348	\$525,720
	0.0621	\$74,520
	<b>4.149</b>	<b>\$5,964,110</b>
<b>Subtotal</b>	<b>5.9103</b>	<b>\$9,231,540</b>
Contingency	12%	\$1,107,785
<b>Total</b>		<b>\$10,339,325</b>

**Works**

Item	Area (Ha)	Cost	Design Costs	Demolition Allowance	Total Cost
Open Space (Local Parks)					
OSc1	1.1901	\$929,158	\$116,145		\$1,045,303
OSc2	0.5712	\$570,767	\$63,419		\$634,186
<b>Total</b>	<b>1.7613</b>	<b>\$1,499,925</b>	<b>\$179,564</b>		<b>\$1,679,489</b>
Open Space (Passive)					
OSa1	0.4966	\$370,292	\$41,144		\$411,436
OSa2	1.4692	\$1,095,520	\$121,724		\$1,217,244
OSa3	0.4394	\$317,642	\$36,405		\$354,047
OSa4	1.5468	\$1,153,382	\$128,154		\$1,281,536
OSa5	0.1969	\$163,133	\$32,626		\$195,759
<b>Total</b>	<b>4.1489</b>	<b>\$3,099,969</b>	<b>\$360,053</b>		<b>\$3,460,022</b>
<b>Total</b>	<b>5.9102</b>	<b>\$4,599,894</b>	<b>\$539,617</b>		<b>\$5,139,511</b>

Construction Contingency 7%	\$359,766
Plan of Management	\$20,199
<b>Total</b>	<b>\$5,519,476</b>

### 4.3 Water Cycle Management Infrastructure

#### 4.3.1 Existing Water Courses and Water Management

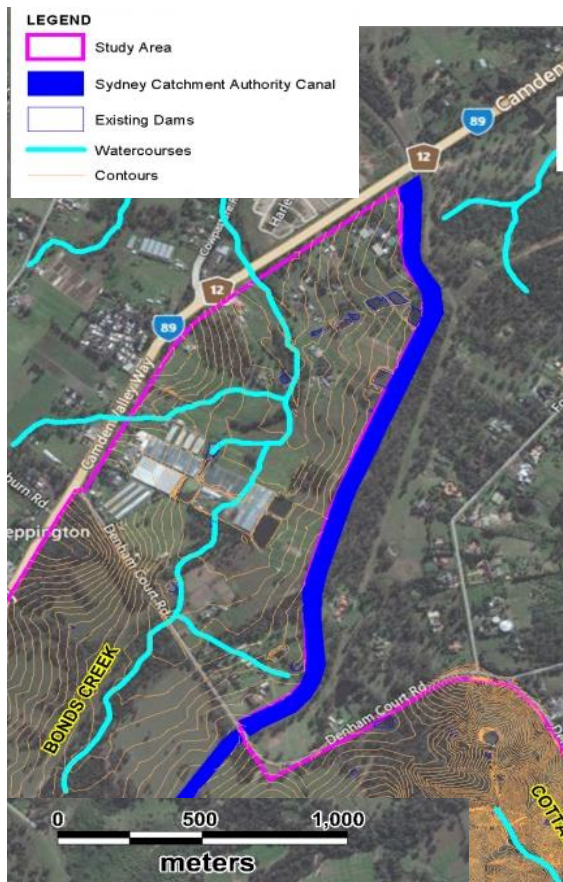
The main land use within the Precinct is currently agriculture. There are some dams spread across the study area in drainage depressions.

There are two main Creeks within the study area. Cottage Creek located along the eastern boundary and Bonds Creek flowing from southwest to northeast centrally through the Precinct.

A Sydney Catchment Authority (SCA) canal flows from southwest to northeast in direction along the east of the Liverpool part of East Leppington Precinct.

Topographical information indicates surface water in the east of the Precinct is conveyed to Cottage Creek, with the remaining being conveyed to Bonds Creek. A number of existing culverts convey overland flow beneath the SCA canal. The proposed study area is shown in Figure 4.3-1 and indicates the main watercourses within the catchment.

Figure 4.3-1 Existing Water Courses and Water Management



Source: Cardno, 2012, East Leppington Water Cycle Management Report

#### 4.3.2 Proposed water cycle management infrastructure

A Water Sensitive Urban Design (WSUD) approach has been developed to manage stormwater runoff in the East Leppington Precinct. The Water Cycle Management Report establishes the framework for the management of stormwater quantity and quality related to the expected urban development of the Precinct.

The strategy informs where water management controls are to be located in the ILP and document requirements for the preparation of a site-specific Development Control Plan (DCP).

Retarding basins are required in order to maintain the existing flood behaviour downstream of the Precinct.

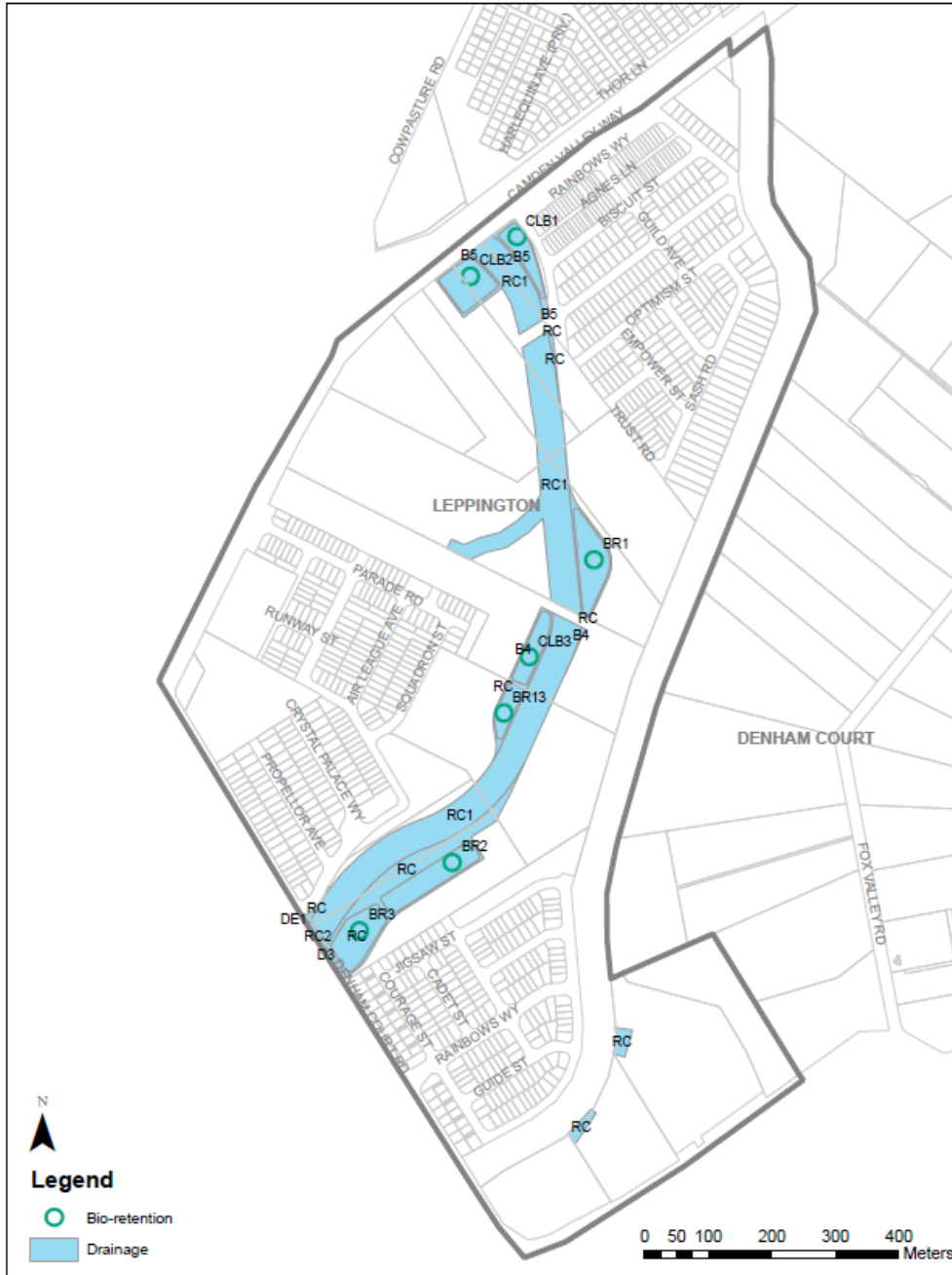
A portion of the Study Area within the Liverpool LGA may not be developed at the same time as those areas upstream of Denham Court Road. Retarding Basin B3 has been designed in order to attenuate peak flows during the 100 year ARI event to below pre-development levels and achieve negligible changes to flooding downstream of Denham Court Road.

Under ultimate developed conditions, a constructed naturalised channel along with two on-line basins are proposed within the Liverpool LGA and extends from Denham Court Road to Camden Valley Way. The flooding assessment indicates general decreases in flood depth would be expected with a significant reduction in flood extents contained within the proposed channel in comparison to existing conditions.

The Water Cycle Management report has demonstrated that flood behaviour and water quality can be appropriately managed within the East Leppington Precinct and can be accommodated within the proposed ILP.

The locations of proposed trunk infrastructure that comprises stormwater channels and basins for the East Leppington Precinct (Liverpool LGA) are shown in Figure 4.3-2.

Figure 4.3-2 Proposed Provision of Water Cycle Management Infrastructure



### East Leppington - Contribution Plan Items (Drainage)

Source: Geocortex, Liverpool City Council, 2021

#### 4.3.3 Calculation of contributions for Water Cycle Management Infrastructure

Contributions toward water management infrastructure will be collected from both residential and non-residential development.

Monetary contributions are determined on a per hectare basis of NDA.

The monetary contribution per hectare of NDA is calculated as follows:

$$\text{Contribution per hectare of NDA (\$)} = \sum \frac{\$INF}{eNDA}$$

Where:

$\$INF$  = the estimated cost (or if the infrastructure is existing, the indexed, completed cost) of providing the Plan's water management infrastructure (refer 4.3.4 Water Management Infrastructure cost schedules).

eNDA= the total equivalent NDA that will generate demand for water management infrastructure (in hectares). Refer to Table 3.3-1.

The contribution rate per hectare of NDA towards water management infrastructure has been provided in Table 1.2-1.

To determine the total contribution for water management infrastructure, multiply the contribution rate per hectare by the amount of NDA (in hectares) on the site of the proposed development.

#### 4.3.4 Water Management Infrastructure cost schedules

##### Land

Item	Area Ha	Total Cost
<b>Bio-retention basins</b>		
BR1	0.5554	\$2,166,060
BR13	0.2	\$280,000
BR2	0.5547	\$610,170
BR3	0.509	\$559,900
<b>Total</b>	<b>1.8191</b>	<b>\$3,616,130</b>
<b>Bio-retention basins (co-located)</b>		
CLB1	0.269	\$322,800
CLB2	0.4545	\$1,908,900
CLB3	0.2915	\$349,800
<b>Total</b>	<b>1.015</b>	<b>\$2,581,500</b>
<b>Drainage Infrastructure</b>		
D3	0.0554	\$66,480
DE1	0.0135	\$52,650
<b>Total</b>	<b>0.0689</b>	<b>\$119,130</b>
<b>Drainage lands</b>		
RC1	6.1434	\$5,529,060
RC2	0.0478	\$66,920
RC	1.3531	\$1,759,030

<b>Total</b>	<b>7.5443</b>	<b>\$7,355,010</b>
<b>Online Detention Basins</b>		
B4	0.1088	\$130,560
B5	0.2197	\$483,340
<b>Total</b>	<b>0.3285</b>	<b>\$613,900</b>
<b>Subtotal</b>	<b>10.7758</b>	<b>\$14,285,670</b>
Contingency	12%	\$1,714,280.40
<b>Total</b>		<b>\$15,999,950</b>

**Works**

Item	Area Ha	Total Cost
<b>Bio-retention basins</b>		
BR1	0.5554	\$2,085,674
BR13	0.2	\$2,922,261
BR2	0.5547	\$1,770,506
BR3	0.509	\$1,770,506
<b>Total</b>	<b>1.8191</b>	<b>\$8,548,947</b>
<b>Bio-retention basins (co-located)</b>		
CLB1	0.269	\$4,240,038
CLB2	0.4545	\$2,469,592
CLB3	0.2915	\$2,882,092
<b>Total</b>	<b>1.015</b>	<b>\$9,591,722</b>
<b>Drainage Infrastructure</b>		
D3	0.0554	\$65,888
DE1	0.0135	\$16,111
<b>Total</b>	<b>0.0689</b>	<b>\$81,999</b>
<b>Drainage lands</b>		
RC1	6.1434	\$7,306,405
RC2	0.0478	\$56,839
RC	1.3531	\$1,609,216
<b>Total</b>	<b>7.5443</b>	<b>\$8,972,460</b>
<b>Online Detention Basins</b>		
B4	0.1088	\$2,045,505
B5	0.2197	\$2,045,505
<b>Total</b>	<b>0.3285</b>	<b>\$4,091,010</b>
<b>Subtotal</b>	<b>10.7758</b>	<b>\$31,286,138</b>
Construction Contingency	7%	\$2,190,030
Fill Disposal Allowance		\$1,688,202
<b>Total Cost</b>		<b>\$35,164,370</b>

## **4.4 Traffic and Transport Infrastructure**

### **4.4.1 Existing Traffic and Transport Provision**

There are only minimal existing public transport services and walking/cycling facilities in the area, but this is set to be transformed with the completion of the South West Rail Link. The limited existing (or absent) provision for walking and cycling will also not be appropriate to future demands.

### **4.4.2 Traffic and Transport requirements and provision**

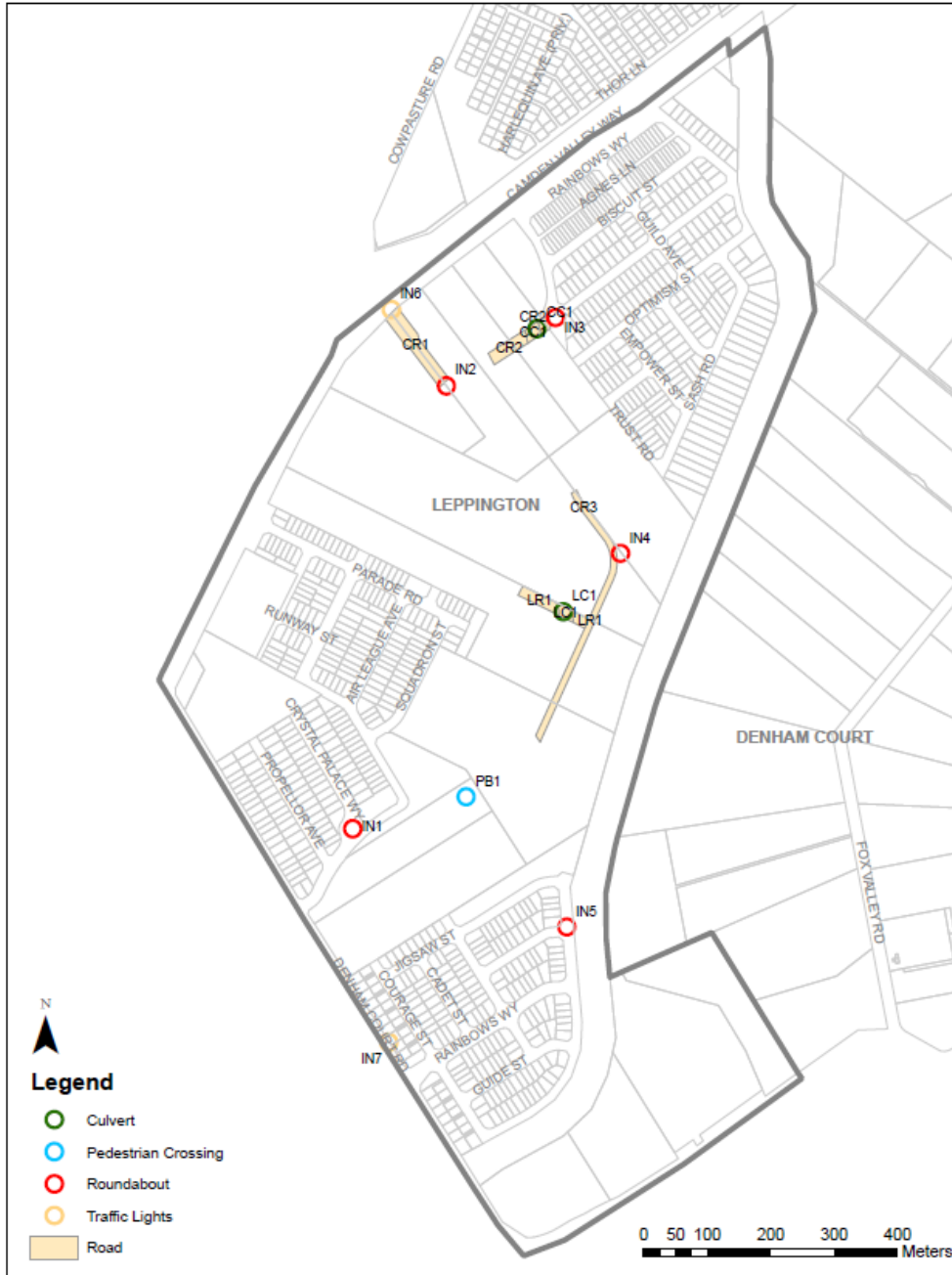
Occupants of expected development in the Precinct require a transport network comprising:

- facilities for private vehicles, including roads and intersections;
- facilities for public transport, including rail and bus facilities focused on the planned Leppington railway station in the North Leppington Precinct; and
- facilities for walking and cycling.

The Transport and Traffic Report outlines the land acquisitions and works items required in providing East Leppington's transport network. An accompanying Green Travel Strategy has also been developed to ensure sustainable transport options are prioritised and public transport; walking and cycling facilities are provided and promoted.

Figure 4.4-1 sets out the Transport and Traffic infrastructure items required.

Figure 4.4-1 Proposed provision of Transport and Traffic Infrastructure



### East Leppington - Contribution Plan Items (Traffic)

Source: Geocortex, Liverpool City Council, 2021



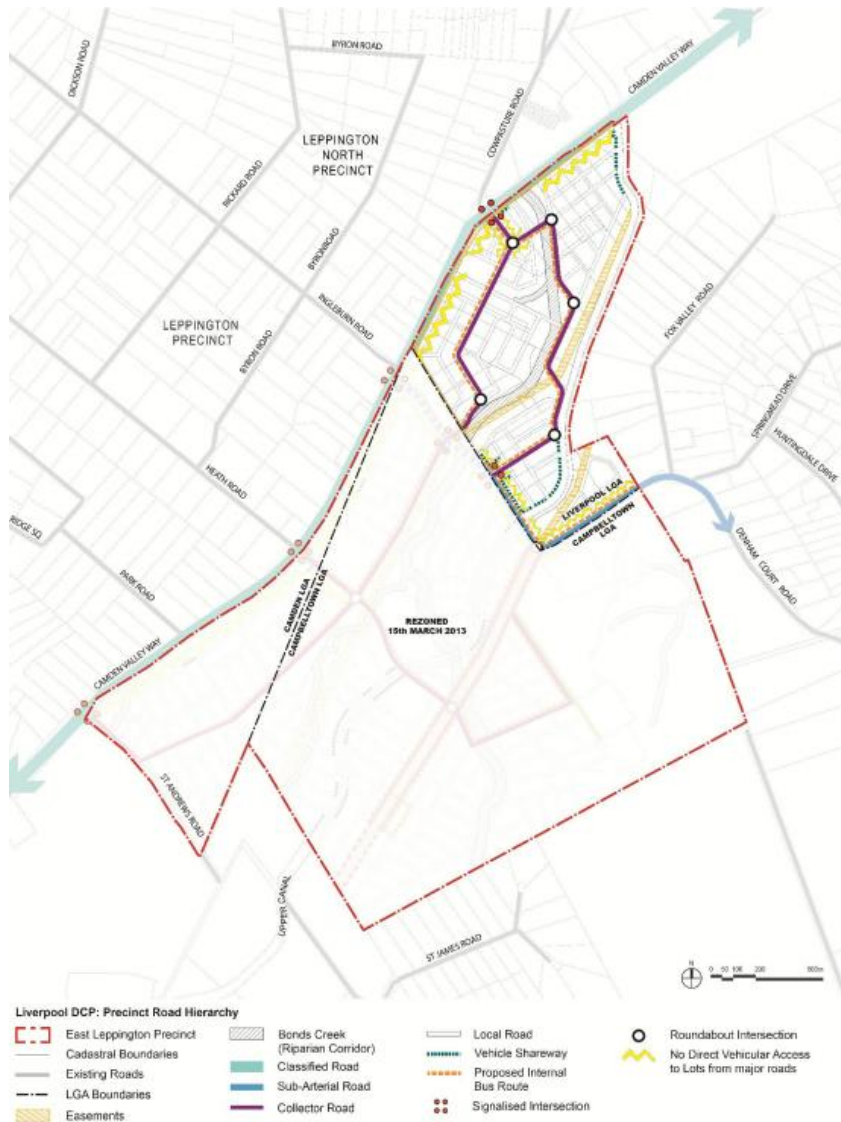
**4.4.3 Roads and Public Transport**

As seen in Figure 4.4-1, the following road infrastructure are to be provided:

- Collector roads
- Intersection controls such as roundabouts for local streets and collector roads
- Traffic signals to Camden Valley Way and Denham Court Road
- Vehicular creek crossings (bridges) as a result of Bonds Creek running through the Precinct
- Bus shelters based on the proposed internal bus route and stops (Note: The proposed bus routes are indicative only and do not secure the operation of bus services on these roads.)

This is in accordance with the Precinct road hierarchy indicated in the Liverpool Growth Centre Precincts Development Control Plan (DCP) in Figure 4.4-2.

Figure 4.4-2 Precinct Road Hierarchy



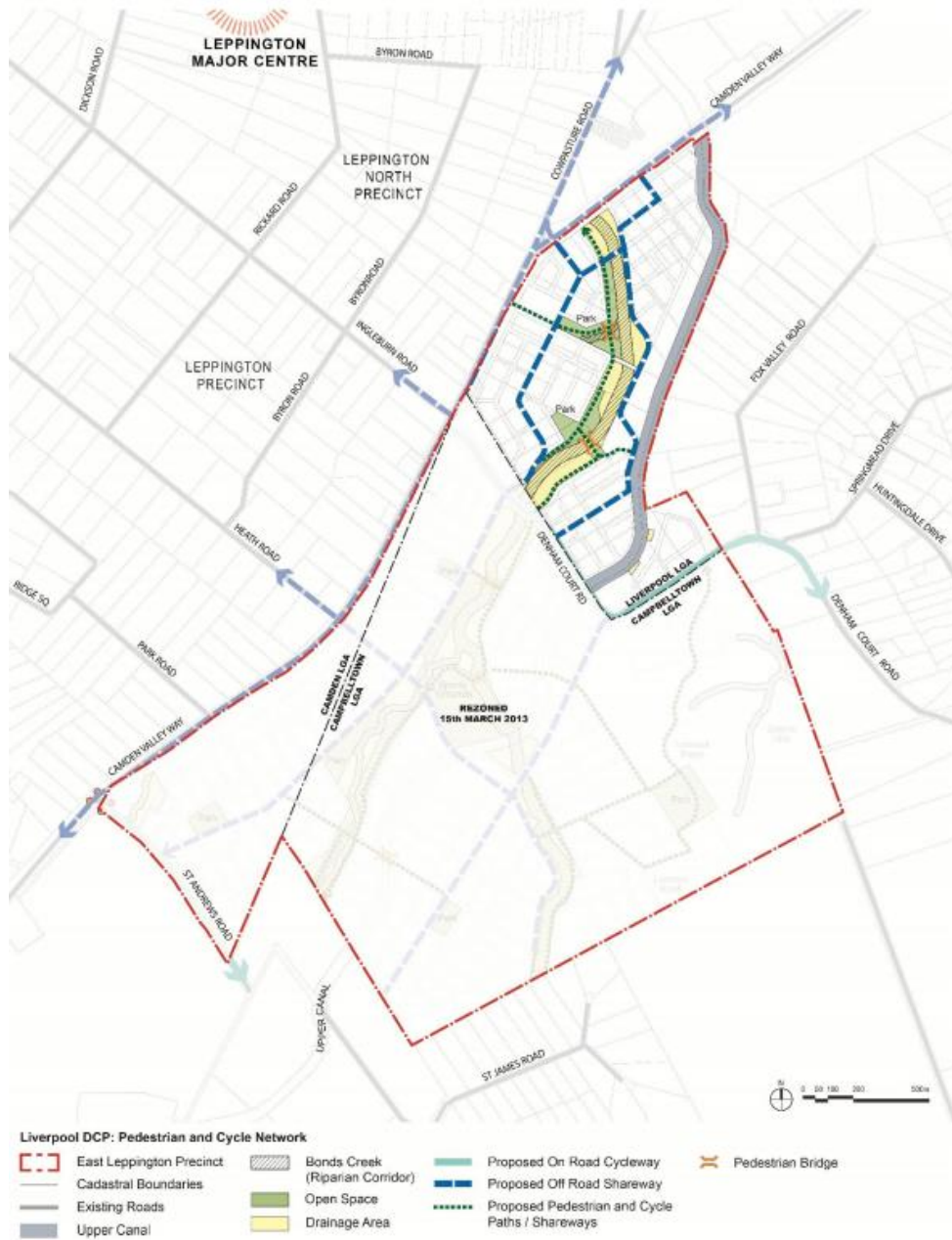
#### 4.4.4 Pedestrian and cycleway network

As seen in Figure 4.4-1, the following pedestrian and cycleway infrastructure are to be provided:

- Pedestrian bridge crossings across Bonds Creek
- Off road cycleways and pedestrian paths along Bonds Creek and the Precinct's open space and drainage network
- Off road shareways adjacent the Precinct's two main collector roads

This is in accordance with the pedestrian and cycleway network indicated in the Liverpool Growth Centre Precincts Development Control Plan (DCP) in Figure 4.4-3.

Figure 4.4-3 Pedestrian and Cycleway Network



**4.4.5 Calculation of contributions for Traffic and Transport infrastructure**

Contributions toward traffic and transport infrastructure will be collected from both residential and non-residential development.

This Plan determines contributions for traffic and transport infrastructure by first apportioning the costs between residential and non-residential development based on the proportion of equivalent NDA of each development type. This apportioned percentage is provided in Table 3.3-1.

It then levies:

- Residential development on a per person basis, factored up to a per dwelling amount; and
- Non-residential development on a per hectare of NDA basis.

The per resident (and thus, per dwelling) approach for residential development best reflects the demand for traffic and transport infrastructure by the additional population. The approach of determining contributions for non-residential development using the NDA is considered reasonable because the land use mix and employment numbers attributable to the different non-residential land uses expected in the Precinct have been assessed only at a strategic network level at the time of preparing this Plan.

#### **Formula for residential development**

The monetary contribution per person in a development containing residential dwellings or lots (whether or not that development also comprises non-residential floor space) is calculated as follows:

$$\text{Contribution per person (\$)} = \sum \frac{\$INF}{TP}$$

Where:

$\$INF$  = the apportioned share to residential development (97.98%) of the estimated cost (or if the infrastructure is existing, the indexed, completed cost) of providing the Plan's traffic and transport infrastructure (4.4.6 Transport and Traffic Infrastructure cost schedules).

$TP$  = the estimated resident population (in persons) that will generate demand for the infrastructure - that is, the expected net additional population of the Precinct (Table 3.3-1)

The contribution per person (\$) can then be used to calculate the monetary contribution for different residential development types as follows:

$$\text{Contribution per residential lot / unit (\$)} = \frac{\text{Contribution per person (\$)}}{\text{Estimated occupancy rate}} \times$$

The estimated occupancy rates have been provided in Table 3.3-3 and the contribution amount per residential lot / unit (\$) have been provided in Table 1.2-1.

To determine the total residential contribution for traffic and transport infrastructure, multiply the contribution per residential lot / unit by the number of proposed dwellings on the site of the proposed development.

#### **Formula for non-residential development**

The monetary contribution per hectare of NDA is calculated as follows:

$$\text{Contribution per hectare of NDA (\$)} = \sum \frac{\$INF}{eNDA}$$

Where:

$\$INF$  = the apportioned share to non-residential development (2.02%) of the estimated cost (or if the infrastructure is existing, the indexed, completed cost) of providing the Plan's traffic and transport (4.4.6 Transport and Traffic Infrastructure cost schedules).

eNDA = the total non-residential equivalent NDA that will generate demand for infrastructure (in hectares). Refer to Table 3.3-1.

The contribution rate per hectare of NDA towards transport and traffic infrastructure has been provided in Table 1.2-1.

To determine the total non-residential contribution for transport and traffic infrastructure, multiply the contribution rate per hectare by the amount of NDA (in hectares) on the site of the proposed development.

Note: The determination of reasonable contribution rates for transport facilities in development contributions plans is often based on the number of vehicle trips generated by development. Apportionment to the different classes of development (that is, residential, commercial, employment, etc.) of the costs of facilities that are determined on a per trip basis is then derived by calculating the degree to which the traffic generated by each land use class will use the different road links and intersections included in the contributions plan.

However, at the time of preparing this Plan, there has been limited knowledge of likely trip origins and destinations by different development classes available to inform this method of apportionment.

#### 4.4.6 Transport and Traffic Infrastructure cost schedules

##### Land

Item No	Item	Area Ha	Total Cost
Collector Roads			
CR1	New road from CVW (full road)	0.3	\$1,440,000
CR2	New road (full road)	0.15	\$180,000
CR3	Collector Road (half road)	0.365	\$438,000
Local Roads			
LR1	New road (full road)	0.152	\$182,400
CC1	Collector Road - Creek Crossing	0.05	\$70,000
LC1	Local Road - Creek Crossing	0.04	\$56,000
<b>Subtotal</b>			<b>\$2,366,400</b>
Land Acquisition Contingency		12%	\$283,968
<b>Total</b>			<b>\$2,650,368</b>

##### Works

Item No	Item	Length (m)	Total Cost
CR1	New road from CVW (full road)	150	\$618,022
CR2	New road (full road)	75	\$309,011
CR3	Collector Road (half road)	365	\$850,122
LR1	New road (full road)	95	\$329,096
<b>Roads Total</b>			<b>\$2,106,251</b>
CC1	Collector Road - Creek Crossing	25	\$1,667,140
LC1	Local Road - Creek Crossing	25	\$1,667,140
<b>Bridges Total</b>			<b>\$3,334,280</b>
IN1, IN2, IN3, IN4, IN5	Roundabouts		\$656,982
IN6, IN7	Traffic Signals		\$625,177

	Link to Camden Valley Way		\$1,111,426
	<b>Intersection Total</b>		<b>\$2,393,585</b>
PB1	Pedestrian - Crossing	40	\$416,785
	<b>Pedestrian Total</b>		<b>\$416,785</b>
	Bus Shelters		\$88,447
	<b>Bus Shelters Total</b>		<b>\$88,447</b>
	Recommended Off Road Cycleway	190	\$63,018
	Recommended Off Road Shared Path	1,240	\$411,278
	<b>Cycleway Total</b>	<b>4,806*</b>	<b>\$474,296</b>
	<b>Subtotal</b>	<b>7,610</b>	<b>\$8,813,644</b>
	Construction Contingency	7%	\$616,955
	<b>Total</b>		<b>\$9,430,599</b>

\*This total value includes the cycleways running alongside Collector roads

## 4.5 Plan Administration Costs

### 4.5.1 What are Plan administration costs?

Councils incur significant costs in the preparation and administration of contributions plans.

Council staff are deployed to:

- prepare and review contributions plans;
- account for contributions receipts and expenditure; and
- co-ordinate the implementation of contributions plans and works, including involvement in negotiating Works in Kind and material public benefit agreements.

Consultant studies are also commissioned by Council from time to time in order to determine the value of land to be acquired, the design and cost of works, as well as to review the development and demand assumptions of the contributions plan. Council is also required to engage the services of legal professionals from time to time to assist it in the administration of this Plan.

As these costs arise directly as a result of the development in the Plan area, it is reasonable that the costs associated with preparing and administering this Plan be recouped through contributions from development.

Costs associated with the ongoing administration and management of the Plan will be levied on all applications that are required to pay a development contribution.

Costs included in this Plan for these purposes are based on the recommended rate by IPART, being 1.5% of the total cost of works.

### 4.5.2 Calculation of contributions for plan administration costs

Contributions toward plan administration costs will be collected from both residential and non-residential development.

Monetary contributions are determined on a per hectare of NDA basis.

The monetary contribution per hectare of NDA is calculated as follows:

$$\text{Contribution per hectare of NDA (\$)} = \sum \frac{\$Admin}{eNDA}$$

Where:

\$Admin = 1.5% of capital works costs in accordance with IPART's benchmark (refer Part 1.2 Summary of contribution rates and works schedule costs – Works Schedule)

eNDA = the total equivalent NDA to which this Plan applies (in hectares). Refer to Table 3.3-1.

The contribution rate per hectare of NDA towards plan administration has been provided in Table 1.2-1.

To determine the total contribution for plan administration, multiply the contribution rate per hectare by the amount of NDA (in hectares) on the site of the proposed development.

## 5 Background Information

AEC, 2020, Land Valuations for the East Leppington Precinct (reflecting January 2021 quarter values)

AEC, 2021, Proposed 2021 East Leppington Contribution Plan - Report

AECOM, 2013, East Leppington Precinct - Infrastructure Delivery Plan

CARDNO, May 2013, Water Cycle Management Report, East Leppington

CARDNO, May 2013, Traffic Assessment, East Leppington

ELTON CONSULTING, 2013 Social Infrastructure and Open Space Assessment - East Leppington Precinct

DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT, 2012, Draft East Leppington Precinct Planning Report

DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT, 2012, East Leppington Precinct Southwest Growth Centre Land Zoning Map

DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT, December 2013, East Leppington Precinct Plan – Liverpool Part – Post Exhibition Planning Report

SPILLER GIBBONS SWAN, 2012, East Leppington Employment & Retail Study Final Report



## Appendix A: Glossary

**Bank Guarantee** means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by an Australian bank, non-bank financial institution, or insurance company subject to prudential supervision by the Australian Prudential Regulatory Authority and has a credit rating of 'A' or above (as assessed by Standard and Poor's) or 'A2' or above (as assessed by Moody's Investors Service) or 'A' or above (as assessed by Fitch Ratings)

**Attributable cost** means the estimated cost for each item in the works schedules set out in Part 4 of this Plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.

**Council** means Liverpool City Council

**CPI** means the *Consumer Price Index (All Groups - Sydney)* published by the Australia Statistician.

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

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2000.

**Equivalent Net Developable Area (Equivalent NDA or eNDA)** is an adjustment of Net Developable Area values to reflect the lower residential development potential of higher and lesser densities.

**ILP** means East Leppington Indicative Layout Plan.

**LGA** means local government area.

**Net Developable Area (NDA)** means the area of land to which a development application relates and includes the area of any land that the development consent authorises, or requires, to be used as a road, or reserved or dedicated as a public road but excludes:

- existing roads to be used as part of the proposed road network;
- existing educational establishments (as defined in the *Standard Instrument - Principal LEP*);
- any part of the land that is below the level of a 1:100 ARI flood event, if that part of the land is unsuitable for development by virtue of it being at or below that level;
- any land that the development consent authorises, or requires, to be reserved, dedicated or otherwise set aside as, or for the purpose of, any of the following:
  - (a) a government school (within the meaning of the Education Act 1990);
  - (b) a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act.
  - (c) an emergency services facility;
  - (d) a health services facility owned and operated by a public authority;
  - (e) a golf course;
  - (f) a passenger transport facility;

- (g) a public reserve or a drainage reserve (within the meaning of the Local Government Act 1993);
- (h) a public transport corridor (other than a road corridor);
- (i) a public utility undertaking;
- (j) roads or other public amenities or public services, in connection with which development contributions have been imposed under section 7.11 or section 7.12 of the Act or may be imposed in accordance with a contributions plan approved under section 7.18 of the EP&A Act;
- (k) roads or other infrastructure in connection with which special infrastructure contributions have been, or may be, imposed in accordance with section 7.24 of the EP&A Act;

**Planning agreement** means a voluntary planning agreement referred to in section 7.4 of the EP&A Act.

**Precinct** or **Liverpool Precinct** refers to the East Leppington Liverpool Part Precinct and the area of land shown in Figure 2.2-1 of this Plan.

**Residential Accommodation** has the same meaning as in the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

**Social Infrastructure Assessment** means the report - *Social Infrastructure and Open Space Assessment, East Leppington Precinct* prepared by Elton Consulting, June 2013.

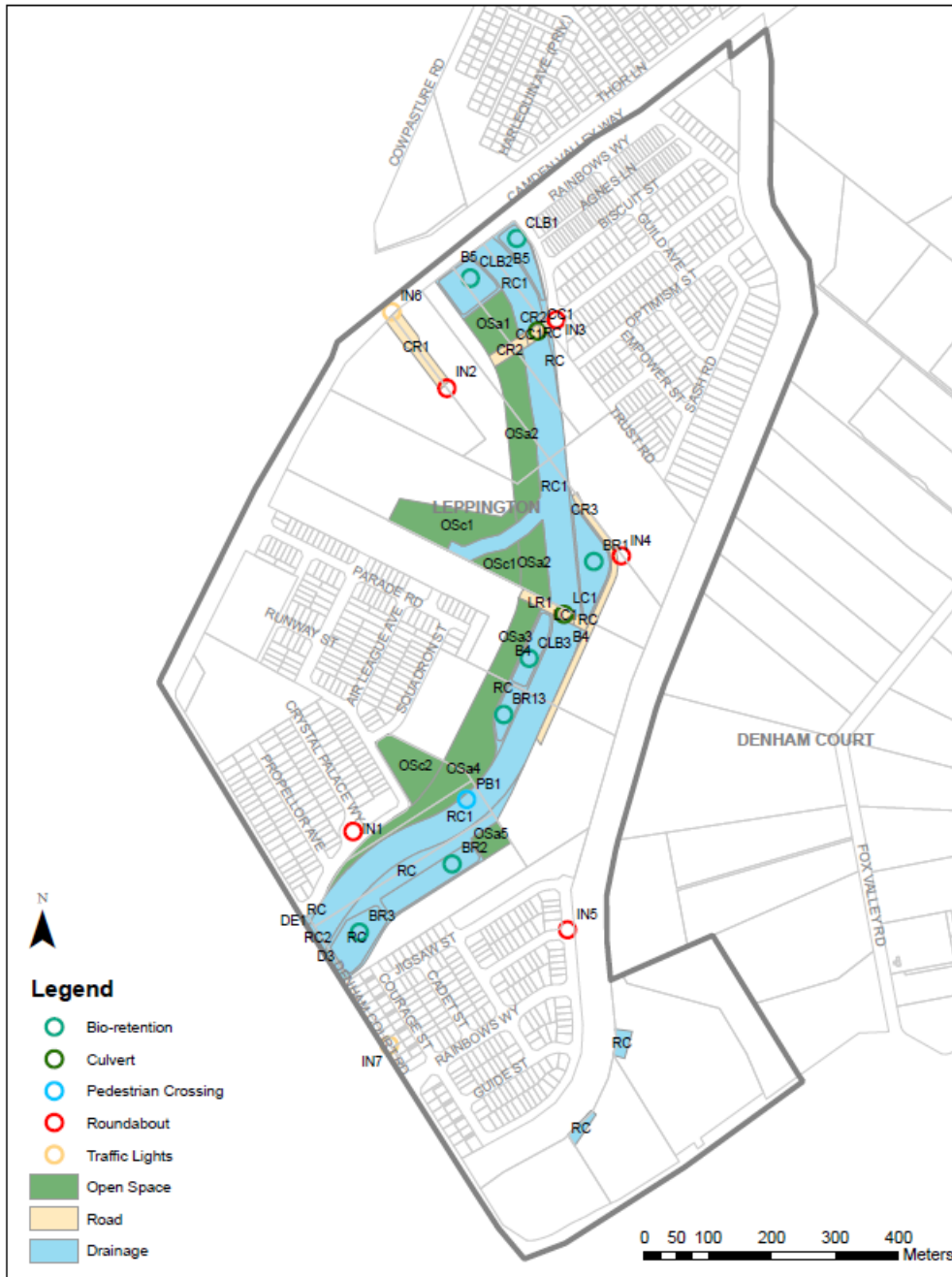
**Special Infrastructure Contribution** means a contribution referred to in section 7.24 of the EP&A Act.

**State Environmental Planning Policy (Sydney Region Growth Centres) 2006** means the State Environmental Planning Policy amended from time to time.

**Works in kind** means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan as a means of either fully or partly satisfying a condition of consent requiring development contributions to be made.

**Works schedule** means the schedule of the specific public facilities for which contributions may be required as set out in Part 4 of this Plan.

**Appendix B: Contributions Plan Infrastructure Items**



East Leppington - Contribution Plan Items



Assessment of East Leppington  
Contributions Plan

Liverpool City Council

Final Report

January 2024

Local Government >>

### Acknowledgment of Country

IPART acknowledges the Traditional Custodians of the lands where we work and live. We pay respect to Elders both past and present.

We recognise the unique cultural and spiritual relationship and celebrate the contributions of First Nations peoples.

### Local Government Committee Members

The Local Government Committee members for this review are:

Carmel Donnelly PSM, Chair  
Sue Weatherley  
Tim Moore  
Michelle Coco

Enquiries regarding this document should be directed to a staff member:  
Scott Chapman (02) 9290 8449

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### The Independent Pricing and Regulatory Tribunal

IPART's independence is underpinned by an Act of Parliament. Further information on IPART can be obtained from [IPART's website](#).

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## 1 Executive Summary

New development is essential to provide housing for NSW's growing population and more commercial, retail, and industrial space for employment. When development occurs, local councils need to provide additional infrastructure to support both the development and the new community— for example, new roads, stormwater management and open spaces. In NSW, councils can require developers to contribute to the cost of providing that infrastructure.

Contributions plans set out the local infrastructure required to meet the demand from new development, and the contributions a council can levy on developers to fund the necessary land and works.<sup>a</sup> Currently, a contributions plan that proposes a level of contributions above a threshold of \$30,000 per lot or dwelling in identified greenfield areas and \$20,000 per dwelling in other areas must be submitted to IPART for review to ensure it complies with the essential works list (EWL) and other criteria set out in the Infrastructure Contributions Practice Note (2019 Practice Note) published by the Department of Planning, Housing and Infrastructure (DPHI), formerly Department of Planning and Environment (DPE). This change has taken place as of January 1<sup>st</sup> 2024, as such this report will refer to data provided by DPE/DPHI interchangeably.

Liverpool City Council (the council) is seeking to levy development contributions above the \$30,000 cap per lot/dwelling for greenfield development for the East Leppington contributions plan (EL CP). This is the first time that IPART is reviewing the EL CP.

The council submitted the EL CP to IPART for assessment in September 2021. We identified gaps in the information provided by the council and requested further information to complete our assessment. The assessment was put on hold for almost 2 years until the council provided the additional information. In September 2023, the council provided the necessary information and we were able to complete our assessment.

We assessed the EL CP against the DPHI's Practice Note criteria. We found that the plan meets most of the Practice Note criteria (see Figure 1.1).

Figure 1.1 Review summary for EL CP

Essential Works List	Nexus	Reasonable Cost	Reasonable apportionment	Reasonable timeframe	Community liaison and publicity	Other matters
						
Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated

<sup>a</sup> Section 7.11 of the *Environment Planning and Assessment Act 1979* allows councils to levy contributions towards the cost of providing local infrastructure.

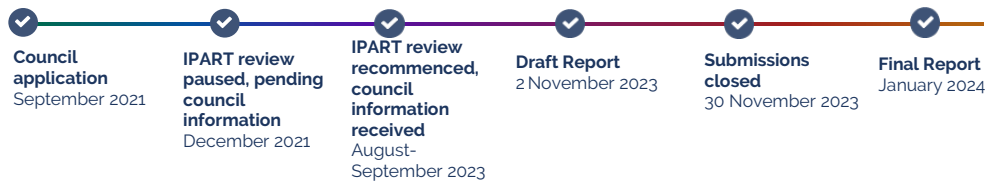
## Executive Summary

We have concluded that costs in the plan are essential and reasonable. However, costs for transport and open space appear to be low, which may mean that the council does not collect enough money to deliver this infrastructure. For this reason, we have made a finding that encourages the council to review the works costs in the EL CP to ensure that costs in the plan are sufficient to provide the necessary infrastructure in the EL Precinct.

## Finding:

1. We encourage Liverpool City Council to review all works costs in the East Leppington contributions plan. The review should include:
  - a. any changes to assumptions or strategies within the plan,
  - b. actual costs of delivering land and works within or near the precinct (where available),
  - c. site specific estimates, recent benchmarks or other relevant sources.

Figure 1.2 Review timeline for EL CP





## 2 Introduction

Liverpool City Council (the council) submitted the EL CP to IPART for assessment in September 2021.<sup>b</sup> The council is seeking to levy development contributions above the cap of \$30,000 per lot/dwelling.

IPART must first review the EL CP and provide its assessment to the Minister for Planning and Public Spaces (Minister). The Minister (or the Minister's nominee) may request the council to make changes to the plan. After the council makes any changes and adopts the plan, the council can levy the uncapped contributions amount.

We assessed the EL contributions plan against the DPHI's [Practice Note](#) criteria:

1. Public amenities and services in the plan are on the **essential works list** as identified within the Practice Note.
2. Public amenities and services are reasonable in terms of **nexus** (i.e. there is a connection between the development and demand created).
3. Development contribution is based on a **reasonable estimate of the cost** of the public amenities and services.
4. Public amenities and services can be provided within a **reasonable timeframe**.
5. Development contribution is based on a **reasonable apportionment** between:
  - a. existing and new demand for the public amenities and services, and
  - b. different types of development that generate new demand for the public amenities and services (e.g. different types of residential development such as detached dwellings and multi-unit dwellings, and different land uses such as residential, commercial, and industrial).
6. Council has conducted appropriate **community liaison** and publicity in preparing the contributions plan.
7. **Other matters** IPART considers relevant.<sup>1</sup>

Our assessment involved reviewing the contributions plan and supporting documentation, including the works schedule, strategic studies, consultant reports, and correspondence with the council. For more details on our assessment approach, please see our [Information Paper](#).

The remaining sections of this Report provide background information on the EL contributions plan, our assessment of the plan, recommendations, and recommended contributions rates. This is IPART's Final Report on East Leppington following release of our Draft Report on 2 November 2023.

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<sup>b</sup> IPART's assessment was put on hold for 21 months as the council considered our request for more information.

### 3 The East Leppington Contributions Plan

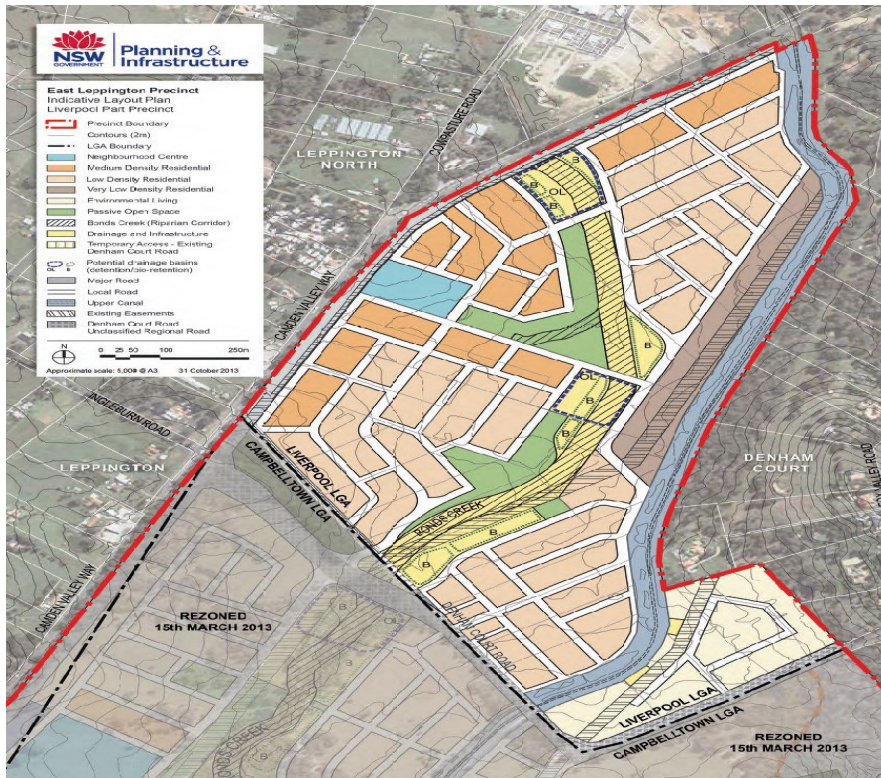
In March 2013, the NSW Government rezoned the precinct making up East Leppington for urban development (See Figure 3.1). The EL Precinct covered by the EL CP covers a Net Developable Area (NDA) of 75.6 hectares. It is one of 17 precincts in the Southwest Growth Area. The precinct lies across the Liverpool, Camden, and Campbelltown Council local government areas (LGAs), with more than half of the precinct within the Campbelltown LGA.

The EL CP applies to the area within the Liverpool LGA only. The East Leppington Precinct is presently rural and will be converted into an urban area with the implementation of the CP. The precinct will comprise mostly residential development (98% of net developable area) composed largely of low-density housing. An additional 1,129 dwellings are expected to accommodate a projected population increase of 3,485 people. Non-residential development consists of a 1.6 hectare neighbourhood centre composed entirely of retail space.

The EL CP seeks to meet the needs of the future and current residents and workers of these precincts for transport, stormwater, open space infrastructure and land for community facilities. The EL CP will deliver:

- 5.9 hectares of open space including 2 local parks and 4.2 hectares of passive open space
- 4 new or upgraded roads and associated infrastructure for pedestrian movement
- stormwater infrastructure that will ensure that major rain and flood events are managed effectively.

Figure 3.1 Map of Contributions Plan Precinct



Source: Liverpool City Council, Liverpool CP 2021 - East Leppington - Draft IPART Submission, Figure 2.1

### 3.1 Items included in EL contributions plan

EL CP includes total development contributions of almost \$80 million, which cover the council's proposed land, works and plan administration costs associated with the development in the precinct.

#### Stormwater works

The plan proposes to deliver around \$35 million worth of stormwater works items. This includes bioretention basins, upgrades to riparian corridors and drainage infrastructure.

#### Transport works

EL CP proposes to deliver around \$9 million worth of transport works items. This includes signalised intersections, roundabouts, new roads, and crossings.

### Open space embellishment

EL CP proposes around \$6 million in open space embellishment costs. The open space embellishment items include playgrounds, picnic facilities, pathways, and park furniture.

### Land

EL CP includes \$29 million of land costs to acquire 24.3 hectares of land. The council has already acquired at least \$2 million of land and is yet to acquire the remaining \$27 million of land. Land acquisitions are planned to allow for stormwater infrastructure, traffic and transport management and open space.

### Plan administration

The EL CP includes a plan preparation and administration cost of \$0.75 million. This is based on 1.5% of the total works cost, consistent with the approach adopted in most plans.

### Contribution rates

Each development within the East Leppington Precinct will need to apply the formulae and rates within the contributions plan to determine the contributions applicable to the specific development. Rates are calculated based on the assumed occupancy of the development type as well as the Net Developable Area of the land on which the development occurs. For example, open space contributions rates of dwelling are calculated by dividing the cost of open space costs by the projected future population and then multiplying this cost by the estimated occupancy rate of the dwelling being built. In Table 3.1 we have presented a summary of the CP with the average indicative rate as calculated in 2021. A standard low density residential dwelling with an expected occupancy of 3.4 people and a 450m<sup>2</sup> lot size will generate a \$66,365 contributions rate.<sup>2</sup>

Table 3.1 Summary of EL CP with average indicative contributions rate (\$, Dec 2020)

Plan	Total costs (\$)	NDA (ha)	Expected population growth	Expected new dwellings	Indicative rate (\$)
EL CP (2021)	79,855,805	75.6	3,485	1,128	66,365

Source: Liverpool City Council, Liverpool CP 2021 – East Leppington – Draft IPART Submission

## 4 Assessment of EL CP

This section provides our assessment of the EL contributions plan.

### 4.1 Overview

Table 4.1 Summary of our assessment of East Leppington Contributions Plan (2023)

Criteria	Stormwater	Transport	Open space	Land	Plan administration
Essential works list	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated
Nexus	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated
Reasonable cost	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated
Apportionment	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated
Timing	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated
Consultation	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated
Other matters	Not relevant	Not relevant	Demonstrated	Not relevant	Not relevant

### 4.2 Essential Works List

#### 4.2.1 Stormwater

Stormwater works in the EL CP are based on a Water Cycle Management Report prepared by Cardno in June 2012, with some modification in May 2013 to account for recommendations by DPE. This report is a high-level strategic and concept plan to serve as a starting point for the implementation of the CP over 20 years. Since submitting the plan to IPART, the council has subsequently obtained more detailed design and cost estimates.

The EL CP includes \$51.7 million of stormwater land and works comprising:

- 7 bioretention basins
- 4 on-line basins and 1 off-line basin
- 4 upgrades to riparian corridors and channels
- drainage infrastructure including gross pollutant traps and rainwater tanks.

Table 4.2 Stormwater management land and works in EL contributions plan  
(\$millions, \$Dec 2020)

Item	Total cost
Bio-retention basins	8.6
Bio-retention basins (co-located)	9.6
Drainage systems	9.1
Online detention basins	4.1
Construction contingency (7%)	2.2
Fill disposal allowance	1.7
Land acquisition	16.0
<b>Total</b>	<b>51.3</b>

Source: Liverpool City Council, *IPART Submission Works Tables*

The stormwater infrastructure in the EL CP is consistent with the Essential Work List. Table 4.2 outlines the council's proposed stormwater infrastructure items. Detention and bio-retention basins, drainage systems and land for these items all fall under essential works for stormwater.

#### 4.2.2 Transport

The East Leppington Precinct is presently rural and mainly consists of rural roads that serve low density rural land uses in the area. The precinct is currently served by several regional and sub-arterial roads and a limited number of collector and local roads. The EL CP proposes the following new transport infrastructure:

- signalised intersections
- 5 roundabouts
- 4 new roads
- 2 creek crossings
- 3 bus shelters
- 1 pedestrian crossing

We have determined that the transport infrastructure proposed in the EL contributions plan meets the description in the 2019 Practice Note of "land and facilities for transport". These items are consistent with the Essential Works List outlined in part 3.2 of the Practice Note and the examples (i.e. road works, traffic management and pedestrian and cyclist facilities). Therefore, the transport infrastructure satisfies the essential works list criteria. A list of these items and their cost can be found below in Table 4.3.

Table 4.3 Transport management land and works in EL contributions plan  
(\$millions, \$Dec 2020)

Item	Total cost
Local and Collector Roads	2.1
Creek Crossings	3.3
Roundabouts and Traffic Signals	2.4
Pedestrian Crossings	0.4
Bus Shelters	0.1
Cycleway	0.5
Construction Contingency 7%	0.6
Land Acquisition	2.7
<b>Total</b>	<b>12.1</b>

Source: Liverpool City Council, IPART Submission Work Tables

#### 4.2.3 Open space

Elton Consulting determined the social infrastructure needs for the EL CP in June 2013. The EL CP includes \$5.5 million of open space in works consisting of:

- 2 local parks (0.5-1.2 hectares)
- passive open space along riparian corridors (0.4-1.5 hectares)
- amenities for this open space such as picnic tables, barbeque facilities, playgrounds, seating and fitness equipment.

The items included in the EL contributions plan include park, passive space and dual use riparian corridor embellishment. Included in the embellishment are playgrounds, picnic facilities, pathways and park furniture. These items all fall under the category of essential works for open space embellishment and are necessary to improve quality and quantity of open space for future residents. We therefore conclude open space works in the EL CP are consistent with the EWL. A summary of the items to be provided and their costs can be seen below in Table 4.4.

Table 4.4 Open space management land and works in EL contributions plan  
(\$millions, \$Dec2020)

Item	Total cost
Local parks embellishment	1.7
Passive open space embellishment	3.5
Construction contingency 7%	0.4
Land Acquisition	10.3
<b>Total</b>	<b>15.9</b>

Source: Liverpool City Council, IPART Submission Work Tables

#### 4.2.4 Plan administration

Plan preparation and administration costs are on the essential works list. The Practice Note states:

*"Plan administration costs are those costs directly associated with the preparation and administration of the contributions plan. These costs represent the costs to a Council of project managing the plan in much the same way as the project management costs are incorporated into the cost estimates for individual infrastructure items within a plan."*

Plan administration costs may include:

- background studies, concept plans and cost estimates that are required to prepare the plan.
- project management costs for preparing and implementing the plan (e.g. plan coordinators).<sup>3</sup>

The EL CP proposes administration costs for commissioning studies related to the plan, hiring legal professionals for matters relating to the CP, design and cost of works and costs associated with the ongoing management and administration of the plan. These all meet the criteria for essential works in delivery of the CP.

In its submission to the Draft Report, the council acknowledged and supported IPART's analysis that land and works in the EL CP meet the essential works criteria.<sup>4</sup>

### 4.3 Nexus

#### 4.3.1 Stormwater

The EL Precinct's stormwater infrastructure needs were determined by Cardno in its Water Cycle Management Report (see Table 4.5). We sought expert advice from a consultant J Wyndham Prince (JWP) to analyse nexus for the stormwater infrastructure proposed in the plan. JWP concluded that although a detailed breakdown of each stormwater item in the plan was not provided, there is "clear nexus" established for the stormwater works in the EL CP.<sup>5</sup> JWP also noted that there is no benefit to the current residents of the CP and that the significant projected population increase in the CP necessitates additional stormwater infrastructure.

Table 4.5 Technical studies for stormwater works in the EL contributions plan

Author	Title	Date
Cardno	Water Cycle Management Report East Leppington	May 2013

#### 4.3.2 Transport

Our preliminary analysis initially showed that there is a need for additional transport infrastructure in the EL CP, but the council provided limited information regarding the specific road lengths and locations selected. Subsequently the council provided additional sources detailing the specific requirements and locations identified for transport infrastructure (see Table 4.6). These sources establish nexus for the proposed transport items in the EL CP.



Table 4.6 Technical studies for transport works in the EL contributions plan

Author	Title	Date
Cardno	<i>East Leppington Precinct Transport Assessment</i>	May 2013
Liverpool City Council	<i>Liverpool Growth Centre Precincts DCP Schedule 3 East Leppington</i>	March 2022

### 4.3.3 Open space

Elton Consulting's Social Infrastructure and Open Space Assessment of the EL Precinct examined open space needs based on the projected demographics of the EL Precinct (see Table 4.7). The infrastructure requirements are based on council standards and consultation with the DPHI. The study identified the need for new local parks and passive open space to support the future population. The provision of open space is lower than the amount recommended by Elton's assessment. Elton recommends 9.6 hectares of open space, while the EL CP includes 5.9 hectares of open space. This is discussed further in section 4.8.1. We have concluded there is nexus for open space land and works in the EL CP.

Table 4.7 EL contributions plan open space nexus studies

Author	Title	Date
Elton Consulting	<i>Social Infrastructure and Open Space Assessment-- East Leppington Precinct</i>	June 2013

### 4.3.4 Land

Cardno's water management report identified sites and land needed for the implementation of the stormwater strategy. Land has been identified in the CP corresponding to these requirements, representing alignment with the source.

The location of roads and land to be acquired to construct them under the EL CP correspond to the needs identified for the area in AECOM's traffic study. Council GIS data shows all items are wholly within the contribution plan area.

AECOM's indicative layout plan (ILP) highlights that existing open space in the Precinct will not be sufficient to meet the needs of the projected new population. As such the EL CP seeks to acquire land as described in the ILP and Elton's social infrastructure assessment in order to deliver the required open space. These sources establish nexus for planned open space land acquisition.

### 4.3.5 Plan administration

Plan preparation and administration activities are necessary for the facilitation of the contributions plan. We therefore conclude that there is nexus between the development and these costs.

In its submission to the Draft Report, the council commented that it supports IPART's conclusions regarding nexus in the plan.<sup>6</sup>

## 4.4 Reasonable cost

The Practice Note requires contributions plans to demonstrate:

"the proposed development contribution is based on a reasonable estimate of the cost of the proposed public amenities and public services,"

The total value of land, works, and plan administration included within the EL contributions plan is approximately \$79.9 million (\$Dec2020). This comprises:

- \$29 million (36.2%) for land acquisition
- \$50.1 million (62.7%) for works
- \$7.6 million (0.9%) for plan administration.

Table 4.8 summarises the costs in the plan by infrastructure category.

We have concluded that proposed costs in the EL CP are reasonable. While some costs for specific items (primarily stormwater works) may be higher than typical, others (including for open space and transport works) are below what we would typically expect. Our analysis suggests that the total costs included in the plan are reasonable. We do however suggest that the council reviews the plan and resubmits it to IPART. This will help to ensure that the council monitors its costs and updates the plan as infrastructure is delivered, and development progresses. The sections below outline our analysis of costs for each infrastructure category in more detail.

Table 4.8 Costs in the EL contributions plan (\$ millions, \$Dec,2020)

Infrastructure category	Land	Works	Administration	Total
Transport	2.7	9.4	0.1	<b>12.2</b>
Stormwater	16.0	35.2	0.5	<b>51.7</b>
Open space	10.3	5.5	0.1	<b>15.9</b>
<b>Total</b>	<b>28.9</b>	<b>50.1</b>	<b>0.8</b>	<b>79.8</b>

Note: Tables may not add due to rounding

Source: Liverpool City Council, IPART Submission Work Tables

#### 4.4.1 Stormwater

The cost of stormwater works and land in the EL CP is \$35.2 million, this equates to 44% of the total costs of the CP. The council proposed roughly a 200% increase to stormwater costs in the EL CP's current 2021 revision relative to its inception in 2014.<sup>c</sup>

We sought JWP's advice on reasonable costs for the stormwater infrastructure in the EL CP. In its analysis, JWP noted the following:

- Drainage infrastructure has been budgeted for, however the number of each item needed was not given, with JWP stating there is insufficient information for a detailed review of costs. This is likely a result of the stormwater strategy being general and "very high level".
- Stormwater works costs appear to be relatively high. The council attributed its proposed cost increases to a combination of indexation and a need for more sophisticated drainage designs as the East Leppington precinct evolves.
- Industry and council best practice modelling standards for bio-filters have changed since 2013. Biofilters meeting these standards would need to be around 2.3x larger than the original strategy called for, significantly increasing works costs.

JWP concluded that taking all these factors into account the cost of stormwater works may be up to 33% (\$11.8million) higher than would typically be expected for a similar precinct.

We sought more information from the council to justify its proposed stormwater costs. In September 2023 the council provided a more detailed cost breakdown of stormwater items, which was not available at the time the plan was initially submitted to IPART. These revised estimates were produced by Craig and Rhodes and are based on more recent data (Q1 2021). A summary of these costs are shown below in Table 4.9. These cost estimates from Craig and Rhodes amount to around \$33 million, which is similar to the \$35.2 million proposed by the council.

Table 4.9 EL contributions plan revised stormwater works cost estimates  
(\$millions, \$Dec 2020)

Item	Updated Cost Estimate
Site Establishment and Erosion/Sediment Control	0.3
Earthworks and Topsoil	2.2
BIORETENTION BR2\BR3 & LINE B	1.5
BIORETENTION BR13 & LINE C	1.0
BIORETENTION CLB3 & LINE D	5.3
BIORETENTION BR1 & LINE E	2.5

<sup>c</sup> The council has adopted *Liverpool Contributions Plan 2014 – East Leppington* but as this plan was below the \$30k contributions cap at the time it was not submitted to IPART for review.

## Assessment of EL CP

BIORETENTION CLB2 & LINE F Subtotal	0.5
BIORETENTION CLB1 & LINE G	1.4
Detention Basin B4	0.8
Detention Basin B5	0.5
Pavement/Surfacing	4.0
Rock channel, retaining wall and signage	0.6
Landscaping	5.0
Utilities and Services	2.5
Contamination Treatment	0.5
Future Road Works	1.6
10% Contingency	3.0
<b>Total</b>	<b>33.2</b>

Source: Craig and Rhodes, East Leppington Stormwater Detailed Costs

Since this source estimates costs per category rather than per line item it is difficult to directly compare these costs to the originals.

We suggest that the council review its works costs. This review should place particular emphasis on stormwater works as they are by far the most material to the overall cost of the CP. Data from the implementation of the CP should be used to inform any review.

In its submission to the Draft Report, the council indicated support for a future review of works costs in the plan. The council also noted that CPI will be applied to index costs once the plan has been adopted.<sup>7</sup>

## Finding:

1. We encourage Liverpool City Council to review all works costs in the East Leppington contributions plan. The review should include:
  - a. any changes to assumptions or strategies within the plan,
  - b. actual costs of delivering land and works within or near the precinct (where available),
  - c. site specific estimates, recent benchmarks or other relevant sources.

#### 4.4.2 Transport

We have concluded that transport costs proposed by the council are reasonable but likely low. The EL CP uses base rates provided by AECOM to estimate costs for roads and other transport items on a per square metre basis. We consider this a reasonable approach; however, we have compared these estimates to IPART's benchmark costs for similar items and have found that the estimates in EL CP are relatively low. Table 4.10 shows some of the most significant transport works items in the CP and compares them with IPART benchmarks.

We found that a large part of the cost differential comes from the contingency allowance adopted by the council. IPART's benchmarks suggest a 20%-30% construction contingency for transport works depending on the stage of the plan. However, the council has applied a 7% rate. If the same contingency rate is used, then the difference between IPART's benchmarks and the council's estimates is much smaller.

Table 4.10 EL contributions plan transport works cost estimates compared with IPART Benchmarks (\$millions, \$Dec 2020)

Item	EL Cost Estimate	IPART Estimate	Percentage Difference
CR1 New Road from CVW (full road)	0.50	0.63	26%
CR2 New Road (full road)	0.25	0.31	24%
CR3 Collector Road (half road)	0.68	0.78	15%
LR1 New Road (full road)	0.26	0.40	54%
CC1 Collector Road – Creek Crossing	1.34	1.34	0%
LC1 Local Road – Creek Crossing	1.34	1.34	0%
Construction Contingency	0.42	2.00	376%
<b>Total</b>	<b>4.79</b>	<b>6.80</b>	<b>42%</b>

Source: Liverpool City Council, Liverpool CP 2021 – East Leppington – Draft IPART Submission p 3: IPART calculations

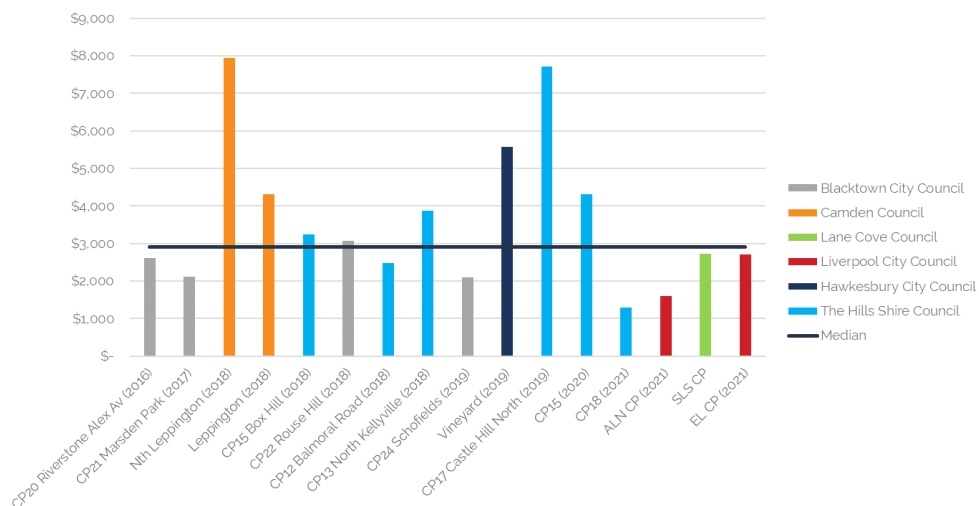
Transport costs in the EL CP are \$2,706 per person. This is around 7% lower than the median for other relevant CPs (see Figure 4.1).

We consider that the relatively low estimate for transport works costs could create a risk that contribution rates are not sufficient to deliver all the transport items in the EL CP. This could result in either a decrease in the quality and quantity of transport infrastructure or a potentially higher burden on ratepayers in the future to meet the cost if there is a shortfall in contributions.

Transport works in the EL CP are relatively small compared to other infrastructure costs such as stormwater, lessening the potential impact of transport costs being relatively low.

In its submission, the council acknowledged the difference in the contingency applied by the council when compared to IPART's contingency benchmark estimates.<sup>9</sup> The council stated that a future review of transport costs will be carried out.<sup>9</sup> This is in-line with our finding that the council should review all works costs and update them when appropriate.

Figure 4.1 Transport works costs per person in relevant CPs (\$Dec 2020)



Source: IPART analysis

#### 4.4.3 Open space

We have concluded that the council's proposed open space costs are reasonable.

The council's estimates for open space works have been calculated based on AECOM's estimates for open space items on a per square metre basis. However, the council has not provided a detailed breakdown of the local parks and passive open space in the EL CP.

To assess whether open space costs are reasonable, we have compared the council's open space cost estimates to:

- DPHI's passive open space embellishment cost benchmarks (see Table 4.11) – we found that open space costs in the EL CP are substantially lower than DPHI's benchmarks.
- Open space costs from other CPs we have previously assessed - when comparing the EL CP to other CPs, open space works costs are \$1,584 per person which is around 40% lower than the median for other CPs (see Figure 4.2).<sup>d</sup>

<sup>d</sup> Notably these CPs include Austral Leppington North, where we also found open space costs to likely be underestimated. However, they also likely reflect that the EL CP provides only local open space and does not include any district level infrastructure. Presently open space works costs account for only 7% of total costs in the CP.

## Assessment of EL CP

Table 4.11 EL contributions plan local park works cost estimates compared with DPE Benchmarks (\$millions, Mar 2022)

Item	EL Cost Estimate	DPE Benchmark Estimate
OSc1	1.2	1.8
OSc2	0.7	0.9
<b>Total</b>	<b>1.9</b>	<b>2.7</b>

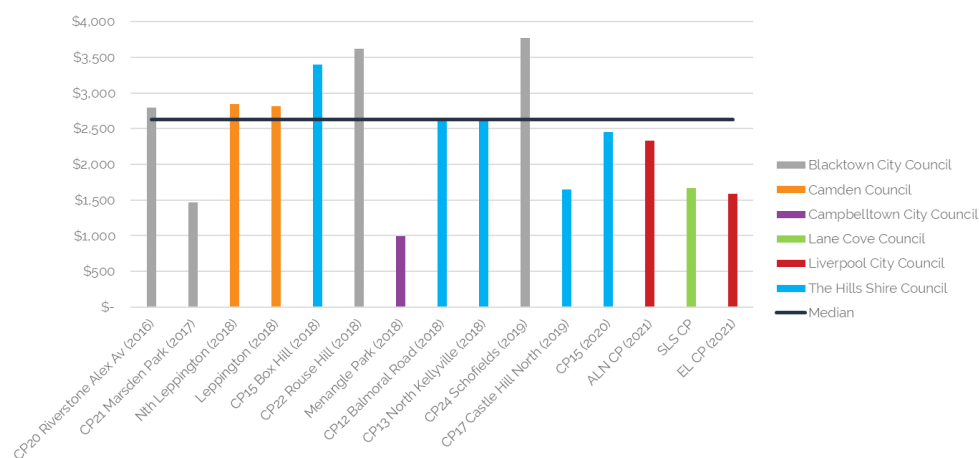
Source: Liverpool City Council, Liverpool CP 2021 - East Leppington - Draft IPART Submission p.3 &amp; IPART calculations

Table 4.12 EL contributions plan passive open space works cost estimates compared with DPE Benchmarks (\$millions, Mar 2022)

Item	EL Cost Estimate	DPE Benchmark Estimate
OSa1	0.5	0.7
OSa2	1.4	2.2
OSa3	0.4	0.7
OSa4	1.4	2.3
OSa5	0.2	0.3
<b>Total</b>	<b>3.9</b>	<b>6.2</b>

Source: Liverpool City Council, Liverpool CP 2021 - East Leppington - Draft IPART Submission p 3: IPART calculations

Figure 4.2 Open space works costs per person in relevant CPs (\$Dec 2020)



Source: IPART analysis.

We consider it is possible the costs for open space works in the EL CP are lower than what is needed. This may result in either reduced liveability for residents if open space is not adequately delivered, or future increases for ratepayers to help fund a cost shortfall.

We suggest that the council review its open space works costs and implement actual costs of delivery of the infrastructure as the CP progresses.

In its submission to the Draft Report, the council acknowledged that costs are reasonable and noted its support for a future review of open space works costs in the plan.<sup>10</sup> The council noted that *"funding for open space embellishments in the Plan is dependent on the population to meet certain benchmarks and any response for the provision of open space will be subject to further review by IPART."*<sup>11</sup>

#### 4.4.4 Plan administration

The EL contributions plan includes costs of \$0.75 million for plan administration, which is 1.5% of the total cost of works in the plan. This allowance is consistent with IPART's benchmark rate recommended for plan administration. We therefore consider the plan administration costs in the EL contributions plan reasonable.

#### 4.4.5 Land

##### Land cost valuations and methodology are reasonable

The market values in Table 4.13 were determined by AEC based on examining recent property purchases in surrounding suburbs and an analysis of local conditions. The costs have been indexed to the council's Land Value Index (LVI), an index which measures the underlying changes in land values over time. Liverpool City Council publishes a quarterly update to this LVI. This approach is consistent with other areas of the Liverpool LGA in the past.

Table 4.13 Land values used by Liverpool City Council in the EL CP (\$ per square metre, \$Mar 2022)

Underlying zoning	Average value (\$)
B1 Neighbourhood Centre	550
R2 Low Density Residential	390
R3 Medium Density Residential	490-700
RE1 Public Recreation (constrained land)	110-130
SP2 Infrastructure (constrained land)	120
E4 Environmental Living	190
Constrained Land (situated below the 1:100-year ARI event)	100-130

Source: *Land Assessments for the New East Leppington Contributions Plan*

The study notes an allowance for heads of compensation (types of compensation required for each property) under the *Land Acquisition (Just Terms Compensation) Act 1991*. Value assessments for property acquisition involving two evaluating professional parties will be conducted. The median costs per square metre are broad estimates for the budgeting of the contribution plan. Professional valuations that are pegged to an appropriate LVI have been used and land values estimates are more recent than those used for most of the contribution plan's work costs, we therefore consider that the estimates are likely to reflect accurate values.



The council has applied a 12% land acquisition allowance for heads of compensation under the *Land Acquisition (Just Terms Compensation) Act 1991*. This is the same allowance included in the July 2016 Valuation Report for the Camden Growth Areas contributions plan and the 2021 Austral Leppington North contributions plan (ALN CP). This allowance is in place as the council does not yet know which properties it will need to compulsorily acquire and which additional costs it will incur as part of the compensation. The 12% allowance budgets for every possible compensation scenario arising when acquiring property.

In our Final Report on the ALN CP we noted a preference for fixed costs for estimates rather than a percentage. This is because reasons for compensation usually comprise fixed costs while market values can fluctuate significantly over time. In the context of ALN, we considered the 12% allowance was reasonable as it was informed by the opinion of an external professional land evaluator and recent experience in the Camden LGA. We also noted that having an LVI in place helps to account for any significant market fluctuations. Practical data obtained from land acquisitions as the CP is implemented should inform any future review of costs. However, we consider the council's land costs reasonable at this stage of the CP.

The Valuer General submitted to the Draft Report that they agree with IPART that compensation usually comprises fixed costs and further stated that "market value bears no relationship to other heads of compensation".<sup>12</sup> The Valuer General also noted agreement with IPART's conclusion that data obtained as the CP is implemented should inform any future review of land costs.<sup>13</sup>

## 4.5 Apportionment

### 4.5.1 Stormwater

Stormwater works costs in the EL CP have been apportioned entirely to the Precinct on a per hectare of NDA basis. The costs are apportioned 98% to residential development and 2% to non-residential development to reflect the proportion of equivalent NDA utilised by each. This assumes that stormwater infrastructure demand is based on impervious surface area of development. This approach reflects an apportionment based on NDA which is the appropriate way to share the costs of stormwater infrastructure. Furthermore, there is virtually no benefit of the works to existing residents in other areas. We therefore consider the apportionment for stormwater costs is reasonable.

### 4.5.2 Transport

Upgrades and expansion of the current transport network will be necessary to accommodate the new residents of the EL area. The EL CP apportions its transport works costs 100% to the East Leppington Precinct on the basis that transport is to support the increased demand within the area. These costs are split between residential and non-residential development on a relative area basis, an estimate of the aggregate NDA taken up by each. Costs are then further apportioned to residential development on a per person basis and to non-residential development based on hectares of NDA under use. This model is intended to accurately reflect the proportional use of transport infrastructure.

The plan includes collector roads, local roads and other infrastructure to improve connectivity within the precinct, which primarily serves the new population and has limited use for those outside the precinct. As such, we conclude that apportionment of transport costs in the EL CP is reasonable.

#### 4.5.3 Open space

Elton's study concluded that demand for the open space infrastructure in the CP arises from the new development. Open space costs in EL have therefore been apportioned 100% to the precinct. Costs have been apportioned on a per person basis entirely to residential development. This is due to demand arising from non-residential development being incidental. This represents a reasonable apportionment that preserves the impactor pays principle.

#### 4.5.4 Plan administration

Contributions payments for plan administration are apportioned entirely to new developments. In general, the size of a development will be proportional to administration costs. This approach reflects the work involved in delivering the level of infrastructure created based on residential and non-residential development size. Administration costs are proportional and have been entirely apportioned to the new development which necessitates them. We consider this a reasonable apportionment of costs.

The council's submission to the Draft Report acknowledged IPART's assessment that apportionment of costs in the plan is reasonable and noted that costs would be subject to review based on potential development.<sup>14</sup>

### 4.6 Timing of infrastructure delivery

The council has provided varying priority levels for the delivery of infrastructure. Stormwater infrastructure is to be delivered as land is developed. Open space and transport items have been given varying priority levels, ranging from when the local area is developed to some items to be delivered coinciding with other relevant items.

#### 4.6.1 Stormwater

Stormwater works are to be delivered in at the same time as development; priority will be based on the pace of development in a given area. We consider this a reasonable approach to stormwater infrastructure delivery timeframe.

#### 4.6.2 Transport

Transport works concerning road and pedestrian infrastructure are to be delivered in line with development. Buses are to be implemented prior to this where possible but otherwise in line with road development. This is a reasonable delivery timeframe.

#### 4.6.3 Open space

Open space infrastructure is to be delivered in line with development, with priority depending on the proximity of development to established open space sites. Delivery timeframe of infrastructure is reasonable.

#### 4.6.4 Land

The council intends to acquire land for the EL contributions plan in line with development and local infrastructure needs over the next 20 years. We consider this approach reasonable.

#### 4.6.5 Plan administration

The timely delivery of works and land has been established in previous sections of this report. An allowance for plan administration is required over the approximately 20-year life of the plan to enable timely delivery of land and works.

The council's submission to the Draft Report acknowledged IPART's conclusion that the timing of infrastructure delivery and land acquisition is reasonable.<sup>15</sup>

### 4.7 Consultation

IPART must assess if the council has conducted appropriate community liaison and publicity in preparing the EL contributions plan.

Liverpool City Council placed the EL CP on public exhibition from 5 July 2021 to 2 August 2021. The council received no submissions. We consider the council conducted appropriate community liaison. The lack of submissions may reflect the small size of the EL CP relative to other plans, as well the neighbouring far larger Austral Leppington North contributions plan likely drawing more interest from local stakeholders.

### 4.8 Any other matters

This chapter discusses our analysis of issues that apply across infrastructure categories, including our assessment of the EL contributions plan against EPA regulations and requirements.

#### 4.8.1 Provision of open space is low

The total provision of open space in EL CP is 5.9 hectares, which is a rate of provision of 1.69 hectares per 1,000 people. This is below Liverpool City Council's own benchmark, and industry standard, of 2.83 hectares per 1,000 people. Elton Consulting's *Social Infrastructure and Open Space Assessment* for the precinct recommended 9.86 hectares of open space. A lack of open space could result in a decrease in the quality of life and services for future residents of the EL Precinct.

However the Indicative Layout Plan for the East Leppington Precinct noted the following:

*"To provide for the active recreational needs of the population within the Liverpool Council area, a recommendation has been put forward that the proposed open space be embellished in ways that encourage as much as possible informal physical activity and an active lifestyle, to help make up for the notional shortfall in the quantum of open space."<sup>16</sup>*

Suggested embellishments include:

- off-road cycling paths and "learn to cycle" circuits for young children
- a network of paths and trails for walking and jogging
- fitness equipment located along the trails
- a large "kick about" area for informal ball games and practice
- a half court with basketball hoop for practice
- playgrounds that encourage active play and more challenging activities.

We acknowledge that new developments often have difficulty achieving the 2.83 hectare per 1000 people benchmark for open space. We consider that the council has taken steps to increase the utility of the open space planned to be delivered. As such, our assessment is that the provision of open space is reasonable.

Nonetheless, the council should continue to review the open space planned for the precinct and ensure that it provides accessible and appropriate open space for residents and workers in East Leppington.

In its submission to the Draft Report, the council acknowledged that the provision for open space in East Leppington is below the recommended provisions in Elton Consulting's Report. The council stated it will conduct further analysis in the future to ensure that open space provision meets the needs of future residents.<sup>17</sup>

#### 4.8.2 Assessment against the EPA regulations and requirements

We have determined that EL contributions plan contains the information required by Clause 212 of the *Environmental Planning and Assessment Regulation 2021 (NSW)* (EPA Regulation). This clause requires the inclusion of certain information in a contributions plan for the purpose of establishing scope and location.

A summary of our assessment of EL contributions plan against the EPA Regulation requirements is provided in Table 4.14.

Table 4.14 Assessment against EPA Regulation requirements

Subclause	Requirement	Location in contribution plan
1(a)	Purpose of the plan.	Section 2.3
1(b)	Land to which the plan applies.	Section 2.2
1(c)	The relationship between the expected types of development in the area to which the plan applies and the demand for additional public amenities and services to meet that development.	Sections 3.1, 3.2 & 3.3
1(d)	The formulas to be used for determining the section 7.11 contributions required for different categories of public amenities and services.	Sections 4.2.2, 4.3.3, 4.4.5
1(e)	The section 7.11 contribution rates for different types of development, as specified in a schedule in the plan.	Section 1.2.
1(f)	A map showing the specific public amenities and services proposed to be provided by the council.	Section 4
1(g)	a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds).	Section 4.2.3, 4.2.4 & 4.4.6
1(h)	If the plan authorises monetary section 7.11 contributions or section 7.12 levies paid for different purposes to be pooled and applied progressively for those purposes, the priorities for the expenditure of the contributions or levies, particularised by reference to the works schedule.	Sections 2.13 & 4
2(b)	If a contributions plan authorises the imposition of a development levy condition, the plan must contain the method, if any, of adjusting the proposed cost of carrying out the development, after being determined by the consent authority, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan between the day of the determination and the day by which the levy must be paid.	Section 2.9
3	A contributions plan must contain information about the council's policy about the following— (a) the timing of the payment of monetary development contributions, (b) development levies, (c) the imposition of development contribution conditions or development levy conditions that allow deferred or periodic payment.	Section 2.9.1, 2.7 and 2.9.3
4	A contributions plan that provides for the imposition of development contribution conditions or development levy conditions in relation to the issue of a complying development certificate must provide that monetary payments in accordance with the conditions must be made before the commencement of the building work or subdivision work authorised by the certificate	Section 2.13
5	In determining the section 7.11 contribution rates or section 7.12 levy percentages for different types of development, the council must take into consideration the conditions that may be imposed under section 4.17 (6)(b) of the Act or section 97 (1)(b) of the Local Government Act 1993.	Section 2.14
6	A contributions plan may authorise monetary development contributions or development levies paid for different purposes to be pooled and applied progressively for the different purposes only if the council is satisfied that the pooling and progressive application will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.	Section 2.13

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- <sup>1</sup> Department of Planning and Environment, [Practice Note – Local Infrastructure Contributions](#), January 2019, pp 14-16
- <sup>2</sup> Liverpool City Council, Liverpool CP 2021 – East Leppington – Draft IPART Submission, 2021 p.3
- <sup>3</sup> Department of Planning and Environment, [Practice Note – Local Infrastructure Contributions](#), January 2019, p 15.
- <sup>4</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.1
- <sup>5</sup> JWP, East Leppington Draft Contributions Plan Review of Stormwater Works – Nexus and Costs–Final Report, July 2023, p 10.
- <sup>6</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.1
- <sup>7</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.1
- <sup>8</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.2
- <sup>9</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.2
- <sup>10</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.2
- <sup>11</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.2
- <sup>12</sup> The Valuer General NSW, Submission to East Leppington Contributions Plan Draft Report, p 1.
- <sup>13</sup> The Valuer General NSW, Submission to East Leppington Contributions Plan Draft Report, p 1.
- <sup>14</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.2
- <sup>15</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.2
- <sup>16</sup> Liverpool City Council, East Leppington Precinct Infrastructure Delivery Plan, June 2013, p 27
- <sup>17</sup> Liverpool City Council, Submission – Draft Report for Section 7.11 East Leppington Contributions Plan 2021, p.2

<b>PLAN 02</b>	<b>Draft Liverpool Contributions Plan 2021 - East Leppington</b>
<b>Strategic Direction</b>	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
<b>File Ref</b>	114340.2021
<b>Report By</b>	Shaun Beckley - Coordinator Contributions Planning
<b>Approved By</b>	David Smith - Acting Director Planning & Compliance

### **EXECUTIVE SUMMARY**

The East Leppington Precinct was rezoned in 2014 by the NSW Government as part of the South West Growth Centre and includes land in Camden, Campbelltown, and Liverpool local government areas. The Liverpool portion of the Precinct has a total net developable area of 75.59 hectares and is expected to support 1,128 new dwellings and 3,485 new residents.

The existing *Liverpool Contributions Plan 2014 – East Leppington* was prepared to collect development contributions on residential and non-residential development in East Leppington under Section 7.11 of the *Environmental Planning and Assessment Act (EP&A Act)*.

Council has undertaken a review of this Plan and prepared the Liverpool Contributions Plan 2021 – East Leppington (**Attachment 1**), referred to as “the Plan” in this report.

The Plan has been reviewed in line with the Department of Planning, Industry and Environment’s (DPIE) Practice Notes.

The *January 2019 Practice Note* states contributions can only be levied above the cap if the relevant Contributions Plan has been reviewed by the Independent Pricing and Regulatory Tribunal (IPART) and Council has implemented any advice given by the Minister. The review and assessment of this Plan allows Council to levy above the cap to avoid a further shortfall in contributions funding.

The *July 2005 Practice Note* recommends review of a Contributions Plan to ensure Council collects contributions in line with any changes to population growth and demand, as well as any changes in the amount and cost of works or land.



In line with these Practice Notes, the Plan has been reviewed by Council with a focus on the revision of Works and Land costs. These costs have been updated to reflect more detailed infrastructure design studies, the increased cost of materials and changes to the cost of acquiring land.

The review of the Plan has identified a need to increase costs for infrastructure based on changes to property prices, confirmation of design and increased cost of materials. This has resulted in an increase to the per lot contribution of approximately \$14,000 (from the current \$52,000 to \$66,000 for a 450m<sup>2</sup> lot). It is noted that contributions within the precinct are currently capped by NSW Government policy at \$30,000 per lot.

It is important for Council to update the Plan accordingly to ensure that development is funding the cost of infrastructure and reducing the financial burden on Council, including any shortfall based on the cap on contributions.

Housekeeping amendments have also been made to improve the Plan's readability and to make it consistent with recent changes in the development contributions framework. These are further detailed in **Attachment 2**.

Following Council's endorsement, the Plan will be placed on public exhibition in accordance with Clause 28 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Reg)*. After Council has considered any submissions and made any necessary amendments, the Plan will then be submitted to the Independent Pricing and Regulatory Tribunal (IPART) for assessment.

## **RECOMMENDATION**

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That Council:

1. Endorses draft Liverpool Contributions Plan 2021 – East Leppington for public exhibition in accordance with Clause 28 of the *Environmental Planning and Assessment Regulation 2000*;
2. Delegates to the CEO the authority to make any typographical and other minor amendments to the draft Contributions Plan following exhibition and submit the draft Plan to the Independent Pricing and Regulatory Tribunal (IPART) for assessment followed by consideration of IPART's assessment by the Minister for Planning and Public Spaces (or nominee); and
3. Receives a further report following IPART's assessment and the Minister's advice for adoption of Liverpool Contributions Plan 2021 – East Leppington as an 'IPART Reviewed Contributions Plan.'

**REPORT**

In 2014, the NSW Government rezoned land within Campbelltown, Camden, and Liverpool LGAs as the East Leppington Precinct. The Precinct rezoning identified a total net developable area of 75.59 hectares and is expected to support 1,128 new dwellings and 3,485 new residents within the Liverpool LGA.

The Plan is being reviewed as part of a broad reform program to update Council's Contributions Plans subject to the state government cap. The purpose of this review is to:

- Prepare the plan for submission to IPART;
- Ensure Council is collecting contributions in line with updated Works and Land costs; and
- Improve the general readability of the Plan.

AEC Group Pty Ltd (AEC) have been engaged by Council to assist with updating the Plan by undertaking a current land costs assessment, revising work costs in line with updated designs and modelling the proposed contribution rates for the updated Plan. The consultant's report is included as **Attachment 3**.

The key objective of the Plan review is to revise land and work costs. As the zoning and development controls have not needed revision, the underlying planning assumptions used to develop the original 2014 Contributions Plan did not need to be revisited.

**Changes in infrastructure costs**

Overall, there is a 22.77% increase in item costs between the 2014 and 2021 Plan, when indexed to the current quarter. The changes in costs are a result of:

- The strong growth of land values in East Leppington and surrounding regions that have exceeded generic indexation assumptions;
- A flood mapping review undertaken in August 2020. The mapping indicated that some of the land earmarked for acquisition is now considered flood prone; and
- The detailed design of infrastructure works, particularly water management infrastructure, reflecting detailed design works undertaken to properly manage potential flooding identified in the Precinct.

The proposed changes will allow Council to move towards cost recovery for infrastructure required to support new development as a part of the IPART review/cap removal process.

The resulting infrastructure costs and contribution rates are outlined in Table 1.

The 'base' contribution cost per residential dwelling house is \$27,020. Further to this base contribution rate, an additional charge is levied based on a \$ per hectare of net developable area (NDA).

The reason contributions are calculated based on a 'fixed base' cost plus a 'variable' rate per hectare of NDA is essentially for fairness. The fixed base represents infrastructure like roads and open space which can be dependent on the number of new residents. On the other hand, the variable rate more accurately accounts for the difference in lot sizes (i.e. a lot of 400m<sup>2</sup> would require less drainage infrastructure compared with a larger lot of 650m<sup>2</sup>).

This approach ensures developers within the East Leppington Precinct pay an equitable contribution rate proportionate to the size of the lots being developed. Applying these proposed contribution rates to a 450m<sup>2</sup> residential lot results in a contribution of \$66,365 per lot. The existing rate for such a lot is \$52,246 per lot, but Council only collects a capped amount of \$30,000 as required by the *Environmental Planning and Assessment (Local Contributions) Direction 2012*.

**Table 1 Proposed Updated Contribution Rate per Dwelling Lot (2021)**

ESSENTIAL INFRASTRUCTURE		NON-RESIDENTIAL DEVELOPMENT	RESIDENTIAL DEVELOPMENT	
Item	Item Cost apportioned to East Leppington	\$ per hectare of equivalent NDA	\$ per residential lot for a dwelling house	\$ per attached dwelling, semi-attached dwellings and multi-dwelling housing
<b>Open Space</b>				
Land	\$10,339,325		\$10,087	\$7,714
Works	\$5,519,476		\$5,385	\$4,118
Subtotal	<b>\$15,858,801</b>		<b>\$15,472</b>	<b>\$11,832</b>
<b>Roads</b>				
Land	\$2,650,368	\$33,461	\$2,533	\$1,937
Works	\$9,430,599	\$119,061	\$9,015	\$6,894
Subtotal	<b>\$12,080,967</b>	<b>\$152,522</b>	<b>\$11,548</b>	<b>\$8,831</b>
<b>Drainage</b>		<b>ALL DEVELOPMENT \$ per hectare of equivalent NDA</b>		
Land	\$15,999,950	\$202,096		
Works	\$35,164,370	\$444,163		
Subtotal	<b>\$51,164,320</b>	<b>\$646,259</b>		
<b>Plan Administration</b>				
Allowance	\$751,717	\$9,495		
Subtotal	<b>\$751,717</b>	<b>\$9,495</b>		
<b>TOTAL</b>	<b>\$79,855,805</b>			

The total contribution cost has been apportioned based on the development detailed in the above table. However, other residential development, including secondary dwellings, seniors living and shop top housing will also generate demand for local infrastructure. As such, all other residential development will be calculated at a *per person x average occupancy rate*. This ensures that all future development within the precinct provides funding to deliver the local infrastructure that they will use.

### **Housekeeping amendments**

The Plan has undergone some housekeeping amendments to ensure consistency with recent changes in the contribution's framework. The amendments are also aimed to improve the Plan's readability, transparency, and usability for all stakeholders.

**Attachment 2** details the changes made to the Plan compared to the existing CP 2014. Examples of housekeeping amendments in the Plan include:

- Part 1 has been updated to become a better guide / starting point to understanding and using the Plan;
- Inclusion of sample calculations to enhance understanding of the Plan and how the contribution is determined;
- Revision of administrative clauses to ensure consistency with recent changes to the contributions framework; and
- Consolidation of the infrastructure required and the adopted costs. The equations for calculating these costs and resultant contribution rates have also been included.

### **Contributions shortfall**

To date, approximately 412 lots have been approved within the Precinct. Contributions for each lot was capped at \$30,000 in accordance with the *Environmental Planning and Assessment (Local Contributions) Direction 2012*. This policy of the NSW Government has resulted in a shortfall of approximately \$18 million.

The subsequent *Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017* allows Council to collect contributions uncapped, provided their contributions plan has been reviewed by IPART. This is the main driver for Council reviewing this Plan and submitting it to IPART, as the uncapped amount can immediately be charged following Council's adoption of the IPART reviewed Plan. This avoids an increase in any shortfall because of the cap on contributions.

Following IPART's review and commencement of the Plan without a cap on contributions, Council will be seeking compensation grant funding from the New South Wales government to address the shortfall incurred to date.

**Next steps**

The Plan will continue to be processed in accordance with Figure 1 below, which illustrates the next steps and requirements in the plan review process.

**Figure 1 The steps involved in reviewing a Contributions Plan**



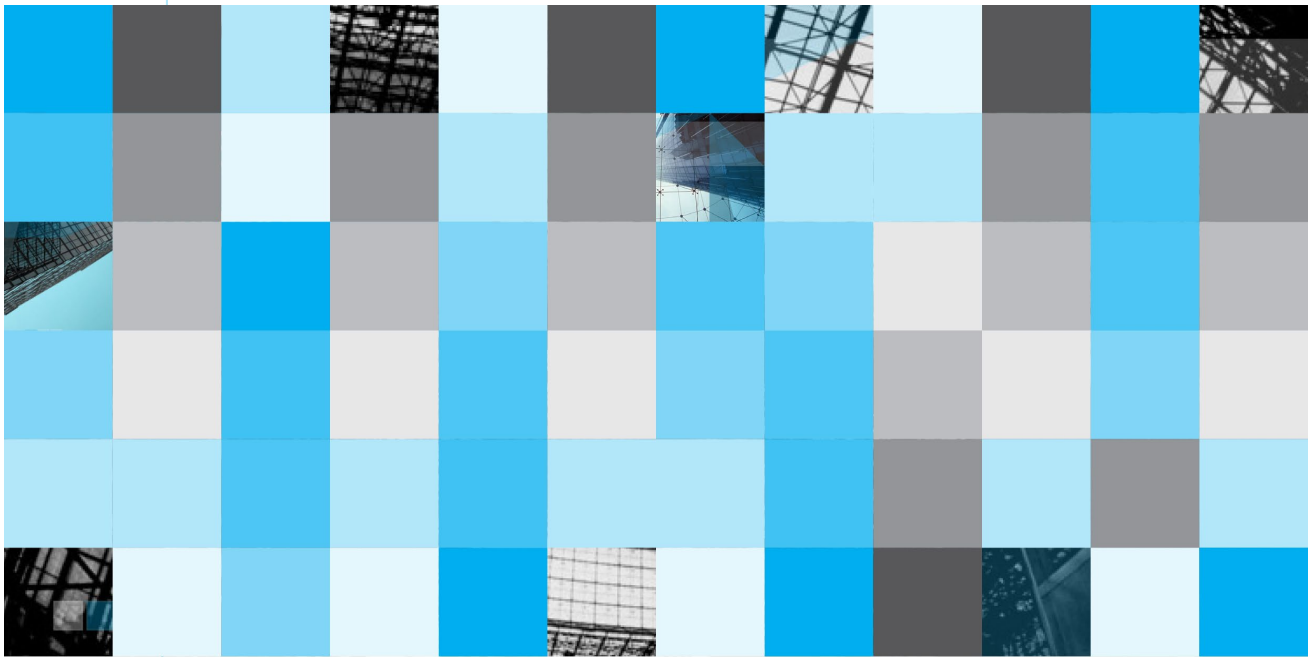
**CONSIDERATIONS**

<b>Economic</b>	<p>Deliver and maintain a range of transport related infrastructure such as footpaths, bus shelters and bikeways.</p> <p>Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.</p>
<b>Environment</b>	<p>Manage the environmental health of waterways.</p> <p>Support the delivery of a range of transport options.</p>
<b>Social</b>	<p>Deliver high quality services for children and their families.</p>
<b>Civic Leadership</b>	<p>Deliver services that are customer focused.</p> <p>Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.</p>
<b>Legislative</b>	<p><i>Environmental Planning and Assessment Act 1979</i></p> <p><i>Environmental Planning and Assessment Regulation 2000.</i></p> <p><i>Environmental Planning and Assessment (Local Contributions) Direction 2012</i></p> <p><i>Environmental Planning and Assessment (Local Contributions) Direction 2017</i></p> <p>Practice Note (July 2005) – Development contributions as a method of funding public infrastructure</p> <p>Practice Note (January 2019) – Local Infrastructure Contributions</p>
<b>Risk</b>	<p>The risk is deemed to be High.</p> <p>The collection of contributions in East Leppington being capped and remaining at \$30,000 per dwelling caused by not undertaking a review of the precinct's contributions plan results in insufficient funding to deliver community infrastructure in East Leppington.</p> <p>The risk is considered outside Council's risk appetite. Endorsing the Plan and moving towards removal of the cap will reduce this risk.</p>

**ATTACHMENTS**

1. Draft Liverpool Contributions Plan 2021 - East Leppington (Under separate cover)
2. Overview of changes for CP 2021 (Under separate cover)
3. Consultants report (Under separate cover)

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60 Gurner Avenue, Austral

Planning Proposal

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ABN 14 118 321 793 ACN 144 979 564

Planning Proposal

**60 GURNER AVENUE, AUSTRAL**

**May 2024**

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### APPENDIX A

Schools Infrastructure NSW

LETTER CONFIRMING SITE IS SURPLUS

### APPENDIX B

Sydney Water

FEASIBILITY LETTER

### APPENDIX C

TTPA

TRAFFIC ASSESSMENT

### APPENDIX D

[Appendix Author]

CONCEPT PLAN OF SUBDIVISION

## 1.0 EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Sutherland & Associates Planning Pty Ltd on behalf of 60 Gurner Ave Pty Ltd in relation to the site known as 60 Gurner Avenue, Austral.

The majority of the subject land is zoned SP2 Educational Establishment pursuant to State Environmental Planning Policy (Precincts—Western Parkland City) 2021, and is also identified on the Land Reservation Acquisition Map with an Education Establishment notation, with the relevant acquisition authority being the NSW Department of Education.

However, the subject site is relatively small being only 6,173 square metres in area and is also isolated from the western adjacent SP2 Educational Establishment zoned land, which is in the ownership of the Al-Faisal College. The College has lodged a State Significant Development application for a new school on its land, which also includes 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential.

As a result, Schools Infrastructure NSW have confirmed via correspondence dated 11 April 2022 that the site is surplus to its needs and it relinquishes its acquisition rights.

Furthermore, the Al-Faisal College proposal results in a loss of 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential, which would have otherwise been developed to provide for residential accommodation within Austral. This residential density has been taken into consideration in the formation of the precinct planning and infrastructure requirements for Austral under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

In order to allow the orderly and economic use of the subject site, it is proposed to amend State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as follows in relation to the site known as 60 Gurner Avenue, Austral (Lot 3 DP 1243352):

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential;
- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation;
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres;
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare

The proposal has strategic merit as it will re-balance some of the loss of R2 Low Density Residential zoned land in Austral as a result of the Al-Faisal College proposed new school which is partially on R2 Low Density Residential and R3 Medium Density land.

Furthermore, the proposal has site specific merit as the proposed replacement zone corresponds with the adjacent R2 Low Density Residential zoned land, and a concept subdivision plan accompanies this submission which demonstrates that the site is capable of accommodating a residential subdivision which is consistent with the emerging pattern of subdivision within the visual catchment of the site.

In the absence of support for this Planning Proposal, the site will remain sterilised from being used for an orderly and economic purpose.

The Planning Proposal is supported by the following documentation:

Appendix	Document	Consultant
A	Schools Infrastructure NSW correspondence	SINSW

Appendix	Document	Consultant
B	Sydney Water Feasibility	Sydney Water
C	Traffic assessment	TTPA
D	Concept plan of subdivision	

The Planning Proposal has been prepared in accordance with section 3.33 of the Environmental Planning & Assessment Act 1979 (EP&A Act). As required by section 3.33 of the EP&A Act this Planning Proposal includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument,
- an explanation of the provisions that are to be included in the proposed instrument,
- the justification for those objectives, outcomes and provision and the process for their implementation,
- if maps are to be adopted by the proposed instrument – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument, and
- details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal has also been prepared having regard to the 'Local Environmental Plan Making Guideline – December 2021' developed by the NSW Department of Planning and Environment. The report addresses the Proposal's consistency with Greater Sydney Region Plan - A Metropolis of Three Cities, the South District Plan, strategic plans and assesses the consistency of the Planning Proposal against relevant State Environmental Planning Policies and Ministerial Directions.

## 2.0 SITE DESCRIPTION

### 2.1 Site Description

The subject site is legally described as Lot 3 in DP 1243352 and is known as 60 Gurner Avenue, Austral. The site is an irregularly shaped parcel of land on the southern side of Gurner Avenue between Wargaldarra Road to the east and Fourth Avenue to the west. The southern boundary of the site is bound by Mugagaru. The site has a frontage of approximately 60 metres to Gurner Avenue and has a total site area of approximately 6,173 square metres. The site is improved by a dwelling at the north-eastern corner of the site, whilst the remainder is cleared land.

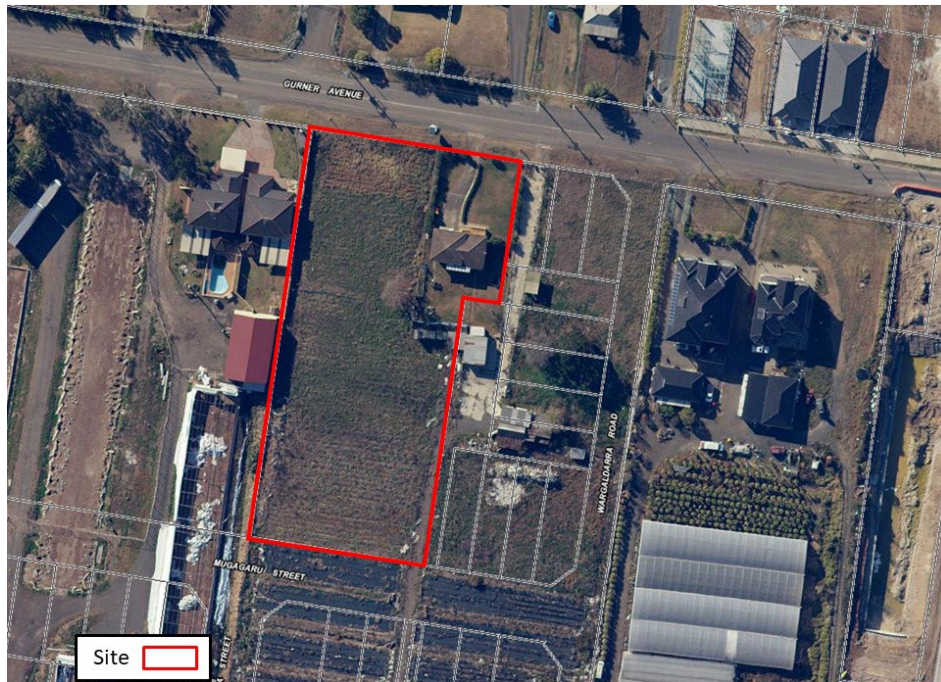


Figure 1:

Aerial view of the site (Source: Six Maps, Department of Lands 2022)

### 2.2 Surrounding Context

The context surrounding the site is rapidly developing from semi-rural lands to new release low density residential subdivision and housing. The emerging context is identified by a new street network which is forming around the site, including Wargaldarra Road to the east of the site, and Mugagaru Street immediately to the south of the site.

## 3.0 LOCAL PLANNING PROVISIONS

### 3.1 State Environmental Planning Policy (Precincts—Western Parkland City)

State Environmental Planning Policy (Precincts—Western Parkland City) 2021 applies to the site. Key provisions applying to the site are identified below:

#### 3.1.1 Zoning

The majority of the subject site is currently zoned SP2 Educational Establishment and the north eastern corner is zoned R2 Low Density Residential pursuant to Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as illustrated in Figure 2 below.

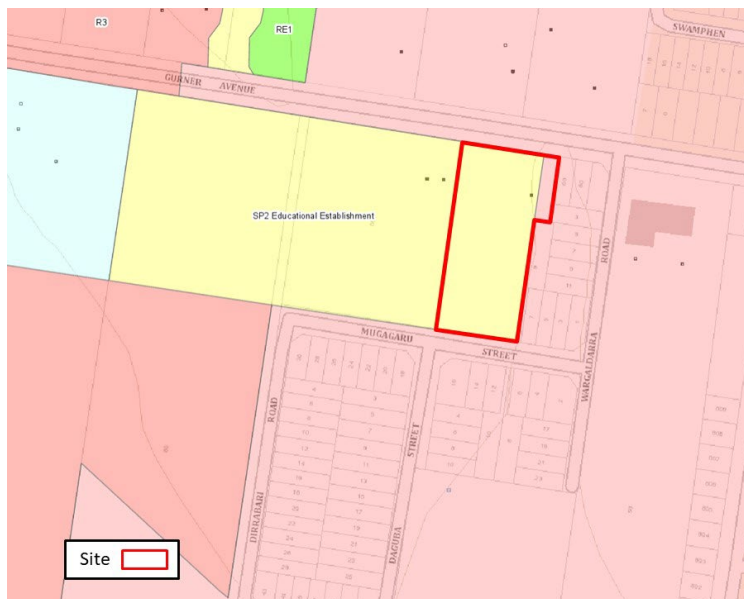


Figure 2:

Extract from  
SEPP (PWPC)  
2021 Land  
Zoning Map

The objectives of the SP2 zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

The following uses are permitted with consent in the SP2 zone:

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

#### 3.1.2 Height

Clause 4.3 (Height of Buildings) of Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 establishes a maximum building height of 12 metres for the SP2 portion of the site, whilst the R2 Low Density Residential zoned portion of the site is subject to a 9 metre height limit. An extract of the Height of Buildings Map is included as Figure 3.

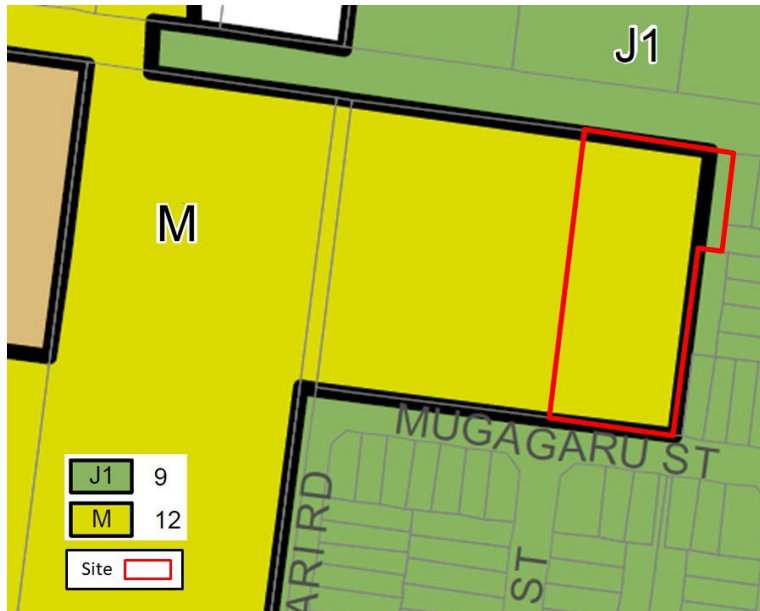


Figure  
3:

Extract from  
SEPP  
(PWPC)  
2021 Height  
Map

The objectives of the clause are:

- (a) to establish the maximum height of buildings,
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
- (c) to facilitate higher density development in and around commercial centres and major transport routes

### 3.1.3 Relevant Acquisition

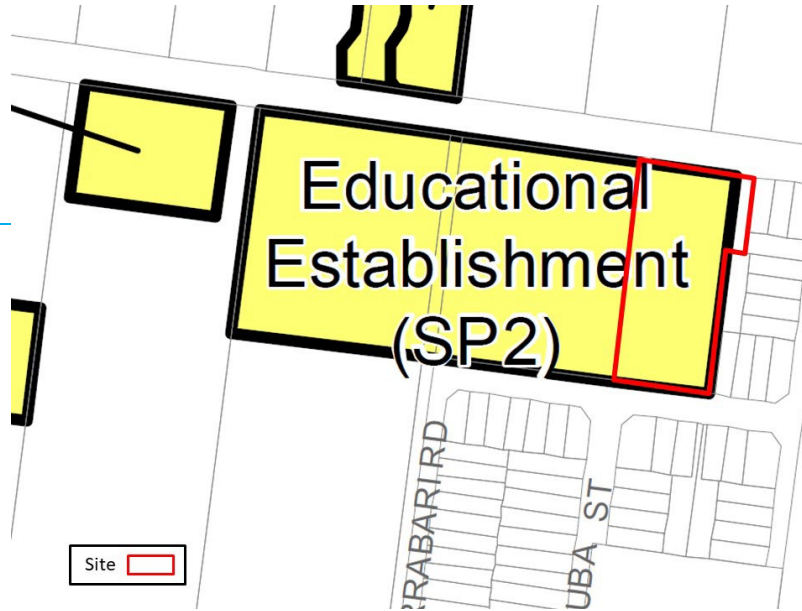
Clause 5.1 of Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 identifies, for the purposes of section 3.15 of the *Environmental Planning & Assessment Act 1979*, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (the owner-initiated acquisition provisions).

The SP2 zoned portion of the site is also identified on the Land Reservation Acquisition Map with the purpose being for Educational Establishment as illustrated in Figure 4 below.



Figure 4:

Extract from the  
SEPP (PWPC)  
2021 Land  
Reservation  
Acquisition Map



3.1.1 Minimum Dwelling Density

The majority of the subject site is currently subject to a minimum dwelling density of 25 dwellings per hectare (despite not being zoned to allow dwellings), whilst the area zoned R2 Low Density Residential zoned is subject to a minimum dwelling density of 15 dwellings per hectare pursuant to Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as illustrated in Figure 5.

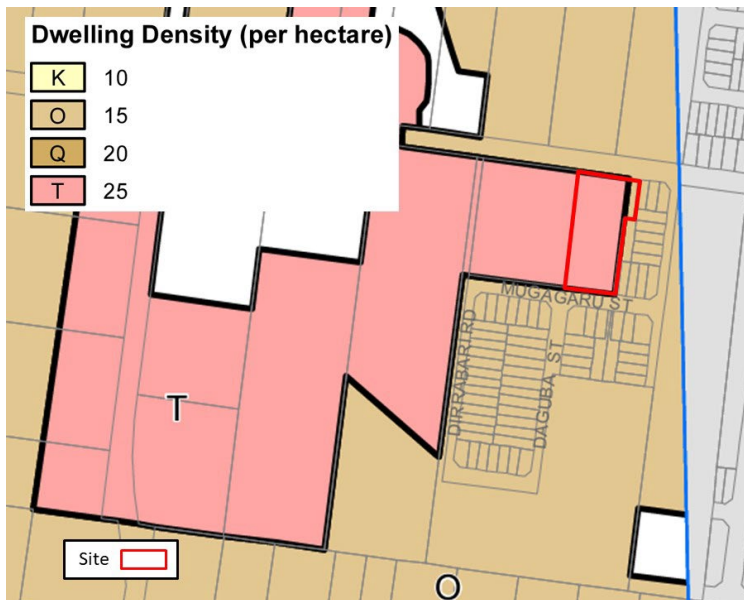


Figure 5:

Extract from  
SEPP (PWPC)  
2021 Dwelling  
Density Map

Planning Proposal - 60 Gurner Avenue, Austral



## 4.0 BACKGROUND

### 4.1 Al-Faisal College, Austral (SSD-10445)

The Al-Faisal College owns the immediately adjacent sites to the west of the subject site known as 66 and 80 Gurner Avenue, Austral. This land comprises the remaining portion of the SP2 Educational Establishment zoned land which is contiguous with the subject site, as well as approximately 1.48 hectares of land zoned R3 Medium Density Residential and 1.4 hectares of land zoned R2 Low Density Residential, pursuant to Appendix 4 of State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

In November 2020, the Al-Faisal College lodged State Significant Development Application SSD-10445 which seeks, in part, to develop these landholdings on the southern side of Gurner Avenue as a secondary school.

Whilst the front portion of No.80 Gurner and all of 60 Gurner is the subject of a land acquisition layer for the purpose of an educational establishment, the Environmental Impact Statement prepared by Planning Ingenuity and lodged with the application, identifies that:

Communications have been received from the Department of Education advising that whilst the Department of Education has an acquisition affectation on the subject property in the Growth Centres SEPP, it does not preclude the land from being developed by other interested parties or owners in accordance with its underlying zoning (i.e. education establishments). The Department of Education has advised that they welcome the non-government sector in planning for the provision of education infrastructure for growing communities such as Austral.

The application is still under assessment, however, it is likely to be capable of support and ultimately approved in some form, subject to addressing the various issues raised to date by various government agencies including Liverpool City Council.

The Al-Faisal College proposal consumes circa 2.9 hectares of residentially zoned land, which would have otherwise been developed to provide for residential accommodation within Austral. This residential density has been taken into consideration in the formation of the precinct planning and infrastructure requirements for Austral under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

Finally, Al-Faisal College has advised the owner of the subject site that there are no plans to purchase the site for amalgamation into the school facility, which is evident by the fact that State Significant Development Application SSD-10445 has been lodged without the inclusion of the subject site.



Figure 6:

Al-Faisal College - secondary school  
landscape masterplan (source:  
Landscape Design Report prepared by  
Sym Studio)

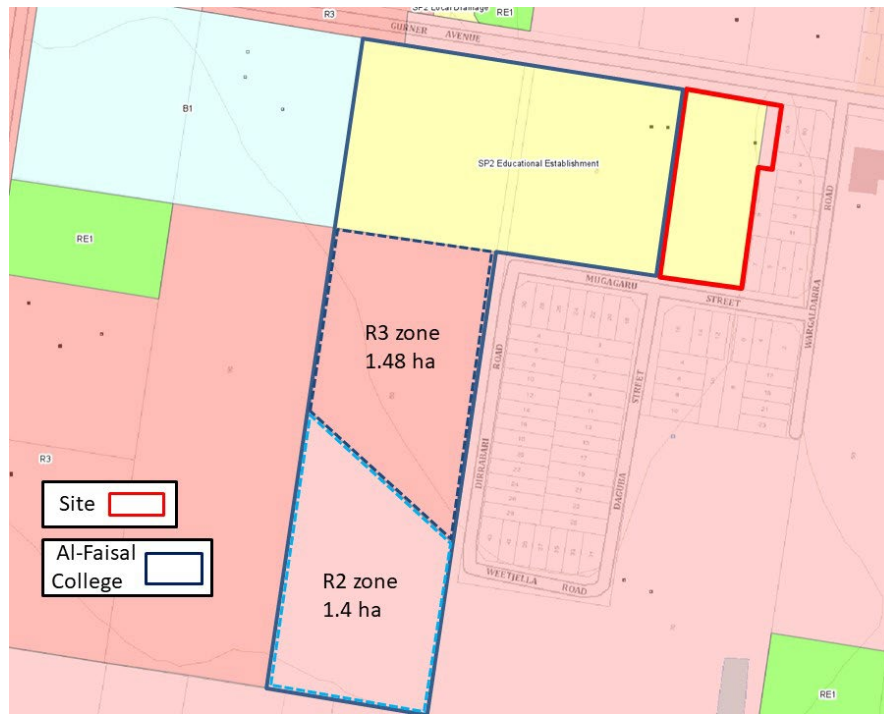


Figure 7:

Zoning extract showing the subject site and the proposed Al-Faisal College secondary school

#### 4.2 Schools Infrastructure NSW

On 2 February 2018, Schools Infrastructure NSW confirmed that the subject land is surplus to their requirements:

In reference to your previous correspondence and subsequent meeting of the 25th January 2018, I would like to confirm the advice given by School Infrastructure NSW (SINSW).

I am pleased to inform you that Lot B, DP411087 at 60 Gurner Avenue, Austral NSW 2179 and Lot 2, DP 749642 at 66 Gurner Avenue, Austral NSW 2179 are no longer required for school purposes and that SINSW will relinquish its acquisition rights to these sites.

After thorough consideration of the site, the demand for schools in the area and alternative options for delivering public education to Austral and surrounding areas, SINSW has determined that it will not purchase the site for the purpose of building a new school.

The proponent has had recent discussions with Schools Infrastructure who have provided a subsequent letter dated 11 April 2022 which confirms that their position has not changed.

## 5.0 PLANNING PROPOSAL

### 5.1 Overview

In accordance with section 3.33(2) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) a Planning Proposal is to be comprised of five (5) parts:

- Part 1 – A statement of the objectives and intended outcomes of the proposed instrument.
- Part 2 – An explanation of the provisions that are to be included in the proposed instrument.
- Part 3 – The justification for those objectives, outcomes and the process for their implementation.
- Part 4 – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.

Section 3.33(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a Planning Proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the Planning Proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each Planning Proposal.

The project timeline forms Part 6 of a Planning Proposal.

Section 5 of this report addresses and responds to the matters for consideration detailed within 'Planning Proposals - A Guide to Preparing Planning Proposals' (NSW Department of Planning and Environment, August 2016).

### 5.2 Part 1: Objectives or Intended Outcomes

The majority of the subject land is zoned SP2 Educational Establishment pursuant to State Environmental Planning Policy (Precincts—Western Parkland City) 2021, and is also identified on the Land Reservation Acquisition Map with an Education Establishment notating, with the relevant acquisition authority being the NSW Department of Education.

However, the subject site is relatively small being only 6,173 square metres in area and is also isolated from the western adjacent SP2 Educational Establishment zoned land, which is in the ownership of the Al-Faisal College. The College has lodged a State Significant Development application for a new school on its land, which also includes 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential.

As a result, Schools Infrastructure NSW have confirmed via correspondence dated 11 April 2022 that the site is surplus to its needs and it relinquishes its acquisition rights.

Furthermore, the Al-Faisal College proposal results in a loss of circa 2.9 hectares of land zoned for residential use, which otherwise would be developed to provide residential accommodation within Austral. This residential density has been taken into consideration in the formation of the precinct planning and infrastructure requirements for Austral under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

In order to allow the orderly and economic use of the subject site, it is proposed to amend State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as follows in relation to the site known as 60 Gurner Avenue, Austral (Lot 3 DP 1243352):

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential;

- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation;
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres; and
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare

The proposal has strategic merit as it will re-balance some of the loss of R2 Low Density Residential zoned land in Austral as a result of the Al-Faisal College proposed new school which is partially on R2 Low Density Residential and R3 Medium Density Residential land.

Furthermore, the proposal has site specific merit as the proposed replacement zone corresponds with the adjacent R2 Low Density Residential zoned land, and a concept subdivision plan accompanies this submission which demonstrates that the site is capable of being accommodating a residential subdivision which is consistent with the emerging pattern of subdivision within the visual catchment of the site.

In the absence of support for this Planning Proposal, the site will remain sterilised from being used for an orderly and economic purpose.

#### Objective

The objective of this Planning Proposal is to:

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential;
- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation;
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres; and
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare which matches the adjacent R2 Low Density Residential zone.

#### Intended Outcomes

The current zoning only allows for the use and development of the site for the purpose of a school, however, Schools Infrastructure have confirmed that the site is no longer required for school purposes.

The site is currently sterilised from being used for an appropriate alternative purpose. The intended outcome for the Planning Proposal is to allow the redevelopment of the site for low density residential housing, as illustrated in the concept plan of subdivision in Figure 8 below.

#### 5.3 Concept Plan of Subdivision

A conceptual plan of subdivision which could be achieved on the site as a result of the proposed amendments is provided below in Figure 8:

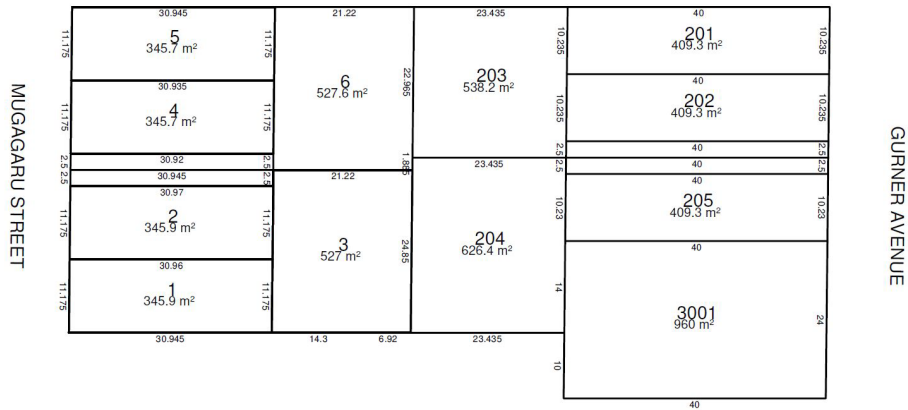


Figure 8:

Conceptual plan of subdivision for the subject site

5.4 Part 2: Explanation of Provisions

5.4.1 Proposed Changes to State Environmental Planning Policy (Precincts—Western Parkland City) 2021

This Planning Proposal seeks to amend to amend State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as follows in relation to the site known as 60 Gurner Avenue, Austral (Lot 3 DP 1243352):

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential;
- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation;
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres; and
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare which matches the adjacent R2 Low Density Residential zone.

5.5 Part 3: Justification

This Part of the Planning Proposal demonstrates both the strategic merit and site specific merit for the proposed amendments to the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as they apply to 60 Gurner Avenue, Austral (Lot 3 DP 1243352).

The table below contains the matters for consideration in Table 3 of The Local Environmental Plan Making Guideline which demonstrate that there is both strategic merit (Questions 1 to 7) and also site specific merit (Questions 8 to 12) for the proposal. The table contains a reference to the relevant section of this report where these questions are addressed.

<b>Strategic Merit</b>		
Section A – need for the planning proposal		
Question 1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	Section 5.5.1
Question 2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Section 5.5.2
Section B – relationship to the strategic planning framework		
Question 3	Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	Section 5.5.3
Question 4	Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	Section 5.5.4
Question 5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	Section 5.5.5
Question 6	Is the planning proposal consistent with applicable SEPPs?	Section 5.5.6
Question 7	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	Section 5.5.7
<b>Site-Specific Merit</b>		
Section C – environmental, social and economic		
Question 8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	Section 5.5.8
Question 9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	Section 5.5.9
Question 10	Has the planning proposal adequately addressed any social and economic effects?	Section 5.5.10
Section D – Infrastructure (Local, State and Commonwealth)		
Question 11	Is there adequate public infrastructure for the planning proposal?	Section 5.5.11
Section E – State and Commonwealth Interests		
Question 12	What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Section 5.5.12

**5.5.1 Question 1 - Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

The Planning Proposal is the result of Schools Infrastructure NSW advice that they no longer require the site for educational purposes and have relinquished its interest in the land.

**5.5.2 Question 2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. The Planning Proposal is the best and only means of achieving the objectives and intended outcomes for the site to allow the orderly and economic development of the site for low density residential housing.

Amendments to the SEPP maps can only be achieved via the LEP Planning Proposal process.

The proposed amendment to the Land Reservation Acquisition Map will remove the obligation for the NSW Government to acquire the land, in accordance with the Schools Infrastructure NSW advice.

The proposed amendments to the land use zone and building height will enable the orderly and economic development of the site for residential purposes.

**5.5.3 Question 3 - Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

[Greater Sydney Region Plan – A Metropolis of Three Cities](#)

In March 2018 the *Greater Sydney Region Plan - A Metropolis of Three Cities* was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The vision for Greater Sydney as a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A City supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The Plan provides 38 objectives concerning, Infrastructure and collaboration, Liveability, Productivity and Sustainability which are aimed at achieving the identified Directions.



The following table summarises the proposals consistency with relevant objectives of the Plan:

Objective	Comment	Consistent
<b>4. Liveability</b>		
Objective 10 Greater Housing Supply	<p>NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections.</p> <p>The proposed amendments will facilitate a residential density for a land area which is in fact less than the area of R2 and R3 zoned land which will be consumed by the Al-Faisal College. This will restore the loss of anticipated residential density and assist in meeting the intended housing supply in the area. This supply is appropriate having regard to the site characteristics and circumstance, and similar to the supply which would have occurred on the adjacent site.</p>	Yes

#### Western City District Plan

The Western City District Plan was also released in March 2018 and sets out a 20-year vision for the Western City District, which includes Liverpool local government areas.

The Western City District Plan sets out priorities and actions for the growth and development of the Western District. The Plan provides the district level framework to implement the directions, objectives, strategies and actions outlined in the Greater Sydney Region Plan.

The Western City District is identified as one of the most dynamic and rapidly growing regions in Australia and one which plays a pivotal role in Greater Sydney's future as an economic and employment powerhouse, a core hub for transport and services, and the home of vibrant and diverse centres and communities.

The following table summarises the Planning Proposal's consistency with relevant components of the Western City District Plan:

Chapter	Comment	Consistent
Infrastructure and Collaboration	The site is within close proximity to a planned retail centre as well as the recently completed Leppington station and the proposed amendments to the SEPP will allow for the appropriate development of the site for a commensurate density to that which was anticipated for the area. This will maximise the benefit provided by the recently completed and forthcoming infrastructure.	Yes
Liveability	The proposed amendments will facilitate a residential density for the site which is the equivalent, and in fact less than, that which was intended for the western adjacent College site. This will result in the partial restoration of the housing supply which was intended for the area. This supply is appropriate having regard to the site characteristics and circumstance.	Yes

Chapter	Comment	Consistent
Sustainability	<p>Planning Priority C15 is concerned with protecting and enhancing bushland, biodiversity and scenic and cultural landscapes.</p> <p>However, the subject site itself does not contain any native vegetation and no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation. Accordingly, the proposed amendments do not result in any change in relation to protecting and enhancing bushland, biodiversity and scenic and cultural landscapes.</p>	Yes

**5.5.4 Question 4 - Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

[Connected Liverpool 2040](#)

The Local Strategic Planning Statement (LSPS), Connected Liverpool 2040, details Council's priorities over the next 20 years of development, and provides a list of actions that make sure Council can meet those goals.

It lists our planning priorities across four areas: Connectivity, Productivity, Liveability, and Sustainability.

Under the Liveability priority, Austral is identified for housing growth of 10,000 to 20,000 new dwellings.

Connected Liverpool 2040 provides that the Liverpool Local Housing Study 2019 predicts demand for an additional 43,452 dwellings between 2016 and 2036. Taking into account existing growth areas and recent changes to City Centre planning controls to allow for more housing, Council's Local Housing Study indicates that there's enough zoned land to provide for 89,652 additional dwellings, more than enough to cater for projected demand.

However, in the subject circumstance, it is noted that the Al-Faisal College proposal results in a loss of 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential, which would have otherwise been developed to provide for residential accommodation within Austral. Therefore, the subject Planning Proposal is important in rebalancing, to some extent, this loss of residential capacity.

Whilst Local Planning Priority 7 prefers additional housing density to be focused in centres well serviced by public transport, the subject proposal does not involve additional or new density, rather a redistribution of residential density within the same catchment.

The Planning Proposal only seeks consent for an R2 Low Density Residential zone and corresponding dwelling density, which is the lowest order residential zone, and therefore is aligned with Local Planning Priority 8 which seeks to ensure that development remains largely low scale and sympathetic to local character.

**5.5.5 Question 5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?**

The minor nature of the proposal is such that it is not of significant consequence in relation to State and regional studies or strategies.

**5.5.6 Question 6 - Is the planning proposal consistent with applicable SEPPs?**

The Planning Proposal is consistent with all relevant State Environmental Planning Policies as summarised in the following table:

SEPP	Comment	Consistent
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Schools Infrastructure NSW has been clear in its communications that it no longer requires the land for a public school. The rezoning to R2 – Low Density Residential is appropriate and consistent with the prevailing land use.  A concept subdivision plan supports the proposal and identified that the R2 zoned portion of the site can accommodate 12 dwellings, consistent with adjoining residential land.  The adjacent land at 66-80 Gurner Avenue would be retained in its current SP2 – Educational Establishment zone and forms part of the proposed Al-Faisal College private school development.	Yes
State Environmental Planning Policy – (Transport and Infrastructure) 2021	The aim of SEPP Transport and Infrastructure is to facilitate the effective delivery of infrastructure across the State.  Detailed compliance with SEPP Transport and Infrastructure will need to be demonstrated in the development application.  Nonetheless, the redevelopment of the site for low density residential development will not meet the threshold to be characterised as traffic generating development.	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 Remediation of Land under State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the Planning Proposal.  The Planning Proposal does not contain provisions that will contradict or hinder the application of this SEPP.  Part of the subject site is already zoned R2 Low Density and the adjacent sites are also already zoned for this purpose and are being currently redeveloped for low density residential housing. Based on this and site's historical use, it is considered that the site has a low to medium risk of contamination. Furthermore, the site is already zoned for a sensitive use.  The future redevelopment of the site will need to be supported by a Preliminary Site Investigation.	Yes
State Environmental Planning Policy	The aim of SEPP BASIX is to encourage sustainable residential development.	Yes

SEPP	Comment	Consistent
(Building Sustainability Index: BASIX) 2004	The future redevelopment of the site for a residential buildings would be capable of complying with BASIX. Detailed compliance with BASIX will be demonstrated at the time of making an application for development.	
State Environmental Planning Policy (Housing) 2021	SEPP Housing aims to enable the development of diverse housing types, including purpose-built rental housing. Many of the forms of development provided under SEPP Housing such as co-living housing rely on a residential flat building or shop top housing being a permissible form of development. The Planning Proposal is not of any consequence as it will only support low density housing.	N/A
State Environmental Planning Policy (Primary Production) 2021	SEPP Primary Production aims to facilitate the orderly economic use and development of lands for primary production. The site does not currently comprise agricultural land, nor will the subject Planning Proposal make it possible to be used for primary production and so the Planning Proposal is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Biodiversity and Conservation) 2021	SEPP Biodiversity and Conservation aims to protect the biodiversity values of trees and other vegetation and includes provisions in relation to vegetation clearing and is predominantly aimed at providing controls in relation to vegetation in rural settings. The non-rural controls apply to the subject site irrespective of the subject Planning Proposal, which is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Industry and Employment) 2021	SEPP Industry and Employment includes provisions in relation to the western Sydney employment area, as well as controls relating to signage. The subject site is not located within the western Sydney employment area and so this component of the SEPP is irrelevant for the purpose of the subject Planning Proposal.	N/A
State Environmental Planning Policy (Planning Systems) 2021	SEPP Planning Systems comprises provisions which identify state and regional development, development on Aboriginal land, and concurrences required. These provisions are not of direct relevance to the subject Planning Proposal, however, may be relevant to future development applications made possible as a result of the Planning Proposal.	N/A
State Environmental Planning Policy (Exempt and Development Codes) 2008	SEPP Codes provides a range of exempt and complying development. The subject Planning Proposal is not of any consequence in relation to SEPP Codes.	N/A

**5.5.7 Question 7 - Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?**

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

S.9.1 Direction No. and Title	Comment	Consistent
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. The Proposal is consistent with the Greater Sydney Region Plan and the Western City District Plan as detailed in section 5.5.3 of this report.	N/A
1.2 Development of the Aboriginal Land Council	Not Applicable.	N/A
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.  In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the site as designated development.	Yes
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.  In this instance, the Planning Proposal does not seek any site specific provisions.	Yes
Focus Area 1: Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.7 Implementation of Greater Parramatta	Not Applicable	N/A

S.9.1 Direction No. and Title	Comment	Consistent
Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Applicable	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Applicable	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable	N/A
1.14 Implementation of Greater Macarthur 2040	Not Applicable	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not Applicable	N/A
1.16 North West Rail Link Corridor Strategy	Not Applicable	N/A
1.17 Implementation of the Bays West Place Strategy	Not Applicable	N/A
Focus Area 3: Biodiversity and Conservation		

S.9.1 Direction No. and Title	Comment	Consistent
3.1 Conservation Zones	Not Applicable	N/A
3.2 Heritage Conservation	The site is not an identified heritage item or within a conservation area. The site is not located within the immediate vicinity of any heritage items.	N/A
3.3 Sydney Drinking Water Catchments	Not Applicable	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable	N/A
3.5 Recreation Vehicle Areas	Not Applicable	N/A
Focus Area 4: Resilience and Hazards		
4.1 Flooding	The site is not flood affected.	N/A
4.2 Coastal Management	Not Applicable	N/A
4.3 Planning for Bushfire Protection	The site is not identified as Bushfire Prone Land nor is it located in close proximity to land mapped as bushfire prone land.	N/A
4.4 Remediation of Land	<p>Part of the site is already zoned to allow residential use and this Planning Proposal only expands this zoning across the remainder of the site.</p> <p>The adjacent sites are also already zoned for this purpose and are being currently redeveloped for low density residential housing. Based on this and site's historical use, it is considered that the site has a low to medium risk of contamination. Furthermore, the site is already zoned for a sensitive use, being for an Educational Establishment.</p> <p>The future redevelopment of the site will need to be supported by a Preliminary Site Investigation.</p>	Yes
4.5 Acid Sulphate Soils	The site is not identified as Class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soil Map. Accordingly, this Direction is not applicable to the Proposal.	N/A
4.6 Mine Subsidence and Unstable Land	Not Applicable.	N/A
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	The site is within close proximity to a planned retail centre as well as the recently completed Leppington station and the proposed	Yes

S.9.1 Direction No. and Title	Comment	Consistent
	amendments to the SEPP will allow for the appropriate development of the site for a commensurate density to that which was anticipated for the area. This will maximise the benefit provided by the recently completed and forthcoming infrastructure.	
5.2 Reserving Land for Public Purposes	The Planning Proposal seeks to change the use of the land from surplus SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential.  Schools Infrastructure NSW has confirmed via a letter dated 11 April 2022 that they relinquish their interest in the subject site for future school purposes and therefore, acquisition is not required.	Yes
5.3 Development Near Regulated Airports and Defence Airfields	The site is a significant distance from any regulated airport or defence fields. In addition, the Planning Proposal does not involve any increase to the existing height controls on the site and therefore is of no impact to airfields.	Yes
5.4 Shooting Ranges	Not Applicable.	N/A
Focus Area 6: Housing		
6.1 Residential Zones	Whilst a small part of the site is currently zoned R2 Low Density Residential, the purpose of the Planning Proposal is to allow the delivery of a modest provision of low density residential accommodation on the site, which will assist in rebalancing some of the lost residential density as a result of the proposed Al-Faisal College which will consume 1.4 hectares of land zoned R2 Low Density Residential and 1.48 hectares of land zoned R3 Medium Density Residential.	Yes
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable.	N/A
Focus Area 7: Industry and Employment		
7.1 Business and Industrial Zones	Not Applicable.	N/A
7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable.	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.	N/A
Focus Area 8: Resources and Energy		



S.9.1 Direction No. and Title	Comment	Consistent
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable.	N/A
Focus Area 9: Primary Production		
9.1 Rural Zones	Not Applicable.	N/A
9.2 Rural Lands	Not Applicable.	N/A
9.3 Oyster Aquaculture	Not Applicable.	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.	N/A

**5.5.8 Question 8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?**

The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats. The site itself does not contain any existing native vegetation. No further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation.

**5.5.9 Question 9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

There are no negative environmental effects which would arise as a result of the Planning Proposal. There are no hazards that impact the site or environmental effects resulting from the future redevelopment of the site that would preclude consideration of the Planning Proposal.

The conversion of the subject site to a residential zone will in fact result in reduced impacts to the neighbouring residential land when compared to impacts associated with a school in respect of noise, traffic and visual bulk.

In relation to the interface of the proposed new Low Density Residential land and potential adverse impacts from the adjacent proposed Al-Faisal College private school development, it is noted that is already an interface between the proposed College and adjacent or opposite low to medium density residential land. The State Significant Development application for the proposed College already addresses impacts associated with the proposal to residential amenity and in particular noise. The Noise and Vibration Impact Assessment submitted with that application provides (Source: EIS prepared by Planning Ingenuity, Ref M160429 dated 17 November 2020):

Schools traditionally form an essential part of all residential communities. Noise emissions from students engaged in active outdoor

games are unlikely to achieve a "background + 5 dBA" criterion adjacent to the site boundary. This is common across all educational facilities, particularly if the students are located near the boundary, and is often the case, in close proximity to residences.

In general, the impact of outdoor activity noise from schools is considered to be sufficiently mitigated by the site zoning and the limited periods of outdoor recreational and physical activities, during the school year, and, as such, does not typically warrant quantitative assessment.

The proposed amendments to State Environmental Planning Policy (Precincts—Western Parkland City) 2021 will support the redevelopment of the subject site in an appropriate manner which is commensurate with (and in fact less than) that which was intended on the adjacent site where the Al-Faisal College private school development is proposed. Therefore, the proposed amendment will not give rise to any adverse environmental effects.

Due to the minor nature of the Planning Proposal, there are no specific environmental considerations relevant to the proposal:

- The site itself does not contain any existing native vegetation and so the Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats.
- The site is not bushfire prone land.
- The site is not flood affected.
- Traffic generation associated with the R2 Low Density Residential zone will be significantly less than that which would result from an educational facility on the site.
- In relation to contamination, any future development application for the site will need to be accompanied by a Preliminary Site Investigation and potentially a Detailed Site Investigation which examines the potential for contamination on the site, and whether a Remediation Action Plan is required.

#### **5.5.10 Question 10 - Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal has no expected negative social effects.

##### *Housing*

The Planning Proposal will provide positive social and economic effects to Austral as it facilitates the orderly and efficient development of land for urban development and will contribute additional housing supply.

The Planning Proposal seeks to provide a zone which is consistent with that of the adjacent land to the east and the south. This will facilitate a modest residential subdivision which is consistent with the emerging subdivision pattern within the locality and immediate context.

*Education Infrastructure*

While the site was identified at precinct planning stage as the location for a future school, the decision not to construct a public educational establishment on the site is a decision of the NSW Government, based on current policy and demographic needs assessment by Schools Infrastructure NSW.

This Planning Proposal is the result of Schools Infrastructure NSW advice that they no longer require the subject site and seeks to make amendments to enable the efficient use of surplus Education land. The Planning Proposal itself has not generated the change in location of a future school site.

**5.5.11 Question 11 - Is there adequate public infrastructure for the Planning Proposal?**

Required electricity, telecommunication, gas, water, sewer and drainage services are available to the site.

A Feasibility Letter from Sydney Water accompanies this application which confirms that the existing 100mm and 150mm water main in Gurner Avenue are capable of servicing Lots 201 to 205 and 3001 in the concept plan of subdivision, whilst the existing 100mm water main in Mugagaru Avenue is capable of servicing Lots 1 to 6 in the concept plan of subdivision. In relation to sewer, the concept subdivision will drain to Sewer Pumping Station 1190 and a wastewater main extension will be required to be constructed to service all lots except draft lot 3001 which is already serviced.

The site is well serviced by existing and forthcoming public transport infrastructure. The proposal will not result in any residential beyond that which is already anticipated in the catchment, and is effectively partially replacing the residential accommodation which will be forgone on the adjacent sites.

The future subdivision of the site will include a S7.11 contribution to be paid to assist Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery in the area. Furthermore, the future subdivision of the site will also include the requirement for the payment of a special infrastructure contribution in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011.

**5.5.12 Question 12 - What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Relevant public authorities will be consulted following the Gateway determination.

**5.6 Part 4: Mapping**

The Planning Proposal will require the amendment of:

- the land zoning map referenced in State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as it applies to the subject site to introduce an R2 Low Density Residential zone to the site.
- the height map referenced in State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as it applies to the subject site to introduce a 9 metre height to the site.
- the Land Reservation Acquisition Map referenced in State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as it applies to the subject site by removing the yellow colouring and Educational Establishment notation

- the Dwelling Density Map referenced in State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as it applies to the subject site by changing the minimum dwelling density from 25 to 15 dwellings per hectare

#### 5.7 Part 5: Community Consultation

Liverpool City Council have been consulted during the preparation of the subject Planning Proposal.

The Local Environmental Plan Making Guideline produced by the NSW Department of Planning and Environment sets out the community consultation requirements for Planning Proposals. The guide indicates that consultation will be tailored to specific Proposals. The exhibition for standard Planning Proposals will generally be 20 working days whilst complex Planning Proposals will be 30 working days.

The proposal is considered to be a standard Planning Proposal as it is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

Given that the proposal, and in particular the height and FSR, reflect the scale and density of the already approved building on the site, it would be appropriate to exhibit the Planning Proposal for 20 days as it is considered to be a standard Planning Proposal.

Community consultation is to be commenced by giving notice of the public exhibition of the Planning Proposal in a local newspaper, on the Council website and in writing to adjoining landowners.

The written notice of the Planning Proposal will:

- give a brief description of the objectives or intended outcomes of the Planning Proposal
- indicate the land affected by the Planning Proposal
- state where and when the Planning Proposal can be inspected
- give the name and address of the relevant planning authority (Liverpool City Council) for the receipt of submissions
- indicate the last date for submissions
- confirm whether delegation for making the LEP has been issued to the relevant planning authority.

#### 5.8 Part 6: Project Timeline

The Project timeline will be dependent on Liverpool City Council and the Department of Planning.

However, the expected timeframes for each stage are summarised in the following table.

Stage	Timeframe
Consideration by Council	September 2022 - May 2024
Council decision	July 2024
Gateway Determination	August 2024
Pre-exhibition	August 2024
Commencement and completion of public exhibition period	September 2024

Stage	Timeframe
Post-exhibition review and additional studies	October 2024
Submission to the Department for finalisation	November 2024
Gazettal of LEP amendment	December 2024

## 6.0 CONCLUSION

The purpose of the Planning Proposal is to amend the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 as follows:

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential; and
- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres.
- Amend the minimum dwelling density from 25 to 15 dwellings per hectare

The Planning Proposal is necessary to:

- Reflect the fact that the site is now surplus to the needs of Schools Infrastructure NSW;
- Remedy the sterilisation of the site for the redevelopment for its intended purpose as a result of the future Al-Faisal College redevelopment;
- Rebalance the loss of residential capacity in Austral as a result of the future Al-Faisal College redevelopment; and
- Provide for the economic and orderly development of the land for an appropriate use.

The proposal is demonstrated to have both strategic and site merit and is consistent with 'A Metropolis of Three Cities', the Western City District Plan and the Liverpool Local Strategic Planning Statement and will facilitate the orderly and economic use of the site.

The proposal is in the public interest as it will replace a redundant zoning with an appropriate zone which will allow for additional low density housing in an ideal location. In the absence of support for this Planning Proposal, the site will be sterilised from being redeveloped for orderly and economic development.

For the reasons outlined above it is appropriate for Liverpool City Council, as the relevant planning authority, to support the Planning Proposal.

**SUTHERLAND & ASSOCIATES PLANNING**

APPENDIX A

Schools Infrastructure NSW

LETTER CONFIRMING SITE IS SURPLUS

A

**SUTHERLAND & ASSOCIATES PLANNING**

APPENDIX B

Sydney Water

FEASIBILITY LETTER

B



**SUTHERLAND & ASSOCIATES PLANNING**

APPENDIX C

TTPA

TRAFFIC ASSESSMENT

C

**SUTHERLAND & ASSOCIATES PLANNING**

APPENDIX D

[Appendix Author]

CONCEPT PLAN OF SUBDIVISION

D



DOC18/85350

[REDACTED]  
GLN Planning  
GPO Box 5013  
Sydney NSW 2001

**Response to query on 60-80 Gurner Avenue, Austral NSW 2179**

Dear Mr Cooper,

In reference to your previous correspondence and subsequent meeting of the 25<sup>th</sup> January 2018, I would like to confirm the advice given by School Infrastructure NSW (SINSW).

I am pleased to inform you that Lot B, DP411087 at 60 Gurner Avenue, Austral NSW 2179 and Lot 2, DP749642 at 66 Gurner Avenue, Austral NSW 2179 are no longer required for school purposes and that SINSW will relinquish its acquisition rights to these sites.

After thorough consideration of the site, the demand for schools in the area and alternative options for delivering public education to Austral and surrounding areas, SINSW has determined that it will not purchase the site for the purpose of building a new school.

Please contact [REDACTED] Assets Planner on [REDACTED] should you require further information.

Yours sincerely,

[REDACTED]  
**Director Schools Planning**  
2 February 2018



████████████████████  
Director,  
AFC Academy Pty Ltd.  
Suite 8.03, Level 8, 14 Martin Pl  
Sydney NSW 2000

AMD22/6827

11 April 2022

Dear ██████████

**Re: Response to queries on 60 Gurner Ave, Austral NSW 2179**

In reference to your previous correspondence and the Letter (DOC18/85350) that School Infrastructure NSW (SINSW) issued to the previous landowner on 2 February 2018, I would like to confirm the advice given by SINSW.

After consideration of the subject site, SINSW has determined that it will reaffirm its decision to relinquish its acquisition rights to Lot 3, DP1243352 at 60 Gurner Ave, Austral NSW 2179.

We trust that this now satisfies your queries in relation to the subject property.

If you require any further clarification in regard to this matter please do not hesitate to contact ██████████ A/Senior Property Officer, Acquisitions and Divestments, at ██████████

Yours sincerely

████████████████████  
████████████████████

████████████████████  
R/Executive Director, Infrastructure Planning SINSW



**Attachment A: Location of 60 Gurner Ave, Austral**



Eagleyes – April 2022





[REDACTED]  
Director,  
AFC Academy Pty Ltd.  
Suite 8.03, Level 8, 14 Martin Pl  
Sydney NSW 2000

AMD22/6827

11 April 2022

Dear Mr. Abboud,

**Re: Response to queries on 60 Gurner Ave, Austral NSW 2179**

In reference to your previous correspondence and the Letter (DOC18/85350) that School Infrastructure NSW (SINSW) issued to the previous landowner on 2 February 2018, I would like to confirm the advice given by SINSW.

After consideration of the subject site, SINSW has determined that it will reaffirm its decision to relinquish its acquisition rights to Lot 3, DP1243352 at 60 Gurner Ave, Austral NSW 2179.

We trust that this now satisfies your queries in relation to the subject property.

If you require any further clarification in regard to this matter please do not hesitate to contact [REDACTED] Acquisitions and Divestments, at [REDACTED]

Yours sincerely

[REDACTED]  
R/Executive Director, Infrastructure Planning SINSW



**Attachment A: Location of 60 Gurner Ave, Austral**



Eagleyes – April 2022







Ref No.: RZ-7/2022  
Contact: Danielle Hijazi  
Ph: 8711 7627  
Date: 12 Sep 2022

School Infrastructure NSW  
GPO Box 33  
Sydney NSW 2001

Via email: [StrategicPlanning@det.nsw.edu.au](mailto:StrategicPlanning@det.nsw.edu.au)

Dear SINSW Strategic Planning Team,

**Re: Planning Proposal – 60 Gurner Avenue, Austral**

Council is in receipt of a planning proposal at Lot 3 DP 1243352, 60 Gurner Avenue, Austral. The Planning Proposals seeks to:

- Amend the zone from SP2 Educational Establishment to R2 Low Density Residential;
- Amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation; and
- Amend the 'Height of Buildings Map' from 12 metres to 9 metres.

Austral is a suburb in the South West Growth Area (SWGA) which has changed considerably in the last decade from agricultural and rural residential areas to large new release urban development. The population growth in Austral is predicted to reach 17,083 by the year 2041 based on the minimum dwelling density planning control under the Growth Area SEPP. In reality the future number of dwellings will be much higher given the increase in density above and beyond the stipulated minimum density controls.

Accordingly, Council is seeking insight from SINSW in relation to future school planning in the locality. In this regard, Council would also welcome the opportunity to work with SINSW to determine suitable locations for schooling purposes.

Previous Advice from SINSW

Correspondence to the proponent was received from NSW Department of Education on 2 February 2018 and 11 April 2022 (see **Attachment 1**) detailing that the site is no longer required for school purposes and that SINSW will relinquish its acquisition rights to the site.

In order for the assessment of the planning proposal to progress, Council is seeking formal clarification from SINSW to confirm that the site at Lot 3 DP 1243352, 60 Gurner Avenue, Austral will not be required for school purposes and that SINSW will relinquish its acquisition rights to the site.



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170

**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871

**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)

**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471



Should you require any further information on this matter, please do not hesitate to contact Danielle Hijazi, Assistant Strategic Planner on 8711 7627 or [hijazid@liverpool.nsw.gov.au](mailto:hijazid@liverpool.nsw.gov.au).

Yours sincerely



**Luke Oste**  
Coordinator Strategic Planning

**Attachment 1: Previous correspondence from applicant with SINSW**



DOC18/85350

[REDACTED]  
GLN Planning  
GPO Box 5013  
Sydney NSW 2001

**Response to query on 60-80 Gurner Avenue, Austral NSW 2179**

Dear Mr Cooper,

In reference to your previous correspondence and subsequent meeting of the 25<sup>th</sup> January 2018, I would like to confirm the advice given by School Infrastructure NSW (SINSW).

I am pleased to inform you that Lot B, DP411087 at 60 Gurner Avenue, Austral NSW 2179 and Lot 2, DP749642 at 66 Gurner Avenue, Austral NSW 2179 are no longer required for school purposes and that SINSW will relinquish its acquisition rights to these sites.

After thorough consideration of the site, the demand for schools in the area and alternative options for delivering public education to Austral and surrounding areas, SINSW has determined that it will not purchase the site for the purpose of building a new school.

Please contact [REDACTED] should you require further information.

Yours sincerely,

[REDACTED]  
**Director Schools Planning**  
2 February 2018



██████████  
Director,  
AFC Academy Pty Ltd.  
Suite 8.03, Level 8, 14 Martin Pl  
Sydney NSW 2000

AMD22/6827

11 April 2022

Dear ██████████

**Re: Response to queries on 60 Gurner Ave, Austral NSW 2179**

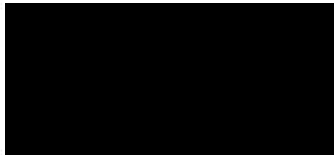
In reference to your previous correspondence and the Letter (DOC18/85350) that School Infrastructure NSW (SINSW) issued to the previous landowner on 2 February 2018, I would like to confirm the advice given by SINSW.

After consideration of the subject site, SINSW has determined that it will reaffirm its decision to relinquish its acquisition rights to Lot 3, DP1243352 at 60 Gurner Ave, Austral NSW 2179.

We trust that this now satisfies your queries in relation to the subject property.

If you require any further clarification in regard to this matter please do not hesitate to contact ██████████ Acquisitions and Divestments, at ██████████

Yours sincerely



R/Executive Director, Infrastructure Planning SINSW



If you do not understand this letter/application, please ring the Telephone Interpreter Service (131 450) and ask them to contact Council (1300 362 170). Office hours are 8.30 am to 5.00 pm, Monday to Friday.

#### ARABIC

إذا لم تستطع فهم هذا الطلب ، الرجاء الاتصال بخدمة الترجمة الهاتفية على رقم 131 450 واسألهم أن يتصلوا بالبلدية على رقم 1300 362 170 . دوام ساعات العمل هي من الساعة 8.30 صباحًا إلى 5.00 بعد الظهر من الاثنين إلى الجمعة.

#### CHINESE

如您看不懂此信 / 申請書，請打電話給「電話翻譯服務台」(131 450)，請他們聯絡市政廳(市政廳電話 1300 362 170)。市政廳辦公時間，星期一至星期五，上午八時三十分至下午五時。

#### CROATIAN

Ako ne razumijete ovo pismo/aplikaciju, molimo nazovite Službu prevodilaca i tumača (Translating and Interpreting Service - na broj 131 450) i zamolite ih da nazovu Općinu (na 1300 362 170). Radno vrijeme je od 8.30 ujutro do 5.00 popodne, od ponedjeljka do petka.

#### GERMAN

Wenn Sie diesen Brief/Antrag nicht verstehen können, rufen Sie bitte den Telefon Dolmetscher Dienst (Telephone Interpreter Service) (131 450) an und lassen Sie sich vom Personal mit dem Gemeinderat (Council) in Verbindung setzen (1300 362 170). Geschäftsstunden sind von 8:30 bis 17:00 Uhr, montags bis freitags.

#### GREEK

Αν δεν καταλαβαίνετε αυτή την επιστολή/αίτηση, σας παρακαλούμε να τηλεφωνήσετε στην Τηλεφωνική Υπηρεσία Διερμηνέων (131 450) και να τους ζητήσετε να επικοινωνήσουν με το Δημοτικό Συμβούλιο (1300 362 170). Τα γραφεία του είναι ανοιχτά από τις 8.30π.μ. μέχρι τις 5.00μ.μ. από Δευτέρα μέχρι και Παρασκευή.

#### HINDI

अगर आप इस पत्र/आवेदन को पढ़कर समझ नहीं पा रहे हैं तो कृपया टेलीफोन सहायक सेवा (131 450) को फोन करें और उनसे काउंसिल (1300 362 170) से संपर्क करने को कहें। कार्यालय का समय सोमवार से शुक्रवार तक प्रातः ८:३० बजे से सायं ५:०० तक है।

#### ITALIAN

Se non comprendi questa lettera/questo modulo di domanda, telefona al Servizio traduzioni e interpreti al numero 131 450 chiedendo di essere messo in contatto con il Comune (telefono 1300 362 170). Orario d'ufficio: ore 8.30 -17.00, dal lunedì al venerdì.

#### KHMER

បើលោកអ្នកមិនយល់ពីអត្ថន័យប្រការប្រតិបត្តិទេស រដ្ឋ ទូរស័ព្ទទៅសេវាបកប្រែភាសាភាសាទូរស័ព្ទ (លេខ 131 450) ហើយស្នើសុំឱ្យគេទាក់ទងសាលាក្រុង (លេខ 1300 362 170)។ ពេលម៉ោងធ្វើការគឺម៉ោង 8 កន្លះព្រឹកដល់ម៉ោង 5 ល្ងាច ពីថ្ងៃចន្ទដល់ថ្ងៃសុក្រ

#### MACEDONIAN

Ako ne go razbirate ova pismo/aplikacija, ve molime da se javite vo Telefonската преведувачка служба на 131 450 и замолете ги да стапат во контакт со Општината на 1300 362 170. Работното време е од 8.30 часот наутро до 5.00 часот попладне од понеделник до петок.

#### MALTESE

Jekk ma tifhimx din l-ittra/applikazzjoni, jekk joghgbok ċempel lis-Servizz ta' l-Interpretu bit-Telefon (131 450) u itlobhom jikkuntattjaw il-Kunsill (1300 362 170). Il-hinijiet ta' l-Uffiċċju huma mit-8.30a.m. sal-5.00p.m., mit-Tnejn sal-Gimgha.

#### POLISH

Jeśli nie rozumiesz treści niniejszego pisma/podania, zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service) pod numer 131 450 i poproś o telefoniczne skontaktowanie się z Radą Miejską pod numerem 1300 362 170. Godziny urzędowania: 08.30-17.00 od poniedziałku do piątku.

#### SERBIAN

Ako ne razumete ovo pismo/aplikaciju, molimo vas da nazovete Telefonску преводилачку службу (131 450) и замолите их да контактирају Општину (1300 362 170). Радно време је од 8.30 ујутро до 5.00 поподне, од понедељка до петка.

#### SPANISH

Si Ud. no entiende esta carta/solicitud, por favor llame al Servicio Telefónico de Intérpretes (131 450) y pídales que llamen a la Municipalidad (Council) al 1300 362 170. Las horas de oficina son de 8:30 am a 5:00 pm, de lunes a viernes.

#### TURKISH

Bu mektubu veya müracaatı anlayamazsanız, lütfen Telefon Tercüme Servisi'ne (131 450) telefon ederek Belediye ile (1300 362 170) ilişkiye geçmelerini isteyiniz. Çalışma saatleri Pazartesi - Cuma günleri arasında sabah saat 8:30 ile akşam 5:00 arasındır.

#### VIETNAMESE

Nếu không hiểu thư/đơn này, xin Quý Vị gọi cho Telephone Interpreter Service (Dịch Vụ Thông Dịch Qua Điện Thoại), số 131 450, và nhờ họ liên lạc với Council (Hội Đồng), số 1300 362 170. Giờ làm việc là 8 giờ 30 sáng đến 5 giờ 00 chiều, Thứ Hai đến Thứ Sáu.



Case Number: 200500

August 10, 2022

60 Gurner Ave Pty Ltd  
c/- NORTH WESTERN SURVEYS PTY LTD.

## Feasibility Letter

**Developer:** 60 Gurner Ave Pty Ltd  
**Your reference:** 19348 - Feaso  
**Development:** Lot 3 DP 1243352 - 60 GURNER AVE, Austral  
**Development Description:** Proposed Subdivision consisting of 12 lots with servicing made to accommodate subdivision  
**Your application date:** July 28, 2022

Dear Applicant

This Feasibility Letter (Letter) is a guide only. It provides general information about what our requirements could be if you applied to us for a Section 73 Certificate (Certificate) for your proposed subdivision. **The information is accurate at today's date only.**

We have not allocated any system capacity to your proposal from the investigation into this Feasibility advice. This advice is only an indication of our systems and possible requirements as of today. Where there is system capacity, it may have been fully utilised by the time you obtain a Consent. The requirements applied to any approved Development proposal may differ significantly in the future since the original advice was issued.

If you obtain development consent for that subdivision from your consent authority (this is usually your local Council) they will require you to apply to us for a Section 73 Certificate. You will need to submit a new application (and pay another application fee) to us for that Certificate by using your current or another Water Servicing Coordinator (WSC).

We'll then send you either a:

- Notice of Requirements (Notice) and Developer Works Deed (Deed)  
or
- Certificate.

These documents will be the definitive statement of our requirements.

There may be changes in our requirements between the issue dates of this Letter and the Notice or Certificate. The changes may be:

- if you change your proposed development eg the development description or the plan/site layout, after today, the requirements in this Letter could change when you submit your new application
- if you decide to do your development in stages then you must submit a new application (and pay another application fee) for each stage.

**No warranties or assurances can be given about the suitability of this document or any of its provisions for any specific transaction. It does not constitute an approval from us and to the extent that it is able, we limit its liability to the reissue of this Letter or the return of your application fee. You should rely on your own independent professional advice.**

## What You Must Do To Get A Section 73 Certificate In The Future.

To get a Section 73 Certificate you must do the following things. You can also find out about this process by visiting [Plumbing, building & developing](#) page on our website.

1. **Obtain Development Consent from the consent authority for your subdivision proposal.**
2. **Engage a Water Servicing Coordinator (WSC).**

**You must engage your current or another authorised WSC** to manage the design and construction of works that you must provide, at your cost, to service your subdivision. If you wish to engage another WSC (at any point in this process) you must write and tell us.

You'll find a list of WSC's at [Listed providers](#) on our website.

The WSC will be your point of contact with us. They can answer most questions that you might have about the process and developer charges and can give you a quote or information about costs for services/works (including our costs).

### 3. **Developer Works Deed**

**After** the WSC has submitted your new application, they'll receive the our Notice and Developer Works Deed. You and your accredited Developer Infrastructure Providers (Providers) will need to sign and lodge both copies of the Deed with your nominated Coordinator. After we've signed the documents, one copy will be returned to the WSC.

The Deed sets out for this project:

- your responsibilities
- our responsibilities
- the Provider's responsibilities.

**You must do all the things that we ask you to do in that Deed.** This is because lots in your subdivision do not have water and sewer services and you must construct and pay for the following works extensions under this Deed to provide these services.

**Note:** The Coordinator must be fully authorised by us for the whole time of the agreement.

#### 4. Water and Sewer Works

##### 4.1 Water

Each lot in your subdivision must have:

- a frontage to a drinking water main that is the right size and can be used for connection
- its own connection to that water main and a property service (main to meter) that is available for the fitting of a meter.

We've assessed your application and found that:

- The existing 100mm and 150mm water main in Gurner Avenue will serve Lots 201 to 205 and 3001. Each lot in your subdivision must have its own connection to that water main and a water service and meter.
- The existing 100mm water main in Mugagaru Avenue will serve Lots 1 to 6. Each lot in your subdivision must have its own connection to that water main and a water service and meter.
- **You must provide a water service connection and property service (also known as a "property service (main to meter) at your cost for all lots off the existing water main in Gurner Avenue and Mugagaru Street and your WSC must manage the work. See section below for details.**
- The existing water property service and meter may be used as a property service (main to meter) for one of the proposed lots if it is located in an appropriate position. Your WSC will be able to provide further advice regarding this.
- **Property Service (Main to Meter) Installation Details**

The property service connection must be carried out by a Sydney Water listed Driller and the installation of the property service must either be carried out or supervised by a licensed plumber. They must meet the:

- (a) Administrative requirements of the New South Wales Code of Practice for Plumbing and Drainage; and
- (b) Our Property Service (Main to Meter) Installations Technical Requirements.

**Before the Certificate can issue, your Coordinator must give us:**



- All the “Work as Constructed” information that shows what was constructed
- Certification that the property service works comply with our requirements.

#### 4.2 Sewer

Each lot in your subdivision must have a sewer main that is the right size and can be used for connection. That sewer must also have a connection point within each lot's boundaries.

We've assessed your application and found that:

- Your development will drain to Sewer Pumping Station 1190.
- **You must construct a wastewater main extension to serve Lots 1 to 6 and lots 201 to 205 of the wastewater main constructed under case 171536. Lot 3001 is served.** The terms of the Deed define this extension as 'Major Works'.
- Detailed sizing will be confirmed at Section 73 stage.

#### Funding of works

Under our 'Funding of infrastructure to service growth' policy we may agree to contribute towards a portion of the cost of the works you are required to build. This is done either by our Schedule of Rates or via the Procurement process. Your WSC can advise you in relation to this policy, the likelihood of us sharing a portion of the cost and the process you need to satisfy our probity requirements.

If you do choose to request a quote through the Schedule of Rates for our contribution you will avoid going through the full procurement process. Your WSC can advise you of this option.

The funding assessment will be made at the detailed design stage, prior to any construction works commencing. A firm commitment would not be made by us until we:

- Have reviewed the detailed design
- Have reviewed the detailed construction quotations needed to meet our probity requirements
- Come to an agreement on the amount.

## 5. Ancillary Matters

### 5.1 Asset adjustments

After we issue this Notice (and more detailed designs are available), we may require that the water main/sewer main/stormwater located in the footway/your property needs to be adjusted/deviated. If this happens, you'll need to do this work as well as the extension we have detailed above at your cost. The work must meet the conditions of this Notice and you will need to complete it **before we can issue the Certificate**. We'll need to see the completed designs for the work, and we'll require you to lodge a security. The security will be refunded once the work is completed.

### 5.2 Entry onto neighbouring property

If you need to enter a neighbouring property, you must have the written permission of the relevant property owners and tenants. You must use our **Permission to Enter** form(s) for this. You can get copies of these forms from your WSC or on our website. Your WSC can also negotiate on your behalf. Please make sure that you address all the items on the form(s) including payment of compensation and whether there are other ways of designing and constructing that could avoid or reduce their impacts. You will be responsible for all costs of mediation involved in resolving any disputes. Please allow enough time for entry issues to be resolved.

### 5.3 Costs

Construction of these **future** works will require you to pay project management, survey, design, and construction costs **directly to your suppliers**. Additional costs payable to us may include:

- water main shutdown and disinfection
- connection of new water mains to our system(s)
- design and construction audit fees

- contract administration, Operations Area Charge & Customer Redress prior to project finalisation
- creation or alteration of easements etc
- water usage charges where water has been supplied for building activity purposes prior to disinfection of a newly constructed water main.

Note: Payment for any Goods and Services (including Customer Redress) provided by Sydney Water will be required prior to the issue of the Section 73 Certificate or release of the Bank Guarantee or Cash Bond.

Your WSC can tell you about these costs.

#### **OTHER THINGS YOU MAY NEED TO DO:**

Shown below are other things you need to do that are NOT a requirement for the Certificate. They may well be a requirement from us in the future because of the impact of your development on our assets. You must read them before you go any further.

#### **Approval of your building plans**

Please note that the building plans must be approved when each lot is developed. This can be done at in our Tap in™ system [Sydney Water Tap in™](#).

**This is not a requirement for the Certificate**, but the approval is needed because the construction/building works may affect our assets (e.g. water, sewer, and stormwater mains).

If our stormwater channel, pipe, or culvert is located within ten (10) metres of your development site it must be referred to us for a detailed review.

Your Coordinator can tell you about the approval process including:

- Possible requirements
- Their costs
- Timeframes.

If your building plans need to be referred to us for detailed review you will be required to pay us for the costs associated with the detailed review.

**Note: You must obtain our written approval before you do any work on our systems. We'll take action to have work stopped on the site if you do not have that approval. We will apply Section 44 of the *Sydney Water Act 1994*.**

### **Backflow Prevention Water supply connections**

A backflow prevention containment device appropriate to the property's hazard rating must be installed at the property boundary. The device is to be installed on all water supplies entering the property, regardless of the supply type or metering arrangements. It is needed to reduce the risk of contamination by backflow from these supplies.

A licensed plumber with backflow accreditation can advise you of the correct requirements for your property. To view a copy of our Backflow Prevention Policy and a list of backflow accredited plumbers [Plumbing, building & developing](#).

### **The water service for your development**

We don't consider whether the existing water main(s) talked about above is adequate for fire fighting purposes for your development. We cannot guarantee that this water supply will meet your Council's fire fighting requirements. The Council and your hydraulic consultant can help.

You must make sure that each home/lot has its own 20mm meter.

When access to the water supply is required, the property owner or agent must apply to with us online. A meter must be installed before any water is used. It is illegal for anyone other than us to remove the locking mechanism on the water meter.

The online application can be found by visiting our website [Plumbing, building & developing](#). You'll need to have the:

- account (Property) Number which can be obtained from the WSC
- serial Number which can be found on the metal tag on your property service.

You can find more information by using the "Ask Sydney Water" section of our website.

### **Fire Fighting**

Definition of fire fighting systems is the responsibility of the developer and is not part of the Section 73 process. It is recommended that a consultant should advise the developer regarding the fire fighting flow of the subdivision and the ability of our systems to provide that flow in an emergency. Sydney Water's Operating Licence directs that our mains are only required to provide domestic supply at a minimum pressure of 15 m head.

#### **Disused Water Service Sealing**

You must pay to disconnect all disused private water services and seal them at the point of connection to our water main. This work must meet our standards in the Plumbing Code of Australia (the Code) and be done by a licensed plumber. The licensed plumber must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

#### **Disused Sewerage Service Sealing**

Please don't forget that you must pay to disconnect all disused private sewerage services and seal them at the point of connection to our sewer main. This work must meet our standards in the Plumbing Code of Australia (the Code) and be done by a licensed drainer. The licensed drainer must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

#### **Soffit Requirements**

Please be aware that floor levels must be able to meet our soffit requirements for property connection and drainage.

#### **Other fees and requirements**

The requirements in this Notice relate to your Certificate application only. We may be involved with other aspects of your development and there may be other fees or requirements. These include:

- plumbing and drainage inspection costs
- the installation of backflow prevention devices; and

- council fire fighting requirements. (It will help you to know what the fire fighting requirements are for your subdivision as soon as possible. Your hydraulic consultant can help you here.)

**No warranties or assurances can be given about the suitability of this document or any of its provisions for any specific transaction. It does not constitute an approval from us and to the extent that it is able, we limit its liability to the reissue of this Letter or the return of your application fee. You should rely on your own independent professional advice.**

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**END**



**ADVICE ON PLANNING PROPOSALS  
LIVERPOOL LOCAL PLANNING PANEL**

**Monday, 29 April 2024**

To be held at  
**Liverpool Civic Centre, Council Chambers  
Level 1, 50 Scott St  
LIVERPOOL**

Panel: Stephen Alchin (Chair)  
Jan Murrell (Expert)  
Annette Ruhotas (Expert)  
Jeremy Thomas (Community Rep)

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

**Speakers:**

Item 6 – **RZ-7/2022**

- Lachlan Rovers (Trifalga) – On behalf of the Proponent

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<b>ITEM No:</b>	6
<b>APPLICATION NUMBER:</b>	RZ-7/2022
<b>SUBJECT:</b>	Planning Proposal to: amend the zone from SP2 Educational Establishment to R2 Low Density Residential; amend the Land Reservation Acquisition Map by removing the yellow colouring and Educational Establishment notation; and amend the 'Height of Buildings Map' from 12 metres to 9 metres.
<b>LOCATION:</b>	60 Gurner Avenue, Austral
<b>OWNER:</b>	60 Gurner Avenue, Austral Pty Ltd
<b>APPLICANT:</b>	Sutherland & Associates Planning Pty Ltd
<b>AUTHOR:</b>	Danielle Hijazi

**VOTING NUMBERS:**

4-0

**ADVICE OF THE PANEL:**

The Panel read the Council officer's report, was briefed by Council officers and visited the site.

The subject land known as 60 Gurner Avenue, Austral is part of a larger area zoned SP2 Infrastructure – Educational Establishment and is identified for acquisition by the NSW Department of Education. However, the NSW Department of Education (School Infrastructure NSW) has decided to relinquish its right to acquire the subject land.

Additionally, lots adjoining the subject site (including a lot zoned SP2 Infrastructure – Educational Establishment) form part of a State Significant Development Application (SSD-1045) lodged by The Al-Faisal College for the construction of a new private secondary school on the land at 66 & 80 Gurner Avenue, Austral.

Therefore, the planning proposal raises the following issues:

- the appropriate future zoning of the subject land, given the site area (6,173m<sup>2</sup>) is too small to accommodate a primary school
- matters of broader public interest, particularly in relation to integrated development of the area and the delivery of public school infrastructure.



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**Future zoning of the site**

An appropriate future use for the land needs to be identified. It would be inefficient and poor planning to leave the land vacant. The planning proposal seeks to:

- rezone the entire site as R2 Low Density Residential (a small portion of the site's north-eastern corner is already zoned R2)
- lower the height limit applying to the site from 12m to 9m
- amend the Land Reservation Acquisition Map to remove the yellow colour and 'Educational Establishment' designation on the site.

Importantly, the planning proposal does not propose a change in the density standard applying to the subject site under Clause 4.1B of Appendix 4 of *SEPP (Precincts – Western Parkland City) 2021*, i.e. a minimum density of 25 dwellings per hectare.

Given surrounding patterns of development and the site's proximity to land that is zoned B1 – Neighbourhood Centre, some form of residential development is the obvious preferred land use. The Panel considered the arguments for and against the application of various planning controls over the site.

The planning proposal includes a conceptual plan for a 12-lot subdivision of the site (at 19 dwellings per hectare). It is unclear why this has been included in the proposal since the existing development standard clearly requires a denser form of development (at least 16 dwellings on the site). The Council officer's report recommends that the minimum dwelling density control be reduced to 15 dwellings per hectare, essentially on the grounds of consistency with the minimum permissible densities on adjoining land to the east and avoiding the need for site-specific planning controls. At that minimum density, only 10 dwellings would be required on the site.

There are plausible reasons for applying a R2 zoning, given land immediately east of the site is zoned R2 and has been developed as low density housing (at what appears to be a density of around 20 dwellings per hectare). An R2 zoning over the site would continue the 'look and feel' of development to the east and minimise the risk of inconsistent development. Moreover, as noted in the officer's report, applying a R2 zoning would promote "clarity and consistency in land use regulation across the site."

On the other hand, there is an argument for applying a R3 zoning to the site. Approximately 1.5 hectares of land at 66 and 80 Gurner Avenue (south of the B1 - Neighbourhood Centre) is presently zoned R3. The State Significant Development (SSD) application to establish a private secondary college on that land (and the other land on Gurner Avenue zoned SP2) has yet to be determined. If approved, the R3 land (and a further 1.4 hectares of land zoned R2 that would also be required for the college) would not be available to increase housing supply, both in absolute terms and in the number of dwellings located close to the local centre. The land

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associated with the college proposal would otherwise have been able to accommodate at least 58 dwellings.

Zoning the subject site as R3 could partially address that prospective loss of housing supply, by permitting the development of a residential flat building (RFB) on the land. Given the site's size and large frontage (approximately 60m on Gurner Avenue and 50m on Mugagaru Street), there is an arguable, but not conclusive, case for such development. For example, Council officers feel a RFB would not suit the character of the area. In any event, as the SEPP requires a minimum permissible density of 25 dwellings per hectare over the subject site, and medium density forms of housing (such as multi-dwelling housing) are permissible in the R2 zone, it is not necessary to zone the land R3 to achieve densities that at least partially address the housing supply issues mentioned above.

The Panel has considered the recommendation in the officer's report to lower the permissible density on the site to a minimum of 15 dwellings per hectare, which would result in no less than ten dwellings being built on the site.

Given the arguments set out above, the Panel does not support that recommendation. Nor does the Panel support the proposal to lower the existing height limit from 12m to 9m. The combination of an R2 zoning, retention of the existing minimum 25 dwelling per hectare density standard and a 12m height limit provides an opportunity to design a development (perhaps including some row housing) that offers a transition from the low density housing east of the site, while also reasonably increasing housing supply in a location close to the land zoned B1 - Neighbourhood Centre. Although dwelling houses on separate lots are presently the dominant form of residential development in Austral, row housing is being built in the southern parts of the Austral/Leppington North (ALN) Precinct.

Assuming the subject site is not to be used for education purposes, the Panel:

- supports the proposal to rezone the whole of the subject site to R2 Low Density Residential
- does not support the Council officer's recommendation to reduce the permissible density on the subject site to 15 dwellings per hectare
- does not support lowering of the height limit from 12m to 9m.

The Panel believes this provides flexibility to architects and designers to achieve an outcome that recognises both existing development to the east and the site's proximity to future development on the land zoned B1 - Neighbourhood Centre to the west.

**Integrated planning and delivery of supporting infrastructure**

The planning proposal highlights weaknesses in current processes aimed at ensuring integrated planning and development in the area. In particular, the proposal raises questions about the effectiveness of mechanisms for the coordinated provision of supporting infrastructure, particularly, in this case, the provision of public schools to serve the ALN Precinct.

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This matter was raised in the Council officer's report to the Panel, and in a briefing to the Panel. It is clear Council has material concerns in relation to this matter.

*Background*

The following events and timeline are relevant in considering this matter:

1. Studies undertaken in 2011 for the then Department of Planning and Infrastructure established land use plans and associated infrastructure plans for development of the ALN Precinct. At that time, the land use plans were expected to yield 17,350 dwellings across the precinct. This figure was based on an average residential density of 15 dwellings per hectare and an average lot size of 550m<sup>2</sup>.
2. Population-based standards for the provision for schools were provided by the then Department of Education and Communities, along with advice on site sizes for new schools and locational attributes (e.g. a 1.6km catchment, schools being located adjacent to community playing fields, and not being located on a sub-arterial or arterial road).
3. On this basis, the 2011 *Austral and Leppington North Precincts: Demographic and Social Infrastructure Assessment* prepared for the Department of Planning and Infrastructure concluded that the precinct would ultimately require 6-7 primary schools and two high schools (as well as private schools as the need arose).
4. In 2013, the subject site and adjoining land at 66-80 Gurner Avenue were zoned for infrastructure purposes 'SP2 - Educational Establishment', with the Department of Education identified as the nominated acquisition authority. The site is centrally located within the northern part of the ALN Precinct.
5. The Department of Education's 2016 *Schools Strategic Asset Plan* flagged an intention to increase maximum school sizes, which had the potential to reduce the required number of schools.
6. School Infrastructure NSW (SINSW) did not acquire the subject site or the other properties in Gurner Avenue zoned SP2. In February 2018, SINSW advised consultants for the owner that it no longer required the land at 60-80 Gurner Avenue (i.e. including the subject site) for education purposes and had decided to "relinquish its acquisition rights" to the land. Clause 27(b) of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the acquisition to use its 'best endeavours' to remove the relevant reservations. Council understands that, rather lodge planning proposals to remove SP2 zonings with councils directly, SINSW and the Department of Education are often relying on private landowners to lodge their own planning proposals.
7. A SSD application to develop a private secondary college on 66-80 Gurner Avenue (i.e. excluding the subject site) and adjoining R3-zoned land to the south was lodged with the Department of Planning in November 2020. As noted below, the application has not yet been determined.
8. Council was not advised of the 2016 change in standards for school size until this planning proposal was lodged in September 2022. At that point, Council sought information from SINSW as to why the subject land was no longer required for a school.

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9. The Department of Education wrote to Council in September 2022, advising: *DOE will undertake school planning for the Precinct to better understand where and when additional school provision is required, so that the most appropriate school asset solutions can be identified [Emphasis added]. The identification of suitable locations for potential educational establishments within the Precinct will need to be proactively supported by Council and other actors (including developers) responsible for the additional growth (and the subsequent demand for school places). Further, in order to address the increased infrastructure demands arising from additional growth within the precinct, SINSW request that Council give consideration to including requirements for public domain, transport and other infrastructure works (required to support existing government schools) in the relevant Contributions Plan.*
10. Council replied to SINSW in November 2022 providing various information about rates of development in the area and implications for the provision of public schools. There does not appear to have been any written response to that information, although there have been subsequent meetings between Council staff and the Department of Education about planning for the provision of schools in the precinct. In short, SINSW has yet to provide Council with a plan as to how it will consolidate its landholdings or acquire sites to address the new benchmarks.
11. Development in the ALN Precinct proceeded at higher densities than was assumed in the 2011 studies. Different forms of development have occurred, and lot sizes are typically closer to 300m<sup>2</sup> in area. As a result, by September 2022, Liverpool Council was projecting that the precinct's dwelling yield would ultimately be 22,730 dwellings, 31% higher than the projection in 2011.
12. The area is still developing rapidly:
  - a. Census data shows that the population of Austral increased by 3,800 persons (127%) to 6,630 persons between the 2016 and 2021 Census.
  - b. The ABS' most recent demographic estimates show that between 2016 and 2023 the population of the broader Austral-Greendale Statistical Area 2 (the finest geography available for these estimates) grew by 7,524 persons (80.0%) to 16,734 persons. The boundaries of the SA2 and Google Maps imagery suggest that almost all of this growth has occurred in the suburb of Austral (including some north of Fifteenth Avenue). Actual growth is appreciably faster than the projected growth in the same SA2 in the NSW Government's Common Planning Assumptions (which projected growth of 1,415 persons or 15.2% over the same period).
13. Substantial future growth is planned to occur. The Common Planning Assumptions project that the population of the SA2 will grow by 33,112 persons (310%) between 2016 and 2041 - or 31,697 persons (297%) between 2023 and 2041.
14. It is unclear what further 'school planning' for the precinct has been undertaken by SINSW since 2011, and whether there have been any changes in the identification of sites and prioritisation of funding to acquire the necessary land for the provision of public schools to meet the greater than anticipated population growth detailed above.

*Commentary*

Although new housing is being built at a rapid rate in the ALN Precinct and demand for local primary and secondary schools is rising, there appears to be no clear plan

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for meeting that demand, at least one that is publicly (or confidentially) available and against which progress is periodically reported.

The Panel agrees that, where it is reasonable to do so, it is sensible to use existing schools to meet early demand for local educational infrastructure. However, depending on where in Austral the distances are being measured from, the nearest public schools to residential development in the northern part of the ALN Precinct are:

- Austral Public School: located some 3.5 km to the south, on the corner of Edmondson Avenue and Tenth Avenue. This distance equates to around a 50 minute walk.
- Middleton Grange Public School: located some 5 to 6 km to the east.
- Hoxton Park Public School: located some 6 to 7 km to the east
- Hinchinbrook Public School: located over 9 to 10 km to the east.

The distances to schools in the east (especially to Middleton Grange Public School) are greater than distances 'as the crow flies' because there is no crossing of the Sydney Water canal between Fifteenth and Eighteenth Avenue (a distance slightly over one kilometre). In addition, the primary school at Middleton Grange is separated from Austral by steep topography and a lack of footpaths for children to walk or cycle to school. The Hoxton Park and Hinchinbrook primary schools are substantially further away, on the far side of arterial roads such as Cowpasture Road and the M7 Motorway.

Importantly, other than the subject site (over which acquisition rights are to be relinquished), the indicative layout plan for the ALN Precinct provides no public primary school site north of Fifteenth Avenue. Therefore, on the information available to the Panel, the children from that area will need to walk or be transported to the schools mentioned above, not only in the short-term but over the long term.

The Panel understands that there is demand for faith-based private schools in parts of the Liverpool Local Government Area. While this may slow the need for new public schools in the area, it does not obviate the need to provide for public schools; not all residents of Austral will want to send their children to a faith-based school or, even if they do, they may not be able to afford the fees. Local parents need to have a viable option to send their children to a local public school.

The Panel appreciates that it is unrealistic to expect that the implementation of land and infrastructure plans will follow exactly the trajectory set out when the plans were released; circumstances evolve, priorities change and plans are reviewed. Indeed, these factors were identified in the draft 2011 *Infrastructure Delivery Plan* referred to above.

That said, even allowing for changes in standards for the provision of schools, the case for securing a site for a public school north of Fifteenth Avenue (and, in due course, development of the site) appears to be as strong or stronger than in 2011.

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Funding is likely to be a key issue. It is noteworthy that, at the time of the draft *Infrastructure Delivery Plan*, Special Infrastructure Contributions (as they were then known) were to be used to fund the acquisition of land for education facilities among other things. Those contributions were scaled back shortly after the draft plan and have more recently been replaced by Housing and Productivity Contributions (HPC) for state-provided infrastructure (set at a rate of \$12,000 per dwelling-house or \$10,000 per unit). While the HPC can provide some funding, a comprehensive and structured approach to fund the acquisition of land for future school and other infrastructure has not yet been settled.

The Panel acknowledges that securing such an approach is likely to require potentially difficult policy reform and/or some re-prioritisation of spending.

*Development on 66-80 Gurner Avenue*

The status of the SSD application for staged development of a private secondary college on land at 66-80 Gurner Avenue is also relevant to the Panel's consideration of the planning proposal. The application was lodged in November 2020. Three and a half years on, the application has not been determined. It is unclear why this is the case. It may be that the application raises a number of significant issues that are difficult to resolve.

If so, this raises questions as to whether there are any consequential implications for assessment of this planning proposal, especially if the SSD application is refused or the development does not proceed for other reasons. For example, this may provide the grounds for SINSW to reconsider its position in relation to acquisition of the subject site and the SP2 land at 66-80 Gurner Avenue. If there is some material uncertainty about the status of the proposed private secondary college, there is an arguable case for not proceeding with rezoning of the subject land at this time, i.e. at least until the future of the private secondary college becomes clearer.

*Conclusion*

Subject to the earlier comments in relation to minimum permissible densities and retention of a 12m height limit, the Panel supports the planning proposal to rezone the land from SP2 Educational Establishment to R2 Low Density Residential.

However, that support is contingent.

Firstly, as part of the Gateway review, there needs to be an open and frank exchange of information and views between senior levels of the Department of Planning, Housing and Infrastructure, the Department of Education (including SINSW) and Liverpool City Council about the future development of the ALN Precinct and the short, medium and long-term provision of public schools in the area. The information to be exchanged should include:

- updated development, population and school demand estimates for this area that reflect:

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- a current understanding of the local development market (ideally informed by discussions with landowners, developers)
- a current understanding of the intentions and demand projections of private school operators
- information on potential school sites that can serve the ALN Precinct, particularly the northern part of the precinct, bearing in mind current thinking on school catchments and locational guidelines
- estimated costs associated with zoning the potential sites as SP2 and, in turn, acquiring the sites
- plausible funding and delivery scenarios for each of these sites having regard to the NSW Government's overall budget for school infrastructure.

The parties may not agree on the outcomes of that exchange and the discussions that ensue; however, it will still:

- inform future land use and infrastructure planning for the area
- demonstrate focussed effort to deliver on the objectives of the *Environmental Planning Assessment Act*, including the "sharing of the responsibility for environmental planning and assessment between the different levels of government in the State."

Secondly, there needs to be clarity about the future of the proposed private secondary college. Rezoning the subject site for this planning proposal to R2 (and probably seeing the site developed in the near-term) and then finding that the private secondary college does not proceed would be a poor outcome; the opportunity to secure a site and develop a primary school might be lost or made more difficult and costly.

The outcomes of the discussions referred to above and a conclusion about the private secondary college should inform a final decision about the planning proposal.

**ADVICE OF THE PANEL:**

While the Panel recommends to Council that RZ-7/2022 proceed to Gateway, at the same time, based on current development and population projections, there is an urgent need for the Department of Education and Schools Infrastructure NSW to work with Council and the Department of Planning, Housing and Infrastructure to finalize plans for the provision of public schools in the ALN Precinct (especially the northern part of the Precinct).



## DATA BREACH POLICY

DRAFT

Adopted: xxxxx

Trim: xxxxxx.2024





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## DATA BREACH POLICY

**DIRECTORATE:** Corporate Support

**BUSINESS UNIT:** Governance Legal & Procurement

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### 1. PURPOSE OF POLICY

- 1.1 The purpose of this policy is to set out how Liverpool City Council will respond to a data breach in a timely and effective manner and to ensure Council's compliance with the Mandatory Notification of Data Breach ("MNDB") Scheme.

### 2. AIM OF POLICY

2.1 This Policy:

- Provides guidance for responding to a breach of information held by Council.
- Provides considerations around notifying persons whose privacy may be affected by the breach.

2.2 Assists Council in avoiding or reducing possible harm to both the affected individuals and organisations and Council and may prevent future breaches.

2.3 This Policy is supplemented with more detailed internal guidance for Council staff to follow, in Council's Data Breach Response Plan.

### 3. SCOPE

3.1 This policy applies, wherever practicable to

- (a) Councillors;
- (b) Council employees;
- (c) Council's consultants and contractors;
- (d) Council-owned businesses; and
- (e) Council committees (including community members of those committees which may be established under section 355 of the Local Government Act 1993).

### 4. POLICY STATEMENT

- 4.1 A data breach could have serious consequences for Council, creating risk through the disclosure of sensitive information which can impact the reputation, finances, interests or operations of Council.

- 4.2 Additionally, a data breach can damage Council's relationship with the community by creating a loss of trust and confidence in Council and the services provided.
- 4.3 Responding quickly in the event of a data breach can substantially reduce the impact on any affected individuals and Council. Responding to a data breach includes determining if there has been an eligible data breach which is reportable under the MNDB scheme.

## **5. LEGISLATIVE CONTEXT**

- 5.1 Part 6A of the Privacy and Personal Information Protection Act 1998 ("PPIP Act") establishes the NSW Mandatory Notification of Data Breach (MNDB) scheme.
- 5.2 The MNDB scheme requires that, in the event of an eligible data breach, Council must notify the Privacy Commissioner and affected individuals.
- 5.3 Section 59ZD of the PPIP Act requires Council to develop and publish a Data Breach Policy (DBP), to explain how Council will respond to any eligible data breaches. This DBP establishes the roles and responsibilities of Council staff in relation to managing a breach and outlines broadly the steps Council will follow when a breach occurs.

## **6. PRINCIPLES**

- 6.1 The MNDB scheme applies to data breaches involving 'personal information' as defined in section 4 of the PPIP Act, meaning information or an opinion about an individual whose identity is apparent or can reasonably be determined from the information or opinion. The scheme also applies to 'health information' within the meaning of the Health Records and Information Privacy Act 2002 ("HRIP Act").
- 6.2 The MNDB scheme does not apply to:
- data breaches that do not involve personal information or health information, or to
  - data breaches where it is assessed that the breach is not likely to result in serious harm to an individual.
- 6.3 Where the scheme does not apply, Council is not required to notify individuals or the NSW Privacy Commissioner. Council should still take action to respond to the breach and consider whether its other obligations require notification of the breach to the impacted parties or other entities that may have provided the breached data.
- 6.4 In some cases, Council may also be subject to the Commonwealth Notifiable Data Breach Scheme ("NDBS") which is reportable to the Office of the Australian Information Commissioner ("OAIC"). An example would be where a

data breach involves Tax File Numbers. Council's *Data Breach Response Plan* explains these rules in more detail for Council staff.

## 7. DEFINITIONS

### **Data Breach**

means an incident in which there has been unauthorised access to, unauthorised disclosure of, or loss of, personal information held by (or on behalf of) Council.

Data breaches can be caused or exacerbated by a variety of factors, affect different types of personal information, and give rise to a range of actual or potential harms to individuals, businesses and agencies. There is overlap between information security incidents and data breaches, but they are not exactly the same. Some cybersecurity incidents will not impact on anyone's personal information. Some data breaches will involve only hard copy information such as paper files.

### **Eligible Data Breach**

means the Unauthorised Access to, or Unauthorised Disclosure of, Personal Information held by Council where a reasonable person would conclude that the access or disclosure of the information would be likely to result in serious harm to an individual to whom the information relates.

Where Personal Information held by Council is lost in circumstances where Unauthorised Access to, or Unauthorised Disclosure of, the information is likely to occur and a reasonable person would conclude that the access or disclosure would be likely to result in serious harm to an individual to whom the information relates.

These are reported to the Information and Privacy Commission NSW under the NSW MNDB scheme pursuant to Part 6A of the PPIP Act. .

In determining whether a breach is an eligible data breach for the purposes of the MNDB scheme, an assessment needs to be made based on the unique circumstances of the breach, the data lost and the potential that the breach may result in serious harm to the individuals to whom the data relates.

### **Employees**

means all full time, part time, casual, temporary and fixed term employees, agency staff and contractors. For the purpose of this policy, employees also include volunteers, trainees, and students on work placements.

<b>Personal Information</b>	means information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
<b>Health Information</b>	means personal information that is information or an opinion about an individual's physical or mental health, or a disability, and information connected to the provision of a health service.
<b>Unauthorised Access</b>	means the access of personal and health information held by Council by a person or persons without appropriate delegation or authority to do so.

## 8. EXAMPLES OF A DATA BREACH

- 8.1 Examples of a data breach include:
- (a) Cyber incident such as ransomware, malware, hacking, phishing or brute force access attempts resulting in access to or theft of data.
  - (b) A device with data is lost or stolen.
  - (c) Information is mailed or emailed to the wrong person.
  - (d) Hardcopy records with personal information is left in a discarded cabinet.
- 8.2 Not all data breaches will involve personal information, however for a data breach to be considered an eligible breach under the MNDB Scheme the breach must involve personal information.

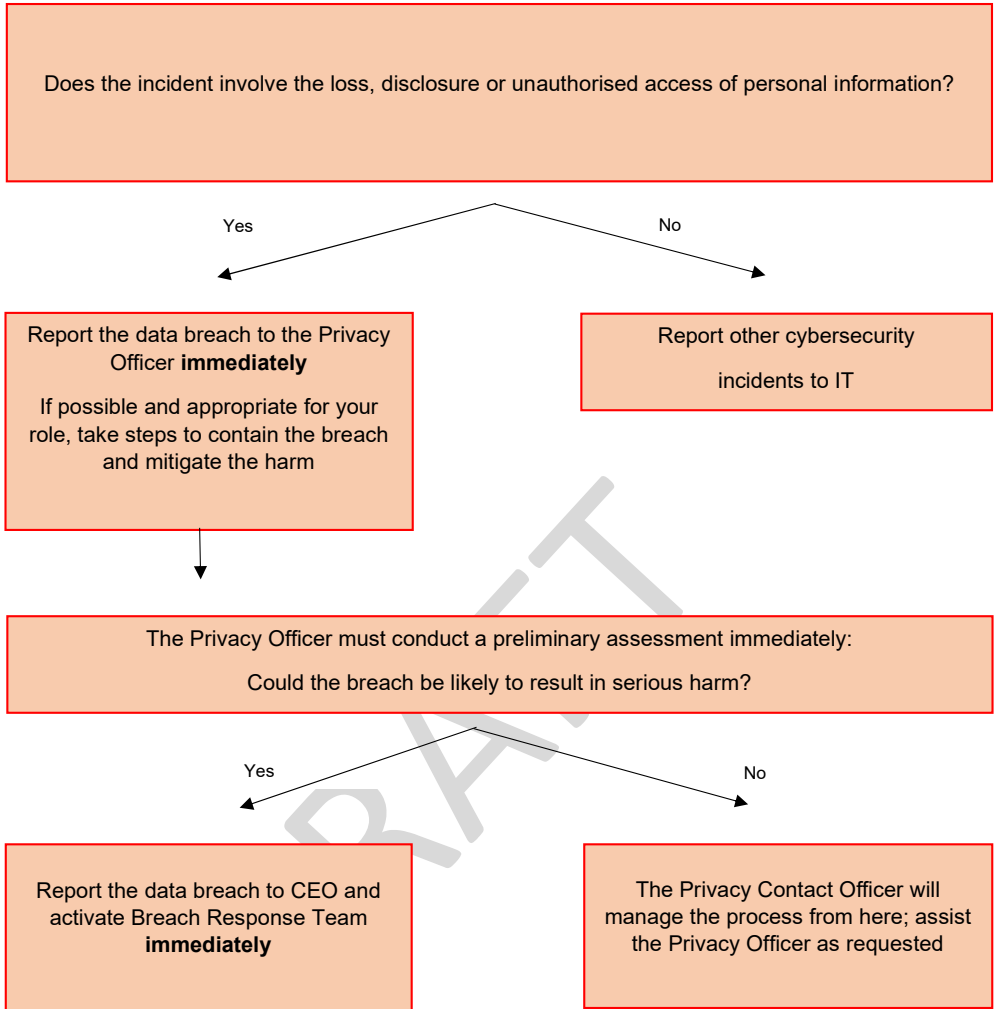
## 9. RESPONSE TO A DATA BREACH

- 9.1 Each data breach is unique and requires a tailored response. Response actions will depend on factors such as the type of data compromised, the cause of the breach, and the potential harm that could arise for affected individuals.
- 9.2 While the details of each breach will be different, the process for responding to a data breach will follow the same steps. Council has developed a clearly defined process and well-defined roles and responsibilities for dealing with breaches which enables a quick and effectively response in an emergency.
- 9.3 The following principles will be followed when dealing with a data breach.
- (a) Initial Report and Triage
  - (b) Contain
  - (c) Assess & mitigate
  - (d) Notify
  - (e) Review
  - (f) Document and Record
- 9.4 The flow chart below illustrates the steps undertaken by staff in making a preliminary assessment of a reported Data Breach. Council's Data Breach

Response Plan explains these steps and the relevant responsibilities in more detail for Council staff.

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**Chart 1: Preliminary assessment of a reported Data Breach**



## **10. APPOINTMENT OF A DATA BREACH RESPONSE TEAM**

10.1 Council's Privacy Officer will be responsible for determining whether a Data Breach Response Team will be convened. Considerations may include:

- (a) the type and sensitivity of information involved
- (b) whether the information was protected by security measures
- (c) the persons to whom the information was exposed, or
- (d) the risk of harm to the individuals involved and the nature of any potential harm.
- (e) the number of individuals potentially impacted by the breach
- (f) any suspected external exposure of individuals' personal information
- (g) any suspected unlawful activity

10.2 The Data Breach Response Team will include:

- (a) Council's Privacy Officer.
- (b) Council's General Counsel
- (c) The team leader or coordinator of the team from where the breach originated.
- (d) Manager of the section from where the breach originated.
- (e) In the event of a Cyber incident, the Chief Information
- (f) Where the breach involves employee data, the Manager, People & Culture
- (g) Manager, Media and Communications Team
- (h) Any other employee/contractor who can assist in the investigation.

10.3 The Data Breach Response team will address the specifics of any identified breach and take steps to protect the Council's data holdings and mitigate the potential harm to any impacted parties. The Data Breach Response team will be guided in their response by the Council's internal Data Breach Response Plan.

## **11. TRAINING AND AWARENESS**

11.1 Council will ensure that its employees are aware of and understand this Policy and Council's internal Data Breach Response Plan, including how to identify and report actual or suspected data breaches. This Policy will be published on Council's intranet and website.

11.2 Various forms of communication will be used to provide regular reminders to employees of their obligations regarding personal information and health information, and how to reduce the risk of human error data breaches from occurring.

## **12. MEMBERS OF THE PUBLIC**

12.1 Members of the public who become aware of a potential or suspected data breach involving Council information should advise Council's Privacy Contact Officer by:

**Emailing:** [governance@liverpool.nsw.gov.au](mailto:governance@liverpool.nsw.gov.au)

**Calling:** 1300 36 2170

## RELEVANT LEGISLATIVE REQUIREMENTS

*Privacy and Personal Information Protection Act 1998*  
*Health Records and Information Privacy Act 2002*  
*Privacy Act (Cth) 1988*

## RELATED POLICIES & PROCEDURE REFERENCES

*Liverpool City Council Privacy Policy adopted 29 April 2020*  
*IPC Guide to Preparing a Data Breach Policy (May 2023)*  
*IPC Guide to Managing Data Breaches in Accordance with the PPIP Act (June 2023)*  
*IPC Data Breach Policy (October 2023)*

## AUTHORISED BY

Council Resolution

## EFFECTIVE FROM

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

## REVIEW DATE

*The policy must be reviewed every two years or more frequently depending on its category or if legislative or policy changes occur.*

## VERSIONS

*The current and previous version of the policy should be set out in the following table.*

Version	Amended by	Changes made	Date	TRIM Number
New				

## THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Governance  
Legal  
Information Technology  
Audit Risk and Improvement

## ATTACHMENTS

NIL



# LIVERPOOL CITY COUNCIL

## PRIVACY POLICY

DRAFT

Adopted: XXXX

TRIM: XXXXXX.2024



## PRIVACY POLICY

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## PRIVACY POLICY

### 1. LEGISLATIVE REQUIREMENTS

*Government information (Public Access) Act 2009*  
*Health Records and Information Privacy Act 2002*  
*Local Government Act 1993*  
*Privacy and Personal Information Protection Act 1998*  
*State Records Act 1993*

### 2. PURPOSE

2.1 The *Privacy and Personal Information Protection Act 1998* (the "PPIPA") requires all councils to prepare a privacy management plan outlining their policies and practices to ensure compliance with the requirements of that Act and the *Health Records and Information Privacy Act 2002* (the HRIPA).

2.2 The objects of this policy are to inform:

- a) The community about how their personal information will be used, stored and accessed after it is collected by Council; and
- b) Members of Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

2.3 Section 33 of the PPIPA requires all councils to prepare a privacy management plan to deal with:

- a) The devising of policies and practices to ensure compliance by Council with the requirements of the PPIPA and the HRIPA;
- b) The dissemination of those policies and practices to persons within Council;
- c) The procedures that the Council proposes for internal review of privacy complaints;
- d) Such other matters as are considered relevant by Council in relation to privacy and the protection of personal information held by it.

2.4 This Privacy Policy has been prepared for the purpose of section 33 of the PPIPA.

2.5 PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. The principles are listed below:

- a) Principle 1 - Collection of personal information for lawful purposes;
- b) Principle 2 - Collection of personal information directly from individuals;
- c) Principle 3 - Requirements when collecting personal information;
- d) Principle 4 - Other requirements relating to collection of personal information;
- e) Principle 5 - Retention and security of personal information;
- f) Principle 6 - Information about personal information held by agencies;
- g) Principle 7 - Access to personal information held by agencies;
- h) Principle 8 - Alteration of personal information;
- i) Principle 9 - Agency must check accuracy of personal information before use;
- j) Principle 10 - Limits on use of personal information;
- k) Principle 11 - Limits on disclosure of personal information;
- l) Principle 12 - Special restrictions on disclosure of personal information.

2.6 The Information Protection Principles are modified by the Privacy Code of Practice for Local Government ("the Code") made by the Attorney General. The Privacy Code

## PRIVACY POLICY

has been developed to enable Local Government to fulfil its statutory duties and functions under the *Local Government Act 1993* (the “the Act”) in a manner that seeks to comply with the PPIPA.

- 2.7 This policy sets out how Council will incorporate the 12 Information Protection Principles into its everyday functions.
- 2.8 This policy should be read in conjunction with the Code of Practice for Local Government.
- 2.9 Nothing in this policy is to:
- a) affect any matter of interpretation of the Codes or the Information Protection Principles and the HPPs as they apply to Council;
  - b) affect any obligation at law cast upon Council by way of representation or holding out in any manner whatsoever;
  - c) create, extend or lessen any obligation at law which Council may have.
- 2.10 This policy is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.
- 2.11 Where Council has the benefit of an exemption, it will nevertheless describe procedures for compliance in this policy. By doing so, it is not to be bound in a manner other than that prescribed by the Codes.
- 2.12 Council collects stores and uses a broad range of information. A significant part of that information is personal information. This policy applies to that part of Council’s information that is personal information.
- 2.13 It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely, treatment accorded to personal information where the information cannot be meaningfully or practicably separated.
- 2.14 What is “personal information”?
- 2.14.1 “Personal information” is defined in section 4 of the PPIPA as follows:
- 2.14.2 “Personal information” is defined to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. This information can be on a database and does not necessarily have to be recorded in a material form.
- 2.15 What is not “personal information”?
- 2.15.1 “Personal information” does not include “information about an individual that is contained in a publicly available publication”. Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.
- 2.15.2 Section 4A of the PPIPA specifically excludes “health information”, as defined by section 6 of the HRIPA, from the definition of “personal information”, but includes health information” in the PPIPA’s consideration of public registers (discussed below). “Health information” is considered in Part 4 of this Policy.

## PRIVACY POLICY

- 2.15.3 Where Council is requested to provide access or make a disclosure and that information has already been published, then Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 8 of the *Government Information (Public Access) Act 2009* (GIPA Act)).
- 2.15.4 Council considers the following to be publicly available publications:
- a) An advertisement containing personal information in a local, city or national newspaper;
  - b) Personal information on the Internet;
  - c) Books or magazines that are printed and distributed broadly to the general public;
  - d) Council business papers or that part that is available to the general public;
  - e) Personal information that may be a part of a public display on view to the general public.
- 2.15.5 Information published in this way ceases to be covered by the PPIPA. Council's decision to publish in this way must be in accordance with PPIPA.
- 2.16 Policy on Electoral Rolls
- 2.16.1 The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll in Council's library. Council will refer any requests for copies of the Electoral Roll to the State Electoral Commissioner.
- 2.17 Application of this Policy
- 2.17.1 The PPIPA, the HRIPA and this policy apply, wherever practicable, to:
- a) Councillors;
  - b) Members of Council/ Staff;
  - c) Consultants and contractors of Council;
  - d) Council owned businesses; and
  - e) Council committees (including community members of those committees which may be established under section 355 of the Local Government Act 1993).
- 2.17.2 Council will ensure that all such parties are made aware that they must comply with the PPIPA, the HRIPA, any other applicable Privacy Code of Practice and this policy.
- 2.18 Personal Information held by Council
- 2.18.1 Council holds personal information concerning Councillors, such as:
- a) Personal contact information;
  - b) Complaints and disciplinary matters;
  - c) Pecuniary interest returns; and
  - d) Entitlements to fees, expenses and facilities.
- 2.18.2 Council holds personal information concerning its customers, ratepayers and residents, such as:
- a) Rates records; and
  - b) DA applications and objections;

## PRIVACY POLICY

- c) Various types of health information (see page 37 for detailed examples);
- d) Recorded customer telephone calls and CCTV footage (for a period of 30 days).

2.18.3 Council holds personal information concerning its employees, such as:

- a) Recruitment material;
- b) Leave and payroll data;
- c) Personal contact information;
- d) Performance management plans;
- e) Disciplinary matters;
- f) Pecuniary interest returns;
- g) Wage and salary entitlements; Health information (such as medical certificates and workers compensation claims); and
- h) Recorded customer telephone calls and CCTV footage (for a period of 30 days).

2.19 Applications for suppression in relation to general information (not public registers)

2.19.1 Under section 739 of the *Local Government Act 1993* (“the Act”) a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person’s place of living if the person considers that the disclosure would place the personal safety of the person or their family at risk.

2.19.2 Section 739 of the Act relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.

2.19.3 For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this policy. For information regarding suppression of information on *public registers*, see Part 2 of this policy.

2.20 Caution as to unsolicited information

2.20.1 Where an individual, a group or committee, not established by Council, gives Council unsolicited personal or health information, then that information should be still treated in accordance with this Policy, the Codes, the HRIPA and the PPIPA for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.

2.20.2 For the purposes of section 10 of the HRIPA, Council is not considered to have “collected” health information if the receipt of the information by Council is unsolicited.

2.20.3 Section 4(5) of the PPIPA also provides that personal information is not “collected” by Council if it is unsolicited.

### 3. PUBLIC REGISTERS

3.1 Public Registers and Council

3.1.1 A public register is defined in section 3 of the PPIPA:

## PRIVACY POLICY

*“Public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee).”*

- 3.1.2 A distinction needs to be drawn between “public registers” within the meaning of Part 6 of the PPIPA and “non public registers”. A “non public register” is a register but it is not a “public register” for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.
- 3.1.3 Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Privacy Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.
- 3.1.4 Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this policy and the Privacy Code of Practice for Local Government, where it includes personal information that is not published.
- 3.1.5 Council holds the following public registers under the Act: \*\*\*
- a) Section 53 - Land Register;
  - b) Section 113 - Records of Approvals;
  - c) Section 449 - 450A - Register of Pecuniary Interests;
  - d) Section 602 - Rates Record.
- \*\*\* *Note: This is purely indicative. Council may, by virtue of its own practice, hold other Public Registers, to which the PPIPA applies.*
- 3.1.6 Council holds the following public registers under the *Environmental Planning and Assessment Act 1979*:
- a) Section 4.58 – Register of consents and certificates.
- 3.1.7 Council holds the following public registers under the *Protection of the Environment (Operations) Act 1997*:
- a) Section 308 – Public register of licences held.
- 3.1.8 Council holds the following public registers under the *Impounding Act 1993*:
- a) Sections 30 and 31 – Record of impounding.
- 3.1.9 Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the clauses that follow.
- 3.2 Public registers, the PPIPA and the HRIPA
- 3.2.1 A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly

## PRIVACY POLICY

available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).

- 3.2.2 Despite the exclusion of “health information” from the definition of “personal information” under section 4A of the PPIPA, section 56A of the PPIPA *includes* as “personal information”, “health information” on public registers.
- 3.2.3 Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. It provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 3.2.4 Section 57(2) provides that in order to ensure compliance with section 57(1), a Council may require any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory declaration as to the proposed use of that information. (Form at Appendix 1 may be used a guide).
- 3.2.5 Council also needs to consider the Privacy Code of Practice for Local Government which has the effect of modifying the application of Part 6 of the PPIPA (the “public register” provisions).
- 3.2.6 If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.
- 3.2.7 Where personal information is contained in a publicly available publication, that information will not be regarded as personal information covered by the PPIPA or as health information for the purposes of part 6 of the PPIPA.

### 3.3 Effect on section 6 of the GIPA Act

- 3.3.1 Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the *Government Information (Public Access) Regulation 2009 (GIPA Regulation)* to the extent of any inconsistency. Therefore:

- (1) If a register is listed in Schedule 1 of the *GIPA Regulation*, access must not be given except in accordance with section 57(1) of the PPIPA.
- (2) If a register is not listed in Schedule 1 of the *GIPA Regulation*, access must not be given except:
  - (a) If it is allowed under section 57(1) of the PPIPA; and
  - (b) There is no overriding public interest against disclosure of the information under section 6 of the *GIPA Act*.

*Note: Both (1) and (2) are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.*

### 3.4 Where some information in the public register has been published

- 3.4.1 That part of a public register that is not published in a publicly available publication will be treated as a “public register” and the following procedure for disclosure will apply. For example, the Register of Consents and Certificates held by Council under



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section 100 of the *Environmental Planning and Assessment Act 1979* requires Council to advertise or publish applications for development consent.

- 3.4.2 When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.
- 3.4.3 Council may hold a register under the *Contaminated Land Management Act 1997* on behalf of the Environment Protection Authority. This is not to be considered a public register of Council as the statute does not place any obligations on Council to make this register publicly available as a register of contaminated land. Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.
- 3.4.4 Registers should not be published on the Council internet.
- 3.5 Disclosure of personal information contained in the public registers.
- 3.5.1 A person seeking a disclosure concerning someone else's personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 3.5.2 In the following section, by way of guidance only, what might be called the "primary purpose (or "the purpose of the register") has been specified for each identified register. In some cases, a "secondary purpose" has also been specified, by way of guidance as to what might constitute "a purpose relating to the purpose of the register".
- 3.6 Purposes of public registers
- 3.6.1 Purposes of public registers under the *Local Government Act 1993*:
- a) Section 53 - Land Register: The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.
  - b) Section 113 - Records of Approvals: The primary purpose is to identify all approvals granted under the Act.
  - c) Section 450A - Register of Pecuniary Interests: The primary purpose of this register is to determine whether or not a Councillor or a member of a council committee has a pecuniary interest in any matter with which Council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.
  - d) Section 602 - Rates Record: The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, a disclosure on a rating certificate under section 603 of the Act that a previous owner is a pensioner is considered to be allowed, because the secondary purpose is "a purpose relating to the purpose of the register".

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### 3.6.2 Purposes of public registers under the *Environmental Planning and Assessment Act 1979*:

- a) Section 100 – Register of consents and approvals: The primary purpose is to identify applications for development consent and other approvals, confirm determinations on appeal and identify applications for complying development certificates.
- b) Section 149G – Record of building certificates: The primary purpose is to identify all building certificates.

### 3.6.3 Purpose of public registers under the *Protection of the Environment Operations Act 1997*:

- a) Section 308 – Public register of licences held: The primary purpose is to identify all licences granted under the Act;

### 3.6.4 Purpose of the public register under the *Impounding Act 1993*:

- a) Section 30 and 31 – Record of impounding: The primary purpose is to identify any impounding action by Council.

### 3.6.5 Secondary purpose of all Public Registers

Due to the general emphasis (to be found in the Act and elsewhere) on local government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore, disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

However, requests for access, copying or the sale of the whole or a substantial part of a Public Register held by Council will not necessarily fit within this purpose. Council should be guided by the Privacy Code of Practice for Local Government in this respect. Where Council staff members have doubt as to the intended use of the information, an applicant may be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

Council will make its assessment as to the minimum amount of personal information that is required to be disclosed with regard to any request.

### 3.6.6 Other Purposes

Persons or organisations who apply to Council to access to information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

Occasionally, persons or organisations request from Council adjoining ownership details of a neighbouring property for the purpose of serving a notice upon their neighbour to seek a contribution to fencing costs along a common boundary line under section 11 of the *Dividing Fences Act 2002*. Because the information sought is personal information and it can only be obtained from Council's Rates Register, Council requires that the person requesting this information must complete a

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statutory declaration to access this information in accordance with section 57(2) of the *Privacy and Personal Information Protection Act 1998* (See Appendix 7).

### 3.7 Applications for access to own records on a public register

3.7.1 A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

### 3.8 Applications for suppression in relation to a public register

3.8.1 An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the Act.

3.8.2 A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.

3.8.3 If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual any interest in suppressing the information, in accordance with section 58(2) of the PPIPA. (*Note: "Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".*) When in doubt, Council will err in favour of suppression.

3.8.4 Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for Council functions, but it cannot be disclosed to other parties.

3.8.5 An application for suppression should be made in writing addressed to the Chief Executive Officer (the CEO) and must outline the reasons for the request. Council may require supporting documentation where appropriate.

### 3.9 Other registers

3.9.1 Council may have other registers that are not public registers. The Information Protection Principles, this Policy, any applicable Codes and the PPIPA apply to those registers or databases.

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### 4. THE INFORMATION PROTECTION PRINCIPLES (IPPs)

#### 4.1 IPP1: Section 8

##### 4.1.1 Section 8: Collection of personal information for lawful purposes

1) *A public sector agency must not collect personal information unless:*

- a) the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and*
- b) the collection of the information is reasonably necessary for that purpose.*

2) *A public sector agency must not collect personal information by any unlawful means.*

##### 4.1.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from the requirements of this principle.

##### 4.1.3 Council Policy

Council will only collect personal information for a lawful purpose as part of its proper functions. The Act governs Council's major obligations and functions.

Section 22 of the Act provides other functions under other Acts. Some of those Acts are as follows:

- *Community Land Development Act 1989*
- *Companion Animals Act 1998\*\**
- *Contaminated Land Management Act 1997*
- *Conveyancing Act 1919*
- *Environmental Planning and Assessment Act 1979*
- *Food Act 1989*
- *Impounding Act 1993*
- *Library Act 1939*
- *Local Government Act 1993*
- *Protection of the Environment Operations Act 1997*
- *Public Health Act 2010*
- *Roads Act 1993*
- *State Emergency Service Act 1989*
- *Strata Schemes (Freehold Development) Act 1973*
- *Strata Schemes (Leasehold Development) Act 1986*
- *Swimming Pools Act 1992.*

The circumstances under which Council may collect information, including personal information, include letters, emails, photos, text messages videos and webform. Council will only collect information directly, lawfully and that is reasonably necessary to fulfil its functions.

Anyone engaged by Council as a private contractor or consultant whose activities involve the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt recovery actions

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by or undertaken on behalf of Council by commercial agents.

### 4.1.4 Companion Animals Act 1998

Collection of information under the *Companion Animals Act 1998* and Council's use of the Companion Animals Register should be guided by the Director General's guidelines, which have been developed with the PPIPA in mind.

### 4.1.5 Role of the Privacy Contact Officer

In order to ensure compliance with IPP1, internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council, will be referred to the Privacy Contact Officer prior to adoption or use. The Privacy Contact Officer will also provide advice as to:

- a) Whether the personal information is collected for a lawful purpose;
- b) If that lawful purpose is directly related to a function of Council; and
- c) Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

## 4.2 IPP2: Direct Collection

### 4.2.1 Section 9: Collection of personal information directly from individual

*A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:*

- a) *The individual has authorised collection of the information from someone else, or*
- b) *In the case of information relating to a person who is under the age of 16 years, the information has been provided by a parent or guardian of the person.*

### 4.2.2 The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.

### 4.2.3 Council Policy

The compilation or referral of registers and rolls are the major means by which Council collects personal information. For example, the information Council receives from NSW Land Registry Services would fit within section 9(a) above. Other means include forms that customers may complete and lodge with Council for development consent, companion animal registrations, applications for specific inspections or certifications or applications for tree preservation orders.

Council will treat the personal information contained in petitions in accordance with PPIPA.

Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.

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Council regards all information concerning its customers as information protected by PPIPA. Council will collect all personal information directly from its customers, except as provided in section 9 or under other statutory exemptions or Privacy Code of Practice for Local Government. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

Where Council anticipates that it may otherwise need to collect personal information indirectly, it will first obtain the authorisation of each individual under section 9(a) of the PPIPA.

Council has a Privacy Information Statement on its website setting out how it collects, stores, uses and dispose of personal information.

### 4.2.4 External and related bodies

Each of the following will be required to comply with this policy, any applicable Privacy Code of Practice, and the PPIPA:

- a) Council owned businesses;
- b) Council consultants;
- c) Private contractors;
- d) Council committees.

Council will seek to bind by contract each of these bodies or persons to comply with the PPIPA. Where any of the above collects personal information on behalf of Council, or in relation to the performance of their activities, that body or person will be required to:

- a) Obtain a written authorisation and consent to that collection; and
- b) Notify those persons in accordance with IPP3 as to the intended recipients and other matters required by that principle.

Council owned businesses, committees and private contractors or consultants must abide by this policy, the Code and the PPIPA under the terms of their incorporation by Council or by contract.

### 4.2.5 Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of IPP2.

### 4.2.6 Existing statutory exemptions under the Act

Compliance with IPP2 is also subject to certain exemptions under the Act. If one of those exemptions applies, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

- a) Section 23(2) of the PPIPA permits non-compliance with IPP2 if the information

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concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

- b) Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with IPP2 if Council is:
  - 1) Investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
  - 2) If compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions. Section 25(a) of the PPIPA permits non-compliance with IPP2 where the agency is lawfully authorised or required not to comply with the principle.
  - 3) Section 25(b) of the PPIPA permits non-compliance with IPP2 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.
- c) Section 26(1) of the PPIPA permits non-compliance with IPP2, if compliance would prejudice the interests of the individual concerned.

### 4.2.7 Further explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

- a) Council has obtained authority from the person under section 9(a) of the PPIPA;
- b) The collection of personal information from a third party is permitted under any Act or law, (for example, the indirect collection from the Land Titles Office.);
- c) The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age;
- d) The collection of personal information indirectly where one of the above exemptions applies;
- e) The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice;

The only other exception to the above is in the case where Council is given unsolicited information.

### 4.3 IPP3: Requirements when collecting personal information

#### 4.3.1 Section 10 Requirements when collecting personal information:

*If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:*

- a) *the fact that the information is being collected;*
- b) *the purposes for which the information is being collected;*
- c) *the intended recipients of the information;*
- d) *whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided;*
- e) *the existence of any right of access to, and correction of, the information; and*

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- f) *the name and address of the agency that is collecting the information and the agency that is to hold the information.*

### 4.3.2 The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition without prior or subsequent notification.

### 4.3.3 Council Policy

Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or is voluntarily given. Council will also inform individuals which department or section within Council holds their personal information, and of the right to access and correct that information. Council will adapt the general section 10 pre-collection Privacy Notification form as appropriate (See Appendix 2).

The following are examples of application procedures that will require a Privacy Notification Form in accordance with section 10:

- a) Lodging development applications;
- b) Lodging objections to development applications;
- c) Lodging applications for approval under the *Local Government Act 1993*;
- d) Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 2); and
- e) When collecting an impounded item.

In relation to the privacy notification form that may be attached to a Development Application provided to objectors, us if they so choose. However, should they need to substantiate their objections, anonymous objections may be given less weight (or no weight) in the overall consideration of the application.

### 4.3.4 Post - collection

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. A common example of the collection of information from another public sector agency is the Land and Property Information Office. Council receives information as to new ownership changes when property is transferred from one owner to the next. Appendix 3 contains a sample Privacy Notification Form that could be used for post-collection.

### 4.3.5 External and related bodies

Each of the following must comply with IPP3:

- a) Council owned businesses;



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- b) Council consultants;
- c) Private contractors;
- d) Council committees.

Council will seek to bind by contract each of these bodies or persons to comply with the IPP3.

Where any of the above collects personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with IPP3 as to the intended recipients and other matters required by that principle.

### 4.3.6 Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of IPP3.

### 4.3.7 Existing statutory exemptions under the Act

Compliance with IPP3 is also subject to certain exemptions under the Act. If one of those exemptions applies, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

- a) Section 23(3) permits non-compliance with IPP3 where information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person;
- b) Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with IPP3 if a council is:
  - 1) Investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
  - 2) If compliance might detrimentally affect (or prevent the exercise of) the Council's complaint handling or investigative functions;
- c) Section 25(a) of the PPIPA permits non-compliance with IPP3 where the agency is lawfully authorised or required not to comply with the principle;
- d) Section 25(b) of the PPIPA permits non-compliance with IPP3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law;
- e) Section 26(1) of the PPIPA permits non-compliance with IPP3 if compliance would prejudice the interests of the individual concerned;
- f) Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

### 4.3.8 Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in

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accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.

### 4.4 IPP4: Other requirements relating to collection of personal information

#### 4.4.1 Section 11: Other requirements relating to collection of personal information

*If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:*

- a) *the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete; and*
- b) *the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

#### 4.4.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

#### 4.4.3 Council Policy

Council will seek to ensure that personal information is collected which is directly relevant to its proper functions, accurate and not excessive.

Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, Council's Privacy Contact Officer will review a draft form for compliance with IPP4 by the. Should the Privacy Contact Officer have any doubt, the Privacy Contact Officer Council will seek the opinion of the NSW Privacy Commissioner.

### 4.5 IPP5: Retention and security of personal information

#### 4.5.1 Section 12: Retention and security of personal information

*A public sector agency that holds personal information must ensure:*

- a) *that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
- b) *that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and*
- c) *that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all other breaches, and*
- d) *that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.*

#### 4.5.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

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### 4.5.3 Council Policy

Council will comply with this principle in accordance with:

- a) Council's Code of Conduct;
- b) Council's Records Management Policy; and
- c) General Records Disposal Schedule for Local Government.

### 4.5.4 Disclosure of information of research purposes

The disclosure of personal information for research purposes will be allowed only in accordance with any applicable direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General, as may be in force for the time being.

### 4.6 IPP6: Information held by agencies

#### 4.6.1 Section 13 Information about personal information held by agencies

*A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:*

- a) *whether the agency holds personal information;*
- b) *whether the agency holds personal information relating to that person; and*
- c) *if the agency holds personal information relating to that person:*
  - (i) *the nature of that information, and*
  - (ii) *the main purposes for which the information is used, and*
  - (iii) *that person's entitlement to gain access to the information.*

#### 4.6.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

#### 4.6.3 Council Policy

Section 13 of the PPIPA requires a council to take reasonable steps to enable a person to determine whether Council holds personal information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access. As a matter of practicality, not every item of personal information, however insignificant, will be capable of ascertainment.

Under section 20(5) of the PPIPA, IPP6 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 4.

Where Council receives an application or request by a person as to whether Council holds information about them, council will undertake a search of its records to

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answer the enquiry. Council may ask the applicant to describe what dealings the applicant has had with council in order to assist council to conduct the search.

Council will ordinarily provide a response to applications of this kind within 28 days of the application being made. The fee structure is commensurate to that of Council's GIPA Act rates structure.

### 4.6.4 Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of IPP6.

### 4.6.5 Existing exemptions under the Act

Compliance with IPP6 is also subject to certain exemptions under the Act. If one of those exemptions applies, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with IPP6 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with IPP6 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

### 4.6.6 Reporting matters

Council will issue a statement to be included on its web page (if it has one) and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal information is used and an individual's right to access their own personal information.

## 4.7 IPP7: Access to personal information held by agencies

### 4.7.1 Section 14: Access to personal information held by agencies

*A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.*

### 4.7.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

### 4.7.3 Council Policy

Section 14 of the PPIPA requires a council, at the request of any person, to give access to that person to personal information held about them.

Compliance with IPP7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must

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be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. However use of the GIPA Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

Under section 20(5) of the PPIPA, IPP7 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the CEO, who will make a determination. A sample form is provided at Appendix 5.

Members of Council staff wishing to exercise their right of access to their personal information should apply in writing on the attached form or direct their inquiries to the Chief People Officer who will deal with the application.

In order to comply with the requirement to provide the requested information "without excessive delay or expense", Council will ordinarily provide a response to applications of this kind within 28 days of the application being made.

### 4.7.4 Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of IPP7.

### 4.7.5 Existing exemptions under the Act

Compliance with IPP7 is also subject to certain exemptions under the Act. If one of those exemptions applies, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with IPP7 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with IPP7 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

## 4.8 IPP8: Alteration of personal information

### 4.8.1 Section 15: Alteration of personal information

*(1) A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:*

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- a) *is accurate; and*
- b) *having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.*

- (2) *If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*
- (3) *If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.*
- (4) *This section, and any provision of the Privacy Code of Practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998.*
- (5) *The Privacy Commissioner's guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.*
- (6) *In this section (and in any other provision of this Act in connection with the operation of this section), public sector agency includes a Minister and a Minister's personal staff.*

### 4.8.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

### 4.8.3 Council Policy

Section 15 of the PPIPA allows a person to make an application to Council to amend (*this includes by way of corrections, deletions or additions*) personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council wishes to have its information current, accurate and complete. Proposed amendments or changes to the personal information held by Council are welcomed. Any person seeking correction of personal information held by Council may apply in writing to the Privacy Contact Officer with their request.

If Council declines to amend personal information as requested, it will on request of the individual concerned, place an addendum on the information in accordance with section 15(2) of the PPIPA.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Chief People Officer in the first instance and treated in accordance with relevant Council policies and the *Local Government (State) Award*.

Any alterations that are or could be the subject of a customer complaint or grievance

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will be referred to the CEO, who will make a determination in relation to the matter.

### 4.8.4 Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of IPP8.

### 4.8.5 Existing exemptions under the Act

Compliance with IPP8 is also subject to certain exemptions under the Act. If one of those exemptions applies, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with IPP8 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with section IPP8 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

### 4.8.6 Procedure

Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make a request to the Privacy Contact Officer. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy Council that the proposed amendment is factually correct and appropriate. Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend such a record.

Council's application form for alteration under IPP 8 is at Appendix 6 at the end of this policy.

### 4.8.7 Where Council is not prepared to amend

If Council is not prepared to amend the personal information in accordance with a request by the individual, Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

### 4.8.8 Where an amendment is made

If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by Council.

Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.

### 4.8.9 State Records Act

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The *State Records Act* 1998 does not allow for the deletion of records. However, as a result of section 20(4) of the PPIPA, some deletions may be allowed in accordance with IPP8.

### 4.9 IPP9: Agency must check accuracy of personal information before use

#### 4.9.1 Section 16: Agency must check accuracy of personal information before use

*A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.*

#### 4.9.2 The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

#### 4.9.3 Council Policy

The steps taken to comply with section 16 will depend on the age of the information, its likelihood of change and the particular function for which the information was collected. However, information collected by Council must adhere to the provisions of Council's Records Management Policy.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change

### 4.10 IPP10: Limits on use of personal information

#### 4.10.1 Section 17: Limits on use of personal information

*A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:*

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or*
- (b) the other purpose for which the information is used is directly related to the purpose for which the information was collected, or*
- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.*

#### 4.10.2 The Privacy Code of Practice for Local Government

Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- (a) Where the use is in pursuance of Council's lawful and proper function(s) and Council is satisfied that the personal information is reasonably necessary for the exercise of such function(s); or



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(b) Where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

### 4.10.3 Explanatory Note

Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the Act may also be used to:

- (a) Notify neighbours of a proposed development;
- (b) Evaluate a road opening; or
- (c) Evaluate a tree preservation order.

### 4.10.4 Council Policy

Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.

### 4.10.5 External and related bodies

Each of the following will be required to comply with the IPP10:

- (a) Council owned businesses;
- (b) Council consultants;
- (c) Private contractors; and
- (d) Council committees.

Council will seek to bind contractually each of these bodies or persons to comply. Where any of the above seeks to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with section 17(a) to the use of the information for another purpose.

The form of consent should include the following elements:

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I, **(1)** (1) insert full name  
of **(2)** (2) insert address

hereby consent under section 17(a) of the *Privacy and Personal Information Protection Act 1998* to **(3)**: (3) insert Council name

using the information collected from me by **(4)**: (4) insert name of  
collecting body/person

for the purpose of **(5)**: (5) insert purpose/s info  
was collected for

Signature

Name to be printed

Date signed / /

**4.10.6 Investigative Functions**

Where Council is conducting an investigation, it will have regard to any applicable direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of IPP10.

**4.10.7 Existing exemptions under the Act**

Compliance with IPP10 is also subject to certain exemptions under the Act. If one of those exemptions applies, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(4) of the PPIPA permits Council not to comply with IPP10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue.

*Law enforcement purposes* mean a breach of the criminal law and criminal law enforcement. This section does not remove the rights of an accused person. *Protection of the public revenue* means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.

Section 24(4) of the PPIPA extends the operation of section 24(2) to councils and permits non-compliance with IPP10 if Council is:

- (a) Investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (b) The use of the information concerned for a purpose other than the purpose for

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which it was collected is reasonably necessary in order to enable Council to exercise its complaint handling functions or any of its investigative functions.

Section 25(a) of the PPIPA permits non-compliance with IPP10 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with IPP10 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (such as the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

### 4.1 IPP11: Limits on disclosure of personal information

#### 4.1.1.1 Section 18 - Limits on disclosure of personal information

*(1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:*

- (a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or*
- (b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or*
- (c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.*

*(2) If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*

#### 4.1.1.2 The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

- (a) Council may disclose personal information to public sector agencies or public utilities on condition that:
  - (1) the agency or utility provider has approached Council in writing;
  - (2) Council is satisfied that the information is to be used by that agency or utility provider for the proper and lawful function(s) of that agency or utility provider; and
  - (3) Council is satisfied that the personal information is reasonably necessary for

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the exercise of that agency's or utility provider's function(s).

- (b) Where personal information, which has been collected about an individual, is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition;
- (c) Where Council is requested by a potential employer, it may verify that a current or former employee works or has worked for Council, the duration their employment, and the position occupied during that employment. This exception shall not permit Council to give an opinion as to that person's suitability to a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which they have applied.

### 4.11.3 Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

### 4.11.4 Public Registers

Sections 18 and 57 of the PPIPA should be read in regard to Public Registers. Public Registers are discussed further in Part 3 of this policy.

### 4.11.5 Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of IPP11.

### 4.11.6 Existing exemptions under the PPIPA

Compliance with IPP11 is also subject to certain exemptions under the PPIPA. If one of those exemptions applies, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(5)(a) of the PPIPA permits non-compliance with IPP11 where disclosure

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is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. *Law enforcement purposes* mean a breach of the criminal law and criminal law enforcement.

However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(b) of the PPIPA permits non-compliance with IPP11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(c) of the PPIPA permits non-compliance with IPP11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(i) of the PPIPA permits non-compliance with IPP11 where disclosure is reasonably necessary for the protection of the public revenue. *Protection of the public revenue* could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However, Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(ii) of the PPIPA permits non-compliance with IPP11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.

Section 24(4) of the PPIPA permits non-compliance with IPP11 if:

- (a) investigating a complaint that could be referred or made to, or has been referred from or made by, an investigative agency, and
- (b) if the disclosure is to an investigative agency

(Note: “investigative agency” is defined at section 3 of PPIPA.)

Section 25(a) of the PPIPA permits non-compliance with IPP11 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with IPP11 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (such as the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a section 41 Direction made by the Privacy Commissioner until

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such time as a Research Code of Practice is made by the Attorney General.

### 4.11.7 Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Policy for more details about suppression of personal information.

### 4.12 IPP12: Special restrictions on disclosure of personal information

#### 4.12.1 Section 19: Special restrictions on disclosure of personal information

(1) *A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.*

(2) *A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:*

- (a) a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction or applies to that Commonwealth agency, or*
- (b) the disclosure is permitted under a privacy code of practice.*

(3) *For the purposes of subsection (2), a relevant privacy law means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.*

(4) *The Privacy Commissioner is to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales and to Commonwealth agencies.*

(5) *Subsection (2) does not apply:*

- (a) until after the first anniversary of the commencement of this section; or*
- (b) until a code referred to in subsection (4) is made, whichever is the later.*

#### 4.12.2 The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

(a) For the purposes of s.19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that a current or former employee works or has worked for Council, the duration of their employment, and the position occupied during their employment. This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which they have applied.

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### 4.12.3 Council Policy

Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

### 4.12.4 Public Registers

Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in section 3 of this policy.

### 4.12.5 Investigative Functions

Where Council is conducting an investigation, it will have regard to any applicable Direction of the Privacy Commissioner under section 41 of the PPIPA that may affect the application of IPP12.

### 4.12.6 Existing exemptions under the Act

Compliance with IPP12 is also subject to certain exemptions under the Act. If one of those exemptions applies, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(7) of the PPIPA permits non-compliance with IPP12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.

Section 25(a) of the PPIPA permits non-compliance with IPP12 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with IPP12 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(2) permits non-compliance with IPP12 where, in the case of health information, the consent of the person cannot reasonably be obtained and the disclosure is made by an authorised person to another authorised person. "Authorised person" means a medical practitioner, health worker, or other official or employee providing health or community services who is employed or engaged by a public sector agency.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (for example, the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

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A disclosure of personal information by Council for research purposes will be allowed under a section 27B of the PPIPA.

### 4.12.7 Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Policy for more details about suppression of personal information.

## 5. HEALTH PRIVACY PRINCIPLES (HPPs)

### 5.1 Health information generally

5.1.1 In 2002, most references to “health information” were taken out of the PPIPA and separate legislation was enacted. The HRIPA was enacted to deal with this specific type of personal information. On and from September 2004, various agencies and organisations, including local councils were expected to comply with the HRIPA in their collection and management of health information.

5.1.2 Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information *also* includes personal information that is information or an opinion about:

- a) A health service provided, or to be provided, to an individual;
- b) An individual’s express wishes about the future provision of health services to them;
- c) Other personal information collected in connection with the donation of human tissue; or
- d) Genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

5.1.3 Health information is defined in section 6 of the HRIPA. Local councils will often hold health information by reason of their role in elder care, child care and various types of community health support services. It is therefore very important for councils to be familiar with the 15 Health Protection Principles (“HPP”) set down in Schedule 1 to the HRIPA. Each of these HPPs is considered below.

5.1.4 The following is a non-exhaustive list of examples of the types of health information and circumstances which council may collect health information in exercising its functions:

- (a) Tree pruning/ removal applications where residents approach Council for a reconsideration or reassessment of a tree pruning/ removal application on medical grounds;
- (b) Issuing of clean up orders which may include recording information about a resident’s health, GP professional contact details or involvement with mental health services;
- (c) Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work;
- (d) Meals on wheels programs where residents may be asked for medical or dietary requirements, e.g. allergies for catering purposes;
- (e) Seniors bus outings where information may be collected on special medical



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needs;

- (f) Council may provide respite and social support services collecting information that is consistent with the client intake and referral record system;
- (g) Information on families for the purposes of children's services, for example, history of illness, allergies, asthma, diabetes, epilepsy etc.;
- (h) Physical exercise classes;
- (i) Information may be collected through a healthy community program;
- (j) Children's immunization records; and
- (k) Family counsellor/ youth support workers records.

5.1.5 HPPs 1-4 concern the collection of health information, HPP 5 concerns the storage of health information, HPPs 6-9 concern the access and accuracy of health information, HPP 10 concerns the use of health information, HPP 11 concerns the disclosure of health information, HPPs 12-13 concern the identifiers and anonymity of the persons to which health information relate, HPPs 14-15 concern the transferral of health information and the linkage to health records across more than one organisation.

### 5.2 HPP 1

#### 5.2.1 Purposes of collection of health information

*(1) An organisation must not collect health information unless:*

- a) the information is collected for a lawful purpose that is directly related to a function or activity of the organisation, and*
- b) the collection of the information is reasonably necessary for that purpose.*

*(2) An organisation must not collect health information by any unlawful means.*

### 5.3 HPP 2

#### 5.3.1 Information must be relevant, not excessive, accurate and not intrusive

*An organisation that collects health information from an individual must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:*

- (a) the information is collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and*
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*

### 5.4 HPP 3

#### 5.4.1 Collection to be from the individual concerned

- (a) An organisation must collect health information about an individual only from that individual, unless it is unreasonable or impracticable to do so; and*
- (b) Health information is to be collected in accordance with any guidelines issued by the Privacy Commissioner for the purposes of this clause*

**PRIVACY POLICY**5.5 HPP 45.5.1 Individual to be made aware of certain matters

- (1) *An organisation that collects health information about an individual from the individual must, at or before the time it collects the information (or if that is not practicable, as soon as practicable after that time), take steps that are reasonable in the circumstances to ensure that the individual is aware of the following:*
- (a) *The identity of the organisation and how to contact it;*
  - (b) *The fact that the individual is able to request access to the information;*
  - (c) *The purposes for which the information is collected;*
  - (d) *The persons to whom (or the type of persons to whom) the organisation usually discloses information of that kind;*
  - (e) *Any law that requires the particular information to be collected; and*
  - (f) *The main consequences (if any) for the individual if all or part of the information is not provided.*
- (2) *If the organisation collects health information about an individual from someone else, it must take any steps that are reasonable in the circumstances to ensure that the individual is generally aware of the matters listed in subclause (1) except to the extent that:*
- (a) *making the individual aware of the matters would impose a serious threat to the life or health of any individual; or*
  - (b) *the collection is made in accordance with guidelines issued under subclause (3).*
- (3) *The Privacy Commissioner may issue guidelines setting out circumstances in which an organisation is not required to comply with subclause (2).*
- (4) *An organisation is not required to comply with a requirement of this clause if:*
- (a) *the individual to whom the information relates has expressly consented to the organisation not complying with it or,*
  - (b) *the organisation is lawfully authorised or required not to comply with it, or non-compliance is otherwise permitted (or necessarily implied or reasonably contemplated) under any Act or any other law including the State Records Act 1998), or*
  - (c) *compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or*
  - (d) *the information concerned is collected for law enforcement purposes or,*
  - (e) *the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.*
- (5) *If the organisation reasonably believes that the individual is incapable of understanding the general nature of the matters listed in subclause (1), the organisation must take steps that are reasonable in the circumstances, to ensure that any authorised representative of the individual is aware of those matters.*
- (6) *Subclause (4) (e) does not remove any protection provided by any other law in*

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*relation to the rights of accused persons or persons suspected of having committed an offence.*

- (7) The exemption provided by subclause (4) (f) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.*

### 5.5.2 Council Policy

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose (HPP 1) Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual (HPP 2).

Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so. (HPP 3).

Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how he or she can see and correct the health information.

If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points (HPP 4).

### 5.6 HPP 5

#### 5.6.1 Retention and Security

*(1) An organisation that holds health information must ensure that:*

- a) the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
- b) the information is disposed of securely and in accordance with any requirements for the retention and disposal of health information, and*
- c) the information is protected, by taking such security safeguards as are reasonable in the circumstances against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and*
- d) if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of an organisation is done to prevent the unauthorised use or disclosure of the information.*
- e) if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of an organisation is done to prevent the unauthorised use or disclosure of the information.*

**Note:** Division 2 (Retention of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

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(2) *An organisation is not required to comply with a requirement of this clause if:*

- (a) *The organisation is lawfully authorised or required not to comply with it, or*
- (b) *Non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

(3) *An investigative agency is not required to comply with subclause (1)(a).*

### 5.6.2 Council Policy

Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than is necessary and will be disposed of appropriately (HPP 5).

### 5.7 HPP 6

#### 5.7.1 Information about health information held by organisations

(1) *An organisation that holds health information must take such steps as are, in the circumstances, reasonable, to enable any individual to ascertain:*

(2)

- (a) *whether the organisation holds health information, and*
- (b) *whether the organisation holds health information relating to that individual, and*
- (c) *if the organisation holds health information relating to that individual:*
  - (i) *the nature of that information*
  - (ii) *the main purposes for which the information is used, and*
  - (iii) *that person's entitlement to request access to the information.*

(3) *An organisation is not required to comply with a provision of this clause if:*

- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
- (b) *(non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under any Act or any other law (including the State Records Act 1998).*

### 5.8 HPP 7

#### 5.8.1 Access to health information

(1) *An organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.*

**Note:** Division 3 (Access to health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause. Access to health information held by public sector agencies may also be available under the *Government Information (Public Access) Act 2009* or the *State*

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*Records Act 1998.*

*(2) An organisation is not required to comply with a provision of this clause if:*

- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or*
- (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

### 5.9 HPP 8

#### 5.9.1 Amendment of health information

*(1) An organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information:*

- (a) is accurate, and*
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to day, complete and not misleading.*

*(2) If an organisation is not prepared to amend health information under subclause (1) in accordance with a request by the individual to whom the information relates, the organisation must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*

*(3) If health information is amended in accordance with this clause, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the organisation.*

Note: Division 4 (Amendment of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause. Amendment of health information held by public sector agencies may also be able to be sought under the *Privacy and Personal Information Protection Act 1998*.

*(4) An organisation is not required to comply with a provision of this clause if:*

- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or*
- (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

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### 5.10 HPP 9

#### 5.10.1 Accuracy

*An organisation that holds health information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate and up to date, complete and not misleading.*

#### 5.10.2 Council Policy

Council through its Privacy Contact Officer will:

- a) Provide details about what health information Council is holding about an individual and with information about why Council is storing that information and what rights of access the individual has (HPP 6);
- b) Allow an individual to access his or her health information without reasonable delay or expense (HPP 7);
- c) Allow an individual to update, correct or amend his or her health information where necessary (HPP 8);
- d) Ensure that the health information is relevant and accurate before using it (HPP 9).

### 5.11 HPP 10

#### 5.11.1 (1) *An organisation that holds health information must not use the information for a purpose (a secondary purpose) other than the purpose (the primary purpose) for which it was collected unless:*

- (a) Consent  
*the individual to whom the information relates has consented to the use of the information for that secondary purpose, or*
- (b) Direct relation  
*the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to use the information for the secondary purpose or,*

Note: For example, if information is collected in order to provide a health service to the individual, the use of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

- (c) Serious threat to health or welfare  
*use of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:*
  - (i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
  - (ii) *a serious threat to public health and safety, or*
- (d) Management of health services  
*the use of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:*

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- (i) *either:*  
(A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*  
(B) *reasonable steps are taken to de-identify the information, and*
- (i) *if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*  
(ii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (e) Training  
*the use of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:*
- (i) *either:*  
(A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*  
(B) *reasonable steps are taken to de-identify the information, and*
- (ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*  
(iii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (f) Research  
*the use of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:*
- (i) *either:*  
(A) *that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or*  
(B) *reasonable steps are taken to de-identify the information, and*
- (ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*  
(iii) *the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purpose of this paragraph, or*
- (g) Find missing person  
*the use of the information for the secondary purpose is by a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or*

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- (h) Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline  
the organisation:
- (i) has reasonable grounds to suspect that:
    - (A) unlawful activity has been or may be engaged in, or
    - (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or
    - (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
  - (ii) uses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- (i) Law enforcement  
the use of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
- (j) Investigative agencies  
the use of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or
- (k) Prescribed circumstances  
the use of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
  - (b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).
- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
- (a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
  - (b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.



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(5) *The exemption provided by subclause (1) (j) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.*

### 5.11.2 Council policy

Council will only use the health information for the purpose for which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain an individual's consent (HPP 10).

### 5.12 HPP 11

5.12.1 (1) *An organisation that holds health information must not disclose the information for a purpose (a secondary purpose) other than the purpose (the primary purpose) for which it was collected unless:*

(a) Consent

*the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or*

(b) Direct relation

*the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to disclose the information for the secondary purpose, or*

Note: For example, if information is collected in order to provide a health service to the individual, the disclosure of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) Serious threat to health or welfare

*the disclosure of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:*

- (i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
- (ii) *a serious threat to public health or public safety, or*

(d) Management of health services

*the disclosure of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:*

(i) *either:*

- (A) *that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
- (B) *reasonable steps are taken to de-identify the information, and*

- (ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*

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*(iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

**(e) Training**

*the disclosure of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:*

**(i) either:**

*(A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*

*(B) reasonable steps are taken to de-identify the information and*

*(ii) if the information could reasonably be expected to identify the individual, the information is not made publicly available, and*

*(iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

**(f) Research**

*the disclosure of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:*

**(i) either:**

*(A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*

*(B) reasonable steps are taken to de-identify the information, and*

*(ii) the disclosure will not be published in a form that particular individuals or from which an individual's identity can reasonably be ascertained, and disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

*(iii) the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*

**(g) Compassionate reasons**

*the disclosure of the information for the secondary purpose is to provide the information to an immediate family member of the individual for compassionate reasons and:*

*(i) the disclosure is limited to the extent reasonable for those compassionate reasons, and*

*(ii) the individual is incapable of giving consent to the disclosure of the information, and*

*(iii) the disclosure is not contrary to any wish expressed by the individual (and not withdrawn) of which the organisation was aware or could make itself aware by taking reasonable steps, and*

*(iv) if the immediate family member is under the age of 18 years, the organisation reasonably believes that the family member has sufficient*

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*maturity in the circumstances to receive the information, or*

- (h) Finding missing person  
*the disclosure of the information for the secondary purpose is to a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or*
- (i) Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline  
*the organisation:*
- (i) *Has reasonable grounds to suspect that:*
- (A) *unlawful activity has been or may be engaged in, or*
- (B) *a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under a the Health Practitioner Regulation National Law (NSW), or*
- (C) *an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and*
- (ii) *Discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or*
- (j) Law enforcement  
*the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or*
- (k) Investigative agencies  
*the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or*
- (l) Prescribed circumstances  
*the disclosure of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.*
- (2) *An organisation is not required to comply with a provision of this clause if:*
- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
- (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998 ), or*
- (c) *the organisation is an investigative agency disclosing information to another investigative agency.*
- (3) *The Ombudsman’s Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.*

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- (4) *Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:*
- (a) *to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or*
  - (b) *to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.*
- (5) *If health information is disclosed in accordance with subclause (1), the person, body or organisation to whom it was disclosed must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*
- (6) *The exemptions provided by subclauses (1) (k) and (2) extend to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.*

5.12.2 Council Policy

Council will only disclose health information under the following circumstances:

- a) With the consent of the individual to whom the information relates; or
- b) For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect; or
- c) If an exemption applies (HPP 11).

5.13 HPP 125.13.1 Identifiers

- (1) *An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently.*
- (2) *Subject to subclause (4), a private sector person may only adopt as its own identifier of an individual an identifier of an individual that has been assigned by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:*
- (a) *the individual has consented to the adoption of the same identifier, or*
  - (b) *the use or disclosure of the identifier is required or authorised by or under law.*
- (3) *Subject to subclause (4), a private sector person may only use or disclose an identifier assigned to an individual by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:*
- (a) *the use or disclosure is required for the purpose for which it was assigned or for a secondary purpose referred to in one or more paragraphs of HPP 10 (1) (c)-(k) or 11 (1) (c)-(l), or*
  - (b) *the individual has consented to the use or disclosure, or*

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*(c) the disclosure is to the public sector agency that assigned the identifier to enable the public sector agency to identify the individual for its own purposes.*

*(4) If the use or disclosure of an identifier assigned to an individual by a public sector agency is necessary for a private sector person to fulfil its obligations to, or the requirements of, the public sector agency, a private sector person may either:*

*(a) adopt as its own identifier of an individual an identifier of the individual that has been assigned by the public sector agency, or*

*(b) use or disclose an identifier of the individual that has been assigned by the public sector agency.*

### 5.13.2 Council Policy

Council will only give an identification number to health information if it is reasonably necessary for Council to carry out its functions effectively (HPP 12).

### 5.14 HPP 13

#### 5.14.1 Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving health services from an organisation.

#### 5.14.2 Council Policy

Council will provide health services anonymously where it is lawful and practical (HPP 13).

### 5.15 HPP 14

#### 5.15.1 Transborder data flows and data flow to Commonwealth agencies

*An organisation must not transfer health information about an individual to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:*

*(a) the organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the HPPs, or*

*(b) the individual consents to the transfer, or*

*(c) the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request, or*

*(d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party, or*

*(e) all of the following apply:*

*(i) the transfer is for the benefit of the individual,*

*(ii) it is impracticable to obtain the consent of the individual to that transfer,*

*(iii) if it were practicable to obtain such consent, the individual would be likely to give it, or*

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- (f) *the transfer is reasonably believed by the organisation to be necessary to lessen or prevent:*
  - (i) *a serious and imminent threat to the life, health or safety of the individual or another person, or*
  - (ii) *a serious threat to public health or public safety, or*
- (g) *the organisation has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the HPPs, or*
- (h) *the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.*

5.15.2 Council Policy

Council will only transfer personal information out of New South Wales if the requirements of HPP 14 are met.

5.16 HPP 155.16.1 Linkage of health records

(1) *An organisation must not:*

- (a) *include health information about an individual in a health records linkage system unless the individual has expressly consented to the information being so included, or*
- (b) *disclose an identifier of an individual to any person if the purpose of the disclosure is to include health information about the individual in a health records linkage system, unless the individual has expressly consented to the identifier being disclosed for that purpose.*

(2) *An organisation is not required to comply with a provision of this clause if:*

- (a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
- (b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998 ), or*
- (c) *the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the individual is to be disclosed) is a use of the information that complies with HPP 10 (1) (f) or a disclosure of the information that complies with HPP 11 (1) (f).*

(3) *In this clause:*

- (a) *Health record means an ongoing record of health care for an individual.*
- (b) *Health records linkage system means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage*

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system.

### 5.16.2 Council Policy

Council will only include health information in a system to link health records across more than one organisation if the individual to whom the health information relates expressly consents to the link (HPP 15).

## 6. IMPLEMENTATION OF THE PRIVACY POLICY

### 6.1 Training Seminars/ Induction

6.1.1 During induction, all members of Council staff should be made aware that the performance management system has the potential to include personal information on their individual work performance or competency.

6.1.2 Councillors, all members of Council staff and members of Council committees should be acquainted with the general provisions of the PPIPA, the HRIPA and in particular, the 12 Information Protection Principles (IPPs), the 15 HPPs (HPPs), the Public Register provisions, the Privacy Code of Practice for Local Government, this Policy and any other applicable Code of Practice.

6.2 Responsibilities of the Privacy Contact Officer (see also clauses 4.1.5, 4.4.3, 4.8.3, 5.10.2, 8.6.1, 8.7.1 and 8.8.2 of this policy)

6.2.1 Council's Head of Governance is Council's Privacy Contact Officer.

6.2.2 The Privacy Contact Officer will deal with complaints relating to privacy by:

- a) Assessment as to whether the complaint is about privacy;
- b) Informal resolution of the complaint with the consent of the complainant;
- c) Conducting an internal review in accordance with section 53 of the PPIPA;
- d) Referring the complainant to the Privacy Commissioner in accordance with section 45 of the PPIPA.

All privacy complaints must be made in writing.

6.2.3 In order to ensure compliance with PPIPA and the HRIPA, the Privacy Contact Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

6.2.4 Interim measures to ensure compliance with IPP 3 in particular may include the creation of stamps or printed slips that contain the appropriate wording (see Appendices 2 and 3).

6.2.5 The Privacy Contact Officer will ensure Council in its public areas has special provisions for working with computer screens. Computer screens may require:

- (a) Fast screen savers;
- (b) Face the computers away from the public; or

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- (c) Only allow the record system to show one record at a time.
- 6.2.6 Council's electronic databases should also be reviewed to ensure that they contain procedures and protocols to check the accuracy and currency of personal and health information, including CCTV footage and recorded customer telephone calls.
- 6.2.7 The Privacy Contact Officer will also provide opinions within Council as to:
- (a) Whether the personal or health information is collected for a lawful purpose;
  - (b) If that lawful purpose is directly related to a function of Council; and
  - (c) Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.
- 6.2.8 Should Council so require, the Privacy Contact Officer may assign designated officers as "Privacy Resource Officers", within Council directorates. In this manner, Council may ensure that the information protection principles are more broadly understood and that individual departments have a greater focus on the information protection principles and are directly applied to Council's daily functions.
- 6.2.9 The Privacy Contact Officer may be contacted on 1300 36 2170 or by email at [governance@liverpool.nsw.gov.au](mailto:governance@liverpool.nsw.gov.au).
- 6.3 Distribution of information to the public
- 6.3.1 Council may prepare its own literature such as pamphlets on the PPIPA, HRIPA or it may obtain and distribute copies of literature available from the Office of the Privacy Commissioner NSW.

## 7. PRIVACY COMPLAINTS AND INTERNAL REVIEW

### 7.1 Informal resolution of privacy complaints

If a person wishes to resolve a complaint by informal means, a person may do so by a written request to the Head of Governance who will deal with the complaint in accordance with Council's complaints policy and relevant clauses of this policy.

### 7.2 How does the process of Internal Review operate?

- 7.2.1 Under section 53 of the PPIPA a person (the applicant) who is aggrieved by the conduct of a council is entitled to a review of that conduct. An application for internal review is to be made within six months of when the person first became aware of the conduct. The Privacy Contact Officer must also give a complainant the option of making a complaint directly to the Privacy Commissioner.
- 7.2.2 The application is to be in writing and addressed to Council's Privacy Contact Officer. The Privacy Contact Officer will act as Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application.
- 7.2.3 The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within 60 days of the lodgement, the applicant is entitled to seek external review.



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- 7.2.4 Council must notify the Privacy Commissioner of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.
- 7.2.5 The Privacy Commissioner is entitled to make submissions in relation to internal reviews and Council is required to consider any relevant material submitted by the Privacy Commissioner. Council must provide the Privacy Commissioner with a draft of Council's internal review report to enable the Privacy Commissioner to make a submission. Council may provide a copy of any submission by Privacy Commissioner's to the applicant.
- 7.2.6 Council must notify the applicant of the outcome of the review within 14 days of its determination. A copy of the final review should also be provided to the Privacy Commissioner where it departs from the draft review.
- 7.2.7 An internal review checklist has been prepared by the Office of the Privacy Commissioner NSW and can be accessed from its website <http://www.ipc.nsw.gov.au>.
- 7.2.8 The Privacy Commissioner must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

### 7.3 What happens after an Internal Review?

If the complainant remains unsatisfied, they may appeal to the NSW Civil and Administrative Tribunal which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an IPP or a HPP.

## 8. ELIGIBLE DATA BREACHES

### 8.1 Notifiable Data Breach Scheme

- 8.1.1 Council is subject to the notifiable data breach scheme under Part 6A of the PPIPA. This scheme requires the mandatory notification to the Privacy Commissioner and affected individuals of data breaches involving personal information where Council assesses that the breach is an eligible data breach.
- 8.1.2 The notifiable data breach scheme applies to personal information as defined under the PPIPA as well as information that is defined as health information under the HRIPA.
- 8.1.3 Council has developed a Data Breach Policy which sets out the process for the assessment of data breaches involving personal information and health information to determine whether they meet the threshold of an eligible data breach that must be notified to the Privacy Commissioner and affected individuals.

### 8.2 Requirement for a Data Breach Policy to be made public

- 8.2.1 Under section 59ZD of the PPIPA, Council is required to publish a Data Breach Policy that provides details of how the Council will respond to any eligible data

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breaches. This policy is to be made publicly available.

8.2.2 The Data Breach Policy can be downloaded from Council's website at: <https://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/policies>.

### 8.3 Data Breach Incident Registers

8.3.1 Council is required under section 59ZE of the PPIPA to establish and maintain an internal register for eligible data breaches. Council has developed a register which includes the following details for all eligible data breaches that have been reported to the Privacy Commissioner:

- (a) who was notified of the breach,
- (b) when the breach was notified,
- (c) the type of breach,
- (d) details of steps taken by the public sector agency to mitigate harm done by the breach,
- (e) details of the actions taken to prevent future breaches,
- (f) the estimated cost of the breach.

8.3.3 To comply with section 59P of the PPIPA, Council has also established and will maintain a public notification register for eligible data breaches where public notification has been used to notify affected individuals of an eligible data breach under section 59N(2) of the PPIPA. Public notifications are required to be available for a period of at least 12 months after the date the notification is published.

## 9. OTHER RELEVANT MATTERS

### 9.1 Contracts with consultants and other private contractors

9.1.1 It is necessary to have specific provisions to protect Council in any dealings with private contractors.

### 9.2 Confidentiality

9.2.1 The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.

9.2.2 An obligation of confidentiality exists for all employees whether express or implied as a matter of law.

9.2.3 Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two

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separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

### 9.3 Misuse of personal or health information

- 9.3.1 Section 62 of the PPIPA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

Members of Council staff and Councillors must not, otherwise than in connection with the lawful exercise of their official functions, intentionally disclose or use any personal information about another person to which they have or had access in the exercise of their official functions (see section 62(1) of PPIPA and section 68 of HRIPA).

- 9.3.2 A breach of this policy by a member of Council staff can also be dealt with in accordance with any relevant staff agreements, awards, industrial agreements, contracts and relevant Council policies, including the Code of Conduct and Code of Conduct Procedures.

- 9.3.3 Any allegation of corrupt disclosure or corrupt use or corrupt supply of personal information by any member of Council staff will be reported to the NSW Police and be dealt with in accordance with Part 8 of the PPIPA or Part 8 of the HRIP.

### 9.4 Regular review of the collection, storage and use of personal or health information

- 9.4.1 The information practices relating to the collection, storage and use of personal or health information will be reviewed by Council every three years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

### 9.5 Regular review of Privacy Policy

- 9.5.1 When information practices are reviewed from time to time, the Privacy Policy will also be reviewed to ensure that the policy is up to date. This policy can be perused on and downloaded from the "Fees, Forms, Policies and Enforcement" tab of Council's Internet and the "Policies and Forms" tab of Council's Intranet.

### 9.6 Use of metadata

- 9.6.1 Any application to a Commonwealth department or agency for the use of metadata by Council staff must be reviewed by the Privacy Contact Officer. The application will only be approved, in special circumstances, by the CEO in writing.

### 9.7 Data sharing

- 9.7.1. Any proposed agreement or memorandum of understanding for the sharing of data with other councils, government agencies or other entities must be:

- a) Drafted in accordance with guidelines issued by the Information and Privacy Commission;
- b) Reviewed by the Privacy Contact Officer and General Counsel; and
- c) Approved by the CEO in writing.

## PRIVACY POLICY

### 9.8 Privacy Impact Assessments

9.8.1 A privacy impact assessment (PIA) should be undertaken in circumstances involving the use and/ or proposed sharing of de-identified information by Council, the use of information that is linked to personal or health information retained by Council, or where new technologies are being proposed to handle information. A PIA should be conducted as part of any procurement process for the use of new technologies by Council in cases where the technology being procured will interact with personal information. The responsible business unit manager or director is responsible for undertaking the PIA.

9.8.2 A PIA should be:

- a) Prepared by reflecting the principles of the Guide to Privacy Impact Assessments in NSW issued by the Information and Privacy Commission;
- b) Reviewed by the Privacy Contact Officer and General Counsel; and
- c) Approved by the CEO in writing.

### 9.9 Further information

9.9.1 For assistance in understanding the processes under the PPIPA and HRIPA, please contact:

Council's Privacy Contact Officer  
Tel: 1300 36 2170  
Email: [governance@liverpool.nsw.gov.au](mailto:governance@liverpool.nsw.gov.au)

Information and Privacy Commission  
Phone: 1800 472 679  
Address: Level 17, 201 Elizabeth Street Sydney 2000  
Postal: GPO Box 7011, Sydney NSW 2001  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

9.9.2 The Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal (NCAT) reviews conduct by a government agency where an applicant alleges that there has been:

- a) A contravention of the Information Protection Principles under the *Privacy and Personal Information Protection Act 1998*;
- b) A contravention of the HPPs under the *Health Records and Information Privacy Act 2002*;
- c) A contravention of a Code of Practice that applies to the agency;
- d) A disclosure of personal information that is kept in a public register.

NCAT cannot review any privacy complaint until Council has conducted an internal review of the conduct. Contact details are as follows:

NCAT Administrative and Equal Opportunity Division and Occupational Division  
Level 10 John Maddison Tower  
86-90 Goulburn Street, SYDNEY NSW 2000  
Post: PO Box K1026, Haymarket NSW 1240  
Email: [aeod@ncat.nsw.gov.au](mailto:aeod@ncat.nsw.gov.au)

**PRIVACY POLICY**

Tel: 1300 006 228 and select Option 3

**AUTHORISED BY**

Council

**EFFECTIVE FROM**

XX MM 2024

**REVIEW DATE**

XX MM 2026

**DIRECTORATE RESPONSIBLE**

Corporate Support

**VERSIONS**

<b>Version</b>	<b>Amended by</b>	<b>Changes made</b>	<b>Date</b>	<b>TRIM Number</b>
1	Adopted by Council	Not applicable	27 March 2013	025679.2013
2	Council resolution	Minor amendments	24 March 2015	028730.2015
3	Council resolution	Minor amendments requested by Privacy Commissioner	25 May 2016	115402.2016
4	Chief Executive Officer	Minor amendments to clauses 2.18.2, 2.18.3 and 6.2.6	19 April 2017	095222.2017
5	Council resolution	Minor changes re metadata, data sharing and privacy impact statements	20 November 2019	207838.2019
6	Council resolution	Minor changes proposed by the Information and Privacy Commission	29 April 2020	072700.2020
7				

**REFERENCES**

Information and Privacy Commission: Guide to Privacy Impact Assessments in NSW  
 Liverpool City Council: Code of Conduct  
 Liverpool City Council: Code of Conduct Procedures  
 Liverpool City Council: Employee Security and Workplace Surveillance Policy  
 Liverpool City Council: Internal Ombudsman Policy  
 Liverpool City Council: Public Safety Closed Circuit Television (CCTV) Policy  
 Liverpool City Council: Records Management Policy  
 NSW Privacy Commissioner: Privacy Code of Practice for Local Government 2000  
 State Records Authority: General Records Disposal Schedule for Local Government

PRIVACY POLICY

**9. APPENDICES**

**Appendix 1: Privacy Notification Form - Section 10  
(Pre - collection)**

*(Addressed to the person from whom information is about to be collected or has been collected.)*

The personal information that Liverpool City Council (Council) is collecting from you is personal information for the purposes of the *Privacy and Personal Information Protection Act 1998* (PPIPA).

The intended recipients of the personal information are:

- members within Council staff;
- data service providers engaged by Council from time to time;
- any other agent of Council; and
- **(INSERT NAME OF OTHER**

**INTENDED RECIPIENTS)**

\_\_\_\_\_

The supply of information by you is:     Voluntary     Not voluntary

If you cannot provide, or do not wish to provide, the information sought, Council

- maybe unable to process your application.
- will be unable to process your application.

Council is collecting this personal information from you in order to:

\_\_\_\_\_

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it *is not* Council who holds or controls the information, please state below who does:

**(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)**

Enquiries concerning this matter can be addressed to: \_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_

Name to be printed \_\_\_\_\_

Date signed                                    /           /

**PRIVACY POLICY**

**Appendix 2: Privacy Notification Form - Section 10  
(Post - collection)**

*(Addressed to the person from whom information has been collected.)*

The personal information that Liverpool City Council (Council) has collected from you is personal information for the purposes of the *Privacy and Personal Information Protection Act 1998* (PPIPA).

The intended recipients of the personal information are:

- members of Council staff;
- data service providers engaged by Council from time to time;
- any other agent of Council; and

**(INSERT NAME OF OTHER**

**INTENDED RECIPIENTS)**

The supply of information by you is:  Voluntary  Not voluntary

If you cannot provide, or do not wish to provide, the information sought, Council may:

Council has collected this personal information from you in order to:

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. However, if it ***is not*** Council who holds or controls the information, please state below who does:

**(INSERT NAME OF AGENCY WHO HOLDS OR CONTROLS THE INFORMATION)**

Enquiries concerning this matter can be addressed to:

---

Signature

Name to be printed

Date signed    /            /

## PRIVACY POLICY

**Appendix 3: Application under Section 13 of the  
Privacy and Personal Information Protection Act 1998:  
to determine whether Liverpool City Council  
holds personal information about a person**

**Personal information held by Council**

I, (1) \_\_\_\_\_ (1) insert full name

of (2) \_\_\_\_\_ (2) insert address

hereby request Liverpool City Council to provide the following:

• Does Council hold personal information about me?  Yes  No

• If so, what is the nature of that information?

• What is the main purpose for holding the information?

• Am I entitled to access the information?  Yes  No

My address for a response to this application is:

\_\_\_\_\_  
State: \_\_\_\_\_ Post Code: \_\_\_\_\_

Note to applicants

Council will not record your address or any other contact details that you provide for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by Council under section 14 of the *Privacy and Personal Information Protection Act 1998* (PPIPA). There is a separate application form to gain access.

Council may refuse to process this application in part or in whole if:

- there is an exemption to section 13 of the PPIPA; or
- a Code of Practice may restrict the operation of section 14.

Enquiries concerning this matter can be addressed to:

The Privacy Contact Officer  
Liverpool City Council  
Locked Bag 7064  
Liverpool BC 1871



## PRIVACY POLICY

**Appendix 4: Application under section 14 of the  
Privacy and Personal Information Protection Act 1998:  
for access to applicant's personal information**

**Personal information held by Liverpool City Council**

I, **(1)** \_\_\_\_\_ (1) insert full  
name

of **(2)** \_\_\_\_\_ (2) insert address

hereby request that Liverpool City Council to provide me with:

- (a) access to all personal information held concerning myself;  
or  
 (b) access to the following personal information only (**LIST INFORMATION REQUIRED BELOW**):

My address for response to this application is:

\_\_\_\_\_  
State: \_\_\_\_\_ Post Code: \_\_\_\_\_

Note to applicants

As an applicant, you have a right of access to personal information concerning yourself that is held by Council under section 14 of the *Privacy and Personal Information Protection Act 1998* (PPIPA).

You are entitled to have access without excessive delay or cost.

Council may refuse to process your application in part, or in whole, if:

- The correct amount of fees has not been paid;
- There is an exemption to section 14 of the PPIPA; or
- A Code of Practice may restrict disclosure.

Enquiries concerning this matter can be addressed to:

The Privacy Contact Officer  
Liverpool City Council  
Locked Bag 7064  
Liverpool BC 1871

## PRIVACY POLICY

**Appendix 5: Application under section 15 of the  
Privacy and Personal Information Protection Act 1998:  
For alteration of applicant's personal information**

**Personal information held by Liverpool City Council**

I, (1)

(1) insert full name

of (2)

(2) insert address

hereby request that Liverpool City Council alter personal information regarding myself in the following manner:

- I propose the following changes:
  
- The reasons for the changes are as follows:
  
- The documentary bases for those changes is as shown on the attached documents

Note to applicants:

You have a right to request appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure that the personal information held by Council:

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to- date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach to the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the *Privacy and Personal Information Protection Act 1998* (PPIPA), if it is reasonably practicable, to the have recipients of that information notified of the amendments made by Council.

Council may refuse to process your application in part, or in whole, if:

- there is an exemption to section 15 of the PPIPA; or
- a Code of Practice may restrict alteration.

Enquiries concerning this matter can be addressed to:

The Privacy Contact Officer  
Liverpool City Council  
Locked Bag 7064  
Liverpool BC 1871

PRIVACY POLICY

**Appendix 6: Statutory declaration for access under Section 57 of the Privacy and Personal Information Protection Act 1998 to Liverpool City Council Rates Register for adjoining owner details for fencing purposes**

**Statutory Declaration  
Oaths Act, 1900, Ninth Schedule**

I, the undersigned  
(1)

.....  
..... (1) insert full name

of

(2).....  
.....

(2) insert applicant's  
address

in the State of New South Wales, do solemnly and sincerely declare that:

1. I am the owner or joint owner of the above property.
2. I seek to find out from Council the name and address of the owner of an adjoining property from Council's Rates Register. The address of the adjoining property for which I seek this information is (3)

(3) insert address of property:

.....

3. The purpose for which I seek this information is solely to serve a notice upon the owner of an adjoining property under section 11of the Dividing Fences Act 1991, requiring the adjoining owner to contribute to the cost of fencing work along our common boundary line and for no other purpose whatsoever.

**And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1900.**

\_\_\_\_\_  
**Signature of Applicant**

Declared at:

in the said State this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

before me

\_\_\_\_\_  
**Signature of Justice of the Peace/ Solicitor**

\_\_\_\_\_  
**Name of Justice of the Peace/ Solicitor to be printed**

## PRIVACY POLICY

**Appendix 7: Privacy Code of Practice for Local Government****1. Overview**

- 1.1 This Privacy Code of Practice (the “Code”) is made under Part 3 Division 1 of the *Privacy and Personal Information Protection Act 1998* (the “PIIP Act”).
- 1.2 The effect of this Code is to modify:
- 1) the information Protection Principles contained in Part 2, Division 1 of the PIIP Act, and
  - 2) the provisions of Part 6 of the PIIP Act, as they relate to Local Government.
- 1.3 This Code replaces the Privacy Code of Practice for Local Government (gazetted on 1 July 2000).
- 1.4 This Code does not affect the operation of any exemption provided under Part 2, Division 3 of the PIIP Act. This is consistent with section 29(6) of the PIIP Act.

**2. Interpretation**

- 2.1 For the purpose of this Code:

**Code** means the Privacy Code of Practice for Local Government

**Council** refers to “councils”, “county councils” and “joint organisations” as defined under the Local Government Act 1993

**Information Protection Principles (“IPPs”)** means those principles contained in Part 2 Division 1 of the PIIP Act

**Personal Information** has the same meaning as in section 4 of the PIIP Act

**PIIP Act** means the Privacy and Personal Information Protection Act 1998 (NSW)

Privacy Management Plan means the Council’s Privacy Management Plan Public Sector Agency has the same meaning as in section 3 of the PIIP Act Public Sector Official has the same meaning as in section 3 of the PIIP Act and includes an officer of a Council

**Section** refers to a section of the PIIP Act unless otherwise indicated

**Utility Provider** refers to a private sector organisation, state owned corporation or public sector agency that provides utility services to the public, including but not limited to gas, electricity, telecommunications or water.

**3. Application**

- 3.1 This Code applies to all Councils, County Councils and Joint Organisations.
- 3.2 This Code applies to that part of the information collected or held by Council that is personal information

**4. Modification of the Information Privacy Principles**

- 4.1 The application of the Information Protection Principles (IPPs) under Part 2, Division 1 of the PIIP Act is modified to the extent described below.

**PRIVACY POLICY****(IPP 1) Section 8: Collection of personal information for lawful purposes**

4.2 There is no intention to depart from this principle.

**(IPP 2) Section 9: Collection of personal information directly from individual**

4.3 Council is not required to comply with this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.

**(IPP 3) Section 10: Requirements when collecting personal information**

4.4 Council may depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be, or may be, conferred upon the person to whom the information relates.

**(IPP 4) Section 11: Other requirements relating to collection of personal information**

4.5 There is no intention to depart from this principle.

**(IPP 5) Section 12: Retention and security of personal information**

4.6 There is no intention to depart from this principle.

**(IPP 6) Section 13: Information about personal information held by agencies**

4.7 There is no intention to depart from this principle.

**(IPP 7) Section 14: Access to personal information held by agencies**

4.8 There is no intention to depart from this principle.

**(IPP 8) Section 15: Alteration of personal information**

4.9 There is no intention to depart from this principle.

**(IPP 9) Section 16: Agency must check accuracy of personal information before use**

4.10 There is no intention to depart from this principle.

**(IPP 10) Section 17: Limits on use of personal information**

4.11 Council may use personal information for a purpose other than the purpose for which it was collected in the following circumstances:

- 1) where the use is for the purpose of undertaking Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s, or
- 2) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

**(IPP 11) Section 18: Limits on disclosure of personal information**

4.12 There is no intention to depart from this principle except in the circumstances described below:

- (1) Council may disclose personal information to public sector agencies or utility providers on condition that:

**PRIVACY POLICY**

- (i) the agency or utility provider has approached Council in writing
  - (ii) Council is satisfied that the information is to be used by that agency or utility provider for the proper and lawful function/s of that agency or utility provider, and
  - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency or utility provider's function/s.
- (2) Where personal information about an individual collected or held by Council is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
- (3) Where Council is requested by a potential employer, it may verify:
- (i) that a current or former employee works or has worked for Council
  - (ii) the duration of their employment, and
  - (iii) the position occupied during their employment.

This exception shall not permit Council to give an opinion as to that person's suitability to a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

**(IPP 12) Section 19: Special restrictions on disclosure of personal information**

4.12 There is no intention to depart from this principle except in the circumstances described below:

- (1) For the purposes of section 19(2), where Council is requested by a potential employer outside New South Wales, it may verify that:
- (i) a current or former employee works or has worked for Council
  - (ii) the duration of their employment, and
  - (iii) the position occupied during their employment.

This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

**5. Modifications to Part 6 (Public Registers)**

5.1 The application of section 57 is modified to the extent that Council may allow any person to:

- (1) inspect a publicly available copy of a public register in council premises, and
- (2) copy a single entry or a page of the register

without requiring the person to provide a reason for accessing the register and without determining that the proposed use of the register is consistent with the purpose of the register or the Act under which the register is kept.

5.2 The application of section 57 is modified to the extent that:

## PRIVACY POLICY

- (1) Council should not require any person to provide a reason for inspecting the council's pecuniary interest register or any register on which the council records returns of interests made by councillors or designated persons under Part 4 of the Model Code of Conduct for Local Councils in NSW.
- (2) Council should not require the making of a statutory declaration as to the intended use of any information obtained from an inspection the council's pecuniary interest register or any register on which the council records returns of interests made by councillors or designated persons under Part 4 of the Model Code of Conduct for Local Councils in NSW. Council must ensure that the provisions of section 6 of the *Government Information (Public Access) Act 2009* and sections 4.58 and 6.26 of the *Environmental Planning and Assessment Act 1979* are complied with, where applicable.

### 6. Compliance

- 6.1 This Code will be made by an order published in the Government Gazette. This Code takes effect once the order making this Code is published (or such later date as may be specified in the order).
- 6.2 Any Council to which this Code applies must comply with its provisions.
- 6.3 The Council's Privacy Management Plan should include provisions to comply with the obligations imposed by the PPIP Act and the provisions of this Code.

### 7. Review

- 7.1 This Code will be reviewed within three years from the date of its gazettal.

Department of Planning, Housing and Infrastructure  
Office of Local Government



## Circular to Councils

Circular Name	2024/25 Determination of the Local Government Remuneration Tribunal
Circular Details	24-08 / 29 May 2024 / A899914
Previous Circular	23-03 2023/24 Determination of the Local Government Remuneration Tribunal
Who should read this	Councillors / General Managers
Contact	Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
Action required	Council to Implement

### What's new or changing?

- The Local Government Remuneration Tribunal (the Tribunal) has determined an increase of 3.75% to mayoral and councillor fees for the 2024-25 financial year, with effect from 1 July 2024.
- The Tribunal is required to determine the remuneration categories of councils and mayoral offices at least once every 3 years under section 239 of the *Local Government Act 1993* (the Act). The Tribunal last undertook a significant review of the categories as part of its 2023 determination and will next review these categories in 2026.
- The Tribunal found that the allocation of most councils into the current categories continued to be appropriate having regard to the 2023 review, the current category model and criteria, and the evidence put forward in the submissions received.
- However, the Tribunal has reclassified both Hilltops Council and Muswellbrook Shire Council as Regional Rural councils based on changes to their combined resident and non-residential working population.

### What will this mean for council?

- Sections 248 and 249 of the Act require councils to fix and pay an annual fee to councillors and mayors from 1 July 2024 based on the Tribunal's determination for the 2024-25 financial year.



**Department of Planning, Housing and Infrastructure**  
Office of Local Government



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### Key points

- The level of fees paid will depend on the category the council is in.
- A council cannot fix a fee higher than the maximum amount determined by the Tribunal.
- If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

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### Where to go for further information

- The Tribunal's report and determination is available [here](#).
- For further information please contact the Council Governance Team on
- 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

A handwritten signature in blue ink that reads 'Brett Whitworth'.

Brett Whitworth  
Deputy Secretary, Local Government

**Local Government  
Remuneration Tribunal**

# Annual Determination

Report and determination under sections  
239 and 241 of the Local Government Act  
1993

29 April 2024



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# Executive Summary

The *Local Government Act 1993* (LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

## Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. A review of categories was last carried out by the Tribunal in 2023.

The Tribunal will next consider the model, criteria for each group, and the allocation of councils in the 2026 review.

The criteria for each category is published in Appendix 1 of the Determination and remains unchanged from 2023.

Two (2) councils have been recategorised from Rural Large to Regional Rural as a result of meeting the criteria at Appendix 1.

## Fees

The Tribunal has determined a 3.75 per cent per annum increase in the minimum and maximum fees applicable to each category from 1 July 2024.

# Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2023.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires:

*“In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the [Industrial Relations Act 1996](#) when making or varying awards or orders relating to the conditions of employment of public sector employees.”*
4. The Industrial Relations Amendment Act 2023, assented on 5 December 2023, repealed section 146C of the *Industrial Relations Act 1996*, resulting in changes to wages policy and removal of the cap on remuneration increases.
5. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees.
6. The Tribunal's determination takes effect from 1 July each year.

## Section 2 – 2023 Determination

7. In 2023, the Tribunal received 18 written submissions.
8. An extensive review of the categories, criteria, and allocation of councils into each of the categories was undertaken by the Tribunal as required by Section 239 of the LG Act.
9. The review resulted in the Tribunal determining the creation of two new categories, being Metropolitan Major and Rural Large.
10. The categories of general purpose councils were determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

11. The Tribunal was of the view that improving consistency of criteria in categories was paramount. The Tribunal therefore determined to include the non-resident population criteria in Major Strategic, Regional Strategic, Regional Centre, and Regional Rural categories.
12. A total of 26 councils were recategorised as a result of changes in the 2023 Determination.
13. The Tribunal determined that fees would increase by 3 per cent in the minimum and maximum fees applicable to each category from 1 July 2023.

# Section 3 – 2024 Review

## 2024 Process

14. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees. The Tribunal outlined that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 review. The invitation noted that it is expected that submissions are endorsed by respective councils.
15. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
16. The Tribunal received 19 written submissions, of which 18 were from individual councils and 1 submission from LGNSW.
17. The Tribunal notes that 17 of the 18 council submissions were endorsed by their representative councils.
18. The Tribunal acknowledges and thanks all parties for their submissions.

## Submissions Received – Request for recategorisation

19. Two council submissions received requested recategorisation, with Paramatta City Council and Lake Macquarie putting forward individual cases for the Tribunal's consideration.

20. Paramatta City Council requested recategorisation from its current classification of Major CBD to Principal CBD. Paramatta City Council's case to be included in Principal CBD category is based on the following:
- Paramatta being critical to the success of the Greater Sydney Region Plan
  - The LGA expecting an estimated 186,000 new residents between 2022 and 2041
  - An increase in the number of government services, corporations, and private enterprises relocating into Paramatta CBD
  - A local economy that generates approximately \$32.88 billion in gross regional product and 33,000 businesses that generated over 202,000 jobs
  - The Council's Local Strategic Planning Statement covers seven priority growth areas and precincts identified by the NSW Government in order to give effect to their Housing strategy
  - Paramatta City Council has a 2023/24 capital works budget of \$613m and it provides a number of significant services within the local government area, including two aquatic centres, redevelopment to key community centres, and funding for local parks, roads, cycleways, and footpaths.
21. The Tribunal last considered the criteria for Principal CBD in the 2023 Annual Determination process. The Tribunal's view at the time was that



the criteria characteristics for Principal CBD category was appropriate, therefore no changes were required.

22. Paramatta City Council does not meet the criteria for Principal CBD. Accordingly, the Tribunal is not persuaded to include Paramatta Council in Principal CBD category.
23. Lake Macquarie City Council requested that it be recategorised from a Regional Strategic Area to a Major Strategic Area. Reasons include:
  - The LGA having a resident population of 216,603, and a non-resident working population of 24,769 (for a total of 241,372)
  - Connection to Greater Sydney via the M1, rail and a regional airport that supports the community
  - 99 towns, villages and nine economic centres across an area of 757 square kilometres
  - An annual economic output of \$26.1 billion (which is approximately 20 per cent of the Hunter economy)
  - 1.3 million tourists per year
  - 14,081 active businesses, 73,233 jobs and a total workforce across the LGA of 102,029
  - Community facilities that include a Regional Gallery – Museum of Art and Culture, one University, two TAFE campuses and a regional centre for health care
  - Operating revenue exceeding \$290 million.

24. As stated in Council's own submission, currently it does not meet the population threshold criteria for Major Strategic Area. Accordingly, the Tribunal is not persuaded to include Lake Macquarie Council in Major Strategic Area category.
25. The council also advocated for the population threshold for Major Strategic Area to be reviewed from its current threshold of 300,000 to 200,000 to restore incremental balance between Major Strategic Area and Regional Strategic Area categories.
26. Lake Macquarie Council provided late supplementary information to support their argument for the population threshold of Regional Strategic Area being adjusted. Council submitted that five precincts in the Lake Macquarie LGA have been identified for inclusion in the New South Wales Government Transport Oriented Development Program, which aims to encourage housing development near transport hubs.
27. The Council argues this increase in housing will lead to population growth in the selected centres, especially those with a large number of identified precincts.
28. Consistent with section 239 and 240 of the LG Act, the Tribunal carefully considered the population threshold for all categories, as part of the 2023 Annual Determination. It was determined at that time, on extensive evidence examined and considered by the Tribunal, that the population threshold for Major Strategic Area was appropriate.
29. The Tribunal is not persuaded at this time to change the population threshold for Major Strategic Area. Should further evidence become available to support a change in the population threshold for this category,

it can be considered by the Tribunal as part of the three yearly review of categories in 2026.

30. The Tribunal will monitor, as data becomes available, the impact of the New South Wales Government Transport Oriented Development Program on population thresholds.
31. One submission received from Wollondilly Shire Council advised that Council resolved to write to the Premier and appropriate Ministers, requesting Wollondilly Shire Council be considered as a regional Council.
32. The Tribunal has previously determined that Wollondilly Shire Council, for the purpose of setting the minimum and maximum fees payable to Councillors and Mayors, be classified as Regional Centre.
33. The Tribunal notes Wollondilly's submission and proposed course of action.

## **Categories – movement of Councils within the framework**

34. The Tribunal reviewed population and data relating to Council operations to determine if the categorisations of Councils was consistent with the current criteria.
35. Population data was sourced from the Australian Bureau of Statistics (ABS), released 26 March 2024 for the period 2022 – 2023 financial year, the most recent data available at the time of writing this determination.

36. Data relating to Council operations was sourced from the Office of Local Government (OLG).
37. These sources provide a consistent, and complete overview of all councils in NSW. These data sources are consistent with those used in previous LGRT determinations.
38. Each Council was also assessed against the relevant criteria at Appendix 1.
39. As a result, it was identified that two Rural Large councils, Hilltops Council and Muswellbrook Shire Council, each had a combined resident and non-residential working population above 20,000 each. This population figure exceeds the population threshold for a Regional Rural council classification.
40. For this reason, the Tribunal has reclassified both Hilltops Council and Muswellbrook Shire Council as Regional Rural councils.

## **Submissions Received – Remuneration Structure**

41. A significant number of submissions commented on the remuneration structure, advocating for major changes to be made, including the need for a full comprehensive review. These issues are addressed below.
42. One submission advocated for a new remuneration structure to be established that:
  - Is benchmarked in a more transparent way

- Recognises workload
- Encourages participation by a cohort that is more representative of the community
- Recognises skills and experience that is relevant to the roles.

43. Several submissions argued that the current remuneration structure does not adequately compensate elected Councillors and Mayors for the complex requirements of the role, significant workload, time requirements, responsibilities, and changes in the role over recent years.
44. A number of submissions provided comparison data that included remuneration paid to: Queensland and Victorian local government Councillors and Mayors, Federal, State, and Territory Parliamentary Members, Audit Risk and Improvement Committee members, and average remuneration for chairs/directors of not-for-profit organisations.
45. The basis of providing this data was to support arguments that NSW Councillors and Mayors are paid below these organisations and the work of Councillors and Mayors is being undervalued.
46. Some submissions outlined that low levels of remuneration can have a detrimental impact on the quality and diversity of candidates standing for election.
47. The LG Act is clear that Councillors and Mayors receive an annual fee, not a wage, with section 251 clearly stating that fees paid do not constitute a salary.

48. Whilst the Tribunal acknowledges these issues, as previously explained in the 2023 Annual Determination at paragraph 97 they are not currently within the Tribunal's remit.
49. One submission advocated for fees of rural councils to be commensurate with those of regional and metropolitan councils, arguing that the skills and knowledge required for the role is the same regardless of the council location.
50. Others advocated for significant increases to rural and regional fees in order to address low candidate numbers while others asserted that the current remuneration fails to take into account significant stressors facing regional and rural councils.
51. The Act requires that the Tribunal must determine categories at least once every three years and places each council into a category. The determination of categories by the Tribunal is for the purpose of determining the minimum and maximum fees to be paid for councillors and Mayors in each category. When determining categories, the Tribunal is required to take into account matters prescribed in Section 240 of the LG Act:
- *the size of areas;*
  - *the physical terrain of areas;*
  - *the population of areas and the distribution of the population;*
  - *the nature and volume of business dealt with by each council;*
  - *the nature and extent of the development of areas;*

- *the diversity of communities served;*
- *the regional, national and international significance of the council;*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
- *such other matters as may be prescribed by the regulations.*

52. The Determination of minimum and maximum fees for 2024 is dealt with below at section 4.

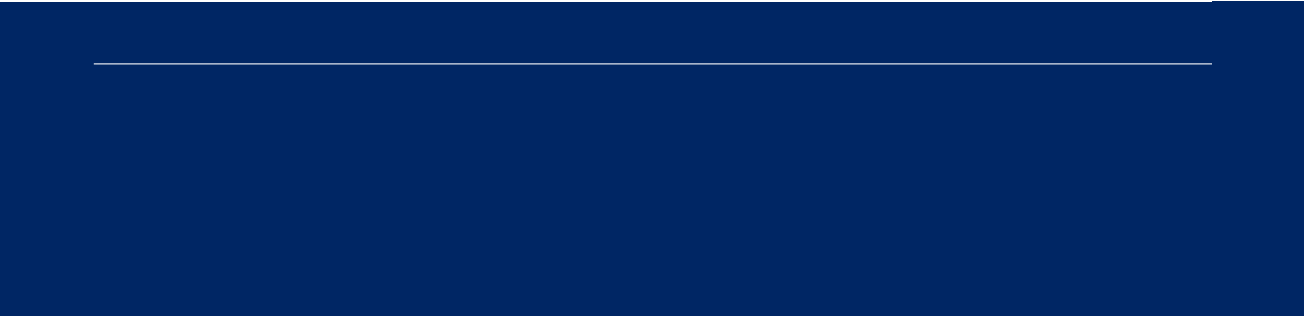
53. Two submissions asserted that the current remuneration structure fails to recognise the role, responsibilities, and contribution of the Deputy Mayor position. It was suggested that a distinct independent fee be included for the position of Deputy Mayor.

54. Section 249 (5) of the LG act states:

*“A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”*

55. Accordingly, the Tribunal lacks the power to implement changes to the fee structure that would include a distinct independent fee for the position of Deputy Mayor.

56. One argument put forward is that the impact of the current superannuation arrangements has a negative impact on female participation.

- 
57. Section 254B of the Act sets out the circumstances with respect to the payment of superannuation for Mayors and Councillors. The payment of superannuation is not automatic or mandatory, pursuant to 254B (4)(a) of the Act a council must pass a resolution prior to making superannuation contribution payments.
58. Any changes to superannuation contribution payments for Councillors and Mayors to assist in eliminating barriers to participation would require changes to the legislation.



# Section 4 – 2024 Fees

## Submissions - 2024 Fees

59. The LGNSW submission requested the Tribunal increase fees by at least 10% in order to:

- Reverse the fee erosion which occurred under the NSW Public Sector Wages Policy
- Mitigate economic pressures and the rising cost of living
- Ensure that Councillors and Mayors receive fair and reasonable remuneration for the work they perform
- Address the historic undervaluation of the work performed by elected representatives in local government in New South Wales.

60. LGNSW used economic and wage data to support their argument that included:

- Consumer Price Index
- Wage Price Index
- National and State Wage cases
- Market comparability

61. LGNSW in its meeting with the Tribunal and Assessors asserted that fees paid to Councillors and Mayors have reduced in real terms over recent years, further advocating for an increase of 10% being fair and reasonable.

62. In meeting with LGNSW, the question of Government policies (State and Federal) on housing reform was discussed. The Tribunal is mindful of the additional workload associated with policies such as the NSW Government's Transport Oriented Development Program place on affected Councils. Similar considerations arise from the infrastructure requirements related to Renewable Energy Zones.
63. The role of a Councillor as a member of the governing body of the council is outlined under s232 of the LG Act and the Tribunal has addressed this matter generally in the 2023 Determination at paragraph 97.
64. Four submissions received from individual councils addressed the issue of fees quantum increase. These submissions sought an increase ranging from 3% to 5.57%.
65. Other submissions advocated for remuneration to be set at a level to:
- Reflect the role, commitment required, complexity of the role, workload, and responsibilities required to perform the role successfully
  - Ensure no one is out of pocket for the work they do for council
  - Attract a diverse range of potential candidates.
66. Five submissions advocated for the Tribunal to change the determination in regard to the remuneration structure. Some submissions suggested setting a fixed mandatory fee for Councillors and Mayors, whilst others argued that individual councils should not determine their own

remuneration, due to potential conflict of interest, instead the decision should be left to State Government or an independent decision maker.

67. It has been suggested that such an approach could:

- Remove potential conflict of interest
- Facilitate good governance
- Create equity amongst councils in the same category
- Assist in fostering good relationships with the community
- Alleviate public perception that increases are unjust.

68. Currently the Tribunal, consistent with its obligations set out in the LG Act, section 248 and section 249, determines a minimum and maximum remuneration range for Councillors and Mayors. It is then up to individual councils, to fix the annual fee for councillors and Mayors.

69. Furthermore, the tribunal does not have the authority to determine a fixed mandatory fee, section 241 of the LG Act states:

*“The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.”*

### **Fee Increase.**

70. The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to Councillors and Mayors. This included economic data, including the Consumer Price Index, Wage Price Index, full-time adult average weekly ordinary time earnings, NSW Public Sector increases, and Local Government State Award increases. It also considered the Base Cost Change model used by IPART in setting the rate peg for 2024-25.
71. On this occasion the Tribunal has determined that a 3.75% per cent increase will apply to the minimum and maximum fees applicable to existing categories.

## Conclusion

72. The Tribunal's determination has been made with the assistance of the Assessors, Ms Kylie Yates, Mr Brett Whitworth and Mr Douglas Walther.
73. Determination 1 sets out the allocation of councils into each of the categories as per section 239 of the LG Act.
74. Determination 2 sets out the minimum and maximum fees paid to councillors and mayors and chairpersons of county concills as per section 241 of the LG Act.
75. The Tribunal acknowledges and thanks the secretariat for their excellent research and support in completing the 2024 determination.



Viv May PSM

**Local Government Remuneration Tribunal**

Dated 29 April 2024

# Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2024

## General Purpose Councils – Metropolitan

### Principal CBD (1)

- Sydney

### Major CBD (1)

- Parramatta

### Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

### Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

### Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

### Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

## General Purpose Councils - Non-Metropolitan

### Major Regional City (2)

- Newcastle
- Wollongong

### Major Strategic Area (1)

- Central Coast

### Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodilla
- Hawkesbury

### Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed

- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

**Regional Rural (14)**

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Hilltops
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

**Rural Large (16)**

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

**Rural (38)**

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra



- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

## County Councils

### Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

### Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

## Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2024

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2024 as per section 241 of the *Local Government Act 1993* are determined as follows:

### Table 4: Fees for General Purpose and County Councils

#### General Purpose Councils – Metropolitan

##### Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

##### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170

## General Purpose Councils - Non-Metropolitan

### Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	20,500	35,620
Major Strategic Area	20,500	35,620
Regional Strategic Area	20,500	33,810
Regional Centre	15,370	27,050
Regional Rural	10,220	22,540
Rural Large	10,220	18,340
Rural	10,220	13,520

### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	43,530	110,970
Major Strategic Area	43,530	110,970
Regional Strategic Area	43,530	98,510
Regional Centre	31,980	66,800
Regional Rural	21,770	49,200
Rural Large	16,330	39,350
Rural	10,880	29,500

## County Councils


### Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	2,030	11,280
Other	2,030	6,730

### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	4,360	18,520
Other	4,360	12,300

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



Viv May PSM

**Local Government Remuneration Tribunal**

Dated 29 April 2024

# Appendices

## Appendix 1 Criteria that apply to categories

### Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

## Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

## Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

## Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

### **Metropolitan Medium**

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.





Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

## Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

## Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region

- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

### **Major Strategic Area**

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

### **Regional Strategic Area**

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

### **Regional Centre**

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

### **Regional Rural**

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

## Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

## **Rural**

Councils categorised as Rural will typically have a residential population less than 10,000.

## **County Councils - Water**

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

## **County Councils - Other**

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.





**Liverpool Local Traffic Committee Meeting**  
**Liverpool City Council – MS Team**  
**Wednesday, 15 May 2024 – 9.30am – 11.30am**

## MINUTES OF LIVERPOOL LOCAL TRAFFIC COMMITTEE MEETING

15 May 2024

### COMMITTEE MEMBERS

Councillor Karress Rhodes	LCC – Chairperson
Raymond Tran	Transport for NSW (TfNSW)
Siva Balasubramaniam	TfNSW
Joanna Lonsdale	Acting Traffic Sergeant, Liverpool City Police Area Command
Liam Thorne	Representative of the Member for Liverpool
Nicholas Petkovic	Representative of the Member for Leppington
Councillor Betty Green	Representative of the Member for Liverpool
Wayne Prior	Representative of the Member for Macquarie Fields

### COMMITTEE TECHNICAL ADVISORS

Councillor Peter Harle	LCC
Councillor Betty Green	LCC
Dan Riley	Manager Development Engineering, LCC
Charles Wiafe (CW)	Principal Transport Planner, LCC
Patrick Bastawrous	Team Leader Transport Management
Mahavir Arya	Transport Engineer, LCC
Amit Chowdhury	Transport Engineer, LCC
Parth Tiwari	Assistant Transport Engineer, LCC
Toula Athanasiou	Road Safety Officer, LCC
Rachel Palermo	Road Safety Officer, LCC

### APOLOGIES

Tanya Davies	Member for Badgerys Creek
Aaron Coiley	Representative of the Member for Holsworthy

<b>WELCOME, ATTENDANCE, APOLOGIES AND OPENING</b>	
The Chairperson opened the meeting at 9.35 am and acknowledged the traditional custodians of the land.	
<b>DECLARATIONS OF INTEREST</b>	
Nil	
<b>CONFIRMATION OF PREVIOUS MINUTES</b>	
CW advised that the Committee's recommendations from its meeting from its 20 March 2024 Meeting were all approved by Council at its Ordinary meeting on 24 April 2024.	
<b>BUSINESS ARISING</b>	
Nil	
<b>AGENDA ITEMS</b>	
<b>ITEM</b>	<b>SUBJECT</b>
1	Wonga Road, in front of St Francis Xavier Primary School, Lurnea - Request for Raised Marked Pedestrian Crossing
2	Sanderling Street, Hinchinbrook – Request for Traffic Calming Device
3	Bardia Parade and Village Way intersection, Holsworthy – Proposed Roundabout
4	Craik Avenue and Sixteenth Avenue intersection, Austral – Proposed Roundabout
5	Mill Road and Nagle Street, Liverpool - Proposed Intersection Treatment
6	Muir Road, Edmondson Park – Request For Speed Humps
7	Minor Traffic Facilities Applications in the Local Government Area <ul style="list-style-type: none"> <li>• 307 Wilson Road, Green Valley - Request for Installation of Bus Zone</li> <li>• 95 Ingham Drive to the front of 93 Ingham Drive, Casula - Request for Relocation of the Bus Zone</li> </ul>
8	Ascot Drive, Chipping Norton - Request for Traffic Calming Device
9	Items Approved Under Delegated Authority
<b>GENERAL BUSINESS ITEMS</b>	
<b>ITEM</b>	<b>SUBJECT</b>
GB1	Nuwarra Road/ Marshall Avenue roundabout, Moorebank – Request for installation of speed humps on the Nuwarra Road approaches to the roundabout
GB2	Rotary Street, Liverpool - Speeding Concern
GB3	Grimson Crescent, Liverpool - Concern About Rat Running
GB4	39 Napier Avenue, Lurnea - Request for speed hump prior to pedestrian crossing
GB5	Andalusian and Connemara Street, Austral - Request for 50km/h reminder signs
GB6	McGirr Parade, Warwick Farm and Bundemar Street, Miller – Request for indented/verge parking bays
GB7	Walder Road and Meehan Avenue, Hammondville - Request for installation of Do Not Queue Across Intersection advisory sign
GB8	Tenth Avenue near St Anthony of Padua School, Austral – Request for an update on the proposed installation of a pedestrian crossing

GB9	Middleton Drive, Middleton Grange – Speeding concern in Brimsead Avenue
GB10	Banks Road Carpark, Miller – Changes to carpark traffic arrangements
GB11	Kurrajong Road, Lyn Parade and Beech Road Intersection, Prestons – Request for update on the proposed installations
GB12	Lismore Street, Hoxton Park – Update on Traffic Conditions
GB13	Elizabeth Hills LATM Study – Request for Update on Status

<b>ITEM 1</b>	<b>Wonga Road, in front of St Francis Xavier Primary School, Lurnea - Request for Raised Marked Pedestrian Crossing</b>
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**INTRODUCTION**

Council has received a petition signed by approximately 40 Wonga Road residents, requesting installation of a raised marked pedestrian crossing across the section of Wonga Road in front of St Francis Xavier Primary School.

Pedestrian and traffic counts indicate that there is a pedestrian desire line which meets the Australian Standards warrant for a marked raised pedestrian crossing across the section of Wonga Road in front of the school. Hence, a raised marked pedestrian crossing is proposed to improved pedestrian safety.

The Committee is requested to support the proposed raised marked pedestrian crossing across the section of Wonga Road in front of the school and associated signs and line marking as shown in Attachment 1.

**ASSESSMENT**

Wonga Road is a local east-west residential street with the applicable 50km/h speed limit. In addition, road section fronting St Francis Xavier Primary School has a 40km/h school zone. The section in front of the school has a carriageway width of approximately 11.4m and is line marked with edge and separation lines, to demarcate traffic and parking lanes.

A locality map of the road section fronting the school is as shown below.



Showing location of pedestrian counts station

Currently, the school has an existing raised marked pedestrian crossing across Webster Road, however there is no existing formal crossing across Wonga Road in front of the school, but a pedestrian refuge near the Wonga Road/Compton Avenue intersection, west of the school frontage.

It has been observed that pedestrians are crossing the section of Wonga Road, fronting the school, at two locations:

- At the pedestrian refuge island at the Wonga Road / Crompton Avenue intersection and
- At painted median island of the roundabout at the intersection of Wonga Road and Webster Road.

To assess pedestrian desire lines, Council carried out traffic and pedestrian counts in March 2024 at three locations as indicated in the locality map above.

The results of counts indicates that the road section fronting the school gate attracts highest pedestrian activities compared to the other two locations in the table below that. The result of this location is as shown in the table below.

	<b>Vehicular Traffic (V) (bidirectional)</b>	<b>Pedestrians (P)</b>	<b>PV</b>
AM Peak	449	137	61,513
PM Peak	290	308	89,320

As indicated above, the product (PV) of pedestrian and vehicle counts is more than 60,000 which indicates it meets the Australian Standard warrant and the previous TfNSW warrant for marked pedestrian crossings.

Hence, a raised marked pedestrian crossing is proposed, as shown in Attachment 1.

#### **RECOMMENDATION**

The Committee supports:

- Installation of a raised marked pedestrian crossing across the section of Wonga Road in front of St Francis Xavier Primary School as shown in Attachment 1.
- Council to undertake community consultation prior, particularly to the school access to minimise pedestrian and vehicular conflicts prior to installation.

#### **COMMITTEE DISCUSSION**

CW provided an overview of the representations received from Wonga Road residents, requesting installation of a raised marked pedestrian crossing across the section of Wonga Road in front of St Francis Xavier Primary School.

CW indicated that there is an existing raised marked pedestrian crossing across the school frontage to Webster Road and that the results of the recent pedestrian counts indicated that it has met the TfNSW warrant for another crossing to be installed across Wilson Road.

Council would consult with the residents and St Francis Xavier Catholic School of the proposal prior to installation.

**COMMITTEE RECOMMENDATION**

The Committee supports:

- Installation of a raised marked pedestrian crossing across the section of Wonga Road in front of St Francis Xavier Primary School as shown in Attachment 1.
- Council to undertake community consultation prior, particularly to the school access to minimise pedestrian and vehicular conflicts prior to installation.

**ITEM 2 Sanderling Street, Hinchinbrook – Request for Traffic Calming Device****INTRODUCTION**

Council has received representations from local residents concerning traffic speeding along the southern section of Sanderling Street, with requests for installation of speed humps.

Sanderling Street is a north-south residential street with curved road sections. Previously, in response to similar speeding concerns, Council installed two speed cushions across the northern section of the street. The southern section is untreated and additional speed humps will discourage speeding.

Hence additional two asphalt speed humps are proposed across the southern section of the street in front of House Nos. 11/14A and 31/38.

The Committee is requested to support installation of two standard asphaltic speed humps.

**ASSESSMENT**

Sanderling Street is north-south residential street, between South Liverpool Road and Dotterel Street. It is approximately 1km long road, providing access to residential properties along both sides and side streets. It has with the default 50km/h urban residential speed limit.

It has a carriageway approximately 11 m wide, line marked with separation and edge lines to demarcate travel and parking lanes.

As indicated above, the street has curved road sections. In response to previous speeding concerns, Council installed two speed cushions across the northern section of the street.

A locality map of the southern section of the street to be treated, is shown below.



The southern section, between Tatter Place and Dotterel Street, is untreated and additional speed humps will discourage speeding. Residents close to the proposed locations will be consulted prior to installations.

The two additional speed humps will result in speed humps at approximately 200m apart and would assist in reducing speeding.

Speed classifications have been carried out along this road section and the results will be table at the meeting.

In addition to the proposed speed humps periodic police speed enforcement will also assist to address the residents' speeding concerns.

### **RECOMMENDATION**

The Committee supports:

- Council to investigate options for installation of either chicanes or asphaltic concrete speed humps at the proposed locations and present a design layout, with cost estimates and prioritisation, to the July Meeting.
- Council to undertake community consultation, seeking feedback on installations of chicanes or asphaltic speed humps, and present the findings to the July Meeting.

### **COMMITTEE DISCUSSION**

AC and CW provided an overview of the representations from Sanderling Street residents for speeding concerns particularly along the southern portion of the street.

Councillor Harle requested the considerations of chicanes be considered rather than speed humps. CW advised that whilst chicanes would provide horizontal deflection it may be more expensive.

It was agreed that investigations would be carried out of the options for installations of either chicanes or asphaltic concrete speed humps at the proposed locations and report would be prepared including design layouts, cost estimates and prioritisation, and would be presented to the July Meeting.

### **COMMITTEE RECOMMENDATION**

The Committee supports:

- Council to investigate options for installation of either chicanes or asphaltic concrete speed humps at the proposed locations and present a design layout, with cost estimates and prioritisation, to the July Meeting.
- Council to undertake community consultation, seeking feedback on installations of chicanes or asphaltic speed humps, and present the findings to the July Meeting.



**ITEM 3 Bardia Parade and Village Way intersection, Holsworthy – Proposed Roundabout****INTRODUCTION**

Council has received representations from residents and the State Member for Holsworthy concerning speeding along Bardia Parade, and safe traffic movements at the Bardia Parade and Village Way intersection, Holsworthy.

The Committee at its May 2023 meeting considered a report concerning speeding along Bardia Parade and recommended installation of a speed hump in Bardia Parade closer to this intersection.

To address the speeding concerns and to reduce the traffic conflicts at the intersection, a roundabout with concrete splitter islands is proposed, as shown in Attachments 3.1 to 3.5.

The Committee is requested to support the proposed roundabout.

**ASSESSMENT**

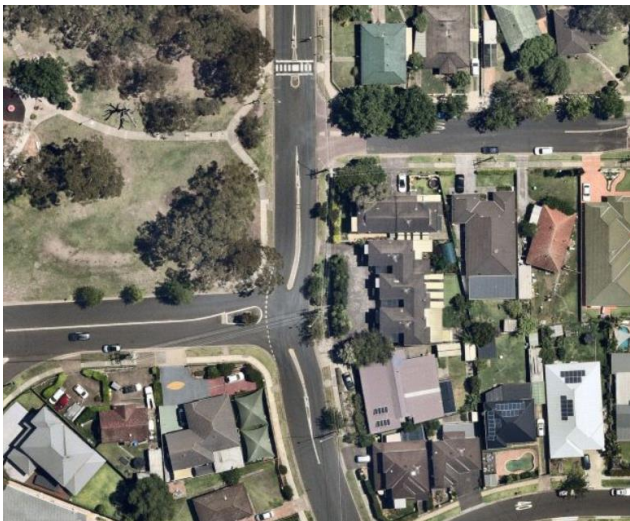
Bardia Parade is one of the three collector roads providing access off Heathcote Road to Wattle Grove and Holsworthy. Bardia Parade is approximately 1.8km long between Heathcote Road and Lae Road and has a carriageway width of approximately 11m. The northern road section between Heathcote Road and Mivo Street is line marked with double barrier lines.

The street has two roundabouts, three horizontal deflections, a raised pedestrian crossing and a signalised intersection with Heathcote Road.

Village Way is a local street linking Wattle Grove and Holsworthy suburbs. The street also provides access to Wattle Grove Shopping Village and St Mark's Coptic Orthodox College. At its intersection with Bardia Parade, Village Way has a carriageway width of approximately 13m and line marked with double barrier lines.

Both streets have an applicable 50km/h signposted speed limit.

A locality map of the subject intersection is shown below.



As indicated above, the intersection is a T-intersection with Village Way as the terminating street. The intersection currently has splitter islands to demarcate opposing traffic movements. However, residents have been complaining about the difficulty with particularly right turn movements from Village Way into Bardia Parade and speeding through the intersection.

To reduce the traffic conflicts, and reduce speed along the section of Bardia Parade, a roundabout is proposed. The roundabout would result in traffic calming devices approximately 270m-330m apart. This treatment would help to reduce speeding and permit safe turning movements to and from Village Way at the intersection.

A concept design, including swept path analysis of the proposed roundabout has been prepared in accordance with TfNSW Design Guidelines. A copy of the design and associated signs and line marking is as shown in Attachments 3.1 to 3.5.

### **RECOMMENDATIONS**

The Committee supports:

- The installation of a roundabout at the Bardia Parade and Village Way intersection, Holsworthy, as shown in the Attachments 3.1 to 3.5.
- A copy of the detailed design is to be submitted to TfNSW for their review prior to installation.
- Council to undertake community consultation prior to installation.

### **COMMITTEE DISCUSSION**

MA and CW provided an overview of the representations from local residents of speeding concerns and traffic conflicts at the Bardia Parade and Village Way intersection.

CW indicated that a roundabout treatment would help to reduce speeding and permit safe turning movements to and from Village Way at the intersection.

### **COMMITTEE RECOMMENDATION**

The Committee supports:

- The installation of a roundabout at the Bardia Parade and Village Way intersection, Holsworthy, as shown in the Attachments 3.1 to 3.5.
- A copy of the detailed design is to be submitted to TfNSW for their review prior to installation.
- Council to undertake community consultation prior to installation.

<b>ITEM 4</b>	<b>Craik Avenue and Sixteenth Avenue intersection, Austral – Proposed Roundabout</b>
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### INTRODUCTION

Craik Avenue and Sixteenth Avenue forms a four-way intersection which would carry through traffic to service the north eastern portion of the Austral residential development. As part of development assessment, Council has identified a need for a roundabout to be installed at the intersection. The roundabout would reduce traffic conflicts at the intersection.

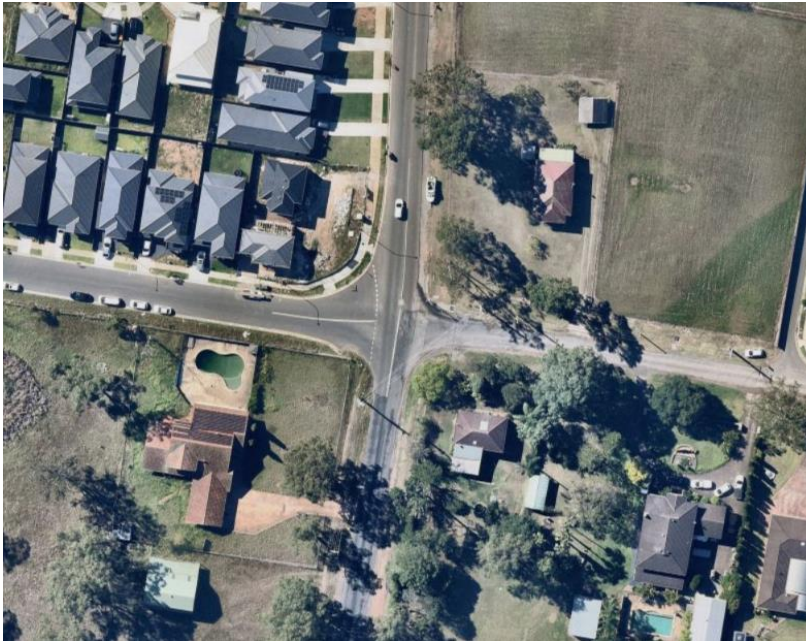
A subdivision at the of an allotment adjacent to the intersection, has made provision for the roundabout and is proposed to be constructed as part of the adjoining residential subdivision development. A concept design of the roundabout has been prepared. The Committee is requested to support the proposed roundabout as shown in Attachments 4.1 to 4.4.

### ASSESSMENT

As indicated above, Craik Avenue and Sixteenth Avenue is a four-way intersection, approximately 300m north of Fifteenth Avenue. Craik Avenue is a collector road providing access to adjoining residential developments, side streets as well access to Arrahman College and Al Faisal College.

Sixteenth Avenue is an east-west residential street, providing access to adjoining residential developments and side streets.

A locality map of the intersection is shown below.



With the proposed residential subdivision developments in Austral, the two streets and their intersection would carry increased traffic volume. The four-way intersection currently has a Give-Way priority control and would be expected to experience traffic conflicts. As indicated above, as part of a development assessment, to minimise traffic conflicts at the intersection, a need for a roundabout has been identified.

A subdivision development has occurred on the north-west corner of this intersection and lots on all other three corners are still undeveloped. The existing subdivision development has already made provision for the construction of a roundabout at the intersection.

Other intersections of Sixteenth Avenue and Craik Avenue close to the subject intersection are not treated and the proposed roundabout is considered appropriate to manage traffic flow along the two roads.

A concept design, including swept path analysis of the proposed roundabout has been prepared in accordance with TfNSW Design Guidelines. A copy of the design and associated signs and line marking is as shown in Attachments 4.1 to 4.4.

### **RECOMMENDATION**

The Committee supports:

- The installation of a roundabout at the intersection of Craik Avenue and Sixteenth Avenue intersection, as shown in the Attachments 4.1 to 4.4.
- A copy of the detailed design is to be submitted to TfNSW for their review prior to installation.
- Council to undertake community consultation prior to installation.

### **COMMITTEE DISCUSSION**

MA and CW advised that with the residential subdivision developments occurring in Austral, Craik Avenue and Sixteenth Avenue and their intersection would carry increased traffic volumes, and hence, Council has identified a need for a roundabout to be installed at the intersection to reduce traffic conflicts.

CW advised that Council's Development Control Plan has not identified a need for intersection treatment however is considered appropriate to manage traffic flow along the two roads.

### **COMMITTEE RECOMMENDATION**

The Committee supports:

- The installation of a roundabout at the intersection of Craik Avenue and Sixteenth Avenue intersection, as shown in the Attachments 4.1 to 4.4.
- A copy of the detailed design is to be submitted to TfNSW for their review prior to installation.
- Council to undertake community consultation prior to installation.

**ITEM 5 Mill Road and Nagle Street, Liverpool - Proposed Intersection Treatment****INTRODUCTION**

Council has received representations from local residents concerning increasing crashes at Mill Road and Nagle Street intersection with a request for installation of a roundabout to improve road safety at the intersection.

In response, Council has investigated options to improve road safety at the intersection, including interim treatment involving increased parking restriction, replacement of the existing Give-Way control to Stop-Sign Control and installation of a single lane roundabout, as the ultimate intersection treatment shown in Attachment 5, subject to funding allocation.

The Committee is requested to support the proposed interim and ultimate intersection treatments.

**ASSESSMENT**

Mill Road is two-lane east/west local street between Hume Highway and Speed Street, approximately 360m long. It has a carriageway width of approximately 12m, is line marked with separation lines and has the applicable 50km/h speed limit.

The street provides access to residential and commercial properties on both sides and three side streets. The carriageway accommodates a single traffic lane and kerbside parking in each direction.

Nagle Street is a north/south residential street, between Atkinson Street and Pirie Street, and is approximately 590m long. It has a carriageway width of approximately 10.3m, is line marked with separation lines and. The street provides access to residential properties along both sides and Al-Amanah College. The street has the applicable 50km/h speed limit and the street section close to the college has a 40km/h speed limit.

The carriageway accommodates a single traffic lane and staggered kerbside parking in each direction.





### Existing Intersection Treatment

The two streets form a four-way intersection with Give-Way control across the Nagle Street approaches. Council has been receiving representations about increasing crashes at the intersection.

### Crash History

The TfNSW supplied crash data, for the last five-year period ending 2023, indicates that there have been five crashes made up of three cross traffic crashes and three injury crashes including a serious injury crash. This crash history meets the Federal Blackspot Warrant for intersection treatment.

### Proposed Intersection Treatment

Council has investigated options to improve road safety at the intersection, including interim and ultimate treatments.

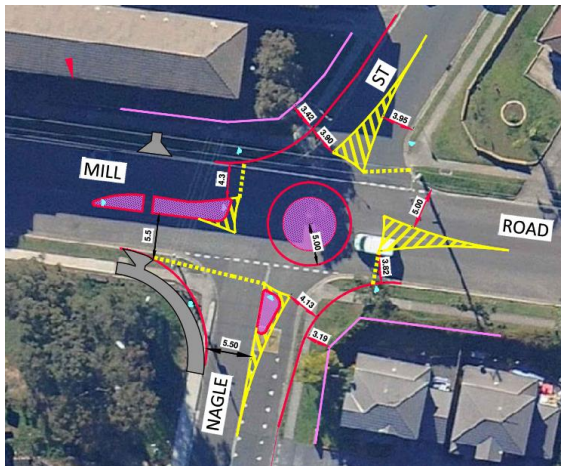
The interim intersection treatment involves:

- Replacement of the existing Give-Way control across Nagle Street approaches to Stop Control.
- Increase parking restriction along the Mill Road approaches from 10m to 15m.
- Installation of edge lines along the Mill Road approaches.

The ultimate intersection treatment involves:

- Installation of a single lane roundabout including splitter islands.

A layout of the proposed roundabout is as indicated below and has been prepared in accordance with TfNSW Road Design Guidelines. Detailed design would be submitted to TfNSW for its review prior to installation.



## RECOMMENDATION

The Committee supports:

- Installation of interim treatment involving:
  - Replacement of the existing Give-Way control across Nagle Street approaches with Stop Control.
  - Increase parking restriction along the Mill Road approaches from 10m to 15m.
  - Installation of edge lines along the Mill Road approaches.
- Installation of a single lane roundabout and associated signs and line, as shown in Attachment 5.
- Detailed design of the roundabout, is to ensure appropriate height and the existing intersection on Mill Road to be repaired. The design is to be submitted to a future meeting.
- Council to undertake community consultation prior to installations of interim and ultimate intersection treatments.

## COMMITTEE DISCUSSION

AC and CW provided an overview of the representations received from local residents concerning increasing crashes at Mill Road and Nagle Street intersection. An interim treatment of replacement of the existing Give-Way control across Nagle Street approaches with Stop control including parking restrictions signs and line marking is proposed.

AC indicated that as the crash history meets the Federal Blackspot warrant for intersection treatment, detailed design for a proposed roundabout would be prepared and submitted to a future meeting. The detailed design of the roundabout is to ensure appropriate height clearance.

Councillor Harle advised that the existing roundabout at the Mill Road and Charles Street intersection is required to be maintained.

## COMMITTEE RECOMMENDATION

The Committee supports:

- Installation of interim treatment involving:
  - Replacement of the existing Give-Way control across Nagle Street approaches with Stop Control.
  - Increase parking restriction along the Mill Road approaches from 10m to 15m.
  - Installation of edge lines along the Mill Road approaches.
- Installation of a single lane roundabout and associated signs and line, as shown in Attachment 5.
- Detailed design of the roundabout, is to ensure appropriate height and the existing intersection on Mill Road to be repaired. The design is to be submitted to a future meeting.
- Council to undertake community consultation prior to installations of interim and ultimate intersection treatments.

**ITEM 6 Muir Road, Edmondson Park – Request For Speed Humps****INTRODUCTION**

Council has received a petition signed by Muir Road residents, concerning increased bypassing traffic and speeding along Muir Road with a request for installation of speed calming devices.

Council has recently carried out speed classification to quantify and assess traffic volume and the speeding concern. The results indicates that the street is carrying noticeable eastbound (entering Bernera Road) through traffic of approximately 500veh/day. In addition, the speed classification has identified relatively high traffic speed.

To discourage this through traffic, and reduce speeding, a speed hump is proposed to be installed in front of House Nos. 29/31.

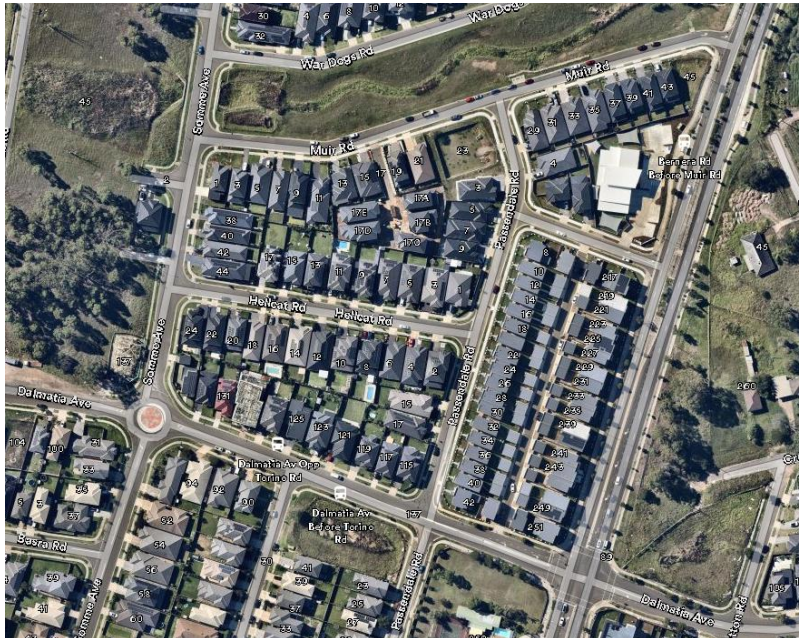
The Committee is requested to support installation of a standard asphaltic speed hump to discourage through traffic and associated speeding in Muir Road.

**ASSESSMENT**

Muir Road is a two-lane northeast/southwest local road, approximately 300m long, between Bernera Road and Somme Avenue, providing access to residential properties along the southern side and one side street. The northern side of the street has a drainage channel.

The street has a carriageway width of approximately 6.2m, with the applicable 50km/h speed limit. Due to the local road network, the street can be used as a connecting road from local collector roads particularly Dalmatia Avenue to connect to Bernera Road, bypassing the Bernera Road/Dalmatia Avenue signalised intersection.

A locality plan is shown below.





As indicated above, results of the recent traffic counts indicates that the 85th percentile speed is approximately 60km/h and the street is attracting noticeable increased through traffic. To reduce the traffic speed and discourage through traffic, a standard asphaltic speed hump is proposed to be installed in front of House Nos. 29/31.

Residents close to the proposed speed hump location will be consulted prior to installation.

### **RECOMMENDATION**

The Committee supports:

- Installation of an asphalt speed humps across the section of the street at the common property boundary in front of House Nos. 29/31.
- Council to undertake community consultation prior to installation of the speed hump.

### **COMMITTEE DISCUSSION**

AC and CW provided an overview of the representations received from Muir Road residents, concerning speeding along the street and increased bypassing traffic travelling to Bernera Road. To discourage this through traffic, and reduce speeding, a speed hump is proposed to be installed.

### **COMMITTEE RECOMMENDATION**

The Committee supports:

- Installation of an asphalt speed humps across the section of the street at the common property boundary in front of House Nos. 29/31.
- Council to undertake community consultation prior to installation of the speed hump.

**ITEM 7    Minor Traffic Facilities Applications in the Local Government Area****INTRODUCTION**

Council has received representations from the Member for Liverpool, on behalf of local residents, requesting for the installation of a Bus Zone in front of the 307 Wilson Road, Green Valley. In addition, Council has received representation from a Councillor requesting relocation of a Bus Zone from in front of House No. 95 to House No. 93 in Ingham Drive, Casula.

The request is to clarify the applicable parking restriction, within the bus zone in front of 307 Wilson Road, whilst the relocation of the bus zone is to improve traffic flow. The requests are considered appropriate, and the Committee is requested to support the above requests.

**ASSESSMENT**Installation of a Bus Zone in front of the 307 Wilson Road, Green Valley

House No. 307 Wilson Road has an existing bus stop along bus route 804 in front of the property, previously, the property owner requested relocation of the bus stop, but Transit Systems did not support relocation. The current request is for a bus zone to be installed to clarify the applicable parking restrictions.

A bus zone would affect parking along the two adjoining properties i.e. House Nos. 307 and 309. The bus zone can be supported; however, the adjoining residents would need to be consulted prior to installations.

A locality map of the existing bus zone is shown below.



Relocation of a Bus Zone from in front of House No. 95 to House No. 93 in Ingham Drive, Casula

House No. 95 Ingham Drive has an existing bus stop/zone along bus routes 855,856,857 and 866 in front of the property. The bus zone is just west of the existing roundabout at the intersection of Ingham Drive and Myall Road.

The roundabout has a splitter island at its approaches, which reduces the approaching and departing traffic lanes to single lanes.

A locality map of the existing bus zone is shown below.



Hence, Council has been receiving representations that a bus at the subject bus stop, blocks and prevents through traffic, results in traffic delays, and sometimes unsafe traffic movements. Hence, the request to relocate the bus zone further west along the street.

The resident of House No.93 has been consulted about the relocation, but Council has not received a response.

**RECOMMENDATION**

The Committee supports:

- Installation of a Bus Zone in front of the 307 Wilson Road, Green Valley
- Relocation of a Bus Zone from in front of House No. 95 to House No. 93 in Ingham Drive, Casula
- Council to notify the affected residents, prior to installations.

**COMMITTEE DISCUSSION**

CW advised that representations have been made requesting for the installation of a Bus Zone in front of the 307 Wilson Road, Green Valley. and relocation of a Bus Zone from in front of House No. 95 to House No. 93 in Ingham Drive, Casula.

Whilst the relocation of the bus zones would improve traffic flow, the zone would remove on-street parking, hence, Council would undertake community consultations prior to installations and relocations of the bus zones.

**COMMITTEE RECOMMENDATION**

The Committee supports:

- Installation of a Bus Zone in front of the 307 Wilson Road, Green Valley
- Relocation of a Bus Zone from in front of House No. 95 to House No. 93 in Ingham Drive, Casula
- Council to notify the affected residents, prior to installations.

<b>ITEM 8</b>	<b>Ascot Drive, Chipping Norton - Request for Traffic Calming Device</b>
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**INTRODUCTION**

Council has received representations from local residents concerning traffic speeding along the section of Ascot Drive, between Charlton Avenue and Overton Avenue with a request for installation of a speed hump.

Recently, Council has carried out speed classification along the street, which has identified that the 85<sup>th</sup> percentile speed is approximately 60km/h. The road section has no current traffic calming device and hence, an asphaltic speed hump is proposed across the sections of the street in front of the House Nos. 41/50.

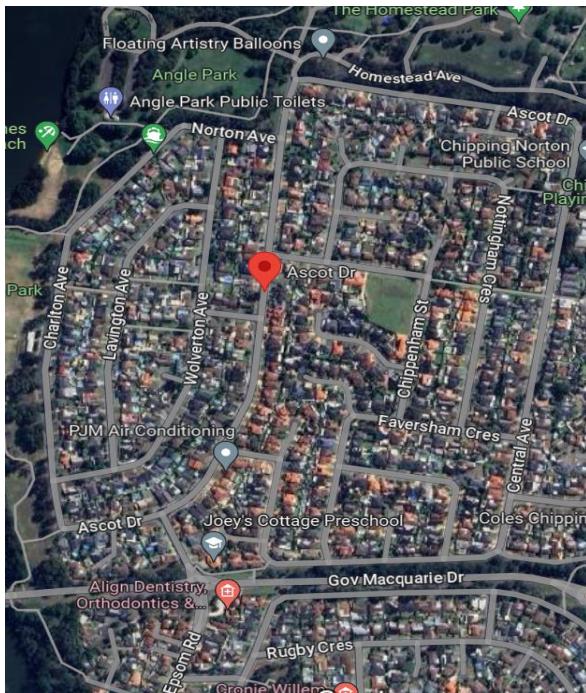
The Committee is requested to support proposed installation of a standard asphaltic speed hump.

**ASSESSMENT**

Ascot Drive is a two lane north/south local road approximately 1.4km long, between Charlton Avenue and Central Avenue. The street has a carriageway width of approximately 12m and is line marked with separation and edge lines to demarcate travel and parking lanes. The street has the applicable 50km/h speed limit.

The street provides access to residential properties along both sides and side street and attracts through traffic to / from Governor Macquarie Drive and Epsom Road roundabout via Abingdon Street. Residents have advised the speeding vehicles make it difficult to cross or move along the street and recently, a dog has been hit and killed by a speeding vehicle.

A locality map of the street section is shown below.



The street section between Charlton Avenue and Overton Avenue is approximately 520m long and is a bus route.

As indicated above, to assess the speeding concern, speed classification was carried out which identified that the 85th percentile speed is approximately 60km/h (in the 50km speed zone). Therefore, to reduce the current speed profile, one standard speed hump in the form of asphaltic concrete is proposed.

As Ascot Drive is part of a bus route and design of the speed hump (with height of 75mm) has been carried out in accordance with TfNSW Road Design Guidelines. Residents close to the proposed location will be consulted prior to installations.

In addition to the proposed speed hump, the Police will be requested to include the street in their Highway Patrol and Speed Enforcement. The street would also be nominated, along with the other local streets within Chipping Norton for TfNSW to consider using their mobile speed camera vehicle for periodic enforcement.

### **RECOMMENDATION**

The Committee supports:

- Council to investigate options for installation of either chicanes or concrete raised thresholds (accommodating bus movements) in front of House Nos. 41/50 and present a layout, with cost estimates and prioritisation, to the July Meeting.
- Council to undertake community consultation, seeking feedback on installations of chicanes or concrete raised thresholds (accommodating bus movements), and present the findings to the July Meeting.

### **COMMITTEE DISCUSSION**

AC and CW provided an overview of the representations from residents of speeding concerns particularly along the section of Ascot Drive, between Charlton Avenue and Overton Avenue.

Councillor Harle advised that concrete raised thresholds would be considered more appropriate particularly along bus routes.

It was agreed that investigations would be carried out of the options for installations of either chicanes or concrete raised thresholds (accommodating bus movements) at the proposed locations and report would be prepared including design layouts, cost estimates and prioritisation, and would be presented to the July Meeting.

### **COMMITTEE RECOMMENDATION**

The Committee supports:

- Council to investigate options for installation of either chicanes or concrete raised thresholds (accommodating bus movements) in front of House Nos. 41/50 and present a layout, with cost estimates and prioritisation, to the July Meeting.
- Council to undertake community consultation, seeking feedback on installations of chicanes or concrete raised thresholds (accommodating bus movements), and present the findings to the July Meeting.

<b>ITEM 9</b>	<b>Items Approved Under Delegated Authority</b>
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**INTRODUCTION**

This item provides a summary of minor traffic facilities that have been approved under the Liverpool Local Traffic Committee Delegated Authority by TfNSW and Police representatives over the two-month period, between April 2024 and May 2024.

Delegated Authority No.	Location	Description of Proposal
2024.015	Corner of Edmondson Avenue and Eleventh Avenue, Austral	Proposed No Stopping Restriction
2024.016	Jardine Drive & Talana Hill Drive, intersection	Proposed Line Marking

**RECOMMENDATION**

That the Committee notes the above Delegated Authority applications approved by the NSW Police Force and TfNSW representatives over the two-month period between April 2024 and May 2024.

**COMMITTEE RECOMMENDATION**

The Committee noted the above Delegated Authority applications approved by the NSW Police Force and TfNSW representatives over the two-month period between April 2024 and May 2024.



## GENERAL BUSINESS ITEM

ITEM	LOCATION/ISSUE	COMMENTS	COMMITTEE RECOMMENDATION
GB1	Nuwarra Road/ Marshall Avenue roundabout, Moorebank – Request for installation of speed humps on the Nuwarra Road approaches to the roundabout	<p>Council has received representations concerning speeding on the approaches to the recently installed roundabout at Nuwarra Road/ Marshall Avenue intersection, with a request to install speed humps across the approaches.</p> <p>Previously, at TfNSW request, the Committee did not support the installation of speed humps along Nuwarra Road due to heavy vehicles using the road, which would deform the speed humps.</p> <p>Council has now imposed a 5-tonne load limit along the road, speed classification would be carried out on the Nuwarra Road approaches to the roundabout.</p> <p>If the results indicate an 85th percentile speed higher than 60km/hr, a report will be presented to a future Traffic Committee meeting for further consideration.</p>	<p>The Committee to note that Council would carry out speed classification, including for heavy vehicles, next month and if required, results would be presented to a future meeting.</p> <p>Council to prepare a layout to relocate the existing load limit signs closer to the intersections and remove conflicting compression breaking signs.</p>
GB2	Rotary Street, Liverpool - Speeding Concern	<p>Council has received representations concerning speeding along Rotary Street.</p> <p>To assess the speeding concern, Council will carry out speed classification next month. If the results indicate an 85th percentile speed higher than 60km/hr, a report will be presented to a future Traffic Committee meeting for further consideration.</p>	<p>The Committee to note that Council would carry out speed classification next month and if required, the results would be presented to a future meeting.</p>
GB3	Grimson Crescent, Liverpool - Concern About Rat Running	<p>Council has received representations concerning of rat running occurring along Grimson Crescent as a shortcut to Orange Grove Road to bypass traffic along the Hume Highway.</p> <p>Council will carry out traffic counts to assess the volume of the bypassing traffic. If the results identify a need for implementation of a traffic management solution, a report would be presented to a future Traffic Committee meeting for further consideration.</p>	<p>The Committee to note that Council would carry out traffic assessment next month and if required, the results would be presented to a future meeting.</p>



GB4	39 Napier Avenue, Lurnea - Request for speed hump prior to pedestrian crossing	Council has received a request for installation of a speed hump in front of 39 Napier Avenue.  To assess the speeding concern, Council will carry out speed classification next month. If the results indicate an 85 <sup>th</sup> percentile speed higher than 60km/hr, a report will be presented to a future Traffic Committee meeting for further consideration, if required.  In the meantime, the Police will be requested to include the above-mentioned streets in their speed enforcement.	The Committee to note that Council would carry out speed classification next month and if required, the results would be presented to a future meeting.
GB5	Andalusian and Connemara Street, Austral - Request for 50km/h reminder signs	Council has received a request for 50km/h speed limit signs to be installed along sections of Andalusian and Connemara Street.  TfNSW is responsible for the approval and installation of speed limit signs on the NSW public road network. The NSW Road Rules specify that speed limit signs of the default 50km/hr speed limit are not generally required unless there is a change in speed limit. Council would request and discuss with TfNSW whether speed limits could be approved and installed along the two streets.	The Committee to note that Council would request and discuss with TfNSW whether speed limits could be approved and installed along the two streets
GB6	McGirr Parade, Warwick Farm and Bundemar Street, Miller – Request for indented/verge parking bays	Council has received representations from the Member for Liverpool requesting for additional on-street parking in the form of indented/verge parking bays along sections of McGirr Parade, Warwick Farm and Bundemar Street, Miller.  McGirr Parade and Bundemar Street have relatively narrow carriageway width of approximately 6.5m and approximately 7m, respectively. Hence, the carriageways cannot accommodate two-way movements and parking on both sides.  Council would investigate additional on-street parking in the form of indented/verge parking bays along both streets and consider inclusion the streets in its priority list for implementation, subject to funding allocation.	The Committee to note that Council would investigate additional on-street parking in the form of indented/verge parking bays along both streets and consider inclusion the streets in its priority list for implementation
GB7	Walder Road and Meehan Avenue, Hammondville - Request for installation of Do Not Queue Across Intersection advisory sign	Council has received representation concerning increased through traffic along Walder Road since the Heathcote Road/Bardia Parade/Walder Road intersection upgrade. The increased traffic is resulting in queueing across	The Committee to note that a Do Not Queue Across Intersection sign is proposed to be installed,

		Walder Road/Meehan Road intersection preventing turning movements to and from the side streets.  To improve the turning movements advisory Do Not Queue Across Intersection sign is proposed to be installed.  Council has received a request for an update from the Member for Leppington for the installation of a pedestrian crossing across Tenth Avenue in front of the St Anthony of Padua School.  The consent condition for the school expansion includes installation of a raised pedestrian crossing across Tenth Avenue. The crossing has recently been installed.	close to the Walder Road/Meehan Road intersection.  The Committee to note that the consent condition for the school expansion includes installation of a raised pedestrian crossing across Tenth Avenue, and the crossing has recently been installed.
GB8	Tenth Avenue near St Anthony of Padua School, Austral – Request for an update on the proposed installation of a pedestrian crossing	Council has received a request from the Member for Leppington, on behalf of a local resident, concerning speeding along a section of Middleton Drive, close to Brimsead Avenue.  In response, Council has recently carried out speed classification which has identified the 85 <sup>th</sup> percentile speed is approximately 48km/h. Existing sections of Middleton Drive close to the road section has existing roundabouts and with the speed profile, it is considered that additional traffic calming devices are not required.  However, Council would request the Police to include the street in their speed enforcement.	The Committee to note that recent speed classification is lower than the applicable speed limit and additional traffic calming devices are not required at this stage.  Council would request the Police to include the street in their speed enforcement.
GB9	Middleton Drive, Middleton Grange – Speeding concern in Brimsead Avenue	TfNSW is proposing changes to the existing carpark, opposite Tafe Miller to permit turning movements into Banks Road from the western leg of the existing roundabout. TfNSW has advised that this work will be carried out during the month/early June and the Committee is being notified.  Council has received a request for an update on the proposed Kurrajong Road, Lyn Parade and Beech Road intersection upgrade.  Council has received funding under the Federal Government Western Sydney Infrastructure Program (WSIP) to replace the existing roundabout at the Kurrajong Road, Lyn Parade and Beech Road Intersection with traffic signals.	The Committee to note the design and construction update for the Kurrajong Road, Lyn Parade and Beech Road intersection upgrade with a program to complete construction by 2026.
GB10	Banks Road Carpark, Miller – Changes to carpark traffic arrangements		
GB11	Kurrajong Road, Lyn Parade and Beech Road Intersection, Prestons – Request for update on the proposed installations		

GB12	Lismore Street, Hoxton Park – Update on Traffic Conditions	<p>Concept design has been completed which has identified that the upgrade will require land acquisitions and relocations of existing utilities include transmission line and gas lines.</p> <p>The required land acquisitions from three land owners are being finalised. Design of the civil works is almost complete, and the required traffic signal design is being carried out.</p> <p>Design of the required utilities is continuing with a program to complete the civil works/traffic signal designs in October 2024 and the utilities towards the end of the year. Procurement for construction to commence in 2025 and for the project to be completed by June 2026.</p> <p>Council has received representation from Councillor Harle requesting an update on the traffic conditions on Lismore Street and road opening of First Avenue and Nineteenth Avenue.</p>	
GB13	Elizabeth Hills LATM Study – Request for Update on Status	<p>Council received representation from the representative of the Member for Liverpool for an update of the Elizabeth Hills Local Area Traffic Management Study.</p>	<p>The Committee noted that detailed design is being carried out for the road opening of First Avenue into Nineteenth Avenue.</p> <p>The road would then be scheduled for constructed, subject to funding allocation.</p> <p>The Committee noted that results of the community consultation would be presented to the July Meeting to consider the stage implementation of the traffic facilities, subject to funding.</p>

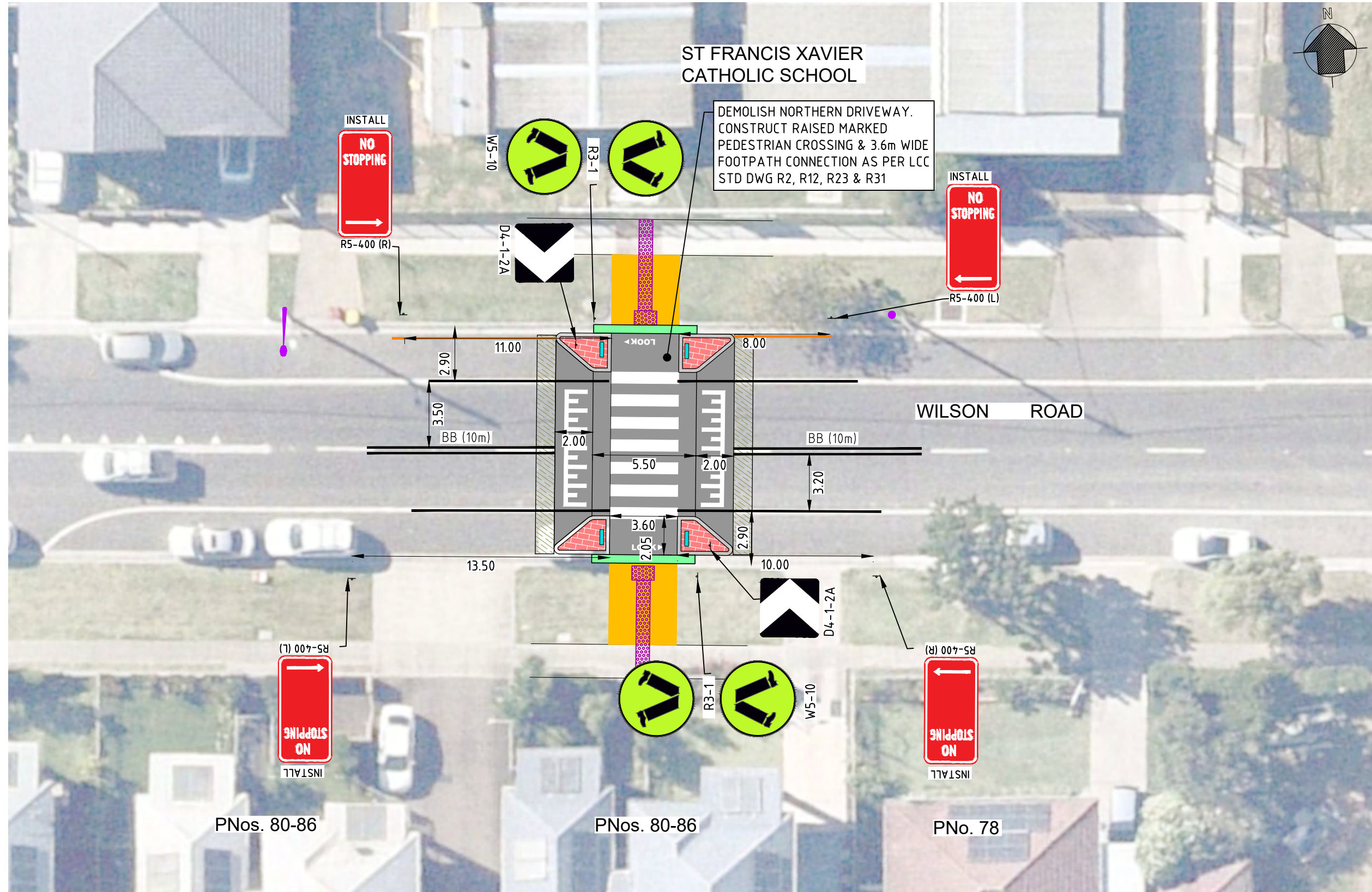


# Agenda Attachments

## Liverpool Local Traffic Committee Meeting Agenda Attachment Booklet of 15 May 2024



ATTACHMENT 1

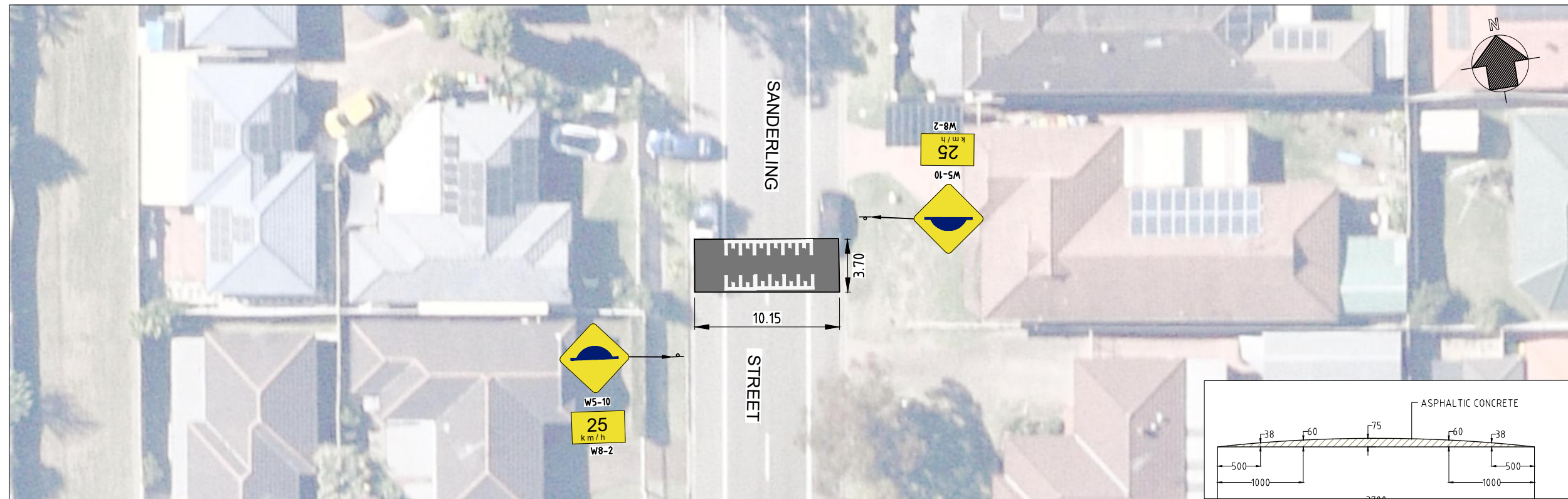
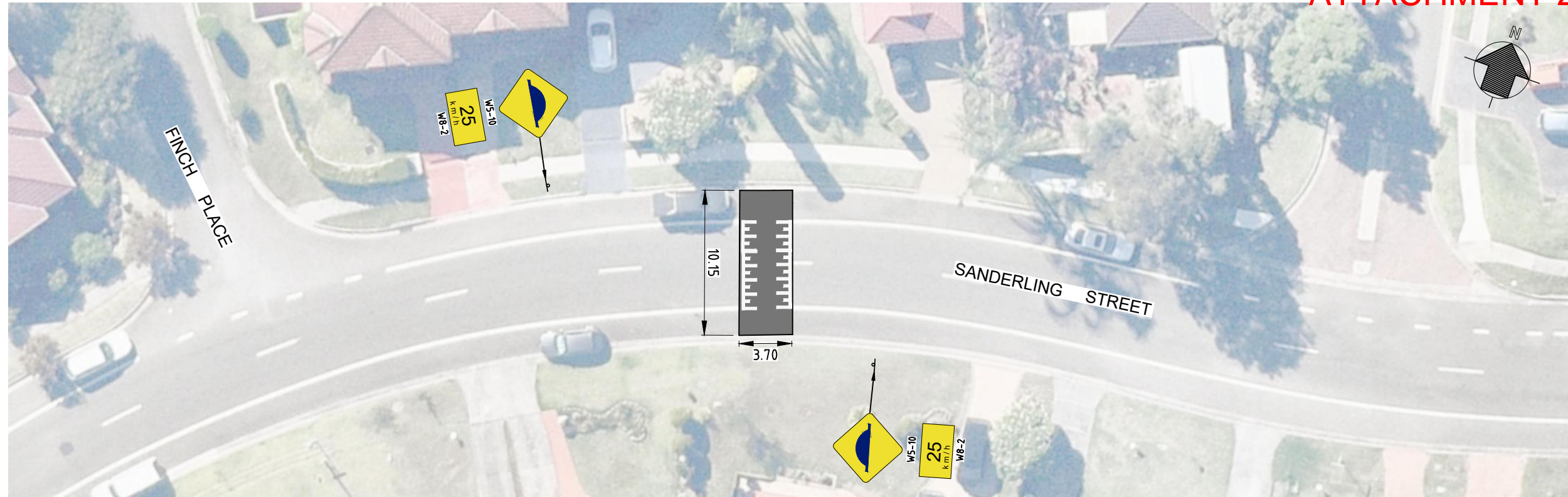


CONCEPT PLAN - PROPOSED RAISED MARKED PEDESTRIAN CROSSING

SCALE 1:150



ATTACHMENT 2



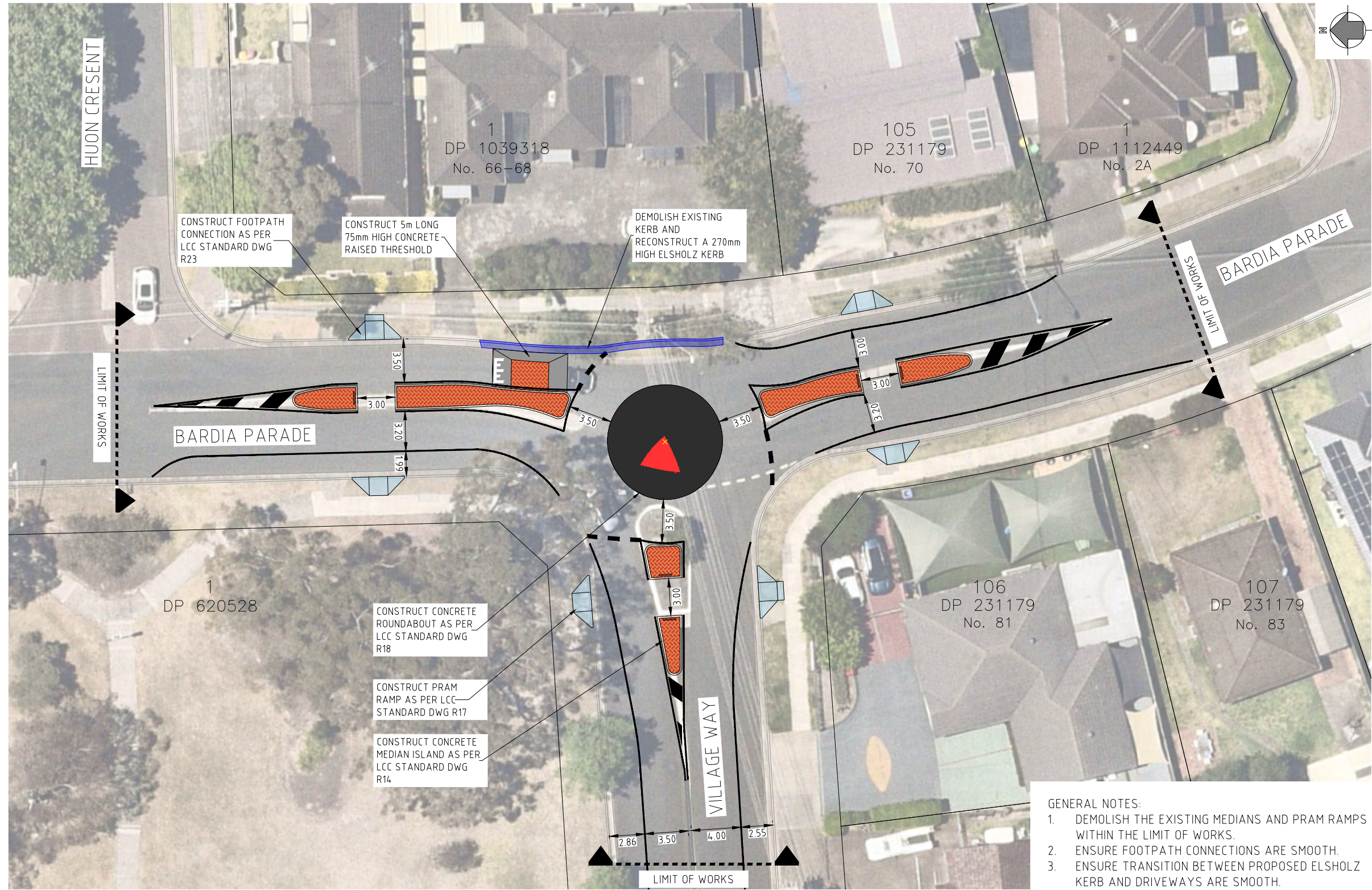
NOTE:

- 1. CONSTRUCT 75mm HIGH ASPHALT SPEED HUMP FOR BUS ROUTE AS PER TYPICAL SECTION & LCC STD DWG R05

CONCEPT PLAN  
SCALE 1:150

TYPICAL SECTION  
NOT TO SCALE





- GENERAL NOTES:
1. DEMOLISH THE EXISTING MEDIANS AND PRAM RAMP WITHIN THE LIMIT OF WORKS.
  2. ENSURE FOOTPATH CONNECTIONS ARE SMOOTH.
  3. ENSURE TRANSITION BETWEEN PROPOSED ELSHOLZ KERB AND DRIVEWAYS ARE SMOOTH.

PLAN  
SCALE 1:150

File: C:\Users\lynn\OneDrive - Liverpool City Council\ROAD Construction\NEW - Bardia Parade and Village Way option 3\Holsworthy.dwg  
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DATE	REASON FOR ISSUE	DRAWN	SIGNED	APPROV	OWNER
	ORIGINAL ISSUE				

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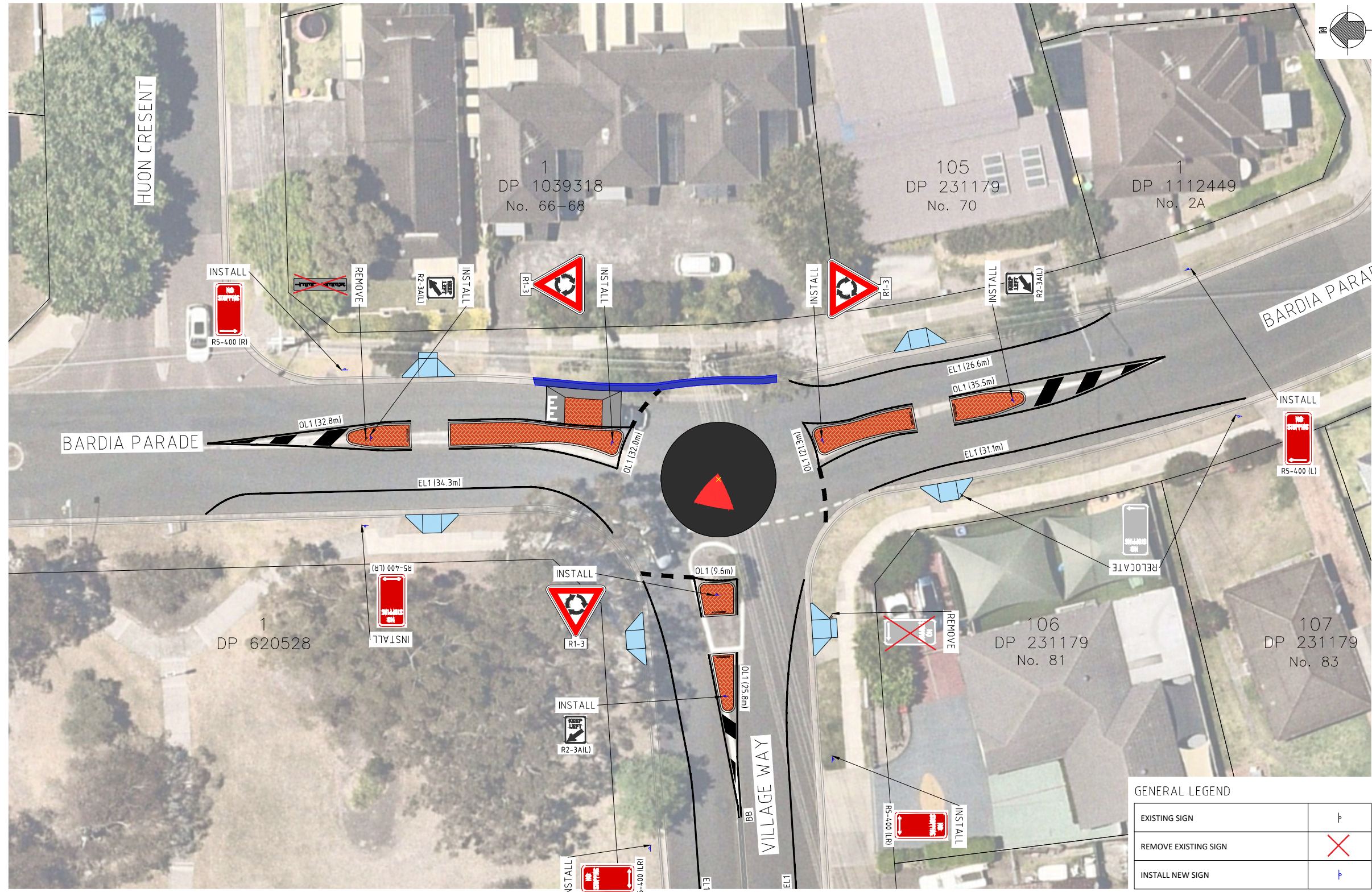
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SURVEYED	DATUM
DATE	A.H.D./M.G.A.
DESIGNED	CHECKED
DATE	DATE
DRAWN	CAD FILE
DATE	XREF

DRAWING TITLE	
BARDIA PARADE, HOLSWORTHY	
INTERSECTION OF BARDIA PARADE AND VILLAGE WAY	
ROUNDABOUT CONSTRUCTION	
GENERAL ARRANGEMENT PLAN	

JOB No	DWG No
	101
ISSUE No	
A	
CONTRACT No	





GENERAL LEGEND

EXISTING SIGN	↖
REMOVE EXISTING SIGN	✗
INSTALL NEW SIGN	↗

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DATE OF RELEASE	MANAGER-INFRASTRUCTURE PLANNING
DATE OF ACCEPTANCE	PROJECT ENGINEER
DATE OF RELEASE	MANAGER - INFRASTRUCTURE DELIVERY

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**CONCEPT**

SURVEYED	DATUM
DATE	A.H.D./M.G.A.
DESIGNED	CHECKED
DATE	DATE
DRAWN	CAD FILE
DATE	REF:

DRAWING TITLE

**BARDIA PARADE, HOLSWORTHY**  
 INTERSECTION OF BARDIA PARADE AND VILLAGE WAY  
 ROUNDABOUT CONSTRUCTION  
 LINEMARKING AND SIGNAGE PLAN

JOB No	DWG. No
102	102
ISSUE No	CONTRACT No
A	

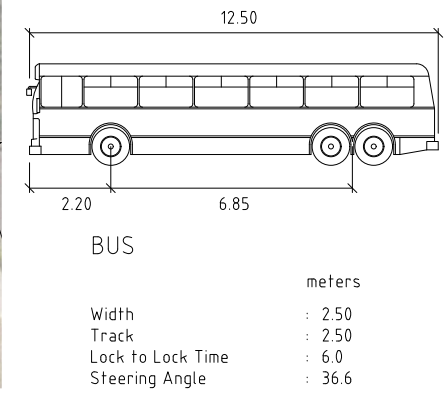




FIG 1: BUS LEFT TURNS  
SCALE 1:200



FIG 2: BUS RIGHT TURNS  
SCALE 1:200



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DATE OF RELEASE	MANAGER-INFRASTRUCTURE PLANNING
DATE OF ACCEPTANCE	PROJECT ENGINEER
DATE OF RELEASE	MANAGER - INFRASTRUCTURE DELIVERY

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CONCEPT

SURVEYED	DATUM
DATE	A.H.D./M.G.A.
DESIGNED	CHECKED
DATE	DATE
DRAWN	CAD FILE
DATE	REF:

DRAWING TITLE  
**BARDIA PARADE, HOLSWORTHY**  
 INTERSECTION OF BARDIA PARADE AND VILLAGE WAY  
 ROUNDABOUT CONSTRUCTION  
 TURNING PATHS - BUS

JOB No	DWG. No
	TP1
SCALE	ISSUE No
1:200	A
	CONTRACT No

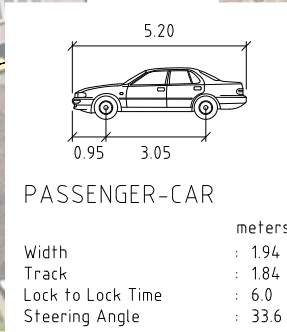




FIG 1: CAR L+R TURN  
SCALE 1:200



FIG 2: CAR STRAIGHT ON BARDIA PDE  
SCALE 1:200



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DATE OF RELEASE	MANAGER-INFRASTRUCTURE PLANNING
DATE OF ACCEPTANCE	PROJECT ENGINEER
DATE OF RELEASE	MANAGER - INFRASTRUCTURE DELIVERY

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CONCEPT

SURVEYED	DATUM
DATE	A.H.D./M.G.A.
DESIGNED	CHECKED
DATE	DATE
DRAWN	CAD FILE
DATE	REF:

DRAWING TITLE  
**BARDIA PARADE, HOLSWORTHY**  
 INTERSECTION OF BARDIA PARADE AND VILLAGE WAY  
 ROUNDABOUT CONSTRUCTION  
 TURNING PATHS - CAR (PAGE 1 OF 2)

JOB No	DWG No
	TP2
SCALE	ISSUE No
1:200	A
	CONTRACT No





FIG 1: CAR L+R TURN  
SCALE 1:200

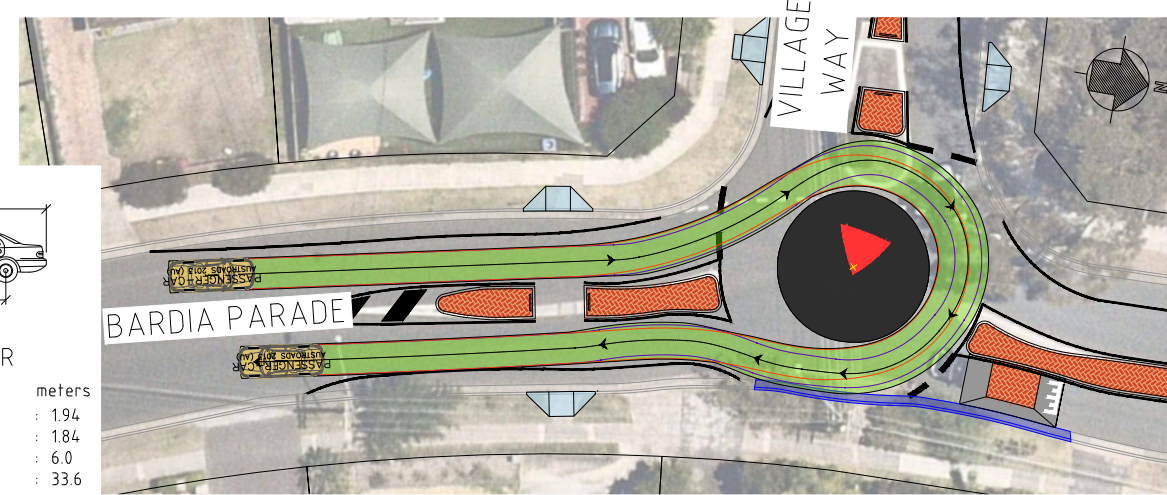
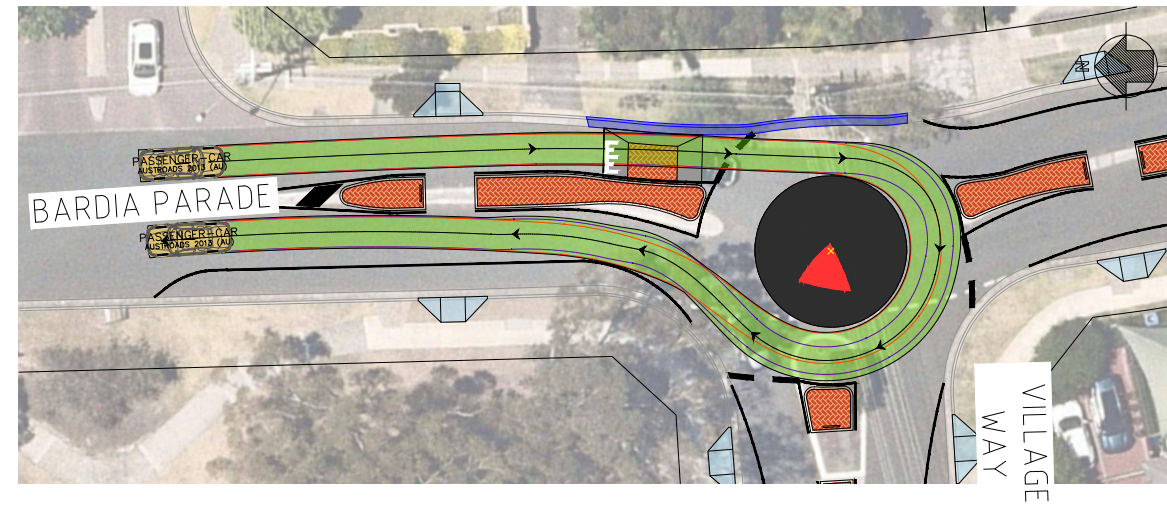
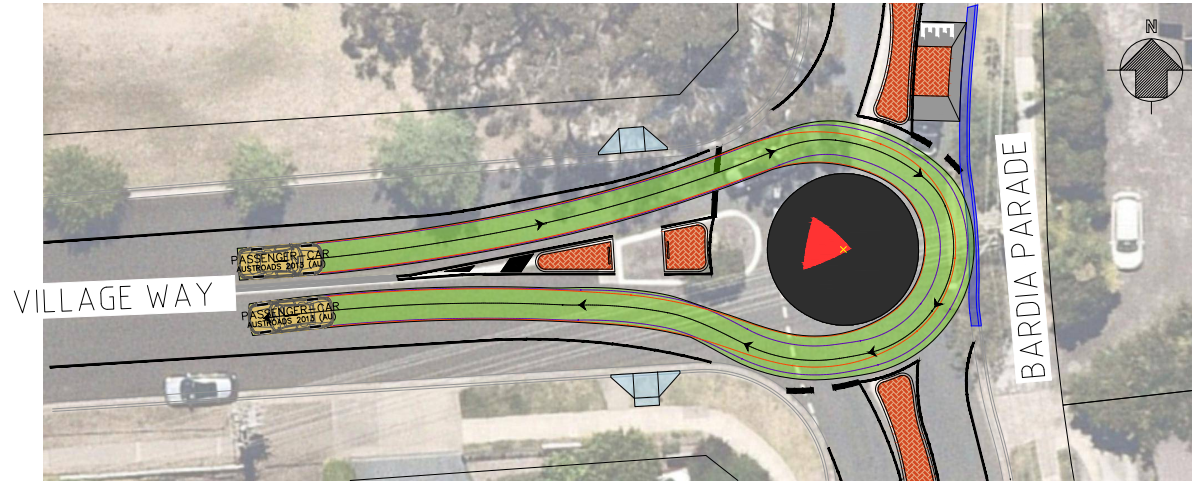
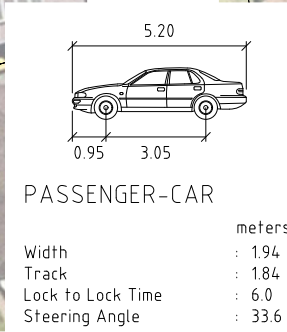


FIG 2: U-TURN ON ALL LEGS  
SCALE 1:200

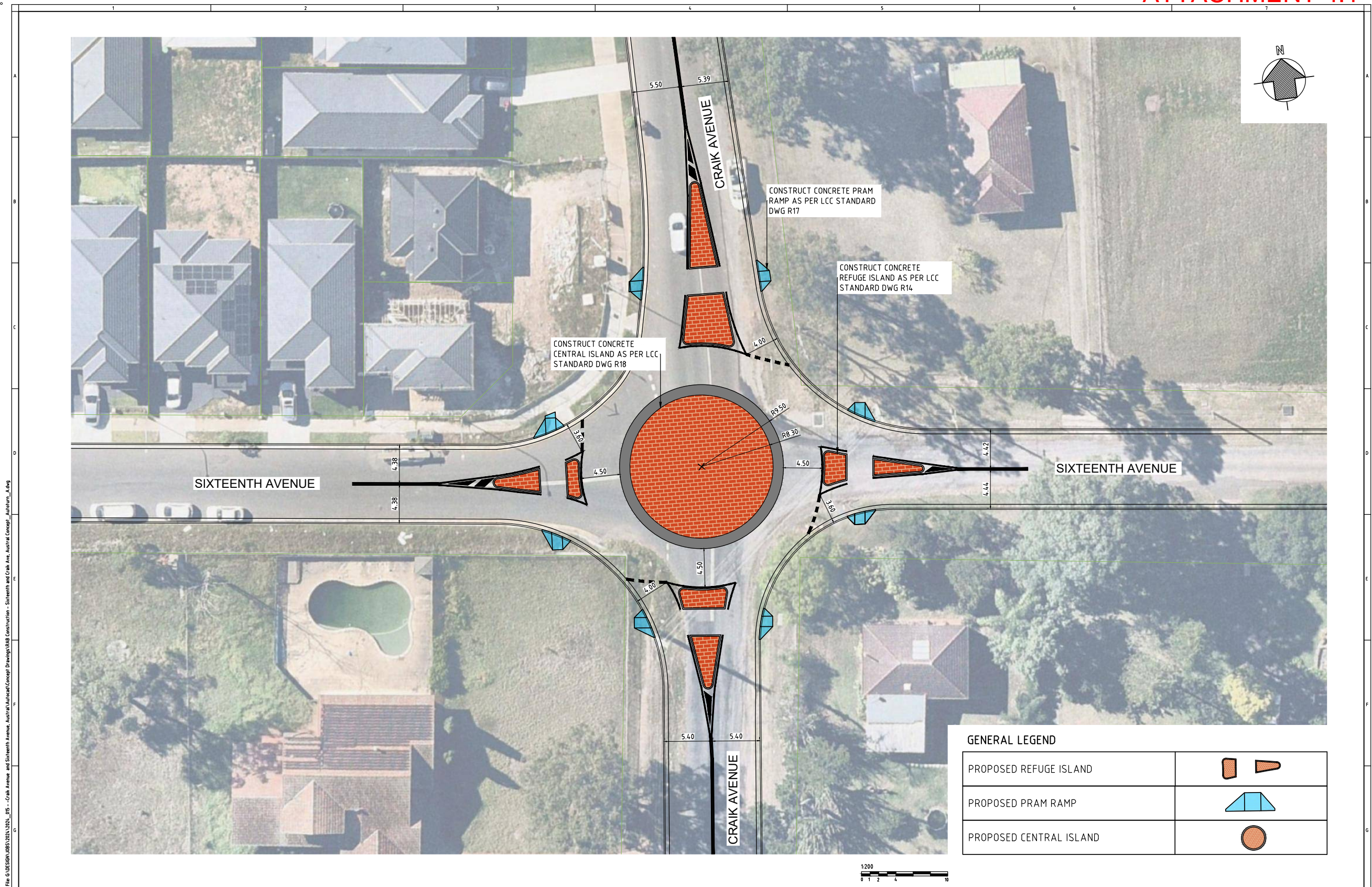


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				DATE OF RELEASE		MANAGER-INFRASTRUCTURE PLANNING		3 HOXTON PARK ROAD, LIVERPOOL, NSW 2170 Ph: 1300 36 2170 Fax: (02) 9821 9333		DATE		A.H.D./M.G.A.		BARDIA PARADE, HOLSWORTHY INTERSECTION OF BARDIA PARADE AND VILLAGE WAY ROUNDOABOUT CONSTRUCTION TURNING PATHS - CAR (PAGE 2 OF 2)		TP3		ISSUE No	
				DATE OF ACCEPTANCE		PROJECT ENGINEER				DESIGNED		CHECKED				1:200		A	
				DATE OF RELEASE		MANAGER - INFRASTRUCTURE DELIVERY				DATE RL		DATE						CONTRACT No	
A		ORIGINAL ISSUE		RL						DRAWN		CAD FILE							
ISSUE		DATE		REASON FOR ISSUE		DRAWN		SIGNED		APPROV		OWNER							

CONCEPT





GENERAL LEGEND

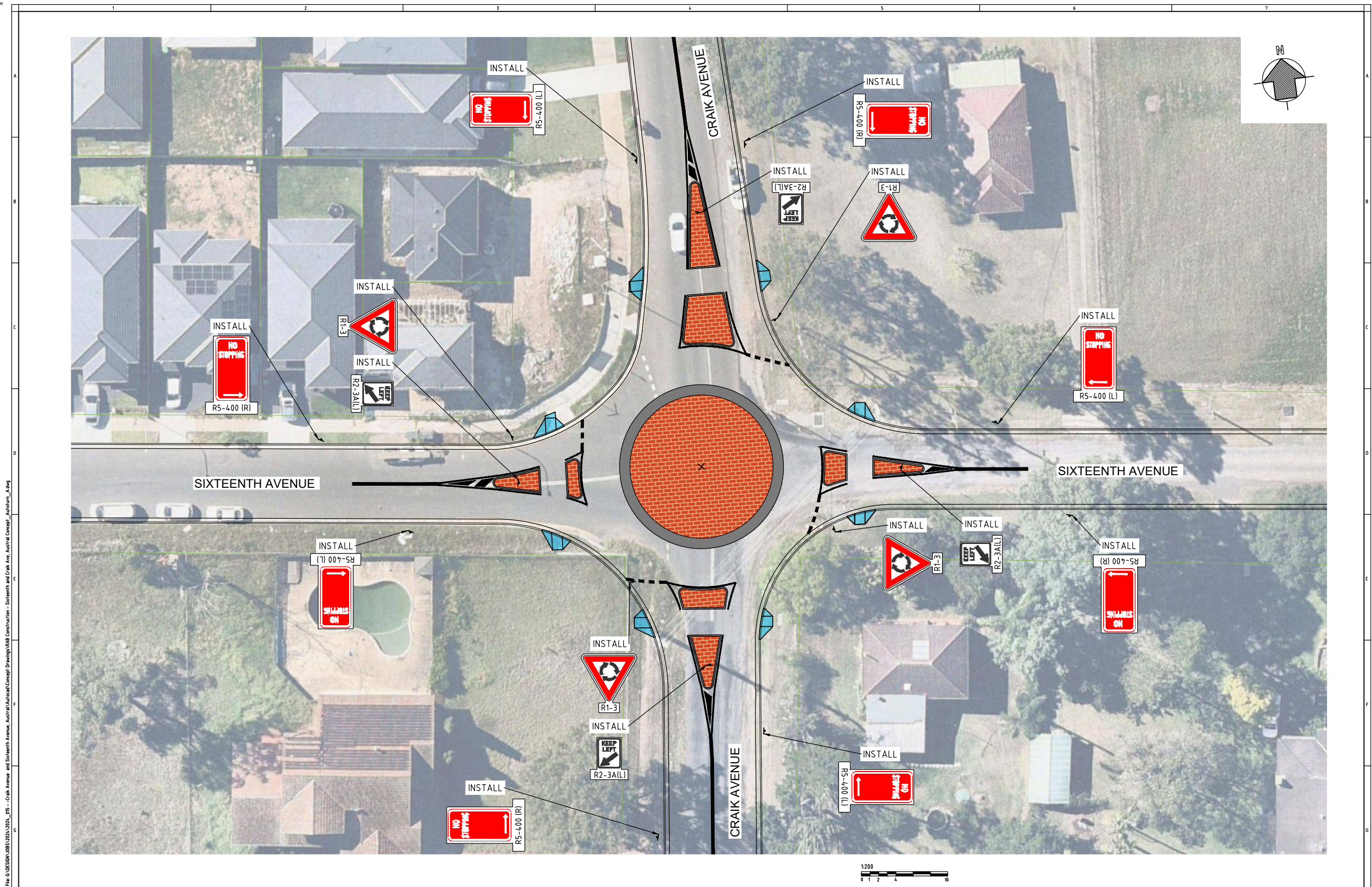
PROPOSED REFUGE ISLAND	
PROPOSED PRAM RAMP	
PROPOSED CENTRAL ISLAND	

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		DATE OF RELEASE	MANAGER-INFRASTRUCTURE PLANNING		DATE	A.H.D./M.G.A.		<p>JOB No</p> <p>PROJECT No.</p> <p>SCALE</p> <p>1:200</p>	<p>DWG. No</p> <p>101</p> <p>ISSUE No</p> <p>A</p> <p>CONTRACT No</p>
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		DATE	REASON FOR ISSUE		DRAWN	R.L.		DATE	DATE

CONCEPT



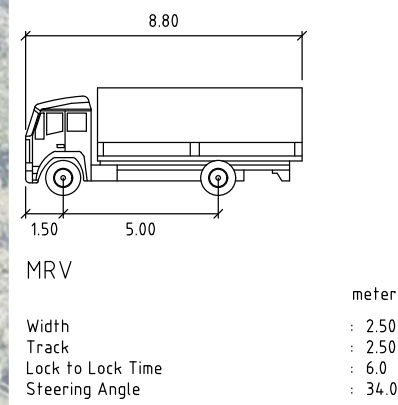
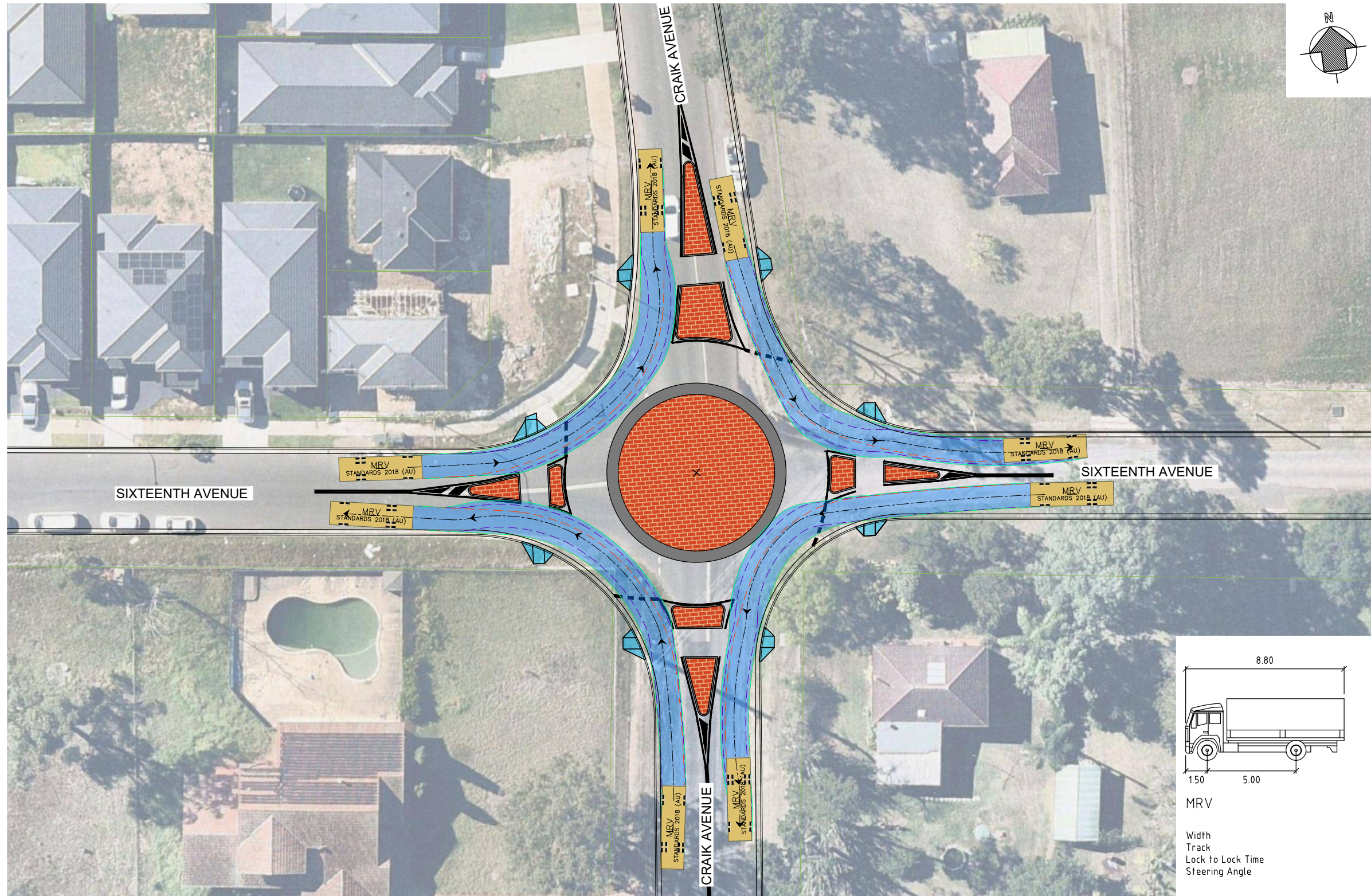
ATTACHMENT 4.2



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				DATE OF COMPLETION	COORDINATOR INVESTIGATIONS & DESIGN	LIVERPOOL CITY COUNCIL INVESTIGATIONS & DESIGN 3 HOXTON PARK ROAD, LIVERPOOL, NSW 2170 Ph: 1300 36 2170 Fax: (02) 9821 9333	SURVEYED	DATUM	DRAWING TITLE		JOB No	DWG. No
				DATE OF RELEASE	MANAGER-INFRASTRUCTURE PLANNING		DATE	A.H.D./M.G.A.	SIXTEENTH AVENUE AND CRAIK AVENUE, AUSTRAL		PROJECT No.	101
				DATE OF ACCEPTANCE	PROJECT ENGINEER		DESIGNED	CHECKED	ROUNDABOUT CONSTRUCTION		SCALE	ISSUE No
				DATE OF RELEASE	MANAGER - INFRASTRUCTURE DELIVERY		R.L.	DATE	INTERSECTION OF SIXTEENTH AND CRAIK AVENUE		1:200	A
				CONCEPT			DRAWN	CAD FILE	GENERAL ARRANGEMENT PLAN		CONTRACT No.	
ISSUE	DATE	REASON FOR ISSUE	DRAWN				SIGNED	APPROV	OWNER	DATE	DATE	





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DATE	ORIGINAL ISSUE	DRAWN	SIGNED	APPROV	OWNER

DATE OF COMPLETION	COORDINATOR INVESTIGATIONS & DESIGN
DATE OF RELEASE	MANAGER-INFRASTRUCTURE PLANNING
DATE OF ACCEPTANCE	PROJECT ENGINEER
DATE OF RELEASE	MANAGER - INFRASTRUCTURE DELIVERY

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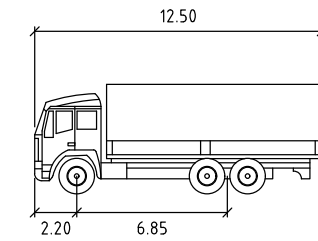
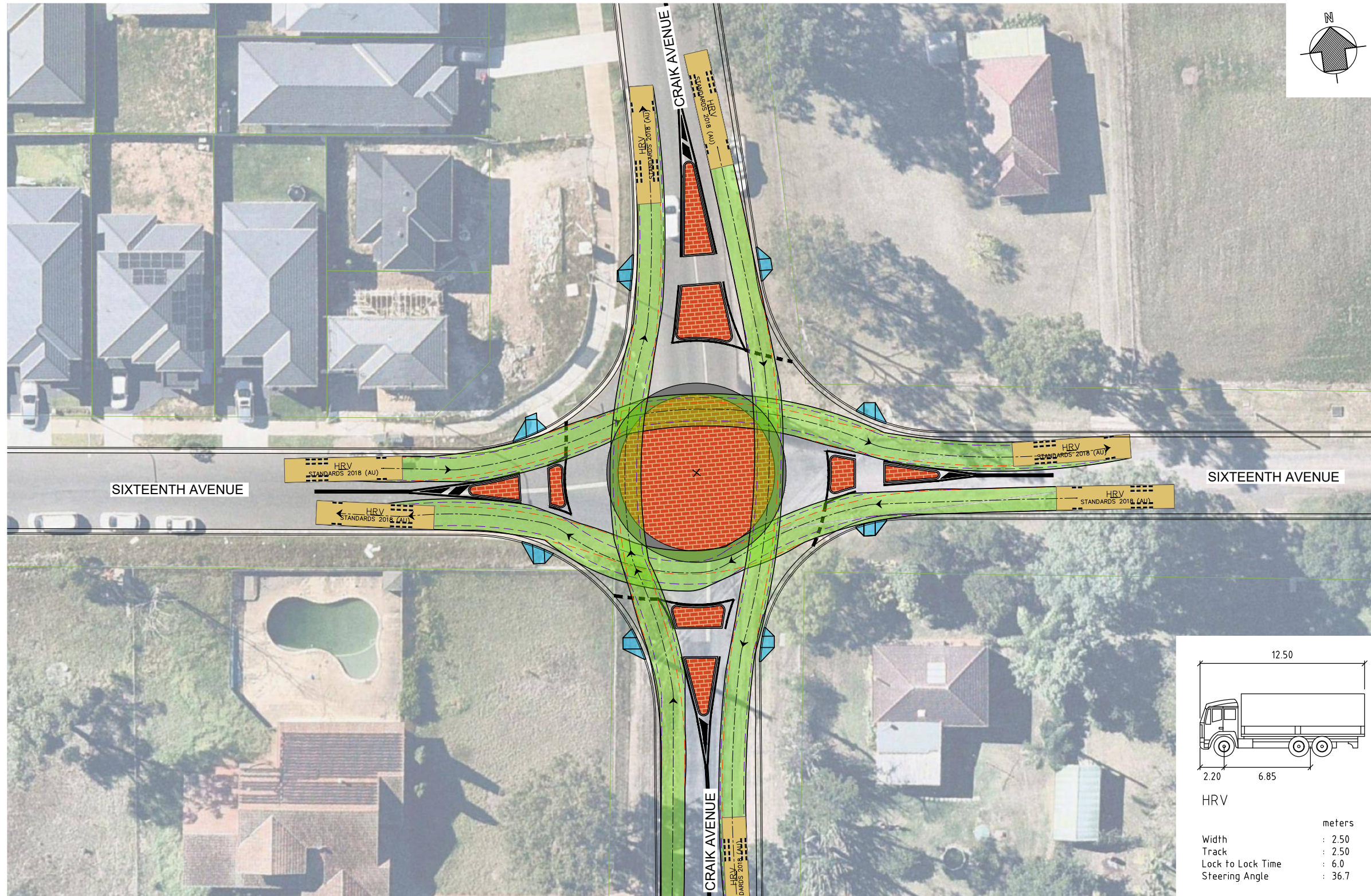
CONCEPT

SURVEYED	DATUM
	A.H.D./M.G.A.
DATE	CHECKED
DESIGNED	DATE
R.L.	CAD FILE
DATE	
DRAWN	
R.L.	
DATE	

**DRAWING TITLE**  
**SIXTEENTH AVENUE AND CRAIK AVENUE, AUSTRAL**  
 ROUNDABOUT CONSTRUCTION  
 INTERSECTION OF SIXTEENTH AND CRAIK AVENUE  
 TURNING PATHS - MRV LEFTS

JOB No	DWG. No
PROJECT No.	TP1
	ISSUE No
	A
	CONTRACT No





HRV

meters

Width : 12.50  
Track : 2.50  
Lock to Lock Time : 6.0  
Steering Angle : 36.7



File: G:\DESIGN\08512024\2024\_05 - Craik Avenue and Sixteenth Avenue, Austral\Concept\Drawings\HRV Construction - Sixteenth and Craik Ave, Austral Concept\_Austral\_A4.dwg  
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DATE	ISSUE	DRAWN	SIGNED	APPROV	OWNER

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**CONCEPT**

SURVEYED	DATUM
DATE	A.H.D./M.G.A.
DESIGNED	CHECKED
R.L.	DATE
DATE	CAD FILE
DRAWN	R.L.
R.L.	DATE
DATE	

**DRAWING TITLE**

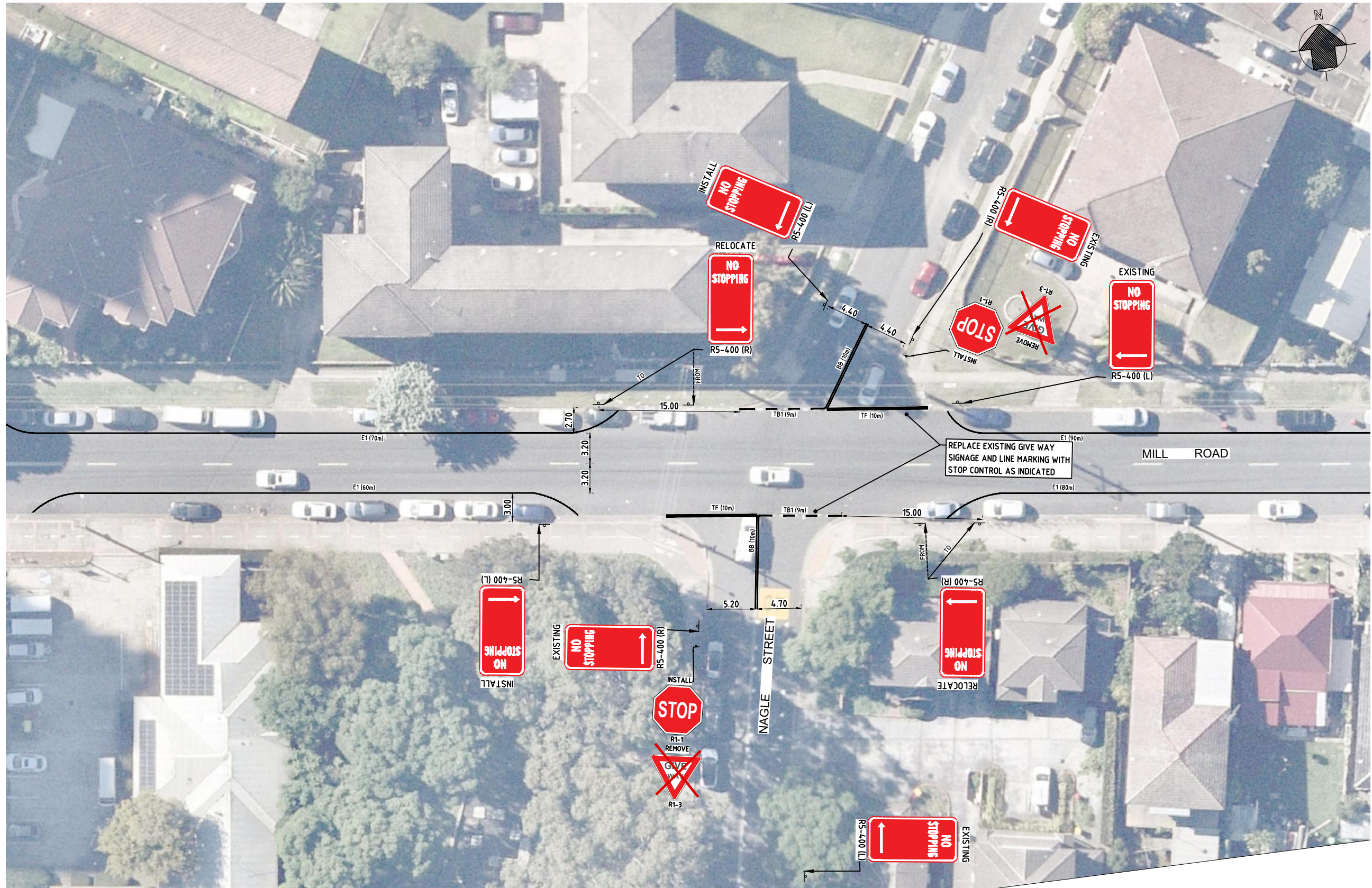
**SIXTEENTH AVENUE AND CRAIK AVENUE, AUSTRAL**

ROUNDABOUT CONSTRUCTION  
INTERSECTION OF SIXTEENTH AND CRAIK AVENUE  
TURNING PATHS - HRV STRAIGHTS

JOB No	DWG. No
PROJECT No.	TP2
SCALE	ISSUE No
1:200	A
	CONTRACT No



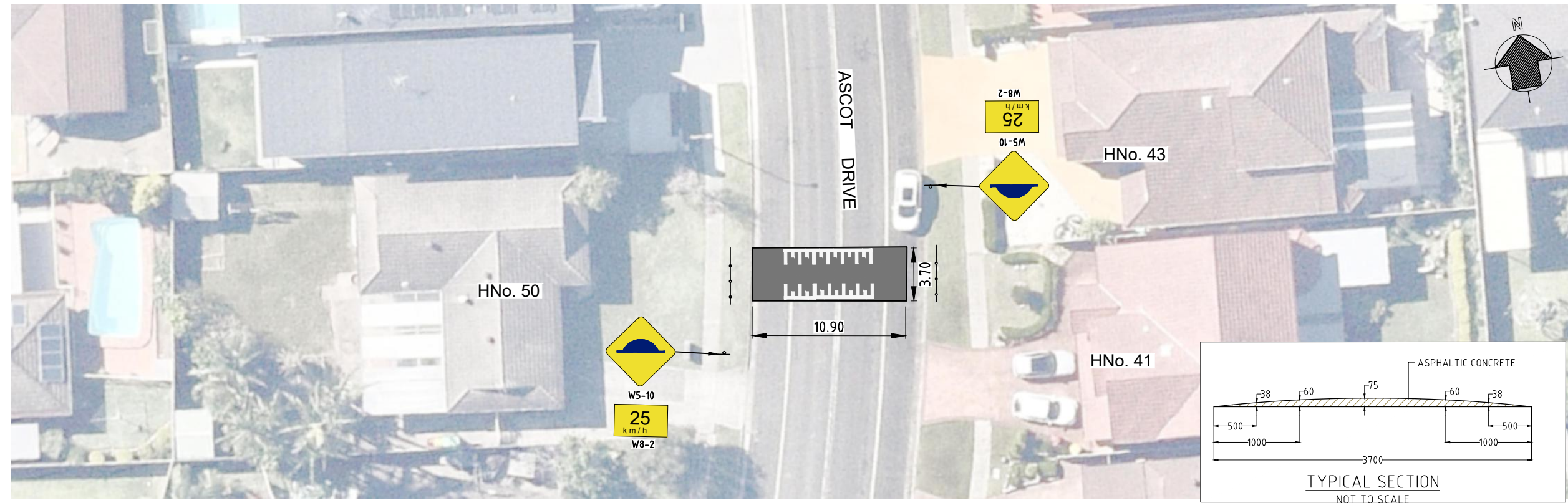
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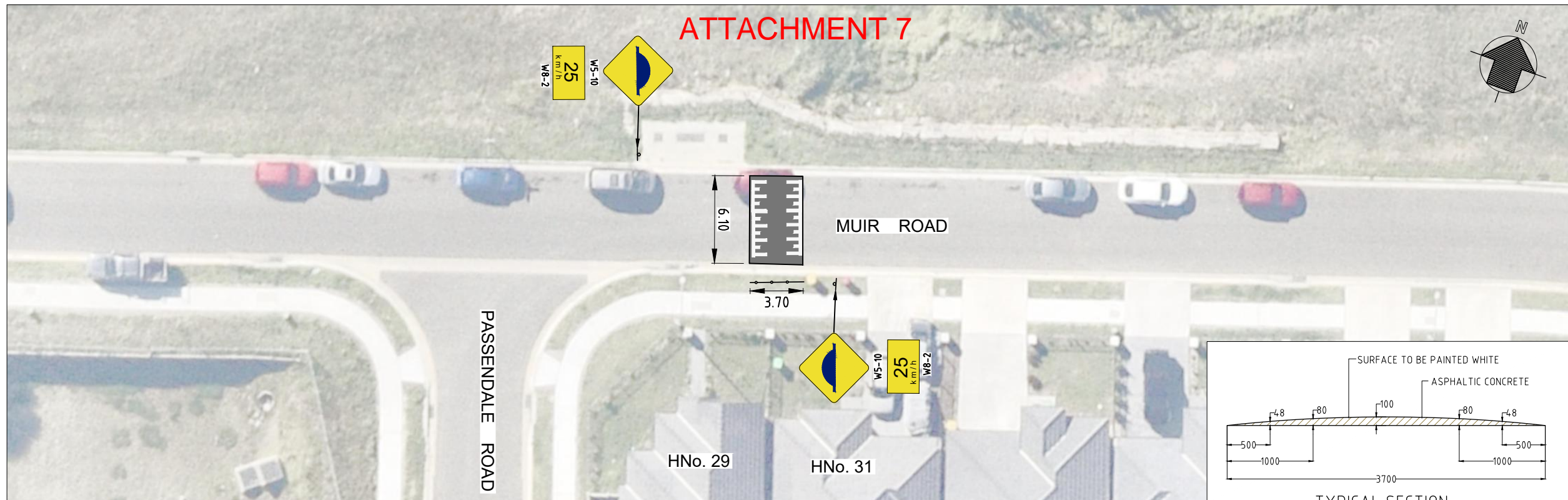
CONCEPT PLAN  
SCALE 1:150 @ A1



ATTACHMENT 6



ATTACHMENT 7



NOTE:

1. CONSTRUCT 75mm HIGH ASPHALT SPEED HUMP FOR BUS ROUTE IN ASCOT DRIVE & 100mm HIGH IN MUIR ROAD AS PER TYPICAL SECTION & LCC STD DWG R05

CONCEPT PLAN  
SCALE 1:150