

AGENDA

GOVERNANCE COMMITTEE MEETING

11 June 2024



You are hereby notified that a **Governance Committee Meeting** of Liverpool City Council will be held at **LIVERPOOL CIVIC PLACE, 11.08 BOARDROOM WIRRIGA (GOANNA) LEVEL 11, 50 SCOTT STREET, LIVERPOOL NSW 2170** on **Tuesday, 11 June 2024** commencing at 10.00am.

Please note this meeting is closed to the public. The minutes will be submitted to the next Council meeting.

If you have any enquiries, please contact Council and Executive Services on 8711 7441.

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

Jason Breton

ACTING CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

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Declarations of Interest

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NIL

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ITEM 01

Development Assessment Policy

Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	154999.2024
Report By	Laura Mehew - Project Officer Planning
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

In March 2017, the Department of Planning and Environment (now Department of Planning, Housing and Infrastructure – DPHI) released the *Development Assessment Best Practice Guide* (the Guide) to promote best practice principles to assist Council’s with the management of development applications.

To build on the success of the Guide, a draft *Development Assessment Policy* (the draft DA Policy) for Liverpool City Council (Council) has been prepared. The draft DA Policy aligns with the principles outlined in the Guide and specifies how development applications lodged with Council will be assessed and determined.

The draft DA Policy aims to:

- Support the management of development applications by establishing a clear and consistent approach;
- Establish clear directions and expectations for Applicants to provide well-made, assessment ready applications;
- Improve community and customer satisfaction; and
- Improve assessment times.

RECOMMENDATION

That the Governance Committee:

1. Notes and receives this report.
2. Endorses the draft DA Policy for public exhibition, for a period of not less than 28 days in line with the Liverpool Community Participation Plan.
3. Notes that a report will be brought back to Council post-public exhibition, summarising submissions received, and seeking Council’s endorsement on a Final DA Policy.

REPORT

1. Background

Development Assessment in NSW is carried out under the provisions of the *Environmental Planning & Assessment Act 1979 (EP&A Act)* and the *Environmental Planning & Assessment Regulation 2021 (EP&A Regs)* and their associated instruments.

To build on the success of the Guide, a draft DA Policy for Council has been prepared and is provided at **Attachments 1 and 2**. The draft DA Policy aligns with the principles outlined in the Guide provided at **Attachment 3** and specifies how development applications lodged with Council will be assessed and determined.

The draft DA Policy includes best practice principles that assist in the timely determination of development applications, including the following:

- Focus on pre-lodgement services to ensure better responses to policy and planning requirements;
- Lodgement of 'assessment ready' applications, allowing the assessment officer to focus on assessing and determining the applications; and
- Corporate accountability for assessment timeframes in the form of key performance indicators.

The draft DA Policy was tabled at the Council Meeting held 13th December 2023, whereby Council resolved the following:

1. *Adopts the Development Assessment Best Practice Guide March 2017; and*
2. *Format it into a Policy and bring it back to Council for approval before putting it out on Council exhibition.*

Following this meeting, the draft DA Policy has been amended to demonstrate a stronger alignment with the principles and objectives outlined in the Guide, as well as the addition of Key Performance Indicators (KPIs) set by the *Environmental Planning and Assessment (Statement of Expectations) Order 2021*.

2. About the Policy

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.

This policy will apply to all stages of the development application process, including:

- Pre-lodgement;
- Lodgement;
- Assessment;
- Determination; and
- Post Determination options.

3. Council Resolution

The Guide was developed in 2017 and was designed as a resource to assist Council's in the management of the Development Assessment process.

Since the publication of the Guide, planning has evolved to now include use of external portals such as the NSW Planning Portal and the complexity of what is required in a planning assessment has also changed. Additionally, the bulk of the content in the Guide is managed at an operational level via Development Assessment processes and procedures, the contents of which are not appropriate in a high-level policy document.

The draft DA policy has therefore been prepared to provide the structure and rules around the management of development applications specific to Council, thus providing clarity for Council, Applicants and the Community.

4. Amended Policy

Council has amended the draft DA Policy to create a stronger alignment with the Guide, with the addition of:

- Alignment to guiding principals referenced in the Guide;
- Key objectives;
- Addition of overall determination timeframes; and
- Changes to Processes and Procedures.

4(i). Alignment to Guiding Principles Referenced in the Guide

The draft DA Policy includes the following best practice principles from the Guide:

- Provision of targeted Pre-DA and Duty Planning Services;
- Efficient lodgement and triage processes;
- Corporate accountability for assessment timeframes via Key Performance Indicators (KPIs); and
- Delegations that support a consistent, targeted and efficient decision-making process.

4(ii). Key Objectives

Key objectives have been included within the draft DA policy, to provide clear outcomes for Applicants at each stage of the application lifecycle.

4(iii). Addition of Overall Determination Timeframes

In the Guide, DPHI outlined that Councils should adopt KPIs in line with the Premier's Priority Target to achieve 90% of development applications determined within 40 days.

The timeframe target is no longer a Premier's Priority, and DPHI have not updated the Guide to reflect any changes in policy or targets. DPHI does not report against these targets, however, provides a Performance Dashboard that tracks development application data provided through the NSW Planning Portal.

In November 2021, the Minister for Planning and Public Spaces issued the *Environmental Planning and Assessment (Statement of Expectations) Order 2021* under the *EP&A Act*, which established expectations for Councils in relation to their performance of a range of planning and development functions.

As per the Order, relevant Development Assessment KPIs for Council were adopted within Council's Delivery Program and Operational Plan (DPOP), which are as follows:

- *Determine development applications where Council is the Consent Authority within 180 days from lodgement, for 90% of applications; and*
- *Prepare assessment reports and refer regionally significant developments to the Sydney Western City Planning Panel (SWCPP) for determination within 250 days of lodgement, for 90% of applications.*

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.*
- *Provide Pre-Lodgement meeting minutes to applicants within 10 business days of meeting date, for 90% of applications.*

Additional time frames for each assessment stage reflected within the Guide, are managed at an operational level via Development Assessment processes and procedures, which are outside the scope of the draft DA Policy.

4(iv). Changes to Processes and Procedures

As part of the implementation of a DA Policy, Council will make internal administrative changes to its process and procedure documentation, to ensure consistency and alignment.

The principles referenced in the Guide which are implemented operationally, include:

- Investment in the pre-lodgement stage;
- Standardisation of processes and procedures; and
- Continuous improvement programs, including business systems and technology.

Additionally, to support alignment with the best practice guiding principles, a review of Council's publicly available guides and information relating to development applications is currently being reviewed and updated as a part of Council's Website and Intranet Improvement Project, led by the Communications, Marketing and Brand Department.

5. Conclusion

The adoption of the draft DA Policy will support Council Officers in delivering efficient and improved services, by ensuring Applicants are supported through Pre-Lodgement and Planning Advisory services, ensuring that applications submitted are well-made, and assessment ready.

CONSULTATION

In preparing the draft DA Policy, feedback was sought from Council’s Legal Services, Governance and Community Standards departments. The feedback provided has been considered and incorporated into the final draft DA policy.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	Provide information about Council’s services, roles and decision-making processes. Deliver services that are customer focused. Operate a well-developed governance system that demonstrates accountability, transparency, and ethical conduct.
Legislative	<i>Environmental Planning & Assessment Act 1979; and Environmental Planning & Assessment Regulation 2021.</i>
Risk	The risk is deemed to be Low.

ATTACHMENTS

1. Draft - Development Assessment Policy - 2024 clean
2. Draft Development Assessment Policy 2024 - Tracked changes
3. Development Assessment Best Practice Guide 2017



DEVELOPMENT ASSESSMENT POLICY

Adopted: XX 2024

CM: XX



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-lodgment 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).

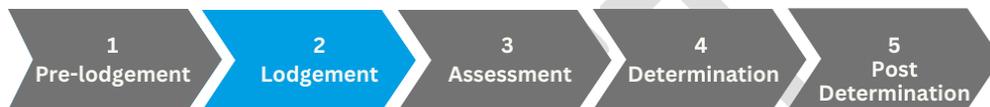
Concept plans and a summary of the proposal are required to be provided with any Pre-Development Application. Once the documentation has been received, Council's Panel Support Officer will contact the applicant with a meeting appointment.

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

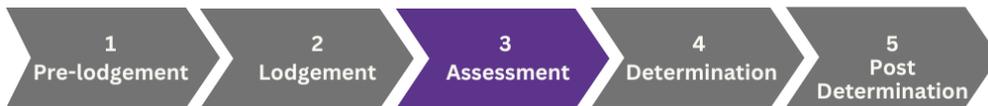
Following the preliminary review, if the application is acceptable, Council will process the application at which point a development application reference number and a tax invoice are issued for payment.

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.

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 Key Performance Indicators (KPIs) within Council's Delivery Program and Operational Plan (DPOP), which include:

- Determine development applications of a minor nature (dwellings, secondary dwellings, ancillary residential structures) within 40 business days for 90% of applications.
- Determine development applications where Council is the consent authority within 180 days from lodgement for 90% of applications.
- Prepare assessment reports and refer regionally significant developments to the Sydney Western City Planning Panel for determination within 250 days of lodgement for 90% of applications.

Note: The above KPI's (with exception of point one, related to minor nature developments) are established expectations under the Environmental Planning and Assessment (Statement of Expectations) Order 2021.

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.

7. 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 2021
Other relevant environmental planning instruments, codes and planning policies.

8. 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

xx 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	Xxx 2024	xxxx

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

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



DEVELOPMENT ASSESSMENT OF DEVELOPMENT APPLICATIONS POLICY

Adopted: XX ~~2023~~2024

CM: XX



**DEVELOPMENT ASSESSMENT OF DEVELOPMENT APPLICATIONS
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:

- Pre-lodgement,
- Lodgement,
- Assessment,
- Determination, and
- Post determination options.



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.

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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.~~

6.1. Stage 1 | Pre-lodgement



~~6.1.~~

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-lodgment 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~~~~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

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- 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



6-2

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.

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

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

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6.3. Stage 3 | Assessment

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Key Objectives

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

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6.3.1.

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.

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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.

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6.4. Stage 4 | Determination

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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 Key Performance Indicators (KPIs) within Council's Delivery Program and Operational Plan (DPOP), which include:

- Determine development applications of a minor nature (dwellings, secondary dwellings, ancillary residential structures) within 40 business days for 90% of applications.
- Determine development applications where Council is the consent authority within 180 days from lodgement for 90% of applications.
- Prepare assessment reports and refer regionally significant developments to the Sydney Western City Planning Panel for determination within 250 days of lodgement for 90% of applications.

Note: The above KPI's (with exception of point one, related to minor nature developments) are established expectations under the Environmental Planning and Assessment (Statement of Expectations) Order 2021.

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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

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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.

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

6.5.2.1. 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.

6.5.2.2. 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.

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6.5.3. 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.

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7. 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 2021](#)
 Other relevant environmental planning instruments, codes and planning policies.

8. 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

xx [20252026](#)

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	Xxx 20232024	xxxx

THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Development Assessment (Planning & Compliance)
[Community Standards \(Planning & Compliance\)](#)
 Governance (Corporate Support)



Development Assessment Best Practice Guide

To assist councils to improve delivery timeframes

March 2017



Foreword



A strong economy and booming job market makes New South Wales (NSW) a place where people want to live.

That's why more people are moving here from interstate and fewer people are leaving.

It's also the strong economy that gives us a chance to think innovatively about how we can approve new homes faster to meet projected growth. NSW will need to provide homes for another 2.1 million residents by 2036.

Councils play a vital role in delivering housing in NSW, as they process and determine the majority of development applications (DAs).

The DA process is a key link in the housing supply chain and impacts on how efficiently new housing can be delivered to the market.

In recognition of this, the Premier of NSW has set a priority for faster housing approvals, with a target of 90 per cent of housing approvals to be determined within 40 days.

That's why we have developed the Development Assessment Best Practice Guide – to assist in delivering the Premier's housing target.

The guide has been tested in a pilot project, which has shown that when best practice processes and procedures are applied, determination times improve.

Councils are the experts in local development, and this guide has been developed in collaboration with a steering committee of councils, to draw upon their expertise and to ensure the guide reflects the needs of council staff.

To ensure this guide reflects the needs of councils and those submitting DAs, it will be reviewed six months after release which will allow councils to evaluate the guidelines and provide feedback.

The NSW Planning Portal is another key resource that will work hand-in-hand with the guide to provide faster housing approvals. The portal will soon have the functionality for online lodgement of DAs, which will significantly improve the DA process, bringing great benefits to council staff and, to the lives of people in NSW.

Currently, a number of individual councils allow some applications to be lodged electronically. The new portal will become the central point for all online DA lodgement and complying development certificates.

The guide will help councils focus on delivering a high level of service to their customers prior to lodgement, so they receive an assessment ready DA.

Receiving assessment ready DAs will create a more efficient assessment process, which will lead to improved service for all customers and faster housing approvals for the people of NSW.

The Hon Anthony Roberts MP
Minister for Planning and Housing

Disclaimer

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Introduction

Boosting the supply of homes in NSW in a timely matter is a key priority for the NSW Government for a number of reasons:

- It will provide certainty to the housing market by bringing new housing online sooner – making it easier for people to find or build homes.
- It will help meet demand as Sydney plans for an additional one million people over the next 10 years.
- Building new and sustainable communities and increasing supply is important for housing affordability.
- A strong housing market is integral to the NSW economy – driving investment, and generating jobs and wealth.

The development assessment process is a key link in the housing supply chain and impacts on how efficiently new housing can be delivered to market. In recognition of this the Premier of NSW has set a priority for **Faster Housing Approvals**, with a target of 90 per cent of housing approvals to be determined within 40 days.

The majority of development applications (DAs), including housing applications, are processed and determined by local government which means that councils play a vital role in delivering housing in NSW. In light of the Premier's target it is timely to review development assessment processes to identify opportunities for improvement for all DA types.

In recent years there have been a number of initiatives to improve the approval process for housing. This includes the introduction of complying development to fast track approvals for simple housing and other development types. Where such applications meet certain criteria they can be determined by a council or accredited certifier without the need for a full DA. The NSW Government is committed to ongoing improvement to the complying development system to make it easier and therefore more attractive to people wanting to build a home.

The government will soon launch its online application lodgement system, which will be a component of the NSW Planning Portal. The system will transform the development assessment process, creating a single point where applicants can access information about what is needed for an application and submit it.

Underlying the online lodgement system are the Secretary's Requirements which will replace Schedule 1 of the *Environmental Planning and Assessment Act 1979*. These set clear minimum requirements for applications including administrative and technical documentation. The aim of the Secretary's Requirements are to ensure that once an application is received it is fit for assessment and determination purposes.

To complement these initiatives and to assist councils in meeting the Premier's target, and to improve the processing of all DAs, the Department of Planning and Environment, in collaboration with Camden, Campbelltown, Central Coast, Canterbury-Bankstown, Blacktown, Liverpool and Parramatta councils, has prepared this Development Assessment Best Practice Guide (the guide). The guide is a collection of best practice assessment processes as identified by leading local government practitioners.

The guide promotes a number of underlying principles that, if consistently applied throughout the assessment process, will lead to improved determination times. The guide draws on leading practices and procedures being used by councils which have proven to assist in the timely determinations of DAs.

These include:

- Targeted pre DA services.
- Efficient lodgement and triage practices.
- Notification procedures commensurate with impacts.
- Corporate accountability for assessment timeframes in the form of key performance indicators.
- Delegations that support a consistent, targeted and efficient decision making process.

Importantly, the principles, procedures and practices adopted in this document should be used to guide the assessment and determination of all local and regional DAs to ensure that efficiency gains are achieved for all types of applications.

The guide has been prepared for use by:

- *Customer service staff* – the first point of call either at the front counter, over the phone or responding to electronic correspondence.
- *Assessment officers* – building surveyors and planners who are responsible for assessing applications.
- *Senior assessment staff and management* – usually those who have delegations to determine applications. Generally, from the senior planner level up to the director and general manager.
- *Technical officers* – engineers and others who provide specialist advice as part of the development assessment process.
- *Administration officers* – administrative professionals, including administration officers to decision making authorities, who support the development assessment process.
- *Elected government officials and other decision makers* – councillors or panel members in understanding their roles and responsibilities in the development assessment process.

This guide promotes best practice principles and approaches for those directly interacting with the council development assessment process and is consistent with the automated actions that take place when an application is submitted on the NSW Planning Portal.

Unless stated otherwise, reference to days within the guide equates to calendar days.



***Best practice
principles and
approaches
underpinning the
assessment process***



This guide addresses the procedure and process of the assessment, not the assessment merit.

To ensure that the majority of determinations can be delivered within the 40 day target timeframe, the following procedural principles should be adopted:

Investment in the pre-lodgement stage:

The quality and adequacy of DAs, the speed in which they can be assessed and determined, and the standard of the built form outcome are generally influenced by the amount and type of resources councils invest in the pre-lodgement stage.

Councils that invest time and resources at the pre-lodgement stage receive applications that have better responses to policy and compliance requirements. The lodgement of an 'assessment ready' DA allows the assessment officer to focus on assessing and determining the application rather than liaising with the applicant to get the application to a standard where it can actually be assessed. Better quality of information also allows the assessment officer to have a thorough appreciation of the proposal and its built form implications.

Formalise assessment timeframes within council:

Adopting clear performance targets for council staff relating to assessment timeframes ensures that the development assessment process is transparent, accountable and outcomes focused.

Jurisdictional comparisons across Australia indicate that consent authorities that have statutory timeframes and/or implement key performance criteria at senior levels are more likely to have good delivery timeframes.

Councils should adopt key performance indicators in line with the Premier's target as follows:

- General manager/director/team leaders:
90 per cent of DAs determined within 40 days.
- Team leaders/assessing officers/referral officers:
Undertake assessment stage within 35 days.

Delivery focused assessment processing:

Establishing a culture that supports efficient and consistent development assessment – driven by the assessing officer, and supported by all levels of management and services – is fundamental to improving delivery times.

Applications that are not capable of being assessed and determined on the information submitted at lodgement are likely to have resource implications for assessments, workloads and morale.

Issues and concerns regarding design and compliance should be resolved as far as practical during the pre-lodgement stage. Where DAs are deemed deficient following lodgement, the applicant should be encouraged to withdraw the application, it should be rejected or it should be determined on the information before council. Councils that have adopted a corporate and performance based approach to the assessment of DAs have demonstrated improved assessment timeframes and increased staff satisfaction. To deliver a consistently corporate based approach to development assessment requires all users to be clear on their respective roles, accountabilities and responsibilities during the process. To achieve this, an Assessments Efficiency Partnership Agreement has been prepared to provide clarity around the roles of the different users of this guide and how all individuals in the process should work together to drive efficiency. The agreement is included as Appendix A.

Standardise:

The adoption of standardised processes and procedures can help to reduce assessment timeframes – these may include standardised report templates, conditions, delegation instruments, policies around notification, ‘Stop the Clock’, advertising, and operational procedures for decision making forums.

Development standards and development controls should be streamlined. Adopting performance based development controls, as opposed to traditional prescriptive instruments will generally lead to better planning outcomes and help ensure that requests for variations are minimised and do not become standard practice.

Councils are encouraged to adopt all necessary measures to support the assessment officers and establish a more efficient development assessment process.

Business system improvement and online tools:

Councils with high volumes of DAs should implement measures to enable digital management of all development assessment processes including lodgement, assessment, determination and file management. Councils that have invested in software to manage lodgement, assessment and determination of DAs have reduced assessment and administrative workloads. Digital business systems also provide a more integrated and secure document management system, reduce the cost of archiving and they consolidate property information in a centralised and accessible manner.

Such software can also assist integration with the NSW Planning Portal.

Incentives:

Incentives are an important driver for applicants, and can be leveraged by councils to reduce assessment timeframes.

Successful initiatives that have been adopted by some councils include:

- Fast tracked assessment process for applications that have been subject to pre-lodgement meetings or panels.
- Fast tracked assessment process for applications that are fully compliant and do not require notification or referral.
- Refunds or partial refunds on lodgement fees for applications that are withdrawn at the Preliminary Assessment stage for being incomplete or inadequate.

Assessing officer workloads:

In general, assessing officers are capable of achieving the 40 day assessment timeframe when they manage up to 25 relatively straightforward DAs at any one time.

Where officers have more than 25 relatively straightforward DAs, and/or where a significant proportion of the applications are complex, assessment timeframes increase proportionally.

Level of assessment officer support for applicants during the assessment process:

It is the practice of some councils to provide a high level of ongoing support throughout the assessment process for certain applicants, including 'Mum and Dad' applicants. While the rationale behind this business practice is acknowledged, it is counter intuitive to a timely determination. Such practices include:

- Consistently accepting incomplete and inadequate applications.
- Ongoing discussions around design and compliance related issues that should have been resolved or agreed to at the pre-lodgement stage.
- Issuing multiple Stop the Clock and Further Information requests.
- Allowing lodgement of multiple revisions of architectural plans.

Councils should make every effort to provide a high level of support to applicants throughout the pre-lodgement stage. This includes ensuring adequate staff are available to walk applicants through DA requirements, documents and processes, to the extent required to ensure an assessment ready DA is submitted. This will allow assessment officers to focus their efforts on a speedy merit assessment. Focusing financial and resource investment on pre-lodgement support will result in the submission of quality DAs and improved assessment timeframes.

Management:

Supportive and competent management is critical to a successful development assessment team.

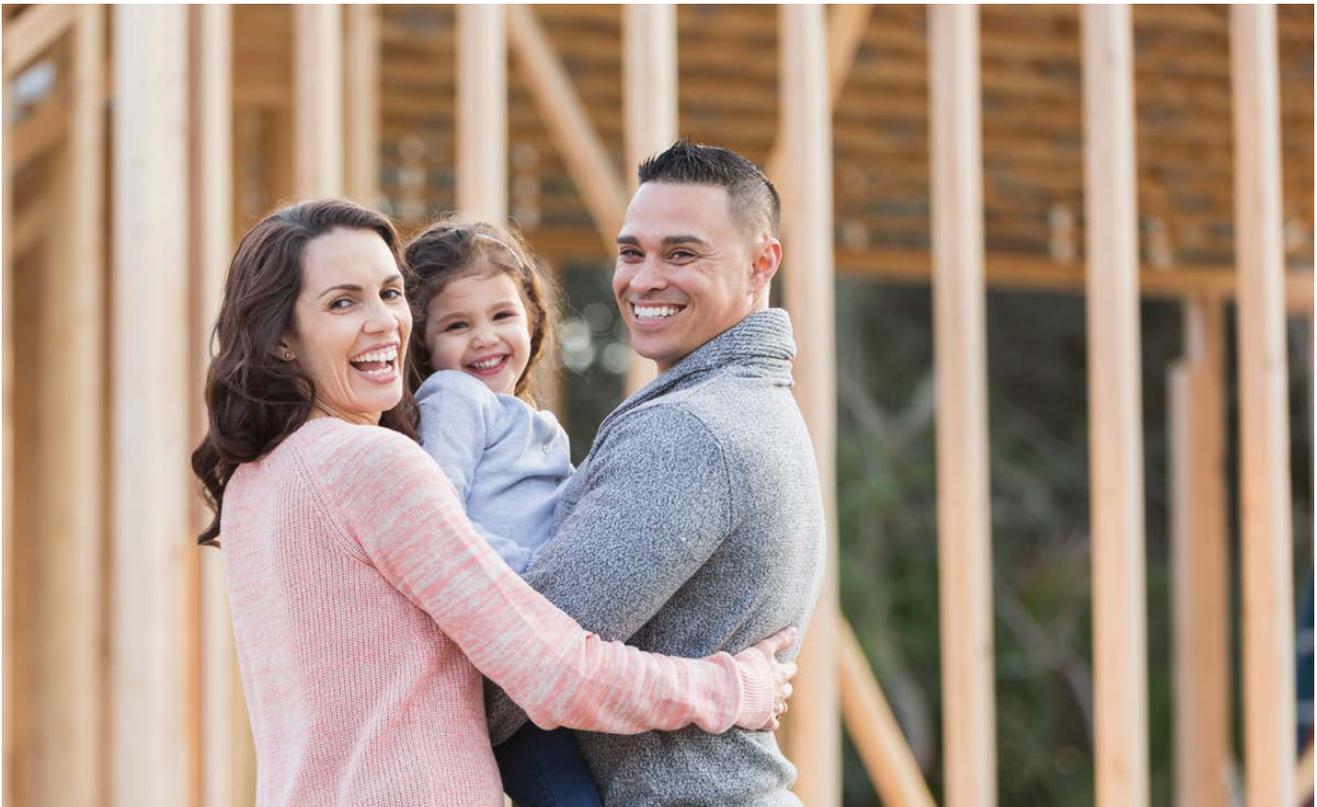
Directors, managers and team leaders should be responsible for tracking and monitoring the assessment timeframes and be accountable for performance. This includes reallocation of applications when necessary, employing additional staff and ensuring timeframes are met at all times, including when assessing officers are on leave.

The processing of some DAs is delayed by the inability of assessment officers to resolve an issue or solve a problem. Senior officers or management should be available to assist and facilitate resolution in such circumstances. Senior staff should ensure they are available for regular 'directions meetings' as a forum to guide junior officers and better manage their DA case loads.

Delegations:

While noting that delegations at council level often reflect varying planning issues facing different Local Government Areas, councils should make every effort to maximise and standardise development assessment delegations to ensure a consistent and efficient decision making process. Delegations should:

- Facilitate decisions which reflect the nature of the DA.
- Acknowledge the judgement of their professional staff, particularly in planning and environmental management.
- Seek the continued merit assessment at the appropriate level to minimise politicisation of the decision making process.



**PRE-
LODGE****DEVELOPMENT ASSESSMENT BEST PRACTICE PROCESS MAP**

Days	Actions	Responsibility
N/A	<ul style="list-style-type: none"> Pre-lodgement advisory services. Pre-lodgement meetings with applicants and referral authorities (where relevant). 	<p>Duty assessment officer including planners and surveyors</p> <p>Senior assessment staff and technical officers</p>

**LODGE**
MENT,
NOTIFICATION,
REFERRAL AND
ALLOCATION

Days	Actions	Responsibility
1-6	<ul style="list-style-type: none"> Applicant submits DA which is checked for completeness and adequacy against the Secretary's Requirements. 	Assessment officers
	<ul style="list-style-type: none"> Lodgement processed. 	Customer service staff
	<ul style="list-style-type: none"> Clearing house. 	Senior assessment staff, technical officers and other specialist council staff
	<ul style="list-style-type: none"> Updates, file management, completing exhibition and notification requirements, completing internal and external referrals, delivering file to assessing officer with any notes or conditions from the clearing house. 	Administration officers

**ASSESSMENT**

	Days	Actions	Responsibility
	6–30	<ul style="list-style-type: none"> Preliminary Assessment. Stop the Clock. Final Assessment. 	Assessment officers
<i>Preliminary assessment</i>	6–15	<ul style="list-style-type: none"> Site visit. 	Assessment officers and specialist council staff
		<ul style="list-style-type: none"> Advise applicant of report back date. 	Assessment officers
		<ul style="list-style-type: none"> Review of application for compliance with relevant legislation and planning instruments. 	Assessment officers
		<ul style="list-style-type: none"> Referrals to be completed. 	Specialist council staff
		<ul style="list-style-type: none"> Identify issues and non-compliances, consider referral comments and submissions, complete assessment report. 	Assessment officers
		<ul style="list-style-type: none"> Directions meeting where required. 	Assessment officers and more senior officers
		<ul style="list-style-type: none"> Report back email or phone call to applicant. 	Assessment officers
		<ul style="list-style-type: none"> Fast Track applications may be finalised and proceed to determination stage. 	Assessment officers
<i>Stop the Clock</i>	15	<ul style="list-style-type: none"> Incomplete and/or major deficiencies: applicant is to be given 14 days to withdraw application or it will be rejected or refused. 	Assessment officers
		<ul style="list-style-type: none"> Letter to be sent if minor amendment or information required. Applicant must respond within 14 days or the application will be refused. 	Assessment officers
	15	<ul style="list-style-type: none"> Update(s) to Planning Portal where necessary. 	Administration officers
<i>Final Assessment</i>	15–30	<ul style="list-style-type: none"> Review of minor amendments and additional information, complete assessment report. 	Assessment officers

**DETERMINATION**

	Days	Actions	Responsibility
<i>Fast Track applications</i>	15–20	• Peer review.	Equal or more senior officer
	20–25	• Determination by delegated authority.	Per instrument of delegation
<i>Standard applications</i>	30–35	• Peer review.	Equal or more senior officer
	35–40	• Determination by delegated authority.	Per instrument of delegation
	35–40	• Determination by council, IHAP and JRPP.	Per instrument of delegation

**POST-DETERMINATION**

	Days	Actions	Responsibility
<i>Fast Track applications</i>	25	• Contact applicant and advise of determination.	Assessment officers
		• Prepare Notice of Determination, and any relevant consent and stamped plans.	Administration officers
		• Check determination material.	Assessment officers
		• Provide determination package to applicant.	Administration officers
<i>Standard applications</i>	40	• Contact applicant and advise of determination.	Assessment officers
		• Prepare Notice of Determination, and any relevant consent and stamped plans.	Administration officers
		• Check determination material.	Assessment officers
		• Provide determination package to applicant.	Administration officers



***A guide to the
assessment process***

This section sets out the general practice requirements and associated timeframes for each stage of the development assessment process.

Stage 1 | Pre-lodgement

Key Objective

- To provide informative and timely pre-lodgement services to ensure once an application is lodged it can be considered and determined in an expeditious manner.



PRE-LODGE MENT ADVISORY SERVICES

To be determined by council/applicant

Dedicated services providing general advice on DAs including: requirements for lodging a DA, and relevant development standards and development controls, likely assessment stream and timing.

PRE-LODGE MENT MEETING

- A formal meeting with council officers to discuss lodgement requirements, assessment processes and design review where required by *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65)*.
- Council provides detailed advice on all aspects of the development process including compliance requirements, design and planning.
- Council/applicant may request a follow up meeting prior to lodgement to review the DA for completeness and address any outstanding issues.

The pre-lodgement process is a key stage in the development assessment process. It should enable applicants to:

- Determine whether or not their development proposal could be dealt with as a complying development as opposed to lodging a full DA.
- Ensure they are aware of all administrative and information requirements prior to lodging a DA.

- Be familiar with their roles and the roles and responsibilities of council staff and decision makers in the assessment and determination process.

Councils should ensure that their websites include a link to the NSW Planning Portal and a dedicated Planning and Development section that provides council specific resources for applicants including an explanation of the process, FAQs and contact details for Pre-lodgement Advisory Services.

Pre-lodgement advisory services should be encouraged for all DAs, provided free of charge (although fees can be charged for pre-DA and Design Excellence meetings). These services should be accessible during business hours and staffed by suitably qualified officers.

Pre-lodgement advisory services should cover:

- General queries for straightforward DAs.
- Advice on the type of professional services that may be required in the preparation of applications.
- Information on when approvals from other authorities and state agencies may be required.
- Clear information on council requirements and expectations for DAs including compliance with relevant development standards and controls.
- Booking requirements for pre-lodgement meetings and panels (see below).

A record of the pre-lodgement advisory service should be noted on council's electronic property system. The note should only include the address, date and subject matter of the advice. The record of discussion will provide improved continuity of service and advice.

Pre-lodgement meetings should be mandatory for more complex DAs, for example:

- Capital investment value greater than \$2 million.
- Residential flat buildings, multi dwelling housing.
- Complex proposals including those with environmentally constrained sites.

Design Excellence meetings as required under SEPP 65 should occur prior to lodgement where possible to ensure that the design of residential flat building DAs are adequately addressed on the lodged plans.

Pre-lodgement meetings should:

- Be booked and be subject to fees.
- Require applicants to provide concept documentation a minimum of two weeks prior to the meeting.
- Involve professional staff from council, the applicant, and where practical those responsible for the preparation of architectural plans and supporting specialist reports.
- Identify relevant external and internal referral requirements.
- Have in attendance representatives from other authorities or state agencies where it's anticipated external referrals may require significant issues to be addressed.
- Identify key assessment issues and specialist technical requirements, as well as expectations regarding compliance with relevant development standards and controls.
- Be used to provide specific direction on issues of concern so the applicant is clear on the resolution preferred by council.
- Agree to an in-principle timeframe for determination.
- Include formal records of the meeting which are to be copied to the property file and provided to the applicant within two business days.

Pre-lodgement meetings should not be required by councils for smaller-scale Fast Track applications.

Secondary pre-lodgement meetings may be necessary for particularly complex applications.

NSW Planning Portal

The NSW Planning Portal allows applicants to identify a site's constraints, the planning controls that apply to it and the information they will be required to submit in any application. Customers should be directed to the NSW Planning Portal to inform themselves at the pre-lodgement stage.

Computers for public use could be set up in the reception area of council offices so applicants can access the NSW Planning Portal, with council customer service staff available to answer any queries.



Stage 2 | Lodgement, notification, referrals and allocation

Key Objectives

- To ensure that all DAs have meet the relevant Secretary’s Requirements for lodgement.
- To ensure that any additional information required by council for lodgement is reasonable and consistently applied.
- To ensure expeditious lodgement, notification and referral of all DAs.



<p>APPLICANT SUBMITS DA</p>	<ul style="list-style-type: none"> • DAs lodged with customer service staff checked by duty assessment officer for completeness with Secretary’s Requirements and general compliance.
<p>DA ACCEPTED FOR LODGEMENT</p>	<ul style="list-style-type: none"> • Satisfactory applications accepted for lodgement. • DA registered, assigned a number, prepared for clearing house, and applicant is provided an initial feedback date.
<p>CLEARING HOUSE Days 1–6</p>	<ul style="list-style-type: none"> • Clearing house conducted twice a week. • The clearing house triages the application and initiates notification, exhibition, and internal and external referrals. • The DA is allocated to the assessment officer where required.

GENERAL REQUIREMENTS

Lodgement: DAs should be checked by the duty assessment officer in the first instance. Applications can only be accepted if they satisfy the Secretary's Requirements, are generally compliant with the development standards and are supported by an acceptable level of information.

Councils must be reasonable and consistent when requesting information in addition to the information specified by the Secretary's Requirements.

Evidence of pre-lodgement advisory services, Design Excellence Panel and/or pre-lodgement meetings where applicable, should be provided and the application cross-checked with the formal records. Administration officers should carry out required support services including scanning, copying and other administrative processes. At this point the council should provide the applicant with a report back date at which point the assessment officer will provide an update or initial feedback on the processing of the application. Ideally this should be within 15 days of lodgement.

Electronic lodgement

Applicants will soon be able to lodge their applications online through the NSW Planning Portal. Electronic lodgement is a more efficient form of lodgement, benefiting councils and applicants and should be encouraged.

Clearing house: Councils with a high volume of annual DAs are encouraged to establish a clearing house to vet and triage incoming applications.

The clearing house team should comprise experienced senior planning and technical staff and supporting administration officers that can:

- Identify the appropriate assessment stream (Refer to the 'Assessment' section for explanation of the three DA streams – page 22):
 1. **Fast Track**
 2. **Standard**
 3. **Other (council, IHAP or JRPP)**
- Initiate notification and exhibition requirements. Councils should adopt notification and exhibition procedures that are proposal and impact specific and consistent with current government policy.
- Identify internal referrals where required, such as engineering requirements and external referral agencies.
- Identify any relevant standard conditions of approval from technical officers (such as engineers) that could be included to negate the need to seek internal referral.
- Allocate applications to the appropriate assessing officers.
- Identify the relevant decision maker as applicable at that time and ensure target meeting dates and/or agendas for determination are scheduled.

The clearing house should be supported by administration officers who immediately carry out administrative tasks including:

- Issuing a letter to the applicant confirming lodgement of the DA.
- Arranging notification or exhibition.
- Issuing internal and external referrals.
- Placing copies of notification and referrals on the hard copy (where applicable) and electronic file.
- Placing relevant assessment checklists on file for the allocated assessment officer.
- Placing copies of other relevant information identified by the clearing house team on the file including conditions, comments and target determination/meeting date.
- Delivering the application to the allocated planner.

Best practice notification of DAs

1. Fast Track DAs

Fast Track DAs should not require notification or exhibition. (Refer to the 'Assessment' section for explanation of the three DA streams – page 22).

2. Standard DAs

Notification of any Standard DAs should not exceed 14 days.

In determining the extent of notification, councils should consider the proposed development's impacts on neighbouring properties and the likely level of public interest. It may be that some Standard DAs do not require notification.

3. Other DAs

DAs that require as a minimum notification, as well as possible exhibition. The extent and period of notification and/or exhibition should correspond to impacts and statutory requirements.



Stage 3 | Assessment

Key Objective

- To undertake an assessment in a timely manner that is reasonable, commensurate with the impacts and delivers a sound planning outcome.



GENERAL REQUIREMENTS

The DA process should be divided into three streams, depending on the type of DA being considered:

1. Fast Track

These are DAs that comply with development standards and development controls, have limited environmental or planning constraints, and do not require notification, advertising or internal or external referral.

These applications are generally minor in nature and unlikely to cause impacts on neighbouring properties.

Fast Track applications can be assessed and determined in the Preliminary Assessment stage (see following page).

2. Standard

Standard DAs require notification; and/or advertising; and/or internal or external referral; and/or detailed consideration of environmental or planning matters as part of the assessment process.

Standard applications require the completion of both the Preliminary Assessment and Final Assessment stages. The Stop the Clock provisions should only be used once and only where absolutely necessary (that is, in response to information received as a result of exhibition or assessment information gaps identified during the preliminary assessment).

3. Other

These are standard DAs that trigger separate assessment and determination requirements including by the elected council, an Independent Hearing and Assessment Panel (IHAP) or Sydney Planning Panel (SPP)/Joint Regional Planning Panel (JRPP).

It is noted that both IHAPs and SPP/JRPPs have their own processing and delivery guidelines that should be considered by assessment officers in their assessment processes.

Preliminary Assessment (days 6–15):

Assessing officers should carry out a site visit with relevant specialist staff and undertake a preliminary assessment in regard to compliance with relevant environmental planning instruments.

Any major planning deficiencies are to be identified and comments from referring areas of council or state authority considered. If the DA includes requests to vary development standards and controls, an assessment should be carried out and a determination obtained from the relevant delegated authority.

A directions meetings should be held between junior and more senior staff at this point to efficiently problem solve complex issues and provide general assessment guidance and strategies where required.

If the DA remains fundamentally incomplete, contains major deficiencies or there are variation requests that cannot be supported in all reasonableness: the applicant should be encouraged to withdraw the application or be advised that the application will either be rejected as invalid or determined on the information currently before council. If the application is otherwise determined to be complete and able to be determined, the assessment officer should also deliver this update to the applicant in accordance with the earlier provided report back date.

If minor amendments are justified, these should be addressed by condition of development consent in the first instance, or if absolutely necessary, Stop the Clock correspondence.

Fast Track DAs should be able to be determined at this stage. Conditions arising from internal referrals should have been provided during the clearing house. Assessment reports for Fast Track DAs should be brief with compliance with relevant standards and controls being clearly determined.

Final Assessment (days 15–30):

All 'Standard' and 'Other' DAs should be finalised as soon as practical following notification/exhibition/referral taking into consideration all submissions received, including internal and external referrals, and any additional material provided by the applicant.

While council staff should make every effort to resolve issues raised in submissions, the practice of negotiating the withdrawal of submissions should be resisted. Council officers should use their professional judgement in ultimately resolving the matter (by condition if need be) to ensure the determination of the application is not unduly delayed.

Councils in applying conditions on their determinations should consider the following:

- Only applying the conditions where it is essential to eliminate risk of an unfavourable outcome with substantial consequences.
- Ensuring that consents minimise the need for further approvals including deferred commencements.
- Consider providing the applicant a right of response on recommended conditions before determination if non-standard.
- Consider adopting and publishing model conditions on an industry basis (such as housing).

The detailed assessment report should be promptly finalised and supporting determination material prepared for the determining authority.

Final Stop the Clock (by day 15): If Stop the Clock correspondence is issued to the applicant, a response is required within 14 days. If the applicant is not able to provide information within 14 days, the council should consider whether the information is critical to the assessment, and if so either encourage the application to be withdrawn or determine the application on the information before it at the time. The Stop the Clock provisions should only be used once and not be as a means to manage caseload.

ASSESSMENT TIMEFRAME:

- Fast Track applications assessed and determined within 6–15 days of lodgement.
- Standard and Other applications assessed within 30 days of lodgement before proceeding to determination stage.

PROCEDURAL TIMEFRAMES:

- Internal referrals should be completed, and comments provided to the assessing planner within 10 days of being allocated the DA.
- Stop the Clock correspondence should be issued no later than 15 days after being allocated to the assessing officer.
- Council should give no more than 14 days to an applicant to respond to Stop the Clock correspondence.



Stage 4 | Determination

Key Objectives

- To ensure that the decision is made in a timely manner.
- To ensure that the level of decision making reflects the nature of the DA.
- To ensure that the determination provides certainty and minimises the need for either modification or further approvals.
- To ensure the decision upholds the integrity of the planning system.



PEER REVIEW Days 30–35	<ul style="list-style-type: none"> • Review by an equal or more senior officer.
DELEGATED Days 35–40	<ul style="list-style-type: none"> • Determinations made under delegated authority.
COUNCIL, IHAP AND JRPP DETERMINATIONS Days 35–40	<ul style="list-style-type: none"> • All documentation expeditiously submitted to decision maker compliant with agenda timeframes.

GENERAL REQUIREMENTS

The determination stage of a DA should be limited to a peer review and then determination by the one relevant authority or delegate. Requests for further information or amendments to plans should have been addressed during the assessment stage and should be avoided immediately prior to determination.

Where applications have unresolved issues or concerns at this late stage in the process with no immediate view of resolution, applicants should be encouraged to withdraw the DA or be advised that a decision will be made on the information before council at that time.

Administrative support teams should issue final documentation upon determination.

Delegations

Development assessment delegations should be maximised and standardised to ensure a consistent and efficient decision making process. For example, the:

General manager and planning staff:

Should determine DAs other than situations such as:

- Where there are more than ten objections by way of individual submissions from different households (note that a petition or pro-forma documents are counted as one objection).
- The development does not comply with an adopted council policy (including a development control plan), development standard in a Local Environmental Plan unless, in the assessment officer's opinion:
 - compliance with the policy is unreasonable and unnecessary in the circumstances;
 - any variation of a development standard has been addressed in accordance with Clause 4.6 or any other requirements of the council's Local Environmental Plan.
- The development is of Regional or State Significance.
- Notification in writing has been received by at least three councillors that the DA is required to be submitted to the elected council for determination. Any such notification should include reasons or policy position for why the application requires reporting to the council for determination.

Determinations made under delegated authority should include a prior review of the assessment report, a recommendation and draft determination by an equal or more senior officer.

Council determinations: Council meetings should be held at least twice a month to facilitate more council determinations within a 40 day period. Prior to the council meeting, the assessment report, recommendation and draft determination should be reviewed by a senior officer or manager. Assessment material including architectural plans and supporting information should be made available seven days prior to the meeting.

IHAP, SPP/JRPP and other determining

authorities: Council should consider the guidelines prescribed by the relevant determining authority in preparing the particular application for decision.

Any comments or assessment report, a recommendation and draft determination must be reviewed by a senior officer or manager.

If there is a need to notify council, this should be done early in the process so as not to delay final determination.

Best practice procedures for council, IHAP, JRPP and other determining authorities

- Councils should have a minimum of two meetings (council, committee or IHAP) a month, DAs should only be considered by the determining authority, meaning a DA should not go to council for information prior to being determined by SPP/JRPP (unless it is a council DA) nor should a DA go to IHAP for recommendation prior to being determined by council.
- DAs must be considered by the SPP/JRPP, council or IHAP within 10 business days of the manager's/senior assessment officer's endorsement.
- Matters should only be deferred by decision makers in exceptional circumstances where there is a significant risk of a sub-optimal outcome that has significant consequences. There should be a maximum of two decision delays (decision delays comprise deferrals and site visits – a site visit and subsequent consideration at another meeting would equate to the maximum of two decision delays).

ASSESSMENT TIMEFRAME:

Determination, including peer review should be completed in 5–10 business days. DAs being determined by council, IHAPs and JRPPs should be scheduled by the assessing officer during the preliminary phase of the assessment stage to ensure there are no delays.



Stage 5 | Post determination

Key Objective

- To ensure the applicant and other relevant stakeholders are notified of decisions without delay



CONTACT APPLICANT

- Assessing officer to contact applicant by telephone or email to advise of determination.

ISSUE NOTICE

- Administration officers finalise the Notice of Determination, along with any development consent and stamped plans to be posted to the applicant or collected from council.
- Administration officers finalises online reporting and closes file.

GENERAL REQUIREMENTS

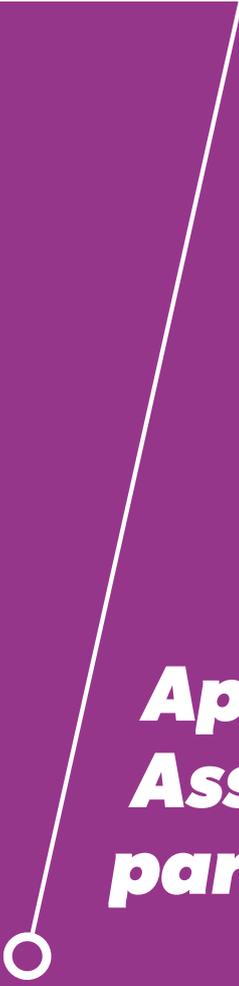
An assessing officer should advise the applicant of the decision by telephone or email within one business day. If the assessment officer is not available to do this, it is the responsibility of senior assessment staff to ensure that this is undertaken within the timeframe.

The remainder of the post-determination stage should be carried out by administration officers who arrange for the determination, including any relevant development consent and stamped plans to be posted to the applicant, collected from council offices, or delivered electronically.

Administration officers should also handle all electronic updates including notifications and file archiving following issue of the determination.

ASSESSMENT TIMEFRAME:

One day



***Appendix A:
Assessment efficiency
partnership agreement***

Intent

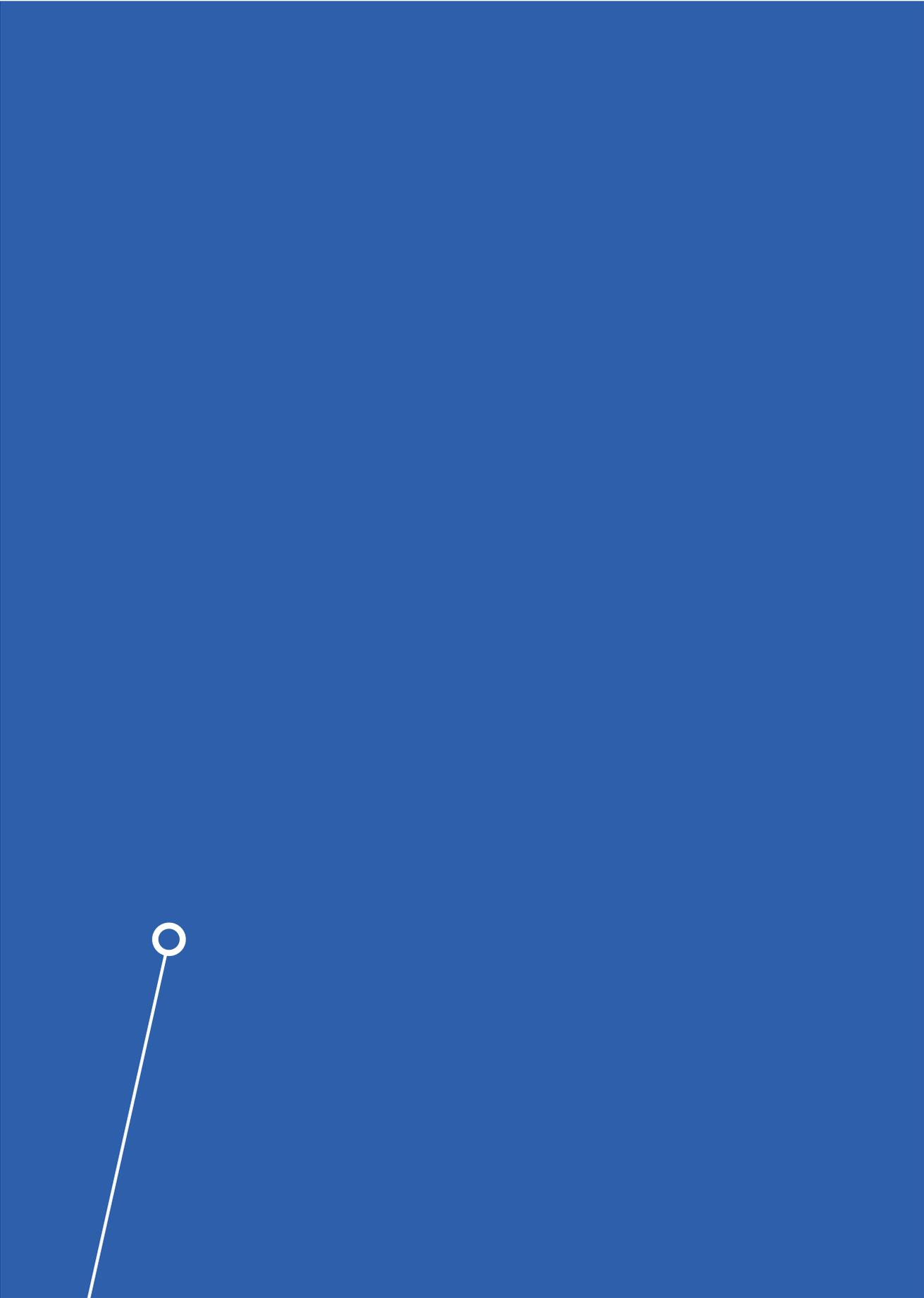
Streamline the assessment process by clarifying roles, responsibilities and communications around the DA process by:

1. Putting the responsibility of submitting complete applications with the applicant.
2. Focussing council customer support efforts at the pre-lodgement stage.
3. Committing to timeframes for the assessment officer to report back on applications.
4. Limit distractions to assessment officers during the assessment phase of a DA.

Agreement

Applicant	Council
Pre-lodgement and Lodgement	
<ul style="list-style-type: none"> • Commits to utilising pre-lodgement services and meetings (where appropriate). • Provides sufficient information 1–2 weeks prior to a pre-lodgement meeting. • Only lodges complete applications. 	<ul style="list-style-type: none"> • Provides clear and publicly available information on application requirements and pre-lodgement services. • Has regular pre-lodgement meetings available to book in advance. • Ensures all appropriate technical staff and state agencies (where complex concurrence and external approvals may be necessary) are in attendance at pre-lodgement meetings. • Customer service staff are trained to provide basic submission and process advice on lodgement and pre-lodgement. • Has a duty assessment officer available during office hours to answer standard questions on development standards, controls, assessment streams and timing.

Applicant	Council
Assessment	
<ul style="list-style-type: none"> • Allows the assessment officer to undertake the assessment without escalating issues or disrupting staff unnecessarily. • Will only escalate an issue with more senior staff and/or councillors following/after the report back date. • Commits to having only a single member of their project team contact council. 	<p>Calls/emails the applicant within two days of receiving the application to:</p> <ul style="list-style-type: none"> • Advise they have been allocated the application. • Commit to a report back date (generally at 15 days of lodgement). <p>Reports back to the applicant by the report back date to advise:</p> <ul style="list-style-type: none"> • The application has been assessed and has been determined. • The application has a recommendation but is yet to determined by others. • The application is at neither of these stages and the reasons for this. <p>Where an application is yet to be determined, council explains the reasons and commits to a determination timeframe.</p> <p>All staff to return applicant's phone calls/emails within 24 hours when made after the report back date.</p>
Determination	
<p>Once given a council/IHAP/SPP/JRPP meeting date agree to not contact assessment officers seeking further updates or discussions around the merits of the application.</p>	<p>Assessment officer to advise applicants within one business day of decision and/or of any change to decision timing (e.g. if matter is deferred or doesn't make an agenda).</p>
<p>Agreement to be included on council websites and attached to application forms and to be acknowledged by both parties.</p>	



ITEM 02

Development Assessment

Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	166285.2024
Report By	William Attard - Manager Development Assessment
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

This report is prepared to table a snapshot of key Development Assessment (DA) statistics.

RECOMMENDATION

That Governance Committee receives and notes the Development Assessment report.

REPORT

The following key Development Assessment (DA) statistics are provided:

Development Applications and Class 1 Appeals

Period of Development Assessment Statistics (May 2024)	
Outstanding DAs and Appeals – 30 April 2024	286 DAs / 36 Appeals
Outstanding Referrals – 30 April 2024	218 Referrals
Planning Application Numbers (PANs) – May 2024	
- PANs Received	190 PANs
- PANs Lodged / Returned	69 / 130 PANs
Referrals Issued / Completed – May 2024	292 / 288 Referrals
Development Applications (DAs) – May 2024	
- DAs Approved	70 DAs
- DAs Refused	23 DAs
- DAs Withdrawn	0 DAs
Class 1 Appeals (Appeals) – May 2024	
- Appeals Lodged - Deemed Refusal / Council Determination	0 / 1 Appeals
- Appeals Upheld - s34 Agreement / Hearing	1 / 0 Appeals
- Appeals Dismissed / Terminated	0 / 0 Appeals
- Appeals Withdrawn	0 Appeals
Outstanding DAs and Appeals – 31 May 2024	245 DAs / 38 Appeals
Outstanding Referrals – 31 May 2024	187 Referrals

Development Application (DA) Determination Statistics (May 2024)	
DAs Approved	70 DAs
- Total Capital Investment Value (CIV) (\$)	\$41.4M CIV
- New Lots Approved	137 Lots
- New Homes Approved	54 Homes
- Contribution Fees Raised (\$)	\$11.9M Contributions
DA Fees Released from Trust (\$) – All Determinations	\$376k Fees
Average Determination Timeframe	
- Current Financial Year	239 Days
- Month Including / Excluding Stop the Clock – May 2024	214 / 214 Days

Development Assessment (DA) Team Vacancy (Technical Officers Only)

Position	Positions	Vacancy
Principal Planner	1	0
Senior DA Planners	8	1 (Under Recruitment)
Senior Planning Advisory Officers	3	1 (Under Recruitment)
DA Planners	17	0
Student Planners	4	1
Duty Officers	2	0

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	Undertake communication practices with the community and stakeholders across a range of media. Provide information about Council's services, roles and decision making processes.
Legislative	There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

Nil

ITEM 03

**Review of Council's Financial progress,
forecasts and assumptions**

Strategic Objective	Visionary, Leading, Responsible Ensure Council is accountable and financially sustainable through the strategic management of assets and resources
File Ref	170754.2024
Report By	Vishwa Nadan - Chief Financial Officer
Approved By	Farooq Portelli - Director Corporate Support

EXECUTIVE SUMMARY

In June 2023 the Council adopted its 2023-24 operating budget with estimated revenue of \$379.3 million and expenditure of \$250.8 million. In terms of the net operating result before grants and contributions provided for capital purposes, Council budgeted for an operating deficit of \$3.7 million.

Based on Q3 Budget Review, Council resolutions, program initiatives, market trends and actual budget performance to 30 April 2024, Council is projecting an operating deficit of \$6.9m.

This report provides key variations and highlights key risks and opportunities that may impact on the projected result.

RECOMMENDATION

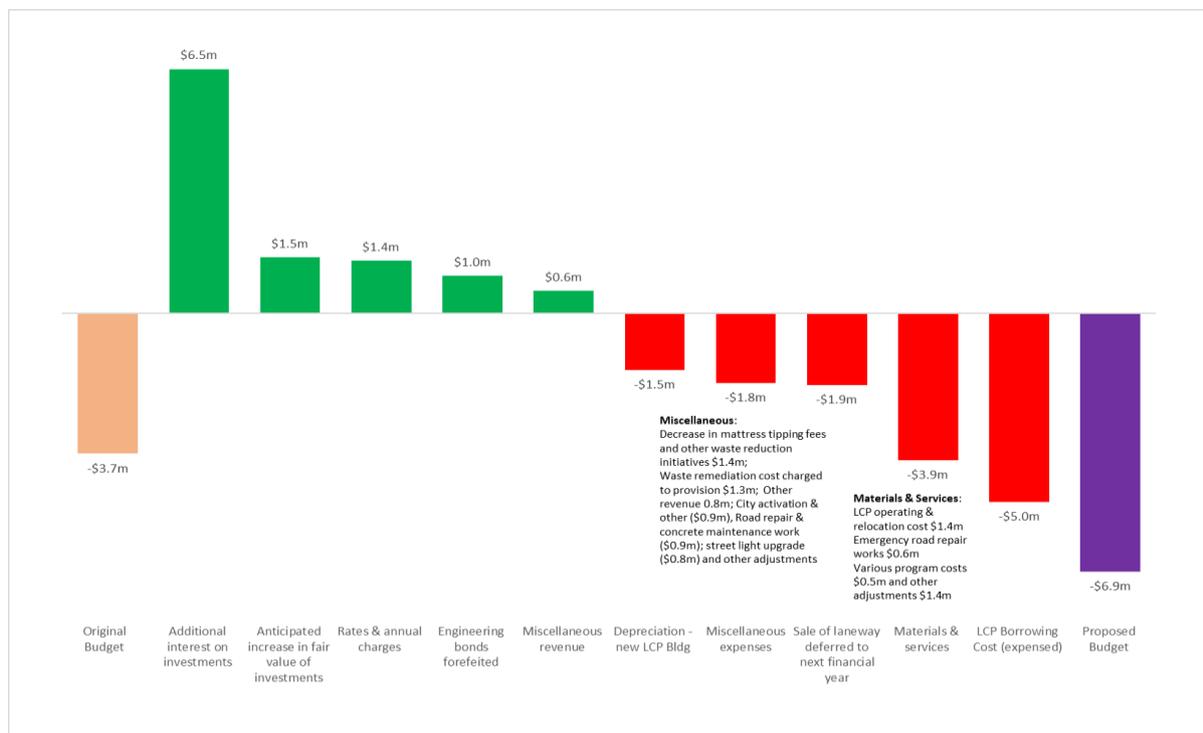
That the Governance Committee receives and notes the report.

REPORT

Budget Performance

In June 2023 the Council adopted its 2023-24 operating budget with estimated revenue of \$379.3 million and expenditure of \$250.8 million. In terms of the net operating result before grants and contributions provided for capital purposes, Council budgeted for an operating deficit of \$3.7 million.

Based on Q3 Budget Review, Council resolutions, program initiatives, market trends and actual budget performance to 30 April 2024, Council is projecting an operating deficit of \$6.9m. Key variations noted are:



On-going review of resource requirements to achieve corporate initiatives has resulted in an investment in additional unbudgeted positions and program costs. The \$4.6 million cost associated with engagement of additional staff resources and regrading's is expected to be absorbed by salary savings from current vacancies, deferred recruitment, and restructured positions across the Council. Detailed analysis of both revenue and expenditure is provided as **Attachment 1**.

Operating Revenue

Budget performance of key sources of operating revenue were as follows:

	YTD Budget \$'000	YTD Actual \$'000	FY Budget \$'000	FY Proposed Budget \$'000	Indicator
Rates & annual charges	141.723	142.740	170.067	171.527	🟢
Other operating grants & subsidies	6.595	10.302	14.484	14.787	🟢
Interest & investment income	9.528	14.574	11.433	17.933	🟢
FAG grants	0.165	0.164	8.968	8.968	🟡
Childcare fees & grants	7.101	6.097	8.521	8.552	🟢
DA & other building fees	5.691	4.063	6.829	6.829	🟡
Property rentals	4.845	4.262	5.644	5.102	🔴
Parking fines	2.933	2.755	3.520	3.520	🟢
Car parking fees	2.864	2.688	3.437	3.305	🟢
Recovery - restoration works	2.034	2.084	2.440	2.440	🟡
Ex-gratia income - Intermodal	2.245	2.284	2.245	2.245	🟢
Net gain from disposal of assets	0.000	0.523	1.900	0.000	🔴
Hire - community & recreational facilities	1.103	0.947	1.323	1.323	🔴
Fair value increment on investment	0.000	1.593	0.000	1.500	🟢

Operating Expenditure

Budget performance of key areas of operating expenses were as follows:

	YTD Budget \$'000	YTD Actual \$'000	FY Budget \$'000	FY Proposed Budget \$'000	Indicator
Salaries including superannuation	74.543	69.541	88.871	87.116	
Tipping & waste services	29.936	30.696	34.617	34.192	
Utilities (electricity / water / gas)	5.958	5.703	7.150	8.030	
Software licenses	3.365	2.770	4.038	4.349	
Contributions - NSW Fire / SES / RFS	3.134	2.821	3.761	3.761	
Insurance	2.962	3.172	3.079	3.579	
Contracted labour (agency)	2.314	2.802	2.777	2.335	
Tipping (hazardous waste)	0.913	1.606	2.401	0.069	
Borrowing costs	2.080	5.521	2.496	7.500	
Professional services	1.731	2.735	2.041	3.363	
Workers compensation	1.711	1.293	2.053	2.053	
Overtime	1.240	3.022	1.488	3.488	
Legal costs	1.207	1.297	1.448	1.871	
Internet (data)	0.965	0.749	1.157	1.107	
Consultants	0.700	2.320	0.840	1.730	

Risks & Opportunities

The following risks and opportunities have been identified with the potential to change the projected budget result for FY 2023/24.

- i) FAG Operating Grant [*Risk Probability: Low/Moderate*] – The NSW Grants Commission fully paid 2023/24 financial assistance grant in advance. Any change to their position for FY2024/25 is not known at this stage.
- ii) Net Loss from Disposal of Assets [*Risk Probability: Highly Likely*] – As part of the road renewal process, a portion of the road surface is scrapped off and then replaced. The replacement cost is capitalised, however, there is a written down value attached to the portion removed. The cost of write-off depends on the condition of the road at time of renewal and depth of surface removed. Budget includes a provision of \$2.5 million, however, the actual cost to June 2024 is not known.

Cash Reserves

At 30 April 2024, Council had \$388 million in cash and investments classified as follows:

	<i>Opening Balance 1 Jul 2023</i>	<i>Closing Balance 30 Apr 2024</i>
Externally Restricted		
S711 Contributions	280,969,884	289,123,587
City Development Fund	379,285	0
Domestic Waste Reserve	1,324,273	-
Environment Levy	5,928,977	6,441,510
Stormwater Reserve	868,572	2,016,344
Edmondson Park Reserve	2,859,276	2,960,272
Contribution Reserve	3,340,407	3,316,859
Grants Reserve - Capital	11,538,211	10,797,100
Grants Reserve - Operating	413,756	358,995
Better Waste & Recycling Reserve	1,861	0
Deferred Grants Reserve - Capital	36,932,973	40,945,421
Deferred Grants Reserve - Operating	7,169,256	1,281,629
Western Sydney Infrastructure Grants Program	-	14,742,079
Total Externally Restricted	351,726,732	371,983,794
Internally Restricted		
Employee Leave Entitlement Reserve	4,484,000	4,484,000
Insurance Reserve	1,796,043	1,796,043
Parking Strategy Reserve	2,578,921	1,273,640
General Property Reserve	7,164,084	1,500,000
Loan Reserve	40,650,595	0
Carnes Hill Stage 2 Precinct Development Reserve	4,290,076	4,270,506
Moorebank Intermodal Company Ltd Ex-Gratia Funds	524,796	-
Total Internally Restricted	61,488,514	13,324,189
Unrestricted General Reserves		
Investments (Equity) in Civic Risk Mutual	6,514,000	6,514,000
Unrestricted available cash	32,683,667	(3,592,678)
Total Unrestricted General Reserves	39,197,667	2,921,322
Total Cash and Investments	452,412,913	388,229,305

ATTACHMENTS

1. 2023-24 Q3 Budget Review - Consolidated Variance Analysis

Liverpool City Council
Summary Financial Results - Consolidated
For the period 1 July 2023 to 30 June 2024

	2022-23 Annual Actual	2023-24 Original Budget	2023-24 Revotes	2023-24 Resolutions	2023-24 Q1 Review	2023-24 Q2 Review	2023-24 Revised Budget	2023-24 Quarter 3 Request	2023-24 Proposed Budget	Variance (Proposed - Original Budget)	Comments
Net Operating Results Before Grants & Contributions for Capital Purposes	532,296	(3,743,183)	0	(479,996)	(4,329,027)	(103,895)	(8,656,101)	1,716,228	(6,939,873)	(3,196,690)	
Revenue											
Rates & Annual Charges	156,678,212	170,067,438	0	0	0	1,400,000	171,467,438	60,000	171,527,438	1,460,000	+ \$1.4m Anticipated increase in rates & annual charges due to growth.
User Charges & Fees	15,799,906	18,900,354	0	0	(132,000)	1,000,000	19,768,354	0	19,768,354	868,000	+ \$60k Estimated reduction in pensioner rebate + \$1.0m Release of bonds for engineering works. - \$132k Lower than anticipated carpark revenue from Bathurst Street carpark and On-street parking due to WFH and economic downturn.
Interest & Investment Revenue	13,687,423	11,433,224	0	0	3,000,000	2,000,000	16,433,224	1,500,000	17,933,224	6,500,000	+ \$5.0m Higher than anticipated interest on investment holdings. + \$1.5m Anticipated further increase on interest on investment holdings.
Grants & Contributions - Operating	31,685,306	28,323,585	0	0	(31,809)	(317,626)	27,974,150	683,271	28,657,421	333,836	- \$477k Deferred operating grants funding adjustments - \$223k Better Waste program ceased + \$48k Contributions from member councils for Metropolitan Rural Land Strategy + \$24k Grant from Department of Planning and Environment for Railway Street activation + \$10k Grant from Department of Planning and Environment for environmental sustainability + \$269k Other operating grants: \$54k Grant funding from Department of Premier and Cabinet \$53k Grant from Department of Planning for Harris Creek flood study \$46k Grant from EPA for on-ground litter prevention program \$35k various grants (Australia Day council, DPA for flood study, RFS) \$32k Grant from Department of Planning (Species Hibbertia) \$31k Grant from Department of Education for environment projects \$18k Grant from Department of Planning and Environment for Cabramatta Creek flood study + \$585k Grant from NSW Environment Protection Authority (EPA) + \$107k Contribution from member councils + \$40k Contribution from Civic Risk Mutual - \$49k Deferred operating grants funding adjustments
Grants & Contributions - Capital (Others) *	85,488,202	82,227,319	8,148,946	600,000	(2,469,465)	(5,197,721)	83,309,079	(18,787,809)	64,521,270	(17,706,049)	+ \$8.2m 2022-23 carryovers + \$1.7m Grant from TfNSW under the High Pedestrian Activity Program + \$1.1m Grant from TfNSW under the Black Spot Program + \$1.1m Grant from TfNSW under the round 4 of WSIP grant program + \$825k LRCI Phase 4 grant for Gurner Avenue -Fourth to Lee and Clark + \$572k Grant from TfNSW for design work of Moore St and George St cycleways + \$408k Contributions for roads and drainage works under WIK agreement + \$400k Grant from TfNSW for City Centre Traffic Calming proposal - \$4.6m Reversal of TfNSW grant for GMD upgrade as project will not be completed this financial year - \$2.7m Realignment of Lighthorse Park projects under WestInvest deed instalment funding - \$2.0m Grant adjustment for Kurrajong Rd/Lyn Parade intersection upgrade due to extended timeframe - \$3.0m GMD & Hume Highway intersection will not be completed this financial year - \$2.0m Lighthorse park play area to be delivered in FY 2024/25 - \$1.3m Carnes Hill precinct stage 2 to be delivered by 2028 - \$1.3m Kurrajong Rd & Lyn Pde intersection project timeframe extended due to major service relocation works required + \$1.0m Grant from Dept of Regional NSW Public Works under Natural Disaster Restoration Program + \$417k Grant from DPE for Denham Court Road upgrade + \$95k Grant for Liverpool Koala Vehicle Strike

Liverpool City Council
Summary Financial Results - Consolidated
For the period 1 July 2023 to 30 June 2024

	2022-23 Annual Actual	2023-24 Original Budget	2023-24 Revotes	2023-24 Resolutions	2023-24 Q1 Review	2023-24 Q2 Review	2023-24 Revised Budget	2023-24 Quarter 3 Request	2023-24 Proposed Budget	Variance (Proposed - Original Budget)	Comments
Employee Costs	80,440,146	94,043,486	0	100,496	0	220,337	94,364,319	0	94,364,319	320,833	<ul style="list-style-type: none"> +\$3.0m New positions created (48 FTE) net of capitalised labour -\$716k Deleted positions (5 FTE) as part of restructure +\$76k Regrading of positions, car allowance adjustments and other employee costs -\$2.3m Salary savings allocated to fund new positions and other salary adjustments +\$1.6m New positions created (19 FTE) net of capitalised labour -\$1.4m Delayed recruitment for identified vacant positions -\$584k Deleted positions (6 FTE) as part of restructure +\$42k Regrading of positions and other employee costs +\$487k Reversal of capitalised labour (previous structure) +\$100k additional FTE to implement integrated pest management policy and strategy (Council resolution) + \$36k Increase in overtime for staff attending floods on 5th April + \$25k Regrading of positions (Operations) - \$71k Regrading of positions (Procurement) -\$69k Casual labour not expected to be engaged for this financial year
Borrowing Costs	1,173,624	2,496,009	0	0	623,148	4,381,055	7,500,212	0	7,500,212	5,004,203	<ul style="list-style-type: none"> +\$4.4m Interest expense on LCP borrowings from Nov 2023 to June 2024 +\$590k Interest expense for \$23m additional loan for LCP fit out +\$31k Interest expense adjustments for Cowpasture Road borrowings
Materials & Services - Tipping & Waste Services	33,149,238	35,649,100	0	0	0	(1,402,974)	34,246,126	(54,000)	34,192,126	(1,456,974)	<ul style="list-style-type: none"> -\$1.2m Lower tipping fees due to mattress shredding and other waste reduction initiatives -\$137k Reversal of Better Waste Program ceased in August 2022 - \$54k Reversal of budget to fund other priority areas
Materials & Services - Other	61,392,853	61,432,690	0	312,500	3,533,904	209,756	65,488,850	1,301,239	66,790,089	5,357,399	<ul style="list-style-type: none"> +\$815k Streetlights upgrade to LED +\$600k Additional funding to carry out emergency and preventative road repair works +\$510k City Futures program costs for business events and memberships +\$500k Increase in insurance premiums +\$300k Additional funding required to clear the backlog of concrete maintenance works +\$250k Cleaning contractor for Warren Serviceway carpark +\$222k Various grant funded projects +\$115k Professional services for studies and peer reviews on planning proposals +\$110k Funding for after hours call services +\$500k Outsourcing of DA assessments funded from salary savings -\$500k Salary savings to fund outsourcing of DA assessments +\$75k Intern program through agency hire funded from salary savings -\$75k Salary savings to fund intern program +\$718k Operating expenses for Civic Place January to June 2023 +\$500k Outsourcing of DA assessments +\$480k Staff relocation to Civic Place +\$348k Cowpasture Road CEC fitout and operating expenses +\$300k Commission paid on old Liverpool Library lease agreement +\$200k City Futures program costs for sponsorships (Liverpool 2050) +\$190k Supply and installation of telematic devices +\$185k Additional funding required for park & open space maintenance +\$105k FOGO workshops +\$81k Outgoings for old Liverpool Library as part of lease agreement -\$1.3m Reversal of waste remediation budget to be funded from provision -\$1.3m Deferred operating expenses funding adjustments -\$230k Reduction of Old library operating expenses due to relocation to LCP

Liverpool City Council
Summary Financial Results - Consolidated
For the period 1 July 2023 to 30 June 2024

	2022-23 Annual Actual	2023-24 Original Budget	2023-24 Revotes	2023-24 Resolutions	2023-24 Q1 Review	2023-24 Q2 Review	2023-24 Revised Budget	2023-24 Quarter 3 Request	2023-24 Proposed Budget	Variance (Proposed - Original Budget)	Comments
											+ \$585k FOGO Community Implementation funded from EPA grant + \$450k Pre-planned works for Edmonson Avenue, Kelvin Park and other roads. + \$230k Operating and maintenance expenses for City Library
Legal Costs	2,121,517	1,447,945	0	50,000	199,669	173,640	1,871,254	0	1,871,254	423,309	+ \$200k Additional legal expenses relating to court action taken against Canterbury/Bankstown Council on Voyager Point Footbridge matter + \$112k Legal expenses relating to LCP leasing + \$61k DEED settlement
Consultants	1,616,171	840,054	0	0	691,142	112,300	1,643,496	86,179	1,729,675	889,621	+ \$321k Planning proposal for the creation of a new Liverpool Local Environmental Plan + \$200k Developer contributions planning proposals reviews and peer studies + \$170k Various consultancies on flood study, review of dam safety plan, and water quality + \$80k Harris Creek flood study + \$60k Chain of responsibility (funded from capital works) + \$70k Economic testing for draft Western Sydney Affordable Housing Contribution Schemes + \$83k Additional budget to fund development of Early Acquisition Scheme - \$50k Budget adjustment for completed and deferred projects (Liverpool Overland Flow Path) - \$17k Review of business continuity documents for LCC Emergency Management
Depreciation	47,162,769	47,390,706	0	0	0	1,500,000	48,890,706	0	48,890,706	1,500,000	+ \$1.5m Estimated depreciation for LCP building and fittings
Other Expenses	3,335,121	5,037,487	0	17,000	223,230	(245,910)	5,031,807	(6,225)	5,025,582	(11,905)	+ \$200k City Futures program costs for sponsorships - \$200k City Futures program cost transferred to fund Liverpool 2050 + \$50k Early land acquisition scheme funded from Austral/Leppington North contribution plan - \$75k Adjustment of lease incentives for old Library. Lease agreement still to be finalised. + \$16.4k Copyright Licence Agreement + \$3.5k IPWEA Chapter Meeting Sponsorship - \$26.1k EV Charging Stations budget transfer to Western Sydney EV Roadmap
Net Loss from the Disposal of Assets	2,699,896	2,500,000	0	0	0	0	2,500,000	0	2,500,000	0	
Revaluation decrement / impairment of IPP&E	0	0	0	0	0	0	0	0	0	0	
Total Expenses	233,091,335	250,837,477	0	479,996	5,271,093	4,948,204	261,536,770	1,327,193	262,863,963	12,026,486	
Net Operating Result	145,863,129	128,484,136	8,148,946	120,004	(6,798,492)	(5,301,616)	124,652,978	(17,071,581)	107,581,397	(20,902,739)	
Less: Grants & Contributions for Capital Purposes *	145,330,834	132,227,319	8,148,946	600,000	(2,469,465)	(5,197,721)	133,309,079	(18,787,809)	114,521,270	(17,706,049)	
Net Operating Results Before Grants & Contributions for Capital Purposes	532,296	(3,743,183)	0	(479,996)	(4,329,027)	(103,895)	(8,656,101)	1,716,228	(6,939,873)	(3,196,690)	

ITEM 04	Responses to Questions with Notice from the 24 April 2024 Council meeting - Addressing Trade Skills Shortages
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Strategic Objective	Visionary, Leading, Responsible Place customer satisfaction, innovation and best practice at the centre of all operations
File Ref	159802.2024
Report By	Philip Smith - Talent Acquisition Lead
Approved By	Farooq Portelli - Director Corporate Support

EXECUTIVE SUMMARY

This report has been tabled in order to provide responses to item qwn04 addressing trade skills shortages from the 24th April 2024 council meeting. Resolution shown below.

1. *Council direct the Acting CEO that a commitment be made for trades apprentices taken on by Council are attached to a registered training organisation (RTO);*
2. *Council direct the Acting CEO that a report come back to Council on other service providers that are engaged with Council; and*
3. *This item be discussed at a Governance Committee meeting at a future date.*

RECOMMENDATION

That the Governance Committee recommends Council, receives and notes this report.

REPORT

1. **Council direct the Acting CEO that a commitment be made for trades apprentices taken on by Council are attached to a registered training organisation (RTO);**

Council already ensures that trades apprentices taken on are being trained and educated with a registered training organisation. This will continue as normal practice.

2. **Council direct the Acting CEO that a report come back to Council on other service providers that are engaged with Council; and**

It can be reported the following service providers are engaged for Community Lifestyle Directorate and Operations Directorate as part of the apprenticeships that occur in the relevant functions.

Community Lifestyle Directorate

- Use 'Business Support Australia' and 'TAFE NSW'.
- Previously used Wave Learning if a trainee did not have the required visa to participate in a government funded course.

Operations Directorate

- Apprenticeship Training - TAFENSW
- Traffic Control Training - Standard Training Pty Ltd
- Chemical Training Certification - SpraySmart Pty Ltd
- First aid Training - St John Ambulance NSW
- General Staff training - Academy Green Training
- Plant Training such e.g front-end loaders & excavator - Kallibr Training

3. **This item be discussed at a Governance Committee meeting at a future date.**

This item has been placed on the agenda for the next Governance Committee meeting.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	<i>There are no economic and financial considerations.</i>
Environment	There are no environmental and sustainability considerations.
Social	No social considerations.

<p>Civic Leadership</p>	<p>Act as an environmental leader in the community.</p> <p>Undertake communication practices with the community and stakeholders across a range of media.</p> <p>Foster neighbourhood pride and a sense of responsibility.</p> <p>Facilitate the development of community leaders.</p> <p>Encourage the community to engage in Council initiatives and actions.</p> <p>Provide information about Council’s services, roles and decision making processes.</p> <p>Deliver services that are customer focused.</p> <p>Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.</p> <p>Actively advocate for federal and state government support, funding and services.</p>
<p>Legislative</p>	<p>There are no legislative considerations relating to this report.</p>
<p>Risk</p>	<p>There is no risk associated with this report.</p>

ATTACHMENTS

Nil

ITEM 05

Library Review Program

Strategic Objective	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
File Ref	170546.2024
Report By	Elysa Dennis - Information Services Coordinator
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

In September 2021 the NSW Office of Local Government published new guidelines for Integrated Planning and Reporting (IP&R), which included a new requirement to publish a program of Service Reviews.

This focus on Service Reviews within the IP&R Guidelines follows through to changes made to the NSW *Local Government Act* in 2016 which included a new statement that the role of the governing body is to keep under review the performance of the Council, including Service Delivery (s223(1)(g)).

In 2023 Liverpool City Council determined to review the Council's library service in accordance with this IP&R framework to understand the current operations and determine if those operations would meet the changing needs of the community in the future.

Jan Richards consulting was engaged to carry out this review.

The review was focused on three areas:

- * Benchmarking of Liverpool services against comparable services;
- * Reviewing the current service delivery model across the Liverpool Library network; and
- * Considering alternative service delivery models and their application in Liverpool.

RECOMMENDATION

That Governance Committee receives and notes the Liverpool City Library Review.

REPORT

Service Reviews provide the opportunity to undertake a whole of organisation, systemic look at the way in which services are delivered. They provide the opportunity to identify improvements in efficiency and effectiveness whilst ensuring that services are meeting the needs of the Community.

Establishing a review process builds the capacity of both staff and the Community to think critically and systematically about current and future service needs. It also leads to innovation in service provision and helps build a culture of continuous improvement within Council.

Local Governments are under increasing financial pressure, and there is often a widening gap between revenue and expenditure. At the same time, they are expected to be environmentally and socially responsible and provide a wide range of quality services. Service Delivery Reviews will support Council to clarify the needs of its community and use an evidence-based approach to assess how efficiently and effectively it is meeting those needs.

In undertaking this process, Council can determine whether changes need to be made to Service Delivery which will provide benefits to all stakeholders whilst being financially sustainable. Council's vision is to conduct Service Delivery Reviews on an ongoing basis to ensure the services being offered are continuously aligned to the Community needs.

The report delivers a range of recommendations covering short-term and long-term strategic and operational improvements. This includes a focus on customer priorities and utilising new technology and service models for a library service to meet the growing needs of the community.

It should be noted that a broader analysis of recommendations will be explored through the delivery of business and feasibility studies which will then form part of wider community engagement and reports back to the Council.

In doing this, this will enable a more detailed examination of the recommendations noted in the report providing Council with a better understanding of costings associated with each recommendation, funding strategies and a more granular insight into how to best implement these initiatives with a broader aim to deliver a service that is more responsive, relevant and customer focused for Liverpool.

FINANCIAL IMPLICATIONS

Costs associated with these recommendations will need to be considered through the delivery of business and feasibility studies. Reports back to Council will include funding strategies and a broader examination of the opportunities that will maximise the delivery of the library service that are more responsive, relevant and customer focused for Liverpool.

CONSIDERATIONS

Social	Raise awareness in the Community about the available services and facilities.
Civic Leadership	Deliver services that are customer focused. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	The legislative requirements are outlined in the body of the report under the title "what are the legislative requirements driving this"
Risk	The risk is deemed to be Low.

ATTACHMENTS

Nil