

CASEY DESIGN EXCELLENCE PANEL

Our pledge for design excellence

Terms of Reference

April 2022

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1. INTRODUCTION

Cities around the world, from Copenhagen to Bordeaux, to Melbourne, have championed design excellence at the highest levels in their cities, and have clearly illustrated the benefits –economically, socially, and environmentally– that flow from consistent design excellence over time. As one of the fastest growing Local Government Areas in Australia, we are looking to build our future value on design excellence. We plan to become **A Design City**. Our city will be a place that is renowned for design excellence that enriches community life. A place where, by design, our people and environment thrive.

Design is both a process and an outcome. Good design is essential in developing communities with a sense of civic pride, improved quality of life and equal opportunity in Casey. The Casey Design Excellence Program (CDEP) will play a central role in realising this ambition. The Casey Design Excellence Panel (the Design Panel) forms part of the CDEP, which aims to streamline design review processes with a focus on improving design quality for major projects and design/place policies, and thereby facilitate and promote design excellence in all aspects of the built environment.

This Terms of Reference outlines the purpose, scope and limitations and responsibilities of the Design Panel. It sets out the aspirations for the process, terms of appointment and conduct and establishes expectations to guide the Design Panel.

Purpose

1.1 The purpose of the Design Panel is to provide an efficient and consistent approach to delivering expert, independent design advice and guidance to decision-makers, developers, and designers to deliver high-quality built environment outcomes across Casey, in line with the objectives of the Casey Design Excellence Program.

1.2 The primary means in which the Design Panel assists Council in achieving this objective is by undertaking robust design reviews of Council projects and design strategies and policies, particularly those which raise complex or contentious design issues and are significant in scale.

1.3 The Design Panel can also act as an expert body of opinion from which Council and officers can seek advice on design issues, separate from those presented at the scheduled Panel sessions. This may include comment on matters of design policy, development of design briefs, or design education and promotion.

Role

1.4 The Design Panel will help deliver on the aspirations and directions of the Design Excellence Guide that is for Casey to become a City of Design, by:

- Conducting design review of major projects and offers feedback and observations that will lead to the improvement of schemes but does not redesign them.
- Giving decision makers the confidence and information to support innovative, high quality designs that meet the needs of our communities and customers, and to resist poorly designed schemes.
- Providing expert guidance in the appointment of architectural and design consultancies, help us run design competitions, and provide post implementation reviews of strategic projects.

Scope

1.5 The scope of projects reviewed by the Design Panel will include:

- Council-led major capital works as identified by the Director of City Planning and Infrastructure Division,
- Complex Master Plans, Frameworks, and major Revitalisation projects,
- Council-led design strategies and policies,
- Post completion audits of Council projects,

Upon completion of 12 months of trial period, the Design Panel may review:

- Complex development applications based on the directions of the Casey Design Excellence Program Director.
- Development applications across the municipality, which are any one of the following:
 - Significant in terms of location, complexity, impact and budget of 10 MIL and above
 - Sensitive in context such as:
 - Adjoining a place of high character and sensitive interfaces;
 - A significant public space; or
 - Major public infrastructure.

2. DESIGN PRINCIPLES

CASEY DESIGN EXCELLENCE GUIDE

The Casey Design Excellence Guide forms part of the Casey Design Excellence Program, which aims to facilitate and promote design excellence in the built environment. The guide sits alongside the Casey Design Excellence Panel and sets our pledge –in 10 commitments – to achieving highest quality design across all elements of the built environment.

Casey – A Design City will form the backbone of the Casey Design Excellence Program, guiding the Design Panel and best practice design in the city. Refer to Appendix B.

2.1 In all work on the City of Casey’s built environment, we will adhere to the following 10 commitments. We commit to:



GOOD DESIGN

2.2 The Victorian Government Architect outlines a set of performance-based design principles in its 'Good Design – Issue 1' publication. These principles establish a broad definition of 'good design' and form the basis of design review consideration. Performance-based design principles identify the objectives to be met without prescribing how to achieve them. Design review is an essential component of this approach, as qualitative assessment is required to determine whether the required performance outcomes have been achieved in any given proposal. This approach provides flexibility for developers to deliver improved project and site-specific outcomes as well as benefits for the broader community. It provides latitude for skilled and experienced designers to pursue innovative solutions.

2.3 Good design is:

- **Inspiring** – Good design embeds the very essence of a project into a narrative and vision. A thorough interrogation of a project's purpose, objectives and influencing factors establishes a vision which is essential to elevate a project beyond its primary purpose and deliver an inspiring addition to the built environment.
- **Contextual** – Good design is informed by its location and responds to site-specific environmental, social and cultural conditions. Appropriate contextual relationships with regard to building scale, form, mass and materiality of all elements create a valuable addition to a place.
- **Functional** – Good design meets the requirements of a building or place through efficient spatial arrangements which enhance convenience, amenity and opportunities for future adaptability. A good design will deliver a concept that fully integrates functional requirements and explores synergies with the project vision to deliver value beyond primary technical needs.
- **Valuable** – Good design marries aesthetics and functionality at the inception of a project, which is fundamental in reducing the full life-cycle costs of a project. Good design is essential in the value creation of a place.
- **Sustainable** – Good design respects our environment and resources by embedding efficiency, enhancing local ecology and creating a durable long-term built legacy.
- **Enjoyable** – Good design increases amenity through creating healthy and safe places that are enjoyable at all times of the day, fosters community involvement and engenders community pride. Inclusive and equitable environments contribute to broader positive social and economic outcomes for all users.
- **Enduring** – Through the synthesis of vision and function, good design embeds lasting value into our built environment. Good design is essential in place-making which promotes community pride, providing a truly enduring legacy which will continue to serve, inspire and delight.

3. DESIGN REVIEW

DESIGN REVIEW PRINCIPLES

3.1 For design review to be effective, it must be resourced appropriately and conducted in a manner that is fair, robust, and credible. The following ‘best practice’ principles of design review should be used to guide the review process and set an appropriately high standard of conduct from Panel members.

3.2 Design review should be:

- **Independent** – It is conducted by people who are not connected with the proposal’s promoters and decision-makers and ensures that conflicts of interest do not arise.
- **Expert** – It is carried out by suitably trained people who are experienced in design and know how to critique constructively. Review is usually most respected when it is carried out by professional peers of the project designers because their standing and expertise will be acknowledged.
- **Multi-disciplinary** – It combines the different perspectives of architects, urban designers, planners, landscape architects, sustainability professionals, engineers, public arts and other specialist experts to provide a complete, rounded assessment.
- **Accountable** – The Panel, and the advice that it provides to the Council must be clearly seen to work for the benefit of the community.
- **Transparent** – The Panel’s remit, membership, governance processes and funding should always be in the public domain.
- **Proportionate** – It is used on projects whose significance (either at local or State level) warrants the investment needed to provide the service.
- **Timely** – It takes place as early as possible in the design process because this can avoid a great deal of wasted time. It also costs less to make changes at an early stage.
- **Advisory** – The Panel does not make decisions, but it offers impartial advice that informs recommendations to the people who do.

- **Objective** – It appraises proposals according to measures that are reasoned and objective, rather than the stylistic tastes of individual Panel members.
- **Accessible** – The recommendations arising from design review are clearly expressed in terms that design teams, decision-makers and the community can all understand and make use of.

3.3 The Panel is advisory only and does not have a decision-making function. The Panel advises on the design quality of proposals with reference to design principles outlined by the Office of the Victorian Government Architect and supporting State Planning Policies, Casey Design Excellence Guide, as well as local planning schemes and policies. The process is designed to complement the planning system, influencing design decisions early and providing expert advice to all parties, including decision making authorities at key stages of the project's development. Decision makers shall have due regard to the design review advice and recommendations in their deliberations.

3.4 Individual design review principles may not apply equally to all projects due to their location or type. At the commencement of a design review, the panel should determine which principles should be prioritised in the evaluation process.

3.5 The Design Panel session could be conducted in various format to suit the need and nature of the projects. These formats will be in line with the State's Guide to Design Review. These may include and not limited to - structured design review, desktop/document review and informal design review meeting with project team. The right format will be decided by the Panel Chair.

4. DESIGN PANEL

4.1 The Design Panel is an independent, advisory panel funded by the City of Casey.

4.2 The City of Casey will be responsible for the establishment, operation and management of the Design Panel. A dedicated Design Excellence Coordinator (hereinafter referred to as the Coordinator) will exist within the City of Casey's City Design and Construction Department for this purpose.

4.3 The Coordinator is responsible for:

- Managing the scheduling, preparation, coordination, reporting and monitoring of Panel sessions.
- Inducting new members and ensuring they are briefed about Panel operations.
- Selecting Panel members and the Chair from the membership pool in consultation with the Casey Design Excellence Program Director, for any given session and ensuring that they have appropriate experience for the nature of the project under review.
- Being the primary liaison with Panel members, the Chair and other Government agencies as required.

MEMBERSHIP

4.4 The Design Panel will include members with expertise in one or more of the following disciplines:

- Architecture (essential)
- Urban design (essential)
- Landscape architecture
- Planning
- Sustainability and environmental design
- Public art
- Aboriginal cultural heritage

4.5 The City of Casey encourages professionals from diverse backgrounds to apply, including gender diversity, age, ethnicity, and cultural background. The City of Casey aims to achieve gender balance at every forum and the Design Panel will strive to achieve 40:40:20 gender balance.

4.6 While local knowledge is useful and encouraged, a balance between locals and expertise from outside the local government area should be sought to optimise the range and calibre of skills available. Level of experience/expertise shall generally take precedence over geographical representation.

4.7 In addition to professional expertise, Panel members must be effective at providing constructive critique as part of a multidisciplinary panel. This requires clarity of thought particular to the persons area of expertise, clear articulation, respectful engagement, and the ability to balance pragmatic and impartial advice. Panel members should have a good understanding of the State's Planning Policy Framework and relevant Casey planning policies.

4.8 To be independent and apolitical, the City of Casey will not appoint decision makers, its own elected members, or Council officers to the Panel. However, key Council project officers will participate in design review sessions in an advisory capacity to provide administrative and governance support.

4.9 Panel Members may withdraw from the Panel at any time by advising Council in writing.

4.10 The appointment of any member may be withdrawn by Council at any time should it determine, for any reason, that the Panel membership should be modified.

MEMBER ROLES AND RESPONSIBILITIES

4.11 All Design Panel members are required to:

- provide independent, fair and reasonable professional advice relative to the Design Principles (Section 2) and relevant State and local policies and schemes.
- treat all discussions and information about applications with sensitivity and confidentiality.
- respond to and comment on material presented, providing clear and constructive feedback.
- disclose any actual or perceived conflicts of interest in writing for the record.

Where an interest exists, the member must:

- disclose the interest to the Chair as soon as possible, and before the session to ensure there is a quorum for all items.
- if the interest is a pecuniary interest, the member must not take part in the consideration or discussion of the matter.

4.12 All disclosures of interest will be recorded in the Panel session notes.

PANEL CHAIR RESPONSIBILITIES

4.13 The Panel session Chair is an important role, typically a respected design professional. Their expertise and experience lend authority to the advice of the panel. As well as chairing the meeting proceedings, the chair must ensure that the Panel discussion is professional, constructive and that the advice is clear.

4.14 The Chair's role is primarily to orchestrate the input from Panel members. Panel members will provide independent and impartial advice on the design quality of development proposals to the Chair, whose view will then be informed by the Panel members' advice. The Chair may also add additional comments or address issues not highlighted by the Panel.

4.15 The Chair is responsible for:

- Liaising with the Coordinator about the operation of the Panel including additional briefing material or requirements prior to the session and confirmation of session advice.
- Establishing the key considerations for the review in a pre - review session. A good structure might include strategic and aspirational issues first through to more detailed issues.
- Acknowledgement of country, welcoming and introducing the Panel, proponents and any observers present in the meeting.
- Ensuring the orderly conduct of the session consistent with the session agenda and timing.
- Facilitating interactive discussion and participation of all attendees including the Panel, Council officers and the project team,
- Ensuring that discussions remain focussed on the application being considered and that advice relates to matters covered by the Design Principles and relevant State and local policies and schemes
- The chair can assist the Panel in filtering extreme views, brokering solutions where advice is conflicting, or adding advice in areas not covered.
- Seeking clarification from the Panel or design team on unclear points
- Summarise key issues.
- Briefing decision makers on Panel advice when required.

5. APPOINTMENT OF DESIGN PANEL

5.1 Suitable candidates will be recruited through an appointment process, which includes:

- public advertising seeking formal Expressions of Interest (EOI)
- consideration of EOI submissions by an appropriate selection panel
- shortlisting of individuals that meet the professional selection criteria
- an interview process to confirm appropriate design review expertise
- a report with recommendation/s for appointment presented to the Council.

5.2 Following completion of the selection process, all details of the appointment will be confirmed in writing and a member induction will be scheduled.

5.3 The term of office for a Panel member shall be four years, with a mid-review in two years' time of establishing the Panel. Existing members can reapply for a further term.

5.4 A person who is currently employed by, or who is an elected member of the City of Casey, is not eligible for appointment as a member of the Design Panel.

5.5 All Design Panel appointments are endorsed by Director, City Planning and Infrastructure.

5.6 Council may appoint a pool of suitable persons to serve on the Design Panel however each Panel session shall comprise a maximum of five members.

5.7 Appointment to the Panel can be rescinded by a decision of Council on recommendation of the Director, City Planning and Infrastructure. Panel members of the Victorian Design Review Panel appointed by the Office of the Victorian Government Architect may be invited to participate in City of Casey Design Excellence Panel sessions without being required to undergo the City of Casey appointment process outlined in Clauses 5.1 – 5.5.

6. DESIGN REVIEW MEETINGS AND PANEL ADVICE

DESIGN REVIEW TIMEFRAMES

6.1 The number of reviews needed will vary depending on the complexity of a proposal. Up to five reviews may be needed for the process to be effective. Ongoing project support by the CDEP may be offered to strategic or complex projects at key stages of the project life cycle.

6.2 In order to respond to matters in a timely manner, meetings will be held monthly. One-off design advice may be dealt on an as per needs basis. Panel members will be provided with a minimum of 10 working days' notice of the meeting date.

6.3 Design reviews are recommended that the first design review takes place during the concept design stage to ensure that project team can take advantage of the advice offered at a time where the design is flexible enough to accommodate change without impacting on time and cost constraints. Subsequent review should typically occur at a stage when the design has been further progressed. Depending on the outcome of the initial meeting, this review session will typically occur during design development.

PANEL SESSION PROCEDURES

6.3 Reviews will be undertaken in accordance with the model process outlined in the Office of the Victorian Government Architect's 'Guide to Design Review' (See extract in Appendix A).

6.4 Immediately prior to each design review session, the Coordinator will arrange for a site visit to be undertaken. The Chair and all Panel members engaged for an individual proposal will need to attend, unless otherwise agreed prior to the day of the session. Government agency representatives may also be invited to attend site visits to provide specific advice relevant to their field.

QUORUM AND ATTENDANCE

6.5 The Coordinator will issue a meeting agenda to all appointed Panel members two weeks prior to the meeting date. It is recommended that all Panel members review the proposed agenda and advise the Coordinator as soon as possible of:

- a) their ability to attend the meeting
- b) any interest to be declared in any matter listed on the agenda.

6.6 A Panel session may not proceed unless a quorum comprising a minimum of three Panel members are present, including the Chair. If a quorum cannot be achieved for all or part of the meeting, the Coordinator will contact suitable members from the pool in accordance with the procedure adopted for those circumstances. If a quorum cannot be achieved, the meeting cannot proceed and should be rescheduled.

6.7 It is important to optimise the consistency of the Panel and advice particularly across subsequent reviews for the same proposal. As such, the Chair and a minimum of one other Panel member must remain consistent in subsequent reviews. The composition of the Panel

may change in subsequent reviews where a specific issue is identified that a new Panel member can contribute specialised advice to.

6.8 The City of Casey may replace panel members who are regularly unavailable for meetings.

PANEL MEMBER PREPARATION

6.9 Prior to each design review session, Panel members will be provided with a detailed brief on each development proposal, in confidence, at least 5 working days prior to the intended session date.

6.10 It is expected that Panel members will familiarise themselves with all information provided prior to the session and prepare comments in advance, to enable effective use of session time. If additional information is required prior to the session, a request should be submitted to the City of Casey in accordance with the procedures advised during the induction.

OBSERVERS

6.11 Design review sessions are closed to members of the public as information discussed can be commercial in confidence.

6.12 Key stakeholders may be invited to attend the Panel sessions as observers and may be invited to brief the Panel on specific issues relating to their respective agencies, including other City of Casey staff or representatives of other Victorian Government agencies as required. Observers may only participate at design review sessions when invited by the Chair.

6.13 Persons who may later be required to consider and determine an application that is undergoing design review should not attend Panel sessions in order to preserve the transparency and integrity of the planning decision making process.

6.14 Planning and other officers are encouraged to attend review sessions as observers, as it can offer valuable training on design quality considerations, familiarity with the design review process and an understanding of how it can benefit a range of projects.

PANEL ADVICE

6.15 Following each design review session, the Coordinator will issue a confidential draft written advice to Panel members for review and comment. Panel members are required to provide comment on the draft Panel advice within two working

6.16 Following comment by Panel members, the Coordinator will reconcile the Panel members' comments and finalise the advice for review and clearance by the Chair. The Chair is required to clear the written advice within two working days.

6.17 Following this, the Coordinator will issue the proponent and lead designer with the report within ten working days of the design review session. Where appropriate, other key stakeholders may also review the panel session report.

6.18 The Panel's advice outlines the key matters raised during the design review session. It is not a minute or full transcript of the design review session.

6.19 Proponents are to contact the Coordinator for clarification of the advice if required. Proponents must not directly contact the Chair of Panel about the advice.

CONFIDENTIALITY

6.21 All Panel review sessions will be carried out in strict confidence and Panel members will not discuss proposal nor disclose any information received before or after the review.

6.22 Panel advice will not generally be published but it may be subject to requirements of freedom of information legislation.

6.23 Members are expected to comply with the confidential information provisions contained in Sections 3(1) and 125 of the Local Government Act 2020.

7. FINANCIALS

7.1 On receipt of a tax invoice, members will receive an honorarium at the following rates:

- Chairperson: \$750
- Each other member of the Panel: \$500

7.2 Where a member of the Panel is requested to appear on the City of Casey's behalf as an expert witness at the Victorian Civil and Administrative Tribunal, the member is to be paid at a mutually agreed hourly rate consistent with the qualifications, experience and professional status of the member.

7.3 Members will be remunerated for travel expenses connected with any meeting, site visit or review at current ATO rates on receipt of a tax invoice.

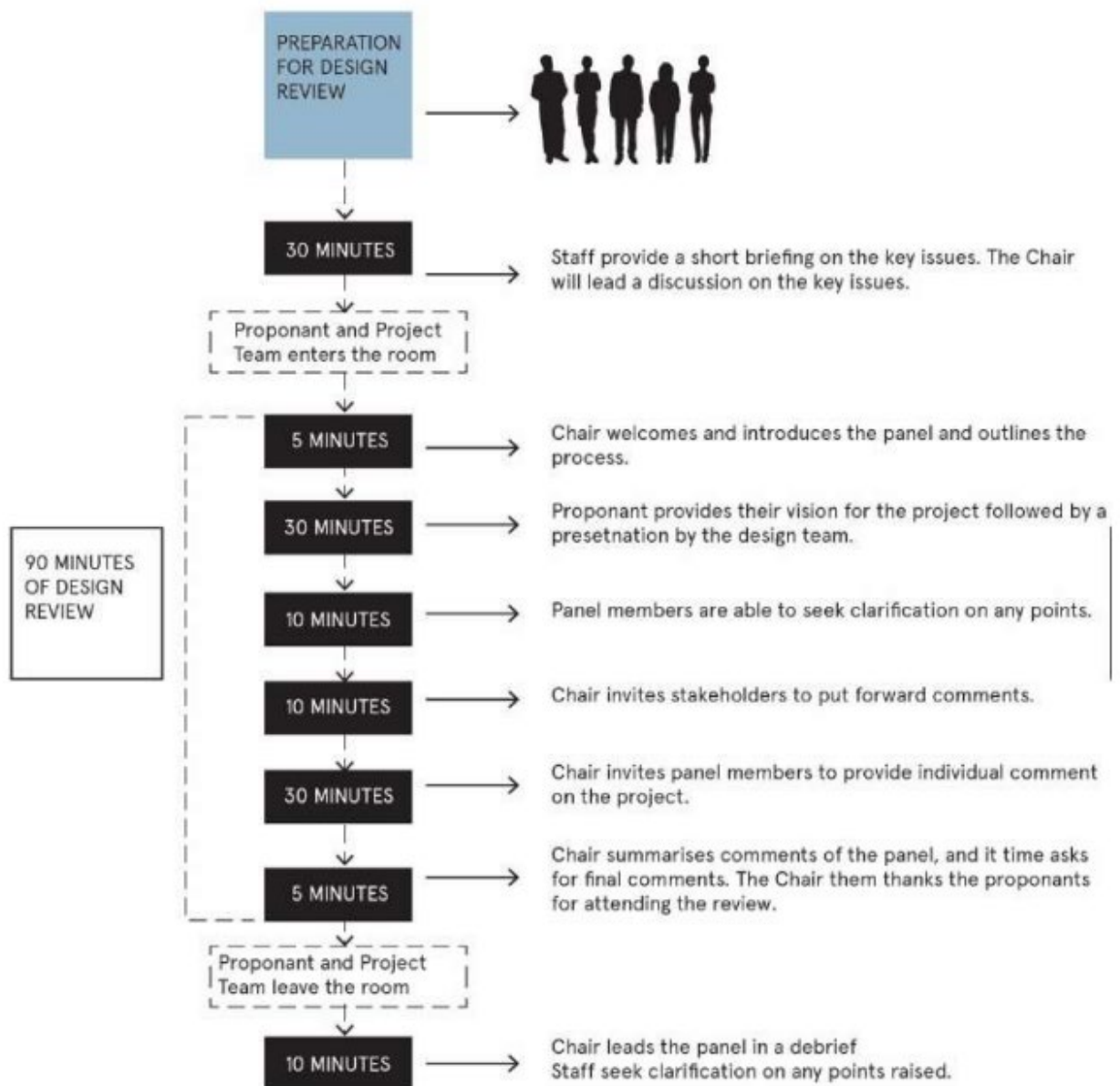
7.4 The rates of remuneration will be reviewed annually.

APPENDIX A

(Reference: Guide to Design Review, Office of the Victorian Government Architect)

SESSION FORMAT

The format for review enables the project to be presented, statutory authorities key concerns to be articulated and attendees to hear the Panel's review and advice. Each project will be allocated 60-120 minutes for design review. A typical session will be structured as follows:



APPENDIX B

CASEY DESIGN EXCELLENCE GUIDE