

COUNCIL AGENDA ADDENDUM

ORDINARY COUNCIL MEETING

24 July 2024

ADDENDUM ITEMS

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PLAN 08	Adoption of Section 7.12 Aerotropolis Contributions Plan 2024
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Strategic Objective	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
File Ref	149080.2024
Report By	Claire Scott - Coordinator Contributions Planning
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

On 8 July 2024, Liverpool City Council (“Council”) received notice from the NSW Minister for Planning and Public Spaces, Paul Scully MP, that the *Environmental Planning and Assessment Amendment (Development Levies) Regulation 2024 (Attachment 2)* was recently made which, will permit Council to levy up to 4.6 per cent of the cost of carrying out development in the Aerotropolis Precinct. A copy of the correspondence is provided in **Attachment 1**.

The levy applies to Liverpool Local Government Area (LGA) land within the Agribusiness, Badgerys Creek and Aerotropolis Core Precinct. The levy does not apply to Luddenham Town Centre nor Western Sydney International (Nancy-Bird Walton) Airport land.

Correspondence from the Minister requested that the *City of Liverpool Section 7.12 Aerotropolis Contributions Plan 2024* (“the Plan”) remove costs associated with governance, management and planning. It has however been determined that removal of these costs would be detrimental to Council’s ability to satisfactorily implement, administer and review the Contributions Plan. Furthermore, removal of the administration costs was not raised by community nor industry representatives during the public exhibition of the draft Aerotropolis Contributions Plan. As such, it is proposed to retain the administration costs as originally proposed.

The Minister expects progress to be made towards a Section 7.11 Aerotropolis Contributions Plan within the next five (5) years. Council considered that the Section 7.12 Aerotropolis Contributions Plan was an interim Plan and will include preparation of a Section 7.11 Aerotropolis Contributions Plan as part of the wider reform program of Council’s Contributions Planning Framework.

Council has revised the Contributions Plan (**Attachment 3**) in accordance with the *Regulation* as well as any administrative changes. As the *Environmental Planning and Assessment Amendment (Development Levies) Regulation 2024* was gazetted on the 12 July 2024, for the Plan to apply and permit development, Council must now adopt the gazetted Plan.

Should Council request any additional changes other than administrative or not adopt the Plan, Ministerial notice for reason(s) must be given. If this action is taken, then a Plan is not enforced and development cannot be approved within the Precinct.

RECOMMENDATION

That Council:

1. Adopts the *City of Liverpool Section 7.12 Aerotropolis Contributions Plan 2024* as provided in **Attachment 3**.
2. Notes the adoption of the *City of Liverpool Section 7.12 Aerotropolis Contributions Plan 2024* is in accordance with the *Environmental Planning and Assessment Regulation 2024*.
3. Provides public notification of the decision to adopt the *City of Liverpool Section 7.12 Aerotropolis Contributions Plan 2024* on Council's website for a period of 14 days.
4. Publishes the *City of Liverpool Section 7.12 Aerotropolis Contributions Plan 2024* on Council's website following completion of the 14-day public notification period for the Plan to take effect.

REPORT

Background

At the Ordinary Meeting of Council on 25 October 2023, Council resolved to:

1. *Note the post exhibition report of the draft Liverpool City Council s 7.12 Aerotropolis Contributions Plan fulfilling the requirement of Min179769.2023 (2) 'provide a further report to council on completion of the public exhibition period';*
2. *Support the minor administrative amendments and changes to the draft Liverpool City Council s7.12 Aerotropolis Contributions Plan and Background report as generally expressed within this report;*
3. *Acknowledge the minor levy increase of 0.1% (levy now 4.6%) which captured the increase in land values within the Aerotropolis precinct;*

4. *In accordance with Environmental Planning and Assessment Act 1979 (EP&A Act), s7.12 (5) and Environmental Planning and Assessment Regulations 2021 (EP&A Reg), section 7.17(1)(d) forward the final draft Liverpool City Council s7.12 Aerotropolis Contributions Plan 2023 to the Department of Planning and Environment for assessment and Ministerial approval; and*
5. *Receive a further report, post Ministerial assessment and recommendation, of the draft Liverpool City Council s7.12 Aerotropolis Contributions Plan.*

Following the Meeting, Council submitted the draft Aerotropolis Contributions Plan, Council Resolution, background documentation, and criteria for requesting a higher percentage levy to the Minister for Planning and Public Spaces for consideration on 13 December 2023.

As part of the review process, the Department of Planning, Housing and Infrastructure (DPHI) requested the provision of additional information, which was subsequently provided by Council on 23 December 2023. Further clarification was also actioned on 28 February 2024.

On 3 July 2024, Council received correspondence from the DPHI confirming that the Minister for Planning and Public Spaces had signed the Regulatory Amendment (*Environmental Planning and Assessment Amendment (Development Levies) Regulation 2024*).

On 12 July 2024, the DPHI advised Council that the Regulatory Amendment had been gazetted.

For the Plan to apply and permit development, Council must now adopt the Plan.

Contributions Plan Details

The Plan applies a maximum levy of 4.6% to the cost of construction greater than \$200,000 on *Aerotropolis development levy land* in the Liverpool LGA.

Aerotropolis development levy land is defined as land identified as the “Aerotropolis Core Precinct”, “Agribusiness Precinct”, “Badgerys Creek Precinct” and “Northern Gateway Precinct” on the Aerotropolis Boundary Map under *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*. The levy does not apply to Luddenham Town Centre. It should be noted that the “Northern Gateway Precinct” is fully located within the Penrith LGA.

Contributions collected under the s7.12 Aerotropolis Contributions Plan will be pooled and applied in accordance with a works program to be delivered by Council. To assist Council in the governance, management and planning (GMP) of the Plan, 1.5% of the contribution calculated will be reserved for this purpose.

Whilst the Minister requested that the GMP cost be removed from the calculation of infrastructure costs, Council has consistently considered that the GMP costs are necessary to satisfactorily implement, administer and review the Contributions Plan.

Should the GMP costs be removed from the Plan, it has been estimated that Council would need to allocate approximately \$1M per annum from General Revenue to cover this purpose until a complementary s7.11 Aerotropolis Contributions Plan is in force.

Land and Works

The s7.12 Aerotropolis Contributions Plan has identified work and land acquisition costs for each of the three (3) Precincts – Aerotropolis Core, Agribusiness, and Badgerys Creek – is presented in Figure 1.

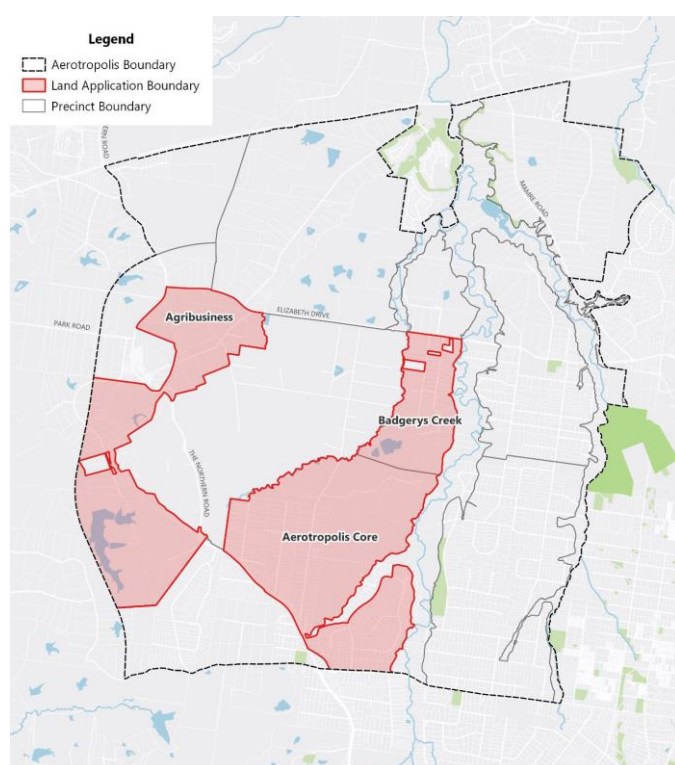


Figure 1 – Land Application Boundaries for the Aerotropolis Core, Agribusiness, and Badgerys Creek Precincts

The Plan excludes works or land in the following areas:

- Western Sydney International (Nancy-Bird Walton) Airport
- Thompsons Creek Regional Parklands – Regional Park
- Stormwater Infrastructure (Land Reservation map) – Sydney Water / Water NSW
- Luddenham Town Centre – Area 2 Additional Permitted uses
- Transport Corridors Map – Transport for NSW
- All other land not identified for acquisition under the Land Reservation Map and Precinct Plan.

The contribution levy (percentage) is based on development and infrastructure costs. The percentage rate reflects the ratio of total local infrastructure costs to total development costs, as shown in the below equations.

$$\text{s7.12 levy rate} = \frac{\text{Total Infrastructure \& GMP Costs}}{\text{Total Development Costs}} \times 100\%$$

Summaries of the expected development and local infrastructure costs in the Aerotropolis Core, Agribusiness, and Badgerys Creek Precincts in provided in Tables 1 and 2.

Until development commences across the three Precincts, the Plan has no funding to acquire land or commence any works. The Plan does however note the following priorities for the collected contributions:

1. Infrastructure delivery sequencing aligned to growth areas;
2. Acquisition of land for various infrastructure purposes in the Plan; and
3. Project alignment with authority infrastructure servicing projects.

To align our project delivery and land acquisition processes, Council is working collaboratively with representatives from Sydney Water, Sydney Metro, Transport for NSW and the DPHI.

In the delivery of works, a key constraint in the application of a s7.12 Contributions Plan is that unlike a s7.11 Contributions Plan, s7.12 Contributions Plans do not allow for Works-In-Kind Agreements (WIKA). The only mechanism to allow for a WIKA and contribution offsets is via a Voluntary Planning Agreement (VPA) process.

The contribution levy is required to be paid by way of a condition imposed on the development consent. The condition will provide payment as follows:

- a. For Development Application involving subdivision – prior to the release of the first Subdivision Certificate (linen plan) or Strata Certificate.
- b. Other Development Applications involving building work or Construction Certificate – prior to the release of the Construction Certificate.
- c. For development not involving subdivision, but where a Construction Certificate is required, the contribution must be paid prior to the issue of the first Occupation Certificate for any building work.
- d. For work authorised by a CDC, prior to the commencement of any works.

Table 1 – Expected Development Costs for Liverpool Aerotropolis Precincts

Land Uses*	Badgerys Creek (Liverpool)	Agribusiness (Liverpool)	Aerotropolis Core	Total
Residential (Mixed Use)	NA	NA	\$3,969.6m	\$3,969.6m
Enterprise & Light Industry	\$4,386.1m	NA	\$4,992.9m	\$9,379.0m
Business & Enterprise	NA	\$22.2m	\$5,141.2m	\$5,163.4m
Commercial Centre	NA	NA	\$18,184.0m	\$18,184.0m
Local Neighbourhood Centre	\$138.4m	\$499.0m	\$559.4m	\$1,196.8m
Agribusiness	NA	\$7,180.5m	NA	\$7,180.5m
Education	NA	NA	\$293.9m	\$293.9m
Total	\$4,524.5m	\$7,701.7m	\$33,141.0m	\$45,367.2m

*Land uses as identified in the Western Sydney Aerotropolis Precinct Plan

Table 2 – Expected Local Infrastructure Costs for Liverpool Aerotropolis Precincts

	Badgerys Creek (Liverpool)	Agribusiness (Liverpool)	Aerotropolis Core	Total
Works				
Roads	\$57.9m	\$146.4m	\$290.9m	\$495.2m
Open Space	\$21.9m	\$54.4m	\$153.4m	\$229.7m
Community Infrastructure	-	\$2.3m	\$65.7m	\$68.0m
Land Acquisition				
Roads	\$78.4m	\$107.2m	\$362.7m	\$548.3m
Open Space	\$43.2m	\$105.2m	\$538.8m	\$687.2m
Community Infrastructure	-	\$0.01m	\$40.2m	\$40.2m
Governance, Management and Planning Levy	\$1.2m	\$3.0m	\$7.7m	\$11.9m
Total	\$202.6m	\$418.5m	\$1,459.4m	\$2,080.5m

Next Steps

This Report seeks Council endorsement to adopt the *City of Liverpool Section 7.12 Aerotropolis Contributions Plan 2024* as provided in **Attachment 3**. Adoption of the Plan will authorise Council to collect contributions in line with the rates presented in Table 3 below.

Table 3 – Contribution rates associated with City of Liverpool Section 7.12 Aerotropolis Contributions Plan 2024

	Contribution rate
Development with a proposed cost of:	
Up to and including \$200,000	Nil
More than \$200,000	4.6%

Following Council endorsement, Council staff will provide notification of the decision to adopt the Plan on Council’s website for a period of 14 days. Following conclusion of the notification period, the Plan will be published on Council’s website for the Plan to officially come into effect. A copy of the Plan will also be uploaded onto the NSW Planning Portal.

As part of the wider reform program of Council’s Contributions Planning Framework, Council staff will commence preparation of a Section 7.11 Contributions Plan for the Aerotropolis. Development of the s7.11 Plan will be undertaken in conjunction with representatives from the DPHI.

FINANCIAL IMPLICATIONS

There are financial implications relating to this recommendation.

It is envisaged that the s7.12 Aerotropolis Contributions Plan is an interim Plan, whilst Council undertakes more detailed strategic infrastructure and land use planning studies to inform the next phase of Contributions Planning Framework reform. It is envisaged that these strategic planning documents and design work, including SEPP amendment to land acquisition maps, will require resourcing of approximately \$1M per annum.

In line with the Ministerial notice, it is strongly recommended that Council not apply the s7.12 Plan beyond five (5) years. The current levy plan is calculated on the cost of construction and land values at a single point in time. Therefore, when costs escalate and land values increase, the levy remains the same triggering shortfalls in the future cost of acquisition and works schedules.

CONSIDERATIONS

A future Report will be presented to Council at a future Governance Committee Meeting on the program of works, land acquisition program and transformation of the Contribution Planning Framework for the Aerotropolis Precinct.

Currently the planning framework identified in the SEPP is considered too high level to inform each Precincts needs and demands. It is imperative that Council undertakes more detailed strategic planning work to inform future Contribution Plans that apply to these Precincts.

<p>Economic</p>	<p>Deliver and maintain a range of transport related infrastructure such as footpaths, bus shelters and bikeways.</p> <p>Deliver a high-quality local road system including provision and maintenance of infrastructure and management of traffic issues.</p> <p>Facilitate the development of new tourism based on local attractions, culture and creative industries.</p>
<p>Environment</p>	<p>Manage the environmental health of waterways.</p> <p>Manage air, water, noise and chemical pollution.</p> <p>Promote an integrated and user-friendly public transport service.</p> <p>Support the delivery of a range of transport options.</p>
<p>Social</p>	<p>Provide cultural centres and activities for the enjoyment of the arts.</p> <p>Deliver high quality services for children and their families.</p>
<p>Legislative</p>	<p><i>Environmental Planning and Assessment Act</i></p> <p><i>Environmental Planning and Assessment Regulation</i></p> <p><i>Environmental Planning and Assessment Regulation (Development Levies) 2024</i></p> <p><i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i></p>
<p>Risk</p>	<p>The risk is deemed to be High.</p> <p>A Contributions Plan that is not made will result in development delays, and greater financial burden being transferred to Council to deliver essential services and infrastructure that would otherwise be funded by the Plan. The risk is considered outside Council's risk appetite.</p>

ATTACHMENTS

1. Attachment 1 - Ministerial Correspondence - Paul Scully MP - Aerotropolis Contributions Plan
2. Attachment 2 - Signed Environmental Planning and Assessment Amendment (Development Levies) Regulation 2024
3. Attachment 3 - City of Liverpool Section 7.12 Aerotropolis Contributions Plan 2024 - Final Plan with Track Changes

PLAN 09

Response to Council Resolution of 27 March 2024 re. changes to contributions collection

Strategic Objective	Liveable, Sustainable, Resilient Deliver a beautiful, clean and inviting city for the community to enjoy
File Ref	222071.2024
Report By	Rouzbeh Loghmani - Coordinator Contributions Planning
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

Council resolved in the Ordinary Meeting of 27 March 2024 to waive and/or delay the collection of contributions for certain development within the Liverpool LGA. The new parameters for the collection of contributions were specified in items 4, 7 and 8 of the Council resolution of 27 March 2024 (**Attachment 1**). These parameters are recited below:

4. *Waive 7.11/7.12 contributions for multi storey residential and commercial developments within Liverpool city centre for projects that are completed within 4 years of today.*
7. *Waive all contributions for the development of granny flats.*
8. *Allow contributions for all projects to be paid on occupation certificate rather than construction certificate.*

The Council resolution did not clarify the precise mechanism for the implementation of the new parameters. The Planning and Compliance team has explored the extent to which the Council resolution can be lawfully implemented.

After considering the applicable legal framework, the following directions were issued to the Development Assessment and Contributions Planning teams on 16 July 2024 to execute the Council resolution.

- **To address Item 8 of the resolution:** the contribution conditions imposed on all new development consent throughout Liverpool LGA require the contributions to be paid prior to the issue of Occupation Certificates, instead of Construction Certificates.
- **To address Item 7 of the resolution:** no contribution collected from new development for the construction of secondary dwellings (also known as granny flats) in the whole Liverpool LGA.

- **To address Item 4 of the resolution:** the contribution conditions imposed on all new development applications for multi-story residential and commercial development within the Liverpool City Centre prevent the collection of contributions, if an Occupation Certificate is issued for the subject development between 27 March 2024 and 27 March 2028. The collection of contributions from all development within the City Centre will be reinstated after a four-year period ending 27 March 2028.

The directions have been applied to new development applications on the basis that:

- To collect contributions prior to the issue of an Occupation Certificate for an existing consent, the existing development must be modified through a modification application. This is only possible if contributions have not been paid yet. Also, a modification application must modify the development not only the contributions conditions.
- Contributions already paid cannot be refunded via a modification application. The existing case law establishes that a condition of consent cannot be imposed or modified to require the doing of something retrospectively. A consent can't be modified to change the contribution condition if the required monetary contribution has already been paid to Council. It is recommended that Council resolution only applies to development applications determined/issued from **27 March 2024** and onwards

The directions do not apply to registered certifiers as Council does not have power to direct external certifiers. Section 20 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 prevents a certifier from issuing a Construction Certificate unless a condition of consent is imposed under section 7.11 or 7.12 of the EP&A Act requiring the payment of a monetary contribution or levy before building work is carried out.

Council should issue a notice advising applicants that contributions are no longer collected from granny flats approved under CDCs. This should provide sufficient evidence to satisfy certifiers that a CDC can be issued without payment of contributions.

RECOMMENDATION

That Council:

1. Notes contributions already paid to Council cannot be refunded via a modification application.
2. Notes any modifications to the contributions conditions must be part of a modification application for the whole development.
3. Notes the directions issued for the execution of items 4, 7 and 8 of Council resolution of 27 March 2024 (**Attachment 1**).

REPORT

Council resolution

Council intended by its resolution of 27 March 2024 that contributions would not be collected in circumstances specified in items 4 and 7 of the resolution. Also, the collection of contributions would be postponed until the issue of an Occupation Certificate instead of the issue of a Construction Certificate for all development, as required by item 8. An extract from Council resolution showing items, 4, 7 and 8 is provided below:

4. *Waive 7.11/7.12 contributions for multi storey residential and commercial developments within Liverpool city centre for projects that are completed within 4 years of today.*
7. *Waive all contributions for the development of granny flats.*
8. *Allow contributions for all projects to be paid on occupation certificate rather than construction certificate.*

The Council resolution did not specify the mechanisms by which the parameters specified in items 4, 7 and 8 should be implemented. Nor did it amend any of the affected contributions plans. The Contributions Plans affected by Council resolution are:

- a. Liverpool Contributions Plan 2018 - Established Areas
- b. Liverpool Contributions Plan 2021 – Austral and Leppington North
- c. Liverpool Contributions Plan 2018 - Liverpool City Centre

Implementation of Council resolution

The Planning and Compliance team sought internal legal advice to ascertain a lawful method for the execution of Council resolution. Based on that advice the following two Options have been identified:

- **Option 1:** Council can amend the contributions plans affected by the Council resolution in accordance with the EP&A Regulation, practice notes and Ministerial Direction to pause or delay the collection of contributions from development specified by the Council resolution, and/or
- **Option 2:** Council can impose/amend conditions of consent requiring payment of contribution in accordance with Council resolution.

Amending the contributions plans would enable consideration to be given to what infrastructure Council will deliver, how it will be delivered and any amended timeframe. It would also allow risks associated with any funding shortfall to be addressed, including the risk of developers challenging the reasonableness of contribution conditions.

Option 2 provides a more rapid mechanism for implementing Council resolution for the following reasons:

- a. The estimated timeline for the completion of Option 1 is between 1.5 to 2.5 years. To amend or repeal the affected contributions plans, Council must prepare subsequent contributions plans. This process can take up to 2.5 years for an IPART reviewed plan such as the 'Liverpool Contributions Plan 2021 – Austral and Leppington North'.
- b. Option 2 has been implemented by the Development Assessment team through an order requiring the necessary changes to contribution conditions in a much quicker process than Option 1.

After considering the applicable legal framework, the following directions have been issued to the Development Assessment and Contributions Planning teams to execute the Council resolution.

- **To address Item 8 of the resolution:** the contribution conditions imposed on all new development consent throughout Liverpool LGA require the contributions to be paid prior to the issue of Occupation Certificates, instead of Construction Certificates.
- **To address Item 7 of the resolution:** no contribution collected from new development for the construction of secondary dwellings (also known as granny flats) in the whole Liverpool LGA.
- **To address Item 4 of the resolution:** the contribution conditions imposed on all new development applications for multi-story residential and commercial development within the Liverpool City Centre prevent the collection of contributions, if an Occupation Certificate is issued for the subject development between 27 March 2024 and 27 March 2028. The collection of contributions from all development within the City Centre will be reinstated after a four-year period ending 27 March 2028.

The directions have been applied to new development applications on the basis that:

- To collect contributions prior to the issue of an Occupation Certificate for an existing consent, the existing development must be modified through a modification application. This is only possible if contributions have not been paid yet. Also, a modification application must modify the development not only the contributions conditions.
- Contributions already paid cannot be refunded via a modification application. The existing case law establishes that a condition of consent cannot be imposed or modified to require the doing of something retrospectively. A consent can't be modified to change the contribution condition if the required monetary contribution has already been paid to Council.

The directions do not apply to registered certifiers as Council does not have power to direct external certifiers. Section 20 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 prevents a certifier from issuing a Construction Certificate unless a condition of consent is imposed under section 7.11 or 7.12 of the EP&A

Act requiring the payment of a monetary contribution or levy before building work is carried out.

It should be noted that Council has not returned any paid contributions to the proponents in the past. To avoid establishing a precedent, it is recommended that Council resolution only applies to development applications determined/issued from **27 March 2024** and onwards.

Potential risks

The likely consequence of not imposing contribution conditions is that there will be a shortfall in the money collected under the affected contributions plans. This may in turn affect Council's ability to deliver the infrastructure identified in the contributions plans. To avoid any funding shortfall Council should still amend the affected contributions plans. If not done in time, there would be a risk of developers challenging the reasonableness of contribution conditions.

FINANCIAL IMPLICATIONS

Costs associated with this recommendation are outside of Council's current budget and long-term financial plan. The financial impacts of pausing/delaying the collection of contributions must be monitored as the new arrangements are put in place and reported to Council for further consideration in future.

CONSIDERATIONS

<p>Economic</p>	<p>Deliver and maintain a range of transport related infrastructure such as footpaths, bus shelters and bikeways.</p> <p>Provide efficient parking for the City Centre.</p> <p>Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.</p> <p>Facilitate economic development.</p>
<p>Environment</p>	<p>Manage the environmental health of waterways.</p> <p>Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.</p> <p>Promote an integrated and user friendly public transport service.</p>
<p>Social</p>	<p>Provide cultural centres and activities for the enjoyment of the arts.</p> <p>Deliver high quality services for children and their families.</p>
<p>Civic Leadership</p>	<p>Deliver services that are customer focused.</p>

Legislative	Environmental Planning and Assessment Act 1979, Division 7.1, Subdivision 3 Environmental Planning and Assessment Regulation 2021, Part 9, Division 3 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 20
Risk	The risk is deemed to be Medium. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. Council resolution of 27 March 2024

PLAN 10

**Liverpool Traffic Committee Minutes - July 2024 -
Item 9 - Lismore Street, Hoxton Park**

Strategic Objective	Liveable, Sustainable, Resilient Promote and advocate for an integrated transport network with improved transport options and connectivity
File Ref	235551.2024
Report By	Patrick Bastawrous - Team Leader Transport Management
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

This report is tabled in order to present the Minutes associated with 'Item 9' of the Liverpool Local Traffic Committee Meeting held on 17 July 2024. At the meeting, the Committee endorsed the immediate installation of the recommended devices to address safety and access concerns along Lismore Street, Hoxton Park.

This report refers to a single item raised at the Liverpool Traffic Committee held 17 July 2024. The adoption of the full minutes of the LTC will be presented to a future Council Meeting.

Council is requested to adopt the recommendations of 'Item 9 – Lismore Street, Hoxton Park Turn Restrictions'. A copy of the minutes along with the relevant plans are included in Attachment 1.

RECOMMENDATION

That Council adopts the following Committee recommendations:

1. The installation of the additional speed humps along Lismore Street, Hoxton Park, as indicated in Attachment 1.
2. Signposted right and left turn bans (buses and residents excepted), as indicated in Attachment 1.
3. The immediate implementation of the turn restrictions to address safety concerns, with traffic impacts monitored as part of the TMP process.
4. Preparation of a Traffic Management Plan assessing the impacts of the right turn bans to be submitted to TfNSW for approval.
5. An update, including proposed physical restrictions, to be submitted to a future Traffic Committee Meeting.

REPORT

At its June 2023 Ordinary meeting, Council approved, on the recommendation of the May 2023 Traffic Committee Meeting, installation of a midblock asphalt speed hump in Lismore Street as well as the installation of a kerb blister at the intersection of Pacific Palms Circuit and Lismore Street to address traffic speeding. Council also approved the proposed extension of First Avenue to Nineteenth Avenue, subject to availability of funding.

Since then, Council has been receiving ongoing concerns regarding speeding, volumes of through traffic and pedestrian safety.

Following a sight visit which confirmed the extent of the concerns, it was advised that Council Staff would seek endorsement of additional traffic calming measures to further address the volume and safety concerns along the street.

In June 2024, a Community Consultation was undertaken with the following items proposed to the local community:

1. Two additional speed cushions. The proposed layout is shown on the concept plan indicated in Attachment 9.
2. Removing the ability for drivers to turn right from First Avenue onto Lismore Street.
3. Removing the ability for drivers to turn right from Pacific Palms Circuit onto Lismore Street.
4. Timed turning movement restrictions for the turning movements mentioned above (options 2&3) during busy periods.

These options all seek to deter through traffic by making the road less desirable as a 'shortcut' between Hoxton Park Road and Kurrajong Road.

Based on the outcome of the Community Consultation, there was unanimous support for the implementation of option 2 and 3 being the restriction of vehicular access to the street via Right Turn Bans.

IMMEDIATE SAFETY CONCERNS

There have been a number of crashes on the street, most of which have not been reported to the police, however our consultation corroborates their occurrence. This includes an incident during the consultation period. This has raised immediate safety concerns causing residents to take matters into their own hands by attempting to block the street with rubbish bins.

FINANCIAL IMPLICATIONS

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

Item	Description	Funding, Indicative Cost and Timing
9	Lismore Street, Hoxton Park – Turn Restrictions	Funding – Council's Capital Budget Program Indicative Cost – \$5,000 Timing – End of August 2024

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	Promote an integrated and user friendly public transport service. Support the delivery of a range of transport options. Deliver a high-quality local road system including provision and maintenance of infrastructure and management of traffic issues.
Social	There is no social impact as the devices were supported by the local residents as part of community consultation'
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	NSW Roads Act 1993 and Traffic Management Act
Risk	The risk is deemed to be Low. Safety risk is low impact because this is only for signage to be installed pending approval of Traffic Management Plan by TfNSW. Low traffic volume will lead to increased safety.

ATTACHMENTS

1. LTC Item 9 - Lismore Street, Hoxton Park - Turn Restriction

CFD 03

Liverpool Animal Shelter Rossmore Grange

Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	232466.2024
Report By	Steve Simat - Senior Manager Commercial Development Noelle Warwar - Manager Community Standards
Approved By	Shayne Mallard - Director City Futures

EXECUTIVE SUMMARY

Under the Companion Animal Act 1998 Councils in NSW have responsibilities to ensure the welfare and control of companion animals. Responsibilities include handling stray, lost and impounded animals including providing facilities for their care and rehoming if feasible.

There is significant supply shortage of third-party animal shelter providers, and many councils are becoming exposed to a scenario where they are unable to shelter impounded animals and meet their obligations under the Companion Animals Act 1998. Liverpool City Council has experienced a 35% increase in the number of kennels required since 2020 with this expected to increase with the proportionate increase in population within the LGA.

In response, on the 25 May 2022 Council endorsed the Rossmore Grange Master Plan to amend the local environmental plan to permit development consent for an animal boarding or training establishment at 40 Ramsey Road, Rossmore Grange. This followed previous resolutions dated the 27 October 2020 to prepare a planning proposal for the site and a further determination on the 26 May 2021 to endorse a gateway determination.

Council has recently engaged:

- Heritage consultants to undertake Aboriginal and Heritage Assessments on the site in accordance with the master plan and gateway determination requirements,
- Architects to prepare concept designs for two options, including a 60-dog kennel option with expansion capability to 120 dog kennels with a cat expansion area,
- Quantity Surveyors to prepare preliminary cost plans for the proposed options and
- Land Servicing Costs Engineers given the size and un-serviced nature of the land

Along with the detailed site investigations to enable the development of an Animal Shelter, Council is also investigating other commercial opportunities that may assist in financing the shelter, including land development options within Rossmore Grange, and looking at commercial arrangements with other neighbouring councils to potentially house animals on a fee for service or capital contribution basis.

RECOMMENDATION

That Council:

1. Notes the progress report on establishing a Liverpool Council animal shelter at Rossmore Grange.
2. Defers further consideration of this matter until a fully budgeted and detailed report is presented to a future council meeting.

REPORT

Current trends show that the number of stray dogs at the Liverpool Animal Shelter have steadily increased since 2020. Where Council required up to 40 kennels at one time before 2020, demand has increased significantly with fewer animals being reclaimed by owners and more animals staying longer. Current arrangement is with Rossmore Vet Animal shelter cost was \$312,500 for 2023/2024 with Council regularly required to accommodate 54 animals simultaneously, representing a 35% increase in the number of kennels required. It is expected with the increase in population that the number of animals needing to be housed will increase in proportion with the population.

Council in a report dated 27 October 2020 endorsed the recommendation that Rossmore Grange (being lot 1016 in Deposited 258344) as the preferred site for the Liverpool Animal Shelter. Included in the resolution was a direction for the acting chief executive officer to progress an amendment to the plan of management and prepare a planning proposal to amend the Liverpool Local Environmental Plan 2008 to permit with development consent an animal boarding and/or training establishment on the site, noting that further reports would be presented to Council.

On 26th May 2021, a report was presented to Council that the Liverpool Planning Panel on the 31 March 2021 had not supported the Planning Proposal however Council staff considered there was sufficient justification to progress the planning proposal to a gateway determination, which would require an amendment to schedule 1 of the Liverpool Local Environmental Plan 2008 to allow animal boarding or training establishment as the land use permitted with consent at 40 Ramsay Road, Rossmore.

A gateway determination was issued on the 16 September 2021 with Council to undertake public exhibition and community consultation in accordance with the conditions of the gateway determination.

It was noted within the report to Council that further reports would be required as part of the gateway determination.

On 25 May 2022, a further report was presented to Council on Rossmore Grange master plan following a decision of 27 April 2022 to proceed with amendment 93 to amend the Liverpool Local Environmental Plan 2008 to permit with development consent an animal boarding or training establishment on the site. Council also approved the development of a master plan and plan of management for Rossmore Grange to comply with the Local Government Act 1993.

In accordance with previous recommendations and to facilitate the preparation of a development application and feasibility study Council has engaged:

- “Extent” to undertake an Aboriginal Heritage Assessment and Non-Aboriginal Heritage Assessment.
- Figgis & Jefferson Tapa Architects to prepare concept designs for a 60-dog kennel option with expansion capability to 120 dog kennel options, as well as future cat expansion, and
- Wilde and Woollard to prepare preliminary cost plans for the proposed options
- ATL to provide servicing costs, including potable water, wastewater, electrical, and telecommunications and gas.

Liverpool City Council, like many other councils, is exploring options to design and construct an animal shelter as it enables Council to manage costs, improve on animal welfare, and meet community expectations. It is noted that in the process of exploring a Liverpool City Council owned and operated shelter, consultation has occurred with several other councils who have either commissioned new animal shelters or are currently exploring options to accommodate animals.

Along with the detailed site investigations to enable the development of an Animal Shelter, Council is also investigating other commercial opportunities that may assist in financing the shelter, including land development options within Rossmore Grange, and as noted above potential commercial arrangements with other neighbouring councils to house animals on a fee for service or capital contribution basis

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	Raise awareness in the community about the available services and facilities.
Civic Leadership	Provide information about Council's services, roles and decision-making processes. Deliver services that are customer focused. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	Companion Animal Act 1998
Risk	The risk is deemed to be Medium.

ATTACHMENTS

1. SITE PLAN - 60 DOG _REV A
2. GROUND FLOOR PLAN - 60 DOG_REV A
3. SITE PLAN - 126 DOG plus cat
4. GROUND FLOOR PLAN - 126 plus cat DOG

