

ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING
17 JUNE 2026

BOOK 2

LIVERPOOL
CITY
COUNCIL



LIVERPOOL CIVIC TOWER COUNCIL
CHAMBER, LEVEL 1, 50 SCOTT STREET,
LIVERPOOL NSW 2170

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Clr Monaghan left the Chamber at 8:40pm.

Clr Monaghan returned to the Chamber at 8:41pm.

ITEM NO: CFD 03

FILE NO: 022614.2025

SUBJECT: Special Entertainment Precincts

COUNCIL DECISION

Motion:

Moved: Clr Dr Green

Seconded: Clr Karnib

That:

1. Council agrees to pursue, in accordance with ministerial guidelines, establishment of a Special Entertainment Precinct on Macquarie Street, Macquarie Mall, George Street, Scott Street and Memorial Avenue, Liverpool and intersecting streets for 18 months;
2. Council agree to apply for funding to support establishment of the SEP;
3. Council authorise the CEO or delegate to do all things necessary to give effect to these resolutions; and
4. A future trial be conducted in other areas such as Edmondson Park.

On being put to the meeting the motion was declared CARRIED.

Councillors voted unanimously for this motion.

Note: Mayor Mannoun, Clr Adjei, Clr Ammoun, Clr Harte and Clr Macnaught had retired from the meeting.

Planning Proposal

Proposed Amendment to Liverpool LEP 2008

Special Entertainment Precinct (SEP) for
Liverpool City Centre.

March 2026

LIVERPOOL
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Foreword

This is a Council initiated planning proposal. This report has been prepared following the 26 February 2025 Council Meeting which resolved to establish a Special Entertainment Precinct (SEP) in the Liverpool City Centre on Macquarie Street, Macquarie Mall, George Street, Scott Street and Memorial Avenue, Liverpool and intersecting streets.

Introduction

This planning proposal applies to the Liverpool City Centre on Macquarie Street, Macquarie Mall, George Street, Scott Street and Memorial Avenue, Liverpool and intersecting streets.

The SEP initiative, introduced by the NSW Government's vibrancy reforms, aims to encourage a thriving nighttime economy through live music and small scale cultural or music events without a development application, extended trading hours, and reduced regulatory barriers for local venues, creating a dynamic Liverpool City Centre city centre. The SEP aims to provide clarity to residents, businesses, Council staff, developers, and other stakeholders regarding the expectations for entertainment sound levels in the area and creates a consistent quantitative based approach to sound regulation and compliance.

To operate a SEP in accordance with section 202 of the *Local Government Act 1993*, Council must adopt a Precinct Management Plan (PMP) to give effect to the LEP clause. Council may also amend *Liverpool Development Control Plan 2008* (Liverpool DCP) to support the implementation of the PMP.

This planning proposal includes a brief enabling clause to be included in the Liverpool Local Environmental Plan 2008, associated LEP map amendments, and future additional provisions within the Liverpool Development Control Plan 2008.

At its Ordinary Meeting of Council on 26 February 2025, Council resolved the following:

"That:

1. *Council agrees to pursue, in accordance with ministerial guidelines, establishment of a Special Entertainment Precinct on Macquarie Street, Macquarie Mall, George Street, Scott Street and Memorial Avenue, Liverpool and intersecting streets for 18 months.*
2. *Council agree to apply for funding to support establishment of the SEP.*
3. *Council authorise the CEO or delegate to do all things necessary to give effect to these resolutions.*
4. *A future trial be conducted in other areas such as Edmondson Park*

A Council initiated planning proposal has been prepared which seeks to amend the LLEP 2008 to include an enacting Part 7 (Additional Local Provisions) clause that would reference the SEP LEP Map as follows:

7.48 Special Entertainment Precinct

- (1). This clause applies to land identified as "Special Entertainment Precinct" on the Special Entertainment Precinct Map.*
- (2). For the Local Government Act 1993, section 202, a special entertainment precinct is established on the land to which this clause applies.*

This planning proposal is prepared in accordance with The Department of Planning and Environment's LEP Making Guideline (August 2023).

Background

A Special Entertainment Precinct (SEP) is established under Section 202 of the *Local Government Act 1993* and is defined as an area, streetscape or single venue where trading hours and sound conditions are set by a council in a precinct management plan to support live performances and provide operational certainty for venues, neighbouring residents and businesses.

The proposed SEP will be located within Liverpool's City Centre, on Macquarie Street, George Street, and Macquarie Mall due to these being the primary dining, events, entertainment and retail streets in the CBD, and along Scott Street, continuing onto Memorial Avenue to Woodward Park to facilitate a potential future major entertainment venue.

The establishment of a SEP in the Liverpool City Centre would create a dynamic space for locals, workers, students and visitors, enhancing the city's entertainment offerings and attracting investment to further enhance the vibrancy of the nighttime economy.

Following Council's resolution at 26 February 2025 Council Meeting to establish a Special Entertainment Precinct (SEP) in the Liverpool CBD on Macquarie Street, Macquarie Mall, George Street, Scott Street and Memorial Avenue, Liverpool and intersecting streets, Liverpool City Council received a SEP Kickstart Grant in 2025 to support acoustic work, strategic planning and community engagement for a SEP trial in the Liverpool City Centre.

Special Entertainment Precincts and NSW Government Vibrancy Reforms

Special Entertainment Precincts are designated areas where local councils can support live entertainment through extended trading hours and tailored noise management plans under precinct management plans. These precincts are designed to foster vibrant cultural and entertainment sectors by providing operational certainty for businesses and residents. The SEP aims to:

- Reduce the administrative burden on councils
- Deliver more live music and performance opportunities
- Attract investment and redevelopment
- Give greater certainty to both businesses and residents
- Improve quality, coordination and diversity of going out districts
- Enhance tourism and economic outcomes with unique cultural experiences and activities

Special Entertainment Precincts (SEP) is an NSW Government initiative under the Vibrancy Reforms. The NSW Government Vibrancy Reforms are legislative reforms from a cross-government initiative to improve the night-time economy. Reforms include:

- Reduction of barriers to support live music
- Increase of the number of disturbance complaints about a licensed venue needed for a formal complaint to be considered and complainants must attempt to resolve disputes with the licensee prior to lodging a disturbance complaint
- Support for major events to streamline event delivery and support reoccurring significant events
- Special event extended trading hours to allow businesses to extend trading hours without requiring additional development consent for major events such as The Olympics and the FIFA World Cup or local major events such as Vivid in City of Sydney
- Special Entertainment Precincts framework to activate precincts

- Removal of red tape for outdoor activation including allowing food and drink premises to use their private land and car parking for outdoor dining
- Allow council to approve temporary road closures for outdoor dining, performance and extension of foyer space without requirements for approval from Transport for NSW for unclassified roads
- A draft Cultural State Environmental Planning Policy

A pilot program was undertaken by the Department of Planning, Housing and Infrastructure (DPHI) and Inner West Council in 2022, temporarily establishing the Inner West Special Entertainment Precinct along Enmore Road in Enmore and Newtown. The trial was supported by residents, visitors, and businesses. Following this, 8 trial SEPs have been established and 14 are in preparation of which Liverpool in one.

Current Planning Controls

Special Entertainment the following legislation will facilitate operation of the SEP:

- Liquor Act 2007
- Environmental Planning and Assessment Act 1979 NSW (EP&A Act),
- Protection of the Environment Operations (General) Regulation 2022 and
- 24-Hour Economy Commissioner Act 2023 facilitate the operation of SEPs

Existing planning controls that apply to land affected by this proposal, such as land use zoning, floor space ratio, height of buildings, minimum lot size, and additional permitted uses, are not proposed to be amended.

Early Engagement

Preliminary engagement has been undertaken with businesses owners through direct discussions and surveys of businesses that indicated a strong level of support for establishing SEPs and opportunities to incentivise night-time operation hours. Broader community surveys have also been undertaken at various community events and festivals.

Preliminary consultation with hospitality and retail businesses within the proposed SEP and community representative members of Council's Tourism and CBD Committee was conducted in January 2025. Feedback has highlighted that there is strong support for the trial. Local businesses indicated enthusiasm about the potential benefits, including increased foot traffic, extended trading hours, opportunities to activate their business and a more vibrant atmosphere. Key community themes and priorities to consider include:

- Strong support for increases in events (40%) and food offerings (40%) to enhance city centre activity
- A strong desire for Liverpool to have a precinct for entertainment as there are limited venues and entertainment opportunities for residents in Liverpool. In addition, there was interest from businesses having live events to attract additional visitors and customers
- Concerns about safety and anti-social behaviour, particularly at night in the Liverpool City Centre. Other issues included the lack of transport options at night and adequate parking

Precinct Working Group

Council recently established a Precinct Working Group (PWG) to support the SEPs implementation and ongoing management. The PWG has a total of 15 members representing local business and business organisations, Western Sydney International Airport, NSW Police, South-West Local Heath District, local hotel and tourist accommodation operators, cultural, music and creative industry professionals and Liverpool community representatives. The role of this group is to inform the establishment of the SEP and assist with the evaluation of the trial and ongoing management of the SEP.

The first meeting of the PWG was held on 12 March 2026, where Council introduced the purpose of a SEP and its components, and outlined the next steps in the process. Members were asked to describe what

vibrancy means for them in the context of Liverpool. Early feedback from the PWG for Council to consider going forward includes:

- Support for a vision that promotes cultural diversity, food, creative arts, and safety and inclusivity
- Taking advantage of unique laneways
- The need to manage noise impacts on existing residents
- Promoting the SEP with businesses and incentivising their involvement

Report Structure

This Planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) with consideration of the Department of Planning and Environments' (DPE's) 'Local environmental Plan Making Guideline' (August 2023). Accordingly, the proposal is discussed in the following parts:

- Site Description
- Statutory Planning Framework
- Part 1 – A Statement of the Objectives and Intended Outcome
- Part 2 – Explanation of Provisions
- Part 3 – Justification
- Part 4 – Mapping
- Part 5 – Community Consultation
- Part 6 – Project timeline

Site Description

Liverpool Special Entertainment Precinct

The Liverpool Special Entertainment Precinct (SEP) applies to land within the Liverpool City Centre, along Macquarie Street, Macquarie Mall, George Street, Scott Street and Memorial Avenue, Liverpool and intersecting streets as identified in Figure 1 (below). The precinct is approximately 200m west of the Liverpool Railway station.

These areas are recognised as the city's main dining and entertainment zones within Macquarie Street and Macquarie Mall serving as Liverpool's primary dining and major events precinct. The key locations for this SEP trial will include:

- **Macquarie Street** - A prominent dining and retail strip with a variety of restaurants, cafes, and entertainment venues undergoing major upgrades including significant lighting improvements to enhance the evening economy
- **Macquarie Mall** - A popular pedestrian space that serves as a hub for community gatherings, major events, and dining experiences
- **George Street** - Known as "Little India Liverpool – Sari Street" due to hosting a diverse range of South Asian eateries and fashion stores
- **Scott Street and Memorial Avenue** – linking Liverpool Railway Station and Liverpool Civic Place to a potential major entertainment venue at Woodward Park



Figure 1: Proposed Liverpool Special Entertainment Precinct (Source: NSW Government SDT Explorer)

Statutory Planning Framework

The following legislation will facilitate operation of the SEP:

- Liquor Act 2007
- Environmental Planning and Assessment Act 1979 NSW (EP&A Act),
- 24-Hour Economy Commissioner Act 2023 facilitate the operation of SEPs

Liverpool Local Environmental Plan 2008

Land within the proposed SEP is primarily zoned MU1 Mixed Use, with the exception of sites along Moore and George Streets and Westfield Shopping Centre which are zoned E2 Commercial Centre, and land at the western-most extremity along Memorial Avenue zoned R4 High Density Residential. Figure 2 illustrates the proposed Liverpool City Centre SEP and applicable land use zones.



Figure 2: Existing land use zoning in the LLEP 2008 (Source: Liverpool City Council)

Existing planning controls that apply to land affected by this proposal, such as land use zoning, floor space ratio, height of buildings, minimum lot size, and additional permitted uses, are not proposed to be amended.

Delegation of Plan Making Functions

As part of the Gateway Authorisation process, Section 2.4 of the *Environmental Planning and Assessment Act 1979* allows the Minister and Secretary to delegate functions to a Council and/or an officer or employee of a Council. Council requests that the Minister delegate Council as the local plan making authority for the purpose of this planning proposal.

Part 1 – Objectives and Intended Outcomes

The objectives of this proposal are to:

- Support the nighttime economy and diversity in the Liverpool City Centre by facilitating a thriving nighttime economy, including arts and cultural production such as live music
- Attract investment and increased economic activity, particularly in the evening within the Liverpool City Centre
- Improve safety for all people, with increased street activity, public domain improvements and opportunity for improved transportation to and from the Liverpool City Centre
- Simplify the process to encourage live music, performance and cultural events and providing operational certainty around noise management and trading hours, balancing the needs of businesses, operators, visitors and residents
- Implement a consistent and adaptable regulatory response to noise complaints in the precinct. Clearly define the roles of stakeholders including businesses, residents, industry, Council, NSW Police and Liquor and Gaming NSW to balance amenity and reasonable sound levels coming from the precinct

To achieve these objectives, it is proposed to amend the Liverpool Local Environmental Plan 2008 by inclusion of an enacting Part 7 (Additional Local Provisions) clause (that would reference the SEP LEP Map).

Part 2 – Explanation of provisions

The objectives of this planning proposal will be achieved through a proposed enacting clause to the LLEP 2008 and an amendment to the Liverpool DCP 2008 is required to fulfill Clause 202B(1)(b) of the *Local Government Act 1993*.

For land within the SEP area, the SEP will:

- Extend the trading hours of businesses in the SEP to support the nighttime economy
- Establish fixed criteria for entertainment sound from live performance venues
- Establish fixed internal sound criteria for new mixed use and residential development
- Establish fixed internal sound criteria for new residential and commercial tenancies in existing mixed-use development
- Establish a complaint handling procedure that defines the roles of Council, L&GNSW, NSW Police, the Venue and resident
- Include an enabling Clause in the Liverpool LEP 2008 referencing the LEP SEP area map

Proposed LEP amendments

It is recommended that Clause 7.48 of the Liverpool LEP 2008 be included as follows:

7.48 Special Entertainment Precinct

- (1). *This clause applies to land identified as “Special Entertainment Precinct” on the Special Entertainment Precinct Map.*
- (2). *For the Local Government Act 1993, section 202, a special entertainment precinct is established on the land to which this clause applies.*

SEP Accompanying documents

To operate a SEP in accordance with section 202 of the *Local Government Act 1993*, two documents are required to give effect to the LEP clause. This includes a Precinct Management Plan and an amendment to the Liverpool Development Control Plan 2008. The purpose and effect of these documents is outlined below:

Precinct Management Plan (PMP)

A Precinct Management Plan (PMP) is proposed to manage the operation of the SEPs. The preparation of a precinct management plan is required as outlined in Clause 202D of the *Local Government Act 1993* and contains the following information:

- The identified areas that form the Liverpool SEP,
- A position statement and set of objectives for the precinct,
- Existing policy considerations and how the SEP sits amongst the framework,
- Where and when the plan applies, including trading hours for premises within the SEP,
- Compliance and regulation procedures for entertainment sound related complaints,
- Sound criteria including allowable sound levels for varying times of the day as they effect different properties,
- Resolution processes for complaints in relation to licensed premises within the SEP, and
- Monitoring and evaluation of the trial period and beyond.

The PMP is for the use of businesses, residents, Council, the NSW Police and other relevant stakeholders in understanding their role and responsibilities in the management of entertainment sound in the precinct. It also gives residents an understanding of noise levels they should expect at various times of the day depending on their property's location.

It is the central tool that will be utilised in substantiating entertainment sound related complaints, as it not only contains the complaint handling procedures, but also the sound level criteria that complaints are measured against. A copy of the PMP will be available for viewing on Council's website as stipulated in Clause 202D(4) of The *Local Government Act 1993*. Council will regularly monitor and update the PMP to ensure it is current and fit-for-purpose.

Liverpool Development Control Plan 2008 amendment

The Liverpool Development Control Plan (DCP) provides detailed planning and design guidelines to support development in accordance with the provisions of the Liverpool LEP 2008.

The DCP sets out a series of objectives and controls that:

- Identify sensitive receiver land uses (or certain types of development) that will require attenuation from entertainment sound,
- Set out criteria for new or modified venues to demonstrate an ability to comply with,
- Quantify the noise levels that entertainment venues and new or modified sensitive land uses will need to comply with, and
- Detail when an acoustic report from an accredited acoustic specialist is required and what it needs to demonstrate

The DCP provisions will be used by residents, developers, businesses, and Council to ensure future development in the area is suited to the permitted sound levels in the precinct. This will ensure residents and inhabitants of other sensitive land uses are afforded reasonable amenity, and new venues can open in fit-for-purpose commercial tenancies.

Part 3 – Justification

Section A – Need for the planning proposal

Q1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is a response to legislation made by the State Government being Sections 202 and 203 of the Local Government Act 1993 which were gazetted on 30 April 2021. These sections enable establishment of Special Entertainment Precincts by a council. At its Ordinary Meeting of Council on 26 February 2025, Council resolved to pursue the establishment of a SEP in Liverpool City Centre and was subsequently awarded State Government grant funding to support acoustic work, strategic planning and community engagement for a SEP trial. This Planning Proposal furthers the engagement, planning and technical analysis to support the establishment of the SEP.

The Planning Proposal aligns with the broader objectives of Liverpool Council's strategic documents, such as the LSPS Planning Priority 5 to create an 18-hour economy in the City Centre to create spaces for a mix of activity that are lively and well-integrated.

The SEP also is aligned with Council's goals for CBD activation, with the SEP allowing for "more live music and cultural events, creating a vibrant atmosphere that attracts both locals and tourists. This initiative will also drive economic spend and create jobs within the city centre and attract additional investment from existing and new businesses in hospitality, retail and entertainment" (Liverpool CSP 2025-2036). The SEP will provide new opportunities and business with the reduction in regulations which will help strengthen the cultural and economic value of the City Centre.

The planning proposal also presents a positive response to the draft Visitor Economy Strategy 2026 which identifies a current challenge being the "undeveloped night-time economy and high-end offerings, which limited Liverpool's ability to attract both families and visitors". It also notes that "safety concerns and poor lighting further discourage night time visitation, reducing overall visitor spend and length of stay".

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered the best means of achieving the objectives and intended outcomes as indicated in Part 1 of this planning proposal. The Liverpool City Centre is a strategic centre within the LGA and presents significant opportunities for the growth of the night-time economy. Establishing SEPs for these precincts will improve the quality, coordination and diversity of the Liverpool City Centre and support the development of offerings around student integration, cultural engagement, and the visitor economy, in which Liverpool can position itself as a thriving hub for both residents and visitors.

The Special Entertainment Precinct quantifies entertainment sound levels businesses can emanate into the public domain and through shared partitions within buildings. With the accredited acoustic advice, businesses can test if they can achieve the sound levels detailed in the Precinct Management Plan without having to consider fluctuating background noise levels that are utilised in the current management of noise in NSW. Similarly, this will give residents assurances of the noise levels they can expect at their property boundaries or travelling through their building if they are attached to a venue.

The precinct also includes new development assessment measures in the form of amended controls within the Liverpool DCP 2008. The amended controls will guide the development of new sensitive receivers as well as upgrades to existing and establishment of new venues to lessen the impact of entertainment sound. These changes ensure the standards enforced are in accordance with expectations from Council, the community, and other stakeholders.

The increased level of confidence for residents and businesses will have the flow on effect in providing residents and visitors having diverse cultural, recreational, and business experiences after dark, and driving economic growth and enriching community life. It also enables all stakeholders to clearly understand their role in managing sound compliance and allowing Council to implement an adaptable approach to sound compliance. Therefore, the introduction of provisions as outlined in this Planning Proposal is considered the best means to directly achieve this.

Section B – Relationship to strategic planning framework

The Department of Planning and Environment notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site-specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

Q3 *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

The planning proposal is broadly consistent with relevant regional, sub-regional or district plan or strategies. The most relevant State and District plans that guide the land use direction for the site, are:

- Greater Sydney Regional Plan – A Metropolis of Three Cities
- Western City District Plan
- Draft Sydney Plan

The NSW Government previously exhibited a draft copy of The Sydney Plan which is set to replace both the Greater Sydney Region Plan – A Metropolis of Three Cities and the Greater Sydney District Plan – Western City District Plan. However, The Sydney Plan is not currently finalised.

Greater Sydney Regional Plan – A Metropolis of Three Cities

The current metropolitan strategy applicable to the site is the NSW Government's Greater Sydney Region Plan (2018). Relevant directions from the metropolitan strategy are noted at table 3 below.

Table 1: Consistency with the Regional Plan

Greater Sydney Region Plan - A Metropolis of Three Cities	
Direction	Comment
A city for people	
Objective 7. Communities are healthy, resilient and socially connected.	Objective 7 of the plan acknowledges the importance of <i>“Street life, meeting and gathering places ...[that] ... sustain social networks. Streets allow spontaneous social interaction and community cultural life when they are designed at a human scale for walkability”</i> . It identifies infrastructure and services for socially connected communities including theatres, live music and co-workings spaces. This objective seeks to support the provision of diverse experiences and opportunities for social interaction and participation in community life.
Objective 9. Celebrates the arts and supports creative industries and innovation	Objective 9 of the Plan is directly relevant to this proposal. It states that <i>“Stimulating the night-time economy supports dynamic places and boosts local economies. This can generally occur in mixed-use</i>

Greater Sydney Region Plan - A Metropolis of Three Cities	
Direction	Comment
	<p><i>centres with adequate noise control, locally appropriate operating hours and safe late-night travel options.</i>" This objective seeks to foster and grow Sydney as a creative region with artistic and cultural expression encouraged alongside a strong night-time economy.</p> <p>This Planning Proposal will assist in achieving these objectives by introducing a SEP into the Liverpool City Centre to boost to the options available after dark including live entertainment options results in increased opportunities for social connections and local economic activity that comes with it. The Planning Proposal also providing quantifiable sound limits that are intentionally set to balance the demands of businesses and amenity requirements for residents.</p>
A city of great places	
Objective 12. Great places that bring people together.	<p>Great places build on local cultural, social, environmental and economic characteristics to create a sense of place that reflects shared community values and culture. This objective seeks to recognise and celebrate local character and the importance of public spaces, including streets as places for social interaction.</p> <p>It also identifies aspects that create a great places being the night time economy, along with culturally diverse businesses, restaurants and bars, creative expression, spaces for group activities and gatherings, safe public spaces and temporary and interim uses, such as events.</p> <p>This Planning Proposal will assist in strengthening the Liverpool city centre as a great place where the cultural diversity of the area is reflected in the businesses and activities and also celebrated through events and activities that are for all ages after dark. The SEP will also help to increase safety within the area through greater activity on the street and increase passive surveillance after business hours.</p>
Jobs and skills for the city	
Objective 24. Economic sectors are targeted for success	<p>Tourism is an important aspect of the NSW and Liverpool economy. Strategy 24.2 includes the consideration of "supporting appropriate growth of the night time economy" as part of creating opportunities for the visitor economy and tourism sector. The importance of the night-time economy to a successful tourism sector is reinforced in Council's own Visitor Economy Strategy.</p> <p>The Western Sydney Airport is set to operate 24/7 and combined with the location of several universities and student accommodation within the city centre and Liverpool Hospital, there is a significant opportunity for Liverpool to strengthen its night time economy to meet the needs of visitors, residents, workers and students.</p> <p>This Planning Proposal will assist in activating and growing Liverpool's nightlife, dining, retail and entertainment to ensure the city centre thrives beyond standard business hours. The SEP provides</p>

Greater Sydney Region Plan - A Metropolis of Three Cities	
Direction	Comment
	opportunities for students, workers, residents and visitors to access diverse, cultural, recreational and business experiences after dark and enhance its appeal as an attractive destination and contributor to the local economy.

Western City District Plan (WCDP)

The site is located within the Western City District, and the applicable District Plan is the Western City District Plan (2018), as established by the Greater Sydney Commission in March 2018. The Western City District Plan provides a series of priorities and actions to guide development and expected growth throughout the district. Relevant priorities and actions are outlined in Table 4 below:

Table 2: Consistency with the District Plan

Western City District Plan	
Planning Priority	Comment
Liveability	
Planning Priority W4 Fostering healthy, creative, culturally rich and socially connected communities.	<p>The cultural vibrancy of the Western District is reinforced by a variety of night-time activities, ranging from popular eat streets, clubs and small bars to arts and cultural activities. This planning priority considers opportunities for creative and artistic industries, events, retail, dining and entertainment to be facilitated, to increase and diversify the night-time economy.</p> <p>The establishment of the SEP within the Liverpool city centre directly responds to this planning priorities intent to stimulate the night-time economy in mixed-use centres. The proposed SEPs are within existing centres with adequate noise control measures, locally appropriate operating hours, and safe late-night travel options.</p>
Planning Priority W6 Creating and renewing great places and local centres, and respecting the District's heritage	<p>Great places and local centres share a unique combination of land uses and activities that contribute to a distinctive place and celebrate the dynamic cultural diversity of our local communities.</p> <p>The Liverpool City Centre is identified as a Metropolitan Centre and cluster servicing a broader catchment. The Liverpool City Centre has also been identified and is working to grow this place as an Innovation Precinct, attracting significant tertiary education and health facilities, students and employees.</p> <p>Establishing a SEP within the Liverpool City Centre will contribute to a renewal of this strategic place and the growth of the innovation precinct with a vibrant and safe night-time economy enhancing the social and recreational needs of the local Liverpool communities and communities across the Western Sydney region. The SEP</p>

Western City District Plan	
Planning Priority	Comment
	aims to support a range of small businesses such as retail, arts and cultural enterprises as well as celebrating the cultural diversity of the Liverpool communities through events and public space activations.

Productivity	
<p>Planning Priority W8 Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis.</p> <p>Planning Priority W9 Growing and strengthening the metropolitan cluster</p> <p>Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres.</p>	<p>The Western City District Plan identifies Liverpool as one of four metropolitan centres providing a “concentration of higher order jobs and a wide range of goods and services influenced by the significant population and activities of the Western Sydney Aerotropolis and broader Western Sydney Employment Area”.</p> <p>For Liverpool, the District Plan aims to “improve the night-time economy, improve urban liveability and sense of place and to capitalise on the Western Sydney Airport and the Western Sydney City Deal.</p> <p>The establishment of the Liverpool SEP directly delivers on Action 42 (g) of the Western City District plan to “<i>encourage a vibrant mix of uses, new lifestyle and entertainment uses to activate streets and grow the night-time economy</i>” and Action 56(k) to “<i>provide access to jobs, goods and services in centres by providing for a diverse and vibrant night time economy in a way that responds to potential negative impacts</i>”.</p> <p>Designating the SEP within the Liverpool city centre will strengthen the role of Macquarie Street and George Street and future land use patterns, as well as support the growth of local entertainment, creative, cultural and retail businesses/activities and increase employment opportunities. Additionally, the establishment of the SEP and supporting growth of the night time economy will contribute towards an improved tourist market that builds upon visitation opportunities presented by the Western Sydney Airport, the Liverpool Hospital and various universities located within the city centre.</p>

Draft Sydney Plan

The draft Sydney Plan (draft plan) was previously exhibited and sets out how the NSW Government will address growth in Sydney over the next 20 years. Once finalised, the Sydney Plan will replace the Greater Sydney Region Plan – A Metropolis of Three Cities (2018) and associated district plans.

The draft plan sets out a series of seven priorities which are supported by a series of interconnected ‘responses’ and in turn inform actions for both NSW Government and local council to deliver.

Response 6: Create a more vibrant Sydney recognises centres are a focal point for social, cultural and economic activity. It also identifies that “initiatives such as special entertainment precincts can encourage going-out districts with extended trading hours or favourable sound controls for venues”. This response is supported by Action 6.3 that Councils “establish special entertainment precincts where appropriate to accommodate critical community, arts, cultural and retail uses as part of Council-led precinct planning.

This Planning Proposal will assist in achieving this response and associated action. Liverpool is identified as a commercial centre within the draft plan which recognises its role servicing a wide catchment and that it supports a high concentration of social, cultural, civic and transport infrastructure. Designating the core activation zone of Liverpool City Centre as a Special Entertainment Precinct with adequate noise control measures in place will ensure this important centre continues to thrive for local residents, businesses, and workers as well as servicing a broader catchment of visitors, especially given the location of Liverpool Hospital and several universities within the broader city centre area.

Q4 Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Liverpool Local Strategic Planning Statement (LSPS)

The Local Strategic Planning Statement (LSPS) is Council's long-term plan to shape Liverpool's future which will help guide the development of Liverpool's suburbs and balance the need for housing, jobs and services as well as parks, open spaces and the natural environment. Assessment of consistency with the LSPS is as below at Table 5.

Table 3: Consistency with LSPS

Connected Liverpool 2040 - Local Strategic Planning Statement (LSPS)	
Planning Priority	Comment
Liveability	
Planning Priority 4 Liverpool is a leader in innovation and collaboration	The LSPS identifies that Liverpool City Centre will become a rejuvenated river city offering new and diverse housing and employment spaces, anchored by a world-leading Innovation Precinct providing high-value local job opportunities. The planning proposal and the establishment of the Liverpool SEP will support the achievement of this planning priority.
Planning Priority 5 A vibrant, mixed-use and walkable 24-hour City Centre with the Georges River at its heart.	The LSPS identifies that Council will foster a 24-hour economy with a lively and well-integrated mix of activities. This planning proposal directly gives effect to Planning Priority 5 and supports the growth of a 24-hour economy and ensuring that extended trading hours in the CBD can occur without being affected by increased residential development and the potential for amenity impacts.

<p>Planning Priority 9 Safe, healthy and inclusive places shaping the wellbeing of the Liverpool community.</p>	<p>As one of NSW's most culturally diverse cities with around 40% of people born overseas, the ability to celebrate the different cultures support a more inclusive, healthy and creative community where citizens can actively participate in public life. This planning proposal directly gives effect to Planning Priority 9 with the SEP encouraging activities in the evening that provide increased safety for all people and the ability for events and activities that celebrate the culture and creativity of the Liverpool communities.</p>
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Productivity	
<p>Planning Priority 11 An attractive environment for local jobs, business, tourism and investment.</p>	<p>Due to its proximity to the Western Sydney International Airport, Liverpool's attractiveness as a location for commercial and industrial enterprise will grow significantly over the next 30 years. The establishment of the Special Entertainment Precinct will support the attractiveness of Liverpool CBD to businesses, employers, employees, students and visitors. The social and economic aims of the SEP and this planning proposal directly gives effect to Planning Priority 11.</p>

Liverpool Community Strategic Plan 2025-2035

The Liverpool Community Strategic Plan (CSP) is a roadmap to achieve the community's long-term vision for Liverpool "a vibrant global city of lifestyle and opportunity".

The 10-year strategic directions relevant to the SEP include:

- Deliver great and exciting events and programs for our people and visitors
- Create a vibrant and pleasant evening economy by supporting diverse dining cultural, and entertainment experiences in safe and welcoming public spaces
- Position Liverpool as a University City by attracting tertiary institutions, fostering the Liverpool Innovation Precinct, and creating a vibrant student-friendly environment that supports learning, living, and industry collaboration
- Promote and deliver an innovative, thriving and internationally recognised global city

The CSP also identifies that "the adoption of a Special Entertainment Precinct in Liverpool will foster more live music and cultural events, creating a vibrant atmosphere that attracts both locals and tourists. This initiative will drive economic spend and create jobs within the city centre and attracting additional investment from existing and new businesses in hospitality, retail, and entertainment".

Liverpool Economic Development Strategy

The Economic Development Strategy 2024-2034 outlines the framework and guiding objectives to build a stronger local economy for Liverpool. This planning proposal and the establishment of the SEP aligns to and will positively contribute to achieving the five pillars of the strategy - 1. Attract and support business; 2.

Local jobs for local people; 3. Innovation and education; 4. Global links and connections; 5. Thriving city of Culture and Collaboration.

The strategic pillar - Thriving City of Culture and Collaboration - is about Liverpool "cementing its position as the premier CBD of South-West Sydney with a vibrant 18-hr economy". To achieve this, the Strategy commits that Council will "continue to build and develop the city centre to improve amenity and create inviting places for residents, visitors and businesses". It also identifies that Council will "create opportunities and work with local businesses to boost evening activities to create an 18-hour economy". Therefore, the creation of a Special Entertainment Precinct through this planning proposal and collaboration with the 24-Hour Economy Commissioner is fundamental to achieving this for the Liverpool LGA.

Draft Visitor Economy Strategy

The stated outcomes of this strategy relevant to the SEP include 'growing a visitor economy that is economically, socially and environmentally sustainable'; and 'increased appeal and competitiveness of Liverpool as a destination and lifestyle choice'.

The draft Strategy identifies several factors that influence the visitor economy including the Liverpool CBD being home to four universities: the Strategic location of Liverpool to Sydney Airport, WSI Airport, Parramatta, and the Blue Mountains, and its location on the main Sydney-Canberra- Melbourne route.

A challenge identified in this strategy is the "underdeveloped Night-Time Economy and High-End Offerings - A lack of evening activities, nightlife, and premium offerings limits Liverpool's ability to attract both families and higher-spending visitors. Safety concerns and poor lighting further discourage night-time visitation, reducing overall visitor spend and length of stay.

Two opportunities identified in the strategy related to the establishment of the SEP include:

1. Expanding Cultural and Local Tourism: by tapping into the strong potential to grow cultural tourism through food trails, multicultural festivals, heritage walks, and First Nations storytelling. By curating authentic local experiences, Liverpool can appeal to both domestic and international travellers seeking genuine connections with the places they visit
2. Tapping into the International Student Market: with its existing education institutions and growing population of international students, Liverpool can strategically develop offerings around student integration, affordable accommodation, and cultural engagement. This also connects with workforce development and tourism industry support through student employment pathways

A key action outlined in this draft Strategy is to activate Liverpool's nightlife, dining, retail, and entertainment to ensure the city thrives beyond standard business hours. Support local businesses and cultural initiatives that encourage after-hours activity, enhance safety, and foster social vibrancy.

The strategy also identified the goal is to transform Liverpool into a dynamic 24-hour city where residents and visitors can access diverse cultural, recreational, and business experiences after dark, driving economic growth and enriching community life.

Therefore, this planning proposal and the establishment of a Special Entertainment Precinct will positively respond to the identified challenges and contribute the growth of the visitor economy in the Liverpool LGA.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Not applicable.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Several State Environmental Planning Policies (SEPPs) apply to the land. The consistency of the planning proposal with pertinent SEPPs has been provided in Table 7 below. SEPPs which the planning proposal will not materially impact nor undermine are omitted from the table.

Table 4: Consistency with State Environmental Planning Policies

State Environmental Planning Policies	
<i>Policy</i>	<i>Comment</i>
SEPP (Biodiversity and Conservation) 2021	Not applicable
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable
State Environmental Planning Policy (Housing) 2021	Higher noise attenuation standards will apply to all types of residential accommodation within the precincts. This will ensure residential development is built to withstand current and future entertainment sound levels for the amenity of residents. The PMP and DCP controls proposed to give effect to this are not in conflict with the SEPP
State Environmental Planning Policy (Planning Systems) 2021	Not applicable
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable
State Environmental Planning Policy (Resilience and Hazards) 2021	Not applicable
State Environmental Planning Policy (Sustainable Buildings) 2022	Not applicable
State Environmental Planning Policy (Transport and Infrastructure) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Sydney Parkland City) 2021	The establishment of SEP in Liverpool supports the growth of the city centre as an innovation precinct, diversifies the businesses operating within the precinct and strengthens the cultural assets, support the culturally diverse residential community of Liverpool. This will contribute towards a robust tourism market that takes advantages of visitation opportunities by the Western Sydney Airport. This will help drive visitor numbers within the Liverpool LGA and develop significant employment opportunities. It also contributes to the growth and attraction of Liverpool City Centre as a Health and Education Precinct with Liverpool Hospital and various universities already located within the precinct.

Q7 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Table 5: Ministerial Direction Consistency

Direction	Comment	Consistency
1. Planning Systems		
1.1 Implementation of Regional Plans	The proposal is predominantly consistent with the Greater Sydney Region Plan and the draft Sydney Plan.	Consistent
1.2 Development of Aboriginal Land Council land	Not applicable	N/A
1.3 Approval and Referral Requirements	No provisions that will require referrals, concurrence or consultation with the Minister or public authority are contained within this planning proposal. No further development will be considered designated development as a result of this planning proposal.	Consistent
1.4 Site Specific Provisions	No additional land uses or changes to zoning are proposed under this planning proposal. The proposed site specific provisions actually allow implementation of less restrictive and provide more certainty to business owners.	Consistent
1.4A Exclusion of Development standards from Variation	Not applicable	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable	N/A
3. Biodiversity and Conservation		
3.1 Conservation Zones	Not applicable	N/A
3.2 Heritage Conservation	There are multiple sites within the proposed Liverpool CBD SEP area that are listed as local heritage items under Schedule 5 of the Liverpool LEP. The proposal will not result in a change to the heritage conservation requirements that apply to these identified sites.	N/A
3.6 Strategic Conservation Planning	Not applicable	N/A
3.7 Public Bushland	Not applicable	N/A
4. Resilience and Hazards		
4.1 Flooding	Not applicable	N/A
4.2 Coastal Management	Not applicable	N/A
4.3 Planning for Bushfire Protection	Not applicable	N/A

Direction	Comment	Consistency
4.4 Remediation of Contaminated Land	There are no sites within the precincts identified as containing contaminated land. The proposal will not result in new land uses being permitted	Consistent
4.5 Acid Sulphate Soils	The precincts are not identified as being affected by acid sulfate soils in accordance with LLEP 2013 mapping.	Consistent
5. Transport and Infrastructure		
5.1 Integrating Land Use and Transport	This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes and therefore applies to the planning proposal. The proposal supports the continued growth of an established MU1 zone in an area with a high level of public transport infrastructure.	Consistent
5.2 Reserving Land for Public Purposes	The proposal will not result in the alteration or reduction in public land.	Consistent
7. Industry and Employment		
7.1 Business and Industrial Zones	The proposal will add further protections to the operation of the employment and mixed use zoned land, by making the acceptable sound levels coming from premises clear to businesses and residents. Council expects the SEP to increase business confidence and lead to new and diverse businesses opening within the SEP.	Consistent

Section C – Environmental, social, and economic impact

Q8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not applicable

Q9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Increased patronage to existing venues with live music offerings and the potential establishment of live entertainment venues drawing their own audience may lead to a direct environmental noise impact.

Any additional noise generated by venues from amplified sound and patron noise from within the venue will be regulated and enforced under the PMP for the SEP and the compliance procedures for such incidents are outlined in this plan. Council and the NSW Police work with venues to ensure patrons are instructed to leave an area quietly and are respectful of neighbours. This includes warning from security staff and signs displayed at the exit to each venue. It is generally a requirement for licenced venues to maintain a venue management plan and complaints register that clearly communicate procedures and measures to limit noise disturbance at sensitive time periods including that late night trading period.

It is also proposed to introduce development controls into the Liverpool Development Control Plan 2008 to address any adverse impacts to noise attributable to the SEP and provide more certainty for applicants in managing impacts. These controls will be exhibited concurrently with the Planning Proposal and Precinct Management Plan.

Currently, Council provides street bins in all commercial centres, which are emptied daily. Street cleaning also takes place weekly on main streets as part of Council's essential main street shopping centre service levels. It is expected within the SEP area that littering may increase due to increased patronage. Therefore, during the SEP trial period work will be undertaken in collaboration with Council operational staff responsible for CBD cleaning, to establish whether additional measures are required to address any increased littering or further maintenance of streetscapes.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The economic and social impacts resulting from the planning proposal are expected to be positive.

Economic effects

The SEP is one planning mechanism that will support the development of a nighttime economy in the Liverpool Town Centre and contribute to Council and businesses achieving the pillars of the economic development strategy and a vibrant 18-hr economy. Extended trading hours will incentivise business to stay open later.

Specific sound levels are detailed in the new Precinct Management Plan that set a limit for businesses operating within the SEP. This will create certainty for businesses on how loud they can be. Enabling them to make a considered decision as to whether they should invest in the area, and what kind of entertainment they can provide. This is likely to lead to increased investment in the area, leading to a greater economic activity and employment of various staff across several industries including hospitality, the arts and retail.

Current regulations and compliance of noise from commercial premises are typically investigated by Council's Public Health and Environment Branch. Noise coming from a commercial premises that are considered 'offensive' by the regulatory officer on duty need to be mitigated by the premises immediately or they risk fines or other orders to cease use.

This is layered with development consent and liquor licencing conditions that regulate sound by permitting a certain decibel level (typically 5 decibels) above background noise levels before midnight, and no level above background noise levels after midnight. This measure is difficult for venues and businesses to enforce for several reasons:

- Background noise levels fluctuate over time
- Specialised equipment and expertise are required to establish background noise level
- If the density of venues in an area increases, so too will the background noise level
- Inaudibility after midnight is not conducive to vibrant night life

Due to these reasons, maintaining precedence of issuing development consent conditions for the offensive noise test layered with the background noise level +5 decibels lowers confidence for businesses that would trade into the night, as they fear their investment will be lost as the offensive noise test is subjective and the background noise level is unreliable.

Social effects

Renewed business confidence in the area will mean new businesses, venues and activities for residents, workers and visitors to the area to experience a range of cultural, creative, entertainment opportunities

hosted by venues and occurring in the public domain. These will be new opportunities for social interaction and development of sense of place in the Liverpool City Centre.

Creating a positive night time economy experience also supports the health workers based at Liverpool Hospital and the students living and studying within the Liverpool City Centre area. Providing a greater night time offering within the Liverpool City Centre, will contribute to an increased feeling of welcome and safety for people of all ages to participate in civic life and enjoy what Liverpool has to offer after dark.

Supporting a growth in increased nighttime activities, events and live entertainment venues, may lead to an increase in the number of licenced venues and could lead to an increase in anti-social behaviour. However, these impacts are considered to be manageable as there are other mechanisms and regulations to address these issues including liquor licencing assessments, Responsible Service of Alcohol, individual security and management operations for premises and Policing.

Compliance in the area is a joint effort between Council and the NSW Police, with information sharing to deal with problem areas and venues key to reducing impacts.

Section D – Infrastructure (Local State and Commonwealth)

Q11. *Is there adequate public infrastructure for the planning proposal?*

Liverpool City Centre is serviced by frequent and late-night public transport. This includes buses, trains, and Night Ride buses. Public transport available includes:

Trains:

Liverpool Station providing direct access to Parramatta, the City (via Bankstown or Granville), and Richmond via:

- T2 Inner West & Leppington Line (Service runs between 6.18AM and 12.44AM)
- T3 Bankstown Line (Service runs between 3.14AM and 11.30PM)
- T5 Cumberland Line (Service runs between 6.18AM and 12.44AM)

Buses:

Transit Systems operates major bus routes (Region 2 and 3) serving the Liverpool area and interchange,

- Liverpool to Parramatta (T80; 802; 804; 806) – 804 route runs till 11.15PM and first service at 4.56AM
- Liverpool to Burwood (M90)
- Liverpool to Badgerys Creek Airport (801)
- Liverpool to Fairfield Station (808; 904)
- Liverpool to Cabramatta Station (805). Service operates between 5.30AM till 10.45PM.
- Liverpool to Bringelly (856)
- Liverpool to Ingleburn via Prestons & Edmondson Park (869)
- Liverpool to Campbelltown via Glenfield including Campbelltown Hospital (870; 872)
- Liverpool to Chipping Norton Loop (903)

Night Bus Services

- Liverpool to Leppington Night Services runs from Liverpool Train Station via Edmondson Park to Leppington Station (N31), services run between 1.30AM to 5.30AM
- Liverpool to City Town Hall via Strathfield (N50), Services run between 11.30PM to 3.30AM
- Macarthur to City Town Hall, via Liverpool (N30). Services run between 12.30AM to 3.30AM

Section E – State and Commonwealth interests

Q12. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation will be undertaken with relevant State, Commonwealth and any other relevant public authorities should a Gateway determination be issued. Should a Gateway determination be issued. The following relevant public authorities are identified for consultation:

- Office of the 24-Hour Economy Commissioner
- NSW Liquor and Gaming
- NSW Police (Liverpool Local Area Command)
- Office of Local Government
- Transport for NSW
- Fire and Rescue NSW
- NSW Health
- Any other relevant service providers

Part 4 – Mapping

This part of the Planning Proposal deals with the maps associated with the Liverpool Local Environmental Plan 2008 that are to be amended to facilitate the necessary changes as described in this report.

To achieve the objectives of the Planning Proposal, Liverpool Local Environmental Plan 2008 will be amended as follows:

- Inclusion of Special Entertainment Precinct Maps to identify sites within the Special Entertainment Precinct.

Appendix A contains maps of proposed sites subject to this Planning Proposal.

Part 5 – Community Consultation

Schedule 1, Clause 4 of the *Environmental Planning & Assessment Act 1979* requires the relevant planning authority to consult with the community in accordance with the Gateway determination. As such should a Gateway determination be issued, the planning proposal will be publicly exhibited for at least 28 days. The planning proposal exhibition will also be carried out in accordance with Liverpool City Council's Community Engagement Strategy 2024 and Community Participation Plan 2025. At a minimum, the notification of the public exhibition of the planning proposal is expected to involve:

- Notification on the Liverpool City Council website.
- Letters to properties and landowners within the vicinity of the site.

As a minimum, the following stakeholders will be consulted during public exhibition stage and may be subject to additional stakeholders as determined in the gateway conditions.

- Properties located within the Special Entertainment Precinct boundary
- Adjoining nearby landowners
- Local businesses within the precinct and business organisation representatives
- Special Entertainment Precinct Working Group members
- Transport for NSW
- Office of the 24-Hour Economy Commissioner
- NSW Liquor and Gaming
- NSW Police (Liverpool Local Area Command)
- Office of Local Government
- Fire and Rescue NSW

Part 6 – Project Timeline

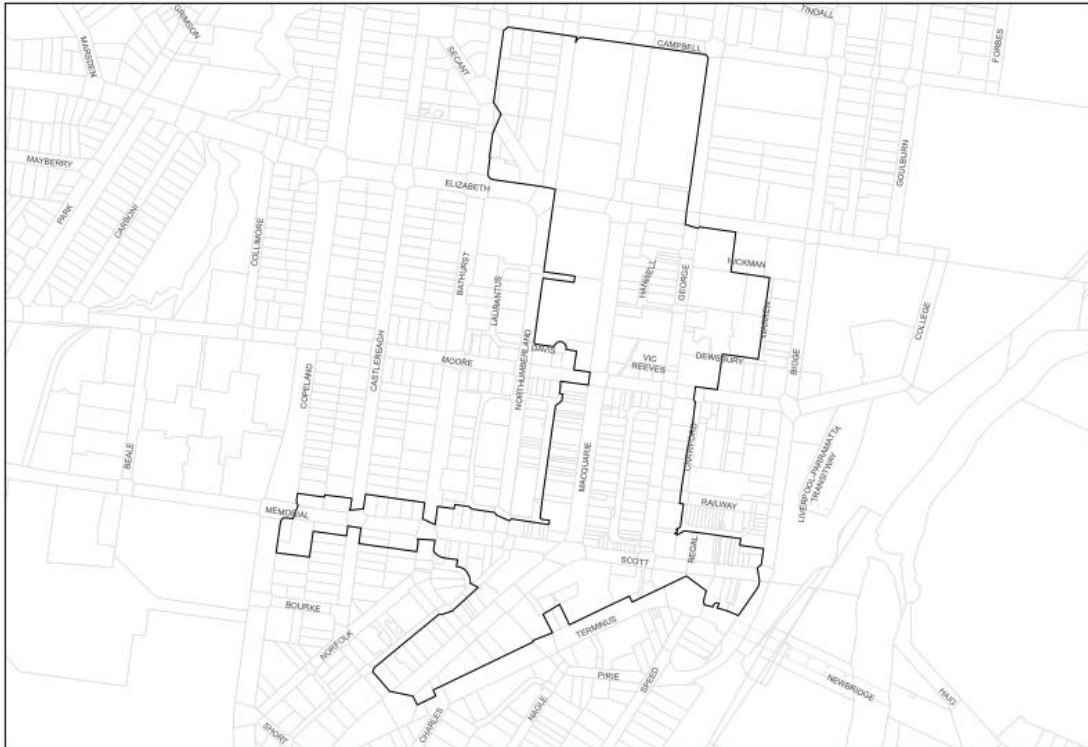
The project timeline below is based on the actions required and is intended to be used only as a guide and may be subject to changes such as changes to issues that may arise during the public consultation process and/or community submissions.

Table 6: Anticipated Project Timeline

Timeframe	Action
February 2025	Council resolved for Council staff to prepare planning proposal.
October 2025-March 2026	Preparation of required technical studies to inform the preparation of the planning proposal (including the Precinct Management Plan and DCP)
April 2026	Consideration of LPP of draft planning proposal
April 2026	Presentation of Planning Proposal to Liverpool Local Planning Panel.
May 2026	Presentation of Planning Proposal to Council meeting, to proceed with seeking Gateway determination request.
May 2026	Gateway determination request to Department of Planning and Environment (DPE).
June 2026	Anticipated date of Gateway Determination issued by DPE
June/July 2026	Undertake requirements/conditions of Gateway Determination.
July 2026	Agency and Community Consultation.
August 2026	Consideration of submissions and presentation of post exhibition planning proposal to Council meeting.
August/September 2026	Planning proposal will be forwarded to the Department of Planning for finalisation.
September 2026	Legal drafting and making of the plan.

Attachments

Properties within the proposed Liverpool City Centre Special Entertainment Precinct



Precinct Management Plan

Liverpool City Centre Special Entertainment Precinct

May 2026

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Introduction

The Liverpool City Centre is the heartbeat of this vibrant, global city in Sydney's south-west. It is a mixed-use precinct with an established food and entertainment scene that reflects and celebrates the cultural diversity of the Liverpool community.

The establishment of a Special Entertainment Precinct (SEP) in the Liverpool City Centre aims to foster economic growth, cultural vibrancy, and a thriving nighttime economy. The SEP is established under section 202 of the *Local Government Act 1993* (LG Act).

The purpose of this Precinct Management Plan (PMP) is to support the SEP area to permit increased nighttime activities, including live entertainment whilst providing clarity to residents, businesses, Council staff, developers, and other stakeholders regarding the expectations for sound levels from entertainment activity in the SEP and a consistent quantitative based approach to sound regulation and compliance.

The Precinct Management Plan and ancillary SEP documents aim to support nighttime activation, maintain acoustic amenity, reduce noise impacts and set extended trading hours for premises within the SEP area and further provide clear noise criteria through the sound management framework to provide operational certainty for venues, businesses and residents.

Section 1: Liverpool City Centre Special Entertainment Precinct

1.1 Location

The proposed SEP will be located within Liverpool's City Centre, on Macquarie Street, George Street, and Macquarie Mall due to these being the primary dining, events, entertainment and retail streets in the CBD, and along Scott Street, continuing onto Memorial Avenue to Woodward Park to facilitate a potential future major entertainment venue. Figure 1 below identifies the extent of the Liverpool City Centre SEP. The properties subject to the SEP are mapped within the *Liverpool Local Environmental Plan 2008*.



Figure 1: Proposed Liverpool City Centre Special Entertainment Precinct (Source: NSW Government SDT Explorer)

The Liverpool City Centre Special Entertainment Precinct (SEP) is approximately 200m west of the Liverpool Railway station. The precinct is within the Liverpool City Centre, which is recognised as the city's main dining and entertainment zones within Macquarie Street and Macquarie Mall serving as Liverpool's primary dining and major events precinct. The key locations for this SEP include:

1. **Macquarie Street** - A prominent dining and retail strip with a variety of restaurants, cafes, and entertainment venues undergoing major upgrades including significant lighting improvements to enhance the evening economy
2. **Macquarie Mall** - A popular pedestrian space that serves as a hub for community gatherings, major events, and dining experiences
3. **George Street** - Known as "Little India Liverpool – Sari Street" due to hosting a diverse range of South Asian eateries and fashion stores
4. **Scott Street and Memorial Avenue** – linking Liverpool Railway Station and Liverpool Civic Place to a potential major entertainment venue at Woodward Park

1.2 Strategic planning for Liverpool City Centre

Council's aspiration is for the Liverpool City Centre to be Sydney's Third CBD. The 2018 planning proposal to amend Liverpool LEP 2008 (Amendment 52) aimed to enable a mix of uses, including cafes, bars and restaurants, retail, child care, office space and residential.

At the time, the vision for Liverpool City Centre was:

- *To foster a modern, vibrant, 18-hour economy and enhance Liverpool as a walkable city centre in which residents are close to work, universities and schools, shops, dining, entertainment, public transport and green space along the Georges River*

The rezoning applied to a broader area than the SEP (noting additional land west of Bathurst Street along Memorial Avenue has been included in the SEP) and changed the land use from purely commercial to a mixed-use zone (MU1), thereby permitting apartment and shop-top housing development in the City Centre. Some purely commercial has been retained around Westfield and east of George Street (E2 Commercial Centre zone).

Building heights and FSR were also increased to accommodate housing growth and activate the centre, meaning an increasingly dense population will be living in the City Centre as it regenerates over the coming decades. Within the SEP area, building heights up to 100m are permitted in discrete locations east of George Street for example. Elsewhere the maximum heights are between 18-35m, with lower heights in the core retail/pedestrian area around Macquarie Street and increasing towards the edges of the City Centre, outside the SEP.

The planning controls seek to preserve the existing street layout and reinforce the street character through consistent building alignments and improve the quality of public spaces in the City Centre.

Active frontages are required at the ground level of all mixed use and commercial buildings and awnings will generally be required for all new buildings in the SEP. Street setbacks will be limited across the SEP to maintain a contiguous building line.

1.3 Place-based planning approach for the SEP

The place-based planning for the SEP responds to the future built form and desired land uses and activities across the City Centre, as well as the nature and location of existing entertainment venues and sensitive receivers.

Accessibility: The Liverpool City Centre is accessible via the Liverpool Railway Station and readily accessible via the M5/Hume Highway and local and state road networks. The Liverpool City Centre is also serviced by various bus routes that connect with other major centres such as Parramatta, Burwood, Campbelltown and the Sydney CBD. There is also convenient on and off-street parking within the City Centre, with a high degree of accessibility and visibility for pedestrians and vehicles.

Land Use Considerations: Key land use considerations for the establishment and management of the Liverpool City Centre SEP include:

- Liverpool City Centre is recognized as having the city's main dining and entertainment zones. Macquarie Street and Macquarie Mall serve as Liverpool's primary dining and major events precinct, and George Street is known as "Little India Liverpool" due to hosting a diverse range of South Asian eateries and fashion stores
- The smaller size/scale and nature of operations associated with the majority of existing venues, restaurants and bars in the identified SEP do not currently generate significant noise levels or attract large crowds

- The established medium to scale larger venues (e.g. pubs) have previous approvals that required a range of noise attenuation measures and management practices to help mitigate amenity and noise impacts
- The Liverpool City Centre is relatively 'self-contained' with the access points and entertainment areas of venues generally focused toward Macquarie Street Mall and George Street rather than the surrounding residential areas
- There are limited existing sensitive receivers (e.g. shop top housing) within the Liverpool City Centre. The acoustic measures outlined in this PMP have been established through a supporting acoustic study and will ensure that any future developments including those containing residential uses within and adjoining the SEP will be required to include noise attenuation measures to safeguard future occupants of these new dwellings thereby future-proofing the SEP.

Public Domain: The vision for the Liverpool City Centre Public Domain Masterplan is to create a rejuvenated and revitalised river city which is vibrant and active and aspires to achieve a high-quality public realm for the community, using sustainable design principles and best industry practices. It aims to establish a more coherent, cohesive and integrated urban core which is greener, healthier, inclusive and accessible for the city's residents, businesses and visitors.

Macquarie Street is the major north - south road alignment within the grid system of the Liverpool City Centre and forms an important central spine, dividing the precinct into two almost equal halves. The pedestrianised area is the existing location for outdoor dining and temporary events and festivals within the city centre. The location of the new library fronting Scott Street provides a small civic space that anchors Macquarie Street at the southern end.

There are also various laneways that run adjacent to and in between the main north-south streets – Macquarie and George Streets. The Liverpool City Centre Public Domain Masterplan identifies future opportunities for greater activation and pedestrian use through outdoor dining, markets and pop-up events and commercial activities.

The Master Plan establishes the foundation for a high-quality built environment that is safe and liveable and leverages off the new Western Sydney (Nancy-Bird Walton) International Airport and Aerotropolis, supporting growth and businesses to promote an 18-hour economy within the city centre.

Policy Alignment: The proposed SEP aligns with Liverpool City Council's broader strategic objectives including:

- **Supporting the establishment of an 18-Hour Economy:** the SEP provides a framework to activate key areas of the CBD, creating a vibrant atmosphere that attracts both day and night-time visitors. By supporting live music, cultural events, and extended trading
- **Encouraging Investment and Economic Growth:** the SEP is strategically aligned with Council's goals for CBD activation, as outlined in Council's 2024-2034 Economic Development Strategy and Draft Visitor Economy Strategy 2026-2030, offering significant opportunities to attract new investment and encourage extended trade from existing businesses. By reducing red tape and providing clear regulatory frameworks for live music and small-scale activations, the SEP will remove operational barriers and create a more business-friendly environment. The expected result is an increase in economic activity, job creation, and greater overall spend. Council will monitor evidence-based outcomes using key metrics as part of the ongoing evaluation and monitoring of the SEP.

1.3.1 Precinct Vision

The Liverpool City Centre is the heartbeat of this multicultural, global city in Sydney's south-west. The Liverpool City Centre is a mixed use, innovation precinct with tertiary education and health institutions, an established food and entertainment scene, retail and community facilities that support a broader offering both day and night for local residents, workers, students and visitors to experience and enjoy.

The Liverpool City Centre is a place that everyone can be proud of. A family friendly place for everyone in the community to connect, celebrate cultural traditions through events and festivals, and local cultural and artistic expression, and support workers and students at any time of the day and night.

1.3.2 Precinct Objectives

The objectives of the Liverpool City Centre SEP are to:

Objective 1: Support the growth of the Liverpool City Centre as a modern, diverse 18-hour economy. A mixed use, walkable city centre where residents are close to work, universities and schools, shops, dining, entertainment, public transport and greens spaces along the Georges River.

Objective 2: Create an exciting, family-friendly and pleasant evening economy by fostering more live music and cultural events and supporting diverse dining, cultural, entertainment, retail and community experiences in safe and welcoming public spaces for all within the community to enjoy.

Objective 3: Attract investment from existing and new businesses, increase economic spend, create jobs, activate public spaces, and support the Liverpool Innovation Precinct through greater clarity and understanding of trading hours, sound management and nighttime activities expected to occur within the precinct.

Objective 4: The areas within and surrounding the Liverpool City Centre SEP are provided with reasonable amenity and sound levels coming from the precinct through a clear, consistent sound management framework and criteria.

Objective 5: The roles and responsibilities of all stakeholders - businesses, residents, industry, Council, NSW Government agencies and NSW Police – are clear and there is a commitment to achieving the aims of the SEP, in terms of supporting increased activity and experiences balanced with the safety and amenity within and areas surrounding the precinct.

Objective 6: Implement a clear process and regulatory response to complaints to balance amenity and reasonable sound levels coming from the precinct.

Objective 7: Monitor the operation of the SEP and adjust the management of the precinct as required.

1.3.3 Approach to sound management

Sound from entertainment activity coming from commercial premises within the Liverpool City Centre SEP is subject to different sound compliance criteria than premises elsewhere throughout the Liverpool Local Government Area (LGA). While the approach to noise management is different, Council's aim is not to allow unrestricted noise levels from businesses, but rather to achieve a suitable balance for both businesses and resident interests for trading and entertainment activities.

Council has worked with an expert sound consultant to develop sound criteria that applies to the Liverpool City Centre SEP. See Part 2 of this PMP for further information, including detailed sound criteria. The sound criteria and management framework provided under this PMP includes a range of measures that have regard to current and potential acoustic environments of the SEP and aim to minimise potential negative outcomes on sensitive receivers balanced with the needs and expectations of all stakeholders.

1.4 Existing Policy Considerations

Several existing Council and NSW Government plans and policies interact with this document.

1.4.1 Local Government Act 1993

The Liverpool City Centre SEP is enabled under Section 202 of the *Local Government Act 1993*. A SEP is defined as a precinct, streetscape or single venue identified in a local environmental plan where trading hours for premises and sound conditions for entertainment activity are set out in a Precinct Management Plan. This legislation makes Liquor and Gaming NSW the sole authority for entertainment activity sound related complaints for licensed venues, enables Council to grant additional trading hours to businesses without approval, and makes it clear the Precinct Management Plan sound criteria overrides existing Development Application conditions of consent.

1.4.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)

The NSW Government's vibrancy reforms have been partly implemented through changes to the Codes SEPP or otherwise known as the 'Cultural SEPP'. These changes expanded exempt development provisions for entertainment venues within a SEP, including a 30% capacity increase (up to 100 patrons) for outdoor dining areas, streamlined pathway for events on public land, temporary extended trading hours during council special events, and permitting entertainment in existing premises two nights a week.

1.4.3 Liverpool Local Environmental Plan 2008

The Liverpool Local Environmental Plan (LEP) is the legislated plan that controls development in the LGA. It determines what can be built, where it can be built and what activities can occur. The LEP contains both a written instrument and maps, which together identify the zoning and development controls for all properties.

The establishment of the Liverpool City Centre SEP is enacted by an amendment to the Liverpool LEP 2008 written instrument and inclusion of a map identifying the properties located within the SEP. The amendment to the Liverpool LEP 2008 establishing the SEP does not change the land use zone, or other development controls such as height and FSR for properties within the precinct.

1.4.4 Liverpool Development Control Plan 2008

The primary purpose of a development control plan (DCP) is to guide development according to the aims of the corresponding local environmental plan (LEP). The Liverpool DCP must be read in conjunction with the provisions of Liverpool LEP.

Section 4A of the Liverpool DCP 2008 sets out controls for development within and around the Liverpool City Centre SEP. This includes sound attenuation requirements for new development and requirements for new or modified venues within the precinct to ensure they can operate without unreasonably impacting the amenity of the surrounding areas.

Anyone seeking to lodge a development application within the SEP, must read and understand the requirements under the DCP.

1.4.5 Development Consents and Conditions

Under the *Environmental Planning and Assessment Act 1979*, Council can grant development consent for the use and development of land subject to conditions. Development consent conditions deal with a range of matters including sound from entertainment activity.

Existing development consents for premises within the Liverpool City Centre will typically have a condition restricting sound from entertainment activity to a standard criterion. With a SEP in place, noise conditions

on existing development consents relating to maximum sound levels will no longer apply. Council will instead be utilising the fixed sound criteria contained within this PMP at Section 2 – Sound Management Framework. The SEP will also ‘switch-off’ trading hour conditions imposed by a development consent, allowing the trading hours in the PMP to apply, as well as development consent conditions that prohibit live entertainment, either wholly or in part.

1.4.6 Liquor Act 2007 and Liquor Licences

Liquor licenses are issued and regulated by Liquor and Gaming NSW under the Liquor Act 2007 and any future premises servicing or selling alcohol within the Liverpool SEP must have a liquor license in place and comply with relevant conditions, including but not limited to security requirements, licencing boundaries, and hours of operation.

Liquor licences contain a range of conditions that must be upheld whilst alcohol is being served and consumed. Conditions cover a range of matters including but not limited to security requirements, licencing boundaries, and hours of operation. As outlined above, sound criteria conditions on liquor licenses have been ‘switched-off’, with sound criteria now contained in the PMP.

1.4.7 Council’s Outdoor Dining Policy

Adopted in 2024, the policy promotes a balance between public and commercial uses within the street environment, and provides guidelines on Council’s requirements for the use, design and maintenance of commercial use of footways. The issuance of permits under this policy will be integrated with the requirements of this PMP.

1.4.8 Buskers Policy 2022

Buskers make an important contribution to the cultural life of a community to express their creative talents, provide cultural experiences and entertain members of the public. Reflecting styles, values, and issues of society at large. Busking provides an opportunity for our community to access the arts and provides an accessible, inclusive, and indirect means of exposing new audiences to artists.

This policy encourages activities that contribute to a vibrant city and provide opportunities for alternative voices to be heard through public performance. Additionally, it provides an equitable system of use for popular locations in Liverpool and supports the rights of buskers to express themselves earning a living in an artistic manner. Public safety is also supported through lively surrounds and improved ambiance encouraging pedestrian traffic.

Busking locations are to be determined based on Council-led activation and placemaking strategies and include sites in the Liverpool City Centre, Liverpool Powerhouse and surrounds, and Carnes Hill Recreational precinct. All busking must be undertaken within a designated area defined as an area of public land approved by Council.

Council will designate areas within Liverpool for the purpose of busking during the following times: 8am - 10pm, Sunday to Thursday and 8am - 11pm, Friday and Saturday.

1.5 Application of this Plan

This Precinct Management Plan applies to the operation of all commercial premises generating sound from entertainment activity within the SEP as defined under Section 202A of the *Local Government Act 1993*.

This plan does not apply to other sources of disturbance, including:

1. Vocal noise from people in public
2. Plant or machinery noise
3. Vehicular or traffic noise

4. Aircraft noise
5. Anti-social behaviour
6. Littering

The sound criteria will apply to different types of development and uses within the SEP:

- Existing sound-emitting a venue or premises
- New or modified sound-emitting venue or premises
- Outdoor entertainment both on private and public land
- Existing or modified receiver development
- New receiver development

1.5.1 Communication and Engagement

Successful implementation of the SEP will require ongoing communication and liaison with all stakeholders, particularly at stages involving review of the PMP, that may need refinements to ensure the management framework of the PMP is clear and functioning well. Communication and engagement has been undertaken for early establishment of the SEP, and is intended to continue through the trial period, operation, and evaluation of the SEP as well as part of Council implementing an ongoing process for engagement with the community and businesses in relation to the SEP.

Early Engagement: Preliminary engagement has been undertaken with business owners through direct discussions and surveys of businesses that indicated strong levels of support for establishing the SEP and opportunities to incentivise night-time operation. Broader community surveys have also been undertaken at various community events and festivals.

Preliminary consultation with hospitality and retail businesses within the proposed SEP and community representative members of Council's Tourism and CBD Committee was conducted in January 2025. Feedback has highlighted that there is strong support for the trial. Local businesses are enthusiastic about the potential benefits, including increased foot traffic, extended trading hours, opportunities to activate their businesses and a more vibrant atmosphere.

Establishment of the Precinct Working Group: As part of the early engagement and to inform the establishment of the Special Entertainment Precinct, a Precinct Working Group (PWG) has been established. The PWG has a total of 15 members representing local business and business organisations, Western Sydney International Airport, NSW Police, South-West Local Health District, local hotel and tourist accommodation operators, cultural, music and creative industry professionals and Liverpool community representatives. The role of this group is to inform the establishment of the SEP and assist with the evaluation of the trial and ongoing management of the SEP.

Planning Proposal Engagement: Implementation of the SEPs is subject to public exhibition of a Planning Proposal to amend the Liverpool LEP. This process will include notification to all businesses within the City Centre and surrounding residential properties located within proximity. Council will also engage with relevant public authorities listed in the Gateway conditions.

Trial period and ongoing engagement: Subject to Council's endorsement and finalisation of the Planning Proposal (that includes notification on the NSW legislation website), Council's Special Entertainment Precinct webpage will be updated to keep the community informed of the operations of the SEP. Council officers will work relevant sections of Council, NSW Police, NSW Liquor and Gaming and the Precinct Working Group during the trial period to review the operation of the SEP in accordance with the monitoring and evaluation provisions detailed in this PMP.

1.5.2 Monitoring and Evaluation

The purpose of the monitoring and evaluation framework is to measure the success of the program through recording quantitative and qualitative data of the operation of the SEP to guide continual improvements and refinements intended to facilitate a successful night-time economy.

The performance indicators will be measured in accordance with NSW Office of the 24-Hour Economy Commissioner Monitoring and Evaluation Plan and will be collected on a 6-monthly basis. In addition, the following local performance indicators provide information on desired outcomes for the SEP and will be monitored every quarter as part of reporting outputs.

The below table outlines how Council will evaluate and monitor the operation of the SEP trial. The evaluation and monitoring of the SEP trial will be focused on setting a baseline for future monitoring and evaluation. Following the SEP trial, Council will establish a formal monitoring and evaluation framework.

Desired outcome	Indicators	Data sources	Frequency
Businesses trade longer and provide different types of entertainment	Number of businesses trading later Number of residents and visitors who report a positive night-time experience	Number of hospitality businesses reported as trading after 10pm Survey – Community Satisfaction	At end of trial
Businesses already trading later, take up the opportunity to provide entertainment	Number of late trading businesses that also offer entertainment Number of residents who report a positive night-time experience	Number of hospitality businesses reported as trading after 10pm Survey – Community Satisfaction	At end of trial
Businesses feel the value of the SEP, including improved economic conditions	Self-reported value of investment attraction and collaborations Self-reported change in revenue generated from offerings and extended trade	Survey – Business sentiment	At end of trial
Entertainment uses at venues do not exceed the set sound limits in the Precinct Management Plan	Proportion of venues complying with the maximum noise levels	Number of noise-related complaints to L&GNSW around venues	At end of trial
The SEP is a safe place for both patrons and staff of venues	Number of alcohol related incident call outs to the SEP including to premises and public places Self-reported perceptions of safety	Local Area Command – NSWPF Survey – Community Satisfaction	At end of trial

Council will ultimately introduce a monitoring and evaluation framework for the SEP to measure its success over time, which will allow Council to further refine and improve the operation of the SEP on an ongoing basis. This will involve both quantitative and qualitative data sources on the operation of the SEP, noting Council expects night-time activity to build and evolve as the centre redevelops over time. In this case,

qualitative data such as surveys of business and community sentiment is likely to yield the most meaningful results in the short-term.

Qualitative data will be supplemented with data from the NSW Government's 'Data After Dark' platform, where available.

1.5.3 Suspension and Revocation

Council is committed to the long-term viability of the Liverpool City Centre Special Entertainment Precinct. However, suspension or revocation of the SEP may occur in the event of ongoing issues that cannot be resolved. Before consideration of the suspension or revocation, Council, NSW Police and L&GNSW will work with businesses and residents to resolve potential non-compliance issues and will explore all options for remediation before suspension or revocation.

Part 3 - Compliance Procedures of this PMP outline the process and procedures to be followed to address complaints and operational issues with venues.

The criteria below outline considerations that Council, NSW Police and L&G NSW will take into account in deciding on the suspension and/or revocation of a business premises within the precinct:

- Licensed venues failure to comply with their liquor license and upon L&G NSW request to Council of business for suspension or revocation with justified explanation and reasoning
- Upon request from NSW Police to Council of business for suspension or revocation with justified explanation or reasoning
- Businesses failing to mediate and resolve complaints received regarding sound or operational dispute in the locality
- Businesses ongoing non-compliance and breach of the precinct management plan
- Ongoing alcohol related incidents
- Anti-social behaviour attributed to the operation of businesses
- The operation of the business is considered to likely cause unreasonable disturbance or impact on the natural and built environment, and social and economic impact in the locality

The criteria below outline the triggers by which Council, with advice from NSW Police and L&GNSW, will consider in deciding on the suspension and/or revocation of the Special Entertainment Precinct:

- Sustained patterns over a significant period of high levels of anti-social behaviour and violence which are leading to impacts to public safety and amenity
- Multiple and unsuccessful attempts to resolve substantiated non-compliances of a significant number of premises with venue management, precinct trading hours and/or sound controls which have impacted public amenity and safety, but which council considers can be remedied within a certain timeframe (suspension)
- The cumulative impact of businesses operations or the behaviour of patrons after they leave the venues or sites within the SEP has led to unreasonable and negative amenity and/or safety impacts on areas surrounding the SEP, especially uses defined as sensitive receivers
- Impacts of a significant nature and from a number of businesses in breach of venue management conditions, precinct trading hours and/or sound controls, and there are substantiated complaints following attempts to address them and significant impacts on public amenity and safety which cannot be resolved (revocation)
- The continuation of the SEP is not in the public interest

Suspension

If it is determined to suspend the SEP, a report would need to be presented to Council to obtain a resolution. This report would include potential conditions for reinstatement of the SEP.

Following a Council resolution to suspend, Council would provide written notice to residents, businesses, venues and the community within the SEP of Council's resolution to suspend the precinct, outlining the reasons for its suspension and potential conditions for reinstatement. Council and relevant government agencies such as L&GNSW and NSW Police would engage with venues and businesses to address the issues or circumstances which led to the suspension of the SEP.

Council officers evaluate if issues have been addressed against the conditions for reinstatement stipulated in the report to Council. Council then decides if the SEP is to be reinstated or revoked through a Council resolution.

If the SEP is to be reinstated, the PMP and DCP would again be placed on public exhibition. Council staff would then consider submissions and prepare a report to Council for a resolution to reinstate the Precinct Management Plan and DCP provisions for the SEP.

Revocation

If it is determined to revoke the SEP, a report would need to be presented to Council to obtain a resolution to revoke the SEP (which includes the LEP amendment, Precinct Management Plan and DCP amendment). A decision to revoke the SEP must be, when relevant, informed by consultation with L&GNSW, NSW Police and NSW Office of the 24-Hour Economy Commissioner.

Following a Council resolution to revoke, Council would provide written notice to residents, businesses, venues and the community within the SEP of Council's resolution to revoke the precinct, outlining the reasons for its removal. Council would then request an expedited amendment from the Department of Planning, Housing and Infrastructure (DPHI) under section 3.22 of the EP&A Act to remove the precinct from the LEP.

Exclusion, Suspension or Revocation of a venue or site from the SEP

In exceptional circumstances, Council may consider excluding a particular premises from the SEP if they are subject to ongoing and substantiated non-compliances with the PMP or if there are management concerns, alcohol-related violent incidents and/or anti-social behaviour attributed to their operation.

A decision to exclude a particular premises should be informed by consultation with NSW Police and where relevant, Liquor and Gaming NSW and Office of the 24-Hour Economy Commissioner.

If it is in respect of a licensed venue, it must be recommended by L&GNSW and Council will consult with L&GNSW to remove a venue from the list of venues eligible for live music and performance incentives. Once Council has resolved to exclude a particular premises it can request an expedited amendment under section 3.22 of the EP&A Act to remove the premises from the SEP boundary in the LEP.

There is no appeal process to lift a suspension or the revocation of a business premises or precinct. An assessment of the operation will be considered based on the business premises and precinct compliance with the PMP and go through Council's decision process and the legislative planning requirements to reinstate a business premises or precinct.

Section 2: Sound Management Framework

2.1 Overview

The sound management framework sets the fixed noise criteria for sound from entertainment activity for licensed and unlicensed venues located within the SEP. Fixed decibel levels across the SEP have been designed by an acoustic consultant that reflect the desired future character and level of activation anticipated along each street in the SEP and surrounding area. This sound management framework that will be refined through the public consultation process.

This section should be read in conjunction with Part 4 of Liverpool DCP 2008 and the supporting technical acoustic report prepared by GHD that has informed this section.

2.2 Approach

This Precinct Management Plan replaces existing development consent and liquor licence noise criteria with one simplified overarching approach that can be applied holistically across the SEP and surrounding streets. To provide greater consistency and certainty across the SEP, predetermined fixed sound level criteria have been defined, rather than sound criteria relative to the background level.

The fixed sound levels vary by time of day, day of week and location to reflect the desired balance of activation and amenity across the SEP. Derivation of this approach has been informed by review of current conditions, licenses, national and international literature review, acoustic measurements across the precinct, and community expectations, based on the guidance set out in the NSW Office of the 24-Hour Economy Commissioner's *Acoustic Toolkit*.

The sound testing program undertaken by GHD was designed to establish a baseline of existing ambient noise conditions and to characterise spatial variability across the Liverpool City Centre during representative evening periods to inform the selection of appropriate sound categories. The approach considers the implications for existing residential receivers located primarily outside the SEP footprint.

The approach to setting the sound management framework for entertainment activity within the SEP is informed by the need to:

- Ensure that sound standards do not disadvantage existing venues or businesses operating before the establishment of the SEP
- Acknowledge the existing ambient noise levels, activation, vibrancy and the positive contribution entertainment venues provide to neighbourhoods and the community
- Future-proof the SEP by recognising the intended future uses and desired character of the Liverpool City Centre and setting noise emission requirements that enable the activation envisaged
- Balance activation with the reasonable amenity expectations of co-located and nearby sensitive receivers, such as residential premises
- Provide greater consistency and certainty for businesses, residents, and compliance officers regarding allowable sound emissions and amenity expectations
- Provide opportunities to manage population growth within Liverpool City Centre alongside an increase in entertainment venues and minimise the potential for cumulative noise impacts
- Recognise the current minimum noise mitigation standards for sensitive development related to rail and road noise exposure

2.3 Sound Criteria

The primary components of the technical criteria that apply within the SEP are:

- External Sound Category Areas (SCAs) define allowable cumulative entertainment noise levels (LAeq,15min) at receiver locations across the SEP
- Fixed internal noise criteria for sensitive receivers, including those attached to venues by a common wall or floor/ceiling

2.3.1 Time of day/ Days of the week

Fixed noise criteria often vary by time of day and day of week, in line with established patterns of business and patron activities. After 10pm/midnight and weekdays are generally seen as the more sensitive times/days for receivers, whereas weekends see businesses operating later, often with entertainment.

There are three time periods, a period representing the day and early evening together (7am-10pm), and two night-time periods (before and after midnight). These periods address the need for varying sound profiles, with a focus on providing adequate resolution during the night to allow changing noise environments in different areas of the SEP and across different days of the week.

Further, different targets have been set for different days of the week in recognition of varying levels of activation and tolerance at different times of the week. Period definitions are presented below in **Table 1**.

Table 1: Time periods across the week

Week period	Days	Period 1 'Day/ Evening'	Period 2 'Early night'	Period 3 'Late night'
Weekend*	Thursday to Saturday	7am to 10pm	10pm to midnight	Midnight to 7am
Weekday	Sunday to Wednesday			

Note:

*Weekend trading hours includes the day before a public holiday.

2.3.2 Sound Category Areas

Council has developed fixed noise criteria for entertainment venues located within the SEP which reflect the desired future character and level of activation anticipated along each street. Three SCAs have been defined for the SEP, as outlined in **Table 2** and the accompanying maps in **Appendix 2**.

The higher noise limits are permitted along the main street frontages including Macquarie Street, George Street, and Scott Street. More restrictive noise limits will apply to the rear of these main street properties and in the surrounding residential streets to ensure sound from entertainment activity is minimised at residential receivers. The higher the SCA band, the lower the allowable noise, with SCA4.5 being the quietest buffer for surrounding areas outside the SEP footprint.

The SCAs vary by time of day, day of the week and geographic location. Varying assessment periods have been developed to be in keeping with existing time profiles and in recognition of varying levels of activation and sensitivity based on time of day and day of the week.

2.3.3 External Noise Criteria for Entertainment Venues

The external noise criteria apply to all *entertainment activity* related sound from licensed and unlicensed entertainment venues within the SEP (i.e. music and patron noise) and specify how sound measurement should be undertaken to determine compliance with the relevant SCA noise levels.

Entertainment activity sound from venues within the SEP must not exceed the external noise criteria for the SCA specified in **Table 2** by reference to the relevant map in **Appendix 2**. These levels are consistent with the *Acoustic Toolkit*, noting the noise levels for the midnight to 7am period for SC4.5 have been reduced by 5dB (to rectify an error in the *Acoustic Toolkit*). To derive the noise levels for the weekday, Sunday to Wednesday period, a 5 dB reduction was applied to the SCA noise level in the *Acoustic Toolkit*.

The applicable SCA has been identified at the lot boundary along the active frontage of each lot. The external noise criteria apply at an assessment location 1 metre outside the most affected window of a habitable room within a sensitive receiver building, and 1.5 metres above the finished floor level for each floor of a building. For multi-storey podiums and tower forms, the assessment location may be on a balcony, 1 metre from the window and 1.5 metres above the finished floor level.

Table 2: External noise criteria – cumulative (L_{Aeq}(15min))

Sound Category Area (SCA)	Day of week	7am to 10pm				10pm to midnight				Midnight to 7am			
		Overall dB(A)	Octave band Hz (dB)			Overall dB(A)	Octave band Hz (dB)			Overall dB(A)	Octave band Hz (dB)		
			31.5	63	125		31.5	63	125		31.5	63	125
SCA 3	Weekend	65	69	68	66	65	69	68	66	60	64	63	61
	Weekday	60	64	63	61	60	64	63	61	55	59	58	56
SCA 3.5	Weekend	65	69	68	66	60	64	63	61	55	59	58	56
	Weekday	60	64	63	61	55	59	58	56	50	54	53	51
SCA 4.5	Weekend	60	64	63	61	55	59	58	56	50	54	53	51
	Weekday	55	59	58	56	50	54	53	51	45	49	48	46

Notes:

- Noise levels experienced may be above those stated where there is a cumulative impact from sound from entertainment activity from multiple sources/venues. Where a venue is adjoined by another venue (existing or future), **the sound levels above are to be reduced by 5dB(A) to account for cumulative sound**, unless the venue can demonstrate that cumulative noise emissions will not exceed the above criteria.
- The external criteria exclude façade reflections. A minus 2.5 dB(A) façade correction should be applied to measured results before comparison with the criteria.

2.3.4 Internal Noise Criteria for Sensitive Receivers

The primary external noise criteria apply when receivers are separated from venues by streets, railway infrastructure, lanes, open spaces or gaps between buildings, alongside internal noise criteria to ensure the façade design of new sensitive receiver development can maintain reasonable internal amenity.

The internal criteria also address situations where sound transfer is within the same or an adjoining building i.e. predominantly via a shared partition such as a party wall or floor/ceiling. This will be common in Liverpool City Centre, where high levels of mixed-use development will be introduced in the next decade.

In these situations, compliance with the external noise criteria may be insufficient to appropriately address potential impacts on sensitive receivers. Internal noise criteria have been developed for existing and future sensitive receivers (refer **Table 3**) based on the *Acoustic Toolkit*. The criteria apply with all external façade elements (such as windows and doors) closed.

Sound from entertainment activity that travels from a venue through a common partition to a sensitive receiver shall be evaluated against the receiver internal noise criteria at the most-potentially affected location (no less than 1 metre) from the common partition (wall or floor) at a height of 1.5 metres above finished floor level.

Table 3: Internal noise criteria – cumulative (L_{Aeq(15min)})

Receiver*	Period	Broadband dBL _{Aeq(15min)}	Octave band centre frequency (Hz), dBZ		
			31.5	63	125
Residential accommodation – bedrooms	7am – 10pm	35	59	52	46
	10pm – 7am	30	54	47	41
Residential accommodation – other habitable rooms	7am – 10pm	35	59	52	46
	10pm – 7am	35	59	52	46
Tourist and visitor accommodation (bedrooms and sleeping areas)	7am – midnight	38	62	55	49
	Midnight – 7am	33	57	50	44
Information and education facilities	All times	35	59	52	46
Place of public worship	All times	38	62	55	59
Health services facility	7am – 10pm	40	64	57	51
	10pm – 7am (wards only)	35	59	52	46

Notes:

*Habitable room is defined as a room used for normal domestic activities, and—

- includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
- excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

2.4 Trading Hours

Section 202 of the *Local Government Act 1993* allows Council to define trading hours within the SEP for both indoor and outdoor trading. All eligible licensed and unlicensed businesses can trade within the hours specified in **Table 4** without further approval from Council. The trading hours apply with respect to the active frontage of the lot based on the applicable SCA. Where a business has more than one SCA identified (and more than one active frontage), then the more generous trading hours apply (e.g. SCA 3, rather than SCA 3.5). The venue would still need to meet the noise criteria regardless of the trading hours permitted.

Importantly, liquor licence operating hours still apply to a licensed premises located in a SEP and will continue to be regulated by L&GNSW. Businesses with a liquor licence that is more restrictive than these hours must contact L&GNSW to amend their licence conditions. Extended liquor licence trading hours (an additional one or two hours within the SEP maximum trading hours outlined in **Table 4**) are possible for licensed venues that hold live music performances or other arts and cultural events (e.g. theatre shows, visual arts exhibitions, literary arts events) and are deemed dedicated *live music venues*. Venues must contact L&GNSW to activate these additional trading hours, as they will need to meet certain eligibility requirements.

For more information about the incentives, eligibility requirements and the application process, visit the L&GNSW website: <https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/liquor-licensing/sound-regulation-for-licensed-venues/incentives-for-live-music-and-performance-venues>

Businesses with existing approvals to trade later than the hours listed may continue to do so. Others may apply to Council for extended hours through a development application.

Table 4: SEP maximum trading hours (licensed and unlicensed premises)

Sound Category Area (SCA)	Day of week	Maximum trading hours permitted*^
SCA 3	Weekend	Indoor: 6am to 2am the following morning Outdoor: 6am to midnight
	Weekday	Indoor: 5am to midnight Outdoor: 6am to 10pm
SCA 3.5	Weekend	Indoor: 6am to 1am the following morning Outdoor: 7am to 10pm
	Weekday	Indoor: 6am to midnight Outdoor: 7am to 10pm
SCA 4.5	Weekend	Indoor: 7am to 10pm Outdoor: 7am to 10pm
	Weekday	Indoor: 7am to 10pm Outdoor: 7am to 10pm

Notes:

*All businesses within a SEP may trade within the hours specified, except:

- Restricted premises (as defined in the Liverpool LEP 2008),
- Sex services premises (as defined in the Liverpool LEP 2008),
- Premises hosting adult entertainment (e.g. strip clubs), and
- Premises hosting any kind of activity alike those described above.

^Outdoor SEP trading hours apply to footpath trading areas, as well as areas on private land including, but not limited to courtyards, balconies, colonnades, rooftops and beer gardens. Outdoor dining furniture must be brought inside at close.

2.5 Development Assessment Guidelines

Pursuant to Clause 7.48 of Liverpool LEP and Section 202E of the *Local Government Act 1993*, Development Application (DA) conditions relating to trading hours and sound from entertainment activities are overridden by the provisions of this Precinct Management Plan for premises located in the SEP to the extent they are inconsistent.

Entertainment activity is only permitted if consistent with the lawful use (development consent) of a premises. Land uses defined under Liverpool LEP that have the ability to host entertainment activity include entertainment facilities, small bars, pubs, community facilities and registered clubs, as well as restaurants and cafes.

If a business has more restrictive trading hours than the Precinct Management Plan

This Precinct Management Plan defines indoor and outdoor trading hours for all businesses within the SEP. Businesses and venues that have more restrictive trading hours than those in the Precinct Management Plan can operate in accordance with the trading hours in the Precinct Management Plan. They do not need to submit a DA to modify the hours of operation on their development consents, but they do need to comply with the noise thresholds in this Precinct Management Plan.

If a business has less restrictive trading hours than the Precinct Management Plan

Businesses and venues that have an existing approval to trade later than the maximum hours permitted under this Precinct Management Plan can continue to operate as per the approved later trading hours.

If a business wants to trade later than the Precinct Management Plan permits

Businesses and venues that would like to trade later than the maximum hours permitted under this Precinct Management Plan will need to lodge a DA to Council with the proposed later trading hours. The DA will be assessed on its merits and will need to be accompanied by a venue-specific plan of management and acoustic assessment report addressing the requirements of this Precinct Management Plan.

If a food and drink premises wants to provide outdoor dining

While food and drink premises such as cafes and restaurants with approved outdoor dining on Council-owned land can operate in accordance with this Precinct Management Plan, businesses who are interested in introducing outdoor dining on Council-owned land will be required to apply for an Outdoor Dining Permit in accordance with Council's Outdoor Dining Policy and must consider this Precinct Management Plan: https://www.liverpool.nsw.gov.au/_data/assets/pdf_file/0003/225633/OUTDOOR-DINING-POLICY-2022.pdf

If a business wants to host live entertainment, performances and events

Existing and new business premises must comply with the noise criteria identified in this Precinct Management Plan. It is recommended that a suitably qualified acoustic consultant be engaged to ensure compliance with the relevant acoustic criteria.

Structural changes to buildings or entertainment area to meet the sound criteria may also require approval through a DA if the works cannot be done under the *SEPP (Exempt and Complying Development Codes)*. For more information contact the Council's duty officer.

If a new mixed-use development is proposed in Liverpool City Centre SEP

New or modified mixed-use, residential or commercial development will be required to lodge a DA with Council and comply with Part 4A of Liverpool DCP 2008, which sets out acoustic criteria and noise attenuation requirements based on the provisions of this Precinct Management Plan.

Section 3: Compliance Procedures

This section details the procedures that Council will undertake in relation to the compliance of sound coming from venues located within the Liverpool City Centre Special Entertainment Precinct

Compliance procedures for other types of complaints and feedback within the Liverpool City Centre Special Entertainment Precinct such as dumped rubbish, anti-social behaviour and other noise disturbances should follow existing complaint channels. Table 2 below shows where such complaints should be directed.

3.1 Responsible Authorities

1. Liquor and Gaming NSW – Licensed premises sound from entertainment activity

Since 1 July 2024, Liquor and Gaming NSW (L&GNSW) is responsible for managing any noise and disturbance complaints and compliance issues for licensed premises in accordance with Part 5, Division 3 Disturbance of quiet and good order of neighbourhood of Liquor Act 2007.

More information available on the NSW Liquor and Gaming website: <https://www.nsw.gov.au/business-and-economy/liquor-and-gaming/liquor-licensing/sound-regulation-for-licensed-venues/statutory-disturbance-complaints>

2. NSW Police

Since 1 July 2024, premises within a SEP are not subject to the noise provisions under the Protection of the Environments Operations Act 1997 (POEO Act) therefore NSW Police will not have a role in sound regulation except in emergency situations that require immediate attention including anti-social behaviour.

NSW Police will refer complaints regarding sound from entertainment activity from licensed venues to L&GNSW for consideration. Under the Liquor Act 2007, L&GNSW and NSW Police have powers to issue improvement notices to licensed premises in certain situations that require an immediate response.

For unlicensed venues, NSW Police will also handle situations that require immediate attention that demonstrate anti-social behaviour.

3. Council – Unlicensed premises sound from entertainment activity

Council will be responsible for management of sound from entertainment activity from unlicensed premises and non-compliance with approvals. Unlicensed premises in the SEP will be managed by Council based on the sound management framework in this Precinct Management Plan.

3.2 Complaint Management Process

3.2.1 Authorities to contact to provide feedback or make a complaint

Within the SEP, any complaints related to sound from entertainment activity from both licensed and unlicensed premises should first be directed in a civil manner to the business. If a resolution is not reached, then a complaint can be made to the authorities shown in **Table 5**.

Table 5: Where to direct complaints

Type of complaint/feedback	Council	Liquor and Gaming NSW	NSW Police
Non-compliance and breach of development consent	✓		
Sound from entertainment activity from a licensed premises that exceeds the sound criteria		✓	
Sound from entertainment activity from an unlicensed premises that exceeds the sound criteria	✓		
Anti-social behaviour from licensed or unlicensed premises that requires immediate attention			✓
General feedback related to the SEP	✓		
Complaints from other sources of noise (e.g. air conditioners, refrigeration units, loading/unloading, deliveries)	✓		

3.2.2 Council procedures for complaint handling (unlicensed premises)

Regardless of when it is made, complaints will be handled by Council through the same procedure. Serious breaches within business hours that require immediate attention may be expedited.

Council's Complaints and Compliments Management Policy can be found online: https://www.liverpool.nsw.gov.au/data/assets/pdf_file/0004/274234/122926.2023-Complaints-and-Compliments-Management-Policy-adopted-23-April-2025.pdf

Council is committed to handling complaints well to learn from feedback and strengthen delivery of Council functions and activities. Council's approach recognises the need for a fair process where people are treated with courtesy and respect.

Businesses in the SEP must work proactively to respond to stakeholder concerns and complaints to address any issues that arise.

The overarching principle for the operation of entertainment venues in the SEP is that businesses must engage proactively with a complainant, neighbours and the community about the business's activities and sound management, as it is the business's responsibility to understand their impacts on the community and their neighbours.

This first step in resolving a conflict should be reaching out to the venue. Council has some power to investigate offensive noise, though it is generally best to try to resolve the problem without involving Council or other authorities.

If this is unsuccessful then the complaints handling process will look to resolve complaints through mediation and substantiation of sound complaints against the sound criteria. **Table 6** identifies Council's complaints handling process for sound from entertainment activity from unlicensed venues.

Table 6: Process for resolving noise complaints for unlicensed entertainment venues

Step	Process
1. First, seek to resolve the issue with the venue	<p>Before lodging a complaint to Council regarding sound from entertainment activity from an unlicensed premises, the complainant must first attempt to resolve any sound related disputes with the business by identifying the source of the sound and approaching the premises directly to resolve the issue.</p> <p>Council suggests complainants make a record of the type of noise and how and when it is affecting you and discuss concerns with the venue directly. Venues should work proactively with neighbours to resolve any noise emissions that exceed the noise limits permitted in the Precinct Management Plan.</p> <p>If you are not satisfied with the response from the venue, a complaint can be made to Council.</p>
2. Lodge a complaint if you feel the matter hasn't been resolved	<p>Complaints to Council regarding sound from entertainment activity and non-compliances with the Precinct Management Plan for unlicensed premises must be reported online.</p> <p>To lodge a complaint, fill out the online request form: https://mycouncil.liverpool.nsw.gov.au/ePathway/Production/web/mobility/citywatch/</p>
3. Then, Council will investigate the complaint and contact the venue	<p>Investigations into complaints made to Council will involve feedback from both the subject premises and the complainant. Responses from premises should include a written or verbal commitment to reducing any substantiated noise disturbance in the future.</p> <p>Complaints made to Council are expected to be resolved once Council has feedback from the venue.</p>
4. Council will seek to resolve ongoing issues through a mediation process	<p>If the disturbance is an ongoing issue that has not been resolved through previous attempts, a meeting will be facilitated by Council, bringing the complainant and venue together to understand and resolve issues. These meetings will be attended by relevant Council Officers. The manager of the business premises and complainant(s) must also be available to attend the meeting to resolve the issue in a clear and transparent manner. Such meetings will ideally be held face to face on site, either in the venue or on the street outside the venue.</p>

In the unlikely event of ongoing issues, an evidence-based evaluation of the complaint or non-compliance will be undertaken by Council based on the criteria outlined in **Section** Error! Reference source not found. Error! Reference source not found.. In limited cases and on evaluation of the evidence, Council may consider suspending or revoking the premises participation in the SEP.

Any decision to suspend or revoke a business premises from the SEP will be undertaken in consultation with L&GNSW, NSW Police and Office of the 24-Hour Economy Commissioner.

If the business premises or complainant is not satisfied with Council's determination, a request can be lodged with the NSW 24-Hour Economy Commissioner to review Council's decision.

Appendix 1: Glossary of Terms

TERM	MEANING
Acoustic consultant	A suitably qualified acoustic consultant possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.
Anti-social behaviour	Conduct that causes or is likely to cause harassment, alarm, or distress to others, or that is capable of causing nuisance or annoyance.
Business premises	A building or place which an occupation, profession or trade is carried on for the provision of services directly to members of the public.
Common partition	Is a shared wall, floor, ceiling, or other built divider between two premises that is shared. This includes party walls but does not include independent boundary walls wholly contained within separate properties.
Entertainment activity	<p>Has the same meaning as in Section 202A of the <i>Local Government Act 1993</i>.</p> <p>In summary (and not to set aside the legal definition), it is an activity for the purposes of entertaining members of the public for both licensed and unlicensed premises, including live or recorded music, and other performances and activities. Entertainment activity also includes associated activities for the purpose of entertaining members of the public such as:</p> <ul style="list-style-type: none"> • The set up and pack down of those activities, • Rehearsals and sound checks associated with those activities, • The entry or exit of persons from premises on which the activities are being carried out, and • Other activity by patrons or staff on the premises on which the activities are being carried out, for example, staff announcements and sound caused by patrons
Habitable room	<p>Is a room used for normal domestic activities, and:</p> <ul style="list-style-type: none"> • Includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom, but • Excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.
Live or recorded music, and other performances and activities	Performing arts, literary arts, visual arts, cultural events and activities to be forms of entertainment. Examples include DJing, karaoke, trivia, bingo, comedy shows, private functions in licensed venues which provide hospitality services i.e. wedding, party or ticketed event.
Operating hours	The hours of operation allowed for the licensed or unlicensed premises. Not the liquor license
PMP	The Precinct Management Plan (this document)
Receiver sound criteria	Means internal sound criteria applying under Section 2 – Sound Management Framework of the PMP

Sensitive Receiver	Land uses that could be adversely impacted by entertainment venue sound, including residential accommodation, tourist and visitor accommodation, places of public worship, information and education facilities and health services facilities.
Sound Category Area level	Is the external venue sound criteria identified at the boundary of affected lots, as identified under Section 2 – Sound Management Framework of the PMP.
Sound from entertainment activity	Sound emitted from live music, performing arts, cultural events, the operation of food and drink services, and including patrons on the premises and associated activities such as set up and pack down, rehearsals and sound checks, the entry or exit of patrons from the premises, and staff announcements.
Special Entertainment Precinct (SEP)	The boundary area outlined as a Special Entertainment Precinct under Clause 7.48 of the Liverpool Local Environmental Plan 2008.
Trading hours	Hours permitted for trading under Part 2.4 of the PMP and Part 4 of the DCP. Not the liquor license operating hours.
Unlicensed premises	A premises that does not have a license under the <i>Liquor Act 2007</i> .
Venue	Refers to a premise in the Precinct that generates sound from entertainment activity.
Venue external sound criteria	Is the cumulative external sound limit for the relevant Sound Category Area, as identified under Section 2 – Sound Management Framework of the PMP.

Appendix 2: SEP Sound Category Area Map



**Liverpool Development Control Plan 2008
Part 4A
Development in
Liverpool City Centre
Special Entertainment Precinct**

May 2026

Part 4 must be read in conjunction with Part 1

**LIVERPOOL
CITY
COUNCIL**



Liverpool Development Control Plan 2008

Part 4A Liverpool City Centre

Special Entertainment Precinct

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4.1. SPECIAL ENTERTAINMENT PRECINCT

4.1.1 Preliminary

Applies to

This Part applies to land identified as a Sound Category Area (SCA) in the Liverpool City Centre Special Entertainment Precinct (Liverpool SEP), as shown in **Figure 1**. The land subject to the SEP is identified under 'Clause 7.48 Special Entertainment Precinct' of *Liverpool Local Environmental Plan 2008*.

Definitions

Sensitive receivers: land uses that could be adversely impacted by entertainment venue sound, including residential accommodation, tourist and visitor accommodation, places of public worship, information and education facilities and health services facilities.

Entertainment activity: same meaning as clause 202A of the *Local Government Act 1993*.

Entertainment venue: a land use that is likely to host live entertainment (generating sound from entertainment activity such as amplified music and patron activities), including entertainment facilities (e.g. theatres, cinemas), restaurants, cafes, small bars, pubs, function centres, community facilities and registered clubs.

Sound Category Areas: classifications of land in and around the Special Entertainment Precinct that defines the external entertainment venue sound limit applying to entertainment venues.

Modified venue: Section 4.55 development application modifications that:

- Increase patron capacity by 15% or more from the original approval, or
- Increase trading hours beyond midnight if currently restricted to midnight or earlier, or
- Include new or modified external openings (e.g. windows and doors), or
- Include amendments to operational controls in an approved Plan of Management that manages sound.

Background

On 26 February 2025, Council resolved to establish a Special Entertainment Precinct (SEP) in the Liverpool City Centre (and specifically along Macquarie Street, Macquarie Mall, George Street, Scott Street, Memorial Avenue and intersecting streets). The Liverpool City Centre SEP aims to foster economic growth, cultural vibrancy, and a thriving nighttime economy.

The strategic objective of the Liverpool City Centre SEP is to generate increased activity, support live music and performance, and encourage extended trading hours for local venues and businesses, contributing to a lively and sustainable nighttime economy. The SEP planning and compliance framework builds on Council's detailed planning for the city centre commencing in 2015 and culminating in Amendment 52 of Liverpool LEP and updates to this DCP.

Council's aspiration is to revitalise the Liverpool City Centre and make it more vibrant by encouraging more people to live in the centre where they can live close to work, shopping, services, and entertainment and cultural opportunities. This means the needs of entertainment venues, businesses, and existing and future residents will need to be balanced to ensure more entertainment and cultural activities occur while maintaining an appropriate level of residential amenity.

Figure 1: Land to which this Part applies



4.1.2 Sound Category Areas and applicable sound levels

Background

Council has developed fixed noise criteria for entertainment venues located within the SEP which reflect the desired future character and level of activation anticipated along each street. These Sound Category Areas (SCAs) apply at the property boundary, with the higher noise limits permitted along the main street frontages including Macquarie Street, George Street, and Scott Street. More restrictive noise limits will apply to the rear of these main street properties and in the surrounding residential streets to ensure sound from entertainment activity is minimised at residential receivers.

Objectives

1. Define the maximum exposure of entertainment venue sound for each property located within a Sound Category Area (**Figure 2**).
2. New sensitive receivers and entertainment venues within and around the SEP are designed and constructed with appropriate sound attenuation measures to enable them to co-exist.

Controls

1. Sound Category Areas are identified at the street-facing boundary of a property identified in **Figure 2**.
2. Maximum 'external noise criteria' for each Sound Category Area is detailed in **Table A** and applies at an assessment location 1 metre outside the most affected window of a habitable room within a sensitive receiver building, and 1.5 metres above the finished floor level for each floor of a building. For multi-storey podiums and tower forms, the assessment location may be on a balcony, 1 metre from the window and 1.5 metres above the finished floor level.

Figure 2: Sound Category Areas



<p>Paper Size ISO A4 0 100 200 m</p>			<p>Liverpool City Council Sound Management Framework</p>	<p>Project No. 12679523 Revision No. 1 Date. 16/03/2025</p>
<p>Map Projection: Mercator Auxiliary Sphere Horizontal Datum: WGS 1984 G4: WGS 1984 Web Mercator Auxiliary Spheroid</p> <p><small>DISCLAIMER: http://www.esri.com/presskit/arcgis/faq/faq11.html#11_01_SoundMapPage</small></p>			<p>Sound Category Areas map</p>	<p>FIGURE 2.4 <small>DATE 03/07/08</small> Created by: Christopher Dagle</p>

Table A: External noise criteria – cumulative (L_{Aeq(15min)})

Sound Category Area (SCA)	Day of week	7am to 10pm			10pm to midnight			Midnight to 7am					
		Overall dB(A)	Octave band Hz (dB)			Overall dB(A)	Octave band Hz (dB)			Overall dB(A)	Octave band Hz (dB)		
			31.5	63	125		31.5	63	125		31.5	63	125
SCA 3	Weekend	65	69	68	66	65	69	68	66	60	64	63	61
	Weekday	60	64	63	61	60	64	63	61	55	59	58	56
SCA 3.5	Weekend	65	69	68	66	60	64	63	61	55	59	58	56
	Weekday	60	64	63	61	55	59	58	56	50	54	53	51
SCA 4.5	Weekend	60	64	63	61	55	59	58	56	50	54	53	51
	Weekday	55	59	58	56	50	54	53	51	45	49	48	46

Notes:

- Noise levels experienced may be above those stated where there is a cumulative impact from sound from entertainment activity from multiple sources/venues. Where a venue is adjoined by another venue (existing or future), **the sound levels above are to be reduced by 5dB(A) to account for cumulative sound**, unless the venue can demonstrate that cumulative noise emissions will not exceed the above criteria.
- The external criteria exclude façade reflections. A minus 2.5 dB(A) façade correction should be applied to measured results before comparison with the criteria.

4.1.1 Acoustic requirements for entertainment venues

Background

Land uses defined under the Liverpool LEP that can host entertainment activity include entertainment facilities, small bars, pubs, community facilities and registered clubs, as well as restaurants and cafes. Sound from entertainment activity, therefore, may include sound emitted from live music, performing arts, cultural events, and patrons from premises, including footpath dining.

The external noise criteria pertain to all sound from entertainment activity from venues and specify how sound measurement must be undertaken to determine compliance with the relevant SCA.

The external noise criteria apply when receivers are separated from entertainment venues by streets, railway infrastructure, lanes, open spaces or gaps between buildings. Entertainment activity sound from venues must not exceed the sound criteria for the SCA applicable at the receiver lot boundary.

Objectives

1. Entertainment venues do not unreasonably impact on the amenity of sensitive land uses.

Controls

1. Applications for new or modified entertainment venues must submit a Noise Impact Assessment report prepared by a qualified acoustic engineer. The Noise Impact Assessment must:
 - a. Demonstrate compliance with the venue 'external noise criteria' (**Table A**) at the boundary of all sites containing a sensitive receiver within 30m of the subject site.
 - b. Specify physical noise attenuation measures to demonstrate the venue can operate within the 'external noise criteria' (**Table A**).
 - c. Demonstrate that, where a venue shares a common partition (common wall, party wall or floor/ceiling) with a sensitive receiver, the venue can operate without breaching the 'internal noise criteria' (**Table B**) within adjoining sensitive receivers.
2. Noise Impact Assessment reports must be prepared by a suitably qualified acoustic engineer who is a member of the Australian Acoustical Society (AAS) or employed by a member firm of the Association of Australasian Acoustical Consultants (AAAC) to ensure assessments are prepared by appropriately qualified and certified professionals.
3. A Plan of Management is to be submitted with a development application, for which the subject site is located within the Liverpool City Centre Special Entertainment Precinct, that includes at least one of the following:
 - Change of use (Including first occupation)
 - Additional gross floor area
 - Outdoor dining
 - Live entertainment or music from speakers
 - Extension of trading hours
 - Trading hours pre 8am and post 10pm

The Plan of Management is to include at a minimum the management of patron numbers, traffic including parking, pedestrian traffic, indoor and outdoor noise, security and safety and complaints.

4.1.2 Acoustic requirements for sensitive receivers

Background

Internal noise criteria ensure the façade design of new sensitive receiver development can maintain reasonable internal amenity for future occupants when subject to the anticipated level of entertainment noise.

The internal criteria also address situations where sound transfer is within the same or an adjoining building (i.e. via a shared partition such as a party wall or floor/ceiling). Sensitive receivers adjoining an entertainment venue will be a common occurrence in Liverpool City Centre.

Objectives

1. Sensitive receivers in a Sound Category Area are attenuated against noise from existing and future entertainment venues.

Controls

1. Applications for new sensitive receiver development (e.g. dwelling) located within a Sound Category Area (**Figure 2**) must submit a Noise Impact Assessment prepared by a qualified acoustic engineer demonstrating that inside sound levels will not exceed the sensitive receiver 'internal noise criteria' (**Table B**) when subject to the maximum level of exposure permitted under the 'external noise criteria' (**Table A**) for the subject property. Note: for sensitive receivers that share a common partition (wall or floor) with an entertainment venue, the internal noise criteria apply at a minimum distance of 1 metre from the most-potentially affected location within the receiver at a height of 1.5 metres above finished floor level.
2. Physical sound attenuation measures required by the Noise Impact Assessment must be incorporated into the design of the building at its initial construction to protect future occupiers of sensitive receivers.
3. For alterations and additions to any sensitive receiver development type, only apply the 'internal noise criteria' (**Table B**) to new or modified floor space.
4. Where noise attenuation measures impact the provision of natural ventilation, alternative ventilation must be provided to ensure the proposal complies with the National Construction Code.
5. Noise impact from other sources, such as road and rail, must be assessed separately in accordance with relevant standards and policies.

Table B: Internal noise criteria – cumulative ($L_{Aeq(15min)}$)

Receiver*	Period	Broadband $dBL_{Aeq(15min)}$	Octave band centre frequency (Hz), dBZ		
			31.5	63	125
Residential accommodation – bedrooms	7am – 10pm	35	59	52	46
	10pm – 7am	30	54	47	41
Residential accommodation – other habitable rooms	7am – 10pm	35	59	52	46
	10pm – 7am	35	59	52	46
Tourist and visitor accommodation (bedrooms and sleeping areas)	7am – midnight	38	62	55	49
	Midnight – 7am	33	57	50	44
Information and education facilities	All times	35	59	52	46
Place of public worship	All times	38	62	55	59
Health services facility	7am – 10pm	40	64	57	51
	10pm – 7am (wards only)	35	59	52	46

Note:

*Habitable room is defined as a room used for normal domestic activities, and—

- includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
- excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

4.1.3 Acoustic requirements for new mixed-use developments

Background

Mixed use development will be common in Liverpool City Centre as it grows and revitalises. This means commercial and residential floorspace in new mixed use developments need to be designed and constructed to a standard that would allow new entertainment venues to be established without unreasonably impacting adjoining residents.

Objectives

1. Non-residential floorspace in new mixed-use developments containing sensitive receivers can be easily adapted to future entertainment venues.

Controls

1. Applications for new or modified mixed-use developments containing a sensitive receiver (e.g. dwelling) must submit a Noise Impact Assessment prepared by a qualified acoustic engineer that addresses the internal and external noise criteria. The Noise Impact Assessment must:
 - a. Demonstrate that non-residential floor space within the building could be used as an entertainment venue and meet the 'internal noise criteria' (**Table B**) within adjoining sensitive receivers.
 - b. Specify physical noise attenuation measures to be designed into the building to future proof the non-residential floorspace as a potential entertainment venue and protecting future occupiers of sensitive receivers with reference to the external and internal noise criteria (**Table A and Table B**). Sound attenuation measures must be incorporated into the initial construction of the building.
 - c. Specify physical noise attenuation measures to demonstrate the venue can operate within the 'external noise criteria' (**Table A**).



DETERMINATION AND STATEMENT OF REASONS
LIVERPOOL LOCAL PLANNING PANEL

DATE	Tuesday 28 April 2026 at 2.02 pm.
026	Meeting held at Council and also accessible via MS Teams

PANEL MEMBERS	Heather Warton (Chair), Brendon Beirne & Brian Kirk (Expert Members) and Suzana Apostolou (Community Representative)
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

REGISTERED SPEAKERS	<p>ITEM 01:</p> <p>Applicant</p> <ul style="list-style-type: none"> • Remon Abed Al-Mnaem, owner (granted permission to speak at the meeting). <p>ITEM 02:</p> <p>Objectors:</p> <ul style="list-style-type: none"> • James Lidis, planner for adjoining owner • Caroline Porter, adjoining owner • Kristopher Pasco, subject building resident (granted late permission to speak). <p>Applicant:</p> <ul style="list-style-type: none"> • Josh Jung, Aland • Josh Mitchell, Aland • Robert Varga, traffic consultant • Jonathan Wood, planner. <p>ITEM 03:</p> <p>Applicant:</p> <ul style="list-style-type: none"> • Ivan Kokotovic, planner.
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MATTERS DETERMINED**ITEM 01. DA-334/2025 – Lot 363 & Lot 364 in DP 227167, known as 183 and 185 Hoxton Park Road Cartwright**

Demolition of existing structures, construction of a five storey residential flat building comprising of nineteen units with six affordable housing units and one level of basement car parking, amalgamation of the two existing lots into one and associated landscaping and civil works.

PANEL CONSIDERATION AND DECISION

The Panel **refuses** development application DA 334/20925 at 183 and 185 Hoxton Park Road Cartwright for the demolition of existing structures, construction of a five storey residential flat building comprising of nineteen units with six affordable housing units and one level of basement car parking, amalgamation of the two existing lots into one and associated landscaping and civil works, for the following reasons:

1. No evidence has been provided that the site is within an *accessible area*, as defined in the Schedule 10 Dictionary of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The bonus provisions under Chapter 2, Part 2, Division 1 In-fill affordable housing of the Housing SEPP therefore do not apply, as the development does not meet section 15(c)(i). In the absence of any written submissions to vary the maximum FSR and maximum building height under Liverpool LEP 2008, consent cannot be granted.
2. The development application does not sufficiently demonstrate consistency with Chapter 6 Water Catchments of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 as inadequate stormwater management plans and reports have been provided, pursuant to sections 4.15(1)(a)(i), 4.15(a)(iv), 4.15(1)(b) and 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
3. Insufficient information has been submitted in relation to an Acoustic Report and Traffic Impact Assessment, including swept path diagrams, to sufficiently demonstrate consistency with section 2.119 and section 2.120 under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, pursuant to sections 4.15(1)(a)(i), 4.15(a)(iv), 4.15(1)(b) and 4.15(1)(c) of the EP&A Act 1979.
4. Even if Chapter 2 of the Housing SEPP was applicable, the development application does not achieve satisfactory compliance with the controls stipulated under the Housing SEPP as follows:
 - Section 19 Non-discretionary development standards
 - Section 20 Design Requirements.
5. The development application does not achieve satisfactory compliance with the controls stipulated under Chapter 4 Design of Residential Apartment Development of the Housing SEPP as follows:

Schedule 9 Design Principles for residential apartment development:

- Design Principle 2 – Built form and scale
- Design Principle 4 – Sustainability
- Design Principle 5 – Landscape
- Design Principle 6 – Amenity
- Design Principle 8 – Housing Diversity and Social Interaction
- Design Principle 9 – Aesthetics.

Apartment Design Guidelines:

- 3D Communal and public open space

- 3E Deep soil zones
 - 3F Visual Privacy
 - 3J Bicycle and Car Parking
 - 4D Apartment size and layout
 - 4E Private Open space and Balconies
 - 4G Storage
 - 4H Acoustic Privacy
 - 4J Noise and Pollution
 - 4O Landscape Design
 - 4P Planting on Structures
 - 4V Water Management and Conservation.
6. Pursuant to sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the EP&A Act 1979, the proposed development application is inconsistent with the objectives of the R4 High Density Residential under the Liverpool Local Environmental Plan 2008, particularly the following objectives:
- To provide for the housing needs of the community within a high-density residential environment
 - To provide a variety of housing types within a high density residential environment.
5. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, in terms of the following development controls:
1. Part 1 General Controls for all Development:
 - Section 3 Landscaping and Incorporation of Existing Trees
 - Section 6 – Water Cycle Management
 - Section 20 – Car Parking and Access.
 2. Part 3.7 Residential Flat Buildings in the R4 zones:
 - Section 4 Site Planning
 - Section 5 Setbacks
 - Section 6 Apartment Diversity
 - Section 7 Amenity, Landscape, Deep Soil and Communal Open Space
 - Section 10 Site Services,
- pursuant to sections 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the EP&A Act 1979.
6. The development will have adverse impact on the built environment and natural environment, and social impacts, pursuant to section 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(c) of the EP&A Act 1979.
7. The site is not suitable for the proposed development, pursuant to sections 4.15(1)(c) of the EP&A Act 1979.
8. The proposed development is not considered to be acceptable having regard to the concerns raised from the Design Excellence Panel and Council's internal referrals within Council, pursuant to the provision of section 4.15(1)(d) of the EP&A Act 1979.
9. In the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development, therefore the development is not in the public interest, pursuant to the provisions of section 4.15(1)(e) of the EP&A Act 1979.

The decision was unanimous

REASONS FOR DECISION

The Panel supports refusal of the Application for the reasons as above and as outlined in the Assessment Report. The Panel was provided with an Addendum Report dated 28 April 2026 with regard to the issue of whether the site is an *accessible area*, which concluded that no evidence had been submitted demonstrating that there are bus stops within the required 400m walking distance.

There were no public submissions. In the public meeting, the owner/applicant requested that the Panel defer the Application, to allow the issues identified in the assessment report to be addressed. The Panel is of the view that the issues with the Application are so substantive that a deferral is not justified.

ITEM 02. DA 373/2025 – Lot 2 in DP 1269091, known as 311 Hume Highway Liverpool

Fit out and use of an existing commercial tenancy to become a Childcare Facility.

PANEL CONSIDERATION AND DECISION

A. The Panel is satisfied that the Applicant's written statement justifying a variation to clause 7.38(3) of Liverpool LEP 2008 relating to the use of the ground floor of the building has demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case; and that there are sufficient environmental planning grounds to justify the contravention of the development standard.

B. The Panel **approves** DA-373/2025, for fit out and use of an existing ground floor commercial tenancy for a childcare centre at Lot 2 DP 1269091 and Lot 1 in DP 1269091, known as 311 Hume Highway, Liverpool, subject to conditions in **Attachment A** of the Assessment Report, as amended as follows:

A. The following conditions are deleted, as they are not relevant to the proposal; and/or in light of the building and car park already having been approved and constructed:

- 4. Shoring and adequacy of adjoining property
- 6. Notification of Home Building Act 1989 Requirements
- 8. Soil Assessment
- 9. Housing and Productivity Contribution
- 16. Site Development Work
- 94. Car Parking Management System (but see Condition 10.6.)
- 97. Washing on balconies
- 105. Vehicle Access
- 111. Noise-Spruiking
- 123. Educational Establishment.

B. The following conditions are amended:

1. **Condition 10 Design Amendments** is to read:

Prior to the submission of a construction certificate to the Certifier, Council's Manager of Development Assessment is to approve the following amendments to the development. All changes must be shown on the construction certificate drawings, reflected in the specifications, and in the Plan of Management:

1. All glazing to the playroom and 'outdoor' area facing the Hume Highway and Hoxton Park Road are to have an attractive decorative treatment, providing adequate privacy for the centre users but that maximises activation and solar access. Full translucent treatment of these windows is not approved. The treatment shall be permanently affixed or preferably embedded in the glazing.

Reason: To ensure that there is visibility to the use of the space on the prominent road frontages but balanced with the need to ensure privacy for staff and children.

2. The location of the visitor parking spaces 07 and 08 are to be swapped with staff car parking spaces.

Reason: To ensure that the visitor car parking is as close as possible to the lift lobby.

3. Four bicycle spaces are to be provided, to be located with the tenanted space. If this results in a reduction in the unencumbered indoor or 'outdoor' space, the number of childcare places must be adjusted accordingly. The location/s is to be shown on the floor plans.

Reason: To satisfy the requirements of Liverpool DCP and encourage active transport use by staff.

4. Two of the visitors' spaces are to be signposted to indicate that they are to be used as loading spaces between the hours of 9.30am and 2.30pm. These loading spaces are to be indicated on the basement car parking plan.

Reason: To meet the requirements for delivery vehicles.

5. Pavement delineation is to be provided, indicating a path of safe pedestrian movement from the car parking spaces to the lift lobby. This is to be shown on the basement car park plan.

Reason: To ensure a visible safe path of travel in the car park for parents/carers and children.

6. A Parking and Vehicle Access Plan is to be prepared to regulate the traffic flow and safety of the car park ramp. This shall provide details of:

- Ground based parking sensors to be provided in the car spaces
- A "Child Car Centre Parking Spaces" sign, electronically indicating whether the child care visitor spaces are full or available, to be located at the car park entry.

Reason: To ensure the safety and amenity of car park users and surrounding residents is maintained.

7. Plans showing the unencumbered indoor and outdoor space, exclusive of all planters, access pathways, storage areas, service and access areas in front of sinks and storage, bicycle spaces and the like are to be provided. If the minimum areas are not met, the approved number of childcare places is to be reduced accordingly, and the final numbers referenced in the Plan and of Management.

Reason: To ensure all minimum area re met to meet the Child Cares Services National Regulation.

2. **Condition 25. Road Safety Audit** is amended to delete the words “on the proposed roadworks” in the first sentence.

Reason: To ensure that if required, works are installed to address the safety of vehicular movements at the entry/exit and on Gillespie Street and to address any queuing on Gillespie Street.

3. In **Condition 27. Access, Car Parking and Manoeuvring – Detail**, Point 2. and Point 4 are deleted - as no BDouble/Rigid/Medium Rigid Vehicles are proposed; and the car park ramp is as already approved and constructed.
4. **Condition 29. Waste Management Plan requirements** is amended to refer to the issue of the Construction Certificate and not a “Subdivision Works Certificate” in the first sentence; and to refer to the “Certifier” and not the “Principal Certifier” – as there is no subdivision proposed; and a Certifier and not a Principal Certifier issues a construction certificate.
5. **Condition 93. Operational Plan of Management** is amended to read:

The approved Plan of Management (POM) referred to in Condition 1 is to be updated and amended:

- 1.To refer to the approved hours for service vehicle access and the location of the loading spaces as indicated in Condition 10 Subclause 4. (as amended);
- 2.To refer to the provision of a Noise and Traffic Complaints Register, referring to the requirements outlined in Condition 109. (as amended).
- 3.To refer to the details of the measure to be implemented, including an on-going communication strategy to ensure that all parents/carers and staff are aware of and abide by the following (which are to be started in the POM):
 - All carers/parents accessing the centre by vehicle are to park within the building in the designated car parking spaces
 - Only the applicable staff or visitor spaces are to be used
 - No on-street parking is permitted on Gillespie Street
 - No driveways in Gillespie Street are to be obstructed
 - No parking or waiting is to occur in the car park of the Collingwood Hotel
 - No double parking or waiting is to occur at the top of the car park entry ramp
 - To abide by the electronic car parking sign and leave the site entry if the childcare parking spaces are full
 - No vehicle is to wait or double park in Gillespie Street
 - Provide instructions on the use and security measures related to a fob which must be provided to all parents/carers, in order to access the security roller shutter door to the car park

The amended POM is to be submitted to the Council’s Manager of Development Assessment and to the Manager of the Transport Management Team prior to the issue of the Occupation Certificate and prior to the commencement of the use.

6. **Condition 107. Deliveries and waste collection times for food and drink and mixed-use developments** is amended to insert a new heading "**Waste removal times**"; and is amended to read

Waste collection for the childcare centre is to occur only between the hours of 7am to 10pm Monday to Friday." Childcare centre waste removal is to occur outside the days of residential waste removal.

7. **Condition 109 Noise Complaints Register** is amended with a new heading: "**Noise, Traffic and Parking Complaints Register**" and a new first sentence is to be inserted to read:

The operator must keep a register of all complaints received from any nearby neighbouring premises, or residents within the building, or the general public regarding noise, traffic and parking. This will include any instances of reported nuisance or obstruction or unauthorised parking other than within the allocated spaces in the basement car park.

The remaining paragraph "The Complaints Register must record, but not necessarily be limited toeach complaint received" remains as in Draft Condition 109.

and the last sentence "The Industry...at all times" is deleted.

Reason: To record all complaints made regarding the premises and ensure that these are addressed and monitored

8. **Condition 114. Noise Management Plan** is amended to read "The noise attenuation measures in the Acoustic Report approved in Condition 1, and in the approved Plan of Management as amended by these conditions must be complied with at all times.

The decision was unanimous.

REASONS FOR DECISION

Approval is granted for the reasons as generally outlined in the Assessment Report. The Panel appreciates that the ground floor tenancies have been vacant since construction and use and activation of this space is a positive outcome.

The Panel relies on the legal advice provided by the Applicant and as agreed by the Council, that consent can be granted with the submitted clause 4.6 variation to clause 7.38 of Liverpool LEP 2008.

Representatives from the adjoining hotel addressed the Panel as objectors, raising concern about the possible use of the hotel car park for parking and access. Accessibility to the car park is an existing situation; and other than condition that the centre users are not to utilise that car park (as proposed), the Panel has no control over the security of another property. A resident of the building also addressed the Panel raising concern with the car parking and access – these matters, where relevant, have been conditioned. The Panel was also informed by the written submissions to the Application.

The Panel has deleted extraneous recommended conditions not relevant to the proposal and use within an existing building and car park. Conditions have been added/amended to ensure all car parking will occur within the car spaces allocated to the commercial tenancy in the building. Minor amendments to conditions were sought by the Applicant's Traffic Engineer in the public meeting, which have been largely agreed to, as indicated in the above amendments to the conditions.

It is noted that the childcare centre car parking is compliant with Council's DCP requirements and exceeds the requirements that would have applied if the centre had been outside a mixed zone. After the meeting the Panel sought advice on some draft conditions from Council, and the final conditions are based on emails received from Council's Officers on 30 April 2026.

The Panel notes that concurrence was granted by the NSW Early Learning Commission for the use of simulated outdoor open space (Attachment 7 of the Assessment Report). The Application proposed 66 childcare spaces, but the Commission noted that there was insufficient information to determine the unencumbered open space, such that "...the maximum number of children will be confirmed when amended plans are submitted to the Commission as part of an application for service approval". The Panel is concerned with the suitability of the simulated outdoor space, and if the Commission had not provided concurrence and support for this aspect, the Application may not have been approved. A condition has been included to require verification of the unencumbered spaces, and hence centre places (which ultimately may be licenced to be fewer than the proposed maximum of 66).

ITEM 03 DA-320/2025 – Lot 2 in DP 1198178, Lot 51 in DP 1939907 and Lot 120 in DP18314, known as Lot 2 Stewart Avenue, 75A and 73 Stewart Avenue Hammondville

Demolition of existing structures, subdivision of three existing allotments into a community title subdivision of seventeen Torrens title residential lots, and one association lot (over which is located on-site detention and water quality infrastructure, and community title road), and associated road construction, and civil works.

PANEL CONSIDERATION AND DECISION

The Panel **refuses** DA-320/2025 at Lot 2 Stewart Avenue, 75A and 73 Stewart Avenue Hammondville for the demolition of existing structures, subdivision of three existing allotments into a community title at subdivision of seventeen Torrens title residential lots, and one association lot (over which is located on-site detention and water quality infrastructure, and community title road), and associated road construction, and civil works for the reasons in **Attachment 2** of the Assessment Report, (but without the reference to the date of the decision being 19 November 2025).

The decision was unanimous.

REASONS FOR DECISION

The Panel agrees that the Council has satisfactorily assessed the Application and supports the reasons for refusal as outlined in the Assessment Report.

The written submissions were considered. At the public meeting, the Panel was addressed by the Applicant's planner who provided background to the Application. The Panel notes that the Application is subject to a deemed refusal appeal to the Land and Environment Court and that the SOFAC was filed on 25 February 2026.

ITEM 04: Planning Proposal for a Special Entertainment Precinct to be established in Liverpool City Centre.

The Panel advises Council that the Planning Proposal for the Liverpool City Centre Special Entertainment Precinct (SEP) is considered to have site specific and strategic merit and the planning proposal should be forwarded to the Department of Planning Housing, and Infrastructure to proceed to Gateway.

NOTE

Council staff and a consultant planner provided a briefing to the Panel on the proposed SEP, draft DCP and draft Precinct Management Plan. The Panel supports the Council's initiative to encourage vibrancy and activation in the Liverpool City Centre.

PANEL MEMBERS	
Heather Warton (Chair)	Brendon Beirne
Brian Kirk	Suzana Apostolou

Liverpool SEP

Sound Management Framework

Liverpool City Council

20 May 2026

→ **The Power of Commitment**



Project name		Acoustic consultancy services for Liverpool City Council - Special Entertainment Precincts					
Document title		Liverpool SEP Sound Management Framework					
Project number		12679523					
Status Code	Revision	Author	Reviewer		Approved for issue		
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Glossary of terms and abbreviations

Term/Abbreviation	Definition
SEP	A special entertainment precinct is an area, streetscape or single venue where sound conditions and trading hours are set by a council in a precinct management plan. Councils can establish special entertainment precincts in their local area under the Local Government Act 1993 to encourage more live music and support their night-time economies.
SCA	Sound Category Area. A geographically defined zone within or around an SEP with specific sound level criteria appropriate to its land use character and proximity to sensitive receivers.
CBD	Central Business District. The commercial and business centre of a city or town.
NSW	New South Wales. The Australian state in which Liverpool is located.
dBA	A-weighted decibel. A measurement unit for sound pressure level adjusted to approximate the human ear's response to different frequencies. The A-weighting curve de-emphasizes low and very high frequencies.
dBL	Linear decibel. Unweighted sound pressure level measurement without frequency adjustment, used particularly for low frequency noise assessment.
LAeq	Equivalent continuous A-weighted sound pressure level. The energy-average sound level over a specified time period, expressed in dBA. For example, $L_{Aeq(15min)}$ is the equivalent continuous sound level averaged over 15 minutes.
Ambient noise	The all-encompassing sound in a given environment at a given time, usually composed of sounds from many sources near and far. In this context, it includes traffic, pedestrian activity, mechanical plant, and entertainment sounds.
Octave band	A frequency band where the upper frequency limit is twice the lower frequency limit. Octave band analysis divides the audible frequency spectrum into bands (e.g., 31.5 Hz, 63 Hz, 125 Hz) to assess sound at different frequencies, particularly important for low frequency entertainment noise.
Outdoor events	Events in the public realm such as festivals, street fairs and markets.
Rw	Weighted sound reduction index. A single-number rating that indicates how well a building element (such as a wall or window) reduces sound transmission across the frequency spectrum. Higher Rw values indicate better sound insulation.
Low frequency noise	Sound at frequencies typically below 200 Hz, common in entertainment venues from bass-heavy music and sound systems. Low frequency noise is more difficult to attenuate with standard building construction and can cause disturbance even at lower overall sound levels.
Facade	The external face or wall of a building, particularly relevant in acoustics for its role in attenuating external noise and achieving internal noise criteria.
Sound-emitting venue	Any premises that generates entertainment noise as part of its primary function, including licensed venues, restaurants with live music, nightclubs, bars, and event spaces. These venues are the source of entertainment sound managed under the SEP framework.
Sensitive development	Development that includes noise-sensitive land uses requiring protection from entertainment noise, including residential dwellings, tourist and visitor accommodation, educational facilities, health facilities, and places of worship.
Receiver	A location or premises where entertainment noise from sound-emitting venues may be heard, typically sensitive developments such as residential properties that require acoustic protection.
Mixed-use area	An area containing a combination of different land uses, such as residential, commercial, entertainment, and retail, typically requiring careful acoustic management to balance activation with amenity.
Habitable room	A room used for normal domestic activities, including bedrooms, living rooms, dining rooms, and studies, but excluding bathrooms, laundries, and garages. These rooms have specific internal noise criteria for acoustic comfort.
PMP	Precinct Management Plan
DCP	Development Control Plan
CBD	Central Business District

Term/Abbreviation	Definition
CoS	City of Sydney
CoP	City of Parramatta
External assessment location	<p>The external criteria apply at an assessment location positioned 1 m outside the most affected window of an occupied room within the receiving building (excluding garages, kitchens, bathrooms, and hallways), and 1.5 m above floor level. This applies to both single-storey and multi-storey receivers.</p> <p>For multi-storey residential receivers, the assessment location may be on a balcony, 1 m from the façade/window and 1.5 m above floor level. Where the assessment location is inaccessible (e.g., no balcony or resident access is unavailable), or where measurements are affected by extraneous noise, the sound level should be determined by a qualified acoustic consultant using measurements taken at the venue and interim locations. The external criteria exclude façade reflections; therefore, a -2.5 dB façade correction should be applied to measured results before comparison with the criteria.</p>
Internal assessment location	<p>The internal noise criteria is applicable at both existing and future residential receivers with all external façade elements closed.</p> <p>For receivers structurally connected to a venue (such as by sharing a common partition wall, or within the same building) the internal criteria applies at the most affected location of an occupied space of a noise sensitive area (e.g. excluding garages, kitchens, bathrooms and hallways). The internal criteria applies at a height of 1.5m above floor level and at a minimum distance of 1 metre from any wall.</p>
Venue assessment location	<p>For venues, the noise criteria are to be assessed externally at the boundary of the lot where existing or future sensitive receivers may reasonably occur. The assessment location is 1.5 m above the floor level.</p>

Executive summary

This Sound Management Framework has been prepared by GHD for Liverpool City Council to support the establishment of a Special Entertainment Precinct (SEP) in Liverpool's City Centre. The framework provides acoustic guidance in setting acoustic criteria to balance the activation of the Liverpool City Centre, with the expectations of nearby residential amenity.

Purpose and scope

The framework establishes the approach to sound management for Liverpool's proposed SEP, developed in accordance with the NSW Special Entertainment Precinct Acoustic Toolkit. The scope included a comprehensive sound testing program conducted over multiple sessions, analysis of existing entertainment venues and land uses, and the development of tailored Sound Category Areas (SCAs) appropriate for the precinct's character and future activation goals.

Sound testing program

The sound testing program conducted found that the Liverpool City Centre currently experiences very limited entertainment noise, with ambient sound levels dominated by traffic, pedestrians, and mechanical plant rather than entertainment activities. Existing venues include primarily restaurants and cafes, with minimal activity from licensed premises. The large physical separation between core SEP areas and residential land uses provides significant acoustic buffering.

Sound Category Areas

A 'place-based' approach was adopted in defining suitable SCAs across the SEP area, with 'core' areas of the SEP having higher allowable noise levels than the transition and buffer areas. Justification for the selected SCAs was also provided to illustrate the suitability of the selected SCAs.

Three SCAs have been designated for the Liverpool SEP:

- **SC3 (Core areas):** Applied to the core entertainment precinct, permitting higher noise levels of 65 dBA during daytime and evening (7am-10pm), reducing to 60 dBA at night (midnight-7am). This category is suitable for CBD and commercial core areas with high entertainment activation.
- **SC3.5 (Transition areas):** Applied to areas within the SEP but not at its core, particularly those nearer to residential receivers. Permitting 65 dBA during daytime, 60 dBA in the evening (10pm-midnight), and 55 dBA at night. This category provides a transition zone between high-activation areas and residential zones.
- **SC4.5 (Buffer areas):** Applied to areas outside the SEP boundary consisting primarily of residential receivers. Permits 60 dBA during daytime, 55 dBA in the evening, and 50 dBA at night, providing enhanced protection for residential amenity.

Internal noise criteria

Internal noise criteria to be achieved by existing and future sensitive development was defined with reference to Australian Standards and guidance in the Acoustic Toolkit.

Recommendations

Requirements and guidance for future sound-emitting and sensitive development within the SEP was provided to ensure that future development is designed and managed in accordance with the Sound Management Framework. Guidance has also been provided in the various compliance mechanisms

1. Introduction

1.1 Overview

Liverpool City Council (Council) have resolved to establishment a Special Entertainment Precinct (SEP) in the Local Government Area of Liverpool. Council identified the Liverpool City Centre for the establishment of an SEP and established that the strategic intent for the area aligned with the desired outcomes of a SEP. The SEP Investigation area is provided in Figure 1.1. Council is currently at the stage of preparing a Precinct Management Plan (PMP) and Sound Management Framework to outline the approach to managing noise emitting venues and noise sensitive development within a SEP.

The aspiration for the Liverpool City Centre is to be Sydney's Third Central Business District (CBD) and recent planning changes have been implemented to enable a mix of uses including various commercial uses, licensed and unlicensed hospitality uses and residential uses (primarily in the form of apartment and shop top housing). The establishment of a SEP forms part of this vision for a vibrant city centre in which residents are close to work, universities and schools, shops, dining, entertainment, public transport and green space along the Georges River.

The proposed SEP centres around Macquarie Street, George Street and Memorial Avenue. A SEP is an area in which the night-time economy is encouraged by facilitating favourable operating conditions for live music, entertainment venues and other businesses, whilst adequately protecting the amenity of noise sensitive developments. This is achieved through the PMP which establishes fixed sound conditions and trading hours for venues within the SEP, and outlines requirements for new development within the SEP to future proof the precinct.

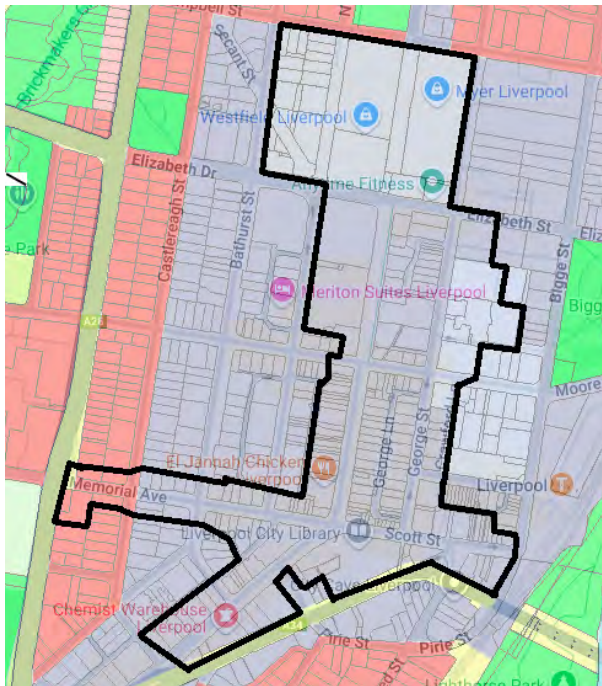


Figure 1.1 SEP investigation area

1.2 Purpose of this report

GHD Pty Ltd (GHD) has been engaged by Council to provide acoustic consulting services to support the establishment of the Sound Management Framework and Precinct Management Plan. Specifically, the purpose of this report is to establish appropriate sound criteria for sound-emitting venues and noise sensitive developments.

The report also details the results of a sound testing program conducted across the SEP area to inform the sound criteria selection, and existing character of the area. Justification of the selected criteria was also provided by illustrating that the selected criteria is suitable for existing receivers, as well as achievable for future noise sensitive developments and sound-emitting venues.

1.3 Scope of works

The following scope of works was undertaken as part of the acoustic services:

- A review of the proposed precinct including existing entertainment venues (and other land uses), activations and the future desired character of the area
- A sound testing program across multiple nights to quantify existing noise levels across the precinct.
- Development of draft sound level criteria for the precinct informed by objectives of the project, results of the sound testing, discussions with Council and planners, and the review of relevant documentation.
- A map outlining the proposed Sound Category Areas (SCAs)
- The results of the sound testing program and justification of the selected sound criteria
- Assessment of the achievability of the sound criteria, including the establishment of relevant assessment requirements for new developments within the SEP.

The scope of works has been undertaken with reference to the guidance provided in the document *NSW Special Entertainment Precinct Acoustic Toolkit: Optional Sound Guidance and templates for Councils* (Arup Australia Pty Ltd on behalf of the Office of the 24-Hour Economy Commissioner, 2024) and Liverpool City Council's relevant Strategic Planning and Policy for the city centre.

1.4 Limitations

This report: has been prepared by GHD for Liverpool City Council and may only be used and relied on by Liverpool City Council for the purpose agreed between GHD and Liverpool City Council as set out in section 1.1 of this report.

GHD otherwise disclaims responsibility to any person other than Liverpool City Council arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer section(s) 1.4 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

The opinions, conclusions and any recommendations in this report are based on information obtained from, and testing undertaken at or in connection with, specific sample points. Site conditions at other parts of the site may be different from the site conditions found at the specific sample points.

Investigations undertaken in respect of this report are constrained by the particular site conditions, such as the location of buildings, services and vegetation. As a result, not all relevant site features and conditions may have been identified in this report.

GHD has not been involved in the preparation of the Precinct Management Plan and has had no contribution to, or review of the Precinct Management Plan other than in this Sound Management Framework. GHD shall not be liable to any person for any error in, omission from, or false or misleading statement in, any other part of the Precinct Management Plan.

The development of the PMP and SMF documents are to be completed in consultation with other stakeholders including NSW Police, the community and L&GNSW. This consultation is completed by Liverpool City Council and this SMF may change pending outcomes of consultation.

2. Sound Management Framework

2.1 Framework

The sound management framework represents the approach to sound management within the precinct and is included in the PMP and in Council's Development Control Plan. The contents and approach of the framework is variable from precinct to precinct, but a summary of the common departures from the existing planning approach are provided in Table 2.1.

Table 2.1 Sound management framework approach

Sound management framework approach	How the approach departs from existing planning approach
Define fixed criteria for sound generating developments within the SEP.	Under the NSW Government <i>24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2024</i> , this criteria supersedes noise related conditions set on a venue development consent, or on a venue liquor license for any venue within a SEP. This creates a more simple and favourable approach to noise compliance for venues
Define criteria for sensitive development (including residences, places of worship, child care facilities and other uses) that is suitable for existing and future developments within the SEP and it's surrounds.	Shares the responsibility for managing sound related impacts between both the sound-emitting venues, and noise sensitive developments. For core areas of the SEP, this responsibility is more prominently with sensitive developments, which need to be designed to achieve the internal noise criteria. For buffer areas, the criteria should be justified as suitable for existing sensitive developments to achieve.
Define 'core' and buffer areas of the SEP and include suitable varying criteria and requirements for each area.	Defines standardised criteria and requirements to be achieved by all venues as opposed to case-by-case basis as determined through; <ul style="list-style-type: none"> – background level based criteria varying for each development and monitoring locations – venue specific council consent conditions or liquor license conditions relating to noise
Define requirements for sound generated in outdoor locations, including buskers and outdoor events.	Managed under existing arrangements

Within the framework, there are various stakeholders with different roles and responsibilities. Further details are provided in Section 7 of the *NSW Special Entertainment Precinct Handbook*, but the key roles are summarised here:

- **Council:**
 - lead the establishment and management of SEPs through PMPs and DCPs.
- **Developers and Landowners:**
 - design and manage developments to achieve relevant sound criteria.
 - For sound-emitting venues, consult with NSW Police and L&GNSW for licensed venues.
- **Community members:**
 - Provide engagement and feedback regarding the SEP.
 - Report issues to appropriate stakeholders such as L&GNSW for licensed venue noise complaints
- **24-Hour Economy Commissioner:**
 - Provide guidance and funding to Councils for the establishment of SEPs
 - Statutory consultee on planning proposals
- **Liquor and Gaming NSW:**
 - Lead compliance for sound from licensed venues, including assessing noise complaints
- **NSW Police:**

- Enforce compliance at licensed venues

2.2 Assessable sound sources

The sound criteria for sound-emitting venues and sensitive development are applicable to 'entertainment noise' sources within the SEP area which includes:

- Sound from patrons within a venue (including any outdoor seating)
- Live music from a venue
- Any other sound associated with entertainment from a permanent land use such as a performance, recreational activities

The sound criteria developed does not apply to the following sources of noise:

- Outdoor events, festivals and street fairs (e.g., Pasifika Summer)
- Noise from buskers in the public realm
- Noise from patrons in the public realm

Whilst these other sources of noise within the SEP are not a mandatory consideration, an approach to management of these sources of noise may be outlined in the sound management framework and PMP. Further guidance for consideration for inclusion in the PMP is provided in Section 2.4.

2.3 Sound criteria model

A 'place-based' approach has been taken to setting sound criteria within and surrounding the SEP. A 'place-based' approach is where the management and mitigation of sound is balanced between sound-emitting venues and sensitive developments. In the core areas of the SEP, sensitive development needs to consider the planned entertainment sound levels and design to achieve the relevant internal noise criteria. For buffer areas, external sound criteria levels are set that are expected to result in acceptable internal noise levels for existing receivers.

- Entertainment venues in core area must comply with a sound limit that reflects the precinct's intended future character. Future noise-sensitive developments in core areas will need to be designed to mitigate against this fixed external noise level to achieve the internal noise criteria. Further details regarding core area development requirements are provided in Section 4.3.2.
- For buffer areas away from the core (areas with existing residential land uses), external sound criteria levels are set that are expected to result in acceptable internal noise levels for existing receivers. Justification for the determined criteria is provided in Section 4.3.1, considering the construction of residential receivers

2.3.1 Sound Category Areas

The criteria for sound-emitting venues to achieve is defined into a number of Sound Category Areas (SCAs) which are defined along street frontages of the SEP and surrounding areas. Different and descending categories are applied for the core, transition and buffer areas of the SEP to reflect the 'place based' approach to sound management.

The 'core areas' of the Liverpool SEP are to include Macquarie Street, George Street, Scott Street and Memorial Avenue. These areas are well suited for future activation as there are virtually no existing residential receivers along these street frontages and future sensitive receivers will be designed to mitigate against future sound levels.

Areas with higher permissible levels of entertainment noise are defined for the core areas of the SEP and are given to main street areas with non-residential existing land uses. Permitted noise emissions are progressively stepped down away from this defined core area, out into areas of existing residential receivers.

With reference to the Acoustic Toolkit, there are two forms of acoustic criteria to apply within the SEP, being:

- External SCAs, defined along frontages within and surrounding the SEP
- Fixed internal noise criteria.

2.3.2 Sound-emitting venues

Under the place-based approach, sound-emitting venues have the responsibility to achieve the relevant SCAs at the identified frontages of a noise sensitive development. For core areas, where a SCA permitting a higher level of entertainment noise is specified, this is expected to result in less required management and mitigation measures for the sound-emitting venue. For buffer areas, the criteria are more stringent and may require more responsibility for the sound-emitting venue to achieve the SCAs.

2.3.3 Sensitive-receiver development

For future sensitive receiver developments within the SEP, the external façade of the building (external wall, windows, doors, roof) should be designed to achieve the internal noise criteria. For sensitive developments exposed to environmental noise, this is based on the maximum sound levels permissible by the SCAs. For sensitive developments sharing a common partition to an adjoining sound emitting development, this will also include an assessment of sound transmission through the common partition (e.g., common party wall or floor/ceiling).

2.3.4 Technical parameters and guidance

This section discusses and summarises the technical parameters adopted for the sound management framework with reference to the guidance provided in the Acoustic Toolkit guideline document. Table 2.2 provides a discussion of the different technical parameters for sound criteria, including the relevant guidance from the Acoustic Toolkit and the adopted approach for the Liverpool SEP.

Table 2.2 Discussion of technical parameters for sound criteria

Parameter	Discussion of parameter	Adopted approach
Objective vs subjective criteria	It is recommended by the Acoustic Toolkit that councils prioritise the use of objective criteria for permanent entertainment venues and new sensitive-receiver development.	Objective criteria has been adopted
Fixed vs relative to background criteria	Relative criteria are applied to ensure limit the potential change in noise levels relative to the existing level. Given that the Liverpool SEP intends to change the desired character of the area, relative criteria are not considered appropriate and fixed criteria is preferred. Fixed criteria also provide an easily assessable level for future developments to be designed to achieve.	Fixed criteria has been adopted
Sound level descriptor	The Leq sound level descriptor is recommended by the Acoustic Toolkit for entertainment sound criteria. The Leq descriptor, being the average equivalent level, has largely replaced the L10 statistical descriptor used by L&GNSW in recent years.	The Leq sound level descriptor has been adopted
Measurement period	The measurement period is the time over which the sound from a venue is captured and averaged (for the Leq descriptor) to be compare against the criteria. Sound noise is commonly assessed using a worst-case 5-minute descriptor, reflective of the length of a song. Or a 15 minute assessment period as recommended in the Acoustic Toolkit	A 15-minute assessment period has been adopted
Assessment Frequencies	The Acoustic toolkit recommends for the use of both broadband criteria and for low-frequency octave band criteria. The broadband criteria is to control the overall level of entertainment noise at a receiver, whilst the octave band criteria is recommended for the 31.5 Hz to 125 Hz range to control low frequency 'bass' sound.	Broadband criteria and octave band criteria between 31.5 Hz and 125 Hz has been adopted
Frequency weightings	To control the overall level of perceived entertainment sound at a receiver, the A-weighting is recommended. The Acoustic toolkit prefers the use of octave band criteria to C-weighted broadband levels for the control of low frequency bass sound.	A weighting has been adopted for the broadband criteria, and linear weighting for the octave band criteria

Parameter	Discussion of parameter	Adopted approach
Annoying characteristics	<p>It is common in NSW for noise criteria to consider 'annoying characteristics', acknowledging that certain characteristics of sound are considered to consider greater annoyance than other sound. Consideration is usually made in the form of a decibel 'penalty' applied to an emission level.</p> <p>Tonality is not typically associated with entertainment noise and is not considered further.</p> <p>Low frequency noise is controlled by the octave band criteria</p> <p>Intermittent noise could be applicable to patron and music sources, and the acoustic toolkit entertains that a similar penalty could be applied. There is little existing precedent for intermittent noise penalties for entertainment noise.</p>	No penalties for annoying characteristics to be applied
Assessment time periods	<p>The Acoustic toolkit provides notional assessment periods in their example criteria. Generally, the various existing SEPs (with existing levels of activation during the early and late night periods) have defined these notional periods as:</p> <ul style="list-style-type: none"> - 'Day/Evening': 7am to 10pm - 'Early night': 10pm to 12am - 'Late night': 12am to 7am <p>The adopted periods reflects the future desired character of the area in promoting vibrancy into the evening and night periods.</p> <p>Other established SEPs have also defined variable criteria for different days of the week, reflective of differing expectations regarding amenity during the week versus during the weekend.</p>	<ul style="list-style-type: none"> - 'Day/Evening': 7am to 10pm - 'Early night': 10pm to 12am - 'Late night': 12am to 7am <p>Additionally, criteria have been developed for the following periods of the week:</p> <ul style="list-style-type: none"> - Thursday to Saturday - Sunday to Wednesday
External criteria assessment location	<p>The Acoustic toolkit recommends an external assessment location applicable at any lot boundary outside of a sensitive receiver development. This future proofs assessment against development within the receiver lot and is considered the most simple method for measuring compliance.</p>	<p>The external criteria apply at an assessment location positioned 1 m outside the most affected window of an occupied room within the receiving building (excluding garages, kitchens, bathrooms, and hallways), and 1.5 m above floor level. This applies to both single-storey and multi-storey receivers</p>

2.3.5 Acoustic Toolkit criteria

The Acoustic Toolkit outlines example SCAs appropriate for managing noise from different levels of vibrancy as discussed in the application notes. The example SCAs utilise the recommended technical parameters of the Acoustic Toolkit, which are broadly consistent with the technical parameters adopted in Section 2.3.4:

- L_{Aeq} descriptor (a 15 minute assessment period has been adopted, consistent with the Acoustic Toolkit)
- Criteria for both Broadband dBA and low frequency octave band levels (31.5 Hz to 125 Hz)
- Day/Evening, early night and late-night periods.

The full list of example SCA criteria is provided in Table 2.3. Additionally, the Acoustic Toolkit provides application notes for each SCA to describe the level of vibrancy or typical character of an area with this SCA, provided in Table 2.4.

Table 2.3 Example SCA criteria

Category	7am to 10pm				10pm to midnight				midnight to 7am			
	Overall, dBA	Octave band [Hz] dB			Overall, dBA	Octave band [Hz] dB			Overall, dBA	Octave band [Hz] dB		
		31.5	63	125		31.5	63	125		31.5	63	125
SC1	75+	-	-	-	75+	-	-	-	75+	-	-	-
SC2	70	74	73	71	70	74	73	71	70	74	73	71
SC2.5	70	74	73	71	70	74	73	71	65	69	68	66
SC3	65	69	68	66	65	69	68	66	60	64	63	61
SC3.5	65	69	68	66	60	64	63	61	55	59	58	56
SC4	60	64	63	61	60	64	63	61	50	59	58	56
SC4.5	60	64	63	61	55	59	58	56	50	59	58	56
SC5	55	59	58	56	55	59	55	51	50	54	50	46
SC6	50	54	50	46	45	54	50	46	40	54	50	46

Table 2.4 SCA application notes

Category	Notes
SC1	High entertainment sound levels. Expected to preclude residential accommodation and other sensitive uses occupied concurrently with entertainment uses. May be suitable for application within a commercial centre or industrial precinct.
SC2	High entertainment sound levels from venues 24 hrs. Comparable to Fortitude Valley Core A taking account of different assessment location. Sensitive development possible but will require high building sound insulation. May be suitable in a primarily commercial core or CBD, with limited existing residential development.
SC2.5	Similar to SC2 but with lower external noise levels during the night period. Will reduce building sound insulation for bedrooms or enable lower internal sound levels to be achieved. May be suitable for a commercial core or CBD with greater potential for residential development or with residential development bordering the precinct.
SC3	Entertainment sound levels suitable for smaller venues and bars, and more readily allowing for external patron areas, particularly up to midnight. May be suitable for a residential mixed-use area or as a buffer area near higher SCs.
SC3.5	As SC3 up to 10pm, but with progressively lower sound levels after 10pm and at midnight. May be suitable for a residential mixed-use area in a less urban environment, where later trading is not expected.
SC4	Reduced intensity of entertainment sound levels, most well-enclosed venues. Lower sound levels after midnight for balance toward residential areas. For application to buffer around higher SCs.
SC4.5	As SC4 up to 10pm, but with progressive reduction in sound levels after 10pm and at midnight.
SC5	Use expected to be buffer around other SCs in an urban area. Expected to be less suitable within or immediately surrounding primary entertainment area.
SC6	Use expected to be buffer around other SCs in a suburban / regional area. Expected to be less suitable within or immediately surrounding primary entertainment area.

2.4 Outdoor events and buskers

If desired, a PMP may include the management of outdoor events such as street fairs and concerts, as well as for buskers in the public realm. This is not a mandatory aspect of the PMP and these events can be managed under existing planning instruments. This sub-section outlines some of the relevant guidance provided in the Acoustic Toolkit, and provides some recommendations should the PMP include management of these aspects.

2.4.1 Outdoor events

Possible management measures that could be outlined in a PMP for outdoor events could include:

- Defined locations, stage orientations or floorplans for outdoor events
- Operating hours, duration and frequency of events
- Sound limits could be considered, with a higher level adopted that is reflective of the limited duration and frequency of events
- Noise monitoring requirements.

If adopting management measures for outdoor events, the size of events should be considered to ensure that management measures implemented are commensurate with the size of the event. For instance, a small street fair is unlikely to require attended noise measurements be completed. This is commonly achieved through a 'tiered' system that can be based on one of or a combination of the following factors:

- Expected patronage
- Expected level of sound emissions
- Operating times
- Duration and frequency.

For the majority of events, prescribed sound limits and monitoring locations are not likely to be necessary to implement, however this may be considered if there is any intention to host large, highly amplified events, or events into the night period.

If outdoor events are to be included in the PMP, it is recommended that outdoor events and activations such as Pacifika Summer events and laneway activations be exempt from complying with the SEP sound criteria.

2.4.2 Buskers

Provisions in the PMP could be made to permit and manage busking within the precinct. Potential principles that could be adopted include:

- Permissible areas and time periods for busking, typically being the core areas of the SEP
- Permissible types and amplification for busking such as limits to amplifier wattage and speaker systems
- Establish objective noise limits for buskers that can be managed with accepted mobile apps or sound meters
- Establish a process for permitting buskers.

3. Sound testing program

3.1 Approach

3.1.1 Objective

The typical approach outlined in the Acoustic Toolkit for SEP sound testing is to measure the existing level of entertainment noise from venues at adjacent receivers, which can then be compared against existing acoustic criteria and any future SEP sound criteria. In the Liverpool SEP, the low activation levels and the large physical separation distances between core SEP areas and residential land uses mean there are no clear test cases where potential venue noise levels can be measured, or where acoustic criteria be benchmarked.

In the Liverpool SEP there is currently very little entertainment sound, and existing ambient levels in the area are dominated by sources with entirely different spectral and temporal characteristics to entertainment activity such as traffic, pedestrians, and mechanical plant. Comparing these non-entertainment ambient levels directly against the entertainment sound categories in the acoustic toolkit isn't particularly meaningful.

In this context, the approach of the sound testing program was designed to establish a baseline of existing ambient noise conditions and to characterise spatial variability across the precinct during representative evening periods, rather than to assess compliance of existing venues with entertainment noise criteria. The baseline information provides an evidence base to inform the selection of appropriate SCAs for the precinct and establishes a reference against which future changes in sound levels and SEP performance can be evaluated as activation increases over time. To understand how different noise levels may be related to different levels of vibrancy, the reference SCAs and SCA application notes can be referred to when evaluating future levels.

3.1.2 Methodology

GHD conducted two sound testing sessions at locations within and surrounding the SEP. Each session was four hours in duration and undertaken at different times of the evening and on different days of the week. One session was undertaken on a weekend evening (Friday) and one on a weeknight (Monday) to capture variation in activity patterns and prevailing noise sources across the precinct.

The sound testing program was designed to characterise the spatial variability of noise levels across a large and diverse SEP, rather than rely on a small number of long-term fixed monitoring locations. Given the extent of the SEP and the mix of land uses, street typologies and activity nodes, a distributed monitoring approach comprising a greater number of short-duration measurements was considered more appropriate to characterise the acoustic environment across the precinct. Measurements were therefore undertaken at 23 common locations distributed throughout the core SEP streets and surrounding residential areas, allowing noise conditions to be assessed across the geographic extent of the precinct during each monitoring session.

Sound testing was undertaken using standard environmental noise descriptors in accordance with *AS 1055-2018 Description and Measurement of Environmental Noise*, including $L_{Aeq,T}$, $L_{A90,T}$, $L_{A10,T}$ and L_{Amax} . The 5-minute measurement duration was selected to be sufficient to characterise prevailing noise conditions at each location, with contextual notes recorded to identify dominant noise sources and any extraneous events influencing individual measurements.

3.1.3 Session details

The first sound testing session was undertaken on Friday 28 November 2025, between 5:00 pm and 9:00 pm, and was timed to coincide with the Pasifika Summer Festival along the pedestrianised section of Macquarie Street. This session was selected to:

- represent a higher-activity scenario consistent with the loudest events that would typically occur within the precinct, albeit on an infrequent basis; and



- allow the acoustic attenuation and screening effects provided by the existing built form within the SEP to be observed under elevated sound emission conditions.

The second sound testing session was undertaken on Monday 8 December 2025, between 8:00 pm and 12:00 am, and was selected to:

- represent a more acoustically sensitive time period for residential receivers within and surrounding the SEP; and
- characterise prevailing ambient noise sources and spatial variability across the precinct during a typical weeknight operating scenario.

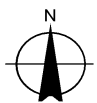
The monitoring locations are shown in Figure 3.1. Table 3.1 summarises the monitoring equipment and measurement parameters for both sound testing sessions, and includes a site photo of the sound monitoring setup.

Table 3.1 Sound monitoring details

Testing session	Photo	Equipment details	Measurement details
Session 1 Friday November 28 th 2025 5pm to 9pm		<ul style="list-style-type: none"> - Svantek Svan 977 Class 1 Sound level meter (SN:45744) - IEC 61672-3:2013 and AS60942:2003 Compliant 	<ul style="list-style-type: none"> - A-weighted - Fast response - 5-minute measurement interval - 1.5 metres from ground level - Session 1 calibration drift: 0.9 dB - Session 2 calibration drift: -0.8 dB
Session 2 Monday December 8 th 2025 8pm to 12am			



Paper Size ISO A4
 0 75 150 m



Liverpool City Council
 Special Entertainment Precincts Sound Management Framework

Project No. 12679523
 Revision No. 0
 Date. 20/01/2026

Sound testing monitoring locations

FIGURE 2.1

Map Projection: Mercator Auxiliary Sphere
 Horizontal Datum: WGS 1984
 Grid: WGS 1984 Web Mercator Auxiliary Sphere

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3.2 Results

The sound testing program indicates that existing ambient noise levels within and surrounding the SEP are generally dominated by road traffic, with levels reducing later in the evening following the afternoon peak period. Other noise sources observed during monitoring included mechanical plant associated with commercial uses, pedestrian activity, and occasional aircraft and fauna noise. Overall, the existing level of entertainment-related noise across the SEP is limited.

This section provides a summary of the sound testing program as well as key observations. The full noise monitoring results for both sound testing sessions are provided in Appendix A. The spatial distribution of $L_{Aeq(5min)}$ noise levels of the sessions are shown graphically in in Figure 2.2 and Figure 2.3.

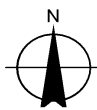
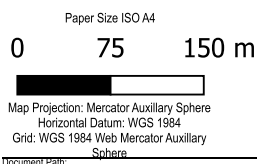
Excluding measurements associated with the Pasifika Summer event, measured $L_{Aeq(5min)}$ levels across the precinct and surrounding areas generally ranged from approximately 55 to 70 dBA during the earlier evening period, reducing to approximately 50 to 65 dBA during the later weeknight session. Higher noise levels were typically recorded along streets with higher traffic volumes or at signalised intersections, while lower levels were observed along laneways and local residential streets with limited traffic activity.

The present level of entertainment noise appears very limited, however there were some instances of active venues across the SEP, particularly with restaurants and cafes as general activity from all of the pubs within the SEP area was very minimal:

- During the early night period, the cluster of restaurants and takeaway eateries near the Corner Pub were still open, with some patrons around (including Mad Toppings, Crust, etc).
- Wasana Restaurant on Northumberland (outside the SEP) was busy with most tables inside full of patrons playing games, drinking tea and listening to background music at about 10:30pm Monday.
- Cucina 105 on Moore Street (outside the SEP) had a large birthday booking on the Friday which was clearly audible from the opposite street
- Moonlight Restaurant on Macquarie has some music and patron noise audible from outside. This venue is notable as it has residential apartments above it and is located at the bottom of Macquarie Street between the core and buffer areas of the SEP.
- The takeaway shops on Elizabeth Street between George and Macquarie Streets were open late and had some outdoor tables. However, patron numbers were fairly low during both sessions.

The Pasifika event during the first sound testing session had DJs and drum performances at the front stage along the pedestrianised section of Macquarie Street. Front of House noise levels during the event were up to $L_{Aeq(5min)}$ 91 dBA. The event was audible from one street over at George Street and Northumberland Street but not audible along streets further away than that (such as at Bathurst Street).

Comparing the measuring results between both sessions, and excluding the Pasifika Summer event measurements, ambient noise levels decrease by an average of 4 dB between the earlier and later testing sessions.



Liverpool City Council
Sound Management Framework
Sound testing session 1 (5pm to 9pm)
LAeq(5min) noise measurement results, dBA

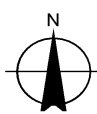
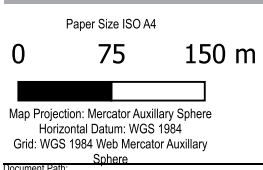
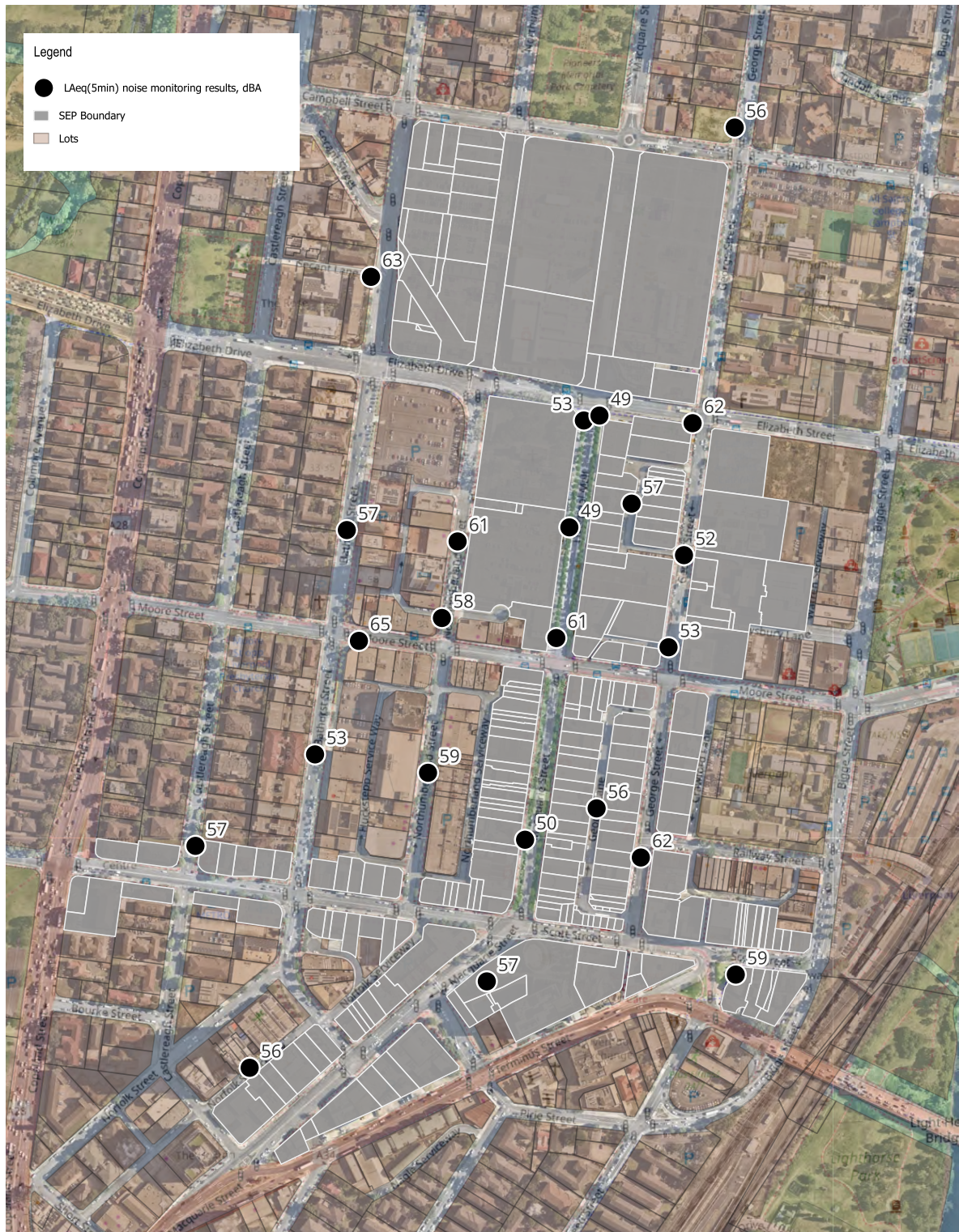
Project No. 12679523
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FIGURE 2.2

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Liverpool City Council
 Sound Management Framework
Sound testing session 2 (8pm to 12am)
LAeq(5min) noise measurement results, dBA

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 Date. 20/01/2026

FIGURE 2.3
Data Source:

4. Sound criteria

This section outlines the sound-emitting sound criteria (selected SCAs and map of areas) and sensitive development noise criteria (internal noise criteria) for the Liverpool SEP. This section also provides an evaluation and justification for the selected criteria for both core and buffer areas, with reference to the 'place-based' approach. Finally, this section provides recommendations and guidance for relevant stakeholders in developing future sensitive developments and sound-emitting developments within the SEP.

4.1 Liverpool SEP SCAs

4.1.1 Sound criteria

The selected SCAs and associated sound criteria are provided in Table 4.1.

- SC3 was selected for the 'core areas' of the Liverpool SEP.
- SC3.5 was selected as the transition SCA for areas within the SEP, but not at the core of the precinct.
- SC4.5 was selected as the 'edge' criteria for areas outside of the SEP boundary and consisting primarily of residential receivers.

The octave band noise levels for SC4.5 for the midnight to 7am period were equal to with SC3.5, which is believed to be an error in the Acoustic Toolkit. To reflect the intent for a reduced allowable level of sound during this period and at the edge of the SEP, the octave band levels have been reduced by 5 dB. A map of the SCA frontages is provided Table 4.1. To derive the SCA for the Sunday to Wednesday period, a 5 dB reduction was applied to the SCA level.

It is important to note that the SCAs are cumulative entertainment sound limits and therefore the cumulative entertainment noise from all sound-emitting developments must comply with the limits provided. Outdoor events and activations such as Pacifica Summer events and laneway activations are exempt from the SEP sound criteria.

Table 4.1 Selected SCAs noise criteria, $L_{Aeq(15min)}$ dBA

Category	Week period	7am to 10pm				10pm to midnight				midnight to 7am			
		Overall, dBA	Octave band [Hz]			Overall, dBA	Octave band [Hz]			Overall, dBA	Octave band [Hz]		
			31.5	63	125		31.5	63	125		31.5	63	125
SC3	Thur-Sun	65	69	68	66	65	69	68	66	60	64	63	61
	Sun-Wed	60	64	63	61	60	64	63	61	55	59	58	56
SC3.5	Thur-Sun	65	69	68	66	60	64	63	61	55	59	58	56
	Sun-Wed	60	64	63	61	55	59	58	56	50	54	53	51
SC4.5	Thur-Sun	60	64	63	61	55	59	58	56	50	54	53	51
	Sun-Wed	55	59	58	56	50	54	53	51	45	49	48	46

4.1.2 Venue assessment location

For venues, the noise criteria are to be assessed externally at the boundary of the lot where existing or future sensitive receivers may reasonably occur. The assessment location is 1.5 m above the floor level.

The SEP criteria applies to entertainment sound emissions from all licensed and unlicensed venues within the SEP boundary. The SEP criteria applies to total sound emissions from patrons and music both inside the venue, and from designated outdoor seating areas of premises.

4.1.3 Receiver development assessment location

The external criteria apply at an assessment location positioned 1 m outside the most affected window of an occupied room within the receiving building (excluding garages, kitchens, bathrooms, and hallways), and 1.5 m above floor level. This applies to both single-storey and multi-storey receivers.

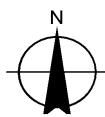
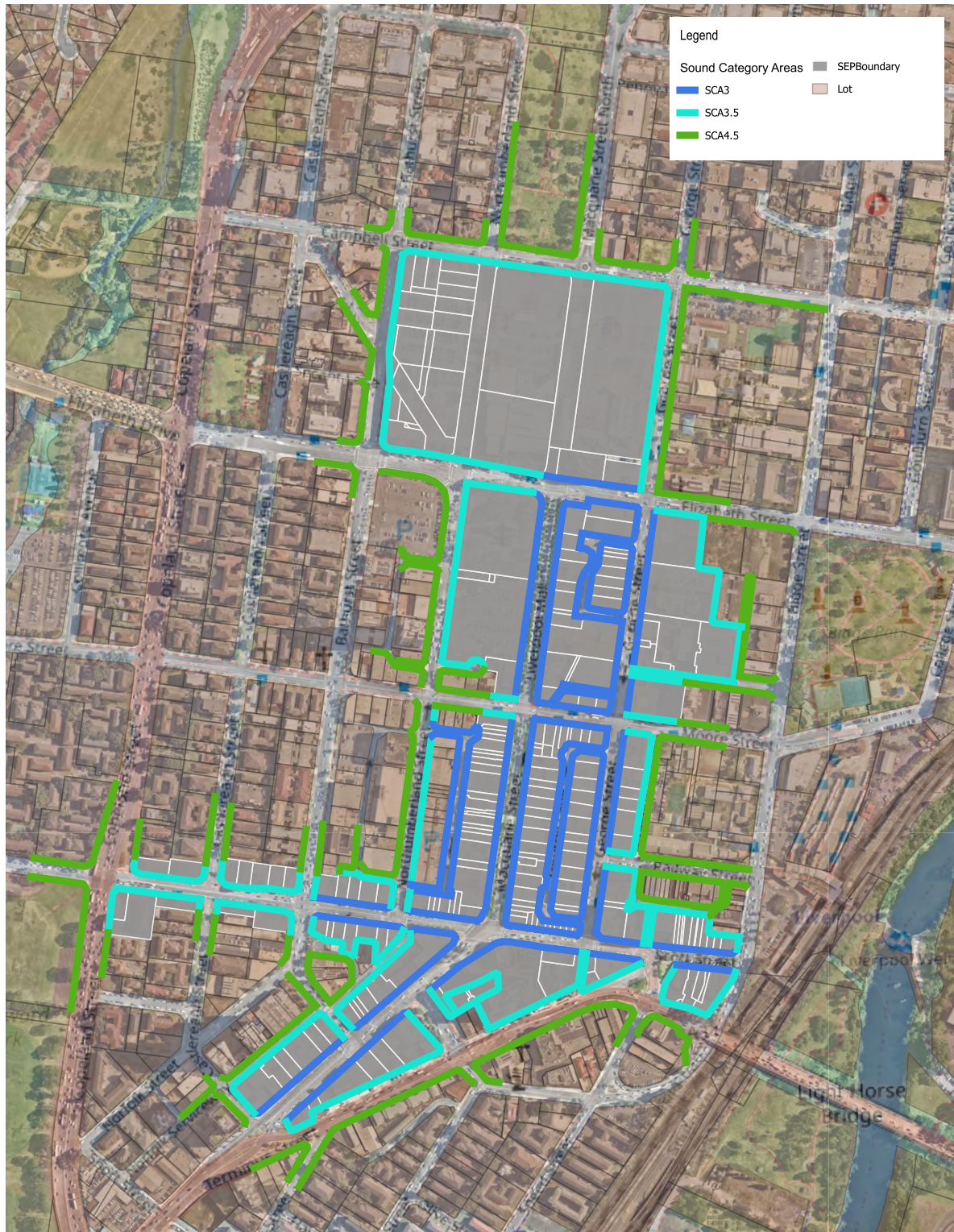
For multi-storey residential receivers, the assessment location may be on a balcony, 1 m from the façade/window and 1.5 m above floor level. Where the assessment location is inaccessible (e.g., no balcony or resident access is unavailable), or where measurements are affected by extraneous noise, the sound level should be determined by a qualified acoustic consultant using measurements taken at the venue and interim locations. The external criteria exclude façade reflections; therefore, a -2.5 dB façade correction should be applied to measured results before comparison with the criteria.

Typically for areas with multiple venues, the contribution from each single venue should typically not exceed 5 dB below the values, unless venues can co-ordinate scheduled sound emissions (such as from a scheduled live music performance) events to achieve compliance with the cumulative criteria.

4.1.4 SCA intent

With reference to the Acoustic Toolkit application notes, a summary of the activities that the SCAs are intended to enable and the future desired character is provided:

- Within the core area (SC3), the SCAs are expected to enable for small and medium sized venues and bars to operate with relative freedom:
 - It is expected that modestly sized outdoor patron areas or venues 'opened up' to the external environment would be enabled as well as well-managed live music operations.
 - The SCAs are set to place the management and mitigation of noise primarily on noise sensitive developments, without precluding these uses entirely, through onerous construction requirements or unacceptable internal noise levels. Noise sensitive uses in this area would likely be on higher levels of mixed use developments and be well designed to shield and attenuate from entertainment noise.
 - Part of the desired future character of the SEP looks to encourage activation in the laneway areas. To encourage this, laneways such as Georges Lane, Northumberland Serviceway and Hanwell Serviceway have been designated as core areas. Given the laneways are well separated from existing sensitive development this is considered appropriate.
- Within the transition area (SC3.5), the SCAs are expected to enable similar operations to the core area until 10pm, with lower sound levels permissible after this to reflect the transition to an area of lower entertainment intensity.
- Within the edge area (SC4.5), the SCAs are expected to enable for a reduced intensity of entertainment sound levels particularly after 10pm. The balance is more towards residential amenity and venues will likely need to manage and control noise emissions to meet the criteria.



Liverpool City Council
Sound Management Framework

Sound Category Areas
map

Project No. 12679523
Revision No. 1
Date. 16/03/2026

FIGURE 2.4

Map Projection: Mercator Auxiliary Sphere
Horizontal Datum: WGS 1984
Grid: WGS 1984 Web Mercator Auxiliary Sphere

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4.2 Internal noise criteria

The adopted internal noise criteria for existing and future developments to be achieved within and surrounding the SEP is provided in Table 4.2. The criteria are consistent with industry best practice and the example internal noise criteria provided in the Acoustic Toolkit. The criteria apply with all external façade elements (such as windows and doors) closed.

For future noise sensitive developments within the SEP, the development must be designed to comply with the relevant internal noise criteria, with reference to the maximum permissible noise levels allowed for the relevant SCA. Further information is provided in Section 4.4.1.

The internal noise criteria is applicable at both existing and future residential receivers with all external façade elements closed.

For receivers structurally connected to a venue (such as by sharing a common partition wall, or within the same building) the internal criteria applies at the most affected location of an occupied space of a noise sensitive area (e.g. excluding garages, kitchens, bathrooms and hallways). The internal criteria applies at a height of 1.5m above floor level and at a minimum distance of 1 metre from any wall.

Table 4.2 Internal noise criteria

Receiver	Period	Broadband L _{Aeq(15min)} , dBA	Octave band centre frequency (Hz), dBL		
			31.5	63	125
Residential – bedrooms	7am-10pm	35	59	52	46
	10pm-7am	30	54	47	41
Residential – habitable rooms	7am-10pm	35	59	52	46
	10pm-7am	35	59	52	46
Tourist and visitor accommodation sleeping areas	7am-12am	38	62	55	49
	12am-7am	33	57	50	44
Educational facilities	While in use	35	59	52	46
Place of worship	While in use	38	62	55	49
Health facility	7am-10pm	40	64	57	51
	10pm-7am (wards only)	35	59	52	46

4.3 SCA Justification

4.3.1 Justification for existing sensitive receivers

For the selected external SCAs to be workable, the implications of the resulting internal noise levels at existing residential receivers needs to be evaluated.

The core area of the SEP has no identified receivers. Almost all existing residential receivers within and surrounding the SEP area are located in the transition or edge SC3.5 or SC4.5 areas. These receivers are predominantly of brick or masonry facade, with small to medium glazed elements or large sliding glazed doors to balconies.

An assessment was undertaken to estimate internal noise levels for receivers within SC3.5 and SC4.5 these receivers under worst-case external noise levels permitted by the SCAs to ensure the selected criteria is appropriate. An example entertainment noise spectrum was adopted for the external level, based on GHD measurements and internal noise levels were calculated using composite façade transmission loss performance for representative brick facades with varying proportions of glazing. Composite transmission loss calculations were undertaken using INSUL software, with catalogue sound reduction frequency data applied.

The weighted sound reduction indices (R_w) of the materials are:

- Single leaf 110mm brick: $R_w + C_{tr}$ 45 (-1;-3)
- 4mm monolithic glazing: $R_w + C_{tr}$ 29 (0;-3)

Table 4.3 provides some expected area-weighted R_w performances of single leaf brick, with different proportions of glazed elements, expressed as a percentage of the total external façade.

Table 4.3 Predicted internal $L_{Aeq5min}$ noise levels, dBA

Construction	Composite R_w (C:Ctr)	Predicted internal noise level $L_{Aeq5min}$ for a corresponding external façade entertainment noise level of:			
		65 dBA (SC3 day criteria)	60 dBA (SC3.5 10pm to 12am criteria)	55 dBA (SC4.5 10pm to 12am criteria)	50 dBA (SCA4.5 12am to 7am criteria)
Single leaf 110mm brick façade	45 (-1,-3)	Overall: 23 dBA	Overall: 18 dBA	Overall: 13 dBA	Overall: 8 dBA
Single leaf 110mm brick façade 10% façade surface 4mm glazing	39 (-1,-4)	Overall: 29 dBA	Overall: 24 dBA	Overall: 19 dBA	Overall: 14 dBA
Single leaf 110mm brick façade 25% façade surface 4mm glazing	35 (-1,-3)	Overall: 33 dBA	Overall: 28 dBA	Overall: 23 dBA	Overall: 18 dBA
Single leaf 110mm brick façade 50% façade surface 4mm glazing	32 (-1,-3)	Overall: 35 dBA 63 Hz: 53 dBL 125 Hz: 48 dBL	Overall: 30 dBA 63 Hz: 45 dBL 125 Hz: 40 dBL	Overall: 25 dBA	Overall: 20 dBA

Given that the greatest predicted internal levels for SC3.5 or SC4.5 are 30 dBA during the night and 35 dBA during the day, the selected SCAs are considered appropriate in achieving the overall broadband internal noise criteria at existing residential receivers.

The predicted unweighted octave band noise levels have also been provided for these worst-case levels have been provided for 63 Hz and 125 Hz. The predicted octave band levels during the SC3.5 day criteria are 1 dB above the internal noise criteria presented. Given the overall noise level is predicted to comply with the criteria, the predicted internal levels are considered acceptable.

During the night period, the 63 Hz and 125 Hz are predicted to comply with the criteria.

4.3.2 Justification for future sensitive development

Building sound insulation

It is expected that the internal noise criteria for future uses would be achieved by implementing acoustically treated façade constructions, in combination with acoustic design principles such as:

- Siting balconies and glazed elements away from the core street frontage areas, at facades with lower entertainment noise.
- Adopting fixed glazed elements at affected external facades, with limited dimensions.
- Utilising wintergardens as a means of reducing noise intrusion. Both the external wintergarden glazing, and glazing to habitable areas can be treated acoustically.
- Siting sensitive uses of the development away from the core frontage, particularly bedrooms

- Siting sensitive uses on higher levels away from entertainment noise sources
- Utilise podium levels in building design to act as a noise shield for higher level noise sensitive uses
- Adopt forced ventilation to allow for glazed elements to remain closed, particularly for residential uses at night.

The *development near rail corridors and busy roads*, and *Apartment Design Guide* provide further information regarding design principles to reduce noise intrusion, although from a transport noise perspective.

In Section 4.5.3 of the Acoustic Toolkit, indicative glazing requirements to achieve internal sound levels for different external sound levels are provided. These glazing recommendations are also provided in Appendix B for reference. The Toolkit recommends for a broadband external noise level of 65 dBA, the following glazing construction be used:

- 12.38mm laminated glass
- 200 mm air gap
- 8.38 mm laminated glass

Single leaf brick, or a solid concrete wall or ceiling would typically achieve the required transmission loss performance for the SC3 entertainment noise levels.

Due to the high expected content of low frequency noise in entertainment sound, the glazing requirements are more intensive than for a transport noise source of the same overall A-weighted noise level. It is expected that utilising one or a combination of good acoustic design principles, the glazing requirements could be reduced.

Through the consideration of acoustic design considerations and through the completion of an acoustic noise intrusion assessment, it is expected that any future noise sensitive developments within the SEP can readily achieve the internal noise criteria.

4.4 Requirements for future development

4.4.1 Requirements for future sensitive development

For the external SCAs to be workable, future residential developments will need to be designed to achieve the internal noise criteria provided in Table 4.2, in particular for any future development in the 'core' SEP area.

It is recommended that for any future sensitive development within the SEP area or with a defined SCA, a noise intrusion assessment be undertaken where the following land uses are proposed:

- Residential
- Tourist or visitor accommodation
- Educational facility
- Place of worship
- Health facility

For sensitive developments exposed to entertainment sound from the external environment, the noise intrusion assessment should be completed assuming the highest permissible external sound levels under the SCAs. For sensitive developments sharing a common partition to an adjoining sound emitting development, this will be an internal-to-internal assessment based on the internal noise level within the adjacent sound-emitting development.

The noise intrusion assessment will be completed to achieve the internal noise criteria provided in Table 4.2. The assessment must adopt and justify an appropriate entertainment sound spectrum signal, specifically considering transmission performance from low frequency noise.

The noise intrusion assessment should be completed prior to the issue of a Construction Certificate, or to support the Development Application.

The noise intrusion assessment should be completed by a suitably qualified acoustic consultant, defined as:

- A consultant who is a member of the Australian Acoustical Society
- A consultant employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

4.4.2 Requirements for sound-emitting venues

Any future sound-emitting venues or existing sound-emitting venues expanding operations under a Development Application or modification should complete an acoustic assessment against the relevant SCA noise criteria and where exceedances are predicted, develop management and mitigation measures to comply with the SCA noise criteria.

It is important to note that the SCAs are cumulative entertainment sound limits and therefore the cumulative entertainment noise from all sound-emitting developments must comply with the limits provided.

Individual venues should assess their noise emissions against a criterion set 5 dB below the cumulative entertainment noise SCA limits, allowing for potential cumulative noise contributions from other nearby venues. This approach aligns with the 'project amenity' criteria in the Noise Policy for Industry (i.e., 5 dB below the 'recommended amenity' noise level).

Whilst they will not have any effect for sound-emitting venues within the active SEP, Council should continue to apply their existing sound-related conditions on conditions of consent for sound emitting venues in the event that the SEP is repealed and Council once again become the lead regulator for the development (such as if the Vibrancy Reforms legislation changes).

Any noise emission assessment should be completed by a suitably qualified acoustic consultant, defined as:

- A consultant who is a member of the Australian Acoustical Society
- A consultant employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

5. Compliance procedures

To identify issues within the SEP such as non-compliances, disturbance complaints and ongoing evaluation are used. This subsection also discusses other compliance mechanisms available including mechanisms to exclude problematic venues from the SEP, mechanisms to change the PMP and DCP such as to revise the sound criteria and mechanisms to suspend or revoke the SEP.

5.1 Complaints

Licensed venues (L&GNSW)

For licensed premises within the SEP, noise complaints are directed to and managed by L&GNSW under the Liquor Act. The offensive noise provisions under the POEO Act do not apply to licensed venues operating in accordance with the PMP. Details on how complaints are managed for licensed venues is outlined in Disturbance Complaint Guidelines for licensed premises (L&GNSW, 2024). Where it is believed that noise from a venue is exceeding the relevant sound criteria set out in the PMP, NSW Police or L&GNSW will undertake a graduated enforcement approach and may issue an improvement notice under the Liquor Act to secure remedial compliance.

Unlicensed venues (Council)

For unlicensed premises and other types of sound-related complaints (such as from mechanical ventilation or waste collection) Council is the lead regulator. Whilst not specifically outlined, it is also expected that the responsibility is on the noise emitting development to reduce noise emissions to meet the relevant sound criteria set out in the PMP. Councils will determine the process for non-complying unlicensed venues within the PMP and typically would include:

1. Before lodging a complaint, encourage or require complainants to first attempt to resolve any sound or operational disputes with the business directly
2. Where this is unsuccessful and a complaint is lodged, the potential non-compliance should be substantiated through noise monitoring or inspection.
3. Where complaints are substantiated, mediation should be undertaken to resolve the issue.

5.2 Ongoing evaluation

The Special Entertainment Precinct Guidelines also outlines that 'compliance monitoring or evaluation' may be used to identify issues within the SEP. This may be in the form of formal reviews or measurements at set intervals (such as every year or every two years), or in response to concerns.

5.3 Venue exclusions

In exceptional circumstances, such as repeated and ongoing complaints, Council may consider excluding problem venues from a SEP. A decision to exclude a venue or site must be informed by consultation where relevant, with L&GNSW, NSW Police and Office of the 24-Hour Economy Commissioner. If it is in respect of a licensed venue, it must be recommended by L&GNSW and Council should consult with L&GNSW to remove a venue from the list of venues eligible for live music and performance incentives. Once council has resolved to exclude a venue or site it can request an expedited amendment under section 3.22 of the Environmental Planning & Assessment (EP&A) Act to remove the venue or land from the SEP boundary in the local environmental plan (LEP).

5.4 Changes to the SEP

If SEP operations under the approved PMP unreasonably disturb the good order of the neighbourhood, Council may wish to amend the sound controls and trading hours of the SEP. To achieve this, Council may amend its DCP and PMP in consultation with L&GNSW, Office of the 24-Hour Economy Commissioner and other relevant NSW Government stakeholders, community and business.

5.5 SEP suspension or revoking procedures

A SEP may require suspension or revoking entirely in the event of substantiated evidence provided by Council, L&GNSW and NSW Police of non-compliance, or as a recommendation from the 24-Hour Economy Commissioner. Potential reasons to revoke or suspend a SEP include:

- The quiet and good order of the neighbourhood is unreasonably disturbed by SEP operations. In this event is recommended that the SEP be suspended and the PMP be revised to reduce the impact of SEP operations.
- There are unacceptable levels of anti-social behaviour arising from the SEP leading to impacts on public safety and amenity.
- All other compliance mechanisms (such as changes to the PMP, improvement notices and mediation) have been exhausted.
- The SEP is no longer considered to be a suitable framework for the area.
- The SEP is not being exercised in the public interest, or the continuation of the SEP is not in the public interest.

Further information is provided in the Special Entertainment Precinct Guidelines.

Appendices

Appendix A

Sound testing results

Table 5.1 Sound testing session 1 measurement results (5pm to 9pm)

Location ID	Location	Start date & time	Period	Overall L _{Aeq(5min)} , dBA	Octave band noise level, dBA			Notes
					31.5 Hz	63 Hz	125 Hz	
L1	Cnr of Campell and George St	5:18:08 PM	Evening	62	33	43	50	Intermittent road noise consistent with lighted intersection (accelerations) dominates measurement. Occasional birds and pedestrians audible.
L2	Secant Lane and Bathurst Street	5:29:38 PM	Evening	65	34	43	48	Intermittent road noise with periods of free flowing traffic dominates measurement. Bird and pedestrian noise audible.
L3	Cnr of Castlereagh and Memorial St	5:50:51 PM	Evening	60	31	42	45	Intermittent road noise with periods of free flowing traffic dominates measurement. Bird and pedestrian noise
L4	Norfolk S/way	6:01:30 PM	Evening	60	32	45	53	Mechanical plant from restaurants the most dominant source of noise. Distant road noise audible. Intermittent local vehicle movements down laneway. Apartment TV audible.
L5	Moonlight Restaurant	6:10:13 PM	Evening	64	36	46	52	Approximately 10 metres from moonlight restaurant. Bass music from within restaurant just audible. Car noise the most dominant source of noise. Some contributions from birds, pedestrians
L6	Golden Fleece Hotel	6:19:21 PM	Evening	62	32	43	50	Road noise the most dominant source. TV within pub clearly audible. Very few patrons within pub.
L7	Cnr of George and Railway Street	6:27:08 PM	Evening	67	34	47	55	Intermittent vehicle passbys. Very quiet between traffic flows. Occasional pedestrians walking by. No event or commercial noise sources audible
L8	George Lane	6:34:26 PM	Evening	58	26	35	44	Mechanical plant dominant. Occasional noise from the loading dock and distant road noise
L9	Macquarie Hotel	6:43:12 PM	Evening	58	33	48	49	Bass noise from event clearly audible. No midrange noise audible. Intermittent cars and pedestrians. No noise from venue adjacent audible.

Location ID	Location	Start date & time	Period	Overall L _{Aeq(5min)} , dBA	Octave band noise level, dBA			Notes
					31.5 Hz	63 Hz	125 Hz	
L10	Macquarie Street near Moore Street / Pasifika Summer FOH	6:50:47 PM	Evening	82	58	71	70	Front of house for the pasifika event. DJ playing bass heavy electronic music. 78-83 dBA overall with spikes up to 75 dBA in the 63 Hz band
L11	Macquarie Street	6:58:24 PM	Evening	72	44	61	58	Bass very audible and some mid level noise still audible from stage. Other speakers mounted to street lights with music clearly audible. Patron noise from event attendees.
L12	Macquarie Street near Elizabeth Street	7:05:04 PM	Evening	71	36	51	55	Music from lamppost speakers dominant. Intermittent patrons and cars along Elizabeth Street. Bass from main stage area just audible.
L13	Northumberland Street outside Meriton	7:14:10 PM	Evening	64	37	50	57	Bass from event faintly audible. Cars passing, pedestrians and bird noise
L14	Bathurst Street Middle	7:22:30 PM	Evening	62	31	43	50	Intermittent road traffic noise dominant. Apartment tv audible. Low foot traffic. Event inaudible
L15	Bathurst Street South	7:29:48 PM	Evening	61	30	46	49	Cars and bird noise
L16	Opposite Cucina 105	7:36:21 PM	Evening	69	43	48	52	Measurement opposite Cuinca 105 with a birthday function. Speeches over PA, clapping and cheering. (<53 dBA overall estimate) Road and bus noise very dominant at times leading to high overall level. Pasifika drum show audible at times. Less loud than restaurant
L17	Laurantus S/way	7:43:26 PM	Evening	63	37	48	51	Event audible when there is no other sources of noise (cars, pedestrians). Event noise estimate of <56 dBA
L10	Macquarie Street near Moore Street /Pasifika Summer FOH	7:47:49 PM	Evening	91	39	64	75	Front of house for pasifika event again. This time a fire show with loud drumming is on. DJ on later in the measurement

Location ID	Location	Start date & time	Period	Overall L _{Aeq(5min)} , dBA	Octave band noise level, dBA			Notes
					31.5 Hz	63 Hz	125 Hz	
L10	Macquarie Street near Moore Street /Pasifika Summer FOH	7:53:35 PM	Evening	84	54	71	68	Front of house for pasifika event again. This time a fire show with loud drumming is on. DJ on later in the measurement
L20	Northumberland Street south	8:01:24 PM	Evening	62	33	44	44	Bass music just audible. Pedestrian and cars
L21	Club Liverpool	8:10:15 PM	Evening	65	37	49	54	event bass just audible. Intermittent cars and patrons. No noise from Club Liverpool
L22	George Street opposite police station	8:16:52 PM	Evening	58	27	42	51	similar to previous measurement, intermittent cars and patrons. Event sound now just perceptible.
L23	Hanwell S/way	8:22:59 PM	Evening	57	30	42	51	dominant mechanical plant. Some cars in the alleyway throughout measurement. Some event music but with less bass than before. Light plane overhead. Insect noise. Sirens
L24	George Street and Elizabeth Street	8:29:45 PM	Evening	62	33	44	50	road traffic noise dominant. Haka and singing from event over at Macquarie St and Elizabeth St audible outdoor seating nearby but not in significant use.
L25	Macquarie Street near Westfield / Haka	8:36:07 PM	Evening	84	35	54	53	<5m from haka and singing performance

Table 5.2 Sound testing session 2 measurement results (8pm to 12am)

Location ID	Location	Start date & time	Period	Overall L _{Aeq(5min)} , dBA	Octave band noise level, dBA			Notes
					31.5 Hz	63 Hz	125 Hz	
L1	Cnr of Campell and George St	7:46:46 PM	Evening	56	26	36	42	Occasional vehicle passbys. Bird, pedestrians, pedestrian signals and distant jet plane audible
L2	Secant Lane and Bathurst Street	7:58:02 PM	Evening	63	28	39	48	Occasional periods of cars with the lights. Loading dock, bird and pedestrian noise audible

Location ID	Location	Start date & time	Period	Overall L _{Aeq(5min)} , dBA	Octave band noise level, dBA			Notes
					31.5 Hz	63 Hz	125 Hz	
L3	Cnr of Castlereagh and Memorial St	8:11:09 PM	Evening	57	25	39	45	Intermittent road noise with periods of free flowing traffic dominates measurement. Bird and pedestrian noise
L4	Norfolk S/way	8:20:35 PM	Evening	56	25	35	44	Mechanical plant from restaurants the most dominant source of noise. Distant road noise audible.
L5	Moonlight Restaurant	8:29:50 PM	Evening	57	29	40	45	Approximately 10 metres from moonlight restaurant. Music and patrons from restaurant clearly audible. Door to restaurant open. Some patrons seated outside. Road noise intermittently dominant
L6	Golden Fleece Hotel	8:38:47 PM	Evening	59	29	41	46	Road noise the most dominant source. TV within pub clearly audible.
L7	Cnr of George and Railway Street	8:50:36 PM	Evening	62	28	43	50	Vehicle passbys intermittent. Very quiet between traffic. Occasional pedestrians.
L8	George Lane	8:57:32 PM	Evening	56	20	31	46	Mechanical plant dominant. Insects. Distant sirens. Very little road noise.
L9	Macquarie Hotel	9:06:11 PM	Evening	56	31	39	42	No noise audible from pub. Very little road traffic noise. Pedestrians and occasional car down Macquarie Street most dominant.
L10	Macquarie Street near Moore Street / Pasifika Summer FOH	9:17:48 PM	Evening	56	26	38	42	Pedestrianised section less busy than road section to south. Very few patrons or open businesses
L11	Macquarie Street	9:23:53 PM	Evening	49	21	32	38	Very quiet with few pedestrians. No open businesses in the vicinity. Only occasional pedestrians and distant road noise and urban hum
L12	Macquarie Street near Elizabeth Street	9:30:06 PM	Evening	53	24	35	41	more people near the Westfield and hanging around. Some construction activity at the Westfield entrance audible. Intermittent cars
L13	Northumberland Street outside Meriton	9:38:43 PM	Evening	61	26	43	49	Pedestrians, cars and insects audible. Tobacco and frozen yoghurt shops still trading. Idling cars around

Location ID	Location	Start date & time	Period	Overall L _{Aeq(5min)} , dBA	Octave band noise level, dBA			Notes
					31.5 Hz	63 Hz	125 Hz	
L15	Bathurst Street Middle	9:47:18 PM	Evening	57	24	39	42	Intermittent cars and insect noise.
L14	Bathurst Street South	9:54:23 PM	Evening	57	25	33	40	intermittent cars and very little else. Some insects and miscellaneous noise from residents
L16	Opposite Cucina 105	10:00:55 PM	Early night	65	30	44	55	Cucina 105 closed. Road noise dominant. Traffic signals audible.
L17	Laurantus S/way	10:07:07 PM	Early night	58	29	43	44	cars, pedestrians, trolleys. People driving around with Flags beeping horns. Passerbys with a speaker
L10	Macquarie Street near Moore Street /Pasifika Summer FOH	10:14:42 PM	Early night	61	30	42	47	More pedestrians/teenagers hanging around than during the earlier measurement contributing to a greater L _{Aeq} .
L20	Northumberland Street south	10:23:08 PM	Early night	59	27	44	46	Wanasa restaurant and café doing a strong trade. <50 patrons talking, playing a board game, shisha and coffee. Background music. Periods of patron noise up to 60 dBA L _{Aeq1s}
L21	Club Liverpool	10:32:00 PM	Early night	53	25	33	39	Very little activity. Distant radio from somewhere. Occasional cars. Urban hum. Traffic signals
L22	George Street opposite police station	10:38:19 PM	Early night	52	22	33	39	Cars noticeably decreasing in the last 30 minutes to low levels. Mechanical plant and insects. Very few pedestrians, mostly going to and from a nearby gym.
L23	Hanwell S/way	10:44:27 PM	Early night	57	20	39	43	Mechanical plant, insects. Someone going through bins for duration of measurement
L24	George Street and Elizabeth Street	10:53:06 PM	Early night	62	24	38	45	distant freight train or night construction works audible. Occasional pedestrians, one talking very loudly. Bird noise. Car over manhole cover quite loud.
L25	Macquarie Street near Westfield / Haka	10:59:28 PM	Early night	49	19	30	35	Very quiet. Insects, occasional cars and mechanical plant noise.
L14	Bathurst Street South	11:17:41 PM	Early night	57	21	38	42	Quiet, distant cars. Occasional passbys

Location ID	Location	Start date & time	Period	Overall $L_{Aeq(5min)}$, dBA	Octave band noise level, dBA			Notes
					31.5 Hz	63 Hz	125 Hz	
L15	Bathurst Street Middle	11:27:34 PM	Early night	53	25	36	41	very quiet, distant cars. Occasional passbys
L9	Macquarie Hotel	11:35:45 PM	Early night	55	33	48	50	People idling in cars. People using nearby ATMs. Nearby idle car elevated noise levels
L9	Macquarie Hotel	11:41:40 PM	Early night	50	27	38	41	People idling in cars. People using nearby ATMs

Appendix B

Indicative building sound insulation requirements for residential accommodation

Table 5. Indicative building sound insulation requirements for residential accommodation

Receiver definition	Internal broadband criteria	Broadband external sound level, dBL_{Aeq}	Indicative façade glazing requirements to achieve internal sound levels per Table 4 ¹
Residential accommodation (excluding hotels and hostels) – <u>living room</u>	35 dB: Day/ Evening/ Night	70 dB	12.76 mm laminated glass / 200 mm air gap / 10.38 mm laminated glass
		65 dB	10.38 mm laminated glass / 200 mm air gap / 6.38 mm laminated glass
	30 dB: Night	60 dB	12.76 mm laminated glass
		55 dB	6.38 mm laminated glass
		50 dB	4 mm float glass. Potential to exclude specific requirements ²
		45 dB	No specific requirements expected to be required
Residential accommodation (excluding hotels and hostels) – <u>bedroom</u>	35 dB: Day/ Evening	70 dB	12.38 mm laminated glass / 200 mm air gap / 8.38 mm laminated glass
		65 dB	8.38 mm laminated glass / 200 mm air gap / 6.38 mm laminated glass
	30 dB: Night	60 dB	8.38 mm laminated glass
		55 dB	6 mm float glass
		50 dB	4 mm float glass. Potential to exclude specific requirements ²
		45 dB	No specific requirements expected to be required. Should readily allow open windows at 5% of the floor area
30 dB: Night	30 dB: Night	70 dB	12.76 mm laminated glass / 250 mm air gap / 10.38 mm laminated glass
		65 dB	12.38 mm laminated glass / 200 mm air gap / 8.38 mm laminated glass
		60 dB	8.38 mm laminated glass / 200 mm air gap / 6.38 mm laminated glass
		55 dB	8.38 mm laminated glass
		50 dB	6 mm float glass
		45 dB	4 mm float glass. Potential to exclude specific requirements ²
40 dB	No specific requirements expected to be required. Should readily allow open windows at 5% of the floor area		

Notes

- The overall performance is indicative only and details would need to be confirmed on a case-by-case basis, taking account of the proposed development, room size, finishes and overall façade construction, not limited to the glazing. All systems would require operable sections to include high performance acoustic seals. Basis for indicative requirements assumes glazing is approximately 60% of the floor area for bedrooms and 35% for the living room. This, along with variation in assumptions regarding room finishes and furnishing, contribute to variations between bedrooms and other habitable rooms for the same criteria and external sound level.
- Potential to exclude specific requirements for sensitive development where low sound insulation requirements would apply. Criteria may be marginally exceeded when windows are open (5% of floor area).



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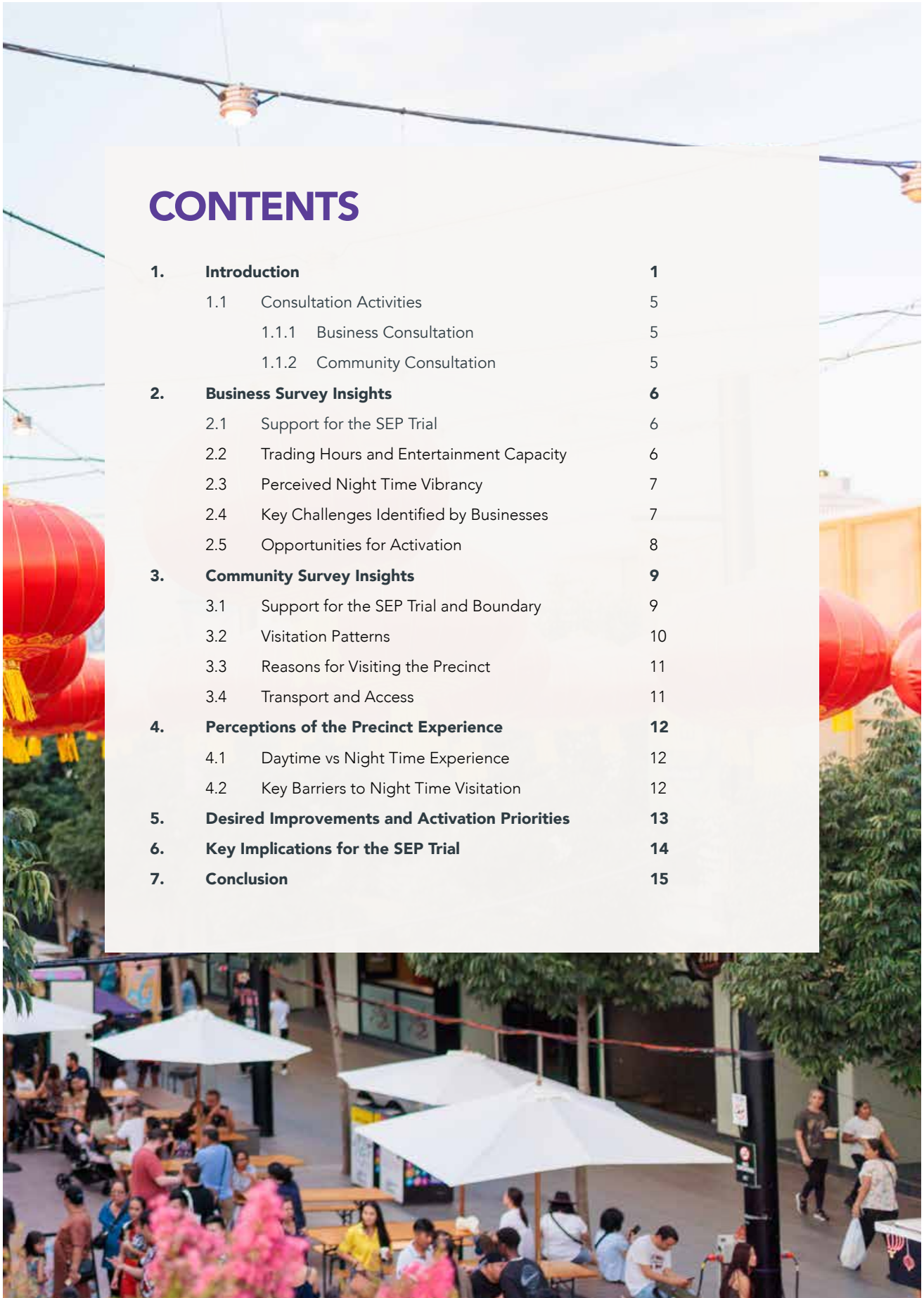
Early Consultation –
Business and Community Insights Report

LIVERPOOL
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1 | INTRODUCTION

This report summarises key findings from recent business and community engagement undertaken to inform the proposed Liverpool City Centre Special Entertainment Precinct (SEP) trial. The feedback provides insight into current visitation patterns, perceptions of the precinct, barriers to night time activity, and opportunities to support a safer, more vibrant and economically active city centre.

Community consultation was undertaken alongside business engagement to ensure residents, visitors, and the broader community were informed about the SEP trial and provided with meaningful opportunities to contribute. This included both online and in-person engagement activities, including at the 2025 Liverpool Food and Wine Festival.

This multi channel approach ensured community members were able to engage in ways that suited different levels of availability and familiarity with Council processes, and that feedback was captured early to inform the development of the SEP documentation.



1.1 CONSULTATION ACTIVITIES

1.1.1 Business Consultation

Targeted business consultations were undertaken with Little India (George Street) businesses to gain direct, place-specific feedback. Consultations were held on 18 September 2025 and 26 November 2025. In addition, street-based business walk-throughs were conducted on 10 December 2025 and 18 December 2025, during which surveys were completed on site. Where business owners or managers were unavailable, staff members were provided with information sheets and links to the online survey to ensure feedback could still be captured.

Broader business engagement was achieved through an online business survey, which was made available from early December 2025. The survey was promoted across Council's social media platforms and through the Liverpool Listens SEP project webpage to encourage wide participation from the local business community.

Informal engagement also formed part of the consultation process, with direct conversations held with businesses during precinct mapping activities conducted throughout November 2025. This approach supported ongoing dialogue and allowed insights to be gathered in a more casual, on-the-ground setting.

1.1.2 Community Consultation

Community-focused engagement activities were undertaken to ensure broad participation and meaningful input from local residents. In-person consultation was conducted at the Liverpool Food and Wine Festival on 12 October 2025, held at The William Inglis Hotel. This provided an opportunity for direct discussion with community members in a high-attendance public setting. In addition, an online community survey was launched in early December 2025 and promoted through Council's social media channels and the Liverpool Listens SEP project webpage to enable wider community involvement.

Ongoing engagement was supported through regular reporting and discussion via Council's Tourism and CBD Committee. This forum enabled community perspectives to be considered alongside business and visitor economy outcomes as part of continued governance and decision-making.

Informal engagement also occurred through conversations with community members encountered during precinct mapping activities and on-street engagement. These interactions helped capture local insights and observations in a more informal, place-based context.

2 | BUSINESS SURVEY INSIGHTS

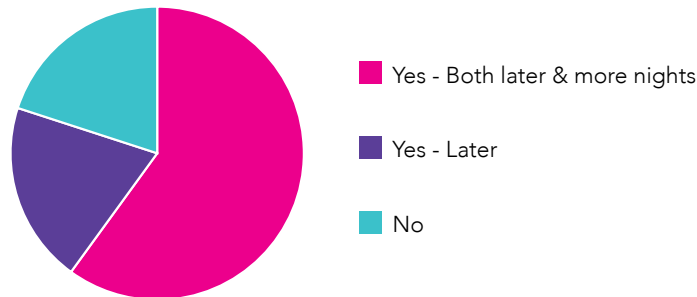
2.1 SUPPORT FOR THE SEP TRIAL

Business sentiment toward the proposed SEP trial is overwhelmingly positive. All participating businesses expressed support for the trial, indicating strong alignment with its objectives and a shared interest in future growth and revitalisation opportunities within Liverpool CBD.

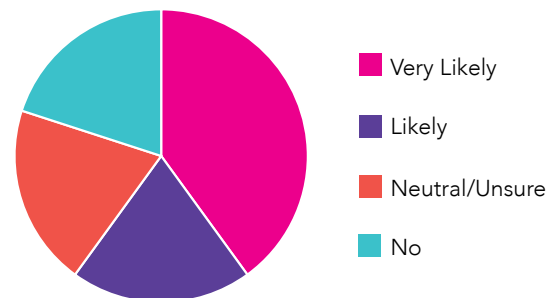
2.2 TRADING HOURS AND ENTERTAINMENT CAPACITY

Most respondents expressed a willingness to extend trading hours and increase the number of nights they operate, recognising later trading as a key mechanism to boost evening foot traffic. There is also a strong appetite for live entertainment participation, with a majority of businesses either likely or very likely to host live music or similar activations. This highlights a solid foundation for night time programming partnerships during the trial period.

Open later/More nights

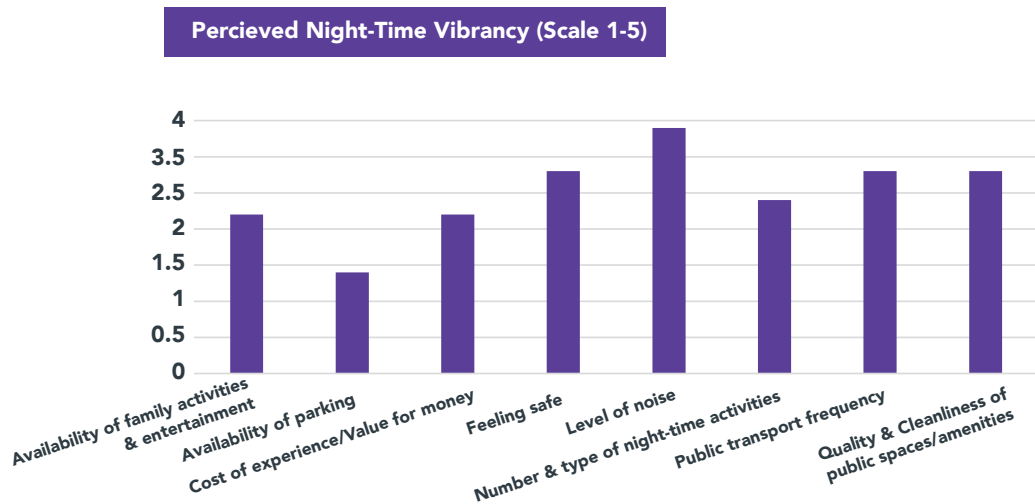


Host live entertainment



2.3 PERCEIVED NIGHT TIME VIBRANCY

Despite strong support for the SEP concept, businesses perceive current night time vibrancy as very low, with an average rating of 1.2 out of 5. This assessment is driven by persistent dissatisfaction with parking availability, alongside ongoing concerns related to safety and cleanliness. In contrast, noise levels are generally rated as neutral to satisfactory, suggesting that sound impacts are not currently a major constraint to increased activation.



2.4 KEY CHALLENGES IDENTIFIED BY BUSINESSES

Parking availability remains the most consistently criticised issue, particularly in relation to visibility and convenience for customers during the evening. Safety and public space cleanliness were also highlighted as limiting factors affecting customer confidence and willingness to spend time in the precinct at night.

2.5 OPPORTUNITIES FOR ACTIVATION

Businesses identified several opportunities to improve vibrancy and economic activity, including:

- Expanding market stalls along Macquarie Street to draw foot traffic beyond existing hubs and improve exposure for restaurants and cafés located further along the street;
- Extending live music programming across multiple nights to create more consistent activation and lively community spaces;
- Introducing clubs or venues targeting younger audiences to address a gap in entertainment options; and
- Delivering cultural festival activations, including a Middle Eastern cultural festival along Macquarie Street, to celebrate local heritage.

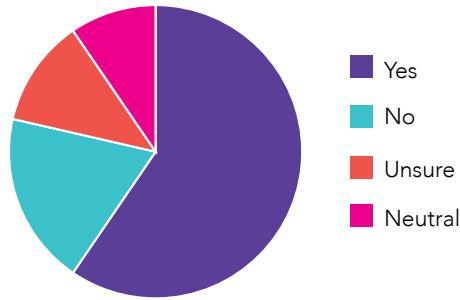


3 | COMMUNITY SURVEY INSIGHTS

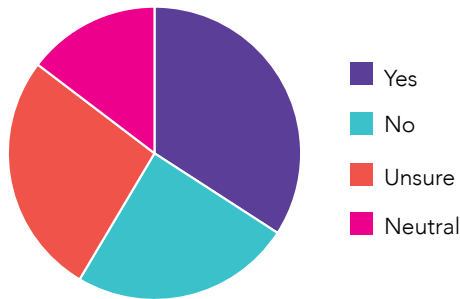
3.1 SUPPORT FOR THE SEP TRIAL AND BOUNDARY

A strong majority of community respondents support the introduction of a SEP trial. However, views on the proposed boundary are more mixed, with concerns raised around traffic congestion, parking pressure and crowding impacts. These concerns indicate the importance of clear mitigation measures and proactive communication as part of the trial design.

Special Entertainment Precinct Trial

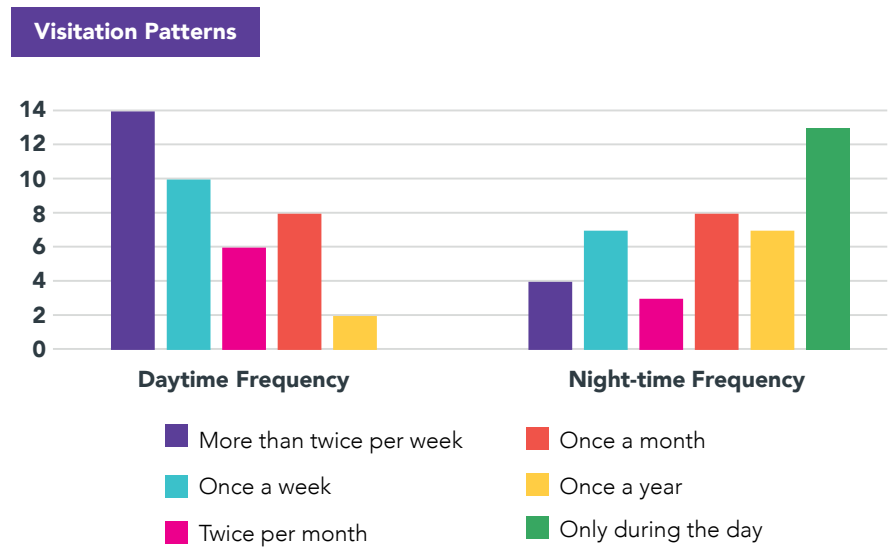


Special Entertainment Precinct Boundary

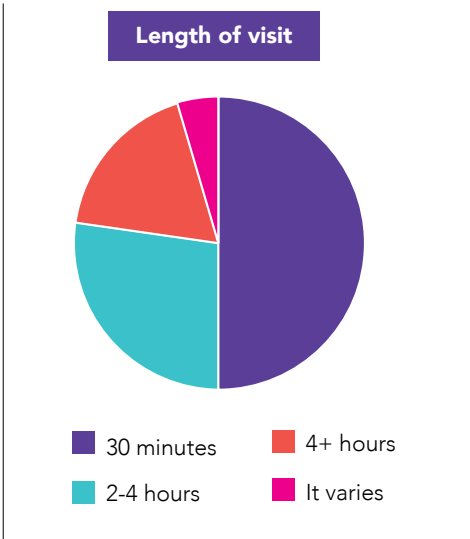
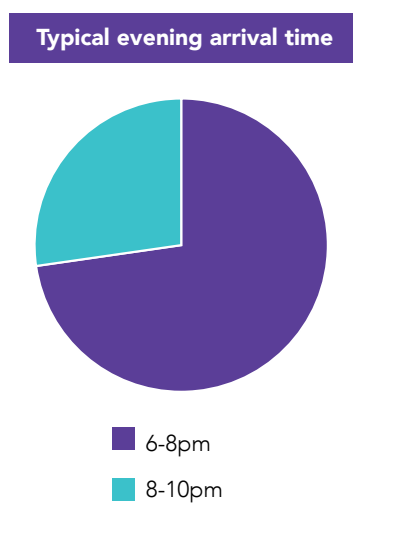


3.2 VISITATION PATTERNS

The Liverpool CBD is well used during the day, with many respondents visiting more than once per week. In contrast, night time visitation is significantly lower, with a large proportion of respondents indicating they only visit during daytime hours. Among those who do visit at night, attendance is generally infrequent.

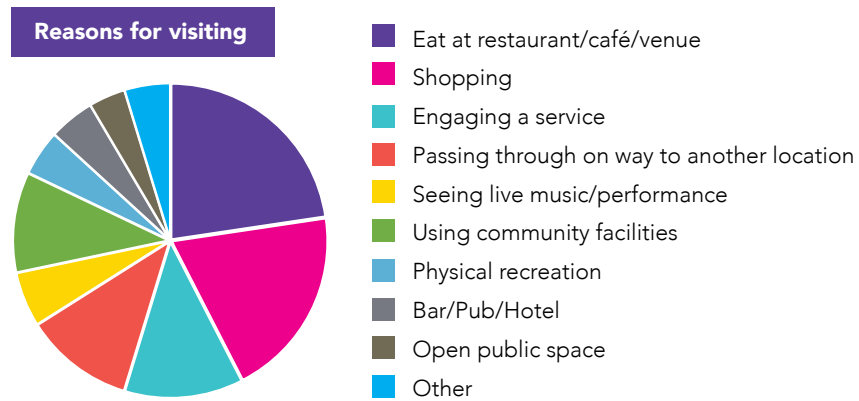


Evening arrivals typically occur between 6pm and 8pm, and visits are relatively short, with most respondents staying between 30 minutes and two hours. These patterns suggest limited reasons to linger after dark and highlight the need for visible, early evening activation to extend dwell time.



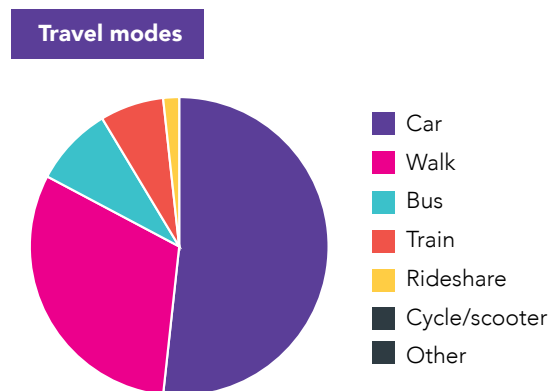
3.3 REASONS FOR VISITING THE PRECINCT

The most common reasons for visiting the Liverpool CBD are dining, shopping and accessing essential services. Entertainment driven visits, including live music, recreation and drinking at bars or hotels, are far less common. This reinforces the precinct’s current role as a functional centre rather than a destination for night time leisure.



3.4 TRANSPORT AND ACCESS

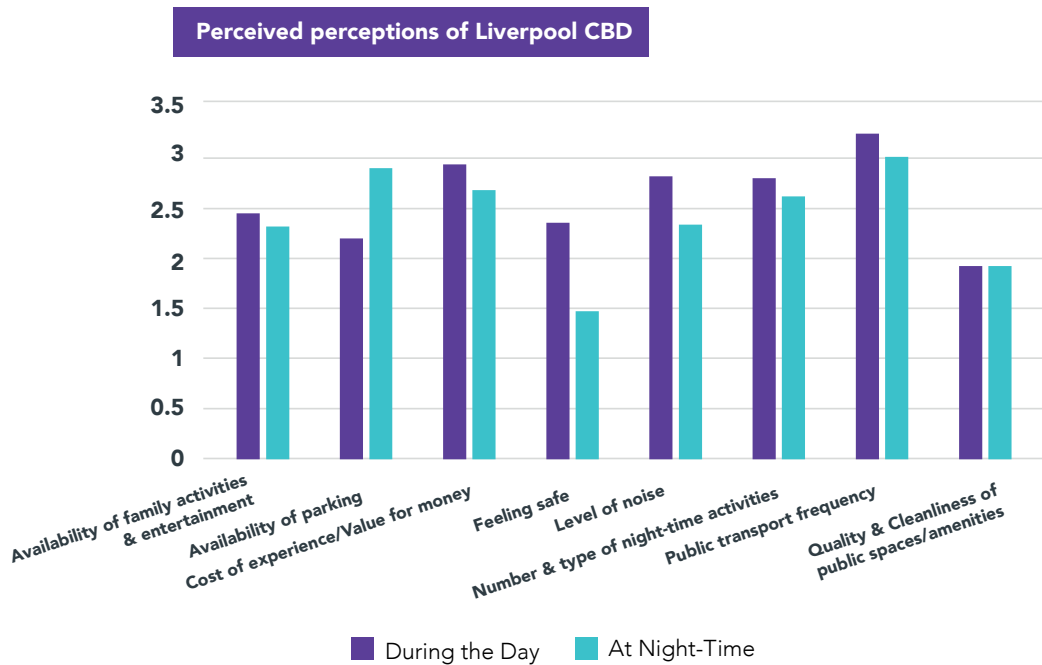
Travel to the precinct is dominated by private vehicles, with car use significantly outweighing all other modes. Walking is the second most common mode, while use of public transport and rideshare is comparatively low. These findings underscore the importance of parking availability, walkability and safe pedestrian environments to support increased evening activity.



4 | PERCEPTIONS OF THE PRECINCT EXPERIENCE

4.1 DAYTIME VS NIGHT TIME EXPERIENCE

During the day, respondents generally rate public transport frequency and value for money more positively, while cleanliness, parking, and perceptions of safety score lower. At night, perceptions decline further, with feeling safe and cleanliness emerging as the most significant barriers to visitation. Parking performs slightly better after hours but continues to attract criticism.



4.2 KEY BARRIERS TO NIGHT TIME VISITATION

Open ended feedback reinforces the quantitative findings, with the most frequently cited issues including:

- Safety and security, including requests for increased police and visible security presence;
- Cleanliness of public spaces and amenities;
- Limited variety of night time activities beyond pubs and bars; and
- Poor lighting, wayfinding and general night time amenity.

5 | DESIRED IMPROVEMENTS AND ACTIVATION PRIORITIES

Community respondents identified several improvements that would encourage greater night time visitation:

- More events, live music, festivals and cultural programming;
- Family friendly and non alcohol focused entertainment options;
- Improved lighting, wayfinding and overall public realm presentation;
- Better parking management and clearer information about availability; and
- Visible safety measures supported by consistent communication.



6 | KEY IMPLICATIONS FOR THE SEP TRIAL



The findings indicate strong support for a SEP trial from both businesses and the community but also highlight clear conditions for success. To maximise impact, the trial should:

- Address safety and cleanliness as foundational elements, particularly at night;
- Concentrate activation during the 6-8pm window when visitation is highest;
- Deliver a diverse program mix that includes live music, cultural festivals, family friendly and non alcohol options;
- Spread activation beyond existing hotspots to create walkable activity corridors; and
- Actively manage parking, traffic, and crowd impacts through clear planning and communication.

7 | CONCLUSION

The combined insights from businesses and the community demonstrate both readiness and appetite for a Special Entertainment Precinct in the Liverpool CBD. With targeted activation, visible safety, and amenity improvements; and careful management of boundary impacts, the SEP trial presents a strong opportunity to transform evening activity, support local businesses and strengthen Liverpool's identity as a vibrant, inclusive destination.





For further information



Visit Us

Liverpool CBD Customer Service Hub
Yellamundie, Lower Ground Floor
52 Scott Street, Liverpool, NSW 2170
Open Monday - Friday, 8.30am - 4.30pm

Carnes Hill Customer Service Hub
600 Kurrajong Road, Carnes Hill, NSW 2171
Opening Hours: Monday - Friday, 9.30am - 4.30pm



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COUNCIL AGENDA

ORDINARY COUNCIL MEETING

25 February 2026

Book 1

LIVERPOOL
CITY
COUNCIL



LIVERPOOL CIVIC TOWER COUNCIL
CHAMBER, LEVEL 1, 50 SCOTT STREET,
LIVERPOOL NSW 2170

PD 02	Site-Specific Liverpool Development Control Plan 2008 Amendment - Hoxton Park Road, Liverpool
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Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality urban design to provide best outcomes for a growing city
File Ref	034927.2026
Report By	Stephen Peterson - Senior Strategic Planner
Approved By	Lina Kakish - Director Planning & Design

EXECUTIVE SUMMARY

A draft Site-Specific Development Control Plan ("Draft Site-Specific DCP") within the Liverpool Development Control Plan 2008 (LDCP 2008) has been developed for the sites of 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool. A copy of the Draft Site-Specific DCP is provided in **Attachment 1**.

The Draft Site-Specific DCP has been prepared as a result of a Proponent-initiated Planning Proposal (**Attachment 1**) which was initially lodged with Liverpool City Council ("Council") in July 2022. The Proposal was tabled for Council consideration at the Ordinary Meeting of Council on 30 August 2023 however was deferred to enable community consultation to occur.

Community consultation subsequently occurred between 8 September 2023 and 9 October 2023 before the Planning Proposal was again tabled for Council consideration at the Ordinary Meeting of Council on 22 November 2023 seeking approval to forward the Proposal to the former Department of Planning and Environment (DPE) for a Gateway Determination. At the Meeting, Council again deferred the item to facilitate further community consultation.

Under the Department of Planning, Housing and Infrastructure (DPHI) '*Local Environmental Plan Making Guideline*' ("Plan Making Guidelines") if a Council does not indicate support / has not made a decision on a Planning Proposal within 115 days, the Proponent can initiate a Rezoning Review by an Independent Panel. Given the deferrals by Council, the Proponent lodged a Rezoning Review with the Strategic Planning Panel of the Sydney Western City Planning Panel (SWCPP).

In April 2024, the SWCPP recommended that the Planning Proposal proceed for Gateway Determination. In addition, the SWCPP was appointed as the Planning Proposal Authority. In this regard, the DPHI undertook the assessment of the Planning Proposal separately and

subsequently finalised the Planning proposal on 12 December 2025, however Council was involved as a referral body.

The finalised Planning Proposal amended the previously existing development controls within *Liverpool Local Environmental Plan 2008* (LLEP 2008) that apply to the subject sites at 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool, including:

- Increasing the maximum building height from 15m (4 storeys) to 21m (6 storeys);
- Increasing the Floor Space Ratio (FSR) from 1:1 to 1.5:1; and
- Inclusion of an additional permitted use of business premises and retail premises with a combined Gross Floor Area (GFA) of up to 1,200m² to allow neighbourhood shops in the Precinct and meet the needs of current and future local residents – to prevent large-scale retail within the Precinct. The provision also includes controls which allows a maximum of two (2) premises having a maximum GFA of 300m² each and the remaining premises being limited to a maximum GFA of 150m².

Council staff believe the Draft Site-Specific DCP will help mitigate the impacts of the Planning Proposal and in particular, in relation to building bulk and scale, building height transition, traffic impacts, visual and acoustic impacts and tree retention. Thus, Council staff recommend Council endorses the Draft Site-Specific DCP being placed on public exhibition.

Following public exhibition, a further Report will be provided to Council seeking endorsement to finalise the Site-Specific DCP.

RECOMMENDATION

That Council:

1. Receives and notes this Report;
2. Endorses “in principle” the proposed inclusion of a Site-Specific Development Control Plan for 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool within the Liverpool Development Control Plan 2008;
3. Delegates to the CEO authority to make any minor amendments to the Site-Specific Development Control Plan for 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool if required;
4. Endorses the public exhibition the Draft Site-Specific Development Control Plan for 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool (**Attachment 1**) in accordance with the Liverpool Community Participation Plan 2025; and

- Receives a further Report on the outcomes of public exhibition and community consultation of the Draft Site-Specific Development Control Plan for 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool.

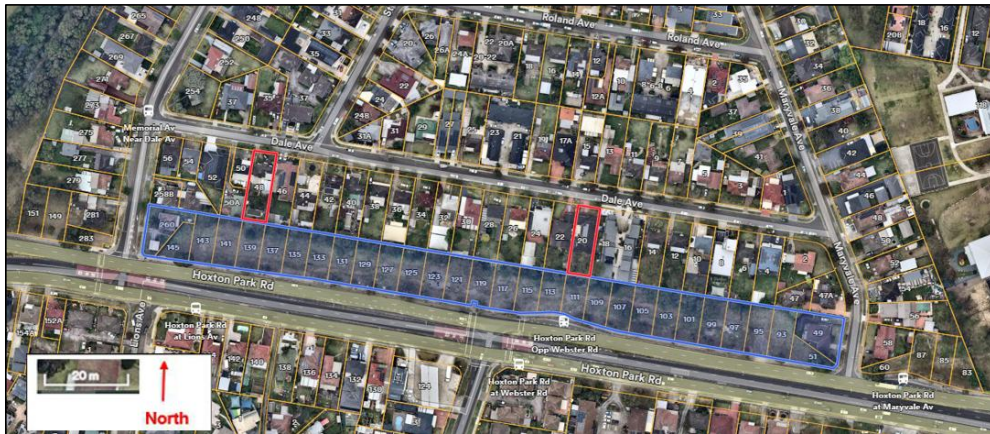
REPORT

Site Description and Locality

The Draft Site-Specific DCP and Planning Proposal relates to 32 individual lots known as 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool. The subject sites are predominantly vacant with four (4) sites containing dwellings, have a combined frontage to Hoxton Park Road of approximately 458 metres and a depth ranging from 25-33 metres.

The subject sites are currently zoned R4 – High Density Residential with a maximum height of building of 15 metres and an FSR of 1:1. The southern side of Dale Avenue, Liverpool is zoned R4 – High Density Residential with a maximum height of building of 12 metres and an FSR of 0.75:1.

Figure 1 – Aerial view of subject sites at 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool



Source: Nearmap 9 October 2025

Planning Proposal

In July 2022, Council received a Proponent-initiated Planning Proposal for 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool which amended the LLEP 2008 by:

- Increasing the maximum building height from 15m (4 storeys) to 21m (6 storeys);
- Increasing the Floor Space Ratio (FSR) from 1:1 to 1.5:1; and
- Inclusion of an additional permitted use of business premises and retail premises with a combined Gross Floor Area (GFA) of up to 1,200m² to allow neighbourhood shops in the Precinct and meet the needs of current and future local residents.

The amendments facilitate the development of 6 x 6-storey shop top and Residential Flat Buildings (RFB) with a potential residential yield of 312 apartments.

In May 2023, the Liverpool Local Planning Panel supported the Planning Proposal proceeding to Gateway Determination and advised that a Site-Specific DCP is critical for the development of the site regarding bulk and scale, amenity and tree retention.

The Planning Proposal was then tabled for Council consideration at the Ordinary Meeting of Council on 30 August 2023 however was deferred to enable community consultation to occur.

Community consultation subsequently occurred between 8 September 2023 and 9 October 2023 before the Planning Proposal was again tabled for Council consideration at the Ordinary Meeting of Council on 22 November 2023 seeking approval to forward the Proposal to the former Department of Planning and Environment (DPE) for a Gateway Determination. At the Meeting, Council again deferred the item to facilitate further community consultation. Copies of the Meeting Minutes from both the August 2023 and November 2023 Ordinary Meetings of Council is provided in **Attachment 2**.

Under the Department of Planning, Housing and Infrastructure (DPHI) '*Local Environmental Plan Making Guideline*' ("Plan Making Guidelines") if a Council does not indicate support / has not made a decision on a Planning Proposal within 115 days, the Proponent can initiate a Rezoning Review by an Independent Panel. Given the deferrals by Council, the Proponent lodged a Rezoning Review with the Strategic Planning Panel of the Sydney Western City Planning Panel (SWCPP).

In April 2024, the SWCPP recommended that the Planning Proposal proceed for Gateway Determination as the proposal demonstrated strategic and site-specific merit.

On 12 November 2024, the DPHI issued a Gateway Determination for the Planning Proposal. The DPHI advised that the Strategic Planning Panel of the Sydney Western City Planning Panel had elected to be the Planning Proposal Authority for the Planning Proposal under

Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*. Therefore, Council is only a referral body throughout the process.

The DPHI publicly exhibited the Planning Proposal between 19 March and 24 April 2025 and received 14 submissions. The DPHI is conducted the Post-Exhibition Assessment and notified finalisation of the Planning Proposal on the NSW Legislation website on 12 December 2025.

Site-Specific Development Control Plan

A Draft Site-Specific DCP (**Attachment 1**) has been prepared to guide future development of the subject sites at 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool.

Due to the subject sites comprising a large number of existing significant trees and the unique characteristics including site width (458m), shallow depth (25m-33m) and height transition (21m to 12m (North on Dale Avenue), the Draft Site-Specific DCP is essential to ensure the impacts of the future development are mitigated.

The Draft Site-Specific DCP includes development controls and objectives that have been developed specifically for a future high-density development at the subject sites. These include controls regarding pedestrian accessibility, amalgamation of sites, increased setbacks for storeys five (5) and above, design measures to protect visual privacy for neighbouring properties, vehicular access, tree preservation and the location of non-residential uses on the sites.

Design Excellence Panel

The *Environmental Planning and Assessment Regulations 2021* requires a Council to refer a Draft Development Control Plan that contains provisions that apply to residential apartment development to a Design Review Panel for advice prior to approval.

In October 2025, the Draft-Site Specific DCP was referred to the Liverpool Design Excellence Panel (DEP) with Meeting Minutes provided in **Attachment 3**. Due to the uncertainty regarding building form of any development at the Planning Proposal stage, the DEP comments provided within the Meeting Minutes predominantly provide feedback to the landowner to take into consideration when preparing designs in support of a future Development Application.

In short, the DEP advice is focused on the nine design principles for residential apartment development outlined within Schedule 9 of *State Environmental Planning Policy (Housing) 2021* including Context and Neighbourhood Character, Built Form and Scale, Landscape, Amenity and Sustainability, and Aesthetics.

Furthermore, the DEP concluded that:

- A. *The Panel does not support the Proposal because the density, building height and dwelling yield are not underpinned by adequate strategic or urban design analysis. The scheme represents an overdevelopment of the site and a premature response to its broader planning and contextual considerations.*
- B. *The Proposal needs to be comprehensively reconsidered through a coordinated master planning process that resolves built form transitions, solar access, open space hierarchy, internal street network and staging feasibility to achieve a coherent and equitable outcome.*

Whilst Council staff notes the DEP advice, determination of the Planning Proposal is being led by DPHI and is in the finalisation stage.

Next Steps

Council staff believe the Draft Site-Specific DCP will help mitigate the impacts of the Planning Proposal and in particular, in relation to building bulk and scale, building height transition, traffic impacts, visual and acoustic impacts and tree retention. Thus, Council staff recommend Council endorses the Draft Site-Specific DCP being placed on public exhibition.

Should Council resolve to proceed with the Draft Site-Specific Development Control Plan for the subject sites at 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue & 20 and 48 Dale Avenue, Liverpool, the Draft DCP will be publicly exhibited in accordance with the Liverpool Community Participation Plan 2025. The public exhibition will be led by Council with notification letters sent to adjoining landowners, as well as notification provided on Council's website and via Liverpool Listens.

Following public exhibition, a further Report will be provided to Council seeking endorsement to finalise the Site-Specific DCP.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	Further develop a commercial centre that accommodates a variety of employment opportunities. Facilitate economic development
Environment	There are no environmental and sustainability considerations.

Social	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	<i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2021</i>
Risk	The risk is deemed to be Medium. Should a Site-Specific Development Control Plan not be implemented to control the bulk and scale of future development at the subject sites, there is a risk that future development within the Precinct will have greater amenity impacts on adjoining sites. The risk is considered within Council's risk appetite.

ATTACHMENTS

1. Draft Site Specific Development Control Plan (Under separate cover)
2. Ordinary Meetings of Council Minutes - August & November 2023 (Under separate cover)
3. Design Excellence Panel Meeting Minutes - 9 October 2025 (Under separate cover)
4. ASIC Search (Under separate cover) - **Confidential**



**MINUTES OF THE ORDINARY MEETING
HELD ON 25 FEBRUARY 2026**

PRESENT:

Mayor Ned Mannoun
Deputy Mayor Harle
Councillor Adjei
Councillor Ammoun
Councillor Harte
Councillor Ibrahim (arrived at 5.10pm)
Councillor Karnib (arrived at 5.06pm)
Councillor Macnaught
Councillor Monaghan (arrived at 5.19pm)
Councillor Ristevski
Mr Jason Breton, Chief Executive Officer
Mr Farooq Portelli, Director Corporate Support
Ms Tina Bono, Director Community & Lifestyle
Ms Lina Kakish, Director Planning & Compliance
Mr Peter Scicluna, Director Operations
Mr David Galpin, General Counsel
Mr Vishwa Nadan, Chief Financial Officer
Ms M'Leigh Brunetta, Manager Civic and Executive Services
Ms Susan Ranieri, Coordinator Council and Executive Services
Ms Gabriella Rojas, Acting Councillor Executive and Support Officer

The meeting commenced at 4.11pm.

**STATEMENT REGARDING WEBCASTING
OF MEETING**

The Mayor read the following:
"In accordance with clause 5.37 of Council's Code of Meeting Practice, I inform the persons attending this meeting that:

- (a) the meeting is being recorded and made publicly available on the council's website, and
- (b) persons attending the meeting should refrain from making any defamatory statements.

Liverpool Development Control Plan 2008

Development at

93-145 Hoxton Park Road, 49 & 51

Maryvale Avenue, 260 Memorial

Avenue & 20 and 48 Dale Avenue,

Liverpool

June 2026

Part 2.16 must be read in conjunction with Part 1

Refer to Parts 3.2 - 3.7 for residential development in residential zones

Refer to Part 3.8 for non-residential development in residential zones

**LIVERPOOL
CITY
COUNCIL**



Liverpool Development Control Plan 2008

Part 2.16 - 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue, 20 and 48 Dale Avenue, Liverpool

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1. Preliminary

Applies to

1. This Part applies to land identified in **Figure 1**, being the site located at 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue and 20 & 48 Dale Avenue, Liverpool.
2. Part 3.7 (Residential development in development zones) and Part 3.8 (Non-Residential development in residential zones) of the Liverpool Development Control Plan 2008 also apply to the site.

Purpose and relationship with other parts of this DCP

The purpose of this Development Control Plan ('DCP') is to outline the site-specific controls that relate to 93-145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue and 20 & 48 Dale Avenue, Liverpool (**Refer to Figure 1**).

Where there is an inconsistency between this document and provisions contained elsewhere in the Liverpool Development Control Plan 2008, the site-specific controls contained in this document prevail to the extent of the inconsistency.

Objectives

To ensure that:

- a) A high-quality standard of development is carried out.
- b) The development of land parcels is co-ordinated and avoids site isolation.
- c) Visual, acoustic and privacy amenity is retained to adjoining residential allotments.
- d) The bulk and scale impact to the streetscape of Hoxton Park Road is minimised.
- e) Traffic impacts to the adjoining road network is minimised.
- f) Future residents of the development site have ease of access to day-to-day commercial needs.
- g) To protect and minimise impacts on existing vegetation
- h) To ensure that street character, landscaping, pedestrian amenity and safety are prioritised.



Figure 1 – Land to which this part applies

DRAFT

2. Vision and General objectives

2.1 Vision

To enable a high-quality residential development to be achieved within the Hoxton Park Road transport corridor. Sufficient building separation and compatibility of materials, colours and finishes will ensure a suitable development is provided and able to integrate with low scale adjoining land.

Objectives

- a) Provide a highly connected, safe and permeable network with convenient access to public transport, public spaces and facilities, and amenities.
- b) Facilitate the transition of the Hoxton Park Road corridor to an activated, transit-oriented, higher density mixed use environment.
- c) Prioritise healthy living, including design to mitigate and adapt to heat, and design for active transport.
- d) Buildings are sited, positioned and designed to maximise climatic responsiveness and provide high levels of desirable solar access and natural ventilation

2.2 Indicative master plan

Controls

1. The vision and principles for the site as identified above are spatially expressed in the urban structure for the site as shown in **Figure 2**. To ensure that development provides key elements, where variations to the Figure 2 are proposed, the development application is to demonstrate how the vision and principles have been achieved.

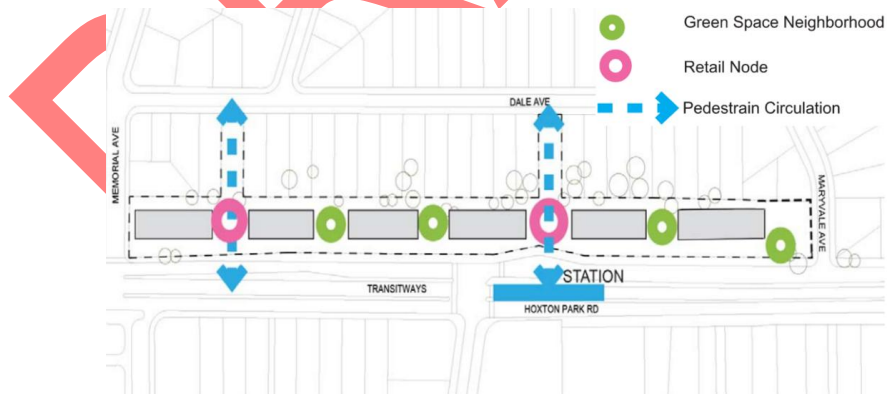


Figure 2 – Urban Structure Plan

3. Site Planning

3.1 Site Planning

Objectives

- a) Ensure the design of the buildings and location of uses responds appropriately to the site, provides a high quality of amenity and protects visual privacy to future occupants and surrounding residential uses.
- b) Reduce visual impact and bulk and scale to streetscape of Hoxton Park Road and surrounding residential zoned land.
- c) Ensure the building has positive interfaces with public areas and contributes to an attractive public domain and desirable setting for its intended uses
- d) Promote active uses within or adjacent to the through site linkages on the ground floor.
- e) The site provides day to day commercial needs for residents
- f) Traffic impacts to the adjoining road network are minimised.
- g) To ensure the retention of existing trees within the site

Controls

1. Development is to be generally in accordance with the layout in **Figure 3**:
2. Through site links shall be provided as per **Figure 3** and are:
 - a. To provide building separation that encourages a walkable environment and direct travel lines through the site.
 - b. To be designed to maximise solar access and CPTED principals.
 - c. Be designed in accordance with accessible requirements for persons with limited mobility.
 - d. Include a combination of soft and hard landscaping with tree plantings for shading and cooling.
 - e. To be constructed of cobblestone (Or similar material), for the surface of the site through links used by vehicles. Concrete or bitumen are not to be used on the site through links for surfaces where vehicles travel.
 - f. For any area/pathway used by pedestrians, that is adjacent to a vehicle accessible area, raised to an alternative level and constructed of alternative material (I.e: Pavers), to that of the vehicle accessible area, to clearly separate vehicles and pedestrians.
3. Commercial land uses are to be located adjoining the through site links to activate the site and provide natural surveillance opportunities.
4. The allotments of 20 and 48 Dale Street, Liverpool are to both be used only for vehicular and pedestrian access in consultation with Council and Transport for New South Wales as per **Figure 3** below.

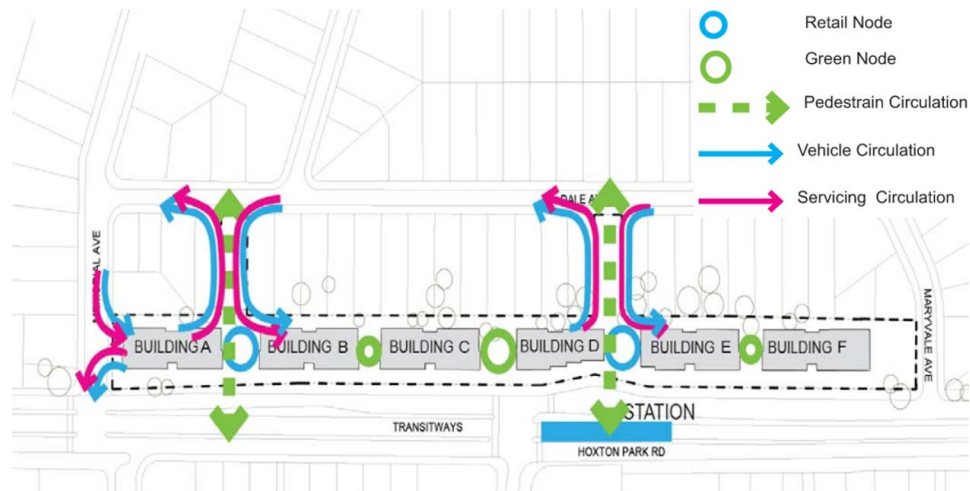


Figure 3 – Site Access and Through Site Links

3.2 Amalgamation

Objectives

- a) Ensure the subject site and adjoining sites can achieve development that is consistent with the planning controls.
- b) Ensure that Isolation of sites does not occur to avoid a development resulting in poor built form outcomes and to ensure better streetscape amenity outcome to be achieved
- c) Ensure reduced impact upon the road network through additional vehicular access points.

Controls

1. Amalgamation is to occur with 49 and 51 Maryvale Avenue, Liverpool, 145 Hoxton Park Road, Liverpool and 260 Memorial Avenue, Liverpool. Amalgamation is required to avoid site isolation and to ensure a high-quality development outcome.
2. The following documentation is to be provided with a development application in the circumstances where amalgamation with 49 and 51 Maryvale Avenue, Liverpool, 145 Hoxton Park Road, Liverpool and 260 Memorial Avenue, Liverpool cannot be achieved:
 - a) Documentation demonstrating that negotiations for amalgamation between the owners of the properties has been undertaken. The documentation shall be no older than 3 months from date of lodgement of a development application and should demonstrate that a reasonable attempt has been made by the applicant(s) to purchase the isolated site.

Documentation shall, at least, include:

- Two independent valuations that represents potential value of the affected site which are no older than 3 months from date of lodgement of a development application. This may include other reasonable expenses

likely to be incurred by the owner of the isolated property in the sale of the property; and

- Evidence that a genuine and reasonable offer has been made by the applicant to the owner(s) of the affected adjoining site.

Note: A reasonable offer shall be of current fair market value (no older than 3 months from date of lodgement of a development application), shall be the higher of the two independent valuations and include for all expenses that would be incurred by the owner in the sale of the affected site.

3. If variations to the planning controls are required, such as non-compliance with the minimum allotment size for any of the properties stated within control 1, documentation is to be submitted with a development application to demonstrate that:
 - a) Future residential flat building development on the subject sites will not significantly impact upon a future development of any of the properties stated within control 1.
 - b) That residential flat building development of any of the properties stated within control 1 can be achieved with sufficient design including concept architectural plans for any of the properties stated within control 1, which indicate a future developments height, setbacks, pedestrian and carparking access, site coverage (both building and basement), constructability, envelope separation, open space and landscaping.

3.3 Building Design

Objectives

- a) To promote high architectural quality on the site.
- b) To ensure that the development is sensitive to adjoining development.
- c) To ensure that new developments have facades which define and enhance the public domain and desired street character.
- d) Minimise visual bulk, scale and privacy impacts of the development from Hoxton Park Road.
- e) Ensure the development including any basement do not impact upon existing vegetation.
- f) Ensure that building elements are integrated into the overall building form and facade design.
- g) Ensure development maintains visual privacy and provides surveillance of the public domain and open links through the site.

Controls

1. Any proposed development on the subject site is to be a maximum of six storeys.
2. The site is to contain a minimum of six buildings.

3. Any non-residential use on the subject site is to be located on the ground floor only.
4. To reduce bulk and scale, overshadowing, and visual privacy impacts all building envelopes 5 storeys and above, are to be decreased by a minimum of 2m from that of the first four storeys. *For example: If the first storey (ground level) to the fourth storey setbacks are each 8m, setbacks for the fifth storey and above are to be a minimum of 10m).*
5. Any balcony orientated towards the northern rear boundary shall not extend beyond the building envelope.
6. Residential buildings are to be designed to minimise overlooking of adjoining residential land to the north. Any active use (i.e. Living/dining) room or balcony orientated towards the northern rear boundary, shall incorporate design/privacy features that maintain privacy to the northern rear properties.

These measures may include (but not limited to) fixed screen/louvres, glass blocks, frosted glass, higher window sill heights, vertical fins, offset vent windows and the like.
7. The placement of balconies and windows within residential buildings are to maximise passive surveillance opportunities to public spaces, including:
 - a. Hoxton Park Road,
 - b. Through-site links, and
 - c. Public and communal areas within the site.
8. Blank facades are to be avoided on Hoxton Park Road frontage and through site links. Articulation is to be provided in the form of windows, balconies, indentations, offsets or other articulation features.

3.4 Landscaping, Communal Open Space and Deep Soil Zones

Objectives

- a) To encourage soft landscaping and permeable areas.
- b) To enhance the existing streetscape and soften the visual appearance of the development.
- c) To provide for the amenity and needs of future residents and local businesses.
- d) Assist in improving the climate of the local environment.
- e) To ensure noise and air pollution impacts of Hoxton Park Road on the development are mitigated.

Controls

1. Deep soil zones, landscaped area and communal open space areas are to be provided generally in accordance with **Figure 4** below (at a minimum).
2. Any southern elevation (Fronting Hoxton Park Road) landscaped area is to be excluded from communal open space area required by section 3D of the Apartment Design Guide.
3. No communal open space or public access is permitted on the rooftop of any building, to protect the amenity and privacy to adjoining residential uses.
4. Any basement is not to reduce the overall minimum required deep soil for the subject site and is not to impact upon the existing vegetation including existing mature trees located along the northern (rear) and southern (front) boundaries.
5. Extensive landscaped areas with plantings are to be provided within the setback along Hoxton Park Road (subject to the agreement of TfNSW). A layered landscape arrangement is to be provided comprising of turf, small to large plants/trees and which buffers residential development and associated outdoor spaces from heat, noise, wind and air pollution from Hoxton Park Road.
6. Communal open spaces, site links and landscaped areas are to provide foot/cycle connections along Hoxton Park Road and between Hoxton Park Road and Dale Avenue that provide safety and do not conflict with vehicular access.
7. Landscaped areas are to provide deep soil areas that are capable of accommodating trees of sufficient height/canopy cover to visually reduce the height/bulk of the development from surrounding sites and the public domain.

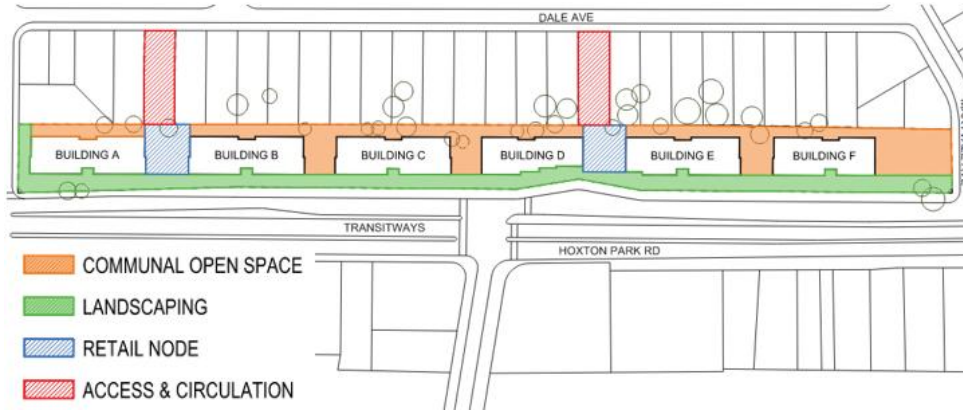


Figure 4 – Landscaping and deep soil zones

DRAFT

3.5 Dwelling Diversity

Objectives

- a) To provide for a variety of housing choice within Liverpool Local Government Area which caters for different household requirements now and in the future.
- b) To increase the housing and lifestyle choices available in dwelling buildings.

Controls

1. The layout of the apartment buildings are to provide for dwelling types that are oriented in a range of directions and provide for dual-aspect layouts maximising solar access and minimising privacy impacts to adjoining residential properties.

DRAFT

4. Car Parking, Access and Active Transport

Objectives

- a) To provide convenient, accessible and safe onsite car parking for residents and visitors.
- b) To ensure that car parking and pedestrian access is integrated into the development.
- c) To provide and encourage active transport links through the site that connect to the surrounding footpath/cycle path network.
- d) To ensure basement car parking does not impact the existing vegetation on site.

4.1 Car Parking and Access

Controls

1. All vehicles, including for commercial/residential waste collection/deliveries, are to enter and exit the site in a forward direction.
2. For any vehicle access from Dale Avenue, Liverpool, a Traffic Impact Assessment Report and modelling is to be provided that demonstrates:
 - That vehicle access via a local road is practicable and safe.
 - That vehicle access from Hoxton Park Road would adversely affect the safety, efficiency and ongoing operation of Hoxton Park Road. This is to include assessment of the implementation of the fourth leg of the existing signalised intersection (located along the frontage of No.117 and No.119, Hoxton Park Road) at the intersection of Webster Road and Hoxton Park Road allowing for all traffic movements (in and out) of the proposed development
3. Vehicular access is not to conflict and demonstrate adequate separation/safety with pedestrian/bicycle paths within the site links between buildings from Dale Avenue and Hoxton Park Road, Liverpool.
4. A Local Traffic Management Plan is to be submitted with a development application, and is to be designed in consultation with Council's Traffic and Transport section.
5. All onsite parking is:
 - To be within a basement or wholly integrated into the design of the development.
 - Not to reduce the deep soil requirements of the Apartment Design Guide.
 - Not to impact upon the existing mature trees located on the northern (rear) and southern (Hoxton Park Road) frontages.

4.2 Active and Public Transport

Controls

1. The movement of pedestrians and cyclists is to be prioritised throughout the site and not conflict with any vehicular access.
2. Through-site links are to provide adequate view corridors for cyclists and pedestrians and are to connect Dale Avenue to Hoxton Park Road.
3. Any landscaping provided adjacent to active transport links is not to impact upon pedestrian/cycling sightlines and is to avoid the creation of 'blind spots' including near intersection points with adjoining street frontages.
4. Pedestrian and shared pathways within the site are to provide direct linkages to the commercial uses on site and between Dale Avenue and Hoxton Park Road, Liverpool. (Refer to **Figure 2**).
5. The design of the retail nodes:
 - a. Are to provide adequate space and separation for all users (i.e. drivers, cyclists and pedestrians), to increase safety and minimise conflicts.
 - b. Are to promote a low-speed environment for vehicular and bicycle traffic moving through commercial nodes. Such measures may include traffic-calming devices (e.g. speed bumps, cobblestone pavement and signage).

5. Tree Preservation

Objectives

- a) To ensure the protection and retention of trees that contribute to ecological and aesthetic values on site and within the vicinity.
- b) To ensure that trees providing high ecological or amenity benefits are protected.

Controls

1. The building and basement envelope for all buildings is to ensure that the development:
 - I. Minimises impact upon the existing vegetation including existing mature trees located along the northern (rear) and southern (front Hoxton Park Road) boundaries.
2. Where tree removal cannot be avoided, an arborist report (prepared by a minimum AQF Level 5 Arborist) is to be submitted with any Development Application proposing tree removal. Each tree that is recommended for removal shall be replaced at a two to one replacement ratio of a similar species and mature height. Replacement tree selection shall also predominantly comprise of native species.
3. The design of any development for the site which includes the erection of a building and/or excavation of a basement, shall support a site layout that provides a minimum 40% tree canopy cover once the site is fully developed.

**LIVERPOOL
CITY
COUNCIL**



LIVERPOOL CITY COUNCIL

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1300 36 2170



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lcc@liverpool.nsw.gov.au



NRS 133 677 (for hearing and
speech impaired callers only)







8 May 2026

CEO
Liverpool Council
lcc@liverpool.nsw.gov.au

**Objection to Planning Proposal at 93-145 Hoxton Park Road, 49 & 51
Maryvale Avenue, 260 Memorial Avenue and 20 and 48 Dale Avenue
Liverpool
Reference: RZ-3/2022**

Dear Council,

This letter has been prepared on behalf of the following land owners of _____ in
objection to draft site specific Development Control Plan (**DCP**) applying to 93-
145 Hoxton Park Road, 49 & 51 Maryvale Avenue, 260 Memorial Avenue and 20
& 48 Dale Avenue.

_____ previously made a detailed objection to the broader planning
proposal. That earlier submission raised serious concerns about traffic,
inappropriate scale, privacy loss, solar access impacts, poor transition to
surrounding low-density housing and the incompatibility of a large mixed-use
outcome with the surrounding residential context. Those concerns remain, and
in many respects they have not been properly resolved by the draft DCP now on
exhibition.

The DCP plays an important role in managing and mitigating impacts of
development, and providing controls that protect the amenity of the
neighbourhood and surrounding properties. In its current form, the DCP is
considered inadequate to appropriately mitigate impacts of future development
on the site subject of the DCP.

**1. The draft DCP does not provide an adequate transition to low-density
residential properties to the north**

A primary issue is that the draft DCP allows for a six-storey outcome across the
site, without any strong controls relating to a transitional built form response
where that higher-density development meets existing suburban housing. The
current approach appears to rely heavily on a modest upper-level setback,
privacy devices and landscaping, but those measures are not enough to address
the real interface problem for properties such as our clients properties in Dale
Avenue and the corner of Dale Avenue and Memorial Avenue.

An increased upper storey setback is not in itself an appropriate response to transition. It should be acknowledged that given the permissibility of bonus height and floor space under *State Environmental Planning Policy (Housing) 2021*, development on the site may be up to eight storeys in height. This is particularly concerning because the NSW Apartment Design Guide recognises that where apartment development adjoins a lower-density area, setbacks should be increased, including by an additional 3 metres at the boundary transition, and that larger setbacks are expected in suburban contexts. The Guide also emphasises that setbacks must be tested against overshadowing, privacy and landscaping outcomes. The draft DCP does not appear to translate those principles into robust, site-specific and measurable protections for the Dale Avenue/corner Dale and Memorial Avenue residential interface.

It is therefore recommended that the following DCP amendments be made, should it be supported by Council:

- The DCP should recognise the potential for taller and denser development that may occur for affordable housing, that is, development of up to eight storeys.
- At the interface with Dale Avenue, buildings should not exceed 4 storeys in height, and should have terrace style development with a two storey street wall facing the street, with development above setback a further 3 metres. No development above 4 storeys should be permitted within 12 metres of the Dale Avenue frontage.
- Taller development exceeding four storeys should only be permitted on the southern side of the site along the frontage to Hoxton Park Road.

2. Privacy protections are too general and do not adequately protect and properties along Dale Avenue

The earlier submission correctly identified that north-facing apartments, balconies and living areas create a risk of direct overlooking to existing homes north of the site, particularly as this would be required to achieve Apartment Design Guide solar access requirements. The draft DCP does contain some privacy treatments, including screens, louvres, frosted glazing and restrictions on rooftop communal open space. However, these measures remain generic and performance-based, rather than precise and enforceable.

They do not sufficiently control the location, extent and orientation of habitable room windows, balconies and communal areas that may overlook neighbouring backyards and internal living spaces. The proposed controls will be difficult to enforce given the potential contradictions with the requirement for more north facing apartments under the Apartment Design Guide.

It is therefore recommended that the following DCP amendments be made, should it be supported by Council:

- Any north facing balconies should be set back behind the building line, and not protrude beyond the building envelope if it is within 20 metres of Dale Avenue.
- Outdoor communal areas on podiums or rooftops should only be limited to buildings facing Hoxton Park Road.
- A line of site assessment should be required for any elevated balcony within 20 metres of the site boundary to Dale Avenue as part of any forthcoming Development Application, to ensure no direct overlooking impacts to properties on the north side of Dale Avenue.

3. Traffic and access via Dale Avenue remain one of the most serious unresolved issues

This objection is highly critical of the use of Dale Avenue as a traffic access point, noting the street as a narrow, low-scale residential environment unsuited to high-density development traffic. The draft DCP appears to allow and in fact, encourage, vehicular access from Dale Avenue subject to a Traffic Impact Assessment and related modelling. Figure 3 (extracted below) of the DCP proposes that service vehicles, site residents vehicles and other vehicles will be circulating to Dale Avenue to enter and exit the site.

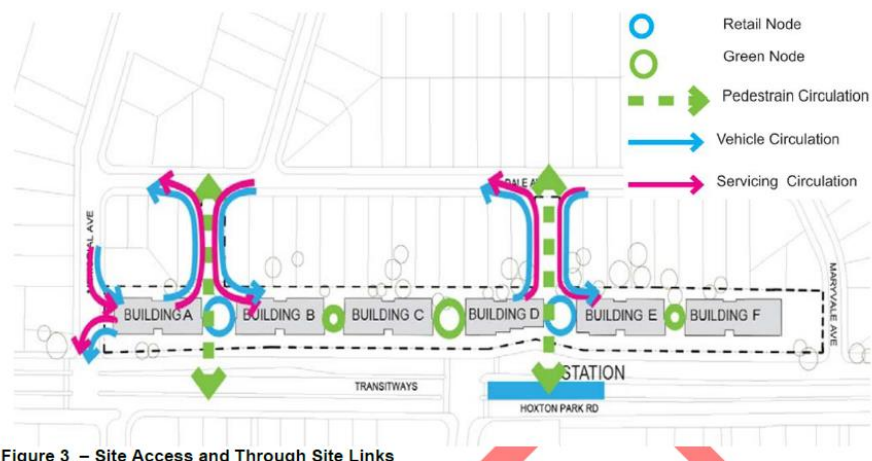


Figure 3 – Site Access and Through Site Links

The width of Dale Avenue (shown in the two figures below) is not suited to this type of increased traffic, particularly service vehicles. Existing Dale Avenue residents and their visitors park on both sides of the street as shown in the figure below. It is submitted the proposed vehicular access via Dale Avenue does not provide practical safe access arrangements. There will be a significant burden to Dale Avenue.

It is noted that the Council in submissions to the DPHI itself saw benefit from using the existing stub to the site with the existing traffic signal intersection at the corner of Hoxton Park Road and Webster Road for left in and left out vehicular access for the subject site. This would be a more superior, and safer option than the heavy reliance on Dale Avenue.



Figure 1 Dale Avenue is currently a low scale, suburban street. Development to the south (right side of the image) will be capable of being four storeys high, which is a more appropriate height given the site's suburban context.



Figure 2. Photo showing the narrowness of Dale Avenue

It is therefore recommended that the following DCP amendments be made, should it be supported by Council:

- Figure 3 be updated to show Hoxton Park Road as the primary entry and exit points into the development building on the existing traffic signal at the intersection of Webster Road and Hoxton Park road with additional access/egress points from Maryvale and Memorial Avenues, and that no vehicles utilise Dale Avenue for access to the site given its restrictive width and suburban character.

4. Retail and business uses need much tighter control

The planning framework for the site now permits business and retail uses. It is understood that this may be up to 1,200m² of business and retail premises combined. This raises concerns regarding loading, visitor traffic, parking overspill, late trading, noise and incompatibility with nearby residential streets.

Yet the draft DCP does not appear to impose sufficient operational controls to ensure those impacts are contained to the Hoxton Park Road frontage and away from local residential interfaces.

If retail or business uses are to be allowed at all, the DCP should cap them to genuine neighbourhood scale, require them to front Hoxton Park Road only, prohibit loading and waste collection from Dale Avenue, prohibit customer pick-up/drop-off activity in local residential streets, and impose strict hours of operation and acoustic controls.

It is therefore recommended that the following DCP amendments be made, should it be supported by Council:

- Shops be limited in size to 100sqm each
- No commercial parking access is permitted off Dale Avenue
- No commercial loading or waste collection is permitted off Dale Avenue
- Waste collection to occur off Memorial Avenue or Hoxton Park Road

5. Landscaping, deep soil and tree retention controls are positive in concept but too weak in effect

The draft DCP includes objectives around retaining existing vegetation, protecting mature trees, preserving deep soil and achieving significant canopy cover. Notwithstanding, a canopy target and a general statement about deep soil do not automatically produce a real landscaped separation from adjoining homes.

The DCP should require a continuous and substantial deep-soil landscape zone along the most sensitive residential edges, prohibit any basement encroachment beneath that buffer, mandate advanced tree planting capable of screening, and ensure that landscape design is not reduced or fragmented during detailed design.

The ADG also makes clear that setbacks should create usable land for tree planting and landscaping, particularly in suburban transition contexts. That principle should be expressly embedded here.

It is therefore recommended that the following DCP amendments be made, should it be supported by Council:

- Figure 4 should be amended to have landscaping at the north of the buildings to provide a buffer to Dale Street properties
- A new control should be introduced to not allow basement encroachment into the front and rear setback areas, to allow for genuine deep soil and mature tree planting.

6. The DCP contains too much discretionary wording and too many omissions

The draft DCP is its reliance on flexible or qualitative wording such as “generally in accordance”, broad references to design quality and future assessment through further studies. A site-specific DCP for a high density development in a suburban context should contain precise and measurable controls, not loose statements of intent.

There also appear to be important omissions. Based on the exhibited material and the document itself, the DCP does not clearly set out detailed numerical controls on building separation at the sensitive interface, neighbour solar protection, detailed servicing standards, parking spillover prevention, waste management impacts, or stormwater/drainage protections for nearby properties. The DCP should be firm on these matters and also require design excellence.

It is therefore recommended that the following DCP amendments be made, should it be supported by Council:

- The words ‘generally in accordance with’ figures 3 and 4 should be removed and replaced with, ‘in accordance with’.
- Numerical setback standards for a landscaped buffer and setback of taller buildings should be very clear, particularly in relation to Dale Avenue facing properties.
- A requirement for development to exhibit design excellence should be introduced into the DCP.

Overall comments

For the reasons above, it is considered that the draft site-specific DCP is not acceptable in its current form. Further to the above, it is recommended that:

1. **A materially stronger low-density interface control** along the northern/Dale Avenue edge, including increased setbacks and much greater upper-level setbacks than the current 2-metre approach.
2. **A continuous deep-soil landscaped buffer** with no basement encroachment along the sensitive residential interface.
3. **Mandatory privacy controls** for all north-facing habitable rooms and balconies, including fixed screening, no projecting balconies and no elevated communal areas facing neighbouring homes.

4. **Neighbour-based solar access protections**, with specific requirements for testing and maintaining acceptable winter sunlight access to adjoining dwellings and their principal private open space.
5. **A prohibition, or at minimum limitation, on vehicular access from Dale Avenue**, with no retail, loading or waste access from that street.
6. **Tighter controls on retail and business uses**, including a smaller scale, confinement to Hoxton Park Road frontage, and strict limits on hours, servicing and customer parking impacts that do not impact on the Dale Avenue residents.

This submission raises a number of matters that are required to be addressed as part of the consideration and decision on the DCP. In summary, it is recommended that Council provide appropriate mitigation measures in the planning controls to ensure the proposal does not have any adverse impacts on the locality.

Conclusion

As outlined above, this submission objects to the draft DCP currently on exhibition. Based on the information provided, it is not considered that this proposal should proceed without the abovementioned changes being implemented.

Please feel free to contact the undersigned on _____ to discuss the above information further if required, or email _____

Kind regards

From:
Sent: Friday, 8 May 2026 4:27 PM
To: LCC
Subject: RZ-3/2022

Dear

RE: RZ-3/2022

Combined joint Site at: 93-145 Hoxton Park Road
49 & 51 Maryvale Avenue
260 Memorial Avenue
20 & 48 Dale Avenue

Applicants: ABA Estate Pty Limited and
E Mecone

As a resident of _____, I have a question or two regarding the construction of the above site.

The proposal put forward to EPA had requested a rise from 3 floors to 5 floors. From my understanding, the EPA approved the site to be 4 floors, now the applicants wants 6 floors. Is this a case of asking for an extra floor until they get the height that they want?

The reports supplied to the EPA raised questions about the water table on site. Do the applicants intend to take the water away? My understanding of the water table, is that it goes under my property and down to where the previous council chambers were on Hoxton Park Road and maybe larger than that as the old Lawn Bowls Club in Liverpool used bore water, to water their greens. If this water is removed from this table, is it going to cause sink holes?

The EPA also sited that the applicants when drilling through the rock (granite, I think they said) that the vibrations had to be measured to prevent vibrational damage to properties on Hoxton Park Road and Dale Avenue and the surrounding homes in St Pauls Crescent, Maryvale Street, Roland Street and Memorial Avenue. If there is any damage to my property due to the drilling, does that mean that the applicants will have to repair my property?

Are the applicants also liable to damage done to our properties that is caused by vibration of heavy vehicles accessing Dale Avenue in removing of soil etc and delivering materials for the build.

Also who is liable for damage to our vehicles that are parked in Dale Avenue if hit by the trucks that is entering and exiting the site. May sound like a strange question, but there has been times that the garbage vehicles have had problems emptying our garbage bins along with emergency vehicles coming to help residents and the road has been completely blocked with no one getting through.

Parking is another issue as well. My friends no longer visit me as there is no party near my residence due to cars been parked in front of my home on a regular basis. Are the applicants going to provide residence of the new building with enough parking for them as well as their visitors. Every home, unit or flat has a least two vehicles each.

I would appreciate a reply from someone concerning the vibrational issue as no one as yet has answered this question. It is not only myself raising this issue, but my neighbours have also raised it with me. Also parking is the other issue that we would like to know about as well.

Kind regards

9 October 2023

Liverpool City Council
Ground Floor, 33 Moore Street,
Liverpool NSW 2170

Email: lcc@liverpool.nsw.gov.au

Dear Sir/Madam,

**RE: RZ-3/20229- 3-145 Hoxton Park Road, 51 Maryvale Avenue and 260 Memorial Avenue,
Liverpool NSW**

1. I am the owner of
2. I have now had the benefit of reviewing all the documents available on the council website in respect of the proposed development and application to rezone bearing application number RZ-3/2022. I have observed that the subject application pertains to the rezoning of land situated at 93-145 Hoxton Park Road, 51 Maryvale Avenue and 260 Memorial Avenue, Liverpool NSW ("**the Site**") so as to allow the applicant to develop up to 20.5 meters, as opposed to the currently permissible 15 meters. This would ultimately result in the development of two additional levels so that the total is 6 levels.
3. I note with serious concern, that the purported access to the proposed development will be from 20 and 48 Dale Avenue. From the onset by way of obvious proposition, the proposed development will increase what is ready problematic traffic conditions and environmental and noise pollution.
4. The proposal to grant access to the proposed development from Dale Avenue is in all the circumstances untenable. Dale Avenue is in and of itself, already a narrow street where parking is a scarcity. When cars are parked on either side of Dale Avenue as it currently stands, only a single car may proceed in the direction at any given time. This will no doubt be aggravated in the extreme, by the influx of vehicles belonging to residents of the proposed development site and vehicles using the proposed access through 20 and 48 Dale Avenue as a passageway.
5. Further, of equal concern is the increase of environmental and noise pollution. This will naturally follow from the increased density of residence and the environmental and noise emissions they generate. This effect will be directly passed on to and absorbed by the current residence of Dale Ave by the proposed changes to 20 and 48 Dale Ave.

6. The current zoning when it came into effect, was premised amongst other things on the geographical and demographical layout of the surrounding streets and suburb generally. That is, the zoning of the subject area was established having regard to indicators such as street sizes, population density, traffic and transport logistics. It is therefore blatant that the town plans and streets surrounding the development site were never intended to facilitate and accommodate to high density residential living.
7. It follows, that my property located at _____ will suffer significant detriment. This detriment is shaped by the following factors:
 - a) A loss of privacy will occur in circumstances where my property will be exposed to a main road being Hoxton Park Road and the street that passes through 20 Dale Ave.
 - b) An increase of noise and environmental pollution.
 - c) An increase in traffic, which will overburden a narrow street and cause a higher risk for children walking to the nearby primary school or bus stop.
 - d) A potential loss of car parking spot in front of _____
 - e) The aforementioned will cause a significant decrease in the value of my property, and will lower the desirability of living in it as a tenant or owning it.
8. The Planning Proposal and the consultants used in support of same are clearly intended to be self-serving and non-objective. With respect, there are very significant problems with the Proposal which have been either superficially or insufficiently addressed; for some of these problems there is no solution.
9. To that end, suffice to say I oppose the proposed rezoning in the strongest possible terms. I have confidence that council as a matter of prudence and good judgement shares my concerns and will in the same manner and fashion oppose the application for rezoning.

Kind regards,

Department of Planning, Housing and Infrastructure

Draft Community Participation Plan

April 2026



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Draft Community Participation Plan

First published: April 2026

Department reference number: IRF26/3696

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Secretary's foreword



A message from Kiersten Fishburn

We know that planning works best when it reflects what communities need and value. Local knowledge plays a vital role in shaping strategic plans and assessing development proposals.

The *Planning System Reforms Act 2025* lays the foundation for a modern planning system that is faster, fairer and focused on outcomes. One of its key commitments is creating a single statewide Community Participation Plan for all councils and planning authorities.

This plan brings consistency to consultation timeframes across NSW. It ensures communities have a strong voice in the planning system and sets clear expectations that engagement should match the scale and impact of a proposal or strategic plan.

We also understand that the planning system can seem complicated or daunting. That's why this plan aims to make participation easier. It explains the different ways you and your community can get involved at both the local and state level. It also encourages planning authorities to consult widely so decisions reflect your values, priorities and concerns.

Good participation must be accessible to everyone. The plan emphasises the importance of engaging respectfully with Aboriginal communities and people from culturally and linguistically diverse backgrounds. Everyone should be able to navigate a planning system that works for them.

Planning authorities will still develop their own engagement strategies. These strategies outline how they will work with their communities and ensure local context guides their approach.

This Community Participation Plan applies to the planning functions of the Minister for Planning and Public Spaces, the Department of Planning, Housing and Infrastructure and its Secretary, as well as all councils and relevant planning authorities across NSW.

Planning should be a partnership with people who know their communities best. The plan sets out how and when you can share your views, alongside the many other factors that inform planning decisions, and the development of plans and projects.

I hope you find this plan a useful and helpful guide to participate in planning in NSW.

A Statewide Community Participation Plan

What is a Community Participation Plan?

A Community Participation Plan (CPP) sets out how and when planning authorities will engage the community and stakeholders in decision-making processes related to planning decisions.

This plan will be used by multiple planning authorities including the Department of Planning Housing and Infrastructure (the Department), local councils and other planning authorities. It is designed to clearly outline how and when the community can participate in planning decisions and processes, and when planning authorities exercise their relevant planning functions.

The plan has been prepared by the Secretary of the Department of Planning, Housing and Infrastructure to meet the mandatory requirements outlined in Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for community participation which planning authorities must comply with.

Our commitment to community participation

Consistency and proportionality are key to the success of community participation. The new Community Participation Plan will standardise consultation timeframes across all planning authorities, ensuring that engagement is consistent and tailored to the scale and impact of proposals.

The Plan is intended to be used as a reference tool for people wanting to know how and when they can participate in planning matters. The community is broadly defined as anyone affected by, or interested in, NSW's planning system including individuals, groups, organisations and government bodies.

Public exhibition timeframes

The Community Participation Plan emphasises the importance of upfront consultation during the preparation of strategic plans, which set the direction and establish objectives to deliver a liveable, productive and sustainable planning framework in NSW. Input at the early strategic planning stage results in better community understanding of how their area will change over time. This means that when development is planned and occurs in an area there is less confusion and more consensus about what is changing.

Planning functions have different exhibition requirements depending on the scale and impact of a plan or development. These different functions often include planning framework matters such as amendments to planning legislation and policies, strategic planning matters such as creating or amending regional plans, and local and state development assessment matters. For example, low impact development listed in Table 6 that meets relevant planning controls will not be required to be exhibited.

Requirements in tables 5, 6, 7 and 8 are mandatory requirements for public participation.

Council and Agency Engagement Strategies

Further information on how different planning authorities such as councils and NSW Government agencies will specifically engage with their community and stakeholders on planning matters can be found in the relevant authority's engagement strategy.

This includes engagement strategies for determining authorities which are separate to this Community Participation Plan and can continue to outline specific mechanisms and tools for how that planning authority will engage with communities and stakeholders.

Importantly, this will ensure that harder-to-reach audiences, including young people, people living with disabilities, the elderly, those living in rural areas, Aboriginal and Torres Strait Islanders and culturally and linguistically diverse people, can engage effectively.

An engagement strategy prepared by a planning authority must be consistent with the Community Participation Plan, the community participation objectives and the requirements under any other Act or legislation. An engagement strategy must not specify timeframes for exhibition of planning functions.

Independent Planning Commission

The Independent Planning Commission is the declared consent authority for certain State Significant Development applications.

Unlike a typical consent authority, some of the ordinary consent authority functions of the Commission are carried out by the Planning Secretary (through the Department of Planning, Housing and Infrastructure) on behalf of the Commission. Among these functions are, at section 4.6(d) of the *Environmental Planning and Assessment Act 1979*, "carrying out the community participation requirements of Division 2.6 [of the EP&A Act]".

As part of its commitment to public engagement, the Commission will typically conduct further processes in addition to the formal statutory community participation requirements that are already carried out on its behalf by the Department. Some of these processes are mandatory – the Commission must conduct a public hearing when directed to do so by the Minister – while others are discretionary but standard practice. For example, the Commission will always accept written submissions on matters on which it is deliberating, and may, in certain circumstances, also conduct stakeholder meetings, public meeting or local meetings.

The Commission's Engagement Strategy sets out in more detail the public engagement undertaken by the Commission.

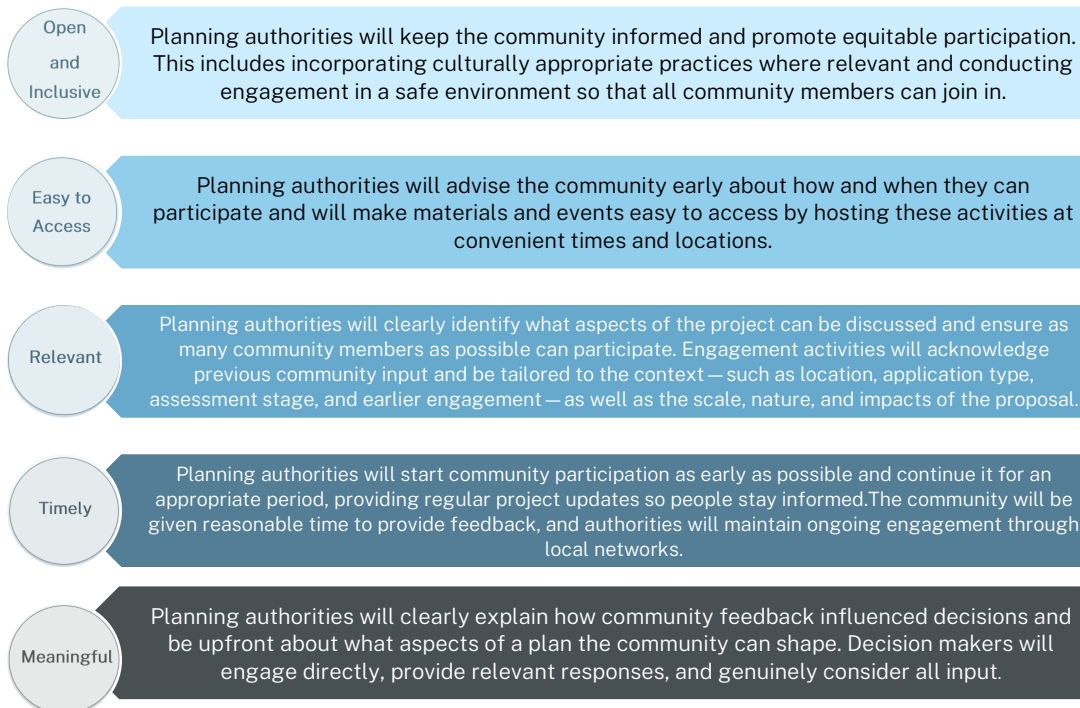
Community participation objectives

Community participation is an essential part in the planning process and is integral to improving the design of projects, promoting built and cultural heritage including Aboriginal cultural heritage, informing decision-making and building confidence in the planning system.

This can be achieved by:

- Facilitating discussion between stakeholders so they can hear each other's concerns and ideas
- Creating opportunities for upfront discussions that can reduce potential disputes
- Assisting decision makers identify community concerns
- Utilising local knowledge and expertise
- Empowering local communities in the planning process

Community participation principles in section 2.23(2) of the EP&A Act have been considered when developing the community participation objectives in this CPP. These objectives are included below and are used when engaging with the community and stakeholders on planning matters.



Participating in planning functions

Planning functions

Planning authorities use several participation methods to ensure communities are informed of planning functions and can have their say on planning matters that are relevant to them.

The planning functions are:

State Planning Framework

Setting the rules and regulations

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021
State Environmental Planning Policies (SEPPs)

Strategic Planning

How my region and community will change over time

Regional or District strategic plans
Local strategic planning statements (LSPSs)
Local Environmental Plans (LEPs) and Planning Proposals to amend or create a new LEP
Masterplans for urban renewal areas
Development Controls Plans (DCPs)
Contribution Plans
The Community Participation Plan

Development Assessment

Development that may impact where I live and work

State significant projects
Regionally significant development
Local development
Designated development
Nominated integrated development
Threatened species development
Division 5.1 Environmental impact assessment
Complying development

Further detail on how to participate for each planning function and the relevant exhibition timeframes are provided below.

State planning framework – setting the rules and regulations

Acts, regulations and policies set the structure for the NSW planning system, providing a regulatory framework for planning decisions, including the assessment of development applications, making planning instruments and strategic planning.

You may be asked to provide feedback on the following:








- the *Environmental Planning and Assessment Act 1979*
- the *Environmental Planning and Assessment Regulation 2021*, and
- State Environmental Planning Policies (SEPPs)





Case study – Providing feedback on a housing policy change

- Yao was reading the morning news when he came across an announcement from the NSW Government that it would soon be easier to build more types of housing in places with access to good infrastructure.
- Within the article was a link to the Department of Planning, Housing and Infrastructure's website, which had further information on how different types of development would now be supported around well-established town centres and infrastructure.
- Yao was supportive of these changes, and happy he would get a chance to give his feedback on the policy, as he currently found himself living further from the parts of the city with services and jobs.
- He was worried that since he didn't understand technical planning language, that he would not be able to contribute to the discussion, but he found helpful infographics, videos and plain-English guides on the webpage.
- The Department had prepared an Explanation of Intended Effect (EIE). This document outlined the proposed changes to what was now permissible, and indication of where the changes would apply across NSW.
- Yao submitted feedback through a guided form and subscribed to updates on the policy.
- When the policy was finalised, he was able to go back on the website and read a 'What we heard' document and see how everyone responded, and that he had the chance to contribute to an important change.

Participating in State planning framework changes

Table 1: Legislative amendments that you may be asked to provide feedback on

 Stay informed	 Have your say	 Implementation
<p>NSW Government will undertake targeted stakeholder engagement in the development of framework changes.</p> <ul style="list-style-type: none"> Engage with the NSW Government about how and when you can provide feedback. 	<p>NSW Government may release draft policy and planning changes for public feedback.</p> <ul style="list-style-type: none"> Visit the NSW Planning Portal to access and read the draft changes. Prepare your submission and lodge it via the NSW Planning Portal during the public exhibition period. 	<p>NSW Government considers feedback and releases final changes following approval.</p> <ul style="list-style-type: none"> The final policy is adopted and posted on the NSW Legislation website.
 The Environmental Planning and Assessment Act 1979 (EP&A Act)		
<p>The EP&A Act sets the structure for the NSW planning system. It is the principal legislation regulating land use in NSW and allows plans to be made to guide the process of development and regulate competing land uses.</p>	<p>The Department develops legislative changes as needed.</p> <p>The NSW Government determines if public exhibition is required and sets a timeframe. </p>	<p>Changes to the Act are enacted through a bill in Parliament.</p> <p>These changes are notified on the NSW Legislation website.</p> <p>Visit the NSW Planning website for supporting information.</p>
 The Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)		
<p>The EP&A Regulation sets out how the procedural matters and requirements of the EP&A Act are carried out, including the provisions planning authorities must follow when assessing development applications.</p>	<p>The Department develops regulation changes as needed.</p> <p>The Minister determines if public exhibition is required and sets a timeframe. </p>	<p>Once finalised, the changes are made to the regulations</p> <p>These changes are notified on the NSW Legislation website.</p> <p>Visit the NSW Planning website for supporting information.</p>

 Stay informed	 Have your say	 Implementation
 State Environmental Planning Policies (SEPPs)		
<p>Environmental planning policies for state significant or statewide planning matters. They inform how land can be developed and how natural resources can be used, managed and conserved in NSW.</p> <p>SEPPs are also the mechanism the NSW Government uses when undertaking state-led rezoning.</p>	<p>The Department will make SEPP changes as needed.</p> <p>A draft Explanation of Intended Effects may be exhibited unless decided otherwise due to the urgency, scale or nature of the proposal.</p>	<p>Once finalised a SEPP is made to give effect to the changes,</p> <p>These changes are notified on the NSW Legislation website.</p> <p>Visit the NSW Planning website to view supporting information and guidance.</p>

Strategic planning - how my region and community will change over time

Strategic planning helps guide how places grow, change and are protected. It is the foundation for how governments influence the shape of communities, determine where homes are built, where jobs are located, and how services and infrastructure connect across the State and how the environment is conserved.

Early engagement builds community confidence in the planning system, provides greater transparency about how decisions are made and ensures that potential concerns and priorities are explored proactively.








The Community Participation Plan aligns with the object of proportionality by encouraging and strengthening early, meaningful community consultation at the strategic planning stage. This ensures the focus of engagement is targeted on identifying issues and priorities that can be addressed prior to development assessment.










Case study: Providing feedback on the Sydney Region Plan

- Myriam sees a post pop up on her social media account about a new plan called the Sydney Region Plan.
- The post says that the Government is looking for the community to have their say on how Sydney will grow and transform over the next 20 years.
- The post has a link to the NSW Planning website which has copies of the draft Sydney Region Plan as well as some simple survey questions to fill out.
- Myriam responds to the survey questions and then uses the statewide CPP linked on the website, to help her provide planning focused feedback about the draft Sydney Region Plan.
- Myriam would like to see more housing near the local train station as she has been renting but wants more opportunities to buy a home.

Participating in strategic planning

Table 2: Strategic plans that you may be asked to provide feedback on

 Stay informed	 Have your say	 Implementation
<p>A planning authority will undertake targeted stakeholder engagement in the development of each plan.</p> <ul style="list-style-type: none"> Community participation may begin before exhibition. Sign up for mailing lists to stay informed once a draft plan is released, and project plan updates. 	<p>A planning authority will exhibit a draft plan for feedback.</p> <ul style="list-style-type: none"> Visit the planning authority's website to access and read the draft plan. Prepare your submission and lodge it during the public exhibition period. 	<p>A planning authority will consider feedback and releases a final plan following approval.</p> <ul style="list-style-type: none"> The final approved plan is posted on the planning authority's website.
 Draft regional and district strategic plans		
<p>Plans developed to support future community needs in regions and districts across NSW. These include plans for homes, jobs, community infrastructure and a healthy environment.</p>	<p>These plans are developed by the NSW Government and updated every 5 years.</p> <p>A draft plan will be exhibited for a minimum of 60 days. </p>	<p>The Minister will make a final plan for publication on the NSW Planning website.</p>
 Draft local strategic planning statements (LSPS)		
<p>Plans that detail the vision for land-use in a local area, special character values, and how change will be managed into the future.</p>	<p>These statements are developed by councils and updated every 7 years.</p> <p>A draft plan will be exhibited for a minimum of 60 days. </p>	<p>The Planning Secretary endorses an LSPS for publication on the NSW Planning website and the relevant council's website.</p>

 Stay informed	 Have your say	 Implementation
 Masterplans for urban renewal areas		
<p>Plans that set a future direction for areas by creating new communities that build on local character and provide updated housing, work, recreation and business opportunities.</p>	<p>A planning authority develops a masterplan for a precinct, in response to strategic direction.</p> <p>A draft plan may be exhibited for 42 days, unless decided otherwise due to the urgency, scale and nature of the proposal. </p>	<p>A planning authority adopts the masterplan for publication on their website.</p>
 Planning Proposals to amend or create a new Local Environmental Plan (LEP)		
<p>Planning proposals create and amend LEPs which guide planning decisions for local government areas.</p> <p>They do this through zoning and development controls, which informs how land can be used.</p>	<p>A planning authority or proponent can instigate changes to an LEP.</p> <p>A planning proposal will be exhibited for a minimum of 28 days or as specified by the gateway determination which may determine, due to the minor nature of the proposal, that no public exhibition is required </p>	<p>The local plan-making authority undertakes assessment of the planning proposal.</p> <p>Once finalised, an LEP is made to give effect to the proposal.</p>
 Draft development control plans (DCP)		
<p>Plans that provide detailed planning and design guidelines to support the planning controls in a LEP.</p>	<p>A council may draft or require a DCP to be prepared.</p> <p>A draft plan will be exhibited for a minimum of 28 days. </p>	<p>A planning authority finalises the plan for publication on the NSW Planning website and the relevant council's website.</p>

 Stay informed	 Have your say	 Implementation
 Draft contributions plans		
<p>These plans enable consent authorities to levy contributions for public amenities and services required to support development.</p>	<p>A council prepares a draft contributions plan as needed.</p> <p>A draft plan will be typically exhibited for a minimum of 28 days. </p>	<p>Council approves and adopts the plan. They can be accessed on the NSW Planning website and the relevant council's website.</p>
 Draft Community Participation Plan (CPP)		
<p>The plan outlines how and when community participation is undertaken when relevant planning authorities exercise their planning functions.</p>	<p>The Planning Secretary prepares a draft CPP as needed.</p> <p>A draft plan will be exhibited for a minimum of 28 days. </p>	<p>The Planning Secretary publishes the plan on the NSW Planning website.</p>

Development assessment – development that may impact where I live and work

Development assessment functions are undertaken by several planning authorities who make decisions on proposals in accordance with the relevant development standards and controls. This includes both state significant development applications and development applications assessed by councils (local development).

Exhibition requirements for development assessment are proportionate to the level of impact a project will produce. Development specified in Table 6 will be exempt from exhibition requirements if the development complies with the controls set out in the relevant council's LEP and DCP. These set out the rules for a local area and have been consulted on with communities.

Case study: My neighbour is doing works under a complying development pathway







- Matt receives a letter in the mailbox from the next-door neighbour who is building a deck at the back of their house.
- The letter states that construction of the deck extension will begin in 7 days' time.
- Matt is concerned about noise at night during construction, so he contacted the local Council who showed him the conditions that required construction to be carried out during the day. This is a relief for Matt as he enjoys reading at night and cannot focus if there is noise.
- 7 days later Matt notices that construction has started, however by the time he comes home from work he does not hear any construction noise and is able to read peacefully without any distractions.

Case study: Learning about a solar farm in my local area

- There has been a post on a community social media group that a solar farm is proposed near Anne's local town, with many comments objecting to the idea.
- This is the first time she's heard of the project and is curious, so goes online to check if there are any project documents available for her review.
- Anne discovers that the energy company is intending to host webinars next week to introduce locals to their proposal. This is suitable for Anne as she has two young children and is glad, she can join in from home.
- Upon joining the webinar, she discovers that the project is still in early development and a formal application is yet to be lodged. This puts her mind at ease.
- It is also explained that for larger scale projects, such as renewable energy, the State Government assesses their environmental impact, as they are important to the State.
- The community is being engaged as part of preparing the application, and Anne is encouraged to sign up for project updates to find out when the project moves through different stages of the planning process.
- Anne will also be able to submit formal feedback when an environmental impact statement is lodged, and the formal exhibition process opens. It is important to be able to do this, as the submissions will be considered by the NSW Government as part of its assessment of the project.

Participating in development assessment

Table 3: Development types that you may be asked to provide feedback on

 Say informed	 Have your say	 Implementation
<p>An applicant submits an application to the relevant planning authority.</p> <ul style="list-style-type: none"> Community participation may begin before exhibition. Sign up for mailing lists to stay informed when an application is submitted, and project plan updates. 	<p>A planning authority may exhibit an application for feedback.</p> <ul style="list-style-type: none"> Visit the planning authority's website to access and read the proposal. Prepare your submission and lodge it during the public exhibition period. 	<p>A planning authority will consider feedback and determine the application</p> <ul style="list-style-type: none"> The decision, final approved plans and supporting documents are published on the planning authority's website.
 State Significant Projects		
<p>Development of a large scale and economic value, environmental sensitivity, or deemed significant by the Planning Minister.</p> <p>This includes state significant developments and state significant infrastructure.</p>	<p>Application is lodged with the NSW Government. Early engagement may occur before the formal exhibition period.</p> <p>Development will be exhibited for a minimum of 14 or 28 days (depending on the type of development). </p>	<p>The Planning Minister or the Independent Planning Commission will determine the application and publish a decision and assessment report on the NSW Planning Portal</p>
 Regionally Significant Development		
<p>Certain development applications of a large economic value, scale and/or complexity. Regional planning panels are made up of independent experts that decide whether to approve a development.</p>	<p>Application is lodged with Council who refers the application to the NSW Government.</p> <p>Development will be exhibited for a minimum of 14 days. </p>	<p>The Council prepares a recommendation and assessment report for the Panel.</p> <p>The Panel determines the application and publishes the decision on the NSW Planning Portal.</p>

 Say informed	 Have your say	 Implementation
 Development exempt from notification and public exhibition		
<p>Certain development in a locality that meets relevant planning controls.</p> <p><i>Table 6 lists these development types</i></p>	<p>Council undertakes a preliminary review to determine if the proposal is in this category.</p> <p>Application is exempt from exhibition. </p>	<p>The Council assesses and determines the application. The final decision is published on the Council website.</p>
 Local Development		
<p>The most common type of development applications in NSW. Projects range from home extensions to medium sized commercial, retail, and industrial developments.</p>	<p>Application is lodged with Council.</p> <p>Development will be exhibited for a minimum of 14 days. </p>	<p>The Council assess and determines the application and publishes the decision on the Council website.</p> <p>Where the application is contentious or exceeds variations, the application may be determined by the local planning panel.</p>
 Council-related Development Applications where council is the consent authority		
<p>Councils regularly lodge development applications as an applicant to complete their own projects and achieve outcomes for the community. This includes development such as parks, affordable housing and toilet blocks, as well as commercial proposals.</p>	<p>Council lodges the application and declares how the conflict will be managed.</p> <p>Development will be exhibited for a minimum of 28 days. </p>	<p>The Council assesses and determines the application and publishes the decision on the Council website.</p>

 <p>Say informed</p>	 <p>Have your say</p>	 <p>Implementation</p>
 <p>Development Applications with additional environmental considerations</p>		
<p>Designated development is a category of development that involves a higher level of assessment and scrutiny due to the potential risk it poses to the environment.</p> <p>Nominated integrated development is development that requires certain approvals (such as a permit or license) from a NSW Government agency before it can be carried out.</p> <p>Threatened species development is a category of development that affects threatened species and requires a species impact statement.</p> <p>An Environmental Impact Statement is required if an activity will have a significant impact on the environment. The EIS assess the economic, environmental and social impacts of a project.</p>	<p>Development will be exhibited for a minimum of 28 days. </p>	
 <p>Complying Development</p>		
<p>Complying development is a fast-tracked application process that combines planning and construction approval for straight forward residential, commercial and industrial development.</p> <p>These developments are assessed and determined by a council or a registered certifier without the need for a development application.</p>	<p>Development is exempt from exhibition. </p> <p>Adjoining neighbours are notified 7 days prior to commencement of works being carried out.</p>	
 <p>Exempt Development</p>		
<p>Some minor building renovations or works don't need any planning or building approval. This is called exempt development. Exempt development is very low impact development that can be done for certain residential, commercial and industrial properties.</p> <p>Examples of exempt development include decks, garden sheds, carports, fences, repairing a window or painting a house.</p>	<p>Development is exempt from exhibition. </p>	

Getting involved

Guidance on getting involved

Getting involved in the development of strategic plans or providing feedback on proposed developments is a great way for the community to have a meaningful say in how their local area changes over time.

It ensures future development reflects community needs, creates well designed neighbourhoods including public open space and raises ideas that may improve projects before they are approved.

Most importantly, it ensures a transparent and fair planning system so that communities across NSW feel heard and reflected in the spaces that they live and work in.

Notification

If you are directly impacted by a proposal, you may receive a notification during the public exhibition period that provides information on how to view a proposal and how to lodge a submission. This notification may include:

- a letter
- an email
- an on-site notice

For broader engagement, the following engagement tools may be used to inform of projects happening in your area including:

- drop in sessions
 - public meetings
 - reference groups
 - website content or, social media notification
 - community newsletters and emails
 - updates to subscribers via the NSW Planning Portal.
-

What is an exhibition period?

The *Environmental Planning and Assessment Act 1979* sets out minimum community participation requirements for the public exhibition of certain planning matters.

During a public exhibition period all relevant documentation is made publicly available, and the community is invited to make a submission outlining their views on the draft policy, plan or project.

Why should I make a submission?

When making a final decision, consideration is given to the points raised during the public exhibition period, which may result in changes to the project to protect amenity or environmental impacts. In some cases, the number of submissions on a development application determines who the final consent authority is.

The community will be informed about how submissions were considered in decision-making. A report will summarise issues raised during the public exhibition period and describe how community views influence decision making.

How to write a submission

To have your say on a project you must lodge a submission before the close of the exhibition period. Submissions may be made online through the relevant planning authority's website, or in some instances a letter may be accepted. When making a submission you will be required to include:

- your full name and address
- the name of the application and the application number
- whether you 'support', 'object to' the project, or if you are simply providing comment on the project
- the reasons why you support or object to the project

Ideally a submission should be specific to the type of project or development that is being publicly exhibited. The contents of a submission may be a general response to the project, and not technically detailed. You do not need to be a specialist to have your say. Table 4 provides guidance on how you may write an effective submission.

All persons who lodge a submission are required to declare any relevant political donations and/or gifts in accordance with Section 10.4 of the *Environmental Planning and Assessment (EP&A) Act 1979*.

A submission will only be accepted if it is made directly to council or the relevant planning authority. Submissions will not be accepted or acknowledged if received through third party websites.

Table 4: Guidance on writing an effective submission

The consent authority will consider impacts, including:	An effective submission is:
<ul style="list-style-type: none"> • Consistency with planning controls • Any overshadowing Impacts • Obstruction of views • Privacy • Visual impacts • Traffic and access • Stormwater and runoff • Odour, noise and light pollution • Environmental impacts. 	<ul style="list-style-type: none"> • Unique • Clear and concise • Captures local perspectives • Relevant, • Evidence based • Not disrespectful, and does not use abusive language.

Staying up to date

There are many ways to subscribe to news and announcements about development in your local area. You can sign up for alerts on specific projects such as planning proposals or new major projects and state significant development in your local government area.

Draft plans and policies are included on the Department of Planning, Housing and Infrastructure's Have Your Say website. On this website you can filter the status of projects on exhibition and provide your feedback on these plans.

The Independent Planning Commission website provides details of any projects lodged with them and more information on how you can participate in any public meetings or hearing processes.

Councils provide details of development applications and planning proposals that have been lodged in their local government area via the applications trackers on their websites.

Planning alerts on the NSW Planning Portal

You can subscribe to receive email alerts and stay up to date about the progress of applications.

Planning Proposals – amendments to local environmental plans or large proposals

<https://www.planningportal.nsw.gov.au/news-alerts>

Major Projects – State significant projects

<https://www.planningportal.nsw.gov.au/major-projects/services/subscribe-notifications>

Exhibition timeframes

Mandatory minimum public exhibition timeframes in the EP&A Act

Requirements in tables 5, 6, 7 and 8 are mandatory requirements for public participation.

Table 5: Mandatory minimum public exhibition timeframes in the EP&A Act

Strategic planning	
Planning function	Exhibition timeframe
Draft Community Participation Plan	28 days
Planning proposals for local environmental plans subject to a gateway determination*	28 days or as specified by the gateway determination which may determine, due to the minor nature of the proposal, that no public exhibition is required
Draft development control plan	28 days
Draft contribution plans	28 days
Draft local strategic planning statements	28 days
Draft regional or district strategic plans	45 days
Development assessment	
Planning function	Exhibition timeframe**
Application for development consent (other than for complying development certificate, for designated development, State significant development or a development type listed in Table 6, Table 7 and Table 8	14 days
Application for development consent for certain residential State significant development *** including: <ul style="list-style-type: none"> Housing development carried out by certain public authorities (Planning Systems SEPP Schedule 1, Section 26) In-fill affordable housing (Planning Systems SEPP Schedule 1, Section 26A) Build-to-rent housing (Planning Systems SEPP Schedule 1, Section 27) 	14 days

<ul style="list-style-type: none"> Seniors housing (Planning Systems SEPP Schedule 1, Section 28) Development in accelerated TOD precincts (Planning Systems SEPP Schedule 2, Section 19) Development declared SSD under Section 4.36(3) of the EP&A Act that includes residential accommodation 	
Application for development consent for targeted assessment development, including any amended application under the pathway	14 days, unless a different period is specified in a state environmental planning policy
Application for modification of development consent required to be publicly exhibited by the regulations	14 days
Application for the review of a determination or decision of a consent authority (Division 8.2 review) where the application has been amended pursuant to section 8.3(3) of the EP&A Act	Exhibition timeframe is the same as the original application
Application for development consent for all other State significant development ^{****}	28 days
Application for development consent for designated development	28 days
Environmental impact statement for State significant infrastructure under Division 5.2	28 days
Application for development consent for nominated integrated development or threatened species development	28 days
Application for development consent for category 1 remediation work under Chapter 4 of SEPP (Resilience and Hazards) 2021	28 days
Environmental impact statement obtained under Division 5.1	28 days
Council related development	28 days

**exhibition of planning proposals must be carried out in accordance with the Departments Local Environmental Plan Making Guideline*

*** minimum exhibition timeframes can be extended on a case-by-case basis.*

**** for applications that rely on a rezoning exhibited by the Department, the details of the proposed amendments to the relevant planning instrument(s) will be publicly exhibited concurrently with the application.*

***** exhibition of State significant development applications must be carried out in accordance with the Departments State Significant Development Guidelines*

Development types exempt from notification and public exhibition

Exemptions apply for certain development types, listed in Table 6, where the development:

- is permissible in the relevant zone, and,
- meets the relevant planning controls in a local environmental plan, development control plan and/or state environmental planning policy and,
- does not include a 4.6 variation

A minimum 14-day exhibition period applies if the development type is not listed in Table 6, 7 or 8 and does not meet the criteria above.

Table 6: Development exempt from public exhibition and notification

Residential and related uses	
<ul style="list-style-type: none"> • Alterations – Internal alterations • Alterations and additions existing dwellings • Ancillary development (such as pools, sheds, farm buildings) • Boundary adjustment • Demolition (excluding heritage items) • Exhibition Homes and Villages • Group homes • Heritage item – minor works that does not impact item and is located behind the front façade • Residential flat buildings* 	<ul style="list-style-type: none"> • Moveable dwellings • New single and two storey dwellings, dual occupancies and attached dwellings • Temporary structures • Rural workers dwellings • Secondary dwellings • Strata and Stratum subdivision • Tree removal where they are not heritage items • Home business and/or home occupation • Shop top housing*

*a pre-commencement of works notification to adjoining neighbours is required 7 days before works commence.

Primary production and rural development	
<ul style="list-style-type: none"> • Agritourism • Commercial farm 	<ul style="list-style-type: none"> • Extensive agriculture • Farm buildings
Commercial development	
<ul style="list-style-type: none"> • Alterations and additions • Change of use • Take away food and drink premises 	<ul style="list-style-type: none"> • Kiosks • Roadside stalls • Signage

Industrial development	
<ul style="list-style-type: none"> Change of use 	<ul style="list-style-type: none"> Industrial retail outlets
Community, health, education, recreational and other infrastructure	
<ul style="list-style-type: none"> Alterations – internal and external Environmental facility 	<ul style="list-style-type: none"> Environmental protections works
Tourist and Visitor accommodation	
<ul style="list-style-type: none"> Bed and Breakfast accommodation 	<ul style="list-style-type: none"> Farm stay accommodation
Other	
Modifications involving minimal environmental impact	<ul style="list-style-type: none"> Applications made under section 4.55(1) of the EP&A Act. Applications made under section 4.55(1A) of the EP&A Act. Applications made under section 4.56 of the EP&A Act with minimal environmental impact.
Application for the review of a determination or decision of a consent authority (Division 8.2 Reviews)	<ul style="list-style-type: none"> Reviews where the application has not been amended pursuant to section 8.3(3) of the EP&A Act.

Development in the Activation Precincts and Alpine Region

Table 7 below lists the types of development that the Department are not likely to require to be publicly exhibited across the Activation Precincts and Alpine Region.

Table 7: Development in the activation precincts and alpine region

Generally
<ul style="list-style-type: none"> Modification applications (excluding those required to be publicly exhibited by the EP&A Regulation) Internal and external building alterations and additions (including development applications requiring approval from the NSW Rural Fire Service under section 100B of the Rural Fires Act in accordance with Section 4.46 of the EP&A Act) Change of use of an existing building from a lawful use to another lawful use Signage Subdivision Demolition

<ul style="list-style-type: none"> Infrastructure and servicing
Activation Precincts
<ul style="list-style-type: none"> Development demonstrating consistency with the Master Plan and Delivery Plan of the relevant Activation Precinct Development accompanied by a current Activation Precinct certificate issued under the Precincts-Regional SEPP, Chapter 3 that applies to the development (excluding those required to be publicly exhibited by the EP&A Regulation) Industrial building works
Alpine Region
<ul style="list-style-type: none"> Repair, maintenance, or replacement of recreation infrastructure, lifting facility, or snow-making infrastructure (excluding development impacting a biodiversity-mapped area) Development that is consistent with the planning framework, comprising the Snowy Mountains Activation Precinct Master Plan; Precincts-Regional SEPP and Alpine Region DCP.

Non-legislative public exhibition timeframes

For several planning functions there is no legislative requirement for public exhibition. Consistent with community participation objectives, consent authorities typically publicly exhibit documents related to the exercise of these functions and proposals for the timeframes outlined in Table 8.

Table 8: Non-legislative public exhibition timeframes

State planning framework	
Planning function	Recommended exhibition timeframe
Draft legislation, regulation, policies and guidelines (Department)	Discretionary based on the urgency, scale or nature of the proposal
Policies and guidelines	28 days unless decided otherwise due to the urgency, scale and nature of the proposal
Strategic planning	
Planning function	Recommended exhibition timeframe
Draft regional or district strategic plans	60 days*
Draft LSPS	60 days*
Masterplan for urban renewal areas (Department and council)	42 days unless decided otherwise due to the urgency, scale and nature of the proposal

Development assessment	
Planning function	Recommended exhibition timeframe
Re-exhibition of any amended application or matter (Department and council)	Discretionary based on the urgency, scale and nature of the proposal

**There is a statutory public exhibition timeframe of 45 days and 28 days as per the EP&A Act, however the Department will exhibit draft strategic plans for 60 days.*

Additionally, the Department may exhibit other proposals consistent with community participation objectives. For these functions, there may also be occasions where a government priority or administrative requirement demands immediate action, and the usual community participation process may be truncated.

Key points to note about public exhibition

- Timeframes are measured in calendar days and include weekends.
- As outlined in Schedule 1 to the EP&A Act, the period between 20 December and 10 January (inclusive of each year) is excluded from the calculation of a period of public exhibition period.
- In certain circumstances there may be merit appeal rights for a person who makes a submission to object during the public exhibition of a development application for designated development and some state significant development projects.
- Public authorities are not required to make available for inspection any part of an environmental impact statement where this publication would, in the opinion of the public authority, be contrary to the public interest due to its confidential nature or for other reasons defined in relevant legislation, such as the Government Information (Public Access) Act 2009.
- As outlined in sections 287 and 287A of the EP&A Regulation, submissions on state significant projects and other development applications where the Minister for Planning and Public Spaces, Planning Secretary or Independent Planning Commission is the consent authority, must be made through the NSW Planning Portal.
- When receiving submissions, a planning authority will adhere to its Privacy Policy and ensure defamation and discrimination laws are not breached.
- The safety of community members, other stakeholders and staff must be considered. Everyone has the right to participate in a respectful environment and are expected to behave in a manner that supports everyone's right to present their point of view.

Glossary

Planning terms and definitions	
Alpine region	means the Alpine Region identified on the <u>State Environmental Planning Policy (Precincts – Regional) 2021, Kosciuszko Alpine Region Land Application Map</u>
Activation precinct	A dedicated area within regional New South Wales which has been identified by the NSW Government to drive regional economic development and declared to be an Activation Precinct in a Schedule made under Chapter 3 of the State Environmental Planning Policy (Precincts – Regional) 2021
Community participation plan	The community participation plan prepared and published under Division 2.6 of the EP&A Act
Contribution plans	A plan developed by councils for the purposes of imposing conditions requiring local infrastructure contributions to fund new and upgraded public amenities and/or services required to accommodate development
Delivery plan	for an Activation Precinct means a delivery plan for the Precinct that is approved by the Planning Secretary under section 3.7 of Chapter 3 of the State Environmental Planning Policy (Precincts – Regional) 2021
Designated development	Designated development refers to high-impact developments (e.g. likely to generate pollution) or those located in or near an environmentally sensitive area
Development control plans (DCP)	A plan providing detailed planning and design guidelines to support LEP planning controls
Environmental Impact Statement (EIS)	An EIS provides information on the economic, environmental, and social impacts of the project. It helps the community; government agencies and the consent authority make informed submissions or decisions on the project.
Gateway determination	A gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition
Local environmental plan (LEP)	An environmental planning instrument developed by a planning proposal authority, generally a council. An LEP sets the planning framework for a Local Government Area

Regional strategic plan	20-year plans addressing community needs for housing, jobs, infrastructure and a healthy environment for a region
State environmental planning policy (SEPP)	An environmental planning instrument developed by the Department, relating to state significant or statewide planning matters
State significant development (SSD)	Developments may be declared to have State significance due to their size, location, economic value or potential impacts, for example new schools, hospitals and energy generating facilities
State significant infrastructure (SSI)	SSI includes major transport and services developments with significance and impact beyond the local area, for example rail infrastructure, road infrastructure and water storage or treatment facilities
Masterplan for urban renewal areas (Department and council)	<p>Growth centres: Land identified in SEPP (Precincts – Central River City) 2021 and SEPP (Precincts – Western Parkland City) 2021, earmarked for the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high-quality local amenity</p> <p>Areas identified as having good access to existing or planned public transport connections, suitable for rejuvenation with new homes and jobs</p> <p>State significant precincts which are large areas of predominantly State-owned land within Greater Sydney, identified by the NSW Government as areas for growth because of their social, economic or environmental characteristics</p>

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Department of Planning, Housing and Infrastructure

Community Participation Plan

Discussion Paper

April 2026



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Community Participation Plan

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Introduction

The NSW Government is implementing legislative reforms to make the planning system faster, fairer and more outcomes focused. As part of these reforms, a single Community Participation Plan is proposed to apply across the State, standardising public exhibition and notification requirements and, providing certainty for all stakeholders who interact with the planning system.

There are currently over 120 different Community Participation Plans and community engagement strategies implemented across NSW, leading to inconsistent consultation practices and timeframes for public exhibition of draft proposals. These inconsistencies mean that similar developments proposals can require different processes depending on location.

A new statewide Community Participation Plan will reduce unnecessary consultation for low-risk or strategically assessed projects while preserving meaningful community input on significant developments. The new plan encourages community participation during the consultation process, highlights ways that you can stay informed on strategic plans or developments in your local area and provides guidance on how to respond to developments or plans that affect you.

Purpose of this discussion paper

This discussion paper outlines the key changes proposed to community participation for local development applications, complying development certificates, and strategic planning and other planning matters.

This paper should be read alongside the draft statewide Community Participation Plan that is currently available for public feedback and the broader reforms to the NSW planning system introduced by the NSW Government.

Feedback on this discussion paper will be used to inform the final version of the statewide plan and possible further changes to the Environmental Planning and Assessment Act 1979 (EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) required to implement any final changes.

Have your say

The NSW Government invites feedback on the information outlined in this discussion paper including proposed consultation timeframes for development applications, changes to complying development certificates, strategic planning, and other planning matters.

Public exhibition period details are included in the draft statewide Community Participation Plan on the NSW Planning Portal. To give your feedback, you can:

- upload a submission via the NSW Planning Portal
- participate in the online survey on the NSW Planning Portal
- email questions about the discussion paper and draft statewide plan to the project team at CPP@dphi.nsw.gov.au

Background

Role of the Community Participation Plan

The plan provides detail on how planning authorities will engage with the community and other stakeholders in the decision-making process for planning decisions. The draft plan sets an expectation that public exhibition and engagement is proportionate to the impact and type of development proposed, and the scale of a strategic plan or planning instrument. The draft plan will provide a consistent approach across the state, making it easier for stakeholders and communities to understand the minimum and typical public exhibition timeframes.

The draft plan highlights the importance of using engagement strategies to outline specific mechanisms and tools for how councils and other planning authorities engage with communities and stakeholders on planning matters. This will ensure all audiences, including young people, people living with disabilities, the elderly, those living in rural areas, Aboriginal and Torres Strait Islanders and culturally and linguistically diverse people, can engage effectively.

Currently there are large differences in how councils notify the community and stakeholders of different development types.

Some councils rely on default public exhibition timeframes of 14 days for all development types, while other councils specify different public exhibition timeframes for different types of development, ranging from zero to 28 days.

This has created confusion and adds unnecessary time to the assessment of development application between different local government areas.

To encourage greater participation in the early stages of the planning process such as regional and district strategic plans, longer public exhibition timeframes are proposed. Community knowledge is critical in creating a shared vision for an area at this stage, and this approach will ensure more meaningful upfront engagement, accessibility and inclusion early in the decision-making process.

The draft plan brings together the strengths of current Community Participation Plans used by councils and other planning authorities into one applicable statewide document, that is simple to navigate.

Current public exhibition timeframes

A review of councils' existing Community Participation Plans found that they can vary significantly between councils, even adjoining councils. Differences include the information provided in the plan, timeframes for public exhibition of the same development types, and default public exhibition timeframes.

Table 1 highlights the current differences in public exhibition timeframes for the same development type found from a selection of metropolitan and regional council public exhibition timeframes for the same development type.

Councils should be applying consistent minimum public exhibition timeframes for low impact development types in the first instance and only increasing public exhibition timeframes to 14 days where development will result in higher impacts. Where a proposed development already meets the

agreed development controls which were informed by upfront strategic planning and community and stakeholder engagement, notification may not be necessary.

Key

Exempt
from
exhibition

Table 1: Public exhibition timeframes across a sample of 14 different councils

Council	Development Type								Notes
	Internal building (residential)	Demolition	Dwelling - one storey	Alts / adds - one storey	Ancillary residential	Secondary dwellings	Boundary adjustments	Signage	
Blacktown	7	7	7	7	7	7*		-	*up to two storeys
Canterbury-Bankstown						14		-	
Inner West		*	14	14	14	14	14		*ancillary structures
Fairfield		14	14	14	14	14	14		
Liverpool		14				14	14		
Parramatta			14	14	14	14		-	
Wollondilly			*	*	7^	7^		14*	*criteria applies for exemption (i.e setbacks, heritage) ^only exempt when in residential zones
Woollahra	15	15	15	15	15	15	15	15	exemptions only apply for emergency works
Kempsey		14							
Narrabri	14	14	14	14	14	14		-	
Shellharbour		-				14			In greenfield release area
Shoalhaven									
Dubbo		14				14		14	
Wollongong						14	*	^	*minor adjustments ^ business zones

Proposed changes to notification and public exhibition of strategic planning

Public exhibition of strategic planning

As part of the suite of planning system reforms passed by the NSW Parliament in November 2025, the objects of the Act have been updated to better reflect today's planning priorities. The new objects embed proportionality into planning processes and decision-making, ensuring that assessment efforts respond to the scale and impact of development proposals.

Early engagement builds community confidence in the planning system, provides greater transparency about how decisions are made and ensures that potential concerns and priorities are explored proactively rather than reactively.

For example, public exhibition of the draft Sydney Plan was recently open for 58 days (Christmas period excluded) due to the significance of this strategic document.

The draft Community Participation Plan aligns with this intent by encouraging and strengthening meaningful upfront community consultation at the strategic planning stage, ensuring the focus is on engaging earlier in the process with individuals and communities so that issues and priorities are identified and addressed prior to development assessment.

The Department is proposing to commit to a longer exhibition timeframe beyond the legislated minimum 45-day public exhibition timeframe in the plan to provide more time for the community and stakeholders to respond to strategic planning documents and proposals.

Strategic land use plans set out a clear framework for areas of growth, infrastructure needs, environmental challenges and economic opportunities. It is the single most important stage in the planning process as individuals and communities can have a say on where they think development should occur and where infrastructure is needed most.

Extension to minimum public exhibition timeframes for regional strategic plans

In the draft plan, it is proposed to introduce:

- a minimum non-legislated 60-day public exhibition timeframe for draft regional or district strategic plans
- a minimum non-legislated 60-day public exhibition timeframe for local strategic planning statements

These changes will provide a greater opportunity to undertake targeted engagement with communities and allow additional time for stakeholders and the community to consider and provide meaningful submissions when it is most valuable. To facilitate the proposed changes, amendments to legislation will be considered.

Proposed changes to notification and exhibition of land-use planning

Public exhibition of planning proposals

Public exhibition period of a planning proposal

The Environmental Planning and Assessment Act 1979 specifies that unless a public exhibition period for a planning proposal is specified in the gateway determination, a minimum public exhibition period of 28-days should apply.

The appropriate public exhibition period is guided by the *LEP Making Guideline – August 2023*, which includes recommendations based on the categorisation or perceived impact of the proposal. The current legislation allows for gateway determination to specify a shorter period, or no-exhibition if so specified. The planning proposal may be varied by a Planning Proposal Authority at any time and re-exhibition of the proposal may be required if the minister (or delegate) determines further consultation is required.

Local environmental plans are tools to implement the strategic planning priorities of the state and local government area, through changes to local zoning and development controls.

Planning proposals are the first step in the process of amending a local environmental plan which describe how statutory changes will link with strategic plans.

Planning proposals can be site-specific, apply to a precinct or make changes across a local government area.

Pre-rezoning: precinct plans, master plans, and structure plans

When councils or the Department propose changes to a precinct through rezoning, they prepare a master plan (or equivalent) which precedes the local environmental plan making process.

Precinct and master plans take a place-based approach to guiding growth, and detailing actions and objectives for specific areas based on broader strategic plans. They outline the future vision for development, infrastructure, land use and public spaces at a high-level.

Before adopting a master plan, councils or the Department undertake community engagement to seek feedback on the proposed framework. While public exhibition periods for master plans are not legislated, the draft statewide plan proposes:

- a standard 42-day public exhibition period for masterplans as best-practice (unless adjusted due to urgency, scale or the nature of the project).

Removing the requirement to re-exhibit master plans at the planning proposal stage

The draft plan proposes to:

- shorten or remove public exhibition requirements at the planning proposal stage, where consultation has already occurred as part of a recent masterplan or related strategic planning update. This would involve a change to the LEP making guidelines to outline that the

recommended period of public exhibition for a planning proposal where consultation has occurred and is consistent with an exhibited masterplan stage is zero to 14 days.

This approach avoids duplication, promotes early engagement at the strategic planning stage and shortens planning proposal timeframes so homes and infrastructure can be delivered faster.

Further updates to the *LEP Making Guideline – August 2023* will outline the process moving forward.

Proposed changes to notification and public exhibition of development applications and complying development certificates

Notification of a complying development certificate

Complying development does not require public exhibition like a development application, so public input is not considered by the certifier or council in determining a complying development certificate.

The certifier's role is to assess proposed development occurring on land where complying development is permitted and to determine whether it meets the relevant development standards of the *State Environmental Planning Policy (Exempt and Complying Development Code) 2008*.

There are currently inconsistencies in how CDCs are notified across NSW:

- in 34 metropolitan local government areas – certifiers cannot determine a complying development certificate for 14 days after notice is given for certain forms of complying development. 7-days' notice is also given to neighbours before works commence for certain new additions and demolition of existing buildings
- other local government areas – There is no requirement to notify neighbours before determining complying development certificates and two days' notice is also given to neighbours before works commence for certain new additions and demolition of existing buildings

This results in different complying development certificate determination timeframes and notice requirements across NSW, from 20 days for the 34 select metropolitan local government areas, 10 days for the other local government areas, and, 10 days for Pattern Book related development.

Standard 7-day pre-commencement notice for complying development certificates

To provide consistency across NSW, the following changes to the *Environmental Planning and Assessment Regulation 2021* are proposed:

- removal of the 7 and 14 day written notice requirements before a complying development certificate is determined.
- retention of the notice to council advising the CDC determination.
- a 7-day pre-commencement of work notification for new buildings, additions and demolition in all local government areas.

These changes are proposed given submissions and objections cannot be made and the certifier or council's role is to determine whether the development is compliant with the existing relevant environmental planning instrument. Increasing and providing consistency for the pre-commencement of work notification across NSW will give greater notice to adjoining neighbours of proposed works before they commence.

Public exhibition of local development applications

Under the *Environmental Planning and Assessment Act 1979*, councils have discretion on how local development applications are notified. This has resulted in inconsistent public exhibition timeframes that currently range from zero to 28 days.

Currently, councils can specify shorter or longer public exhibition periods than the standard 14 days in their Community Participation Plans. Higher impact proposals – such as environmentally sensitive, designated, or nominated integrated development – require extended public exhibition periods of 28 days.

Councils also have discretion to choose certain types of low impact development. This typically includes internal residential alterations, new one or two storey dwellings, subdivisions, and ancillary structures such as pools, sheds, and garages.

Development exempt from public exhibition means that adjoining neighbours will not be notified by their council that a development application has been received for a site, allowing councils to complete their assessment of the application.

Development exempt from public exhibition and notification

The draft Community Participation Plan, proposes:

- certain development types will be exempt from public exhibition and notification, listed in Table 2, where the development:
 - is permissible in the relevant zone and,
 - meets the relevant planning controls in a local environmental plan, development control plan and/or state environmental planning policy and,
 - does not include a 4.6 variation

Development types exempt from public exhibition and notification will allow development to be assessed quickly, reducing the administrative burden on councils and supporting their alignment with the Minister's Statement of Expectations and the NSW Government's Faster Assessments program.

The proposed development types exempt from public exhibition and notification are identified in Table 2. These development types were informed by public exhibition exemptions from current council Community Participation Plans and development types that can be undertaken as complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* without public exhibition.

Table 2 Mandatory exhibition requirements - Development types exempt from public exhibition and notification

Residential and related uses	
Alterations - Internal alterations	Moveable dwellings
Alterations and additions to existing dwellings	New single and two storey dwellings, dual occupancies and attached dwellings
Ancillary development (such as pools, sheds, farm buildings)	Temporary structures

Boundary adjustment	Rural workers dwellings
Demolition (excluding heritage items)	Secondary dwellings
Exhibition homes and villages	Strata and Stratum subdivision
Group homes	Tree removal where they are not heritage items
Heritage item – minor works that does not impact item and is located behind the front façade	Home business and/or home occupation
Residential flat buildings*	Shop top housing*
<i>*a pre-commencement of works notification to adjoining neighbours is required 7 days before works commence</i>	
Primary production and rural development	
Agritourism	Extensive agriculture
Commercial farm	Farm buildings
Commercial development	
Alterations and additions	Kiosks
Change of use	Roadside stalls
Take away food and drink premises	Signage
Industrial development	
Change of use	Industrial retail outlets
Community, health, education, recreational and other infrastructure	
Alterations – internal and external	Environmental protections works
Environmental facility	
Tourist and Visitor accommodation	
Bed and Breakfast accommodation	Farm stay accommodation
Other	
Modifications involving minimal environmental impact	Applications made under section 4.55(1) of the EP&A Act. Applications made under section 4.55(1A) of the EP&A Act. Applications made under section 4.56 of the EP&A Act with minimal environmental impact.

Application for the review of a determination or decision of a consent authority (Division 8.2 Reviews)	Reviews where the application has not been amended pursuant to section 8.3(3) of the EP&A Act.
---	--

Public exhibition of division 8.2 reviews

To support the NSW Government's Planning Systems Reforms, and increase the uptake of internal reviews, the draft Community Participation Plan proposes changes to the public exhibition period of certain types of reviews. Currently, review applications are to be exhibited for 14 days unless the Community Participation Plan specifies otherwise.

To resolve unnecessary exhibition, in the draft Community Participation Plan the Department is proposing:

- that an application for review that has not been amended pursuant to section 8.3(3) will be exempt from public exhibition. The consent authority will consider submissions made on the original application in determining the review. Notification to previous submitters may still be made.
- where an application has been amended under section 8.3(3), the public exhibition period is to be the same as the original application.

Residential flat buildings and shop top housing

Residential flat buildings and shop top housing are development types which are proposed to be exempt from standard public exhibition and notification across NSW where:

- residential flat buildings or shop top housing are permissible in the relevant zone, and,
- the development meets the controls under a local environmental plan, development controls plan and/or a state environmental planning policy, and,
- does not include a 4.6 variation.

To ensure communities are still being informed, a new pre-commencement notification that requires written notice to adjoining neighbours 7 days prior to works commencing is proposed.

Targeted assessment

The targeted assessment pathway introduced as part of the planning system reforms allows certain steps in the development assessment process such as public exhibition to be turned off where those matters have already been addressed through earlier planning processes. This would be implemented through the introduction of a state environmental planning policy.

Public exhibition requirements for the targeted assessment pathway are detailed in the *Environmental Planning and Assessment Act 1979* and included in the draft Community Participation Plan.

Higher impact development

The current minimum 28-day public exhibition timeframe for high impact development such as development that requires an environmental impact statement, designated development, and nominated integrated development will remain unchanged to reflect their impact and proportionality in the planning system.

Using engagement strategies to specify how the community can engage on local planning matters

A council's Community Engagement Strategy (CES), required under the *Local Government Act 1993*, sets how council intends to engage the community for plans, policies, programs and key activities including Council's community strategic plan, plans of management, and council's planning and delivery of services and infrastructure.

When incorporating planning activities into their CES, the principles for engagement under the *Environmental Planning and Assessment Act 1979* and the statewide Community Participation Plan should be considered. Guidance is available to assist in preparing their engagement strategies through the Office of Local Government's Integrated Planning and Reporting Guidelines and Handbook

Savings and Transitional arrangements

A large number of councils and planning authorities currently have combined community participation plans and Community Engagement Strategies. Transitional arrangements will be in place to confirm that Community Engagement Strategies that are combined with community participation plans remain valid, while any timeframes referenced in community participation plans regarding planning processes have no effect on adoption of the proposed statewide plan.

Determining authorities under Part 5 of the *Environmental Planning and Assessment Act 1979* and the Independent Planning Commission

Determining authorities

Several determining authorities can carry out development without consent as part of their everyday responsibilities, such as water supply infrastructure being constructed by a water utility provider.

Self- assessment of these activities is undertaken under Part 5 of the EP&A Act, which ensures determining authorities consider environmental issues before they undertake or approve an activity that does not require development consent from a council or the Minister.

These authorities were previously required to prepare their own community participation plan if an environmental impact statement was required.

The consultation requirements for these authorities will now be incorporated in the statewide plan. Agency specific engagement strategies will continue to sit alongside the statewide plan and continue to outline specific mechanisms and tools an agency will use to engage with communities and stakeholders.

Independent Planning Commission

The Independent Planning Commission is the declared consent authority for certain State significant development applications.

Unlike a typical consent authority, some of the ordinary consent authority functions of the Commission are carried out by the Planning Secretary (through the Department of Planning, Housing and Infrastructure) on behalf of the Commission. Among these functions are, at section 4.6(d) of EP&A Act, carrying out the community participation requirements of Division 2.6 (of the EP&A Act).

As part of its commitment to public engagement, the Commission will typically conduct further processes in addition to the formal statutory community participation requirements that are already carried out on its behalf by the Department. Some of these processes are mandatory – the Commission must conduct a public hearing when directed to do so by the minister – while others are discretionary but standard practice. For example, the Commission will always accept written submissions on matters on which it is deliberating, and may, in certain circumstances, also conduct stakeholder meetings, public or local meetings.

The Commission's Engagement Strategy, as updated from time to time, sets out in more detail the public engagement undertaken by the Commission.

Planning system reforms

Planning system reforms

The *Environmental Planning and Assessment Amendments (Planning System Reforms) Act 2025* was passed by both Houses of Parliament on 11 November 2025 and received assent on 24 November 2025. The first stage of the reforms commenced on 15 December 2025, introducing the new objects, establishing the Housing Delivery Authority (HDA) and Development Coordination Authority (DCA) in law, changes to the matters for consideration in determining a development application, and commencing initial changes to planning panels.

A second proclamation was made on 25 February 2026 to commence additional provisions including changes to appeals and reviews, a broadening of the scope of minor modifications, and the introduction of targeted assessment and proportionality into Part 5 assessments. These provisions commenced on 21 March 2026.

The remaining provisions will commence as part of a subsequent proclamation at a later date to allow for further consultation, system updates, and alignment with future regulatory changes, including the commencement of the new statewide Community Participation Plan.

Further changes

There are further changes that will need to occur associated with the introduction of the new statewide plan. These include:

- savings and transitional arrangements to confirm existing engagement strategies continue to apply following the making of the draft statewide plan, but the statewide plan prevails to the extent of any inconsistency in terms of any exhibition periods for development applications and modifications
 - savings and transitional arrangements so that existing development applications, strategic plans and planning proposals are not subject to any additional notification requirements.
 - an amendment to the *Environmental Planning and Assessment Regulation 2021* to deliver the complying development certificate notification changes and review other changes.
-

Monitoring the Community Participation Plan

The Department will monitor and evaluate its engagement activities by reference to the measurable actions outlined in the draft statewide plan.

A review of timeframes may be undertaken within 12 months of the publication of the final statewide plan.

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Department of Planning, Housing and Industry (DPHI)
Community Participation Plan Team
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PARRAMATTA NSW 2124

Email: CPP@dphi.nsw.gov.au

Dear Community Participation Plan Team,

Re: Draft Statewide Community Participation Plan – Non-Endorsed Council Submission

Thank you for the opportunity for Liverpool City Council ("Council") to provide comment on the draft Statewide Community Participation Plan (CPP) and supporting Discussion Paper. It is noted that the Statewide CPP intends to standardise consultation timeframes, to ensure that community engagement is consistent across NSW and corresponds to the scale and impact of the proposed development.

Council recognises the need for a standardised consultation process which makes the system faster, fairer and more outcomes-focused and supports initiatives that can help to streamline the consultation process without compromising planning outcomes or community confidence in the system.

Following a comprehensive review of the two (2) documents, Council staff have particular concerns in relation to the lack of flexibility with the exhibition timeframes, appropriateness of exempting certain land uses from exhibition and the potential for assessment duplication and delays in the process. Our consolidated feedback on the two (2) documents is provided in **Attachment 1** for your collective consideration.

It should however be noted that this submission is yet to receive Council endorsement – a Council endorsed submission will be forwarded to the Department of Planning, Housing and Infrastructure (DPHI) following referral for Council consideration at the Ordinary Meeting of Council on 17 June 2026.

Council would welcome the opportunity to walk the DPHI through our collective submission on the two documents and looks forward to working collaboratively with the DPHI to ensure that the decision-making process underpinning both the Statewide CPP and supporting Discussion Paper is robust and strategically informed.

In the interim, should you require any further information on this matter, please do not hesitate to contact Sunehla Bala, Council's Coordinator Strategic Planning, via phone on 8711 7542 or via email at balas@liverpool.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mark Hannan', written in a cursive style.

Mark Hannan

A/Director Planning and Design

Attachments

Attachment 1 – Draft Statewide CPP – Non-Endorsed Council Submission

Attachment 1 – Draft Statewide CPP Submission (Non-Endorsed)

This submission outlines Liverpool City Council's key considerations on the Draft Statewide Community Participation Plan and supporting Discussion Paper.

1. Lack of Flexibility with Mandated Exhibition Timeframe

The Discussion Paper notes that once the Statewide CPP is implemented, the mandated exhibition timeframes included in the CPP will replace any timeframes specified within Council-developed Community Participation Plans.

This approach is not supported as it will remove the ability for Local Government to apply discretion in circumstances involving complex and / or contentious applications. Ultimately, this blanket provision would reduce flexibility in the planning system and limit the capacity for Council staff to tailor consultation according to the location, scale and nature of individual development proposals.

Recommendation

It is recommended that the Statewide CPP include a provision allowing local Councils to extend exhibition periods when warranted by the complexity or significance of a development proposal.

2. Duplication & Delay of Assessment Process

The Statewide CPP seeks to make certain development types exempt from public notification, where:

- a. The land use is permissible within the relevant zone;
- b. The development proposal meets the applicable planning controls (LEP, DCP, SEPP, etc);
and
- c. No variation is sought under Section 4.6.

Determining whether an application complies with the planning controls requires a thorough assessment to be undertaken. Concerns are therefore raised that the need to check for compliance upfront will form an additional step that could potentially delay the assessment process, particularly given that initial assessments are usually started whilst the exhibition period is underway.

Undertaking a detailed assessment prior to notification also creates duplication in the process, and fosters uncertainty regarding notification requirements, particularly in the case of non-numerical controls (e.g. design-based controls). It is concluded that the pre-notification assessment requirements are likely to reduce efficiency gains achieved through process improvements.

Recommendation

It is recommended that the criteria for development types exempt from public notification be reconsidered in order to provide further clarity to both the Proponent and the Consent Authority.

As a minimum, further consideration should be given to Point (b) above which exempts developments from exhibition on the basis they solely comply with existing planning controls.

3. Exhibition Requirement for Developments with Potential Local Impacts

Council is concerned with the proposal to exempt development proposals from public exhibition on the basis that they comply with existing planning controls, as this creates a risk of overlooking context-specific impacts, such as local amenity, traffic and parking, overshadowing, and neighbourhood character.

Removing exhibition requirements for these land uses also results in a missed opportunity for the inclusion of local knowledge and community experience to be considered as part of the assessment process, particularly for complex and / or controversial development proposals.

Specific concerns are expanded in *Table 1* below.

Table 1 – Land Uses Proposed to be Exempted from Public Notification

<i>Land Use</i>	<i>Comment</i>
Residential Flat Buildings & Shop-top Housing	<p>These development types are significant forms of residential development, which can generate environmental, social, and economic impacts beyond what is typically anticipated under standard planning controls.</p> <p>Given the scale and potential cumulative effects of these developments within a locality, it is important that the local community is formally notified and provided with meaningful opportunities to contribute local knowledge and participate in the planning approval process.</p> <p>Furthermore, these developments are commonly determined by the Local Planning Panel on the basis of receiving over ten submissions during the public exhibition. Removal of exhibition requirements therefore also means the opportunity for detailed scrutiny by the Independent Panel will be lost.</p>
Dual Occupancies and Attached Dwellings	<p>Dual occupancies and attached dwellings are frequently identified as a common source of community concern within the Liverpool LGA and can have impacts that warrant the need for public exhibition. Exempting these forms of development from notification would reduce community participation and is unlikely to improve overall assessment timeframes.</p>
Take Away Food and Drink Premises & Change of Use (Commercial / Industrial)	<p>Whilst these developments may comply with the planning controls, on a case-by-case basis they can still have adverse impacts in relation to the hours of operation, noise, traffic and parking on nearby residential development.</p>

Recommendation

It is recommended that residential flat buildings, shop-top housing, dual occupancies, attached dwellings, take away food and drink premises and change of use proposals be required to be publicly exhibited under the Statewide CPP due to their potentially significant impacts on the local community.

Alternatively, a more flexible approach could be adopted whereby the need for exhibition is determined on a case-by-case basis by the relevant Consent Authority. This would allow developments with potentially greater or unanticipated impacts to undergo public scrutiny, while avoiding unnecessary delays for lower-impact proposals.

4. Provisions for Re-notification of Development Applications

The draft Statewide CPP lacks clear guidance on when a Consent Authority is required to re-notify an Development Application that has already gone through an initial notification process (e.g. in the instance where a Proponent has made a material change to the Application that would typically require re-notification).

Subsequent notification may also be required if a Development Application was initially considered compliant but is later found not to meet controls or requires a Clause 4.6 variation. This would delay the Application and result in additional administrative complexity which would be counterproductive to meeting Development Assessment timeframes.

Clear guidance is therefore required, including when the re-notification of a Development Application is needed, timeframes for the re-notification, and when the Consent Authority can apply discretion to not re-notify a Development Application.

Recommendation

It is recommended that provisions be included in the Statewide CPP regarding the re-notification of a Development Application to specifically address:

- The circumstances where re-notification needs to be undertaken;
- The timeframe for the re-notification process; and
- Circumstances where a Consent Authority can apply its discretion not to re-notify the proposed development.

5. Consultation Timeframe for Specific Application Types

The Statewide CPP proposes to reduce exhibition timeframes for specific Application types, including a revised 14-day minimum exhibition period for State Significant Development (SSD). This would have negative implications for Council resourcing and the ability to undertake a comprehensive assessment.

A 14-day timeframe is insufficient to undertake a thorough assessment (including reviews by Council's Subject Matter Experts) and an informed submission to be made.

Furthermore, the Draft Statewide CPP does not include exhibition requirements for Housing Delivery Authority Applications (HDAs). As HDAs often involve concurrent rezoning, it is noted that a 14-day timeframe is insufficient to realistically evaluate strategic planning implications and conduct meaningful public engagement.

Recommendation

A minimum exhibition period of 28 days is recommended for SSD and HDA Applications.

6. Extended Notification Period for Complying Development

A 7-day pre-commencement of work notification for Complying Development is proposed under the Statewide CPP, in lieu of the 7 or 14-day written notice requirements that is commonly applied. This is to provide consistency surrounding pre-commencement notifications, and to provide adjoining neighbours greater notice of proposed works before they commence.

At the Ordinary Council Meeting of 29 October 2025, Council resolved to support mandatory neighbour notification for all CDCs within a 50-metre radius in urban areas and 100 metres in rural areas. Notification at the lodgement stage of the development is preferred over the pre-commencement stage, as it would provide adjoining neighbours adequate time to receive information and understand potential impacts. This would also assist Private Certifiers in considering any potential contentious issues before issuing the Certificates.

Recommendation

The written notice requirements at lodgement stage be retained and formalised with a minimum 14-day notice period so that adjoining neighbours have adequate time to receive information and understand potential impacts.

7. Formalising Community Engagement Strategies

The Statewide CPP introduces changes to exhibition timeframes and revises what Development Application types will be subject to exhibition or notification. Liverpool City Council currently operates under an established Community Engagement Strategy, which outlines how to undertake consultation with the community, including the methods, processes, and media used for notification and engagement.

While it is acknowledged that the proposed CPP does not intend to restrict Councils from applying their tailored engagement strategies, there is a need for the CPP to recognise and formalise this flexibility in practice.

Recommendation

It is recommended that the Community Engagement Strategies of local Councils are recognised and formalised within the community consultation framework to assist Councils in implementing their respective engagement strategies.



LIVERPOOL DESIGN EXCELLENCE PANEL CHARTER AND PROCEDURE

Revised: 29 May 2026

For Council

TRIM TBC



PART 1 - CHARTER

EXECUTIVE SUMMARY

Liverpool City Council (**Council**) has established the Liverpool Design Excellence Panel (**DEP**) whose primary function is to provide independent, expert and context-specific advice on the design quality of development proposals. The DEP supports Council, the community and applicants in achieving design excellence within the built environment and helps to streamline and improve assessment processes. This enables Council to ensure that significant development proposals improve the overall design quality within the Liverpool Local Government Area (**LGA**).

Given Liverpool's strategic importance to South-Western Sydney and the significant growth occurring in the Liverpool City Centre, the Growth Centre Precincts, the Bradfield Aerotropolis and Western Sydney International Airport, Council is seeking to improve the quality of development through the DEP process by facilitating best practice urban design for proposals that have the potential to significantly impact the urban fabric within the Liverpool LGA.

The substantial growth and development within the Liverpool LGA highlights the need to ensure that new development reflects Liverpool's strategic role and aligns with Council and the community's shared vision for a vibrant, global city of lifestyle and opportunity.

This Charter defines the types of development proposals to be referred to the DEP (i.e., Scope of the DEP), ensuring that projects with potential to significantly impact the urban fabric demonstrate a high-quality of design and contribute positively to the built environment.

In reference to the NSW Government Architect's *Local Government Design Review Panel Manual*, Liverpool's Design Excellence Panel (DEP) functions as a Design Review Panel (DRP) and may also be referred to as a Design Advisory Panel (DAP).

1. PURPOSE OF THE DEP

1.1 What will DEP members do?

Panel members will provide independent, expert and context-specific design advice on development proposals and relevant planning and/or design documents relating to significant development within the Liverpool LGA.

Wherever possible, DEP advice must be provided at both the pre-lodgement (e.g., Pre-DA) and post-lodgement stages, with a strong emphasis on achieving a high standard of design during the pre-lodgement stage - to resolve key design issues prior to formally lodging an application with Council - supporting a more efficient post-lodgement assessment, approval and DEP process.

1.2 What is the DEP's purpose?

The purpose of the DEP is to:

- (a) examine, evaluate and critique the design aspects of significant development proposals during the pre-lodgement and post-lodgement stages of the relevant application – prior to determination;
- (b) review the design quality of development proposals, providing recommendations to support best-practice urban design and identifying opportunities for design improvements to achieve design excellence; and

- (c) provide constructive feedback to applicants and their professional consultants on actions to improve the overall design quality of the proposal, and wherever possible - ensuring consistency with the relevant planning instruments.

1.3 What is this Charter?

The DEP Charter and Procedure (**Charter**) establishes the membership, function, procedures, and terms and conditions of office for the Liverpool DEP.

2. **AIMS AND SCOPE OF THE DEP**

2.1 Aims of the DEP

The aims of the DEP are:

- (a) to promote best practice urban design and foster a high-quality built environment through development proposals that reflect Liverpool's strategic significance within the growth of South-West Sydney;
- (b) to engage with the development industry by providing succinct, clear and practical design advice that demonstrates the value of the DEP's expertise and encourages design improvements and/or a considered response to recommendations;
- (c) to provide pragmatic design advice that encourages development, while promoting outcomes that achieve design excellence within Liverpool's built environment;
- (d) to encourage proponents to engage with the DEP as early as practical during the pre-lodgement stage, to identify and resolve design quality issues, refine the proposal, and work towards design excellence, in order to minimise project risks and ensure optimal design outcomes for all stakeholders - prior to the lodgement of a formal application with Council; and
- (e) to encourage proponents to utilise the expertise of the DEP and work collaboratively to secure DEP support prior to lodging a formal development application with Council, to streamline post-lodgement assessment processes, improve approval timeframes, and facilitate more efficient DEP involvement at the post-lodgement stage.

2.2 Scope of the DEP

The scope of the DEP is to provide expert and independent advice on the following developments:

- (a) All residential flat buildings (including build-to-rent);
- (b) Multi-dwelling developments of thirty (30) units or more;
- (c) New developments or major extensions to existing buildings within the Liverpool city centre which result in a built form of three (3) storeys or more;
- (d) New developments or major extensions to existing buildings within business and employment zones (outside of the Liverpool city centre) which result in a built form of three (3) storeys or more;
- (e) Any development which has an interface with a significant public space;

- (f) Any development proposal or relevant strategic document deemed by the Manager Development Assessment, Manager Infrastructure Planning and/or Manager City Planning to have a potentially significant impact on the amenity of the locality or region,
- (g) Any new development 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; and
- (h) Any development proposals that are required to undergo a Design Review process or achieve design excellence as stipulated by an environmental planning instrument such as a State Environmental Planning Policy (SEPP) or the Liverpool Local Environmental Plan (LEP).

2.3 Exemptions to the Scope of the DEP

A development proposal listed under the Scope of the DEP (2.2 above), that is deemed by Council to have minimal impacts to the built environment, the amenity of the locality or broader region may be exempted from the DEP process, subject to approval by Council's Manager Development Assessment (refer to 2.4 below). However, Council may not have the discretion to exempt items triggered under SEPP or LEP requirements.

2.4 Process for DEP Exemption or Referral

Where a proposal is considered suitable to be referred to, or exempted from the DEP process - based on the criteria outlined in 2.2 or 2.3 above - the Assessing Planner must prepare a written recommendation (including all relevant information and justification) for consideration by the Manager Development Assessment. Approval of the written recommendation is to be confirmed in writing by the Manager Development Assessment.

Alternatively, the Coordinator City Design and Public Domain, Manager Infrastructure Planning and/or Manager City Planning may initiate this process by recommending to the Assessing Planner that a proposal be either referred to, or exempted from the DEP process, prompting the Assessing Planner to prepare the necessary documentation (i.e., written recommendation) and seek approval from the Manager Development Assessment.

2.5 Relevant Documents and Planning Instruments

For each referred item, the DEP will make recommendations and provide advice to Council, taking into account all documentation provided to the Panel members prior to the DEP meeting. In doing so, the Panel must also have regard to Council's adopted documents and relevant planning instruments, including but not limited to:

- (a) State Environmental Planning Policy (Housing) 2021;
- (b) NSW Apartment Design Guide;
- (c) State Environmental Planning Policy (Precincts – Western Parkland City) 2021;
- (d) Western Sydney Aerotropolis Precinct Plan;
- (e) Liverpool Local Environmental Plan 2008;
- (f) GANSW Design Policies (Various);

- (g) Liverpool City Council Community Strategic Plan (current version);
- (h) Relevant Council Policies, Strategies, and other documents;
- (i) Relevant Council Development Control Plans;
- (j) Approved Master Plans;
- (k) Liverpool City Centre Public Domain Master Plan;
- (l) Liverpool City Centre Public Domain Technical Manual;
- (m) Liverpool City Council Tree Policy;
- (n) Liverpool City Council Tree Management Strategy;
- (o) Liverpool City Council Tree Management Technical Guidelines; and
- (p) NSW Child Care Planning Guidelines.
- (q) Liverpool City Council Connecting with Country Design Charter
- (r) GANSW Draft Connecting with Country Framework
- (s) Recognise Country - Guidelines for development in the Aerotropolis

3. FUNCTIONS OF THE DEP

3.1 The function of the DEP is to:

- (a) provide independent, expert, context-specific and consistent design advice on development proposals and relevant planning or design documents, to achieve design excellence;
- (b) play an advisory role to the consent authority (as DEP is not a decision-making body) and help to streamline and improve assessment processes;
- (c) enhance development processes by promoting higher design quality and improved documentation standards at the development application stage, through the provision of detailed, solutions-focused guidance that supports the achievement of well-resolved, high-quality designs during the pre-lodgement phase; and
- (d) provide advice in accordance with relevant planning instruments, and, where the advice results in a non-compliance, provide clear rationale and guidance demonstrating how the advice would help the proposal achieve underlying objectives and deliver an improved overall outcome.

4. REPRESENTATIONS OF THE DEP

4.1 Membership

The members of the DEP representative pool shall comprise of high-level and respected professionals who are or have been involved in the design of significant built form, open space or public domain projects. These members shall have extensive expertise in their respective disciplines – such as architecture, urban design, landscape architecture,

heritage and sustainability. These experts must have a thorough understanding of the development types listed under the *Scope of the DEP* (2.2) and must be familiar with the unique needs and conditions found in Western Sydney. The eligible professionals must possess extensive qualifications in at least one or more of the following professions:

- (a) Urban Design;
- (b) Architecture; and
- (c) Landscape Architecture.

A minimum of three (3) Panel members will be selected from the DEP representative pool for each meeting.

Panel members and members of DEP representative pool cannot be an employee of Council, including Council officers and elected Councillors.

4.2 Additional Panel Members

Additional Panel members selected from outside of the DEP representative pool - preferably with experience in architecture, urban design or landscape architecture - can be engaged on an ad-hoc basis (as a fourth Panel member) when required by Council, from the following disciplines:

- (a) Heritage;
- (b) Environment;
- (c) Sustainability; and
- (d) Public art.

Unless an additional panel member with expertise in heritage conservation is present at the meeting, the Panel will refrain from comments or design guidance in relation to heritage conservation, adaptive reuse or public art projects except for the indication of whether an application should be informed by specialist advice.

Additional Panel members from other disciplines (outside of the above) may be nominated at the recommendation of Council's Manager Development Assessment, Manager Infrastructure Planning or Coordinator City Design and Public Domain.

Additional Panel members cannot be an employee of Council, including Council officers and elected Councillors.

4.3 Additional First Nations Panel Members

When considering a development incorporating a significant *Recognise Country* or *Connecting With Country* component, Council may consider engaging an additional Panel Member on an ad-hoc basis (as a fourth Panel member), as and when required, from outside the DEP representative pool who is:

- (a) A qualified architect, urban designer, landscape architect or spatial designer; and
- (b) Of First Nations descent; and

- (c) With experience in implementing *Connecting With Country* and *Recognise Country* frameworks; and
- (d) Has knowledge of the Australian Indigenous Design Charter

Additional First Nations Panel Members cannot be an employee of Council, including Council officers and elected Councillors.

4.4 Chairperson and Panel Members

The Chairperson will be appointed from the three (3) Panel members selected for each meeting. The appointed Chairperson will be notified in advance by Council's Panel Support Officer.

4.5 Convenor

A member of Council's Urban Design Team will convene each DEP meeting and prepare the Draft DEP Design Advice Letter (refer to 4.8 below), as determined by the Coordinator City Design and Public Domain.

4.6 Panel Support Officer

Council's Panel Support Officer will provide administrative support to the DEP process.

4.7 Assessing Planner(s)

A member of Council's Development Assessment Team currently undertaking and/or supervising the assessment of the development proposal will prepare the Panel Briefing Report and provide a briefing to the members of the Panel, prior to each DEP meeting.

4.8 Design Advice Letter

The Design Advice Letter, formerly known as the Meeting Minutes, is provided to the applicant within 12 (twelve) to 15 (fifteen) business days, following the conclusion of the DEP meeting. The Design Advice Letter details the Panel's formal recommendations, reflecting the collective and cohesive advice of its members. The Design Advice Letter is not a transcript or minutes of meeting of the DEP.

5. **DEP APPOINTMENT AND SELECTION FOR DEP MEETINGS**

5.1 Tender Process

Council will advertise DEP recruitment via a tender or expression of interest (EOI) process. Submissions will be assessed by Council against the criteria outlined above in 4.1, and as further detailed in the relevant tender or EOI documents, and with regard to any real or potential pecuniary or non-pecuniary conflict of interest (refer to Council's *Conflicts of Interest Policy*).

A shortlist of preferred professionals will be established by relevant Council staff, before a final list is determined by the Coordinator City Design and Public Domain and submitted to a Council meeting for approval. Once endorsed, the selected professionals will be formally appointed to the DEP representative pool by the CEO.

Council will select a minimum of three (3) DEP members for each DEP meeting from the DEP representative pool (consisting of one (1) Chairperson and two (2) other DEP members).

5.2 No Guarantee

Appointment of professionals into the DEP representative pool does not guarantee selection as a Panel member or Chairperson for any DEP meeting. Rather, appointment to the DEP representative pool only gives rise to the potential for selection to the Panel and appointment as Chairperson for a meeting, which both remain at Council's sole discretion.

5.3 Past Performance

In considering the selection or re-selection of a member of the DEP representative pool to the Panel, or their appointment as Chairperson for a DEP meeting, strong consideration will be given to their past adherence to the terms of this Charter and their performance during previous DEP meetings within the relevant roles.

5.4 Council's Rights Reserved

Council reserves all rights to appoint members of the DEP representative pool as the Panel and/or Chairperson for each meeting, based on their knowledge, skills, expertise, qualifications, prior involvement with returning items, demonstrated adherence to the terms and conditions of this Charter and performance during past DEP meetings.

5.5 Quorum

A minimum three (3) DEP members must be present at a DEP meeting to form a quorum.

For diversity of perspective and advice, the preference is to always maintain a minimum of three panel members. However, if a quorum is not established for a DEP meeting, Council's Manager Development Assessment, Manager Infrastructure Planning or Coordinator City Design and Public Domain may select an alternative suitably qualified and experienced member from the DEP representative pool to establish a quorum.

If no alternative suitably qualified and experienced DEP representative is available within the last three days prior to the scheduled DEP meeting, Council's Manager Development Assessment, Manager Infrastructure Planning or Coordinator City Design and Public Domain may grant an exemption, permitting the meeting to proceed with (at a minimum) two (2) Panel members. This should only occur with consideration of the relevant professional expertise of the remaining two (2) Panel members (e.g. one architect and one landscape architect).

If an exemption is not granted prior to the commencement of the scheduled DEP meeting, the meeting will be rescheduled to the next available date and time and/or an extraordinary meeting will be scheduled for the affected items, at no additional cost to the applicant/s.

5.6 Vacancy

If a vacancy occurs in the DEP representative pool, the CEO may appoint a person to fill the vacant position. Council may at its absolute discretion, appoint suitable shortlisted applicants from a previous tender or expression of interest (EOI) process.

6. CONDUCT, CONFLICTS AND DISCLOSURES

6.1 Code of Conduct

All members of the DEP representative pool:

- (a) are required to understand, acknowledge and sign a copy of Council's *Code of Conduct* and *Code of Conduct Procedures*, upon appointment to the DEP representative pool;
- (b) must act lawfully and with honour, integrity and professionalism and comply with the Liverpool City Council Code of Conduct and Code of Conduct Procedures; and
- (c) are required to comply with all requirements imposed by the Local Government Act 1993 (NSW) on persons providing advice to Council.

6.2 Conflict of Interest

All members of the DEP representative pool:

- (a) are required to understand, acknowledge and sign a copy of Council's *Conflicts of Interest Policy*, upon appointment to the DEP representative pool.
- (b) must act lawfully and with honour, integrity and professionalism and comply with Council's *Conflicts of Interest Policy*;
- (c) when selected for the Panel, must review all relevant documentation as soon as practicable and identify any actual, perceived or previously undisclosed conflict/s of interest in relation to a DEP item;
- (d) where a pecuniary or a significant non-pecuniary interest in relation to a DEP item is identified, must comply with Council's *Conflict of Interest Policy*, including the submission of a *Conflict of Interest Declaration Form* and refrain from any involvement in the matter. This must occur as soon as practicable, and at a minimum, prior to the relevant meeting; and
- (e) where a minor or insignificant non-pecuniary interest has been identified and meeting attendance is permitted under Council's *Conflict of Interest Policy*, must disclose the interest at the commencement of the DEP meeting. The disclosure must be acknowledged by the Chairperson and recorded in the final Design Advice Letter.

7. TERMINATION OF DEP MEMBER APPOINTMENTS

7.1 Non-Adherence to Charter

If it is deemed that a member of the DEP representative pool has not adhered to the terms and conditions of this Charter or their performance is not to the reasonable satisfaction of Council, then Council reserves the right to provide a first and final written warning to the relevant DEP member.

If, on a subsequent occasion, the relevant DEP member does not adhere to the terms and conditions of this Charter or their performance is not to the reasonable satisfaction of Council, then Council reserves the right to terminate their membership to the DEP representative pool. The CEO has the authority to terminate the membership of a member of the DEP representative pool.

7.2 Replacement of a DEP Member

In the event that a DEP member's appointment to the DEP representative pool is terminated, Council reserves the right to replace the relevant DEP member in accordance with 5.1 or 5.6 above.

7.3 Additional Members of the DEP Representative Pool

If, during the term of DEP, Council deems it appropriate, Council may undergo recruitment via a tender or expression of interest (EOI) for additional suitably qualified, experienced and respected professionals to be appointed to the DEP representative pool, as per 5.1 above.

8. RESPONSIBILITIES OF THE DEP MEMBERS PRIOR TO MEETING

8.1 Prior to each DEP meeting, it is required that each selected DEP member will have:

- (a) received copies of the documentation for the relevant development proposal including the Panel Briefing Report and meeting agenda;
- (b) completed a thorough review of all documentation for the relevant development proposal including the applicant's response letter to the previous Design Advice Letter (if a returning item);
- (c) prepared initial (informal) recommendations, advice and/or discussion points to inform verbal feedback during the meeting, and the submission of updated written notes following the meeting's conclusion to assist the Convener in preparing the draft Design Advice Letter;
- (d) attended a site visit of the subject site, or if not practical, undertaken a desktop site inspection (i.e. via Google Earth, Google Maps, Near Maps or equivalent) to become familiar with the site including its context and conditions;
- (e) reviewed all relevant documentation as soon as practicable to identify any actual, perceived or previously undisclosed conflict/s of interest in relation to a DEP item; and
- (f) where a pecuniary or a significant non-pecuniary interest in relation to a DEP item is identified, complied with Council's *Conflict of Interest Policy*, including the submission of a *Conflict of Interest Declaration Form* and adherence to all meeting attendance requirements.

9. MEDIA, CONFIDENTIALITY AND PRIVACY

9.1 Confidentiality and Managing Privacy

Through their involvement in the DEP, members of the DEP representative pool may come in contact with confidential or personal information retained by Council. DEP members are required to maintain confidentiality and security in relation to any such information and not access, use or remove that information, unless authorised to do so.

The *Privacy and Personal Information Protection Act 1998* (NSW) and Council's *Privacy Policy* cover the collection, holding, use, correction, disclosure and transfer of personal information.

All members of the DEP representative pool:

- (a) are required to understand, acknowledge and sign a copy of Council's *Privacy Policy*, upon appointment to the DEP representative pool; and
- (b) must act with integrity, professionalism and comply with Council's *Privacy Policy*;

9.2 Media Protocol

All members of the DEP representative pool:

- (a) are required to understand, acknowledge and sign a copy of Council's *Media Policy*, upon appointment to the DEP representative pool; and
- (b) must act with integrity, professionalism and comply with Council's *Privacy Policy*.

10. DISCIPLINARY ACTION

- 10.1 Should a member of the DEP representative pool be found to be in breach of Council's *Code of Conduct*, *Conflicts of Interest Policy*, *Privacy Policy* or *Media Policy*, the matter will be dealt with in accordance with the relevant process outlined in each document.

11. REVIEW OF CHARTER

- 11.1 This Charter shall be reviewed as required under the legislation, or necessitated by operational requirements or the need for minor amendments - to be coordinated by Council's City Design and Public Domain Team and authorised by Council's CEO.

PART 2 – MEETING PROCEDURES

1. PROVISION OF DOCUMENTATION TO DEP

- 1.1 The following documentation is to be provided to the selected DEP members electronically for a thorough review, at least five (5) business days before the meeting:
- (a) The meeting agenda;
 - (b) The Assessing Planner's Panel Briefing Report;
 - (c) Architectural and Landscape Architectural (i.e., including Public Domain) drawings;
 - (d) Any other supporting documents to inform the panel members on various aspects of the proposed development;
 - (e) The applicants intended presentation package (if applicable);
 - (f) If a returning item from the pre-lodgement stage, a response letter to the previous DEP Design Advice Letter, and the relevant previous proposal drawings;
 - (g) A copy of Council's *Conflict of Interest Declaration Form*; and
 - (h) All other relevant information.

2. MEETING PROCEDURES

- 2.1 The DEP will meet at such place and time as notified to the DEP members by the Panel Support Officer, prior to the meeting. It is expected that the DEP will meet twelve (12) times a year on dates and at places to be scheduled in advance annually. Meetings will be held virtually via Microsoft Teams or if required, in-person at a suitable venue determined by the Coordinator City Design and Public Domain.
- 2.2 Council will select a minimum three (3) members of the DEP representative pool for each DEP meeting - to form the Panel.
- 2.3 To ensure continuity and consistency in design advice, the same Panel members should, where possible, be selected to participate in all stages of both pre-lodgement and post-lodgement reviews of the same proposal / site.
- 2.4 Council will appoint the Chairperson for each DEP meeting, who will be one of the minimum three (3) selected DEP members chosen from DEP representative pool.
- 2.5 Prior to each DEP meeting, a closed fifteen (15) minute briefing will be held via Microsoft Teams, during which the Assessing Planner will present an overview of the Panel Briefing Report to the Panel members. The Convenor and Panel Support Officer will also be in attendance.
- 2.6 The DEP meeting will be conducted by the Chairperson in accordance with the meeting agenda.
- 2.7 Council staff are permitted to attend the DEP meetings, as observers.

- 2.8 The DEP meeting will run for a maximum duration of one (1) hour via Microsoft Teams and will include (at a minimum) the Convenor, the Assessing Planner, the Panel Support Officer, the minimum three (3) chosen Panel members and the nominated representatives from the applicant side.
- 2.9 The DEP meeting will begin with five (5) – ten (10) minutes allocated for welcome to country, meeting commencement and introductions, followed by a maximum of twenty (20) minutes for the applicant's side to present. The remaining thirty (30) minutes will be allocated for the Panel to facilitate discussion, seek clarifications, and provide informal recommendations in the presence of the applicant, nominated Architect, and/or Landscape Architect.
- 2.10 Guest speakers may be invited to the DEP meeting as required and as determined by the DEP or Coordinator City Design and Public Domain. Guest speakers may include relevant Council staff who are there to provide guidance, support and to respond to enquiries.
- 2.11 Following the conclusion of the DEP meeting, a closed fifteen (15) minute meeting will occur via Microsoft Teams in which the three (3) Panel members will dictate key points and feedback and discuss the meeting outcome with the Convenor - to help inform the preparation of the draft Design Advice Letter. If required, the Assessing Planner and Panel Support Officer will also be in attendance.
- 2.12 For items that have previously been considered at a DEP meeting, where practical, the same selected Panel members must be present to provide a continuity of advice. In this scenario, the DEP's role is to address the applicant's response to the recommendations made in the previous DEP Design Advice Letter. For post-lodgement proposals, an effort should be made by the Panel to avoid providing new recommendations unless the proposal is considered substantially different;
- 2.13 The Convenor will record the DEP meeting for the purpose of note-taking and assisting in the preparation of the draft Design Advice Letter. If required, the Convenor may also record the closed fifteen (15) minute post-meeting debrief for the same purpose. The recording will remain in Council's records and will not be distributed for any purposes. The DEP Design Advice Letter will include the following:
- (a) Title, including the date of the meeting;
 - (b) Attendance, including Panel members, applicant representatives and any observers;
 - (c) Item Details, including property address, application reference number, assessing planner name, applicant name, proposal description and meeting venue;
 - (d) A record of introductions, including meeting opening and Welcome to Country;
 - (e) Declarations of Interest;
 - (f) Acknowledgment of the applicant's presentation;
 - (g) All recommendations made by the DEP; and
 - (h) A meeting outcome, selected by the Chairperson, from the options listed within the DEP Design Advice Letter template.

- 2.14 Panel members will provide a copy of their updated notes to the Convenor at the conclusion of the day's meetings (as outlined in 8.1 (c) of the Charter).
- 2.15 Council may request the cancellation of a meeting or call an extraordinary meeting to take place as required, with at least five (5) business days written notice to all selected DEP members.
- 2.16 Council may permit an extraordinary DEP meeting to be held upon request and in specific circumstances. The appropriateness of convening an extraordinary meeting—considering the significance of the development, time sensitivities, and the availability of Panel members and Council staff—will be determined and approved by either the Director Planning & Compliance, Manager City Planning, Manager Development Assessment, Manager Infrastructure Planning or Coordinator City Design and Public Domain.
- 2.17 Where an applicant requests an extraordinary DEP meeting to be held and it is approved, additional costs equivalent to two (2) standard items will apply for each item being referred to the extraordinary meeting (refer to 6 below). The date, time, and location of the extraordinary meeting will be at Council's discretion and will be communicated to the selected DEP members and the applicant by the Panel Support Officer or an alternative Council representative.
- 2.18 A DEP meeting must be adjourned if the quorum is not present within fifteen (15) minutes after the time designated for the holding of the DEP meeting or at any time during the meeting. In either case, the DEP meeting must be adjourned to a time, date and place determined by the Chairperson in consultation with the Panel Support Officer, Convenor and/or Coordinator City Design and Public Domain.
- 2.19 A DEP meeting must be adjourned if it is known prior to the meeting that a quorum is not able to be present and an alternate selected Panel member is not able to attend, unless an exemption is granted in advance. The DEP meeting must be adjourned to a time, date and place determined by the Chairperson in consultation with the Panel Support Officer and/or Coordinator City Design and Public Domain.

3. PREPARATION OF DESIGN ADVICE LETTER & OUTCOME

- 3.1 Council's DEP Convenor (Convenor) will provide the draft DEP Design Advice Letter to the Chairperson within five (5) business days following the conclusion of the DEP meeting. The Chairperson will then circulate the draft Design Advice Letter to all relevant DEP members for review and input. Panel members must review the draft, provide amendments if necessary, and confirm their acceptance of the Design Advice Letter with the Chairperson - as soon as possible.
- 3.2 During finalisation of the DEP Design Advice Letter, the Chairperson is responsible for selecting the Panel's recommended outcome from the pre-defined options in the Design Advice Letter template.
- 3.3 To facilitate a high standard of design and documentation in formal applications submitted to Council, the DEP through its advice, should foster a collaborative, iterative approach during the pre-lodgement stage. Applicants should be encouraged to engage in multiple rounds of pre-lodgement review, using the Panel's experience and expertise to refine their proposal prior to formal submission of an application with Council (i.e., the post-lodgement stage).

Where feasible, the Panel should recommend that proposals return for further pre-lodgement review until the Panel is able to offer its support. This process promotes collaborative problem-solving and design resolution, endeavouring to facilitate improved design outcomes, a higher standard of documentation and a more efficient post-lodgement assessment process.

- 3.4 During the pre-lodgement stage, where an application does not demonstrate a high standard of design or documentation and requires further development, the Panel should select an outcome that requests the proposal returns for a subsequent pre-lodgement review.

This outcome should be included in the final Design Advice Letter and accompanied by clear and constructive recommendations to guide the applicant towards improving the proposal. The recommendations of the Design Advice Letter should aim to ensure the proposal achieves a high standard of design and documentation prior to both the subsequent DEP review and before progressing to the post-lodgement stage. Wherever possible, the proposal should receive the Panel's support prior to formal submission of an application to Council (i.e., progressing to the post-lodgement stage). Progression to the post lodgement stage does not preclude from further reviews by the DEP.

- 3.5 During the post-lodgement stage, unless the Panel considers outstanding design issues to be substantial - the Panel should encourage its recommendations to be addressed by the applicant without requiring the proposal to return to the DEP. In such cases, the Panel's support for a proposal may be conditional upon the applicant adopting the Panel's recommendations, to be assessed by Council's Assessing Planner following resubmission.
- 3.6 In their advice letter, the DEP must not recommend that a post-lodgement application be re-referred to the Panel (i.e., for a second time) unless it explicitly does not support the proposal on design and/or documentation grounds - for example, a proposal may have unresolvable design issues or demonstrate an inadequate standard of documentation to warrant re-referral. Instead, the Design Advice Letter should provide specific and solution-oriented recommendations for the applicant to resolve the identified issues. Once revised by the applicant, the proposal will be assessed by Council's Assessing Planner to determine whether the concerns have been adequately addressed.
- 3.7 In cases where a post-lodgement application is explicitly not supported by the Panel and a re-referral to the DEP is required, the Panel must not raise new issues, concerns or recommendations beyond those outlined in the previous post-lodgement Design Advice Letter - unless the proposal has substantially changed, and new issues have emerged.
- 3.8 The Chairperson is responsible for ensuring the review process is completed and the finalised Design Advice Letter is returned to Council's DEP Convenor no later than five (5) business days from receipt of the draft Design Advice Letter. Upon receiving the finalised version, the DEP Convenor will confirm all changes and forward the final DEP Design Advice Letter to Council's Panel Support Officer within one (1) business day, for distribution to the applicants.

4. APPLICANT REPRESENTATION PROCEDURES

- 4.1 The applicant will be advised of the proposals DEP obligations upon initial engagement with Council.
- 4.2 The applicant will be encouraged to engage with the DEP as many times as necessary during the pre-lodgement stage to ensure a high standard of design and documentation is achieved prior to formally submitting an application to Council.

- 4.3 The applicant will be provided a minimum seven business (7) days written notice on the selected time and date of the allocated DEP meeting.
- 4.4 Where an applicant is advised of their obligations to undergo DEP review upon initial engagement with Council, the application will be required to meet Council's minimum DEP submission requirements - prior to attending an initial pre-lodgement DEP meeting. This ensures the proposal has achieved an adequate level of progress, design resolution and documentation, for a meaningful review by the Panel to occur.
- The DEP submission requirements will be communicated to the applicant by the Panel Support Officer following confirmation of the applicant's intent to proceed.
- 4.5 The minimum DEP submission requirements must be provided to Council at least five (5) business days prior to the scheduled DEP meeting, including:
- (a) Architectural and Landscape Architectural (i.e., including Public Domain) drawings (where applicable);
 - (b) Any other supporting documents to inform the panel members on various aspects of the proposed development (e.g. ADG compliance schedules and diagrams where applicable)
 - (c) The applicants intended presentation package (where applicable); and
 - (d) If a returning item, a response letter to the previous DEP Design Advice Letter, and the relevant previous proposal drawings;
- 4.6 The applicant, nominated Architect and Landscape Architect for the development proposal will be invited by Council to attend the DEP meeting.
- 4.7 Following a five (5) – ten (10) minute period allocated for a welcome to country, meeting commencement and introductions, the applicant will be provided with a maximum of twenty (20) minutes to present, during the DEP meeting. It is required that either the nominated Architect or Landscape Architect provide an overview of the proposal to the Panel, during this time.
- 4.8 If the applicant or their representatives are not present at the commencement of the DEP meeting, the Chairperson will acknowledge this during the meeting introductions, to be noted in the Design Advice Letter. The Panel will then proceed with discussions and provide its recommendations, and outcome based on their assessment of the submitted documentation, undertaken prior to the meeting (as per Part 2 items 1.1 and 4.4 above).
- 4.9 During the allocated twenty (20) minutes to present, the applicant must either provide an overview of the proposal, discuss general design principles, discuss adherence to the ADG (where applicable) and/or specifically address any item's raised in a previous Design Advice Letter;
- 4.10 The DEP will be allocated a minimum of thirty (30) minutes to facilitate discussion, seek clarifications, and provide informal recommendations in the presence of the applicant, nominated Architect, and/or Landscape Architect, following the conclusion of the applicant's presentation.
- 4.11 The applicant will be provided with formal written feedback – including an outcome - in the form of the Design Advice Letter, within 12 (twelve) to 15 (fifteen) business days, following the conclusion of the DEP meeting.

- 4.12 Only Council staff are permitted to contact the members of the DEP representative pool directly.
- 4.13 All applicant enquiries regarding the DEP process should be directed to Council's Assessing Planner or Panel Support Officer, in the first instance.

5. REVIEW

- 5.1 A review of the DEP meeting procedures will be conducted as required under relevant legislation. To support this process, members of the DEP representative pool may be invited to meet with Council staff undertaking the review, to provide feedback on current procedures and suggest potential improvements.

6. REMUNERATION OF PANEL MEMBERS

- 6.1 DEP members will be engaged for a minimum term of two (2) years.
- 6.2 DEP members shall receive a remuneration of \$1,500.00 (excluding GST) for a half day or \$2,000.00 (excluding GST) for a full day (**Standard Fee**) when selected from DEP representative pool to form the Panel. In addition to the applicable remuneration, the Chairperson shall receive an additional \$250.00 (excluding GST).
- 6.3 For the purposes of remuneration, a half day is defined as the assessment of one (1) to two (2) items, while a full day is defined as the assessment of three (3) to four (4) items. The DEP will consider a maximum of four (4) items per day.
- 6.4 At the discretion of the Panel Support Officer, a full day or half day DEP meeting will typically commence at 9.30am. If required, a half day DEP meeting can be Scheduled to commence at 1:30pm.

(The CEO may approve variations to these rates during the term of the DEP subject to budget considerations.)*

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

17 June 2026

REVIEW DATE

Every four (4) years

DEPARTMENT RESPONSIBLE

Infrastructure Planning (City Design and Public Domain)

VERSIONS

Version	Amended by	Date	TRIM number
1	Adopted by Council	24 March 2015	058678.2015
2	Planning and Development Committee and endorsed by Council	29 June 2016	058678.2015
3	Adopted by Council	13 December 2017	058678.2015-010
4	Adopted by Council	27 October 2020	331055.2020
5	Adopted by Council	29 June 2022	218787.2022
6	TBC	TBC (2026)	TBC



LIVERPOOL DESIGN EXCELLENCE PANEL CHARTER AND PROCEDURE

Revised: ~~20735XX29 August 2025~~ ~~July 2025~~ 29 May 2026

For Council

TRIM ~~218787-2022~~ TBC



PART 1 - CHARTER

EXECUTIVE SUMMARY

Liverpool City Council (**Council**) has established the Liverpool Design Excellence Panel (**DEP**) whose primary function is to provide independent, expert and context-specific advice on the design quality of development proposals. The DEP supports ~~advise~~ Council, the community and the public ~~applicants in achieving design excellence within the built environment and helps to streamline and improve assessment processes of the design quality of development applications~~. This ~~enables~~ allows Council to ~~ensure~~ determine whether that significant development such as applications/proposals will contribute to an improvement in the built fabric of/improve the overall design quality of within the Liverpool Local Government Area (**LGA**).

Given Liverpool's strategic importance to South-Western Sydney and the significant growth occurring in the Liverpool City Centre, the Growth Centre Precincts, the Bradfield Aerotropolis and Western Sydney International Airport-Regional City status, Council is seeking to improve the/enourage quality of development through the DEP process by and facilitating/promote e-best practice urban design for development proposals that have the potential s-of-ato significantly impact the urban fabric within the Liverpool LGA scale.

The substantial growth and development growth and expansion of the within the Liverpool LGA highlights the need to/highlights a need to ensure ensure that new development reflects Liverpool's strategic role and aligns with achieves Council and the community's shared vision for a vibrant, global city of lifestyle and opportunity, ~~the desired design outcome that is consistent with Liverpool's Regional City status~~.

This DEP Charter defines/incorporates the types of a relevant scope of development proposals/applications to be referred to the DEP (i.e., Scope of the DEP), ensuring to ensure that projects with potential to significantly impact the urban fabric demonstrate a high-quality of design and new development in the Liverpool LGA positively contribute positively to the built environment.

In reference to the NSW Government Architect's *Local Government Design Review Panel Manual*, Liverpool's Design Excellence Panel (DEP) functions as a Design Review Panel (DRP) and may also be referred to as a Design Advisory Panel (DAP).

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1. PURPOSE OF THE DEP

1.1 What will DEP members do?

Panel members will provide independent, expert and context-specific design advice on applications, planning/development proposals and/or relevant planning and/or design documents/policies relating to significant/major commercial and residential development within the Liverpool LGA.

Wherever possible, DEP advice must be provided at both the pre-lodgement (e.g., Pre-DA) and post-lodgement stages, with a strong emphasis on achieving a high standard of design during the pre-lodgement stage - to resolve key design issues prior to formally lodging an application with Council - supporting a more efficient post-lodgement assessment, approval and DEP process, early in the design process and wherever possible, prior to the submission of relevant development applications or following the receipt of an application by Council, where appropriate.

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1.2 What is the DEP's purpose?

The purpose of the DEP is to:

- (a) examine, evaluate and critique the design aspects of significant relevant proposed commercial, residential and community development proposals during the pre-lodgement and post-lodgement stages prior to the determination of the relevant development application – prior to determination;
- (b) review and assess the design quality of development proposals, and providing recommendations to support best-practice urban design and identifying opportunities for how the proposed development could be improved by design changes/improvements to in order to better achieve the objectives of the relevant planning controls and an optimum design outcome/design excellence; and
- (c) provide constructive feedback comments to applicants and their professional consultants on actions that could be taken to improve the overall design quality of the design proposal, and wherever possible - ensuring consistency with the relevant planning instruments.

1.3 What is this Charter?

The DEP Charter and Procedure (**Charter**) establishes the membership, function, procedures, and terms and conditions of office for the Liverpool DEP.

2. AIMS AND SCOPE OF THE DEP

2.1 Aims of the DEP

The aims of the DEP are:

- (a) to promote best practice urban design and foster encourage a high-quality built environment through development proposals that reflect Liverpool's development in the growth of Liverpool as a strategic significance within the growth of South-West Sydney Regional City through the promotion of best practice in urban design;
- (b) to engage connect with the development industry by providing succinctly communicating, clear and practical design advice that demonstrates critiques so they recognise the value of the DEP's advice/expertise provided by the DEP and are encouraged design improvements and/or a considered to response to recommendations and accordingly;
- (c) to provide pragmatic design advice that encourages development, while ensuring promoting outcomes that contribute to a Regional City of achieve design excellence within Liverpool's built environment; and
- (d) to encourage proponents to engage with the DEP, as early as practical during the pre-lodgement stage (e.g., Pre-DA), to identify and resolve design quality issues, refine the proposal, and work towards design excellence, in order to minimise project risks and ensure optimal design outcomes for all stakeholders, - prior to the lodgement of a formal application with Council of development to ensure maximum benefits to all stakeholders; and.
- (e) to encourage proponents to utilise the expertise of the DEP and work collaboratively during the pre-lodgement stage to achieve design excellence and to secure DEP support prior to lodging a formal development application with Council.

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~~to streamline post-lodgement assessment processes, improve approval timeframes, and facilitate more efficient DEP involvement at the post-lodgement stage.~~

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2.2 Scope of the DEP

The scope of the DEP is to provide expert and independent advice on the following developments:

(a) All residential flat buildings ~~(including Bbuild-to-rent);~~

~~(b) Medium-density multi-dwelling developments of twenty-five thirty thirty (253030) units or more;~~

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~~(b) Mixed Use, Senior Housing, Boarding Houses and Co-Living developments which result in a built form of three (3) storeys or more with three (3) or more storeys;~~

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(c) New developments ~~or major extensions to a existing buildings~~ within the Liverpool city centre ~~which results in a built form of three (3) storeys or more~~ ~~over three (3) storeys;~~

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(d) New ~~buildings~~ ~~developments~~ or major extensions to existing ~~development buildings~~ within business ~~and employment~~ zones (outside of the Liverpool city centre) ~~which result in a built form of three (3) storeys or more~~ ~~which are three (3) storeys or more;~~

~~(e) Significant open space proposals and AnyAny development which has an interface with a significant public space;~~

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~~Any new or major modification to a centre based centre-based childcare facilities, or any major modification to an existing centre-based childcare facility, that currently accommodates or is proposed to accommodate 100 children or more;~~

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~~(e) Any new proposal development or major modification to a Community facility or places of worship, where the with a gross floor area is of 2,000m² or more;~~

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~~(g)(f) Any development proposal or relevant strategic document deemed by the Manager Development Assessment, Manager Infrastructure Planning and/or Manager City Planning to have a potentially significant impact on the amenity of the locality or region, (refer to 2.4 below); and~~

~~(g) Any new building development 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; and~~

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~~(h) Any development proposals that are required to undergo a Design Review process or achieve design excellence as e-reviewed by the panel stipulated by an environmental planning instrument such as a State Environmental Planning Policy (SEPP) or the Liverpool Local Environmental Plan (LEP).~~

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2.3 Exemptions to the Scope of the DEP

A development proposal listed under the Scope of the DEP (2.2 above), that is deemed by Council to have minimal impacts to the built environment, the amenity of the locality or broader region may be exempted from the DEP process, subject to approval by Council's

Manager Development Assessment (refer to 2.4 below). However, Council may not have the discretion to exempt items triggered under SEPP or LEP requirements.

2.4 Process for DEP Exemption or Referral

Where a proposal is considered suitable to be referred to, or exempted from the DEP process for exemption from, or referral to, the DEP - based on the criteria outlined in 2.2 or 2.3 above - the Assessing Planner must prepare a written recommendation (including all relevant information and justification) for consideration by the Manager Development Assessment. Approval of the written-DEP recommendation is to be confirmed in writing by the Manager Development Assessment.

Alternatively, the Coordinator City Design and Public Domain, Manager Infrastructure Planning and/or Manager City Planning may initiate this process by recommending to the Assessing Planner that a proposal be either referred to, or exempted from the DEP process, prompting the Assessing Planner to prepare the necessary documentation (i.e., written recommendation) and seek approval from the Manager Development Assessment.

2.5 Relevant Documents and Planning Instruments

For each referred item, the DEP will make recommendations and provide advice to Council, taking into account all documentation provided to the Panel members prior to the DEP meeting. In doing so, the Panel must also have regard to Council's adopted documents and relevant planning instruments, including but not limited to:

- (a) State Environmental Planning Policy (Housing) 2021;
- (b) NSW Apartment Design Guide;
- (c) State Environmental Planning Policy (Precincts – Western Parkland City) 2021;
- (d) Western Sydney Aerotropolis Precinct Plan;
- (e) Liverpool Local Environmental Plan 2008;
- (f) GANSW Design Policies (Various);
- (g) Liverpool City Council Community Strategic Plan (current version);
- (h) Relevant Council Policies, Strategies, and other documents;
- (i) Relevant Council Development Control Plans;
- (j) Approved Master Plans;
- (k) Liverpool City Centre Public Domain Master Plan;
- (l) Liverpool City Centre Public Domain Technical Manual;
- (m) Liverpool City Council Tree Policy;
- (n) Liverpool City Council Tree Management Strategy;
- (o) Liverpool City Council Tree Management Technical Guidelines; and

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(p) NSW Child Care Planning Guidelines.

(q) Liverpool City Council Connecting with Country Design Charter

(r) GANSW Draft Connecting with Country Framework

(s) Recognise Country - Guidelines for development in the Aerotropolis
Exemptions to the Scope of the DEP

~~Any development proposal deemed to have minimal impacts to the built environment and the amenity of the locality or region be can be granted an exemption from the DEP process by Manager Development Assessment, Manager City Planning and/or Coordinator City Design and Public Domain.~~

3.1 The DEP will make recommendations and provide advice to Council on the matters referred to it having regard to the material forwarded to the DEP in each case and in every case having regard to Council's adopted policies including but not limited to:

(c) ~~Liverpool Local Environmental Plan 2008;~~

(e) ~~Liverpool Development Control Plan 2008;~~

~~State Environmental Planning Policy (Housing) 2021;~~
~~State Environmental Planning Policy (Precincts - Western Parkland City) 2021;~~
~~Liverpool Local Environmental Plan 2008;~~
~~Relevant Council Strategies, Policies and DCPs;~~
~~Apartment Design Guide;~~
~~Western Sydney Aerotropolis Precinct Plan;~~
~~Approved Masterplans;~~
~~Liverpool City Centre Public Domain Master Plan & Technical Manual;~~
~~Liverpool Tree Management Framework;~~
~~NSW Child Care Planning Guidelines; and~~
~~GANSW Design Policies~~

(g) ~~State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development; and~~

(i) ~~Apartment Design Guide.~~

3. FUNCTIONS OF THE DEP

3.1 The function ~~and role~~ of the DEP is to:

(a) ~~to provide independent, expert, context-specific and consistent design advice on the development proposals and relevant planning or design documents, to achieve design excellence.~~

(b) ~~play an advisory role to the consent authority (as DEP is not a decision-making body) and help to streamline and improve assessment processes;~~

(c) ~~enhance development processes by promoting higher design quality and improved documentation standards at the development application stage, through the provision of detailed, solutions-focused guidance that supports the achievement of well-resolved, high-quality designs during the pre-lodgement phase; and~~

(a)(d) ~~enhance development processes by promoting higher design quality and improved documentation standards at the development application stage, through the provision of detailed, solutions-focused guidance that supports the achievement of well-resolved, high-quality designs during the pre-lodgement phase; and~~

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- ~~(e) to provide advice in accordance with relevant planning instruments, planning controls, and where the advice results in a non-compliance, provide adequate clear rationale and/or guidance demonstrating how the advice would help the proposal if any advice results in a non-compliance with existing controls achieved to demonstrate that the outcome will satisfy the underlying objectives and achieved delivers better or an improved overall outcomes.; and~~
- ~~(b) thoroughly examine, evaluate and comment upon the design aspects of proposals for major development in the Liverpool LGA prior to the lodgement of relevant development applications, or, where occurring, following development application lodgement with Council;~~
- ~~(c) to provide input and/or feedback on comment on relevant strategic planning or design documents relative to the urban design issues of a proposal; and~~
 - ~~(d) provide advice to potential applicants and their professional consultants of actions that could be taken to improve the design quality of development proposals.~~

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4. REPRESENTATIONS OF THE DEP

4.1 Membership

~~The members of the DEP DEP representative pool shall comprise of a minimum three (3) high-level and respected professionals who are or have been involved in the design of recent (1-5 years) major significant built form, open space or public domain projects. These Such members shall have extensive expertise in their respective disciplines – such as e.g. architecture, specific urban design, landscape architecture, heritage and sustainability. These expertise should must have a thorough understanding of the development types listed under the sScope of the DEP (2.2) and must be familiar with the unique and liveable communities that addresses the needs and conditions found in Western Sydney. The eligible members professional and also must possess extensive qualifications in at least one or more of the following professions:~~

- ~~(a) Urban Design;~~
- ~~(a) Architecture; and~~
- ~~(b) Landscape Architecture; and~~
- ~~(c) Urban Planning.~~

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~~A minimum of three (3) Panel members will be selected from the DEP representative pool for each meeting. A Additional specialist Panel members selected from outside of the DEP representative pool can be brought on board as and when required by Council, from the following disciplines:~~

- ~~Heritage;~~
- ~~First Nations Culture and First Nations Heritage; and~~
- ~~Environmental Sustainability;~~

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~~Panel members and A DEP members of DEP representative pool cannot be an employee of by Council, including Council officers and elected Councillors, in accordance with the requirements of State Environmental Planning Policy No. 65 (SEPP No. 65);~~

4.2 Additional Panel Members

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Additional Panel members selected from outside of the DEP representative pool - preferably with experience in architecture, urban design or landscape architecture - can be engaged on an ad-hoc basis (as a fourth Panel member) when required by Council, from the following disciplines:

- (a) Heritage;
- (b) Environment;
- (c) _____
- (d) Sustainability; and
- (e) _____
- (f) Public art;
- (g) _____

Unless an additional panel member with expertise in heritage conservation is present at the meeting, the Panel will refrain from comments or design guidance in relation to heritage conservation, adaptive reuse or public art projects except for the indication of whether an application should be informed by specialist advice.

Additional Panel members from other disciplines (outside of the above) may be nominated at the recommendation of Council's Manager Development Assessment, Manager Infrastructure Planning or Coordinator City Design and Public Domain.

Additional Panel members cannot be an employee of Council, including Council officers and elected Councillors.

4.3 Additional First Nations Panel Members

When considering a development incorporating a significant *Recognise Country or Connecting With Country* component, Council may consider engaging an additional Panel Member on an ad-hoc basis (as a fourth Panel member), as and when required, from outside the DEP representative pool who is:

- (a) A qualified architect, urban designer, landscape architect or spatial designer; and
- (b) Of First Nations decent; and
- (c) With experience in implementing *Connecting With Country* and *Recognise Country* frameworks; and
- (d) Has knowledge of the Australian Indigenous Design Charter

Additional First Nations Panel Members cannot be an employee of Council, including Council officers and elected Councillors.

4.24.4 Chairperson and Panel Members

The Chairperson will be appointed from the three (3) selected from the Panel members selected pool of DEP representatives for each meeting. The relevant appointed Chairperson DEP representative Panel member selected for each meeting who will undertake the role of Chairperson for that meeting will be advised notified in advance by Council's Panel Support Officer in advance, that they will be undertaking the role of serve as Chairperson for that meeting.

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4.3 Quorum

~~A minimum of three (3) DEP members must be present at a DEP meeting to form a quorum.~~

4.5 Convenor

~~A member of Council's Urban Design Team will be the convenor of each DEP meeting and prepare the Draft DEP Design Advice Letter (refer to 4.8 below), as determined by the Coordinator City Design and Public Domain.~~

4.6 Panel Support Officer

~~Council's Panel Support Officer will provide administrative support to the DEP process.~~

4.7 Assessing Planner(s)

~~A member of Council's Development Assessment Team currently undertaking and/or supervising the assessment of the development proposal will prepare the Panel Briefing Report and provide a briefing to the members of the Panel, prior to each DEP meeting.~~

4.8 Design Advice Letter

~~The Design Advice Letter (~~advice letter~~), formerly known as the Meeting Minutes, is provided to the applicant within 12 (twelve) to 15 (fifteen) business days, following the conclusion of the DEP meeting. The Design Advice Letter details the Panel's formal recommendations, reflecting the collective and cohesive advice of its members. The Design Advice Letter is not a transcript or minutes of meeting of the DEP.~~

Assessing Planner(s)

~~A member of Council's Development Assessment Team currently undertaking and/or supervising the assessment of the development proposal.~~

4.4

~~Council's Coordinator Urban Design will be the convenor of each meeting. In the absence of the Coordinator Urban Design, a convenor will be appointed by the Director City Economy and Growth.~~

5. DEP APPOINTMENT AND SELECTION FOR DEP MEETINGS

5.1 Tender Process

~~Council will advertise DEP recruitment and establish a short list of potential panel members via a tender or an expression of interest (EOI) process. Submissions will be assessed by Council against the criteria outlined above in 4.1, and as further detailed in the relevant tender or EOI documents, and with regard to any real or potential pecuniary or non-pecuniary conflict of interest (refer to Council's Conflicts of Interest Policy).~~

~~A shortlist of preferred professionals will be established by relevant Council staff, before a final list is determined by the Coordinator City Design and Public Domain and submitted to a council meeting for approval. Once endorsed, the selected Members professionals from the approved short list, will then be formally appointed to the DEP representative pool of panel members by the CEO, based on their qualifications and experience, and in the absence of any real or potential pecuniary or non-pecuniary conflict of interest.~~

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Council will select a minimum of three (3) DEP members representatives for each DEP meeting from the pool of DEP representative pool representatives (consisting of one (1) Chairperson and two (2) other DEP members).

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5.2 No Guarantee

Appointment of DEP members professionals into the pool of DEP representatives pool does not guarantee selection as a Panel member or Chairperson for any DEP meetings. Rather, appointment to the pool of DEP representative pool representatives only gives rise to the potential for selection to the Panel for DEP meetings and appointment as Chairperson for a meeting, which both remain at Council's sole discretion.

5.3 Past Performance

In considering whether to the selection and/or re-selection of a member of the DEP representative pool DEP member to a DEP the Panel, or their appointment as Chairperson for a DEP meeting, strong consideration will be given to their relevant DEP member's past adherence to the terms of this Charter and/or their performance during past previous DEP meetings within the relevant roles.

5.4 Council's Rights Reserved

Council reserves all rights to appoint select members of the DEP representative pool members as the Panel and/or Chairperson for each meeting, based on their knowledge, skills, expertise, qualifications, prior involvement with returning items demonstrated along with their past adherence to the terms and conditions of this Charter and/or performance during past DEP meetings.

5.5 If Quorum Not Established

5.5.6

A minimum three (3) DEP members must be present at a DEP meeting to form a quorum.

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For diversity of perspective and advice, the preference is to always maintain a minimum of three panel members. However, if a quorum is not available established for a DEP meeting, Council's Manager Development Assessment, Manager Infrastructure City Planning or Coordinator City Design and Public Domain Director City Economy and Growth may select an alternative suitably qualified and experienced suitably qualified member from the DEP member representative pool to establish a quorum.

If no alternative suitably qualified and experienced DEP representative is available within the last three days prior to the scheduled DEP meeting, Council's Manager Development Assessment, Manager Infrastructure City Planning or Coordinator City Design and Public Domain may grant an exemption, permitting the meeting to proceed with (at a minimum) two (2) DEP Panel members. This should only occur with consideration of the relevant professional expertise of the remaining two (2) Panel members (e.g. one architect and one landscape architect).

If an exemption is not granted prior to the commencement of the scheduled DEP meeting, the meeting will be rescheduled to the next available date and time and/or an extraordinary meeting will be scheduled for the affected items. at no additional cost to the applicant/s.

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5.6 Vacancy

If a vacancy occurs in the membership of the DEP representative pool, the CEO may appoint a person to fill the vacant position. Council may at its absolute discretion,

appoint suitable shortlisted applicants from a previous tender or expressions of interest (EOI) process.

6. CONDUCT, CONFLICTS AND DISCLOSURES

6.1 Code of Conduct

All members of the DEP representative pool: DEP members:

(a) are required to understand, acknowledge and sign a copy of Council's Code of Conduct and Code of Conduct Procedures, upon appointment to the DEP representative pool must act lawfully and with integrity and professionalism;

(a)

(b) must act lawfully and with honour, integrity and professionalism and comply with the Liverpool City Council Code of Conduct and Code of Conduct Procedures; and comply with all requirements imposed by the Local Government Act 1993 (NSW) on persons providing advice to a Council; and

(c) are required to comply with all requirements imposed by the Local Government Act 1993 (NSW) on persons providing advice to Council, required to understand, acknowledge and sign a copy of Council's Code of Conduct prior to being appointed on Council's pool of DEP members.

6.2 Conflict of Interest

All members of the DEP representative pool:

(a) are required to understand, acknowledge and sign a copy of Council's Conflicts of Interest Policy, upon appointment to the DEP representative pool.

(b) must act lawfully and with honour, integrity and professionalism and comply with Council's Conflicts of Interest Policy;

(d)

(c) when selected for the Panel, must review all relevant documentation as soon as practicable and identify any actual, perceived or previously undisclosed conflict/s of interest in relation to a DEP item;

(e)

(d) where a pecuniary or a significant non-pecuniary interest in relation to a DEP item is identified, must comply with Council's Conflict of Interest Policy, including the submission of a Conflict of Interest Declaration Form and adherence to all meeting attendance requirements; refrain from any involvement in the matter. This must occur as soon as practicable, and at a minimum, prior to the relevant meeting; and

(f)

where a minor or insignificant non-pecuniary interest has been identified and meeting attendance is permitted under Council's Conflict of Interest Policy, must disclose the interest at the commencement of the DEP meeting. The disclosure must be acknowledged by the Chairperson and recorded in the final Design Advice Letter.

6.2 Breach

If a member of the DEP is found to be in breach of Council's Code of Conduct or any other relevant Council policy, the matter may be referred to the CEO to be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.

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6.3 Declarations

(e) ~~Any declarations for a conflict of interest must be disclosed prior to acceptance of meeting attendance~~

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7. **TERMINATION OF DEP MEMBER APPOINTMENTS**

7.1 Non-Adherence to Charter

If it is deemed that a ~~member of the DEP representative pool~~ member has not adhered to the terms and conditions of this Charter or their performance is not to the reasonable satisfaction of Council, then Council reserves the right to provide a first and final written warning to the relevant DEP member.

If, on a subsequent occasion, the relevant DEP member does not adhere to the terms and conditions of this Charter or their performance is not to the reasonable satisfaction of Council, then Council reserves the right to terminate their membership to the ~~pool of DEP representative pools~~. The CEO has the authority to terminate the membership of a ~~member of the DEP member representative pool~~.

7.2 Replacement of a DEP Member

~~7.3~~ In the event that a DEP member's appointment to the ~~pool of DEP representatives pool~~ is terminated, Council reserves the right to replace the relevant DEP member in accordance with. ~~This may involve Council's procurement process being followed or as outlined in 5.1 or 5.66 above.~~

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~~7.47.3~~ Additional DEP Members of the DEP Representative Pool

If, during the term of DEP, Council deems it appropriate, Council may undergo recruitment via a tender or expression of interest (EOI) for additional suitably qualified, experienced and respected further DEP members high level and respected professionals to be appointed to the ~~pool of DEP representative pools~~, as per 5.1 above.

~~The CEO has the authority to appoint additional DEP members professionals to the pool of DEP representative pools.~~

8. **RESPONSIBILITIES OF THE DEP MEMBERS PRIOR TO MEETING**

8.1 Prior to each DEP meeting, it is required that each selected DEP member will have:

- (a) received copies of the documentation for the relevant development proposal including application and the Panel Briefing Report and meeting agenda;
- (b) completed a thorough review of all documentation for the relevant development proposal including the applicant's response letter to the previous Design Advice Letter (if a returning item) of the development proposal/application and Panel Briefing Report;
- (c)

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~~(b)(d)~~ prepared initial (informal) recommendations, advice and/or discussion points to inform verbal feedback during the meeting, and the submission of updated written notes following the meeting's conclusion to assist the Convener in preparing the draft ~~Design a~~Advice Letter;

~~(e)(e)~~ attended a site visit of the subject site, or if this is not practical/possible, undertaken a desktop site inspection (i.e. via Google Earth, ~~Google h/Maps, Near Maps or equivalent~~) to become familiar with the site including its context and conditions; and

~~(f)~~ reviewed all relevant documentation as soon as practicable to identify any actual, perceived or previously undisclosed conflict/s of interest in relation to a DEP item; and

~~(g)~~ where a pecuniary or a significant non-pecuniary interest in relation to a DEP item is identified, complied with Council's *Conflict of Interest Policy*, including the submission of a *Conflict of Interest Declaration Form* and adherence to all meeting attendance requirements, declared any conflict/s of interest.

~~(d)~~

4. CONFLICTS OF INTEREST

~~(e)~~ A DEP member who has a conflict of interest in a matter with which the DEP is concerned, must not be present at any meeting of the DEP at which the matter is being discussed or considered.

~~(g)~~ A disclosure about a conflict of interest must be acknowledged by the Chairperson and recorded in the minutes of the meeting.

~~(i)(a)~~ On and from the date of appointment to the DEP, individual DEP members must not be carrying out or undertaking any type of consultancy work or project (whether paid or unpaid) as regards to their relevant profession (the basis of their appointment to the DEP) within the Liverpool LGA including in relation to any matter or thing in which the Liverpool LGA is concerned or involved (including any dealings with Council). For the avoidance of doubt, this clause does not affect any pre-existing consultancy work already in existence prior to the DEP member's appointment to the DEP.

9. MEDIA, CONFIDENTIALITY AND MANAGING PRIVACY

8.1 Confidentiality and Managing Privacy

9.1

10.

~~Through their involvement in the DEP, members of the DEP representative pool may come in contact with confidential or personal information retained by Council. DEP members are required to maintain confidentiality and security in relation to any such information and not access, use or remove that information, unless authorised to do so.~~

~~The *Privacy and Personal Information Protection Act 1998 (NSW)* and Council's *Privacy Policy* cover the collection, holding, use, correction, disclosure and transfer of personal information.~~

~~All members of the DEP representative pool:~~

~~(a) are required to understand, acknowledge and sign a copy of Council's *Privacy Policy*, upon appointment to the DEP representative pool; and~~

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(b) ~~must act with integrity, professionalism and comply with Council's Privacy Policy.~~

(c) ~~10.1 Media Protocol~~

All members of the DEP representative pool:

(a) ~~are required to understand, acknowledge and sign a copy of Council's Media Policy, upon appointment to the DEP representative pool; and~~

(b) ~~must act with integrity, professionalism and comply with Council's Privacy Policy.~~

(a) ~~DEP members, through their involvement in the DEP, may come in contact with confidential or personal information retained by Council. DEP members are required to maintain confidentiality and security in relation to any such information and not access, use or remove that information, unless authorised to do so.~~

~~-~~

(c) ~~The Privacy and Personal Information Protection Act 1998 (NSW) and Council's Privacy Policy deal with the collection, holding, use, correction, disclosure and transfer of personal information.~~

~~-~~

(e)(c) ~~Should a DEP member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the CEO immediately.~~

9-11. DISCIPLINARY ACTION

11.1 ~~11.1 Should a member of the DEP representative pool be found to be in breach of Council's Code of Conduct, Conflicts of Interest Policy, Privacy Policy or Media Policy, the matter will be dealt with in accordance with the relevant process outlined in each document, a DEP member be found to be in breach of the Code of Conduct adopted by Council, the matter may be referred to Council's CEO and will be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.~~

~~-~~

10. MEDIA PROTOCOL

~~-~~

12.1 ~~The Mayor is the only person permitted to speak to the media on behalf of the DEP. No other DEP member is permitted to speak to the media in his or her capacity as a DEP member.~~

~~-~~

14.12. REVIEW OF CHARTER

113.1 ~~This Charter shall be reviewed annually or as required by any changes in under the legislation, or necessitated by operational requirements or the need for minor amendments - to be coordinated by Council's Urban Design City Design and Public Domain Team and authorised by Council's CEO in consultation with the Director City Economy & Growth.~~

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PART 2 – MEETING PROCEDURES

1. PROVISION OF DOCUMENTATION TO DEP

1.1 The following documentation is to be provided to the selected DEP members ~~electronically~~ electronically for a thorough review, at least five (5) business days before the meeting:

- (a) The meeting agenda;
- (b) The ~~Assessing Planner~~ Assessing Planner's Panel Briefing Report;
- (c) ~~Architectural and Landscape Architectural (i.e., including Public Domain) drawings in A3 size;~~
- (d) Any other supporting documents to inform the panel members on various aspects of the proposed development;
- (~~e~~) The applicants intended presentation package (if applicable); and
- (f) ~~If a returning item from the pre-lodgement stage, a response letter to the previous DEP Design Advice Letter, and the relevant previous proposal drawings;~~
- (g) ~~If a returning item from the post-lodgement stage, a response letter to the previous DEP Design Advice Letter;~~
- (h) A copy of Council's *Conflict of Interest Declaration Form*; and
- (i) All other relevant information.
- (~~j~~)

2. MEETING PROCEDURES

- 2.1 ~~The DEP will meet at such place and time as notified to the DEP members by by a representative from Council the (Panel Support Officer, prior to the meeting). It is expected that the DEP will meet twelve (12) times a year on dates and at places to be scheduled in advance for each year annually. Meetings will be held virtually at suitable venues or via Audio-Visual link e.g. Zoom or MicroSoft Teams or if required, in-person at a suitable venue determined by the Coordinator City Design and Public Domain.~~
- 2.2 ~~Council will select a minimum three (3) members of the DEP representative pool for each DEP meeting - to form the Panel.~~
- 2.3 ~~To ensure continuity and consistency in design advice, the same Panel members should, where possible, be selected to participate in all stages of both pre-lodgement and post-lodgement reviews of the same proposal / site.~~
- 2.4 ~~Council will appoint the Chairperson for each DEP meeting, who will be one of the minimum three (3) selected DEP members chosen from DEP representative pool.~~
- 2.5 ~~Prior to each DEP meeting, a closed fifteen (15) minute briefing will be held via Microsoft Teams, during which the Assessing Planner will present an overview of the Panel Briefing Report to the Panel members. The Convenor and Panel Support Officer will also be in attendance.~~
- 2.6 ~~The DEP meeting will be conducted by the Chairperson in accordance with the meeting agenda.~~

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2.7 Council staff are permitted to attend the DEP meetings, as observers.

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2.8 The DEP meeting will run for a maximum duration of one (1) hour via Microsoft Teams and will include (at a minimum) the Convenor, the Assessing Planner, the Panel Support Officer, the minimum three (3) chosen Panel members and the nominated representatives from the applicant side.

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2.9 The DEP meeting will begin with five (5) – ten (10) minutes allocated for welcome to country, meeting commencement and introductions, followed by a maximum of twenty (20) minutes for the applicant's side to present. The remaining thirty (30) minutes will be allocated for the Panel to facilitate discussion, seek clarifications, and provide informal recommendations in the presence of the applicant, nominated Architect, and/or Landscape Architect.

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2.10 Guest speakers may be invited to the DEP meeting as required and as determined by the DEP or Coordinator City Design and Public Domain. Guest speakers may include relevant Council staff who are there to provide guidance, support and to respond to enquiries.

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2.11 Following the conclusion of the DEP meeting, a closed fifteen (15) minute meeting will occur via Microsoft Teams in which the three (3) Panel members will dictate key points and feedback and discuss the meeting outcome with the Convenor - to help inform the preparation of the draft Design Advice Letter. If required, the Assessing Planner and Panel Support Officer will also be in attendance.

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2.12 For items that have previously been considered at a DEP meeting, where practical, the same selected Panel members must be present to provide a continuity of advice. In this scenario, the DEP's role is to address the applicant's response to the recommendations made in the previous DEP Design Advice Letter. For post-lodgement proposals, an effort should be made by the Panel to ~~avoid~~ providing new recommendations unless the proposal is considered substantially different.

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2.13 The Convenor will record the DEP meeting for the purpose of ~~minutenote~~ taking ~~and~~ assisting in the preparation of the draft Design Advice Letter. If required, the Convenor may also record the closed fifteen (15) minute post-meeting debrief for the same purpose. ~~The recording will remain in Council's records and will not be distributed for any purposes.~~ The DEP Design Advice Letter will include the following:

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(a) Title, including the date of the meeting;

(b) Attendance, including Panel members, applicant representatives and any observers;

(a)

(c) Item Details, including property address, application reference number, assessing planner name, applicant name, proposal description and meeting venue;

(b)

(d) A record of introductions, including meeting opening and Welcome to Country;

(c)

(e) Declarations of Interest;

(d)

(f) Acknowledgment of the applicant's presentation;

(e)

(g) All recommendations made by the DEP; and

(f)

- (h) ~~A meeting outcome, selected by the Chairperson, from the options listed within the DEP Design Advice Letter template.~~
- 2.14 ~~Panel members will provide a copy of their updated notes to the Convenor at the conclusion of the day's meetings (as outlined in 8.1 (c) of the Charter).~~
- 2.15 ~~Council may request the cancellation of a meeting or call an extraordinary meeting to take place as required, with at least five (5) business days written notice to all selected DEP members.~~
- 2.16 ~~Council may permit an extraordinary DEP meeting to be held upon request and in specific circumstances. The appropriateness of convening an extraordinary meeting—considering the significance of the development, time sensitivities, and the availability of Panel members and Council staff—will be determined and approved by either the Director Planning & Compliance, Manager City Planning, Manager Development Assessment, Manager Infrastructure Planning or Coordinator City Design and Public Domain.~~
- 2.17 ~~Where an applicant requests an extraordinary DEP meeting to be held and it is approved, additional costs equivalent to two (2) standard items will apply for each item being referred to the extra-ordinary meeting (refer to 6 below). The date, time, and location of the extraordinary meeting will be at Council's discretion and will be communicated to the selected DEP members and the applicant by the Panel Support Officer or an alternative Council representative.~~
- 2.18 ~~A DEP meeting must be adjourned if the quorum is not present within fifteen (15) minutes after the time designated for the holding of the DEP meeting or at any time during the meeting. In either case, the DEP meeting must be adjourned to a time, date and place determined by the Chairperson in consultation with the Panel Support Officer, Convenor and/or Coordinator City Design and Public Domain.~~
- 2.19 ~~A DEP meeting must be adjourned if it is known prior to the meeting that a quorum is not able to be present and an alternate selected Panel member is not able to attend, unless an exemption is granted in advance. The DEP meeting must be adjourned to a time, date and place determined by the Chairperson in consultation with the Panel Support Officer and/or Coordinator City Design and Public Domain.~~
- 2.2 ~~Council may request the cancellation of a meeting or call an extraordinary meeting to take place as required, with at least five (5) business days written notice to all selected DEP members. eManager Infrastructure Planning~~
- 2.3 ~~Council will appoint the Chairperson for each DEP meeting, who will be one of the three (3) DEP representatives selected from the pool of DEP representatives.~~
- 6.0 ~~Council staff may attend the meetings, as observers.~~
- 8.0 ~~Guest speakers may be invited as required and as determined by the DEP or Coordinator City Design and Public Domain. Guest speakers may include relevant Council staff who are there to provide guidance and support and to respond to enquiries.~~
- 10.0 ~~The DEP meeting will be conducted in accordance with the meeting agenda.~~
- 12.0 ~~For items that have previously been heard at a DEP meeting, the DEP's role is to address the applicant's response to the recommendations made in the previous DEP minutes of the meeting.~~

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14.0 Council's DEP convener (**Convener**) will take minutes of the DEP meetings. The minutes will include the following:

- (p) A statement of the status and purpose of the meeting;
- (r) Attendance;
- (t) Apologies;
- (v) Declarations of Interest;
- (x) A record of all recommendations made by the DEP; and
- (z) A meeting outcome, selected by the DEP, from the options listed within the DEP minutes of meeting template.

3. PREPARATION OF DESIGN ADVICE LETTER & OUTCOME

3.1 Council's DEP Convener (Convener) will provide the draft DEP Design Advice Letter (advice letter) to the Chairperson within five (5) business days following the conclusion of the DEP meeting. The Chairperson will then circulate the draft Design Advice Letter to all relevant DEP members for review and input. Panel members must review the draft, provide amendments if necessary, and confirm their acceptance of the Design Advice Letter with the Chairperson - as soon as possible.

3.2 During finalisation of the final DEP Design Advice Letter, the Chairperson is responsible for selecting the Panel's recommended outcome from the pre-defined options in the Design Advice Letter template.

3.3 To facilitate a high standard of design and documentation in formal applications submitted to Council, the DEP through its advice, should foster a collaborative, iterative approach during the pre-lodgement stage. Applicants should be encouraged to engage in multiple rounds of pre-lodgement review, using the Panel's experience and expertise to refine their proposal prior to formal submission of an application with Council (i.e., the post-lodgement stage).

3.4 Where feasible, the Panel should recommend that proposals return for further pre-lodgement review until the Panel is able to offer its support. This process promotes collaborative problem-solving and design resolution, endeavouring to facilitate improved design outcomes, a higher standard of documentation and a more efficient post-lodgement assessment process.

3.5 During the pre-lodgement stage, where an application does not demonstrate a high standard of design or documentation and requires further development, the Panel should select an outcome that requests the proposal returns for a subsequent pre-lodgement review.

This outcome should be included in the final Design Advice Letter and accompanied by clear and constructive recommendations to guide the applicant towards improving the proposal. The recommendations of the Design Advice Letter should aim to ensure the proposal achieves a high standard of design and documentation prior to both the subsequent DEP review and before progressing to the post-lodgement stage. Wherever

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possible, the proposal should receive the Panel's support prior to formal submission of an application to Council (i.e., progressing to the post-lodgement stage). Progression to the post lodgement stage does not preclude from further reviews by the DEP.

3.7 During the post-lodgement stage, unless the Panel considers outstanding design issues to be substantial - the Panel should encourage its recommendations to be addressed by the applicant without requiring the proposal to return to the DEP. In such cases, the Panel's support for a proposal may be conditional upon the applicant adopting the Panel's recommendations, to be assessed by Council's Assessing Officer/Planner following resubmission.

During the pre-lodgement stage, where an application does not demonstrate a high standard of design or documentation and requires further development, the Panel should select an outcome that requests the proposal returns for a subsequent pre-lodgement review.

This outcome should be included in the final Design Advice Letter and accompanied by clear and constructive recommendations to guide the applicant towards improving the proposal. The recommendations of the Design Advice Letter should aim to ensure the proposal achieves a high standard of design and documentation prior to both the subsequent DEP review and before progressing to the post-lodgement stage. Wherever possible, the proposal should receive the Panel's support prior to formal submission of an application to Council (i.e., progressing to the post-lodgement stage).

3.8
3.9 In their advice letter, the DEP must not recommend that a post-lodgement application be re-referred to the Panel (i.e., for a second time) unless it explicitly does not support the proposal on design and/or documentation grounds - for example, a proposal may have unresolvable design issues or demonstrate an inadequate standard of documentation to warrant re-referral. Instead, the Design Advice Letter should provide specific and solution-oriented recommendations for the applicant to resolve the identified issues. Once revised by the applicant, the proposal will be assessed by Council's Assessing Planner to determine whether the concerns have been adequately addressed. Officer

3.10
3.11 In cases where a post-lodgement application is explicitly not supported by the Panel and a re-referral to the DEP is required, the Panel must not raise new issues, concerns or recommendations beyond those outlined in the previous post-lodgement Design Advice Letter, - unless the proposal has substantially changed, and new issues have emerged.

To facilitate a high standard of design and documentation in formal applications submitted to Council, the DEP through its advice, should foster a collaborative, iterative approach during the pre-lodgement stage. Applicants should be encouraged to engage in multiple rounds of pre-lodgement review, using the Panel's experience and expertise to refine their proposal prior to formal submission of an application with Council (i.e., the post-lodgement stage).

Where feasible, the Panel should recommend that proposals return for further pre-lodgement review until the Panel is able to offer its support. This process promotes collaborative problem-solving and design resolution, endeavouring to facilitate improved design outcomes, a higher standard of documentation and a more efficient post-lodgement assessment process.

3.12
3.13 The Chairperson is responsible for ensuring the review process is completed and the finalised Design Advice Letter is returned to Council's DEP Convenor no later than five (5) business days from receipt of the draft Design Advice Letter. Upon receiving the finalised version, the DEP Convenor will confirm all changes and forward the final DEP Design Advice Letter to Council's Panel Support Officer within one (1) business day, for upload to the NSW Planning Portal, distribution to the applicants.

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2.3 The draft meeting minutes will be sent to the Chairperson by Council's Panel Support Officer for review, following the DEP meeting. The meeting minutes will be reviewed and approved for circulation to the DEP by the Chairperson. The Chairperson will then circulate the minutes to the other DEP members. All DEP members must confirm the accuracy of the minutes to the Chairperson as soon as possible. It is the responsibility of the Chairperson to ensure that the entire review of the draft DEP meeting minutes is completed and the final meeting minutes are returned to Council's Panel Support Officer by no later than seven (7) business days following their receipt of the draft meeting minutes from Council.

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2.4 The DEP, in their minutes, must not request that an application is re-referred to the DEP unless a full rejection of the application is recommended on design grounds. The DEP must instead include specific recommendations, relating to the changes requested to the design to address any concerns raised.

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2.5 Should an application require a re-referral to the DEP, new issues, concerns or recommendations must not be made which are different to those raised at the original DEP meeting, except where the design has changed to the extent that new issues have been identified specifically, as a result of those changes.

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2.6 DEP meeting minutes must be reviewed and circulated to the applicant by Council's allocated planner or assessing officer. The DEP minutes are required to be accompanied by a cover letter signed by the allocated planner or assessing officer which outlines the planner or assessing officer's comments regarding the changes required to be made to the development, based on the DEP recommendations. Note: The DEP recommendations may have implications on the assessment of the application against Section 79C of the Environmental Planning and Assessment Act 1979 (NSW) and this will need to be clearly communicated to the applicant by the planner or assessing officer.

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2.7 Within seven (7) business days of the allocated planner or assessing officer receiving the final DEP meeting minutes, the final DEP meeting minutes are to be distributed to the applicant via mail or e-mail.

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2.8 A DEP meeting must be adjourned if a quorum is not present within 15 minutes after the time designated for the holding of the DEP meeting or at any time during the meeting. In either case, the DEP meeting must be adjourned to a time, date and place fixed by the Chairperson.

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3.4. APPLICANT REPRESENTATION PROCEDURES

4.1 The applicant will be advised of the proposals DEP obligations upon initial engagement with Council.

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4.2 The applicant will be encouraged to engage with the DEP as many times as necessary during the pre-lodgement stage to ensure a high standard of design and documentation is achieved prior to formally submitting an application to Council.

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4.3

4.4 The applicant will be provided a minimum seven business (7) days written notice on the selected time and date of the allocated DEP meeting.

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4.5 Where an applicant is advised of their obligations to undergo DEP review upon initial engagement with Council, the application will be required to meet Council's minimum DEP submission requirements - prior to attending an initial pre-lodgement DEP meeting. This ensures the proposal has achieved an adequate level of progress, design resolution and documentation, for a meaningful review by the Panel to occur.

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~~The minimum (pre-lodgement) DEP submission requirements will be communicated to the applicant by the Panel Support Officer following confirmation of the applicant's intent to proceed.~~

~~4.6 The minimum DEP submission requirements The required information / documentation must be submitted/provided to Council at least five (5) business days prior to the scheduled DEP meeting, including:-~~

- ~~(a) Architectural and Landscape Architectural (i.e., including Public Domain) drawings (where applicable);~~
- ~~(b) Any other supporting documents to inform the panel members on various aspects of the proposed development (e.g. ADG compliance schedules and diagrams where applicable)~~
- ~~(c) The applicants intended presentation package (where applicable); and~~
- ~~(d) If a returning item, a response letter to the previous DEP Design Advice Letter, and the relevant previous proposal drawings;~~

~~4.7 4.3.41 Both the applicant, and nominated Architect and Landscape Architect for the development application/proposal and/or proposal will be invited by Council to attend the DEP meeting.~~

~~4.3.42 The applicant will be provided given a minimum seven business (7) days written notice on the selected time and date of the allocated DEP meeting.~~

~~4.5 The applicant must provide all relevant documentation to Council at least five (5) business days prior to the DEP meeting. If applicable, a copy of the applicant's intended DEP presentation package should also be submitted to Council, in advance of the meeting. If a returning item, a response letter to the previous Design Advice Letter must also be prepared and submitted to Council by the applicant.~~

~~4.8 4.6 Following a five (5) – ten (10) minute period allocated for a welcome to country meeting commencement and introductions, the applicant will be provided with a maximum of twenty (20) minutes to present, during the DEP meeting. It is required that either the nominated Architect or Landscape Architect provide an overview of the proposal to the Panel, during this time.~~

~~4.9 4.7 If the applicant or their representatives are not present at the commencement of the DEP meeting, the Chairperson will acknowledge this during the meeting introductions, to be noted in the Design Advice Letter. The Panel will then proceed with discussions and provide its recommendations, and outcome based on their assessment of the submitted documentation, undertaken prior to the meeting (as per Part 2 items 1.1 and 4.43 above).~~

~~4.10 4.8 During the allocated twenty (20) minutes to present, the applicant must either provide an overview of the proposal, discuss general design principles, discuss adherence to the ADG (where applicable) and/or specifically address any item's raised in a previous Design Advice Letter;~~

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~~4.11 4.9.93~~ The DEP will be allocated a minimum of ~~thirty thirty (30)~~ minutes to facilitate discussion, seek clarifications, and provide informal recommendations in the presence of the applicant, nominated Architect, and/or Landscape Architect and a maximum of one (1) hour for discussions with the applicant and nominated Architect and Landscape Architect following the conclusion of the applicant's presentation.

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~~4.12 4.10~~ The applicant will be provided with formal written feedback – including an outcome – in the form of the Design Advice Letter, within 12 (twelve) to 15 (fifteen) business days following the conclusion of the DEP meeting.

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~~4.13 34.114~~ Only Council staff are permitted to contact the members of the DEP representative pool directly. Landowners, applicants and nominated Architects and Landscape Architects are not permitted to contact DEP members directly.

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~~4.14 4.12~~ All applicant enquiries regarding the DEP process should be directed to Council's Assessing Planner or Panel Support Officer, in the first instance.

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4.5. REVIEW

~~54.1~~ A review of the DEP meeting procedures shall be conducted annually by Council. To assist Council with this review, DEP members may be invited to meet with those Council staff members undertaking the review to seek comment on current meeting procedures and their feedback on potential – a review of the DEP meeting procedures will be conducted as required under relevant legislation. To support this process, members of the DEP representative pool may be invited to meet with Council staff undertaking the review, to provide feedback on current procedures and suggest potential improvements, improvements.

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5.6. REMUNERATION OF PANEL MEMBERS

~~5.16.1~~ DEP members will be engaged for a minimum term of two (2) years.

~~5.2~~ DEP members shall receive be paid a remuneration of \$1,2500.00 (excluding GST) for a per half day or \$24,7000.00 (excluding GST) for a per full day (Standard Fee) when selected from DEP representative pool to form the Panel. In addition to the relevant applicable Standard Fee remuneration, the Chairperson shall receive an be paid an additional \$2450.00 (excluding GST) remuneration.

~~6.2~~

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~~6.3~~ For the purposes of remuneration, a half day is defined as the assessment of one (1) to two (2) items, while a full day is defined as the assessment of three (3) to four (4) items. The DEP will consider a maximum of four (4) items per day.

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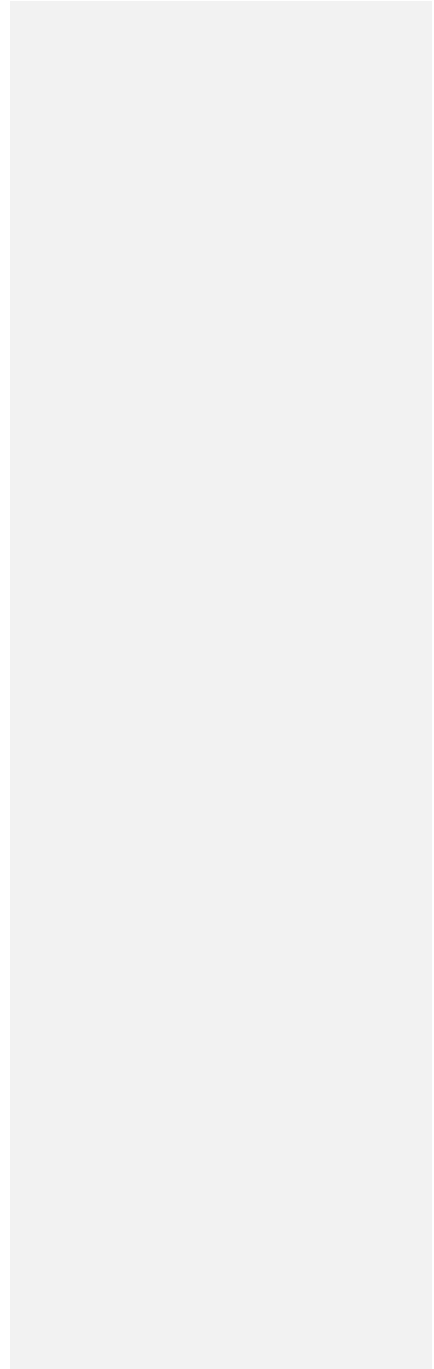
~~5.46.4~~ At the discretion of the Panel Support Officer, a full day or half day DEP meeting will typically commence at 9.30am, while and a half day DEP meeting will typically commence at 1.30pm. If required, a half day DEP meeting can be Scheduled to commence at 1:30pm.

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(* The CEO may approve variations to these rates during the term of the DEP subject to budget considerations.)

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AUTHORISED BY
Council Resolution

EFFECTIVE FROM

~~27 June 2026~~ ~~17 June 2026~~ ~~20225~~

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REVIEW DATE

~~27 August 2024~~ ~~9 June 2024~~ Every four (4) years

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DEPARTMENT RESPONSIBLE

Infrastructure Planning (City Design and Public Domain)
Planning and Compliance (Development Assessment); and
Planning and Compliance (City Planning)

VERSIONS

Version	Amended by	Date	TRIM number
1	Adopted by Council	24 March 2015	058678.2015
2	Planning and Development Committee and endorsed by Council	29 June 2016	058678.2015
3	Adopted by Council	13 December 2017	058678.2015-010
4	Adopted by Council	27 October 2020	331055.2020
5	Adopted by Council	29 June 2022	218787.2022
6		27 August 2025	TBC
6	TBC	TBC (2026)	TBC

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LIVERPOOL DESIGN EXCELLENCE PANEL CHARTER AND PROCEDURE

Revised: 29 June 2022

TRIM 218787.2022



PART 1 - CHARTER

EXECUTIVE SUMMARY

Liverpool City Council (**Council**) has established the Liverpool Design Excellence Panel (**DEP**) whose primary function is to advise Council and the public of the design quality of development applications. This allows Council to determine whether such applications will contribute to an improvement in the built fabric of the Liverpool Local Government Area (**LGA**).

Given Liverpool's Regional City status, Council is seeking to encourage quality development and promote best practice urban design for developments of a significant scale.

The growth and expansion of the Liverpool LGA highlights a need to ensure development achieves the desired design outcome that is consistent with Liverpool's Regional City status. This DEP Charter incorporates a relevant scope of development applications to be referred to the DEP to ensure new development in the Liverpool LGA positively contributes to the built environment.

1. PURPOSE OF THE DEP

1.1 What will DEP members do?

Panel members will provide expert advice on applications, planning proposals or policies relating to major commercial and residential development within the Liverpool LGA early in the design process and wherever possible, prior to the submission of relevant development applications or following the receipt of an application by Council, where appropriate.

1.2 What is the DEP's purpose?

The purpose of the DEP is to:

- (a) examine, evaluate and critique the design aspects of relevant proposed commercial, residential and community developments prior to the determination of the relevant development application;
- (b) assess the design quality of development proposals and identify how the proposed development could be improved by design changes in order to better achieve the objectives of the relevant planning controls and an optimum design outcome; and
- (c) provide comments to applicants and their professional consultants on actions that could be taken to improve the quality of the design.

1.3 What is this Charter?

The DEP Charter and Procedure (**Charter**) establishes the membership, function, procedures, and terms and conditions of office for the Liverpool DEP.

2. AIMS AND SCOPE OF THE DEP

2.1 Aims of the DEP

The aims of the DEP are:

- (a) to encourage high quality development in the growth of Liverpool as a Regional City through the promotion of best practice in urban design;

- (b) to connect with the development industry by succinctly communicating practical critiques so they recognise the value of the advice provided by the DEP and are encouraged to respond accordingly;
- (c) to provide pragmatic design advice that encourages development, while ensuring outcomes that contribute to a Regional City of design excellence; and
- (d) to encourage proponents to engage with the DEP during the pre-lodgement stage of development to ensure maximum benefits to all stakeholders.

2.2 Scope of the DEP

The scope of the DEP is to provide expert and independent advice on the following developments:

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

2.3 The DEP will make recommendations and provide advice to Council on the matters referred to it having regard to the material forwarded to the DEP in each case and in every case having regard to Council's adopted policies including but not limited to:

- (a) Liverpool Local Environmental Plan 2008;
- (b) Liverpool Development Control Plan 2008;
- (c) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and
- (d) Apartment Design Guide.

3. **FUNCTIONS OF THE DEP**

3.1 The function and role of the DEP is to:

- (a) play an advisory role (DEP is not a decision-making body);
- (b) thoroughly examine, evaluate and comment upon the design aspects of proposals for major development in the Liverpool LGA prior to the lodgement of relevant

development applications, or, where occurring; following development application lodgement with Council;

- (c) comment on strategic planning documents relative to the urban design issues of a proposal; and
- (d) provide advice to potential applicants and their professional consultants of actions that could be taken to improve the design quality of development proposals.

4. REPRESENTATIONS OF THE DEP

4.1 Membership

The DEP shall comprise three (3) high-level and respected professionals who are or have been involved in the design of recent (1-5 years) major projects. Such members shall have extensive expertise in specific urban design and sustainable and liveable communities that addresses the needs and conditions found in Western Sydney and also possess extensive qualifications in at least one or more of the following professions:

- (a) Urban Design;
- (b) Architecture;
- (c) Landscape Architecture; and
- (d) Urban Planning.

A DEP member cannot be employed by Council, including Council officers and elected Councillors, in accordance with the requirements of *State Environmental Planning Policy No. 65* (SEPP No. 65).

4.2 Chairperson

The Chairperson will be selected from the pool of DEP representatives for each meeting. The relevant DEP representative selected for each meeting who will undertake the role of Chairperson for that meeting will be advised in advance that they will be undertaking the role of Chairperson.

4.3 Quorum

Three (3) DEP members must be present at a DEP meeting to form a quorum.

4.4 Convenor

Council's Coordinator Urban Design will be the convenor of each meeting. In the absence of the Coordinator Urban Design, a convenor will be appointed by the Director City Economy and Growth.

5. DEP APPOINTMENT AND SELECTION FOR DEP MEETINGS

5.1 Tender Process

Council will advertise and establish a short list of potential panel members via a tender or an expression of interest process which will be presented to a council meeting for approval. Members from the approved short list, will then be appointed to the pool of panel members by the CEO, based on their qualifications and experience, and in the absence of any real or potential pecuniary or non-pecuniary conflict of interest.

Council will select three (3) DEP representatives for each DEP meeting from the pool of DEP representatives (consisting of one (1) Chairperson and two (2) other DEP members).

5.2 No Guarantee

Appointment of DEP members into the pool of DEP representatives does not guarantee selection for DEP meetings. Rather, appointment to the pool of DEP representatives only gives rise to the potential for selection for DEP meetings.

5.3 Past Performance

In considering whether to select and/or re-select a DEP member to a DEP meeting, strong consideration will be given to the relevant DEP member's past adherence to the terms of this Charter and/or performance during past DEP meetings.

5.4 Council's Rights Reserved

Council reserves all rights to select members for each meeting, based on their knowledge, skills, qualifications, along with their past adherence to the terms and conditions of this Charter and/or performance during past DEP meetings.

5.5 If Quorum Not Established

If a quorum is not available for a DEP meeting, Council's Director City Economy and Growth may select an alternative suitably qualified DEP member to establish a quorum.

5.6 Vacancy

If a vacancy occurs in the membership of the DEP, the CEO may appoint a person to fill the vacant position. Council may in its absolute discretion, appoint suitable shortlisted applicants from a previous tender or expressions of interest process.

6. CONDUCT AND DISCLOSURES

6.1 Code of Conduct

DEP members:

- (a) must act lawfully and with integrity and professionalism;
- (b) must comply with all requirements imposed by the *Local Government Act 1993* (NSW) on persons providing advice to a Council; and
- (c) are required to understand, acknowledge and sign a copy of Council's Code of Conduct prior to being appointed on Council's pool of DEP members.

6.2 Breach

If a member of the DEP is found to be in breach of Council's Code of Conduct or any other relevant Council policy, the matter may be referred to the CEO to be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.

6.3 Declarations

Any declarations for a conflict of interest must be disclosed prior to acceptance of meeting attendance

7. **TERMINATION OF DEP MEMBER APPOINTMENTS**

7.1 Non-Adherence to Charter

If it is deemed that a DEP member has not adhered to the terms of this Charter or their performance is not to the reasonable satisfaction of Council then Council reserves the right to provide a first and final written warning to the relevant DEP member. If, on a subsequent occasion, the relevant DEP member does not adhere to the terms of this Charter or their performance is not to the reasonable satisfaction of Council, then Council reserves the right to terminate their membership to the pool of DEP representatives. The CEO has the authority to terminate the membership of a DEP member.

7.2 Replacement DEP Member

7.3 In the event that a DEP member's appointment to the pool of DEP representatives is terminated, Council reserves the right to replace the relevant DEP member. This may involve Council's procurement process being followed.

7.4 Additional DEP Members

If, during the term of DEP, Council deems it appropriate, Council may tender for further DEP members to be appointed to the pool of DEP representatives. The CEO has the authority to appoint additional DEP members to the pool of DEP representatives.

8. **RESPONSIBILITIES OF THE DEP MEMBER PRIOR TO MEETING**

8.1 Prior to each DEP meeting, it is required that each selected DEP member will have:

- (a) received copies of the development proposal/application and Panel Briefing Report;
- (b) completed a thorough review of the development proposal/application and Panel Briefing Report;
- (c) attended a site visit of the subject site, or if this is not possible, undertaken a desktop site inspection (i.e. via Google Earth/Maps) to become familiar with the site including its context and conditions; and
- (d) declared any conflict/s of interest.

9. **CONFLICTS OF INTEREST**

- (a) A DEP member who has a conflict of interest in a matter with which the DEP is concerned, must not be present at any meeting of the DEP at which the matter is being discussed or considered.
- (b) A disclosure about a conflict of interest must be acknowledged by the Chairperson and recorded in the minutes of the meeting.
- (c) On and from the date of appointment to the DEP, individual DEP members must not be carrying out or undertaking any type of consultancy work or project (whether

paid or unpaid) as regards to their relevant profession (the basis of their appointment to the DEP) within the Liverpool LGA including in relation to any matter or thing in which the Liverpool LGA is concerned or involved (including any dealings with Council). For the avoidance of doubt, this clause does not affect any pre-existing consultancy work already in existence prior to the DEP member's appointment to the DEP.

10. CONFIDENTIALITY AND MANAGING PRIVACY

- (a) DEP members, through their involvement in the DEP, may come in contact with confidential or personal information retained by Council. DEP members are required to maintain confidentiality and security in relation to any such information and not access, use or remove that information, unless authorised to do so.
- (b) The *Privacy and Personal Information Protection Act 1998* (NSW) and Council's Privacy Policy deal with the collection, holding, use, correction, disclosure and transfer of personal information.
- (c) Should a DEP member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the CEO immediately.

11. DISCIPLINARY ACTION

- 11.1 Should a DEP member be found to be in breach of the Code of Conduct adopted by Council, the matter may be referred to Council's CEO and will be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.

12. MEDIA PROTOCOL

- 12.1 The Mayor is the only person permitted to speak to the media on behalf of the DEP. No other DEP member is permitted to speak to the media in his or her capacity as a DEP member.

13. REVIEW OF CHARTER

- 13.1 This Charter shall be reviewed annually or as required by any changes in legislation, operational requirements or minor amendments as authorised by Council's CEO in consultation with the Director City Economy & Growth.

PART 2 – MEETING PROCEDURES

1. PROVISION OF DOCUMENTATION TO DEP

- 1.1 The following documentation is to be provided to the selected DEP members electronically at least five (5) business days before the meeting:
- (a) The meeting agenda;
 - (b) The assessing officer's Panel Briefing Report;
 - (c) Architectural and Landscape Architectural (i.e. including Public Domain) drawings in A3 size; and
 - (d) All other relevant information.

2. MEETING PROCEDURES

- 2.1 The DEP will meet at such place and time as notified to the DEP members by a representative from Council (**Panel Support Officer**). It is expected that the DEP will meet twelve (12) times a year on dates and at places to be scheduled in advance for each year. Meetings will be held at suitable venues or via Audio-Visual link e.g. Zoom or MS Teams.
- 2.2 Council may request the cancellation of a meeting or call an extraordinary meeting to take place as required, with at least five (5) business days written notice to all selected DEP members.
- 2.3 Council will appoint the Chairperson for each DEP meeting, who will be one of the three (3) DEP representatives selected from the pool of DEP representatives.
- 2.4 Council staff may attend the meetings, as observers.
- 2.5 Guest speakers may be invited as required and as determined by the DEP. Guest speakers may include relevant Council staff who are there to provide guidance and support and to respond to enquiries.
- 2.6 The DEP meeting will be conducted in accordance with the meeting agenda.
- 2.7 For items that have previously been heard at a DEP meeting, the DEP's role is to address the applicant's response to the recommendations made in the previous DEP minutes of the meeting.
- 2.8 Council's DEP convenor (**Convenor**) will take minutes of the DEP meetings. The minutes will include the following:
- (a) A statement of the status and purpose of the meeting;
 - (b) Attendance;
 - (c) Apologies;
 - (d) Declarations of Interest;
 - (e) A record of all recommendations made by the DEP; and

- (f) A meeting outcome, selected by the DEP, from the options listed within the DEP minutes of meeting template.
- 2.9 The draft meeting minutes will be sent to the Chairperson by Council's Panel Support Officer for review, following the DEP meeting. The meeting minutes will be reviewed and approved for circulation to the DEP by the Chairperson. The Chairperson will then circulate the minutes to the other DEP members. All DEP members must confirm the accuracy of the minutes to the Chairperson as soon as possible. It is the responsibility of the Chairperson to ensure that the entire review of the draft DEP meeting minutes is completed and the final meeting minutes are returned to Council's Panel Support Officer by no later than seven (7) business days following their receipt of the draft meeting minutes from Council.
- 2.10 The DEP, in their minutes, must not request that an application is re-referred to the DEP unless a full rejection of the application is recommended on design grounds. The DEP must instead include specific recommendations, relating to the changes requested to the design to address any concerns raised.
- 2.11 Should an application require a re-referral to the DEP, new issues, concerns or recommendations must not be made which are different to those raised at the original DEP meeting, except where the design has changed to the extent that new issues have been identified specifically, as a result of those changes.
- 2.12 DEP meeting minutes must be reviewed and circulated to the applicant by Council's allocated planner or assessing officer. The DEP minutes are required to be accompanied by a cover letter signed by the allocated planner or assessing officer which outlines the planner or assessing officer's comments regarding the changes required to be made to the development, based on the DEP recommendations. Note: The DEP recommendations may have implications on the assessment of the application against Section 79C of the *Environmental Planning and Assessment Act 1979* (NSW) and this will need to be clearly communicated to the applicant by the planner or assessing officer.
- 2.13 Within seven (7) business days of the allocated planner or assessing officer receiving the final DEP meeting minutes, the final DEP meeting minutes are to be distributed to the applicant, via mail or e-mail.
- 2.14 A DEP meeting must be adjourned if a quorum is not present within 15 minutes after the time designated for the holding of the DEP meeting or at any time during the meeting. In either case, the DEP meeting must be adjourned to a time, date and place fixed by the Chairperson.

3. APPLICANT REPRESENTATION PROCEDURES

- 3.1 Both the applicant and nominated Architect and Landscape Architect for the development application and/or proposal will be invited by Council to attend the DEP meeting.
- 3.2 The applicant will be given seven business (7) days written notice on the time and date of the DEP meeting.
- 3.3 The DEP will be allocated a minimum of thirty (30) minutes and a maximum of one (1) hour for discussions with the applicant and nominated Architect and Landscape Architect.
- 3.4 Landowners, applicants and nominated Architects and Landscape Architects are not permitted to contact DEP members directly.

4. REVIEW

- 4.1 A review of the DEP meeting procedures shall be conducted annually by Council. To assist Council with this review, DEP members may be invited to meet with those Council staff members undertaking the review to seek comment on current meeting procedures and their feedback on potential improvements.

5. REMUNERATION OF PANEL MEMBERS

- 5.1 DEP members will be engaged for a term of two (2) years.
- 5.2 DEP members shall be paid a remuneration of \$1,200.00 per half day or \$1,700.00 per full day (**Standard Fee**). In addition to the relevant Standard Fee, the Chairperson shall be paid an additional \$150.00 remuneration.
- 5.3 A full day DEP meeting will commence at 9.30am and a half day DEP meeting will commence at 1.30pm.

(The CEO may approve variations to these rates during the term of the DEP subject to budget considerations.)*

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

29 June 2022

REVIEW DATE

29 June 2024

DEPARTMENT RESPONSIBLE

Planning and Compliance (Development Assessment); and
 Planning and Compliance (City Planning)

VERSIONS

Version	Amended by	Date	TRIM number
1	Adopted by Council	24 March 2015	058678.2015
2	Planning and Development Committee and endorsed by Council	29 June 2016	058678.2015
3	Adopted by Council	13 December 2017	058678.2015-010
4	Adopted by Council	27 October 2020	331055.2020
5	Adopted by Council	29 June 2022	218787.2022

City Design Public Domain Unit

DEP Charter and Procedure Review 2026

Comment Register



City Planning - City Design and Public Domain Unit
Design Excellence Panel Charter and Procedure 2026
Comments Register & Responses
August 2025 - April 2026

Document / Section	Topic	Section/Page Number	Issue / Comment	Recommendation	Action	Resolved (Y/N ,n/a)
DEP Charter - General comment	DEP Triggers	2.2 Scope of DEP	Councillors questioned the revision to the Scope of the DEP (i.e., Triggers) and raised concern for the lack of clarity around the effects this would have on both the number of items going to the DEP and the impact on Development Assessment timeframes of DEP items.	CDPD notes the Councillors concerns with the amended triggers impacting the number of items going to DEP and possible risks with impacts to timeframes for processing Development Applications. CDPD has conducted consultation with the Development Application team to process the data and determine possible implications. The review of the data was inconclusive due to the need for recategorisation of DA applications to align with the updated scope of the DEP. CDPD recommendation is to: 1) to remove one of the clauses for the proposed new triggers for which dont have data available (Child Care Facilities, Mixed-Use, Senior Housing, Boarding Houses and Co-Living). This data may become available for future amendments to DEP Charter. 2) Changes to existing triggers are still maintained as they relate to clarification of designations or consistency to other legal requirements such as SEPPs and LEP. CDPD also notes for other complex development types, Council will always have discretion where the Manager DA and/or Manager City Planning can call for the DEP.	Remove new clauses within the DEP triggers. Maintain changes to wording of triggers where they are providing clarification of designations of development types, and or consistency with other legal requirements. Maintain the new clause for consistency with SEPP and LEP	Y
DEP Charter - General comment	DEP Triggers	2.2 Scope of DEP	Mayoral request to provide a summary of common development types now covered in the expanded DEP scope in future Council Report and Presentation	Refer to response to line 8 above.	Refer to response to line 8 above.	Y
Part 1	Quorum for meeting	4.3 and 5.5	CEO request to reconcile points 4.3 and 5.5 in the DEP Charter to ensure they are not conflicting in relation to achieve Quorum for the meeting.	Amend the draft Charter to position references to Quorum together by moving text from section 4.3 to 5.5. Rename section 4.2 to Chairperson and Panel Members	Amended wording according to recommendation	Y
DEP Charter - General comment	DEP Triggers	2.2 Scope of DEP	Acting Director Operations - clarify the concern with the changes (particularly requirement for additional items to go to DEP would delay the development assessment process.	Refer to response to line 8 above.	Refer to response to line 8 above.	Y
DEP Charter - General comment	DEP Pre-DA meetings	2.1 Aims of the DEP	Clarify that the requirement for DEP at Pre-DA stage is optional and encouraged through early engagement with Council. Applicants are technically not required to attend DEP at Pre-DA stage, it is however beneficial to discuss design issues earlier in the process. It s required to have DEP meeting at least once in the DA stage.	Wording is acknowledged and included in the updated Charter	Nil	n/a
DEP Charter - General comment	Designation of Meeting Minutes	Section 1	We recently received an objection letter to recently issued DEP Meeting Minutes - essentially stating that the minutes were not a reflection of the meeting. This supports the argument to change the meeting minutes to the DAL to better reflect the intention and purpose of the Panels recommendations and remove any confusion around it	Recommendation to ammend the naming of DEP Meeting Minutes to 'Design Advice Letter'	Amend wording in the Draft DEP Charter	Y
Part 1	Pre Lodgement meeting requirements	Section 1.2 and 2.1	DEP Charter Sections 1.2 & 2.1 emphasis the importance of pre-lodgement stage. If possible, this requirement (Pre-DA stage) should be clearly embedded or referenced within legislation (LEPs or DCPs) to safeguard the desired early DEP process.	This comment requests amendments to the LEP and DCP which are beyond the scope of the Charter	Nil	n/a
Part 1	Development types	Section 2.2	I would suggest moving 'build-to-rent' from Section 2.2 (a) to Section 2.2 (b), to align with the categorisation set out in [DC3.1] the SEPP Housing 2021, where co-living, build-to-rent, seniors housing, and boarding houses are all grouped under Chapter 3 Diverse Housing.	In light of previous amendments to the scope items, this is not incorporated into the updated version. The Scope is now reflective of the previous 2022 version of the document.	Nil	n/a
Part 1	Connecting with Country Charter	Section 2.5	Under Section 2.5, I recommend listing Liverpool Connecting with Country Design Charter (noting it's a draft version), to promote the importance of 'Country' initiatives. While this may fall under Section 2.5(h), I recommend listing it as a standalone item, just like the PDMP and TMF, to give greater prominence and promote this concept?	In conversation with Council's heritage officer it was indicated the Connecting with Country Design Charter is in similar timeframes for delivery as the updated DEP Charter and it would be suitable to include the cross reference between the documents.	Include the cross reference as indicated by the comment. Including as item q)	Y
Part 1	Formatting	Section 4.1	Section 4.1 (d)-(f) - spacing formatting issues.	Check formting of bullets and indentation	Check formting of bullets and indentation	Y
Part 2	Repetition	Section 1.1	Part 2 - 1.1 (g) is repetitive to 1.1 (f).	Remove repetition	Delete text in item g)	Y
Part 2	Pre Lodgement meeting requirements	Section 1.1	'If a returning item from the pre-lodgement stage, a response letter to the previous DEP Design Advice Letter; and the relevant previous proposal drawings.' (I have noted that previous schemes are often not provided to the panel for returned items, which makes it difficult for Panels to see changes, comparisons, and improvements.)	Adopt the additional of 'relevant previous proposal drawings'	Add to the text description	Y
Part 1	Typo	Section 1.8	Cross check the word of 'Convenor', not 'Convener'?	Amend typo	Amend typo	Y
Part 2	Wording	Section 2.13	Section 2.13 - changing the word of 'minute taking' to 'note taking'?	Adopt the alternation	Amend the text to adopt the alternation	Y
DEP Charter - several sections	Outcomes of DEP	Section 2.2 and 3.3	Sections 3.2 & 3.3 - we must revise the 'Outcome' options to reflect these changes in the new Design Advice Letter template.	Noted. Action to be conducted post endorsement of the final DEP Charter when the Design Advice Letter template is amended. Further refinement of section 3.3 can be provided with text flowing from pre-lodgement to post-lodgement stages.	Revise the order of the paragraphs	Y
n/a	Connecting with Country	n/a	Provided a list of First Nations Architects/Designers which can be called upon to provide services to DEP.	Noted the list of recommended resources which can be called upon for DEP specialist advice on the field of Connecting with Country	Nil	n/a

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Part 1	Connecting with Country	Section 2.2.	2.2 Scope - The implementation and approach to recognise country or connecting with country as it applies to developments subject to the Aerotropolis Precinct Plan and developments identified by LCC.	In light of previous amendments to the scope items, this is not incorporated into the updated version. The Scope is now reflective of the previous 2022 version of the document.	Nil	n/a
Part 1	Connecting with Country	Section 2.3	2.3 Exemptions to Scope of the DEP-The DEP are to refrain from comments or design guidance in relation to heritage conservation, adaptive reuse or public art projects except for the indication of whether an application should be referred for internal specialist advice.	Recommended to incorporate the comment into the Charter, with the additional indication that this is to occur unless a heritage specialist is part of the Panel.	Add to the list of Exemptions to Scope	Y
Part 1	Connecting with Country	Section 2.5	2.5 Relevant Documents (q) GANSW Draft Connecting with Country Framework (r) Guidelines for the undertaking of recognise country within the Aerotropolis	To add mention of the documents to the list of relevant documents to be considered	Add to the list to include the documents	Y
Part 1	Connecting with Country	Section 4.1	4.1 Membership When considering a development incorporating recognise country or connecting with country at least one member of the Design Excellence Panel is to be an experienced and [DC13.1] qualified Aboriginal Spatial Designer, which is a specialist who is: A qualified architect, urban designer or landscape architect; and Of First Nations decent; and With experience in implementing connecting with country and recognise country frameworks; and Has knowledge of the Australian Indigenous Design Charter	The request to delete the previous items and the concern with the resource to indigenous designers to attend DEP when needed is noted.	Amend the Draft DEP Charter to include mention of the need to include a member of the DEP as an experienced Aboriginal Spatial Designer.	Y
Part 1	Connecting with Country	Section 4.1	Delete D and E I am happy to provide a list of known Aboriginal Spatial Designers you can contact as a part of the EOI process in relation to their potential involvement in the panel. It is my professional opinion that due to cultural sensitives and ethics, recognize country needs to be considered by someone who is indigenous.	Retain Item D as a heritage specialist may be required for proposals which don't necessarily involve Connection with Country. Replace Item E as per comment received. Adjust numbering for adequacy. Exclude the reference to 'Aboriginal Spatial Designer' as the listing below already requires architect, urban designer or landscape architect. Aboriginal Spatial Design is a terminology which can change in a short timeframe for other designation.	Amend the Draft DEP Charter with this adjustment in mind.	Y
DEP Charter - General comment	n/a	n/a	The document reads really well, covers all the DRP/DEP review related aspects and I have no comments or recommendations.	Comment only, no actions	Nil	n/a
Part 1	Design Advice Letter	2.13	Suggestion to add the following wording highlighted in bold: 'The Convenor will record the DEP meeting for the purpose of note-taking and assisting in the preparation of the draft Design Advice Letter' only. The recording will remain in Councils records and will not be distributed for any other purposes.	Add the passage to the relevant section.	Add the passage to the relevant section.	Y
Part 1	Extra-ordinary DEP meetings	2.17	Need for applicant to pay additional costs equivalent to two (2) standard items will apply for each item being referred to the extra-ordinary meeting. This is making it harder for applicants to come and see us. Consider reducing to one standard item.	Extra meeting not encouraged, however Panel members are charging half day fees, which typically includes two items. Maintaining the equivalent to two standard items helps Council mitigate the costs.	Nil	
Part 1	Conflict of interest	6.2	suggested addition in red: <i>where a pecuniary or a significant non-pecuniary interest in relation to a DEP item is identified, must comply with Council's Conflict of Interest Policy, including the submission of a Conflict of Interest Declaration Form and refrain from any involvement in the matter. This must occur as soon as practicable, and at a minimum, prior to the relevant meeting;</i> This brings your policy into consistency with the Code of conduct policy, conflict of interest policy and conflict of interest declaration form and makes it very clear to the reader (DEP member) that they can have no involvement	To adopt the wording	wording updated	Y
Part 1	Aims and Scope	2.1 d)	Check reference to 'e.g. Pre-DA' if relates to the first mention of pre-lodgement meeting. Adjust the placement of the reference accordingly.	Adopt the suggestion	Wording updated	Y
Part 1	Exemptions to Scope of DEP	2.3	Consider adding to the wording <i>'with consideration to other statutory requirements (e.g LEP and SEPP)'</i> . This is thinking of the recent consideration of Aerotropolis SEPP requirements vs. DEP requirements where the SEPP requirements should be above the Charter.	Council may not have the discretion to exempt items triggered under SEPP or LEP requirements.	Nil	
Part 1	Membership of specialists	4.1	Suggest to clearly outline the difference between the Membership Panelists and the additional specialists panel members which can be called upon on a case by case basis, depending on the requirements of the project	Adopt the suggestion by adding a new numbered item 4.2 'Additional Specialists to list out the possible additions	Wording updated	Y
Part 1	Membership of specialists	4.1	Suggest to clarify the appointment process for the specialists as the wording indicates <i>'outside of the DEP representative pool'</i> .	Additional Panel members to be engaged on a case by case basis - engagement process utilising the Design Services Panel or by direct RFQ process.	Nil	
Part 1 and Part 2	Design Advice Letter	4.6 and 4.8	Timeframes indicate 12 to 15 business days for turn around of the Design Advice Letter - currently the timeframes are closer to 10 days. Should we consider reducing these timeframes?	Approach was followed to allow flexibility with the timeframes to allow for unforeseen situations. However we expect to resolve the Letter within the 10 days generally.	Nil	

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Comment Register

Part 1	Tender Process	5.1	Consider adding to the wording 'and additional specialists if required' for consistency with item 4.1	Wording is Council will select a 'minimum of three'	Nil	
Part 1	Quorum	5.5	Consider the procedure for when there are last minute absences from the Panel members. We have had a recent case where the Panel member was late for the briefing meeting and it was unclear what the process would be, would the meeting go ahead?	Refer to the Quorum requirements which state a 15 min wait period to adjourn.	Nil	
Part 1	Design Advice Letter	8.1	Check consistency of wording for 'design advice letter' vs. 'Design Advice Letter' vs. 'advice letter'	Check consistent terminology and adopt 'Design Advice Letter' throughout the document	Nil	
Part 2	Applicant Procedures	4.7	Check cross reference to item 1.1 and 4.3. Are these numberings in part 1 or part 2 of the Charter?	Check the cross reference and clarify if Part 1 or Part 2 of the Charter.	Added reference 'Part 2 items 1.1 and 4.3 above'.	Y
Part 2	Half day meetings	6.4	Check the requirement for half day meetings to start at 1:30pm. In recent cases the Panel has shown preference for meetings to occur in the morning and terminate before lunch time.	Adjust the requirements to indicate half day commencing at 9:30 or optionally at 1:30pm. At discretion of the Panel support officer.	Nil	
Part 2	Applicant Procedures	4.4	Please include further information about the documentation requirements for the applicants to provide to the DEP prior to the review.	This is a worthy addition as the previous item 1.1 indicate the information to be provided by Council to the Panel members prior to the meeting. This would clarify what is expected of the applicants.	Added list of documentation and items under section 4.4 (Part 2)	Y

CTTE 01	Minutes of the Governance Committee Meeting held 20 August 2025
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Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	255615.2025
Report By	Katrina Harvey - Councillor Executive and Support Officer
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

A Governance Committee Meeting was held on 20 August 2025.

This report attaches a copy of the minutes of the meeting for Council endorsement.

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Governance Committee Meeting held on 20 August 2025; and
2. Endorse the recommendations in the Minutes.

REPORT

The Minutes of the Governance Committee Meeting held on Wednesday 20 August 2025 are attached for the information of Council.

The minutes contain the following actions or Committee recommendations:

Item 01 – Report Back – MAYOR 03 (23 April 2025)

An amendment was made to point 2 of the resolution.

RECOMMENDATION

That the Governance Committee:

1. Notes the operational and performance implications associated with the implementation of MAYOR 03 passed 23 April 2025; and
2. That Council rescinds MAYOR 03 concerning Incorporating NSW Government Planning Circular Guidelines into Council Assessment Procedures, due to misalignment with the NSW Government KPIs and resource burden.

COMMITTEE DECISION

Motion: **Moved:** Clr Harte **Seconded:** Clr Dr Green

That the Governance Committee:

1. Notes the operational and performance implications associated with the implementation of MAYOR 03 passed 23 April 2025; and
2. Refer the matter back to the Director of Planning and Design for a further report to Council.

On being put to the meeting the motion was declared CARRIED.

Item 02 – Review and Update – Liverpool Design Excellence Panel (DEP) Charter and Procedure

A new point 3 was added to the resolution.

RECOMMENDATION

That the Governance Committee:

1. Receives and notes this report; and
2. Endorses the updated Liverpool Design Excellence Panel Charter and Procedure to proceed to Council, seeking endorsement for Public Exhibition for a minimum period of 28 days.

COMMITTEE DECISION

Motion: **Moved:** Clr Dr Green **Seconded:** Clr Harte

That the Governance Committee:

1. Receives and notes this report;
2. Endorses the updated Liverpool Design Excellence Panel Charter and Procedure to proceed to Council, seeking endorsement for Public Exhibition for a minimum period of 28 days; and
3. Provide a summary of the common development types now covered in the expanded Design Excellence Panel (DEP) scope.

On being put to the meeting the motion was declared CARRIED.

Item 03 – Western Sydney International Airport (WSI) Preliminary Draft Master Plan Development

Amendments were made to the resolution, adding points 2, 3 and 4.

RECOMMENDATION

That the Governance Committee:

1. Receive and note Report.

COMMITTEE DECISION

Motion: **Moved:** Clr Dr Green **Seconded:** Clr Harte

That the Governance Committee:

1. Receive and note Report;
2. That a health impact study be undertaken to investigate the long-term effects of pollution and increased vehicle movements in Liverpool and surrounding areas, noting that Liverpool is located within a basin and already experiences significant health-related challenges associated with Moorebank and the Intermodal;
3. Council contact Transport NSW to review and discuss the proposed runway line duplication, advocate for alternative outcomes, and further progress discussions on the implementation of suburban rail and /or metro lines; and
4. The Committee noted the public exhibition closing date, after which the masterplan will be updated as required and submitted to the Minister for review by the end of November.

On being put to the meeting the motion was declared CARRIED.

Item 06 – Policy Review – Busking Policy

An amendment was made to point 3 of the resolution.

RECOMMENDATION

That the Governance Committee:

1. Notes, the Draft Busking Policy and supports its commencement of public exhibition for at least 28 days;
2. Notes, there is an opportunity for Councillors to provide further feedback on the draft policy throughout the public exhibition period; and
3. Reports back to Council for policy final consideration and endorsement.

COMMITTEE DECISION

Motion: **Moved:** Cllr Dr Green **Seconded:** Cllr Ibrahim

That the Governance Committee:

1. Notes, the Draft Busking Policy and supports its commencement of public exhibition for at least 28 days;
2. Notes, there is an opportunity for Councillors to provide further feedback on the draft policy throughout the public exhibition period; and
3. Where required, report back if there are comments from the 28 day public exhibition for policy final consideration and endorsement by the CEO.

On being put to the meeting the motion was declared CARRIED.

CONF 01 – Tourism and CBD Committee Charter Review and Committee Representative EOIs

An additional point 3 was added to the resolution.

RECOMMENDATION

That the Governance Committee:

1. Reaffirm Council's decision to endorse the updates to the Tourism and CBD Committee made at the meeting on 23 April 2025.
2. Appoint ten (10) community representatives to join the Tourism and CBD Committee for a two-year term.

COMMITTEE DECISION**Motion:** **Moved:** Cllr Macnaught **Seconded:** Cllr Dr Green

That the Governance Committee:

1. Reaffirm Council's decision to endorse the updates to the Tourism and CBD Committee made at the meeting on 23 April 2025.
2. Appoint ten (10) community representatives to join the Tourism and CBD Committee for a two-year term.
3. The Committee recommended to appoint those candidates who scored 11 and above to the Tourism and CBD Committee for a period of two years.

On being put to the meeting the motion was declared CARRIED.

FINANCIAL IMPLICATIONS

None of the actions contained in the minutes will have a financial impact on Council.

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	There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Minutes of the Governance Committee Meeting held 20 August 2025

Council**COUNCIL DECISION****Motion:** **Moved:** Cllr Macnaught **Seconded:** Cllr Dr Green

That Council:

1. Receives and notes the Minutes of the Governance Committee Meeting held on 20 August 2025; and
2. Endorse the recommendations in the Minutes.

On being put to the meeting the motion was declared CARRIED.

Council Resolution

For Action

Governance Committee Meetings

20/08/2025

ATTENTION: Operations Support Officer (Luu, Jenny)

SUBJECT: Review and Update - Liverpool Design Excellence Panel (DEP) Charter and Procedure

DUE DATE: 29/08/2025

FILE REF: 2024/6909 248061.2025

TRIM NOTES: **Assigned to Operations to action for all points (if applicable). Once completed please complete in Content Manager and leave a Manager's comment on how each point was completed. If the Resolution cannot be completed quickly, please leave a Manager's comment at key milestones for an update on progress. Thank you**

COMMITTEE DECISION

Motion: **Moved:** Cllr Dr Green

Seconded: Cllr Harte

That the Governance Committee:

1. Receives and notes this report;
2. Endorses the updated Liverpool Design Excellence Panel Charter and Procedure to proceed to Council, seeking endorsement for Public Exhibition for a minimum period of 28 days; and
3. Provide a summary of the common development types now covered in the expanded Design Excellence Panel (DEP) scope.

On being put to the meeting the motion was declared CARRIED.

Cllr Macnaught left the boardroom at 6.52pm returned at 6.54pm

[View Item in Minutes Document](#)

This action sheet contains a Resolution of Council and has been produced by Council & Executive Services from the Minutes of a Council meeting

Don't forget:

- **Add Trim notes**
- **Close the action through Trim (but only if the Resolution and all points assigned to you have been completed). Or, if not completed then extend the due date in Trim if required**
- **Save any documentation relating to this resolution as a response document in Trim**

Council Resolution

For Action

Council

27/08/2025

ATTENTION: Acting Manager Civic and Executive Services (Young, Justine)

SUBJECT: Minutes of the Governance Committee Meeting held 20 August 2025
DUE DATE: 09/09/2025
FILE REF: 2024/6046 255615.2025

TRIM NOTES: **Assigned to Community and Lifestyle to action for all points (if applicable).**
Once completed please complete in Content Manager and leave a Manager's comment on how each point was completed.
If the Resolution cannot be completed quickly, please leave a Manager's comment at key milestones for an update on progress.
Thank you.

COUNCIL DECISION

Motion: **Moved:** **Clr Macnaught** **Seconded:** **Clr Dr Green**

That Council:

1. Receives and notes the Minutes of the Governance Committee Meeting held on 20 August 2025; and
2. Endorse the recommendations in the Minutes.

On being put to the meeting the motion was declared CARRIED.

[View Item in Minutes Document](#)

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