

AGENDA

GOVERNANCE COMMITTEE MEETING

20 August 2025

LEVEL 11, 50 SCOTT
STREET, LIVERPOOL
NSW 2170



You are hereby notified that a **Governance Committee Meeting** of Liverpool City Council will be held at **LEVEL 11, 50 SCOTT STREET, LIVERPOOL NSW 2170** on **Wednesday, 20 August 2025** commencing at 5:15 PM.

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

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

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

Mr Jason Breton
CHIEF EXECUTIVE OFFICER

Statement of Ethical Obligations

Oath or Affirmation of Office

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

Conflicts of Interest

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

ORDER OF BUSINESS

PAGE TAB

Opening

Acknowledgments

Apologies

Declarations of Interest

Infrastructure and Planning Committee

ITEM 01	Report Back - MAYOR 03 (23 April 2025)	5	1
ITEM 02	Review and Update - Liverpool Design Excellence Panel (DEP) Charter and Procedure.....	26	2
ITEM 03	Western Sydney International Airport (WSI) Preliminary Draft Master Plan Development.....	83	3

Budget Committee

ITEM 04	Finance Report - July 2025	86	4
---------	----------------------------------	----	---

Strategic Priorities Committee

ITEM 05	Investigate Direct Employment of Security Services.....	91	5
ITEM 06	Policy Review - Busking Policy.....	94	6
ITEM 07	Business Improvement - After Hours Service and Artificial Intelligence	106	7

Strategic Performance Committee

NIL

Committee in Closed Session – Confidential (Book 2)

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

CONF 01 Tourism and CBD Committee Charter Review and Committee Representative EOIs

Reason: Item CONF 01 is confidential pursuant to the provisions of s10(A)(2)(a) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors).

General Business

Close

ITEM 01**Report Back - MAYOR 03 (23 April 2025)**

Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	226366.2025
Report By	Laura Mehew - Project Officer Planning
Approved By	Lina Kakish - Director Planning & Design

EXECUTIVE SUMMARY

This report evaluates the Council direction to amend the operational Development Assessment Procedures by adopting a draft condition review by applicants (NSW Government Planning Circular 7 April 2025) across all development applications.

While the guidelines were designed for large-scale residential projects (30+ dwellings) to reduce post-approval modifications, extending this procedure to all development applications introduces administrative inefficiencies, potential delays, reputational risks and conflicts with state priorities.

The *Environmental Planning and Assessment (Statement of Expectations) Order 2024* sets key performance indicators (KPIs) focused on timeliness, efficiency, and consistency and has recently reduced the target from 115 days to 105 days for the current financial year and is again expected to reduce a further 10 days next financial year.

Additionally, The *Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025*, currently awaiting Legislative Assembly concurrence mandates strict development application approval timeframes to fast-track housing delivery.

Overall, the addition of a pre-consent review step for every development application is inconsistent with these objectives and pushes Liverpool City Council further away from compliance with statutory timeframes. This procedure places Liverpool City Council at risk, and as a target for a Performance Improvement Order.

RECOMMENDATION

That the Governance Committee:

1. Notes the operational and performance implications associated with the implementation of MAYOR 03 passed 23 April 2025.
2. 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.

REPORT

Background

The Planning Circular (PS 25-001) recommends that Councils issue draft conditions of consent for large developments (30+ dwellings) for applicants to review before a final determination. This step is intended to reduce errors and avoid post-approval modifications; however, MAYOR 03 (April 2025) moves-

That Council:

1. Notes the NSW Government's planning circular issued on 7 April 2025, aimed at reducing delays in the DA process by introducing a pre-consent draft condition review for large developments.
2. Endorses the incorporation of the process outlined in the circular into Liverpool City Council's internal planning procedures for **all** development applications, not just those involving 30 or more dwellings.
3. Requests the CEO to update Council's DA assessment procedures to reflect this change, including a standard practice of issuing draft conditions of consent for a seven-day applicant review and feedback period prior to final determination.
4. Requests a briefing to Council within six months on the implementation of this procedure and its effectiveness in reducing delays and improving assessment outcomes.
5. Receive a briefing at the next Governance Meeting prior to the implementation.

Liverpool City Council already provides draft conditions on request during the assessment process, particularly for large scale applications, Planning Panels and Land and Environment Court (LEC) matters. In FY2024–25, only 4.5% of all development applications lodged, (27 out of 602) required a Section 4.55(1) modification (error modifications), which were processed in an average of 8 days. This data demonstrates that Liverpool's existing processes are already effective.

Liverpool City Council, as a high-growth area, already manages a significant development application workload. Extending this additional step to every application may increase administrative pressure and prolong approval times, contrary to both local and state priorities including Environmental Planning and Assessment (Statement of Expectations) Order 2024 and the Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025.

Key Issues

The key issues relating to MAYOR 03 (April 2025) are tabled below.

Key Issues	Detailed Explanation
Operational	<p>Extending the seven-day review to all development applications would substantially increase administrative workload for Development Assessment Planners, as staff must prepare and issue further request for additional information letters, and then track, and assess applicant feedback for every application, regardless of size or complexity. The KPIs for large scale developments (30+ dwellings) are 250 days in line with the workload, and this step is already in the process.</p> <p>However, for all other development applications, the additional review period, combined with back-and-forth communication, would slow down the assessment of simple development applications (e.g., single dwellings).</p> <p>The planning circular advice <i>“it is best practice for councils to provide consultation on draft conditions concurrently during the assessment process rather than starting the consultation after assessment and before determination”</i> conflicts with Liverpool’s established processes, which ensure conditions are formulated after all internal and external referrals and assessments are complete, instead of providing information to review in a piecemeal fashion.</p>
Misalignment with NSW Government priorities	<p>With development application KPI targets now reduced to 105 days, an extra procedural step may lead to failure to meet the Minister’s <i>Statement of Expectations Order 2024 (legislative)</i></p> <p>Delays caused by extended processes risk non-compliance with the forthcoming <i>60-Day Deemed Approval Bill</i>, which aims to fast-track approvals.</p> <p>The circular aims to speed up housing delivery by preventing delays from modification requests due to errors. However, for small development applications (which are often processed quickly), adding a mandatory seven-day review will extend approval times unnecessarily.</p> <p>Large scale developments (30+ dwellings) would typically be determined by a Regional Panel, in which case the KPI is 250 days, in line with the workload.</p>

Key Issues	Detailed Explanation
Legal & Regulatory	<p>Pre-consent review periods may lead to developers lobbying for changes to conditions, potentially weakening enforceability or increasing the likelihood of disputes or appeals.</p> <p>Failure to meet statutory or performance targets could lead to intervention by the NSW Government or the imposition of independent expert oversight, as seen in other slow-performing councils.</p> <p>Planning Circulars are advisory and not legislative, they are provided as best practice advice, this circular was intentionally limited to large-scale residential projects due to the complexity and high impact of errors in those cases.</p> <p>Council performs a regulatory function whereby development applications are assessed by qualified Development Assessment Planners, conditions of consent reflect the regulatory function of Council rather than the requirement to be collaborative.</p> <p>Under the <i>Local Government Act 1993 (NSW)</i>, Councillors are prohibited from interfering in the assessment of individual development applications, which is an operational function of delegated Council staff. Extending the Circular to all development applications via a council resolution risks blurring this separation, creating governance risks and potentially conflicting with statutory decision-making processes.</p>
Reputation	<p>Adding procedural layers, rather than streamlining them, may undermine Liverpool City Council's reputation as a pro-development Council, creating a perception of inefficiency.</p> <p>Giving developers early access to negotiate conditions could lead to a perception of bias or reduced transparency, affecting community trust.</p> <p>Risk of being 'Named and Shamed': With the Minister's increasing focus on determination timeliness (e.g., publicising slow councils like Willoughby, Georges River, and Liverpool's own 256-day average in 2023–24), adopting policies that slow processes further could attract negative attention.</p>
Minimal errors	<p>Minimal Issues with Post-Approval Modifications</p> <p>The low rate of post-approval modifications (4.5% of development applications lodged) does not justify a blanket procedural step for all applications.</p> <p>Existing internal quality assurance measures including standard conditions of consent and peer reviews already minimise administrative errors to mitigate risks.</p>

Conclusion

The direction to extend the NSW Planning Circular's (PS 25-001) draft condition review to all development applications is operationally inefficient and misaligned with the NSW Government priorities. With stricter KPIs (105 days now, 95 days next year) and state reforms like the *60-Day Deemed Approval Bill*, Liverpool must focus on faster, more efficient DA determinations, not additional layers of review.

The data shows that only 4.5% of development applications lodged in FY2024–25 generated an error modification and Liverpool's existing processes already meet the intent of the circular. Rescinding MAYOR 03 (April 2025) and retaining a targeted approach for large developments is the most prudent path forward.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	Deliver services that are customer focused. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
Legislative	Environmental Planning & Assessment Act Environmental Planning & Assessment Legislation
Risk	The risk is deemed to be Medium as outlined in the key issues.

ATTACHMENTS

1. Planning Circular PS-25-001 Best Practice Draft Conditions of Consent Prior to Determination
2. EP&A Statement of Expectations Order 2024
3. EP&A Amendment (60 Day Deemed Approval) Bill 2025



Planning circular

PLANNING SYSTEM

Circular	PS 25-001
Issued	31 March 2025
Related	Nil

Best practice consultation of draft conditions of consent prior to determination

Overview of this circular

In August 2024, the NSW Government established a new multi-agency Housing Taskforce to expedite the assessment and determination of housing development applications and to address impediments to post consent requirements.

The Housing Taskforce has undertaken engagement with industry and local councils to determine how to accelerate the carrying out of development as approved under a development consent to increase housing supply.

This engagement has provided an opportunity to improve consultation with applicants with respect to the drafting of conditions of consent.

Application of this circular

This circular applies to Part 4 of the Environmental Planning and Assessment Act 1979 development applications.

Applicant's review of draft conditions of consent as best practice

The Environmental Planning and Assessment Act 1979 authorises consent authorities to impose conditions on a consent.

This circular advises as best practice councils should provide the draft conditions of consent to the applicant, where the application will result in 30 or more dwellings, for the applicant's review prior to determination.

The applicant should be provided seven days to review the draft conditions of consent and provide the council with their feedback before determination. Councils are to consider the applicant's feedback before issuing a Notice of Determination.

Providing draft conditions for review will reduce the number of incorrect and impractical conditions, avoiding the need for modification applications or potential costly appeals to the Land and Environment Court to address conflicting conditions, minor errors, and sequencing issues.

To avoid an impact on assessment timeframes, it is best practice for councils to provide consultation on draft conditions concurrently during the assessment process rather than starting the consultation after assessment and before determination. This increases transparency during the assessment process and reduces the need for potential modifications to consents or appeals.

It is ultimately a matter for the council to exercise their discretion in imposing conditions of consent, following any consultation with the applicant on draft conditions of consent.

This circular notes that the Department of Planning, Housing and Infrastructure introduced standard conditions of consent and standard format of notices of determination with the intent to speed up assessment timeframes, provide greater consistency and certainty and make development consents easier to navigate.

Further information on the standard conditions of consent is available at:

<https://www.planning.nsw.gov.au/policy-and-legislation/planning-reforms/standard-conditions-of-consent>

Further information

Department of Planning, Housing and Infrastructure circulars are available at:

[planning.nsw.gov.au/circulars](https://www.planning.nsw.gov.au/circulars)

Authorised by:**Monica Gibson****Deputy Secretary****Planning Land Use Strategy, Housing and
Infrastructure****Department of Planning, Housing and
Infrastructure**

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning, Housing and Infrastructure planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

Environmental Planning and Assessment (Statement of Expectations) Order 2024

I, Paul Scully, the Minister for Planning and Public Spaces, make this Order under section 9.6(9) of the *Environmental Planning and Assessment Act 1979*.



The Hon. Paul Scully MP
Minister for Planning and Public Spaces

Dated: 1/7/2024

Explanatory note

The object of this Order is to set expectation for councils in relation to their performance of a range of planning and development functions under the *Environmental Planning and Assessment Act 1979*. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator or Sydney district or regional planning panel to exercise a council's functions. It is made under section 9.6(9) of the Act.

Environmental Planning and Assessment (Statement of Expectations) Order 2024**Contents****Part 1 Preliminary**

- 1 Name of Order
- 2 Commencement
- 3 Definitions

Part 2 Planning and development matters

- 4 Heads of consideration
- 5 Minister's expectations

Environmental Planning and Assessment (Statement of Expectations) Order 2024**Environmental Planning and Assessment (Statement of Expectations) Order 2024**

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary**1 Name of Order**

This Order is the *Environmental Planning and Assessment (Statement of Expectations) Order 2024*.

2 Commencement

This Order commences on 1 July 2024

3 Definitions

(1) In this Order—

the Act means the *Environmental Planning and Assessment Act 1979*

Department means the Department of Planning, Housing and Infrastructure

Gateway determination means a determination made by the Minister (or delegate) under section 3.34 of the Act.

LEP means a local environmental plan.

LSPS means a local strategic planning statement.

Minister means the Minister for Planning and Public Spaces.

Minister's expectations means the expectations of the Minister in relation to the performance of a council in dealing with planning and development matters, as set out in clause 5 of this Order.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Words used in this Order have the same meaning as words used in the Act.

(3) Notes included in this Order do not form part of this Order.

Environmental Planning and Assessment (Statement of Expectations) Order 2024**Part 2 Planning and development matters****4 Heads of consideration**

The heads of consideration to be taken into consideration in exercising the power under s.9.6(1)(b) of the Act are:

- (a) Whether or not the Council has failed to meet the Minister's expectations in relation to council performance.
- (b) The duration, frequency and degree to which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (c) The range and type of planning and development matters in respect of which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (d) Whether or not an appointment under s.9.6(1)(b) should be made in relation to one or more of a particular class of planning and development matter, or all planning and development matters dealt with by the council.
- (e) The effect of any caretaker period preventing a council's performance in dealing with the planning and development matters (or any particular class of such matters) as set out in clause 5.
- (f) The individual circumstances of each council, for example whether external events like natural disasters have impacted the council, or council has received an unexpectedly high volume of DAs compared to their current staffing levels.
- (g) Whether or not other available interventions or support have failed to result in improvements to council performance in relation to the Minister's expectations.
- (h) With respect to development applications for residential accommodation:
 - Whether the Minister's expectations have been met for development assessment timeframes, and
 - Whether the Council has been identified as having a key responsibility in the delivery of housing supply by the NSW government.
- (i) The public interest.

OFFICIAL

Environmental Planning and Assessment (Statement of Expectations) Order 2024

5 Minister's Expectations**(1) Development assessment**

A council should:

- (a) Prepare assessment reports for a regionally significant development application and refer to the relevant Sydney district and regional planning panel as soon as practical and within an average of 250 days from lodgement.
- (b) Lodge development applications for which it is the consent authority as soon as practical and within an average of:
 - From 1 July 2024 to 30 June 2025: 14 days from submission
 - From 1 July 2025 onwards: 7 days from submission.
- (c) Determine development applications for which it is the consent authority (including DAs determined by a local planning panel) as soon as practical and whichever is the lesser of council's previous financial year average, or an average of:
 - From 1 July 2024 to 30 June 2025: 115 days from lodgement
 - From 1 July 2025 to 30 June 2026: 105 days from lodgement
 - From 1 July 2026 to 30 June 2027: 95 days from lodgement
 - From 1 July 2027 onwards: 85 days from lodgement.
- (d) Comply with the procedural and reporting requirements prescribed in the *Guide to Varying Development Standards*, for development applications that involve variations to development standards.

(2) Planning proposals

A council should:

- (a) decide whether to support a proponent-initiated planning proposal and submit it for gateway determination within the "planning proposal" stage benchmark timeframes in the LEP Making Guideline.
- (b) as the Planning Proposal Authority, publicly exhibit a planning proposal, respond to submissions, and either resolve to use Local Plan Making Authority delegations or request the Department to make the plan within the "public exhibition and assessment" stage benchmark timeframes set out in the LEP Making Guideline.
- (c) as Local Plan Making Authority, make a LEP which has been delegated to council within the "finalisation" stage benchmark timeframes set out in the LEP Making Guideline.

(3) Strategic planning

A council should:

OFFICIAL

Environmental Planning and Assessment (Statement of Expectations) Order 2024

- (a) prepare or review its LSPS in accordance with the requirements of the Act, and standards and timeframes identified by the Department.
- (b) prepare a local planning strategy (such as a local housing strategy) to ensure the actions identified in the relevant regional or district strategic plan (including any dwelling provision targets) and local strategic planning statements are delivered in accordance with the standards and timeframes identified by the Department.
- (c) give effect to an adopted local planning strategy (such as a local housing strategy) and any Department approval requirements (including submission of Implementation Delivery Plans) in accordance with the standards and timeframes identified by the Department.
- (d) consider State Environmental Planning Policies or other strategies and policies of the Government, the Minister or the Department concerning planning and development matters when preparing an LSPS, local planning strategy or other plan provided for under the Act.

Introduced by the Hon John Ruddick, MLC

First print



New South Wales

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Environmental Planning and Assessment Act 1979* to provide that certain development applications, modification applications and certificates are deemed to have been approved if the consent authority or certifier has not determined the application within 60 days of it being made.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 1[1] inserts proposed section 4.16A which provides that certain development applications for residential accommodation are taken to have been determined by the granting of development consent if the application has not been determined within 60 days of the date on which the application is made. The proposed section also requires the Minister to review the operation of the section as soon as possible after the period of 3 years from the date the section commences and every 3 years thereafter.

Schedule 1[2] inserts proposed section 4.55A which provides that certain modification applications for residential accommodation are taken to have been determined by the granting of

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025 [NSW]
Explanatory note

consent to the modification if the application has not been determined within 60 days of the date on which the application is made. The proposed section also requires the Minister to review the operation of the section as soon as possible after the period of 3 years from the date the section commences and every 3 years thereafter.

Schedule 1[3] inserts proposed section 6.36 which provides that applications for certain certificates issued under the Act, Part 6 are taken to have been issued by the relevant council if the council has failed to issue the certificate to the applicant within 60 days of the date on which the application is made. The proposed section also requires the Minister to review the operation of the section as soon as possible after the period of 3 years from the date the section commences and every 3 years thereafter.

Introduced by the Hon John Ruddick, MLC

First print



New South Wales

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1	
Amendment of Environmental Planning and Assessment Act 1979 No 203	3

This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025

No , 2025

A Bill for

An Act to amend the *Environmental Planning and Assessment Act 1979* to provide that certain development applications, modification applications and certificates are deemed to have been approved if the consent authority or certifier has not determined the application within 60 days of it being made; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025 [NSW]

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Act 2025*.

3

4

2 Commencement

5

This Act commences on 1 January 2026.

6

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

[1] Section 4.16A

Insert after section 4.16—

4.16A Circumstances in which consent taken to have been granted

- (1) This section applies to development applications made for the purposes of residential accommodation, other than development applications for the following—
 - (a) the erection of residential flat buildings or shop top housing with more than 4 storeys,
 - (b) the erection of more than 1 of the following—
 - (i) attached dwellings,
 - (ii) dwelling houses,
 - (iii) secondary dwellings,
 - (iv) semi-detached dwellings,
 - (c) boarding houses,
 - (d) group homes,
 - (e) seniors housing,
 - (f) State significant development.
- (2) Despite section 8.11, a consent authority that has not determined an application to which this section applies within 60 days of the date on which the application is made is taken to have determined the application by granting development consent.
- (3) The Minister must review the operation of this section to determine whether the section has contributed to an increase in housing supply—
 - (a) as soon as possible after the period of 3 years after the date this section commenced, and
 - (b) at least every 3 years thereafter.
- (4) A report on the outcome of the review required under subsection (3) must be tabled in each House of Parliament as soon as practicable from the review is completed.
- (5) Words used in this section have the same meaning as in the standard instrument set out at the end of the *Standard Instrument (Local Environmental Plans) Order 2006*.

[2] Section 4.55A

Insert after section 4.55—

4.55A Circumstances in which modification taken to have been granted

- (1) This section applies to a development consent to carry out residential accommodation, other than a development consent to carry out the following—
 - (a) the erection of residential flat buildings or shop top housing with more than 4 storeys,
 - (b) the erection of more than 1 of the following—

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025 [NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

- (i) attached dwellings, 1
 - (ii) dwelling houses, 2
 - (iii) secondary dwellings, 3
 - (iv) semi-detached dwellings, 4
 - (c) boarding houses, 5
 - (d) group homes, 6
 - (e) seniors housing, 7
 - (f) State significant development. 8
 - (2) Despite section 8.11, a consent authority that has not determined an application under section 4.55 to modify a development consent to which this section applies within 60 days of the date on which the application is made is taken to have determined the application by granting consent to the application. 9-13
 - (3) The Minister must review the operation of this section to determine whether the section has contributed to an increase in housing supply— 14-15
 - (a) as soon as possible after the period of 3 years from the date this section commenced, and 16-17
 - (b) at least every 3 years thereafter. 18
 - (4) A report on the outcome of the review required under subsection (3) must be tabled in each House of Parliament as soon as practicable after the review is completed. 19-21
 - (5) Words used in this section have the same meaning as in the standard instrument set out at the end of the *Standard Instrument (Local Environmental Plans) Order 2006*. 22-24
- [3] Section 6.36** 25
- Insert after section 6.35— 26
- 6.36 Circumstances in which certificate taken to have been granted** 27
- (1) This section applies to a construction certificate, occupation certificate, subdivision works certificate or subdivision certificate if the certificate is associated with a development consent to carry out residential accommodation, other than a development consent to carry out the following— 28-32
 - (a) the erection of residential flat buildings or shop top housing with more than 4 storeys, 33-34
 - (b) the erection of more than 1 of the following— 35
 - (i) attached dwellings, 36
 - (ii) dwelling houses, 37
 - (iii) secondary dwellings, 38
 - (iv) semi-detached dwellings, 39
 - (c) boarding houses, 40
 - (d) group homes, 41
 - (e) seniors housing, 42
 - (f) State significant development. 43

Environmental Planning and Assessment Amendment (60 Day Deemed Approval) Bill 2025 [NSW]
 Schedule 1 Amendment of Environmental Planning and Assessment Act 1979 No 203

- | | | |
|-----|--|----------------|
| (2) | Despite section 8.17, a council is taken to have made a decision to issue a certificate to which this section applies if it has failed to issue the certificate to the applicant within 60 days. | 1
2
3 |
| (3) | The Minister must review the operation of this section to determine whether the section has contributed to an increase in housing supply— | 4
5 |
| (a) | as soon as possible after the period of 3 years after the date this section commenced, and | 6
7 |
| (b) | at least every 3 years thereafter. | 8 |
| (4) | A report on the outcome of the review required under subsection (3) must be tabled in each House of Parliament as soon as practicable after the review is completed. | 9
10
11 |
| (5) | Words used in this section have the same meaning as in the standard instrument set out at the end of the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> . | 12
13
14 |

ITEM 02

**Review and Update - Liverpool Design
Excellence Panel (DEP) Charter and Procedure**

Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	248061.2025
Report By	Joshua Walters - Senior Urban Designer
Approved By	Scott Sidhom - Acting Director Operations

EXECUTIVE SUMMARY

The Liverpool Design Excellence Panel (DEP) is a legislative requirement under the Liverpool Local Environmental Plan (LEP) and various State Environmental Planning Policies (SEPPs). It plays a critical role in elevating the standard of significant development proposals across the Liverpool Local Government Area (LGA), ensuring that development proposals of significant scale, prominence, or strategic importance contribute meaningfully to Liverpool's rapidly evolving built environment. As Liverpool continues to experience substantial growth and transformation, the need for high-quality architectural, urban, and landscape design has never been more important.

As required under Council's Policy Framework, the Urban Design Team has undertaken a review of the existing DEP Charter and Procedure to ensure it remains fit for purpose, reflective of best practice, and capable of supporting Liverpool's strategic significance within South-West Sydney through this period of immense change.

The revised **Liverpool Design Excellence Panel Charter and Procedure** introduces significant updates aimed at providing clarity, consistency, and effectiveness of the DEP process. It responds directly to operational insights and lessons learned since the last review in 2022 and draws on guidance from the Government Architect NSW's Local Government Design Review Panel Manual (November 2022), as well as benchmarking against other local Councils.

The revised Charter and Procedure strengthens the focus on early and meaningful engagement, solution-oriented feedback, clearer defined roles and responsibilities, and enhanced procedural governance. It also introduces improved mechanisms to support design continuity across pre and post lodgement phases of a proposal, provisions for subject matter experts to join the Panel (as and when required), and a formalised Design Advice Letter (DAL) to replace existing 'Meeting Minutes' to better capture the function and intent of the Panel's recommendations.

The Charter proposes an increase in Panel's remuneration and the inclusion of other expert members, to better reflect industry standards and attract a higher-calibre group of experts to the DEP. However, it is important to note that this increase will be fully absorbed by existing DEP-related revenue, ensuring that there is no additional cost to Council resulting from the proposed amendments.

The revised Charter and Procedure has been developed in close consultation with key internal stakeholders, including Development Assessment, Strategic Planning, Governance, Legal, and Procurement teams, and reflects a commitment to continual improvement of Council's design review and planning assessment processes.

Together, these updates position the DEP to effectively guide high-quality development outcomes that align with Liverpool's strategic vision, reinforce its growing role in Greater Sydney, and help shape a built environment that is functional, resilient, and reflective of community aspirations as a vibrant hub of employment, lifestyle, and opportunity.

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.

REPORT

ABOUT DESIGN EXCELLENCE

Design Excellence refers to the achievement of a high standard of architectural, urban, landscape, and environmental design. This typically involves a more rigorous and considered design review process that aims to enhance a proposal's compatibility with its context, architectural quality, compliance with planning controls, functionality, aesthetics, environmental sustainability, and overall value provided to both public and private stakeholders.

IMPORTANCE OF DESIGN EXCELLENCE

Many Local Environmental Plans (LEPs) within Metropolitan Sydney include a 'Design Excellence' clause that applies to significant development typologies, aiming to achieve high-quality built form outcomes in areas of significance, prominence, or strategic importance. In Liverpool, the LEP requires design excellence for developments within the Liverpool City Centre.

Additionally, various State Environmental Planning Policies (SEPPs) mandate that certain significant developments undergo a Design Review Panel process—this includes (but is not limited to) developments on or near environmentally sensitive land, developments over 10,000sqm within the Aerotropolis, and all Residential Flat Buildings (RFBs).

The NSW Government Architect's *Local Government Design Review Panel Manual* (LG DRPM) sets out best practice guidelines for Councils to follow in implementing Design Review Panels. In Liverpool, this panel is known as the Design Excellence Panel (DEP).

The DRP process plays a critical role in enhancing the quality of the built environment. It ensures that new development aligns with the strategic importance of its location and contributes positively to the growth, character, and liveability of the urban environment and broader community.

DESIGN EXCELLENCE IN LIVERPOOL

In Liverpool, both the objective of achieving Design Excellence and the process of undergoing a design review is primarily enabled through the Liverpool Design Excellence Panel (DEP) review process, facilitated by Council and undertaken by the applicant at both the pre-lodgement and post-lodgement stages of the Development Application process.

The Liverpool DEP provides a comprehensive and collaborative design review mechanism, where significant proposals are assessed by a panel of independent industry experts (i.e., the DEP) against established architectural, urban design, and landscape design criteria. The expertise, guidance and recommendations of the DEP greatly assists Council in the assessment and determination phases of the development application process - to ensure significant proposal achieve the best possible outcome for each location and positively influence Liverpool's built environment.

THE NEED FOR DESIGN EXCELLENCE IN LIVERPOOL

Apart from being a legislative requirement, our Local Government Area (LGA) is undergoing significant growth and rapid transformation, resulting in an increased scale, diversity, and complexity of developments. As the built form continues to shape the character of our community, the quality of buildings, public spaces, and the broader urban environment will play an increasingly important role in guiding the city's evolution and the opportunities it creates.

In this context, new development is critical to supporting urban growth, shaping the city's future character, and achieving the community's vision of Liverpool as a vibrant hub of employment, lifestyle, and opportunity.

Given Liverpool's broader strategic role within South-West Sydney — and the scale of growth occurring in the Liverpool City Centre, Growth Centre Precincts, Moorebank Intermodal, Bradfield City Centre, Aerotropolis, and Western Sydney International Airport — Council is committed to improving development quality through the Design Excellence Panel (DEP) process, to facilitate best-practice urban design for proposals with the potential to significantly influence the growth and character of our urban environment within and surrounding these key urban precincts.

THE FUNCTION OF LIVERPOOL'S DESIGN EXCELLENCE PANEL

Liverpool City Council (Council) has an established Liverpool Design Excellence Panel (DEP) whose primary function is to provide independent, expert and context-specific advice on the design quality of significant development proposals throughout the LGA.

The DEP supports Council, the community and applicants in striving towards Design Excellence within the built environment and helps to streamline and improve assessment processes by facilitating a high standard of design and documentation prior to formal lodgement of an application with Council. This enables Council to ensure that significant development proposals improve the overall design quality within Liverpool, that is in alignment with our strategic significance within South-West Sydney.

COUNCIL'S DEP CHARTER AND PROCEDURE

The DEP Charter and Procedure (Charter) establishes the membership, function, procedures, and terms and conditions for the operation of the Liverpool DEP. Importantly, it includes defining the types of development proposals that Council wants to be referred to the DEP (i.e., Scope of the DEP), ensuring that all projects with potential to significantly impact the urban fabric, demonstrate a high-quality of design and contribute positively to the growth of the built environment.

Council's Urban Design Team is responsible for the ongoing management of the Liverpool DEP, including stewardship of the Charter and Procedure (Charter). As it is part of Council's adopted governance framework, the Charter is required to be consistently reviewed and updated to ensure it remains current, relevant, and aligned with industry best practice and Council processes.

EXISTING DEP CHARTER AND PROCEDURE 2022

Last updated in 2022, the current DEP Charter and Procedure is now outdated. It lacks sufficient detail to clearly define the roles and responsibilities of Panel members and does not adequately outline the expectations and requirements of applicants – which often results in inconsistency in the application quality being reviewed by the DEP. Additionally, amendments are required to update the scope of the DEP to better reflect the types and scale of significant development most commonly occurring across the LGA.

Further updates are necessary to formalise the virtual format of DEP meetings and clarify the procedures for preparing post-meeting reports — including responsibility, timing, preparation and finalisation of an outcome. References to Council's overarching *Code of Conduct*, *Conflict of Interest*, *Privacy Policy* and *Media Policy* also require revision to ensure relevance with current iterations. Since the last update, the Government Architect NSW's Local Government Design Review Panel Manual (GA NSW LG DRPM) has also been released, providing updated guidance and best practice standards for the operation and management of all Local Government Design Review Panels in NSW.

PROPOSED DEP CHARTER AND PROCEDURE 2025

As required under Council's Policy Framework, Council's Urban Design Team initiated a review of the *Liverpool Design Excellence Panel (DEP) Charter and Procedure* in early 2025, informed primarily by direct experience in managing the DEP process — including convening monthly and extraordinary meetings and preparing meeting reports with the Chairperson in the days following each session. Throughout the past several years, a number of opportunities for improvement were identified, particularly around ensuring the effective use of Panel members' time and expertise, achieving greater value for money from their engagement, and encouraging earlier and more meaningful involvement of the DEP throughout the pre and post lodgement phases of the development application processes.

There was also a strong desire to shift the focus of Panel feedback towards providing constructive, clear, and solution-oriented advice, helping applicants improve the quality of their proposals – to increase efficiency of Council's Development Application assessment and determination process.

Developed in consultation with Council's Development Assessment, Strategic Planning, Governance, Legal, and Procurement teams, the Urban Design Team is proposing a comprehensive suite of amendments to the existing Charter and Procedure. These changes are reflected in the revised **Liverpool Design Excellence Panel Charter and Procedure (See Attachment 1)** and aim to better outline current operational practices, align with contemporary industry standards, expert guidance, and provide clearer, more detailed instructions regarding the roles, responsibilities, and expectations of DEP - Panel members, Council officers, and applicants - before, during, and after each meeting.

The proposed amendments include (but are not limited to):

- Encouraging early and proactive DEP engagement at pre-lodgement stage (Pre-DA) to improve Development Application quality and streamline assessment, review, and determination.
- Expanding and updating *Scope of the DEP*, which includes an expanded list of development typologies that will be subject to the DEP process.
- Introducing allowances and process exemptions and nominations to the DEP.

- Allowing the temporary appointment of additional subject matter experts to the panel—including heritage, First Nations heritage and culture, or sustainability for context-specific and culturally sensitive advice.
- Ensuring continuity of advice through consistent Panel member involvement across pre- and post-lodgement stages of the same proposal.
- Introducing the format of Design Advice Letter (DAL) to replace the 'meeting minutes' for a clearer, more structured and solutions-focused Panel recommendations.
- Emphasising solutions-focused DEP recommendations for clear, constructive advice that supports collaborative, iterative improvements toward Design Excellence.
- Clarifying the Roles and Responsibilities of the DEP representative pool, appointed Panel members, and the Chairperson - before, during, and after each meeting—for accountability and effective use of expertise and better value for money.
- Introducing clearer and more structured DEP meeting procedures — including time allocations, meeting structure, provisions for online (Teams) participation, and clear protocols and expectations for applicant presentations.
- Formalising procedures for meeting cancellations, extraordinary meetings, and applicant-requested sessions, including associated fees.
- Providing clearer guidance on applicant responsibilities—covering pre-meeting submissions, deadlines, and presentation expectations—and expectations from the Design Advice Letter (DAL).
- Benchmarking of other Sydney- based LGAs Design Review Panel frameworks - including the City of Sydney, City of Parramatta, Inner West, and Sutherland Shire - to inform a range of amendments to the Charter, including:
 - Alignment with recognised best practices, improved procedural clarity, and strengthened provisions relating to the Code of Conduct and Conflict of Interest processes.
 - Increase in the remuneration for DEP Panel members.
Importantly, the proposed remuneration increase will be funded entirely through existing DEP-related fee revenue, ensuring no additional cost to Council, while helping to attract and retain high-calibre design professionals as part of the DEP Representative Pool.
 - Removing outdated DEP-specific clauses on Code of Conduct, Conflict of Interest, Privacy, and Media Protocol, replacing them with clear references to Council's current overarching policies and processes.
- Incorporating best practices from the Government Architect NSW Local Government Design Review Panel Manual (November 2022).
- The extension of the two-year document review cycle to four years to support more stable implementation of the updated Charter and allow sufficient time for operational feedback and continuous improvement to be incorporated into future revisions.

CONCLUSION

The updated **Liverpool Design Excellence Panel Charter and Procedure** is a comprehensive and forward-focused revision of the existing document aimed at improving the quality, consistency, and effectiveness of Liverpool's established Design Excellence Panel process. By incorporating industry best practices, aligning with GA NSW guidance, and clarifying roles, responsibilities, and procedures, the revised Charter ensures that Liverpool is well-positioned to manage this period of significant growth and rapid transformation, with an increased scale, diversity, and complexity of development occurring across the LGA through the requirements for a high-standard of Urban Design.

These improvements are intended to provide stronger guidance and outcomes for applicants, Council, and the broader community—ensuring that significant developments contribute positively to Liverpool's evolving character, liveability, and built environment including strengthening Liverpool strategic position within South West Sydney – helping to realise the communities vision of a vibrant hub of employment, lifestyle, and opportunity.

FINANCIAL IMPLICATIONS

This Report only seeks endorsement of the revised **Liverpool Design Excellence Panel Charter and Procedure** to be placed on Public Exhibition for a minimum period of 28 days. As such, there are no direct or immediate financial implications arising from the recommendations.

The revised **Liverpool Design Excellence Panel Charter and Procedure 2025** does propose an increase in Panel member remuneration, along with the provision for additional subject matter expert Panel members (on an as-needed basis), which will be fully funded through existing revenue generated from Design Excellence Panel (DEP) application fees. These costs will be absorbed within the current budget allocations and will not result in any additional expenditure for Council. Accordingly, the potential future adoption of the revised **Liverpool Design Excellence Panel Charter and Procedure** will have no net financial impact on Council.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	<p>Utilise the Western Sydney City Deal agreement to enhance liveability and environment of the LGA.</p> <p>Enhance the environmental performance of buildings and homes.</p> <p>Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.</p> <p>Raise community awareness and support action in relation to environmental issues.</p>
Social	Preserve and maintain heritage, both landscape and cultural as urban development takes place.
Civic Leadership	<p>Act as an environmental leader in the community.</p> <p>Foster neighbourhood pride and a sense of responsibility.</p> <p>Provide information about Council's services, roles and decision making processes.</p>
Legislative	Council's legislative requirement around trees, tree related risks & tree management procedures.
Risk	<p>The risk is deemed to be Low.</p> <p>The risk is considered within Council's risk appetite.</p>

ATTACHMENTS

1. Revised Liverpool DEP Charter & Procedure (Clean Copy)
2. Revised Liverpool DEP Charter & Procedure (With Tracked Changes)
3. Liverpool Design Excellence Panel (DEP) Charter and Procedure 2022



LIVERPOOL DESIGN EXCELLENCE PANEL CHARTER AND PROCEDURE

Revised: 20 August 2025

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 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 (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; 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 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 twenty-five (25) units or more;
- (c) Mixed-Use, Senior Housing, Boarding Houses and Co-Living developments which result in a built form of three (3) storeys or more;
- (d) 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;

- (e) 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;
- (f) Significant open space proposals or any development which has an interface with a significant public space;
- (g) Any new centre-based childcare facility, or any major modification to an existing centre-based childcare facility, that currently accommodates or is proposed to accommodate 100 children or more;
- (h) Any new proposal or major modification to a community facility or place of worship, where the gross floor area is 2,000m² or more;
- (i) 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);
- (j) 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
- (k) Any development proposals that are required to be reviewed by the panel stipulated by an environmental planning instrument such as a state environmental planning policy (SEPP) or a local environmental plan (LEP).

2.3 Exemptions to the Scope of the DEP

A development proposal listed under the Scope of the DEP, 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).

2.4 Process for DEP Exemption or Referral

Where a proposal is considered suitable 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 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
- (p) NSW Child Care Planning Guidelines.

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 delivers 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. 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:

- (d) Heritage;
- (e) First Nations Culture and First Nations Heritage; and
- (f) Environmental Sustainability.

A member of DEP representative pool cannot be an employee of Council, including Council officers and elected Councillors.

4.2 Chairperson

The Chairperson will be appointed from the three (3) Panel members selected for each meeting. The appointed Panel member will be notified in advance by Council's Panel Support Officer, that they will serve as Chairperson for that meeting.

4.3 Quorum

A minimum three (3) DEP members must be present at a DEP meeting to form a quorum.

4.4 Convenor

A member of Council's Urban Design Team will convene each DEP meeting and prepare the Draft DEP Design Advice Letter, as determined by Coordinator City Design and Public Domain.

4.5 Panel Support Officer

Council's Panel Support Officer will provide administrative support to the DEP process.

4.6 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.

4.7 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 advice letter details the Panel's formal recommendations, reflecting the collective and cohesive advice of its members.

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 If Quorum Not Established

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) DEP Panel members.

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.

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 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 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. This may involve Council's procurement process being followed or as outlined in 5.6 above.

7.3 Additional DEP Members

If, during the term of DEP, Council deems it appropriate, Council may tender for further high-level and respected professionals to be appointed to the DEP representative pool.

The CEO has the authority to appoint additional professionals to the DEP representative pool.

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 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 Urban Design 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 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);
 - (f) If a returning item from the pre-lodgement stage, a response letter to the previous DEP Design Advice Letter;
 - (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.

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 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 not provide new recommendations unless the proposal is considered substantially different;
- 2.13 The Convenor will record the DEP meeting for the purpose of minute-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 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 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.

3. PREPARATION OF DESIGN ADVICE LETTER & OUTCOME

- 3.1 Council's DEP Convenor (Convenor) 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 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 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.

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.

- 3.3 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).

- 3.4 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.
- 3.5 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.
- 3.6 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.

- 3.7 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 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.

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 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 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. The required information / documentation must be submitted to Council at least five (5) business days prior to the scheduled DEP meeting.
- 4.3 The applicant, nominated Architect and Landscape Architect for the development proposal will be invited by Council to attend the DEP meeting.
- 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.
- 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.
- 4.6 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.
- 4.7 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 advice letter. The Panel will then proceed with discussions and provide its recommendations, and outcome based their assessment of the submitted documentation, undertaken prior to the meeting (as per 1.1 and 4.3 above).
- 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;
- 4.9 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.
- 4.10 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.
- 4.11 Only Council staff are permitted to contact the members of the DEP representative pool directly.

- 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.

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 DEP meeting will typically commence at 9.30am, while a half day DEP meeting will typically 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
27 August 2025

REVIEW DATE
27 August 2029

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
6		27 August 2025	TBC



LIVERPOOL DESIGN EXCELLENCE PANEL CHARTER AND PROCEDURE

Revised: ~~20735XX29~~ ~~August~~ ~~July~~ ~~ne~~ 2025~~2~~

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 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/enhance quality of development through the DEP process by and facilitating/promote a best practice urban design for development proposals that have the potential to significantly impact the urban fabric within the Liverpool LGA.

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 achievesCouncil 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).

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 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.

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-
- ~~(d)~~(e) to encourage proponents to utilise the expertise of the DEP and work collaboratively during the pre-lodgement stage to achieve design excellence and 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)~~ Medium-density multi-dwelling developments of twenty-five thirty (2530) units or more;
- ~~(b)(c)~~ 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;
- ~~(e)(d)~~ 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;
- ~~(d)(e)~~ 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;
- ~~(f)~~ Significant open space proposals ~~or and~~ Any development which has an interface with a significant public space;
- ~~(g)~~ Any new or major modification to a centre-based centre-based cChildcare facilities, or any major modification to an existing centre-based childcare facility, that currently accommodates or is proposed to accommodate 100 children or more;
- ~~(e)(h)~~ Any new proposal development or major modification to a cCommunity facility or places of worship, where the with a gross floor area is of 2,000m² or more;
- ~~(f)(i)~~ 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
- ~~(j)~~ 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;
- ~~(e)(k)~~ Any development proposals that are required to be reviewed by the panel stipulated by an environmental planning instrument such as a state environmental planning policy (SEPP) or a local environmental plan (LEP).

2.3 Exemptions to the Scope of the DEP

A development proposal listed under the Scope of the DEP, 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).

2.4 Process for DEP Exemption or Referral

Where a proposal is considered suitable 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 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
- (p) NSW Child Care Planning Guidelines.

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 can be granted an exemption from the DEP process by Manager Development Assessment, Manager City Planning and/or Coordinator City Design and Public Domain.

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;

~~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~~

~~(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) 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;~~

~~(a)(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) 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 achieve to demonstrate that the outcome will satisfy the underlying objectives and achievedelivers betteran 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;~~

~~(e) 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.~~

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 – 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~~are~~ 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;
- (b) Architecture; and
- ~~(c)~~ — Landscape Architecture; and
- ~~(d)~~(c) Urban Planning.

A minimum of three (3) Panel members will be selected from the DEP representative pool for each meeting. AAdditional 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:

- (d) Heritage;
- (e) First Nations Culture and First Nations Heritage; and
- (f) Environmental Sustainability.

~~A DEP member of DEP representative pool–~~ cannot be an employee of 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 appointed from the three (3) selected from the ~~Panel members selected – pool of DEP representatives~~ for each meeting. ~~The relevant appointed 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.

4.3 Quorum

A minimum ~~Three~~ (3) DEP members must be present at a DEP meeting to form a quorum.

4.4 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, as determined by Coordinator City Design and Public Domain.

4.5 Panel Support Officer

Council's Panel Support Officer will provide administrative support to the DEP process.

4.6 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.

4.7 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 advice letter details the Panel's formal recommendations, reflecting the collective and cohesive advice of its members.

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 convener of each meeting. In the absence of the Coordinator Urban Design, a convener 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.

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).

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 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 ~~for~~ performance during past DEP meetings.

5.5 If Quorum Not Established

If a quorum is not ~~available—established~~ for a DEP meeting, Council's Manager Development Assessment, Manager InfrastructureCity 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 InfrastructureCity 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.

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.

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 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*.~~
- (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 ~~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~~
- (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 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.~~

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 ~~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 DEP Member

~~7.3~~ In the event that a DEP member's appointment to the ~~pool of~~ DEP representatives ~~s pool~~ is terminated, Council reserves the right to replace the relevant DEP member. This may involve Council's procurement process being followed ~~or as outlined in 5.6 above.~~

~~7.4~~ 7.3 Additional DEP Members

If, during the term of DEP, Council deems it appropriate, Council may tender for further ~~DEP members~~ high-level and respected professionals to be appointed to the ~~pool of~~ DEP representative ~~pools.~~

The CEO has the authority to appoint additional ~~DEP members~~ professionals to the ~~pool of~~ DEP representative ~~pools.~~

8. RESPONSIBILITIES OF THE DEP MEMBERS S 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;
- ~~(b)(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 advice letter;
- ~~(c)(d)~~ 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 Maps, Near Maps or equivalent) to become familiar with the site including its context and conditions; and
- ~~(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.

~~(d)~~ —

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.~~

~~(e) 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

9.1 Confidentiality and Managing Privacy

9.1

~~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*.~~

~~(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.~~

~~(e) 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.~~

10. DISCIPLINARY ACTION

~~10.1 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.~~

~~11. 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.~~

~~12.11. REVIEW OF CHARTER~~

~~13.1~~ 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 Team and 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 ~~by~~ electronically for a thorough review, at least five (5) business days before the meeting:
- (a) The meeting agenda;
 - (b) The ~~Assessing~~ Planner~~officer~~'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;
 - ~~(c)(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;
 - (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.

~~(d)~~

2. MEETING PROCEDURES

- 2.1 ~~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.

- 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 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 not provide new recommendations unless the proposal is considered substantially different;
- 2.13 The Convenor will record the DEP meeting for the purpose of minute-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 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 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.~~
- ~~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 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.~~
- ~~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.~~

3. PREPARATION OF DESIGN ADVICE LETTER & OUTCOME

3.1 Council's DEP Convenor (Convenor) 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 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 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.

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.

3.3 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).

3.4 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~~

3.5 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.

3.6 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.

3.7 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 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.

~~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.~~

3.4. 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 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 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. The required information / documentation must be submitted to Council at least five (5) business days prior to the scheduled DEP meeting.~~

~~43.34 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.~~

~~43.42 The applicant will be provided with 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.~~

~~4.6 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.~~

~~4.7 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 advice letter. The Panel will then proceed with discussions and provide its recommendations, and outcome based their assessment of the submitted documentation, undertaken prior to the meeting (as per 1.1 and 4.3 above).~~

~~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;

43.93 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.

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.

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.

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.

4.5. REVIEW

54.1 AA 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 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.

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 ~~per~~ a half day or \$24,700.00 (excluding GST) ~~for~~ a 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~~ be paid an additional \$2450.00 (excluding GST) remuneration.

6.2

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.

5.36.4 At the discretion of the Panel Support Officer, A full day DEP meeting will typically commence at 9.30am, while and a half day DEP meeting will typically 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~~27 June 2022~~ 27 August 2025**REVIEW DATE**~~27 August 2024~~ 27 August 2025**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
<u>6</u>		27 August 2024 <u>27 August 2025</u>	<u>TBC</u>



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

ITEM 03**Western Sydney International Airport (WSI)
Preliminary Draft Master Plan Development**

Strategic Objective	Evolving, Prosperous, Innovative Promote and deliver an innovative, thriving and internationally recognised city
File Ref	268770.2025
Report By	Justine Young - Acting Manager Civic and Executive Services
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

Alongside construction of the new airport, WSI is preparing its first Master Plan, a key milestone in its transition into a fully operational airport under the Commonwealth Airports Act.

All airports leased from the Australian Government are required to produce a Master Plan—a strategic 20-year blueprint outlining future development, reviewed and updated every five years.

This report provides Council with an overview of the Western Sydney International Airport (WSI) Preliminary Draft Master Plan, which outlines the strategic 20-year vision for the airport's development and operations.

The Plan is open for public comment until 2 September 2025.

RECOMMENDATION

That the Governance Committee receives and notes the report.

REPORT

Alongside construction of the new airport, WSI is preparing its first Master Plan, a key milestone in its transition into a fully operational airport under the Commonwealth Airports Act. All airports leased from the Australian Government are required to produce a Master Plan—a strategic 20-year blueprint outlining future development, reviewed and updated every five years.

This report provides Council with an overview of the Western Sydney International Airport (WSI) Preliminary Draft Master Plan, which outlines the strategic 20-year vision for the airport's development and operations.

As Australia's first major airport development in over 50 years, WSI's Master Plan sets the foundation for long-term growth and operational readiness.

It addresses WSI's:

- Development objectives
- Future aviation needs
- Future land use and zoning
- Proposed developments not relating to airport services
- Flight paths and noise impacts
- Impacts on the local and regional economy and community
- Proposed 'sensitive developments'
- Ground transport plan
- Environment strategy
- Environmental issues and their management

The Plan is open for public comment until 2 September 2025.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	Facilitate economic development.
Environment	<p>Enhance the environmental performance of buildings and homes.</p> <p>Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.</p> <p>Raise community awareness and support action in relation to environmental issues.</p>

Social	<p>Raise awareness in the community about the available services and facilities.</p> <p>Provide cultural centres and activities for the enjoyment of the arts.</p> <p>Preserve and maintain heritage, both landscape and cultural as urban development takes place.</p> <p>Regulate for a mix of housing types that responds to different population groups such as young families and older people.</p> <p>Support community organisations, groups and volunteers to deliver coordinated services to the community.</p> <p>Promote community harmony and address discrimination.</p> <p>Support access and services for people with a disability.</p> <p>Deliver high quality services for children and their families.</p>
Civic Leadership	<p>Undertake communication practices with the community and stakeholders across a range of media.</p> <p>Foster neighbourhood pride and a sense of responsibility.</p> <p>Facilitate the development of community leaders.</p> <p>Encourage the community to engage in Council initiatives and actions.</p> <p>Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.</p> <p>Actively advocate for federal and state government support, funding and services.</p>
Legislative	Commonwealth Airports Act.
Risk	The risk is deemed to be Low.

ATTACHMENTS

Nil

ITEM 04

Finance Report - July 2025

Strategic Objective	Visionary, Leading, Responsible Ensure Council is accountable and financially sustainable through the strategic management of assets and resources
File Ref	259484.2025
Report By	Vishwa Nadan - Chief Financial Officer
Approved By	Farooq Portelli - Director Corporate Services

EXECUTIVE SUMMARY

The report provides an update on Council's 2024-25 interim financial result and 2025-26 budget performance.

The year-end adjustments that will impact on the final reported numbers are currently being finalised. Based on the interim unaudited results for the financial year, the Council will meet at least 3 out of 6 OLG financial performance ratios and all 3 financial covenants with NSW TCorp and commercial financial institutions.

The Governance Committee is also invited to note some of the key financial risks that will impact on the budget result for 2025-26.

Total rates outstanding at 31 July 2025 were \$12.2 million. The rates levy for financial year 2025/26 were issued to landowners in late July 2025 and the first installment is not due until 31 August 2025.

RECOMMENDATION

That the Governance Committee receives and notes this report.

REPORT

2024-25 Interim Financial Results

The year-end adjustments that will impact on the final reported numbers are currently being finalised. Based on the interim unaudited results for the financial year, the Council will meet at least 3 out of 6 OLG financial performance ratios:

Indicator / Ratio	Benchmark
Operating performance ratio	> 0%
Own source operating revenue ratio	> 60%
Unrestricted current ratio	> 1.5x
Debt service cover ratio	> 2.0x
Rates and annual charges outstanding percentage	< 5.0%
Cash expense cover ratio	> 3 months

2025-26 Budget Performance

Below is summary of 2025-26 approved budget

	Original Budget
Total Income	\$462.4m
Less: Capital Grants & Contributions	(\$177.4m)
Operating Income	\$285.0m
Operating expenditure	\$284.2m
Net Cost of Service before capital grants & contributions surplus	\$0.8m

Risks

The following items have been identified as budget risks for FY2025-26. The Governance Committee will be regularly updated on these matters.

Risk	Budget Impact	Cash Impact	Mitigation Strategy	Risk Rating
1. Accounting for Software upgrades	-\$4.3m	-	Budget includes \$3.8m allocation for software upgrades. A further \$1m unspent budget from FY2024/25 will be carried over to FY2025/26. Based on guidelines issued by the Department of Finance, procurement of cloud-based software-as-a-service, a significant portion of capital expenditure will have to be accounted for as operating expenses.	High
2. Built Development - Call option on works adjacent to Liverpool Civic Place.	\$0	-\$7.3m	We are expecting Built's lawyers, KWM, to provide settlement figures (possibly before this Governance meeting) that will exercise of the call option and payment of rights fees.	Low
3. FAG Operating Grant – The NSW Grants Commission paid 50% of estimated financial assistance grant for FY 2025/26 in advance. Grants Commission could change its policy position to advance payment for FY 2026/27.	+\$3.7m	+\$3.7m	The 50% balance of FAG for FY2025/26 that will be paid during the year can potentially be an upside but is dependent on percentage of grant for FY2026/27 that will be paid in advance in June 2026. This is only a timing difference and can represent a favorable variation or otherwise.	Moderate

Bank Financial Covenant undertakings

Based on interim financial results the Council will achieve all its financial loan covenant undertakings with the banks for financial year 2024/25.

Indicators/ Ratios	Benchmark
Debt service cover ratio	> 1.5x
Interest cover ratio	> 3 months
Unrestricted cash cover ratio	> 2 months

A schedule of cash reserves for 30 June 2025 is attached.

Outstanding Rates & Major Debtors

Total rates outstanding on 31 July 2025 were \$12.2 million. The rates levy for financial year 2025/26 were issued to landowners in late July 2025 and the first installment is not due until 31/08/2025.

ATTACHMENTS

1. Schedule of Cash Reserves - June 2025

**Liverpool City Council
Schedule of Cash Reserves**

	1 July 2024 Actual Opening Balance	30 June 2025 Actual Closing Balance
Externally Restricted		
S7.11 Contributions	276,762,833	316,559,029
City Development Fund	(586,980)	(2,347,281)
Domestic Waste Reserve	(1,332,628)	1,271,847
Environment Levy	6,534,668	6,634,094
Stormwater Reserve	1,135,927	584,119
Edmondson Park Reserve	2,992,324	0
Contribution Reserve	3,170,431	3,038,422
Grants Reserve	7,505,797	3,011,097
Grants Reserve - Operating	318,924	7,197
Deferred Grants Reserve - Capital	41,235,666	37,075,055
Deferred Grants Reserve - Operating	1,797,393	3,703,478
Western Sydney Infrastructure Grants Program	13,716,336	10,128,113
Total Externally Restricted	353,250,691	379,665,170
Internally Restricted		
Employee Leave Entitlement Reserve	4,672,000	4,903,000
Insurance Reserve	491,267	1,796,043
Parking Strategy Reserve	350,345	1,300,736
General Property Reserve	176,734	646,124
Loan Reserve	0	12,200,000
Hammondville Pool and Precinct Reserve	0	7,876,723
Carnes Hill Stage 2 Precinct Development Reserve	1,166,823	4,253,332
Moorebank Intermodal Company Ltd	0	225,995
Total Internally Restricted	6,857,168	33,201,953
Total Restricted	360,107,859	412,867,123
Unrestricted general reserves **	0	3,172,182
Total Cash and Investments	360,107,859	416,039,305

** Excludes investment in Civic Risk Mutual

ITEM 05

Investigate Direct Employment of Security Services

Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	228220.2025
Report By	Craig Knappick - Chief People Officer
Approved By	Farooq Portelli - Director Corporate Services

EXECUTIVE SUMMARY

At the June Council meeting an agenda item was requested to be tabled at a Governance meeting to explore the possibility of direct employment of security services.

RECOMMENDATION

That the Governance Committee receive and note this report.

REPORT

At the June Council meeting Council moved that an agenda item for the next Governance Committee meeting be tabled to explore the opportunity of direct employment of security services in certain situations.

Generally, Security Services is not a Council function and is externally procured when required to provide security over Council events, Council meetings, to oversee and provide security over Council car parks and assets.

The purpose of this report to explore circumstances where Council may consider directly employing security services staff.

Council's recruitment team benchmarked across the industry and ascertained that the hourly rate to employ a security guard would be approximately \$52.70 per hour plus potential penalty rates for weekend work.

In the table below we have identified scenarios in which Council may consider directly employing security guards and have included a cost comparison between inhouse vs outsourcing.

Scenario	Internal Cost	Cost (incl. GST) if Council continues to outsource the function
Location: Council Meetings Number of Guards: 2 Frequency: Monthly Duration: 5 hours each	Cost: \$527 total per month \$5,797 per annum	Cost: \$440 total per month \$4,840 per annum
Location: Warren Service Way Number of Guards: 1 Frequency: 4 hours / day, Mon - Fri Duration: 40 hours per fortnight	Cost: \$2,108.00 + potential penalty rates per fortnight \$54,808 per annum	Cost: \$2,016.96 per fortnight \$52,441 per annum
Location: CT Lewis Number of Guards: 2 per day with different shifts to cover duration Frequency: Per event 24/03/25 to 05/04/25 Duration: 12 hours per day	Cost: \$8,221 + potential penalty rates for period per annum	Cost: \$7,866 for the period per annum
Total cost per annum	\$68,826	\$65,147

The costs to outsource the function mentioned above are based on rates that the council is currently paying.

Note that the above labour cost estimates and do not account for a range of additional costs that arise from employing staff including supervisory staff, recruitment costs, training, rostering software, equipment/uniforms, or administrative overheads. Costs could be optimised further with part-time staffing or pooled shift coverage.

In addition to the above factors Council would need to invest in:

- A security management structure (supervisor, scheduler) and ongoing daily management of staff-related matters
- Equipment and uniforms
- Ongoing training and certification (e.g., first aid, crowd control etc)

Based on current usage patterns and cost modelling:

- A direct employment model will not achieve cost savings and will likely result in a significant cost increase.
- Security services are not a core function of Council, and permanent internal resourcing is inconsistent with sector practice.

The current established Panel that Council endorsed at the June Council meeting will offer greater flexibility and faster response times than an in-house team:

- **Scalability:** Security providers have larger pools of trained staff ready to be deployed, allowing quick scaling for emergencies, events, or unexpected incidents. This is not possible for a small internal team. Permanency of security at different locations may not be required and can be upscaled and downscaled as required with an outsourced model based on need.
- **24/7 Operations:** Providers manage rostering, replacements, and after-hours coordination, ensuring uninterrupted coverage without placing the burden on Council resources ensuring coverage if their staff are sick or on leave without interruption to the service for Council.
- **Tailored Services:** Contracts can be customised to meet local requirements, and providers are incentivised to adapt quickly to feedback or changing needs.
- **Reduced Admin Burden:** Council avoids the delays of internal recruitment, HR processes, and workforce management, enabling a more agile response through external providers.

Maintaining an external panel on a schedule of rates that can be called upon a needs basis is the most cost-effective option for council.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Local Government Award
Risk	There is no risk associated with this report.

ATTACHMENTS

Nil

ITEM 06**Policy Review - Busking Policy**

Strategic Objective	Healthy, Inclusive, Engaging Deliver great and exciting events and programs for our people and visitors
File Ref	229827.2025
Report By	Clara McGuirk - Manager Cultural Venues and Events
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

Council's Busking Policy was last updated in 2022. The document was originally designed to support the programming of busking performers across the CBD as a sustainable means of activation. Whilst CBD revitalisations are important and continue through the programming of events and placemaking initiatives, changes to the document allow breadth to provide opportunities across a wider range of precincts, including key cultural and community sites such as Liverpool Powerhouse.

While the core framework remains unchanged, minor updates have been made to ensure alignment with the City's evolving program of events and activities, without creating conflict or duplication.

Buskers are still required to obtain a permit and adhere to defined conditions aimed at minimising disruption to businesses, residents, and Council operations, while also maximising opportunities for creative expression in the public realm.

These refinements provide some operational practicalities to better deliver complimenting strategies around busking programs.

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.

REPORT

The Busking Policy provides an operational framework to support and manage street performance across Liverpool, encouraging activities that contribute to a vibrant and inclusive city. It establishes an equitable system for accessing popular locations, supports the rights of buskers to express themselves and earn a living through artistic means, and enhances public safety by promoting active, engaging public spaces. This policy primarily addresses permitting, conditions of use, and space management, however the broader strategic vision for cultural programming and activation, including the role of busking in the city's creative landscape will be outlined in Council's forthcoming Cultural Strategy. Together, these frameworks will support more diverse, inclusive, and well-resourced public performance opportunities throughout the LGA.

Key ChangesAccountability

The original Busking Permit document states in section 5 that;

Buskers are responsible for their impact on their environment and should manage removal of their own waste, materials, and litter consequence of their performance.

While the previous policy encouraged buskers to take care of their performance space, the updated version introduces clearer expectations and consequences with the addition of prohibitions to permit approvals if a busker "has previously left their environment in an unsavoury way."

Performers are now explicitly advised that leaving their area unkept (such as failing to remove rubbish or causing damage) may impact future permit approvals. This change strengthens Council's ability to ensure proper management of public spaces and encouraging continued engagement of responsible and professional busking participants.

Clarity around Space Usage/Access

In the original Busking Policy document, permissibility across locations in the CBD were prefaced with ensuring they do not impact or hinder access for the public, or safety of either public nor the performers. A busking site must not be established where the act or their audience is likely to block access to an entry or exit of a building (including any fire exit), street, laneway, or carpark, this includes council event entrances and exit points.

Refinement of this clause now includes public paths or access ways as areas to remain unobstructed by a performer;

A busker is required to assess the busking location on the day of the performance and address any concerns or risks ahead of their performance with the Councils authorised representative. An established busking site must not block access to an entry or exit of a building (including any fire exit), street, laneway, carpark or council event entrance and exit points.

Any ambiguity around other vital access routes has since been clarified and broadened. The revised policy now includes footpaths as part of the performance considerations, ensuring that pedestrian access, business function and movement remain unimpeded.

Consideration of Existing Programming

Further to these changes, provisions towards ensuring that busking performances do not conflict, or impact Council's existing events and activation program have been incorporated into the revised document. Noting;

Busking is not permitted during or within the 4-hour period prior to a Council-run or Council-approved event unless pre-approved by the council events team or Events Approving Officer. Busking should not occur within 3 streets of council events to mitigate impacts to the event and that outside noise does not disrupt event functions.

References

As part of this policy update, the 2023 City of Sydney Busking Code was reviewed to ensure our approach aligns with contemporary best practices in urban performance management. This reference has informed refinements around permit conditions, public safety, and accessibility, helping to create a clear and balanced framework that supports creative expression while maintaining amenity for the broader community.

Formerly, the interim busking policy for City of Sydney (circa 2022) was used as the key best-practice reference.

Consultation

Given the policy's operational focus, development of the updated Busking Policy involved consultation with key internal stakeholders, including coordinators, managers, Council's legal department, and relevant teams across Council with aligned objectives towards CBD activation, public safety and compliance.

Implementation

As aforementioned, the updated Busking Policy is designed as an operationally focused document, providing clear and practical guidance for implementation across the LGA. While it outlines the framework for permits, site use, and performance expectations; the programming and activation elements will be addressed through Council's forthcoming Cultural Strategy (currently in draft). This broader strategy aims to amplify creative opportunities, stem a sustainable performance program to enhance cultural activity in our city, and increase visibility and opportunity for local artists. This Cultural Strategy will include wider engagement across the community and entertainment industry which will help formulate an implementation plan for this once adopted by Council.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	Facilitate the development of new tourism based on local attractions, culture and creative industries.
Environment	There are no environmental and sustainability considerations.
Social	Provide cultural centres and activities for the enjoyment of the arts.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Council's legal team have been consulted on the policy. There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

1. Draft Buskers Policy - 2025



BUSKERS POLICY

Adopted: 27 July 2022

Formatted: Highlight

TRIM: 157421.2022

Formatted: Highlight

BUSKERS POLICY

DIRECTORATE: City Community & Culture

BUSINESS UNIT: Events

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

1. PURPOSE/ OBJECTIVES

This policy encourages activities that contribute to a vibrant city and provide opportunities for alternative voices to be heard through public performance.

Provide an equitable system of use for popular locations in Liverpool and support the rights of buskers to express themselves earning a living in an artistic manner.

Promote public safety through lively surrounds and improved ambiance encouraging pedestrian traffic.

2. SCOPE

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.

3. DEFINITIONS

Authorised person: an appropriately delegated Council employee or a police officer

Busker: a person who entertains in a public place by playing a musical instrument, dancing, singing, clowning, juggling, creating an artwork or performing acts of a similar nature with the intention of receiving donations from members of the public

Permit: A Busking Permit issued under this policy

Council means Liverpool City Council

Liverpool means the City of Liverpool Local Government Area

4. POLICY STATEMENT

Busking permits

Performers are required to obtain a valid permit from Liverpool City Council. For groups, one representative will be required to obtain a permit on behalf of the group

(for a maximum of 4 performers per group) [unless otherwise approved in accordance with Group Acts Section below.](#)

- A valid photo ID include a current driver's licence, proof of age card, student card or passport as proof of identity is required with an application for a Busking Permit.
- Parent or guardian must remain near [and](#) supervise a child 16 years and under for the duration of their performance.
- All buskers (or people wishing to undertake busking) within Liverpool City Council must obtain a Busking Permit and must [comply with the busker's standard this policy-](#)
- If a busker is directed to stop or modify their act by any authorised person or a Government Public Order they must do so immediately.

Busker Registration Application Online Form

<https://www.liverpool.nsw.gov.au/forms/busker-registration-application-form>

Busker Under 18 Years of Age Registration Application Online Form

<https://www.liverpool.nsw.gov.au/forms/busker-under-18-years-of-age-registration-application-form>

- The details of all approved buskers permit will be kept on a register by Council.
- Buskers must always have the permit on them ready to provide to a Council or Police representative.
- A permit will be valid for a period of six months and are not transferable. Except where varied by a condition of approval set out in the permit or if the permit is revoked or modified by Council.

5 Eligible criteria

Public Liability Insurance

Buskers will be covered by Councils' public liability insurance provided their act is not deemed as potentially dangerous by the authorising Council representative assessing their application.

Buskers may prefer to obtain their own public liability insurance. If a busker is covered by their own or any other public liability insurance policy, they will be considered covered by that policy for their busking activities.

Limitations on busking

Buskers must not perform in any street, [footpath](#) or road without the written permission of Council.

- Buskers are limited to 2 square meters of performance space and can only perform for a maximum of two hours in the one designated location. Upon completion of the two (2) hour maximum for that location the busker must move to another busking location (at least more than four building frontages away).
- Performing acts must not cause a public disturbance or nuisance, whether by the volume or nature of the sound they produce or the physical impact of the act on other people, property, or public space. If a busker is directed to stop or modify their act by any authorised person, they must do so immediately.
- Buskers are responsible for their impact on their environment and should manage removal of their own waste, materials, and litter consequence of their performance. Busking permits may not be approved if a busker has previously left their environment in an unsavoury/unsavoury way.
- Buskers must not congregate with other persons in or upon any street or over any footway to obstruct the free passage of traffic.
- Council will not issue permit for performances which involves an animal, reptile, or bird. A busker who is supported by an assistance animal (as defined by section 5 of the *Companion Animals Act* 1998) may deliver a performance while accompanied by that assistance animal. The assistance animal must not form part of the performance.
- A busking site must not be established where the act or their audience is likely to block access to an entry or exit of a building (including any fire exit), street, laneway, or carpark, this includes council event entrances and exit points.
- A busker is required to assess the busking location on the day of the performance and address any concerns or risks ahead of their performance with the Councils authorised representative. An established busking site must not block access to an entry or exit of a building (including any fire exit), street, laneway, or carpark or council event entrance and exit points.
- If a busking area is not deemed safe the busker may be advised to cease busking by any council representative.
- Busking is not permitted during or within the 4 hour period prior to a council run or council approved event unless pre-approved by the council events team or events approving officer. Busking should not occur within 3 streets of council events to mitigate impacts to the event and that outside noise does not disrupt event functions.

Formatted: Font color: Dark Blue

Formatted: Font color: Dark Blue

Children and young persons

During school term, children and young persons under 16 years of age will only be permitted to busk outside of school hours, that is, before 9:00am and after 4:00pm and during daylight hours and must be supervised by their parent or guardian at all times.

Group acts

In special circumstances, groups with more than four members may make a written request, ~~setting out valid reasons~~, to Council to busk in certain locations, ~~subject to approval~~.

Busking areas

All busking must be undertaken within a designated area defined as an area of public land approved by an authorised ~~person~~Council representative.

Liverpool CBD Busking Sites

- ~~113 Northumberland St, Liverpool~~
- ~~Macquarie Mall (Southern End), Liverpool~~
- ~~Macquarie Mall (Northern End), Liverpool~~
- ~~232 – 250 Northumberland St, Liverpool~~
- ~~Bigge Park, facing Elizabeth St, Liverpool~~
- ~~12 Railway St, Liverpool NSW~~
- ~~Bigge Park, facing Moore St, Liverpool~~
- ~~1 Memorial Ave, Liverpool~~
- ~~Liverpool City Library~~

~~Council's Events team will consider a busking application for other locations in Liverpool LGA. An approval will be subject to consultation with other relevant directorates.~~

Busking Locations

Formatted: Font: Bold

Busking locations are to be determined based on Council-led activation and placemaking strategies.

Permissible sites include but are not limited to the City Centre, Liverpool Powerhouse and surrounds, and Carnes Hill Recreational precinct.

All busking locations are subject to approval.

Permissible times for busking

Council will designate areas within Liverpool for the purpose of busking. Permit holders may busk within designated areas during the following times:

- a) 8am -10pm Sunday – Thursday
- b) 8am – 11pm Friday and Saturday

Unacceptable acts

Unacceptable busking acts include but are not limited to the following:

- a) The use of sharp objects or other dangerous instruments including knives, swords or chainsaws, stock whips, fire, flammable liquids, and any other equipment that may create a hazard to public safety.
- b) Causing damage to public property including permanent painting or drawing on footpaths.
- c) Using children or any other person not covered by the permit.
- d) Including any animal in or as part of a performance.
- e) Advertising any non-approved product, service or sponsorship.
- f) Haranguing, arguing with, abusing or causing discomfort to the public.
- g) The use of public address systems and sound amplifying equipment shall not cause 'offensive noise'. The sound generated cannot exceed the ambient background noise level (LA90) in any octave band centre frequency (31.5Hz to 8KHz inclusive) by more than 5dB as defined by the Protection of the Environment Operations Act.
- h) By-standers and passers-by are not accosted or solicited for money.
- i) Offering for sale or the provision of goods or services or one-on-one consultation is not considered to be busking under the terms of this policy, for example, balloon sculpting, modelling, fortune telling, tarot card and palm reading and massage or any type of healing therapy.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.6 cm + Indent at: 2.23 cm

Sale of CDs and DVDs

Buskers may sell their own original music or video recordings, artwork, or merchandise as a complement to their performance.

The sale of music, video, artwork, or merchandise must not be delegated to another person and must not dominate the time a busker is occupying a busking pitch.

The primary purpose of busking is to perform an act or to create an artwork for the entertainment of the public, any sales of any products must be secondary to this purpose

Legal obligations

Buskers must comply with all relevant laws, regulations and policies and lawful directions of authorised persons. The holding of a permit will not constitute a defence where a busker has committed an offence.

Permits may be revoked or modified at the discretion of Council or if a Busker breaches any law, any requirement of this policy standard or any condition of a permit.

Permit process

Buskers permit process
An application to be submitted online via our website or in person at Councils customer service counter (33 Moore Street, Liverpool)
Events Approving Officer will assess the application ensuring all supporting documents are provided
Events Approving Officer will liaise with the applicant for any additional information required
Events Approving Officer to issue a busker permit to the applicant, which is valid for six months
Events Approving Officer to enter busker's details in the Buskers Register (located on Content Manager)
Events Approving Officer to provide Community Standards with a list of buskers at the beginning of each month for a compliance check

6. THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH

Governance and Legal Services

Customer Service

Economic Development

Community Standards

7. REFERENCES

City of Sydney: Interim Busking Policy

AUTHORISED BY

~~Acting~~ Chief Executive Officer (CEO)

EFFECTIVE FROM

~~This date is the date the policy was approved by the Council~~ **TO BE UPDATED ONCE ADOPTED**

REVIEW DATE

This date will be 4 years after the Council has endorsed it.

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1		Liverpool CBD Busking sites and will consider other location in Liverpool LGA	27 July 2022	157421.2022

2

Strategic Events
Lead

Minor updates

27 June
2025

219040.2025222

Liverpool City Council

Liverpool CBD Busking Sites

LIVERPOOL CITY COUNCIL

113 Northumberland St, Liverpool

Macquarie Mall (Northern End), Liverpool

Bigge Park, facing Elizabeth St, Liverpool

Bigge Park, facing Moore St, Liverpool

Liverpool City Library

Macquarie Mall (Southern End), Liverpool

232 - 250 Northumberland St, Liverpool

12 Railway St, Liverpool NSW

1 Memorial Ave, Liverpool

Formatted: Font: 18 pt

Formatted: Centered

ITEM 07

Business Improvement - After Hours Service and Artificial Intelligence

Strategic Objective	Visionary, Leading, Responsible Place customer satisfaction, innovation and best practice at the centre of all operations
File Ref	268379.2025
Report By	Anna Rizos - Manager Customer Experience
Approved By	Tina Bono - Director Community & Lifestyle

EXECUTIVE SUMMARY

As part of Council's commitment to innovation and continuous improvement, the integration of Artificial Intelligence (AI) within Customer Service operations is being advanced. This initiative seeks to improve efficiency, responsiveness, and accessibility, ensuring the community receives timely support and accurate information. By leveraging AI technologies, Council can streamline routine enquiries, reduce wait times, and enable staff to focus on more complex matters, with an emphasis on resolution rather than transaction.

The implementation is proposed in two stages to ensure a measured and effective transition.

Stage 1 will involve the introduction of AI technology within the Customer Call Centre to replace the current after-hours external service provider. This will allow for improved consistency, reduced wait times, and increased access to information outside of business hours, while also capturing valuable data to inform future service enhancements.

Stage 2, anticipated within 3–6 months of Stage 1, will focus on extending AI capability to core service hours. This stage will require staff consultation and operational planning to ensure a smooth transition, with the objective of improving first-contact resolution.

The staged introduction of AI technology into Council's Customer Service operations represents a strategic step towards enhancing service delivery, improving operational efficiency, and meeting the evolving expectations of the community. By building on Council's existing knowledge management framework, this initiative will provide consistent, accurate, and accessible information to customers at any time, while freeing staff to focus on more complex enquiries. The proposed approach ensures a measured transition, supported by performance data and staff engagement, to maximise benefits and ensure long-term service improvements for Liverpool's residents.

RECOMMENDATION

That the Governance Committee receive and note this report.

REPORT

As part of Council's commitment to innovation and continuous improvement, the integration of Artificial Intelligence (AI) within Customer Service operations is being advanced. This initiative seeks to improve efficiency, responsiveness, and accessibility, ensuring the community receives timely support and accurate information. By leveraging AI technologies, Council can streamline routine enquiries, reduce wait times, and enable staff to focus on more complex matters, with an emphasis on resolution rather than transaction.

The implementation is proposed in two stages to ensure a measured and effective transition.

Stage 1 will involve the introduction of AI technology within the Customer Call Centre to replace the current after-hours external service provider. This will allow for improved consistency, reduced wait times, and increased access to information outside of business hours, while also capturing valuable data to inform future service enhancements.

Stage 2, anticipated within 3–6 months of Stage 1, will focus on extending AI capability to core service hours. This stage will require staff consultation and operational planning to ensure a smooth transition, with the objective of improving first-contact resolution.

Since 2018, Liverpool City Council has successfully used a centralised knowledge management platform to improve community service delivery. The introduction of AI technology will build on this foundation by providing 24/7 customer support, streamlining after-hours services, and driving operational efficiency, with potential cost savings. The system will operate from Council's existing "one source of truth," ensuring responses are consistent, accurate, and compliant, and can incorporate additional features such as webchat.

Key Benefits

- Customer service availability outside normal business hours
- Multilingual capabilities for Liverpool's diverse community
- Reduced call volumes to staff during peak periods
- Improved first-contact resolution rates
- Enhanced customer satisfaction and accessibility
- Automated creation of work cases and SMS notifications
- Potential for after-hours cost reductions

Conclusion

The staged introduction of AI technology into Council's Customer Service operations represents a strategic step towards enhancing service delivery, improving operational efficiency, and meeting the evolving expectations of the community. By building on Council's existing knowledge management framework, this initiative will provide consistent, accurate, and accessible information to customers at any time, while freeing staff to focus on more complex enquiries. The proposed approach ensures a measured transition, supported by performance data and staff engagement, to maximise benefits and ensure long-term service improvements for Liverpool's residents.

FINANCIAL IMPLICATIONS

Costs associated with this recommendation have been included in Council's budget for the current year and long-term financial plan.

Council has currently allocated **\$120,000 in the 2025/26 budget** for after-hours call services. Under the existing model, Council is charged a flat fee regardless of the number of calls received.

The proposed AI solution introduces a more cost-effective approach, charging only for the calls answered, with the following cost breakdown:

- **One-off setup fee:** \$25,000
- **Annual subscription (Flex Tier):** \$51,216
- **Total Year 1 cost:** \$76,216
- **Ongoing annual cost (Year 2 onwards):** \$51,216

This approach delivers immediate savings compared to the current budget and introduces greater flexibility and cost efficiency in the long term. The ongoing annual cost (Year 2 onwards) of \$51,216 will result in a future budget saving.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	Raise awareness in the community about the available services and facilities.
Civic Leadership	Encourage the community to engage in Council initiatives and actions. 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	The risk is deemed to be Low.

ATTACHMENTS

Nil