

# Hornsby Shire Council

## Design Excellence Panel Terms of Reference

Hornsby Shire Council is committed to ensuring new medium to high density buildings are of a high quality design. The Design Excellence Panel ('the Panel') is to evaluate and critique design aspects of proposed development and provide recommendations as to whether development exhibits "Design Excellence". This Panel will operate as an Independent Panel and does not operate as a SEPP 65 Advisory Panel. Applicants are encouraged to attend the Panel prior to lodgement of a Development Application to reduce any potential delays during the assessment process post lodgement.

### 1. Purpose

1.1 The role of the Design Excellence Panel (the Panel) is to provide independent, expert and impartial design advice on the design quality of development within the Hornsby Shire in accordance with the requirements of the Hornsby DCP, Hornsby Local Environmental Plan and the Apartment Design Guidelines.

1.2 The Panel will inform assessment and assist proponents and assessing officers to achieve better outcomes which reflect the desired character of Hornsby Shire.

1.3 The role of the Panel is advisory only. Recommendations or comments provided in response to a proposal by the Panel will inform the development assessment process, but will not bind the consent authority.

1.4 The Panel will review the following types of development:

- Any development comprising a residential flat building or mixed use development (3 storeys) or higher; or
- Any townhouse development; or
- Any development for which in the opinion of the Manager Development Assessments is required to achieve design excellence; or
- Any strategic planning matters for which design excellence is relevant.

### 2. Functions of the Panel

2.1 The Panel will provide the consent authority with recommendations on the design elements of a proposed development and may include recommendations on amendments to the design of the development.

2.2 The Panel will provide advice on applications for development against:

- Relevant State legislation and Guidelines;
- Hornsby Local Environmental Plan;
- Hornsby Development Control Plan; and
- Any other plan, policy or guide necessary to ensure that the built form and design of the development responds to the site and locality.

### 3. Panel Membership

3.1 The pool of Panel members must be able to demonstrate a sound understanding of the desired urban design values and outcomes for Hornsby Shire. Extensive experience is required within one or more of the following disciplines:

- Architecture
- Landscape Architecture
- Urban Design
- Heritage Members will be suitably qualified so as to be eligible for membership of their relevant professional body.

3.2 The Panel will comprise a pool of up to 6 members.

3.3 A quorum comprises three (3) members.

3.4 Panel members will be selected following an expression of interest process. Should a selected Panel member choose to resign their position, Council may approach a new candidate from the list of respondents.

3.5 Panel member tenure will be for a period of 2 years.

3.6 Panels members and the Chair will be rotated periodically to maintain experience across all panel members.

3.7 If the Agreement is extended or ended, Council will give at least one (1) month written notice to the Panel members of its decision to extend or end the term.

#### **4. Panel Management**

4.1 The Panel is established in accordance with the requirements of the Hornsby Local Environmental Plan.

4.2 Council will appoint an officer to act as the Panel Coordinator. The Panel Coordinator will convene the Panel and provide administrative support. Panel meetings will be held at Council's offices.

#### **5. Role of the Chair**

5.1 The Chair is responsible for:

- Ensuring the orderly conduct of the meeting;
- Ensuring that adequate consideration has been given to the application of the design excellence criteria contained in Clauses 6.8 of the Hornsby Local Environmental Plan;
- Clarifying and summarising the Panels comments and recommendations;
- Monitoring due process; and
- Liaising with the Panel Coordinator and other Council staff about the operation of the Panel, as required.

#### **6. Meetings and advice**

6.1 The Panel will be convened on an as required basis as determined by the Manager Development Assessments. The number of applications considered by the Panel at a meeting will be dependent on the nature and complexity of the applications.

6.2 Each meeting will comprise:

- Site visit
- Briefing to Panel members by Council officers
- Presentation from proponent
- Panel questions and review
- Panel debrief and review of draft report
- Chair summary of advice

6.3 Final advice and recommendations, as endorsed by the Chair, will be recorded by the Panel Coordinator and will be distributed by Council to the assessing officer and proponent team within 14 days of the review.

6.4 Council makes no representation, express or guarantee to the Panel members as to the volume of business that might reasonably be expected by Panel members.

## **7. Meeting attendance**

7.1 The proponent's architect and/or urban design consultant will present to the Panel and must attend all Panel sessions relevant to the proponent's application. Up to five key members of the proponent team (including the lead architect) are invited to attend the meeting to respond to any questions from the Panel.

7.2 Councillors and Council officers may attend the meeting to observe the proceedings. A memo will be circulated to Councillors prior to the meeting advising of the applications to be heard.

## **8. Dealing with interests**

8.1 All Panel members must adhere to Council's Public Interest Disclosures Policy. Any interests must be declared.

## **9. Panel member remuneration**

10.1 Panel member remuneration will be on a fixed fee basis, determined by the number of review sessions they are required to attend. The following fees exclude GST and include preparation time and travel costs:

	<u>Half day</u>	<u>Full day</u>
Panel Member	\$1,000	\$1,800
Chairperson	\$1,800	\$2,500

## **10. Meeting Procedure**

1. A meeting schedule will be determined by the Manager Development Assessments on an as required basis.

2. Meeting agendas will be prepared by Council officers and provided prior to circulation to Panel Members.

3. On the date of the meeting a site visit, if required, will be conducted with the Panel Members and Council officers.

4. The Panel meeting will be held at Council's Administration Office and will not be open to the public.
5. Applicants will be invited to attend the Panel meeting and provided an opportunity to present their development concept (maximum 30 minutes) and to respond to questions from the Panel members.
6. The Panel Coordinator will prepare draft minutes based on the Panel member's comments. The report will detail the Panel's evaluation of the design merits of the proposal and outline any further recommended design amendments or proposed conditions of development consent that are relevant to the achievement of design excellence.
7. The draft minutes will be reviewed and approved by the Panel members prior to distribution to Council officers. The minutes will consist of the following sections:
  - A statement of status and purpose of the meeting;
  - Attendance;
  - Apologies;
  - Declarations of Interest; and
  - A record of advice and recommendations made by the Panel.
8. The Panel's recommendation must be delivered to the relevant Development Assessment Officer and the applicant within two weeks of the meeting.

## **12. Conduct Protocols for Participants**

12.1 The provisions of Council's Code of Conduct shall apply.

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

### 12.2.1 General Responsibilities:

- Be courteous to other Panel members, Council officers and Councillors;
- Assist 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.

### 12.2.2 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.

12.2.3 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.

Note: Council reserves the right to change the procedures manual and terms of reference as required, subject to the written agreement of the Panel Members.