



LIVERPOOL COMMUNITY PARTICIPATION PLAN 2019

Adopted: 11 October 2019

TRIM: 258355.2019



COMMUNITY PARTICIPATION PLAN

1. LEGISLATIVE REQUIREMENTS

Environment Planning & Assessment Act 1979 (Section 2.23 and Schedule 1)

2. LAND TO WHICH THE PLAN APPLIES

This Plan applies to all land within the Liverpool Local Government Area (LGA).

3. PURPOSE/OBJECTIVES

The Liverpool *Community Participation Plan* (CPP) sets out when and how Council will engage with its communities across all the planning functions it performs.

Council, when exercising its planning functions will:

- ✓ provide opportunities for members of the community to participate in planning decisions to achieve better planning outcomes, in an open and transparent process;
- ✓ ensure the community understands how they can participate in planning decisions;
- ✓ ensure that the needs and concerns of the community are identified and addressed wherever possible;
- ✓ ensure Council's strategic planning reflects the aspirations of the community and key stakeholders; and
- ✓ ensure Council meets its legislative requirements in regards to community engagement.

The *Environmental Planning & Assessment Act 1979* (the Act) outlines the principles that Council must include in the CPP. These principles are:

- ✓ The community has a right to be informed about planning matters that affect it.
- ✓ Council will encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- ✓ Planning information will be in plain language, easily accessible and in a form that facilitates community participation in planning.
- ✓ The community will be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- ✓ Community participation will be inclusive and Council will actively seek views that are representative of the community.
- ✓ Planning decisions will be made in an open and transparent way and the community will be provided with reasons for those decisions (including how community views have been taken into account).
- ✓ Community participation methods (and the reasons given for planning decisions) will be appropriate having regard to the significance and likely impact of the proposed development.

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4. DEFINITIONS

ACT	Environmental Planning & Assessment Act 1979
CSP	Community Strategic Plan
CPP	Community Participation Plan
DCP	Development Control Plan
EIS	Environmental Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
NSW	New South Wales
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSI	State Significant Infrastructure

5. COMMUNITY PARTICIPATION IN THE PLANNING SYSTEM

Liverpool City Council recognises community participation throughout the planning system is not only your right, it also delivers better planning results for the people of Liverpool. Ultimately, our responsibility is to deliver the objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act) including the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing.

Community participation is an overarching term covering how we engage the community in our work under the EP&A Act, including plan making and making decisions on proposed development. The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision. The community includes anyone who is affected by planning decisions and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, local government, and State and Commonwealth government agencies.

6. WHAT PLANNING FUNCTIONS DOES THE COMMUNITY PARTICIPATION PLAN APPLY TO?

6.1 Development Applications

Council planning officers, the Liverpool Local Planning Panel and the Sydney Western City Planning Panel make planning decisions on a range of development applications. When making decisions on these developments, consideration is given to whether development proposals are in accordance with the zone objectives and development standards in the Liverpool Local Environmental Plan or State Environmental Planning Policies and development controls within the Development Control Plan as well as public interest and other applicable policies and guidelines. Development applications may be for residential, commercial or industrial development, subdivision, change of use or other development proposals

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6.2 Strategic Planning

Strategic planning is an essential aspect of our work where we set the strategic direction, vision and context for land use planning in Liverpool. It involves planning for our community which integrates social, environmental and economic factors with our areas special attributes.

Examples of this work include the development of and amendments to our Local Strategic Planning Statement (LSPS), planning proposals for amendments to our Local Environmental Plan, amendments to, or new Development Control Plans, Development Contributions Plans and other plans and strategies.

6.3 Planning Agreements

A planning agreement (also known as a voluntary planning agreement or VPA) is an offer by a developer to Council to dedicate land, make monetary contributions, or provide any other material public benefit, to be used for or applied toward a public purpose.

A public purpose includes the provision of:

- a) a community facility;
- b) affordable housing;
- c) transport or other infrastructure relating to the development;
- d) the funding of recurrent expenditure relating to the provision of community facilities, affordable housing or transport or other infrastructure;
- e) the monitoring of the planning impacts of development; and
- f) the conservation or enhancement of the natural environment.

Planning agreements are entered into in relation to a development application or an amendment to the Local Environmental Plan.

7. COMMUNITY PARTICIPATION – DEVELOPMENT APPLICATIONS

A Development Application is a formal application for development that requires consent under the Environmental Planning & Assessment Act. It is usually made to Council and consists of standard application forms, supporting technical reports and plans.

7.1 Objectives

- a) Provide a framework for the exhibition of development applications, applications to modify development consents and applications for review of development determinations.
- b) Identify which development applications that will be exhibited
- c) Identify which development applications will not be exhibited because of their scale or limited environmental impacts;
- d) Provide an opportunity for public participation in the development application process.
- e) Establish a clear process and expectations of how public submissions are considered in the development application process.

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- f) Facilitate the efficient processing of development applications without unreasonably compromising the opportunity for public participation.
- g) Ensure exhibition of development applications is carried out in accordance with the Environmental Planning & Assessment Act and Regulation.
- h) Ensure that there is consistency in the exhibition of similar development applications.

7.2 Consultation channels

Council will communicate opportunities for participation in the development assessment process using methods including:

- ✓ Newspaper notices;
- ✓ Notices on the land;
- ✓ Letters to landowners;
- ✓ Council's eplanning portal.

7.3 Consultation feedback

In all instances, Council will encourage the community to lodge written submissions which will be considered prior to determination of a development application.

7.4 Levels of community participation

There are four levels of community participation that a development application may be subject to.

These are:

Notified Development - where Council notifies people in writing advising of the submission of a development application. The notification period commences when the letter of notification is mailed to recipients. The conclusion of the notification period is based on the required number of consecutive days (as outlined in this Plan), inclusive of weekends, following the commencement of the notification period. For the purposes of this Plan, Public Holidays that apply to the State of NSW are excluded from the notification period.

Advertised Development - where Council, in addition to notification, places an advertisement in a local newspaper and a sign on the subject land advising of the submission of a development application. The commencement of the exhibition period is taken to be the day the notice is first published in a newspaper. The conclusion of the exhibition period is based on the required number of consecutive days (as outlined in this Plan), inclusive of weekends, following the commencement of the exhibition period. For the purposes of this Plan, Public Holidays that apply to the State of NSW are excluded from the exhibition period.

No consultation – applying to applications of minor complexity, where no notification or advertising is necessary.

Development not defined – where development is not defined in Table 1 or 2, no notification or advertising is necessary.

The level of consultation required is specified in Table 1 and 2 and will be dependent on the land use and/or structure proposed. The land uses in Table 1 and 2 are defined in Liverpool LEP 2008.

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Exhibition or notification during the Christmas / New Year period

Public exhibition and/or notification periods over the traditional Christmas / New Year period will be extended so as not to include the period between 20 December and 10 January (inclusive).

7.5 Development Applications that will be advertised

The following types of development applications will be advertised via a published notice in the local newspaper and will include direct notification to land owners within the specified distance (unless not specified) as well as a sign on the development site:

Table 1:

Land Use/Purpose	Extent of Notification to properties within a certain distance (metres)
Airport	1000m (Rural zones) 500m (All other zones)
Airstrip	1000m (Rural zones) 500m (All other zones)
Amusement centre	500m (Rural zones) 200m (All other zones)
Backpackers' accommodation	50m
Boarding houses	100m
Bulky goods premises*	
Caravan parks	50m
Cemetery	1000m (Rural zones) 200m (All other zones)
Crematorium	1000m (Rural zones) 200m (All other zones)
Depot*	100m
Educational establishments	500m (Rural zones) 200m (All other zones)
Extractive industries	1000m (Rural zones) 200m (All other zones)
Freight transport facility*	100m
Hazardous industries	500m
Hazardous storage establishments	1000m (Rural zones) 200m (All other zones)
Heavy industry	200m
Helipad	500m
Heliports	200m (Rural zones) 100m (All other zones)
Hospitals	75m (Rural zones) 200m (All other zones)
Hotel or motel accommodation	75m
Industries*	
Intensive livestock agriculture	500m
Landscaping materials supplies	500m (Rural zones) 250m (All other zones)
Liquid fuel depot	500m (Rural zones)

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	200m (All other zones)
Marinas	200m
Market*	200m (Rural zones) 75m (All other zones)
Mines	1000m
Offensive industries	200m
Offensive storage establishments	200m (Rural zones) 200m (All other zones)
Open cut mine	200m (Rural zones) 75m (All other zones)
Passenger transport terminals	75m
Places of public worship	1000m (Rural zones) 200m (All other zones)
Pubs	75m
Recreation facilities (major)*	200m
Recreation facilities (outdoor)*	500m (Rural zones) 100m (All other zones)
Registered clubs	500m (Rural zones) 200m (All other zones)
Resource recovery facility	200m
Restricted premises	200m
Service stations	500m (Rural zones) 200m (All other zones)
Sewage treatment works	500m (Rural zones) 200m (All other zones)
Sex service premises	200m
Stock and sale yards	500m (Rural zones) 200m (All other zones)
Telecommunication facilities	1000m (Rural zones) 300m (All other zones)
Timber and building supplies*	
Vehicle body repair workshop*	100m
Vehicle repair station*	100m
Vehicle sales or hire premises*	100m
Warehouse and distribution centres*	100m

**Only in instances where the land use is being proposed as part of a new application on land adjacent to a Residential Zone (excluding change of use applications)*

Note: Where a development application includes elements which are both advertised and notified, the whole application shall be advertised.

What is the minimum advertising period?

14 days

(28 days for designated development. Note designated development is defined in the EP&A Act and Regulations)

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7.6 Development Applications that will be notified

Table 2 lists the types of development applications will be notified to adjacent and adjoining landowners or to properties within the specified distance by mail. Figure 1 outlines how adjoining and adjacent properties will be notified. Notification distances specified in this section may be extended, if in the opinion of Council, greater notification is required.



Figure 1 – Notification to adjoining & adjacent landowners

Land Use/Purpose	Extent of Notification to properties within certain a distance (metres). Where no distance is identified, notification is to occur to adjoining and adjacent landowners
Advertisements	75m (Residential zones only)
Advertising Structure	75m (Residential zones only)
Agricultural produce industry	200m
Agriculture	
Animal boarding or training establishments	500m (Rural zones) 75m (All other zones)
Attached dwellings	
Aquaculture	200m
Bed & breakfast premises	
Boat building and repair facility	
Boat shed	
Car parks	
Cellar door premises	

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Child care centre	75m
Commercial premises	
Community facility	75m
Dairy (pasture based)	
Dams	500m
Dual occupancy	
Entertainment facility	500m (Rural zones) 200m (All other zones)
Exhibition village	
Feedlot	
Fill	
Flood mitigation works	1000m (Rural zones) 200m (All other zones)
Funeral home	1000m (Rural zones) 200m (All other zones)
Group home	75m
Health consulting rooms	
Hostels	75m
Light industry	
Livestock processing industry	200m
Medical centre	200m (Rural zones) 75m (All other zones)
Mixed use development	75m
Mortuary	1000m (Rural zones) 200m (All other zones)
Multi dwelling housing	75m
Public administration buildings	
Recreation facilities (indoor)	
Residential care facilities	
Residential flat buildings	75m
Restricted dairy	
Sawmill or log processing works	
Secondary Dwelling	
Self - storage	
Semi - detached dwelling	
Seniors housing	
Serviced apartments	75m
Shop top housing	75m
Subdivisions (lots less than 300sqm)	
Take away food or drink premises	100m (outside Liverpool City Centre)
Tourist and visitor accommodation	200m (Rural zones) 75m (All other zones)
Transport depot	200m (All other zones)
Truck depot	200m (All other zones)
Veterinary hospitals	
Waste or resource management facility	1000m (Rural zones) 200m (All other zones)
Waste or resource transfer station	1000m (Rural zones)

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	200m (All other zones)
Waterbody (artificial)	500m (Rural zones) 50m (All other zones)

Note: Where a development application includes elements which are both notified and non-notified, the whole application shall be notified.

What is the minimum notification period?	14 days
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7.7 Development Applications that will not be notified

This Plan identifies types of development that does not require advertising or notification given their scale or limited environmental impacts. In addition, some types of development does not need development consent from Council and therefore there is no pathway for formal community participation under this Plan.

This Plan does not relate to applications that fall within the following categories:

- a) Development which is exempt development under the provisions of Clause 3.1 Exempt Development of the Liverpool LEP and/or any applicable State Environmental Planning Policy.
- b) Development which is complying development under the provisions of Clause 3.2 Complying Development of the Liverpool LEP and/or any applicable State Environmental Planning Policy.

A development application for the following types of development will **NOT** be exhibited due to their scale or limited environmental impacts.

- Awnings, pergolas, swimming pools, outbuildings and the like which are considered to be in keeping with accepted community standards and the existing local environment.
- Internal works, where there is no change to the external configuration of the building in shape or height.
- Temporary land sales offices that are to be erected for a period no greater than 12 months.
- Applications where the person to be notified is also the applicant.
- Dwelling houses and alterations to existing dwellings

In the Liverpool City Centre:

- Small scale commercial premises (no more than 4 stories)
- Change of use from business premises to business premises
- Change of use from retail premises to retail premises
- Restaurants and cafes
- Take away food and drink premises or food and drink premises

A modification application is generally exempt from notification provided that the application

- Only involves amending a minor error, misdescription or miscalculation
- Involves only minimal environmental impact

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If in the opinion of Council, the proposed modification has the potential to increase the impact of the development on adjoining or nearby land or development, the application will be notified for a period of **14 days**.

7.8 Designated development

Designated Development applications will be advertised via a notice published in the local newspaper on two separate occasions and notified to adjacent and adjoining land owners and relevant public authorities.

What is the minimum exhibition period?

28 days

7.9 Review of determinations or decisions

What is a review of determination or decision?

Where Council has refused a development application or imposed conditions, an applicant may be able to apply for a review of determination under Section 8.2 of the Environmental Planning & Assessment Act. The Act requires the review to be completed within 6 months from the date of determination of the development application.

Will all applications be notified?

Applications under Section 8.2 of the Act are to be notified to persons who previously made a submission where the Development Application is amended in a material way and where Council considers that the development is likely to have the potential to increase impacts compared to the application previously considered.

What is the minimum exhibition period?

14 days

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8. COMMUNITY PARTICIPATION – STRATEGIC PLANNING

Council develops a range of long-term plans and strategies for specific areas or development issues. Many of these plans and strategies will become Council policy after community consultation and will be implemented through Council's planning controls. Some Strategies and Plans also require endorsement from Government Agencies and support the Greater Sydney Region Plan and the Western City District Plan.

Examples include:

- ✓ This Plan (the Community Participation Plan)
- ✓ Liverpool Local Strategic Planning Statement
- ✓ Land use strategies and studies relating to specific development issues, for example:
 - Housing
 - Employment lands
 - Rural lands
 - Heritage
- ✓ Local Environmental Plan
- ✓ Development Control Plan
- ✓ Contribution Plans

8.1 Objectives

- a) Provide a framework for the public exhibition of strategic planning documents.
- b) Provide an opportunity for public participation in the strategic planning process.
- c) Establish a clear process and expectations of how public views are considered in the strategic planning process.
- d) Identify strategic planning documents that will be placed on public exhibition.
- e) To ensure community participation is carried out in accordance with the Environmental Planning & Assessment Act and Regulation.

8.2 Consultation channels

Council will communicate opportunities for participation in the strategic planning process including:

- ✓ Social media posts
- ✓ Newspaper notices
- ✓ Letters to key stakeholders
- ✓ Flyers in rates notices
- ✓ Letterbox flyer
- ✓ Council email banner
- ✓ Public displays in the Councils Customer Service Centre, library, shopping centres or other community venues or events
- ✓ Council's website

8.3 Consultation tools

Council will use a range of consultation tools to enable participation and opportunities to provide input including:

- ✓ Workshops and focus groups
- ✓ Public meetings and information sessions

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- ✓ Discussion papers
- ✓ Online participation through Council's Liverpool Listens website
- ✓ Councillor briefing session
- ✓ Request for written submissions through a public exhibition process

8.4 Consultation feedback

In all instances, Council will encourage the community to lodge written submissions in addition to feedback received through one of the other methods above.

8.5 Exhibition of notification during the Christmas period

Public exhibition and/or notification periods over the traditional Christmas / New Year period will be extended so as not to include the period between 20 December and 10 January (inclusive).

9. COMMUNITY PARTICIPATION – LOCAL STRATEGIC PLANNING STATEMENT

What is a Local Strategic Planning Statement?

The Local Strategic Planning Statement is the 20-year vision for land-use in the Liverpool Local Government Area, the special character and values that are to be preserved and how change will be managed into the future.

The Local Strategic Planning Statement will implement actions from the Greater Sydney Region Plan and the Western City District Plan, as well as Council's own priorities identified in the Community Strategic Plan, land use strategies and other studies that support the growth of the City.

The statement will shape how the development controls in the Local Environmental Plan evolve over time to meet the community's needs, with the LEP the main planning tool to deliver the Council and community's plan.

What is the minimum exhibition period?

28 days

10. COMMUNITY PARTICIPATION – LOCAL ENVIRONMENTAL PLAN

What is a Local Environmental Plan (LEP)?

The LEP guides planning decisions for the Liverpool LGA. It does this through zoning and development controls, which provide a framework for the way land can be used. The LEP is the main planning tool to shape the future of communities and ensure local development is appropriate.

A planning proposal is required to amend the LEP. A planning proposal must demonstrate the strategic merit of the proposed LEP amendment. A planning proposal is submitted to the NSW Department of Planning, Industry and Environment for a Gateway determination. A Gateway determination will identify whether there is merit in the proposed amendment proceeding further in the plan making process.

A Gateway determination will determine:

- ✓ whether or not to proceed with the planning proposal
- ✓ whether or not to impose conditions to the proposal

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- the minimum public exhibition period

For large scale planning proposals, Council will also exhibit the planning proposal for **28 days** prior to a Council decision on whether to endorse the planning proposal for a Gateway determination. Feedback from the community will be incorporated into a report to Council.

What is the minimum exhibition period?

28 days

(or the time period specified in the Gateway determination)

11. COMMUNITY PARTICIPATION – DEVELOPMENT CONTROL PLAN

What is a Development Control Plan?

A DCP is prepared by Council and applies to specific types of development or areas of land and provides detailed development guidelines and controls.

Council will periodically amend the DCP to introduce new controls relating to specific development types, to reflect legislative changes, or to clarify the intent of an existing control.

What is the minimum exhibition period?

28 days

12. COMMUNITY PARTICIPATION – DEVELOPMENT CONTRIBUTIONS PLANS

What is a Development Contributions Plan?

Development Contributions Plans allow Council to levy contributions on development consents issued for land within the Liverpool Local Government Area. These contributions assist in the provision of community facilities or infrastructure to meet demand created by development. Council will periodically amend these Plans, reflecting revised population growth, rezoning of additional land, completion of works, or to amend the schedule of works to reflect Council's priorities.

What is the minimum exhibition period?

28 days

13. COMMUNITY PARTICIPATION – PLANNING AGREEMENTS

What is a Planning Agreement?

A planning agreement (also known as a voluntary planning agreement) is an offer by a developer to Council to dedicate land, make monetary contributions, or provide any other material public benefit, to be used for or applied toward a public purpose.

A public purpose includes the provision of:

- a community facility
- affordable housing
- transport or other infrastructure relating to the development

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- d) the funding of recurrent expenditure relating to the provision of community facilities, affordable housing or transport or other infrastructure
- e) the monitoring of the planning impacts of development, and
- f) the conservation or enhancement of the natural environment.

Planning agreements are entered into in relation to a development application or an amendment to the Local Environmental Plan.

What is the minimum exhibition period?

28 days

14. SUBMISSIONS

14.1 Submission Period

The submission period is the stated exhibition period, calculated in accordance with this Community Participation Plan.

14.2 Making a submission

Any person is entitled to make a submission which may object to or support a planning matter within the public exhibition period, whether or not a notification letter has been forwarded to the person. Submissions must be made in writing and delivered to the Council either by electronic mail, a Liverpool Listens submission or by post. All submissions received within the public exhibition period will be considered by Council.

Submissions should include the following:

- The reasons for objection or support.
- Submissions must be in writing, be addressed to the Chief Executive Officer, clearly indicating the names, addresses of the person(s) making the submission, quote the development application number (if relevant), the subject matter, and clearly state the address of the property.
- Submissions must include the postal address or e-mail of person(s) making submissions so they can be notified in advance if the matter is to be considered by a Planning Panel or by Council at a Council Meeting (for strategic planning matters only). This information will remain public and may be included in reports to Council.
- If persons who lodge submissions do not wish their personal information to be made public, the submission is to clearly make a statement to that effect, however their name and suburb (if available) will remain public.
- Council will consider making a submission confidential, however, the submission must make a statement to that effect and clearly outline the reasons the submission should be confidential.

14.3 Petitions

Where a petition is received in respect of a development application or strategic planning project, the head petitioner or, where not nominated, the first petitioner will be acknowledged for the purpose of future contact as to the progress of the application. Only the head petitioner, or first petitioner, will be advised of any related meeting times or receive written confirmation of the determination of an application or outcome of the matter.

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14.4 Strata buildings

A notice to a body corporate is taken to be a notice to the owner of each lot or leaseholder within the parcel concerned. If land is owned or occupied by more than one person, a notice to one owner and/or one occupier is taken to be a written notice to all the owners or occupiers of that land.

14.5 Disclosure of submissions

Submissions may be accessed by the public by way of a GIPA request (fee payable) to Council. Also, if the proposal is reported to a Council meeting the issues raised in that submission will be summarised in the Council report and the submission will be attached to the report.

14.6 Referral of submissions to the applicant

A summary of the submissions will be forwarded to the applicant who will be encouraged to address the issues raised in the submissions.

14.7 Referral of submissions for Designated Development

A copy of all submissions received will be forwarded to the Secretary of the Department of Planning, Industry & Environment at the end of the notification period.

14.8 Submissions received after the exhibition period

Council will allow a further period of 2 business days following the closure of the exhibition period to receive submissions. This allows for written submissions that have been posted to be received and processed by Council's records management team.

Submissions received within this 2-day period will be considered as it were received during the public exhibition or notification period.

Submissions received after the additional 2-day period may be considered in determining the application. For development applications which are to be considered at a Local Planning Panel meeting for determination, submissions received after the writing of the report (generally 14 days prior to the meeting date), will be placed on the development application file and forwarded to the panel members for consideration.

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AUTHORISED BY

Chief Executive Officer (under Council Delegation)

EFFECTIVE FROM

11 October 2019

DEPARTMENT RESPONSIBLE

Planning and Transport Strategy (City Economy & Growth)

REVIEW DATE

The policy must be reviewed every two years.

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Development Assessment (City Economy & Growth)
Communications (Office of the CEO)