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6. THIS PLAN IS SUBJECT TO COUNCIL APPROVAL.

OPTION 2



BURTON & FIELD
surveying & land development

All correspondence to:
34.3 Hume Highway, Liverpool 2170
P.O. Box 242 Liverpool BC 1871 - DX 5928 Liverpool
Tel: (02) 9602-2199 Fax: (02) 9921-2620
Email: survey@burtonandfield.com.au
Suite 202, 2 Pembroke Street Epping 2121
P.O. Box 1150 Epping 1710 - DX 4479 Epping
Tel: (02) 9868-4680 Fax: (02) 9868-6035
Email: espings@burtonandfield.com.au
Web: www.burtonandfield.com.au

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CLIENT: G DUINN	
PROJECT: PROPOSED SUBDIVISION OF LOT 1 DP 1144950 & LOT 100 DP 1136342, CHURCH RD, DENHAM COURT	
LCA: LIVERPOOL	
CHP REF: 1\A3037\A3037-L011-SUB	
DATUM: AND	SCALE: 1:500
REVISION	DRAWN: JMK CHECKED:
B 6/8/12 BOUNDARIES AMENDED	
A PROPOSED BOUNDARY AMENDED	
DATE: 28.2.2012	SIZE: A2
REF: S1580/43037	SHEET 1 OF 1

REQUEST FOR VARIATION TO DEVELOPMENT STANDARD PURSUANT TO CLAUSE 4.6 OF LIVERPOOL LEP 2008

PROPOSED BOUNDARY ADJUSTMENT SUBDIVISION – LOT 1 DP 1144950 & LOT 100 DP 1136342 - CHURCH ROAD, DENHAM COURT

Introduction

This Clause 4.6 variation has been prepared to accompany a Development Application to Liverpool City Council for a proposed boundary adjustment subdivision at Church Road, Denham Court.

The development is subject to the provisions of Liverpool Local Environmental Plan 2008 (LLEP2008). The development standard objected to is the minimum lot size standard called up by clause 4.1 and the Lot Size Map of LLEP 2008, which set a minimum lot size for the subject land of 2ha.

It is acknowledged that the two proposed lots are below the required 2ha minimum lot size. A variation to this requirement is requested pursuant to the provisions of Clause 4.6 as discussed below.

This Clause 4.6 Variation should be read in conjunction with the Statement of Environmental Effects which accompanies the DA.

Clause 4.6 Discussion

Clause 4.6 of LLEP 2008 (Exceptions to Development Standards) has the following objectives:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It also provides that:

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

In response to item (a), given the minor nature of the boundary adjustment subdivision and the fact that the two existing lots are already below the minimum lot size, we consider compliance with the minimum 2ha lot size to be unreasonable in the circumstances of the case. The purpose of this minor realignment of lot

boundaries is to improve the developable area of the existing Lot 100 whilst maintaining the dwelling entitlement afforded to each lot, i.e. the existing Lot 1 & Lot 100. In response to item (b) it is considered that there are sufficient planning grounds to justify contravening the development standard.

(4) Consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

Comment:

In response to item (a)(i) please refer to the discussion of subclause (3) above. In response to item (a)(ii) the proposed development is considered to be in the public interest as it is consistent with the relevant Clause 4.1 minimum lot size and RU2 zone objectives, as detailed below.

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

- (a) to ensure that lot sizes are consistent with the desired residential density for different locations,*
- (b) to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*
- (c) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- (d) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
- (e) to ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.*

Having regard to the above minimum lot size objectives, the proposed lot sizes do not alter the existing density, given that the proposed development is a boundary adjustment subdivision which does not create any additional dwelling entitlements. The proposed lot sizes are adequate to accommodate development that is suitable for the RU2 zone. The proposed boundary adjustment subdivision does not have the potential to adversely impact the amenity of neighbouring properties, given its minor nature. The subdivision reflects and reinforces the predominant subdivision pattern of the area. The proposed lot sizes will enable buildings to be sited to protect natural and cultural features, including the adjoining heritage item, i.e. the St Mary the Virgin Church and Cemetery Group located on Lot 19 DP 725739. In summary, it is considered that the proposed boundary adjustment is of a minor nature and that it does not have the potential to offend any of the abovementioned objectives.

Zone RU2 Rural Landscape

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To ensure that development is compatible with the rural character of the land and maintains the feasibility of agricultural uses.*
- *To preserve bushland, wildlife corridors and natural habitat.*

Considering the above objectives, it is considered that the proposed boundary adjustment subdivision will not have an impact on the natural resource base or the rural landscape character of the land. The proposed development is compatible with the existing rural character of the land and has no bearing on the preservation of bushland, wildlife corridors and natural habitat.

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Comment:

In response to item (a), it is not considered that the proposed variation raises any matter of significance for State or regional environmental planning, given the minor nature of the boundary adjustment proposal. In respect to (b), the proposed variation is in the public benefit for the reasons stated above.

Conclusion

Having regard to the requested variation to the minimum lot size, pursuant to the provisions of Clause 4.6, we consider the reasons outlined above to adequately demonstrated why the requested variation is justified. It is therefore requested that this variation be supported and allowed.

Garry Dunn
October 2012

LIVERPOOL CITY COUNCIL

DIRECTORATE REPORT

ORDINARY MEETING

27/02/2013

ITEM NO:	DIRS 12	FILE NO:	DA-1930/2012
SUBJECT:	CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING AT 3-5 BROWNE PARADE, WARWICK FARM		
OWNER:	BROWNE ST DEVELOPMENTS ATF BROWNE ST UNIT TRUST		
APPLICANT:	BROWNE ST DEVELOPMENTS ATF BROWNE ST UNIT TRUST		
COMMUNITY STRATEGIC PLAN REFERENCE:	DECISION MAKING PROCESS ARE TRANSPARENT AND THE COMMUNITY HAS OPPORTUNITY TO BE INVOLVED		

EXECUTIVE SUMMARY:

Council has received and considered a development application which seeks consent for the construction of a residential flat building at 3 - 5 Browne Parade, Warwick Farm.

The proposed residential flat building comprises a total of 36 residential units to be constructed over nine storeys with two levels of basement car parking and associated landscaping and site services. The estimated cost of works is \$6,813,269.

In accordance with the amendments to the Independent Hearing and Assessment Panel Charter resolved by Council at its meeting of 19 December 2012, this development application is reported straight to Council for consideration and determination.

Assessment of the application has been undertaken in accordance with the relevant heads of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979. Assessment of the development application has concluded that the proposal is consistent with the desired future high density character of the immediate locality and the development satisfies the objectives of the R4 - High Density Residential zone.

The development application was advertised from 9 January 2013 to 31 January 2013 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). No submissions were received during the exhibition period.

It is recommended that Development Application DA-1930/2012 which seeks consent for the construction of a residential flat building be approved subject to conditions.

DETAILED REPORT:

The Site

The subject site is identified as Lots 6 and 7 in DP 35236, being No. 3-5 Browne Parade, Warwick Farm. The subject site is identified below in Figure 1.

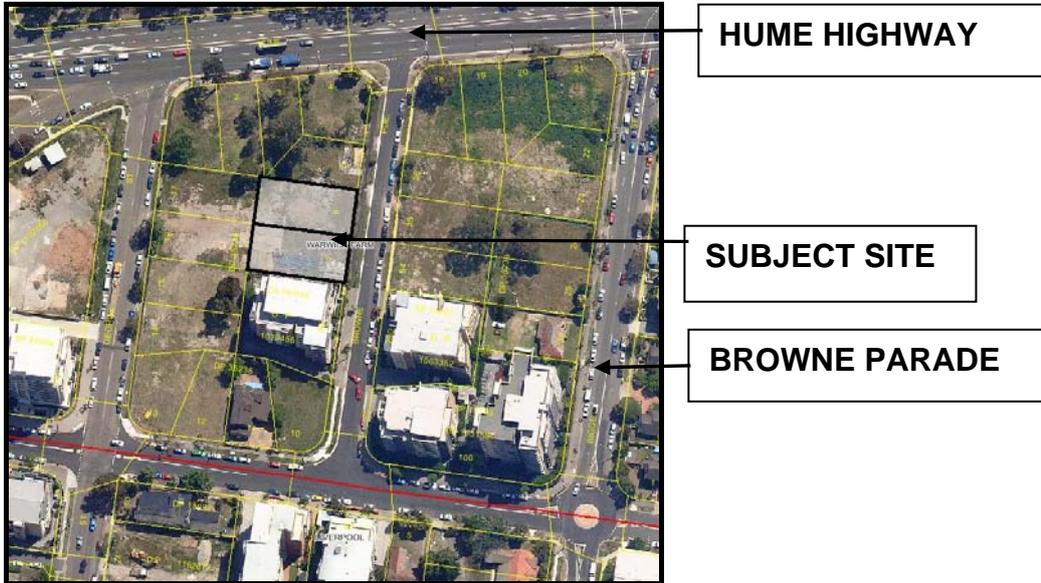


Figure 1: Subject Site

Background

The proponent for the development application also attended meetings with the Liverpool Design Review Panel on two separate occasions prior to the lodgement of the development application. These meetings provided opportunity for the proponent to resolve any design issues as well as ensuring that the proposal satisfied the design excellence provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008).

The Proposal

Council is in receipt of a development application which involves the construction of a nine storey residential flat building comprising a total of 36 residential units with two levels of basement car parking. An extract of the photomontage submitted as part of the development application is provided in Figure 2 below.



Figure 2: Photomontage of proposed development

The residential mix provided by the proposal is outlined below:

- Four x one bedroom units;
- 28 x two bedroom units; and
- Four x three bedroom units.

A summary of the development details is provided in the table below.

Level	Details	Additional Comments
Basement	<p>Two levels of basement are provided which accommodates 43 car parking spaces.</p> <p>The first level of basement car parking also provides for a car wash bay, residential storage spaces and plant equipment.</p>	Vehicular access to the basement is provided from Browne Parade.
Ground Level	<p>Three ground floor units are provided. Each residential unit is provided with its own private open space in the form of terrace areas.</p>	A communal open space area is also provided on the ground floor and incorporates areas for recreation for future occupants through the provision of a bbq area and picnic tables.

Levels 2, 3 and 4	<p>A total of 15 residential units are provided comprising a mix of two and three bedroom units.</p> <p>Each unit is provided with its own private space in the form of a balcony.</p>	
Levels 5, 6 and 7	<p>A total of 12 residential units are provided comprising a mix of one and two bedroom units.</p> <p>Each residential unit is provided with its own private space.</p>	The one bedroom units over these levels are identified as adaptable units.
Level 8	Two residential units are provided on this level. The residential units are two bedroom units.	

An extract of the elevation to Browne Parade (eastern elevation), northern elevation and western elevation is illustrated in Figures 3, 4 and 5 below.



Figure 3: Extract of eastern elevation to Browne Parade



Figure 4: Extract of northern elevation



Figure 5: Extract of western elevation

Statutory Considerations

The subject site is zoned R4 - High Density Residential pursuant to LLEP 2008. An extract of the zoning map is provided below. The proposal is defined as a residential flat building which is a permissible form of development with consent in the R4 zone.

The Panel concluded that the amendments made to the proposal have contributed to an improved standard of design quality for the development. It is therefore considered that the proposal demonstrates design quality that is consistent with the adopted urban design principles for development within the Liverpool City Centre.

Copies of the Liverpool Design Review Panel Assessment Report from its meetings are attached to this report (under separate cover).

Zone objectives

The development is considered to be consistent with the objectives of the R4 High Density Residential Zone for the following reasons:

- The development provides housing within a high density residential environment to provide for the housing needs of the community.
- The proposal provides for a range of unit types and sizes which assist in promoting housing choice, flexibility and affordability.
- The development does not undermine the ability of the locality to provide facilities or services to meet the day to day needs of residents.
- The proposal provides a high density development with access to local transport and neighbouring facilities.
- The development does not result in any fragmentation of land, rather incorporates the consolidation of two separate lots.

Principle development standards

LLEP 2008 prescribes a number of development standards which apply to the site and the development. Compliance with the principle development standards are illustrated in the table below.

Development Standard	Required	Provided	Complies
Clause 4.3 Height of Buildings	The height of a building on the site is not to exceed the maximum height shown on the Height of Buildings Map. The Height of Buildings Map illustrates a maximum height of 45m.	The proposal provides for a nine storey building with an overall height of 28.65m to the top of the lift shaft.	Yes
Clause 4.4(2b) and (2c) Floor Space Ratio	Based on the site area, a floor space ratio of 2.31:1 is permissible.	The proposal provides for a floor space ratio of 2.31:1	Yes

Building setbacks non-compliance

The proposal has been assessed against the relevant controls prescribed by LDCP 2008, in particular Part 4 which outlines controls for development in the Liverpool City Centre. This assessment has concluded that while the proposal is consistent with the majority of the controls, the proposal does not comply with the required side and rear setbacks.

The extent of both compliance and non-compliance with the required side and rear boundary setbacks are illustrated below:

Setback Control	Required	Provided	Complies
Street alignment and setbacks	Figure 3 requires a front building alignment of 4-4.5m from Browne Parade.	The proposal provides for a setback to Browne Parade of 5m.	Yes
Boundary Setbacks: all uses up to 12m in height	A 6m side and rear setback is required	The proposal provides for side and rear setbacks which vary between 6m (northern and western boundaries) and 7.5m (southern).	Yes
Boundary Setbacks: all uses up to 12m – 25m in height	Habitable rooms require a 9m side and rear setback	A minimum setback of 9m is provided to the sites northern and western (rear) boundaries. A minimum setback of 7.75 is provided to the sites southern boundary	Yes No, please see comments below
Boundary Setbacks: all uses up to 25m – 35m in height	Habitable rooms require a 12m side and rear setback	A minimum setback of 10.84m is provided to the sites western (rear) boundary. Setbacks to the northern and southern boundary range between 11.67m and 12.3m.	No, please see comments below No, please see comments below

The variation and non-compliance with building setbacks are considered acceptable in that the objectives of the control are satisfied. The objectives of the controls are to ensure that the residential flat building establishes a scale and form with appropriate separation to other buildings to maintain residential amenity.

It is considered that the proposal is of an appropriate scale and built form and provides for adequate separation distances between the proposed development and current buildings, as well as ensuring adequate separation distances to vacant sites as not to prejudice future residential development.

The non-compliance with the setback controls will not impact on residential amenity in regards to privacy or overlooking or result in adverse overshadowing. It is noted that despite the non-compliance with the setbacks, the proposal satisfies the required building separation requirements of LLEP 2008 and also achieves adequate solar access.

In consideration of the above, it is considered that the non-compliances are minor in nature and do not warrant the refusal of the application. In this regard, the variation to setback controls of LDCP 2008 are worthy of support.

Traffic and Car Parking

The development application is accompanied by a Traffic Report which has been assessed by Council's Traffic Engineers and is considered satisfactory subject to the imposition of conditions.

The proposal has also been assessed against the relevant car parking controls which has concluded that the 43 car parking spaces provided for the development within the two basement levels are adequate and consistent with Council's car parking requirements.

Amendments to IHAP Charter

Council at its meeting of 19 December 2012 resolved to amend Clause 1.3 of the IHAP Charter to read as:

"1.3 Any building over three (3) storeys that is in the Liverpool CBD area, as defined in Liverpool Development Control Plan 2008. Unless, where there are less than three (3) unresolved objections and where the Director of City Planning is satisfied the planning objectives pertaining to architectural design quality as prescribed by Liverpool Local Environmental Plan 2008 are achieved."

As no submissions were received during the exhibition process and that the proposal is considered to satisfy the urban design objectives prescribed by both SEPP 65 and LLEP 2008 the application is reported to Council for determination and has not been referred to the IHAP for consideration.

Conclusion

The application has been assessed against the relevant provisions prescribed by Section 79C of the Environmental Planning and Assessment Act 1979. The proposal is generally consistent with the relevant provisions of both LLEP 2008 and LDCP 2008, with the exception to the variation to the side and rear boundary setbacks for the upper levels of the development.

The proposed development for a residential flat building is consistent with the objectives of the R4 - High Density Zone and adopts of built form and scale that is consistent with the desired future character of this locality.

It is noted that the proposal has been through extensive consultation with Council's Design Review Panel to ensure an appropriate design outcome is achieved for the site and the development prior to the lodgement of the development application. This has resulted in a development which exhibits design quality and satisfies the urban design objectives of SEPP 65.

In consideration of all of the above, the proposal is considered to be worthy of support. Accordingly it is recommended that the development application be approved subject to conditions of consent.

FINANCIAL IMPLICATIONS:

There are no financial implications as a consequence of this report.

RECOMMENDATION:

That Council approves Development Application DA-1930/2012 which seeks consent for the construction of a residential flat building at Lots 6 and 7 in DP 35236, being No. 3-5 Browne Parade, Warwick Farm subject to conditions of consent.

SIGNED BY:

Milan Marecic
Acting Executive Director

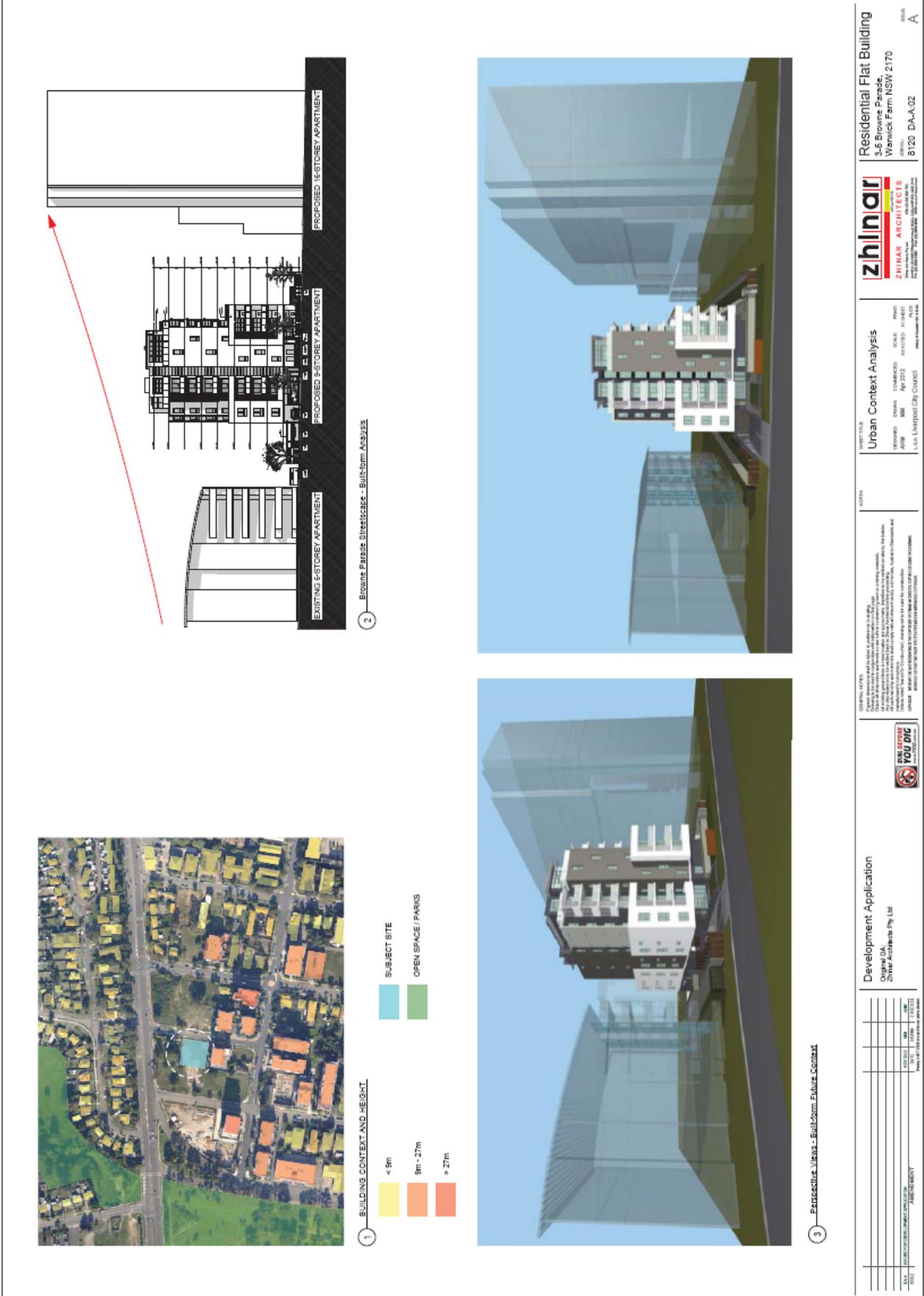
- Attachments:**
1. Company and land owners details
 2. Plans of the proposal
 3. Design review panel assessment report (Attachment under separate cover)
 4. Conditions of consent (Attachment under separate cover)

Applicant Details

CORPORATE DETAILS	
Registered Name	BROWNE STREET DEVELOPMENTS PTY LTD
Registered Address	SUITE 2204 LEVEL 22 520 OXFORD STREET BONDI JUNCTION NSW 2022
OFFICER HOLDERS	
Director Name	Suburb & State
Hadi Inaty	PYRMONT NSW

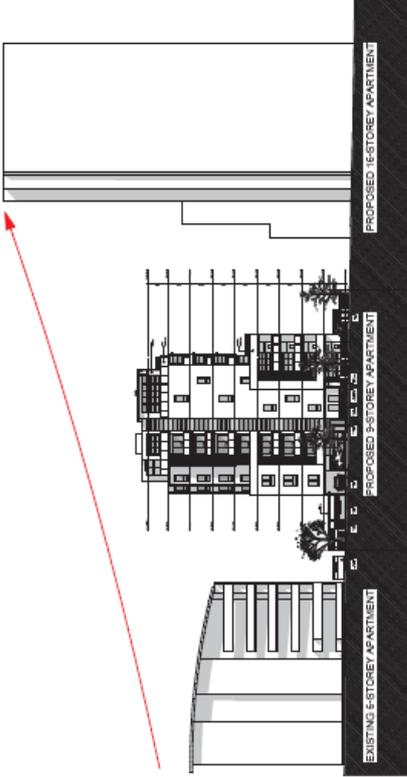
Land Owner Details

CORPORATE DETAILS	
Registered Name	BROWNE STREET DEVELOPMENTS PTY LTD
Registered Address	SUITE 2204 LEVEL 22 520 OXFORD STREET BONDI JUNCTION NSW 2022
OFFICER HOLDERS	
Director Name	Suburb & State
Hadi Inaty	PYRMONT NSW



1 BUILDING CONTEXT AND HEIGHT

- < 5m
- 5m - 27m
- > 27m
- SUBJECT SITE
- OPEN SPACE / PARKS



2 Browne Parade Streetscape - Built-form AN3/23



3 Perspectives Views - Built-form Future Context



NO.	REVISION	DATE	BY	CHECKED

Development Application

Original DA:
Zhin Architects Pty Ltd



GENERAL NOTES:
 1. This DA is a preliminary submission and is subject to change.
 2. All information is based on the information provided by the applicant and is not to be relied upon for any other purpose.
 3. The applicant is responsible for ensuring that the development complies with all applicable laws and regulations.
 4. The applicant is responsible for ensuring that the development is consistent with the relevant planning instrument.
 5. The applicant is responsible for ensuring that the development is consistent with the relevant planning instrument.

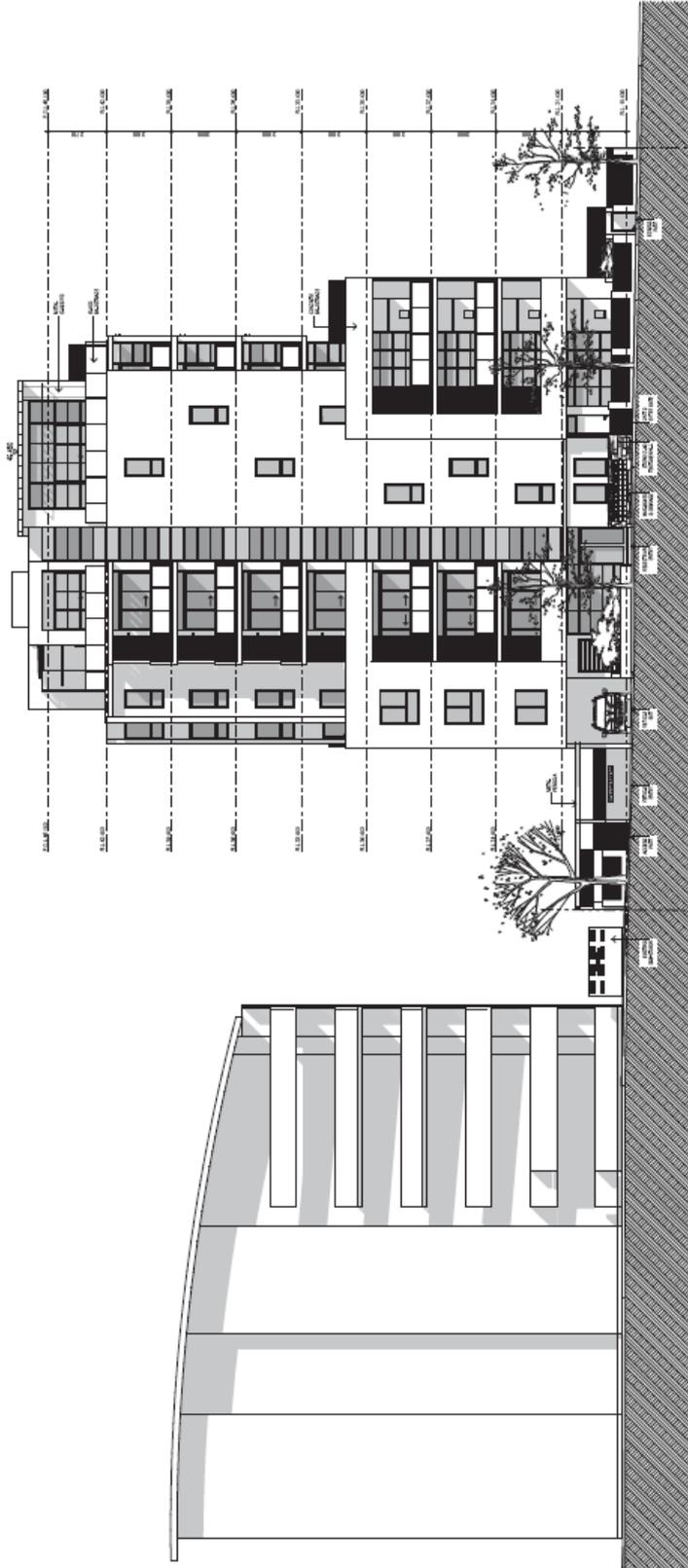
Urban Context Analysis

DESIGNED BY: ZHINAIR ARCHITECTS
 DATE: APR 2023
 PROJECT NO: 2170
 CLIENT: ZHINAIR ARCHITECTS
 ADDRESS: 3-6 BROWNE PARADE, WARWICK FARM NSW 2170



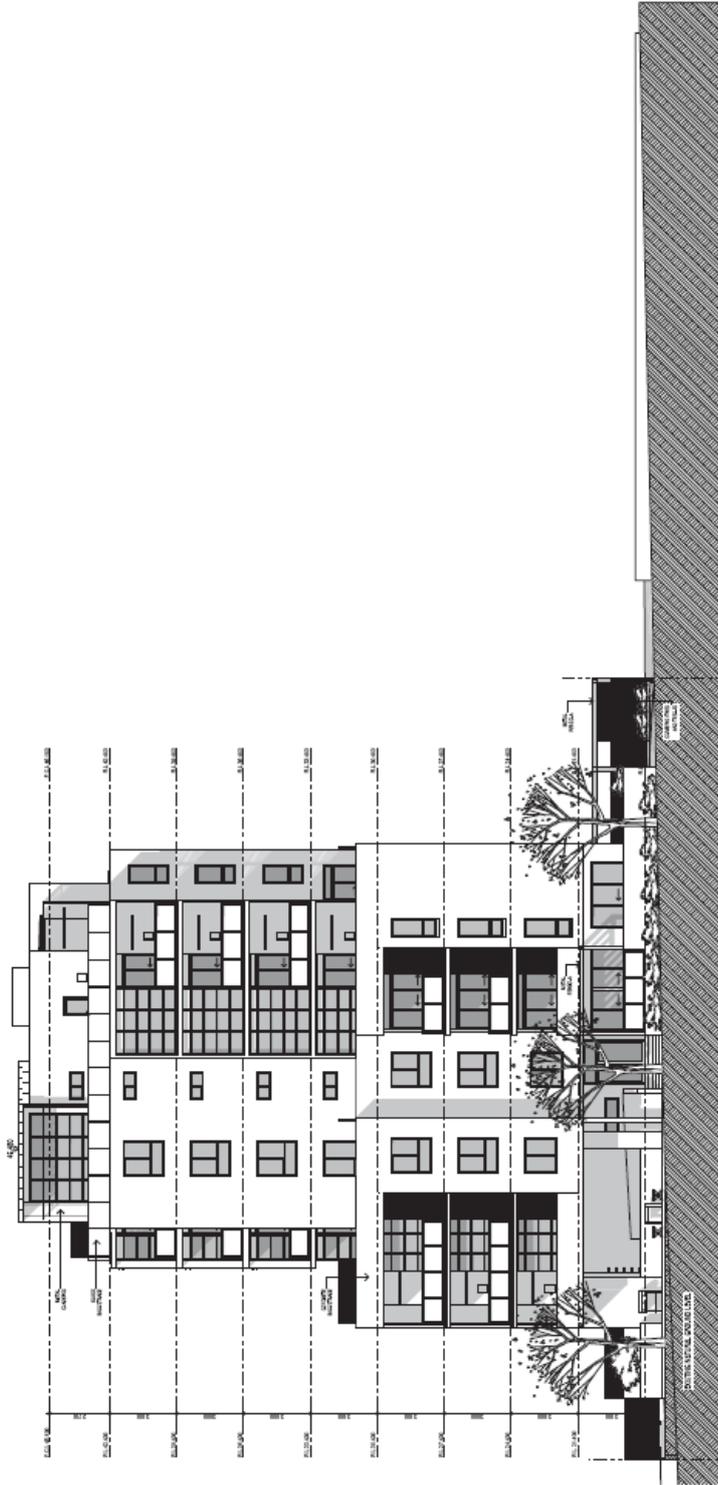
Residential Flat Building
 3-6 Browne Parade,
 Warwick Farm NSW 2170
 8120 DA-A-02

Sheet A



① East Elevation & Streetscape - Browne Parade
 Scale 1:100 @ A1
 Scale 1:200 @ A3

<p>Development Application Original DA Zhir Arshavsky Pty Ltd</p>		<p>zhinair ARCHITECTS 3/11 BARRACLOUGH STREET SYDNEY NSW 1585 PH: (02) 9550 2222 WWW.ZHIRARCHITECTS.COM.AU</p>		<p>Residential Flat Building 3-6 Browne Parade, Warwick Farm NSW 2170 JWB/ML 8120 DA-A-11</p>	
<p>GENERAL NOTES: 1. Consult the relevant local council for information on signage. 2. All work to be done in accordance with the relevant Australian Standards. 3. All work to be done in accordance with the relevant Australian Standards. 4. All work to be done in accordance with the relevant Australian Standards. 5. All work to be done in accordance with the relevant Australian Standards. 6. All work to be done in accordance with the relevant Australian Standards. 7. All work to be done in accordance with the relevant Australian Standards. 8. All work to be done in accordance with the relevant Australian Standards. 9. All work to be done in accordance with the relevant Australian Standards. 10. All work to be done in accordance with the relevant Australian Standards.</p>		<p>PROJECT TITLE: East Elevation - Streetscape</p> <p>DESIGNED BY: ZHINAIR DRAWN BY: MM DATE: Apr 2022 PROJECT NO: 81188001 CLIENT: LGA Liverpool City Council www.liverpool.nsw.gov.au</p>		<p>NOTES: 1. All work to be done in accordance with the relevant Australian Standards. 2. All work to be done in accordance with the relevant Australian Standards. 3. All work to be done in accordance with the relevant Australian Standards. 4. All work to be done in accordance with the relevant Australian Standards. 5. All work to be done in accordance with the relevant Australian Standards. 6. All work to be done in accordance with the relevant Australian Standards. 7. All work to be done in accordance with the relevant Australian Standards. 8. All work to be done in accordance with the relevant Australian Standards. 9. All work to be done in accordance with the relevant Australian Standards. 10. All work to be done in accordance with the relevant Australian Standards.</p>	
<p>DATE: 2022-04-20 DRAWN BY: MM CHECKED BY: ZHINAIR PROJECT NO: 81188001</p>		<p>DATE: 2022-04-20 DRAWN BY: MM CHECKED BY: ZHINAIR PROJECT NO: 81188001</p>		<p>DATE: 2022-04-20 DRAWN BY: MM CHECKED BY: ZHINAIR PROJECT NO: 81188001</p>	



1 West Elevation
Scale: 1:200 @ A3

Residential Flat Building
3-5 Broome Parade,
Warrick Farm NSW 2170
JOB NO: 8120 DA-A-12
SCALE: A



West Elevation
DRAWN: [Name] DATE: [Date]
CHECKED: [Name] DATE: [Date]
SCALE: 1:200 @ A3
JOB NO: 8120 DA-A-12
PROJECT: [Project Name]

GENERAL NOTES:
1. THIS DRAWING IS A PART OF A DEVELOPMENT APPLICATION FOR A RESIDENTIAL FLAT BUILDING.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL REGULATIONS.
3. THE ARCHITECT HAS BEEN ADVISED THAT THE SITE IS A HERITAGE SENSITIVE AREA.
4. THE ARCHITECT HAS BEEN ADVISED THAT THE SITE IS A HERITAGE SENSITIVE AREA.
5. THE ARCHITECT HAS BEEN ADVISED THAT THE SITE IS A HERITAGE SENSITIVE AREA.
6. THE ARCHITECT HAS BEEN ADVISED THAT THE SITE IS A HERITAGE SENSITIVE AREA.



Development Application
Zhimin Architects Pty Ltd
10/100 [Address]

NO.	REVISION	DATE	BY	CHKD

LIVERPOOL CITY COUNCIL

DIRECTORATE REPORT

ORDINARY MEETING

27/02/2013

ITEM NO:	DIRS 13	FILE NO:	2010/0331
SUBJECT:	SUBURB BOUNDARY ADJUSTMENT BETWEEN AUSTRAL AND CECIL PARK AND EDMONDSON PARK AND LEPPINGTON		
COMMUNITY STRATEGIC PLAN REFERENCE:	DECISION MAKING PROCESSES ARE TRANSPARENT AND THE COMMUNITY HAS OPPORTUNITIES TO BE INVOLVED		

EXECUTIVE SUMMARY:

Council has undertaken a review of the suburb boundaries for the land within the future release areas. The purpose of the review is to ensure that the suburb boundaries match the planned development areas. As such it is proposed that a boundary adjustment occur to include 3 lots of land within Austral that are currently in Cecil Park.

It is also proposed to include 3 whole and 3 part lots within Edmondson Park that are currently in Leppington.

This report seeks to pursue an amendment to ensure that the suburb boundaries are aligned with plans for the South West Growth Centre.

DETAILED REPORT:

Two suburb boundary adjustments are proposed for Austral/Cecil Park and Edmondson Park/Leppington. These suburb boundary adjustments are required to ensure that the suburb boundaries are in line with future development.

Austral

The Austral and Cecil Park suburb boundary adjustment is proposed to align the suburb boundary with the Growth Centres SEPP precinct boundary for Austral. There are three lots within the suburb of Cecil Park that are proposed to be moved into the suburb of Austral.

The three lots to be affected by the suburb boundary adjustment are:

Lot 15 DP 831988 - 75 Gurners Avenue
 Lot 10 DP 771080 - Lot 10 Gurners Avenue
 Lot 4 DP 771080 - Lot 4 Gurners Avenue

Attachment 1 shows the location of these lots. As Austral is in its final stage of planning and awaiting Gazettal it is preferred if this suburb boundary adjustment takes place before subdivision and development of land occurs as there will be a disturbance to fewer land owners.

Edmondson Park

The Edmondson Park and Leppington suburb boundary adjustment is proposed to move three whole lots and part of three lots into the suburb of Edmondson Park. The rationale behind this suburb boundary change is to create a more consistent suburb layout. The lots in question will only be able to be accessed and developed through extension of roads within Edmondson Park. This is due to the location of the South West Rail Link and Camden Valley Way.

The six lots proposed to be moved from Leppington to Edmondson Park are:

Part of Lot 2 DP 205472 - 1672 Camden Valley Way
 Part of Lot 3 DP 205472 - 1682 Camden Valley Way
 Lots 4-6 DP 205472 - 1692, 1710 and 1720 Camden Valley Way
 Part of Lot 7 DP 205472 - 1740 Camden Valley Way

These lots are shown in Attachment 2.

The process of creating a suburb boundary adjustment requires concurrence with the Geographical Names Board, public consultation and approval by Council. Council is required to identify the area of the proposed boundary change and to notify the Geographical Names Board of this request. The Geographical Names Board will then consider the request and if agreed the boundary change can be exhibited. It is recommended that Council forward a request to the Geographical Names Board seeking their approval to publically exhibit the change.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council arising out of this report.

RECOMMENDATION:

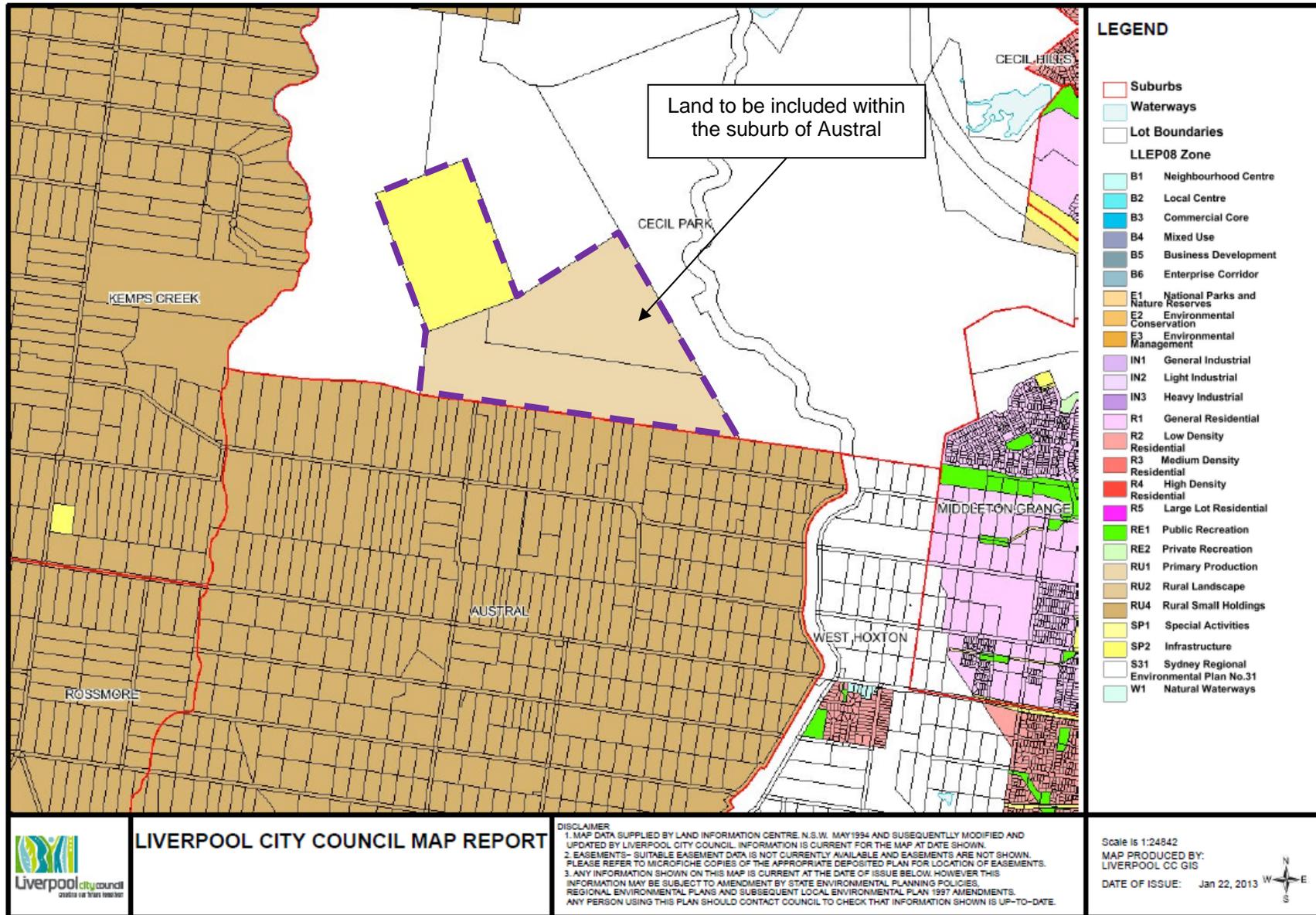
That Council sends the proposed boundary adjustments to the Geographical Names Board seeking approval to amend the suburb boundary of Austral and Cecil Park and Edmondson Park and Leppington and proceed with public exhibition of the proposed boundary adjustment.

SIGNED BY:

Milan Marecic
Acting Executive Director

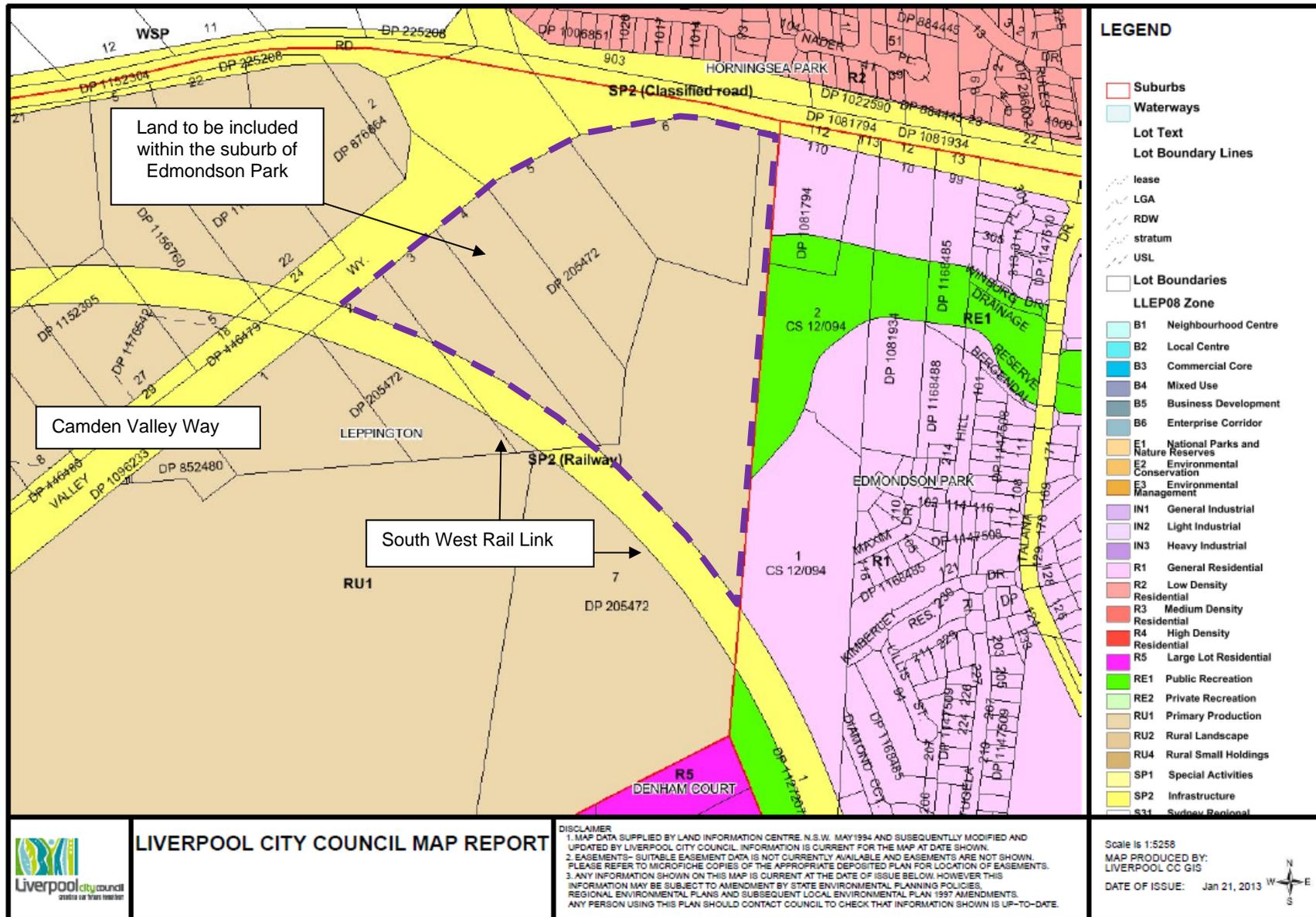
Attachments: Attachment 1 - Austral and Cecil Park
Attachment 2 - Edmondson Park and Leppington

Attachment 1: Austral and Cecil Park



LIVERPOOL CITY COUNCIL MAP REPORT

Attachment 2: Edmondson Park and Leppington



LIVERPOOL CITY COUNCIL

DIRECTORATE REPORT

ORDINARY MEETING

27/02/2013

ITEM NO:	DIRS 14	FILE NO:	2012/0294
SUBJECT:	ISSUING PENALTY INFRINGEMENT NOTICE POLICY		
COMMUNITY STRATEGIC PLAN REFERENCE	THE COMMUNITY IS SUPPORTED BY A WELL MANAGED AND RESPONSIVE COUNCIL		

EXECUTIVE SUMMARY:

At its meeting held on 5 November 2012, Council resolved the following:

That Council:

1. Notes the proposed changes to the Service Level Agreements (SLAs) between Councils across the State and the SDRO and their potential impact on Council Implementing an Internal Review Panel.
2. Defers the adoption of an Internal Review Panel until further advice is received from the SDRO.

The State Debt Recovery Office (SDRO) has reviewed the existing SLAs to reflect the services offered by the SDRO including legislative requirements and improved clarity on the responsibilities of both, councils and the SDRO.

The reviewed SLAs were forwarded to Council in January 2013. There are two Service Level Agreements being the Premium Service and the Basic Service. Council currently has a Premium Service agreement with the SDRO.

Should Council decide to adopt a Basic SLA, Internal Review Panel (IRP) guidelines have been formulated, and are attached to this report, which are consistent with the guidelines approved by the Attorney General. The guidelines also reflect the current guidelines used by the State Debt Recovery Office (SDRO) and no further approval is required.

Following consideration of the options, it is recommended that Council maintain the current premium Service Level Agreement, with the State Debt Recovery being the primary reviewing agency.

DETAILED REPORT:

On 7 January 2013, the Office of State Revenue, through its agency being the SDRO, issued to Council two reviewed SLAs.

The SDRO is asking Council to choose a SLA for the processing of Penalty Infringement Notices. The two types of Service Levels available are the Basic and the Premium (currently Council has a Premium service in place). The differences of the two SLAs are outlined below:

Basic	Premium
Processing fee \$19.50 per PIN	Processing fee \$17.45 per PIN
Issuing agency (Council) responsible for all representations including all correspondence	SDRO responsible for all representations including all correspondence
Issuing agency responsible for all court elected penalty notices, including filing court attendance notices and court appearances	SDRO responsible for all court elected penalty notices, including filing of court attendance notices, and having Police Prosecutors represent Premium clients in all court elected matters where offences are motor vehicle related
Agency must establish a review panel and consider reviews in accordance with approved review guidelines.	SDRO conducts all reviews in accordance with approved guidelines.

As can be seen from the above table, only one reviewing agency, being either the SDRO or the Council can review Penalty Infringement Notices. It is important to note that the proposed changes to the SLAs by the SDRO will significantly impact on Council's current administration processes if Council adopts the Basic Service Level Agreement. This is due to Council being responsible for reviewing all requests for leniency, not just those relating to motor vehicle infringements.

As such if Council chooses the option to conduct fine reviews independent from the SDRO, Council is required to set-up an Internal Review Panel (IRP). Therefore, an IRP Constitution, together with an Internal Review Procedure and Internal Review Guidelines have been formulated. The guidelines reflect the current guidelines used by the SDRO and are consistent with the guidelines (and wording) already approved by the Attorney General. Therefore, no further approval is required.

The IRP Constitution provides the framework under which people can elect to request Council to review their fines in preference to the SDRO. It provides Council with options to adopt in terms of size and composition of the IRP, its structure and administrative support arrangements. It also provides for auditing and access to information arrangements for the IRP, as well as options for Council to consider in terms of scheduling of the IRP's meetings to conduct its reviews.

The Internal Review Procedure provides for the matters that the IRP will take into account when conducting reviews, such as the handling of requests, access to relevant information and other evidentiary matters. In terms of the evidentiary provisions, the procedure mirrors to a large degree the SDRO processes.

This includes statutory requirements such as the circumstances under which Penalty Infringement Notices can be withdrawn under the Fines Act. More importantly, the procedure provides for the independence of the IRP and the manner in which decisions are made, subject to the composition of the IRP.

Finally, the procedure details the duties of the chairperson, as well as the reporting and record keeping requirements.

As an indication of the number of reviews conducted, during the 2011/12 financial year, Council issued 27,320 Penalty Infringement Notices, of which 3,740 were subject to representations and 208 were court elected. These are in addition to the Court Attendance Notices (CANs) raised by Council's Enforcement officers.

There have been no changes flagged by the SDRO in relation to their monopoly on the electronic processing of all Penalty Infringement Notices in NSW. The Council issues its Penalty Infringement Notices electronically.

FINANCIAL IMPLICATIONS:

There are three areas of cost implications identified by Council.

The first is the costs associated with administrating the IRP, which is estimated at \$124,729 per annum, based on the creation of an Administration officer and a Manager or equivalent position, in addition to the time required to be devoted by review staff in considering representations.

The second area of cost for Council surrounds the changes to the SLAs provided by the SDRO. There would be an increase in the cost of processing by the SDRO should Council elect to change to the Basic Service level from the current Premium Service level. The current difference in the processing fee between the Premium and Basic service is \$2.05 per Penalty Infringement Notice. Under the proposed Premium Service, all reviews will be conducted by the SDRO, at a current fee of \$17.45 per Penalty Infringement Notice. The alternative Basic Service option is for all reviews to be conducted by the issuing agency (Council), at a current fee of \$19.50 per Penalty Infringement Notice (an increase of \$2.05 per PIN for reduced service).

In the 2011/12 financial year, Council issued 27,320 Penalty Infringement Notices. Under the reviewed SDRO service levels Council would have to pay an additional \$56,006 per annum based on 2011/12 figures if it elected to be covered by the Basic Service level, as it would be required to do in order to have its own IRP. In addition, Council will need to fund the administration of its own Penalty Infringement Notices, including the associated court elections.

The third area of cost will reflect the changes to Court process. Under the current Premium service, Council has no additional costs in relation to matters listed before the Courts. To revert back to a Basic Service, Council would be required to provide all considerations in regards to court matters, which is estimated to cost Council \$237,731. This includes having two additional Legal Officers at Grade 16 positions, filing fees for Court Attendance Notices and an additional Administrative Officer position to administer the court process.

In summary, the total cost of administering and IRP is estimated to be in the vicinity of \$544,466 per annum based on adopting a Basic Service Level Agreement.

RECOMMENDATION:

That Council:

1. Maintains its current Premium Service Level Agreement by adopting the reviewed Premium Service Level Agreement which is a more financially sustainable option for Council.
2. Acknowledges and recognises that under a Premium Service Level Agreement, the State Debt Recovery Office is the primary reviewing agency for representations and requests for review of all Penalty Infringement Notices.

SIGNED BY:

Milan Marecic
Acting Executive Director

- Attachments:**
1. Service Level Agreement (SLA) – Renewal - (under separate cover)
 2. Internal Review Panel Constitution - (under separate cover)
 3. Internal Review Guidelines - (under separate cover)
 4. Internal Review Procedure - (under separate cover)
 5. Request for Review of a Penalty Notice form - (under separate cover)

LIVERPOOL CITY COUNCIL

DIRECTORATE REPORT

ORDINARY MEETING

27/02/2013

ITEM NO:	DIRS 15	FILE NO:	2012/1782
SUBJECT:	TENDER PST2201 - DESIGN FOR MODIFICATION OF CREEKS IN EDMONDSON PARK		
COMMUNITY STRATEGIC PLAN REFERENCE:	URBAN DEVELOPMENT IS CONSISTENT WITH SUSTAINABILITY PRINCIPLES		

EXECUTIVE SUMMARY:

The Edmondson Park precinct was released in the 1980s for residential developments and is traversed by three creeks, including upper reaches of Cabramatta and Maxwells Creeks.

A Master Plan prepared for the development of the precinct has realigned the existing creek system and proposed the partial filling of flood prone lands to facilitate development up to the Public Recreation Zone boundary. A flood study carried out for the precinct assessed the flooding impacts of proposed filling along with future development in the catchment. The study recommended that further detailed investigation be undertaken to assess impacts of filling of the floodplain, particularly along the creek banks involving significant creek modification works.

Council invited for public tenders for the design of the creek modification works and the tenders received were assessed in accordance with Council's Procurement Policy.

Details relating to the assessment and evaluation of information supplied in tender documents has been provided in a confidential report under separate cover in accordance with the provisions of section 10A(2)(d) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

FINANCIAL IMPLICATIONS:

Funding provision for the projects is available in Council's Operational Plan (Section 94 Contributions) for the current financial year.

RECOMMENDATION:

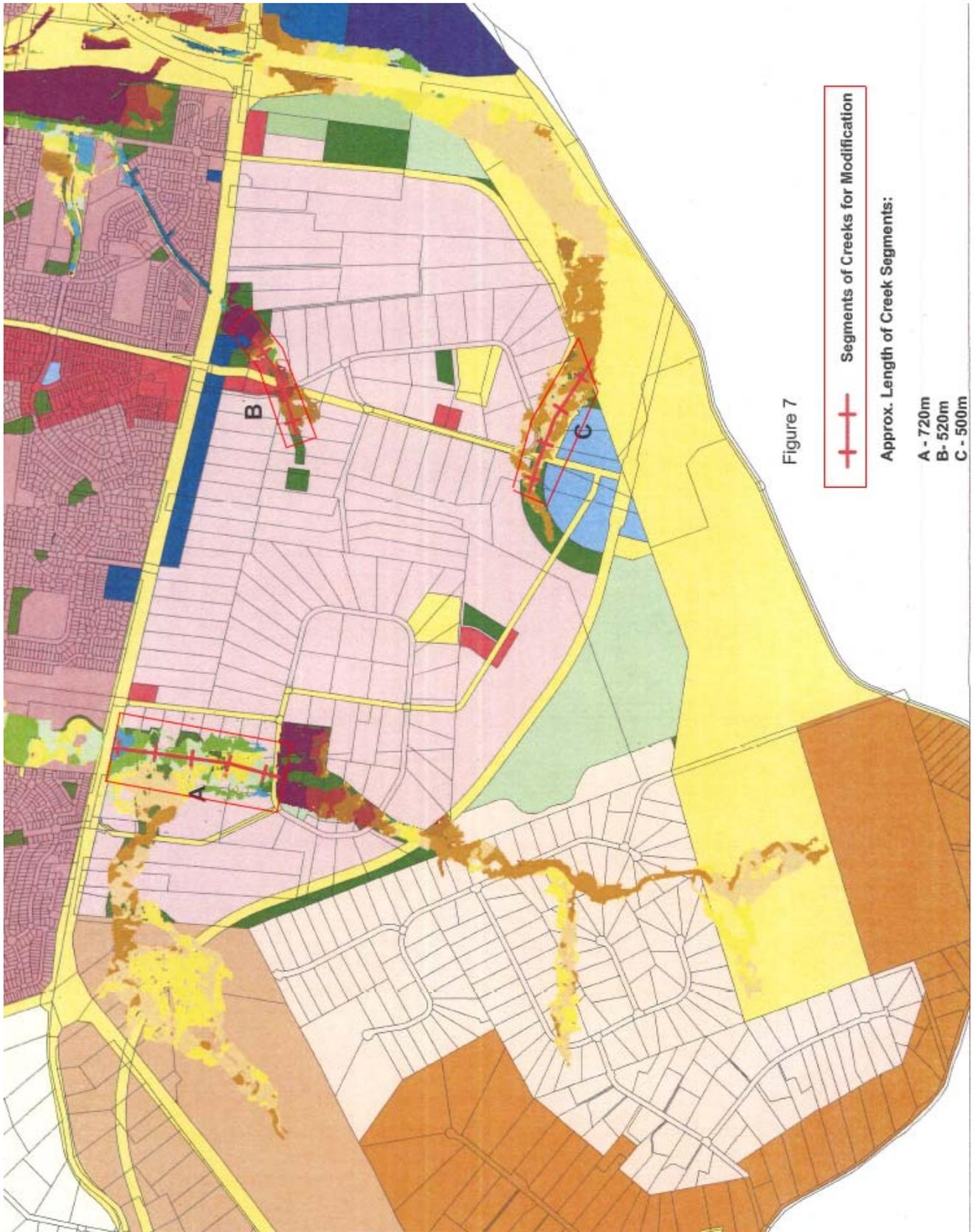
That Council adopts the recommendation outline in the confidential report supplied under separate cover.

SIGNED BY:

Milan Marecic
Acting Executive Director

Attachments: 1. Location Map
 2. Confidential Report

Location Map



LIVERPOOL CITY COUNCIL

CORRESPONDENCE REPORTS

ORDINARY MEETING

27/02/2013

ITEM NO:	CORR 01	FILE NO:	2011/0467
SUBJECT:	INCOMING AND OUTGOING CORRESPONDENCE		
COMMUNITY STRATEGIC PLAN REFERENCE:	THE COMMUNITY IS SUPPORTED BY A WELL MANAGED AND RESPONSIVE COUNCIL		

EXECUTIVE SUMMARY:

Council at its meeting of 28 April 2010 resolved the establishment of a new standing agenda item in all Council meeting agendas called "Correspondence". All incoming and outgoing correspondence, in whatever form, including emails, faxes, letters and submission resulting from a Council resolution must be tabled in Chambers and be put on the agenda at the next scheduled Council meeting. Council notes rule 27 of the Code of Meeting Practice.

DETAILED REPORT:

INCOMING CORRESPONDENCE			
Date	From	To	Details
Nil			

OUTGOING CORRESPONDENCE			
Date	From	To	Details
Nil			

FINANCIAL IMPLICATIONS:

There are no financial implications arising from this report.

RECOMMENDATION:

That Council receives and notes the report.

SIGNED BY:

Farooq Portelli
General Manager

LIVERPOOL CITY COUNCIL

QUESTIONS WITH NOTICE - CLR SHELTON

ORDINARY MEETING

27/02/2013

ITEM NO:	QWNO 01	FILE NO:	2013/0323
SUBJECT:	QUESTIONS WITH NOTICE - CLR SHELTON		

QUESTIONS WITH NOTICE:

Having regard to the recent New South Wales and interstate bushfire emergencies (and more generally all emergencies presenting a threat to life and property) please provide the following information:

1. **When was the last occasion Liverpool Council received a direction under s.36 of the State Emergency and Rescue Management Act, 1989, and what was the nature of the direction given? What is the procedure for dealing with such directions, and are separate records for such directions kept (including as to costs)?**

In consultation with the Liverpool Local SES Controller Mr Stephen Fulton it has been approximately 25 years since this section of the act has been invoked. This section of the act is to ensure that during a "State of Emergency" event that all Councils will comply with the directions of the Government. Fortunately this direction is not a common occurrence, however like the numerous requests from SES for assistance during localised emergency incidents, Liverpool Council has always provided assistance as and when required.

In relations to procedures and documentation for a "State of Emergency" event, whilst this is an infrequent occurrence should the need arise Liverpool City Council will provide a Local Emergency Management Officer (LEMO) contact, and records of the event will be maintained as required.

2. **Particularise the 'executive support', if any, Liverpool Council has been providing to the Local Emergency Management Committee and the Operations Controller pursuant to s.32 of the State Emergency and Rescue Management Act, 1989.**

Liverpool Council provides the following support:

- a. A Local Emergency Management Officer (LEMO) is appointed to provide assistance as required.
- b. An emergency management control centre at 99 Rose Street is made available when required for all emergency services.

3. What is the current membership of the Local Emergency Management Committee for the Liverpool LGA as constituted under s.28 of the State Emergency and Rescue Management Act, 1989? When did this Committee last meet, how often does it meet, and where may its minutes be inspected?

The Liverpool Emergency Management Committee (LEMC) meets every 3 months at 99 Rose Street Liverpool. The Local Emergency Management Officer (LEMO) chairs the meeting. The attendees include all emergency services ie Police, RFS, Ambulance, SES, Fire Brigade, and in addition representatives are also provided from Liverpool Hospital, Australian Defence Force and Integral Energy.

The LEMC last met on the 12 December 2012, and the minutes are available on the Councils TRIM system.

LIVERPOOL CITY COUNCIL

QUESTIONS WITH NOTICE - CLR STANLEY

ORDINARY MEETING

27/02/2013

ITEM NO:	QWNO 02	FILE NO:	2013/0323
SUBJECT:	QUESTIONS WITH NOTICE - CLR STANLEY		

QUESTIONS WITH NOTICE:

1. Please provide the following costs or their estimates if not yet fully realised:

a. Total cost for Councillor training 2011-2012

The total cost of external training for Councillors in 2011-2012 was \$3,500. This amount does not include the cost of training provided by internal staff or training related expenses such as transport, accommodation and meal provisions.

b. Total cost for Councillor training 2008-2012

The total cost for external training for Councillors (not including costs of training provided by internal staff or training related expenses such as transport, accommodation and meal provisions) are as follows:

- 2008-2009 \$0
- 2009-2010 \$5,885
- 2010-2011 \$10,150
- 2011-2012 \$3,500

c. Budget for Councillor training 2012-2013 as reported in June 2012

The external training budget for 2012-2013 is \$10,325.

d. Total balance of training budget 2012-2013

The external training budget balance as at February 2013 is nil. Additional required funding for councillor training will be requested in the corresponding quarterly budget review.

e. Costs to date for Councillor Training end of December 2012

The cost of external training for Councillors as at the end of December 2012 is \$18,007 (which includes \$14,995 commitments)

- f. Costs of the training session for the weekend workshop held in October 0 2012 in Wollongong. Please detail costs separately for facilitation, facilities, accommodation and staff overtime costs.**

External Training Facilitator	\$6,000
Conference Package	\$3,095
Accommodation and Meals	\$8,247
Staff Overtime	\$1,112

- g. Costs of the training session for the weekend workshop held in December 2012 in Manly. Please detail costs separately for facilitation, facilities, accommodation and staff overtime costs.**

External Training Facilitator	\$6,000
Conference Package	\$3,327
Accommodation and Meals	\$11,469
Staff Overtime	\$1,240

- h. Costs for the individual and team profiling exercise held by Peter Berry Consultancy before the December 2012 workshop.**

Individual Profile including report	\$1,750 (\$250 per councillor)
Team Profile including report	\$200

- 2. What was the rationale for not choosing a venue either owned by Council such as the Casula Power House or a business in Liverpool or surrounding suburbs for these workshops?**

A venue outside of Liverpool for the councillor workshops served to remove Councillors from their daily demands and environments. This supported Councillors to concentrate and participate in an intensive orientation to local government and Liverpool, and to commence identifying strategic priorities for the council term.

LIVERPOOL CITY COUNCIL

QUESTIONS WITH NOTICE - CLR STANLEY

ORDINARY MEETING

27/02/2013

ITEM NO:	QWNO 03	FILE NO:	2013/0323
SUBJECT:	QUESTIONS WITH NOTICE - CLR STANLEY		

QUESTIONS WITH NOTICE:

Bigge Park

1. Is there a Plan of Management for Bigge Park? Is it available on the website, could I be provided with a copy of link for POM?
2. When was it adopted, and was there public consultation? How long had the work been proposed?
3. Was the work that was proposed (had the tender been approved) at the last Council meeting part of a staged parcel of works for Bigge Park? What stage was this work? When was the refurbishment of the Park commenced?
4. Did the work take into account the linkages with the rest of the CBD, the train station and the Hospital?
5. Would this work have completed the current scope of work.
6. Could the work be completed using other funding sources than the TIF fund?
7. Has the tender that was presented at the last Council meeting lapsed?
8. Could I be provided with a copy of the concept plans for Bigge Park?
9. What benefits would the residents and users of the Park enjoyed had the works been completed as planned?

LIVERPOOL CITY COUNCIL**QUESTIONS WITH NOTICE - MAYOR MANNOUN****ORDINARY MEETING****27/02/2013**

ITEM NO:	QWNO 04	FILE NO:	2013/0323
SUBJECT:	QUESTIONS WITH NOTICE - MAYOR MANNOUN		

QUESTIONS WITH NOTICE:

In the last 18 months, has there been any development consents granted where section 94 contributions were not conditioned? If so why and how much was the amount?