

## 10.9. Design Excellence Panel Re-composition - Post Exhibition Report

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<b>ATTACHMENTS</b>	1. DRAFT Design Excellence Panel Charter [ <b>10.9.1</b> - 5 pages] 2. DRAFT Design Excellence Panel Policy [ <b>10.9.2</b> - 4 pages]
<b>CSP LINK</b>	1. Our Living Environment 1.1 Protected, enhanced and biodiverse natural environment 1.2 Environmentally sustainable community  5. Our Civic Leadership 5.1 Lead North Sydney's strategic direction

### PURPOSE:

The purpose of this report is to present the *Design Excellence Panel Policy* and *Design Excellence Panel Charter* for adoption following the 28-day public exhibition period.

### EXECUTIVE SUMMARY:

- At its meeting on 26 April 2023, Council resolved:
  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.*
- In accordance with the resolution, the proposed amendments to the *Design Excellence Panel Policy* and *Charter* were publicly exhibited from 27 April to 24 May 2023. No submissions were received during the exhibition period.
- Expressions of interest are currently being sought for new panel members as per Council's resolution.
- The final *Design Excellence Panel Policy* and *Charter* are presented unamended from their draft form, for adoption.

### RECOMMENDATION:

1. **THAT** Council adopt the amended Design Excellence Panel Policy and Charter as included in Attachments 1 and 2.

## Background

The North Sydney Design Excellence Panel (DEP) was established on 13 June 2006 and consists of six design experts each appointed for a two-year term, including one community representative. 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 on 26 July 2023, having been appointed by Council on 26 July 2021.

As the DEP has not been empanelled for the 2023-25 period, an opportunity exists to realign the *Design Excellence Panel Policy & Charter* with the *North Sydney Community Strategic Plan* and Council's *Environmental Sustainability Strategy 2030*.

The changes to the DEP Policy and Charter which were exhibited from 27 April to 24 May 2023, enable panel members to be recruited based on their sustainable building design expertise and experience in addition to demonstrated expertise in the architectural, urban design, urban planning, or landscape design fields.

Council is currently in the process of receiving expressions of interest from potential panel members. Adoption of the policy and charter in the Council meeting on the 26<sup>th</sup> of June will allow these documents to be taken into consideration when selecting DEP panel members for the 2023-25 period.

This report discusses the public exhibition undertaken and provides recommendations to Council regarding the adoption of this policy.

## Report

The only amendments made to the draft Charter (Attachment 1) and Policy (attachment 2) relate to the inclusion of sustainability as part of the aims and functions of the DEP, as well as expertise for membership of the Panel. The draft amendments are identified in red in these attachments.

### Public Exhibition

In accordance with the Council resolution of 26 April 2023, the 28-day public exhibition period ran from 27 April to 24 May 2023, during which time, effort was made to ensure stakeholder awareness of the opportunity to provide feedback on the proposal.

The following summary details the methods used to promote the public exhibition and their reach:

- web page - 43 page visits, with two document downloads; and
- direction notification to Council's 92 active Bushcare volunteers
- Council's eNewsletters including:

- Council eNews, May 2023 - 1,427 subscribers, opened by 723 (50%) subscribers, with three link-clicks
- Business eNews, May 2023 - 943 subscribers, opened by 331 (35%) recipients, with two link-clicks
- Precincts eNews weekly during the exhibition period - 165 subscribers, opened by 77 (46%) recipients average per issue, with three link-clicks;
- signage displayed at Customer Service Centre and Stanton Library;
- Council Noticeboard Promotion (Civic Park)

### Submissions

No submissions were received in response to this exhibition.

### **Options**

Council has the following options in relation to this matter:

1. Adopt the attached revised *Design Excellence Panel Policy & Charter* allow for recruitment of panel members in accordance with updated Policy and Charter.
2. Not adopt the attached revised *Design Excellence Panel Policy & Charter*. Continue Design Excellence Panel selection in accordance with current Policy and Charter.

These options are assessed in the table below.

<b>Option</b>	<b>Finance/Resourcing</b>	<b>Risk/Opportunity</b>	<b>Consultation</b>
1.	No additional expenditure to the \$80,000 annual DEP budget will be incurred.	Council empanels Design Excellence Panel members with increased sustainable building acumen in conjunction with architecture, urban design, and landscape architecture experience.	28-day exhibition period, no submissions received.
2.	No costs additional to the \$80,000 annual DEP budget will be incurred.	Council is unable to have a material impact on the composition of Design Excellence Panel potentially until 2025. Outcomes of the Design Excellence Panel may not meet the directions of Council's Community Strategic Plan 2040 nor Council's Environmental Sustainability Strategy 2030.	28-day exhibition period, no submissions received.

Option 1, is recommended for the following reasons:

- Adoption of the policy and charter will include sustainability as a criterion in the selection for DEP panel members for the 2023-25 period.
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- Stronger alignment of Design Excellence Panel outcomes with the *North Sydney Community Strategic Plan 2040* and Council's *Environmental Sustainability Strategy 2030*.

- No additional financial commitments above current DEP budget required.

### **Consultation requirements**

Community engagement has been undertaken in accordance with Council's Community Engagement Protocol.

### **Financial/Resource Implications**

There are no financial implications associated with the adoption of this policy surplus to current Design Excellence Panel annual budget.



## CHARTER

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# 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:

- 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.*

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Re-adopted by Council [insert date]

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## 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

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Re-adopted by Council [insert date]

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- 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

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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

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Re-adopted by Council [insert date]