



LIVERPOOL DESIGN EXCELLENCE PANEL CHARTER AND PROCEDURE

Revised: 13 December 2017

TRIM 058678.2015-010



Executive Summary

The primary function of the Design Excellence Panel (DEP) is to advise Council and the public of the design quality of development applications so that Council can determine whether such applications will contribute to an improvement in the built fabric of Liverpool.

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 Local Government Area 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 Liverpool positively contributes to the built environment.

1. Purpose

- 1.1 Panel members will provide expert advice on applications, planning proposals or policies relating to major commercial and residential development within the Liverpool Local Government Area 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 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 to better achieve the objectives of the relevant planning controls and an optimum design outcome;
 - (c) Provide comments to applicants and their professional consultants on actions that could be taken to improve the quality of the design.
- 1.3 This Charter establishes the membership, function, terms and conditions of office and procedures for the Liverpool DEP.

2. Advice to Liverpool City Council

- 2.1 The aims of the DEP are:
 - (a) To encourage quality development in the growth of Liverpool as a Regional City through 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 Panel 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;
 - (d) To encourage proponents to engage with the Panel during the pre-lodgement stage of development to ensure maximum benefits to all stakeholders.

2.2 Scope of the Panel

The DEP will 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 commercial buildings within the Liverpool City Centre over three storeys;
- (d) New buildings or major extensions to existing development within commercial zones (being B1, B2, B3, B4 and B5 zones);
- (e) Any development which has an interface with significant public space or items of heritage significance.
- (f) Any development deemed by the Manager Development Assessment to have a potentially significant impact on the amenity of the locality or region and
- (g) Any development for a new building or major extensions to existing development (except for low density residential development) adjacent to the Georges River or environmentally sensitive land or vegetation.

2.3 Reference Material

The DEP will make recommendations and provide advice to Liverpool City Council on the matters referred to it having regard to the material forwarded to the Panel in each case and in every case having regard to Liverpool City Councils adopted policies including:

- (a) Liverpool Local Environmental Plan 2008;
- (b) Liverpool Development Control Plan 2008;
- (c) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings; and
- (d) Residential Flat Design Code.

3. Functions of the Panel

- 3.1 The Panel plays an advisory role and is not a decision-making body.
- 3.2 The role of the DEP is to thoroughly examine, evaluate and comment upon the design aspects of proposals for major development for the Liverpool Local Government Area prior to the lodgement of relevant development applications, or, where occurring; following development application lodgement with Council.
- 3.3 To comment on strategic planning documents relative to the urban design issues of a proposal.
- 3.4 To 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 Panel

- 4.1 The DEP shall comprise three (3) high-level and respected professionals who are or have been involved in the design of major projects. Such members shall have extensive expertise in one or more of the following professions:

- a) Architecture;
- b) Urban design;
- c) Landscape Architecture;
- d) Urban Planning.

A member cannot be employed by Liverpool 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 the Panel representative from the Government Architect's Office.

4.3 Quorum

A quorum of three Panel members is required. If the Chairperson is unavailable to attend a meeting, the Director City Economy and Growth will nominate one of the remaining members to act as Chair.

4.4 Convenor

4.4.1 Liverpool City Council's City Architect will be the convenor of each meeting.

4.4.2 In the absence of the City Architect, a convenor will be appointed by the Director City Economy and Growth.

5. Panel Appointment

5.1 Liverpool City Council will seek two Panel representatives in addition to a member from the Government Architects Office.

5.2 Panel members will be appointed on the basis of their qualifications and experience and absence of any real or potential pecuniary or non-pecuniary conflict of interest.

5.3 If a Quorum is not available for a meeting, Council's Director City Economy and Growth may select an alternative suitably qualified member to establish a Quorum.

5.4 If a vacancy occurs in the membership of the Panel, the Chief Executive Officer may appoint a person to fill the vacant position.

6. Conduct and Disclosures

6.1 Panel members must act lawfully and with integrity and professionalism.

6.2 Panel members must comply with all requirements imposed by the *Local Government Act 1993* on persons providing advice to a Council.

6.3 All Panel members are required to understand, acknowledge and sign Council's Code of Conduct prior to being appointed on Council's list of Panel members.

6.4 Any declarations for a conflict of interest must be disclosed prior to acceptance of meeting attendance.

7. Responsibilities of the Panel

Prior to the assessment of the design quality of a development proposal/ application, it is required that each Panel member commenting on the proposal/application will have:

- a) Received copies of the development proposal/ application;
- b) Become familiar with the development proposal/ application;
- c) Attended a site visit of the subject site; and
- d) Declared any conflict of interest.

8. Conflicts of Interest

A member who has a conflict of interest in a matter with which the Panel is concerned must not be present at any meeting of the Panel at which the matter is being discussed or considered.

A disclosure about a conflict of interest must be recorded in the minutes of the meeting.

PROCEDURES

1. Documentation to Panel

The following documentation is to be provided to the Panel electronically five days before the meeting:

- a) The assessing officer's briefing report;
- b) Architectural drawings in A3 size; and
- c) All other relevant information.

2. Meeting Procedures

- 2.1 The DEP will meet at such place and time as notified to the Panel members by Liverpool City Council. It is expected that the Panel will meet twelve times a year on dates and at places to be scheduled in advance for each year.
- 2.2 Liverpool City Council may request the cancellation of a meeting or call an extraordinary meeting to take place as required, with at least five days written notice to all Panel members.
- 2.3 The Chairperson will preside as Chairperson at every meeting of the Panel, unless due to unavailability, they have delegated their role in advance to another Panel member.
- 2.4 Council staff may attend the meetings as observers.
- 2.5 Liverpool City Council's 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; and
 - e) A record of all recommendations made by the Panel.
- 2.6 Meeting minutes will be reviewed and approved for circulation to the Panel by the Panel Chair. The Convenor will then circulate minutes to all members and all members must confirm the accuracy of the minutes.
- 2.7 The Panel in their minutes must not request that an application is re-referred to the Panel unless a full rejection of the application is recommended on design grounds. The Panel

must instead include specific recommendations relating to the changes requested to the design to address any concerns raised.

- 2.8 Should an application require a re-referral to the Panel, new issues, concerns or recommendations must not be made which are different to those raised at the original meeting, except where the design has changed to the extent that new issues have been identified specifically as a result of those changes.
- 2.9 Meeting minutes must be reviewed and circulated to the applicant by the allocated planner or assessing officer. The Panel minutes are required to be accompanied by a cover letter signed by the allocated planner or assessing officer, which outlines the Planner's comments regarding the changes required to be made to the development based on the DEP recommendations. Note: The Panel recommendations may have implications on the assessment of the application against Section 79C of the EP&AA 1979 and this will need to be clearly communicated to the Applicant by the Planner.
- 2.10 The Panel's recommendations must be communicated to the applicant in writing within seven days of the meeting.

3. Applicant Representation Procedures

- 3.1 Both the applicant and nominated architect for the development application and/or proposal will be invited by Liverpool City Council to attend the DEP meeting.
- 3.2 The applicant will be given seven days written notice on the time and date of the DEP meeting.
- 3.3 The Panel will be allocated a minimum of 30 minutes and a maximum of one hour for discussions with the applicant and nominated architect.
- 3.4 Landowners, applicants and nominated architects are not able to contact Panel members directly.

4. Review

The Panel shall meet annually with the Director City Economy and Growth, Council's City Architect and the Manager Development Assessment to review its meeting procedures and to identify any improvements to procedures.

5. Remuneration of Panel Members

- 5.1 Panel members will be engaged for a term of two years.
- 5.2 Panel members shall be paid a remuneration of \$1200.00* per half day or \$1700.00* per full day.

A full day Panel meeting will commence at 9.30am and a half day Panel meeting will commence at 1.30pm.

(The Chief Executive Officer may approve variations to these rates during the term of this panel subject to budget considerations.)*

AUTHORISED BY
Council Resolution

EFFECTIVE FROM
13 December 2017

REVIEW DATE
13 December 2019

DEPARTMENT RESPONSIBLE
City Economy and Growth (Development Assessment)

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		058678.2015-010