

10.13.Design Excellence Panel Re-Composition Proposal

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ATTACHMENTS	<ol style="list-style-type: none"> 1. DRAFT Design Excellence Panel charter [10.13.1 - 5 pages] 2. DRAFT Design Excellence Panel Policy [10.13.2 - 4 pages]
CSP LINK	<ol style="list-style-type: none"> 1. Our Living Environment <ol style="list-style-type: none"> 1.2 Environmentally sustainable community 3. Our Innovative City <ol style="list-style-type: none"> 3.1 Our commercial centres are prosperous and vibrant 3.2 North Sydney is smart and innovative 3.3 Distinctive sense of place and design excellence 4. Our Social Vitality <ol style="list-style-type: none"> 4.1 North Sydney is connected, inclusive, healthy and safe 5. Our Civic Leadership <ol style="list-style-type: none"> 5.1 Lead North Sydney’s strategic direction

PURPOSE:

The purpose of this report is for Council to consider a revised North Sydney Council Design Excellence Panel (DEP) Policy and Charter. The proposed changes will enable a building sustainability expert to be recruited to the Panel to provide sustainable design advice for development in the North Sydney local government area (LGA.).

EXECUTIVE SUMMARY:

- North Sydney Council encourages high quality urban design in the North Sydney LGA. This is achieved, in part, by seeking the independent advice of the DEP, established under Council’s *Design Panel Policy*.
- The DEP is to be reconstituted on a two-yearly basis with the current panel’s tenure concluding on the 26th of July 2023.
- Direction 2 “Our Built Environment” of the North Sydney Community Strategic Plan recommends that Council incorporate sustainable design principles in our built infrastructure and community assets.
- This report proposes changes to the DEP Policy and Charter to incorporate a provision for building sustainability experts to be a member of the panel with the aim of ensuring that Council meets its obligations by improving sustainability outcomes.

RECOMMENDATION:

- 1. THAT** the draft North Sydney Design Excellence Panel Policy and Charter be endorsed for public exhibition for a minimum period of 28 days.
- 2. THAT** a further report be provided to Council following the conclusion of the public exhibition period for the purpose of considering any submissions received and adopting the revised Design Excellence Panel Policy and Charter.
- 3. THAT** concurrent with the exhibition of the revised Policy and Charter recruitment for new panel members occur for a period of 28 days and include additional provisions regarding building sustainability and environmental expertise.

Background

On 13 June 2006, the Design Excellence Panel (DEP) was established.

On 24 July 2017, Council endorsed the appointment of six people to the DEP, under its Design Panel Policy. The appointments commenced in August 2017 for a two-year term.

On 29 April 2019, Council endorsed an amendment to the DEP Charter to enable the General Manager to reappoint the current panel members for an additional two-year term.

The current DEP members' tenure is to expire in on 26 July 2023 having been appointed by Council on 26 July 2021.

Report

1. Current Role and Performance of Design Excellence Panel

The function of the Design Excellence Panel, established under Council's Design Panel Policy, is to encourage high quality urban design in the North Sydney LGA through the provision of independent advice.

The policy and panel continue to work as intended, with the Panel's success attributed to the high calibre of members that Council has been able to attract and engage. Their advice has been regularly sought by Council's strategic planning and development services staff. The Panel has informed the deliberations of the Sydney North Planning Panel (and its predecessor), the Independent Planning Commission, and more recently, Council's North Sydney Local Planning Panel (NSLPP).

Most importantly, the DEP's advice has provided guidance in the design of commercial and residential and development from the pre-application process to determination across North Sydney LGA, with significant improvements being achieved to both the built form and the public domain.

However, given the need to reform the Panel, it is appropriate to consider the impact that the built environment has on sustainability issues, incorporate additional provisions into its Charter, and recruit appropriately skilled individuals to the Panel.

2. Sustainable Design Outcome and the North Sydney Community Strategic Plan

Incorporation of sustainable building design into future developments is in alignment with the following outcomes of the North Sydney Community Strategic Plan 2040:

1.2 - Environmentally sustainable community - Reduce strain on natural resources through sustainable energy, water and waste reduction practices

1.4 - Well utilised open space and recreational facilities - Advocate on behalf of the community at all levels of government against negative impacts on our environment arising from development and major infrastructure projects

2.1 - Expand and adapt our community's infrastructure to meet future needs

3. Sustainable Design Outcome and Council's Sustainability Strategy 2030

Incorporation of sustainable design will also improve outcomes in all elements of Council's *Sustainability Strategy 2030*, these being:

1. carbon footprint;
2. water conservation;
3. water equality;
4. engagement in sustainability;
5. urban ecology;
6. resource recovery; and
7. sustainable transport.

This will, in part, address the following actions in the same plan:

CF10	Review planning controls to drive a lower embodied carbon footprint during the design and construction phase of both commercial and residential buildings
WQ3	Integrate water-sensitive urban design on public and private land wherever possible to detain and treat urban stormwater
ES16	Trial a sustainable building design support service to reduce the ecological footprint of development in the LGA
RR3	Encourage building design and construction techniques that minimise future waste generation
SS11	Strengthen planning controls to ensure car-parking areas are designed and constructed so that EV charging points can be installed and cater for two-way electricity storage when EVs are parked

Low carbon/net zero buildings that will achieve local and state government emission reduction targets by 2030 and 2050 respectively.

4. The Importance of Sustainable Design

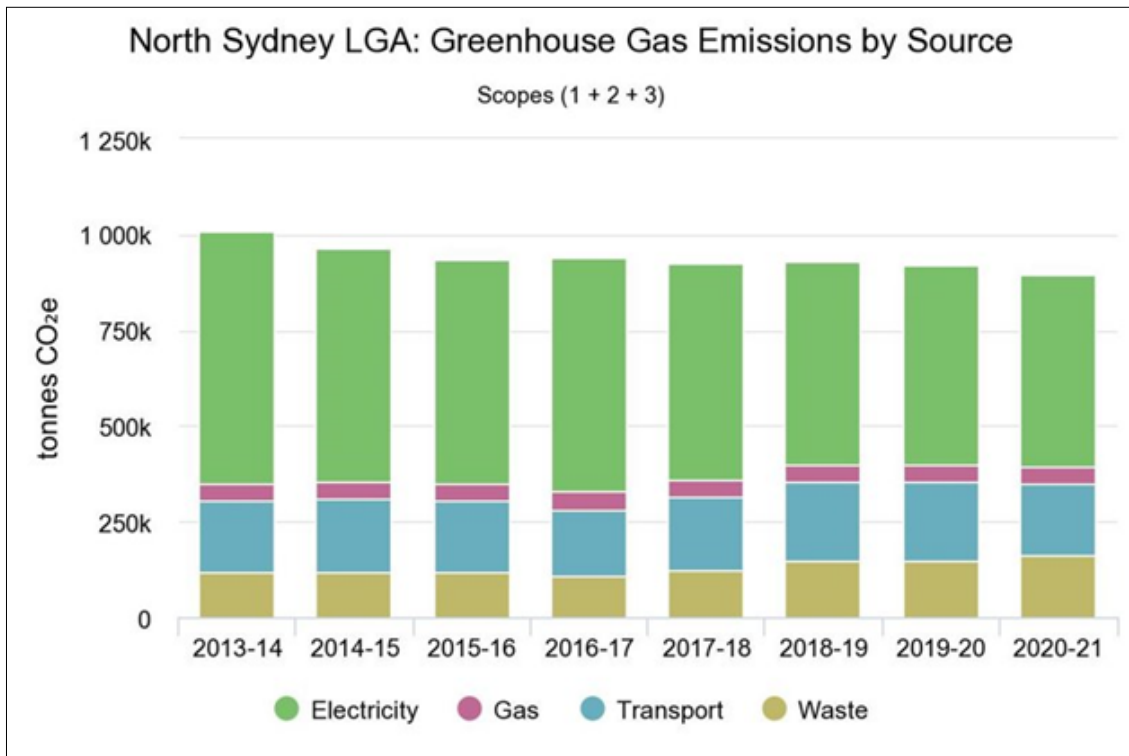
On 22 July 2019, Council became the 30th Australian Council to declare a climate emergency requiring immediate action by all levels of government.

By utilising strong sustainable design principles for buildings within the North Sydney LGA, occupants can be more comfortable, healthier, have higher productivity, lower operational costs, and lower emissions. Buildings can be constructed from carefully selected materials which are predominantly sourced locally and can have a reduced negative impact on diminishing resources, while protecting biodiversity. Sustainable buildings can also generate considerable energy within the boundary in the form of renewable heat and electricity.

Design considerations that target embodied carbon in construction materials, and value the opportunity for low-cost carbon abatement through energy efficiency in existing buildings, will improve overall building performance, with minimal environmental impact and maximum human comfort. When considered from the outset, sustainable design considerations lead to

longer-term financial savings, and buildings that emit significantly less greenhouse gases which will tend to attract high-performing businesses, occupants, and investors.

Greenhouse gas emissions in the North Sydney LGA have been slowly reducing over the last decade. Incorporating sustainable design principles into future commercial, large residential and mixed-use development will accelerate the reduction in greenhouse gas emissions.



5. Proposed Changes to DEP Charter and Policy

The changes to the existing policy and charter enable panel members to be recruited based on their sustainable building design acumen in addition to demonstrated expertise in the architectural, urban design, urban planning, or landscape design fields.

The proposed DEP Policy and Charter are attachments to this report.

6. Options

Council has three options in relation to this matter:

6.1. Adopt the attached revised Policy and Charter and exhibit the changes to the DEP Policy and Charter for 42 days as recommended by the *Community Engagement Protocol* (incorporating the Community Participation Plan).

6.2. Accept the proposal and exhibit the changes to the DEP Policy and Charter for an abbreviated 28-day exhibition period, a timeframe adopted by the Department of Planning as “best practice” for the recruitment of statutory panel members such as NSLPP.

6.3 Not adopt the proposed changes to the DEP Policy and Charter. Staff will need to reconstitute the Panel as per the current policy.

These options are assessed in the table below.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	No additional expenditure to the \$80,000 annual DEP budget will be incurred.	More time for application numbers and revision of composition of DEP. Appointments unlikely prior to the 26 July deadline. Council may then be required to extend the tenure of the current DEP at the Council meeting on 10 July 2023.	42-day exhibition cycle on Council's YourSay website.
2.	No costs additional to the \$80,000 annual DEP budget will be incurred.	Reduced risk of not having the policy finalised prior to recruitment of panel members. More time to recruit suitable subject matter experts prior to 26 July 2023 deadline.	28-day abbreviated exhibition cycle on Council's Yoursay website
3.	No costs additional to the \$80,000 annual DEP budget will be incurred. Resources would not be required for the consultation process.	Risk of future developments in North Sydney not incorporating sustainable design principles.	No consultation would be undertaken on the policy as there would be no proposed changes.

Option 2 is recommended primarily for the following reasons:

- The abbreviated exhibition cycle permits more time for the recruitment of suitable panel members with the requisite architectural, urban design, urban planning, sustainable building design or landscape design expertise.
- The inclusion of sustainability in the panel's charter is not a change of direction but an enhancement of a consideration which is already undertaken in a de facto sense.
- A 28-day exhibition period allows panel to be recruited by the 26 July deadline.

Consultation requirements

Community engagement is not required.

Financial/Resource Implications

The conduct of the Policy and Charter review, as well as the recruitment process to the Panel is resourced through current staffing and is part of the current work plan.



CHARTER

Design Excellence Panel

1. NAME

Design Excellence Panel

2. STATUS

Special interest group set up by resolution of North Sydney Council.

3. ESTABLISHED

Established: 13 June 2006

Last Reconstituted: 26 July 2021

4. AIMS

- 4.1 To encourage high quality urban design *and sustainability* in the North Sydney local government area.
- 4.2 To assist Council meet the relevant objectives under the *Community Strategic Plan, North Sydney Environmental Sustainability Strategy 2030, North Sydney Local Environment Plan* and *North Sydney Development Control Plan* and associated documents.

5. FUNCTIONS

- 5.1 The functions of the Design Excellence Panel shall include, but not be limited to, providing independent design *and sustainability* advice to North Sydney Council staff and proponents on:
 - major development proposals, prior or post application lodgement;
 - proposed changes to council's planning controls;
 - planning studies and other design related projects; and
 - actions that could be taken to improve the above proposals.

6. POWERS OF PANEL

- 6.1 The Design Excellence Panel is an advisory body which does not have the power to bind the Council.

6.2 The Design Excellence Panel does not have the power to incur expenditure.

7. MEMBERSHIP

7.1 In accordance with council's *Design Panel Policy*, membership is open to:

- well-known and respected professionals who are involved in the design of major projects and have extensive expertise in areas of architecture, urban design and/or, landscape architecture, *sustainability or a related field*; and
- a community representative with a demonstrated understanding and experience in architecture, urban design, landscape architecture or a related field.

7.2 To ensure the Panel's independence, a Panel member cannot be a North Sydney Councillor or council employee.

7.3 The Design Excellence Panel will comprise of up to six (6) members consisting of:

- five (5) professionals; and
- one (1) community representative.

7.4 A designated member of the Design Excellence Panel will be the Panel Chairperson. The role may be shared by more than one Panel member.

7.5 A designated Council officer will be the Panel Coordinator. The role may be shared by more than one Council officer.

8. MEETING PRACTICES AND PROCEDURES

Panel members

8.1 The Design Excellence Panel will meet on an as needs basis.

8.2 Each Panel meeting will generally consist of up to four (4) members from the Panel.

8.3 A minimum of three (3) Panel members shall form a quorum for a Panel meeting.

8.4 A Panel meeting will generally be limited to four (4) hours' duration.

8.5 Panel members are required to provide independent, fair and reasonable professional advice and constructive feedback in relation to each matter under consideration at the Panel meeting.

Design Excellence Panel Charter

- 8.6 Panel members will have one (1) week to acknowledge the receipt of the draft minutes and to advise the Panel Coordinator of any amendments required in the draft minutes. This should include additional comments and recommendations.

Panel Coordinator

The Panel Coordinator shall:

- 8.7 Set the meeting date, arrange for the preparation and circulation of the agenda and Panel member attendance.
- 8.8 Register the attendance of Panel members at each Panel meeting; and
- 8.9 Arrange for the preparation and distribution of draft minutes to the Panel members generally within one (1) week of the Panel meeting and incorporate the Panel's comments; and
- 8.10 Arrange for the distribution of the final minutes.

Panel Chairperson

The Panel Chairperson shall:

- 8.11 Run the Panel meeting by ensuring that the meeting agenda is followed and that allocated timeframes are adhered to;
- 8.12 Ensure the Panel discussion:
- remains focussed on the matter under consideration; and
 - that sufficient consideration has been given to the application of *State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development* and the *Apartment Design Guide* (Department of Planning & Environment 2015);
- 8.13 Liaise with the Panel Coordinator and other Council staff about the operation of the Panel, as required.

9. TERMS AND CONDITIONS

- 9.1 Panel membership will be for a two-year term.
- 9.2 Notwithstanding clause 9.1, a member is eligible for reappointment by the General Manager for an additional two-year term.
- 9.3 Each Panel member:

Design Excellence Panel Charter

- Shall be paid \$1,100 for each meeting attended; and
- Shall be paid a retainer of \$2,000 a year (provided the Panel member has attended a minimum of two meetings within a 12-month period).

9.4 The Panel Chairperson shall be paid \$1,400 for each meeting attended. If the role is shared, each Panel Co-Chairperson shall be paid \$1,250 for each meeting attended.

9.5 All payment listed in this document includes GST.

10. CONDUCT PROTOCOLS FOR PARTICIPANTS

10.1 The provisions of council's *Code of Meeting Principles and Practices* shall apply.

10.2 All Panel members are required to observe the provisions of council's *Code of Conduct - Volunteers and Community Representatives*.

10.3 All Panel members as well as other participants are expected to observe the following protocols:

10.3.1 General Responsibilities:

- be courteous to other Panel members, council officers and Councillors;
- help to create an environment that is free of harassment and discrimination; and
- protect the health, safety and welfare of yourself and others at meetings and related activities.

10.3.2 Declarations of Interest:

- Panel members are required to disclose any personal (non-pecuniary) or financial (pecuniary) interest in a matter under discussion, particularly when the interest is one of a pecuniary nature. Such declarations will be noted in the minutes.
- Note: a conflict of interest does not mean that you will be barred from participating in a meeting. Instead, it allows others to understand your position and prevents criticism of council activities or decisions at a later date.
- If you are paid lobbyist representing an individual or group, you are required under council's *Lobbyist Policy* to declare your role and to register as a lobbyist on council's *Lobbyist Register*.

10.3.3 Gifts or Benefits - Panel members should not offer to a Councillor or Council staff member a gift or benefit that is:

- designed to gain advantage for yourself or a group you represent; or
- may be perceived by the public to give advantage to you or a group you represent.

10.3.4 Alcohol and Drugs - Panel members and participants shall not attend meetings whilst under the influence of alcohol or other drugs that could impair your ability or cause danger to the safety of yourself or others.

11. ACCESS TO COUNCIL CODES, POLICIES AND GUIDELINES

11.1 Related council codes, policies and guidelines, including the *Code of Meeting Principles and Practices*, *Code of Conduct for Councillors and Staff*, *Code of Conduct - Volunteers and Community Representatives* and *Lobbyist Policy* may be viewed on [Council's website](#) and/or hard copies may be obtained upon request.



DESIGN EXCELLENCE PANEL POLICY

D3-02

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Policy Owner: Director City Strategy

Category: Strategic

Direction: 3. Our Innovative City

1. STATEMENT OF INTENT

- 1.1 North Sydney Council encourages high quality urban design *and sustainability* in the North Sydney local government area. This process will be enhanced by seeking the independent advice of a Design Panel.
- 1.2 Council may appoint more than one Design Panel. The functions of the Design Panel(s) shall include but not be limited to comment on:
 - a) the design *and sustainability* qualityies of major proposals in the local government area; and
 - b) draft statutory and non-statutory planning documents where they impact upon quality design outcomes.

2. ELIGIBILITY

- 2.1 Design Panel - is an advisory body that may inform the planning and assessment processes undertaken by Council staff.
- 2.2 A Design Panel will be appointed by Council. In appointing a panel, a Charter will be prepared that establishes the membership, functions and terms and conditions of membership.

3. DEFINITIONS

- 3.1 Design - concerns the form and function of a building or public space. High quality design brings a range of economic, social and environmental benefits to a range of stakeholders.
- 3.2 *Sustainability - concerns the capacity of a building to reduce negative impacts on the environment, and the health and comfort of building occupants, thereby improving building performance. The basic objectives of sustainability are to reduce consumption of non-renewable resources, minimise waste, and create healthy, productive environments.*

Re-adopted by Council [insert date]

4. PROVISIONS

4.1 Membership

4.1.1 To receive the support of both the community and the development industry, the panel needs to be recognised as an expert body capable of providing high quality design *and sustainability* advice. Accordingly, the panel will be comprised of well-known and respected professionals who are involved in the design of major projects and have extensive expertise *in* architecture, urban design, ~~or~~ urban planning *or sustainability*. The inclusion of at least three professionals on the panel with a range of expertise will encourage debate and develop creative design solutions.

To bring a local perspective, the panel should also have a community representative with a demonstrated understanding and experience in architecture, urban design, urban planning or related field.

4.1.2 Membership should normally be for a two year term.

4.1.3 To ensure the panel's independence, a panel member:

- a) cannot be a Council Officer or elected member i.e. Councillor of North Sydney Council;
- b) must disclose any conflict of interest on any matter being considered by the panel; and
- c) may temporarily withdraw from the discussion on any matter for which there is a conflict of interest.

4.1.4 Relevant Council officers may attend panel meetings to assist the consideration of any matter being discussed by the panel. Council staff may chair or take minutes of the meeting.

4.2 Meeting Frequency

4.2.1 The frequency of meetings will be determined by the number of matters referred to the panel.

4.3 Financial Considerations

4.3.1 Panel members will be remunerated for attending the meetings and for their design advice.

4.4 Operation of the Panel

Re-adopted by Council [insert date]

-
- 4.4.1 The Chair will set the meeting date and prepare and circulate the agenda.
 - 4.4.2 A site visit may be undertaken by the panel prior to, or during a meeting.
 - 4.4.3 The meetings will not be public, however each applicant will be invited to attend the meeting and participate in the discussion in respect of their application.
 - 4.4.4 The panel will consider the design *and sustainability* issues relating to each application, according to the functions of their charter. The views of the panel are one part of the assessment process and achieving a satisfactory design *and sustainability* outcomes may not in itself result in a recommendation for approval.
 - 4.4.5 A single, majority view should be presented to Council, however alternative views may be made available to Council if necessary.
 - 4.4.6 Minutes of the meeting will be taken and forwarded to each panel member and relevant Council staff for comment. Once settled, the minutes will be forwarded to the applicant.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Director City Strategy is responsible for ensuring that appropriate matters are forwarded to the panel for comment.
- 5.2 At any time, the General Manager, Mayor, or Council may request that a matter be referred to the panel for comment.
- 5.3 Membership of the panel will follow published expressions of interest and nominations.
- 5.4 Should a member of the panel resign or a position become vacant for another purpose, the procedure outlined in Section 5.3 should be followed.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Community Strategic Plan
- Design Panel Charter
- Development Control Plan

DESIGN EXCELLENCE PANEL POLICY

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- Local Environment Plan

The Policy should be read in conjunction with the following documents/legislation:

- Local Government Act 1993
- State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

Version	Date Approved	Approved by	Resolution No.	Review Date
1	16 February 2009	Council	61	2012/13
2	18 February 2013	Council	61	2016/17
3	13 May 2013	Council	267	2016/17
4	25 June 2018	Council	214	2020/21
5	26 September 2022	Council	296	2024/25
6	[insert date]	Council	[insert minute no.]	2024/25

Re-adopted by Council [insert date]