



DEVELOPMENT ASSESSMENT POLICY

Adopted: 3.10.2024

CM: 320975.2024

DEVELOPMENT ASSESSMENT POLICY

DIRECTORATE: Planning & Compliance
BUSINESS UNIT: Development Assessment

1. INTRODUCTION

Development Assessment is carried out under the provisions of the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning & Assessment Regulation 2021*.

The Development Assessment Policy specifies how development applications lodged with Liverpool City Council will be assessed and determined. The Development Assessment Policy aligns with the guiding principles of the Department of Planning and Environment's *Development Assessment Best Practice Guide* dated March 2017.

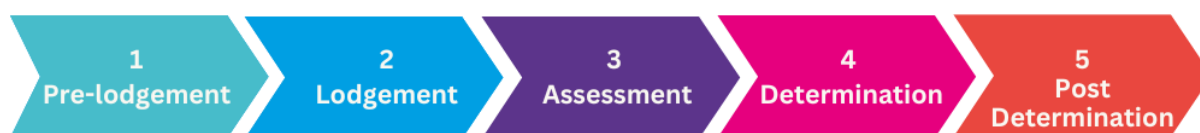
2. PURPOSE

This policy aims to deliver an improved level of customer service, with a focus on best practice and continuous improvement by:

- Providing a clear and accountable policy and process for applicants,
- Aligning to best practice guidelines,
- Promoting and supporting a continuous improvement culture, and
- Establishing clear directions and expectations for applicants to provide well-made, assessment ready applications.

3. SCOPE

3.1. This policy applies to all stages of the development application process for development applications submitted via the NSW Planning Portal including:



4. DEFINITIONS

4.1. A word or expression in this policy has the same meaning as it has in the *Environmental Planning & Assessment Act 1979* (the Act), and any instruments made under the Act, unless it is otherwise defined in this Policy.

4.2. In this policy-

4.2.1. Act means the *Environmental Planning and Assessment Act 1979*.

4.2.2. Development Application means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent. It does not include an application for a complying development certificate.

4.2.3. Council means Liverpool City Council.

4.2.4. DA means Development Application.

4.2.5. DEP means Design Excellence Panel.

4.2.6. EP&A Regulation means *Environmental Planning & Assessment Regulation 2021*.

4.2.7. LGA means Local Government Area.

4.2.8. LPP means Local Planning Panel.

4.2.9. SWCPP means Sydney Western City Planning Panel.

5. POLICY STATEMENT

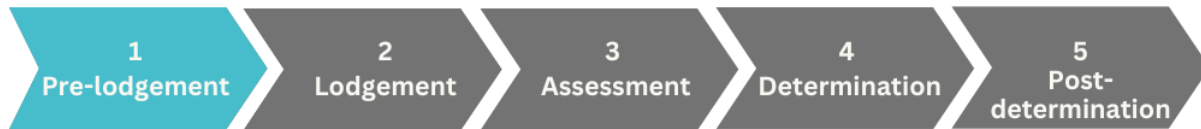
5.1. To deliver a customer-focused development assessment service within reasonable timeframes, applicants must furnish well-made, assessment ready applications at the time of submission via the NSW Planning Portal. The onus is on the applicant to ensure the information submitted is complete, accurate, and ready for assessment.

5.2. Applications that are unclear, illegible, or fail to provide the required information will not be accepted by Council.

5.3. Council strongly recommends the engagement of a professional planner and other qualified professionals, to assist with the preparation of development applications, and all stages of the development application process.

6. POLICY

6.1. Stage 1 | Pre-lodgement



Key Objectives

To provide an informative and timely pre-lodgement service to ensure once an application is lodged, it can be considered, and relevant advice provided.

Council provides the following pre-lodgement services:

6.1.1. Education

Information is provided on the Council website to assist applicants in submitting their application in the form of fact sheets and checklists, which provide guidance on information required to be submitted with the development application.

Applicable planning policies and instruments including State Environmental Planning Policies, Local Environmental Plans, and Development Control Plans, are available via Council's ePlanning Portal. Online tools and services to check the developments permissibility and eligibility are also available for Council's Fast Track Streamlined Assessment program.

6.1.2. Planning Advisory

Council encourages applicants to discuss and seek guidance on development proposals prior to lodgement. Council's Planning Advisory service is available to customers during core business hours, to provide verbal advice or a formal written response to inquiries (fees apply for formal written responses to inquiries). You can attend in person at Council's Customer Service Centre or alternatively via telephone, with the general advice provided, and made without prejudice.

6.1.3. Pre-Development Applications

For certain types of development applications, Council encourages applicants to submit a Pre-Development Application to discuss development concepts, prior to submitting a Development Application (fees apply).

Liverpool City Council strongly encourages a Pre-Development Application meeting for the following types of developments:

- Residential multi-unit developments, residential flat buildings, mixed use developments with both residential and commercial and large scale subdivisions;
- Commercial development (other than minor additions/alterations or change of use/fitout applications);
- Industrial development (other than minor additions/alterations or change of use/fitout applications);
- Proposals within the Western Sydney Aerotropolis, and
- Other development where significant site constraints exist (discuss with Council's Planning Advisory Team in the first instance).

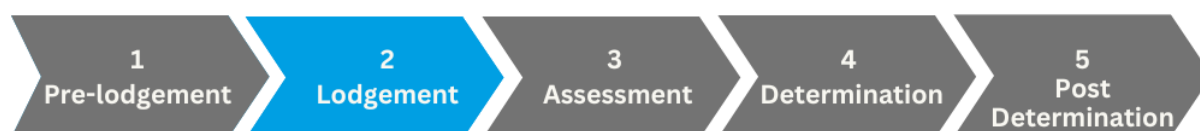
Concept plans and a summary of the proposal are required to be provided with any Pre-Development Application. Once the documentation has been received, Council's Panel Support Officer will contact the applicant with a meeting appointment.

Detailed written advice will be issued following the meeting. The Pre-Lodgement written advice timeframe is set as a Key Performance Indicator (KPI) within Council's Delivery Program and Operational Plan (DPOP), that being:

- Pre-Lodgement meeting minutes will be provided to applicants within 10 business days of meeting date, for 90% of applications.

Note: Pre-Development applications are for development applications made under Part 4 of the Act only.

6.2. Stage 2 | Lodgement



Key Objectives

- To ensure that all applications have met the relevant requirements for lodgement.
- To ensure that any additional information requested by Council, prior to the lodgement of the application, is reasonable and is consistently applied.
- To ensure the timely lodgement of applications, and the notification and referral of applications as required.

6.2.1. Submission

Applications are required to be submitted to Council via the NSW Planning Portal. An application is not deemed as lodged until the application is accepted by Council, and full payment of the relevant fees and charges have been paid.

6.2.2. Preliminary Review

Upon submission to the NSW Planning Portal, Council will undertake a preliminary review of the application, to ensure all relevant details are provided on the form, all mandatory documents have been provided, and the application is ready for assessment.

During the preliminary review, applications that are unclear, illegible, or fail to provide the required information will be returned to the applicant, together with detailed advice setting out the issues that must be addressed prior to re-submission.

6.2.3. Payment of Fees

Following the preliminary review, if the application is acceptable, Council will process the application at which point a development application reference number and a tax invoice are issued for payment.

Failure to make payment by the due date will result in the application being returned via the NSW Planning Portal

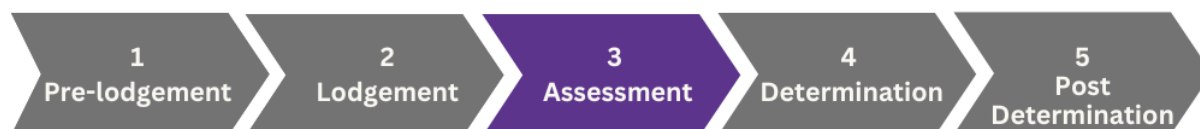
6.2.4. Lodgement

Upon payment of fees, the application is deemed to be lodged with Council, at which point the assessment period starts.

Under the *Environmental Planning and Assessment (Statement of Expectations) Order 2024*, applications are to be lodged by Council as soon as practicable and within an average timeframe of:

- 14 days from submission, from 1 July 2024 to 30 June 2025
- 7 days from submission, from 1 July 2025 onwards.

6.3. Stage 3 | Assessment



Key Objectives

- To undertake an assessment in a timely manner in accordance with relevant matters for consideration.

6.3.1. Allocation & Assessment

The application will be allocated to and assessed by a Development Assessment Planner under the provisions of the Act, EP&A Regulation, and any instruments made under the Act.

Where Council has a perceived or actual conflict of interest, the application will be allocated to an external planning consultant to assess, and the application will be case managed by a Council Development Assessment Planner.

6.3.2. Communication & Updates

Council Officers will contact the applicant at key points during the assessment process.

Applicants will receive notification of the Development Assessment Planner managing their application at the time of allocation.

Applicants are encouraged to contact the allocated Development Assessment Planner in the first instance for all enquiries and requests for updates. The applicant nominated is to be the main point of contact with the Development Assessment Planner, and other stakeholders should seek to limit communication to through the applicant.

6.3.3. Community Consultation

The Act, along with Council's Community Participation Plan, dictate which applications trigger the need for notification, advertising, public exhibition, or an additional type of community engagement.

Council encourages respondents to make submissions during these periods, and respondents should make their submission via Council's ePlanning Portal.

Respondents will receive an acknowledgment of their submission, as well as notification of the application's determination status once the application has been finalised.

6.3.4. Concurrences & Referrals

When reviewing a development application, Development Assessment Planners must consider a range of effects the development may have including but not limited to, traffic, bushfire risks, flooding risks, pollution, infrastructure and building design, and safety.

The nature of these effects may require advice or agreement from other NSW Government agencies, Internal Referral Officers, or neighbouring Councils. These requirements are known as concurrences and referrals.

Concurrences and referrals may generate a request for additional information to support the development application.

6.3.5. Requests for Additional Information or Amendments

If the development application does not provide sufficient information for assessment, or a concurrence and/or referral requires additional information, the Development Assessment Planner will request the applicant to provide further information or amendments via the NSW Planning Portal. A specified timeframe will be outlined for the information to be submitted via the NSW Planning Portal, and a tax invoice will also be uploaded to the NSW Planning Portal, which itemises the fees and charges associated with the assessment of information lodged in response to Council's request.

The applicant may be advised to withdraw their application via the NSW Planning Portal, where the development application requires significant amendment, or where information cannot be provided within the specified timeframe. Applicants who withdraw their application may be entitled to a partial refund of development application fees paid.

Applicants can discuss their options and issues raised by the Development Assessment Planner within the specified timeframe, as required.

Extensions of time to the specified timeframe will only be granted in exceptional circumstances, and are to be made in writing to the Development Assessment Planner.

If any proposed amendments to the application results in an increased environmental impact, the application may be re-notified to surrounding properties (fees apply).

Failure to provide the requested information, or withdrawal of the development application prior to the timeframe specified, will result in the determination of the development application based upon available information, which could result in a refusal.

6.3.6. Panels

Design Excellence Panel

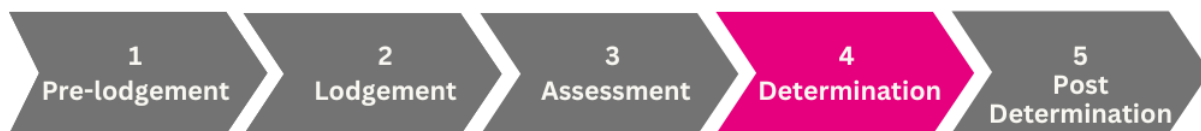
The following applications will be issued to Council's DEP for advice, during the development application process.

- All residential flat building,
- Medium-density developments of thirty (30) units or more,
- New developments within the Liverpool city centre over three (3) storeys,
- New buildings or major extensions to existing development within business zones (outside of the Liverpool city centre) which are three (3) storeys or more,
- Any development which has an interface with significant public space,

- Any development deemed by the Manager Development Assessment and/or Manager City Planning to have a potentially significant impact on the amenity of the locality or region; and/or
- Any new building or major extensions to existing buildings (except for low-density residential development) adjacent to the Georges River, or any new industrial or commercial development adjacent to environmentally sensitive land or vegetation.

Further information on the DEP process can be found via the Liverpool City Council *Design Excellence Panel Charter and Procedure* dated 29 June 2022.

6.4. Stage 4 | Determination



Key Objectives

- To ensure that the application is determined in a timely manner.
- To ensure that applications are determined by Council or the relevant Planning Panel, as delegated
- To ensure that the determination provides certainty and minimises the need for either modification or further approvals, as far as possible.
- To ensure the decision upholds the integrity of the planning system.

Determination timeframes are set as per Ministerial Expectations under the *Environmental Planning and Assessment (Statement of Expectations) Order 2024*.

Council is to :

- Determine applications as soon as practical and whichever is the lesser of council's previous financial year average, or an average of:
 - 115 days from lodgement, from 1 July 2024 to 30 June 2025
 - 105 days from lodgement, from 1 July 2025 to 30 June 2026
 - 95 days from lodgement, from 1 July 2026 to 30 June 2027
 - 85 days from lodgement, from 1 July 2027 onwards
- Assess Regionally Significant DAs and refer them to the relevant planning panel for determination as soon as practical and within an average of 250 days from lodgement.

The following additional KPIs have been adopted within Council's DPOP relevant to Development Assessment:

- Determine development applications of a minor nature (dwellings, secondary dwellings, ancillary residential structures) within 40 business days for 90% of applications.

Development applications are largely determined by the Development Assessment Department under Delegated Authority, however, certain applications are required to be determined by the Liverpool Local Planning Panel or the Sydney Western City Planning Panel.

Liverpool Local Planning Panel

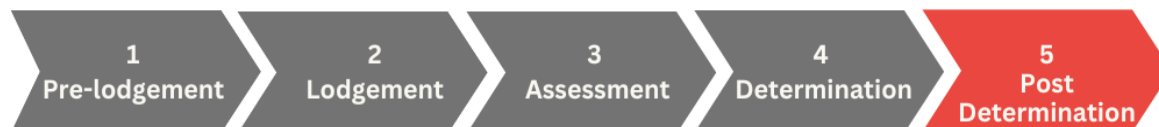
In accordance with *Schedule 2* of the *Local Planning Panels Direction – Development Applications 23/02/2023*, developments of the kind specified are to be determined by the LPP. These include:

- Conflict of interest,
- Contentious development,
- Departure from development standards, and/or
- Sensitive development.

Sydney Western City Planning Panel

A comprehensive list of applications determined by the Sydney Western City Planning Panel are itemised within Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*.

6.5. Stage 5 | Post Determination Options



Key Objectives

- To ensure the Applicant and other relevant stakeholders are notified of decisions in a timely manner.

6.5.1. Notice of Determination

Notices of Determination (NODs) are available in real time via the NSW Planning Portal, once the determination is finalised. Applicants will be sent an e-mail containing the NOD and approved documents.

6.5.2. Post Determination Options

Review of Determination

Applicants may request a review of a determination or decision made in accordance with Section 8.2 of the Act.

Review of determination or decision applications must be lodged via the NSW Planning Portal in a timely manner, following the original determination, to allow Council sufficient time to complete an assessment.

Modification of Consent

Applicants that have obtained development consent may seek to modify the development consent in accordance with Section 4.55 of the Act.

Applications to modify a consent must be lodged via the NSW Planning Portal.

For modifications applications lodged due to an administrative error, Council may choose to waive the associated modification application fees, pending review of the application.

Other Options

Should an application be determined as a refusal, applicants can lodge a new application, or alternatively, lodge an appeal with the NSW Land and Environment Court.

RELEVANT LEGISLATIVE REQUIREMENTS

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2021
State Environmental Planning Policy (Precincts – Western Parkland City) 2021
Liverpool Local Environmental Plan 2008;
Liverpool Local Development Control Plans.
Local Planning Panels Direction – Development Applications dated 23 February 2023
Liverpool Design Excellence Panel Charter and Procedure dated 29 June 2022
Environmental Planning & Assessment (Statement of Expectations) Order July 2024
Other relevant environmental planning instruments, codes and planning policies.

7. RELATED POLICIES & PROCEDURE REFERENCES

Department of Planning and Environment's Development Assessment Best Practice Guide dated March 2017
Conflict of Interest Council-related Development Applications Policy 2023
Liverpool City Council Delivery Program & Operational Plan (DPOP) 2022-2023

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

This date is the date the policy is adopted by Council resolution.

REVIEW DATE

July 2026

This policy must be reviewed every two years or as legislation is updated.

VERSIONS

Version	Amended by	Changes made	Date	CM
1.0	Manager Development Assessment	New policy	3.10.2024	320975.2024

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Development Assessment (Planning & Compliance)
Community Standards (Planning & Compliance)
Governance (Corporate Support)