

ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING
4 FEBRUARY 2026

BOOK 2

LIVERPOOL
CITY
COUNCIL



LIVERPOOL CIVIC TOWER COUNCIL
CHAMBER, LEVEL 1, 50 SCOTT
STREET, LIVERPOOL NSW 2170

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APPLICATION FOR A PLANNING PROPOSAL

Amendment to State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Appendix 4 Liverpool Growth Centres Precinct Plan, as it applies to No. 495 Fourth Avenue, Austral, to insert an additional permitted use for the purpose of recreation facility (indoor) under Schedule 1 Additional Permitted Uses.

495 Fourth Avenue, Austral

Prepared for: Fabcot Pty Ltd

REF: M250090

Date: 14 January 2026

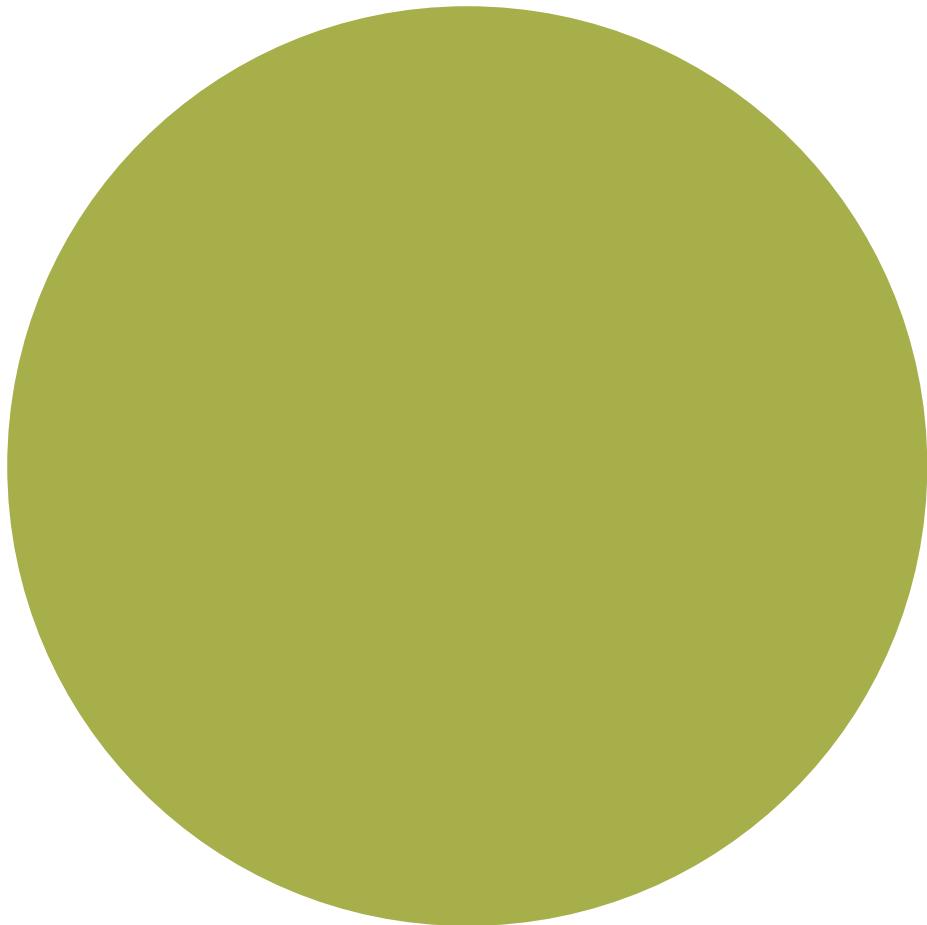




APPLICATION FOR A PLANNING PROPOSAL

Details:

Prepared for: Fabcot Pty Ltd
REF: M250090
Date: 14 January 2026





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Executive Summary

This application for a Planning Proposal ('PP') seeks to amend the provisions of *Appendix 4 Liverpool Growth Centres Precinct Plan* ('Appendix 4') of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Western Parkland City SEPP or SEPP) for the land at No. 495 Fourth Avenue, Austral (the 'site'). Specifically, the Planning proposal seeks to permit with consent and insert an additional permitted use for the purposes of *recreation facility (indoor)* into Schedule 1 Additional Permitted Uses of the Western Parkland City SEPP.

There are compelling Town Planning reasons for the proposed additional permitted use, as has been considered throughout this Report. The additional permitted use is proposed to complement the development approved on the subject site under DA-311/2024 for the '*Excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through- site links, with at-grade and basement parking, associated landscaping and public domain works*'.

The application for a Planning Proposal will provide a unique opportunity to enable additional complementary uses on the subject site cognisant with the recent development approval, particularly given it is identified as a key neighbourhood centre in the Liverpool Local Government Area (LGA) and Austral Growth Centre. The proposal demonstrates both site-specific and strategic merit, as outlined in this Report.

Importantly, the site is zoned as B1 Neighbourhood Centre under the Western Parkland City SEPP, and pursuant to the recent employment zones reform, would have been zoned E1 Local Centre consistent with the *Liverpool Local Environmental Plan 2008* ('LLEP 2008'). In the E1 zoning of the LLEP 2008 (and Standard Instrument 2006), *recreation facility (indoor)* are prescribed as a permitted land use. As the SEPP is yet to implement the employment zones reform, *recreation facility (indoor)* remains as prohibited use on the site and is inconsistent with that permitted under the LLEP 2008 and for the remaining LGA.

Notwithstanding the above, the proposed additional use is a response to various site and context considerations, including capitalising on the ideal location for indoor recreational facilities within an approved neighbourhood centre development that comprise of anchor supermarkets, commercial and retail facilities and various public spaces, creating an appropriate urban contextual fit.

The vision for the Planning Proposal is as follows:

- Deliver much needed indoor recreational facilities in an area of significant growth and undersupply;
- Contribute towards improving health and wellbeing to the residents and workers within Austral;
- Provide for much needed indoor recreational facilities within an approved mixed use development, contributing to its vibrancy and vitality; and
- Align with the Employment Zones Reform.

The proposed additional permitted use is accompanied by a suite of public benefits including, but not limited to; increased recreational uses in a neighbourhood centre; improve access to a variety of services and facilities (removing the need to travel to other centres); promotes multi-purpose trips due to the nature of the approved development; enhance social networks; and promote physical and mental well-being. These benefits will not be realised without the changes to the planning controls proposed in this submission.

As part of this Planning Proposal, a Recreational Needs and Economic Assessment has been prepared by *Location IQ*. The Recreational Needs and Economic Assessments provides an analysis of need and demand for *recreational facilities (indoor)* on the subject site (and surrounding locality) and also considers the likely economic impacts that would result from the additional permitted use. The assessment demonstrates that several factors contribute to the need for an indoor recreational facility, including population and demand, consumer trends and expenditure patterns, location and infrastructure, impacts on existing facilities and the hierarchy and net community benefits. As described



above, the proposed additional use is capable of enabling significant positive benefits to the community without any detrimental impact to the nature of the current mixed-use development as discussed throughout this Report.

As discussed in this document, the application is also consistent with the local, regional and state planning strategies for Liverpool LGA, Western City District Plan and Greater Sydney Region Plan. This application has the potential to make a substantial positive contribution to the approved development application (DA-311-2024) and results in the efficient use of a well-serviced site, to provide a use which is diverse and promotes healthy communities and delivers a high-quality urban environment.





1. Introduction

This application for a Planning Proposal has been prepared for *Fabcot Pty Ltd*, for the site located at No. 495 Fourth Avenue, Austral. The purpose of this application is to initiate a Planning Proposal process to amend *Appendix 4 Liverpool Growth Centres Precinct Plan of State Environmental Planning Policy (Precincts – Western Parkland City) 2021* to permit with consent the additional use of *recreation facility (indoor)* to the subject site.

As discussed in Section 3 of this Report, this Planning Proposal has been prepared cognisant with the recent development approval (DA-311/2024) on the subject site for the '*Excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site links, with at-grade and basement parking, associated landscaping and public domain works*' which was approved on 14 May 2025. The proposed additional permitted use has site-specific merit as *recreational facilities (indoor)* are beneficial to health and wellbeing and are common within neighbourhood centre developments. Given there is a significant under supply within the locality, this proposal will also provide existing and future workers and residents within the Austral locality access to recreational facilities, which would otherwise only be accessible by travelling to other local centres.

There are compelling strategic and town planning reasons for No. 495 Fourth Avenue to be considered for the subject Planning Proposal. Specifically, the proposal is to align with the recent employment zones reform, which has been implemented throughout the Liverpool Local Government Area. Whilst the site is zoned as B1 Neighbourhood Centre under the Western Parkland City SEPP, in accordance with the recent employment zones reform, the site would have be zoned E1 Local Centre consistent with the *Liverpool Local Environmental Plan 2008*. In the E1 zoning of the LLEP 2008, *recreation facilities (indoor)* are prescribed as a permitted land use. As the SEPP is yet to implement the employment zones reform, *recreation facilities (indoor)* remain as prohibited on the site and is inconsistent with that permitted under the LLEP 2008 and for the remaining LGA.

This application has been prepared in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW Department of Planning, Industry and Environment publication "*Local Environmental Plan Making Guideline*" (August 2023) ('DPIE Guideline'). It explains the intended effect of the proposed amendment to Western Parkland City SEPP and sets out the justification for making the amendment to that Plan.

This application demonstrates that the proposed SEPP amendments have strategic and site-specific merit. It is aligned with the relevant matters for consideration set out in Liverpool Council's Local Strategic Planning Statement. As detailed, the primary intent of the application is to initiate a Planning Proposal process to enable the additional permitted use of *recreation facilities (indoor)* to allow uses that strategically complement the current development application approval, neighbourhood centre, and align with the Employment Zones Reform.

The additional permitted use is also consistent with local and state government planning strategies to promote healthy and sustainable communities, whilst promoting a range of diverse uses in a growing population. The proposal provides for an additional use which will have a significant improvement to accessibility of recreation facilities, social network of the community, and enhance the approved development. Overall, the proposal achieves positive environmental, social and economic outcomes, as discussed in this Report.

This application for a Planning Proposal has relied on the following documents submitted alongside this Report:

Table 1 Supporting Documents	
Document	Author
Social Impact Assessment	<i>Planning Ingenuity</i>
Recreational Needs and Economic Impact Assessment	<i>Location IQ</i>

Table 1 Supporting Documents

Traffic Report

Colston Budd Roger & Kafes Pty Ltd

A Formal Pre-Planning Proposal meeting was held with Council the 8 May 2025. Formal Council minutes were provided on the 12 May 2025, which have been considered in this Report. Further, a number of specialist studies were identified by Council as necessary to support the application, as has been submitted per **Table 1** above. In accordance with the DPIE Guideline a copy of Council's Pre-lodgement Advice is included in with this Report.

This report is divided into sections including a locality and site analysis, background, existing planning provisions, the proposed amendments, justification for the proposal, project timeline and a conclusion. This planning proposal application demonstrates with evidence that there will be positive outcomes from the insertion of the additional permitted uses clauses.



2. Locality and Site Analysis

2.1 THE CONTEXT

2.1.1 Metropolitan Context

The subject site is located in the suburb of Austral approximately 42km south-east of the Sydney CBD. As part of the *Metropolis of Three Cities – The Greater Sydney Region Plan*, Austral is located within the Western City. The Western City is envisaged to encourage infrastructure and connectivity, liveability, productivity and sustainability. The Western City is expected to accommodate 1.56 million people by 2036.

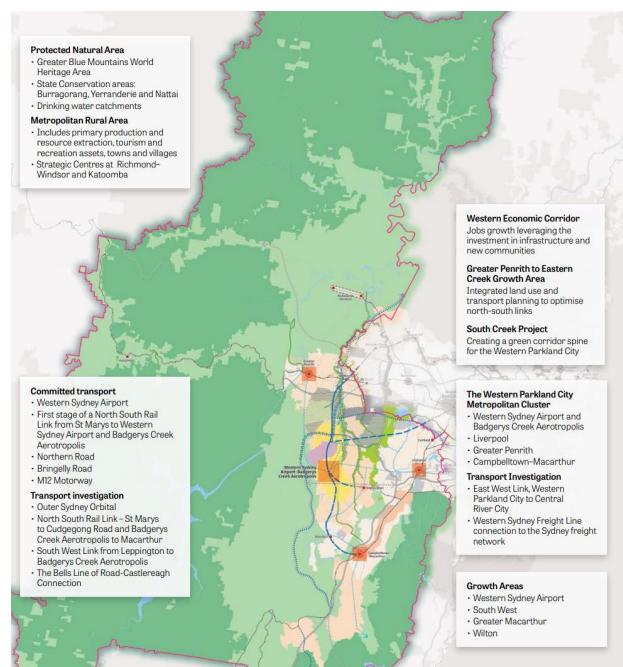


Figure 1 The metropolitan context (Source: A Metropolis of Three Cities)

2.2 THE SITE

The subject site is known as No. 495 Fourth Avenue, Austral and has a legal description of Lot 121 in DP 1220414 which has a total site area of 1.192 hectares or 11,192m². The location of the site is shown edged in red, per the aerial image provided at **Figure 2**



Figure 2 Aerial image of the subject site and surrounds

The site is zoned B1 Neighbourhood Centre land, as is the neighbouring property to the east, with RE1 Public Recreation and R3 Medium Density Residential zoned land to the south and west.

The site is regular in shape with a western frontage of 109.7m to Fourth Avenue and northern frontage of 91.5m to Gurner Avenue. The site has an eastern boundary (shared with No. 90 Gurner Avenue) of 118.7m and a southern boundary of 100.5m. The site has a total area of 1.192 hectares or 11,192m².

The site falls from the southern to northern boundary by approximately 7m across the length of the site and currently contains a dual frontage to both Fourth Avenue and Gurner Avenue. However, as part of the Precinct's Indicative Layout Plan (ILP) an additional roadway will be provided along the southern boundary which will provide a third streetscape frontage. Furthermore, the ILP indicates the provision of a town square in the north-eastern corner of the site and pedestrian through-site link along the eastern (side) boundary, which will be delivered through the approved development. The site is currently vacant and contains sparse vegetation.

In addition to the above, the site is affected by bushfire prone land. The site is also located within the Kemps Creek Catchment in which the proposal has been designed to respond to the relevant requirements.

The site as viewed from Fourth Avenue and Gurner Avenue is illustrated in **Figures 3 and 4** below.



Figure 3 Subject Site viewed from Fourth Avenue



Figure 4 Subject Site viewed from Gurner Avenue

2.3 EXISTING AND DESIRED FUTURE CHARACTER

The subject site is located within the B1 Neighbourhood Centre zone which is anticipated to accommodate a significant increase in density in accordance with the Western Parkland City SEPP. The site is located within the Austral Precinct, specifically, the Gurner Avenue Neighbourhood Centre, and is to undergo a significant transformation demonstrated in the approved development, which is a result of the adopted planning controls, including the zoning, building height and building envelope.

The subject site, is identified within the Gurner Avenue Neighbourhood Centre and per the approved development, will deliver a neighbourhood centre development with active street frontages to the street boundaries and a public piazza with pedestrian through-site link (Figure 5).

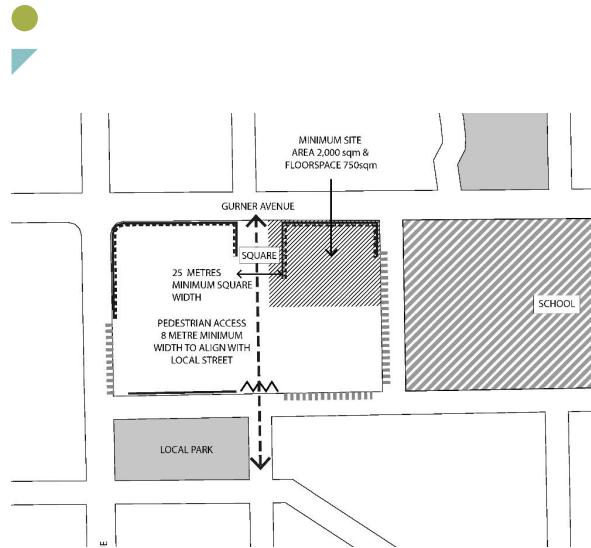


Figure 5 Gurner Avenue Neighbourhood Centre – Desired Future Layout (Extract from DCP)

Currently, the locality generally consists of low-density residential dwellings, open farmland spaces and rural structures. The site is also within proximity to Al-Faisal College to the north of the subject site, which is to undergo further expansion. As is evident, the existing character of the immediate locality does not reflect the desired future character as is anticipated by the relevant controls. The preparation and implementation of the Western Parkland City SEPP anticipates an increased density of development along Gurner and Fourth Avenue, with the subject site (and approved development) identified as a key nodal centre within the locality. Within the wider locality, residential subdivision and dwellings are being constructed.

2.4 SURROUNDING DEVELOPMENT

Directly to the south of the site is RE1 Public Recreation zoned land, with R3 Medium Density Residential land further to the south. Per the ILP, this includes two local roadways running in an east-west direction as accessed from Fourth Avenue. These parcels of land are currently vacant, with a single residential dwelling located on the southern end of No. 495 Fourth Avenue (Figure 6). Further adjoining this boundary, at No. 485 Fourth Avenue, also contains a single residential dwelling.



Figure 6 Allotments to south of subject site



To the west of the subject site and on the opposite side of Fourth Avenue is No. 510 Fourth Avenue which contains an open grass field and residential structures to the far west (**Figure 7**). Of relevance, this land is zoned R3 Medium Density Residential where it directly adjoins the street, with R2 Low Density Residential zoned land further to the west.



Figure 7 No. 510 Fourth Avenue

Adjoining the subject site to the east is a similarly zoned B1 Neighbourhood Centre at No. 90 Gurner Avenue which forms part of the Gurner Avenue Neighbourhood Centre per the DCP and ILP. The neighbouring property is currently occupied by a residential dwelling, ancillary structures and is interspersed with vegetation (**Figure 8**).



Figure 8 No. 90 Gurner Avenue

To the north of the subject site and on the opposite side of Gurner Avenue is the existing Al-Faisal College (**Figure 9**). Further to the east, adjoining No. 90 Gurner Avenue is No. 80 Gurner Avenue, which is proposed to accommodate an expansion of the Al-Faisal College.



Figure 9 Existing Al-Faisal College to the north of the subject site

2.5 CONNECTIVITY TO PUBLIC TRANSPORT

As current public transport services are infrequent, poorly connected and inadequate at servicing the needs of a growing population. Thus, increasing public transport provision should be considered to supplement this higher density development as is reasonably anticipated within the Austral locality.



3. Background

3.1 DEVELOPMENT APPLICATION

The site is subject to a recent approval (DA-311/2024) for the 'Excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site links, with at-grade and basement parking, associated landscaping and public domain works.' This was approved on the 14 May 2025 by the Sydney Western City Planning Panel.

Specifically, application was for the excavation and construction of a commercial development, involving the provision of an anchor supermarket with ancillary liquor tenancy and direct-to-boot services, commercial and retail tenancies, public piazza and through-site links with at grade and basement parking, associated landscaping and public domain works. The approval attained a building height of one to three storeys and is designed to address the various street frontages, public piazza and through-site links.

Integrated into the approval are pedestrian access ways, identified as the north-south through-site links which provides access from Gurner Avenue to the future ILP road. The through-site links are provided through the internal mall and along the eastern boundary. In addition, the approval includes a public piazza which is orientated to Gurner Avenue and is connected to the through-site link.

The at-grade parking is orientated to the future unnamed road (to the south) which will provide for 88 at-grade parking spaces and includes access to basement parking. The basement parking area, which can also be accessed from Gurner Avenue, will provide for a further 254 car parking spaces, for a total of 342 spaces across the site. These spaces include 8 accessible spaces, 4 electric charging spaces and 7 direct-to-boot spaces (DTB). A loading bay is provided as accessed from Fourth Avenue and is necessary for the building to function.

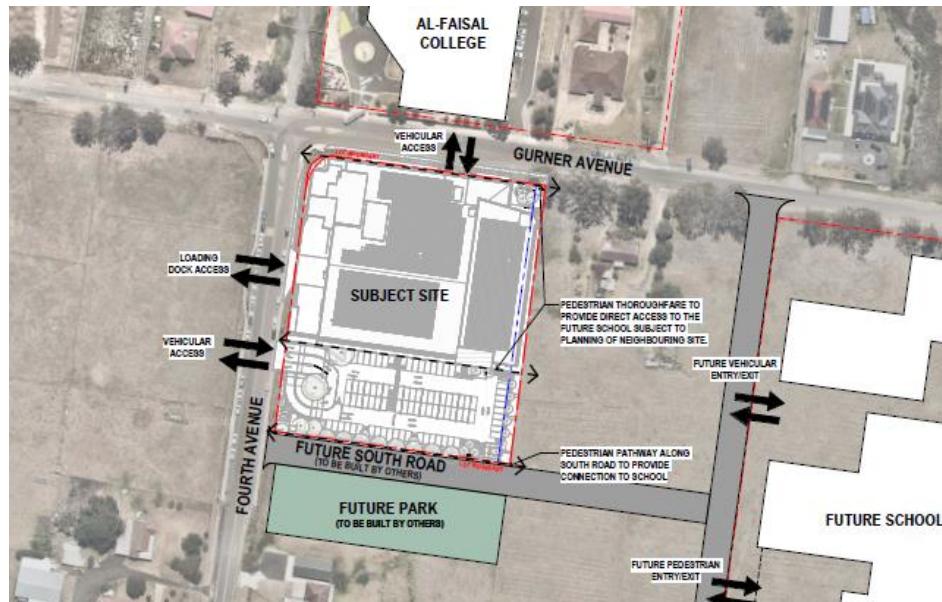


Figure 10 Approved site plan



Figure 11 Approved render as viewed from Gurner Avenue

3.2 CHRONOLOGY OF PLANNING PROPOSAL

Provided below is an overview of the progress of the Planning Proposal:

- **17 April 2025:** Informal discussions with Council and the applicant regarding submission of a planning proposal
- **8 May 2025:** A pre-planning proposal meeting was held with the Liverpool Council to consider the proposed additional permitted use

3.3 PRE-PLANNING PROPOSAL MEETING

A formal Pre-Planning Proposal meeting was held with Council on 8 May 2025, with subsequent written comments provided by Council on 12 May 2025.

Table 2 below summarises Council's comments and provides a response to each of these

Table 2 Council Comments and Responses from 8 May 2025	
Council Comment	Response
Strategic/Site-Specific Merit & Suitability of Use	
<p><i>The proposal seeks consent for 'recreation facilities (indoor),' which is a prohibited use within the B1 Neighbourhood Centre zone under Appendix 4 Liverpool Growth Centres Precinct Plan of the State Environmental Planning Policy Western Parkland City 2021 (WPC SEPP 2021). The application must demonstrate how the proposal achieves strategic merit by supporting the objectives of the Precinct Plan despite this prohibition.</i></p>	<p>The strategic merit for the additional permitted use is discussed under Section 6.3 of this Report.</p>
<p><i>In the meeting it was forwarded that the use aligns with the intent for the site as a Centre providing access to shopping, employment and services for residents of Austral. It must be demonstrated that each of the proposed identifies gym uses, or other recreation facilities (indoor), if incorporated into the approved retail developments, would complement the mix of uses and not impact negatively on the retail function of each neighbourhood centre.</i></p>	<p>As discussed throughout this Report and supporting documentation, the proposed additional permitted use will not result in any negative impacts on the functionality of the neighbourhood centre development, it rather offers a positive outcome to these uses.</p>



Table 2 Council Comments and Responses from 8 May 2025

Supporting Documentation

In addition to standard documentation to be submitted with the future planning proposal, it is recommended that the following supporting documentation is also submitted:

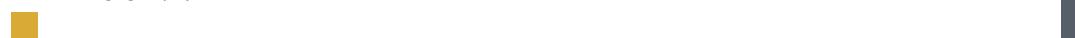
- economic and retail analysis*
- traffic report (including consideration of pedestrian catchments and active transport)*
- recreational needs assessment*
- social impact assessment (if the gym is proposed to operate 24/7)*

A Social Impact Assessment, , Traffic Report and Recreational Needs and Economic Assessment have been prepared and are submitted under a separate cover.

Planning Proposal Report

It is recommended that a future planning proposal be prepared separately for each site. While the proposed APU is identical for both sites, Site A is located in the 'Eighth Avenue Neighbourhood Centre' and Site B is located in the 'Gurner Avenue Neighbourhood Centre.' As the demonstration of strategic merit will be dependent on site specific context, this will be more appropriately achieved via the lodgement of two separate applications.

Separate Planning Proposals have been prepared for No. 495 Fourth Avenue and No. 260 Eighth Avenue, Austral.





4. Existing Planning Provisions

4.1 STATE ENVIRONMENTAL PLANNING POLICY (WESTERN PARKLAND CITY) 2021

The current planning controls that apply to the site under *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* are summarised as follows:

Table 3 Summary of Current Planning Controls

Control	Existing Requirement	Figure
Zoning	Zone B1 Neighbourhood Centre	13
Permitted Uses	<p>3 Permitted with consent Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Roads; Service stations; Serviced apartments; Shops; Shop top housing; Veterinary hospitals</p> <p>4 Prohibited Any development not specified in item 2 or 3</p>	-
Clause 4.3 - Height of Buildings	17m	14
Clause 4.4 - Floor Space Ratio	N/A	-
Clause 5.10 Heritage Conservation	-	-
Clause 5.21 Food Planning	-	-
Clause 6.1 Acid Sulfate Soil	-	-
Clause 6.4 Earthworks	-	-

The land is not subject to any other environmental or hazard constraints (excluding bushfire). Of the above listed provisions, this Planning Proposal seeks to insert an additional clause to permit with consent *recreation facility (indoor)* under Schedule 1 of Appendix 4 of the Western Parkland City SEPP, as described in Section 5.

As detailed, at the time of the implementation of the Employment Zones Reform, the Western Parkland City SEPP was not amended to provide the land use zoning that is currently implemented within the Standard Instrument. The proposal is to reflect the permissible land use zoning that has been gazetted within the Employment Zones Reform which has enabled *recreation facility (indoor)* in the equivalent zoning as prescribed within the Liverpool LEP 2008.

4.1.1 Existing Zoning

The zoning table for the B1-Neighbourhood Centre zone states the following:

'Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Roads; Service stations; Serviced apartments; Shops; Shop top housing; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3



Figure 12 Aerial image of the subject site and zoning (source: NSW Planning Portal)

4.1.2 Current Development Standards and Controls

The current development standards are detailed in the following maps:

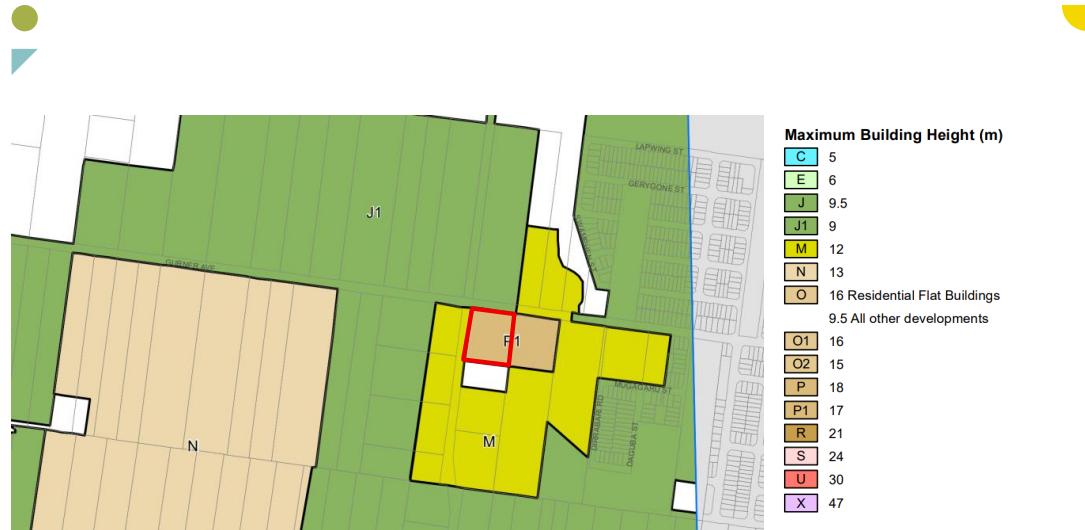


Figure 13 Extract from Western Parkland City SEPP Height of Buildings Map 007 (site edged in red)

4.2 LIVERPOOL GROWTH CENTRE DEVELOPMENT CONTROL PLAN

The site at No. 495 Fourth Avenue is subject to *Schedule 1 – Austral & Leppington North Precinct of the Liverpool Growth Centre Development Control Plan ('DCP')*. The controls under *Liverpool Growth Centre Precinct DCP – Main Body* also apply. The preparation of a Draft Site-Specific Development Control Plan for the subject site is not required, and any future development relating to the additional permitted use will address the objectives and aims under Schedule 1 and the main body of the DCP.



5. Proposed SEPP Amendments

5.1.1 Proposed Additional Permitted Use

The proposal seeks to amend *Schedule 1 Additional permitted uses of Appendix 4 Liverpool Growth Centres Precinct Plan of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021* as follows:

Insert in Schedule 1 Additional permitted uses:

1 Use of certain land at No. 495 Fourth Avenue, Austral

(1) *This Section applies to land known as No. 495 Fourth Avenue, Austral (Lot 121 in DP 1220414).*

(2) *Development for the purposes of recreation facility (indoor) are permitted with development consent.*

The above amendments will allow for *recreation facility (indoor)* to be permitted with consent on the subject site, and are defined as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.



6. Planning Proposal

6.1 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

6.1.1 Objectives

The objectives for this Planning Proposal are to:

- i. Deliver much needed indoor recreational facilities in an area of significant residential growth;
- ii. Deliver much needed indoor recreational facilities in an area of significant undersupply;
- iii. Contribute to the much-needed use of indoor recreational facilities within an approved mixed use development;
- iv. Contribute towards improving health and wellbeing to the residents and workers within Austral; and
- v. Align with the Employment SEPP Reform.

6.1.2 Intended Outcomes

The Planning Proposal will amend Western Parkland City SEPP 2021 to facilitate redevelopment of the site in a flexible and appropriate manner. The intended outcomes are as follows:

- i. Deliver recreational opportunities within an approved mixed-use development with good access to a variety of infrastructure;
- ii. Deliver an additional permitted use that allows for flexibility;
- iii. To achieve public benefit in terms of providing a use that will improve the health and well-being of community members; and
- iv. Allow for the orderly and economic development of the land.

This application has also been prepared following input from specialist studies. This includes analysis as it pertains to traffic, economic feasibility and recreational needs assessment. Furthermore, detailed analysis of amenity impacts on the public domain has been considered as part of the additional permitted use.

6.2 PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the Western Parkland City SEPP 2021 as follows:

- Insert a new clause into Schedule 1 Additional Permitted Uses of Appendix 4 Liverpool Growth Centres Precinct Plan to permit with consent *recreational facility (indoor)*.

All other provisions of Western Parkland City SEPP 2021 are to remain unchanged.

6.3 PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section details the reasons for the proposed SEPP amendment and is based on a series of questions and matters for consideration as outlined in the DPIE Guideline (August 2023). The matters to be addressed include the strategic planning context of the amendments, strategic merits, site-specific merits, potential State and Commonwealth agency interests, environmental, social and economic impacts.

In summary, the proposed amendments to Western Parkland City SEPP 2021 outlined above and in Part 5.1.1 of this Report will:

- Align with the relevant key priorities and strategic merit matters in the *Greater Sydney Regional Plan* and *Western City District Plan*;

- Be consistent with the relevant key planning priorities, and strategic and site-specific merit matters contained in the *Liverpool Local Strategic Planning Statement*;
- Be consistent with the *Liverpool Community Strategic Plan*;
- Respond to the circumstances of the site not being included in the employment zones reform that would enable the permissibility of the proposed use; and
- Deliver an additional use which will be compatible with the approved mixed-use development pertaining to the subject site.

The Western Parkland City SEPP contains the following aims under Section 1.2 Aims of Precinct Plan:

- (a) *to make development controls that will ensure the creation of quality environments and good design outcomes,*
- (b) *to protect and enhance environmentally sensitive natural areas and cultural heritage,*
- (c) *to provide for recreational opportunities,*
- (d) *to provide for multifunctional and innovative development that encourages employment and economic growth,*
- (e) *to promote housing choice and affordability,*
- (f) *to provide for sustainable development,*
- (g) *to promote pedestrian and vehicle connectivity.*

The proposed additional permitted use will satisfy the relevant aims which apply, including:

- Aim (a): The additional permitted use will provide for a recreation facility (indoor), such as a gym, which will contribute to the approved, high quality mixed-use development;
- Aim (c): The proposal will directly contribute to the delivery of recreational opportunities which are underrepresented and in demand within the Austral locality. It will also encourage health, wellbeing and social interaction for the Austral community;
- Aim (d): The proposal will provide for an additional use which is complementary to the approved neighbourhood center development. This will encourage employment and economic growth on the subject site and within the locality, and provide access to recreational opportunities which would otherwise not be present within the Austral locality; and
- Aim (g): The proposal will encourage multi-purpose trips, and will provide for much needed recreational uses within the Austral locality, which is currently underrepresented and in demand. If this planning proposal is not advanced, workers and residents will be required to travel to other centres to enjoy recreational facilities, which is antipathetic to this aim, amongst others.

Questions for consideration in demonstrating justification

6.3.1 Section A - The Need for the Planning Proposal

Q1: Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No. The Planning Proposal is not made in direct response to any endorsed local strategic planning statement, strategic study or report but rather to reflect the Employment Zones Reform. The NSW State Government introduced 5 new employment zones and 3 supporting zones into the Standard Instrument Order 2006, commencing on 26 April 2024. The zoning reforms were implemented into the *Liverpool Local Environment Plan 2008*, however, were excluded from the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, including *Appendix 4 Liverpool Growth Centres Precinct Plan*. Whilst the subject site is located within the Liverpool LGA, given the Western Parkland City SEPP applies to these properties, they do not benefit from the zoning reforms made to the majority of the Liverpool LGA.



Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A Planning Proposal is the best and only means of achieving the objectives and intended outcomes and this has been confirmed by Liverpool Council and the State Government. The current B1 zoning does not allow for flexibility in the use of recreation facility (indoor).

As described in this Report, and the supporting Recreational Needs and Economic Assessment, the subject site and locality has a variety of attributes which would positively enable the use of indoor recreational facilities. Not only will the Planning Proposal achieve the objectives and intended outcomes, but will also deliver the following public benefits:

- Promote healthy communities through additional permitted uses;
- Allow for the flexibility of use to ensure the successful ongoing operation of the mixed-use development;
- Allow for economic growth; and
- Provide additional indoor recreational uses in a location better suited and where there is a significant undersupply and demand.

The public benefits can only be delivered through the proposed amendments to the SEPP. It is noted that these SEPP Amendment fits the category of a 'Standard' planning proposal described in the DPIE Guideline as follows:

Standard

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

As discussed, the proposal seeks to permit recreation facilities (indoor) to align with the intent of the employment zones reform as set out in this document. The Planning Proposal is the only way to satisfy objectives and intended outcomes as detailed above.

6.3.2 Section B – Relationship to the Strategic Planning Framework

Assessment against the following matters for consideration listed in the guidelines (Questions 3-6) demonstrate that the planning proposal has clear strategic and site-specific planning merit.

This application for a Planning Proposal is consistent with the applicable regional and sub-regional strategies. The strategic plans identify the need to provide recreational facilities to promote healthy communities throughout urban areas. This application for a Planning Proposal seeks to enable the use of recreational facilities (indoor) to be permitted which is reflective of the strategic location and characteristics.

Q3: 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)?

The relevant regional or district plans include the following and are addressed in detail below:

- *The Greater Sydney Region Plan: A Metropolis of Three Cities;*
- *Western City District Plan;* and
- *South West Growth Area Structural Plan.*

6.3.2.1 Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP)

On 23 March 2018, the Greater Sydney Commission released *A Metropolis of 3 Cities: The Greater Sydney Region Plan* (GSRP) which sets out strategic priorities for 2016 to 2036. The Regional Plan contains ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy does not identify Austral as within any Strategic Centre, however, is within close proximity to Leppington as shown in **Figure 14**. It is noted that Austral is not identified as a Local Centre under the Western City District Plan.

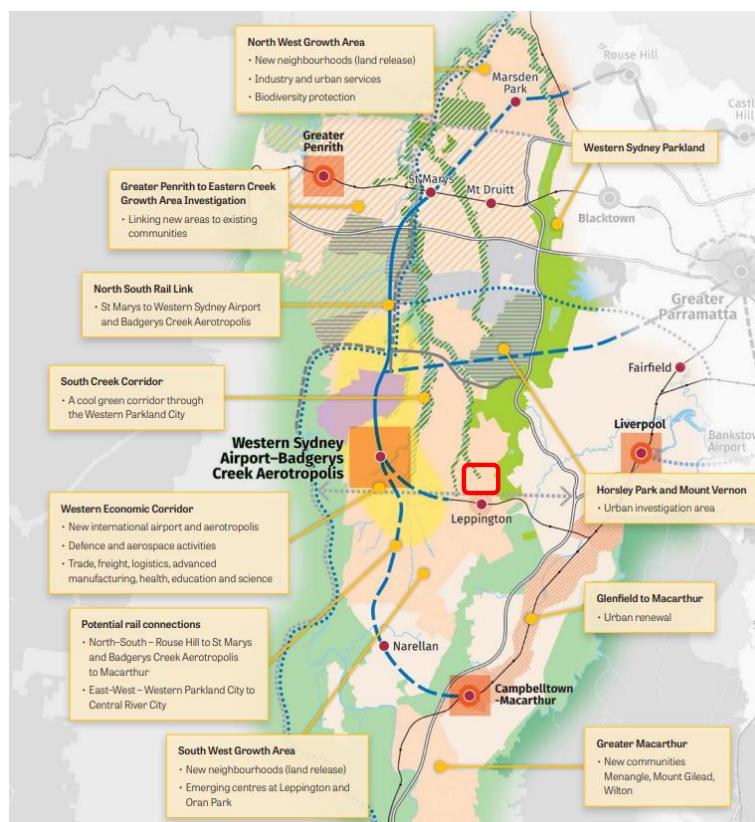


Figure 14 The Western Parkland City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)

An assessment against the relevant directions and their objectives is provided in the table below.

Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

Direction 1 – A city supported by infrastructure

Objectives 1 to 4

These objectives relate to the provision of infrastructure to support the future needs of the three cities.

Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

As detailed in Section 1 of this Report, the subject site represents a unique opportunity whereby it contains the potential to support recreational facilities (indoor) within an approved mixed-use development. The provision of an additional and compatible use within this neighbourhood centre will ultimately improve the viability of the centre. It is not uncommon for neighbourhood centre developments, comprising of supermarkets, commercial and retail uses, to be accompanied by *recreation facilities (indoor)*, where it diversifies use and encourages multipurpose trips.

Direction 3 – A city for people

Objective 6: Services and infrastructure meet communities' changing needs

This objective is about providing social infrastructure and public places that reflects the needs of the community now and in the future.

The proposal will facilitate the delivery of indoor recreational facilities where it is currently prohibited by the planning controls. This provision is supported by the nature of the approved mixed-use development. Indoor recreational facilities will be located within the approved built form and is considered an appropriate planning outcome. As identified within the Recreational Needs and Economic Assessment, there is a significant undersupply and demand of the proposed use, which will only be exacerbated as the population begins to diversify.

Objective 7 Communities are healthy, resilient and socially connected

This objective is about creating a lively connected neighbourhood that is in close proximity to shops, creative arts centres, schools, health care centres and community facilities. It promotes the benefits of mixed-use centres and the opportunities for public and alternative forms of transport.

As the subject site contains to an existing approval for a neighbourhood centre development, the proposed use of indoor recreational facilities will bolster the sense of community and enable healthy, resilient and socially connected groups. As discussed, the use is currently prohibited. The additional use will be easily accessible, and will be agglomerated with the commercial and retail facilities which are available. Due to the subject site's strategic location and current development approval, that is, within a neighbourhood centre servicing the needs of the Austral population, the additional permitted use will achieve the connectedness envisaged by the GSRP.

It will also allow for ease of access to recreational facilities, and will ensure future residents and workers will not be required to travel alternate centres to access the proposed use. It also allows for an additional use within walking distance to R3 and R2 zoned land, which will also see an increase in density pursuant to the permitted planning controls.

Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods

This objective is about fostering cultural diversity and facilitating their growth.

The provision of an additional permitted use to the approved development will diversify land use, cater for a greater cross section of the community and also promote multi-purpose trips. In turn this will foster cultural diversity and facilitate growth. The proposal provides for greater satisfaction of Objective 8, whereby the current land uses not respond to its strategic location and beneficial characteristics.

Direction 4 – Housing the city

Objective 10 - Greater housing supply

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036.

This planning proposal does not seek to provide additional housing, but rather provides a use that will serve the needs of the diverse and growing population within Austral. The site presents as a unique opportunity to support the use of indoor recreational facilities.

Direction 5 – A city of great places

Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**Objective 12 - Great places that bring people together**

The Metropolitan Plan promotes the following principles for the design of great places:

- People friendly public open space areas and streets
- Fine grain fabric and activity
- A diverse mix of uses
- A socially connected region
- Ensure adequate car parking which takes into account access to public transport
- Encourage the use of car sharing and hybrid vehicles

Indoor recreational facilities promote good places as they offer inclusive and accessible environments that foster physical and social interaction between different community groups. The current land use permissibility does not support this. The additional permitted use will improve the experience of the general public as it will foster a good sense of community and promote multipurpose trips.

The proposal will also improve the approved development by diversifying the permissible uses available to the mixed-use development.

Division 6: A well-connected city**Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities**

This objective seeks to create a well-connected city with transport and other services.

Whilst the subject site is not currently serviced by frequent public transport routes in close proximity, this is anticipated to change. Despite this, this planning proposal will promote multipurpose trips to the approved mixed use development, and is also located in an area surrounded by various land uses which are anticipated to undergo a significant increase in density. It is not uncommon for neighbourhood centre developments, comprising of supermarkets, commercial and retail uses to be accompanied by recreation facilities (indoor), where it diversifies use and encourages multipurpose trips.

Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive

The subject site is not within the Western Economic Corridor and this objective is not a matter for consideration.

Division 7: Jobs and skills for the city**Objective 22: Investment and business activity in centres**

This objective seeks to strengthen centres through attracting investment, business and jobs.

The planning proposal will provide indoor recreational facilities which will provide additional jobs and services in the local community.

Direction 10 – A resilient city**Objective 37: Exposure to natural and urban hazards is reduced**

This objective seeks to ensure the delivery of resilient communities.

The subject site is bush fire affected. The conclusions and conditions issued under DA-311/2024 will remain unchanged as the Planning Proposal does not require any physical changes to accommodate the additional permitted use.

6.3.2.2 Western City District Plan (WCDP)

The *Western City District Plan* (WCDP) adopts the Directions of the GSRP and lists Planning Priorities relevant for consideration in this Planning Proposal. The WCDP applies to Blue Mountains, Hawkesbury, Penrith, Camden,

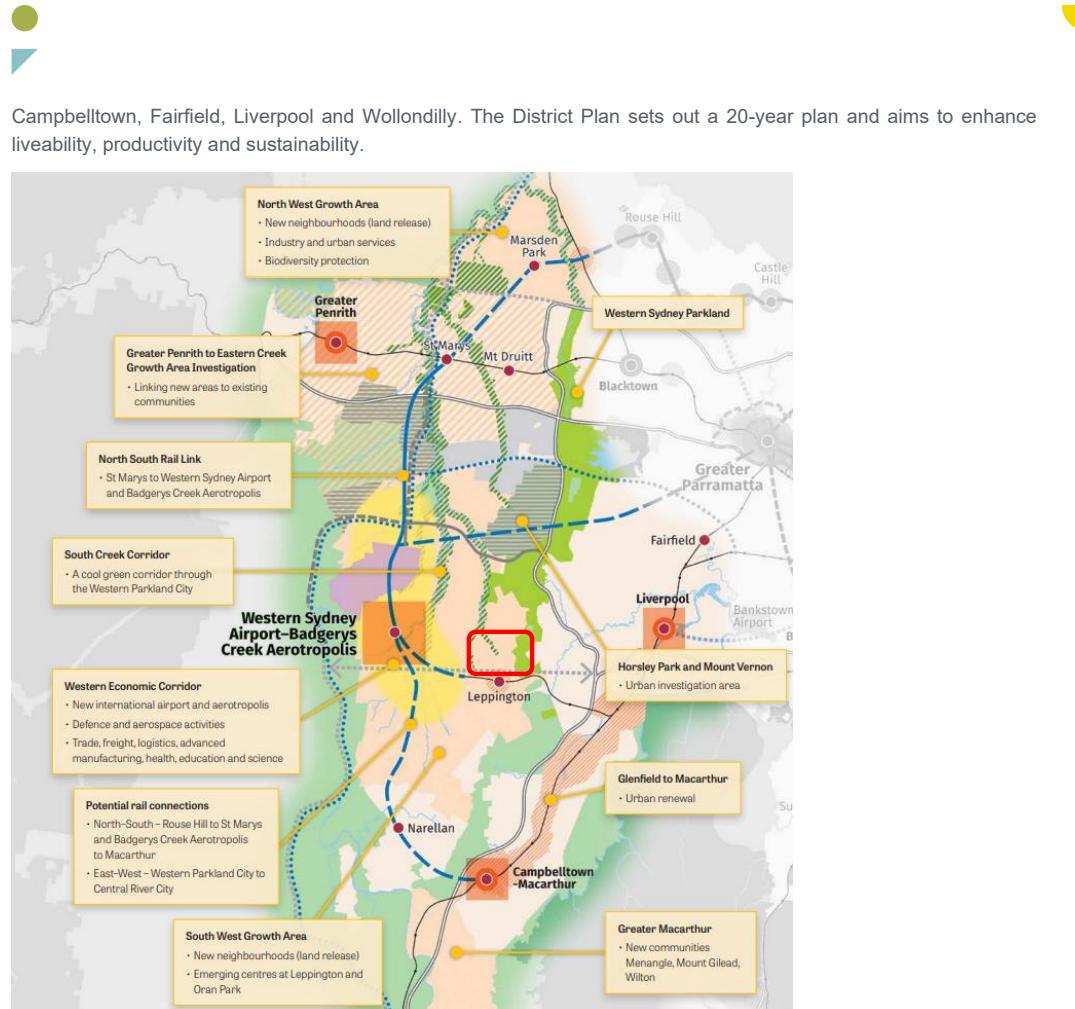


Figure 15 The Western City District Plan excerpt

The District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Additional housing to improve diversity and affordability co-ordinated with transport, development of centres and services is required in response to population growth. As such, the local area will require more facilities and services, such as *recreation facilities (indoor)*, to promote healthy communities, accommodating the needs of the growing population. The District Plan also identifies the need for community facilities, places of public worship and public open spaces.

In accordance with the above, the Proposal supports a number of the *Directions* and *Planning Priorities* outlined in the plan as outlined in the following table:

Table 5 Western City District Plan	
<i>Direction 1 - A city supported by infrastructure</i>	
<i>Planning Priority E1 Planning for a city supported by infrastructure</i>	
As discussed within Table 4 and per the Greater Sydney Regional Plan, the proposal will allow for the delivery of indoor recreational facilities within a highly accessible location in close proximity to numerous services and facilities.	
The proposal will deliver uses within an area of demand and can be supported by the approved development under DA-311/2024. As described, the subject site is suited to the additional permitted use given the recent approval and strategic location.	

Table 5 Western City District Plan**Direction 3 – A city for people****Planning Priority E3 Providing services and social infrastructure to meet people's changing needs**

The additional permitted use sought as part of this proposal will provide for indoor recreational facilities to a highly accessible site with excellent access to services and infrastructure. Indoor recreational facilities provide accessible environments where different individuals and communities can participate and engage in physical activity, social interaction and personal development.

Planning Priority W4 Fostering healthy, creative culturally rich and socially connected communities

The additional permitted use of indoor recreational facilities to the approved mixed use development will enable communities to be connected through providing inclusive spaces where individuals can come together for a shared interest. The additional permitted use further promotes physical and mental well being through various forms of activities. By encouraging the use, it will promote regular social interaction and foster welcoming environments complementing the diverse needs of the community.

Direction 4 – Housing the city**Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport**

The Planning Proposal does not seek to provide additional housing but will rather promote indoor recreational facilities to support the diverse needs of the growing population. As the population increases, so will the need for recreational facilities.

Direction 5 – A city of great places**Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage**

The subject site is not located in close proximity to any identified local centres, however, is identified as a neighbourhood centre. In this regard, the Planning Proposal will foster great places through the provision of indoor recreational spaces which will complement the desired character of the centre. Indoor recreational facilities provide the opportunity to encourage foot traffic, diversify uses and patrons, which will support businesses of mixed-use development. The additional use will be integrated into the existing approved urban fabric of the mixed-use development which respects the character of the locality.

Direction 6 – A well connected city**Planning Priority W7 Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City**

The Planning Proposal will have no negative bearing on delivering integrated land uses and transport planning. In fact, the provision of an additional permitted use will assist in the delivery of a '30-minute city' as recreational facilities to the mixed use development will aid in providing multi-purpose trips.

Direction 9 – A resilient city**Planning Priority W20 Adapting to the impacts of urban and natural hazards and climate change**

The subject site is bush fire affected. No further consideration is required as the bush fire impacts have been considered within the assessment of DA-311/2024 and the additional permitted use will not change the conclusions.

6.3.2.3 South West Growth Area Structural Plan

Ministerial Directions as prescribed in Section 9.1(2) of the EP&A Act, provide Local Planning Directions, of which the any planning proposal must be consistent. The *Southwest Growth Area Structure Plan* applies to the subject site. The Southwest Growth Area Structure also applies to Liverpool, Greater Penrith, Campbelltown-Macarthur, Western Sydney International (Nancy-Bird Walton) Airport and Western Sydney Aerotropolis.

The Structure Plan establishes a strategic vision for the growth area as outlined in the *Greater Cities Commission's A Metropolis of Three Cities* and the *Western City District Plan*. The Structure Plan aims to provide a thriving and greener place to live while enabling improved housing choices, access to shops, schools, and transport options for the growing communities. As such, the locality will require more facilities and services, such as *recreation facilities (indoor)* to promote healthy communities, accommodating the needs of the growing population.

In accordance with the above, the Proposal supports a number of the *Principles and outcomes* outlined in the plan as outlined in the following table:

Table 6 Southwest Growth Area Structure Plan**Provide opportunities for jobs closer to home****Local and Neighbourhood Centres**

The proposed additional permitted use will have no negative bearing on the Gurner Neighbourhood Centre. In fact, the provision of an additional permitted use will assist in the delivery of a '15-minute neighbourhood' as recreational facilities within the mixed-use development will aid in providing multi-purpose trips and diversification of uses. The additional use will also ensure future residents and workers will not be required to travel to alternate centres to enjoy recreational facilities. To deny the subject planning proposal would mean accessibility to services and facilities will be compromised.

Plan for connected Communities**Local and Regional**

As discussed within **Table 4** and per the Greater Sydney Regional Plan, the proposal will allow for the delivery of indoor recreational facilities within a highly accessible location in close proximity to numerous services and facilities which will support the growing population of the Austral community, where there is a significant undersupply of indoor recreational facilities.

The proposal will deliver uses within an area of demand and can be supported by the approved infrastructure under DA-311/2024. As described, the subject site is suited to the additional permitted use given the recent approval and strategic location.

6.3.2.4 Strategic Merit

In addressing Question 3, the Dpie Guideline requires an application for a Planning Proposal to address the assessment criteria for strategic merit. The Dpie Guideline provides assessment criteria to determine if a planning proposal has strategic and site-specific planning merit. Accordingly, the planning proposal is considered against the assessment criteria below.

Strategic Merit

The assessment criteria to determine if a Planning Proposal has strategic planning merit is addressed in **Table 7** below (known as the 'strategic merit test').

Table 7 Strategic Merit Test

Assessment Criteria	Comment
Will the proposal "Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/ precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy".	The applicable strategic plans are <i>A Metropolis of 3 Cities: The Greater Sydney Region Plan</i> and the <i>Western City District Plan</i> , both of which have been prepared by the Greater Sydney Commission. Alignment with the relevant Planning Priorities of both the GSRP and WCDP has been demonstrated in Section 6.3.2.1 and 6.3.2.2, respectively. It has been demonstrated that the planning proposal is considered to give effect to both strategic documents, achieved primarily by permitting the use of indoor recreational facilities within a highly accessible and strategic location. The additional permitted use has considered the relationship to the surrounding locality and any impacts. This is outlined in this Report and the supporting documentation.
Will the proposal "demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan".	Consideration of the proposal against the Liverpool Local Strategic Planning Statement is addressed in detail under 'Question 4' below, and Section 6.2.3.5 of this Report. In summary, the proposal will give effect to the LSPS by being aligned with the relevant strategic goals and the potential public benefits that can be realised by facilitating an additional permitted use for the site. As discussed, the proposal will provide for an additional permitted use within a strategically located site, in addition to promoting healthy communities.
Does the proposal "Respond to a change in circumstances that has not been recognised".	The proposal is a response to the limitation of the current land use permissibility. That is, the current standards do not permit the use of recreational facilities (indoor). Further to this, the proposal is in response to the Employment Zones Reform. This is discussed throughout this Report.



6.3.2.5 Site-Specific Merit

Site-Specific Merit

The planning proposal has site-specific merit given the following:

- The site contains numerous characteristics which also enable site-specific merit. This includes the following:
 - The site contains an existing development approval for a neighbourhood centre development;
 - The Employment Zones Reform did not amend the Western Parkland City SEPP to provide zoning and permissible uses pursuant to the Standard Instrument;
 - There is a significant shortfall of indoor recreational facilities within proximity to the subject site and will only be exacerbated as development area increases as permitted by the relevant planning controls; and
 - The site is within a highly accessible and strategic area as it is surrounded by compatible land uses.
- The Planning Proposal will not result in any significant adverse environmental impacts, which are outlined as follows:
 - **Amenity Impacts:** This planning proposal does not include any changes to the permitted building height or other controls which influence the bulk and scale of the site. The additional permitted use would utilise the existing floor space as approved in DA-331/2024.
 - **Acoustic Privacy:** The specific use, nature and its acoustic impacts upon future residents will form part of future development consent. It is anticipated that any future development consent would be subject to conditions which would minimise acoustic impact on surrounding uses. Furthermore, the uses will be accommodated within an approved development which considered acoustic impact in depth and was found to be acceptable.
 - **Bush Fire:** The planning proposal will not alter the conclusions and conditions issued under DA-331/2024 as the planning proposal does not involve any physical works.
 - **Traffic:** The proposal will seek to introduce an additional permitted use on the subject site and as such a Traffic Report has been prepared by *Colston Budd Rogers & Kafes Pty Ltd*. This Report concludes any additional parking can be accommodated as the approved development provides a surplus of parking and there will be no significant impact to the local traffic.
- The proposal will appropriately respond to the objectives of the B1 Neighbourhood Centre zone, as discussed below:
 - *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood*

Comment: The proposal will provide for indoor recreational uses that will serve the needs of locality community who live in close proximity to the subject site or future employees of the mixed-use development and as such, the proposed amendments are not antipathetic with regard to this objective. In fact, to deny this proposal will be inconsistent with this objective as it will force residents and workers to travel to other centres for the use of recreation facilities (indoor).

The assessment criteria outlined in the DPIE Guideline to determine if a planning proposal has site-specific planning merit is addressed in **Table 8**.

Table 8 Site-Specific Merit Test

Site-Specific Merit Test	Comment
<i>Does the proposal have site-specific merit, with regards to the following:</i>	

Table 8 Site-Specific Merit Test

<i>The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</i>	<p>The site is not subject to any hazards or risks, excluding bushfire as detailed above. The planning proposal will not impact the existing classification or potential impact and is considered to be acceptable.</p> <p>Furthermore, the site does not contain items or features that have significant natural or environmental values. As outlined in this Report the proposal does not require to remove any vegetation to accommodate the additional permitted use.</p>
<i>The built environment, social and economic conditions</i>	<p>The site is strategically located and the additional permitted use within an approved mixed use neighbourhood centre which is surrounding by residential zoning. The proposed additional permitted use will be integrated into the approved built form which is considered to respond to the desired future character of the Austral locality.</p> <p>In terms of social and economic conditions, the proposed additional permitted use of an recreational facilities (indoor) will deliver distinctive social benefits in a desirable and growing locality. As described, the site represents an excellent opportunity to improve the liveability and will contribute to the create healthy, thriving communities within the Liverpool LGA. It is also noted that the proposal will generate employment opportunities and support surrounding businesses, contributing to the local economy.</p>
<i>The existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates</i>	<p>The additional permitted use will not impact or restrict the existing approval or future development of neighbouring properties. Whilst providing an additional permitted use, the proposal will facilitate options for additional uses to the approved development which is compatible with the context and setting of the environment. As discussed in this Report and supporting documentation, it is demonstrated that the proposal will have no adverse impact in terms of amenity.</p>
<i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>	<p>The proposed change additional permitted use will be supported by the services and infrastructure available in accordance with the development application approval. The approval provides for water connection, gas connection, sewer connection, stormwater and electricity infrastructure.</p>

Additional Clause under Schedule 1 of Appendix 4

As set out under Section 5.1.1 of this Report, additional clauses are to be inserted into Western Parkland City SEPP. These are proposed, as follows:

- Insert an additional clause in Schedule 1 Additional Permitted Uses that permitted with consent the use of *recreation facilities (indoor)* on the subject site.

The clause as set out above will ensure that appropriate uses will be delivered on the subject site. This will satisfy the relevant strategic documents as set by State and Local Government, and will deliver much needed recreational uses in the Austral locality.

As demonstrated in the above assessment, the planning proposal has both strategic and site-specific merit and is suitable to be progressed to a Gateway determination.

Q4: Is the Planning Proposal consistent with a Council's local strategic or other local strategic plan?

The relevant local strategic plans or policies include the following and are addressed in detail below.

- *Liverpool City Council Local Strategic Planning Statement – Connected Liverpool 2040;*
- *Liverpool Community Strategic Plan 2022-2032; and*
- *Liverpool Centres and Corridors Strategy.*



6.3.2.6 Liverpool City Council Local Strategic Planning Statement – Connected Liverpool 2040

The *Liverpool Local Strategic Planning Statement* (LSPS) came into force March 2020 and was endorsed by the Greater Sydney Commission. The LSPS sets out a 20-year land use vision to guide land use planning for the LGA. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the Liverpool LGA. The LSPS will align with the Community Strategic Plan and Western City District Plan.

The Planning Proposal is consistent with the relevant vision and strategic goals of the Liverpool LSPS:

- *Connectivity;*
- *Liveability;*
- *Productivity; and*
- *Sustainability*

Of relevance to this Planning Proposal is Planning Priority 9, which is to promote *Safe, healthy and inclusive places shaping the wellbeing of the Liverpool Community*. This Planning Priority includes a number of Principles and Actions, which are to promote public and active transport and access to recreation opportunities around strategic centres. The rationale for this Planning Priority stems from the following:

'High car dependence, relatively lower levels of spare time due to commuting and traffic, poor access to public and active transport, and fewer recreation opportunities.'

'A healthy built environment is a key motivator for the future. We are working to build more walking and cycling trails, opening access to our natural assets, focusing development near public transport to encourage mode shift, and ensuring there is enough open space and recreational facilities to meet growing demand. New urban centres will be compact and transit-oriented, to maximise opportunities for walking and active transport...'

This proposal will promote *recreation facilities (indoor)*, not only aligning with the employment zones reform, but also directly promoting safe, healthy and inclusive localities. As identified in the excerpt above, Council is seeking to deliver compact and transit orientated communities, with excellent access to services and facilities, including recreational facilities. The provision of additional recreational facilities on a key site in the Austral region, which is earmarked for redevelopment in the near future cognisant with the respective development consent, will expressly deliver additional uses supporting health and well-being. The proposal will also remove the need to travel to surrounding suburbs and localities to access other recreational facilities and will in turn reduce reliance on private motor vehicle travel and encourage active and public transport usage.

The proposal is demonstrably consistent with the LSPS.

6.3.2.7 Liverpool Community Strategic Plan 2022-2032

The Liverpool Community Strategic Plan 2022-2032 (CSP) identifies the strategic direction and integrated planning framework for the Liverpool Community. The Plan sets out the communities' vision to 2032 and sets out four strategic themes:

- **Theme One:** Healthy, Inclusive, Engaging
- **Theme Two:** Liveable, Sustainable, Resilient
- **Theme Three:** Evolving, Prosperous, Innovative
- **Theme Four:** Visionary, Leading, Responsible

The proposal is compatible with the vision set out within the CSP, particularly with regard to the longer term objective for healthy, inclusive and engaging communities under Themes One and Three.

Theme One

The proposal is consistent with the 10-year strategies (reproduced below) which are proposed to satisfy Theme One:

- *Improve liveability and quality of life for the community by delivering vibrant parks, places and facilities*
- *Promote a harmonious community that celebrates its diversity*
- *Embrace the city's heritage and history*
- *Support an inclusive community by fostering access and equity for all*
- *Deliver great and exciting events and programs for our people and visitors*
- *Support active and healthy lifestyles by improving footpaths, cycleways and walkways and other infrastructure that promotes and supports active transport*
- *Communicate, listen, engage and respond to the community by encouraging community participation*

The proposal seeks to improve liveability and quality of life for the community through the provision of indoor recreation facilities on a site with excellent access to other services and facilities. The proposal will contribute to recreational facilities within the Austral locality (and wider LGA) where there is a significant shortfall in the uses and will provide for an appropriate use to accompany the approved development. Importantly, the site is surrounded by low and medium density zoned land and a variety of other land uses, including open spaces, educational facilities and the like.

The additional uses in a prime location will therefore contribute to healthy communities and satisfy the objectives and goals of the CSP.

Theme Three:

The proposal is also consistent with some of the 10-year strategies (reproduced below) which are proposed to satisfy Theme Three:

- *Implement planning controls and best practice urban design to create high-quality, inclusive urban environments*
- *Facilitate quality local employment, training and education opportunities*
- *Develop the economic capacity of local businesses and industries*
- *Maintain strong relationships with agencies, stakeholders and businesses to achieve beneficial outcomes for the city*

The proposal will seek to enhance the local economy through diversifying the land uses and supporting the health and wellbeing of individuals. Given the subject site was not afforded the benefits of the employment zones reform that have been implemented into the Standard Instrument, it is unreasonable to limit the subject site from providing the opportunity to offer a use which will deliver significant benefits to the community. The additional permitted uses will generate employment opportunities for the indoor recreational uses and will be compatible with that envisaged in the neighbourhood centre.

Given the site currently contains a development approval for a mixed-use development, providing an additional use will increase traffic to local businesses. The provision of indoor recreational facilities will align with Council's strategic goals as it will foster collaboration with stakeholders and deliver infrastructure that will support the growing population, and contribute to an economically resilient community.

6.3.2.8 Liverpool Centers and Corridors Strategy

The Liverpool Centres and Corridors Strategy ('Strategy') is a response to Planning Priority 11 'An attractive environment for local jobs, business, tourism and investment', Action 11.1 'Develop a Centres and Corridor Strategy, and review LEP and DCP to ensure alignment' of Council's LSPS. The Strategy redefines and recategorises Liverpool's centres and corridors and provides direction for future planning.



With regards to Austral, specifically the Gurner Avenue Neighbourhood Centre, this is identified as key centre serving the growing community of Austral. Gurner Avenue is desired to provide for a range of retail and commercial premises serving the community, with supporting social infrastructure. The proposed additional use will complement the retail and commercial nature of the development (as approved) and will strengthen the viability of the centre through diversifying uses and also encouraging healthy and socially active communities.

As set out and per DA-311/2024, the subject site is capable of accommodating *recreation facilities (indoor)*, without impacting the provision of retail or commercial premises. This will ensure that the function of the Gurner Avenue Neighbourhood Centre will support the strategy in creating inclusive, accessible and economic hubs to serve the growing population of Austral and the wider locality.

Q5: Is the planning proposal consistent with applicable state and regional studies or strategies?

There are no other state and regional studies or strategies to which the proposed amendments are required to align.

Q6: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies (SEPPs) or draft Policies or Deemed SEPPs that would prohibit or restrict this Planning Proposal. A list of relevant SEPPs is included in **Table 9**.

Table 9 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP Resilience and Hazards 2021	The Resilience and Hazards SEPP repealed and replace three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.	Yes	<p>The application for a Planning Proposal will not change the land use zoning and will seek to permit with consent an additional permitted use. This will not change the application of remediation of land.</p> <p>In terms of Coastal Management and Hazardous or Offensive Material, the application does not change the manner in which the chapters of the SEPP applies to the site.</p>
SEPP (Sustainable Buildings) 2022	This SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.	Yes	This application does not change the manner in which this SEPP will apply to any future development consent.
SEPP (Housing) 2021	This SEPP aims to incentivise the supply and ensure the effective delivery of new affordable and diverse housing. The Housing SEPP consolidates six existing housing related policies, including: <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP); • SEPP 65 (Design Quality of Residential Apartment Development) 	Yes	This application does not change the manner in which this SEPP applies to the site.

Table 9 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
	<ul style="list-style-type: none"> State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP); State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (SEPP 70); State Environmental Planning Policy No 21 - Caravan Parks; and State Environmental Planning Policy No 36 - Manufactured Home Estates. 		
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This application for a Planning Proposal does not change the manner in which this SEPP applies to the site.
SEPP (Transport and Infrastructure) 2021	This SEPP aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure. This SEPP repeals and replaces four former SEPPs related to infrastructure, transport, education and childcare.	Yes	<p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p> <p>Parking is considered in the submitted Traffic Impact Assessment prepared by CBRK.</p>
SEPP (Biodiversity and Conservation) 2021	This SEPP repeals and replaces 11 previous SEPPs.	Yes	<p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p> <p>No vegetation currently exists on the subject site.</p>
SEPP (Industry and Employment) 2021	This SEPP repeals and replaces two former SEPPs related to employment lands in Western Sydney and advertising and signage.	Yes	The Planning Proposal does not change the way in which the SEPP (specifically, Chapter 3 Advertising and Signage) would apply to the site or to future development upon the site.
SEPP (Planning Systems) 2021	This SEPP identifies state or regionally significant development, state-significant infrastructure, and critical state-significant infrastructure.		This Planning Proposal does not change the way in which this SEPP would apply to the site or to future development

Q7: Is the Planning Proposal consistent with the applicable Ministerial Directions?

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* as outlined in the below table.

Table 10 Section 9.1 Ministerial Directions

Ministerial Direction	Relevance	Y/N	Comments
Planning Ingenuity Pty Ltd			

Table 10 Section 9.1 Ministerial Directions

1. Planning Systems			
1.4 Site Specific Provisions	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.</p> <p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	Yes	<p>The Planning Proposal will seek to include an additional permitted use to allow for recreation facility (indoor) on the site which is consistent with the zoning and employment reforms.</p> <p>(a) The proposal will allow for an additional permitted use in the B1 zone, consistent with the employment zones reform.</p> <p>(b) As above, the proposal will not rezone the site rather will include an additional permitted use.</p> <p>(c) The proposal will not include any standards beyond those currently required.</p> <p>Noted.</p>
3. Biodiversity and Conservation			
3.1 Conservation Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas</p>	N/A	<p>The subject site is not zoned or identified as environmentally sensitive land and therefore this direction does not apply.</p>
3.2 Heritage Conservation	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>A planning proposal must contain provisions that facilitate the protection and conservation of heritage significance and Indigenous heritage significance</p>	N/A	<p>The subject site does not contain any heritage restrictions and therefore this does not apply.</p>

Table 10 Section 9.1 Ministerial Directions

3.7 Public Bushland	<p>This direction applies when a planning proposal authority prepares a planning proposal for land in the Woollahra Local Government Area.</p> <p>A Planning Proposal must retain public bushland unless the planning proposal authority is satisfied that significant environmental, economic or social benefits will arise that outweigh the value of the public bushland.</p>	N/A	<p>The subject Planning Proposal is not located within any public bushland.</p>
3.9 Sydney Harbour Foreshores and Waterways Area	<p>This direction applies when a planning proposal authority prepares a planning proposal for land within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p>	N/A	<p>The subject site is not located within the foreshore and waterways area and therefore this direction does not apply.</p>
3.10 Water Catchment Protection	<p>This direction applies when a planning proposal authority prepares a planning proposal which will affect land within a regulated catchment, excluding the Sydney Drinking Water Catchment, within the meaning of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p>	Yes	<p>The subject site is located within the Hawkesbury-Nepean Catch and therefore this direction applies.</p> <p>The Planning Proposal seeks only to permit an additional permitted use (Recreational Facility (Indoor)) and does not propose any physical works or changes to built form, vegetation, or stormwater infrastructure beyond the development consents associated with DA-311/2024. As the proposal will not increase human interference, affect native vegetation, alter scenic quality, or impact catchment health within the site, it is considered consistent with the objectives of Ministerial Direction 3.10.</p>
4. Resilience and Hazards			
4.1 Flooding	<p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	N/A	<p>The subject site is not identified as flood prone and therefore this direction does not apply.</p>
4.3 Planning for Bushfire Protection	<p>This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land. This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p>	Yes	<p>The subject site is identified as bushfire prone land. The proposed additional permitted use will not have any undue impact to the bushfire affectation of the site, as detailed in the letter prepared by Anderson Environment & Planning.</p>

Table 10 Section 9.1 Ministerial Directions

4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <ul style="list-style-type: none"> (a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). 	Yes	<p>The Planning Proposal is for an additional permitted use, noting that the land is suitable for development as evidenced in the approved development, and therefore this application for a Planning Proposal is consistent with Direction 4.4.</p>
4.5 Acid Sulfate Soils	<p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.</p> <p>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p>	Yes	<p>The land is not mapped as containing Acid Sulfate Soils and is therefore considered acceptable with regards to this Direction.</p>
5. Transport and Infrastructure			
5.1 Integrating Land Use and Transport	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001) 	Yes	<p>This Planning Proposal will not increase maximum building height and floor space ratio which applies to the subject site, however, will include an additional permitted use. Therefore, the maximum density on-site will be maintained</p> <p>It is noted that this application is submitted with a Traffic Report prepared by CBRK which concludes that the proposal will have no adverse impact to traffic and is therefore acceptable with regards to this Direction.</p>

Table 10 Section 9.1 Ministerial Directions

5.2 Reserving Land for Public Purposes	This direction applies to all relevant planning authorities when preparing a planning proposal. (1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).	N/A	Not applicable to subject Planning Proposal.
5.3 Development Near Regulated Airports and Defence Airfields	This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	N/A	Not applicable to subject Planning Proposal.
6. Housing			
6.1 Residential Zones	This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.	N/A	The Planning Proposal will not alter the permissibility of residential uses, and will only permit with consent <i>recreation facility (indoor)</i> .
7. Industry and Employment			
7.1 Employment Zones	This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).	N/A	The site is zoned B1 Neighbourhood Centre. Whilst unclear if this applies, it is noted that the subject proposal will provide for an additional permitted use which will be consistent with this Direction as it will provide for additional employment opportunities within the zone, and will support the local economy of Austral North.

6.3.3 Section C - Environmental, Social and Economic Impacts

Q8: 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 proposal does not seek any built form changes as part of this application as it results to an additional permitted use. Despite this, recreational facility (indoor) are not anticipated to introduce any significant environmental impact beyond that considered in DA-311/2024.

Q9: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The current approval (DA-311/2024) as referenced in this Planning Proposal demonstrates that similar uses can be operated without any detrimental environmental effects, as is discussed in greater detail below.

Aural Privacy



The acoustic privacy of neighbouring properties will form part of a development consent when undertaking applications to pursue the use. It is understood that Council will impose general conditions for the future use of recreational facilities when seeking development consent. Importantly, the approved development undertook detail acoustic testing and analysis, where it was determined that construction measures and operational management can limit adverse aural impact.

Vehicle Traffic

A Transport, Traffic and Parking Assessment has been prepared by *Colston Budd Rogers & Kafes Pty Ltd* and is submitted under a separate cover. The Transport, Traffic and Parking Assessment provides consideration of the vehicular movements, quantum of car and bicycle parking as part of the provision of additional permitted use.

Notably, the Liverpool Growth Centre Development Controls Plan does not stipulate a rate for indoor recreational facilities.

The proposal does not seek any additional parking spaces or changes to the existing road network and any future application will utilize the existing parking arrangements as established under DA-311/2024. The Traffic Assessment concludes that any additional car parking spaces required for any future use of the recreational facilities (indoor) can be accommodated within the approved car parking area, particularly given the approved development provided a surplus of spaces.

Bushfire

The subject site is located in a Bushfire Prone Area. The proposed additional permitted use will not exacerbate the bushfire vulnerability nor alter the conclusions made under DA-311/2024.

Q10: Has the Planning Proposal adequately addressed any social and economic effects?

This Planning Proposal will result in positive social and economic effects, including the provision of providing indoor recreational facilities in a well located and sought out location. There are clear benefits associated with the additional permitted use. These are described further below.

Social Impact

The proposal will offer distinctive social benefits through the provision of indoor recreational facilities, in a desirable area, whilst providing significant improvements to the health and well-being of the local community. A Social Impact Assessment ('SIA') has been prepared by *Planning Ingenuity* and is submitted under a separate cover. The SIA had concluded that:

"The demographic data for Austral indicates that the Planning Proposal to accommodate the additional permitted use of a recreational facility (indoor) will fulfill the needs of the anticipated growing population in the locality and Council's adopted strategic planning documents, which indicate that the population should be suitably serviced by planning infrastructure, community facilities and services. The potential additional permitted use will further increase the ability to make healthy thriving communities in the Liverpool LGA."

...The potential positive impacts include:

- *Improved health and well being*
- *Improved community cohesion; and*
- *Enhanced Passive Surveillance;"*

Accordingly, the Planning Proposal will improve the liveability and functionality of the approved mixed-use neighbourhood centre. That is, the proposed additional use will allow community members and employees access to a use that is currently prohibited by the planning controls. The use will improve social interaction and healthy living for future residents and works.

Economic Impact





As discussed, this Planning Proposal will allow for the strategic use of recreation facilities (indoor) on the subject site.

The Austral North locality and wider Liverpool LGA have a strong demand for the provision of recreational facilities (indoor), either in the form of traditional gyms, fitness centres and ancillary fitness facilities as established in the Recreational Needs and Economic Assessment prepared by *Location IQ*. In this regard, the Austral locality, inclusive of the subject site, is well-suited to accommodate recreational facility (indoor). The proposal, which will provide for additional indoor recreational facilities in a highly accessible site, will provide for direct and positive economic impacts in terms of increased expenditure and the subsequent support of surrounding local businesses, serving multi-purpose trips.

Ultimately, the proposal will provide for economic benefits during, and post construction associated with recreational facilities. Post construction benefits are afforded through the provision of additional employment opportunities on the site, thus supporting the local economy.

Other Public Benefits

In addition, the proposal will provide a number of other indirect public benefits which include, but are not limited to:

- Improved physical and mental health and wellbeing;
- Foster social interaction between community members;
- Access to services not currently available in the locality; and
- Increased activation and natural surveillance of the public domain.

In conclusion, the public benefits offered (above) are considered to be substantial in exchange for the additional permitted use of recreational facilities (indoor).

6.3.4 Section D - State and Commonwealth Interests

Q11: Is there adequate public infrastructure for the Planning Proposal?

The site is within an area which is undergoing transformation and is (and will be) serviced by public infrastructure. Whilst providing an additional permitted use on the site, this will not trigger requirements for local or regional scale amplification or introduction of new infrastructure, services or facilities. Subject to future applications any consent associated with the additional permitted uses will utilise the infrastructure approved under DA-311/2024.

Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The relevant authorities will be consulted as part of the full Planning Proposal process, in accordance with the relevant legislative requirements. It is noted that the proposed SEPP amendments will not trigger any changes to:

- Infrastructure and services provided by State agencies and public authorities;
- Resources managed by State agencies and public authorities.

The proposal does not trigger the referral criteria in Attachment B to the DPIE Guideline. For these reasons no referrals or consultation with State agencies and authorities are considered necessary.

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation.

6.4 PART 4 - MAPPING

The Planning Proposal does not seek to amend the SEPP mapping as identified in this Report.



6.5 PART 5 - COMMUNITY CONSULTATION

Consistent with the requirements for a Standard LEP amendment and the DPIE Guidelines, it is anticipated that a draft Planning Proposal would be publicly exhibited for a period of 28 days. The exhibition material will include documents as specified in the Gateway determination and will include a copy of the Planning Proposal, an explanation of provisions, and an indication of the timeframes for completion of the process as estimated by Council.

It is anticipated that the Community Consultation methods will include forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in a local newspaper and on Liverpool Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.

6.6 PART 6 - PROJECT TIMELINE

The estimation of the project timeline is provided below with the intention of optimising efficiency in the process:

Table 11 Project Timeline

Phase	Timing
Gateway determination date	TBD (by Department of Planning & Environment)
Completion of required technical information	No additional supporting studies required.
Government agency consultation (pre-exhibition)	Not required
Government agency consultation (during exhibition)	Concurrent with public exhibition (28 days)
Commencement and completion dates for public exhibition period	TBD
Consideration of submissions	Two weeks from close of public exhibition
Post-exhibition consideration of the application	Four weeks from close of public exhibition
Date of submission to the Department to finalise the LEP / anticipated date RPA will make the plan (if delegated)	Six weeks from close of public exhibition



7. Conclusion

This planning proposal seeks to amend *Appendix 4 Liverpool Growth Centres Precinct Plan* of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* to permit with consent *recreation facility (indoor)* at No. 495 Fourth Avenue, Austral. Specifically, it is proposed to insert an additional permitted use clause into Schedule 1 Additional Permitted Uses.

This application for a planning proposal has been prepared in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW DPIE “*Local Environmental Plan Making Guideline*” (August 2023).

As discussed and per the recent employment zones reform, the site would have be zoned E1 Local Centre consistent with the *Liverpool Local Environmental Plan 2008*. In the E1 zoning of the LLEP 2008, *recreation facility (indoor)* are prescribed as a permitted land use. As the SEPP is yet to implement into the employment zones reform, *recreation facility (indoor)* remain as prohibited on the site which is inconsistent with that permitted under the LLEP 2008 and for the remaining LGA.

The application demonstrates the proposed SEPP amendment is not only consistent with the employment zones reform, but also has strategic and site-specific merit. The amendment is consistent with the *Greater Sydney Regional Plan*, the *Western City District Plan*, majority of key priorities of the *Local Strategic Planning Statement*, applicable State Environmental Planning Policies and Ministerial Directions as prescribed by Section 9.1 of the EP&A Act.

This Planning Proposal recognises the considerable potential of the site to provide indoor recreational facilities to accompany the recent neighbourhood centre development approval (DA-311/2024). The Planning Proposal has the potential to provide for an additional permitted use on a key site that is highly accessible and strategically located.

The proposal is considered to have strategic and site-specific merit and not only provides indoor recreational facilities, but will also provide for community benefits through promoting additional uses within an approved neighbourhood centre development. These benefits will not be realised if this Planning Proposal is not supported. As a summary, the changes to the planning controls will:

- Promote healthy communities through additional permitted uses;
- Allow for the flexibility of use to ensure the successful ongoing operation of the mixed-use development;
- Provide additional indoor recreational uses in a well suited location where there is a significant shortfall, ensuring members of the community are not required to travel elsewhere for access to these services; and
- Allow for the orderly and economic development of the land.

The application is entirely consistent with the local, regional and state strategic planning directions. It follows that the additional permitted use will not result in unacceptable environmental effects or demands for new or augmented local and regional infrastructure and services. The amendment will facilitate future development options on the site that:

- are consistent with adopted key planning strategies;
- are compatible with the context and setting; and
- can deliver future social and economic benefits.

The Liverpool Local Government Area prioritises promoting healthy, safe and inclusive environments. To meet these targets, neighbourhood centres must permit with consent recreational facilities (indoors). Currently, the B1 Neighborhood Centre zoning prohibits indoor recreational facilities. As the site contains a recent approval for a mixed-use neighbourhood centre development, the provision of additional permitted uses is ideally supported for a property within a strategic location. Importantly, the additional permitted use can be delivered in the near future given the recent approval and imminent construction.



As such, the supporting documentation demonstrates the additional permitted use of indoor recreational facilities will offer significant public benefit to the community. The supporting documentation comprehensively demonstrates that the additional permitted use will deliver land uses that will positively contribute to the existing development approval.

This Planning Proposal concludes that the additional permitted use contributes to the Austral locality to allow for the delivery of indoor recreation uses which is entirely compatible with the existing and continually emerging character of the locality. This application for a Planning Proposal is therefore worthy of Council's support.





ADVICE ON PLANNING PROPOSALS LIVERPOOL LOCAL PLANNING PANEL

Monday 24th November 2025

Held online via
MS Teams

Panel:

Terence Sheahan (Chair)
Stephen McMahon (Expert)
Caroline Pidcock (Expert)
Jeremy Thomas (Community Representative)

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

LIVERPOOL CITY COUNCIL**ADVICE OF LIVERPOOL LOCAL PLANNING PANEL****PAGE 1****24th November 2025**

APPLICATION NUMBER:	RZ-3/2025
SUBJECT:	Planning Proposal to amend Schedule 1 of Appendix 4 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 to permit a 'recreation facility (indoor)' as an additional permitted use.
LOCATION:	495 Fourth Avenue, Austral
OWNER:	Perpetual Corporate Trust Ltd
APPLICANT:	Planning Ingenuity on Behalf of Fabcot Pty Ltd
AUTHOR:	Mary Ellen Trimble

ADVICE OF THE PANEL

The Panel read the Council officer's report, was briefed by Council officers and visited the site.

The Panel's advice to the Council is that the proposal should proceed to Gateway Assessment. Additionally, the Panel suggests Council seeks to investigate the opportunity to make a minor amendment to the State Environmental Planning Policies (SEPP) to include gymnasiums and any other anomalies.

VOTING NUMBERS:

4-0



1

LOCAL PLANNING PANEL MEETING
24 NOVEMBER 2025
LPP ITEMS

Item Number:	0
Application Number:	RZ-3/2025
Proposed Development:	Planning Proposal to amend Schedule 1 of Appendix 4 of the <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i> to permit a ‘recreation facility (indoor)’ as an additional permitted use.
Property Address	495 Fourth Avenue, Austral
Legal Description:	Lot 121 DP 1220414
Applicant:	Planning Ingenuity on Behalf of Fabcot Pty Ltd
Land Owner:	Perpetual Corporate Trust Ltd
Cost of Works:	Nil
Recommendation:	Proceed to Gateway determination subject to additional information
Assessing Officer:	Mary Ellen Trimble

1 EXECUTIVE SUMMARY

In September 2025, Planning Ingenuity lodged a privately initiated Planning Proposal at 495 Fourth Avenue, Austral (121 DP 1220414) (subject site). The Planning Proposal seeks to amend Schedule 1 of Appendix 4 of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Western Parkland City SEPP) to permit a ‘recreation facility (indoor)’ as an additional permitted use. The intent of the proposal is to facilitate the development of a ‘gym’ on site.

The site is currently zoned B1 Neighbourhood Centre under the Western Parkland City SEPP. A development application (DA-311/2024) was recently approved on the site for a supermarket development, and additional retail tenancies. The proposed additional permitted use (gym) would therefore complement the recently approved DA.

The Planning Proposal has been submitted pursuant to Section 3.33 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* and the proposal is referred to the Liverpool Local Planning Panel in accordance with Section 2.19 of the Act for advice.

Determination of strategic and site-specific merit has been assessed in accordance with ‘A guide to preparing a Planning Proposal’ published by NSW Department of Planning, Housing and Infrastructure (August 2023). Council staff consider the Planning Proposal has strategic and site-specific merit and complies with the broader planning framework.

However, Council staff have identified several aspects of the proposal which require further information prior to Council endorsement. These include a Bushfire report, and other miscellaneous updates to ensure consistent information. Although, Council staff are of the opinion these matters can be resolved.

2. SITE DESCRIPTION AND LOCALITY

Subject Site:

The Planning Proposal relates to 495 Fourth Road, Austral (Lot 121 DP 1220414). The subject site can be seen in Figure 1 below.

The site is rectangular and on a corner lot with a 91m frontage to Gurner Avenue and a western boundary of 109m to Fourth Avenue. The overall site area is approximately 1.2ha and is zoned B1 Neighbourhood Centre under the Western Parkland City SEPP.



Figure 1: Aerial image of the site, highlighted in red (source: Nearmap 2025)

Locality (Site Context)

The Austral and Leppington North Precincts were rezoned in March 2013 to provide for 17,350 new dwellings, and four town centres supported by an array of planned social, transport and drainage infrastructure. The subject site is located in one of the local centres

that is envisioned to provide a range of commercial, retail and community services for the future community.

The immediate surroundings of the site consist of rural residential dwellings, recent residential subdivisions and a school (Al Faisal College), which is a major school in the area. Part of the block to the south is zoned for RE1 Public Recreation purposes. This can be seen in Figure 2 below.



Figure 2 – Land use zoning map (Source: Geocortex 2025)

3. BACKGROUND/HISTORY

Pre Planning Proposal

A pre-Planning Proposal meeting was held on 8 May 2025 with the proponent and Council officers. Formal advice was provided to the proponent on 12 May 2025, deeming the proposal to likely be capable of demonstrating strategic merit considering the use aligns with the intent for the site as a Neighbourhood Centre providing access to shopping, employment and services for residents of Austral.

Development Consent (DA-311/2024)

The site is subject to a recent approval for a development application that sought for the: *'excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site links, with at-grade and basement parking, associated landscaping and public domain works.* The DA was approved on the 14 May 2025 Sydney Western City Planning Panel.



Figure 3 – Render of corner of the Gurner Avenue and Fourth Avenue from approved architectural plans (Clarke Hopkins Clarke 2024)

4. DETAILS OF THE PROPOSAL

The Planning Proposal seeks to amend Appendix 4, Schedule 1 'Additional Permitted Uses' of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 via the Liverpool Local Environmental Plan 2008 to include an additional permitted use of 'recreation facility (indoor)' on the subject site. Specifically, the Planning Proposal seeks to accommodate a 'gym' within the approved commercial and retail development on site. The provision is proposed to read as follows:

1 Use of certain land at No. 495 Fourth Avenue, Austral

- (1) *This section applies to land known as No. 495 Fourth Avenue, Austral (Lot 121 DP 1220414)*
- (2) *Development for the purposes of recreation facility (indoor) is permitted with consent.*

5. ASSESSMENT

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No, the Planning Proposal is not the result of an endorsed LSPS, strategic study or report. The proposal is privately initiated Planning Proposal and is considered a spot rezoning.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a Planning Proposal is the best means of achieving the intended outcomes, as the Planning Proposal intends to add an additional permitted use for a recreational facility (indoor) to the subject site. A Planning Proposal is the only mechanism to achieve this outcome.

Section B – Relationship to the strategic planning framework

Q3. 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 Regional Plan – A Metropolis of Three Cities

The Greater Sydney Regional Plan – A Metropolis of Three Cities (Regional Plan) was released in March 2018 and prepared by the former Greater Sydney Commission (GSC). The plan encompasses a global metropolis of three cities – The Western Parkland City, the Central River City and the Eastern Harbour City. The plan envisions for people of Greater Sydney to live within 30minutes of their jobs and have access to education and health facilities, services and high-quality places.

Consistency with the relevant parts of the Regional Plan is assessed below in *Table 1*:

Table 1 – Consistency with the Regional Plan

Direction	Council Comment
Objective 4: Infrastructure use is optimised	<p>This objective aims to maximise the utility of existing infrastructure assets to reduce the demand for new infrastructure.</p> <p>The Planning Proposal intends to add another use to a site where infrastructure is focused for a local centre, permitting this use will reduce the need for infrastructure delivery in other areas of Austral.</p> <p>The Planning Proposal is consistent with this objective.</p>
Objective 6: Services and infrastructure meet communities' changing needs	<p>This objective relates to the provision of social infrastructure that reflects the needs of the community.</p> <p>Allowing recreation facilities (indoor) provides the opportunity for additional services that may be demanded as the demographics of the area changes.</p> <p>The Planning Proposal is consistent with this objective.</p>
Objective 7: Communities are healthy, resilient and socially connected	<p>This objective aims to deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities.</p> <p>The addition of recreation facilities (indoor) as a permitted use could</p>

	<p>directly aid the physical health and wellbeing of the community.</p> <p>Additionally, co-locating with future supermarkets and access to fresh food could further enable healthy, safe and inclusive spaces.</p> <p>The Planning Proposal is consistent with this objective.</p>
Objective 12: Great places that bring people together	<p>This objective aims to promote place-based planning to create great places of all scales that recognises local character, supports sustainability and enhances people's wellbeing.</p> <p>Given the Planning Proposal aims to add an additional use that is complementary to the existing permitted uses, it may promote a more vibrant local centre.</p> <p>The Planning Proposal is consistent with this objective.</p>

Western City District Plan

Section 3.8 of the EP&A Act requires that the Planning Proposal authority gives effect to any district strategic plan applying to the LGA to which the Planning Proposal relates.

Relevant priorities and actions are outlined in the Table 2 below:

Table 2 – Consistency with the District Plan

Objective	Council Comment
Planning Priority W3 Providing services and social infrastructure to meet people's changing needs	<p>The Planning Proposal can facilitate recreation facilities (indoor) and provides the opportunity for additional services that may be demanded as the demographics of the area changes.</p> <p>The Planning Proposal is consistent with this priority.</p>
Planning Priority W6 Creating and renewing great places and local centres, and respecting the district's heritage	<p>Liverpool's Centres and Corridors Strategy identifies the subject site as a local centre.</p> <p>The Planning Proposal aims facilitate an additional complementary use to a local centre that could help create a more vibrant local centre.</p> <p>The Planning Proposal is consistent with this priority.</p>

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Connected Liverpool 2040 – Local Strategic Planning Statement (LSPS)

Council's Local Strategic Planning Statement (LSPS) was endorsed in 2020.

Planning Priority 9 of the LSPS is the only relevant priority for the Planning Proposal. The priority aims to create safe, healthy and inclusive to improve the wellbeing of Liverpool communities.

The Planning Proposal seeks to add recreation facilities (indoor) as an additional permitted use. Recreation facilities (indoor) largely promote physical health, sport participation and act as a social connector. As Planning Proposal aims to add this as an additional permitted use in an identified centre, it could facilitate a healthier and more inclusive centre.

The Planning Proposal is **consistent** with this priority.

Liverpool Centres and Corridors Strategy

Councils Centres and Corridors Strategy has been developed in response to Action 11.3 of Council's LSPS which identifies the need to prepare a Centres and Corridors Strategy and review relevant planning controls. This Strategy re-defines and recategorises Liverpool's centres and corridors and provides direction for future planning. The Strategy includes a guiding criterion to assist in the assessment of Planning Proposals. An assessment of consistency for the relevant criterion has been included the table below:

Table 3 – Consistency with the Liverpool Centres and Corridors Strategy

Guiding Criteria	Council Comment.
Proposals must not have a significant negative impact on the retail operation of the Liverpool City Centre, town centres and local centres (including planned future centres)	<p>As the Planning Proposal is seeking to add an additional use to the subject site, which is complementary to the existing uses and is already permitted in E1 Local Centres across the LEP. The additional use to have a positive impact on the retail and commercial operation of the centre.</p> <p>The Planning Proposal is consistent with this criterion.</p>

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The proposal is for an additional permitted use, recreation facilities (indoor) on the site and is not to trigger any other State and regional studies or strategies.

Q6. Is the planning proposal consistent with applicable SEPPs?

The Planning Proposal is considered broadly consistent with SEPPs applying to the land.

The SEPP (Biodiversity and Conservation) 2021 contains controls for vegetation, native bushland and regulated water catchments. The site is located in a regulated water catchment however the applicant has not addressed the Planning Proposal's impact on the catchment. While the Planning Proposal may be minor compared to the approved DA across the area, the Planning Proposal still needs to adequately address the impacts. The Planning Proposal is required to be updated to address SEPP (Biodiversity and Conservation) 2021.

The Planning Proposal does not affect the application of other relevant SEPPs.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The following Directions, pursuant to Section 9.1 of the EP&A Act 1979 are assessed in Table 4 below.

Table 4 – Consistency with relevant Section 9.1 Directions

Objective	Consistency	Comment
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans	Consistent	The Planning Proposal is generally consistent with Direction, gives effect to the regional plans.
1.4 Site Specific Provision	Consistent	The Planning Proposal will enable site specific provision to permit recreation facilities (indoor), this is consistent with the objectives of the B1 Neighbourhood Centre zone. This is not restrictive and unable to be achieved through another mechanism.
Focus area 3: Biodiversity and Conservation		
3.10 Water Catchment Protection	Justifiably inconsistent	The site is located within the Hawkesbury Nepean Catchment, South Creek subsection. While the Planning Proposal is of minor significance and not likely to affect water catchment, the Planning Proposal has not adequately addressed this and is required to be updated.
Focus area 4: Resilience and Hazards		
4.3 Planning for Bushfire Protection	Justifiably inconsistent	<p>The site is mapped as being bushfire prone land.</p> <p>The Planning Proposal is not supported by a Bushfire Assessment Report and relies upon the conditions of the consent from the approved DA. The planning proposal can only be inconsistent if Council has obtained advice from Rural Fire Service Commissioner that it does not object to the proposal. Consultation will occur following the Gateway Determination.</p> <p>The approved DA on site (DA-311/2042) was sent to</p>

**LIVERPOOL
CITY
COUNCIL**

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24 NOVEMBER 2025
LPP ITEMS**

		<p>RFS for commentary on bushfire asset protection zones (APZ) who requested additional information. However, that information was not provided and RFS indicated that they would not support the proposed development.</p> <p>The Sydney Western City Planning Panel approved the DA on 14 May 2025. Under the Determination and Statement of Reasons for the DA, the panel members stated that the bushfire risk is low and suitably managed until the adjoining site to the east is developed.</p> <p>The Planning Proposal will need to be sent to RFS after Council endorsement, prior to community consultation. RFS will require an updated bushfire assessment report.</p> <p>This can be provided to Council prior to Council endorsement.</p>
4.4 Remediation of Contaminated Land	Consistent	The proposal is consistent with this Direction as the land will be made suitable for development as determined in the Detailed Site Investigation Report under the approved DA.

Section C – Environmental, social and economic impact

Q8. 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?

The site is cleared however has a small area of critically endangered ecological community is located on the adjacent site and partially on the subject site.

The Planning Proposal is likely not to adversely affect the threatened species beyond what has been considered as part of the development application process.

Q9. 9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

Traffic



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The Planning Proposal was supported by a Traffic Report (**Attachment 4**). The Planning Proposal referred to Council's Traffic and Transport Planning team who found the proposal would not have adverse impacts on the local road network. Therefore, raised no objections.

Noise

Recreation facilities (indoor) can generate additional noise impacts; a future modification application may require a Noise Assessment to ensure a future development adequately addresses these impacts. However, given the objectives of the zone it is considered an appropriate land use.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Social

The Planning Proposal is supported by an SIA which found that there are more likely to be more positive social effects from introducing recreation facilities (indoor) including increased social connections and increased physical and mental wellbeing. This is considered justified.

The Planning Proposal referred to Council's Social Planning team who raised no objection and further stated that the proposed indoor recreation facility / gym will widen the scope of essential services closer to homes.

The Planning Proposal also referred to Council's Community Planning team who raised no concerns.

Economic

The PP was not supported by an Economic Impact Assessment; however, the Planning Proposal was supported by a Recreation Needs Assessment. It found there could be additional and varied employment opportunities as a result of the Planning Proposal and therefore is considered justified.

Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

The site is located in an area that is currently in transition from rural to low density residential. The site itself has been identified as part of the local centre which is to provide retail, commercial and community spaces for the future community. The community spaces have been identified on neighbouring sites to create an integrated local centre.

The site is not directly serviced by public transport, the closest bus stop is located 650m from the site on Fifteenth Avenue, these limited services connect Austral to the Liverpool City Centre.



The site is currently undeveloped and has limited utilities (water and wastewater) are available in the area.

Section E – State and Commonwealth Interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The views of State and Commonwealth public authorities will be consulted should a Gateway determination be issued. Relevant public authorities will be identified for consultation at the Gateway determination stage.

6. NEXT STEPS

The proposed amendment is considered to demonstrate Strategic and Site-Specific Merit. The report has addressed the potential benefits of integrating recreation facilities (indoor) within the site and its wider benefits to the current and future community.

However, the Planning Proposal is required to be updated to address how the impacts Planning Proposal will affect the application of the SEPP (Biodiversity and Conservation) 2021.

The applicant will also be required to submit a Bushfire Assessment Report in order to ensure consistency with Ministerial Direction 4.3.

Following the panel's consideration, the Planning Proposal will need to be updated with minor amendments as well as a Bushfire Assessment Report. Following the updates Planning Proposal can be reported to Council for their consideration. Should the Planning Proposal request be endorsed, it will be forwarded to DPHI seeking a Gateway determination.

Following a Gateway determination in support of the Planning Proposal, there will be a public authority and community consultation.

7. RECOMMENDATION

That the Planning Proposal is forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Assessment, subject to the following amendment:

- A Bushfire Assessment Report to be provided to Council.
- Minor amendments to Planning Proposal ensure consistent information is provided.

ATTACHMENTS

1. Attachment 1 - Planning Proposal Report - 495 Fourth Avenue, Austral (Under separate cover)



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LOCAL PLANNING PANEL MEETING
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2. Attachment 2 - Recreational Needs Assessment & Economic Impact Assessment - 495 Fourth Avenue, Austral (August 2025) (Under separate cover)
3. Attachment 3 - Social Impact Assessment - 495 Fourth Avenue, Austral (21 August 2025) (Under separate cover)
4. Attachment 4 - Traffic Report - 495 Fourth Avenue, Austral (8 July 2025) (Under separate cover)



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Deed

Edmondson Park Precincts 3, 5 and 9

Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Liverpool City Council

The Minister for Planning and Public Spaces

Landcom

[insert date]

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Regulatory Compliance Tables

Table 1 – Provisions of Act

Act Provision	Requirement	Compliance
S.7.4(1)	'Planning Authority' 'Developer' Development Application / Modification Application	Council and the Minister Landcom See definitions of 'Subsequent DA' and 'Modification Application' in clause 1.1
	Development Contributions	See Part 2 and Development Contributions Table
S.7.4(1), (2)	Public Purpose	See Column 4 of the Development Contributions Table
S.7.4(3)(a)	Land	See Definition of 'Land' in clause 1.1
S.7.4(3)(b)(i)	Instrument Change	N/A
S.7.4(3)(b)(ii)	Development	See definition of 'Development' in clause 1.1
S.7.4(3)(c)	Details of Developer's Provision	See Development Contributions Table
S.7.4(3)(d)	Whether s7.11, s7.12 and Subdivision 4 of Division 7.1 of the Act Apply to the Development	See clauses 8.1 to 8.5
S.7.4(3)(e)	Whether benefits under Deed are or are not to be taken into consideration in determining a Development Contribution under s7.11	N/A
S.7.4(3)(f)	Mechanism for the Resolution of Disputes	See Part 3
S.7.4(3)(g)	Enforcement of the Agreement by a Suitable Means in the	See Part 4

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	Event of Breach by the Developer	
S.7.4 (10)	Conformity of Agreement with Act, Environmental Planning Instruments, & Development Consents Applying to the Land	Yes
S.7.5	Public Notice & Public Inspection of Draft Agreement	Yes
S.7.6	Registration	See Part 5
S.6.15(1)(d)	If the Development involves the subdivision of land, does this Agreement impose requirements that are required to be complied with before a subdivision certificate is issued?	Yes

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Table 2 – Provisions of Regulation

Regulation Provision	Requirement	Compliance
Environmental Planning and Assessment Regulation 2021		
S.203(1)	Form & Subject-Matter	Yes
S.203(7)	Secretary's Practice Note	Yes
S.204	Public Notice & Public Inspection of Draft Agreement	Yes
S.205	Explanatory Note	See Appendix
Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021		
Ss.21, 34	If the Development involves building work or subdivision work, does the Agreement specify requirements that are required to be complied with before a construction certificate or subdivision works certificate for the work is issued?	Yes, see Development Contributions Table

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Council **Liverpool City Council** ABN 84 181 182 471 of Ground Floor, 50 Scott Street, Liverpool NSW 2170

Minister **Minister for Planning and Public Spaces** ABN 38 755 709 681 c/- NSW Department of Planning, Housing and Infrastructure of 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150.

Developer **Landcom** ABN 79 268 260 688 of Level 14, 60 Station Street Parramatta New South Wales 2150.

Background

- A The Land is partly owned by the Developer, partly owned by the Planning Ministerial Corporation and partly owned by private entities being companies which are part of the Urban Property Group and Golden Properties NSW Pty Limited.
- B The Office of Strategic Lands (**OSL**) administers the Planning Ministerial Corporation. The Developer has entered into arrangements with the OSL in respect of land owned by the Planning Ministerial Corporation which enable it to meet its obligations under this Deed.
- C On 18 August 2011, the NSW Planning Assessment Commission granted a Part 3A Concept Approval to Concept Plan Application MP10_0118 for residential and commercial development on the Land.
- D The Developer offered to enter into this Deed in connection with the modification of the Concept Approval by Mod 5 and the development of up to 3030 dwellings in Precinct 9. Condition 1.8B of the Concept Approval, as modified, requires that this Deed be entered into.
- E The Developer offers to make the Development Contributions required by this Deed in connection with the Concept Approval, to provide public amenities and services in connection with development of Precincts 3, 5 and 9.

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Operative provisions

Part 1 - Preliminary

1 Definitions & Interpretation

Definitions

1.1 In this Deed, the words and phrases appearing in Column 1 of the following table have the meaning set out in Column 2 of that table corresponding to those words or phrases except in so far as the context or subject-matter otherwise indicates or requires:

Table

Column 1	Column 2
Word or phrase	Meaning
Act	means the <i>Environmental Planning and Assessment Act 1979 (NSW)</i> .
Approval	includes approval, consent, licence, permission or the like.
Authority	means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under the <i>Local Government Act 1993 (NSW)</i> , or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.
Bank Guarantee	means an irrevocable and unconditional undertaking in favour of Council without any expiry date or end date

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provided by the Sydney Office of an Australian bank or financial institution approved in writing by Council to pay an amount or amounts of money to Council on demand.

Claim

includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Completion

in relation to the Developer Works or a specified part of the Developer Works, occurs when the Developer has issued a Completion Notice to Council in accordance with clause 34 of Schedule 6 and the Developer Works are complete or deemed complete in accordance with Schedule 6.

Concept Approval

the approval granted to MP 10-0118 by the Minister for Planning on 18 August 2011 pursuant to the former Part 3A of the Act, as modified up until the date of this Deed.

Conservation Agreement

means the agreement between the Minister for the Environment, Heritage and the Arts on behalf of the Commonwealth of Australia, the NSW Minister for Climate Change and the Environment and the NSW Minister for Planning on behalf of the NSW Government dated 20 August 2009.

Construction Certificate

has the same meaning as in the Act.

Construction Contract

means a contract or arrangement entered into between Landcom as principal and another person under

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Contractor	which the other person undertakes to provide Work required by this Deed, or to supply related goods and services, for Landcom.
Contribution Value	means the contractor under the Construction Contract.
Contributions Plan or CP	in relation to an Item specified in the Development Contributions Table means the \$ amount specified in Column 6 of that Table corresponding to the Item.
Cost	means the <i>Liverpool Contributions Plan 2008 – Edmondson Park</i> .
CPI	means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.
Dedication Land	means the 'Consumer Price Index – Sydney All Groups' published by the Australian Bureau of Statistics.
Deed	means land that is required to be dedicated to the Council free of cost under this Deed.
Defect	means this Deed and includes any schedules, annexures and appendices to this Deed.
	means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of a Work or any part of a Work, or will require maintenance or rectification works to be performed on them at some time in the future as a result of the existence of a defect.

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Defects Liability Period

means, in relation to the whole or any specified part of the Developer Works, the period of 12 months commencing on the day immediately after a Practical Completion Certificate is issued by the Council for the Developer Work.

Defect Notice

means a notice in writing:

- (a) identifying the nature and extent of a Defect or incomplete Work, and
- (b) specifying the works or actions that are required to Rectify the Defect or incomplete Work, and
- (c) specifying the date by which or the period within which the Defect or incomplete Work is to be rectified, which date or period must not be unreasonable having regard to the nature of the Defect or incomplete Work.

Design Documentation

has the meaning given to that term in clause 8 of Schedule 6.

Developer Works

means works described in column 4, which are identified as 'Works' in column 3 of the Development Contributions Table that the Developer is required to provide under this Deed.

Developer Works Provisions

means the provisions contained in Schedule 6.

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Development	means development pursuant to the Concept Approval (as modified by Mod 5), and any Subsequent Development Consent on the land in Precincts 3, 5 and 9 to enable the development of a maximum of:
	(a) 3030 dwellings in Precinct 9;
	(b) 270 dwellings in Precinct 3; and
	(c) 1 additional environmental living lot in Precinct 5.
Development Application	means a development application within the meaning of the Act.
Development Consent	has the meaning given by the Act.
Development Contribution	means the dedication of land free of cost, a monetary contribution, the provision of any other material public benefit including but not limited to the provision of Works, or any combination of them.
Developer Contributions Location Plan	means the plan contained in Schedule 5 showing the location of the Developer Works.
Development Contributions Table	means the table contained in Schedule 4.
Dispute	means a dispute or difference between the Parties under or in relation to this Deed.
Dwelling Cap	means the number of dwellings noted in column 2 of the table in Schedule 7 for the corresponding part of the of the land in Precinct 3 or 9

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noted in column 1 of the table
 in Schedule 7.

ELNO

has the meaning given to that
 term in the Participation Rules.

Equipment

means any equipment,
 apparatus, vehicle or other
 equipment or thing to be used
 by or on behalf of Landcom in
 connection with the
 performance of its obligations
 under this Deed.

Final Lot

means a lot created in the
 Development for separate
 residential occupation and
 disposition or a lot of a kind or
 created for a purpose that is
 otherwise agreed by the
 Parties, not being a lot created
 by a subdivision of the Land:

- (a) that is to be dedicated
 or otherwise
 transferred to the
 Council, or
- (b) on which is situated a
 dwelling-house that
 was in existence on
 the date of this Deed.

GST

has the same meaning as in
 the GST Law.

GST Law

has the same meaning as in *A
 New Tax System (Goods and
 Services Tax) Act 1999 (Cth)*
 and any other Act or regulation
 relating to the imposition or
 administration of the GST.

Item

means a numbered item
 appearing in the Development
 Contributions Table.

Item of Works

means an Item of Developer
 Works

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Just Terms Act	means the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> (NSW).
Land	means the land specified in Schedule 2.
Landowner	means an owner of any part of the Land, other than Landcom, as specified in Schedule 2.
Maintain	in relation to Developer Works, means keep in a good state of repair and working order, and includes repair of any damage to the Works.
Maintenance Period	in relation to Developer Works means the period set out in the Development Contributions Table (if any) for the Developer Work commencing on the date a Practical Completion Certificate is issued for the Developer Work.
Mod 5	means the modification of the Concept Approval being MP 10_0118 MOD 5 which was approved on 14 February 2025.
Modification Application	means an application under s4.55 of the Act.
N/A	means Not Applicable.
Occupation Certificate (OC)	has the same meaning as in the Act.
Operations and Maintenance Plan	means in respect of an Item of Works a plan including an operations manual for the Item of Works, and a maintenance plan dealing with maintenance type and frequency.
Participation Rules	means the participation rules as determined by the

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Electronic Conveyancing National Law as set out in the *Electronic Conveyancing (Adoption of National Law) Act 2012 (NSW)*.

Party	means a party to this Deed.
PEXA	means Property Exchange Australia Ltd.
PMC Land	mean the land owned by the Planning Ministerial Corporation specified in Schedule 2.
Precinct 3, Precinct 5 and Precinct 9	mean the areas of the Land marked as such on the Precinct 3 Plan, Precinct 5 Plan and Precinct 9 Plan contained in Schedule 3.
Precinct 3 Plan, Precinct 5 Plan and Precinct 9 Plan	means each of the plans in Schedule 3
Principal Contractor	means the Person defined in as the Principal Contractor under the <i>Work Health and Safety Act 2011 (NSW)</i> or <i>Work Health and Safety Regulation 2011 (NSW)</i> or an equivalent under Commonwealth work health and safety laws.
Public Domain and Landscape Plan	means the Plan - Public Domain and Landscape Plan, Section 5.2 submitted with Mod 5.
Purchaser Land	means the land owned by the UPG Entities and Golden Properties NSW Pty Ltd (ACN 668 252 006) specified in Schedule 2.
Rectify	means rectify, remedy or correct.

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Regulation	means the <i>Environmental Planning and Assessment Regulation 2021 (NSW)</i> .
Security	means a Bank Guarantee or bond or other form of security satisfactory to Council or, in the case of Landcom only, a bond issued by Treasury Corporation.
Subdivision Certificate	has the same meaning as in the Act.
Subsequent DA	means any Development Application for any part of the Development made pursuant to the Concept Approval (as modified by Mod 5).
Subsequent Development Consent	means any Development Consent granted to any Subsequent DA.
Technical Data	means all technical know-how and information in material form, including manuals, designs, standards, specifications, reports, models, plans, drawings, calculations, software, source code and test results.
UPG Entities	<p>means:</p> <p>(a) Edmondson Village 1 Pty Ltd (ACN 654 133 007);</p> <p>(b) Edmondson Village 2 Pty Ltd (ACN 654 134 219);</p> <p>(c) Edmondson Village 3 Pty Ltd (ACN 654 137 149);</p> <p>(d) Edmondson Village 5 Pty Ltd (ACN 654 138 208);</p>
WHS	means work health and safety.
WHS Law	means the <i>Work Health and Safety Act 2011 (NSW)</i> and

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*Work Health and Safety
 Regulation 2011 (NSW).*

Work

means the physical result of carrying out work in, on, over or under land.

Works-As-Executed Plan

means detailed plans and specifications of Developer Works carried out by the Developer.

Interpretation

- 1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:
 - 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.
 - 1.2.2 A reference in this Deed to a business day means a day other than a Saturday or Sunday or a public holiday on which banks are open for business generally in Sydney.
 - 1.2.3 If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.
 - 1.2.4 A reference in this Deed to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.
 - 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
 - 1.2.6 A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
 - 1.2.7 A reference in this Deed to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
 - 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
 - 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.

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- 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Deed includes the agreement recorded in this Deed.
- 1.2.14 A reference to a Party to this Deed includes a reference to the employees, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.15 A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication at no cost to Council.
- 1.2.16 Any schedules, appendices and attachments form part of this Deed.

2 Status of this Deed

- 2.1 This Deed is a planning agreement within the meaning of s7.4(1) of the Act.

3 Commencement

- 3.1 This Deed commences and has force and effect on and from the date when the Parties have:
 - 3.1.1 both executed the same copy of this Deed, or
 - 3.1.2 each executed separate counterparts of this Deed and exchanged the counterparts.
- 3.2 The Parties are to insert the date when this Deed commences on the front page and on the execution page.

4 Application of this Deed

- 4.1 This Deed applies to the Land and to the Development.

5 Warranties

- 5.1 The Developer warrants to Council and the Minister that it is:

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- 5.1.1 legally and beneficially entitled to the Land, except for the PMC Land and Purchaser Land;
- 5.1.2 has full capacity to enter into this Deed, and
- 5.1.3 able to fully comply with their obligations under this Deed.
- 5.2 With respect to the PMC Land, the Developer warrants that it has entered into arrangements with Office of Strategic Lands which enable the Developer to meet its obligations under this Deed.
- 5.3 The Developer warrants to Council and the Minister that it has the Landowners' consent to register this Deed on the title to the Purchaser Land.

6 Further agreements

- 6.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

7 Surrender of right of appeal, etc.

- 7.1 The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to this Deed.

8 Application of s7.11, s7.12 and Subdivision 4 of Division 7.1 of the Act to the Development

Section 7.11 of the Act

- 8.1 This Deed excludes the application of section 7.11 of the Act to the Development.

Section 7.12 of the Act

- 8.2 This Deed excludes the application of section 7.12 of the Act to the Development.

Subdivision 4 of Division 7.1 of the Act

- 8.3 This Deed does not exclude the application of Subdivision 4 of Division 7.1 of the Act to the Development.

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Exceptions to exclusion of sections 7.11 and 7.12

8.4 Notwithstanding clauses 8.1 and 8.2, this Deed does not exclude the application of sections 7.11 and 7.12 of the Act to the development of any dwelling approved by a Subsequent Development Consent on a parcel of the Land specified in column 1 of the table in Schedule 7, in excess of the Dwelling Cap for that parcel of the Land.

Excision of Land for Concept Approval

8.5 If a modification to the Concept Approval after the date of this Deed has the effect that the Concept Approval no longer applies to a parcel of the Land specified in column 1 of the table in Schedule 7, this clause 8 continues to apply to that parcel of the Land for the purpose of excluding the application of sections 7.11 and 7.12 of the Act to the development on that parcel of the Land up to the Dwelling Cap, and for that purpose, the reference in this clause 8 to 'Development' includes any development for dwellings on that part of the Land, and 'Subsequent Development Consent' means any Development Consent granted to a Development Application for the development of dwellings on that part of the Land.

Part 2 – Development Contributions

9 Provision of Development Contributions

Development Contributions

9.1 The Developer is to make Development Contributions, including Developer Works which are located on land not owned by the Developer, to the Council in accordance with the Development Contributions Table and any other provision of this Deed requiring the Developer to make Development Contributions.

9.2 Each Development Contribution that is a monetary contribution is to be indexed in accordance with the following formula:

$$A = B \times C/D$$

where:

A = the indexed amount;

B = the Contribution Value for the respective Development Contribution;

C = the CPI most recently published before the date that the Development Contribution is made; and

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D = the CPI published in the January 2026 quarter. [to be updated once Deed is agreed and ready for execution]

Application of Development Contributions

9.3 The Council is to apply each Development Contribution made by the Developer under this Deed towards the public purpose for which it is made and otherwise in accordance with this Deed.

10 Monetary Development Contributions**Payment of monetary Development Contributions**

10.1 The Developer must pay a monetary Development Contribution by the time specified in the Development Contribution Table.

10.2 A monetary Development Contribution is made for the purposes of this Deed when the Council receives the full amount of the contribution payable under this Deed in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.

Credit for Development Contributions paid under Subsequent Development Consents

10.3 If any development contributions are required to be paid under Subsequent Development Consents pursuant to s7.11 or 7.12 of the Act, (whether or not the Subsequent Development Consent in question was granted before or after the modification of the Concept Approval by Mod 5, and including the Development Consents granted to UPG Entities in respect of the Purchaser Land), then Landcom will be issued with a credit in the amount of the development contributions required to be paid under the Subsequent Development Consents, up to the Dwelling Cap for the land to which the relevant Subsequent Development Consents relate (**Contribution Credit**).

10.4 Notwithstanding clause 10.1, or any other provision of this Deed, an obligation to pay a monetary Development Contribution can be satisfied:

- 10.4.1 in the manner specified in clause 10.1;
- 10.4.2 by the application of Contribution Credits; or
- 10.4.3 by a combination of the application of Contribution Credits and payment in accordance with clause 10.1, provided the sum of the value of the Contribution Credits and the amount paid in accordance with clause 10.1 equals the amount payable.

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10.5 The Developer acknowledges and agrees that a Contribution Credit issued under clause 10.3 may only be applied to satisfy a monetary Development Contribution under this Deed and must not be used for any other development within Council's local government area.

11 Dedication of land**When dedication of land made**

11.1 The Developer must dedicate the Dedication Land to Council by the time specified in the Development Contributions Table.

11.2 A Development Contribution comprising Dedication Land is dedicated for the purposes of this Deed when:

- 11.2.1 a deposited plan is registered in the register of plans held with the Registrar-General that dedicates the Dedication Land as a public road (including a temporary public road) under the *Roads Act 1993 (NSW)* or creates a public reserve or drainage reserve under the *Local Government Act 1993 (NSW)*, or
- 11.2.2 the Council is given evidence that a transfer of the Dedication Land to the Council has been effected by means of electronic lodgement and registration through PEXA or another ELNO.

The Developer to facilitate dedication

11.3 The Developer is to do all things reasonably necessary to procure the dedication of Dedication Land and to enable registration of any instrument of transfer to occur.

Dedicated Land to be free of encumbrances

11.4 The Developer is to ensure that Dedication Land is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except as otherwise agreed in writing by the Council, or as disclosed in this Deed.

Request by the Developer

11.5 If, having used all reasonable endeavours, the Developer cannot ensure that the Dedication Land is free from all encumbrances and affectations, the Developer may request that Council agree to accept the land subject to those encumbrances and affectations, and Council will not unreasonably withhold its agreement.

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11.6 If the Developer has failed to materially comply with the requirements of clauses 11.4 and 11.5, or clause 12 of this Deed in respect of part of the Dedication Land, the Developer acknowledges and agrees that Council is under no obligation to accept or acquire that part of the Dedication Land, though Council may do so in its absolute discretion.

Dedication of Land on which Developer Works are located

11.7 Any Dedication Land on which Developer Works are required to be constructed is not to be dedicated to Council until the Developer Works have reached Completion, and for the avoidance of doubt, the relevant Developer Works must be completed prior to the date on which the part of the Dedication Land on which they are located is required to be dedicated in accordance with this Deed.

12 Contamination and remediation

12.1 Where the Developer is required to dedicate or procure the dedication of the Dedication Land under this Deed, the Developer must comply with this clause 12.

12.2 For the purposes of this clause 12:

12.2.1 **Contamination** has the same meaning as in the *Contaminated Lands Management Act 1997* (NSW);

12.2.2 **Contaminated** means subject to Contamination;

12.2.3 **Intended Use** means in respect of each part of the Dedication Land, the purpose for the dedication as specified in column 4 of the Development Contributions Table for the Item of Dedication Land, including:

- (a) any Item of Works to be constructed on that part of the Dedication Land;
- (b) in respect of the land identified in Item B1 of the Development Contributions Table:
 - (i) the raised pedestrian boardwalk across Maxwells Creek to provide a passive recreation link for pedestrians connecting Roosevelt Crescent and Maxwells Crescent; and
 - (ii) construction of a raingarden,

as described in Item B2.

12.2.4 **Site Audit Statement** means a site audit statement within the meaning of the *Contaminated Lands Management Act 1997* (NSW) or other written confirmation from a Site

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Auditor that the Dedication Land is suitable for its Intended Use.

- 12.2.5 **Site Auditor** has the same meaning as in the *Contaminated Lands Management Act 1997 (NSW)*.
- 12.3 Prior to the dedication or transfer of any part of the Dedication Land, the Developer must, at its cost, obtain and provide to Council a Site Audit Statement in respect of that part of the Dedication Land, which confirms that the Dedication Land in its present form is suitable for the Intended Use.
- 12.4 Notwithstanding clause 12.3, Landcom will endeavour to provide a Site Audit Statement for the land identified in Item B1 within Maxwells Creek (**Conservation Land**), however, should the Conservation Agreement prevent the Site Auditor from providing a Site Audit Statement, Landcom must work with Council to ensure the Conservation Land is fit for its Intended Use to the extent permitted by and within the constraints of the Conservation Agreement.
- 12.5 The Developer indemnifies and must keep indemnified Council against all liability for and associated with all Contamination present in, on and under the Dedication Land at the date of dedication of the Dedication Land including full responsibility for compliance with and any liability in respect of such Contamination under the *Contaminated Lands Management Act 1997 (NSW)* and all other relevant legislation and the requirements of the any relevant Authority.

13 Carrying out of Developer Works

Carrying out of Work

- 13.1 The Developer is to carry out and complete the Developer Works described in column 4 of the Development Contributions Table by the time specified in column 7 of the Development Contributions Table.
- 13.2 Without limiting any other provision of this Deed, any Work that is required to be carried out by the Developer is to be carried out in accordance with:
 - 13.2.1 the Developer Works Provisions; and
 - 13.2.2 a Development Consent or other Approval authorising the carrying out of the Works.

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14 Application of Developer Works Provisions

Application of Developer Works Provisions

14.1 The Developer Works Provisions apply to and in respect of Developer Works required by this Deed.

15 Cost of Developer Works

Responsibility for Cost of Developer Works

15.1 The Developer is responsible for meeting all Costs of and incidental to the Developer Works required to be provided under this Deed.

Part 3 – Dispute Resolution

16 Dispute Resolution – mediation

Application of clause

16.1 This clause 16 applies to any Dispute arising in connection with this Deed.

Notice of Dispute

16.2 If a Dispute arises, then either Party (**First Party**) must give the other Party (**Second Party**) a notice, which:

- 16.2.1 is in writing specifying particulars of the Dispute;
- 16.2.2 stipulates what the First Party believes will resolve the Dispute; and
- 16.2.3 designate its representative to negotiate the Dispute.

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

Conduct pending resolution

16.4 The Parties must continue to perform their respective obligations under this Deed if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs,

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damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

Meeting between Parties

16.5 If a notice is given under clause 16.2, the Representatives are to meet within 14 days of the notice in an attempt to resolve the Dispute.

Mediation or expert determination of Dispute

16.6 If following the meeting under clause 16.5, the Dispute is not resolved within a further 28 days, the Parties are to:

- 16.6.1 mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator; or
- 16.6.2 refer the Dispute for expert determination in accordance with clause 17.

Exercise of legal rights

16.7 If the Dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

16.8 Subject to clauses 16 and 17, proceedings must not be commenced unless:

- 16.8.1 the Representatives have meet in accordance with clause 16.5 and endeavoured to resolve the Dispute; and
- 16.8.2 the Parties have attended a mediation that has been terminated.

Costs

16.9 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.

16.10 The Parties are to share equally the costs of the President, the mediator, and the mediation.

Remedies available under the Act

16.11 Clauses 16 and 17 do not operate to limit the availability of any remedies available to Council under the Act.

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Urgent relief

16.12 Clauses 16 and 17 do not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

17 Dispute resolution – expert determination

Application of clause

17.1 This clause 17 applies to a Dispute arising in connection with this Deed if:

- 17.1.1 the Parties agree that the Dispute can be appropriately determined by expert determination;
- 17.1.2 the Representatives have referred the Dispute for expert determination under clause 16.6.2; or
- 17.1.3 the Chief Executive Officer (or equivalent) of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion at the joint request of the Parties that the Dispute can be determined by a member of that body.

Expert determination – appointment of expert

17.2 If the Dispute is to be determined by expert determination, the Dispute must be determined by an independent expert in the relevant field:

- 17.2.1 agreed between and appointed jointly by the Parties; or
- 17.2.2 if the parties fail to agree as to the relevant field or expert within 5 Business Days of the Parties agreeing to expert determination, either Party may refer the Dispute to the President of the NSW Law Society to determine:
 - (a) a relevant field; and/or
 - (b) appoint an expert for expert determination.

17.3 The President of the Law Society of New South Wales decision under clause 17.2.2 is final and binding on the Parties.

17.4 The expert appointed to determine a Dispute:

- 17.4.1 must have a technical understanding of the issues in dispute;
- 17.4.2 must be independent of both parties.

17.5 The parties must promptly enter into a document with the expert appointed under this clause 17 setting out the terms of the expert's determination and the fees payable to the expert.

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- 17.6 In reaching a determination in respect of a dispute under this clause 17, the independent expert must give effect to the intent of the parties entering into this Deed and the purposes of this Deed.
- 17.7 The expert must:
 - 17.7.1 act as an expert and not as an arbitrator;
 - 17.7.2 proceed in any manner as the expert thinks fit without being bound to observe the rules of natural justice or the rules of evidence;
 - 17.7.3 not accept verbal submissions unless both Parties are present;
 - 17.7.4 on receipt of a written submission from one Party, ensure that a copy of that submission is given promptly to the other Party;
 - 17.7.5 take into consideration all documents, information and other material which the Parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
 - 17.7.6 not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
 - 17.7.7 issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;
 - 17.7.8 issue a final certificate stating the expert's determination (together with written reasons); and
 - 17.7.9 act with expedition with a view to issuing the final certificate as soon as practicable.
- 17.8 The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
 - 17.8.1 a short statement of facts;
 - 17.8.2 a description of the Dispute; and
 - 17.8.3 any other documents, records or information which the expert requests.

Expert may commission reports

- 17.9 Subject to clause 17.10:
 - 17.9.1 the expert may commission the expert's own advisers or consultants (including lawyers, accountants, bankers, engineers, surveyors or other technical consultants) to

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provide information to assist the expert in making a determination; and

17.9.2 the Parties must indemnify the expert for the cost of those advisers or consultants.

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

Expert may convene meetings

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

17.12 The parties agree that a meeting under clause 17.11 is not a hearing and is not an arbitration.

Expert determination binding

17.13 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.

Costs of Parties

17.14 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.

Costs of Expert

17.15 The Parties are to share equally the costs of the President, the expert, and the expert determination.

18 Dispute Resolution – Confidentiality

18.1 The parties agree, and must procure that the mediator and the expert appointed in accordance with clauses 16 and 17, agree as a condition of his or her appointment:

18.1.1 to keep confidential all documents, information and other material disclosed to them during or in relation to the mediation or expert determination;

18.1.2 not to disclose any confidential documents, information and other material except:

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

(b) if required by law or any Authority to do so; and

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- 18.1.3 not to use confidential documents, information or other material disclosed to them during or in relation to the mediation or expert determination for a purpose other than the mediation or expert determination.
- 18.2 The Parties must keep confidential and must not disclose or rely upon or make the subject of a subpoena to give evidence or produce documents in any arbitral, judicial or other proceedings:
 - 18.2.1 views expressed or proposals or suggestions made by a Party or the mediator or the expert during the expert determination or mediation relating to a possible settlement of the Dispute;
 - 18.2.2 admissions or concessions made by a party during the mediation or expert determination in relation to the Dispute; and
 - 18.2.3 information, documents or other material concerning the dispute which are disclosed by a party during the mediation or expert determination unless such information, documents or facts would be discoverable in judicial or arbitral proceedings.

Part 4 - Enforcement**19 Acquisition of Dedication Land****Compulsory acquisition of Dedication Land**

- 19.1 Subject to clause 19.2 and 20.2, if the Developer does not dedicate the Dedication Land by the time specified in column 7 of the Development Contributions Table, the Developer consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.
- 19.2 The Council is to only acquire land pursuant to clause 19.1 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Developer to dedicate the Dedication Land in accordance with this Deed.

Pre-acquisition agreement

- 19.3 Clause 19.1 constitutes an agreement for the purposes of section 30 of the Just Terms Act.

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19.4 If, as a result of the acquisition referred to in clause 19.1, the Council is required to pay compensation to any person other than the Developer, the Developer is to reimburse the Council that amount within 30 Business Days, upon a written request being made by the Council.

Indemnity

19.5 The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the Dedication Land except if, and to the extent that, the Claim arises because of the Council's negligence or default.

19.6 The Developer is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 19, including without limitation:

- 19.6.1 signing any documents or forms,
- 19.6.2 giving land owner's consent for lodgement of any Development Application, and
- 19.6.3 paying the Council's costs arising under this clause 19.

20 Breach of obligations**Notice of breach**

20.1 If the Council reasonably considers that the Developer is in breach of any obligation under this Deed, it may give a written notice to the Developer:

- 20.1.1 specifying the nature and extent of the breach,
- 20.1.2 requiring the Developer to:
 - (a) rectify the breach if it reasonably considers it is capable of rectification, or
 - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,
- 20.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.

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20.2 The Council may not exercise its rights under clause 19 or clause 20.3 unless it has first given the Developer a notice under clause 20.1 and the Developer has failed to comply with the Notice.

Step-in right relating to Developer Works

20.3 If the Developer fails to comply with a notice given under clause 20.1 relating to the provision of Developer Works, the Council may, notwithstanding any other remedy it may have under this Deed, under any Act or otherwise at law or in equity, step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Developer and any Equipment on such land for that purpose.

20.4 The Developer must not impede or interfere with Council undertaking work in accordance with 20.3.

Recovery of costs by Council as debt due

20.5 Despite any other provision of this Deed, any costs incurred by the Council in remedying a breach of this Deed may be recovered by the Council as a debt due in a court of competent jurisdiction.

20.6 For the purpose of clause 20.5, the Council's costs of remedying a breach the subject of a notice given under clause 20.1 include, but are not limited to:

- 20.6.1 the costs of the Council's employees, agents and contractors reasonably incurred for that purpose,
- 20.6.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
- 20.6.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.

Exercise of Council's rights at law or in equity

20.7 Nothing in this clause 20 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer, including but not limited to seeking relief in an appropriate court.

21 Enforcement in a court of competent jurisdiction

21.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.

21.2 For the avoidance of doubt, nothing in this Deed prevents:

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- 21.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or
- 21.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

22 Security

Provision of security

- 22.1 Subject to clause 22.2, on execution of this Deed, the Developer must deliver to Council Security in the amount of \$5 million.

Replacement of Security

- 22.2 The Developer may replace any Security provided by it at any time, provided that the amount of that replacement is not less than that which is required to be provided under this document.
- 22.3 On receipt of a replacement Security, Council must immediately release the Security being replaced and return it to the Developer.

Council may call on Security

- 22.4 If the Developer fails to comply with a notice issued under 20.1, without limiting any other remedies available to it, Council may call on any Security provided by the Developer.
- 22.5 If Council calls on any Security, it may use the amount so paid to it in satisfaction of any costs incurred by it in remedying the relevant breach.

Top up of Security

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

Release of Security

- 22.7 Unless:
 - 22.7.1 Council has made or intends to make a demand against any Security provided by the Developer;

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

22.7.3 the Developer is in breach of this document at the relevant time,

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

Part 5 – Registration & Restriction on Dealings

23 Registration of this Deed

Application of clause

23.1 This Deed is to be registered on the title to the Land pursuant to s7.6(1) of the Act.

Documents for registration

23.2 The Developer is to deliver to the Council within 10 Business Days of the date of this Deed:

23.2.1 an instrument in registrable form requesting registration of this Deed on the title to the Land duly executed by the registered proprietor of the Land, and

23.2.2 the written irrevocable consent of the registered proprietor and each person referred to in s7.6(1) of the Act to that registration.

23.3 The Developer is to do such other things as are reasonably necessary to enable lodgement and registration of this Deed to occur electronically through PEXA or another ELNO.

23.4 Council will undertake the registration of this Deed.

Removing notation from title

23.5 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land:

23.5.1 in so far as the part of the Land concerned is a Final Lot,

23.5.2 in relation to any other part of the Land, once Landcom has completed its obligations under this Deed to the reasonable satisfaction of the Council or this Deed is

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terminated or otherwise comes to an end for any other reason.

24 Restriction on dealings

Restriction

24.1 The Developer is not to:

24.1.1 sell or transfer the Dedication Land or any part of the Land on which Developer Works are proposed (**Infrastructure Land**), or

24.1.2 assign the Developer's rights or obligations under this Deed, or novate this Deed,

to any person unless:

24.2 the Developer has, at no cost to the Council, first procured the execution by the person to whom the Dedication Land or Infrastructure Land or part is to be sold or transferred or the Developer's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and

24.2.1 the Council has given written notice to the Developer stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and

24.2.2 the Developer is not in breach of this Deed, and

24.2.3 the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.

24.3 Any deed under clause 24.2 with a developer who is not a NSW government agency must contain the provisions set out in Schedule 8 requiring that developer to provide security for the performance of their obligations under this Deed. The security will only be required to relate to any Development Contributions that that developer is required to make as a result of the novation of any rights and obligations under this Deed, or the transfer of any of the Land to that developer.

Continued performance of obligations by Landcom

24.4 Subject to clause 24.2, the Developer acknowledges and agrees that it remains liable to fully perform its obligations under this Deed unless and until it has complied with its obligations under clause 24.1.

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Exclusion from restriction

24.5 Clause 24.1 does not apply in relation to any sale or transfer of the Dedication Land or Infrastructure Land respectively if this Deed is registered on the title to the Infrastructure Land or Dedication Land at the time of the sale.

Infrastructure Land owned by Third Parties

24.6 In respect of any Dedication Land or Infrastructure Land which is owned by a Landowner, the Developer will procure compliance with this clause 24 by the Landowner.

Part 6 – Indemnities & Insurance

25 Risk

25.1 The Developer performs this Deed at its own risk and its own cost.

26 Release

26.1 The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

27 Indemnity

27.1 The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****Part 7 – Other Provisions****28 Review of Deed****Review Triggers**

- 28.1 The Parties agree to review this Deed if either Party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- 28.2 For the purposes of clause 28.1, the relevant changes include any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.

Duty of Parties

- 28.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 28.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.

Where change of law occurs

- 28.4 If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

No Dispute

- 28.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 28.1 (but not 28.4) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

29 Notices

- 29.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
 - 29.1.1 delivered or posted to that Party at its address set out in Schedule 1, or
 - 29.1.2 emailed to that Party at its email address set out in Schedule 1.
- 29.2 If a Party gives the other Party, 3 business days' notice of a change of its address or email, any notice, consent, information,

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application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address.

- 29.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
 - 29.3.1 delivered, when it is left at the relevant address,
 - 29.3.2 sent by post, 2 business days after it is posted, or
 - 29.3.3 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 29.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

30 Approvals and Consent

- 30.1 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.
- 30.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

31 Costs of this Deed**Costs of Deed**

- 31.1 The Developer is to pay to the Council the Council's costs not exceeding \$95,000 in relation to preparing, negotiating, executing and registering this Deed, and any document related to this Deed within 7 days of a written demand by the Council for such payment.

32 Entire Deed

- 32.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 32.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****33 Further Acts**

33.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

34 Governing Law and Jurisdiction

34.1 This Deed is governed by the law of New South Wales.

34.2 The Parties submit to the exclusive jurisdiction of the courts of New South Wales and any courts of appeal from those court in respect of any proceedings in connection with the Deed.

34.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

35 Joint and Individual Liability and Benefits

35.1 Except as otherwise set out in this Deed:

35.1.1 any agreement, covenant, representation or warranty under this Deed by 2 or more persons binds them jointly and each of them individually, and

35.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

36 No Fetter

36.1 Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any of the Council's statutory functions, powers, authorities or duties.

37 Illegality

37.1 If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****38 Severability**

- 38.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 38.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

39 Amendment

- 39.1 No amendment of this Deed will be of any force or effect unless it is in writing and signed by the Parties to this Deed in accordance with section 203 of the Regulation.
- 39.2 If this Deed is amended at the request of the Developer, the Developer will pay the reasonable costs of Council incurred in relation to preparing, negotiating, executing and registering the amendment.

40 Waiver

- 40.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 40.2 A waiver by a Party is only effective if it:
 - 40.2.1 is in writing,
 - 40.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,
 - 40.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,
 - 40.2.4 is signed and dated by the Party giving the waiver.
- 40.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- 40.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.
- 40.5 For the purposes of this Deed, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****41 GST**

41.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

41.2 Subject to clause 41.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.

41.3 Clause 41.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.

41.4 No additional amount shall be payable by the Council under clause 41.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.

41.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:

41.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;

41.5.2 that any amounts payable by the Parties in accordance with clause 41.2 (as limited by clause 41.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.

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- 41.6 No payment of any amount pursuant to this clause 41, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 41.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 41.8 This clause continues to apply after expiration or termination of this Deed.

42 Explanatory Note

- 42.1 The Appendix contains the Explanatory Note relating to this Deed required by section 205 of the Regulation.
- 42.2 Pursuant to section 205 of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Deed.

43 Counterparts

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

44 Electronic execution

- 44.1 Each party consents to signing of this Deed by electronic means and agrees to be legally bound by this deed signed in this way.

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Liverpool City Council
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Schedule 1: Notices

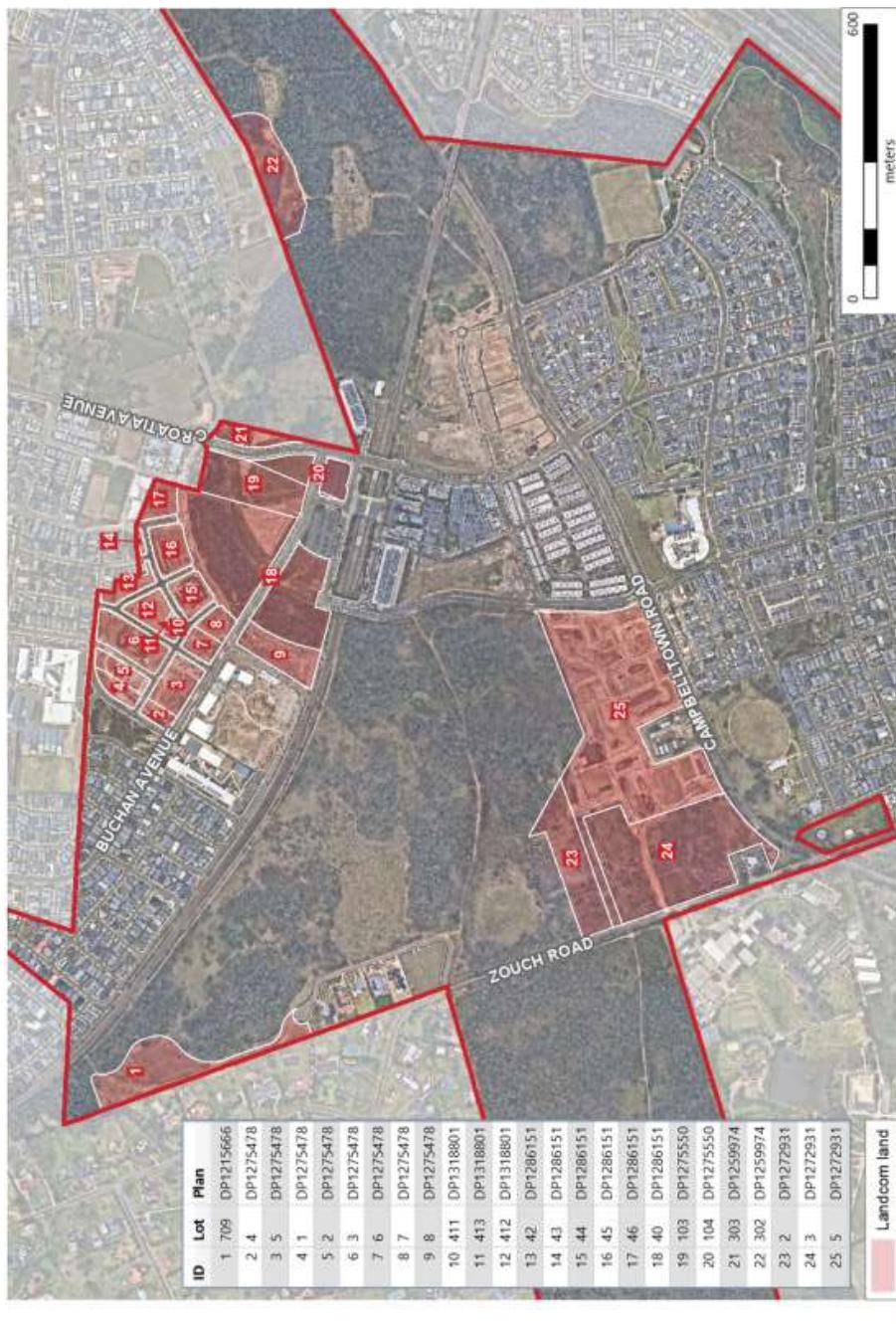
(Clause 1.1)

1. Council Contact for Notices	Postal Address: Locked Bag 7064 Liverpool BC NSW 1871 Email: lcc@liverpool.nsw.gov.au Telephone: 1300 36 2170 Representative [Insert] :
2. Minister Contact for Notices	Postal Address: Locked Bag 5022 Parramatta NSW 2124 Email: planningagreements@planning.nsw.gov.au Telephone: 8275 1645 Representative [Insert] :
3. The Developer's Contact for Notices	Postal Address: PO Box 237 Parramatta 2124 Email: mchappell@landcom.nsw.gov.au Telephone: 9841 8600 Representative Margot Chappell :

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(Clause 1.1)

ID	Title	Landowner
Precinct 5		
1	Lot 709 in DP 1215666	The Developer
Precinct 9		
2	Lot 1 in DP 1275478	Edmondson Village 1 Pty Ltd
3	Lot 2 in DP 1275478	Edmondson Village 1 Pty Ltd
4	Lot 3 in DP 1275478	Edmondson Village 2 Pty Ltd
5	Lot 4 in DP 1275478	Edmondson Village 3 Pty Ltd
6	Lot 5 in DP 1275478	Edmondson Village 3 Pty Ltd
7	Lot 6 in DP 1275478	Edmondson Village 5 Pty Ltd
8	Lot 7 in DP 1275478	Edmondson Village 5 Pty Ltd
9	Lot 8 in DP 1275478	Edmondson Village 5 Pty Ltd
10	Lot 411 in DP1318801	The Developer
11	Lot 413 in DP1318801	The Developer
12	Lot 412 in DP1318801	The Developer
13	Lot 42 in DP 1286151	Golden Properties NSW Pty Ltd
14	Lot 43 in DP 1286151	Golden Properties NSW Pty Ltd
15	Lot 44 in DP 1286151	The Developer
16	Lot 45 in DP 1286151	The Developer
17	Lot 46 in DP 1286151	The Developer
18	Lot 40 in DP 1286151	The Developer
19	Lot 103 in DP 1275550	Planning Ministerial Corporation
20	Lot 104 in DP 1275550	The Developer
21	Lot 303 in DP 1259974	The Developer
22	Lot 302 in DP 1259974	The Developer
Precinct 3		
23	Lots 2 in DP 1272931	The Developer
24	Lots 3 in DP 1272931	The Developer
25	Lots 5 in DP 1272931	The Developer

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Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****Schedule 3: Precincts**

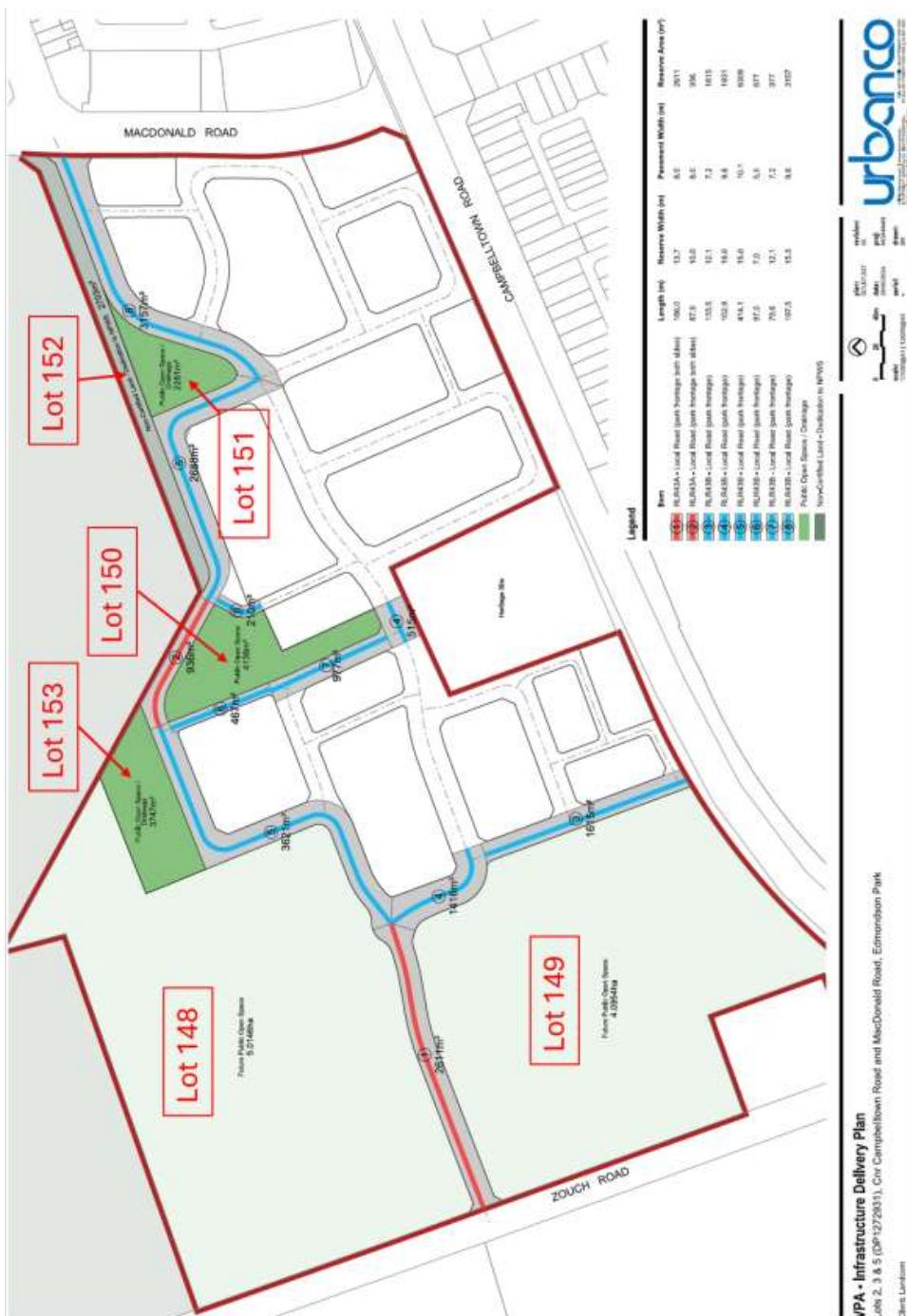
(Clause 1.1)

Precinct 3 Plan

[see following page]

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Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****Precinct 5 Plan**

[see following pages]

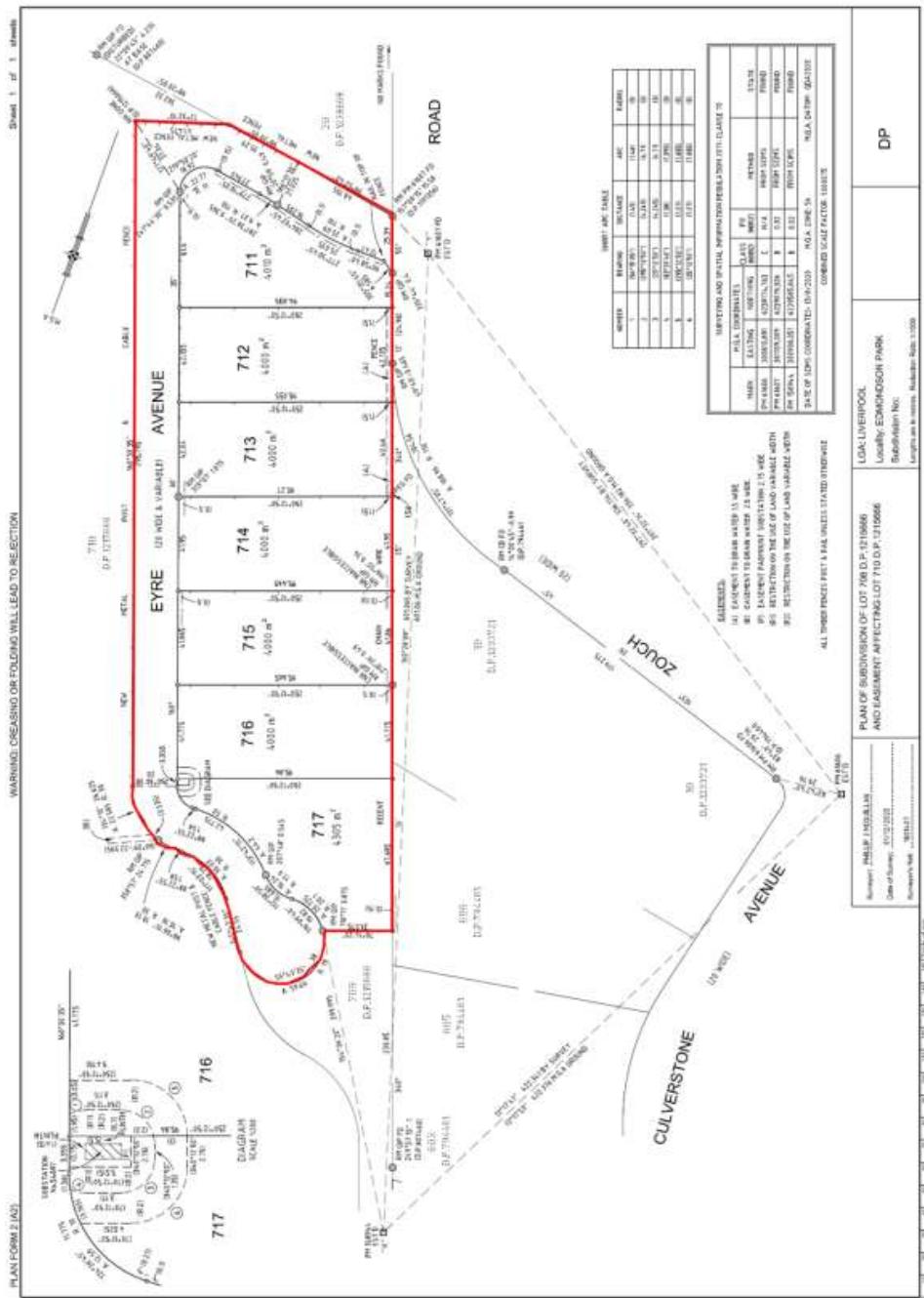
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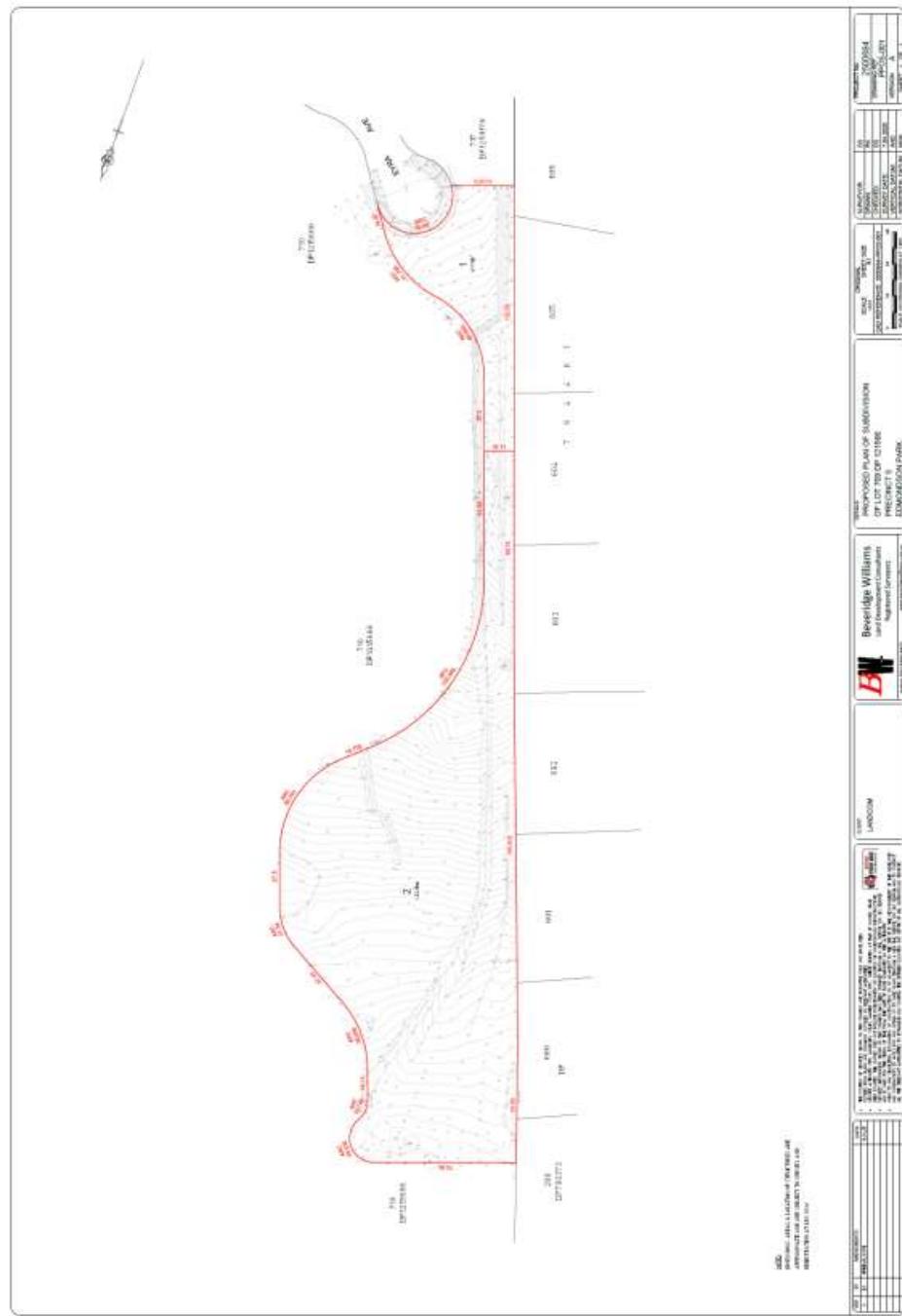
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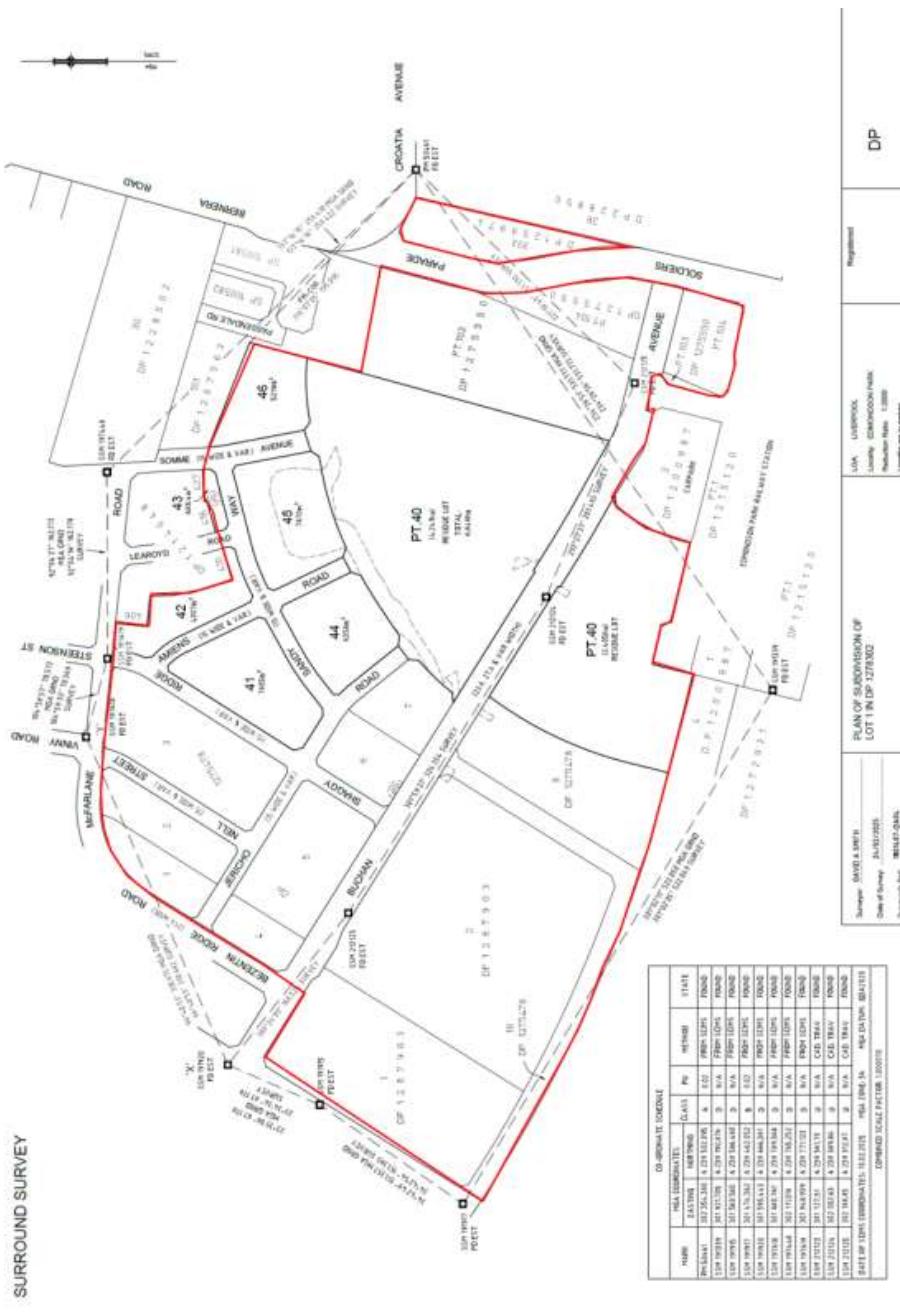
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Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****Schedule 4: Development Contributions Table**

[see following pages]

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing

PART A: Community Places – Centres and Plazas

A1	CF01	Monetary contribution	Monetary contribution of \$12,639,199 for construction of a multipurpose community centre and library to be located within Edmondson Park.	N/A	\$12,639,199	Within 6 months of execution of this Planning Agreement.
A2	CC01	Monetary contribution	Monetary contribution of \$1,572,240 towards a 60 place child care centre to be co-located in multi-purpose centre (Item A1) or alternate site owned or provided by Council within Edmondson Park.	N/A	\$1,527, 240	To be paid prior to 13 February 2027.
A3	N/A	Land	Dedication of 5,000sqm of land for new urban plaza/event space adjacent to the Edmondson Park railway station entrance as identified in the Public Domain and Landscape Plan, referred to as Station Park in the Development Contributions Location Plan for Precinct 9.	N/A	\$7,093, 500	Land to be dedicated to Council within two years from the date on which any required Approval for Item A4 is obtained.

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
A4	N/A	Works	The construction of new plaza/event space adjacent to the Edmondson Park railway station entrance as identified in Public Domain and Landscape Plan on the land identified in Item A3 as being dedicated to Council. The plaza is to include bike parking.	12 months	\$4,050,000	Works to commence within 9 months from the date on which any required Approval for the Item is obtained.

PART B – Open space, drainage riparian

B1	LP8, LP9, Part LP7 and D5	Land	Dedication of land to Council for Maxwells Creek being dedication of the following minimum areas in the locations as shown on the Development Contributions Location Plan for Precinct 9, being land covered by the Conservation Agreement and comprising: <ul style="list-style-type: none"> Part of Lot 40 in DP 1286151 (approx.3.6ha) Part of Lot 103 in DP 1275550 (approx. 0.6ha) Part of Lot 303 in DP 1259974 (approx. 0.25ha) 	N/A	\$3,248,250	Within 12 months of the issue of the Construction Certificate for the 1,000th dwelling being issued in Precinct 9; or 13 February 2029, whichever occurs sooner
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Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
B2	LP8, LP9, Part LP7 and D5	Works	<p>The construction of:</p> <ul style="list-style-type: none"> • a raised all-weather, pedestrian boardwalk throughout the riparian zones with viewing platform and seating opportunities from Roosevelt Crescent and MacDonald Road. • Signage / park sign • Development of a Vegetation Management Plan approved by Council and requiring the following: <ul style="list-style-type: none"> - 95% complete cover at handover - Less than 10% weed infestation at hand over - 5 year maintenance program in agreement with Council - Landcom to undertake the first 3 years of maintenance prior to novation to Council for the remaining 2 years. - Cumberland woodlands planting 	12 months	\$3,560,000	Within 12 months of the issue of the Construction Certificate for the 1,000th dwelling being issued in Precinct 9 or by 13 February 2029, whichever occurs sooner

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
B3	D9	Land	<ul style="list-style-type: none"> - Retaining walls / bank stabilisation • WSUD – drainage / raingarden (Item D5 in the CP) to be delivered in accordance with Council agreed plans and engineering specifications: <ul style="list-style-type: none"> - Drainage or raingardens must be operational for a minimum of 1 year from the date of Completion prior to the transfer of Item D5 in the CP. • Preparation and delivery of an Operations and Maintenance Plan <p>The works outlined above are to be located on land identified in Item B1 as being dedicated to Council as shown on the Public Domain and Landscape Plan.</p> <p>Dedication of Lot 302 in DP 1259974 for the purpose of the drainage riparian basin being Item B4 and shown on the Development Contributions Location Plan for Precinct 9. Land size subject to agreed design of drainage / riparian basin, together with possible easement over National Park at no cost to Council.</p>	N/A	\$1,515,525	Land to be dedicated prior to the issue of the OC for the 2424 th dwelling in Precinct 9.

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
B4	D9	Works	Construction of drainage and riparian basin as per design completed by Council on Lot 302 in DP 1259974	12 months	\$1,028,000	Prior to the issue of the OC for the 2424 th dwelling in Precinct 9.
B5	OS7 and OS8	Land	Dedication to Council of approximately 14.6ha being the proposed Lots 148 and 149 shown on the Precinct 3 Plan for park and sports field being Items B6 and B7.	N/A	\$3,726,000 for OS7 land, and \$24,051,379 for OS8	<p>Land to be dedicated by the earlier of:</p> <ul style="list-style-type: none"> • Within 12 months of the issue of the Construction Certificate for the 3,000th dwelling in Precinct 9 or • 13 February 2029, provided that if the Works require Development Consent, this date will be deferred by a period being the number of days between the date

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
DRAFT						
B6	OS7 and OS8	Works	<p>Construction of park and environmental works to a design determined by the Developer, and that agreed to by Council on the part of the land specified in Item B5 which is proposed lot 148 on the Precinct 3 Plan being:</p> <ul style="list-style-type: none"> • Rehabilitate natural bushland (OS7) 	12 months	\$5,180,000	<p>The earlier of:</p> <ul style="list-style-type: none"> • Within 12 months of the issue of the Construction certificate for the 3000th dwelling in Precinct 9; or <p>the Development Application for the Works is made and the date that Development Consent is granted for those Works, less 70 days (being the prescribed period for determination of the Development Application under s4.33(2) of the Act).</p>

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
			<ul style="list-style-type: none"> • Picnic and barbecue facilities (OS8) • Public toilets (OS8) • Children's / Youth playground (OS8) • Perimeter fencing (OS8) • Seats and bins Car parking Signage (OS8) • Gates/ entrance (OS8) 			<ul style="list-style-type: none"> • by 13 February 2029, provided that if the Works require Development Consent, this date will be deferred by a period being the number of days between the date the Development Application for the Works is made and the date that Development Consent is granted for those Works, less 70 days (being the prescribed period for determination of the

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
B7	OS7 and OS8	Works	<p>Construction of District Sports Ground works on part of the land identified in Item B5 which is proposed lot 149 on the Precinct 3 Plan, to a design determined by the Developer and that is agreed to by Council, being:</p> <ul style="list-style-type: none"> • District Park - 4 x fields • 1 x synthetic cricket pitch • Floodlighting to 100 lux • Amenities building and change rooms Canteen • Sealed car park • Perimeter fencing / barriers • Landscaping • Seating Bins Signage • Gates / entrance • Preparation of a plan of management for the sports ground. 	12 months	\$25,000,000	<p>Development Application under s4.33(2) of the Act).</p> <p>The earlier of:</p> <ul style="list-style-type: none"> • within 12 months of the issue of the Construction Certificate for the 3000th dwelling in Precinct 9; or • 13 February 2029, provided that if the Works require Development Consent, this date will be deferred by a period being the number of days between the date the Development

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
B8	N/A	Monetary Contribution	Towards the preparation of Plans of Management for the Open Space Public (for Conservation) and Proposed Open Space Public within the Edmondson Park Precinct as required within the Edmondson Park Conservation Agreement.	N/A	\$350,000	<p>Application for the Works is made and the date that Development Consent is granted for those Works, less 70 days (being the prescribed period for determination of the Development Application under s4.33(2) of the Act).</p> <p>The earlier of:</p> <ul style="list-style-type: none"> • prior to the issue of the Occupation Certificate for the 1,000th dwelling being issued in

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
DRAFT						
C1	Part RC12 and RC37	Works	<p>Construction of streetscape works on Roosevelt Crescent and MacDonald Road (formally known as Bernera Rd) in accordance with the Public Domain and Landscape Plan and in the location as shown on the Development Contributions Location Plan for Precinct 9 being:</p> <ul style="list-style-type: none"> • viewing decks with seating to provide visual link and place to rest • planted median along RC37 	12 months	\$6,120,000	<p>Precinct 9; or 13 February 2029,</p> <ul style="list-style-type: none"> • Within 6 months of the date of the final Item of the Developer Works identified in Part B and Part D of this Development Contributions Table is Completed.

PART C – Traffic, Transport and Streetscape

C1	Part RC12 and RC37	Works	<p>Construction of streetscape works on Roosevelt Crescent and MacDonald Road (formally known as Bernera Rd) in accordance with the Public Domain and Landscape Plan and in the location as shown on the Development Contributions Location Plan for Precinct 9 being:</p> <ul style="list-style-type: none"> • viewing decks with seating to provide visual link and place to rest • planted median along RC37 	12 months	\$6,120,000	<p>The earlier of:</p> <ul style="list-style-type: none"> • prior to the issue of the Occupation Certificate for the 1000th dwelling in Precinct 9; • Within 18 months of the Developer obtaining
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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
C2	Part RC12 and RC 37	Land	<ul style="list-style-type: none"> 2.5m wide shared path adjoining parallel carparking bays bike lanes providing a link along riparian corridor. Dedication of road reserve width to Council for the Developer Works specified in Item C1.	N/A	\$19,635,475	Approval for the Works specified in this Item C1. The earlier of: <ul style="list-style-type: none"> prior to the issue of the Occupation Certificate for the 1000th dwelling in Precinct 9; or Within 18 months of the Developer obtaining Approval for the Works specified in this Item C1.
C3	RMN9	Works	Construction of Buchan Avenue Streetscape/Landscaping works as per letter of undertaking DA509/2018 – LGU 2021/07 Council ref 084183.2022 and culvert/bridge in accordance with Council's standards.	12 months	\$4,991,078	Completed

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
C4	RMN9	Land	Dedication of Land for Item C3	N/A	\$7,465,972	Completed
C5	RTCS112	Works	Construction of intersection upgrade at Buchan Avenue and Soldiers Parade, as agreed with Council and TfNSW	N/A	\$275,000	Timing to be determined in conjunction with TfNSW
C6	N/A	Monetary contribution	Construction of intersection upgrade and signals at General Boulevard and MacDonald Road, as agreed with Council and TfNSW	N/A	\$600,000	Within 20 days of Council providing evidence of approval issued by Transport for NSW
C7	RLR43B, RAP42b, RAP42a	Land	Dedication to Council of half road reserve facing open space, in the location as shown on the Development Contributions Location Plan for Precinct 3 and as per DA83/2023	N/A	\$6,528,000	Prior to the issue of the first Subdivision Certificate in Precinct 3 pursuant to DA83/2023.
C8	RLR43B, RAP42b, RAP42a	Works	Construction of half road along open space frontage in the location as shown on the Development Contributions Location Plan for Precinct 3 and as per DA83/2023.	12 months	\$3,960,000	Prior to the issue of the first Subdivision Certificate in Precinct 3 pursuant to DA83/2023.

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
C9	N/A	Land	Dedication of land to Council for Item C10	N/A	\$4,221,710	Completed
C10	N/A	Works	Construction Of Eyre Road	N/A	\$317,000	Completed
C11	N/A	Works	Provision of 6 bus stop shelters including covers, benches, waste bins, to be located in areas proposed by the Developer and agreed to by Council	N/A	\$420,000	Within two years from the date on which any required Approval for the Item is obtained

PART D – Additional Open Space Items in Precinct 3

D1	N/A	Works	Construction of local park in Precinct 3 on proposed Lot 150 on the Precinct 3 Plan as per DA83/2023	12 months	\$1,100,000	Within 12 months of the issue of the Subdivision Certificate which creates the park to be delivered under this Item D1 as a separate lot
D2	N/A	Land	Dedication of 4,128 sqm of land to for Item D1	N/A	\$2,481,800	Within 12 months of the issue of the Subdivision Certificate which creates the park to be delivered under

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
D3	N/A	Works	Construction of Precinct 3 raingarden on proposed Lot 151 on the Precinct 3 Plan as per DA83/2023	12 months	\$639,972	this Item as a separate lot
D4	N/A	Land	Dedication of 2,281 sqm of land to Council for Item D3	N/A	\$1,386,600	Within 24 months of the issue of the Subdivision Certificate for development pursuant to DA83/2023
D5	N/A	Works	Construction of Precinct 3 raingarden on proposed Lot 153 in the Precinct 3 Plan as per DA83/2023	12 months	\$545,772	Embellishment works, once 80% of the catchment has been developed
						Within 24 months of the issue of the Subdivision Certificate for DA83/2023
						Within 24 months of the issue of the Subdivision Certificate for development

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Concept Plan Ref	Type	Description of Contribution	Maintenance Period	Contribution Value	Timing
D6	N/A	Land	Dedication of 3,737sqm of land to Council for Item D5	N/A	\$281,025	<p>pursuant to DA83/2023</p> <p>Embellishment works, once 80% of the catchment has been developed</p> <p>Within 24 months of the issue of the Subdivision Certificate for development pursuant to DA83/2023</p>

CONTRIBUTION VALUE OF ALL ITEMS OF WORKS: \$153,939,497

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Schedule 5: Development Contributions Location Plan

Precinct 3

[See following page]

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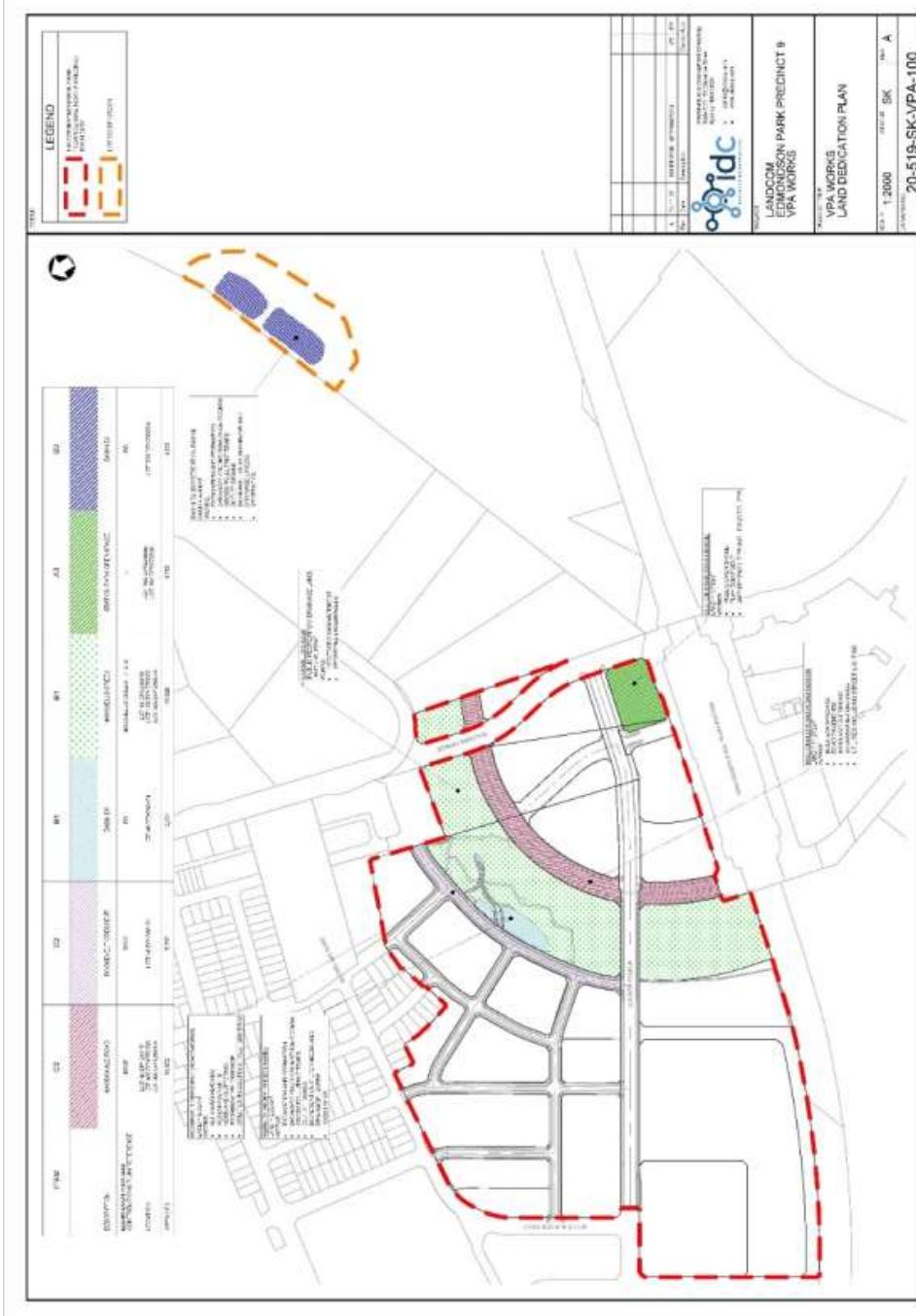
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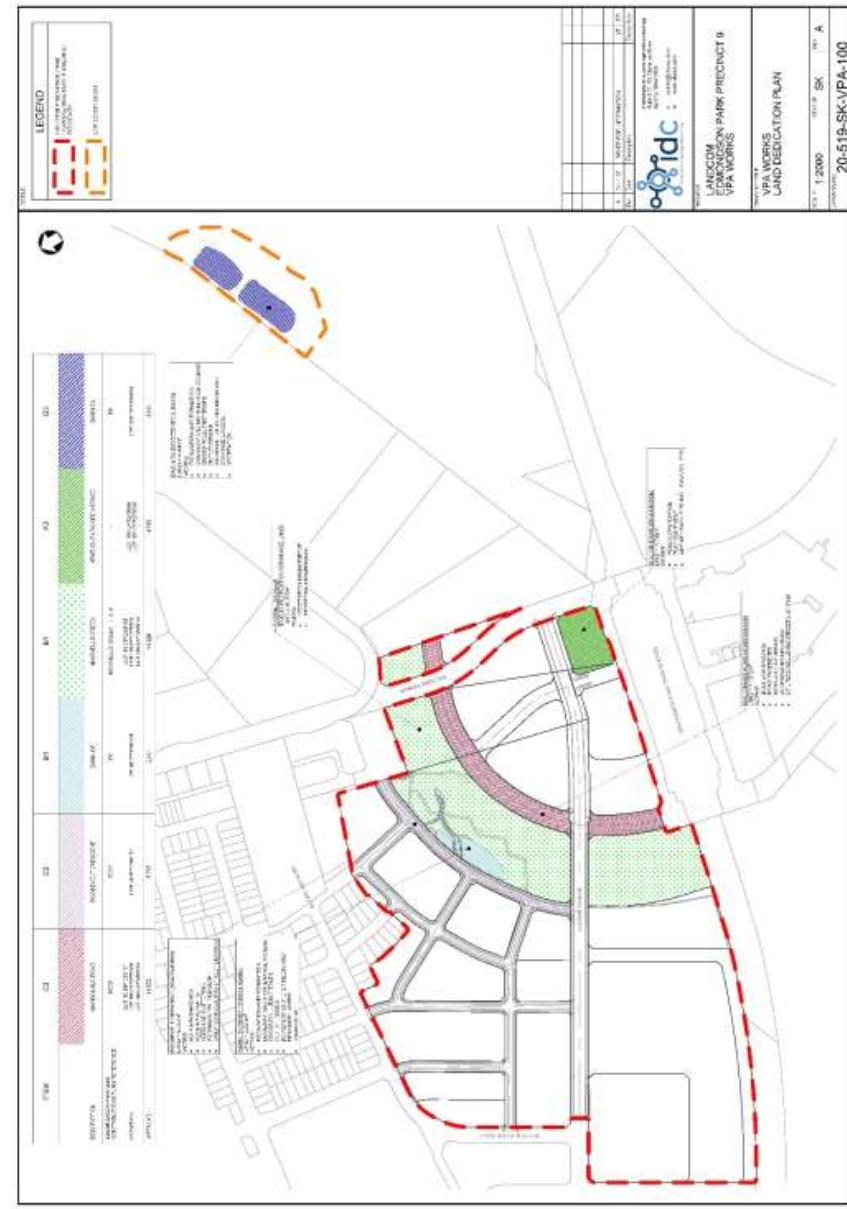
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Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****Schedule 6: Developer Works Provisions****Deed not Construction Contract**

- 1 The Parties acknowledge and agree that this Deed is not a construction contract between the Council and the Developer.

Developer Works before execution of Deed

- 2 This Deed applies to all Developer Works including Developer Works that were constructed in whole or in part before the Deed was executed.

General obligations relating to Developer Works

- 3 The Developer is to design the Developer Works (except where this Deed provides the Developer Works are to be designed by Council) and provide the Developer Works:
 - 3.1 in the location or locations shown on the Development Contributions Location Plan,
 - 3.2 by the date specified in column 7 of the Development Contributions Table, and
 - 3.3 otherwise in accordance with this Deed.
- 4 The Developer is to provide and complete the Developer Works in a good and workmanlike manner having regard to the intended purpose of the Developer Works and in accordance with:
 - 4.1 all applicable laws,
 - 4.2 any Approval required by any law relating to the provision of the Developer Works,
 - 4.3 in accordance with the applicable Design Documentation approved under clause 9; and
 - 4.4 with any Australian Standards applicable to works of the same nature as each aspect of the Developer Works.
- 5 The Developer is to ensure that anything necessary for the proper performance of its obligations under this Deed relating to the provision of the Developer Works is supplied or made available for that purpose.

Warranties relating to Developer Works

- 6 The Developer warrants to the Council that:
 - 6.1 it has obtained, or will obtain all Approvals and has and will comply with all laws and applicable industry standards in relation to the Developer Works,
 - 6.2 it accepts that, if any aspect of the Developer Works do not comply with this Deed, the Council is entitled to require the Developer to cease the Developer Works and to pursue its rights and remedies relating to the non-compliance under this Deed and, subject to this Deed, at law or in equity, and
 - 6.3 the Developer Works, when completed, are to be fit for purpose.

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7 The Developer owns, and is responsible for care of the Developer Works, and bears all risk and liability in connection with the Developer Works, until the Developer Works are handed over to Council.

Design of Developer Works

8 Prior to commencing construction of any Item of Developer Works which is to be dedicated to Council, the Developer must prepare and submit to Council detailed documentation for the Developer Works that are being dedicated to Council that (at minimum) details:

- 8.1 the design plans, including plans for layout, levels, sections and 3D imagery and specifications (**Design Documentation**);
- 8.2 a cost estimate prepared by a qualified quantity surveyor, which:
 - 8.2.1 itemises each component of the design; and
 - 8.2.2 includes a reasonable allowance for preliminaries, design fees, contingencies and escalation to the proposed project timeline; and
- 8.3 the proposed project timeline.

9 Upon receiving the Design Documentation:

- 9.1 Council may:
 - 9.1.1 review the Design Documentation; and
 - 9.1.2 if Council reasonably considers that the Design Documentation does not comply with the requirements of this Deed or is inconsistent with the Concept Approval, give notice to the Developer within 30 days of receipt of the Design Documentation specifying amendments required to the Design Documentation to ensure it complies with the requirements of this Deed and is not inconsistent with the Concept Approval or any Approval required to be obtained for each Item of Developer Works; and
- 9.2 if Council notifies the Developer of an objection under clause 9.1.2 of this Schedule 6, the Developer must within 15 Business Days of the notice amend the Design Documentation to address Council's objections and resubmit the amended Design Documentation, in which case this clause 9 of this Schedule 6 will reapply.

10 The review or provision of comments by Council of Design Documentation under clause 9 of this Schedule 6:

- 10.1.1 is not a representation or admission that the document, plan or design is adequate, complete, correct, reliable or that it has any other characteristic;
- 10.1.2 does not impose or create any duty, liability, or obligation on Council;
- 10.1.3 does not waive, prejudice or limit Council's rights, powers or privileges; and
- 10.1.4 does not affect, limit, alter, release or reduce the obligations, duties, liabilities or responsibilities of the Developer under this Deed in any way.

however, if Council approves the Design Documentation, nothing in this clause entitles Council to subsequently require any changes, variations or rectification of any Developer

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Works, or to refuse to certify completion of the Developer Works on the basis that the design of the Developer Works does not comply with this Deed, if the Developer Works has been constructed in accordance with that Design Documentation

Work health & safety

- 11 The Developer acknowledges that it is the Principal Contractor under WHS Law for the Developer Works unless and until such time that:
 - 11.1 the Developer engages a contractor to construct the Developer Works, or
 - 11.2 engages another person to be the Principal Contractor for the Developer Works, and authorises the person to have management or control of the workplace relating to the Developer Works to discharge the duties of a Principal Contractor under WHS Law.
- 12 For the purpose of the Developer's compliance with its obligations under clause 8, the Council acknowledges that the Developer (or its contractor, where appropriate) is the person with management and control of the relevant works area for the purpose of Part 2 of the *Work Health and Safety Act 2011 (NSW)*.
- 13 If the Developer at any time terminates the engagement of a contractor, or terminates its authority for the contractor or other person referred to in clause 8 to be the Principal Contractor for the Developer Works, the Developer becomes the Principal Contractor until such time as a new person is appointed as Contractor or to otherwise be the Principal Contractor for the Developer Works.
- 14 The Developer is to use its best endeavours to ensure that all persons involved in the Developer Works comply with relevant WHS Law and procedures.
- 15 The Developer is to use its best endeavours to ensure that:
 - 15.1 the Council can audit, inspect and test the Developer Works without breaching WHS Law, and
 - 15.2 the Council can access and use the Developer Works without breaching WHS Law.

Variations to Developer Works & Costs

- 16 The Developer Works may be varied by agreement in writing between the Parties, acting reasonably, without the necessity for an amendment to this Deed.
- 17 The Party seeking the variation is to make a written request to the other Party accompanied by such information and supporting documents as is reasonably necessary to enable the other Party to properly consider the request.
- 18 The Party to whom the request is made is not to unreasonably delay, or withhold its approval to, the request.
- 19 The Party who seeks the variation of the Developer Works must meet the costs of the variation, unless the other Party otherwise agrees.

Protection of people, property & utilities

- 20 The Developer is to use all reasonable endeavours to ensure that, in providing the Developer Works:

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- 20.1 all necessary measures are taken to protect people and property,
- 20.2 unnecessary interference with the passage of people and vehicles is avoided, and
- 20.3 nuisances and unreasonable noise and disturbances are prevented.

21 The Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land other than the Land in connection with the Developer Works unless authorised in writing by the Council or any relevant Authority.

Damage to assets & property

- 22 The Developer must immediately notify the Council in writing of any loss or damage that occurs in respect of a Council asset of which it becomes aware while performing the Developer Works.
- 23 The Developer must replace or fix any Council asset the Developer loses or damages while performing the Developer Works in accordance with any reasonable requirements of the Council.
- 24 If an audit, inspection or test shows that damage has occurred to a Council asset or the property of another person in connection with the Developer Works, the Council may give the Developer a notice in writing requiring it to take corrective action to bring the Developer Works into conformity or repair the damage, as the case requires.
- 25 Without limiting any other remedies available to the Council under this Deed, if the Developer does not comply with the Council's requirements under clauses 20 and 21, the Council may take the action required of the Developer and recover the Council's costs of so doing from the Developer.

Entry onto Land

- 26 The Developer is responsible for obtaining all necessary rights to lawfully enter, occupy, and provide the Developer Works on any Infrastructure Land.
- 27 Subject to receiving prior reasonable notice, the Council is to allow the Developer, to enter, occupy, and use Council owned or controlled land specified in the notice at any reasonable time if the occupation or use of the land by the Developer is reasonably necessary for the Developer Works.
- 28 Upon receiving reasonable prior notice from the Council, the Developer is to provide the Council with safe and unhindered access at any reasonable time to any land on which the Developer Works are being, or have been, provided.
- 29 The Council must comply with the Developer's reasonable safety requirements while on any land on which the Developer Works are being provided.

Audit, inspection, testing of Developer Works

- 30 The Council may undertake an audit, inspection or test of the Developer Works at any reasonable time for any purpose related to this Deed upon giving reasonable prior notice to the Developer.

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- 31 The Developer is to provide the Council with any assistance that is reasonably required by the Council to enable the Council to undertake any audit, inspection or test of the Developer Works.
- 32 If an audit, inspection or test shows that the Developer Works have not been provided in accordance with this Deed, the Developer is to pay any Costs incurred by the Council in connection with the audit, inspection or test.
- 33 If the Council reasonably decides that a further and more detailed audit, inspection or test of the Developer Works is required, the Council may determine an approved fee in that regard and the Developer is to pay to the Council the fee so approved.

Issue Notice of Completion

- 34 If the Developer considers that any particular item of the Developer Works is complete it must serve a notice on Council which:
 - 34.1 is in writing;
 - 34.2 identifies the particular item of the Works to which it relates; and
 - 34.3 specifies the date on which the Developer believes the relevant Item of the Works was completed,

(Completion Notice).

Inspection by Council

- 35 Council must inspect the Developer Works set out in a Completion Notice within ten (10) business days of the receipt of that notice.
- 36 If Council fails to carry out an inspection required under clause 35 the Works referred to in the relevant Completion Notice will be deemed to be Complete.

Rectification Notice

- 37 Within twenty (20) business days of inspecting the Developer Works set out in a Completion Notice, Council must provide notice in writing to the Developer that the Works set out in the Completion Notice:
 - 37.1 have been Completed (**Final Completion Notice**); or
 - 37.2 have not been Completed, in which case the notice (**Rectification Notice**) must also detail:
 - 37.2.1 those aspects of the Works which have not been Completed; and
 - 37.2.2 the work Council requires the Developer to carry out in order to rectify the deficiencies in those Works.
- 38 Council can only issue a Rectification Notice if the Developer Works set out in the Completion Notice do not comply with this Deed.
- 39 If Council:
 - 39.1 provides a Final Completion Notice under clause 37.1, the Works the subject of that notice will be Complete;

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- 39.2 does not provide the Developer with any notice in accordance with clause 37, the Developer Works set out in the Completion Notice will be deemed to have been Completed.
- 40 Where Council serves a Rectification Notice on the Developer, the Developer must:
 - 40.1 rectify the Works in accordance with that notice; or
 - 40.2 serve a notice on the Council that it disputes the matters set out in the notice.
- 41 Where the Developer:
 - 41.1.1 serves notice on Council in accordance with clause 41.2, the dispute resolution provisions of this Deed apply; or
 - 41.1.2 rectifies the Works in accordance with clause 41.1, it must serve upon the Council a new Completion Notice for the Works it has rectified.

Acceptance of Works

- 42 Council accepts ownership, possession and control of, and risk in, any Developer Works carried out on Dedicated Land when:
 - 42.1 those Developer Works are Completed; and
 - 42.2 the relevant land has been dedicated to Council.

Maintenance of Developer Works

- 43 The Developer is to Maintain the Developer Works during the Maintenance Period.
- 44 The Council is to permit the Developer to enter any land owned or controlled by the Council to enable the Developer to Maintain the Developer Works during the Maintenance Period.

Rectification of Defects

- 45 During the Defects Liability Period for any Works, the Council may give to the Developer a Defects Notice in relation to the Works specifying:
 - 45.1 the Works requiring rectification and the nature of the Defect; and
 - 45.2 the action required to be undertaken by the Developer to rectify the Defect in those Works.
- 46 If a Defect Notice is issued, the Developer may, within 10 business days of the issue of the Defect Notice, notify Council that it does not agree that there is Defect as specified in the Defect Notice (**Defect Dispute Notice**).
- 47 If the Developer is issued a Defect Notice, and:
 - 47.1 does not give the Council a Defect Dispute Notice, or
 - 47.2 gives the Council a Defect Dispute Notice and the dispute is determined by the expert in favour of the Council,

then the Developer must comply with the Defect Notice at its own cost according to the terms of the Defect Notice (extended by the period from the date of the Defect Notice to the date of the expert's determination, if a Defect Dispute Notice is issued), and acting reasonably,

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provide Council with a date by which the Defect in those Works will be rectified having regard to the nature of the Defect, the Works and the rectification required.

48 When the Developer considers that rectification is complete, the Developer must provide Council with a notice to that effect, and Council must inspect the rectification works within 5 business days. If the Council is not satisfied with the rectification works it may issue a further Defects Notice. If Council does not issue a further Defects Notice within 10 business days of the Developer's notice under this clause the rectification works will be deemed to have satisfied the original Defects Notice.

49 If the Developer:

49.1 does not give the Council a Defect Dispute Notice, or

49.2 gives the Council a Defect Dispute Notice and the dispute is determined by the expert in favour of the Council,

and the Developer has not complied with a Defect Notice by the time specified by the Developer pursuant to clause 43 for rectification of the Defect, then the Council may do such things as are necessary to rectify the Defect, and recover, as a debt due in a court of competent jurisdiction, the costs incurred by the Council in rectifying the Defect.

50 Where Council exercises its step-in rights in accordance with clause 49, all costs incurred by Council in rectifying the relevant Defects may be claimed by Council as a debt in a Court of competent jurisdiction.

Copyright in Works-As-Executed Plan

51 The Developer, being the copyright owner in the Works-As-Executed Plan, assigns the copyright in the Works-As-Executed Plan to the Council free of Cost to the Council.

52 If the Developer is not the copyright owner of the Work-As-Executed Plan, the Developer is to promptly procure the assignment of the copyright of the Works-As-Executed Plan to the Council free of cost to the Council.

Transfer of Ownership of Developer Works

53 Nothing in, or done under this Deed gives the Developer, after acceptance of the Developer Works under cl 42 of this Schedule, any right, title or interest in the Developer Work.

54 On acceptance, the Developer must cause the legal title in the Work and all materials and components of the Works to pass to Council free of any charge or other interest.

55 The Developer, at its own cost, must repair and make good any loss or damage to a Developer Work from any cause whatsoever which occurs before the Work is handed over for the purposes of this Deed, except for damage to the extent caused or contributed to by the Council, its officers, employees, agents and contractors which the Developer has no obligation to repair and make good.

Easements, covenants, etc.

56 The Developer must create, or procure the creation of, any easement or covenant or any other instrument benefitting the Council that is reasonably required by the Council in relation to the Developer Works.

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57 The Developer is to ensure that any such easement, covenant or other instrument is registered on the title to the relevant land before it is dedicated to Council.

Removal of structures & Equipment

58 When Developer Works on any Council owned or controlled land is completed for the purposes of this Deed, the Developer, without delay, is to:

- 58.1 remove from the land any structure not comprising or required in connection with the completed Developer Works and make good any damage or disturbance to the land as a result of that removal,
- 58.2 remove from the land any Equipment and make good any damage or disturbance to the land as a result of that removal, and
- 58.3 leave the land in a neat and tidy state, clean and free of rubbish.

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Parcel	Dwelling Cap
Lots 1-8 in DP 1275478	605
Lot 411 in DP 1318801	7
Lot 412 in DP 1318801	20
Lots 42 and 43 in DP 1286151	17
Lots 44-46 in DP 1286151	462
Part Lot 40 in DP 1286151 Lot 103 in DP 1275550 Lot 104 in DP 1275550 Lot 303 in DP 1259974	1,919
Lot 5 in DP 1272931	270
Total	3,300

Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****Schedule 8: Security Provisions on Novation or Assignment****1 Security****Provision of security**

- 1.1 Clause 22 of the Planning Agreement ceases to apply on entry into this Deed, and subject to clause 1.2, prior to the issue of a Construction Certificate in respect of the Development to be carried out by the Developer, the Developer must deliver to Council a Bank Guarantee, bond or other form of security (**Security**) to the satisfaction of the Council for the amount equivalent to 150% of the sum of the Contribution Values for all Items of Work which are required to be Completed prior to the issue of a Subdivision Certificate or an Occupation Certificate with respect to that part of the Development to which the relevant Construction Certificate relates.

Replacement of Security

- 1.2 The Developer may replace the Security provided by it at any time, provided that the amount of that replacement is not less than that which is required to be provided under this clause 1.
- 1.3 On receipt of a replacement Security, Council must immediately release the Security being replaced and return it to the Developer.

Council may call on Security

- 1.4 If the Developer fails to comply with a notice issued under 20.1 of the Planning Agreement, without limiting any other remedies available to it, Council may call on the Security provided by the Developer.
- 1.5 If Council calls on the Security, it may use the amount so paid to it in satisfaction of any costs incurred by it in remedying the relevant breach.

Top up of Security

- 1.6 If Council calls on the Security, Council, by notice in writing to the Developer, may require the Developer to provide a further or replacement Security in an amount that, when added to any unused portion of the Security then held by Council, does not exceed the amount of the Security Council is entitled to hold at that time under this clause 1.

Release of Security and Defects Security

- 1.7 Once the Development Contributions on account of which the Security was provided are Complete in accordance with the Planning Agreement, Council must return the Security (or any remaining balance of it) within ten (10) business days of a request being made for its return by the Developer, provided the Developer provides an additional Bank Guarantee before the return of the Security, in the amount of 15% of the initial Security provided under clause 1.1 (**Defects Security**).

Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom**

- 1.8 The Developer may satisfy its obligations under clause 1.7 (either in whole or in part), by directing Council to retain any Security held by Council which is required to be released by Council under this clause 1.
- 1.9 If the Developer fails to comply with a Rectification Notice during the Defects Liability Period, without limiting any other remedies available to it, Council may call on the Defects Security.
- 1.10 If Council calls on the Defects Security, it may use the amount so paid to it in satisfaction of any costs incurred by it in remedying the relevant breach.

Release of Defects Security

- 1.11 Unless:

- 1.11.1 the relevant Defects Liability Period has not expired; or
- 1.11.2 Council has issued a Rectification Notice under the Planning Agreement which has not been complied with,

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

Indexation of value of Contribution Value

- 1.12 The Contribution Values for the Developer Works and any security provided for the Developer Works will be indexed quarterly in accordance with CPI.
- 1.13 The Developer must ensure that the security held by Council at all times equals the indexed amount notified to the Developer by Council.

Edmondson Park Precincts 3, 5 and 9 Planning Agreement
Liverpool City Council
Minister for Planning and Public Spaces
Landcom



Execution

Executed as a Deed

Dated:

SIGNED for and on behalf of **Liverpool City Council** (ABN 84 181 182 471) by its Authorised Delegate.

Signature of Authorised Delegate

Witness (Signature)

Name of Authorised Delegate

Witness (Print Name)

Position of Authorised Delegate

Date:

Executed by the Minister by its attorney, [Drafting Note. Insert Name], pursuant to Power of Attorney Registered Book [Drafting Note. Insert number] No. [Drafting Note. Insert number]:

Attorney

Witness

Name

Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom**

Executed by Landcom in accordance with s127(1) of the Corporations Act (Cth) 2001

Director

Director / Secretary

Name

Name

Explanatory Note

(Clause 42)

Environmental Planning and Assessment Regulation 2021

(Section 205)

Prepared in accordance with Clause 205 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulations).

The purpose of this Explanatory Note is to provide a plain English summary to support the public notification, in accordance with section 7.5 of the *Environmental Planning and Assessment Act 1979* (the Act), of a draft Voluntary Planning Agreement (VPA) under section 7.4 of the Act.

1. Subject Site:

The Draft Planning Agreement (Draft VPA-45) applies to portions of the Edmondson Park Town Centre South (known as Precincts 3, 5, and 9. Precinct 9) (comprising land both currently and previously owned by Landcom).

The applicable lots to which this Draft VPA-45 applies are as follows:

Precinct 3

- Lot 2 DP 1272931
- Lot 3 DP 1272931
- Lot 5 DP 1272931

Precinct 5

Lot 705 in DP1215666

Precinct 9

- Lot 103 DP 1275550
- Lot 104 DP 1275550
- Lot 303 DP 1259974
- Lot 40 DP 1286151
- Lot 41 DP 1286151
- Lot 42 DP 1286151
- Lot 43 DP 1286151
- Lot 44 DP 1286151
- Lot 45 DP 1286151
- Lot 46 DP 1286151
- Lot 1 DP 1275478
- Lot 2 DP 1275478
- Lot 3 DP 1275478
- Lot 4 DP 1275478
- Lot 5 DP 1275478
- Lot 6 DP 1275478
- Lot 7 DP 1275478
- Lot 8 DP 1275478
- Lot 302 DP 1259974
- Lot 411 DP 1318801
- Lot 413 DP1318801
- Lot 412 DP1318801

Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom****2. Parties to the Planning Agreement:**

Liverpool City Council (the Council)
ABN: 84 181 182 471
Ground Floor, 50 Scott Street, Liverpool NSW 2170

AND

LANDCOM (Developer)
Level 14, 60 Station Street Parramatta NSW 2150

AND

Minister for Planning and Public Spaces (Minister)
ABN 37 755 709 681
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

3. Background Context

In 2011, the Planning Assessment Commission approved the Edmondson Park South Concept Plan (MP10_0118) (Concept Plan). The Concept Plan applied to the entirety of the Edmondson Park Precinct. This facilitated, subject to the grant of development consents, redevelopment of the former Ingleburn Army base and nearby land, including:

- a) Residential development of 3,530 dwellings (where 440 dwellings are located within Edmondson Park South Landcom owned land, with the remainder located within Fraser owned land, and Edmondson Park North)
- b) Between 35,000m² and 45,000m² of retail, business and commercial gross floor area
- c) Protection of 150 hectares of conservation land in regional parks
- d) Upgrades to Campbelltown Road, including three new signalised intersections.

Since approval, multiple modifications to the Concept Plan have been made. Modification 5 (MOD 5) applies specifically to the Landcom owned portion of the Edmondson Park Town Centre precinct (known as Precinct 9), which is the subject of the Draft VPA-45. MOD 5 increased the scale and dwelling density of development with the following changes:

- a) Introduction of a gross floor area limit
- b) Reduction the allocated area for a school site from 8 hectares to 6 hectares
- c) Allow residential use on the 2 hectares of land previously allocated for school land
- d) Increase the maximum building height (ranging from 12m to 50m) to a maximum of 67m
- e) Increase in the anticipated number of dwellings in the precinct from 440 to 3030 dwellings (an increase of 2590 dwellings).

Edmondson Park Precincts 3, 5 and 9 Planning Agreement**Liverpool City Council****Minister for Planning and Public Spaces****Landcom**

The Developer made an offer to enter into this Draft VPA-45 to provide material public benefits that will ensure that increased demand for roads, parks and community facilities caused by the development of the Edmondson Park South precinct are met.

As MOD 5 allows for more homes and a higher density, Council and the Developer negotiated this Draft VPA-45 to ensure the demand for roads, parks, community facilities caused by the increase in dwellings is addressed. The negotiations also ensure that the public receives benefits from the Draft VPA-45 which are in line with the greater Edmondson Park development.

4. Objectives, nature and effect of the Planning Agreement (Clause 205(1)(a))

4.1. Objectives

The objectives of the Draft VPA-45 are to:

- Ensure the increase in density of development from MOD 5 is supported by the right infrastructure, community facilities and open space
- Secure public benefits that proportionately account for the increase in number of dwellings and building heights
- Provide certainty for Council and the community around the timing of delivery of infrastructure works in the Edmondson Park Town Centre.

4.2. Nature of the Planning Agreement

The Draft VPA-45 is a planning agreement between the Council, Landcom, and the Minister under Section 7.4 of the Act.

The Draft VPA-45 provides for the Developer to deliver land, works and monetary contributions with a total value estimated at \$153,464,497.00.

The Draft VPA-45 replaces the usual development contributions under Section 7.11 and Section 7.12 of the EP&A Act and supports staged delivery of the town centre.

4.3. Effect of the Planning Agreement

The Draft VPA-45 will:

- Secure the delivery of infrastructure, land and monetary contributions through a legally binding mechanism
- Replace the need for the payable contributions that would otherwise be required under S7.11 or S7.12
- Set out obligations for the staged delivery of infrastructure, parks and community facilities in the Edmondson Park Town Centre North Precinct
- Provide a legally enforceable mechanism to secure public benefits in line with the increase scale and density of development

Edmondson Park Precincts 3, 5 and 9 Planning Agreement
Liverpool City Council
Minister for Planning and Public Spaces
Landcom



4.4. Public Benefit of the Planning Agreement

The Draft VPA-45 provides public benefits consistent with section 7.4(2) of the EP&A Act, including:

- New transport infrastructure including local roads, intersections and bus stops
- Funding towards a new community facility
- New open space land for drainage
- New parks
- Improved streetscape

5. Assessment of the Merits (Clause 205(1)(b) of the EP&A Regulations)

The Draft VPA-45 is considered to deliver a public benefit that is consistent with the objectives of the EP&A Regulations. It secures open space, transport improvements and funding towards community facilities that go beyond the Contributions Plan. This reduces reliance on Council funding by requiring the Developer to deliver key items directly.

Some works and monetary contributions are tied to specific development staging, which means that delivery of some items may not be immediate but ensures infrastructure is available in line with demand. Council will be responsible for delivering the multi-purpose community centre building using developer funding, which provides flexibility for the design to cater to local needs. Ongoing monitoring and administration will be required, but this ensures the Developer meets the obligations and the agreed outcomes are achieved.

6. Consistency with relevant practice notes

The Draft VPA has been prepared generally in accordance with the NSW Department of Planning Housing and Infrastructure's Planning Agreements Practice Note's requirements for transparency, fairness and public benefit.

7. Capital Works Program

The Draft VPA-45 is consistent with Council's planning priorities and will support the Capital Works Program.

8. Statutory and Administrative Matters

This Explanatory Note will be exhibited with the Draft VPA-45 as required by the *Environmental Planning and Assessment Act 1979* and its Regulation.

This Explanatory Note is not to be used to assist in construing the Draft VPA-45.

The Council had regard to relevant practice notes issued by the NSW Planning Secretary under Clause 203(6) of the EP&A Regulation in preparing the Draft VPA-45.



Department of Planning, Housing and Infrastructure

IRF25/197

Mr Alexander Wendler	Mr Jason Breton
CEO	Acting CEO
Landcom	Liverpool City Council
Level 14, 60 Station Street	50 Scott Street
Parramatta NSW 2150	Liverpool NSW 2170

Subject: Edmondson Park Precincts 3,5 and 9 Planning Agreement – Revised Letter of Offer

Dear Mr Wendler and Mr Breton

I write in relation to Landcom's Revised Letter of Offer, dated 10 February 2025, to enter into a planning agreement addressed to the Minister for Planning and Public Spaces (**Minister**) and Liverpool City Council (**Council**) for the development of land within Edmondson Park Precincts 3, 5 and 9.

This Revised Letter of Offer is the result of discussion facilitated by the Department with Landcom and Council on the local infrastructure required to meet the needs of the development, noting the increase in housing density. The Department acknowledges the efforts of Landcom and the Council to re-engage in these discussions and the contributions package set out in the Infrastructure Service Delivery Plan (ISDP) provides the basis for delivering the infrastructure needed for this community.

The Department has reviewed the Revised Letter of Offer provided by Landcom which proposes to provide contributions towards local infrastructure as detailed in the ISDP attached to the offer. These contributions are proposed to be provided to Council under a planning agreement for the development of 3,301 dwellings within Edmondson Park Precincts 3, 5 and 9.

I note the letter of offer specifically acknowledges there are details to refine through the drafting process for the planning agreement. This is important as it will enable development applications to progress while the planning agreement is finalised. As the Minister's delegate, I am satisfied that the ISDP provides sufficient guidance on the infrastructure outcome that Landcom is committing to deliver.

Section 7.4 (3A) of the *Environmental Planning and Assessment Act 1979* provides that the application of section 7.11 or section 7.12 cannot be excluded from development unless the consent authority or the Minister is a party to the agreement. As the offer proposes to exclude the

**Department of Planning, Housing and Infrastructure**

application of section 7.11 and 7.12 and the Minister will also be the consent authority for the development, the Minister is required to be a party to the planning agreement.

As the delegate of the Minister for Planning and Public Spaces, I accept the offer in-principle.

The proposed planning agreement deals with local infrastructure, and the terms of the offer have been developed through extensive collaboration with the Council. On this basis the Department's preference is for it to be prepared between Landcom and the Council, with the Minister's role limited to excluding the application of section 7.11 and 7.12 of the planning Act.

If Landcom and the Council are unable to finalise a planning agreement within 12 months of this letter, the Minister can consider progressing the planning agreement directly with Landcom.

The Department remains committed to supporting both Landcom and Council as they work together to deliver the infrastructure needed in this growth precinct.

If you have any questions in relation to this matter, please contact Kate Speare, Director, State Infrastructure, on 02 9274 6230 or at kate.speare@planning.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Monica Gibson".

Monica Gibson

Deputy Secretary
Planning, Land Use Strategy, Housing & Infrastructure

14 February 2025



APPLICATION FOR A PLANNING PROPOSAL

Amendment to State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Appendix 4 Liverpool Growth Centres Precinct Plan, as it applies to Nos. 330-350 Eighth Avenue, Austral, to insert an additional permitted use for the purpose of recreation facility (indoor) under Schedule 1 Additional Permitted Uses.

330-350 Eighth Avenue, Austral

Prepared for: Fabcot Pty Ltd

REF: M250090

Date: 7 January 2026





APPLICATION FOR A PLANNING PROPOSAL

Details:

Prepared for: Fabcot Pty Ltd
REF: M250090
Date: 7 January 2026





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Acknowledgement of Country: Planning Ingenuity acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We recognise First Nations peoples' unique cultural and spiritual relationships to place and their rich contribution to society.





Executive Summary

This application for a Planning Proposal ('PP') seeks to amend the provisions of *Appendix 4 Liverpool Growth Centres Precinct Plan* ('Appendix 4') of *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Western Parkland City SEPP or SEPP) for the land at Nos. 330-350 Eighth Avenue, Austral (the 'site'). Specifically, the Planning proposal seeks to permit with consent and insert an additional permitted use for the purposes of *recreation facility (indoor)* into Schedule 1 Additional Permitted Uses of the Western Parkland City SEPP.

There are compelling Town Planning reasons for the proposed additional permitted use, as has been considered throughout this Report. The additional permitted use is proposed to complement the development approved on the subject site under DA-381/2023 for the '*Demolition of existing structures, excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site link, with at-grade parking, signage (business identification signage), with associated landscaping, civil and public domain works*'.

The application for a Planning Proposal will provide a unique opportunity to enable additional complementary uses on the subject site cognisant with the recent development approval, particularly given it is identified as a key neighbourhood centre in the Liverpool Local Government Area (LGA) and Austral Growth Centre. The proposal demonstrates both site-specific and strategic merit, as outlined in this Report.

Importantly, the site is zoned as B1 Neighbourhood Centre under the Western Parkland City SEPP, and pursuant to the recent employment zones reform, would have been zoned E1 Local Centre consistent with the *Liverpool Local Environmental Plan 2008* ('LLEP 2008'). In the E1 zoning of the LLEP 2008 (and Standard Instrument 2006), *recreation facility (indoor)* are prescribed as a permitted land use. As the SEPP is yet to implement the employment zones reform, *recreation facility (indoor)* remains as prohibited use on the site and is inconsistent with that permitted under the LLEP 2008 and for the remaining LGA.

Notwithstanding the above, the proposed additional use is a response to various site and context considerations, including capitalising on the ideal location for indoor recreational facilities within an approved neighbourhood centre development that comprise of anchor supermarkets, commercial and retail facilities and various public spaces, creating an appropriate urban contextual fit.

The vision for the Planning Proposal is as follows:

- Deliver much needed indoor recreational facilities in an area of significant growth and undersupply;
- Contribute towards improving health and wellbeing to the residents and workers within Austral;
- Provide for much needed indoor recreational facilities within an approved mixed-use development, contributing to its vibrancy and vitality; and
- Align with the Employment Zones Reform.

The proposed additional permitted use is accompanied by a suite of public benefits including, but not limited to; increased recreational uses in a neighbourhood centre; improve access to a variety of services and facilities (removing the need to travel to other centres); promotes multi-purpose trips due to the nature of the approved development; enhance social networks; and promote physical and mental well-being. These benefits will not be realised without the changes to the planning controls proposed in this submission.

As part of this Planning Proposal, a Recreational Needs and Economic Assessment has been prepared by *Location IQ*. The Recreational Needs and Economic Assessments provides an analysis of need and demand for *recreational facility (indoor)* on the subject site (and surrounding locality) and also considers the likely economic impacts that would result from the additional permitted use. The assessment demonstrates that several factors contribute to the need for an indoor recreational facility, including population and demand, consumer trends and expenditure patterns, location



and infrastructure, impacts on existing facilities and the hierarchy and net community benefits. As described above, the proposed additional use is capable of enabling significant positive benefits to the community without any detrimental impact to the nature of the current mixed-use development as discussed throughout this Report.

As discussed in this document, the application is also consistent with the local, regional and state planning strategies for Liverpool LGA, Western City District Plan and Greater Sydney Region Plan. This application has the potential to make a substantial positive contribution to the approved development application (DA-381/2023) and results in the efficient use of a well-serviced site, to provide a use which is diverse and promotes healthy communities and delivers a high-quality urban environment.





1. Introduction

This application for a Planning Proposal has been prepared for *Fabcot Pty Ltd*, for the site located at Nos. 330-350 Eighth Avenue, Austral. The purpose of this application is to initiate a Planning Proposal process to amend *Appendix 4 Liverpool Growth Centres Precinct Plan of State Environmental Planning Policy (Precincts – Western Parkland City) 2021* to permit with consent the additional use of *recreation facility (indoor)* to the subject site.

As discussed in Section 3 of this Report, this Planning Proposal has been prepared cognisant with the recent development approval (DA-381/2023) on the subject site for the '*Demolition of existing structures, excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site link, with at-grade parking, signage (business identification signage), with associated landscaping, civil and public domain works*' which was approved on 11 September 2024. The proposed additional permitted use has site-specific merit as *recreational facility (indoor)* are beneficial to health and wellbeing and are common within neighbourhood centre developments. Given there is a significant under supply within the locality, this proposal will also provide existing and future workers and residents within the Austral locality access to recreational facilities, which would otherwise only be accessible by travelling to other local centres.

There are compelling strategic and town planning reasons for Nos. 330-350 Eighth Avenue to be considered for the subject Planning Proposal. Specifically, the proposal is to align with the recent employment zones reform, which has been implemented throughout the Liverpool Local Government Area. Whilst the site is zoned as B1 Neighbourhood Centre under the Western Parkland City SEPP, in accordance with the recent employment zones reform, the site would have be zoned E1 Local Centre consistent with the *Liverpool Local Environmental Plan 2008*. In the E1 zoning of the LLEP 2008, *recreation facility (indoor)* are prescribed as a permitted land use. As the SEPP is yet to implement the employment zones reform, *recreation facility (indoor)* remain as prohibited on the site and is inconsistent with that permitted under the LLEP 2008 and for the remaining LGA.

This application has been prepared in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW Department of Planning, Industry and Environment publication "*Local Environmental Plan Making Guideline*" (August 2023) ('DPIE Guideline'). It explains the intended effect of the proposed amendment to Western Parkland City SEPP and sets out the justification for making the amendment to that Plan.

This application demonstrates that the proposed SEPP amendments have strategic and site-specific merit. It is aligned with the relevant matters for consideration set out in Liverpool Council's Local Strategic Planning Statement. As detailed, the primary intent of the application is to initiate a Planning Proposal process to enable the additional permitted use of *recreation facility (indoor)* to allow uses that strategically complement the current development application approval, neighbourhood centre and align with the Employment Zones Reform.

The additional permitted use is also consistent with local and state government planning strategies to promote healthy and sustainable communities, whilst promoting a range of diverse uses in a growing population. The proposal provides for an additional use which will have a significant improvement to accessibility of recreation facilities, social network of the community, and enhance the approved development. Overall, the proposal achieves positive environmental, social and economic outcomes, as discussed in this Report.

This application for a Planning Proposal has relied on the following documents submitted alongside this Report:

Table 1 Supporting Documents

Document	Author
Social Impact Assessment	<i>Planning Ingenuity</i>
Recreational Needs and Economic Impact Assessment	<i>Location IQ</i>

**Table 1 Supporting Documents**

Traffic Report

Colston Budd Roger & Kafes Pty Ltd

A Formal Pre-Planning Proposal meeting was held with Council the 8 May 2025. Formal Council minutes were provided on the 12 May 2025, which have been considered in this Report. Further, a number of specialist studies were identified by Council as necessary to support the application, as has been submitted per **Table 1** above. In accordance with the DPIE Guideline a copy of Council's Pre-lodgement Advice is included in with this Report.

This report is divided into sections including a locality and site analysis, background, existing planning provisions, the proposed amendments, justification for the proposal, project timeline and a conclusion. This planning proposal application demonstrates with evidence that there will be positive outcomes from the insertion of the additional permitted uses clauses.



2. Locality and Site Analysis

2.1 THE CONTEXT

2.1.1 Metropolitan Context

The subject site is located in the suburb of Austral approximately 42km south-east of the Sydney CBD. As part of the *Metropolis of Three Cities – The Greater Sydney Region Plan*, Austral is located within the Western City. The Western City is envisaged to encourage infrastructure and connectivity, liveability, productivity and sustainability. The Western City is expected to accommodate 1.56 million people by 2036.

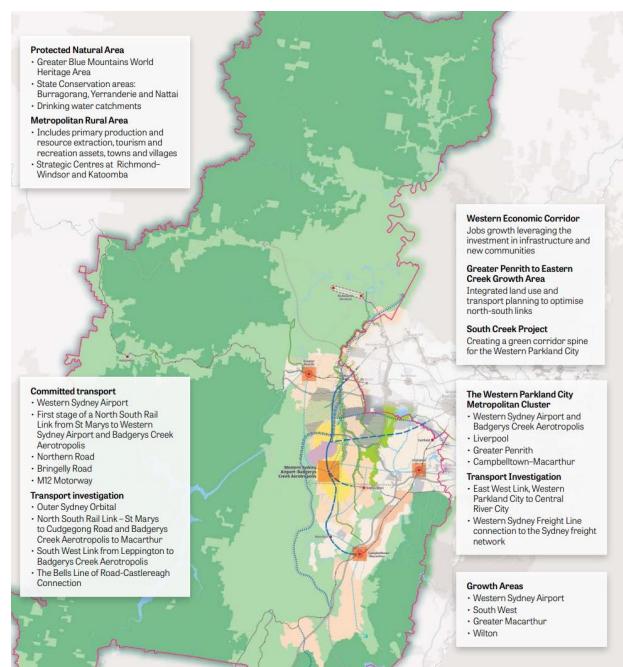


Figure 1 The metropolitan context (Source: A Metropolis of Three Cities)



2.2 THE SITE

The subject site is known as Nos. 330-350 Eighth Avenue, Austral (also identified as No. 260 Eighth Avenue) and has a legal description of Lot 940 in DP 1265677. The site has a total area of 18,170m² (1.817ha). The location of the site is shown edged in red, per the aerial image provided at **Figure 2**.

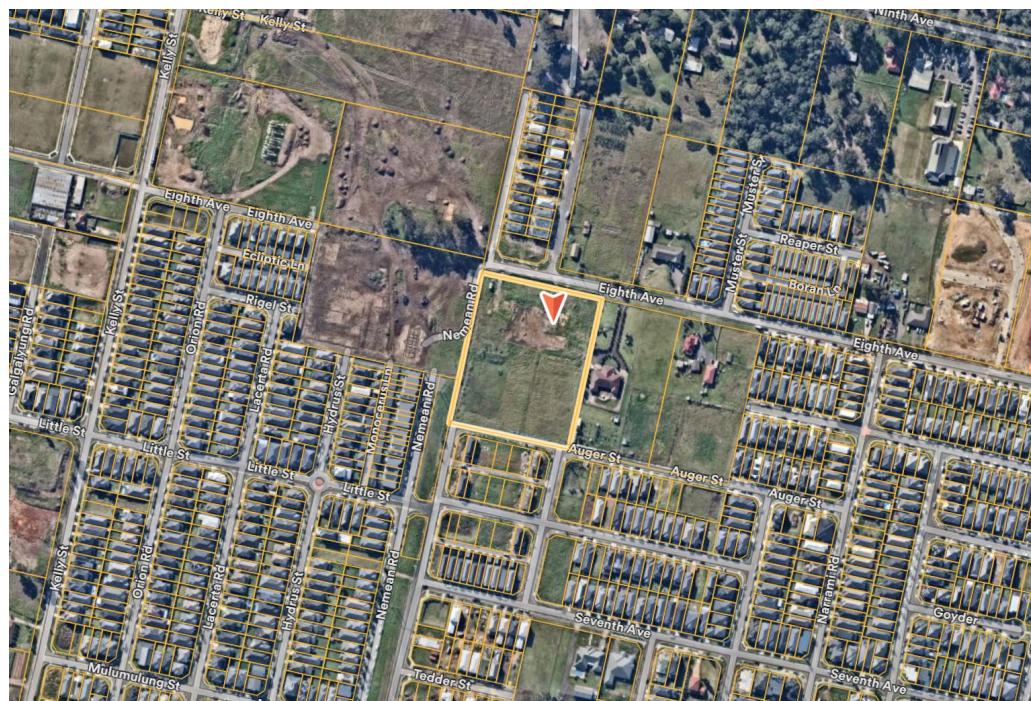


Figure 2 Aerial image of the subject site and surrounds (source: Near Maps)

The subject site is zoned B1 Neighbourhood Centre, with R3 Medium Density Residential zoned land to the south and west and RE1 Public Recreation and SP2 Infrastructure Educational Establishment to the north and north-east.

The site is rectangular in shape with a northern frontage of 120.545m to Eighth Avenue, a southern frontage of 120.28m to Auger Street and a western frontage of 150.875m Warrawal Avenue. The site has an eastern boundary, shared with Lot 941 in DP2475 which is zoned B1, of 150.86m.

The site falls from the southern to northern boundary by approximately 4.5m across the length of the site and currently contains a dual frontage to both Eighth Avenue and Auger Street. As part of the Austral Precinct's Indicative Layout Plan (ILP), an additional roadway will be provided along the western boundary which will provide a third streetscape frontage (which is also consistent with that approved). Furthermore, and as also approved, the ILP indicates that the subject site should accommodate a piazza and pedestrian through-site link along the eastern (side) boundary, which connects Eighth Avenue and Auger Street.

It is noted that work has commenced on the subject site as permitted by the approved development.

The site as viewed from Eighth Avenue is illustrated in **Figures 3 and 4** below.



Figure 3 Subject site as viewed from Eighth Avenue



Figure 4 Subject site as viewed from Eighth Avenue

2.3 EXISTING AND DESIRED FUTURE CHARACTER

The subject site is located within the B1 Neighbourhood Centre zone which is anticipated to accommodate a significant increase in density, evident by that approved on the site, in accordance with the Western Parklands City SEPP. The site is located within the Austral Precinct, and is identified as the Eighth Avenue Neighbourhood Centre, which will undergo a significant transformation in accordance with that recently approved (refer to Section 3.1 of this Report).



Per the approved development, the Eighth Avenue Neighbourhood Centre will contain a built form with active street frontages to Eighth Avenue, a public piazza and pedestrian through-site link (**Figure 5**).

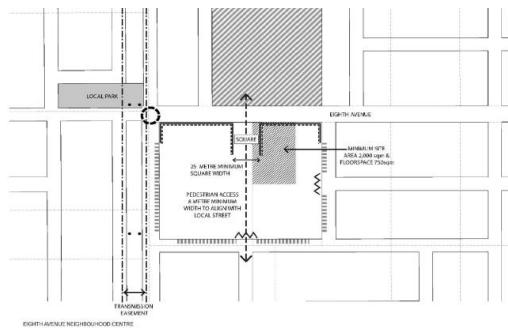


Figure 5 Eighth Avenue Neighbourhood Centre – Desired Future Layout (Extract from DCP)



Figure 6 Indicative Layout Plan

The surrounding locality generally consists of a mixture of ageing, low-density residential dwellings on large allotments, open farmland spaces and rural structures, amongst recently subdivided and constructed residential developments, including single dwellings and dual occupancies. As is evident by these developments, the existing character of the locality is undergoing rapid change and is beginning to reflect the desired future character, as is anticipated by the relevant controls. The preparation and implementation of the Western Parkland City SEPP anticipates an increased density of development along Eighth Avenue, with the subject site identified as a key nodal centre within the locality.

2.4 SURROUNDING DEVELOPMENT

Directly to the north of the allotment on the opposite side of Eighth Avenue is SP2 Infrastructure Educational land, RE1 Public Recreation land and R3 Medium Density Residential land. Per the ILP, this includes a school, public open space, residential dwellings and a local roadway running in a north-south direction as accessed from Eighth Avenue. These parcels of land are generally vacant, with dwellings and ancillary structures located on the southern end of Nos. 245 and 345 Eighth Avenue (**Figures 7 and 8**). At Nos. 355-357 Eighth Avenue, the site has been approved for the subdivision of 1 allotment into 33 lots with new roads. Works have commenced as a part of DA-932/2020 *Demolition of existing structures, Subdivision into 33 Torrens title subdivision with new roads and associated stormwater works* (**Figure 9**).



Figure 7 No. 345 Eighth Avenue as viewed from public domain





Figure 8 No. 245 Eighth Avenue as viewed from public domain, with recently subdivided and constructed dwellings in background



Figure 9 No. 355 Eighth Avenue as viewed from public domain, with works being undertaken per DA-932/2020

To the east of the subject site is Nos. 310-320 Eighth Avenue (also known as No. 250 Eighth Avenue) which contains a single storey residential dwelling (**Figure 10**). This land is zoned B1 Neighbourhood Centre where it directly adjoins the subject site, with R3 Medium Density Residential zoned land further to the east. This property is also required to provide a community facility which is to be dedicated to Liverpool City Council in accordance with the *Land Reservation Acquisition Map* and *Clause 5.1 Reservation Acquisition Authority* of the Western Parkland City SEPP.



Figure 10 Nos. 310-320 Eighth Avenue (also known as No. 250 Eighth Avenue) as viewed from public domain

To the south of the subject and on the opposite side of Auger Street is No. 255 Seventh Avenue, which contains an approval for subdivision under DA 2018/377, described as '*Torrens Title Subdivision of Thirty Five (35) Residential Lots with Three (3) Residue Lots for OSD and Two (2) Super Lots (to excise other future land uses for R3 zoned land)*', and



Construction of Roads and Associated Civil Works, Demolition of One (1) Dwelling and Associated Outbuildings, Dam-Dewatering and Site Remediation'. Following the subdivision, these properties have been approved for the construction of residential dwellings and a childcare centre. Further to the south-west of the subject site are similarly subdivided and recently constructed residential dwellings, located to the west of Nemean Road. Land developed to the south and south-west is shown in **Figure 11** below.



Figure 11 Development to the south of the subject site

To the west of the subject site and on the opposite side of the proposed roadway (under the ILP) is R3 Medium Density Residential Land, including No. 360 Eighth Avenue and a parcel of land subject to a recent subdivision. No. 360 Eighth Avenue has no existing structures and is likely to be redeveloped in the short to medium term. An existing overhead electricity line (easement) is also located to the west of the site, as shown in **Figure 12** below.



Figure 12 Properties to the west of the subject site, as viewed from Eighth Avenue

As shown in the above and within the aerial images, numerous roadways have been constructed throughout the locality. This includes a mixture of half and full roadways which will serve the future development.

2.5 CONNECTIVITY TO PUBLIC TRANSPORT

Current public transport services are infrequent, poorly connected and inadequate at servicing the needs of a growing population. A bus stop situated 1.2km to the east of the subject site along Edmondson Avenue, which provides





infrequent services to Carnes Hill, Liverpool and Liverpool Railway Station. The closest railway station is Leppington Station is situated approximately 2.9km from the subject site.





3. Background

3.1 DEVELOPMENT APPLICATION

The site is subject to a recent approval (DA-381/2023) for the '*Demolition of existing structures, excavation and construction of a commercial development involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site link, with at-grade parking, signage (business identification signage), with associated landscaping, civil and public domain works*'. This was approved on the 11 September 2024 by the Sydney Western Regional Planning Panel.

A subsequent modification application DA-381/2023/A was lodged with Liverpool Council on the 20 January 2025 for '*Modification to Development Consent DA-381/2023 Under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979*'. The application was approved on the 9 May 2025.

A second modification application for a Section 4.55(1A) was lodged with Liverpool Council on the 28 May 2025 for '*Modification to Development Consent DA-381/2023 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, the application seeks to modify a number of minor design elements to enable constructability as access to the adjoining property to the east at Lot 941 in DP2475 is no longer possible resulting in changes to the layout, functionality and constructability of the approved lower ground level and facilitate the future integration of the piazza with the adjoining property*'. The application was approved on 8 July 2025.

Overall, the application was for the excavation and construction of a commercial development, involving the provision of an anchor supermarket, commercial and retail tenancies, public piazza and through-site link with at-grade parking and associated landscaping. The proposal will attain a building height of one to three storeys and is designed to address the various street frontages.

Integrated into this is a pedestrian access way, identified as the north-south 'through-site link' which provides access from Eighth Avenue to Auger Street. In addition, the proposal includes a 'public piazza' which is orientated to Eighth Avenue and is connected to the through-site link. The at-grade parking area is orientated to Auger Street will provide for 318 on-site, at-grade car parking spaces, including 7 accessible spaces, 4 electric charging spaces and 6 direct to boot spaces (DTB). A loading bay is provided as accessed from Warrawal Avenue. Additional public domain works will be proposed to the various frontages, which will include roadworks, pedestrian pathways and landscaping.

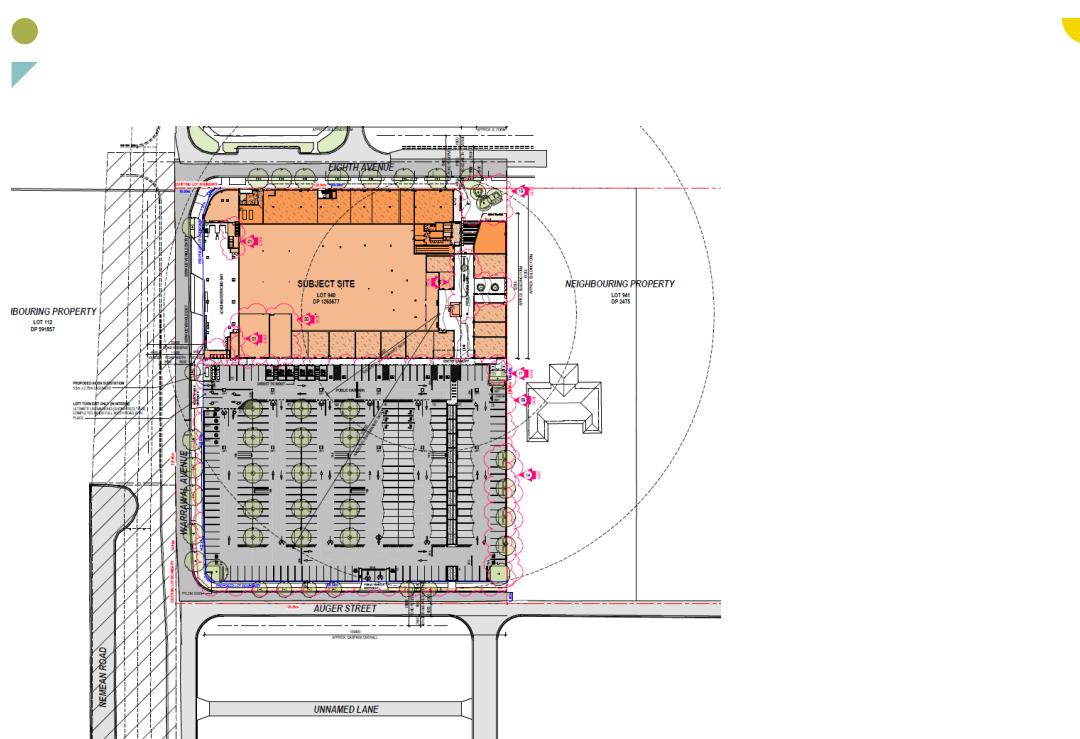


Figure 13 Approved site plan



Figure 14 Approved render

3.2 CHRONOLOGY OF PLANNING PROPOSAL

Provided below is an overview of the progress of the Planning Proposal:

- **17 April 2025:** Informal discussions with Council and the applicant regarding submission of a planning proposal
- **8 May 2025:** A pre-planning proposal meeting was held with the Liverpool Council to consider the proposed additional permitted use



3.3 PRE-PLANNING PROPOSAL MEETING

A formal Pre-Planning Proposal meeting was held with Council on 8 May 2025, with subsequent written comments provided by Council on 12 May 2025.

Table 2 below summarises Council's comments and provides a response to each of these

Table 2 Council Comments and Responses from 8 May 2025	
Council Comment	Response
Strategic/Site-Specific Merit & Suitability of Use	
<p><i>The proposal seeks consent for 'recreation facilities (indoor),' which is a prohibited use within the B1 Neighbourhood Centre zone under Appendix 4 Liverpool Growth Centres Precinct Plan of the State Environmental Planning Policy Western Parkland City 2021 (WPC SEPP 2021). The application must demonstrate how the proposal achieves strategic merit by supporting the objectives of the Precinct Plan despite this prohibition.</i></p>	<p>The strategic merit for the additional permitted use is discussed under Section 6.3 of this Report.</p>
<p><i>In the meeting it was forwarded that the use aligns with the intent for the site as a Centre providing access to shopping, employment and services for residents of Austral. It must be demonstrated that each of the proposed identifies gym uses, or other recreation facilities (indoor), if incorporated into the approved retail developments, would complement the mix of uses and not impact negatively on the retail function of each neighbourhood centre.</i></p>	<p>As discussed throughout this Report and supporting documentation, the proposed additional permitted use will not result in any negative impacts on the functionality of the neighbourhood centre development, it rather offers a positive outcome to these uses.</p>
Supporting Documentation	
<p><i>In addition to standard documentation to be submitted with the future planning proposal, it is recommended that the following supporting documentation is also submitted:</i></p> <ul style="list-style-type: none"> - economic and retail analysis - traffic report (including consideration of pedestrian catchments and active transport) - recreational needs assessment - social impact assessment (if the gym is proposed to operate 24/7) 	<p>A Social Impact Assessment, Traffic Report and Recreational Needs and Economic Assessment have been prepared and are submitted under a separate cover.</p>
Planning Proposal Report	
<p><i>It is recommended that a future planning proposal be prepared separately for each site. While the proposed APU is identical for both sites, Site A is located in the 'Eighth Avenue Neighbourhood Centre' and Site B is located in the 'Gurner Avenue Neighbourhood Centre.' As the demonstration of strategic merit will be dependent on site specific context, this will be more appropriately achieved via the lodgement of two separate applications.</i></p>	<p>Separate Planning Proposals have been prepared for No. 495 Fourth Avenue and Nos. 330-350 Eighth Avenue, Austral.</p>



4. Existing Planning Provisions

4.1 STATE ENVIRONMENTAL PLANNING POLICY (WESTERN PARKLAND CITY) 2021

The current planning controls that apply to the site under *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* are summarised as follows:

Table 3 Summary of Current Planning Controls

Control	Existing Requirement	Figure
Zoning	Zone B1 Neighbourhood Centre	15
Permitted Uses	<p>3 Permitted with consent Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Roads; Service stations; Serviced apartments; Shops; Shop top housing; Veterinary hospitals</p> <p>4 Prohibited Any development not specified in item 2 or 3</p>	-
Clause 4.3 - Height of Buildings	17m	16
Clause 4.4 - Floor Space Ratio	N/A	-
Clause 5.10 Heritage Conservation	-	-
Clause 5.21 Food Planning	-	-
Clause 6.1 Acid Sulfate Soil	-	-
Clause 6.4 Earthworks	-	-

The land is not subject to any other environmental or hazard constraints (excluding bushfire). Of the above listed provisions, this Planning Proposal seeks to insert an additional clause to permit with consent *recreation facility (indoor)* under Schedule 1 of Appendix 4 of the Western Parkland City SEPP, as described in Section 5.

As detailed, at the time of the implementation of the Employment Zones Reform, the Western Parkland City SEPP was not amended to provide the land use zoning that is currently implemented within the Standard Instrument. The proposal is to reflect the permissible land use zoning that has been gazetted within the Employment Zones Reform which has enabled *recreation facility (indoor)* in the equivalent zoning as prescribed within the Liverpool LEP 2008.

4.1.1 Existing Zoning

The zoning table for the B1-Neighbourhood Centre zone states the following:

'Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Amusement centres; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; Community facilities; Drainage; Educational establishments; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Medical centres; Neighbourhood shops; Office premises; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Roads; Service stations; Serviced apartments; Shops; Shop top housing; Veterinary hospitals

4 Prohibited

Any development not specified in item 2 or 3



Figure 15 Aerial image of the subject site and zoning (source: NSW Planning Portal)

4.1.2 Current Development Standards and Controls

The current development standards are detailed in the following maps:

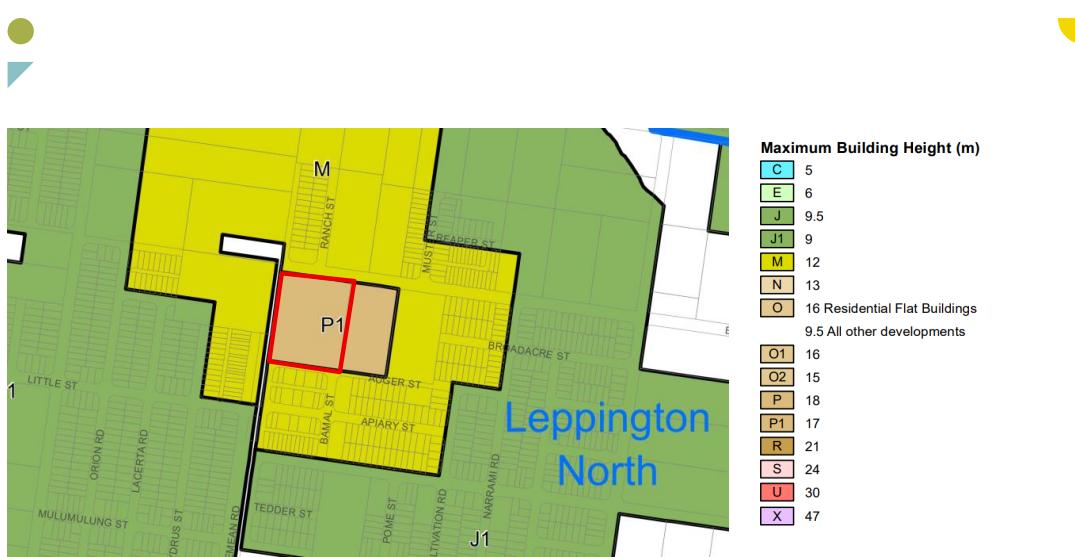


Figure 16 Extract from Western Parkland City SEPP Height of Buildings Map 007 (site edged in red)

4.2 LIVERPOOL GROWTH CENTRE DEVELOPMENT CONTROL PLAN

The site at Nos. 330-350 Eighth Avenue is subject to *Schedule 1 – Austral & Leppington North Precinct of the Liverpool Growth Centre Development Control Plan ('DCP')*. The controls under *Liverpool Growth Centre Precinct DCP – Main Body* also apply. The preparation of a Draft Site-Specific Development Control Plan for the subject site is not required, and any future development relating to the additional permitted use will address the objectives and aims under Schedule 1 and the main body of the DCP.



5. Proposed SEPP Amendments

5.1.1 Proposed Additional Permitted Use

The proposal seeks to amend *Schedule 1 Additional permitted uses of Appendix 4 Liverpool Growth Centres Precinct Plan of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021* as follows:

Insert in Schedule 1 Additional permitted uses:

1 Use of certain land at Nos. 330-350 Eighth Avenue, Austral

- (1) *This Section applies to land known as Nos. 330-350 Eighth Avenue, Austral (Lot 940 in DP 1265677).*
- (2) *Development for the purposes of recreation facility (indoor) are permitted with development consent.*

The above amendments will allow for *recreation facility (indoor)* to be permitted with consent on the subject site, and are defined as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.



6. Planning Proposal

6.1 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

6.1.1 Objectives

The objectives for this Planning Proposal are to:

- i. Deliver much needed indoor recreational facilities in an area of significant residential growth;
- ii. Deliver much needed indoor recreational facilities in an area of significant undersupply;
- iii. Contribute to the much-needed use of indoor recreational facilities within an approved mixed-use development;
- iv. Contribute towards improving health and wellbeing to the residents and workers within Austral; and
- v. Align with the Employment SEPP Reform.

6.1.2 Intended Outcomes

The Planning Proposal will amend Western Parkland City SEPP 2021 to facilitate redevelopment of the site in a flexible and appropriate manner. The intended outcomes are as follows:

- i. Deliver recreational opportunities within an approved mixed-use development with good access to a variety of infrastructure;
- ii. Deliver an additional permitted use that allows for flexibility;
- iii. To achieve public benefit in terms of providing a use that will improve the health and well-being of community members; and
- iv. Allow for the orderly and economic development of the land.

This application has also been prepared following input from specialist studies. This includes analysis as it pertains to traffic, economic feasibility and recreational needs assessment. Furthermore, detailed analysis of amenity impacts on the public domain has been considered as part of the additional permitted use.

6.2 PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the Western Parkland City SEPP 2021 as follows:

- Insert a new clause into Schedule 1 Additional Permitted Uses of Appendix 4 Liverpool Growth Centres Precinct Plan to permit with consent *recreational facility (indoor)*.

All other provisions of Western Parkland City SEPP 2021 are to remain unchanged.

6.3 PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section details the reasons for the proposed SEPP amendment and is based on a series of questions and matters for consideration as outlined in the DPIE Guideline (August 2023). The matters to be addressed include the strategic planning context of the amendments, strategic merits, site-specific merits, potential State and Commonwealth agency interests, environmental, social and economic impacts.

In summary, the proposed amendments to Western Parkland City SEPP 2021 outlined above and in Part 5.1.1 of this Report will:

- Align with the relevant key priorities and strategic merit matters in the *Greater Sydney Regional Plan* and *Western City District Plan*;

- Be consistent with the relevant key planning priorities, and strategic and site-specific merit matters contained in the *Liverpool Local Strategic Planning Statement*;
- Be consistent with the *Liverpool Community Strategic Plan*;
- Respond to the circumstances of the site not being included in the employment zones reform that would enable the permissibility of the proposed use; and
- Deliver an additional use which will be compatible with the approved mixed-use development pertaining to the subject site.

The Western Parkland City SEPP contains the following aims under Section 1.2 Aims of Precinct Plan:

- (a) *to make development controls that will ensure the creation of quality environments and good design outcomes,*
- (b) *to protect and enhance environmentally sensitive natural areas and cultural heritage,*
- (c) *to provide for recreational opportunities,*
- (d) *to provide for multifunctional and innovative development that encourages employment and economic growth,*
- (e) *to promote housing choice and affordability,*
- (f) *to provide for sustainable development,*
- (g) *to promote pedestrian and vehicle connectivity.*

The proposed additional permitted use will satisfy the relevant aims which apply, including:

- Aim (a): The additional permitted use will provide for a recreation facility (indoor), such as a gym, which will contribute to the approved, high quality mixed-use development;
- Aim (c): The proposal will directly contribute to the delivery of recreational opportunities which are underrepresented and in demand within the Austral locality. It will also encourage health, wellbeing and social interaction for the Austral community;
- Aim (d): The proposal will provide for an additional use which is complementary to the approved neighbourhood centre development. This will encourage employment and economic growth on the subject site and within the locality, and provide access to recreational opportunities which would otherwise not be present within the Austral locality; and
- Aim (g): The proposal will encourage multi-purpose trips, and will provide for much needed recreational uses within the Austral locality, which is currently underrepresented and in demand. If this planning proposal is not advanced, workers and residents will be required to travel to other centres to enjoy recreational facilities, which is antipathetic to this aim, amongst others.

Questions for consideration in demonstrating justification

6.3.1 Section A - The Need for the Planning Proposal

Q1: Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No. The Planning Proposal is not made in direct response to any endorsed local strategic planning statement, strategic study or report but rather to reflect the Employment Zones Reform. The NSW State Government introduced 5 new employment zones and 3 supporting zones into the Standard Instrument Order 2006, commencing on 26 April 2024. The zoning reforms were implemented into the *Liverpool Local Environment Plan 2008*, however, were excluded from the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, including *Appendix 4 Liverpool Growth Centres Precinct Plan*. Whilst the subject site is located within the Liverpool LGA, given the Western Parkland City SEPP applies to these properties, they do not benefit from the zoning reforms made to the majority of the Liverpool LGA.



Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A Planning Proposal is the best and only means of achieving the objectives and intended outcomes and this has been confirmed by Liverpool Council and the State Government. The current B1 zoning does not allow for flexibility in the use of *recreation facility (indoor)*.

As described in this Report, and the supporting Recreational Needs and Economic Assessment, the subject site and locality has a variety of attributes which would positively enable the use of indoor recreational facilities. Not only will the Planning Proposal achieve the objectives and intended outcomes, but will also deliver the following public benefits:

- Promote healthy communities through additional permitted uses;
- Allow for the flexibility of use to ensure the successful ongoing operation of the mixed-use development;
- Allow for economic growth; and
- Provide additional indoor recreational uses in a location better suited and where there is a significant undersupply and demand.

The public benefits can only be delivered through the proposed amendments to the SEPP. It is noted that these SEPP Amendment fits the category of a 'Standard' planning proposal described in the DPIE Guideline as follows:

Standard

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

As discussed, the proposal seeks to permit *recreation facilities (indoor)* to align with the intent of the employment zones reform as set out in this document. The Planning Proposal is the only way to satisfy objectives and intended outcomes as detailed above.

6.3.2 Section B – Relationship to the Strategic Planning Framework

Assessment against the following matters for consideration listed in the guidelines (Questions 3-6) demonstrate that the planning proposal has clear strategic and site-specific planning merit.

This application for a Planning Proposal is consistent with the applicable regional and sub-regional strategies. The strategic plans identify the need to provide recreational facilities to promote healthy communities throughout urban areas. This application for a Planning Proposal seeks to enable the use of recreational facility (indoor) to be permitted which is reflective of the strategic location and characteristics.

Q3: 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)?

The relevant regional or district plans include the following and are addressed in detail below:

- *The Greater Sydney Region Plan: A Metropolis of Three Cities*;
- *Western City District Plan*; and
- *South West Growth Area Structural Plan*.

6.3.2.1 Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP)

On 23 March 2018, the Greater Sydney Commission released *A Metropolis of 3 Cities: The Greater Sydney Region Plan* (GSRP) which sets out strategic priorities for 2016 to 2036. The Regional Plan contains ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy does not identify Austral as within any Strategic Centre, however, is within close proximity to Leppington as shown in **Figure 17**. It is noted that Austral is not identified as a Local Centre under the Western City District Plan.

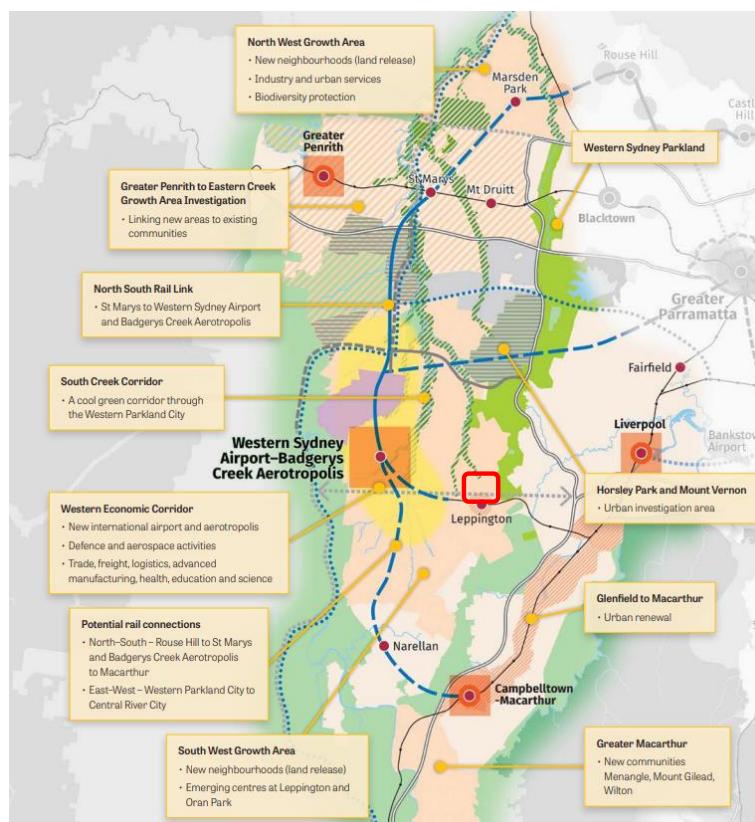


Figure 17 The Western Parkland City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)

An assessment against the relevant directions and their objectives is provided in the table below.

Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

Direction 1 – A city supported by infrastructure

Objectives 1 to 4

These objectives relate to the provision of infrastructure to support the future needs of the three cities.

Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions

As detailed in Section 1 of this Report, the subject site represents a unique opportunity whereby it contains the potential to support *recreational facilities (indoor)* within an approved mixed-use development. The provision of an additional and compatible use within this neighbourhood centre will ultimately improve the viability of the centre. It is not uncommon for neighbourhood centre developments, comprising of supermarkets, commercial and retail uses, to be accompanied by *recreation facilities (indoor)*, where it diversifies use and encourages multipurpose trips.

Direction 3 – A city for people

Objective 6: Services and infrastructure meet communities' changing needs

This objective is about providing social infrastructure and public places that reflects the needs of the community now and in the future.

The proposal will facilitate the delivery of indoor recreational facilities where it is currently prohibited by the planning controls. This provision is supported by the nature of the approved mixed-use development. Indoor recreational facilities will be located within the approved built form and is considered an appropriate planning outcome. As identified within the Recreational Needs and Economic Assessment, there is a significant undersupply and demand of the proposed use, which will only be exacerbated as the population begins to diversify and increase.

Objective 7 Communities are healthy, resilient and socially connected

This objective is about creating a lively connected neighbourhood that is in close proximity to shops, creative arts centres, schools, health care centres and community facilities. It promotes the benefits of mixed-use centres and the opportunities for public and alternative forms of transport.

As the subject site contains to an existing approval for a neighbourhood centre development, the proposed use of indoor recreational facilities will bolster the sense of community and enable healthy, resilient and socially connected groups. As discussed, the use is currently prohibited. The additional use will be easily accessible, and will be agglomerated with the commercial and retail facilities which are available. Due to the subject site's strategic location and current development approval, that is, within a neighbourhood centre servicing the needs of the Austral population, the additional permitted use will achieve the connectedness envisaged by the GSRP.

It will also allow for ease of access to recreational facilities, and will ensure future residents and workers will not be required to travel alternate centres to access the proposed use. It also allows for an additional use within walking distance to R3 and R2 zoned land, which will also see an increase in density pursuant to the permitted planning controls.

Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods

This objective is about fostering cultural diversity and facilitating their growth.

The provision of an additional permitted use to the approved development will diversify land use, cater for a greater cross section of the community and also promote multi-purpose trips. In turn this will foster cultural diversity and facilitate growth. The proposal provides for greater satisfaction of Objective 8, whereby the current land uses not respond to its strategic location and beneficial characteristics.

Direction 4 – Housing the city

Objective 10 - Greater housing supply

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036.

This planning proposal does not seek to provide additional housing, but rather provides a use that will serve the needs of the diverse and growing population within Austral. The site presents as a unique opportunity to support the use of indoor recreational facilities.

Direction 5 – A city of great places

Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**Objective 12 - Great places that bring people together**

The Metropolitan Plan promotes the following principles for the design of great places:

- People friendly public open space areas and streets
- Fine grain fabric and activity
- A diverse mix of uses
- A socially connected region
- Ensure adequate car parking which takes into account access to public transport
- Encourage the use of car sharing and hybrid vehicles

Indoor recreational facilities promote good places as they offer inclusive and accessible environments that foster physical and social interaction between different community groups. The current land use permissibility does not support this. The additional permitted use will improve the experience of the general public as it will foster a good sense of community and promote multipurpose trips.

The proposal will also improve the approved development by diversifying the permissible uses available to the mixed-use development.

Division 6: A well-connected city**Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities**

This objective seeks to create a well-connected city with transport and other services.

Whilst the subject site is not currently serviced by frequent public transport routes in close proximity, this is anticipated to change. Despite this, this planning proposal will promote multipurpose trips to the approved mixed use development, and is also located in an area surrounded by various land uses which are anticipated to undergo a significant increase in density. It is not uncommon for neighbourhood centre developments, comprising of supermarkets, commercial and retail uses to be accompanied by recreation facilities (indoor), where it diversifies use and encourages multipurpose trips.

Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive

The subject site is not within the Western Economic Corridor and this objective is not a matter for consideration.

Division 7: Jobs and skills for the city**Objective 22: Investment and business activity in centres**

This objective seeks to strengthen centres through attracting investment, business and jobs.

The planning proposal will provide indoor recreational facilities which will provide additional jobs and services in the local community.

Direction 10 – A resilient city**Objective 37: Exposure to natural and urban hazards is reduced**

This objective seeks to ensure the delivery of resilient communities.

The subject site is bush fire affected. The conclusions and conditions issued under DA-381/2023 will remain unchanged as the Planning Proposal does not require any physical changes to accommodate the additional permitted use.

6.3.2.2 Western City District Plan (WCDP)

The *Western City District Plan* (WCDP) adopts the Directions of the GSRP and lists Planning Priorities relevant for consideration in this Planning Proposal. The WCDP applies to Blue Mountains, Hawkesbury, Penrith, Camden,



Campbelltown, Fairfield, Liverpool and Wollondilly. The District Plan sets out a 20-year plan and aims to enhance liveability, productivity and sustainability.

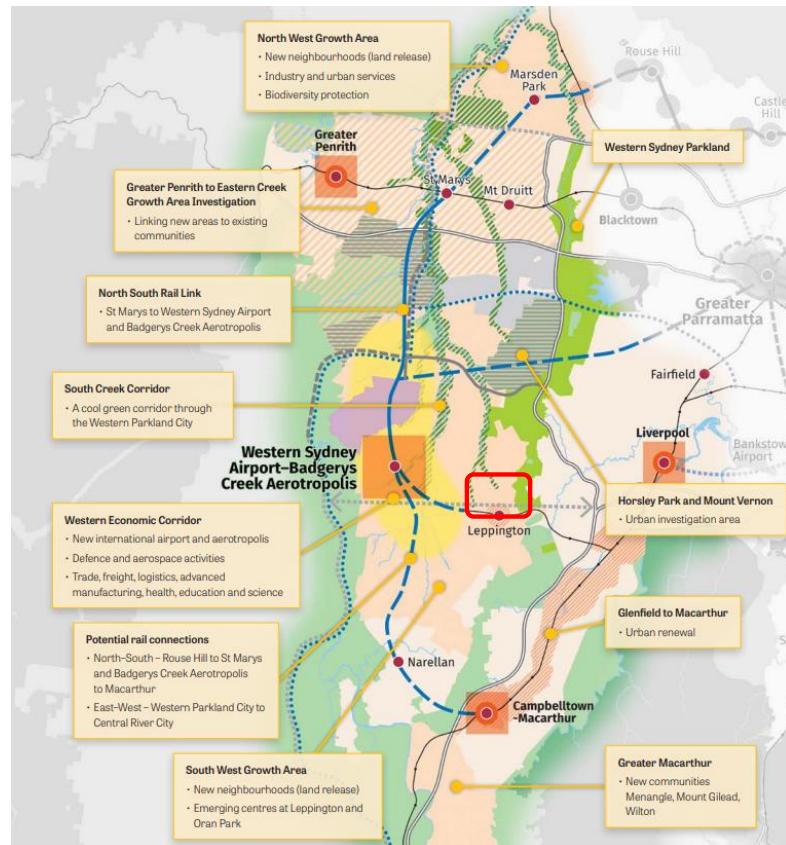


Figure 18 The Western City District Plan excerpt

The District Plan establishes a number of priorities and actions to guide growth, development and change, relating to productivity, liveability and sustainability. Additional housing to improve diversity and affordability co-ordinated with transport, development of centres and services is required in response to population growth. As such, the local area will require more facilities and services, such as *recreation facilities (indoor)*, to promote healthy communities, accommodating the needs of the growing population. The District Plan also identifies the need for community facilities, places of public worship and public open spaces.

In accordance with the above, the Proposal supports a number of the *Directions* and *Planning Priorities* outlined in the plan as outlined in the following table:

Table 5 Western City District Plan	
Direction 1 - A city supported by infrastructure	
Planning Priority E1 Planning for a city supported by infrastructure	
As discussed within Table 4 and per the Greater Sydney Regional Plan, the proposal will allow for the delivery of indoor recreational facilities within a highly accessible location in close proximity to numerous services and facilities.	
The proposal will deliver uses within an area of demand and can be supported by the approved development under DA-381/2023. As described, the subject site is suited to the additional permitted use given the recent approval and strategic location.	



Table 5 Western City District Plan**Direction 3 – A city for people****Planning Priority E3 Providing services and social infrastructure to meet people's changing needs**

The additional permitted use sought as part of this proposal will provide for indoor recreational facilities to a highly accessible site with excellent access to services and infrastructure. Indoor recreational facilities provide accessible environments where different individuals and communities can participate and engage in physical activity, social interaction and personal development.

Planning Priority W4 Fostering healthy, creative culturally rich and socially connected communities

The additional permitted use of indoor recreational facilities to the approved mixed use development will enable communities to be connected through providing inclusive spaces where individuals can come together for a shared interest. The additional permitted use further promotes physical and mental well being through various forms of activities. By encouraging the use, it will promote regular social interaction and foster welcoming environments complementing the diverse needs of the community.

Direction 4 – Housing the city**Planning Priority E5 Providing housing supply, choice and affordability with access to jobs, services and public transport**

The Planning Proposal does not seek to provide additional housing but will rather promote indoor recreational facilities to support the diverse needs of the growing population. As the population increases, so will the need for recreational facilities.

Direction 5 – A city of great places**Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage**

The subject site is not located in close proximity to any identified local centres, however, is identified as a neighbourhood centre. In this regard, the Planning Proposal will foster great places through the provision of indoor recreational spaces which will complement the desired character of the centre. Indoor recreational facilities provide the opportunity to encourage foot traffic, diversify uses and patrons, which will support businesses of mixed-use development. The additional use will be integrated into the existing approved urban fabric of the mixed-use development which respects the character of the locality.

Direction 6 – A well connected city**Planning Priority W7 Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City**

The Planning Proposal will have no negative bearing on delivering integrated land uses and transport planning. In fact, the provision of an additional permitted use will assist in the delivery of a '30-minute city' as recreational facilities to the mixed use development will aid in providing multi-purpose trips.

Direction 9 – A resilient city**Planning Priority W20 Adapting to the impacts of urban and natural hazards and climate change**

The subject site is bush fire affected. No further consideration is required as the bush fire impacts have been considered within the assessment of DA-381/2023 and the additional permitted use will not change the conclusions.

6.3.2.3 South West Growth Area Structural Plan

Ministerial Directions as prescribed in Section 9.1(2) of the EP&A Act, provide Local Planning Directions, of which the any planning proposal must be consistent. The *Southwest Growth Area Structure Plan* applies to the subject site. The Southwest Growth Area Structure also applies to Liverpool, Greater Penrith, Campbelltown-Macarthur, Western Sydney International (Nancy-Bird Walton) Airport and Western Sydney Aerotropolis.

The Structure Plan establishes a strategic vision for the growth area as outlined in the *Greater Cities Commission's A Metropolis of Three Cities* and the *Western City District Plan*. The Structure Plan aims to provide a thriving and greener place to live while enabling improved housing choices, access to shops, schools, and transport options for the growing communities. As such, the locality will require more facilities and services, such as *recreation facilities (indoor)* to promote healthy communities, accommodating the needs of the growing population.

In accordance with the above, the Proposal supports a number of the *Principles and outcomes* outlined in the plan as outlined in the following table:

Table 6 Southwest Growth Area Structure Plan**Provide opportunities for jobs closer to home****Local and Neighbourhood Centres**

The proposed additional permitted use will have no negative bearing on the Eighth Avenue Neighbourhood Centre. In fact, the provision of an additional permitted use will assist in the delivery of a '15-minute neighbourhood' as recreational facilities within the mixed-use development will aid in providing multi-purpose trips and diversification of uses. The additional use will also ensure future residents and workers will not be required to travel to alternate centres to enjoy recreational facilities. To deny the subject planning proposal would mean accessibility to services and facilities will be compromised.

Plan for connected Communities**Local and Regional**

As discussed within **Table 4** and per the Greater Sydney Regional Plan, the proposal will allow for the delivery of indoor recreational facilities within a highly accessible location in close proximity to numerous services and facilities which will support the growing population of the Austral community, where there is a significant undersupply of indoor recreational facilities.

The proposal will deliver uses within an area of demand and can be supported by the approved infrastructure under DA-381/2023. As described, the subject site is suited to the additional permitted use given the recent approval and strategic location.

6.3.2.4 Strategic Merit

In addressing Question 3, the Dpie Guideline requires an application for a Planning Proposal to address the assessment criteria for strategic merit. The Dpie Guideline provides assessment criteria to determine if a planning proposal has strategic and site-specific planning merit. Accordingly, the planning proposal is considered against the assessment criteria below.

Strategic Merit

The assessment criteria to determine if a Planning Proposal has strategic planning merit is addressed in **Table 7** below (known as the 'strategic merit test').

Table 7 Strategic Merit Test

Assessment Criteria	Comment
Will the proposal "Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/ precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy".	The applicable strategic plans are <i>A Metropolis of 3 Cities: The Greater Sydney Region Plan</i> and the <i>Western City District Plan</i> , both of which have been prepared by the Greater Sydney Commission. Alignment with the relevant Planning Priorities of both the GSRP and WCDP has been demonstrated in Section 6.3.2.1 and 6.3.2.2, respectively. It has been demonstrated that the planning proposal is considered to give effect to both strategic documents, achieved primarily by permitting the use of indoor recreational facilities within a highly accessible and strategic location. The additional permitted use has considered the relationship to the surrounding locality and any impacts. This is outlined in this Report and the supporting documentation.
Will the proposal "demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan".	Consideration of the proposal against the Liverpool Local Strategic Planning Statement is addressed in detail under 'Question 4' below, and Section 6.2.3.5 of this Report. In summary, the proposal will give effect to the LSPS by being aligned with the relevant strategic goals and the potential public benefits that can be realised by facilitating an additional permitted use for the site. As discussed, the proposal will provide for an additional permitted use within a strategically located site, in addition to promoting healthy communities.
Does the proposal "Respond to a change in circumstances that has not been recognised".	The proposal is a response to the limitation of the current land use permissibility. That is, the current standards do not permit the use of recreational facilities (indoor). Further to this, the proposal is in response to the Employment Zones Reform. This is discussed throughout this Report.



6.3.2.5 Site-Specific Merit

Site-Specific Merit

The planning proposal has site-specific merit given the following:

- The site contains numerous characteristics which also enable site-specific merit. This includes the following:
 - The site contains an existing development approval for a neighbourhood centre development;
 - The Employment Zones Reform did not amend the Western Parkland City SEPP to provide zoning and permissible uses pursuant to the Standard Instrument;
 - There is a significant shortfall of indoor recreational facilities within proximity to the subject site and will only be exacerbated as development area increases as permitted by the relevant planning controls; and
 - The site is within a highly accessible and strategic area as it is surrounded by compatible land uses.
- The Planning Proposal will not result in any significant adverse environmental impacts, which are outlined as follows:
 - **Amenity Impacts:** This planning proposal does not include any changes to the permitted building height or other controls which influence the bulk and scale of the site. The additional permitted use would utilise the existing floor space as approved in DA-381/2023.
 - **Acoustic Privacy:** The specific use, nature and its acoustic impacts upon future residents will form part of future development consent. It is anticipated that any future development consent would be subject to conditions which would minimise acoustic impact on surrounding uses. Furthermore, the uses will be accommodated within an approved development which considered acoustic impact in depth and was found to be acceptable.
 - **Bush Fire:** The planning proposal will not alter the conclusions and conditions issued under DA-381/2023 as the planning proposal does not involve any physical works.
 - **Traffic:** The proposal will seek to introduce an additional permitted use on the subject site and as such a Traffic Report has been prepared by *Colston Budd Rogers & Kafes Pty Ltd*. This Report concludes any additional parking can be accommodated as the approved development provides a surplus of parking and there will be no significant impact to the local traffic.
- The proposal will appropriately respond to the objectives of the B1 Neighbourhood Centre zone, as discussed below:
 - *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood*

Comment: The proposal will provide for indoor recreational uses that will serve the needs of locality community who live in close proximity to the subject site or future employees of the mixed-use development and as such, the proposed amendments are not antipathetic with regard to this objective. In fact, to deny this proposal will be inconsistent with this objective as it will force residents and workers to travel to other centres for the use of recreation facilities (indoor).

The assessment criteria outlined in the DPIE Guideline to determine if a planning proposal has site-specific planning merit is addressed in **Table 8**.

Table 8 Site-Specific Merit Test

Site-Specific Merit Test	Comment
<i>Does the proposal have site-specific merit, with regards to the following:</i>	

Table 8 Site-Specific Merit Test

<i>The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</i>	<p>The site is not subject to any hazards or risks, excluding bushfire as detailed above. The planning proposal will not impact the existing classification or potential impact and is considered to be acceptable.</p> <p>Furthermore, the site does not contain items or features that have significant natural or environmental values. As outlined in this Report the proposal does not require to remove any vegetation to accommodate the additional permitted use.</p>
<i>The built environment, social and economic conditions</i>	<p>The site is strategically located and the additional permitted use within an approved mixed use neighbourhood centre which is surrounding by residential zoning. The proposed additional permitted use will be integrated into the approved built form which is considered to respond to the desired future character of the Austral locality.</p> <p>In terms of social and economic conditions, the proposed additional permitted use of an recreational facilities (indoor) will deliver distinctive social benefits in a desirable and growing locality. As described, the site represents an excellent opportunity to improve the liveability and will contribute to the create healthy, thriving communities within the Liverpool LGA. It is also noted that the proposal will generate employment opportunities and support surrounding businesses, contributing to the local economy.</p>
<i>The existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates</i>	<p>The additional permitted use will not impact or restrict the existing approval or future development of neighbouring properties. Whilst providing an additional permitted use, the proposal will facilitate options for additional uses to the approved development which is compatible with the context and setting of the environment. As discussed in this Report and supporting documentation, it is demonstrated that the proposal will have no adverse impact in terms of amenity.</p>
<i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>	<p>The proposed change additional permitted use will be supported by the services and infrastructure available in accordance with the development application approval. The approval provides for water connection, gas connection, sewer connection, stormwater and electricity infrastructure.</p>

Additional Clause under Schedule 1 of Appendix 4

As set out under Section 5.1.1 of this Report, additional clauses are to be inserted into Western Parkland City SEPP. These are proposed, as follows:

- Insert an additional clause in Schedule 1 Additional Permitted Uses that permitted with consent the use of *recreation facilities (indoor)* on the subject site.

The clause as set out above will ensure that appropriate uses will be delivered on the subject site. This will satisfy the relevant strategic documents as set by State and Local Government, and will deliver much needed recreational uses in the Austral locality.

As demonstrated in the above assessment, the planning proposal has both strategic and site-specific merit and is suitable to be progressed to a Gateway determination.

Q4: Is the Planning Proposal consistent with a Council's local strategic or other local strategic plan?

The relevant local strategic plans or policies include the following and are addressed in detail below.

- *Liverpool City Council Local Strategic Planning Statement – Connected Liverpool 2040;*
- *Liverpool Community Strategic Plan 2022-2032; and*
- *Liverpool Centres and Corridors Strategy.*



6.3.2.6 Liverpool City Council Local Strategic Planning Statement – Connected Liverpool 2040

The *Liverpool Local Strategic Planning Statement* (LSPS) came into force March 2020 and was endorsed by the Greater Sydney Commission. The LSPS sets out a 20-year land use vision to guide land use planning for the LGA. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the Liverpool LGA. The LSPS will align with the Community Strategic Plan and Western City District Plan.

The Planning Proposal is consistent with the relevant vision and strategic goals of the Liverpool LSPS:

- *Connectivity;*
- *Liveability;*
- *Productivity; and*
- *Sustainability*

Of relevance to this Planning Proposal is Planning Priority 9, which is to promote *Safe, healthy and inclusive places shaping the wellbeing of the Liverpool Community*. This Planning Priority includes a number of Principles and Actions, which are to promote public and active transport and access to recreation opportunities around strategic centres. The rationale for this Planning Priority stems from the following:

'High car dependence, relatively lower levels of spare time due to commuting and traffic, poor access to public and active transport, and fewer recreation opportunities.'

'A healthy built environment is a key motivator for the future. We are working to build more walking and cycling trails, opening access to our natural assets, focusing development near public transport to encourage mode shift, and ensuring there is enough open space and recreational facilities to meet growing demand. New urban centres will be compact and transit-oriented, to maximise opportunities for walking and active transport...'

This proposal will promote *recreation facilities (indoor)*, not only aligning with the employment zones reform, but also directly promoting safe, healthy and inclusive localities. As identified in the excerpt above, Council is seeking to deliver compact and transit orientated communities, with excellent access to services and facilities, including recreational facilities. The provision of additional recreational facilities on a key site in the Austral region, which is earmarked for redevelopment in the near future cognisant with the respective development consent, will expressly deliver additional uses supporting health and well-being. The proposal will also remove the need to travel to surrounding suburbs and localities to access other recreational facilities and will in turn reduce reliance on private motor vehicle travel and encourage active and public transport usage.

The proposal is demonstrably consistent with the LSPS.

6.3.2.7 Liverpool Community Strategic Plan 2022-2032

The Liverpool Community Strategic Plan 2022-2032 (CSP) identifies the strategic direction and integrated planning framework for the Liverpool Community. The Plan sets out the communities' vision to 2032 and sets out four strategic themes:

- **Theme One:** Healthy, Inclusive, Engaging
- **Theme Two:** Liveable, Sustainable, Resilient
- **Theme Three:** Evolving, Prosperous, Innovative
- **Theme Four:** Visionary, Leading, Responsible

The proposal is compatible with the vision set out within the CSP, particularly with regard to the longer term objective for healthy, inclusive and engaging communities under Themes One and Three.

Theme One

The proposal is consistent with the 10-year strategies (reproduced below) which are proposed to satisfy Theme One:

- *Improve liveability and quality of life for the community by delivering vibrant parks, places and facilities*
- *Promote a harmonious community that celebrates its diversity*
- *Embrace the city's heritage and history*
- *Support an inclusive community by fostering access and equity for all*
- *Deliver great and exciting events and programs for our people and visitors*
- *Support active and healthy lifestyles by improving footpaths, cycleways and walkways and other infrastructure that promotes and supports active transport*
- *Communicate, listen, engage and respond to the community by encouraging community participation*

The proposal seeks to improve liveability and quality of life for the community through the provision of indoor recreation facilities on a site with excellent access to other services and facilities. The proposal will contribute to recreational facilities within the Austral locality (and wider LGA) where there is a significant shortfall in the uses and will provide for an appropriate use to accompany the approved development. Importantly, the site is surrounded by low and medium density zoned land and a variety of other land uses, including open spaces, educational facilities and the like.

The additional uses in a prime location will therefore contribute to healthy communities and satisfy the objectives and goals of the CSP.

Theme Three:

The proposal is also consistent with some of the 10-year strategies (reproduced below) which are proposed to satisfy Theme Three:

- *Implement planning controls and best practice urban design to create high-quality, inclusive urban environments*
- *Facilitate quality local employment, training and education opportunities*
- *Develop the economic capacity of local businesses and industries*
- *Maintain strong relationships with agencies, stakeholders and businesses to achieve beneficial outcomes for the city*

The proposal will seek to enhance the local economy through diversifying the land uses and supporting the health and wellbeing of individuals. Given the subject site was not afforded the benefits of the employment zones reform that have been implemented into the Standard Instrument, it is unreasonable to limit the subject site from providing the opportunity to offer a use which will deliver significant benefits to the community. The additional permitted uses will generate employment opportunities for the indoor recreational uses and will be compatible with that envisaged in the neighbourhood centre.

Given the site currently contains a development approval for a mixed-use development, providing an additional use will increase traffic to local businesses. The provision of indoor recreational facilities will align with Council's strategic goals as it will foster collaboration with stakeholders and deliver infrastructure that will support the growing population, and contribute to an economically resilient community.

6.3.2.8 Liverpool Centers and Corridors Strategy

The Liverpool Centres and Corridors Strategy ('Strategy') is a response to Planning Priority 11 'An attractive environment for local jobs, business, tourism and investment', Action 11.1 'Develop a Centres and Corridor Strategy, and review LEP and DCP to ensure alignment' of Council's LSPS. The Strategy redefines and recategorises Liverpool's centres and corridors and provides direction for future planning.



With regards to Austral, specifically the Eighth Avenue Neighbourhood Centre, this is identified as key centre serving the growing community of Austral. Eighth Avenue is desired to provide for a range of retail and commercial premises serving the community, with supporting social infrastructure. The proposed additional use will complement the retail and commercial nature of the development (as approved) and will strengthen the viability of the centre through diversifying uses and also encouraging healthy and socially active communities.

As set out and perDA-381/2023, the subject site is capable of accommodating *recreation facilities (indoor)*, without impacting the provision of retail or commercial premises. This will ensure that the function of the Eighth Avenue Neighbourhood Centre will support the strategy in creating inclusive, accessible and economic hubs to serve the growing population of Austral and the wider locality.

Q5: Is the planning proposal consistent with applicable state and regional studies or strategies?

There are no other state and regional studies or strategies to which the proposed amendments are required to align.

Q6: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

There are no State Environmental Planning Policies (SEPPs) or draft Policies or Deemed SEPPs that would prohibit or restrict this Planning Proposal. A list of relevant SEPPs is included in **Table 9**.

Table 9 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP Resilience and Hazards 2021	The Resilience and Hazards SEPP repealed and replace three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.	Yes	The application for a Planning Proposal will not change the land use zoning and will seek to permit with consent an additional permitted use. This will not change the application of remediation of land. In terms of Coastal Management and Hazardous or Offensive Material, the application does not change the manner in which the chapters of the SEPP applies to the site.
SEPP (Sustainable Buildings) 2022	This SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials.	Yes	This application does not change the manner in which this SEPP will apply to any future development consent
SEPP (Housing) 2021	This SEPP aims to incentivise the supply and ensure the effective delivery of new affordable and diverse housing. The Housing SEPP consolidates six existing housing related policies, including: <ul style="list-style-type: none">• State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);• SEPP 65 (Design Quality of Residential Apartment Development)• State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);• State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (SEPP 70);• State Environmental Planning Policy No 21 - Caravan Parks; and• State Environmental Planning Policy No 36 - Manufactured Home Estates.	Yes	This application does not change the manner in which this SEPP applies to the site.
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This application for a Planning Proposal does not change the manner in which this SEPP applies to the site.

Table 9 Relevant State Environmental Planning Policies

SEPP	Relevance	Y/N	Comments
SEPP (Transport and Infrastructure) 2021	This SEPP aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure. This SEPP repeals and replaces four former SEPPs related to infrastructure, transport, education and childcare.	Yes	The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site. Parking is considered in the submitted Traffic Impact Assessment prepared by CBRK.
SEPP (Biodiversity and Conservation) 2021	This SEPP repeals and replaces 11 previous SEPPs.	Yes	The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site. No vegetation currently exists on the subject site.
SEPP (Industry and Employment) 2021	This SEPP repeals and replaces two former SEPPs related to employment lands in Western Sydney and advertising and signage.	Yes	The Planning Proposal does not change the way in which the SEPP (specifically, Chapter 3 Advertising and Signage) would apply to the site or to future development upon the site.
SEPP (Planning Systems) 2021	This SEPP identifies state or regionally significant development, state-significant infrastructure, and critical state-significant infrastructure.		This Planning Proposal does not change the way in which this SEPP would apply to the site or to future development

Q7: Is the Planning Proposal consistent with the applicable Ministerial Directions?

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* as outlined in the below table.

Table 10 Section 9.1 Ministerial Directions

Ministerial Direction	Relevance	Y/N	Comments
1. Planning Systems			
1.4 Site Specific Provisions	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.</p> <p>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	Yes	<p>The Planning Proposal will seek to include an additional permitted use to allow for recreation facility (indoor) on the site which is consistent with the zoning and employment reforms.</p> <p>(a) The proposal will allow for an additional permitted use in the B1 zone, consistent with the employment zones reform.</p> <p>(b) As above, the proposal will not rezone the site rather will include an additional permitted use.</p> <p>(c) The proposal will not include any standards beyond those currently required.</p> <p>Noted.</p>
1.21 Implementatio	This direction applies to when a planning proposal authority prepares a planning proposal	Yes	The subject planning proposal is consistent with the South West Growth Area Structure

Table 10 Section 9.1 Ministerial Directions

n of South West Growth Area Structure Plan	for land in the Camden, Campbelltown and Liverpool local government areas that applies to land within the South West Growth Area. (1) A planning proposal authority must ensure that a planning proposal is consistent with the Structure Plan and Guide approved by the Minister for Planning and as published in December 2022 on the website of the Department of Planning and Environment.		Plan as set out in Section 6.3.2.3 of this Report. It is noted that the provision of an additional permitted use on the subject site will encourage healthy, socially interactive and economically robust localities and is therefore consistent with the Structure Plan.
3. Biodiversity and Conservation			
3.1 Conservation Zones	This direction applies to all relevant planning authorities when preparing a planning proposal. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas	N/A	The subject site is not zoned or identified as environmentally sensitive land and therefore this direction does not apply.
3.2 Heritage Conservation	This direction applies to all relevant planning authorities when preparing a planning proposal. A planning proposal must contain provisions that facilitate the protection and conservation of heritage significance and Indigenous heritage significance	N/A	The subject site does not contain any heritage restrictions and therefore this does not apply.
3.7 Public Bushland	This direction applies when a planning proposal authority prepares a planning proposal for land in the Woollahra Local Government Area. A Planning Proposal must retain public bushland unless the planning proposal authority is satisfied that significant environmental, economic or social benefits will arise that outweigh the value of the public bushland.	N/A	The subject Planning Proposal is not located within any public bushland.
3.9 Sydney Harbour Foreshores and Waterways Area	This direction applies when a planning proposal authority prepares a planning proposal for land within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021.	N/A	The subject site is not located within the foreshore and waterways area and therefore this direction does not apply.
3.10 Water Catchment Protection	This direction applies when a planning proposal authority prepares a planning proposal which will affect land within a regulated catchment, excluding the Sydney Drinking Water Catchment, within the meaning of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. (1) When preparing a planning proposal, the planning proposal authority must be satisfied that the planning proposal achieves the following: (a) is consistent with the objectives of this direction, (b) is consistent with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, as published by Water Quality	Yes	The subject site is located within the Hawkesbury-Nepean Catch and therefore this direction applies. The Planning Proposal seeks only to permit an additional permitted use (Recreational Facility (Indoor)) and does not propose any physical works or changes to built form, vegetation, or stormwater infrastructure beyond the development consents associated with DA-381/2023. As the proposal will not increase human interference, affect native vegetation, alter scenic quality, or impact

Table 10 Section 9.1 Ministerial Directions

<p>Australia, and any water quality management plan prepared in accordance with those guidelines,</p> <p>(c) includes documentation, prepared by a suitably qualified person(s), indicating whether the planning proposal:</p> <ul style="list-style-type: none"> i. is likely to have an adverse direct, indirect or cumulative impact on terrestrial, aquatic or migratory animals or vegetation, and any steps taken to minimise such impacts ii. is likely to have an impact on periodic flooding that may affect wetlands and other riverine ecosystems iii. is likely to have an adverse impact on recreational land uses within the regulated catchment <p>(d) identifies and considers the cumulative impact of the planning proposal on water quality (including groundwater) and flows of natural waterbodies and on the environment more generally, including on land adjacent to or downstream of the area to which this direction applies,</p> <p>(e) identifies how the planning proposal will:</p> <ul style="list-style-type: none"> i. protect and improve environmental values, having regard to maintaining biodiversity, and protecting native vegetation, cultural heritage and water resources (including groundwater), ii. impact the scenic quality of the natural waterbodies and the social, economic and environmental interests of the community, iii. protect and rehabilitate land from current and future urban salinity, and prevent or restore land degradation, (f) considers any feasible alternatives to the planning proposal. <p>(2) When preparing a planning proposal, the planning proposal authority must:</p> <ul style="list-style-type: none"> (a) consult with the councils of adjacent or downstream local government areas where the planning proposal is likely to have an adverse environmental impact on land in that local government area, and (b) as far as is practicable, give effect to any requests of the adjacent or downstream council. 		<p>catchment health within the site, it is considered consistent with the objectives of Ministerial Direction 3.10.</p>
4. Resilience and Hazards		
4.1 Flooding	This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	N/A The subject site is not identified as flood prone and therefore this direction does not apply.
4.3 Planning for Bushfire Protection	This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land. This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the	The subject site is identified as bushfire prone land. The proposed additional permitted use will not have any undue impact to the bushfire affectation of the site, noting this is resolved per the development approval on the subject site.

Table 10 Section 9.1 Ministerial Directions

	EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.		
4.4 Remediation of Contaminated Land	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	Yes	The Planning Proposal is for an additional permitted use, noting that the land is suitable for development as evidenced in the approved development, and therefore this application for a Planning Proposal is consistent with Direction 4.4.
4.5 Acid Sulfate Soils	<p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.</p> <p>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Planning Secretary when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p>	Yes	The land is not mapped as containing Acid Sulfate Soils and is therefore considered acceptable with regards to this Direction.
5. Transport and Infrastructure			
5.1 Integrating Land Use and Transport	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p>	Yes	<p>This Planning Proposal will not increase maximum building height and floor space ratio which applies to the subject site, however, will include an additional permitted use. Therefore, the maximum density on-site will be maintained</p> <p>It is noted that this application is submitted with a Traffic Report prepared by CBRK which concludes that the proposal will have no adverse impact to traffic and is therefore acceptable with regards to this Direction.</p>

Table 10 Section 9.1 Ministerial Directions

	(b) The Right Place for Business and Services – Planning Policy (DUAP 2001)		
5.2 Reserving Land for Public Purposes	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p>	N/A	Not applicable to subject Planning Proposal.
5.3 Development Near Regulated Airports and Defence Airfields	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>	N/A	Not applicable to subject Planning Proposal.
6. Housing			
6.1 Residential Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	N/A	<p>The Planning Proposal will not alter the permissibility of residential uses, and will only permit with consent <i>recreation facility (indoor)</i>.</p>
7. Industry and Employment			
7.1 Employment Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).</p>	N/A	<p>The site is zoned B1 Neighbourhood Centre. Whilst unclear if this applies, it is noted that the subject proposal will provide for an additional permitted use which will be consistent with this Direction as it will provide for additional employment opportunities within the zone, and will support the local economy of Austral South.</p>

6.3.3 Section C - Environmental, Social and Economic Impacts

Q8: 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 proposal does not seek any built form changes as part of this application as it results to an additional permitted use. Despite this, recreational facility (indoor) are not anticipated to introduce any significant environmental impact beyond that considered in DA-381/2023.

Q9: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The current approval (DA-381/2023) as referenced in this Planning Proposal demonstrates that similar uses can be operated without any detrimental environmental effects, as is discussed in greater detail below.

Aural Privacy

The acoustic privacy of neighbouring properties will form part of a development consent when undertaking applications to pursue the use. It is understood that Council will impose general conditions for the future use of recreational facilities



when seeking development consent. Importantly, the approved development undertook detail acoustic testing and analysis, where it was determined that construction measures and operational management can limit adverse aural impact.

Vehicle Traffic

A Transport, Traffic and Parking Assessment has been prepared by *Colston Budd Rogers & Kafes Pty Ltd* and is submitted under a separate cover. The Transport, Traffic and Parking Assessment provides consideration of the vehicular movements, quantum of car and bicycle parking as part of the provision of additional permitted use.

Notably, the Liverpool Growth Centre Development Controls Plan does not stipulate a rate for indoor recreational facilities.

The proposal does not seek any additional parking spaces or changes to the existing road network and any future application will utilize the existing parking arrangements as established under DA-381/2023. The Traffic Assessment concludes that any additional car parking spaces required for any future use of the recreational facilities (indoor) can be accommodated within the approved car parking area, particularly given the approved development provided a surplus of spaces.

Bushfire

The subject site is located in a Bushfire Prone Area. The proposed additional permitted use will not exacerbate the bushfire vulnerability nor alter the conclusions made under DA-381/2023.

Q10: Has the Planning Proposal adequately addressed any social and economic effects?

This Planning Proposal will result in positive social and economic effects, including the provision of providing indoor recreational facilities in a well located and sought out location. There are clear benefits associated with the additional permitted use. These are described further below.

Social Impact

The proposal will offer distinctive social benefits through the provision of indoor recreational facilities, in a desirable area, whilst providing significant improvements to the health and well-being of the local community. A Social Impact Assessment ('SIA') has been prepared by *Planning Ingenuity* and is submitted under a separate cover. The SIA had concluded that:

"The demographic data for Austral indicates that the Planning Proposal to accommodate the additional permitted use of a recreational facility (indoor) will fulfill the needs of the anticipated growing population in the locality and Council's adopted strategic planning documents, which indicate that the population should be suitably serviced by planning infrastructure, community facilities and services. The potential additional permitted use will further increase the ability to make healthy thriving communities in the Liverpool LGA."

...The potential positive impacts include:

- *Improved health and well being*
- *Improved community cohesion; and*
- *Enhanced Passive Surveillance;"*

Accordingly, the Planning Proposal will improve the liveability and functionality of the approved mixed-use neighbourhood centre. That is, the proposed additional use will allow community members and employees access to a use that is currently prohibited by the planning controls. The use will improve social interaction and healthy living for future residents and works.

Economic Impact

As discussed, this Planning Proposal will allow for the strategic use of recreation facilities (indoor) on the subject site.

The Austral South locality and wider Liverpool LGA have a strong demand for the provision of recreational facilities



(indoor), either in the form of traditional gyms, fitness centres and ancillary fitness facilities as established in the Recreational Needs and Economic Assessment prepared by *Location IQ*. In this regard, the Austral locality, inclusive of the subject site, is well-suited to accommodate recreational facility (indoor). The proposal, which will provide for additional indoor recreational facilities in a highly accessible site, will provide for direct and positive economic impacts in terms of increased expenditure and the subsequent support of surrounding local businesses, serving multi-purpose trips.

Ultimately, the proposal will provide for economic benefits during and post construction associated with recreational facilities. Post construction benefits are afforded through the provision of additional employment opportunities on the site, thus supporting the local economy.

Other Public Benefits

In addition, the proposal will provide a number of other indirect public benefits which include, but are not limited to:

- Improved physical and mental health and wellbeing;
- Foster social interaction between community members;
- Access to services not currently available in the locality; and
- Increased activation and natural surveillance of the public domain.

In conclusion, the public benefits offered (above) are considered to be substantial in exchange for the additional permitted use of recreational facilities (indoor).

6.3.4 Section D - State and Commonwealth Interests

Q11: Is there adequate public infrastructure for the Planning Proposal?

The site is within an area which is undergoing transformation and is (and will be) serviced by public infrastructure. Whilst providing an additional permitted use on the site, this will not trigger requirements for local or regional scale amplification or introduction of new infrastructure, services or facilities. Subject to future applications any consent associated with the additional permitted uses will utilise the infrastructure approved under DA-381/2023.

Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The relevant authorities will be consulted as part of the full Planning Proposal process, in accordance with the relevant legislative requirements. It is noted that the proposed SEPP amendments will not trigger any changes to:

- Infrastructure and services provided by State agencies and public authorities;
- Resources managed by State agencies and public authorities.

The proposal does not trigger the referral criteria in Attachment B to the DPIE Guideline. For these reasons no referrals or consultation with State agencies and authorities are considered necessary.

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation.

6.4 PART 4 - MAPPING

The Planning Proposal does not seek to amend the SEPP mapping as identified in this Report.

6.5 PART 5 - COMMUNITY CONSULTATION

Consistent with the requirements for a Standard LEP amendment and the DPIE Guidelines, it is anticipated that a draft Planning Proposal would be publicly exhibited for a period of 28 days. The exhibition material will include documents



as specified in the Gateway determination and will include a copy of the Planning Proposal, an explanation of provisions, and an indication of the timeframes for completion of the process as estimated by Council.

It is anticipated that the Community Consultation methods will include forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in a local newspaper and on Liverpool Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.

6.6 PART 6 - PROJECT TIMELINE

The estimation of the project timeline is provided below with the intention of optimising efficiency in the process:

Table 11 Project Timeline

Phase	Timing
Gateway determination date	TBD (by Department of Planning & Environment)
Completion of required technical information	No additional supporting studies required.
Government agency consultation (pre-exhibition)	Not required
Government agency consultation (during exhibition)	Concurrent with public exhibition (28 days)
Commencement and completion dates for public exhibition period	TBD
Consideration of submissions	Two weeks from close of public exhibition
Post-exhibition consideration of the application	Four weeks from close of public exhibition
Date of submission to the Department to finalise the LEP / anticipated date RPA will make the plan (if delegated)	Six weeks from close of public exhibition



7. Conclusion

This planning proposal seeks to amend *Appendix 4 Liverpool Growth Centres Precinct Plan* of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* to permit with consent *recreation facility (indoor)* at Nos. 330-350 Eighth Avenue, Austral. Specifically, it is proposed to insert an additional permitted use clause into Schedule 1 Additional Permitted Uses.

This application for a planning proposal has been prepared in accordance with Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW DPIE “*Local Environmental Plan Making Guideline*” (August 2023).

As discussed and per the recent employment zones reform, the site would have be zoned E1 Local Centre consistent with the *Liverpool Local Environmental Plan 2008*. In the E1 zoning of the LLEP 2008, *recreation facility (indoor)* are prescribed as a permitted land use. As the SEPP is yet to implement into the employment zones reform, *recreation facility (indoor)* remain as prohibited on the site which is inconsistent with that permitted under the LLEP 2008 and for the remaining LGA.

The application demonstrates the proposed SEPP amendment is not only consistent with the employment zones reform, but also has strategic and site-specific merit. The amendment is consistent with the *Greater Sydney Regional Plan*, the *Western City District Plan*, majority of key priorities of the *Local Strategic Planning Statement*, applicable State Environmental Planning Policies and Ministerial Directions as prescribed by Section 9.1 of the EP&A Act.

This Planning Proposal recognises the considerable potential of the site to provide indoor recreational facilities to accompany the recent neighbourhood centre development approval (DA-381/2023). The Planning Proposal has the potential to provide for an additional permitted use on a key site that is highly accessible and strategically located.

The proposal is considered to have strategic and site-specific merit and not only provides indoor recreational facilities, but will also provide for community benefits through promoting additional uses within an approved neighbourhood centre development. These benefits will not be realised if this Planning Proposal is not supported. As a summary, the changes to the planning controls will:

- Promote healthy communities through additional permitted uses;
- Allow for the flexibility of use to ensure the successful ongoing operation of the mixed-use development;
- Provide additional indoor recreational uses in a well suited location where there is a significant shortfall, ensuring members of the community are not required to travel elsewhere for access to these services; and
- Allow for the orderly and economic development of the land.

The application is entirely consistent with the local, regional and state strategic planning directions. It follows that the additional permitted use will not result in unacceptable environmental effects or demands for new or augmented local and regional infrastructure and services. The amendment will facilitate future development options on the site that:

- are consistent with adopted key planning strategies;
- are compatible with the context and setting; and
- can deliver future social and economic benefits.

The Liverpool Local Government Area prioritises promoting healthy, safe and inclusive environments. To meet these targets, neighbourhood centres must permit with consent *recreational facility (indoors)*. Currently, the B1 Neighborhood Centre zoning prohibits indoor recreational facilities. As the site contains a recent approval for a mixed-use neighbourhood centre development, the provision of additional permitted uses is ideally supported for a property within a strategic location. Importantly, the additional permitted use can be delivered in the near future given the recent approval and imminent construction.



As such, the supporting documentation demonstrates the additional permitted use of indoor recreational facilities will offer significant public benefit to the community. The supporting documentation comprehensively demonstrates that the additional permitted use will deliver land uses that will positively contribute to the existing development approval.

This Planning Proposal concludes that the additional permitted use contributes to the Austral locality to allow for the delivery of indoor recreation uses which is entirely compatible with the existing and continually emerging character of the locality. This application for a Planning Proposal is therefore worthy of Council's support.



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Item Number:	0
Application Number:	RZ-4/2025
Proposed Development:	Planning Proposal to amend Schedule 1 of Appendix 4 of the State Environmental Planning Policy <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i> to permit a 'recreational facility (indoor)' as an additional permitted use.
Property Address	330-350 Eighth Avenue, Austral NSW
Legal Description:	Lot 940 DP 1265677
Applicant:	Planning Ingenuity on behalf of Fabcot Pty Ltd
Land Owner:	Fabcot Pty Ltd
Cost of Works:	N/A
Recommendation:	Proceed to Gateway Assessment
Assessing Officer:	Lamiokor Wellington

1 EXECUTIVE SUMMARY

On 25 August 2025, Planning Ingenuity lodged a privately initiated Planning Proposal at 330-350 Eighth Avenue Austral (Lot 940 DP 1265677). The Planning Proposal seeks to amend Appendix 4, Schedule 1 of the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (WPC SEPP 2021) to permit 'Recreation Facility (indoor)' on the subject site. The intent of the proposal is to facilitate a 'gym' on the site.

The proposal is strategically located along Eighth Avenue and is currently zoned B1 Neighbourhood Centre. A development application (DA-381/2023) was recently approved on the site for a supermarket development (Woolworths) and additional retail tenancies. The proposed additional permitted use 'gym' would therefore complement the proposal under the DA.

The Planning Proposal has been submitted pursuant to Section 3.33 of the *Environmental Planning and Assessment (EP&A) Act 1979*, and the proposal is referred to the Liverpool Local Planning Panel (LPP) in accordance with Section 2.19 of the EP&A Act 1979 for advice.

Determination of strategic and site-specific merit has been assessed in accordance with the 'Local Environmental Plan Making Guideline' published by the NSW Department of Planning, Housing, and Infrastructure (August 2023). Council staff consider the proposal to

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demonstrate Strategic and Site-Specific Merit and complies with the broader planning framework. As such, recommends the proposal proceed to Gateway Assessment.

2. SITE DESCRIPTION AND LOCALITY

Subject Site

The Planning Proposal relates to land located at Lot 940 DP 1265677, 330-350 Eighth Avenue, Austral (See *Figure 1*). The subject is rectangular in shape and covers 1.8 hectares in size. The immediate surroundings of the site consist of vacant parcels of land, recently subdivided residential dwellings as well as existing large lot rural residential dwellings. The site is zoned B1 Neighbourhood Centre under the WPC SEPP 2021 (as indicated in Figure 2).

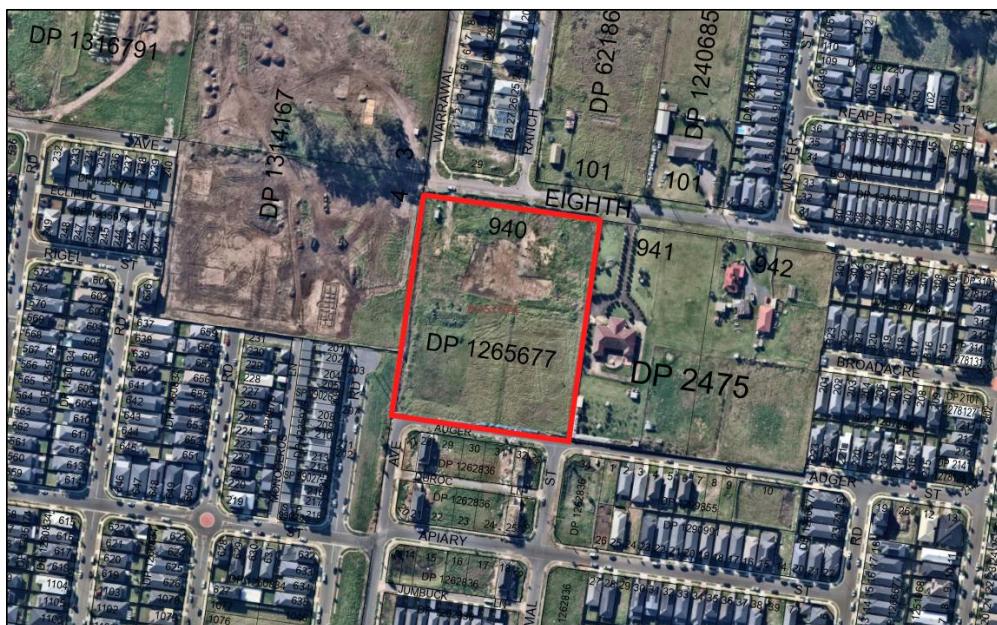


Figure 1: Subject site (Aerial Map) (outlined in red) Source: Near map.

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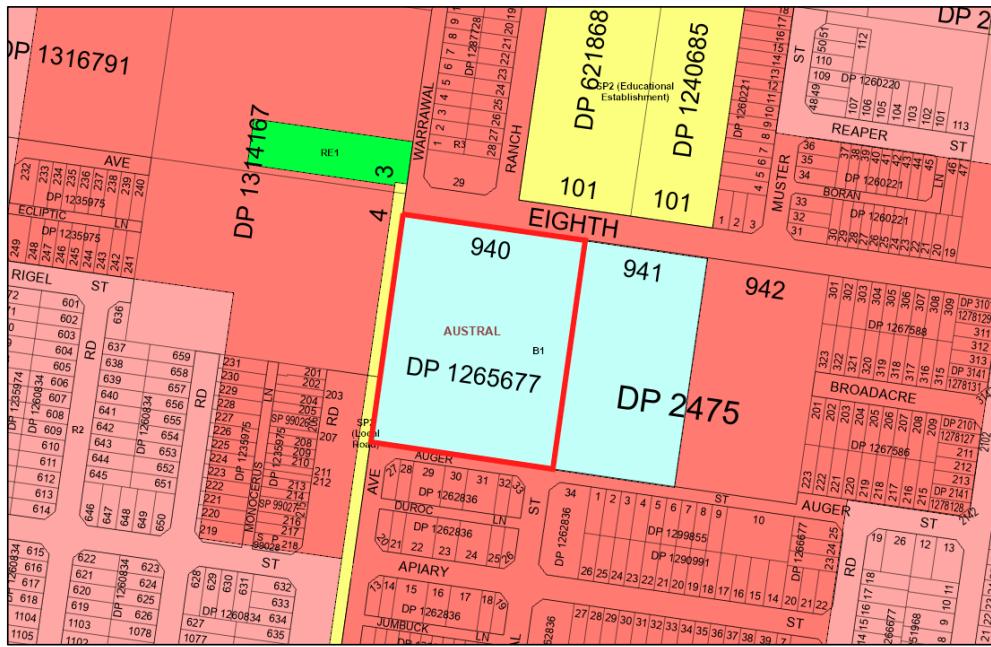


Figure 2: Subject site (Land Zoning Map) (outlined in red). Source: Geocortex.

Locality (Site Context)

The site is located in Austral South on Eighth Avenue, which connects to Fourth Avenue and Edmondson Avenue (classified road).

The locality contains residential land with varying dwelling typologies, predominantly featuring newly constructed low-density residential dwellings as well as larger rural residential dwellings and ancillary structures.

Austral was widely rezoned by the NSW Government in March 2013, and therefore it is anticipated that the remaining rural land parcels will continue to transition to a low / medium residential character into the future.

3. BACKGROUND/HISTORY

Pre-Planning Proposal (PPL-2/2025)

A pre-planning proposal meeting was held on 8 May 2025 with the proponent and Council officers. Formal advice was provided to the proponent on 12 May 2025, deeming the proposal to likely be capable of demonstrating strategic merit considering the use aligns with the intent for the site as a Neighbourhood Centre providing access to shopping, employment, and services for residents of Austral.

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Development Consent (DA-381/2023)

A development application (DA) was lodged with Council for the subject site on 27 June 2023 for the: *Demolition of existing structures, excavation and construction of an anchor supermarket (Woolworths), commercial and retail tenancies, public piazza and through-site link, with at-grade parking, signage and associated landscaping, civil and public domain works.'*



Figure 5: 3D renders of proposed development submitted with DA-381/2023.

The DA received approval on 11 September 2024 by the Sydney Western Regional Planning Panel (SWRPP). Since the original approval two modification applications (DA-381/2023/A and DA-381/2023/B) have been lodged and subsequently approved.

These generally related to changes in building heights, minor design changes, and improvements to the functionality of the piazza to the east. It should be noted that early excavation works commenced on the subject site as of January 2025.

4. DETAILS OF THE PROPOSAL

The Planning Proposal seeks to amend *Schedule 1 Additional Permitted Uses of Appendix 4 Liverpool Growth Centre Precinct Plan* of the WPC SEPP 2021 by inserting a clause to allow for development for the purposes of recreation facility (indoor) on the subject site. Specifically, the Planning Proposal seeks to accommodate a 'gym' within the approved commercial and retail development, and the provision is proposed to read as follows:

2 Use of certain land at 330-350 Eighth Avenue, Austral

- (1) This clause applies to land known as 330-350 Eighth Avenue, Austral (Lot 940 DP 1265677)
- (2) Development for the purposes of recreation facility (indoor) is permitted with consent.

5. ASSESSMENT OF STRATEGIC AND SITE-SPECIFIC MERIT

Section A – Need for the planning proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No, the Planning Proposal is not the result of an endorsed LSPS, strategic study or report. The proposal is a privately initiated Planning Proposal and is considered a 'spot rezoning.'

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

Yes, a Planning Proposal is the best means of achieving the intended outcome, which is to include an additional permitted use for a recreation facility (indoor) at the subject site.

Section B – Relationship to the strategic planning framework

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

Greater Sydney Regional Plan – A Metropolis of Three Cities

The Greater Sydney Regional Plan (GSRP) was published in March 2018 and prepared by the (now dissolved) Greater Sydney Commission (GSC). The plan applies to three cities within the Greater Sydney Region, including the Western Parkland City, the Central River City, and the Eastern Harbour City. The overarching vision established by the Plan is for people to live with 30 minutes of their jobs, and have easy access to education, health facilities, key services and attractive places for leisure and recreation.

Consistency with the relevant parts of the GSRP are assessed in the Table 2 below:

Table 2 – Consistency with relevant Directions and Objectives of the GSRP

Direction & Objective	Council Comment (Consistent/Inconsistent)
A city supported by infrastructure - Infrastructure supporting new developments	
Objective 4: Infrastructure use is optimised.	This objective intends to use land more efficiently by co-locating services, and to encourage opportunities for interdependency of uses – therefore increasing sustainability and resilience. The subject proposal seeks to include an additional permitted use to a site where various services will be provided for the development of a local centre.

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Direction & Objective	Council Comment (Consistent/Inconsistent)
	The Planning Proposal is consistent with this objective.
A city for people - Celebrating diversity and putting people at the heart of planning	
Objective 6: Service and infrastructure meet communities' changing needs.	<p>This objective relates to services and infrastructure being tailored to meet the varying needs of population groups and demographics.</p> <p>The community of Austral is one of the fastest growing in NSW. The additional permitted use will increase the variety of services within the new local centre.</p> <p>The Planning Proposal is consistent with this objective.</p>
Objective 7: Communities are healthy, resilient, and socially connected.	<p>This objective relates to delivering healthy, safe, and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities.</p> <p>The additional permitted use being a 'indoor recreational facility' will directly contribute to healthy and resilient communities, as it provides an opportunity for fitness activities for public use. It will also contribute to social interactions.</p> <p>The Planning Proposal is consistent with this objective.</p>
A city of great places - Designing places for people	
Objective 12: Great places that bring people together.	<p>This objective relates to providing a mix of land uses including social infrastructure and local services at the heart of communities.</p> <p>The additional permitted use being an 'indoor recreational facility' will contribute to the various services made available within a new local centre.</p> <p>The Planning Proposal is consistent with this objective.</p>

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Western City District Plan

The Western City District Plan (WCDP) was published in March 2018 and prepared by the (now dissolved) Greater Sydney Commission (GSC). The WCDP outlines numerous directions and planning priorities which guide development and forecast growth throughout the district (inclusive of the Southwest Growth Area). Section 3.8 of the EP&A Act 1979 requires that Planning Proposals give effect to any district strategic plan applicable to the LGA to which the proposal is made.

The relevant directions and planning priorities are listed in the below Table:

Table 3 – Consistency with relevant Direction and Planning Priorities in the WCDP.

Direction & Planning Priority	Council Comment (Consistent/Inconsistent)
Celebrating diversity and putting people at the heart of planning	
Planning Priority W3: Providing services and social infrastructure to meet people's changing needs.	<p>This planning priority relates to how planning must recognise the changing composition of population groups and provide services and social infrastructure to meet changing needs.</p> <p>Permitting the proposed additional permitted use will allow for additional services that may be needed as the population in Austral South increases.</p> <p>The Planning Proposal is consistent with this planning priority.</p>
Designing places for people	
Planning Priority W6: Creating and renewing great places and local centres and respecting the district's heritage.	<p>This planning priority aims to facilitate well-designed centres with a mix of land uses and services.</p> <p>The proposal aims to include an additional permitted use of a gym at a newly established local centre (Eighth Avenue Neighbourhood Centre) within Austral. Therefore, contributing to a mix of tenure within the new local centre.</p> <p>The Planning Proposal is consistent with this planning priority.</p>

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4. Is the planning proposal consistent with a council Local Strategic Planning Statement (LSPS) that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

Yes. The Planning Proposal is consistent with Council's LSPS, as well as the Liverpool Centres and Corridors Strategy. The consistency of these documents in relation to the Planning Proposal are outlined below.

Connected Liverpool 2040 – Local Strategic Planning Statement (LSPS)

Council's Local Strategic Planning Statement (LSPS) was endorsed in 2020. This is a key planning document which details the shared vision and priorities of Council and the community and informs future land use planning for the Liverpool Local Government Area into 2040.

Planning Priority 9 of the LSPS aims to create safe, healthy and inclusive places, shaping the wellbeing of the Liverpool Community. The Planning Proposal seeks to permit a 'recreational facility (indoor)' on site. This use could act as a social connector within the new local centre and co-locates activities within the new centres. This proposal is consistent with this direction.

Liverpool Centres and Corridors Strategy

Council's Centres and Corridor Strategy has been developed in response to Action 11.3 of Council's LSPS. The Strategy essentially redefines and recategorises Liverpool's centres and corridors and provides guidance for future planning.

The Strategy includes a 'Guiding Criteria' which is intended to assist in the assessment process for Planning Proposals (p23). An assessment of consistency for the relevant criterion has been included in the table below.

Table 4 – Consistency with the Liverpool Centres and Corridors Strategy

Guiding Criteria	Council Comment
Proposals must not have a significant negative impact on the retail operation of the Liverpool City Centre, town centre and local centres (including planning future centres).	<p>As the Planning Proposal is seeking to permit an additional permitted land use on the subject site, which is complementary to the recently approved DA, and zone objectives.</p> <p>It is considered consistent with this criterion.</p>

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5. Is the planning proposal consistent with any other applicable State and Regional studies or strategies?

The proposal is solely for an additional permitted use for recreation facilities (indoor) on a subject site and therefore does not trigger other State and regional studies or strategies.

6. Is the planning proposal consistent with applicable SEPPs?

Yes. The Planning Proposal is broadly consistent with SEPPs applicable to the land.

The SEPP (Biodiversity and Conservation) 2021 contains controls for vegetation, native bushland, and regulated water catchment. The site is located within a regulated water catchment; however, the applicant has not addressed the Planning Proposals impact on the catchment. Whilst, it is considered the Planning Proposal can be consistent with this SEPP, the Planning Proposal is required to be updated to demonstrate compliance.

7. Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions) or key government priority?

Section 9.1 Ministerial Directions

The Planning Proposal has been assessed against Local Planning Directions (Ministerial Directions) in accordance with Section 9.1 of the EP&A Act (1979).

Table 5 – Consistency with relevant Section 9.1 Directions

Objective	Consistency	Comment
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Consistent.	The Planning Proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of the Regional Plan's vision, land use strategy, goals, directions, or actions.
1.4 Site Specific Provision	Consistent.	The Planning Proposal is solely to include an additional permitted use and does not seek to amend any development standards in the WPC SEPP 2021.
Focus Area 3: Biodiversity and Conservation		
3.10 Water Catchment Protection	Justifiably inconsistent	<p>As noted under Question 6 of this Report, the subject site of which this Planning Proposal applies is within a 'regulated catchment' as defined in the B&C SEPP 2021, therefore this Direction applies.</p> <p>The Planning Proposal is inconsistent with this Direction however due to the 'minor significance.' The Planning Proposal will be required to be updated prior to being sent to Gateway.</p>

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Focus Area 4: Resilience and Hazards		
4.4 Remediation of Contaminated Land	Consistent.	The proposal is consistent with this Direction as the land will be made suitable for development as determined in the Detailed Site Investigation Report under the approved DA.

Section C – Environmental, social, and economic impact

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?

No. The subject site does not contain any threatened ecological communities or have any conservation significance. The subject site also does not contain any terrestrial biodiversity and is biodiversity certified.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The Planning Proposal application was referred to Council's relevant internal teams seeking comment from Subject Matter Experts (SMEs) and is detailed below:

Traffic

The Traffic Report submitted with the Planning Proposal (**Attachment 3**) stated that the proposed additional permitted use would have a '*minor increase in traffic of '1%', quantified as a further '12 vehicles per hour (two way) in the weekday afternoon peak hour*'. Council's traffic SME found the proposed additional permitted use would have no adverse impact on the local road network.

Noise

Indoor recreation facilities commonly generate additional noise which may impact the surrounding area. However, given the additional permitted use will be applied to a B1 Neighbourhood Centre zone is it considered appropriate.

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

Economic

The Planning Proposal report is supported by a Recreational Needs Assessment and Economic Impact Assessment (**Attachment 2**) which refers to the proposed additional permitted use in the context of the approved supermarket development on the site, stating '*Shopping centres are evolving to support a broader mix of uses beyond traditional retail, including health, fitness and well-being facilities. This diversification helps maintain foot traffic and improve centre vitality.*' (p28)

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Page 29 of the Assessment also concludes that '*the creation of additional employment which would result from this gym...has been factored into the employment generation from the overall Woolworths Austral South project...*'.

Council staff coincide with the conclusion of the Assessment.

Social

Council's Social Planner identified there to be significant shortage of social infrastructure and community facilities in Austral and found the proposed indoor recreation (gym) will widen the scope of having an essential service closer to home.

The supporting Social Impact Assessment (SIA) (**Attachment 4**) aligns with these recommendations, stating '*the future uses associated with indoor recreational facilities are anticipated to bring increased foot traffic, and incorporate CPTED principles in future applications for the uses*' (p23).

Section E – State and Commonwealth Interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The views of State and Commonwealth public authorities will be consulted should a Gateway determination be issued. Relevant public authorities will be identified for consultation at the Gateway determination stage.

6. NEXT STEPS

The proposed amendment is considered to demonstrate Strategic and Site-Specific Merit. The report has addressed the potential benefits of integrating recreation facilities (indoor) within the site and its wider benefits to the current and future community.

Following the Panel's consideration, the Planning Proposal will be reported to Council for consideration. Should the Planning Proposal request be endorsed, it will then be forwarded to DPHI seeking a Gateway Determination.

Following a Gateway Determination in support of the Planning Proposal, there will be a public exhibition and community consultation and a further report to Council, prior to proceeding with making of any amendment to the relevant legislation.

7. RECOMMENDATION

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That the Planning Proposal is forwarded to the *Department of Planning, Housing, and Infrastructure* for a Gateway Assessment.

ATTACHMENTS

1. Attachment 1 - Planning Proposal Report - 330-350 Eighth Avenue, Austral
2. Attachment 2 - Recreational Needs Assessment & Economic Impact Assessment - 330-350 Eighth Avenue, Austral
3. Attachment 3 - Traffic Report - 330-350 Eighth Avenue, Austral
4. Attachment 4 - Social Impact Assessment - 330-350 Eighth Avenue, Austral



ADVICE ON PLANNING PROPOSALS LIVERPOOL LOCAL PLANNING PANEL

Monday 24th November 2025

Held online via
MS Teams

Panel:

Terence Sheahan (Chair)
Stephen McMahon (Expert)
Caroline Pidcock (Expert)
Jeremy Thomas (Community Representative)

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

LIVERPOOL CITY COUNCIL**ADVICE OF LIVERPOOL LOCAL PLANNING PANEL****PAGE 1****24th November 2025**

APPLICATION NUMBER:	RZ-4/2025
SUBJECT:	Planning Proposal to amend Schedule 1 of Appendix 4 of the State Environmental Planning Policy State Environmental Planning Policy (Precincts – Western Parkland City) 2021 to permit a 'recreational facility (indoor)' as an additional permitted use.
LOCATION:	330-350 Eighth Avenue, Austral NSW
OWNER:	Fabcot Pty Ltd
APPLICANT:	Planning Ingenuity on behalf of Fabcot Pty Ltd
AUTHOR:	Lamiokor Wellington

ADVICE OF THE PANEL

The Panel read the Council officer's report, was briefed by Council officers and visited the site.

The Panel's advice to the Council is that the proposal should proceed to Gateway Assessment. Additionally, the Panel suggests Council seeks to investigate the opportunity to make a minor amendment to the State Environmental Planning Policies (SEPP) to include gymnasiums and any other anomalies.

VOTING NUMBERS:**4-0**

**Stronger Together:
Resilient. Productive. United**

**2026
National
General
Assembly
Discussion Paper**

National Convention Centre Canberra



The Australian Local Government Association (ALGA) is pleased to convene the 32nd National General Assembly of Local Government (NGA), to be held in Canberra in June 2026.

As convenor of the NGA, the ALGA Board warmly invites all councils to send representatives to this important national event.

The NGA is the premier national gathering of local governments. It gives councils a chance to come together, share ideas, debate motions, and strengthen the relationship between local government and the Australian Government.

This discussion paper contains essential information for Australian councils considering submitting motions for debate at the 2026 National General Assembly of Local Government (NGA).

It is recommended that all councils and delegates intending to attend the 2026 NGA familiarise themselves with the guidelines for motions contained in this paper.

KEY DATES

24 October 2025 | Opening of Call for Motions

27 February 2026 | Acceptance of Motions closes

TO SUBMIT YOUR MOTION

VISIT: ALGA.COM.AU

ALGA AND THE NGA – WORKING FOR YOU

Established 1947, ALGA is a federation of member state and territory associations. Its mission is to achieve outcomes for local government through advocacy with impact, and maximise the economic, environmental and social wellbeing of councils and our communities.

Since 1994, the NGA has raised the profile of local government on the national stage, showcasing the value of councils and demonstrating – particularly to the Australian Government – the strength and value of working with local government to deliver on national priorities.

Debate on motions was introduced to the NGA as a vehicle for councils from across the nation to canvas ideas. Outcomes of these debates (NGA Resolutions) can be used by councils to inform their own policies and priorities, as well as their advocacy when dealing with federal politicians.

At the same time, they help ALGA and its member state and territory associations gain valuable insight into council priorities, emerging national issues, and the level of need and support for new policy and program initiatives.

Given ALGA's structure, Constitution, and resources, the NGA resolutions do not bind ALGA. However, NGA resolutions are carefully considered by the Board to determine ALGA's policies, priorities and strategies to advance local governments within the national agenda.

This is your NGA, and ALGA is pleased to act as the convenor. ALGA's policies and priorities will continue to be determined by the ALGA Board in the interests of all councils.

We encourage councils to consider the topics and guidance in this paper as you develop your motions.

The ALGA Board thanks all councils for attending the NGA 2026 and those who submit motions for debate.

SUBMITTING MOTIONS

The National General Assembly of Local Government (NGA) gives you and your council an important opportunity to influence the national policy agenda.

The Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper to help you identify motions that address the NGA 2026 theme of "Stronger Together: Resilient. Productive. United." This theme encourages debate on how councils across Australia can become more resilient, contribute to the nation's productivity agenda, and present a united voice to the federal government on key issues in the national sphere.

We encourage you to read all the sections of the paper. We have included guiding questions to assist in developing your motion, but you do not have to respond to every question. You can address one or more of the issues identified in the discussion paper with your motion.

Your NGA motion should focus on how local governments can work in partnership with the Australian Government to address the challenges our communities face or seize the opportunities that are national priorities.

Each year the Secretariat receives a high volume of motions. Councils are encouraged to submit only their highest-priority motions and ensure it meets the criteria below. Multiple motions on a similar topic may be re-written into a single strategic motion, and councils will be invited by the Secretariat to put their council name to the proposal.

HOW TO SUBMIT

- Each motion requires a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council.
- You can lodge motions electronically using the online portal available at www.alga.asn.au
- **Motions should be received no later than 11:59 pm AEST on Friday 27 February 2026.**

WHO CAN SUBMIT A MOTION

- Any council that is a financial member of their state or territory local government association can submit a motion.
- We will not accept motions submitted on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

CRITERIA FOR MOTIONS

To be eligible for inclusion in the NGA Business Papers, and debate it on the floor of the NGA, you must meet the following criteria:

- Submit a new motion that has not been debated at an NGA in the preceding two years as found in previous business papers on the ALGA website.
- Ensure your motion is relevant to the work of local government across the nation, not focused on a specific location or region, unless the project has national implications.
- Align your motion with the policy objectives of your state and territory local government association.
- Propose a clear action and outcome on a single issue, calling on the Australian Government to take action. Motions covering more than one issue will not be accepted.
- Ensure the motion does not seek to advantage one or a few councils at the expense of others.
- Avoid being prescriptive in directing how the matter should be pursued.

WRITING TIPS

Motions should seek the NGA's support for a particular action or policy change at the federal level which will assist local governments to meet local community needs.

- Start with: "This National General Assembly calls on the Australian Government to...".

Be concise, clearly worded, and unambiguous.

- Use the background section of the form to help delegates understand your issue.
- Keep your motion to 100 words, the national objective to 100 words, and the key arguments to 150 words.

PROCESS OF SELECTION

The ALGA Secretariat will review motions for quality control and consistency with the criteria.

- > With the agreement of the relevant council, we may edit motions to ensure consistency.
- > If we have any questions about the substance or intent of a motion, we will raise these with the nominated contact officer.
- > Where there are multiple motions on a similar issue, the Secretariat may combine them into a single overarching strategic motion and invite the council to attach their name to the strategic motion.
- > Motions that reflect existing ALGA policy will be noted in the Business papers—but will not be included for debate, as they have already been covered in existing ALGA advocacy and policy positions.

The ALGA Board provides final decision on which motions are included in the Business paper.

- > The ALGA Board and state and territory local government associations will review all submitted motions to determine their eligibility.
- > The ALGA Board will consider the importance and relevance of the issue to local government and whether the motions meet all the criteria.
- > The ALGA Board will refer any motion primarily concerned with local or state issues to the relevant state or territory local government association and it will not include it in the NGA Business Papers.

WHO WILL SPEAK TO THE MOTION AT NGA?

We expect any council that submits a motion to be present at the National General Assembly to move and speak to the motion. The decision on the speaker is at the discretion of the council.

AFTER THE NGA

The resolutions of the NGA will be referred to the relevant federal Minister as an outcome of the NGA.

Resolutions passed at the NGA do not become binding policy on ALGA, with policy positions to remain at the discretion of the ALGA Board.

All NGA resolutions will be published on www.NGA26.com.au.

As the host of the NGA, ALGA will communicate resolutions to the relevant Australian Government Minister and publish Ministerial responses as they are received on the ALGA website.

OTHER THINGS TO CONSIDER

- It is important to complete the background section of the submission form. Do not assume NGA delegates will know the background of the proposal. This section helps all delegates to understand your motion and informs decision making. Please note, motions should not be prescriptive in directing how the matter should be pursued.
- Keep motions practical, focussed and can be implemented. This ensures that relevant Australian Government Ministers can respond thoughtfully and promptly. Avoid complex motions with multiple points that require cross-portfolio implementation.
- If there are any questions about a motion, ALGA will contact the nominated officer. With the council's agreement, these motions may be edited before being included in the NGA Business Papers.
- Debate will follow the rules published in the Business Papers and will focus on the strategic motions.

SETTING THE SCENE

In the face of evolving challenges and opportunities, local governments around Australia stand at the forefront of driving resilience and productivity. Local governments know we are stronger together and the importance of unity across all levels of government. The theme for this year's NGA, **Stronger Together: Resilient. Productive. United**, underscores the pivotal role councils play in shaping the nation's future and delivering national priorities.

As the backbone of local communities, councils are uniquely positioned to implement place-based solutions that address both local needs and national priorities. This year's NGA encourages debate on how councils can enhance their resilience, contribute meaningfully to the nation's productivity agenda, and present a cohesive voice to the federal government on critical issues.

By fostering collaboration and innovation, local governments can lead the way in creating sustainable and thriving communities.

The 2026 NGA provides you - the elected representatives of Australia's local councils and communities - with the opportunity to engage with the Federal Government and key Ministers, ensuring that the voices of local communities are heard at the national level.

In this context, this year's call for motion focusses on ten priority areas:

- Financial sustainability
- Emergency management
- Housing and planning
- Roads and infrastructure
- Closing the Gap
- Jobs and skills
- Environment
- Cyber security
- Climate change
- Intergovernmental relations.

1. FINANCIAL SUSTAINABILITY

Financial sustainability is the biggest challenge facing Australia's local governments which is why it remains one of ALGA's top priorities. Sustainably funded, councils can play a key role delivering local solutions to national priorities.

The 2025 Parliamentary inquiry interim report into local government sustainability confirmed that the role of councils has evolved and expanded over time, putting significant pressure on local government budgets. It is critical the Federal Government reinstates and finalises the Parliamentary inquiry into local government sustainability.

For almost one in four councils, federal Financial Assistance Grants make up at least 20 per cent of their annual operating revenue. This funding is untied, meaning it can be used to address local priorities.

Over the past 30 years, the value of Financial Assistance Grants as a percentage of Commonwealth taxation revenue has dropped from 1% in 1996 to just 0.5% today. To address this, ALGA is advocating for a **return to 1% of Commonwealth taxation revenue for local government over the next three years.**

ALGA also proposes five new, untied funding streams to be distributed to all councils on a formula basis, including:

- \$1.1 billion per year for enabling infrastructure to unlock housing supply,
- \$500 million per year for community infrastructure,
- \$600 million per year for safer local roads,
- \$900 million per year for increased local government emergency management capability and capacity, and
- \$400 million per year for climate adaptation.

Additionally ALGA advocates for permanent, full membership of National Cabinet, the Council on Federal Financial Relations and the Local Government Ministers' Forum to ensure local perspectives are considered in national decision making.

What are the opportunities to address financial sustainability across councils, and support their capacity to deliver local solutions to national priorities?

Are there improvements to be made to existing federal funding programs and arrangements that would support improved local government financial sustainability?

2. EMERGENCY MANAGEMENT

The frequency, duration, and severity of natural disasters in Australia are a major concern for local governments.

Between 2019 and 2023, 434 of Australia's 537 councils faced natural disasters. Since 2020, 346 councils have dealt with at least two or more natural disasters. These numbers highlight that Australia will likely face more frequent and severe climate-driven disasters in the future, as noted by the 2025 Australian National Climate Risk Assessment (NCRA). Regional communities, which have the least capacity to plan and respond to natural disasters, are often hit the hardest. However, the NCRA also warns that even areas that have never experienced disasters will face one at some point as the climate continues to warm.

More frequent disasters will further strain emergency services and disaster response and recovery efforts at all levels of government. Natural disasters currently cost Australia \$38 billion per year in direct physical damage, economic disruption, and social impacts, affecting millions of people. This figure is forecast to rise to approximately \$73 billion by 2060.

Councils are crucial in supporting their communities during and after disasters, but do not have enough funding to carry out these functions. They are already stretched thin, with many councils facing financial instability, and the increasing frequency of disasters has a cumulative financial impact.

Investing more in disaster prevention and resilience, as well as boosting local government emergency management response funding, will save money in the long run and better protect lives, homes, and businesses. Every dollar spent on reducing the impact of climate-related disasters saves the government up to \$8 in the long term.

ALGA is asking for \$900 million per year to help councils improve their disaster response and resilience. They also want the Commonwealth to fully implement the recommendations from the Royal Commission into National Natural Disaster Arrangements and other major reviews, including the Independent Review of National Natural Disaster Governance Arrangements (the Glasser Review) and the Independent Review of Commonwealth Disaster Funding (the Colvin Review).

The Independent Reviews by Colvin and Glasser support a strategic shift towards disaster risk reduction and resilience. The Colvin Review recommended a major capacity uplift for local government and an enhanced national training and exercise regime which tests and builds local government capability. However, while ALGA notes the need to invest in risk-reduction and resilience-building initiatives, embedding recovery at all points along the emergency management continuum, should always be at the front of mind for all levels of government. ALGA's response to these Reviews reiterated the need for a sustainable funding model for disasters through a non-competitive pathway, and dedicated funding for local government.

Councils are encouraged to draw on their practical experience of the improvements that could be made to better support them in preparing, responding to, and recovering from, natural disasters.

Please note that many aspects of emergency management are state or territory responsibilities, and your motions should focus on how the Australian Government could assist.

What new programs, or improvements to existing programs, could the Australian Government develop to partner with local government to improve the current natural disaster management systems to further assist in recovery and build resilience?

How can the Government best support Australian councils to prepare for, respond to and recover from natural disasters?

3. HOUSING AND PLANNING

Australia is experiencing an affordable housing crisis, with a lack of housing supply impacting on homeowners and renters.

The crisis is leading to more people experiencing homelessness and struggling with housing insecurity and affordability.

In many jurisdictions, local government performs a key role in zoning and approving housing and delivering enabling infrastructure. However, councils are often unfairly blamed for delays in housing approvals when most applications that meet the requirements are processed quickly and efficiently.

One of the biggest barriers to building more homes is a lack of funding for enabling infrastructure, including the roads, power and water connections necessary for new developments.

The National Housing Accord – which ALGA is a signatory to on behalf of local government - sets an ambitious national target of 1.2 million new, well-located homes over the next five years. According to ALGA's research, it will cost at least \$5.7 billion to build the infrastructure needed to meet the national housing target. This is in addition to the existing funding gaps for local government infrastructure, which is estimated to be between \$50-\$55 billion for replacing infrastructure in poor condition (2024 National State of the Assets Report).

The 2024 Addressing the Housing Crisis: Unlocking Local Government's Contribution Report by Equity Economics found that 40% of surveyed local governments have reduced new infrastructure developments due to insufficient funding for enabling infrastructure required to support new housing, further exacerbating the housing crisis.

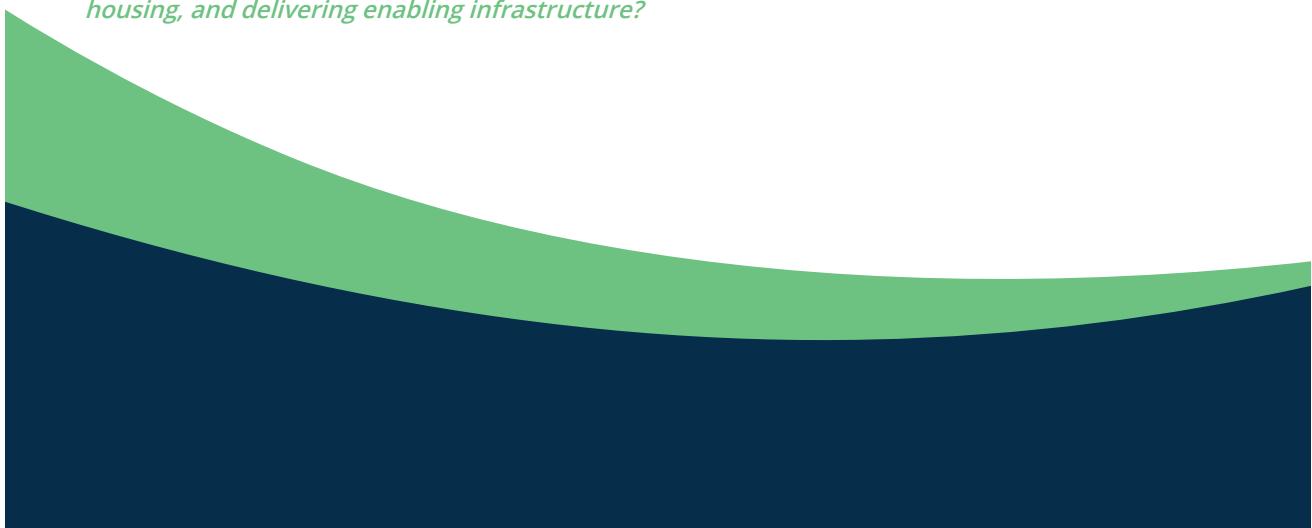
ALGA is calling for a new five-year, \$1.1 billion annual fund that would be provided to all councils to get the foundations right for increasing Australia's housing supply.

We are advocating for local governments to be provided with \$500 million per year for critical and community infrastructure and assets that will help create more liveable communities.

ALGA is also seeking a seat at the table for national discussions on housing policy, including full membership of National Cabinet and the Housing and Homelessness Ministerial Council.

What new programs and policies could the Australian Government develop to partner with local government to support the provision of more affordable housing?

How can local governments be better supported in their role in planning and approving housing, and delivering enabling infrastructure?



4. ROADS AND INFRASTRUCTURE

Local governments are responsible for about one-third of Australia's public infrastructure, including local roads, buildings, facilities, airports, water and land.

According to ALGA's 2024 National State of the Assets report, Australia's councils manage over \$600 billion worth of assets and infrastructure, which is about ten times their annual revenue.

This makes local governments the most asset-intensive level of government. Councils manage local roads, which make up around 75% of the national road network, totalling more than 650,000 km. These roads serve every Australian and business daily, and are key to Australia's productivity.

Safer roads

The unacceptable number of deaths and serious injuries on Australian roads has continued to rise every year since 2020.

Tragically, around half of all fatal road crashes occur on local roads in regional areas. During the 12 months ending August 2025 there were 1,353 road deaths, 4.3% higher than the same time in the previous year, according to national road safety data.

Effectively funding the maintenance and necessary safety upgrades of Australia's local road network is a big challenge, and despite recent increases in the federal Roads to Recovery funding, there is still a \$500 million per year shortfall, according to the 2023 Grattan Institute's Potholes and Pitfalls report.

ALGA is calling for \$600 million per year safer roads fund – with \$500 million for infrastructure improvements and \$100 million for road safety programs – to support all councils to play a more effective role reducing deaths on Australian roads.

Community infrastructure

Local government libraries, playgrounds, bike paths and community centres are vital to the wellbeing and liveability of communities. However, many of these facilities need significant attention and upgrades.

According to ALGA's 2024 National State of the Assets report, around \$8.3 billion of local government buildings and facilities and \$2.9 billion of parks and recreation assets are in poor condition.

On a positive note, since 2021, the amount of local government buildings and facilities in poor condition has fallen from 10 per cent to eight per cent. This is the result of increased federal investment through the Local Roads and Community Infrastructure program, from both the Coalition and Labor governments since 2020.

Unfortunately, this program has ceased and there is an urgent need for ongoing and significant community infrastructure. ALGA is proposing a \$500 million per year community infrastructure fund – to be provided to all councils – to build, (and importantly), maintain and upgrade the local facilities that make communities great.

Are there new programs or initiatives that the Australian Government could adopt to improve the long-term sustainability of local government roads and community infrastructure?

Are there programs or initiatives that the Australian Government could provide to improve the sector's capacity to manage local government infrastructure and to integrate these plans into long-term financial plans?

Are there opportunities for the Australian Government to support councils to invest in local infrastructure that will help address national priorities?

5. CLOSING THE GAP

Local governments play a crucial role in closing the gap between Indigenous and non-Indigenous Australians. ALGA is a signatory to the National Agreement on Closing the Gap Partnership, which focuses on four priority reform targets and 19 socio-economic targets in areas like education, employment, health, justice, safety, housing, land and waters, and Aboriginal and Torres Strait Islander languages.

Local governments are uniquely positioned to support partnerships that address long-term service gaps and ensure their delivery. However, the Productivity Commission Review of the National Agreement on Closing the Gap found that Federal and state governments are not adequately supporting or involving local governments in these reforms.

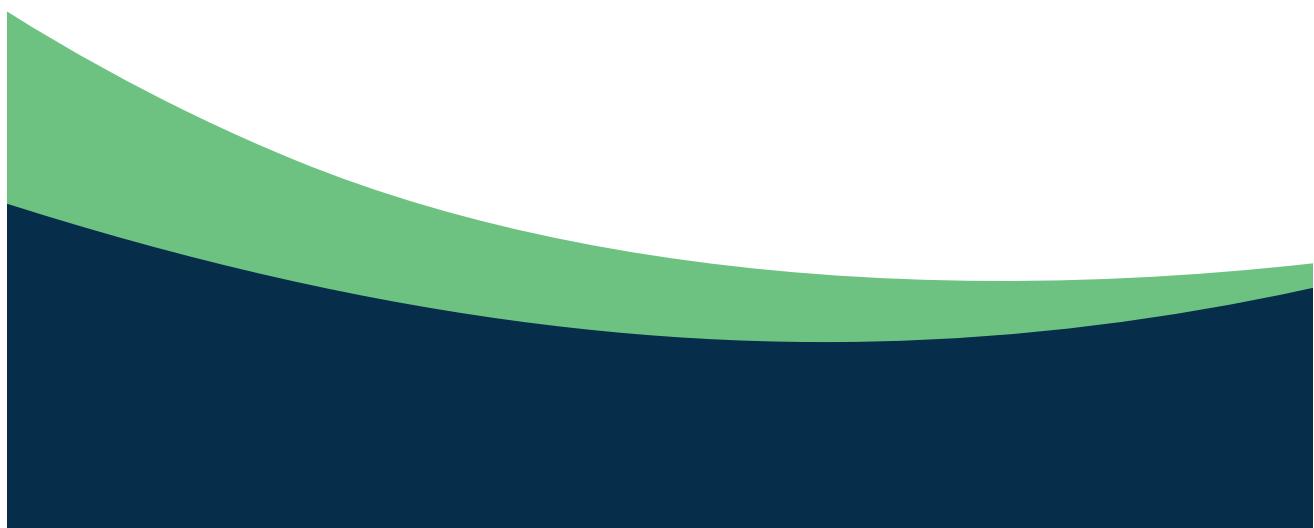
ALGA is calling for more resourcing and funding for local government, to support place-based initiatives or broader programs to enable councils to better facilitate and meet Closing the Gap objectives in their communities.

ALGA is also advocating for the Commonwealth to:

- Establish a national framework/set of protocols outlining which Federal Government departments/agencies should engage with local government in place-based initiatives, and planning for community-level projects or expenditure.
- Seek greater local government input in programs that impact on Closing the Gap targets to better shape programs with local knowledge and the needs of specific communities.
- Develop programs, with state and territory governments, to include funded support positions for local government coordination and partnership efforts (including member associations).
- Recognise councils with majority or all Aboriginal-elected members as key service delivery bodies in policy and program development.

Are there programs or initiatives that the Australian Government could adopt to assist local government to advance reconciliation and close the gap?

Are there practical programs or initiatives that local government and the Australian Government could introduce to maintain, build and strengthen the level of trust between Aboriginal and Torres Strait Islanders and governments?



6. JOBS AND SKILLS

Australia's jobs and skills crisis is significantly impacting local governments, which employ around 213,000 people nationwide. ALGA's 2022 Local Government Workforce Skills and Capability Survey found that nine out of ten Australian councils face jobs and skills shortages, hindering project and service delivery.

Town planners, building surveyors, and engineers are the most in-demand professions. These roles are crucial for supporting and enabling communities to become more resilient and to help boost local economic growth and national productivity. National priorities, such as increasing housing supply, cannot be achieved without local government support and the right professionals to undertake this work.

Several factors drive these skill shortages, including difficulty attracting young people to local government jobs, lack of available training courses, wage competition, and insufficient resources to upskill the current workforce. This includes access to training facilities for rural and remote councils, workplace supervisors, subject matter experts, and contextualized training resources.

Councils urgently need more federal funding to invest in workforce development and training programs, attract workers to regional areas, and address broader skills shortages in the national economy.

ALGA is calling for the Federal Government's National Skills Plan to acknowledge the vital role of local governments as employers in training and skills development. ALGA also seeks funding opportunities for council employees to access training for identified skills shortage areas, especially in regional and remote communities.

Additionally, it is important for the Commonwealth to undertake a national audit of institutions offering urban and land use planning, building surveyors, and engineering qualifications, and to identify more readily available pathways for regional and remote study.

Are there programs or initiatives that the Australian Government could implement that would enhance local government's capacity to attract and retain appropriately skilled staff now and into the future?

Are there programs or changes to existing programs that would increase local government's ability to employ apprentices and trainees?

Are there other initiatives that the Australian Government could provide to improve the sector's ability to plan and develop skills fit for the future?

7. ENVIRONMENT

Local governments play a crucial role in protecting our local environment including places, flora and fauna.

Councils spend more money on environmental protection than any other level of government. According to SGS Economics and Planning, councils spent \$6.75 billion in 2021-22 on biodiversity, biosecurity, water management, and waste management. By comparison, states and territories spent \$6.62 billion, and the Commonwealth allocated \$6.7 billion over the same period.

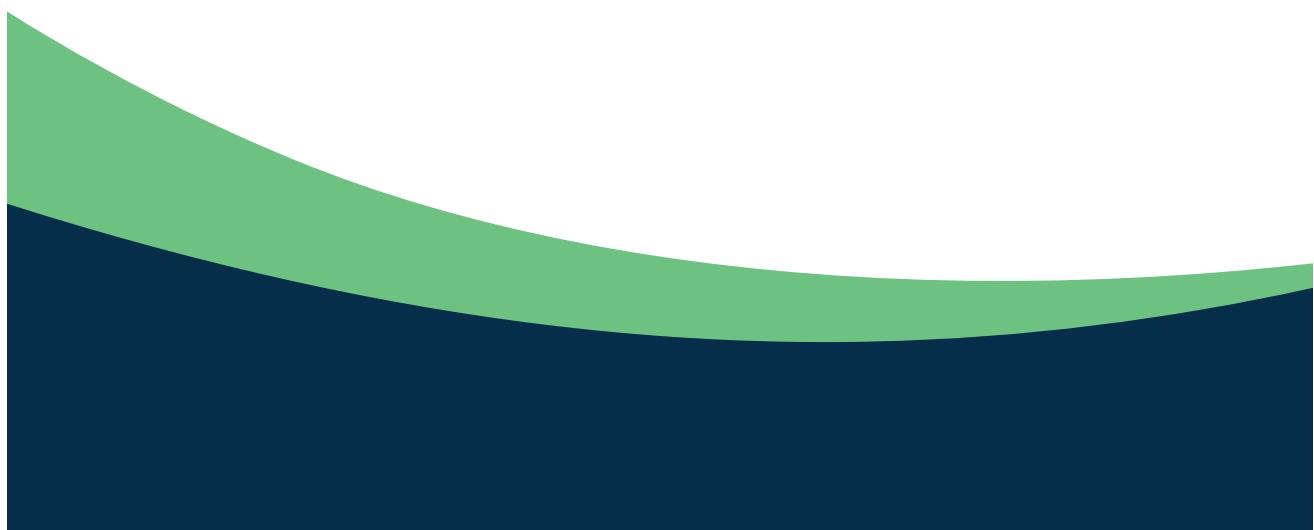
Local government is also key in improving waste management and resource recovery to reduce pollution, maintain communities and keep people healthy. However, as the Australian Government recently reported, we are running out of viable landfill space and circular economy solutions are required.

Local governments are ideal partners for on-the-ground action to deliver environmental priorities and outcomes, but they need better funding and support.

Councils bring a local, community-based and integrated approach to managing environmental issues, including weed and pest management, monitoring and protecting threatened species, contributing to water security and enhancing biodiversity.

ALGA is calling on the Federal Government to:

- Fund councils to support the delivery of national environmental outcomes. This includes outcomes stipulated in international conventions, threatened species action plans, matters of national, state, and local environmental significance, and any new obligations/expectations under reforms to the Environmental Protection and Biodiversity Conservation (EPBC) Act.
- Fund local governments to manage environmental threats, including pests, weeds, and biosecurity threats.
- Ensure local government is appropriately recognised and engaged through environmental law reform processes.
- Seek agreement, under the National Water Initiative, on the overarching social, cultural, economic and environmental outcomes and goals for water on a national and holistic basis, and action planning and funding and achieve these outcomes and goals.



Waste management and resource recovery

Collecting, treating, and disposing of waste costs local governments an estimated \$3.5 billion annually.

The 2022 National Waste report revealed waste generation has increased 20 per cent over the last 15 years (8.3 per cent coming from municipal waste). Although, recycling and recovery of Australia's core waste has increased by 57 per cent since 2006-07, Australia still has one of the lowest rates of recycling among OCED countries.

The responsibility and cost for waste reduction in Australia should be borne by industry, and not local governments.

Implementing mandatory product stewardship, including payments to local governments for any residual resource recovery services, would ensure producer responsibility is operationalised and reduce the cost and risk burden on councils.

ALGA is advocating for the Federal Government to:

- Establish a mandatory product stewardship approach for waste materials and ensure product stewardship schemes include, and are effective, in regional and remote areas.
- Ban the importation and manufacturing of products containing identified contaminants.
- Prioritise national policy attention to waste streams with the highest potential to improve environmental outcomes, reduce costs to local government, and create economic opportunity.
- Introduce a 'local government impact assessment' into national waste policy and reform processes to ensure council interests are systematically incorporated into policy design.

How could the Australian Government partner with local government to strengthen Australia's environmental services and infrastructure?

What new programs could the Australian Government partner with local government in to progress local regional and national objectives?

What actions and investments should the Australian Government prioritise to improve resource recovery rates?

What initiatives and approaches should the Australian Government take to improve waste, recycling and resource recovery in regional, rural and remote LGAs?

What are the most significant opportunities in the circular economy and how can the Australian Government engage with local governments to leverage these opportunities?

8. CYBER SECURITY

Cyber security is a growing risk for all Australian governments and businesses, and councils are not immune. However many local governments are under-resourced and struggle to deal with increasingly sophisticated cyber threats and attacks.

Local governments manage large amounts of sensitive data about communities and community members, including private information from the aged care, health, and social services they deliver. Furthermore, most councils are responsible for managing critical infrastructure, including water, waste, power networks, and transport systems.

Councils need greater support to strengthen their cyber security preparedness and response capability, and protect valuable data.

ALGA is calling for greater funding and support from the federal government to improve cyber security capability and capacity across the local government sector.

Drawing upon your council's experience, and your knowledge of other councils within your state or territory, are there programs and initiatives that the Australian Government could implement to help local government develop its digital technology services and infrastructure?

Are there actions the Australian Government could take to improve cyber security within the local government sector?

9. CLIMATE CHANGE

The impacts of climate change – including from more frequent and severe natural disasters, coastal erosion and rising temperatures – are being felt right across every community.

Councils, being the closest government to communities, are crucial in creating a sustainable future and helping the Federal Government achieve net zero emissions by 2050. However, they need support to manage these impacts.

Climate adaptation

Local governments are on the frontline of climate adaptation. They build public swimming pools to keep people cool, plant trees for shade, and upgrade stormwater systems to handle heavy rains. With their local knowledge and leadership, they play a vital role in addressing climate risks and seizing new opportunities from new industries and achieving national climate adaptation objectives.

Councils are already investing significantly in climate adaptation, but they need more support to match the scale of the challenges. ALGA's modelling shows that councils deliver \$0.8 to \$3.1 in benefits for every \$1 invested. A \$2 billion investment by 2030 could benefit local communities by \$2.2 to \$4.7 billion.

ALGA is calling for a new \$400 million per year climate adaptation fund, to be distributed across all councils to provide local, place-based solutions to Australia's changing climate.

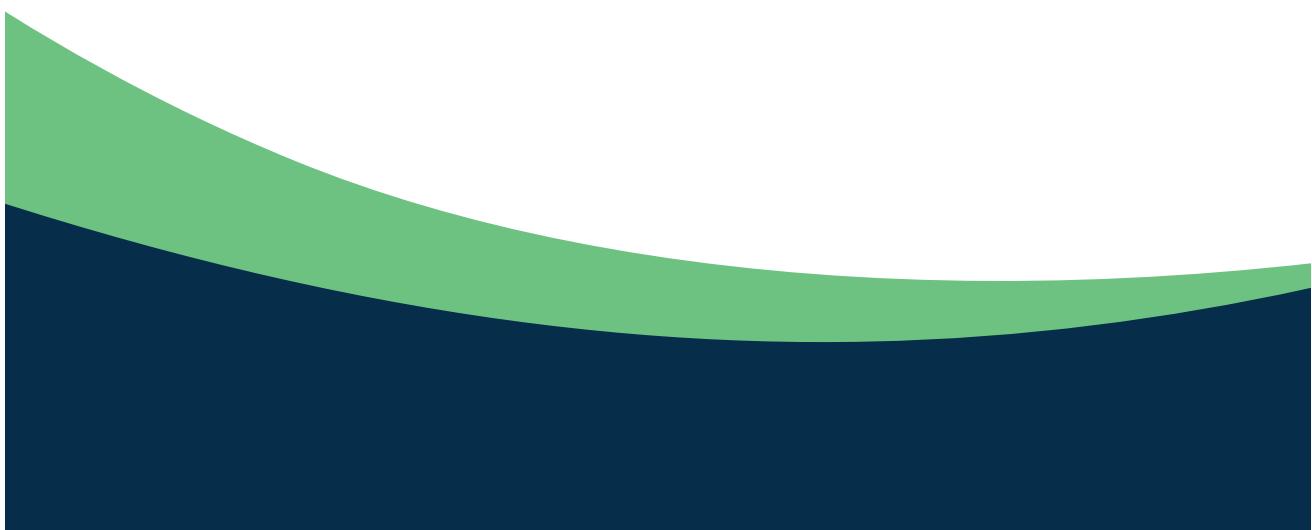
We are also asking the Federal Government to:

- Streamline and make it easier for local governments to undertake climate risk management. This should involve implementing a voluntary climate risk framework for local government which supports consistent climate risk assessment, reporting, decision making and expenditure.
- Develop, operate and maintain an information and data suite designed specifically for local government adaptation use (on an opt-in basis).

Emissions reduction

The Australian Local Government Climate Review 2024 found that 86% of councils (out of 120 respondents) had an emissions inventory. However, they face barriers in reducing corporate emissions, such as internal resourcing (69%), funding (64%), and staff capability (40%).

While councils are committed to reducing emissions locally, they need more funding to avoid burdening ratepayers and to allow communities to benefit from low-emissions technologies sooner.



ALGA is asking the Federal Government to:

- Collaborate with local governments as part of a multi-level governance approach (per the Australian Government's pledge to the Coalition for High Ambition Multilevel Partnerships) to undertake strategic planning and prioritisation of net zero projects, infrastructure and service needs on a regional level.
- Fund emissions reduction plans with local governments across states and territories to facilitate a place-based approach to achieving net zero communities.
- Expand, and make more accessible, existing funding programs which enable local governments to reduce emissions and support community emissions reduction.
- Provide councils with accessible and nationally harmonised tools to maintain pace with trends in emissions measurement and reporting.
- Ensure local governments are compensated where emissions reduction processes place additional pressure on services and infrastructure (e.g, heavier EV truck impact on maintenance/standards of roads/bridges).

Renewable energy transition

Local governments are crucial partners in the transition to net zero. They engage with project proponents, negotiate community benefits, provide trusted information to residents, and manage the impacts of large projects on roads, housing, and local skills.

Councils strive to create a positive long-term legacy while balancing the immediate risks and impacts of the transition.

ALGA is asking the Federal Government to:

- Create a program of work dedicated to understanding local government experiences with renewable energy transition in their local area and region and develop specific supports for local governments.
- Establish a national approach and mechanism for cost recovery to local governments for the role of brokering benefits between project proponents and their communities, benefitting all Australians.
- Develop and maintain regional plans and a national map demonstrating zoning for prospective and proposed renewable energy projects and transmission corridors.

Noting the Australian Government's approach to reducing emissions, are there partnerships, programs, and initiatives that local government and the Australian Government can form to achieve Australia's 2050 net zero emissions target?

What are the opportunities to support councils to increase community resilience to the impacts of climate change?

What support do councils need to ensure that renewable energy projects deliver lasting benefits to the communities that house them?

What are the most significant climate risks being faced by local governments and what approach should the Australian Government take to supporting councils?

What roles and responsibilities for emissions reduction and climate risk management is your council shouldering that should be primarily managed by other levels of government? How should this responsibility be shared or rebalanced?

What are the most significant emissions reduction opportunities for your council and what could the Commonwealth provide to enable you to implement these opportunities?

10. INTERGOVERNMENTAL RELATIONS

ALGA has unique access and insight into government decision-making in Australia.

We represent local government at Ministerial Councils and forums on a range of key issues including transport, emergency management, energy, climate, environment, planning, culture and Closing the Gap.

At these meetings, ALGA's leaders provide a powerful and strong voice for councils and communities, and ensure local perspectives are considered in national policy development.

However, ALGA does not have a permanent voice on National Cabinet – the main forum linking all governments across the nation.

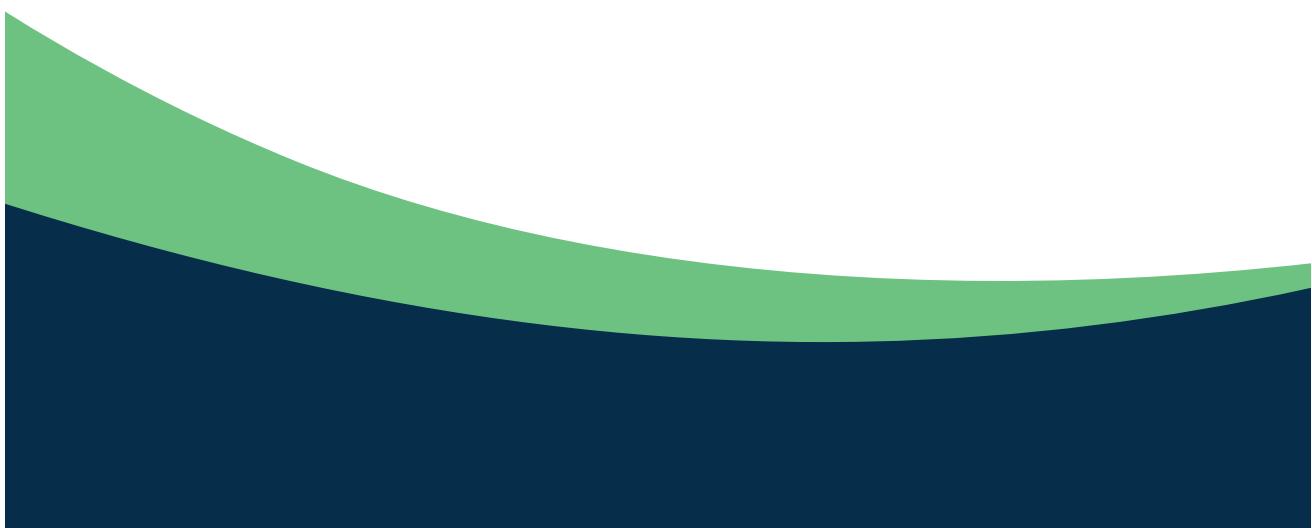
For almost 30 years, ALGA was a valued member and contributor to the Council of Australian Governments (COAG). However, ALGA's membership did not carry over when COAG transitioned to National Cabinet in 2020, and ALGA now only attends one meeting each year as an observer. ALGA is also invited to attend one meeting per year of the Council on Federal Financial Relations.

ALGA is calling on the Federal Government to return ALGA as a full member of National Cabinet with ongoing membership and voting rights. This will enable local government leaders to provide local perspectives on national decision making and ensure the views of Australian communities are understood and considered.

We are also seeking full membership of the Local Government Ministers' Forum, which ALGA currently attends in an ex-officio capacity.

Given the important role councils play delivering local solutions to national priorities, how can intergovernmental arrangements be further improved in Australia?

Are there new initiatives and programs that could be adopted to improve the level of cooperation and collaboration between the Australian Government and local government?



CONCLUSION

Thank you for taking the time to read this discussion paper and your support for the 2026 National General Assembly of Local Government.

A final reminder:

- Motions should be lodged electronically at www.alga.com.au and received no later than **11.59pm AEST on 27 February 2026**.
- Motions must meet the criteria published in this paper.
- Motions should commence with the following wording: *This National General Assembly calls on the Australian Government to...*
- Motions should not be prescriptive in directing how the matter should be pursued.
- Motions should be practical, focussed and relatively simple.
- It is important to complete the background section on the form.
- Motions must not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- When your council submits a motion there is an expectation that a council representative will be present at the 2026 National General Assembly to move and speak to that motion if required.
- Resolutions of the National General Assembly do not automatically become ALGA's national policy positions. The resolutions are used by the ALGA Board to inform policies, priorities and strategies to advance local governments within the national agenda.

We look forward to hearing from you and seeing you at the 2026 National General Assembly in Canberra.





AGENDA

GOVERNANCE COMMITTEE MEETING

15 July 2025

LEVEL 11, 50 SCOTT
STREET, LIVERPOOL
NSW 2170

LIVERPOOL
CITY
COUNCIL.





You are hereby notified that a **Governance Committee Meeting** of Liverpool City Council will be held at **LEVEL 11, 50 SCOTT STREET, LIVERPOOL NSW 2170** on **Tuesday, 15 July 2025** commencing at 5:15 PM.

Please note this meeting is closed to the public. The minutes will be submitted to the next Council meeting.

If you have any enquiries, please contact Council and Executive Services on 8711 7441.

A handwritten signature in black ink, appearing to read 'Jason Breton'.

Mr Jason Breton
CHIEF EXECUTIVE OFFICER

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General Business

Close



ITEM 01

Voluntary Planning Agreements (VPA) - Quarterly Status Report - July 2025

Strategic Objective	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
File Ref	184180.2025
Report By	Siva Karthiges - Coordinator Contributions Planning
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 12 December 2024, Council unanimously endorsed the quarterly reporting to Council (via Governance Committee) of progress on Planning Agreements both under negotiation and executed (Item – PLAN 05).

A Planning Agreement is a voluntary agreement or other arrangement between a planning authority and the Developer under which the Developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

The *Environmental Planning and Assessment Act 1979* (“EP&A Act”) provides the legislative framework for Planning Agreements, while Council’s Planning Agreements Policy provides clarity on the circumstances in which a planning agreement may be entered into, and the process that needs to be undertaken to execute a Voluntary Planning Agreement (VPA).

In accordance with this Resolution, this Report provides a quarterly update on the progress of Planning Agreements both under negotiation and executed.

RECOMMENDATION

That the Governance Committee receives and notes this Report.

REPORT

As of 23 June 2025, Council has seven (7) Planning Agreements “under negotiation”, with a further sixteen (16) Planning Agreements “executed”. Further detail on these Planning Agreements is provided in **Attachment 1**.

**LIVERPOOL
CITY
COUNCIL**

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**GOVERNANCE COMMITTEE MEETING
15 JULY 2025****INFRASTRUCTURE AND PLANNING COMMITTEE REPORT**

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	Provide information about Council's services, roles and decision making processes. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	<i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2001</i>
Risk	There is no risk associated with this Report.

ATTACHMENTS

1. Attachment 1 - Planning Agreements Status Report - June 2025

ITEM 01
Attachment 1Voluntary Planning Agreements (VPA) - Quarterly Status Report - July 2025
Attachment 1 - Planning Agreements Status Report - June 2025

Attachment 1 - VPA Status Report to Council at 23 June 2025

Date: 23/06/2025

No.	VPA Number	Applicant	Description	Location	Executed	Status Update
VPAs Under Negotiations						
1	VPA-39	Frasers	Delivery of works, lands and monetary contributions	Edmondson Park Town Centre(South) Lot 1-2 DP 1204198 and Lot 62 DP 1191356	N/A	Under negotiation
2	VPA-45	Landcom	Delivery of works, lands and monetary contributions	Edmondson Park Town Centre (North) All land within Edmondson Park Town Centre (concept plan approval), excluding Frasers Land (refer to VPA 39) & Campbelltown LGA	N/A	Under negotiation
3	VPA-59	Mirvac	Under Negotiation	Lot 2 DP 817692 Pleasure Point Road and Lot 1 DP 875804 Heathcote Road, Pleasure Point	N/A	Under negotiation
4	VPA-60	EG Property Group	Monetary contributions	1411 The Northern Road, Bringelly	N/A	Under negotiation
5	VPA-61	J.C & F.W. Kennett Pty Ltd	Under Negotiation	Lot 15 Glenfield Road, Casula	N/A	Under negotiation
6	VPA-63	Blue Fountain Pty Ltd	Monetary contributions	LOT 97 & 100 DP 1217431, Edmondson Park	N/A	Under negotiation
7	VPA-58	Bradfield Development Authority	Delivery of works, lands and monetary contributions	Bradfield	N/A	Under negotiation
Executed VPAs - Delivery in Progress						
1	VPA-05	Amarino Pty Limited	Remediation of the Designated Land Carrying out of the program of works for soil remediation, weed control, regeneration, re-vegetation for all Designated Land Conducting maintenance works described in the Vegetation Management Plan Drainage facilities	Lot 29 Cowpasture Road, Hinchinbrook	14/05/2014	VPA almost complete. Minor site clearing in progress prior to land dedication to Council.
2	VPA-08	Australian Turf Club Limited	Intersection upgrade of Governor Macquarie Drive and Munday Street, Share Pathway Constructions, Land dedication.	Inglis, Coopers Paddock, Warwick Farm (Australian Turf Club Limited)	14/05/2014	On going works and discussion in progress between applicant and Council.
3	VPA-09	Mirvac Homes New Brighton Golf Club	Preparation of a Vegetation Management Plan, Construction of shared pathway Riparian Planting, landscaping, recreation facilities Local drainage Reconstruction of Cantello Reserve Dog park	New Brighton Golf Course & Club, 43 Brickmakers Drive, Moorebank NSW 2170	21/09/2012	On going works and discussion in progress between applicant and Council. DA for Shared Pathway under assessment.
4	VPA-11	TanLane Pty Limited	Construction and dedication of shared pathways and recreation facilities, Development, completion and maintenance of VMP, embellishment and dedication of river foreshore	146 Newbridge Road, Moorebank NSW 2170	20/08/2008	VPA items all on track. At this stage, no works required.
5	VPA-12	Syesun Pty Limited	Embellishment and dedication of river foreshore, development, completion and maintenance of VMP, construction of pedestrian footpath	124 Newbridge Road, Moorebank NSW 2170	15/10/2012	Early discussions with applicant regarding potential new VPA or VPA amendment over site.
6	VPA-17	Daniel Biordi, Francesca Biordi, and Lorenzo Biordi	Contribution towards additional car parking spaces in the city centre as a result of the increased need for parking spaces.	220-230 Northumberland Street, Liverpool NSW 2170	13/08/2014	Monetary Contribution only - to be paid. Assessment of internal financial records in progress.
7	VPA-18	Gazcorp Pty Ltd	Homepride Avenue Roadworks; RMS Roadworks Orange Grove Road	Liverpool Mega centre, 10 Orange Grove Road, Warwick Farm NSW 2170	25/08/2018	Required works to be as part of a DA that is expected to be submitted by 2026. No action required at this stage.
8	VPA-19	Shepherd Street Developments Coronation	Monetary Contribution; Pedestrian & Cycle Pathway	Paper Mill Eatery, 20 Shepherd Street, Liverpool NSW 2170	16/11/2017	
9	VPA-36	ZHC Investments Pty Limited	Affordable housing /affordable housing Lots	8 Hoxton Park Road, Liverpool NSW 2170	10/08/2021	VPA works subject to a DA.
10	VPA-37	Manta Group Pty Ltd Al-Somai Development Pty Ltd	Middleton Grange Town Centre VPA, DA-64/2007/C	Middleton Grange Town Centre	24/11/2022	VPA works yet to commence. Modification Application over the site currently under assessment.
11	VPA-42	Vicliz Pty Ltd	Leppington Town Centre VPA	1370 Camden Valley Way, Leppington NSW 2179	11/02/2022	No development activity over site to trigger VPA at this stage.
12	VPA-10	Giovanni DeFilippis & Amelia DeFilippis	Monetary Contribution	90 Flynn Ave, Middleton Grange NSW 2171	11/12/2012	Assessment of internal financial records in progress.
13	VPA-15	Sanfilippo Investments Pty Ltd	Monetary Contribution	75 Flynn Ave, Middleton Grange NSW 2171	15/01/2019	Assessment of internal financial records in progress.
14	VPA-34	Six Central Avenue Pty Ltd	Monetary Contribution	85 Flynn Ave, Middleton Grange NSW 2171	2012	Assessment of internal financial records in progress.
15	VPA-54	Giuseppe Morizzi and Rosa Morizzi	Monetary Contribution	80 Flynn Ave, Middleton Grange NSW 2171	2012	Assessment of internal financial records in progress.
16	VPA-55	Anthony John Natoli	Monetary Contribution	100 Southern Cross Ave, Middleton Grange NSW 2171	26/03/2012	Assessment of internal financial records in progress.

ITEM 01
Attachment 1Voluntary Planning Agreements (VPA) - Quarterly Status Report - July 2025
Attachment 1 - Planning Agreements Status Report - June 2025

Itemised Executed VPA Summary

ITEM NO.	ITEM OF WORK	DESCRIPTION OF CONTRIBUTIONS	TIME OF COMPLETION	STATUS
VPA-5 - Lot 29 Cowpasture Road, Hinchinbrook				
1	Remediation of the Designated Land	Removal of any waste and subsequent fill (related to the removal of the waste) to existing or otherwise approved finished ground level.	Prior to the dedication of the Designated Land	In-Progress
2	Management of the Designated Land	Prepare the Vegetation Management Plan (that includes a staged program of works for, weed control, regeneration and re-vegetation) for the Designated Land and obtain the approval of Councillor that plan.	Prior to the dedication of the Designated Land	Complete
3	Management of the Designated Land	Carry out the program of works for soil remediation, weed control, regeneration and re-vegetation for all Designated Land as stipulated in the approved Vegetation Management Plan.	Twelve (12) months Prior to the dedication of the Designated Land.	In-Progress
4	Conduct maintenance works described in the Vegetation Management Plan.	Maintenance works described in the Vegetation Management Plan to optimise plant establishment and weed control.	Twelve (12) months after the dedication of the Designated Land.	Not started
5	Drainage Facilities	Construction of drainage channel between the Cowpasture Road and Hinchinbrook Creek and to the Government Road stormwater detention basin to the South, varying between 15m and 40m width and at an average depth of 1 metre. In accordance with the drainage design approved as part of DA-926/2010	Prior to the issue of a subdivision certificate for a plan that when registered would create the first (1st) B6 Enterprise Corridor Lot OR Prior to issue of the first Development Consent for buildings on the Enterprise Corridor Land (except for temporary structures erected in conjunction with performing building works).	Complete
VPA-8 - Inglis, Coopers Paddock, Warwick Farm (Australian Turf Club Limited)				
1	Remediation of the Designated Land (zoned RE1)	Removal of any waste and subsequent fill (related to the removal of the waste) to existing or otherwise approved finished ground level. Removal and / or other appropriate management of site contamination as identified in, and in accordance with, the Site Contamination Report.	Prior to the dedication of the Designated Land	In-Progress
2	Management of the Designated Land	Carry out the program of works and maintenance as specified in the Vegetation Management Plan approved by Council	three (3) years from the dedication of the Designated Land to Council	In-Progress
3	Offset Works	Carry out offsetting works within the Designated Land in accordance with the ecological report 'Ecological Constraints Report Proposed Rezoning Lot 1 DP 581034 Coopers Paddock Governor Macquarie Drive Warwick Farm' prepared by Travers Bushfire & Ecology and dated August 2011 and accepted by the NSW Office of the Environment and Heritage and the VMP approved by Council.	Prior to the first to occur of: (1) the issue of a Subdivision Certificate for a plan that when registered would create the first Industrial Lot; and (2) the issue of an Occupation Certificate for any development on the Industrial Land	Complete
4A	Traffic Improvements	Governor Macquarie Drive to be widened to 2 lanes in each direction between the entrance to the Coopers Paddock Site and a new entrance into the ATC Site near the existing Old Tote Stand as shown in Annexure 2. The new carriage way is to be constructed on the southern side of the existing carriageway of Governor Macquarie Drive.	Prior to the issue of either: (1) a Subdivision Certificate for a Plan that when registered would create an Industrial Lot; (2) an a Final Occupation Certificate for any Development on the Industrial Land or; (3) an a Final Occupation Certificate for any Development on the Inglis Site, whichever occurs first.	Complete

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4B	Traffic Improvements	Provision of the following works in both carriageways of Governor Macquarie Drive: • Lighting • Kerb and Guttering • Median Strip Contribution Value: N/A	Prior to the issue of either: (1) a Subdivision Certificate for a Plan that when registered would create an Industrial Lot; (2) an a Final Occupation Certificate for any Development on the Industrial Land or; (3) an a Final Occupation Certificate for any Development on the Inglis Site, whichever occurs first.	Complete
4C	Traffic Improvements	Subject to Council approval, construct 2 new intersections at the Coopers Paddock and Governor Macquarie Drive intersection and proposed car park entrance at Governor Macquarie Drive as shown in Annexure 2.	Prior to the issue of either: (1) a Subdivision Certificate for a Plan that when registered would create an Industrial Lot; (2) an a Final Occupation Certificate for any Development on the Industrial Land or; (3) an a Final Occupation Certificate for any Development on the Inglis Site, whichever occurs first.	Complete
5A	Bike/Pedestrian paths	The construction of shared bike / pedestrian paths of a minimum width of 2.5 metres located adjacent to Governor Macquarie Drive on the northern side of the existing carriageway, to run the length from the existing cycle path near the William Long Bridge to the Hume Highway (as shown on the plan attached as Annexure 2).	Prior to the issue of either: (1) an a Final Occupation Certificate for any Development on the Industrial Land or; (2) an a Final Occupation Certificate for any Development on the Inglis Site, whichever occurs first.	In-Progress
5B	Bike/Pedestrian paths	The construction of a shared bike / pedestrian path of a minimum width of 2.5m within the Industrial Land (as shown on the plan attached as Annexure 2).	Prior to the issue of either: (1) a Subdivision Certificate for a Plan that when registered would create an Industrial Lot; or (2) an a Final Occupation Certificate for any Development on the Inglis Site, whichever occurs first.	In-Progress
5B	Bike/Pedestrian paths	The construction of a shared bike / Pedestrian path of a minimum of 2.5 metres from Munday street to Warwick Farm Railway Station (as shown on the plan attached as Annexure 2)	Prior to the issue of either: (1) a Subdivision Certificate for a Plan that when registered would create an Industrial Lot; or (2) an a Final Occupation Certificate for any Development on the Inglis Site, whichever occurs first.	Complete
VPA-9 - New Brighton Golf Course & Club, 43 Brickmakers Drive, Moorebank NSW 2170				
1a	Pedestrian Path/Cycleway.	(a) Construction of a 2.5m shared pedestrian/bike pat within the George River foreshore land to be dedicated to Council (as shown in the Plan attached as Annexure 3.1).	Prior to the release of a Subdivision Certificate for a plan that when registered would created the 201st Residential Lot	In-Progress
1b	Pedestrian Path/Cycleway.	(b) Construction of a 2.5m shared pedestrian/bike path linking between the Georges River foreshore and Residential Land along the northern boundary of Lot 103 DP 1070029 to Brickmakers Drive (as shown on the Plan attached as Annexure 3.1)	Prior to the release of a Subdivision Certificate for a plan that when registered would created the 201st Residential Lot	In-Progress
1c	Pedestrian Path/Cycleway.	(c) Construction of a 2.5m shared pedestrian/bike network within the residential area in accordance with figure 5 of the DCP (as shown on the Plan attached as Annexure 3.1)	Prior to the release of a Subdivision Certificate for a plan that when registered would created the first Residential Lot fronting the proposed work	Complete

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2	Landscaping and improvements to open space areas.	(a) Preparation of a Vegetation Management Plan to the satisfaction of Council that defines planting offsets required as a consequence of any possible clearing works. (See Annexure 3.2 Vegetation Offsetting Requirements).	Prior to the lodgement of the Development Application for the Development which includes the first Residential Lot, or the proposed Works to be undertaken on the Golf Course located on the Land, whichever comes first.	Not started
		(b) Riparian Planting within the Public Recreation Land along the foreshore (in accordance with an approved Vegetation Management Plan) and adjacent to cycleway links and golf course land. This includes the allowance for potential vegetation offsetting.	Prior to the release of a Subdivision Certificate for a plan that when registered would create the 201st Residential Lot	In-Progress
		(c) Construction of a perimeter fence around the basin located on the southern boundary of Lot 2210 DP 1090818 (adjacent to Area 5 as shown in the Plan attached as Annexure 3.3), the design of which must be approved by Council in writing.	The later of the Golf Course (south of M5) being open to the public, or a Subdivision Certificate being issued for a plan that when registered will create the 201st Residential Lot	In-Progress
		(d) Landscaping and recreational facilities provided on Lot 1 within the community Scheme established as part of the Development comprising community swimming pool, mixed use court, cabana and meeting place, seating and BBQs.	Prior to the release of a Subdivision Certificate for a plan that when registered would create the first Residential Lot fronting the proposed work	In-Progress
		(e) Reconstruction of Cantello Reserve Dog Park within Cantello Reserve (refer to 'Relocation of Dog Park Plan' in Annexure 3.3).	The later of the Golf Course (south of M5) being open to the public, or a Subdivision Certificate being issued for a plan that when registered will create the 201st Residential Lot	In-Progress
3	Public access to link Georges River Foreshore and Cantello Reserve	(a) Construction of 8 metre wide access and easement to enable the public to traverse under the M5 Motorway as shown in Annexure 3.3. The design must be approved by Council in writing.	The later of the Golf Course (south of M5) being open to the public, or a Subdivision Certificate being issued for a plan that when registered will create the 201st Residential Lot	In-Progress
4a	Local Drainage facilities	(a) Installation of two (2) Gross Pollutant Traps (GTPs). (refer to 'Street Design and Treatment Plan' in Annexure 3.4). The design must be approved by Council in writing.	Prior to the release of a Subdivision Certificate for a plan that when registered would create the first Residential Lot.	In-Progress
4b	Local Drainage facilities	(b) Construction of water quality control ponds (refer to 'Street Design and Treatment Plan' in Annexure 3.4). The design must be approved by Council in writing.	Prior to the release of a Subdivision Certificate for a plan that when registered would create the first Residential Lot.	In-Progress
VPA-10 - 90 Flynn Ave, Middleton Grange NSW 2171				
	Monetary Contributions		Prior to the issue of a Subdivision Certificate	In-Progress
VPA-11 - 146 Newbridge Road, Moorebank NSW 2170				
3b	Construction of "Bike/Pedestrian Path" through the Southern Island Section Designated Land as shown on the plans attached as Annexure 1 and marked as "D"	3 metres wide. Entire length of river foreshore reserve within the Northern Island Section Designated Land. 100mm reinforced concrete for maintenance vehicles.	Prior to the issue of a Subdivision Certificate for a plan that when registered would create the one hundred and fifty first (151st) Residential Lot within the Development	Not Started
4a	Construction and dedication of Bike/Pedestrian Path Link to Brickmakers Drive as shown on the plan attached as Annexure 1 as marked as "H1"	2.5 metres wide. From bridge to edge of RE2 Land	Prior to the issue of a Subdivision Certificate for a plan that when registered would create the one hundred and fifty first (151st) Residential Lot within the Development	Complete
4b	Construction and dedication of Bike/Pedestrian Path Link to from the edge of the R3 Land through the RE2 Land to the Designated Land as shown on the plan attached at Annexure 1 as marked as "H2"	2.5 metres wide. From river foreshore following route of drainage corridor to the edge of the R3 Land.	By the earlier of: 1) the time by which the Southern Island Section Designated Land is required to be dedicated under this agreement; or 2) the Completion of the embellishment works within the Southern Island Section Designated Land.	In Progress
5	Construction of passive recreation facilities on the Designated Land.	Covered area seating 12 4 park benches	Prior to the issue of a Subdivision Certificate for a plan that when registered would create the one hundred and fifty first (151st) Residential Lot within the Development	In Progress

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6	Dedication of "Drainage Channel" will occur in three stages as illustrated by notations E1, E2 and E3 on Annexure 1 however all stages are subject to the Time for Completion noted in this row.	Zoned SP2 drainage Located along the northern and eastern boundaries of the property.	Prior to the issue of a Subdivision Certificate for a plan that when registered would create the one hundred and fifty first (151st) Residential Lot within the Development	Complete
7	Acquisition and dedication of stratum lot comprising the road bridge over drainage channel, embankment and road to Brickmakers Driver as well as the completion of the construction of the road bridge within that stratum lot as shown on the plan attached as Annexure 1 and marked as "F"	2 vehicle lanes 2.5 metres wide shared bike/pedestrian path Flood free level	Prior to the issue of a Subdivision Certificate for a plan that when registered would create the first (1st) Residential Lot within the Development	In Progress
8	Construction and dedication of "Pedestrian Access to Newbridge Road" more or less in the position on the plan attached as Annexure 1 marked as "G" and a pedestrian path within the public verge along the entire length of the Land frontage to Newbridge Road.	9 metres wide 1.5 metre wide pedestrian paths Landscaped and planted To Council specifications	Prior to the issue of a Subdivision Certificate for a plan that when registered would create the one hundred and seventy fifth (175th) Residential Lot within the Development	In Progress
9	Dedication of an easement over the Land for access for the purpose of allowing Council to undertake maintenance to the River Foreshore Land more or less in the position on the plan attached as Annexure 1 marked as "I".	Easement to more or less follow route of bike path marked as "H" on the plan attached as Annexure 1.	Upon dedication of the River Foreshore Land to Council	Not Started
VPA-12 - 124 Newbridge Road, Moorebank NSW 2170				
1a	Embellishment of River Foreshore Land	Removal of waste and fill to existing or otherwise approved finish ground level as detailed in a Council approved flood study.	Prior to issue of any construction certificate applying to the land for development with the exception of a construction certificate for minor site works, roads, and services to meet obligations of agreement and prior to the issue of any construction certificate for development of more than 10% (1850sqm) of the B6 Enterprise Corridor Zoned Land for a Garden and Landscape Supplies purpose.	Not Started
1b		Removal of visible surface waste on foreshore.		
1c		Removal or other appropriate management of site contamination.		
1d	Dedication of River Foreshore Land to Council. The River Foreshore Land is as identified on Annexure 2 and marked as "A" subject to a fifty metre (50m) wide easement for maritime vessel access and drainage more or less in the location shown on the plan attached as Annexure 1.	Dedication of the River Foreshore land to Council.	By the earlier of: (1) the completion of the filling works associated with works described in DA-309/2011; and (2) a written request being made by Council	Not Started
2a	Development of a Vegetation Management Plan and offset Strategy	Plan developed by consultants for initial planting and maintenance of River foreshore land and approved by Council.	Prior to issue of any construction certificate applying to the land for development. This excludes construction certificates for minor site works, roads, and services to meet obligations of agreement.	Not Started
2b	Completion of works described in the Vegetation Management Plan	Removal of noxious weeds. Restored and enhanced vegetation in keeping with surrounding indigenous species in accordance with an approved Vegetation Management Plan.	Prior to issue of any construction certificate applying to the land for development. This excludes construction certificates for minor site works, roads, and services to meet obligations of agreement.	Not Started
2c	Conduct of maintenance works described in the Vegetation Management Plan	As set out in the Vegetation Management Plan	One (1) year after the dedication of the River Foreshore Land.	Not Started
3a	Construction of 'Bike/Pedestrian Path' as shown on the plan attached as Annexure 2	3 metres wide.	Prior to issue of any construction certificate applying to the land for development. This excludes construction certificates for minor site works, roads, and services to meet obligations of agreement.	Not Started
3b		Entire length of river foreshore reserve.		
3c		100mm reinforced concrete for maintenance vehicles.		

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3d	Construction of pedestrian footpath along northern boundary of site within Newbridge Road verge.	1.5m wide for the entire length of the part of the allotment zoned RE2 Private Recreation.	In conjunction with any development of the RE2 Zoned portion of the land. This excludes construction certificates for minor site works, roads, and services to meet obligations of agreement.	Not Started
3e	Construction of pedestrian footpath along northern boundary of site within Newbridge Road verge.	1.5m wide for the entire length of the part of the allotment zoned B6 Enterprise Corridor.	In conjunction with any development of the B6 Enterprise Corridor Zoned portion of the land. This excludes construction certificates for minor site works, roads, and services to meet obligations of agreement.	Not Started
VPA-15 - 75 Flynn Ave, Middleton Grange NSW 2171				
	Monetary Contributions		Prior to the issue of a Subdivision Certificate	In-Progress
VPA-17 - 220-230 Northumberland Street, Liverpool NSW 2170				
	Monetary Contribution		Prior to the issue of any Construction Certificate	Not Started
VPA-18 - Liverpool Mega centre, 10 Orange Grove Road, Warwick Farm NSW 2170				
1	Homepride Avenue Road Works	Roadworks which will include the rehabilitation of the road surface and construction of a pedestrian access on the Homepride Avenue Land as shown in Annexure 2.	Commencement The obligation to undertake this item of Work will commence on the earlier of: (1) three (3) months after the receipt of a notice under clause 7.1(2); or (2) on the date e Developer enters into an agreement or other transaction which enables it to undertake the Works. Completion The Developer must Complete the Works in accordance with this Planning Agreement within six (6) months of commencement of work.	Not Started
2	RMS Roadworks - Orange Grove Road/Viscount Place Intersection	Roadworks which will include: (a) Construction of a 90 metre long left turn slip lane on the north approach to the signalised intersection of Orange Grove Road and Viscount Place. Any land components required for the provision of the slip lane will be dedicated to RMS by the Developer as public road at no cost to RMS; and (b) Extend dual right turn lanes on the south approach to 120 (adjacent median) and 180 metres (adjacent through lane); and (Note - the above road works shall be designed and constructed in accordance with Austroads and RMS supplements)	Commencement The obligation to undertake this Item of Work will commence following the granting of the Construction Certificate for the Development. Completion The Developer must Complete the Works in accordance with this Planning Agreement prior to the issue of an Occupation Certificate for the Development.	Not Started

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3	RMS Roadworks - Hume Highway / Homepride Avenue Intersection	<p>A geometric road design concept plan of the roadworks outline in this Item of Work below on either a scaled aerial photograph and/or survey plan.</p> <p>Roadworks which will include an extension of the existing right turn storage bay on the east approach to Homepride Avenue within the constraints of the existing Hume Highway corridor.</p>	<p>The geometric road concept plan is to be submitted to RMS for review and "in principle" endorsement prior to the granting of the Development Consent for the Development.</p> <p>Roadwork Commencement The obligation to undertake this Item of Work will commence following the granting of the Construction Certificate for the Development.</p> <p>Roadwork Completion The Developer must Complete the Works in accordance with this Planning Agreement prior to the issue of an Occupation Certificate for the Development.</p>	Not Started
VPA-19 - Paper Mill Eatery, 20 Shepherd Street, Liverpool NSW 2170				
1	Transport Service	<p>Establish and operate a publicly accessible shuttle bus service that connects the Development to the Liverpool CBD on the following basis:</p> <ol style="list-style-type: none"> 1. The service is to be at no cost to the public 2. The service must operate between the Development and Liverpool Railway Station. 3. the service must collect and drop off passengers at the Development, Casula Railway Station and Liverpool Station. 4. The service must be provided on each weekday during the year that is not a public holiday in NSW. 5. Shuttle bus to undertake 6 trips at 20 minutes intervals in each of the AM peak hour and the PM peak hours. The first trip in the AM peak hour will depart the Development at 7:15. The first trip in the PM peak hour will depart Liverpool Station at 17:45 6. The service must be provided using a wheelchair accessible air conditioned vehicle with a capacity of approximately 70 passengers. 	<p>The bus service must:</p> <ol style="list-style-type: none"> 1. commence on a date that is prior to the issue of any Occupation Certificate for the 600th dwelling within the Development; and 2. continue for five (5) years from the date of the issue of any Occupation Certificate for the 600th dwelling within the Development. 	In-Progress
2	Bike share pods	Construction of three (3) bike share pods (being one (1) at the Development, one (1) at Liverpool railway station and one (1) at Casula railway station, each having an area of approximately 3 sq meters.	On or before the issue of any Occupation Certificate for the 600th dwelling within the Development.	Complete
3	Publicly accessible car share spaces	Line marking of parking spaces in the public domain for approximately three (3) but not more than four (4) cars used in car sharing arrangements.		Complete
4	Woodbrook Road pedestrian and cycle underpass	Undertake works to the Woodbrook Road underpass sufficient to allow the underpass to be re-opened for pedestrians and cyclists only, including pedestrian and cycle pathway, removing fences and landscaping beautification works.	Prior to the issue of any Occupation Certificate for the 600th dwelling within the Development	In-Progress

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5	Local Traffic Infrastructure Contribution	<p>Contribution towards local traffic and transport infrastructure and service infrastructure.</p> <p>The contribution must be paid for each dwelling erected on 20 Shepherd Street in excess of 309.</p> <p>The contribution must be paid for each dwelling erected on 26 Shepherd Street in excess of 87.</p> <p>The contribution must be paid for each dwelling erected on 28 Shepherd Street in excess of 184.</p> <p>The contribution must be paid for each dwelling erected on 32-34 Shepherd Street in excess of 126.</p> <p>the contribution must be paid for each dwelling erected on 31 Shepherd Street in excess of 127.</p> <p>the contribution must be paid for each dwelling erected on 33 Shepherd Street in excess of 119.</p>	<p>On or before the issue of any Occupation Certificate for the relevant dwelling.</p>	In-Progress
6	Regional Traffic Infrastructure Contribution	<p>Contribution towards regional traffic and transport infrastructure and service infrastructure.</p> <p>The contribution must be paid for each dwelling erected on 20 Shepherd Street in excess of 309.</p> <p>The contribution must be paid for each dwelling erected on 26 Shepherd Street in excess of 87.</p> <p>The contribution must be paid for each dwelling erected on 28 Shepherd Street in excess of 184.</p> <p>The contribution must be paid for each dwelling erected on 32-34 Shepherd Street in excess of 126.</p> <p>the contribution must be paid for each dwelling erected on 31 Shepherd Street in excess of 127.</p> <p>the contribution must be paid for each dwelling erected on 33 Shepherd Street in excess of 119.</p>	<p>On or before the issue of any Occupation Certificate for the relevant dwelling.</p>	In-Progress
7	Bank Stabilisation	<p>1. Construction of bank stabilisation works based on the specialist engineering design satisfactorily approved through an independent peer review process. Scope of the stabilisation works is defined by the necessary geomorphic assessment ensuring that the proposed stabilisation works will have no adverse impact to the downstream of the river up to the Liverpool Weir at both side of the riverbank. Any mitigation works including but not limited to the riverbank stabilisation works at the opposite of the riverbank necessitated as a result of the proposed slope stabilisation works will also form part of the scope.</p>	<p>On or before the issue of any Occupation Certificate for the 500th dwelling within the Development.</p>	Complete

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		<p>2. scope of the works is also defined by fully certified engineering design to a) protect the proposed properties and buildings along the Shepherd Street b) protect the proposed Riverwalk works as per item 8 and specified below.</p> <p>3. design methodology, option and material selection shall be based on the due consideration of ongoing operation and maintenance expenses.</p> <p>4. construction of the stabilisation works will ensure the accommodation of the Riverwalk works included in the item 8 and the Riverwalk works may be constructed not directly over the stabilized bank, but also on available ground in front of the river subject to an agreed future design.</p>		
8	Riverwalk works	<p>1. Construction of Riverwalk works (with minimum 3.5m clear width) either along the riparian zone including necessary transitional connection of Riverwalk and existing pedestrian/cycleway pathway at Mill Park as per the design works being undertaken by Council, and up to the existing footpath at Atkinson Street;</p> <p>or along Shepherd Street including necessary transitional connection of the Riverwalk and existing pedestrian/cycleway pathway at Mill Park and up to the existing footpath at Atkinson Street.</p> <p>2. Construction of at least one viewing platform.</p>	On or before the issue of any Occupation Certificate for the 500th dwelling within the Development.	In-Progress
9	Pedestrian & Cycle Pathway Upgrade	Construction of an upgrade to the existing path way along the riparian zone north of the Development through Lighthorse Park to Newbridge Road as shown on the plan attached as Annexure 1, to be 4m wide reinforced concrete/fibrecrete with lighting.	On or before the issue of any Occupation Certificate for the 310th dwelling within the Development.	Complete
10	Rehabilitation of riparian zone	Rehabilitation of the riparian zone along the river adjacent to the Development and north to Lighthorse Park, including replanting where relevant. Rehabilitation is as per Ecology, Biodiversity, Flora Fauna and Riparian Assessment report prepared by ACS Environmental Pty Ltd dated March 2016, including rehabilitation of degraded vegetation areas, and restoration of native vegetation in accordance with the species identified in the report, including replanting where relevant.	On or before the issue of any Occupation Certificate for the 600th dwelling within the Development.	In-Progress

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11	Open Space Contribution	<p>Monetary contribution to be used by Council for Open Space within the Liverpool City Centre.</p> <p>The contribution must be paid for each dwelling erected on 20 Shepherd Street in excess of 309.</p> <p>The contribution must be paid for each dwelling erected on 26 Shepherd Street in excess of 87.</p> <p>The contribution must be paid for each dwelling erected on 28 Shepherd Street in excess of 184.</p> <p>The contribution must be paid for each dwelling erected on 32-34 Shepherd Street in excess of 126.</p> <p>the contribution must be paid for each dwelling erected on 31 Shepherd Street in excess of 127.</p> <p>the contribution must be paid for each dwelling erected on 33 Shepherd Street in excess of 119.</p>	<p>On or before the issue of any Occupation Certificate for the relevant dwelling.</p>	Complete
VPA-34 - 85 Flynn Ave, Middleton Grange NSW 2171				
	Monetary Contributions		Prior to the issue of a Subdivision Certificate	In-progress
VPA-36 - 8 Hoxton Park Road, Liverpool NSW 2170				
Schedule 3	Provision of Affordable Housing Lots	<p>The aggregate Gross Floor Area of the Affordable Housing Lots must be no less than five per cent (5%) of the Gross Floor Area of all residential lots within the Development and must comprise at a minimum the following composition Affordable of Housing Lots:</p> <p>(1) 1 x 1 Bedroom Affordable Housing Lot.</p> <p>(2) 2 x 2 Bedroom Affordable Housing Lot.</p> <p>(3) 1 x 3 Bedroom Affordable Housing Lot.</p> <p>standard to all other residential lots with a similar and comparable standards to all other residential lots within the development.</p>	Upon the registration of any strata plan of subdivision with respect to the Development.	Not started
Schedule 4	Monetary Contribution		Within sixty (60) days of Instrumental Change being made.	Not started
VPA-37 - Middleton Grange Town Centre				
B1	New Park 2	<p>Dedication of New Park 2 to Council.</p> <p>The area comprising the New Park 2 will be generally consistent with the area coloured blue and marked "PARK 2" at Schedule 5.</p> <p>The land within New Park 2 to be dedicated to Council is the land not currently owned by Council that will be zoned RE1</p>	Prior to the issue of any Occupation Certificate in Stage 1 of the Development	Not started
B2	New Park 2	The embellishment of New Park 2	Prior to the issue of any Occupation Certificate in Stage 1 of the Development	Not started

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C1	Intersections to the Town Centre	Construction of a signalised intersection at Main Street and Flynn Avenue and the intersection for the new proposed access land and Flynn Avenue, being the location marked "A" on the plan at Schedule 7.	On or before the issue of any Occupation Certificate in Stage 1 of the Development	Not started
C2	Intersections to the Town Centre	Construction of a roundabout at Southern Cross Avenue and Main Street, being the location marked "B" on the Plan at Schedule 7	On or before the issue of any Occupation Certificate in Stage 1 of the Development	Not started
C3	Intersections to the Town Centre	Construction of a T-intersection at Southern Cross Avenue and Middleton Drive (Road No.9), being the location marked "C" on the Plan at Schedule 7	On or before the issue of any Occupation Certificate in Stage 1 of the Development	Not started
C4	Intersections to the Town Centre	Construction of a T-intersection at Southern Cross Avenue and Bravo Avenue, being the location marked "D" on the Plan at Schedule 7	On or before the issue of any Occupation Certificate in Stage 1 of the Development	Not started
D	Cowpasture Road Intersection, and Flynn Avenue to Ulm Street upgrade and provision of an additional lane works to enable delivery of 4 lanes	Construction of an upgrade to Cowpasture Road intersection, Flynn Avenue from Qantas Boulevard to Ulm Street as a widened 4 lane road within the existing road reserve, in consultation with Council, generally consistent with: - the Cowpasture to Ulm Street road works plan at Schedule 8; and - the Location Plan at Schedule 6 showing the extent of the upgrade to Cowpasture Road intersection, Flynn Avenue from Qantas Boulevard to Ulm Street, hatched in the colour green.	Prior to the issue of any Occupation Certificate in Stage 1 of the Development	Not started
E	Upgrade of Southern Cross Avenue	Construction of a road upgrade and services for Southern Cross Avenue to a standard comparable to the existing Southern Cross Drive between the western boundary of the Land to the Middleton Grange Primary School, as shown by green hatching in the Location Plan at Schedule 6 and including the section of unconstructed road opposite the site as indicated in the area outlined in red at Schedule 10.	Prior to the issue of any Occupation Certificate for the retail development on Lots 5 and 6. The upgrade will be included in the development application for Lots 5 and 6	Not started
F	Culvert, drainage and shared road works wholly within Lot 102 DP 1128111 - Public Reserve	Construction of the culvert and drainage works approved under the Modification DA-64/2007/C Wholly within Lot 102 DP 1128111	Prior to the issue of any Occupation Certificate in Stage 1 of the Development	Not started
H	Not applicable	A total Monetary Contribution of up to \$8,000,000 calculated by reference to the Gross Floor Area of each building in the Development above the threshold of 72,000 m ² of Gross Floor Area in the Development.	Prior to the issue of any Occupation Certificate for the relevant building creating Gross Floor Area.	Not started
VPA-42 - 1370 Camden Valley Way, Leppington NSW 2179				
1	Social Court	Broom finish concrete surface plaza with outdoor seating and tree plantings. Informal recreation elements (i.e. basketball/netball hoop, bocce court etc.) Width 20m, length 20m, area 400m ²	Prior to the issue of the first subdivision certificate which, when registered would create a lot that is intended to be sold for residential purposes and which is not a super lot intended to be further subdivided or a lot intended to be acquired by Council.	Not started
2	Walking Loop	Broom finished concrete. Width 2.5m, length 180m, area 450m ²	Prior to the issue of the first subdivision certificate which, when registered would create a lot that is intended to be sold for residential purposes and which is not a super lot intended to be further subdivided or a lot intended to be acquired by Council.	Not started

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3	Link Across Riparian Corridor (Boardwalk/Bridge)	Broom finished concrete path connecting to boardwalk spanning riparian corridor. Structure: steel and timber. Decking: recycled plastic. Balustrade: steel and timber. Width 3.5m, length 70m, (actual span of boardwalk to be acceptable to Council) area 245 m2.	Prior to the issue of the first subdivision certificate which, when registered would create a lot that is intended to be sold for residential purposes and which is not a super lot intended to be further subdivided or a lot intended to be acquired by Council.	Not started
4	Pedestrian Crossing	Raised, marked pedestrian crossing in accordance with AS 1742.10. Pedestrian refuge to be included, if required. Width 3.6m and length 17m	Prior to the issue of the first subdivision certificate which, when registered would create a lot that is intended to be sold for residential purposes and which is not a super lot intended to be further subdivided or a lot intended to be acquired by Council.	Not started
VPA-54 - 80 Flynn Ave, Middleton Grange NSW 2171				
1	Monetary Contributions		Prior to the issue of a Subdivision Certificate	In-progress
VPA-55 - 100 Southern Cross Avenue, Middleton Grange NSW 2171				
1	Monetary Contributions		Prior to the issue of a Subdivision Certificate	In-progress

ITEM 02	Contributions Planning Framework Reform Project – Quarterly Status Report
Strategic Objective	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
File Ref	184181.2025
Report By	Siva Karthiges - Coordinator Contributions Planning
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

Under existing conditions, Council's Contributions Planning Framework comprises seven (7) "in force" Contributions Plans that apply to development proposals across the Local Government Area (LGA). Analysis has shown however that a portion of the existing Framework no longer aligns with Council's infrastructure priorities.

Furthermore, the development yields and/or trends that informed the Plans at the time of their preparation are either no longer applicable or have shifted to such an extent that the contributions being collected are not sufficient to deliver the identified Plan initiatives. In combination, this is placing financial and asset delivery risks onto Council, and reputational risk to our growing communities.

To address this issue, at the Governance Committee Meeting (GCM) on 9 July 2024 Council endorsed:

- the phased reform of Council's Contributions Planning Framework to ensure consistency with industry best practice and provide the financial stability required to fund the essential infrastructure and services our growing communities need; and
- to receive quarterly updates on the progress of the program to transform Council's Contributions Planning Framework.

A copy of the Committee Report is provided in **Attachment 1**.

This Report provides a quarterly update on the Contributions Planning Framework Reform Project ("Reform Project"), and responds to the following Council Resolution captured at the GCM on 15 April 2025:

Confirm that the approach undertaken to update the Established Areas Contributions Plan in 2019 was consistent with industry best practice, and report back to the Governance Committee.

RECOMMENDATION

That the Governance Committee receives and notes this Report.

REPORT

Background

A phased approach has been adopted for the Reform Project, with the initial focus (Phase 1) being on the review and reform of the *Liverpool Contributions Plan 2009*, *Liverpool Contributions Plan 2018 – Established Areas*, and *Liverpool Contributions Plan 2018 – Liverpool City Centre*. Subsequent phases of the project will focus on the:

- Growth Areas Contributions Plans including the *Liverpool Contributions Plan 2021 – East Leppington*, *Liverpool Contributions Plan 2021 – Austral and Leppington North* and *Liverpool Contributions Plan 2008 – Edmondson Park*;
- Preparation of a corresponding Section 7.11 Contributions Plan for the Aerotropolis Precinct; and
- Preparation of a s7.11 or s7.12 Contributions Plan to complement the Moore Point Planning Proposal.

Phase 1 of the Reform Project is anticipated for completion by the end of 2026.

Progress Update

Since the last update provided at the April 2025 GCM, the following key activities have been completed on the Reform Project:

- Finalising the scoping documents and document the proposed approach for reviewing Phase 1 Contributions Plans, informed by feedback from both internal units and key external agencies;

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- Continuing internal collaboration to address identified gaps in strategic studies and infrastructure planning, ensuring alignment with the Community Strategic Plan, housing targets, population growth forecasts, and technical studies; and
- Commencing preparation of key supporting documentation required to accompany the formal submission of updated Contributions Plans for IPART's review process.

In addition, City Planning also presented an update on the Reform Project to the Audit, Risk and Improvement Committee (ARIC) on 9 July 2025.

Over the next six months, the Reform Project will focus on commissioning the supporting technical studies required to inform the additional infrastructure required – transport, open space, drainage, community facilities – to support the population catchments of the Phase 1 Contributions Plans. Following completion of the technical studies, work will commence on updating the Phase 1 Contributions Plans to reflect the recommendations of the technical studies and internal audit.

Local Infrastructure Acceleration Program

In December 2024, Council received correspondence from the Department of Planning, Housing and Infrastructure (DPHI) inviting Council to participate in the Local Infrastructure Acceleration Program. A copy of the DPHI correspondence is provided in **Attachment 2**.

The Program has been developed to assist Councils to better plan, coordinate and spend infrastructure contributions and will pilot direct technical assistance to accelerate expenditure. Furthermore, the Program will involve a health check to assess the current contributions framework and process for expenditure, deliver proposals for plan preparation, amendment or repeal and undertake associated infrastructure planning and costing.

Council has subsequently accepted the offer to participate in the Program and will utilise the opportunity to dovetail the Program outcomes with Phase 1 of the Reform Project.

As of early June 2025, DPHI has completed a series of workshops with various Council teams – from contributions planning, infrastructure design, property services and infrastructure delivery – and has commenced preparation of a summary report and recommendations for Council consideration. DPHI has also undertaken a benchmarking exercise of our neighbouring Council's to identify any key lessons learned in the Contributions Planning space that could be adopted for the Liverpool context.

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Established Areas Contributions Plan

At the GCM on 15 April 2025, Council endorsed the following Resolution:

Confirm that the approach undertaken to update the Established Areas Contributions Plan in 2019 was consistent with industry best practice, and report back to the Governance Committee.

Following the Council Resolution, an investigation was undertaken to ascertain whether the approach undertaken by Council to update the *Liverpool Contributions Plan 2018 – Established Areas* ("Established Areas Contributions Plan") was consistent with industry best practice.

Council records indicate that the proposed amendments to the Established Areas Contributions Plan was endorsed for public exhibition at the Ordinary Meeting of Council on 29 April 2020 (Item EGROW 05). A copy of the Council Resolution is provided in **Attachment 3**.

Following the public exhibition, the proposed amendments were subsequently adopted on 10 June 2020.

Following the review, it is concluded that the process undertaken by Council to amend the Established Areas Contributions Plan in 2020, including the public exhibition and legal review, followed standard procedures and aligned with relevant NSW Government guidelines in force at that time.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

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Economic	<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 economic development.</p>
Environment	<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>Support the delivery of a range of transport options.</p>
Social	<p>Preserve and maintain heritage, both landscape and cultural as urban development takes place.</p> <p>Regulate for a mix of housing types that responds to different population groups such as young families and older people.</p>
Civic Leadership	Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	<i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i> <i>Environmental Planning and Assessment Regulation 2021 (EPAR)</i>
Risk	The risk is deemed to be Low and within Council's risk appetite.

ATTACHMENTS

1. Attachment 1 - Contributions Planning Framework Reform Project - GCM Report - 9 July 2024
2. Attachment 2 - DPHI Local Infrastructure Acceleration Program - Council Invitation Correspondence - December 2024
3. Attachment 3 - Ordinary Meeting of Council Minutes - 29 April 2020

ITEM 01	Reform of Council's Contributions Planning Framework
Strategic Objective	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
File Ref	175188.2024
Report By	Claire Scott - Coordinator Contributions Planning
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

This Report is to inform Council on a proposed program to transform Council's Contributions Planning Framework that applies to lands within the Liverpool Local Government Area (LGA).

Under existing conditions, Council's Contributions Planning Framework comprises six (6) "in force" Contributions Plans that apply to development proposals across the LGA. Analysis has shown however that a portion of the existing Framework no longer aligns with Council's infrastructure priorities.

Furthermore, the development yields and/or trends that informed the Plans at the time of their preparation are either no longer applicable or have shifted to such an extent that the contributions being collected are not sufficient to deliver the identified Plan initiatives. In combination, this is placing financial and asset delivery risks onto Council, and reputational risk to our growing communities.

To address this issue, City Planning will commence work on a program to transform Council's Contributions Planning Framework to ensure consistency with industry best practice, effectively meets the infrastructure and services needs of our growing communities, and provides the financial stability required to fund the essential infrastructure and services.

RECOMMENDATION

That the Governance Committee meeting

1. Receives and notes this Report.
2. Notes the phased approach to the transformation program of Council's Contributions Planning Framework, with the initial phase (Phase 1) focusing on the review and reform of the *Liverpool Contributions Plan 2009*, *Liverpool Contributions Plan 2018 – Established Areas*, and *Liverpool Contributions Plan 2018 – Liverpool City Centre*.
3. Receives quarterly updates on the progress of the program to transform Council's Contributions Planning Framework.

REPORT**Background**

Liverpool City Council has applied developer contributions since 1992, with the first Contributions Plans focused on individual catchment areas such as Green Valley / Hinchinbrook, Casula East, Casula West, Cecil Hills, and Wattle Grove.

Developer contributions are charged by Council when new development occurs. Once collected, contributions help fund essential infrastructure like parks, community facilities, local roads, footpaths, stormwater drainage and traffic management.

As growth accelerated across the LGA, former Plans were consolidated, and new Plans created to effectively manage the provision of infrastructure necessitated by new development proposals.

Under existing conditions, Council currently has six (6) "in force" Contributions Plans that apply to development proposals across the LGA. However, previous repealed Plans (shown in italics below) may still be in operation via Development Application Consent Conditions. Rates collected under repealed Plans are allocated against initiatives in the current Contribution Plans, as incomplete works were carried forward into these Plans.

- Liverpool Contributions Plan 2008 – Edmondson Park
- Liverpool Contributions Plan 2009
 - *Former Liverpool Contributions Plan 2001*
 - *Former multiple – 'Plan 1 – 12'*
 - *Rural areas*

- Liverpool Contributions Plan 2014 – East Leppington
 - Soon to be repealed and replaced by the IPART-reviewed *Liverpool Contributions Plan 2021 – East Leppington*
- Liverpool Contributions Plan 2018 – Liverpool City Centre
 - *Former Liverpool City Centre 2007*
 - *Former Liverpool City Centre 2001*
- Liverpool Contributions Plan 2018 – Established Areas
 - *Former Plan 10 – Established Areas*
 - *Former Plan 11 – City-wide Infrastructure*
- Liverpool Contributions Plan 2021 – Austral and Leppington North
 - *Liverpool Contributions Plan 2014 – Austral and Leppington North*

Council does however have an additional draft Contributions Plan (s7.12) for the Aerotropolis Precinct that is currently awaiting approval from the NSW Minister for Planning and Public Spaces. Being a Section 7.12 Plan, the Plan is considered an interim plan to allow preliminary development to occur within the Aerotropolis Precinct.

It is acknowledged by both Council and the Department of Planning, Housing and Infrastructure (DPCI) that upon Ministerial approval of the draft Aerotropolis (s7.12) Contributions Plan, work will need to commence on the preparation of a corresponding Section 7.11 Contributions Plan for the Aerotropolis Precinct.

Section 7.11 Contributions v Section 7.12 Contributions

Local infrastructure contributions can be collected via two distinct funding pathways – Section 7.11 contributions and Section 7.12 contributions. Detail on the differences between these two funding pathways is provided in Table 1.

Table 1 – Differences between Section 7.11 and Section 7.12 contributions

Section 7.11 Contributions	Section 7.12 Contributions
<p>Charged where there is a clear nexus between the development proposal and the infrastructure to be funded.</p> <p>Councils prepare Section 7.11 Contributions Plans that clearly articulates what infrastructure will be provided and approximately how much it will cost. This is used to calculate a contribution rate, usually charged per dwelling or per square metre.</p> <p>Importantly, Councils that want to charge a contribution rate above the threshold set by the Minister for Planning and Public Spaces must submit their Plans to the Independent Pricing and Regulatory Tribunal (IPART) for an independent review.</p> <p>Upon completion of the independent review, the IPART subsequently forwards their recommendations to the Minister for Planning and Public Spaces for consideration and approval. Upon Ministerial approval, Council must amend the draft Section 7.11 Contributions Plan in line with the Ministerial approval and seek Council endorsement to make the changes operational.</p> <p>Once submitted to the IPART for review, IPART-reviewed Section 7.11 Contributions Plans typically take 18-24 months to enact.</p> <p>Section 7.11 was previously known as Section 94.</p>	<p>Charged as a percentage of the estimated cost of the development proposal. The maximum percentage that can be charged in most areas is 1%.</p> <p>To seek a higher rate above the 1% threshold, Councils must submit their Section 7.12 Contributions Plans to the Minister for Planning and Public Spaces for a review. If supported and approved by the Minister, Council must amend the draft Section 7.12 Contributions Plan in line with the Ministerial approval and seek Council endorsement to make the changes operational.</p> <p>Section 7.12 was previously known as section 94A.</p>

Case for Contributions Planning Framework Reform

City Planning commissioned a desktop audit of Council's current Contributions Planning Framework to ascertain the suitability of Framework to effectively fund, and support delivery of, essential infrastructure and services associated with ongoing development growth across the LGA.

In essence, the audit identified that a significant portion of Council's current Contributions Planning Framework is considered outdated in so far that they no longer align to current strategies, policies and environmental plans.

Furthermore, development yields and/or trends that informed the Plans at the time of preparation are either no longer applicable or have shifted to such an extent that the contributions being collected are not sufficient to deliver the identified Plan initiatives.

Specifically, the audit highlighted that:

- Council's Growth Areas are currently facing a significant shortfall in financing the listed land and works program;
- Contributions Plans for the Liverpool City Centre and Established Areas include items that no longer align to the development of the area or vision of Council and the community; and
- Items under the Section 7.12 Contributions Plans are severely underestimated in their costs, making it difficult to achieve their delivery.

In combination, this is placing financial and asset delivery risks onto Council, and reputational risk to our growing communities.

To address this issue, City Planning will commence work on a program to transform Council's Contributions Planning Framework to ensure consistency with industry best practice, effectively meets the infrastructure and services needs of our growing communities, and provides the financial stability required to fund the essential infrastructure and services.

Next Steps

It is proposed to adopt a phased approach for the transformation program, with the initial focus (Phase 1) being on the review and reform of the *Liverpool Contributions Plan 2009*, *Liverpool Contributions Plan 2018 – Established Areas*, and *Liverpool Contributions Plan 2018 – Liverpool City Centre*.

Subsequent phases of the program will focus on the:

- Consolidation of the soon-to-be endorsed *Liverpool Contributions Plan 2021 – East Leppington*, the *Liverpool Contributions Plan 2021 – Austral and Leppington North* and

the *Liverpool Contributions Plan 2008 – Edmondson Park* into a single Section 7.11 Contributions Plan; and

- Preparation of a corresponding Section 7.11 Contributions Plan for the Aerotropolis Precinct.

Phase 1 of the transformation program is anticipated to take up to two (2) years to complete. Timelines may be shortened however if corresponding reviews by the IPART and the Minister for Planning and Public Spaces are expedited.

Under this proposal, at the conclusion of the transformation program Council would potentially have six (6) or seven (7) Contributions Plans in operation across the LGA. As a 'Growth' Council with fragmented rural lands, this is a favorable outcome when compared with the our following neighbouring LGAs:

- Blacktown City Council – 16 Contributions Plans, as well as VPA's for urban release / growth areas;
- Penrith City Council – 13 Contributions Plans, 2 draft Section 7.11 Contributions Plans with IPART and 1 draft Section 7.12 Contributions Plan with the Minister for Planning and Public Spaces; and
- Camden Council – Five (5) Contributions Plans (one Plan covers three growth precincts (South West Growth SEPP) and noting that Camden has single precinct ownership (VPA's for urban release / growth areas).

FINANCIAL IMPLICATIONS

To ensure the success of the transformation program, Council must allocate the necessary resourcing as a priority. Apart from financial resourcing, Contributions Plans require extensive strategic planning input to support and justify the need and demand for infrastructure, especially if the Plans are to be subject to IPART and Ministerial reviews.

Internal resourcing of Phase 1 of the program is expected to be fully funded from existing contributions levies applied under existing Section 7.11 Contributions Plans in operation (i.e. administration levy).

The engagement of Consultants to support gaps in the strategic planning analysis underpinning the transformation program will be funded from City Planning 'Consultancies' funds in Council's 2024/25 OPEX budget.

Should additional funding be required, a further Report will be prepared and referred to Council for consideration at a future Ordinary Meeting of Council.

CONSIDERATIONS

Economic	Further develop a commercial centre that accommodates a variety of employment opportunities. Deliver and maintain a range of transport related infrastructure such as footpaths, bus shelters and bikeways. Provide efficient parking for the City Centre.
Environment	Manage the environmental health of waterways. Protect, enhance and maintain areas of endangered ecological communities and high-quality bushland as part of an attractive mix of land uses. Raise community awareness and support action in relation to environmental issues. Promote an integrated and user-friendly public transport service. Support the delivery of a range of transport options.
Social	Raise awareness in the community about the available services and facilities. Preserve and maintain heritage, both landscape and cultural as urban development takes place. Regulate for a mix of housing types that responds to different population groups such as young families and older people.
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. Actively advocate for federal and state government support, funding and services.
Legislative	Environmental Planning and Assessment Act
Risk	The risk is deemed to be High. Contribution Plan caused by underfunded asset delivery resulting in significant funding shortfall in project delivery. The risk is considered outside Council's risk appetite.

ATTACHMENTS

Nil

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ITEM 02 Contributions Planning Framework Reform Project – Quarterly Status Report
 Attachment 2 Attachment 2 - DPHI Local Infrastructure Acceleration Program - Council Invitation Correspondence - December 2024

Department of Planning, Housing and Infrastructure



Our ref: IRF24/2679

Mr Jason Breton
 Acting Chief Executive Officer
 Liverpool City Council
BretonJ@liverpool.nsw.gov.au

Attention: Ms Lina Kakish

19 December 2024

Dear Mr Breton

I refer to recent discussions between the Council and the Department regarding work being undertaken in relation to local infrastructure contributions. I am pleased to formalise these discussions with an invitation to the Council to participate in the Local Infrastructure Acceleration Program.

The Local Infrastructure Acceleration Program has been developed to assist councils to better plan, coordinate and spend infrastructure contributions and will pilot direct technical assistance to accelerate expenditure. The invited councils have been selected based on an assessment of their contribution's framework, housing targets and technical capacity, and will align well with the work already underway within the Council. The outcome of the pilot will ultimately inform the development of practical material to assist the local government sector more broadly.

It is anticipated that the program will involve a health check to assess the current contributions framework and process for expenditure, deliver proposals for plan preparation, amendment or repeal and undertake associated infrastructure planning and costing. The implementation of any changes to the Council's contributions framework will be subject to consideration by the elected Council.

Participation of Council staff in the program is fundamental to its success. Subject to your acceptance of this invitation a detailed scope of works will be developed to clarify the work to be undertaken over the next six months.

To accept this invitation and if you have any questions, Katrine O'Flaherty, Director Local Infrastructure can be contacted via infrastructure.contributions@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson'.

Monica Gibson
 Deputy Secretary
 Planning, Land Use Strategy, Housing and Infrastructure

**LIVERPOOL
CITY
COUNCIL****5
ORDINARY MEETING 29 APRIL 2020
CITY ECONOMY AND GROWTH REPORT****COUNCIL DECISION****Motion:** **Moved: Cllr Hagarty** **Seconded: Cllr Kaliyanda**

That Council:

1. Exhibits draft *Liverpool Contributions Plan 2018 – Established Areas (Amendment 1)* in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations; and
2. Delegates to the CEO authority to finalise *Liverpool Contributions Plan 2018 – Established Areas (Amendment 1)* if no submissions opposing the changes are received.

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

Councillors voted unanimously for this motion.

Council**COUNCIL DECISION****Motion:** **Moved: Cllr Hagarty** **Seconded: Cllr Kaliyanda**

That Council:

1. Exhibits draft *Liverpool Contributions Plan 2018 – Established Areas (Amendment 1)* in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations; and
2. Delegates to the CEO authority to finalise *Liverpool Contributions Plan 2018 – Established Areas (Amendment 1)* if no submissions opposing the changes are received.

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

Councillors voted unanimously for this motion.

ITEM 03	Liverpool Traffic Committee Endorsed Road/Traffic Facilities Tracking Update
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Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	194582.2025
Report By	Patrick Bastawrous - Coordinator Traffic and Transport
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

At the Council Meeting held 10 December 2024, it was resolved to;

Direct the CEO to create a register tracking recommendations from the Liverpool Local Traffic Committee with updates on the status and timeline of each project which is presented quarterly to a Governance Committee Meeting.

This report presents the current status of the register for the Committee's consideration.

RECOMMENDATION

That the Governance Committee:

1. Notes the status of items endorsed by the Liverpool Traffic Committee as shown in the Attachment.
2. Provides feedback on the way the information is to be presented at future meetings.

REPORT

As requested by Council at its meeting held 10 December 2024, Council Staff are to present the 'Liverpool Traffic Committee Endorsed Road/Traffic Facilities' tracking database quarterly.

The information in the Attachment identifies all items endorsed by the Liverpool Traffic Committee since 2022 and will continue to be populated with data from both prior and ongoing Committees going forward.

**LIVERPOOL
CITY
COUNCIL**

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**GOVERNANCE COMMITTEE MEETING
15 JULY 2025**
INFRASTRUCTURE AND PLANNING COMMITTEE REPORT

The spreadsheet provides an update on the funding and construction status where applicable, and other relevant information including location and date of relevant approvals. The information is presented to enable Council to consider options for funding and/or delivery of items that are currently outstanding.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

Further to note, Council receives an annual Capital Works Grant Fund that is allocated for general signage and line marking requests, which is approximately \$200,000.00 per year. This fund is generally expended on matters involving parking restrictions and urgent safety items.

CONSIDERATIONS

Economic	Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.
Environment	Support the delivery of a range of transport options.
Social	There are no social and cultural considerations.
Civic Leadership	Provide information about Council's services, roles and decision making processes. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Liverpool Traffic Committee Endorsed Road/Traffic Facilities - Tracking Database

Liverpool Traffic Committee Endorsed Road / Traffic Facility Projects - Tracking Sheet

DATE ENDORSED BY LTC	ADDRESS	DESCRIPTION	ESTIMATED COST	FUNDED	FUNDING SOURCE	GRANT STATUS	PLANNING OFFICER	DESIGN OFFICER	CONSTRUCTION OFFICER	STATUS	ESTIMATED COMPLETION	COMMENTS
19/03/2025	Edmondson Park	Proposed Extension of Median Island -Sargent Street and General Boulevard	\$20,000	Not Funded	Capital Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Concept Design	Subject to funding	
19/03/2025	Edmondson Park	Roundabout Modification - Buchan Avenue and Jardine Drive	\$203,000	Not Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Concept Design	Subject to funding	
19/03/2025	Kemps Creek / Rossmore	Devonshire Road and Kings Street Edge line curve improvement	\$1,200,000	Not Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Concept Design	Subject to funding	
29/01/2025	Whitford Road and Frigate-Bird Avenue, Hinchinbrook	Proposed roundabout modification	\$80,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding	
29/01/2025	Shephard Street and Riverpark Drive, Liverpool	Proposed roundabout modification	\$70,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding	
29/01/2025	Mackellar Street, near Leacocks Lane	Proposed Line Marking Maintenance	\$1,500.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	Concept Design	3 months	
06/11/2024	Church Road, Denham Road	Proposed Load Limit	\$1,242	Not Funded	Operational Budget		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	Approvals	Subject to funding	
06/11/2024	Epsom Road and Whelan Road, Chipping Norton	Epsom Road and Whelan Road Roundabout Modification, Chipping Norton	\$31,687	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding	
06/11/2024	Fifteenth Avenue, West Hoxton	Bus Zone Relocation	\$1,000	Fully Funded	Operational Budget	Unallocated	Unallocated	Unallocated	Unallocated	Feb-24		
06/11/2024	Ingham Road, Casula	Proposed raised crossing	\$107,000	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding	
06/11/2024	Maxwell Creek Precinct, Edmondson Park	Line marking & signage plans	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Planning	Subject to developers construction schedule	
18/09/2024	Eighth Avenue and Kelly Street intersection, Austral	Proposed Roundabout Construction	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Planning	Subject to Developer Construction Schedule	
18/09/2024	Croatia Avenue, Edmondson Park	Proposed intersection and traffic facilities	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Planning	Subject to Developer Construction Schedule	
18/09/2024	Franklin Road, Chipping Norton	Proposed raised crossing	\$78,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding	
18/09/2024	Kurrajong Road between Kookaburra Road and Mowbray Street, Prestons	Proposed median island	\$13,988.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding	
18/09/2024	1895 Camden Valley Way, Horningssea Park	Proposed Traffic Facilities and Shared Path	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Planning	TBC	
18/09/2024	Macquarie Street, Liverpool	Proposed Parking Restriction	\$1,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	On-hold	TBC	
18/09/2024	St Francis Catholic College	Proposed Traffic Facilities	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Planning	Subject to Developer Construction Schedule	
18/09/2024	135 Guner Avenue, Austral	Proposed subdivision	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Planning	Subject to Developer Construction Schedule	
18/09/2024	Austral	Installation of temporary roundabouts and speed cushions	\$170,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Construction	Jun-25	

17/07/2024	Middleton Grange Town Centre	Proposed Traffic Facilities	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Construction	Subject to Developer Construction Schedule	70% internal roads completed as of 3/2025	
17/07/2024	Fifteenth Avenue and Craik Avenue intersection, Austral	Proposed Roundabout	\$84,320.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
17/07/2024	All Saints Catholic Senior College, Casula	Proposed Raised Marked Pedestrian Crossing	\$55,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
17/07/2024	Sanderling Street, Hinchinbrook	Request for Traffic Calming Device	\$50,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
17/07/2024	Ascot Drive, Chipping Norton	Request for Traffic Calming Device	\$50,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
17/07/2024	Casula Shopping Centre High Pedestrian Activity Area	Proposed Traffic Facilities	\$570,000.00	Not Funded	Grant Funding		Manager Development Engineering (Traffic Team)	External Consultant	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
17/07/2024	Edmondson Park Tavern, Edmondson Park	Proposed Traffic Calming as part of Subdivision Works (SWC-23/2022)	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Construction	Subject to Developer Construction Schedule		
17/07/2024	Hill Road, Lurnea	Proposed Median Island Extension	\$30,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
17/07/2024	Lismore Street, Hoxton Park	Proposed Traffic Facilities	\$15,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Depot Team	Completed	9 months	Turning restriction signs installed, additional rubber speed cushions to be installed after video survey is undertaken	
15/05/2024	Wonga Road, in front of St Francis Xavier Primary School, Lurnea	Request for Raised Marked Pedestrian Crossing	\$100,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
15/05/2024	Bardia Parade and Village Way intersection, Holsworthy	Proposed Roundabout	\$200,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
15/05/2024	Craik Avenue and Sixteenth Avenue intersection, Austral	Proposed Roundabout	\$250,000.00	Partial Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
15/05/2024	Mill Road and Nagle Street, Liverpool	Proposed Intersection Treatment	\$420,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
15/05/2024	Muir Road, Edmondson Park	Request for Speed Humps	\$30,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
20/03/2024	Tenth Avenue in front of Austral Public School, Austral	Request for Raised Marked Pedestrian Crossing	\$100,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding		
20/03/2024	Camden Valley Way, Bernera Road to 300m to the east, Edmondson Park	Proposed Shared Path	Developer	Fully Funded	Developer Contributions		Major Projects Team	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed	Mar-25	Major Projects Team	
20/03/2024	Hoxton Park Road into Maryvale Avenue, Liverpool	Request for 'No Left Turn' sign into Maryvale Avenue during morning peak hours	\$5,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	Approvals	6 months		
20/03/2024	Fifteenth Avenue and Craik Avenue intersection, Austral	Proposed 'No Right Turn' Restriction sign	\$5,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	Approvals	6 months		
20/03/2024	Rosebank Avenue/Duxford Street and Rosebank Avenue/Gowanlea Avenue intersection, Elizabeth Hills	Proposed 2 x roundabouts at intersection	\$300,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	External Consultant	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding	Undertaking Community Consultation and additional traffic counts	
20/03/2024	Hart Street, Warwick Farm	Proposed timed parking restrictions	\$15,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	Completed			

20/03/2024	Multiple locations	Proposed minor traffic signs	\$25,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	Completed	Sep-25	
31/01/2024	Moore Street and Airfield Drive, Len Waters Estate	Proposed Bus Zone signs	\$5,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	Approvals	TBC	
31/01/2024	Edmondson Park High School	Line marking & signage plans	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Construction	Subject to Developer Construction Schedule	
31/01/2024	Hart Street, Warwick Farm	Proposed timed parking restrictions	\$5,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	Completed	Jul-24	
31/01/2024	McKay Street, Moorebank	Proposed Indented Parking Bays	\$145,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed	Sep-24	Completed addition funding required of \$150,000
31/01/2024	Twenty Seventh Avenue, Austral	Proposed Shared Path	\$638,534.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	On-hold	Subject to funding	
31/01/2024	Grove Street and Hume Highway intersection, Casula	Proposed Road Closure	\$57,750.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed	Mar-25	Double up
31/01/2024	Government Road, Hinchinbrook	Proposed Shared Path	\$355,000.00	Fully Funded	Grant Funding	Successful	Manager Development Engineering (Traffic Team)	External Consultant	Manager Project Delivery (Delivery Team)	Completed	Oct-24	Shared Path completed, remaining connection with M7 Cycleway still under design
31/01/2024	Newbridge Road, Bridges Road to Lewins Bridge, Moorebank	Proposed Shared Path	\$560,000.00	Fully Funded	Grant Funding	Successful	Manager Development Engineering (Traffic Team)	External Consultant	Manager Project Delivery (Delivery Team)	Completed	Oct-24	
08/11/2023	North Liverpool Road and Wilson Road intersection, Green Valley	Proposed intersection modification	\$145,000.00	Fully Funded	Grant Funding	Successful	Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Construction	Mar-25	
08/11/2023	South Liverpool Road and St Johns Road intersection, Busby	Proposed intersection modification	\$150,000.00	Fully Funded	Grant Funding	Successful	Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed	Nov-24	
08/11/2023	South Liverpool Road and Whitford Road intersection, Green Valley	Proposed intersection modification	\$217,000.00	Fully Funded	Grant Funding	Successful	Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed	Dec-24	
08/11/2023	Cartwright Avenue, Heckenberg Avenue and Busby Road, Busby	Proposed roundabout modification	\$40,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	External Consultant	Manager Project Delivery (Delivery Team)	Tender	Jun-26	
08/11/2023	General Boulevard, Edmondson Park	Proposed Raised Pedestrian Crossing	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Planning	Subject to Developer Construction Schedule	
08/11/2023	Kingsford Smith Avenue intersection, Middleton Grange	Proposed Intersection Improvements	TBD	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	5+ years	Subject to additional funding
08/11/2023	Sadlier Avenue, Heckenberg	Proposed Traffic Calming Devices	\$250,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Dec-26	Awaiting TfNSW approvals and funding
20/09/2023	Sarah Hollands Drive, Carnes Hill	Proposed Median Island	Developer	Fully Funded	Developer Contributions		Manager Development Engineering (Traffic Team)	External Consultant	Manager Project Delivery (Delivery Team)	Completed	Nov-24	
20/09/2023	Elizabeth Hills	Proposed LATM Staged Implementation	TBD	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	External Consultant	Manager Project Delivery (Delivery Team)	Planning	TBC	Undertaking Community Consultation
20/09/2023	First Avenue and Nineteenth Avenue intersection, Hoxton Park	Proposed Road Extension	\$110,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Subject to funding	
20/09/2023	Nuwarra Road, Moorebank	Proposed 5-Tonne Load Limit	\$4,000.00	Fully Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Development Engineering (Traffic Team)	Depot Team	Completed	Mar-24	
20/09/2023	Liverpool Public School	Proposed Traffic Facilities	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Completed	Jan-24	

								Manager Development Engineering (Traffic Team)	External Consultant	Manager Project Delivery (Delivery Team)				
20/09/2023	Yarrunga Street and Kookaburra Road (N), Prestons	Half road reconstruction signs and line marking	\$2,000,000.00	Not Funded	Capital Budget						Seeking Funding	5+ years		Subject to additional funding
20/09/2023	Fourth Avenue and Guner Avenue, Austral	Proposed Traffic Facilities	Developer	Fully Funded	Developer Contributions			Manager Development Engineering (Traffic Team)	External Consultant	External Contractor	Completed	Mar-25		
20/09/2023	Flynn Avenue, Middleton Grange	Proposed Raised Pedestrian Crossing	Developer	Fully Funded	Developer Contributions			Developer	External Consultant	External Contractor	Completed	Mar-25		Double up
19/07/2023	Fifteenth Avenue and Edmondson Avenue intersection, Austral	Proposed Roundabout	\$60,000.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed	Dec-23		
19/07/2023	Spencer Road near Leopold Street, Cecil Hills	Proposed Traffic Calming Device	\$30,000.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Detailed Design	5+ years		Subject to additional funding
19/07/2023	Edmondson Park and Carnes Hill City Centre	Proposed 40km/h High Pedestrian Activity Area	\$1,845,000.00	Fully Funded	Grant Funding	Successful		Manager Development Engineering (Traffic Team)	External Consultant	Manager Project Delivery (Delivery Team)	Construction	May-25		
19/07/2023	Kurrajong Road and Mowbray Road Intersection, Prestons	Proposed Signalised Intersection Upgrade	\$1,750,000.00	Partial Funded	Developer Contributions			Manager Development Engineering (Traffic Team)	External Consultant	External Contractor	On-hold	Sep-26		Awaiting TfNSW approvals and funding
19/07/2023	Campbell Street and Castlereagh Street Intersection, Liverpool	Proposed Median Island	\$34,454.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding	Jun-26		
19/07/2023	Green Valley Road, Green Valley	Proposed Traffic Calming Devices	\$100,000.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Tender	5+ years		Subject to additional funding
19/07/2023	Bardia Parade and Village Way intersection, Holsworthy	Proposed Traffic Calming Device	\$40,000.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Tender	5+ years		
17/05/2023	First Avenue and Hoxton Park Road, Hoxton Park	Proposed Extension of Northbound Right Turn Lane	\$15,000.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Detailed Design	5+ years		Scope changes and increased cost of works
17/05/2023	Miller Public School, Miller	Proposed Raised Pedestrian Crossing	\$100,000.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed	Apr-24		
17/05/2023	Lismore Street, Hoxton Park	Proposed Traffic Calming Device	\$10,000.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed	Feb-24		
17/05/2023	Esk Avenue and Brunswick Heads Crescent, Hoxton Park	Proposed Indented Parking Bays	\$20,000.00	Fully Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	On-hold	Subject to funding		Site Constraints for installation
15/03/2023	Grove Street and Hume Highway intersection, Casula	Proposed Road Closure	\$80,000.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed	Mar-25		
15/03/2023	Governor Macquarie Drive Upgrade, Munday Street to ATC Access Road, Chipping Norton	Proposed Road Upgrade	\$11,500,000.00	Fully Funded	Grant Funding	Successful		Manager Development Engineering (Traffic Team)	External Consultant	External Contractor	Detailed Design	Jun-25		Change of Scope required
15/03/2023	Governor Macquarie Drive Upgrade, Alfred Road to Childs Road, Chipping Norton	Proposed Road Upgrade	\$8,500,000.00	Fully Funded	Grant Funding	Successful		Manager Development Engineering (Traffic Team)	External Consultant	External Contractor	Detailed Design	Sep-25		
15/03/2023	Kurrajong Road, Lyn Parade and Beech Road Intersection Upgrade to Signalised Intersection, Prestons	Proposed Intersection Upgrade	\$7,200,000.00	Fully Funded	Grant Funding	Successful		Manager Development Engineering (Traffic Team)	External Consultant	External Contractor	Approvals	Jun-26		Change of Scope required
15/03/2023	Bernera Road Upgrade, Yarrawa Street to Yato Road (Approximately 300m), Prestons	Proposed Road Upgrade	\$2,000,000.00	Fully Funded	Grant Funding	Successful		Manager Development Engineering (Traffic Team)	External Consultant	External Contractor	Construction	Jun-25		90% completion
15/03/2023	Leacocks Lane, Casula	Proposed Traffic Facilities	\$160,000.00	Not Funded	Capital Budget			Manager Development Engineering (Traffic Team)	Manager Project Delivery (Delivery Team)	Manager Project Delivery (Delivery Team)	On-hold	5+ years		
15/03/2023	Fourth Avenue, Tenth and Eleventh Avenue Intersections, Austral	Proposed Interim Roundabouts	Developer	Fully Funded	Developer Contributions			Developer	External Consultant	External Contractor	Planning	Subject to Developer Construction Schedule		

01/02/2023	Sarah Hollands Drive, Carnes Hill	Proposed Pedestrian Crossing	\$70,000.00	Fully Funded	Grant Funding	Successful	Manager Development Engineering (Traffic Team)	External Consultant	Council Manager Project Delivery (Delivery Team)	Completed	May-24	
01/02/2023	Railway Street Shared Spaces Demonstration, Liverpool	Line marking & signage plans	\$25,000.00	Fully Funded	Grant Funding	Successful	Manager Infrastructure Planning (Urban Design Team)	External Consultant	External Contractor	Completed	Apr-23	
09/11/2022	Brickmakers Drive, Moorebank	Proposed Pedestrian Bridge	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Completed		
09/11/2022	South Liverpool Road and Wonga Road	Proposed Edge line marking	\$10,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)			
09/11/2022	Multiple locations	Proposed Indented Parking Bays	TBD	Fully Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
09/11/2022	Fourth Avenue Intersections with Eleventh Avenue and Tenth Avenue, Austral	Proposed Roundabout	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Detailed Design		
09/11/2022	Railway Street, Liverpool	Proposed Shared Space Project	Developer	Fully Funded	Developer Contributions		Urban Manager Infrastructure Planning (Design Team)	Urban Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
09/11/2022	Woodbrook Road, Casula	Proposed Road Reopening	\$1,100,000.00	Fully Funded	Developer Contributions		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
21/09/2022	Church Road at intersection with Heathcote Road, Moorebank	Proposed Pedestrian Refuge	\$18,000.00	Fully Funded	Grant Funding	Successful	Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
21/09/2022	Gill Avenue, Liverpool	Proposed Kerb Lane Extension	\$450,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		No go ahead project
21/09/2022	Greendale Road, Greendale	Proposed Road Realignment	No go ahead project	Fully Funded	Grant Funding	Application Submitted	Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
20/07/2022	McLean Street, Liverpool	Proposed Marked Pedestrian Crossing Upgrade	\$110,000.00	Not Funded	Capital Budget	Successful	Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
20/07/2022	Australis Avenue, Wattle Grove	Proposed Marked Pedestrian Crossing	\$90,000.00	Partial Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
20/07/2022	Feodore Drive, Cecil Hills	Request for Bus Stop Relocation	\$10,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)			
20/07/2022	Bernera Road, Prestons	Proposed Deceleration Lane	Developer	Fully Funded	Developer Contributions		Developer	External Consultant	External Contractor	Completed		
18/05/2022	Reilly Street and Webster Road, Lurnea	Proposed roundabout modification	\$278,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
18/05/2022	New primary school in Edmondson Park	Proposed Traffic Facilities	TBD	Fully Funded	Developer Contributions		Developer (SINSW)	External Consultant	External Contractor	Construction		
18/05/2022	Edmondson Park	Proposed North Commuter Carpark and Signalised Pedestrian Crossing	Completed	Fully Funded	Developer Contributions		Developer (TINSW)	External Consultant	External Contractor	Completed		
18/05/2022	Fifteenth Avenue/Second Avenue intersection, Middleton Grange	Proposed Pedestrian Crossing Facility	TBD	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
16/03/2022	Governor Macquarie Drive west of Epsom Road, Chipping Norton	TINSW proposed Heavy Vehicle Inspection Bay	Competed	Fully Funded	Developer Contributions		Developer (TINSW)	External Consultant	External Contractor	Completed		
16/03/2022	Hume Highway from Reilly Street to Atkinson Street, Liverpool	Proposed Shared Path	Completed	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
16/03/2022	Spencer Street, Cecil Hill	Proposed Raised Thresholds	\$ 50,000.00	Not Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
16/03/2022	Hartlepool Road and Foskett Street, Edmondson Park	Change to Existing Give-Way Control	Completed	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		

03/02/2022	Hume Highway and Governor Macquarie Drive Intersection Upgrade	Proposed signs and line marking scheme	\$10,500,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	On-hold		
03/02/2022	William Buckley Drive, Carnes Hill	Proposed Traffic Calming Device	\$25,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
24/11/2021	Woodbrook Road, Casula	Proposed Road Opening	\$2,200,000.00	Fully Funded	Grant Funding	Successful	Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
24/11/2021	Liverpool CBD	Proposed Raised Thresholds within Liverpool CBD	\$968,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
15/09/2021	Australis Avenue, Wattle Grove	Proposed Raised Pedestrian Crossing	\$150,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
15/09/2021	Liverpool City Centre High Pedestrian Activity Area, Liverpool	Proposed Traffic Calming Devices	\$900,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
15/09/2021	Wilson Road and Hinchinbrook Road Intersection, Hinchinbrook	Proposed Roundabout Modification	\$60,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
15/09/2021	Middleton Drive, Middleton Grange	Proposed Pedestrian Refuge	\$60,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
15/09/2021	Wonga Road, Lurnea	Proposed Raised Pedestrian Crossing	\$140,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
15/09/2021	Fifteenth Avenue and Fourth Avenue intersection, Austral	Proposed roundabout modification	\$150,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
15/09/2021	Fifteenth Avenue and Craik Avenue intersection, Austral	Traffic Management Plan for Proposed Right Turn Restrictions	\$30,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
21/07/2021	Campbell Street, Liverpool	Proposed Raised Threshold	\$178,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
21/07/2021	Talana Hill Drive, Edmondson Park	Proposed Speed Humps	\$30,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
21/07/2021	Manning Street, Warwick Farm	Proposed Traffic Calming Scheme	\$30,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
21/07/2021	Barry Road, Chipping Norton	Proposed Pedestrian Refuge	\$30,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
21/07/2021	Ardennes Avenue, Edmondson Park	Proposed Speed Humps	\$30,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
19/05/2021	Adams Road, Luddenham	Proposed Traffic Calming Devices	\$270,000.00	Fully Funded	Grant Funding		Developer (TINNSW)	External Consultant	External Contractor	On-hold		
19/05/2021	Nuwarra Road and Balanada Avenue	Proposed intersection Treatment	\$70,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
19/05/2021	Charlton Avenue, Chipping Norton	Proposed Pedestrian Refuge	\$40,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
19/05/2021	Vinny Road, Edmondson Park	Proposed Speed Humps	\$50,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
19/05/2021	Delfin Drive, Wattle Grove	Proposed Pedestrian Refuge	\$45,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		Sydney Metro Development

17/03/2021	Badgerys Creek Road, Badgerys Creek	Access to the metro station proposed roundabout	Developer	Fully Funded	Grant Funding		Developer (Sydney Metro)	External Consultant	External Contractor	Completed		
17/03/2021	Governor Macquarie Drive (Newbridge Road to Alfred Road), Chipping Norton	Signs and Linemarking Scheme	\$1,100,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
17/03/2021	Braidwood Drive and Michelago Circuit intersection, Prestons	Proposed roundabout modification	\$100,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Seeking Funding		
17/03/2021	Regentville Drive, Elizabeth Hills	Proposed Speed Humps	\$60,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
17/03/2021	Powerhouse Road and Woodbrook Road, Casula	Proposed new carpark signs and linemarking	\$2,800,000.00	Fully Funded	Grant Funding		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
03/02/2021	Strzelecki Drive and Singleton Street, Cames Hill	Proposed Traffic Facilities	\$70,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
03/02/2021	Nuwarra Road and Marshall Avenue Intersection, Moorebank	Proposed Intersection Treatment	\$300,000.00	Not Funded	Capital Budget		Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		
03/02/2021	Hume Highway, Liverpool	Proposed Cycleway	\$100,000.00	Fully Funded	Grant Funding	Successful	Manager Development Engineering (Traffic Team)	Manager Infrastructure Planning (Design Team)	Manager Project Delivery (Delivery Team)	Completed		

Total Cost \$65,106,475

Total Projects Funded \$ 53,076,500.00

Total Projects Unfunded \$ 9,839,975.00

Total Projects Partially Funded \$ 2,090,000.00

**LIVERPOOL
CITY
COUNCIL**

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**GOVERNANCE COMMITTEE MEETING
15 JULY 2025**
INFRASTRUCTURE AND PLANNING COMMITTEE REPORT

ITEM 04	14 Niland Way, Casula
Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	195373.2025
Report By	David Galpin - General Counsel
Approved By	Farooq Portelli - Director Corporate Support

EXECUTIVE SUMMARY

The report outlines the proceedings and outcome of the appeal to the Land and Environment Court against the deemed refusal of development consent for DA-239/2023.

RECOMMENDATION

That the Governance Committee:

1. Note the contents of the report.

REPORT

Council's governing body considered the Legal Affairs Report at its meeting on 23 April 2025. Council requested a report outlining the proceedings and outcome of the appeal to the Land and Environment Court against the deemed refusal of development consent for DA-239/2023.

1. Commencement of proceedings

DA-239/2023 related to 14 Niland Way, Casula. The applicant sought development consent for the demolition of existing structures and the construction of a two-storey childcare centre over a level of basement parking at 14 Niland Way, Casula.

The appeal was filed based on a deemed refusal by Council, as Council did not determine the application within 42 days. The appeal was filed in time, that is within 6 months of the deemed refusal date.

2. Contentions

Council raised eight principal contentions in the appeal proceedings, which are summarised below.

1. **No clause 4.6 request.** The development exceeded the maximum floor space ratio standard and the Applicant did not submit an application under clause 4.6 of the Liverpool Local Environmental Plan to contravene development standards.
2. **Site suitability.** The site was not suitable for the development, as it could not be safely accessed.
3. **Traffic impact.** The development would have an adverse impact on traffic safety and efficiency along Niland Way.
4. **Bulk, scale and character.** The bulk and scale of the proposed development was not compatible with the character of the locality.
5. **Overshadowing.** The bulk and scale of the proposed development would have resulted in overshadowing of 12 Niland Way.
6. **Childcare requirements.** Council identified inconsistencies with State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP), the Education and Care Services National Regulation and the Child Care Planning Guidelines.
7. **Development Control Plan requirements.** Council identified inconsistencies with the objectives and provisions of the Liverpool Development Control Plan 2008 (LDCP).
8. **Public Interest.** Council argued that the development application was contrary to the public interest because of contentions 1 to 7.

3. Conciliation conference

On 7 May 2024, the parties participated in a conciliation conference pursuant to section 34 of the Land and Environment Court Act 1979. The parties could not reach agreement with respect to the development application and the conciliation conference was adjourned, then subsequently terminated on 5 July 2025.

4. Expert evidence

The parties nominated their respective expert witnesses under Rule 31.19, 31.20 and 31.24 of the Uniform Civil Procedure Rules 2005 (UCPR) in the following fields to deal with and prepare a Joint Expert Report in relation to each respective contention:

1. Town planning expert to deal with contentions 1, 5, 6 and 7,
2. Urban design expert to deal with contention 4, and
3. Traffic engineer to deal with contentions 2, 3 and 6.

In circumstances where the parties' experts agree on issues that are in dispute, they have an overriding duty to assist the Court in achieving the just, quick and cheap resolution of the proceedings.

Rule 31.23 of the UCPR notes that an Expert Witness must comply with the code of conduct set out in Schedule 7. Schedule 7 notes that "An expert witness is not an advocate for a party and has a paramount duty, overriding any duty to the party to the proceedings or other person

retaining the expert witness, to assist the court impartially on matters relevant to the area of expertise of the witness."

5. Hearing

The proceedings were listed for a two-day hearing on 10 and 11 April 2025. The hearing began on site and continued in the Land and Environment Court.

Council received 46 objector submissions during the notification period for the development application, with 8 objectors expressing an interest in addressing the Commissioner. On 10 April 2025, the Court heard from 6 of the objectors.

A resident objector has no legal entitlement to participate in a development appeal. However, the Court has the power under section 38 of the Land & Environment Act 1979 to inform itself on any matter in such a manner as it thinks appropriate and can therefore hear residents' concerns. It does so as a matter of practice.

The Court's practice allows for a maximum of 6 resident objectors to address the Commissioner at the hearing. As Council is restricted to 6 objectors, priority was given to the objectors that had made a personal submission and advised Council that they would like to attend and address the Commissioner on their concerns.

Council's experts, after discussion with the Applicant's experts during their Joint Expert Reporting and at the hearing, resolved all issues in dispute. The resolution was achieved by:

- the Applicant submitting amended plans, and
- the imposition of conditions of consent that the Applicant accepted.

In relation to each of the contentions that Council had raised:

No clause 4.6 request

Applicant submitted amended documentation which illustrated that the Gross Floor Area (GFA) complied with maximum prescribed Floor Space Ratio (FSR) under the Liverpool Local Environmental Plan 2008 (LLEP).

Site suitability

The amended documentation provided during the hearing demonstrated the site was suitable in terms of compliance under the T&I SEPP, LLEP and the LDCP. There were no legislative requirements pursuant to which the development could be refused.

The amended DA and conditions provide for a footpath allowing for safe pedestrian access to the site and surrounding local area. The provision of the footpath satisfies the requirements of consideration C3 of the NSW Child Care Planning Guideline 2021.

Traffic impact

The amended DA strictly enforces the requirement for all vehicles to enter and exit the site through a left in, left out procedure ensuing that two way traffic flow on Niland Way is limited. The amended DA Conflict Analysis demonstrated a 2.16% chance of there being 2 vehicles travelling along Niland Way in opposite directions at the same time whilst vehicles are entering/existing the childcare center during the AM and PM peak period based on the existing traffic flows.

Bulk, scale and character

The amended architectural plans demonstrated that the proposed development would exhibit the typology of a two-storey dwelling, consistent with the existing character of the street. The amended documentation reduced the exceeding floor plate to comply with the required development standards under the LLEP, and therefore the perceived bulk, scale and character contention was resolved.

Additional landscaping is to be provided within the front setback to reduce the perceive bulky dominance the proposed development may have on the public domain.

Overshadowing

This issue was resolved along with the changes to bulk, scale and character.

Childcare requirements

The proposed development is a centre-based childcare facility under section 3.3 of State Environmental Planning Policy (Transport and Infrastructure) 2021. The amended development complies with the following standards set by sections 3.25 and 3.26 of the T&I SEPP:

- maximum floor space ration of 0.5:1 for centre based childcare facility development in the R2 Zone,
- location relative to another early education and care facility,
- indoor and outdoor unencumbered space and indoor and outdoor unencumbered space under the Children (Education and Care Services) Supplementary Provisions Regulation 2012,
- site area and site dimensions, and
- colour of building materials or shade structures.

The amended development complied with the requirements of regulations 107 and 108 of the Education and Care Services National Regulation as set out in the following table.

Element	Standard	Proposal	Compliance
Unencumbered indoor space	3.25m ² per child Total 149.5m ² required for 46 children	156.0m ²	Achieved
Unencumbered outdoor space	7m ² per child Total 322.0m ² required for 46 children	331.0m ²	Achieved

DCP requirements

In relation to parking, the proposed development provides the number of car parking spaces required by the Liverpool Development Control Plan 2008 (LDCP) and s 4.15(3A)(a) precludes the Court, in exercising the functions of the consent authority, from requiring more onerous standards than those stipulated by the LDCP.

4. Jurisdictional prerequisites

The following jurisdictional prerequisites and non jurisdictional issues were also met or taken into consideration:

1. State Environmental Planning Policy (Transport and Infrastructure) 2021 requirements for centre-based childcare facilities are met, as set out above.
2. Requirements for indoor and outdoor unencumbered space in regulations 107 and 108 of the Education and Care Services National Regulation are met, as set out above.
3. State Environmental Planning Policy (Resilience and Hazard) 2021
 - (a) Section 4.6(1) provides that a consent authority must not consent to the carrying out of development unless:
 - i. It has considered whether the land is contaminated, and
 - ii. If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development proposed to be carried out, and
 - iii. If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(b) A detailed site investigation was provided with the development application, with the report concluding that "*following the implementation of the recommendation and with due regard for the statement of limitations the site is suitable for its intended land use as a childcare facility*". The report provides recommendation concerning the method of disposal of material and the quality of material imported to the site and conditions have been imposed.

4. State Environmental Planning Policy (Biodiversity and Conservation) 2021

(a) Chapter 6 applies as the site is within the Georges River Catchment area.

(b) The development application is acceptable having regard to the following:

- i. Subject to the installation and maintenance of sediment controls during building works, the development will have a neutral effect on the quality of water entering a waterway.
- ii. The development will not have an adverse impact on water flow in a natural waterbody.
- iii. There will be no discernible increase to stormwater runoff that would adversely affect downstream land.
- iv. The development does not incorporate on-site stormwater retention, infiltration or reuse.
- v. The development will have no impact on the level and quality of the water table.
- vi. The development makes adequate provision to protect the quality and quantity of groundwater. It is noted that condition 29 requires the stormwater pretreatment to be incorporated in the management system in compliance with Council's Development Control Plan.

5. Liverpool Local Environmental Plan:

(a) The subject site is zoned R2 Low Density Residential and Centre-based childcare facilities are permitted with consent in the zone.

(b) The R2 zone objectives are matters for consideration, not jurisdictional preconditions to the exercise of power: *AI Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245 [217]*. They do not fall for consideration by the Court under section 34 of the Land and Environment Court Act 1979. Notwithstanding the parties agree that the development is consistent with all relevant objectives.

(c) Clause 4.4 provides for a maximum building height of 8.5 metres for the subject site. The development application proposed a building height below the maximum height limit.

(d) Clause 4.4 provides a maximum floor space ratio of 0.5:1 for the subject property. The proposed development complies with this development standard.

5. Concerns of residents

The concerns expressed by residents were addressed as follows:

- (a) Access to the site will be left in, left out only which is subject to approval from Council's Traffic Committee.
- (b) The existing median strip is to be relocated to prevent a right-hand turn into and out of the site.
- (c) No street parking is permitted with any failure to comply subject to the three-strike policy and the child will be disenrolled from the centre.
- (d) Conditions requiring the Applicant to provide a pathway along Niland Way from the site to the southern intersection of Niland Way and Mackellar Street, this will facilitate safe pedestrian access to the site without the need to use the road.
- (e) The development provides a surplus of car parking spaces within the property boundary to alleviate the need for visitors to park on Niland Way.
- (f) The development satisfied the setback control under the LDCP and the parties experts agree that the amended plans (particularly the provision of greater landscaping) address Council concerns in relation to character.
- (g) The noise generated from the centre will comply with the accepted best practice acoustic criteria with the installation of an acoustic barrier along the boundaries of the site.
- (h) There will be a limit on outdoor play with two (2) hours in the morning and two (2) hours in the afternoon.
- (i) Greater planting is provided to provide further visual screening.
- (j) The shadow diagrams and modelling identify the southern neighbour living area, dining, kitchen windows will receive more than three (3) hours of direct sunlight at the winter solstice which exceeds the DCP controls.

6. Finalisation of proceedings

Given the parties' experts agreed and that all jurisdictional prerequisites had been met, the Court had the power to uphold the appeal and grant development consent subject to the conditions of development consent contained within Annexure A of the Judgement. All conditions imposed were for a planning purpose, reasonably related to the proposed development and were conditions that a reasonable consent authority would issue in the circumstances. Accordingly, following advice from its external Counsel, Council agreed that the proceedings could be finalised by way of a section 34 agreement subject to the Conditions of Consent.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	Environmental matters were considered as required under the Environmental Planning and Assessment Act 1979.
Social	Support access and services for people with a disability. Deliver high quality services for children and their families. Social matters were considered as required under the Environmental Planning and Assessment Act 1979.
Civic Leadership	Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	Environmental Planning and Assessment Act 1979 Land and Environment Court Act 1979
Risk	The risk is deemed to be Low.

ATTACHMENTS

Nil



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**GOVERNANCE COMMITTEE MEETING
15 JULY 2025
BUDGET COMMITTEE REPORT**

ITEM 05	Interim Finance Report - June 2025
Strategic Objective	Visionary, Leading, Responsible Ensure Council is accountable and financially sustainable through the strategic management of assets and resources
File Ref	195372.2025
Report By	Vishwa Nadan - Chief Financial Officer
Approved By	Farooq Portelli - Director Corporate Support

EXECUTIVE SUMMARY

The report provides an update on Council's 2024-25 budget performance.

The financial year has ended and year-end adjustments that will impact on the final reported numbers are currently being made. The interim unaudited results for the financial year will be reported at the August Governance Committee Meeting.

At this stage, the Governance Committee members are invited to note that the 2024/25 net cost of services (NCOS) position is now estimated at a deficit of \$13.3 million. This estimate is based on the Q3 budget review (\$9.6m deficit) and adjusted for a \$3.7 million decrease in expected financial assistance grant.

The status of risk items that were previously identified are included in this report

At 30 June 2025, outstanding rates and annual charges was \$15 million (7.48%), reflecting a \$600k decrease from \$15.6 million (8.47%) last year.

Canterbury Bankstown Council has also paid \$2.8m (plus \$150k in lost interest) that they owed Council on Voyager Bridge matter.

RECOMMENDATION

That the Governance Committee receives and notes the report.

**REPORT****Budget Performance**

The financial year has ended and year-end adjustments that will impact on the final reported numbers are currently being made. The interim unaudited results will be reported at the August Governance Committee Meeting.

At this stage, the Governance Committee members are invited to note that the 2024/25 net cost of services (NCOS) position is now estimated at a deficit of \$13.3 million. This estimate is based on the Q3 budget projected result (\$9.6m deficit) and adjusted for a \$3.7 million decrease in expected financial assistance grant. In essence, 50% of the FAG grant was received in advance this financial year compared to the estimated 85% in advance that was budgeted for consistent with actual receipts in advance last year.

A summary of the quarterly estimated budget results for the financial year ended 30 June 2025 is provided below:

	Original Budget	Q1 Budget Review	Q2 Budget Review	Q3 Budget Review	Q3 adjusted for FAG
Total Income	\$417.4m	\$421.0m	\$393.4m	\$373.5m	\$369.8m
Less: Capital Grants & Contributions	(\$133.6m)	(\$137.4m)	(\$124.6m)	(\$102.2m)	(\$102.2m)
Operating Income	\$283.8m	\$283.6m	\$268.8m	\$271.3m	\$267.6m
Operating expenditure	\$281.2m	\$287.8m	\$274.7m	\$280.9m	\$280.9m
Net Cost of Service before capital grants & contributions (Surplus/ (Deficit)	\$2.6m	(\$4.2m)	(\$5.9m)	(\$9.6m)	(\$13.3)

Bank Financial Covenant undertakings

Based on current estimates, Council will achieve all of its financial loan covenant undertakings with the banks for financial year 2024/25.

A summary of the relevant performance indicators with comparative results are provided in the table below:

	Benchmark	Actual	Estimated
	Ratio	30 June 2024	30 June 2025
Debt Service Cover Ratio	1.5x	1.8x	1.75x
Interest Cover Ratio	3 months	6.6 months	4.96 months
Unrestricted Cash Expense Ratio	2 months	0.5 months	3.01 months

Risks

The status of budget risks identified previously are as follows:

Risk	Budget Impact	Cash Impact	Mitigation Strategy	Risk Rating
1. Built Development do not exercise its call option and commence works adjacent to Liverpool Civic Place by 30 June 2025.	\$0	-\$7.3m	Council worked closely with Built Development to ensure timely completion of actions precedent that will enable the exercise of the call option and payment of rights fees. Issues raised by the Land Registry Services could not be resolved by 30 June 2025.	N/A
2. Sale of land to Moorebank Sports Club.	-\$2.6m	-\$8.0m	Transaction was completed.	N/A
3. Net Loss from Disposal of Assets – As part of the road renewal process, a portion of the road surface is scrapped off and then replaced. The replacement cost is capitalised, however, there is a written down value attached to the portion removed. The cost of write-off depends on the condition of the road at time of renewal and depth of surface removed. Budget includes a provision of \$2.5 million, however, the actual cost to June 2025 is not known.	-\$500k - \$1m	-	Council is continually reviewing and assessing the extent of road replacement and subsequent effect on write-offs.	Moderate

4. FAG Operating Grant – The NSW Grants Commission paid 85% of estimated financial assistance grant for FY 2024/25 in advance. Grants Commission could change its policy position to advance payment for FY 2025/26.	-\$3.7m	-\$3.7m	Commonwealth Treasury only approved 50% advance payment to all Council's in Australia. This is only a timing difference and will represent a favorable variation in the new financial year.	N/A
5. Capital gain on FRN's and TCorp investment is subject to market conditions. The projected marked to market gain at 30 June 2025 could be lower than projected.	+\$1m	-	Q3 Revised budget included \$950k capital gain on FRN's. As this is market driven, a budget risk of \$500k was identified. The market moved positively to \$2m, giving an upside budget variation of \$1m. This has not been included in project NCOS.	N/A

Outstanding Rates & Major Debtors

Total rates outstanding was \$15 million (\$4.9m from previous years and \$10.1m for current year). Council is expected to achieve an outstanding rates and annual charges rate of 7.48% as compared to OLG benchmark of 5% at 30 June 2025.

ATTACHMENTS

Nil

ITEM 06	Draft Disaster Relief Policy
Strategic Objective	Visionary, Leading, Responsible Ensure Council is accountable and financially sustainable through the strategic management of assets and resources
File Ref	194585.2025
Report By	Craig Lambeth - Manager Community Recreation
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

Historically, Council has made donations to humanitarian causes across the globe, often in response to natural and/or humanitarian crises. These donations are generally made on an ad-hoc basis through a Mayoral Minute or Notice of Motion, without a supporting policy framework.

To better manage these donations and ensure transparency in the process of identifying and supporting humanitarian efforts, a draft Disaster Relief Policy (the Policy) has been developed.

The Policy provides a framework under which financial donations can be made to help address the needs of those affected by major disasters/humanitarian crises within Australia or overseas.

This report recommends Council endorse the draft Disaster Relief Policy.

RECOMMENDATION

That the Governance Committee:

1. Endorse the draft Disaster Relief Policy;
2. Direct the CEO to place the draft Disaster Relief Policy on public exhibition for a period of 28 days; and
3. Receive a further report on the outcome of the public exhibition process.

REPORT

Background

Historically, Council has made donations to humanitarian causes across the globe, often in response to natural and/or humanitarian crises. These donations are generally made on an ad-hoc basis through a Mayoral Minute or Notice of Motion, without a supporting policy framework.

At its meeting on 23 April 2025, Council resolved to:

1. *Inform the community of all similar overseas donations made previously and the circumstances they were made; and*
2. *Direct the CEO for a workshop to consider a Donations Policy.*

Council received a report which outlined similar donations made previously at its May 2025 meeting.

A similar policy was drafted in 2019 and brought to the Council of the time for consideration. However, the policy was not endorsed at that time and donations continued to be made on an ad hoc basis.

Draft Disaster Relief Policy

To better manage these donations and ensure transparency in the process of identifying and supporting humanitarian efforts, a draft Disaster Relief Policy (the Policy) has been developed.

The Policy provides a framework under which financial donations can be made to help address the needs of those affected by major disasters/humanitarian crises within Australia or overseas.

The Policy outlines the key considerations for Council when donating to humanitarian causes, including:

- The circumstances in which donations will be provided;
- Eligibility and exclusions;
- Timeframe for donations;
- Donation amounts and a funding source (General Reserve);
- Assessment criteria;
- Ethical framework; and
- Conflicts of interest.

Conclusion

Liverpool is an incredibly diverse LGA. Making donations to global humanitarian efforts acknowledges the local impact of global humanitarian crises to residents and their families abroad.

By establishing a Disaster Relief Policy, Council can ensure greater transparency and accountability when making charitable donations to global humanitarian causes. The Policy provides a clear set of guidelines for the nature and circumstances under which a donation can be made and highlights Council's efforts to efficiently and effectively provide financial support to disasters and crises around the world.

FINANCIAL IMPLICATIONS

Costs associated with this recommendation are outside of Council's current budget and long-term financial plan. The impact on the budget and long-term financial plan is unclear as this would be variable based on the number of donations made in any one financial year.

CONSIDERATIONS

Economic	Funds for donations made under the Disaster Relief Policy will be drawn from Council's General Reserve at the time of the donation
Environment	There are no environmental and sustainability considerations.
Social	Promote community harmony and address discrimination.
Civic Leadership	Undertake communication practices with the community and stakeholders across a range of media. Foster neighbourhood pride and a sense of responsibility. Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	Local Government Act – Section 356
Risk	The risk is deemed to be Low. There is a risk that developing this Policy will have a detrimental impact on Council's reputation amongst community members, considering the ongoing negative community sentiment related to recent donations.

ATTACHMENTS

1. Draft Disaster Relief Policy 2025



DISASTER RELIEF POLICY

Adopted: xxxx

TRIM: 162625.2025



DISASTER RELIEF POLICY**1. LEGISLATIVE REQUIREMENTS**

Local Government Act 1993, Section 356 - Can a council financially assist others?

2. OBJECTIVE

- 2.1 To provide direction to Council on the provision of financial or in-kind donations to help address the needs of those affected by major disasters/humanitarian crises within Australia or overseas.
- 2.2 To send an important message of solidarity and goodwill from the City of Liverpool to those affected, by increasing the total overall aid effort.

3. DEFINITIONS

ACFID: Australian Council for International Development, the peak body for Australian non-government organisations (NGOs) involved in international development and humanitarian action.

AusAID: Australian Agency for International Development, the Australian Government agency which manages Australia's overseas aid program.

Disaster: A disaster is an event that significantly affects lives and livelihoods. It carries the risk, or actual experience, of injury and loss of life or the significant damage of property essential to people's basic daily life.

Donation: A contribution that may be financial or in-kind support.

4. POLICY STATEMENT**4.1 Disaster relief donations can contribute to the following outcomes:**

- a) Timely and effective relief provided to assist people affected by disaster;
- b) Contribute to the total overall aid effort made by governments and community;
- c) Demonstrates the Liverpool community's generosity and willingness to support others in difficult situations; and
- d) Provides opportunity to assist with building community capacity and improving social well-being following the initial crises.

4.2 Donations will be provided in the following instances:

- a) Donations for relief in areas affected by disaster, locally, nationally and internationally;
- b) Disasters/crises that have a direct impact on our immediate region and community;
- c) Donations made to areas affected by disaster, of which there are large populations of people that originate from this area living in Liverpool; and
- d) In-kind donations for disasters that have occurred in NSW and may include time, personal or organisational expertise, advice or other organisational resources.

4.3 Donation eligibility and exclusions:

To be eligible for donations the following criteria applies:

- a) The disaster must be recognised by the State and Federal governments; and

DISASTER RELIEF POLICY

b) The donation must be made to government or aid agencies accredited by the Australian Agency for International Development (AusAID) or the Australian Council for International Development (ACFID) or an equivalent accrediting agency.

4.4 The following exclusions apply:

- a) The donation of material aid such as food, furniture, clothing, medical supplies or other goods. These goods may be impractical or inappropriate to the culture or climate and may not meet the priority needs of those affected; and
- b) Donations to individuals or unincorporated community groups.

4.5 Timeframe for donations

Donations will occur by Council resolution within the immediate stages following the disaster to assist with rescue efforts and minimise human loss.

4.6 Donation amounts

Donation amounts will be determined by a Council resolution on a case-by-case basis. Funds for these donations will be drawn from Council's General Reserve.

4.7 Assessment criteria

Following immediate occurrence of a natural disaster or humanitarian crisis, the Mayor and Chief Executive Officer will determine whether the event meets the criteria for this program. Where it is determined that the nature of event meets the criteria, a discussion item will be brought before the next Council meeting for consideration. The following criteria will be used to assess a potential donation under this program:

- Scale of the disaster;
- Capacity of other government agencies/organisations to respond to the disaster;
- Need for ongoing support, that is, rebuilding disaster-stricken areas once the initial crisis has been dealt with;
- Impact of any such crisis on our immediate region and community; and
- Connection of affected areas to the cultural origin of residents of Liverpool.

4.8 Ethical Framework

Council will not support activities or entities that:

- Pollute land, air or water;
- Destroy or waste non-recurring resources;
- Market or promote products or services in a misleading or deceitful manner;
- Produce, promote or distribute products or services likely to be harmful to the community;
- Acquire land or commodities primarily for speculative gain;
- Create, encourage or perpetuate militarism or engage in the manufacture of armaments;
- Entice people into financial over-commitment;

DISASTER RELIEF POLICY

- Exploit people through the payment of below award wages or poor working conditions;
- Discriminate by way of race, religion or sex in employment, marketing or advertising practices; and/or
- Contribute to the inhibition of human rights.

5. Conflicts of interest

In accordance with Council's Code of Conduct and Ethical Governance: Conflicts of Interest Policy, Councillors need to ensure that any affiliation between them and the agency receiving the donation is appropriately managed when determining disaster relief donations.

6. Minor amendments

Council's CEO has delegated authority to approve minor amendments to this policy. Minor amendments include:

- a) Changes to the format or TRIM number of the document;
- b) References to amendments in legislation and new Council policies; and
- c) Correction of errors or typographical and stylistic amendments.

AUTHORISED BY

Council resolution

EFFECTIVE FROM

XX XXXX 2025

DEPARTMENT RESPONSIBLE

Recreation and Community Outcomes and Civic and Executive Services, Community and Lifestyles

REVIEW DATE

The policy will be reviewed every two years.

VERSION	AMENDED BY	DATE	TRIM NUMBER
1	Council resolution	XX XXXX 2025	162625.2025

THIS POLICY WAS DEVELOPED AFTER CONSULTATION WITH

Community and Lifestyles, Recreation and Community Outcomes
Corporate Support (Legal Services and Governance)
Office of Local Government NSW

REFERENCES

Liverpool City Council: Code of Conduct Policy and Procedures
Liverpool City Council: Social Justice Policy
Liverpool City Council: Ethical Governance: Conflicts of Interest Policy

ITEM 07	Policy Review - Civic Awards Policy
Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	219129.2025
Report By	M'Leigh Brunetta - Manager Civic & Executive Services
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

The Civic Awards Policy provides an overview of Liverpool's Civic Awards program including the Order of Liverpool Awards and the Australia Day Awards. The purpose of this policy is to define how the awards are administered, selection of award recipients, and the role of the Committee.

At the Governance Meeting dated 15 April 2025, the draft Civic Awards Policy was tabled. Feedback was received to:

- Name the awards 'Order of Liverpool' and 'Australia Day Awards';
- Clarify Australia Day Awards to be presented on Australia Day, and only under exceptional circumstances can be held on another day, Eg. To attract prominent figure or dignitaries to elevate the event or guest experience; and
- Ensure the Marketing approach and campaign for the Australia Day Awards clearly connected to the Liverpool Australia Day program and celebrated Australia's national day.

Council placed the draft Policy on Public Exhibition as well as conducted extensive consultation with the Civic Advisory Committee in the development of this Policy. Feedback was received, considered and applied where appropriate. All feedback from community members has been responded to directly and provided feedback for each item.

RECOMMENDATION

That the Governance Committee:

1. Notes, the public notice period and feedback applied; and
2. Endorse the Civic Awards Policy.

**REPORT**

The Civic Awards Policy provides an overview of Liverpool's Civic Awards program including the Order of Liverpool Awards and the Australia Day Awards. The purpose of this policy is to define how the awards are administered, selection of award recipients, and the role of the Committee.

At the Governance Meeting dated 15 April 2025, the draft Civic Awards Policy was tabled. Feedback was received to:

- Name the awards 'Order of Liverpool' and 'Australia Day Awards';
- Clarify Australia Day Awards to be presented on Australia Day, and only under exceptional circumstances can be held on another day, E.g. To attract prominent figure or dignitaries to elevate the event or guest experience; and
- Ensure the Marketing approach and campaign for the Australia Day Awards clearly connected to the Liverpool Australia Day program and celebrated Australia's national day.

The Liverpool Civic Awards are Council's prestigious annual awards program that recognise the outstanding contribution of citizens and groups to the Liverpool local government area.

The Civic Awards include the Order of Liverpool Awards and the Australia Day Awards.

The Order of Liverpool Awards were first established to acknowledge the work and tribute of the founders and pioneers of the City of Liverpool. They are presented on, or around the 7 November, Liverpool's foundation date. Liverpool was founded by Governor Lachlan Macquarie in 1810.

The Australia Day Awards recognise the high achievement and contribution of eminent Australians and leading citizens. They are part of Council's broader Australia Day program, with awards to be presented on or around Australia Day each year. It is intended that they have a direct connection to Australian's national day and highlight the outstanding achievement and excellence in the community and importance of service to the Australian nation.

**LIVERPOOL
CITY
COUNCIL**

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**GOVERNANCE COMMITTEE MEETING
15 JULY 2025
STRATEGIC PRIORITIES COMMITTEE REPORT**

High level summary of proposed changes.

	CURRENT	PROPOSED	RATIONALE
1	Policy speaks to Australia Day Awards, then Order of Liverpool Awards	Elevate Award program to be called 'Liverpool Awards' as a 12 month marketing campaign and include Australia Day Awards and Order of Liverpool Awards	Elevate Awards program to create brand awareness. Consolidate budgets and promote 12 months in year
2	Australia Day Awards categories (x12) Citizen of the Year Young Citizen of the Year Fraser Environment Award Sports Award Macquarie Award Health Award Senior Citizen Award Small Business Award Cultural and Arts Awards	Australia Day Awards (x4) Young Citizen of the Year: 16 – 30 years Citizen of the Year: 31 – 64 years Senior Citizen of the Year: 65 years and over Community Group Award Option for 2 x highly commended awards	Several categories do not receive nominations each year. Awards are duplicated by other parts of Council. Consolidation will make the categories more competitive and elevate community stories that can be highlighted throughout the year
3	Order of Liverpool categories (x3) 5 years' service for consideration for a Member of the Order of Liverpool Award; 10 years' service for consideration for an Officer of the Order of Liverpool Award; and 15 years' service for consideration for a Companion of the Order of Liverpool Award	Include all existing categories with no changes, and formally include additional category (x4) Honorary Member of the Order of Liverpool. 10, 15 years. Non resident or non ratepayer.	Formalise category. Specify years as currently not detailed
4	Timing of Awards advertising currently 2-3 months	Amend advertising to be 12 months of year	Increase nominations availability
5	Civic Event listing and descriptions	Remove as unrelated to 'Civic Awards' program	Do not comply with policy guidelines
6	Community Feedback	Order of Liverpool to be held on 7 November or a suitable date	Ensure link to Liverpool Foundation Day
7	Community Feedback	Citizen of the Year to be invited to appropriate Civic occasions	Ensure opportunities to elevate awards and community engagement

**LIVERPOOL
CITY
COUNCIL****63****GOVERNANCE COMMITTEE MEETING
15 JULY 2025
STRATEGIC PRIORITIES COMMITTEE REPORT**

8	Community Feedback	Australia Day Awards to retain direct link to 'Australia Day'	Revert Australia Day Awards to be 'Australia Day' Awards
9	Recognise the late Councillor Peter Fraser in the Australia Day Awards program that was previously recognised as the Environment Award by Council resolution	The Australia Day Community Group award is to dedicated in honour of the late Councillor Peter Fraser Written specifically into policy with link to history	Ensure civic history is respected and maintained, and previous Council resolution is applied with consistency

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	Support community organisations, groups and volunteers to deliver coordinated services to the community. Promote community harmony and address discrimination.
Civic Leadership	Foster neighbourhood pride and a sense of responsibility. Facilitate the development of community leaders. Encourage the community to engage in Council initiatives and actions. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	There are no legislative considerations relating to this report.
Risk	The risk is deemed to be Low.

ATTACHMENTS

1. Draft Civic Awards Policy



CIVIC AWARDS POLICY

Adopted: XX 2025

TRIM: 107740.2021



CIVIC AWARDS POLICY

DIRECTORATE: Community & Lifestyle

BUSINESS UNIT: Civic & Executive Services

1. PURPOSE / OBJECTIVES

To provide an overview of Liverpool's Civic Awards program including the Order of Liverpool Awards and the Australia Day Awards. The purpose of this policy is to define how the awards are administered, selection of award recipients, and the role of the Committee.

2. DEFINITIONS

- "Act" means the *Local Government Act 1993*
- "CEO" means Council's Chief Executive Officer
- "Council" means the Liverpool City Council
- "LGA" means Local Government Area
- "Member" means a member of the Committee
- "Policy" means the Civic Awards Policy

3. POLICY STATEMENT

This policy has been created to ensure sound governance, administration and selection of the Liverpool Awards.

It applies to Councillors and Liverpool City (Council) employees, members of Council Committees and Liverpool local government area (LGA) residents and our broader communities.

4. LIVERPOOL CIVIC AWARDS

The Liverpool Civic Awards are Council's prestigious annual awards program that recognise the outstanding contribution of citizens and groups to the Liverpool local government area.

The Civic Awards are open and promoted all year round, under the marketing campaign 'Liverpool Civic Awards' to elevate the program profile and brand, achieve broader engagement and reach, and achieve higher return on investment.

The Civic Awards include the following Council award programs

- a) Order of Liverpool Awards
- b) Australia Day Awards

The Committee's role is to formally assess nominations and the selections of award recipients of the Civic Awards.

5. ORDER OF LIVERPOOL AWARDS

5.1 Background

The Order of Liverpool Awards were first established, as the Liverpool 'Heritage Awards' and acknowledged the work and tribute of the founders and pioneers of the City of Liverpool.

On 6 February 1979, a Mayoral Report called for a Special Meeting to be held on 15 May 1979, which resolved the purpose and award criteria, and recipients be organised into a formal Order to be known as 'The Order of Liverpool'.

An insignia (membership emblem) was developed, with the design being derived from the City of Liverpool Coat of Arms, being the winged ox (or bull) symbol of St. Luke and the crosslet of Governor Macquarie.

This insignia has reference to:

- a) The Liverpool founding by Governor Macquarie;
- b) St. Luke's Anglican Church (located in Liverpool), designed by Francis Greenway which opened in 1819, and is the oldest existing Anglican church in Australia;
- c) City landmark and sculpture in the grounds of St. Luke's Anglican Church.
- d) The crosslet from the crest of our City and the arms of Governor Macquarie, representing our founding and historic heritage.

The awards are now known as the Order of Liverpool Awards and presented on, or around the 7 November, Liverpool's foundation date. Liverpool was founded by Governor Lachlan Macquarie in 1810.

5.2 Purpose

The Order of Liverpool Awards recognise the distinguished years of work or voluntary service that have enhanced the quality of life in the Liverpool local government area.

5.3 Award Categories

The categories are:

Membership	Abbreviation	Years of service	Criteria
Member of the Order of Liverpool	(MLO)	5 years	Resident or rate payer
Officer of the Order of Liverpool	(OLO)	10 years	
Companion of the Order of Liverpool	(CLO)	15 years	
Honorary Member of the Order of Liverpool	(HLO)	15 years	Non resident or rate payer

5.4 Eligibility

Nominees must be a

- a) Resident or ratepayer of the Liverpool local government area who has achieved the required years of service for a Member, Officer or Companion of the Order of Liverpool.
- b) A non resident or rate payer, who has contributed to the Liverpool local government area who has achieved the required years of service for an Honorary Member of the Order of Liverpool.

Nomination must detail the

- Voluntary community service contribution
- Involvement and commitment to the Liverpool community
- Outstanding achievements
- Evidence of contribution and/or service

Nominee's contributions to the Liverpool LGA must be predominantly voluntary and not solely as a result of paid employment. They must meet the category minimum years of service required.

Nominations must be submitted on Council's nomination form with all mandatory information required.

Posthumous awards will be considered providing the date of the nominee's death occurred within the 12 months following the previous closing date of the Awards.

Award recipients can only receive one award each year, that should align with the years of service achieved.

5.5 Timeline

Month	
Annual	The program is open and promoted all year round in Council publications.
September	Compile for assessment. Nominations will continue to remain open and received for the following period. Once nominations are batched for assessment no late nominations will be included.
October	Committee assessment against eligibility criteria and award recipients' recommendation. Final review and approval by Liverpool CEO (operational matter not required to go to Council).
November	<p>Award presentation on, or around Liverpool's foundation date 7 November.</p> <p>The presentation should be made by the Mayor of Liverpool (or delegate) and could be done in alignment with another Council activity or event to achieve maximum media exposure or increase guest experience. Each year the delivery model can change to leverage available opportunities to elevate the award program/event.</p>

6. AUSTRALIA DAY AWARDS

6.1 Background

Each year, the National Australia Day Council delivers the Australian of the Year Awards, recognising the high achievement and contribution of eminent Australians and leading citizens.

The local Australia Day Awards are administered by local government authorities throughout the country, and support is provided by the Australia Day Council of New South Wales through the provision of certificates for presentation and a delivery outline. Council has participated in the Australia Day Awards program since their inception as they provide the opportunity to recognise and honor outstanding achievement and excellence in the local community and highlight the importance of service to the Australian nation.

The Liverpool Australia Day Awards are part of Council's broader Australia Day program, with awards to be presented on or around Australia Day each year. It is intended that they have a direct connection to Australian's national day.

The Mayor (or delegate) is delegated to make the award presentations to the recipients. The Mayor on occasion may approve or invite other delegates to join them to assist with the presentation of awards.

In 1988, Council recognised former Liverpool City Council Councillor the late Peter Fraser commitment to environmental conservation by creating 'The Fraser Environment Award' in his honour. Mr Fraser had a passion for environmental conservation which was at the heart of his tireless community activism. The award was presented each year at part of the awards program. In 2025, Council dedicated the Community Group Award category to Mr Fraser to honour Liverpool's civic history and continue to highlight the work achieved and importance of environment and activism for community outcomes.

6.2 Purpose

To recognise outstanding contributions by local citizens and community group/s contribution who have made an outstanding contribution to the community.

6.3 Role of the Australia Day Award recipients

The Australia Day Award recipients will be encouraged to be involved in a number of Council initiatives such as:

- Council's civic and community functions and events
- Other Council programs and activities as appropriate

Any involvement in Council initiatives is in a voluntary basis and remuneration will not be made.

6.4 Awards Categories

There are two award categories (Citizen of the Year and Community Group Award) with a total of four (4) awards. They are:

Citizen of the Year

A person who has made a noteworthy contribution in one of three subcategory age groups that are:

- Young Citizen of the Year: 16 – 30 years
- Citizen of the Year: 31 – 64 years
- Senior Citizen of the Year: 65 years and over

Note: the age of the nominee must fall into the applicable category as of 26 January of the ceremony year. Selection of award recipients will take into consideration activities in the year prior to January of the ceremony year, in addition to past and future activities.

Community Group Award *in honour of Peter Fraser*

A local group or organisation, which has provided an outstanding contribution to the Liverpool community. This includes projects and events.

Note: The Community Group Award must be for a group, project or activity which has contributed to the Liverpool in the 24 months prior to January of the ceremony year.

The Community Group Award is in honour of former Liverpool City Councillor the late Peter Fraser. It recognizes his commitment to environmental conservation and tireless community activism. The Community Group Award category should be promoted 'in honour of Peter Fraser' and where appropriate his contribution highlighted in marketing initiatives and the event program if available.

6.5 Procedure

Nominations will be open to the public and advertised throughout the LGA.

Nominations will be reviewed by Council's staff to ensure eligibility requirements and conditions of entry have been met.

Illegible nominations received before the closing date will be provided the opportunity to reapply. Illegible nominations received after the closing date will be deemed ineligible for the current year and nominator will be provided the opportunity to reapply in the following year.

All eligible nominees will be considered for an award and invited to the Australia Day Awards ceremony and announced as a 'Nominee' at the presentation. There will be no finalists in any categories or subcategories.

All eligible nominees will be contacted by Council and provided the opportunity to participate or withdraw from the awards program prior to assessment.

6.6 Eligibility

The eligibility criteria for Citizen of the Year awards as follows:

- Nominees must be an Australian Citizen at the time of nomination.
- Nominees must have resided or worked in the Liverpool LGA within the past 12 months at the time of nomination. This includes work of a voluntary nature.
- Nominees must not be a sitting local, state or federal politician, or have immediately left office.
- Nominees must be of good fame and character.

The eligibility criteria for the Community Group Award are as follows:

- Community groups must be based, operating in or servicing the Liverpool LGA at the time of nomination.
- Community groups, projects and activities must have been held and largely contribute or significantly benefit the Liverpool LGA within 24 months of the nomination date.
- Community groups must be of good fame and character.

6.7 Condition of Entry

The following conditions of entry apply to all group nominations:

- Nominations must be made on the official nomination form and submitted online or via email with any supporting documents.
- Nominations must be received by Council by the published closing date. Late applications and material will not be accepted, and nominators will be provided with the opportunity to reapply in the following year.
- Nominators can make submissions for more than one group, but a separate form must be used for each nomination.
- Community groups may self-nominate.
- All nominees will be provided with the opportunity to accept their nomination (or decline) and submit further supporting information within a specified period for consideration as part of their nomination. Late material will not be accepted.
- Past award recipients (award category or subcategory winners) will not be considered in the same category again.
- No weight is given to the number of times a group is nominated.
- Information provided in the nomination submission, and by the nominee, may be included in the event program and media release. Nominees should note, this could be a summary of the information provided, and all information may not be included.
- All nomination information submitted remain the property of Council.

Nominations should:

- address the assessment criteria by outlining the nominee's background, achievements, and reasons for nomination
- include supporting documents such as character reference/s and photograph/s

6.8 Assessment Criteria

Recipients will be selected by the committee according to the following criteria and scoring structure:

A. Community impact	Undertaken activities which have a positive purpose and benefit the community. The impact of these activities, by either an individual or group on the community, is lasting and enduring.	30%
B. Outstanding achievement	Showed outstanding achievement in a specific field, including but not limited to academic, sporting, environmental, community engagement, business, welfare, arts and culture, leadership and civic responsibility.	30%
C. Positive role model	Be a positive role model to others.	20%
D. Liverpool LGA	Nominations located in the Liverpool LGA which also delivers the service to the Liverpool community.	10%
E. Volunteer contribution	Nominations of a volunteer nature, in kind service or contribution which is not in a paid capacity.	10%

6.9 Selection Process

Recipients will be selected by the committee according to the assessment criteria. Selections will be recommended to the Liverpool CEO for final approval.

The Committee:

- can award up to two 'Highly Commended' certificates for each award. 'Highly Commended' certificates are not a requirement and should only be utilised when there is an exceptional candidate to be recognised.
- cannot select joint recipients in any award category or subcategory.
- cannot allocate more than one award or certificate per year to a recipient.
- cannot create additional categories or subcategories for assessment.

Selection is to be based on the information that is provided in the nomination form and supporting documents by the specified time allocated. It is the

responsibility of the Nominator and Nominee to supply all nomination information for assessment.

The Committee will be provided with nomination information prior to the first meeting taking place to conduct a preliminary assessment.

All nomination information

- is to be treated as confidential.
- is not to be copied, and must not be discussed or shared with any person outside the Committee or appropriate Council staff at any time
- must be returned to Council at the conclusion of the final Committee, and must not be retained by Civic Advisory members
- is to be handled in accordance with Council's Privacy Policy
- Committee members will be required to attend 1-3 meetings, where they must achieve consensus through discussion and further consideration of Nominees. All members will have equal votes.
- There is no obligation for the Committee/Council to allocate an award each year if it is considered there is no nomination satisfactory to meet the criteria. The decision is final.
- Council staff can provide support and advice to the panel only and have no voting rights.

6.10 Timeline

Month	Abbreviation
Annual	The program is open and promoted all year round in Council publications.
November	Nominations close and compiled for assessment.
December	Committee assessment against eligibility criteria and award recipients' recommendation. Final review and approval by Liverpool CEO (operational matter not required to go to Council).
January	<p>Award presentation on, or around Australia Day, 26 January.</p> <p>The presentation should be made by the Mayor of Liverpool and could be done in alignment with another Council activity or event to achieve maximum media exposure or increase guest experience. Each year the delivery can change to leverage available opportunities.</p>

7. COMMITTEE

The Committee is responsible for the review, assessment and selection of award recipients

The Committee will not receive remuneration and current year members may be invited to attend the Civic Awards ceremonies as a guest. Members may also feature in the event program (if available).

The Committee members cannot publicly comment on behalf of the Committee or Council at any time.

RELATED POLICIES & PROCEDURE REFERENCES

Gifts and Benefits Policy
Code of Conduct Policy
Privacy Policy
Code of Meeting Practice
Civic Advisory Charter

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

XXX

REVIEW DATE

XXX

DEPARTMENT RESPONSIBLE

Civic and Executive Services

VERSIONS

Version	Amended by	Date	TRIM Number
1	Council resolution	30 October 2013	182547.2013-001 and 280465.2013
2	Council resolution	29 October 2014	242780.2014 and 237146.2014
3	Council resolution	25 February 2015	004174.2015 and 004089.2015
4	Council resolution	29 April 2015	107541.2015
5	Council resolution	17 June 2015	156045.2015
6	Council resolution	3 February 2016	004433.2016
7	Council resolution	27 April 2016	158436.2016
8	Council resolution	27 July 2016	214048.2016
9	Council resolution	30 August 2017	215697.2017
10	Council resolution	27 February 2019	032996.2019
11	Council resolution	20 November 2019	032996.2019-002
12	Council resolution	24 June 2020	032996.2019-003
13	Council resolution	31 March 2021	107740.2021
14	Council resolution	XX July 2025	

ITEM 08	Policy Review - Councillor and Staff Interaction Policy
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Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	219130.2025
Report By	M'Leigh Brunetta - Manager Civic & Executive Services
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

This report was tabled at the 18 June 2025 Council meeting and deferred to the July Governance Meeting for further consideration.

The Councillor and Staff Interaction Policy (The Policy) provides the framework to help ensure positive and professional relationships between Councillors and Council staff. The Policy provides a critical framework to guide and maintain positive, respectful, and professional relationships between Councillors and Council staff. This framework is essential to support good governance, ensure appropriate separation of roles and responsibilities, and safeguard the integrity of Council operations.

The Model Councillor and Staff Interaction Policy, developed by the Office of Local Government (OLG), serves as a best-practice standard for all NSW councils. It reflects the principles of transparency, accountability, and ethical conduct in local government, and ensures that interactions between elected representatives and staff are conducted in a manner that upholds public confidence and supports effective service delivery.

Council's current Policy was adopted on 26 July 2023 and, in line with good governance and legislative compliance, is scheduled for review by 31 May 2025. As part of this review, the Policy has been revised to align with the Model Councillor and Staff Interaction Policy issued by the Office of Local Government. This alignment ensures consistency with sector-wide standards, reinforces appropriate governance practices, and ensures the Policy remains relevant to the evolving operational and regulatory environment while continuing to meet the expectations of both the community and the Office of Local Government.

**RECOMMENDATION**

That the Governance Committee:

1. Notes, the Draft Councillor and Staff Interaction Policy and
2. Endorse the Councillor and Staff Interaction Policy.

REPORT

The Councillor and Staff Interaction Policy (The Policy) provides the framework to help ensure positive and professional relationships between Councillors and Council staff. The Policy provides a critical framework to guide and maintain positive, respectful, and professional relationships between Councillors and Council staff. This framework is essential to support good governance, ensure appropriate separation of roles and responsibilities, and safeguard the integrity of Council operations.

Positive, professional working relationships between Councillors and staff are a key element of Council's success.

In broad terms, a Councillor's role is a strategic one. As members of the governing body, Councillors are responsible not only for representing the community, but also for setting the strategic direction of the council and keeping its performance under review.

The role of Council staff, under the leadership of the CEO, is to carry out the day-to-day operations of the Council and to implement the decisions, plans and policies adopted by the governing body.

Councillors need access to information about the Council's strategic position and performance to perform their civic functions effectively. The CEO and staff are responsible for providing Councillors with this information to facilitate the decision-making process.

Given Councillors role in setting the Council's strategic direction and keeping its performance under review, Councillors are entitled to request information about a range of issues.

However, in requesting information, Councillors should not be seeking to interrogate the minutiae of the Council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a Council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between councillors and staff should be positive, respectful and professional.

The Councillor and Staff Interaction Policy has three main goals:

- to establish a framework by which Councillors can access the information they need to perform their civic functions,
- to promote positive and respectful interactions between Councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between Councillors and staff.

Council's current Policy was adopted on 26 July 2023 and, in line with good governance and legislative compliance, is scheduled for review by 31 May 2025. As part of this review, the Policy has been revised to align with the Model Councillor and Staff Interaction Policy issued by the Office of Local Government. This alignment ensures consistency with sector-wide standards, reinforces appropriate governance practices, and ensures the Policy remains relevant to the evolving operational and regulatory environment while continuing to meet the expectations of both the community and the Office of Local Government.

In response to feedback and questions received from Councillors regarding the draft *Councillor and Staff Interaction Policy*, Council has compiled a summary of the key matters raised to date. To support transparency and informed decision-making, this information is being shared with all Councillors for collective consideration.

1 Why is this Policy being reviewed now?	The current Policy was adopted on 26 July 2023, with a scheduled review date of 31 May 2025. To ensure compliance with this timeframe, the draft Policy has been prepared for Council consideration.
2 Why has the draft Policy title changed?	The draft Policy title has been updated from <i>Access to Information and Interaction with Staff Policy</i> to <i>Councillor and Staff Interaction Policy</i> , to align directly with the Office of Local Government (OLG) Model Policy.
3 Why does the draft Policy closely resemble the OLG Model Policy?	The OLG produces a suite of best practice governance policies, informed by consultation with councils and sector experience. The draft Policy aligns with the OLG Model to reflect this exemplar approach and promote consistency across the sector.
4 What was the rationale for reverting to the Model format and template? Was the current Policy deemed unfit?	During the scheduled review, it became evident that the current Policy was not fully aligned with the OLG Model. Councillors were presented with the option at the 13 May Governance Committee Meeting to either amend the current version or adopt the Model. Reversion to the Model was recommended to ensure best practice and alignment. All relevant content from the existing Policy has been retained as attachments for transparency.
5 Has a table summarising the changes been provided?	A summary table highlighting the key changes was included in the presentation at the 13 May Governance Committee Meeting. This table has been included in this report for Councillor reference.

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GOVERNANCE COMMITTEE MEETING
15 JULY 2025
STRATEGIC PRIORITIES COMMITTEE REPORT

Why wasn't the Model Policy adopted in 6 2023 when the current Policy was resolved?	In 2023, Council resolved a revised version of the existing policy. Since implementation, feedback has identified formatting and structural differences. In accordance with governance best practice, Council is now proposing alignment with the OLG Model.
The draft Policy indicates Councillors are to interact with the CEO and ELT only. Was consultation undertaken on this change?	Schedule 1 of the draft Policy outlines <i>Authorised Staff Contacts for Councillors</i> . This schedule, consistent with the OLG Model, may be amended by the CEO at any time. While interaction is focused on the CEO and ELT, Directors may authorise staff to engage with Councillors as appropriate. This ensures oversight, timely resolution, and accountability. Additionally, the Model (and the draft) includes a requirement for all Councillor requests to be recorded, increasing transparency and ensuring appropriate governance.

High level summary of proposed changes.

ITEM	DETAIL	SUMMARY
Policy title amendment	Access to Information and Interaction with Staff Policy To Councillor and Staff Interaction Policy	Direct alignment to OLG Model Councillor and Staff Interaction Policy
4.10	Where the Mayor or a Councillor receives an enquiry from a constituent with regard to an operational matter, the enquiry should be actioned as follows:.... <i>followed by process</i>	Not detailed in Model Code. Operational procedure.
5	Third Party Advice <i>5.5 The CEO will generally not obtain third party advice without a Council resolution in relation to:</i> <i>Matters where Council staff have not yet provided advice; and</i> <i>Advice with an estimated cost of \$10,000 or more.</i>	Specific operational procedure and thresholds. Legal Services Policy.
Attachment A	Interactions between Councillor and Council Staff - table	Operational procedure.
Attachment B	Statutory provisions relating to the roles of Councillors and the Chief Executive Officer	Extract. Intended for reference.

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**GOVERNANCE COMMITTEE MEETING
15 JULY 2025
STRATEGIC PRIORITIES COMMITTEE REPORT****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	Promote community harmony and address discrimination. There are no social and cultural considerations.
Civic Leadership	Facilitate the development of community leaders. 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	Local Government Act 1993 Local Government (General) Regulation 2021 State Records Act 1998 Work Health Safety Act 2011 Office of Local Government (OLG) Model Councillor and Staff Interaction Policy for Local Councils in NSW
Risk	The risk is deemed to be Low as Council's Draft Councillor and Staff Interaction Policy are consistent with the Model Policy published by the Office of Local Government (OLG).

ATTACHMENTS

1. Draft Councillor and Staff Interaction Policy



OUNCILLOR AND STAFF INTERACTION POLICY

Adopted: 18 June 2025

TRIM: 380335.2022-008



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Preface

Positive working relationships between councillors and staff: a council's key asset

Positive, professional working relationships between councillors and staff are a key element of any council's success. If relationships between councillors and staff are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk¹, and ultimately the council's performance will suffer.

A good relationship between councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the *Local Government Act 1993* (the LGA) and the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

In broad terms, a councillor's role is a strategic one. As members of the governing body, councillors are responsible not only for representing the community, but also for setting the strategic direction of the council (not operational) and keeping its strategic performance under review. A comprehensive outline of the role of a councillor is provided in Part 4 of this Policy.

The role of council staff, under the leadership of the general manager, is to carry out the day-to-day operations of the council and to implement the decisions, plans, programs and policies adopted by the governing body.

Access to information: the key to the relationship

Councillors need access to information about the council's strategic position and performance to perform their civic contemporary functions effectively. The CEO and staff are responsible for providing councillors with this information to facilitate

the decision-making process.

Given councillors' role in setting the council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between councillors and staff should be positive, respectful and professional.

Official capacity versus private capacity

It is also inevitable that councillors and council staff will engage with their council in their private capacity. This can be for something as simple as borrowing a book from a council library, to more complex matters, such as submitting a development application.

In these circumstances, it is vital that councillors and council staff do not seek to use, or appear to use, their position within council to obtain a private benefit. To do so could be seen as an attempt to exert pressure on councillors and/or council staff with a view to obtaining preferential treatment. Such conduct has the potential to undermine both the integrity of a council's decision-making processes, as well as the community's confidence in council, and so must be avoided.

The development and intent of this policy

At its core, the policy has three main goals:

- to establish a framework by which councillors can access the information

¹ As highlighted by the NSW Independent Commission Against Corruption's Operation Dasha <https://www.icac.nsw.gov.au>

they need to perform their civic functions,

- to promote positive and respectful interactions between Councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

Adoption

This Councillor and Staff Interaction Policy reflects best practice for council and directly aligns to the Office of Local Government Model Councillor and Staff Interaction Policy.

Definitions

Business day	means a standard business day between Monday to Friday, excluding weekend
CEO	means Chief Executive Officer of Council
Code of Conduct	means the Code of Conduct Policy adopted by Council
Contemporary	means current or occurring in the present Eg. considered to impact the current term of Council
Council	means Liverpool City Council
Councillors	means all elected Councillors including the Mayor and Deputy Mayor
Councillor request	means a request put to Council by an elected Councillor including the Mayor and Deputy Mayor. This excludes a Council resolution or NOM
Councillor Support Officer	means Council staff within the Executive Services team engaged to support Councillors administrative needs and facilitate requests
Executive Leadership Team	means staff engaged as a Director at Council
Executive Services	means Council's Executive Services unit/team
General Manager	means the CEO of Council
ICT	means Information and Communication Technology
NOM	means Notice of Motion
Model Code	means the Model Councillor and Staff Interaction Policy set by the Office of Local Government
Policy	means the Councillor and Staff Interaction Policy set by Council
Request	means making a request that can be accepted or declined based on suitability

Councillor and Staff Interaction Policy

Part 1 – Introduction

- 1.1 *The Councillor and Staff Interaction Policy* (the Policy) provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with Liverpool City Council's *Code of Conduct* (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between Councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between Councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Part 2 – Application

- 2.1 This Policy applies to all Councillors and council staff.
- 2.2 This Policy applies to all interactions between Councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the CEO.
- 2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

Part 3 – Policy objectives

3.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between Councillors and staff defined by mutual respect and courtesy
- b) enable Councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure Councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide Councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by Councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

Part 4 – Principles, roles and responsibilities

- 4.1 Several factors contribute to a good relationship between Councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the CEO, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a Councillor is as follows:
 - a) to be an active and contributing member of the governing body
 - b) to make considered and well-informed decisions as a member of the governing body
 - c) to participate in the development of the integrated planning and reporting framework
 - d) to represent the collective interests of residents, ratepayers and the local community
 - e) to facilitate communication between the local community and the governing body
 - f) to uphold and represent accurately the policies and decisions of the governing body
 - g) to make all reasonable efforts to acquire and maintain the skills

necessary to perform the role of a Councillor.	is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of elected Councillors.										
4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.											
4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.	Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data										
4.6 Council commits to the following principles to guide interactions between Councillors and staff:											
<table border="1" data-bbox="392 1044 806 1751"> <thead> <tr> <th data-bbox="403 1051 489 1080">Principle</th><th data-bbox="573 1051 679 1080">Achieved by</th></tr> </thead> <tbody> <tr> <td data-bbox="403 1096 525 1152">Equitable and consistent</td><td data-bbox="573 1096 806 1230">Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels</td></tr> <tr> <td data-bbox="403 1246 541 1300">Considerate and respectful</td><td data-bbox="573 1246 806 1439">Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions</td></tr> <tr> <td data-bbox="403 1455 552 1534">Ethical, open and transparent</td><td data-bbox="573 1455 806 1648">Ensuring that interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct</td></tr> <tr> <td data-bbox="403 1664 536 1693">Fit for purpose</td><td data-bbox="573 1664 806 1751">Ensuring that the provision of equipment and information to Councillors</td></tr> </tbody> </table>	Principle	Achieved by	Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels	Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions	Ethical, open and transparent	Ensuring that interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct	Fit for purpose	Ensuring that the provision of equipment and information to Councillors	<p>4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:</p> <ul style="list-style-type: none"> a) responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding b) staff are not accountable to them individually c) they must not direct staff except by giving appropriate direction to the CEO by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions e) they must not contact a member of staff on council-related business unless in accordance with this Policy f) they must not use their position to attempt to receive favourable treatment for themselves or others.
Principle	Achieved by										
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels										
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions										
Ethical, open and transparent	Ensuring that interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct										
Fit for purpose	Ensuring that the provision of equipment and information to Councillors										

4.8 The CEO is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

Council staff need to understand:

- a) they are not accountable to individual Councillors and do not take direction from them. They are accountable to the CEO, who is in turn accountable to the Council's governing body
- b) they should not provide advice to Councillors unless it has been approved by the CEO or a staff member with a delegation to approve advice to Councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

Part 5 – The Councillor requests system

- 5.1 Councillors have a right to request information provided it is relevant to Councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The CEO may identify Council support staff (Executive Services team) under this Policy for the management of requests from Councillors.
- 5.4 Councillors can use the Councillor requests system to:
 - a) request information or ask questions that relate to the strategic performance and/or the strategic operation of the Council
 - b) bring concerns that have been raised by members of the public to the attention of staff
 - c) request ICT or other support from the Council administration
 - d) request that a staff member be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.
- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a Councillor's request lacks specificity, the CEO or staff member authorised to manage the matter is entitled to ask the

Councillor to clarify their request and the reason(s) why they are seeking the information.

5.6 Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.

5.7 The CEO or the staff member authorised to manage a Councillor request will provide a response within 30 days. Where a substantial response cannot be provided within that timeframe, the Councillor will be advised, and the information will be provided as soon as practicable.

5.8 Requests under clause 5.4 (d) must be made 5 business days before the meeting date. The CEO, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining:

- a) whether a staff member can attend the meeting; and
- b) which staff member will attend the meeting.

Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.

5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

5.10 Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.

5.11 Where a Councillor is unsure of confidentiality requirements, they should contact the CEO, or the staff member authorised to manage their request.

5.12 The CEO may refuse access to information requested by a Councillor if:

- a) the information is not necessary for the performance of the Councillor's civic functions, or
- b) if responding to the request would, in the CEO opinion, result in an unreasonable diversion of staff time and resources, or
- c) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- d) the CEO is prevented by law from disclosing the information.

5.13 Where the CEO refuses to provide information requested by a Councillor, they must act reasonably. The CEO must advise a Councillor in writing of their reasons for refusing access to the information requested.

5.14 Where a Councillor's request for information is refused by the CEO on the grounds referred to under clause 5.12 (a) or (b), the Councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the CEO refuses a Councillor's request for information under clause 5.12 (c) or (d).

5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a Councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.

5.16 Where a Councillor persistently makes requests for information which, in the CEO's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the CEO, resolve to limit the number of requests the Councillor may make.

5.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.

5.18 On request, a report will be provided to Council, regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

Part 6 – Access to Council staff

6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The CEO may amend this list at any time and will advise Councillors promptly of any changes.

6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.

6.3 Councillors should as far as practicable, only contact staff during normal business hours.

6.4 If Councillors would like to contact a member of staff **not listed** in Schedule 1, they must **receive permission from the CEO**.

6.5 If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the CEO or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

6.6 The CEO or a member of the Council's executive leadership team may direct any staff member to contact Councillors to provide specific information or clarification relating to a specific matter.

6.7 A Councillor or member of staff must not take advantage of their official position to improperly influence other Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the CEO or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

Part 7 – Councillor access to council buildings

7.1 Councillors are entitled to have access to the mayor's office (limited to mayor only), Councillors' office including Councillor kitchen and meeting rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the CEO.

7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the CEO.

Part 8 – Appropriate and inappropriate interactions

8.1 Examples of appropriate interactions between Councillors and staff include, but are not limited to, the following:

- a) Councillors and council staff are courteous and display a positive and professional attitude towards one another
- b) council staff ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies
- c) council staff record the advice they give to Councillors in the same way they would if it was provided to members of the public
- d) council staff, including Council's executive team members, document Councillor requests via the Councillor requests system
- e) council meetings and Councillor briefings are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties
- f) Councillors and council staff feel supported when seeking and providing clarification about council related business
- g) Councillors forward requests through the Councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

8.2 Examples of inappropriate interactions between Councillors and staff include, but are not limited to, the following:

- a) Councillors and council staff conducting themselves in a manner which:
 - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
- b) Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) subject to clause 5.12, staff refusing to give information that is available to other Councillors to a particular Councillor
- e) Councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
- f) Councillors being overbearing or threatening to staff
- g) staff being overbearing or threatening to Councillors
- h) Councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
- i) Councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- j) staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

8.3 Where a Councillor engages in conduct that, in the opinion of the CEO, puts the health, safety or welfare of staff at risk, the CEO may restrict the Councillor's access to staff.

8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the CEO.

Part 9 – Complaints

- 9.1 Complaints about a breach of this policy should be made to the CEO (if the complaint is about a Councillor or member of council staff), or the Mayor (if the complaint is about the CEO).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

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ITEM 08 Policy Review - Councillor and Staff Interaction Policy
Attachment 1 Draft Councillor and Staff Interaction Policy**AUTHORISED BY**
Council**EFFECTIVE FROM**
18 June 2025**DEPARTMENT RESPONSIBLE**
Office of the CEO
Civic and Executive Services**REVIEW DATE**
3 years**THIS POLICY HAS BEEN DEVELOPED AFTER CONSULTATION WITH**Chief Executive Officer
Executive Leadership Team
Governance and Legal
Office of Local Government**VERSIONS**

Version	Amended by	Date	TRIM Number
1	Council Resolution	11 June 2002	Not applicable
2	Council Resolution	15 June 2009	099865.2009
3	Council Resolution	21 June 2010	111710.2010
4	Council Resolution	25 July 2011	079519.2011
5	Council Resolution	5 November 2012	231162.2012
6	Council Resolution	26 June 2013	144367.2013
7	Council Resolution	20 June 2014	129147.2014
8	Acting CEO after review	17 June 2016	166749.2016
9	Council Resolution	6 February 2019	060558.2019
10	Council Resolution (reviewed and no changes made)	3 February 2021	060558.2019
11	Council	31 March 2023	380335.2022-008
12	Council Resolution	26 July 2023	380335.2022-008
13	Council Resolution	18 June 2025	

REFERENCE

Model Councillor and Staff Interaction Policy 2022

RELATED REFERENCESCode of Conduct Policy
Code of Meeting Practice Policy
Civic Expenses and Facilities Policy
Conflicts of Interest Policy
Dignity and Respect in the Workplace Policy
Fraud and Corruption Prevention Policy
Legal Services Policy
Media Policy
Work Health and Safety Policy

Schedule 1 – Authorised staff contacts for Councillors

1. Clause 6.1 of this Policy provides that Councillors may directly contact members of staff that are listed below. The CEO may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If Councillors would like to contact a member of staff not listed below, they **must receive permission** from the CEO or their delegate.
5. If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the CEO or the Councillor Support Officer who will provide advice about which authorised staff member to contact.
6. The CEO or a member of the Council's executive leadership team may direct a council staff member to contact Councillors to provide specific information or clarification relating to a specific matter.
7. All requests relating to access of documents and operational or strategic advice must be conducted through the CEO or a Director.

Position
Chief Executive Officer
Executive Leadership Team (Liverpool City Council Directors)

Note: Extract: Part 6 – Access to Council Staff

6.6 *The CEO or a member of the Council's executive leadership team may direct any staff member to contact Councillors to provide specific information or clarification relating to a specific matter.*

Schedule 2 – Councillor request and access to information table

The table specifies how elected Mayor and Councillor must request and access information from Council staff.

TYPE OF REQUEST	FROM WHOM TO GAIN APPROVAL	HOW INFORMATION IS TO BE REQUESTED	HOW INFORMATION IS TO BE PROVIDED	RESTRICTIONS TO INFORMATION
Access to Documents	CEO, Public Officer	Request submitted in writing. All requests are required to go through the Councillor Support Officer (Executive Services) to keep a record of the request.	Inspection of documents will only be permitted on the premises. Copies of publicly available documents will be permitted. Documents that are not publicly available can be inspected but not copied. The CEO has overriding discretion.	The CEO and the have discretion to refuse a request on legitimate grounds. If access is refused, a notice of motion, the GIPA Act and the Agency Information Guide are the alternative forms of access.
Operational or Strategic Advice (including Notice of Motions/NOM)	CEO, Directors, Councillor Support Officer	Request submitted in writing or made verbally. The CEO, directors and Councillor Support Officer are required to keep a file note/record of verbal requests when appropriate. All requests are recommended to go through the Councillor Support Officer (Executive Services) in the first instance to keep a record of the request.	The response will be provided verbally, memo or email.	The CEO and directors have discretion to refuse a request on legitimate grounds. If access is refused, a notice of motion or a question with notice is the alternative forms of access.
Councillor Support and Requests (including Notice of Motions/NOM)	Executive Services staff, Councillor Support Officer/s, Executive Assistant to the Mayor	Request submitted in writing or made verbally. Council officers are required to keep a file note/record of verbal requests when appropriate.	The response will be provided verbally, memo or email.	Administrative support must be in accordance with the Civic Expenses and Facilities Policy.

Schedule 3 – Statutory Provisions relating to the Roles of Councillors and the Chief Executive Officer

1. The governing body (s. 222)

The elected representatives, called "Councillors," comprise the governing body of the council.

2. Role of governing body (s. 223)

1. The role of the governing body is as follows:

- (a) to direct and control the affairs of the council in accordance with this Act,
- (b) to provide effective civic leadership to the local community,
- (c) to ensure as far as possible the financial sustainability of the council,
- (d) to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,
- (e) to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
- (f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
- (g) to keep under review the performance of the council, including service delivery,
- (h) to make decisions necessary for the proper exercise of the council's regulatory functions,
- (i) to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
- (j) to determine the senior staff positions within the organisation structure of the council,
- (k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
- (l) to be responsible for ensuring that the council acts honestly, efficiently and appropriately.

2. The governing body is to consult with the general manager in directing and controlling the affairs of the council.

3. Role of mayor (s. 226)

The role of the mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,

- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the Councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

4. The role of a Councillor (s. 232(1) and s.232(2)

- (1) The role of a Councillor is as follows:
 - (a) to be an active and contributing member of the governing body,
 - (b) to make considered and well informed decisions as a member of the governing body,
 - (c) to participate in the development of the integrated planning and reporting framework,
 - (d) to represent the collective interests of residents, ratepayers and the local community,
 - (e) to facilitate communication between the local community and the governing body,
 - (f) to uphold and represent accurately the policies and decisions of the governing body,
 - (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.
- (2) A Councillor is accountable to the local community for the performance of the council.

5. Functions of the general manager (s. 335)

The general manager of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

ITEM 09	Confirmation of Creation of Policy and Procedures for the Recruitment, Appointment, Performance Review and Management and Separation of the Chief Executive Officer by Council
Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	223385.2025
Report By	Philippa Venn-Brown - Workforce Policy and Project Officer
Approved By	Farooq Portelli - Director Corporate Support

EXECUTIVE SUMMARY

To assist Council in their recruitment, interaction and management expectations of the Chief Executive Officer (CEO), the following policy and procedure documents have been prepared for consideration by the Governance Committee and ultimate adoption by Council:

- Policy for the Recruitment, Appointment, Performance Review and Separation of the CEO by Council;
- Procedure for the Recruitment and Appointment of the CEO; and
- Procedure for the Performance Review and Management of the CEO.

The policy and procedures have been prepared to reflect the Office of Local Government Guidelines for the Appointment and Oversight of General managers and commit Council to compliance with them.

RECOMMENDATION

That the Governance Committee:

1. Note the benefits of having a clearly defined Policy and relevant procedures in regard to the recruitment, appointment, management, performance review and separation of the CEO.
2. Recommend that Council adopt and implement the attached policy and procedures for the ongoing supervision and management of the Chief Executive Officer by the Mayor and Council.

**LIVERPOOL
CITY
COUNCIL**

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**GOVERNANCE COMMITTEE MEETING
15 JULY 2025
STRATEGIC PERFORMANCE COMMITTEE REPORT****REPORT**

The recruitment, appointment, performance, management oversight and separation of the CEO is regulated by a number of documents including legislation, OLG guidelines, standard contracts of employment and other standards. It would seem both logical and prudent to encompass those requirements into Council's own policy and procedures.

A review of the legislation, best practices and the recommendations contained in the Office of Local Government's publication *Guidelines for the Appointment and Oversight of General Managers*, 2022, informed the creation of the proposed policy and procedures.

The resulting policy covers the lifecycle of tenure of the position of CEO of Liverpool City Council from recruitment to separation. The supporting procedures detail the processes for the recruitment and appointment of the CEO of Liverpool City Council and for the required performance review, management and oversight process.

The recent recruitment and appointment of the new CEO of Liverpool City Council followed the process recommended by the Office of Local Government and is consistent with the new policy and procedures currently under consideration for adoption by Council.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Relevant legislative considerations are identified in the proposed Policy
Risk	There is no risk associated with this report

ATTACHMENTS

1. Policy for the Recruitment, Performance Review and Management, and Separation of the CEO by Council.
2. Procedure for the Performance Review and Management of the CEO.
3. Procedure for the Recruitment and Appointment of the CEO.

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ITEM 09 Confirmation of Creation of Policy and Procedures for the Recruitment, Appointment, Performance Review and Management and Separation of the Chief Executive Officer by Council
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**POLICY FOR THE APPOINTMENT,
OVERSIGHT, PERFORMANCE
MANAGEMENT AND SEPARATION OF THE
CHIEF EXECUTIVE OFFICER BY COUNCIL**

Adopted: *(Current date)*

TRIM *(Number)*

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ITEM 09 Confirmation of Creation of Policy and Procedures for the Recruitment, Appointment, Performance Review and Management and Separation of the Chief Executive Officer by Council

Attachment 1 Policy for the Recruitment, Performance Review and Management, and Separation of the CEO by Council.

POLICY FOR THE APPOINTMENT, OVERSIGHT, PERFORMANCE MANAGEMENT AND SEPARATION OF THE CHIEF EXECUTIVE OFFICER BY COUNCIL

DIRECTORATE: Corporate Support

BUSINESS UNIT: People & Culture

1. PURPOSE/ OBJECTIVES

The purpose of this policy is to provide a framework for the monitoring of Chief Executive Officer performance and accountability, consistent with Section 223 of the *Local Government Act 1993* and the Office of Local Government, NSW, Guidelines for the Appointment and Oversight of General Managers, 2022.

2. DEFINITIONS

Act – The *Local Government Act (NSW) 1993*.

ASIC – The Australian Securities and Investments Commission

CEO – Chief Executive Officer

Council – Liverpool City Council

Governing Body – The governing body is comprised of the elected members of council, representing their local ward (constituency) in the governing of matters concerning the community of the Local government Area (LGA).

Guidelines – Guidelines for the Appointment and Oversight of General Managers, 2022.

ICAC – The Independent Commission Against Corruption.

OLG – Office of Local Government.

3. POLICY STATEMENT

3.1 Role of the Mayor and Councillors

3.1.1 Section 226 of the Local Government Act 1993 (LGA) requires the Mayor:

- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council, and

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ITEM 09	Confirmation of Creation of Policy and Procedures for the Recruitment, Appointment, Performance Review and Management and Separation of the Chief Executive Officer by Council
<i>Attachment 1</i>	Policy for the Recruitment, Performance Review and Management, and Separation of the CEO by Council.

(n) in consultation with the councillors, to lead the performance appraisals of the general manager.

3.1.2 Section 233(1)(i) of the LGA, provides that the role of the Governing Body includes:

(i) To determine the process for appointment of the general manager by the council and to monitor the general manager's performance.

3.1.3 The OLG guidelines provide for the Mayor's role to be supported by the establishment of a performance review panel.

3.1.4 The governing body monitors the implementation of its decisions through the CEO's reports to council meetings.

3.1.5 The governing body may delegate certain functions of the council to the CEO. The delegations of a council's functions must be made by resolution and be evidenced in writing.

3.1.6 Delegations must be reviewed during the first 12 months of each term of the council (section 380).

3.1.7 While the CEO may sub-delegate a function delegated to them by the governing body, they remain responsible for ensuring that any sub-delegated functions are carried out appropriately.

3.2 Role of the CEO

3.2.1 It is the role of the CEO to implement the lawful decisions of the council and to carry out the functions conferred on them by the Act, the Regulations and any other applicable legislation.

3.2.2 The CEO also performs any other functions delegated to them by the governing body.

3.2.3 The CEO is responsible for conducting the day-to-day management of council in accordance with the strategic plans, programs, strategies and policies approved by the governing body of the council and the implementation of the lawful decisions of the governing body.

3.2.4 The CEO is responsible for guiding the preparation, implementation and delivery of the community strategic plan and for implementing the delivery program and operational plans.

3.2.5 The CEO is responsible for determining the organisation structure of the council in consultation with the governing body and in accordance with the budget approved by the governing body (section 332 of the Act).

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3.2.6 The positions within the organisation structure must be determined to give effect to the priorities identified in council's strategic plans.

3.2.7 The CEO is responsible for the appointment and direction of staff and their dismissal.

3.2.8 The CEO is also responsible for ensuring councillors are provided with the information and the advice staff require to make informed decisions and to carry out their civic duties.

3.3 Recruitment and Selection of the CEO

3.3.1 The governing body of the council is required to determine the process for the appointment of the CEO (section 223).

3.3.2 When recruiting for a new CEO the position must be advertised in a manner that is sufficient to enable suitably qualified persons to apply for the position (section 348).

3.3.3 Council must ensure that the appointment of the CEO is made using the principles of merit selection and equal employment opportunity (section 349).

3.3.4 The recruitment process must be open and transparent while maintaining the confidentiality of the individual applicants. Failure to maintain appropriate confidentiality may constitute a breach of the Act, Council's Code of Conduct and the *Privacy and Personal Information Protection Act 1998*.

3.3.5 Council will engage an external recruitment consultant to assist them with the recruitment process. That person should also have a role in verifying that due process and procedures are followed in the appointment of the CEO.

3.3.6 Best practice, consistent with the Guidelines, will be followed throughout the recruitment and selection process.

3.3.7 The governing body should delegate the task of recruitment to a selection panel, led by the mayor and approve the recruitment process. The panel will report back to the governing body on the process and recommend the most meritorious applicant for appointment by the council.

3.3.8 The selection panel should consist of at least the mayor, the deputy mayor, another councillor and a suitably qualified person independent of the council. The selection panel should, where possible, have a mix of genders.

3.3.9 Where practicable, the selection panel should remain the same throughout the recruitment process.

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- 3.3.10 Council's governing body should delegate to one person (generally the mayor) the task of ensuring:
 - The selection panel is established
 - The CEO's position description is current and evaluated in terms of salary to reflect the responsibilities and duties of the position
 - The proposed salary range reflects the responsibilities and duties of the position
 - The position is advertised according to the requirements of the Act
 - Information packages are prepared, and
 - Applicants selected for interview are notified.
- 3.3.11 The mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.
- 3.3.12 Interviews should be held as soon as possible after candidates have been short-listed.
- 3.3.13 Questions should be designed to reflect the selection criteria and assist the selection panel to assess the suitability and merit of the candidate for the position
- 3.3.14 All interviews should be kept confidential.
- 3.3.15 All written references must be checked. The selection panel must delegate the task of contacting referees to one panel member. Other panel members should not contact referees.
- 3.3.16 At least two (2) referees must be contacted and asked questions about the candidate relevant to the selection criteria. If contact with someone other than a nominated referee is required, the applicant's permission must be sought and given.
- 3.3.17 Where tertiary qualifications are relied on, they should be produced for inspection and, if required, verification.
- 3.3.18 All appropriate background checks must be undertaken, e.g. bankruptcy and criminal record checks, and whether the candidate has been disqualified from managing a corporation by ASIC. Liverpool Council is a Child Safe Organisation and as such a working with children check is also required.
- 3.3.19 Further guidance on best practice recruitment checks can be obtained by consulting Standard AS 4811:2022 Workforce Screening and ICAC's publication, Strengthening employment screening practices in the NSW public sector.

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3.3.20 The selection panel is responsible for preparing a report to the council's governing body that:

- Outlines the selection process
- Recommends the most meritorious applicant with reasons
- Recommends an eligibility list if appropriate
- Recommends that no appointment is made if the outcome of the interviews is that there are no suitable applicants.

3.3.21 The report should be confidential and reported to a closed meeting of the council.

3.4 Finalising the Appointment of the CEO

3.4.1 The appointment of a CEO is a non-delegable function of the council under section 377 of the Act and a CEO cannot be appointed without a formal resolution of the council.

3.4.2 Council's governing body must by resolution approve the position of the CEO being offered to the successful candidate before the position is offered to the candidate.

3.4.3 The mayor makes the offer of employment after the governing body has resolved to appoint the successful candidate. The initial offer may be made by phone.

3.4.4 Conditions such as term of the contract (1-5 years) and remuneration package (within the range approved by the governing body of the council) can also be discussed by telephone but must be confirmed in writing.

3.4.5 The standard contract of employment for general managers/ CEOs approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act must be used.

3.4.6 CEOs must be employed for 1-5 years.

3.4.7 The contract governs:

- The duties and functions of CEOs
- Performance agreements
- The process for renewal of employment contracts
- Termination of employment and termination payments
- Salary increases, and
- Leave entitlements

3.4.8 Candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

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3.5 Record Keeping

- 3.5.1 Council should retain all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate.
- 3.5.2 These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

3.6 Day to Day Oversight and Liaison with the CEO

- 3.6.1 One of the prescribed functions of the governing body is to monitor the CEO's performance, however day-to-day oversight of and liaison with the CEO should be undertaken by the mayor.
- 3.6.2 The mayor's role in the day-to-day management of the CEO should include:
 - Approving leave
 - Approving expenses incurred, and
 - Receiving and managing complaints about the CEO in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.
- 3.6.3 Council's governing body should ensure there are adequate and appropriate policies in place to guide the mayor in the day-to-day oversight of, and liaison with, the CEO and keep those policies under regular review.
- 3.6.4 The governing body should also ensure there are appropriate policies in place with respect to the expenditure of council funds and reporting requirements in relation to that expenditure.
- 3.6.5 Council's governing body should satisfy itself that any policy governing the conferral of a benefit on the CEO, such as use of a motor vehicle, allows the actual dollar value of that benefit to be quantified so it can be accurately reflected in the CEO's salary package in Schedule C to the approved standard contract.

3.7 Managing the Performance of the CEO

- 3.7.1 The CEO is made accountable to council for their performance principally through their contract of employment.
- 3.7.2 The role of the governing body is to monitor the CEO's performance in accordance with their contract of employment.

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3.7.3 The performance of the CEO must be reviewed at least annually against the agreed performance criteria for the position.

3.7.4 Council may also choose to undertake more frequent interim reviews of the CEO's performance.

3.7.5 The agreed performance criteria must be set out in an agreement that is signed within three months of the commencement of the contract.

3.8 Establishing the Performance Review Panel

3.8.1 The governing body must establish a performance review panel led by the mayor, and delegate the task of undertaking the CEO's performance reviews to the panel. The extent of the delegation should be clear.

3.8.2 Full responsibility for performance management should be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.

3.8.3 The performance review panel should be comprised of the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager.

3.8.4 Council's governing body may also consider including an independent observer on the panel.

3.8.5 Panel members should be trained in the performance management of CEOs.

3.8.6 The role of the review panel includes:

- Conducting performance reviews
- Reporting the findings of the reviews to Council, and
- Development of the performance agreement.

3.8.7 The governing body and the CEO may agree on the involvement of a suitably qualified external facilitator to assist with the performance review process and the development of a new performance agreement. That person may be selected by the governing body or the performance review panel.

3.8.8 Councillors who are not members of the performance review panel may be invited to contribute to the performance review process by providing feedback to the mayor on the CEO's performance relevant to the agreed performance criteria.

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ITEM 09 Confirmation of Creation of Policy and Procedures for the Recruitment, Appointment, Performance Review and Management and Separation of the Chief Executive Officer by Council

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3.8.9 All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.

3.8.10 The panel should report back to the governing body of council in a closed session on the findings and recommendations of performance reviews as soon as practicable following any performance review. It is not an opportunity to debate the results or revisit the CEO's performance review.

3.8.11 The CEO should not be present when the matter is considered.

3.8.12 The performance agreement, action plan and any associated records that contain specific information about the work performance or conduct of the CEO are to remain confidential unless otherwise agreed to by the general manager or are required to be disclosed by law.

3.8.13 The unauthorised disclosure of this information may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.

3.9 Establishment of the Performance Agreement

3.9.1 The performance agreement is to contain clearly defined and measurable performance indicators against which the CEO's performance can be measured.

3.9.2 As one of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, the performance criteria is to be aligned to the goals contained in the community strategic plan, the delivery program and operational plans.

3.9.3 The performance agreement must also include indicators relevant to the CEO's personal contribution to the council's key achievements and their core capabilities, including leadership qualities.

3.9.4 Other indicators that should be included in the performance agreement are the promotion and maintenance of an ethical culture within council, encompassing the conduct and measurement of the outcomes from staff surveys and the promotion of a speak up culture and compliance with the Public Interest Disclosures Act 2022 and reporting of suspected wrongdoing to appropriate agencies including the ICAC and the OLG.

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ITEM 09	Confirmation of Creation of Policy and Procedures for the Recruitment, Appointment, Performance Review and Management and Separation of the Chief Executive Officer by Council
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3.9.5 The performance agreement will contain but not be limited to key indicators that measure how well the CEO has met Council's expectations with respect to:

- Service delivery targets in the Council's delivery program and operational plans
- Budget compliance
- Organisational capability
- Timeliness and accuracy of information and advice to councillors
- Timely implementation of council's resolutions
- Management of organisational risks
- Promotion of an ethical culture
- Ensuring a safe workplace and facilitating compliance with the *Work Health and Safety Act 2011*, and
- Leadership and providing a consultative and supportive working environment for staff etc.

3.10 Performance Review Process

3.10.1 The approved standard contract requires that the performance of the CEO must be formally reviewed at least annually. The governing body of council may also undertake interim performance reviews, as appropriate.

3.10.2 The assessment will include:

- A self-assessment by the CEO, and
- An assessment by the review panel of the CEO's performance against the performance agreement.

3.10.3 The performance review meeting should be scheduled with sufficient notice to all parties in accordance with clause 7.6 and 7.7 of the approved standard contract. These require:

- The CEO to give Council 21 days' written notice that an annual performance review is due, and
- Council to give the CEO at least 10 days' written notice that the performance review is to be conducted.

3.10.4 The meeting should concentrate on constructive dialogue about the CEO's performance against all sections of the performance agreement.

3.10.5 The meeting should identify any areas of concern and agreed actions to address those concerns.

3.10.6 Care must be taken to ensure that the review is conducted fairly and in accordance with the principles of natural justice.

3.10.7 Council's governing body must advise the CEO, in writing and in clear terms, the outcome of any performance review.

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3.10.8 The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period.

3.10.9 The agreement should be presented to the governing body of Council for discussion in a closed meeting together with the outcomes of the previous review period.

3.11 Remuneration and Reward

3.11.1 Under the approved standard contract, the CEO is entitled to an annual increase in their salary package on each anniversary of the contract, equivalent to the latest percentage increase in remuneration for NSW public sector senior executive office holders as determined by the Statutory and Other Offices Remuneration Tribunal.

3.11.2 Council may also approve discretionary increases to the CEO's total remuneration package under the approved standard contract as a reward for good performance. Discretionary increases may only be approved after a formal review of the CEO's performance has been undertaken and the CEO's performance has been assessed as being better than satisfactory.

3.11.3 Any discretionary increases should be modest and in line with community expectations and only apply for one year unless Council determines that it is to apply for the balance of the contract.

3.11.4 All discretionary increases in remuneration, together with the reasons for the increase, must be reported to an open meeting of the council.

3.11.5 Council may also on one occasion during the term of the contract approve the payment of a retention bonus to the CEO as an incentive for them to serve out their contract. If approved, the retention bonus is to be accrued on an annual pro rata basis for the remainder of the contract and is to be paid at the end of the contract period.

3.12 Separation

3.12.1 The approved standard contract sets out how the CEO's employment contract may be terminated before its expiry date on either the governing body or the CEO (Clause 10 of the approved standard contract). The circumstances in which the CEO's employment contract may be terminated are set out below:

3.12.1.1 By agreement

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The contract may be terminated at any time by written agreement between Council and the CEO.

3.12.1.2 Resignation

The CEO may terminate the contract by giving 4 weeks written notice to the governing body of the council.

3.12.1.3 Incapacity

The council may terminate the CEO's contract by giving them 4 weeks written notice or by paying them the equivalent of 4 weeks' remuneration calculated in accordance with Schedule C of the approved standard contract where:

- The CEO has become incapacitated for 12 weeks or more
- They have exhausted their sick leave, and
- The duration of the incapacity is either indefinite or for a period that would make it unreasonable for the contract to be continued.

3.12.1.4 Poor Performance

Council may terminate the CEO's contract by giving them 13 weeks written notice or by pay the equivalent of 13 weeks' remuneration calculated in accordance with Section C of the approved standard contract on grounds of poor performance.

Council may only terminate the CEO's contract on the grounds of poor performance where:

- A performance review has been conducted, and
- Council has concluded that the CEO's performance falls short of the performance criteria or the terms of their performance agreement, and
- The CEO has been offered a reasonable opportunity to utilise dispute resolution under clause 17 of the contract.

3.12.1.5 No Fault Termination

Council may terminate the CEO's contract at any time by giving them 38 weeks written notice or paying the equivalent of 38 weeks' remuneration calculated in accordance with Schedule C of the

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approved standard contract. If there are less than 38 weeks left to run in the term of the CEO's contract, Council can pay out the balance of the contract in lieu of notice.

Where Council proposes to terminate the CEO's contract on these grounds, if either party requests it and both parties agree, they may participate in mediation in relation to the proposed decision to terminate the contract. If Council does not agree to participate in mediation, it must give the CEO reasons for its decision where the CEO requests them.

Where Council terminates the contract on these grounds, it must give the CEO reasons for its decision to terminate their employment where the CEO requests it.

3.12.1.6 Summary Dismissal

Council may summarily dismiss the CEO on the grounds set out under clause 10.4 of the approved standard contract, these include:

- Serious or persistent breach of the employment contract
- Serious and wilful disobedience of any reasonable and lawful instruction or direction given by Council
- Serious and wilful misconduct, dishonesty, insubordination or neglect in the discharge of the CEO's duties and functions under their contract
- Failure to comply with any law or council policy concerning sexual harassment or racial or religious vilification
- Serious or persistent breach of Council's Code of Conduct
- Commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the CEO's ability to perform their duties and functions satisfactorily, or that brings Council into disrepute
- Absence without approval for a period of 3 or more consecutive business days.

3.12.1.7 Automatic Termination

The CEO's contract of employment is automatically terminated where the CEO becomes bankrupt, or

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they are disqualified from managing a corporation under Part 2D.6 of the Corporations Act 2001.

Where this occurs, the CEO's employment with Council automatically ends without the need for a decision by Council to terminate their contract of employment.

3.13 Suspension of the CEO

- 3.13.1 Council may suspend the CEO, for example while allegations against them are being investigated. Suspension should be on full pay for a clearly defined period. Council should not suspend a CEO's employment without first seeking expert legal advice. It is not appropriate to seek advice from Council's PAC on the proposed suspension of the CEO.
- 3.13.2 Any decision to suspend a CEO should be made at a closed council meeting, having first carefully considered the expert advice received in relation to the specific matter.
- 3.13.3 The principles of procedural fairness apply to any decision to suspend the CEO, i.e. the CEO must be advised of the circumstances leading to their suspension, the reasons for the suspension, the period of the suspension and be given a right to respond to the decision to suspend.

3.14 Dispute Resolution

- 3.14.1 Council is required to offer the CEO an opportunity to utilise dispute resolution before Council can terminate their employment for poor performance. The approved standard contract contains a dispute resolution clause at clause 17.
- 3.14.2 Where it is proposed to terminate the contract on the 'no fault' grounds (clause 10.3.1(e)), if either party requests it and both parties agree, they may participate in mediation under clause 17 in relation to the proposed decision to terminate. If Council does not agree to participate in mediation, it must give the CEO reasons for its decision where the CEO requests them.
- 3.14.3 The governing body of Council should resolve to delegate this function to the mayor or a panel of 3 councillors including the mayor.
- 3.14.4 If the dispute involves the mayor, then the deputy mayor should take the mayor's place. If there is no deputy mayor, then the governing body should resolve to appoint another councillor to take the mayor's place.

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- 3.14.5 The governing body of council and the CEO should agree on an independent mediator to mediate the dispute. The approved standard contract allows the Departmental Chief Executive of the Office of Local Government to appoint a mediator where the parties cannot agree on one.
- 3.14.6 Council and the CEO may also agree on a mediator when the contract of employment is made.

3.15 Renewing the CEO's Contract

- 3.15.1 Clause 5 of the approved standard contract sets out the process for renewing the CEO's contract of employment. The key steps in the process are as follows:
 - At least 9 months before the contract expires (or 6 months if the term of employment is for less than 3 years), the CEO must apply to Council in writing if seeking reappointment to the position.
 - At least 6 months before the contract expires (or 3 months if the term of employment is less than 3 years), Council must respond to the CEO's application by notifying the CEO in writing of its decision to either offer the CEO a new contract of employment, and on what terms, or to decline their application for re-appointment.
 - At least 3 months before the contract expires (or 1 month if the term of employment is for less than 3 years) the CEO must inform the council in writing of their decision to either accept or decline the offer made by Council.
- 3.15.2 Approval may be sought from the Departmental Chief Executive of the Office of Local Government to vary these timeframes in exceptional or unforeseen circumstances.
- 3.15.3 The terms of the new contract of employment, and in particular the schedules to the new contract, should be set out in the letter of offer. Before offering a new contract, Council should carefully review the terms of the schedules to the new contract.
- 3.15.4 The governing body must ensure that the performance criteria of the new performance agreement adequately reflect its expectations of the CEO's performance.
- 3.15.5 The governing body should also consider previous performance reviews conducted under previous contracts.
- 3.15.6 The process of deciding whether to offer the CEO a new contract will be as follows:
 - A performance review is conducted

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- Findings and recommendations are reported to a closed council meeting in the absence of the CEO
- The closed meeting should consider and decide whether to offer a new contract of employment to the CEO and on what terms as set out in the schedules to the contract
- The mayor informs the general manager of Council's decision.

3.15.7 Details to offer a new contract and a salary package should be reported to an open council meeting.

4. RELEVANT LEGISLATIVE REQUIREMENTS

Corporations Act 2001
Local Government (General) Regulation 2021
Local Government Act (NSW) 1993
Privacy and Personal Information Protection Act 1998
Public Interest Disclosures Act 2022
State Records Act 1998
Work Health and Safety Act 2011

RELATED POLICIES & PROCEDURE REFERENCES

Liverpool City Council Code of Conduct

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	Created by	Changes made	Date	TRIM Number
New	PAC	Creation	16/05/2025	

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Attachment 1 Policy for the Recruitment, Performance Review and Management, and Separation of the CEO by Council.

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

People and Culture
Governance Committee
Legal Services

ATTACHMENTS

DRAFT

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**PROCEDURE FOR THE PERFORMANCE
REVIEW AND MANAGEMENT OF THE CHIEF
EXECUTIVE OFFICER**

Adopted: (Current date)

TRIM 170874.2025

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PROCEDURE FOR THE PERFORMANCE REVIEW AND MANAGEMENT OF THE CHIEF EXECUTIVE OFFICER

DIRECTORATE: Corporate Support

BUSINESS UNIT: People & Culture

1. PURPOSE/ OBJECTIVES

The purpose of this document is to provide guidance for the procedure and timeline for the performance review and management process of the CEO by Council.

2. SCOPE

The approved standard contract requires that the performance of the CEO must be formally reviewed at least annually against the agreed performance criteria for the position.

Council may also choose to undertake more frequent interim reviews of the CEO's performance. The process for the performance review and management of the CEO is to be maintained for the length of contract through which the CEO is appointed, i.e. from 3-5 years.

3. DEFINITIONS

Act – *Local Government Act 1993*

Award – *Local Government (State) Award*

CEO – Chief Executive Officer

Code of Conduct – The guiding document which governs the conduct expected of Council's employees in the workplace, out of work hours, and when representing Council at other venues and activities.

Council – Liverpool City Council

Performance Indicators – The key accountabilities inherent in the position description.

Unsatisfactory Work Performance – such as work performance assessed by Council's management as not meeting required standards, considering relevant role expectations, performance measures and management guidelines.

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4. PROCEDURE STATEMENT

4.1. The Performance Agreement

- 4.1.1. The CEO is accountable to the Council for their performance principally through their contract of employment.
- 4.1.2. The role of the governing body is to monitor the CEO's performance in accordance with their contract of employment.
- 4.1.3. The performance agreement should include clearly defined and measurable performance indicators against which the CEO's performance can be measured.
- 4.1.4. The performance of the CEO must be reviewed at least annually against the agreed performance criteria for the position. Council may also choose to undertake more frequent interim reviews of the CEO's performance.
- 4.1.5. The agreed performance criteria must be set out in an agreement that is signed within three months of the commencement of the contract.
- 4.1.6. All documents and related information specific to the performance or conduct of the CEO are to remain confidential unless otherwise agreed to by the CEO or are required to be disclosed by law.

4.2. Establishing a Performance Review Panel

- 4.2.1. The governing body must establish a performance review panel led by the mayor, and delegate the undertaking of the CEO's performance reviews to the panel. The extent of the delegation should be clear.
- 4.2.2. Performance review panels should comprise of the mayor, the deputy mayor, another Councillor nominated by Council and another Councillor nominated by the CEO.
- 4.2.3. The Council's governing body may also consider the inclusion of an independent observer on the panel.
- 4.2.4. Panel members should be trained in the performance management of CEOs. Full responsibility for performance management be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.
- 4.2.5. The panel should report back to the governing body of Council in a closed session on the findings and recommendations of performance review as soon as practicable following any performance review. It should not be an opportunity to debate the results or revisit the CEO's performance review.

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4.2.6. The CEO should not be present when the matter of their performance review is considered by Council.

4.3. Outcome of the Performance Review

- 4.3.1. The meeting should concentrate on constructive dialogue about the CEO's performance against all sections of the performance agreement.
- 4.3.2. The meeting should identify any areas of concern and agreed actions to address those concerns.
- 4.3.3. The Council's governing body must advise the CEO, in writing, in clear terms, the outcome of any performance review.
- 4.3.4. The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period.
- 4.3.5. The agreement should be discussed by the governing body of the Council for discussion in a closed meeting together with the outcomes of the previous review period.

4.4. Everyday Management and Oversight of the CEO

- 4.4.1. While one of the prescribed functions of the governing body is to monitor the CEO's performance, oversight of and liaison with the CEO should be undertaken by the mayor.
- 4.4.2. The mayor's role in the oversight of the CEO includes:
 - Approval of leave
 - Approving expenses incurred, and
 - Receiving and managing complaints about the CEO in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

This table explains what is to be done, by whom and when.

STEP NUMBER	TIMELINE	RESPONSIBLE OFFICER	ACTION
1	At the commencement of each new Council term	Council	Provide induction training on performance management of the CEO
2	Within 3 months of the commencement date of the contract	Council or Council Panel CEO	A performance agreement setting out agreed performance criteria must be signed between the general manager and the Council

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3	Within 2 months of the signing of the performance agreement	CEO	The CEO must prepare and submit to the Council an action plan which sets out how the performance criteria are to be met
4	21 days' notice (before annual review)	CEO	The CEO gives Council written notice that an annual performance review is due
5	At least 10 days' notice	Council Panel	The Council must give the CEO written notice that the performance review is to be conducted
6	After 6 months	Council Panel CEO	The Council may also decide, with the agreement of the CEO, to provide interim feedback to the CEO midway through the annual review period
7	Prior to the annual review	Council	Ensure all Councillors on the review panel have been trained in the performance management of CEOs
8	Prior to the annual performance review	CEO	The CEO may submit to Council a self-assessment of their performance
9	Annually	Council Panel CEO	The CEO's performance must be reviewed having regard to the performance criteria in the agreement
10	Annually	Council Panel CEO	The performance review must be reviewed and varied by agreement
11	Within 6 months of the conclusion of the performance review	Council Panel	Council will prepare and send to the CEO a written statement with Council's conclusions on the CEO's performance during the performance review period
12	As soon as possible after the receipt of the statement	Council Panel CEO	The CEO and the Council will agree on any variation to the performance agreement for the next period of review

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5. THIS PROCEDURE HAS BEEN DEVELOPED IN CONSULTATION WITH

People and Culture
 Governance Committee.

6. REFERENCES

Corporations Act 2001
Local Government (General) Regulation 2021
Local Government Act (NSW) 1993
 Policy for the Appointment, Oversight, Performance Management and Separation of the Chief Executive Officer by Council, 2025
Privacy and Personal Information Protection Act 1998
 Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.
Public Interest Disclosures Act 1994
State Records Act 1998
Work Health and Safety Act 2011

7. ATTACHMENTS

Nil

AUTHORISED BY

Director Corporate Support

EFFECTIVE FROM

This date is the date the procedure was approved by the Director.

REVIEW DATE

The procedure 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 procedure should be set out in the following table.

Version	Amended by	Changes made	Date	TRIM Number
First	PAC	Creation	21/05/2025	

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Attachment 3 Procedure for the Recruitment and Appointment of the CEO.



PROCEDURE FOR THE RECRUITMENT AND APPOINTMENT OF THE CEO

DRAFT
Adopted: (Current date)

TRIM 170914.2025

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ITEM 09	Confirmation of Creation of Policy and Procedures for the Recruitment, Appointment, Performance Review and Management and Separation of the Chief Executive Officer by Council
<u>Attachment 3</u>	Procedure for the Recruitment and Appointment of the CEO.



PROCEDURE FOR THE RECRUITMENT AND APPOINTMENT OF THE CEO

DIRECTORATE: Corporate Support

BUSINESS UNIT: People & Culture

1. PURPOSE/ OBJECTIVES

The purpose of this procedure is to explain the process to be undertaken for the recruitment and selection/appointment of the Chief Executive Officer of Liverpool City Council.

This procedure supports the Policy for the Appointment, Oversight, Performance Management and Separation of the Chief Executive Officer by Council, and is consistent with the Guidelines provided by the Office of Local Government

2. SCOPE

This procedure is for the recruitment and selection of the CEO of Liverpool City Council. While it may be used as a basis for the recruitment of Senior executives, it is not for general use in the recruitment and selection of other staff. General recruitment and appointment are covered by the Recruitment and Appointment Policy (TRIM 352626.2024) and the Recruitment and Appointment Procedure (TRIM 072253.2025).

3. DEFINITIONS

Act – *The Local Government Act (NSW) 1993.*

ASIC – The Australian Securities and Investments Commission

CEO – Chief Executive Officer

Council – Liverpool City Council

Governing Body – The governing body is comprised of the elected members of Council, representing their local ward (constituency) in the governing of matters concerning the community of the Local government Area (LGA).

Guidelines – Guidelines for the Appointment and Oversight of General Managers, 2022.

ICAC – The Independent Commission Against Corruption.

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OLG – Office of Local Government.

4. PROCEDURE STATEMENT

4.1. Recruitment and Selection of the Chief Executive Officer

- 4.1.1 When recruiting for a new CEO, the position must be advertised in a manner that is sufficient to enable suitably qualified persons to apply for the position as per section 223 of the Act.
- 4.1.2 Council must ensure that the appointment of the CEO is made using the principles of merit selection and equal employment opportunity (sections 349 and 344).
- 4.1.3 The recruitment process must be open and transparent while maintaining the confidentiality of the individual applicants. Failure to maintain appropriate confidentiality may constitute a breach of the Act, Council's Code of Conduct and the Privacy and Personal Information Protection Act 1998.
- 4.1.4 Council will engage an external recruitment consultant agency to assist them with the recruitment process. That agency should also have a role in verifying that due process and procedures are followed in the appointment of the CEO.
- 4.1.5 Best practice, consistent with the Guidelines, will be followed throughout the recruitment and selection process.
- 4.1.6 The governing body should delegate the task of recruitment to a selection panel, led by the mayor and approve the recruitment process. The panel will report back to the governing body on the process and recommend the most meritorious applicant for appointment by the Council.
- 4.1.7 The selection panel for the CEO should consist of at least the mayor, the deputy mayor, another Councillor and a suitably qualified person independent of the Council. The selection panel must, have a mix of genders.
- 4.1.8 Where practicable, the selection panel should remain the same throughout the recruitment process.
- 4.1.9 Council's governing body should delegate to one person (generally the mayor) the task of ensuring:
 - The selection panel is established
 - The CEO's position description is current and evaluated in terms of salary to reflect the responsibilities and duties of the position
 - The position is advertised according to the requirements of the Act
 - Information packages are prepared, and
 - Applicants selected for interview are notified.

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Attachment 3 Procedure for the Recruitment and Appointment of the CEO.

4.1.10 The qualified member independent of Council, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.

4.2 The Interview Process

4.2.1 Interviews should be held as soon as possible after candidates have been short-listed.

4.2.2 Questions should be designed to reflect the selection criteria and assist the selection panel to assess the suitability and merit of the candidate for the position

4.2.3 The identities of all persons being interviewed must be kept confidential.

4.2.4 All written references must be checked by the independent selection panel member. The selection panel must delegate the task of contacting referees to one member. Other panel members should not contact referees.

4.2.5 At least two (2) referees must be contacted and asked questions about the candidate relevant to the selection criteria. If contact with someone other than a nominated referee is required, the applicant's permission must be sought and given.

4.2.6 Where tertiary qualifications are relied on, they should be produced for inspection and verification.

4.2.7 All appropriate background checks must be undertaken, e.g. bankruptcy and criminal record checks, and whether the candidate has been disqualified from managing a corporation by ASIC. Liverpool Council is a Child Safe Organisation and as such a Working with Children Check is also required.

4.2.8 Further guidance on best practice recruitment checks can be obtained by consulting Standard AS 4811:2022 Workforce Screening and ICAC's publication, Strengthening employment screening practices in the NSW public sector.

4.2.9 The selection panel is responsible for preparing a report to the Council's governing body that:

- Outlines the selection process
- Recommends the most meritorious applicant with reasons
- Recommends an eligibility list if appropriate
- Recommends that no appointment is made if the outcome of the interviews is that there are no suitable applicants.
- The report should be confidential and reported to a closed meeting of the Council.

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4.3 Finalising the Appointment of the CEO

- 4.3.1 The appointment of a CEO is a non-delegable function of the Council under section 377(a).
- 4.3.2 Council's governing body must by resolution approve the position of the CEO being offered to the successful candidate before the position is offered to the candidate.
- 4.3.3 The mayor makes the offer of employment after the governing body has resolved to appoint the successful candidate. The initial offer may be made by phone.
- 4.3.4 Conditions such as term of the contract (1-5 years) and remuneration package, which must be determined by the panel within the range approved by the governing body of the Council, can also be discussed by telephone but must be confirmed in writing.
- 4.3.5 The standard contract of employment for general managers/ CEOs approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act must be used.
- 4.3.6 CEOs must be employed for between 1-5 years.
- 4.3.7 The CEO contract governs:
 - The duties and functions of CEOs
 - Performance agreements
 - The process for renewal of employment contracts
 - Termination of employment and termination payments
 - Salary increases, and
 - Leave entitlements
- 4.3.8 Candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

4.4 Record Keeping

- 4.4.1 Council will retain all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate.
- 4.4.2 These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

The standard explains what is to be done, by whom and when.

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RESPONSIBLE OFFICER	STEP NUMBER	ACTION
Council	1	Engage an external recruitment consultant to assist with the recruitment.
Council	2	Delegate recruitment to a selection panel led by the mayor.
Council	3	Approve the recruitment process.
Mayor	4	Appoint selection panel consisting of the Mayor, the deputy mayor, another Councillor and a suitably qualified person independent of Council and a mix of genders.
Mayor	5	Review position description, proposed salary, advertisement as per Act, information packages prepared, and applicants selected for interview notified.
Mayor and Recruitment Consultant	6	Prepare questions to reflect selection criteria
Selection Panel	7	Conduct Interviews
Nominated Panel Member	8	Conduct Reference checks and appropriate background checks, including bankruptcy, police record check, working with children check, and any tertiary qualifications verified, if required.
Selection Panel	9	Prepare selection panel report and outcome of interview process.
Council	10	Approve selection by resolution before the position is offered to successful candidate.
Mayor	11	Makes offer to successful candidate and confirms terms of Contract.
Mayor	12	Notify all unsuccessful candidates and those placed on an eligibility list of outcome before the successful applicant's details are made public.

5 THIS PROCEDURE HAS BEEN DEVELOPED IN CONSULTATION WITH

People and Culture
Governance Committee

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6. REFERENCES

Corporations Act 2001
Liverpool City Council – Policy for the Appointment, Oversight, Performance Management and Separation of the Chief Executive Officer by Council 2025
Local Government (General) Regulation 2021
Local Government Act (NSW) 1993
Office of Local Government: Guidelines for the Appointment and Oversight of General Managers, 2022.
Privacy and Personal Information Protection Act 1998
Public Interest Disclosures Act 1994
State Records Act 1998
Work Health and Safety Act 2017.

ATTACHMENTS*Nil***AUTHORISED BY***Director Corporate Support***EFFECTIVE FROM***This date is the date the procedure was approved by the Director.***REVIEW DATE**

The procedure 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 procedure should be set out in the following table.

Version	Amended by	Changes made	Date	TRIM Number
New	PAC	Created	May 2025	