

COUNCIL AGENDA

ORDINARY COUNCIL MEETING

18 June 2025

BOOK 1



You are hereby notified that an **Ordinary Council Meeting** of Liverpool City Council will be held at the **LIVERPOOL CIVIC TOWER COUNCIL CHAMBER, LEVEL 1, 50 SCOTT STREET, LIVERPOOL NSW 2170** on **Wednesday, 18 June 2025** commencing at 6:00 PM. Doors to the Chamber will open at 5.50pm.

Liverpool City Council Meetings are livestreamed onto Council's website and remain on Council's website for a period of 12 months. If you have any enquiries, please contact Council and Executive Services on 8711 7863.

A handwritten signature in black ink, appearing to read "Jason Breton".

Mr Jason Breton
CHIEF EXECUTIVE OFFICER

Statement of Ethical Obligations

Oath or Affirmation of Office

In taking the Oath or Affirmation of Office, each Councillor has made a commitment to undertake the duties of the office of councillor in the best interests of the people of Liverpool and Liverpool City Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Conflicts of Interest

A councillor who has a conflict of interest in any matter with which the council is concerned, and who is present at a meeting of the council when the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable. Both the disclosure and the nature of the interest must be recorded in the minutes of the Council meeting where the conflict of interest arises. Councillors should ensure that they are familiar with Parts 4 and 5 of the Code of Conduct in relation to their obligations to declare and manage conflicts of interests.

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Council in Closed Session

The following items are listed for consideration by Council in Closed Session with the public excluded, in accordance with the provisions of the Local Government Act 1993 as listed below:

CONF 01 ST3360 Request for Tender - Vet Services and Animal Boarding

Reason: Item CONF 01 is confidential pursuant to the provisions of s10A(2)(d i) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CONF 02 Liverpool Youth Council Member Nominations 2025 - 2027

Reason: Item CONF 02 is confidential pursuant to the provisions of s10A(2)(a) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors).

CONF 03 RCL3259 Provision of Security Guard Services for Liverpool City Council's Buildings and Facilities

Reason: Item CONF 03 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CONF 04 Consideration of an Application for the acquisition of land on the grounds of hardship - 26 Derwent Avenue, Bradfield identified as Part of Lot 82 DP 864799

Reason: Item CONF 04 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CONF 05 Proposed dedication of Lot 1417 DP 882409 as Public Road to provide access to Lot 101 DP 1213451 (1895 Camden Valley Way, Horningsea Park) DA-707/2022.

Reason: Item CONF 05 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CONF 06 Installation of flags on Council buildings

Reason: Item CONF 06 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Close

PLAN 02	Liverpool Community Participation Plan - Proposed Amendments
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Strategic Objective	Healthy, Inclusive, Engaging Communicate, listen, engage and respond to the community by encouraging community participation
File Ref	143626.2024
Report By	Brianna Van Zyl - Executive Planner
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

The Liverpool Community Participation Plan (CPP) applies to all land within the Liverpool Local Government Area (LGA) and sets out when and how Council will engage with the community as part of the planning functions under the *Environmental Planning and Assessment Act 1979* (EP&A Act). A copy of Council’s current Liverpool CPP is provided in **Attachment 1**.

Community Participation Plans are required to be reviewed periodically. A Report was tabled at the Governance Committee Meeting (GCM) on 18 March 2025 for Council consideration which unpacked potential amendments to the current CPP. A copy of the GCM Report is provided in **Attachment 3**.

The GCM Report identified the following key areas for potential amendment:

- amending the definition of “adjoining land”;
- applying a distance-based system for notification; and
- reviewing the notification distances for various land uses.

During the March 2025 GCM Briefing, Councillors requested the provision of additional background information – namely for complying development certificates (CDC), planning proposals, subdivisions and development in the Liverpool City Centre – associated with the proposed CPP amendments. This was subsequently provided to Councillors via a Councillor Update Memo circulated on 24 April 2025. A copy of the Councillor Update Memo is provided in **Attachment 4**.

Since the Councillor Update Memo was circulated the following additional amendments have been included for consideration:

- Requiring all subdivision Development Applications to be notified with a 50 metre distance applied; and
- Requiring rural zones to have a minimum 100 metre notification distance applied for all land uses.

Council staff do not recommend amending the current notification requirements for Planning Proposals or Development Applications within the Liverpool City Centre. Further justification for this position is provided in the body of this Report.

The full suite of proposed amendments to the current CPP is provided in **Attachment 5** (Clean Version) and **Attachment 6** (Marked Up Version).

The purpose of this Report is to seek Council endorsement to amend the Liverpool Community Participation Plan and place the revised CPP on public exhibition for a minimum period of 28 days.

RECOMMENDATION

That Council:

1. Receives and notes this Report;
2. Endorses the draft Community Participation Plan 2025 (**Attachment 5**) for public exhibition;
3. Publicly exhibits the draft Community Participation Plan 2025 for a minimum period of 28 days;
4. Receives a Post-Exhibition Report detailing the outcomes of the public exhibition period; and
5. Delegates to the CEO (or delegate) authority to amend the Community Participation Plan 2025 for any typographical and minor amendments as required.

REPORT

Background

In March 2018, changes to the EP&A Act required all Councils to prepare a CPP. As a result of the legislative change, Council subsequently endorsed the Liverpool Community Participation Plan in October 2019.

The CPP applies to all land within the Liverpool Local Government Area (LGA) and sets out when and how Council will engage with the community as part of the planning functions it performs (Strategic Planning and Development Assessment) under the EP&A Act.

Before Council's first CPP, all community participation requirements were outlined in Council's Development Control Plan (DCP).

The most recent CPP amendment in December 2022 made a suite of changes which were predominantly administrative in nature and included:

- Updating land use definitions to reflect the Standard Instrument;
- Removing the requirement to advertise in the local newspaper;
- The addition of a clause requiring Council-related Development Applications (DAs) to be exhibited for a minimum of 28 days; and
- Increasing the notification distance to five (5) properties in each direction.

At the Ordinary Meeting of Council on 7 February 2024, a Question with Notice (QWN 01) was raised regarding neighbour notification of subdivisions resulting in lot sizes greater than 300m². In response to the QWN, Council resolved:

That:

1. *Council takes this item to a Governance Committee before the end of March 2024 so that Council can give this the attention it deserves to make sure that people are being given equal rights and are not being discriminated based on the size of the lots being subdivided in regard to Community Participation Plan 2022 with the intention of fairer notification for all residents.*
2. *Further information is provided on State Government process as it relates to Council process.*

In response to the QWN, a Discussion Paper was subsequently tabled at the Governance Committee Meeting on 9 April 2024. The Discussion Paper sought to facilitate discussion on the current CPP and proposed potential amendments to the CPP to ensure neighbouring properties notification is meaningful and not inadvertently increasing both Development Assessment timeframes and operational costs. A copy of the Discussion Paper is provided in **Attachment 2**.

Since the Governance Committee Meeting in April 2024, Council staff have undertaken further analysis to refine potential amendments to the CPP. Key areas identified for amendment include:

- Amending the definition of 'adjoining land' to mean properties that directly abut a site, or across a driveway or pathway, of a proposed development site;
- Applying a distance-based system for establishing the catchment for neighbouring property notifications; and
- Amending the notification catchment distance for certain land uses based on their anticipated impact.

These changes were tabled for Council consideration at the Governance Committee Meeting in March 2025. During the GCM Briefing, Councillors requested the provision of additional background information – namely current notification requirements for Complying Development Certificates (CDC), Planning Proposals, subdivisions and Development Applications in the Liverpool City Centre – associated with the proposed CPP amendments. This was subsequently provided to Councillors via a Councillor Update Memo circulated on 24 April 2025. A copy of the Councillor Update Memo is provided in **Attachment 4**.

Since the Councillor Update Memo was circulated the following additional amendments have been included in the updated CPP for consideration:

- Requiring all subdivision Development Applications to be notified with a 50 metre distance applied; and
- Requiring rural zones to have a minimum 100 metre notification distance applied for all land uses.

Council staff do not recommend amending the current notification requirements for Planning Proposals or Development Applications within the Liverpool City Centre. Further justification for this position is provided below.

Planning Proposals

Under the current CPP, the Planning Proposal consultation requirements are broad and allow for a varied approach depending on the complexity of the Proposal. Planning Proposals are generally harder to measure their impact when compared to Development Applications. This current notification approach is still considered appropriate as it allows for flexibility depending on the scale and impact of the Planning Proposal.

It should also be noted that the current notification approach for Planning Proposals is consistent with the approach adopted for many neighbouring Councils including Fairfield, Blacktown, and Campbelltown who notify Planning Proposals on a case-by-case basis.

Development Applications in the Liverpool City Centre

Under the current CPP, some smaller scale Development Applications (DA) are not required to be notified in the Liverpool City Centre. These include:

- Small scale commercial premises (no more than four storeys);
- Change of use from business premises to business premises;
- Change of use from retail premises to retail premises;
- Restaurants and cafes; and
- Take away food and drink premises or food and drink premises.

No amendment to these provisions is proposed as part of this CPP amendment. The impacts within the City Centre are considered relatively minor and requiring them to be notified will result in an increase in DA assessment times for these land uses, as well as costs associated with the distribution of notification letters.

Proposed Community Participation Plan Amendments

The following Section provides a summary of the recommended amendments to the current CPP and the reasoning for the change. A marked-up version of the revised CPP, including the recommended amendments, is provided in **Attachment 6**.

“Adjoining Land” Definition

As part of the CPP amendment endorsed by Council in December 2022 (**Attachment 3**), the definition of “adjoining land” was increased to a minimum of five (5) properties on each side of the subject site rather than only adjoining neighbours. The definition of adjoining neighbours in previous iterations of the CPP only required the notification of neighbouring properties that directly abutted the development site. The previous version of the notification requirements can be seen in **Attachment 2**.

The current definition of adjoining land has required Council to send out significantly more notification letters for Development Applications such as (but not limited to): Light Industry, Manor Houses, Terraces, Semi-Detached housing, Commercial Premises and Secondary Dwellings. As shown in **Attachment 2**, these additional requirements have also seen an increase in the costs associated with this broader notification, especially for low impact Development Applications.

Furthermore, when a DA is lodged with Council, the administration team use mapping software to either apply a buffer (when a notification distance is applied) or manually select lots (when adjoining land is applied). Lot selection requires Council staff to manually select each lot, whereas applying a buffer is an automated process and therefore much quicker and minimises risks of errors in the neighbouring property notification process.

As part of this amendment, the adjoining land definition is proposed to be reverted to the previous definition of adjoining land whereby the neighbouring properties directly abutting a site subject to a DA would be notified. This is shown in **Attachment 5** and presented in *Figure 1*.

Figure 1 – Application of 'adjoining land' definition in revised CPP



Land Use Notification Catchment / Distances

The current CPP includes clarification on the neighbouring property notification requirements by land use. The notification distances range anywhere between 50 metres and 1,000 metres and differentiates the distance requirements for 'rural zones' or 'other zones' depending on the land use. These distances are applied from the boundary of the subject lot rather than from where the development is occurring on the lot.

To understand the impact of the neighbouring property notification distances, analysis was undertaken of a range of established and rural lots with varying sizes and forms. As shown in **Attachment 3**, in established areas such as Casula, Middleton Grange and Green Valley, buffers up to 100 metres can capture up to five lots in each direction and up to two blocks away depending on the block size. A 50 metre buffer captures 3-4 properties on average.

In rural areas, where lot size and form are much larger than the established areas, buffers below 100 metres may only capture the adjacent lot. A buffer over 100 metres, generally captures 2-3 properties.

As part of this amendment, it is proposed to apply a tiered distance notification system that ranges from 50 metres to 1,000 metres. In addition, a minimum distance of 100 metres will be applied to all land uses in the rural zones.

The notification distance for 75 of the existing 107 land uses included in the CPP are proposed to be amended as a result of this CPP update. A significant portion of the proposed amendments is due to the minimum notification distance in rural zones being increased to 100 metres.

Attachment 7 provides a comparison of the notification distances required by land use under the current CPP and the revised CPP, with *Table 1* providing a succinct summary of the notification requirements for key land uses.

Table 1 – CPP Amendments

Land Use	Current Rural	Current Other	Proposed Rural	Proposed Other
Amusement Centre	500m	200m	100m	50m
Subdivisions	Adjoining Land (lots less than 300sqm)	Adjoining Land (lots less than 300sqm)	100m	50m
Landscaping materials supplies	500m	250m	100m	50m
Community facility	75m	75m	100m	50m
Hospitals	75m	200m	200m	100m
Waste or resource management facility	1,000m	200m	200m	100m
Dual occupancy	Adjoining Land	Adjoining Land	100m	Adjoining Land
Multi dwelling housing	75m	75m	100m	50m
Seniors housing	Adjoining Land	Adjoining Land	100m	Adjoining Land
Bed & breakfast premises	Adjoining Land	Adjoining Land	100m	50m
Centre-based childcare facilities	75m	75m	100m	75m
Pubs	75m	75m	100m	75m

Some of the distances in the current CPP are arbitrarily applied and do not accurately reflect the potential impact of the proposed development. The proposed notification amendments would seek to address this issue and improve clarity on the notification distance required.

Subdivision of Lots Greater than 300m²

The current CPP only requires neighbouring property notification to occur for subdivision DAs for lots less than 300m². This was a historic decision as it assumes blocks greater than 300m² provide greater opportunities to mitigate visual, privacy or overshadowing impacts.

To improve the notification of subdivision DAs, it is proposed to require all subdivision DAs to be notified to a 50 metre radius in established areas and 100 metres in rural areas. This change will ensure the community is notified of potential changes in their area regardless of the lot size.

Rural Land

The current CPP has a range of distances applied for DAs in Rural Zones, ranging from adjoining land to 1,000 metres.

Rural areas in the Liverpool Local Government Area (LGA) are characterised by large lots. Analysis of rural areas has identified that a buffer of 100 metres would capture, on average, 2-3 lots in each direction. It is therefore proposed to increase the minimum notification distance for rural areas to 100 metres.

Miscellaneous Changes

Under the most recent CPP amendment, notification requirements for Council-related Development Applications were updated due to legalisation changes. A minor administrative change is proposed to remove reference to the date the new legalisation commenced as it has since passed.

In addition, the graphics in the current CPP will be replaced with updated graphics to demonstrate the adjoining land definition and how the distance buffers capture neighbouring properties. A definition of rural zones has also been included in the CPP to ensure clarity for the community.

A number of reformatting changes have also been made, including reformatting the existing tables under Section 7.6 'Development Applications that will be notified' by condensing the existing two tables into one, with an additional column to be added to the table to outline whether the proposed development will also be advertised on Councils website and sign posted.

The full suite of proposed amendments to the current CPP is provided in **Attachment 5** (Clean Version) and **Attachment 6** (Marked Up Version).

Conclusion

Overall, the proposed changes to the current CPP would result in positive outcomes for both Council and the community, with greater clarity provided on the neighbouring property

notification requirements for each land use, and greater equity on the types of development requiring neighbouring property notification.

Next Steps

Subject to Council endorsement, the draft Community Participation Plan 2025 (**Attachment 5**) will be placed on public exhibition for a minimum of 28 days.

Following public exhibition, a Post-Exhibition Report detailing the outcomes of the public exhibition period, and the finalised Community Participation Plan 2025, will be prepared and referred to Council for consideration and endorsement.

FINANCIAL IMPLICATIONS

An amendment to the Community Participation Plan is within the existing budget of Council's City Planning Department.

The proposed changes will help to create modest budget savings by simplifying and improving the neighbouring property notification process associated with Development Applications.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	Raise community awareness and support action in relation to environmental issues.
Social	Raise awareness in the community about the available services and facilities.
Civic Leadership	Encourage the community to engage in Council initiatives and actions.
Legislative	<i>Environmental Planning and Assessment Act 1979</i>
Risk	<p>The risk associated with endorsing the proposed amendments to the current CPP is deemed to be low.</p> <p>Should Council not endorse the proposed amendments to the current CPP, the ongoing inequity associated with neighbouring property notification across the LGA, as well as the costs associated with excessive notification under the current CPP, will continue.</p>

ATTACHMENTS

1. Attachment 1 - Current Community Participation Plan 2022 (Under separate cover)
2. Attachment 2 - Community Participation Plan (CPP) Discussion Paper - Governance Committee Meeting - 9 April 2024 (Under separate cover)
3. Attachment 3 - Community Participation Plan - Proposed Amendments - Governance Committee Meeting - 18 March 2025 (Under separate cover)
4. Attachment 4 - Councillor Update Memo - Additional CPP Info - 24 April 2025 (Under separate cover)
5. Attachment 5 - Draft Community Participation Plan - May 2025 (Under separate cover)
6. Attachment 6 - Draft Community Participation Plan - May 2025 - Marked Up Version (Under separate cover)
7. Attachment 7 - Draft Community Participation Plan - Notification Distance Changes Matrix (Under separate cover)