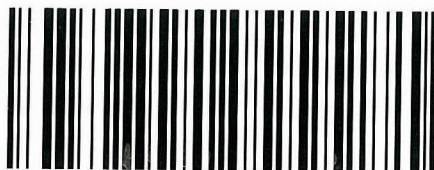




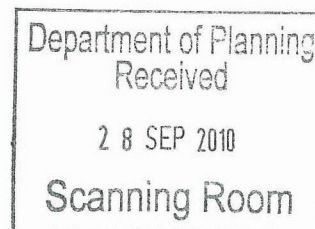
Liverpoolcitycouncil
creating our future together

Our Ref: 2010/1197
Contact: Theo Zotos
t.zotos@liverpool.nsw.gov.au
Date: 23/09/10



PCU015000

Peter Goth
Regional Director Sydney West
Department of Planning
Locked Bag 5020
Parramatta NSW 2124



Dear Mr Goth,

RE: Submission of Planning Proposal

Liverpool Local Environmental Plan 2008 (Amendment 13) Clause 7.5 Design Excellence (Architectural Design Competition)

Pursuant to section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is forwarding a planning proposal for Draft Liverpool Local Environmental Plan 2008 (Amendment No. 13), seeking gateway determination.

At its meeting held on 19 April Council resolved to review the Liverpool Local Environmental Plan (LEP) 2008 provisions relating to architectural design competitions process for 'Key sites' within the Liverpool city centre (Report enclosed as Attachment 1).

After an assessment of the design competition provisions contained within Clause 7.5 (4) of Liverpool LEP 2008 and the Director General's Design Excellence Guidelines of 14 July 2007, staff presented a number of changes to the design competition process and eligibility criteria.

Council resolved to adopt changes to the architectural design competition process at its meeting held 19 July 2010 (Report enclosed as Attachment 2). The table below summarises the existing and proposed design competition requirements which form the basis of the attached Planning Proposal (Attachment 3).



*Celebrating 200 years
1810-2010*

The First Macquarie Town

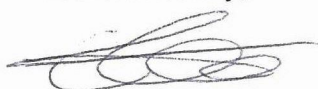
	Existing Requirement	Proposed Requirements	Reason for Change
Liverpool LEP 2008 Clause 7.5	Design competitions are required for development located on a designated "key site" and the capital value of development exceeds \$1 million.	Design competitions are required for development located on a designated "key site" and the capital value of development exceeds \$10 million.	To avoid the additional cost and time implications of undertaking a design competition for small to medium scale proposals.
	Major development proposals that are part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act.	Major development proposals that are part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act.	No change.
Director-Generals Design Excellence Guidelines 14 July 2007	The formulation of Design proposals from three architectural design firms each of which are to exhibit design excellence.	Proponents to have the option of submitting three significantly different designs from the one reputable architectural design firm, on the proviso that each design concept is deemed to exhibit design excellence.	- Cost saving - One architect who formulates three different options will intimately get to know the site and context of development.
	Proposals are assessed by a specifically formulated design competition jury (made up of three members) who select the preferred design as assessed against the design excellence criteria.	The three design proposals would be assessed by Council's existing Design Review Panel, rather than a specifically formulated design competition jury.	Utilisation of the existing Design Review Panel will save the time and resources required to facilitate a new jury and associated member charter and procedures.

Further direction is sought from the Department of Planning as to the method of implementation of these amendments. Council's suggested method is to exempt the Liverpool city centre from the requirements of the Director General's Design Excellence Guidelines of 14 July 2007 and subsequently implement the proposed requirements for design competitions in the form of additional provisions to Clause 7.5 of the Liverpool LEP 2008.

A copy of the Planning Proposal prepared in accordance with 'A guide to preparing planning proposals' and the aforementioned reports to Council on this matter are enclosed for your consideration.

Council requests gateway determination on the planning proposal in accordance with section 56 of the EP&A Act. If you require any further information in relation to the above, please contact Theo Zotos on 9821 9317.

Yours sincerely,



Theo Zotos
EXECUTIVE PLANNER

Attachment 1

LIVERPOOL CITY COUNCIL

NOTICE OF MOTION

ORDINARY MEETING

19/04/2010

ITEM NO:	NOMO 05	FILE NO:	
SUBJECT:	LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - REVIEW DESIGN COMPETITIONS		
AUTHOR:	COUNCILLOR NAPOLETANO		

BACKGROUND:

Introduction

In 2006, all of Sydney's designated six Regional Cities were required to undertake a comprehensive review of the direction of future growth and infrastructure requirements. This culminated into the City Centre Review which resulted in a new Vision strategy, Local Environmental Plan (LEP), Development Control Plan (DCP) and Civic Improvement Plan for the Liverpool City centre.

At that time, the Minister for Planning introduced the design excellence concept through a number of provisions in the Liverpool LEP, including architectural design competitions. The purpose of a competition is to promote innovative design solutions that promote the development of high quality buildings in strategic locations, identified in the plan as Key Sites (please see attached map).

In order to satisfy competitive process, an applicant is to engage at least three architectural / design firms to submit design proposals. A panel of qualified professionals select the proposal that exhibits the most merit against set objectives. That proposal is then submitted as a development application. In recognition of the rigour involved in undertaking a successful design competition, the applicant is be eligible for a development bonus, being a 10% increase over the maximum floor space ratio and building height above that stipulated in Liverpool LEP 2008.

The requirement to enter a design competition may be waived by the Director-General where it can be demonstrated design excellence will be achieved, such as where concept drawings are submitted for a manifestly outstanding building, and the architect has a reputation for delivering buildings of the highest quality.

If Council was to resolve to amend or remove the design competition process, a report would be forwarded to the Department of Planning for Gateway consideration which in turn stipulates the required public exhibition timeframe, relevant government authority consultation and any other matters of consideration the Department deems appropriate.

The indicative timeframe for amending the Liverpool LEP 2008 and development Control Plan would be approximately 6-8 months.

NOTICE OF MOTION:

That Council:

1. Undertakes a review of the provisions within Liverpool LEP 2008 regarding the need for design competitions with view to achieving high architectural and urban design outcomes, but recognising the role of the local Design Review Panel and understanding the economic considerations of the Liverpool development industry.
2. Receives a report regarding design excellence in the CBD that outlines changes to the Liverpool LEP 2008 following from the review of provisions mentioned in item 1.

Resolved as per Recommendation.

NOMO 05

ITEM NO: NOMO 05

FILE NO:

SUBJECT: LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - REVIEW
DESIGN COMPETITIONS

RECOMMENDATION

That Council:

1. Undertakes a review of the provisions within Liverpool LEP 2008 regarding the need for design competitions with view to achieving high architectural and urban design outcomes, but recognising the role of the local Design Review Panel and understanding the economic considerations of the Liverpool development industry.
2. Receives a report regarding design excellence in the CBD that outlines changes to the Liverpool LEP 2008 following from the review of provisions mentioned in item 1.

COUNCIL DECISION

Motion:

Moved: Cllr Napoletano

Seconded: Cllr Mannoun

That the recommendation be adopted.

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

Attachment 2

LIVERPOOL CITY COUNCIL

CITY STRATEGY REPORT

ORDINARY MEETING

19/07/2010

ITEM NO:	STRA 01	FILE NO:	2006/1650
SUBJECT:	LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008- CITY CENTRE DESIGN COMPETITION GUIDELINES		

EXECUTIVE SUMMARY:

In 2007 the Liverpool City Centre Plan was developed to ensure that Council has a comprehensive strategy for achieving its objective of becoming the centre that services the entire south-west region of Sydney. An important objective of the Liverpool City Centre Plan was to improve the standard of urban design to ensure the city centre leads the way with functional and attractive buildings. This objective was to be achieved through the establishment of design excellence provisions in the Liverpool LEP 2008, including the concept of architectural design competitions.

Feedback from the development industry indicated that the design competition process would add a significant cost and time burden to the design phase of development projects. Council, at its meeting held 19 April 2010, resolved to review the design competition controls and to receive a further report on potential changes to expedite the development process and reduce the cost burden on proponents.

Following a review, this report recommends that Clause 7.5 of the Liverpool LEP 2008 be amended to increase the capital value threshold and change the process in relation to the design competition.

DETAILED REPORT:

Background

Under the NSW Metropolitan Strategy, the State Government identified Liverpool as one of greater Sydney's six regional cities. In response to this, the Liverpool City Centre Plan was developed to ensure that Council has a comprehensive strategy for achieving its objective of becoming the service centre for the entire south-west region of Sydney.

The focus of City Centre Plan is to ensure that Liverpool strengthens its economic, residential, education and medical precincts. The strategies developed under the Liverpool City Centre Plan were implemented into the Liverpool Local Environmental Plan (LEP) 2008 and Development Control Plan (DCP) 2008.

One of the aims of the Liverpool City Centre Plan is to improve the standard of urban design to ensure the city centre leads the way with functional and attractive buildings whilst considering the public domain. This objective was to be achieved through the establishment of design excellence concepts through provisions in the Liverpool LEP 2008, including the concept of architectural design competitions.

Clause 7.5 of the Liverpool LEP 2008 sets out the objectives for the delivery of design excellence for all development in the city centre. In considering whether a development proposal exhibits design excellence, the consent authority must have regard to the following matters:

- Whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- Whether the proposed development detrimentally impacts on view corridors;
- Whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds or Macquarie Street pedestrian mall;
- The relationship of any proposed high rise development with adjoining development in terms of separation, setbacks, amenity and urban form;
- Environmental impacts such as sustainable design; and
- The impact on, and any proposed improvements to, the public domain.

Further to the design excellence requirements, specific development proposals are required to follow an architectural design competition. The purpose of the competition is to achieve innovative design solutions that promote the development of high quality buildings in strategic locations, identified in the plan as "key sites" (Key Site map has been attached for reference).

Design competitions are required for;

- Major development proposals that are part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act,
- Development located on a designated key site and has a capital value of more than \$1 million.

In order to satisfy a design competition process, an applicant is required to engage at least three architectural firms to submit design proposals. A panel of qualified professionals selects the proposal that exhibits the most merit against the design excellence objectives. That proposal is then submitted as a development application. In recognition of the rigour involved in undertaking a successful design competition, the applicant is eligible for a development bonus, being a 10% increase over the maximum floor space ratio and building height above that stipulated in Liverpool LEP 2008.

The requirement to enter a design competition may be waived by the Director-General of the Department of Planning in cases where it is demonstrated design excellence will be achieved, such as where concept drawings are submitted for a manifestly outstanding building, and the architect has a reputation for delivering buildings of the highest quality.

Key Site attributes

A number of key sites were identified within the city centre for specific design attention. Each site was selected as a result of a number of considerations including:

- A site (or grouping) is of sufficient size to enable substantial development, and therefore contributes towards the city's employment and population targets;
- A strategic location within the city centre, i.e. the site is visually dominant and/or presents as a main gateway to the city centre;
- Whether it can act as a catalyst for regeneration of a particular precinct or sites nearby;
- Rejuvenation sites, categorised by long term vacancies or which are underdeveloped.

The qualities of the specific key sites are set out in Part 4 of the Liverpool DCP 2008. An extract has been attached for information.

Regional cities comparison

The four regional cities Newcastle, Gosford, Parramatta and Penrith have a design competition requirement. Wollongong is the only regional city not to have such a requirement. Liverpool's criteria for design competitions are considered less onerous than the other four cities. Those cities require any proposal over a certain height (ranging from 24 metres to 55 metres or higher) to undertake a design competition, regardless of whether they are located on a designated key site. A regional cities comparison table has been attached for reference.

Status

At this stage, no development application at this Council has been through the design competition process. Development Application 52/2010 qualified for this requirement as it is deemed a key site with a capital value of over \$1 million. However, the Director General of the Department of Planning granted a conditional exemption to entering a design competition for this DA. The exemption was based on the following criteria:

That the applicant:

1. Amends aspects of the design to improve the relationship with adjoining sites; and
2. Engages a reputable urban designer to join the design team.

There is also a Development Application in for 39 Scott Street Liverpool (1058/2008) where an exemption was granted by the Director General on the basis that the proposal was deemed to exhibit design excellence.

The amendments proposed in the following section are aimed at simplifying the competition process, thereby reducing the scope for future applicants to seek outright exemptions.

Design competition amendments

Since the inception of the Liverpool City Centre Plan in 2007, the rate of development of additional business floorspace within the city centre can best be described as moderate. An issue that has been brought to Council's attention by the development industry is that the requirement to undertake a design competition creates substantial cost and time impositions which may impact on the feasibility of projects. It has been noted that the \$1 million threshold can include relatively minor proposals, such as office fit-outs and alterations.

Council, at its meeting held 19 April 2010 resolved to;

- 1. Undertake a review of the provisions within Liverpool LEP 2008 regarding the need for design competitions with view to achieving high architectural and urban design outcomes, but recognising the role of the local Design Review Panel and understanding the economic considerations of the Liverpool development industry.*
- 2. Receive a report regarding design excellence in the CBD that outlines changes to the Liverpool LEP 2008 following from the review of provisions mentioned in item 1.*

Therefore, in order to stimulate the development of key sites it is proposed that Council makes changes to the design competition requirements. It is proposed that the capital value of development on key sites that triggers the need for a design competition is increased from \$1 million to \$5 million.

It is also proposed that developers be allowed to submit three significantly different designs from the one reputable architectural/urban design firm, as long as each design concept is deemed to exhibit design excellence. These designs would be assessed by Council's existing Design Review Panel, rather than a specifically formulated design competition jury.

Timeframe

The proposed changes to the design competition process, as outlined above, would require an amendment to the Liverpool LEP 2008. The indicative timeframe for amending the Liverpool LEP 2008 is approximately six to eight months.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to the adoption of the recommendation.

RECOMMENDATION:

That Council exhibits the Liverpool Local Environmental Plan 2008 with regard to the following proposed amendments to Clause 7.5:

1. Increase the capital value threshold for developments requiring design competitions on key sites from \$1 million to \$5 million.

2. Allow applicants to engage a single reputable design consultant to produce at least three significantly different options that satisfy the design excellence requirements for consideration by Council's Design Review Panel.

SIGNED BY:

Milan Marecic
Director
City Strategy

Attachments: Attachment 1: Liverpool City Centre Key Sites
Attachment 2: Key Site Attributes (extract from Part 4 Liverpool DCP 2008)
Attachment 3: Regional City Comparison Table

Attachment 1: Liverpool City Centre Key Site Map



Attachment 2: Key Sites Attributes (extract from Part 4 Liverpool DCP 2008)

Liverpool DCP 2008

Part 4- Liverpool City Centre extract

7.3 Key Sites

Key Sites

1. Corner of Castlereagh and Lachlan Streets - Western Gateway

This site is visually prominent to the commuter traffic from Orange Grove road (Cumberland Highway) which is one of the main arterial roads into Liverpool. This arrival point shall be marked with residential development exhibiting a high standard of architectural design.

2. Northern City Centre Gateway Sites

These 3 key sites are located to the main northern entries to the City Centre between Bigge and Macquarie Streets. Some of these sites are partially developed.

The sites present as the northern gateway to the city centre. Development on these key sites is to define the entrance to Liverpool City centre's northern end with a series of residential flat buildings.

3. Car Park - Bathurst Street, Elizabeth Drive and Northumberland Streets

This site is located in close proximity to the retail core and in its present form given its strategic location, is underutilised. The site offers substantial catalyst and demonstration project potential. Key outcomes include:

1. A mix of uses with lower level retail/ commercial and commercial/residential on upper floors.
2. Provision of public parking is an appropriate development outcome for the site.
3. Development should provide an address and elevations exhibiting visual interest to all street frontages.
4. Public forecourt area on the corner of Northumberland and Elizabeth Streets.
5. Vehicle access is to be from the rear lane, Northumberland or Bathurst Streets only.

Development should not result in additional overshadowing of St Lukes Church and grounds between 9:00am and 3:00pm in mid-winter

4. Elizabeth Street South between George and Bigge Streets

This site is strategically located immediately adjacent to the retail core, the "EdMed" precinct", and is part of the commercial core. The site is particularly underdeveloped in its context and offers great potential for the provision of significant additional employment within the City Centre. Key outcomes include:

1. Commercial offices as the principal activity accommodated on the site. Hotel accommodation may also be considered, overlooking Bigge Park.
2. A mixed retail and commercial street frontage.
3. Vehicle access is to be from a rear lane, Bigge or George Streets only.
4. Development should not result in unreasonable overshadowing of Bigge Park. (refer to LEP and DCP sun access controls)

5. Macquarie and Moore Street

This site is in a prominent location fronting directly onto the south western corner of the Macquarie Street Mall. The present treatment of this important corner and "arrival" point

to the Mall is relatively poor and requires improvement through a quality architectural and urban design response to this site. The following outcomes apply:

1. Retail and other active development such as cafes etc on ground level
2. Upper levels should be designed to address the Macquarie Street Mall and Moore Street. Office or entertainment uses are appropriate.
3. Maximum buildings heights have been set to maintain solar access and the existing sense of space on the Mall. Maximum permissible heights are specified in the *Liverpool LEP 2008*.
4. Building design should emphasise the south east corner, adjacent to the Mall
5. Vehicle access is to be via the rear lane only

6. George Street between Moore and Railway Street

This site comprises a number of properties bounded by George Street, Moore Street, Railway Street and Crawford Lane. The site has street and rear lane access, allowing for an uninterrupted pedestrian address to George Street. This site is considered significant due to its relatively large parcels, allowing efficient site assembly. The site is within the core of the commercial area and is well located with respect to other existing office development and the rail station/bus interchange. Key outcomes include:

1. Commercial office development, possibly with retail on ground floor.
2. Vehicle access from the rear lane only
3. Main entrances to George Street combined with a strong public address of Moore and Railway Streets.

Provide breaks in the building form between Moore and Railway Streets to enable shafts of sunlight to access sites located immediately to the east in the afternoon

7. Liverpool Public School

The current school site, corner of Moore Street and Bigge Streets provides a barrier between the core commercial and retail areas of the City Centre and the main public transport interchange at the Railway station. Potential redevelopment of the site could assist with improved consolidation and vibrancy of the City Centre. Key outcomes if the school is to be relocated include:

1. Development of a cultural and entertainment precinct, potentially mixed with components of retail and commercial development is appropriate.
2. Community and publicly accessible facilities are required on the site.
3. A public open space of acceptable amenity and at least 1,500sqm is required to be provided on the site.
4. The site is heritage listed and is the location of several heritage buildings. Any future development will be required to respect and integrate with this context.
5. Pedestrian access is to be provided across the site in both a north-south (Moore St – Railway St) and an east-west (Bigge St – Crawford Serviceway) direction
6. Vehicular access will be restricted to Moore Street, Railway Street and the Crawford Serviceway.

8. Railway Street South

This site is comprised of an entire block of existing small scale development located directly adjacent to the railway station. Its railway Street frontage is along the key pedestrian route between the rail station and the core of the city centre. Given its present development pattern and strategic location, the site is significantly underdeveloped and lacking in a proper contribution to one of the most important street frontages in the City Centre. The following outcomes apply:

1. The site should be a key focus of commercial office development, with an active retail and entertainment frontage to improved, pedestrian friendly streets.
2. Existing heritage buildings should be retained and integrated into any future development of the block.
3. Development should activate the rear lane system.
4. Vehicular access is to be predominantly from the rear lane, with some restricted access from Memorial Avenue available.
5. A through block link is to be provided in a north-south direction, around mid-block (from Scott to Railway Street)

9. Scott Street Site

This key site terminates the vista up Macquarie Street and has potential to provide the "anchor" that the southern end of the Macquarie Street strip vitally requires. The site is also located on one of the City Centre's highpoints and therefore any future development will be highly visible from surrounding areas. Under these conditions, the development of this site must exhibit the very best in design quality as it will not only be a catalyst for regeneration of the southern end of the commercial area, but will also be a highly visible demonstration of the form, appearance and quality of development that is expected within the City Centre. Key outcomes include:

1. Development of the site must incorporate significant floorspace and critical mass to enable the creation of an anchor for the southern end of Macquarie Street.
2. Development should consist of a podium of public uses (commercial, retail, community etc) and 1-2 tower elements that may be residential and/or commercial in use.
3. A public plaza is to be provided and located on the Memorial Avenue frontage and Macquarie Street axis. The plaza is to be publicly accessible at all hours and should be a minimum of 800sqm in area.
4. All frontages of the plaza and Memorial Avenue are to be addressed by active development.
5. Development should consider the setting of the heritage listed Memorial School of the Arts building.
6. Active uses are to address at least 50% of the Terminus Street frontage.
7. Vehicular access to the site will be provided from one point either at Terminus Street and Memorial Avenue or the lane at the eastern end of the site.
8. Parking for the site is to be provided in a basement and no more than one parking level above grade

10. Newbridge Road, Speed Street and Pirie Street

This site is presently utilised as a Council car park and contains a commercial office building. The site is peripheral to the core of the City Centre and has become highly isolated with the introduction of the Ring Road system. Nevertheless, the site is very well located with respect to proximity to the railway station and enjoys excellent views over the Georges River and Light Horse Park. Its location provides a significant opportunity to enliven and regenerate the southern end of the City Centre, particularly the Scott Street area and pedestrian connections to the south. Key outcomes include:

1. The site is suitable for development for commercial and/or residential purposes.
2. Pedestrian access should be available under New Bridge Road.
3. Vehicular access is to be from Speed Street only.

Parking for the site is to be provided in a basement and no more than one parking level above grade

11. Southern Gateway Site - Corner of Macquarie Street and Copeland Street

This site sits at the key southern gateway to the City Centre area. The current development presents poorly to the street in terms of its value as an "announcement" of the City Centre and would benefit from redevelopment to improve its image and presentation, especially since this is possibly the most visually significant site along the edge of the City Centre. Key outcomes include:

1. It is appropriate that the site be developed for a mix of commercial and residential purposes and be of a high quality architectural design.
2. Any residential tower should be set back from the main traffic sources of the Hume Highway and Macquarie Street.
3. A future building should be set back from the main intersection of Macquarie Street and Hume Highway and a significant landscape feature placed on this important entry corner.
4. Vehicular access to the site is to be from Short Street only

12. Eastbank Precinct (Pirelli Site)

This site is identified as a potential precinct for city centre expansion due to its single ownership and proximity to the rail station.

However the necessity for expansion onto this site may not occur for some time given a number of constraints, including that:

1. The railway and the river significantly constrain connectivity to the existing city centre;
2. The site is located within the 1 % year flood line;
3. Geotechnical constraints that are likely to limit construction of tall buildings;
4. Current floorspace supply and demand indicates there is sufficient capacity currently within the existing city centre commercial and retail zones; and
5. There is a need to achieve consolidation of these existing city centre core areas.

Nonetheless, the site possesses attributes that point toward its future development as a vibrant mixed use precinct that provides for expansion of the commercial core and is a catalyst for additional river crossings

Key outcomes for development are:

1. Generally to be of low to medium scale, set back from the River frontage.
2. To create a high quality pedestrian precinct along the River frontage, connecting to Chipping Norton Lakes.
3. To provide increased permeability through the site for public access, including pedestrian, bicycle, motor vehicles and service vehicle movements.
4. To allow for a range of land uses including business, residential, cultural and public open space. There is also potential for education uses, such as relocation of the Liverpool Public school.
5. To provide a connection over the Georges River to the City Centre that includes an extension to the bus transit way and the pedestrian and cycle paths to Moorebank.

Over the river connection of the East Bank to the City Centre is an important consideration in the future development of the site

Attachment 3: Regional City Comparison Table

Local Environmental Plan	Design competition	Threshold	Development Bonus
Liverpool LEP 2008 7.5 Design Excellence in Liverpool City Centre	Yes	- Development on a key site that has a capital value of more than \$1million - As required by the Minister of Planning for major development that is part of a concept plan as per Part 3A of the Act.	10% over the maximum building height and/or Floor space ratio permitted under the LEP.
Newcastle City Centre LEP 2008 36 Design excellence	Yes	- Development in respect of a building that is, or will be, greater than 48 metres in height - Development on a key site that has a capital value of more than \$1million. - As required by the Minister of Planning for major development that is part of a concept plan as per Part 3A of the Act.	10% over the maximum building height or maximum floor space ratio permitted under the LEP.
Gosford City Centre LEP 2007 22B Design excellence	Yes	- Development in respect of a building that is, or will be, greater than 36 metres in height - Development on a key site that has a capital value of more than \$5 million. - As required by the Minister of Planning for major development that is part of a concept plan as per Part 3A of the Act.	10% over the maximum building height or maximum floor space ratio permitted under the LEP but only if the development application is lodged before 30 June 2010. 15% over the maximum building height or maximum floor space ratio permitted under the LEP but only if the development application is lodged before 30 June 2010 and additional water conservation measures proposed in connection with the development are likely to achieve a significant reduction in the annual consumption of potable water that would otherwise result if the development complied with this plan.

Local Environmental Plan	Design competition	Threshold	Development Bonus
Parramatta City Centre LEP 2007 22B Design excellence	Yes	- Development in respect of a building that is, or will be, greater than 55m or 13 storeys (or both) in height, - Development on a key site that has a capital value of more than \$1million, - As required by the Minister of Planning for major development that is part of a concept plan as per Part 3A of the Act.	10% over the maximum building height or maximum floor space ratio permitted under the LEP.
Penrith City Centre LEP 2008 26 Design excellence	Yes	- Development in respect of a building that is, or will be, greater than 24 metres or 6 storeys (or both) in height, - Development on a key site that has a capital value of more than \$1million, - As required by the Minister of Planning for major development that is part of a concept plan as per Part 3A of the Act.	10% over the maximum building height or maximum floor space ratio permitted under the LEP.
Wollongong LEP 2009 8.5 Design excellence	No, Design Review Panel	- development in respect of a building that is, or will be, greater than 35 metres in height, - Development on a key site that has a capital value of more than \$1million, design review panel means a panel of 2 or more persons established by the consent authority for the purposes of this clause.	No development bonus

STRA 01

Clr Hadchiti left the chambers at 8:21pm and returned at 8:27pm.

ITEM NO: STRA 01
FILE NO: 2006/1650
SUBJECT: LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008- CITY CENTRE
 DESIGN COMPETITION GUIDELINES

RECOMMENDATION

That Council exhibits the Liverpool Local Environmental Plan 2008 with regard to the following proposed amendments to Clause 7.5:

1. Increase the capital value threshold for developments requiring design competitions on key sites from \$1 million to \$5 million.
2. Allow applicants to engage a single reputable design consultant to produce at least three significantly different options that satisfy the design excellence requirements for consideration by Council's Design Review Panel

COUNCIL DECISION

Motion: **Moved: Clr Mannoun** **Seconded: Clr Hadid**

That Council exhibits the Liverpool Local Environmental Plan 2008 with regard to the following proposed amendments to Clause 7.5:

1. Increase the capital value threshold for developments requiring design competitions on key sites from \$1 million to \$10 million.
2. Allow applicants to engage a single reputable design consultant to produce at least three significantly different options that satisfy the design excellence requirements for consideration by Council's Design Review Panel

That the recommendation be adopted.

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

Attachment 3

Planning Proposal

Draft Liverpool LEP 2008 Amendment No.13

Amendment to Clause 7.5 (4)
Liverpool city centre architectural design
competition provisions

Part 1 - Objectives

The objective of the planning proposal is to amend Clause 7.5 of the Liverpool Local Environmental Plan 2008 (LLEP) to affect changes to the eligibility criteria and processes relating to architectural design competitions.

Currently, Clause 7.5 of the Liverpool LEP 2008 sets out the objectives for the delivery of design excellence for all development in the Liverpool city centre. Further to the design excellence requirements, specific development proposals are required to undertake an architectural design competition process. The purpose of the competition is to achieve innovative design solutions that promote the development of high quality buildings in strategic locations, identified in the plan as "Key Sites". Such sites are designated on the Liverpool LEP 2008 key sites map, an extract of which has been enclosed as Attachment 1.

Architectural design competitions are required for;

- Major development proposals that are part of a concept plan approved by the Minister under Division 3 of Part 3A of the Act,
- Development located on a designated "key site" that has a capital value of more than \$1 million.

Currently any proposal that is subject to a design competition needs to satisfy the following criteria (as set out by within the Director-General Design Excellence Guidelines- 14 July 2007);

- The formulation of Design proposals from three architectural design firms each of which are to exhibit design excellence.
- Assessment by a specifically formulated jury who select the preferred design as assessed against the design excellence criteria. This design is then refined (if necessary) and submitted as a development application.

The objective of the draft LEP is to reduce the cost and time implications during the design phase of major development proposed for key sites. The objective is to be achieved by altering the criteria that determines which proposals are the subject of design competitions, as well as simplifying the competition process in the following ways;

- (i) Providing the option for proponents to submit three significantly different designs from the one reputable architectural/urban design firm, on the proviso that each design concept is deemed to exhibit design excellence.
- (ii) Having the three design proposals assessed by Council's existing Design Review Panel, rather than a specifically formulated design competition jury.
- (iii) Increasing the threshold for development of Key Sites which are required to undertake a design competition process from \$1 million to \$10 million.

Initiatives (i) and (ii) above vary from those set out in the Director General's Design Excellence Guidelines (14 July 2007). Further direction is sought from the Department of Planning as to the method of implementation of these amendments. An option may include exempting the Liverpool city centre from the Design Excellence Guidelines and implementing these variations in the form of additional provisions to Clause 7.5 of the Liverpool LEP 2008.

Note that Council intends to retain the 10% bonus floor space ratio and building height for proposals that undertake an architectural design competition [Clause 7.5 (6)].

Part 2 - Explanation of provisions

The development industry has highlighted to Council that the rigours of undertaking a design competition creates substantial cost and time impositions which impact on the feasibility of projects.

In order to simplify the process, the proposal is to allow developers to submit three significantly different designs from at least one (rather than three) reputable architectural/urban design firm, as long as each design concept is deemed to exhibit design excellence. In order to further facilitate the process, these designs would be assessed by Council's existing Design Review Panel, rather than a specifically formulated design competition jury. The utilisation of the existing Design Review Panel will save the time and resources required to facilitate a new panel and associated member procedures.

Also, Council has noted that the current \$1 million threshold [LLEP cl 7.5 (4) (b)] can include relatively minor development proposals, such as office fit-outs and alterations. In order to avoid imposing the design competition process for small to medium scale proposals, the 'value of development' trigger for design competitions has been increased from \$1 million to \$10 million.

In order to achieve the objectives outlined in Part 1 of this report, an amendment to Clause 7.5 to the Liverpool LEP (LLEP) 2008 is required. Further, this proposal seeks an exemption from the Director General's Design Excellence Guidelines (14 July 2007).

Note that there are no mapping changes required to facilitate the planning proposal.

Part 3 - Justification

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The need for the Planning Proposal has arisen from the review of criteria for architectural design competitions which is governed by Clause 7.5 (4) of the LLEP 2008. The review was initiated in light of feedback received from the development industry.

Subsequently, a report was considered by Council at its meeting in regards to the rigours of the design competition.

Council, at its meeting held 19 April 2010 resolved to;

- 1. Undertake a review of the provisions within Liverpool LEP 2008 regarding the need for design competitions with view to achieving high architectural and urban design outcomes, but recognising the role of the local Design Review Panel and understanding the economic considerations of the Liverpool development industry.*

2. *Receive a report regarding design excellence in the CBD that outlines changes to the Liverpool LEP 2008 following from the review of provisions mentioned in item 1.*

Subsequent to a review of the design competition controls, Council, at its meeting held 19 July 2010, resolved to amend the LLEP 2008 in line with the proposed changes outlined in this report.

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

The only way of altering the provisions for architectural design competitions is to amend the Liverpool LEP 2008.

3. *Will the net community benefit outweigh the cost of implementing and administering the planning proposal?*

Since the inception of the Liverpool City Centre Plan in 2007, the rate of new commercial development within the city centre can best be described as moderate.

Sections of the development industry has brought to Council's attention that the requirement to undertake a design competition creates additional cost and time implications during the design and approval phase, thus impacting on the feasibility of projects.

There is a net community benefit to facilitating feasible development projects. As one of three of Westerns Sydney's Regional Cities, Liverpool is to lead Sydney South-West region in the provision of housing and economic growth. The Planning Proposal may stimulate medium to large scale development within the city centre as it facilitates a simpler development approvals process.

B. Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Direction B3 of the Metropolitan Strategy relates to Council providing the framework to encourage high quality design and to stimulate growth of major centres.

Under the proposed changes to Clause 7.5, only development proposals on Key sites with a capital value of over \$10 million are required to undertake a design competition process. However, the current system of assessment ensures that major development under this benchmark will continue to be the subject of the rigorous assessment process outlined below;

- (i) Referral of any new building over three storeys within the Liverpool city centre to Council's Design Review Panel and Independent Hearing and Assessment Panel (IHAP).
- (ii) Referral of any proposal subject to 3 or more objections to IHAP,
- (iii) The continuation of the operation of the design excellence provisions within clause 7.5 of the Liverpool LEP 2008 and Part 4 of the Liverpool DCP 2008.

As a result, the Liverpool LEP 2008 will continue to be consistent with the objectives and actions contained within the Metropolitan Strategy and South-West Subregional Strategy.

5. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The proposal is consistent with Councils Strategic Plan as it encourages consolidation of the City Centre for housing and employment opportunities.

6. *Is the planning proposal consistent with the applicable state environmental planning policies?*

No State Environmental Planning Policy's (SEPP's) apply to this planning proposal. Note that this Planning Proposal does not preclude the application of SEPP 65- Design quality of residential flat development.

7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Direction 3.1 Residential Zones

The direction applies as the Planning Proposal affects land that is currently zoned for residential purposes.

The Proposal complies with the objectives of this direction which include;

- to encourage a variety and choice of housing types to provide for existing and future housing needs,
- to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and

Further, the Direction states that a planning proposal must include provisions that encourage housing that will be of good design. Although the Planning Proposal alters the criteria for design competitions, the LEP will continue to promote development of good design on key residential sites as it retains design excellence provisions.

Direction 7.1 Implementation of the Metropolitan Strategy

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.

The Planning Proposal alters the process and criteria for eligibility for proposals required to undertake an architectural design competition, i.e. by altering the value of development trigger from \$1 million to \$10 million.

The amendments ensure that only major development is required to undertake the competition process. Further, the competition process has been simplified in the interest of encouraging further growth in the Liverpool city centre which in turn will assist the South-West subregion in realising its employment and housing targets as stipulated by the Metropolitan Strategy.

In the interest of retaining good design outcomes, development proposals of over three storeys will continue to be the subject of the matters of consideration under SEPP 65, the design excellence provisions within Clause 7.5 of the Liverpool LEP 2008 and review by Council's Design Review Panel.

C. Environmental, social and economic impact

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

The planning proposal will not cause any detrimental impact on critical habitat or threatened species, populations or ecological communities as it seeks to amend a process of design on land zoned for urban purposes.

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

The altered design competition process will not result in adverse environmental effects. Any development applicable to Clause 7.5 will continue to be the subject of a merit assessment under the current environmental and planning regulatory framework.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The proposed amendments to the design competition requirements are likely to reduce the time taken to assess the proposals and cost of the design stage. This should enhance the economic viability of proposed major developments within the Liverpool City Centre.

There are no negative social impacts from the planning proposal.

D. State and Commonwealth interests

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

The proposal does not increase the demand for social or physical public infrastructure. Generally, development that occurs on the designated Key Sites will provide for the necessary infrastructure through developer contributions as required by the Liverpool City Centre Civic Improvement Plan.

12. *What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?*

The Department of Planning's Gateway Determination will stipulate the required consultation with relevant State and Commonwealth authorities.

The relevant public authorities will be notified of the Planning Proposal and be given an opportunity to comment.

Part 4 - Community Consultation

The Gateway Determination will specify the community consultation that must be undertaken for this planning proposal. Generally, the Department of Planning have set a 14 day public exhibition period for planning proposals considered to be of low impact and a 28 day exhibition period for all other proposals.

Attachment 1

Map of Designated Key Sites; Liverpool City Centre

Attachment: Liverpool City Centre Key Sites

