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NSW State Design Review Panel (pilot)

This circular is to advise applicants, practitioners and councils of the pilot program for the NSW State Design Review Panel, and its purpose and role in the development assessment process.

Background

Good design creates useable, enjoyable and attractive places for people. It offers social, environmental and economic benefits, and builds on these benefits over time, continually adding value.

Recent amendments to the *Environmental Planning & Assessment Act 1979* introduce a new requirement for planning authorities to promote 'good design and amenity of the built environment' in planning decisions.

Government Architect NSW (GANSW) on behalf of the Department of Planning and Environment (Department) is delivering a range of initiatives to support the implementation of this new requirement. These include the design policy *Better Placed* and the introduction of a pilot NSW State Design Review Panel (Panel).

This circular provides further details on the implementation of the Panel, its purpose and role in the development assessment process.

Purpose of the Panel

Applicants are encouraged to use the Panel to provide independent design advice on state significant projects prior to lodging development applications (DA).

The Panel provides a consistent, state-wide approach to reviewing and raising design quality of state significant projects. Commencing in April 2018, it has been established as an initial 12-month pilot program.

It provides independent, expert and impartial advice on the design quality of significant development proposals in NSW, having regard to the principles and ambitions of *Better Placed*. GANSW will use this advice to provide design advice to applicants and the Minister for Planning, or his delegate (through the assessment process).

Role of the Panel in the development assessment process

The Panel is available to applicants to provide design review advice and recommendations on state significant projects (state significant development and potentially state significant infrastructure).

Design review should occur at the earliest stage of a project, being in advance of requesting Secretary's Environmental Assessment Requirements (SEARs) or lodging a DA. Applicants are therefore encouraged to consult as early as possible with the Department.

Design review at this early stage is important as it provides applicants and other stakeholders with certainty and clarity on design expectations early in the assessment process. This reduces the need for design interventions following the lodgement of a DA and positively impact on assessment timeframes.

The program for design review of a project, such as number and frequency of meetings, will be tailored to reflect the type and complexity of the proposal, and can be flexible to align with the key assessment stages.

The Panel will review a proposal and make recommendations prior to the lodgement of a DA. In some cases, the Panel will also be involved at other stages during the assessment process, such as during exhibition, on receipt of the applicant's response to submissions, to satisfy conditions and/or in considering modifications.

The Panel is advisory, but its recommendations will inform the assessment of state significant projects through advice provided by GANSW.

Types of projects

During the early stages of a project the Department, in consultation with GANSW, will recommend projects that would benefit from design review. This may

include, but not limited to, the following state significant projects:

- any project referred to GANSW by the Minister or his delegate
- projects on Government owned land that includes public use of that land and/or may impact on the public domain, including Green Corridors
- projects declared state significant development in the *State Environmental Planning Policy (State and Regional Development) 2011*, including:
 - identified sites (for example the Bays Precinct, Barangaroo, the Rocks, Moore Park Showgrounds, Darling Harbour)
 - certain land uses (for example tourism, health or education uses, or commercial / residential premises within a rail corridor)
 - other types of state significant development where the project is adjacent to or impacts on sensitive areas.
- selected projects declared state significant infrastructure in the *State Environmental Planning Policy (State and Regional Development) 2011*.

Applicants for these projects are therefore encouraged to consult as early as possible with the Department during project inception, well before SEARs are requested. This will ensure that, where required, the Panel will provide early design advice.

SEARs issued in 2018 include requirements for applicants to consult with the GANSW on its proposed strategy for achieving design excellence, where relevant. During this consultation, the GANSW will clarify the role and operation of the Panel for each project.

Statutory planning context

Several environmental planning instruments (EPIs), such as local environmental plans and state environmental planning policies, establish the statutory context for determining whether a proposal exhibits design excellence. Examples include requirements for a competitive design process or setting out specific design matters to be addressed, such as achieving high standards of design appropriate to the building type and location.

Use of the Panel does not replace the need for the applicant to satisfy the relevant design excellence provisions in an EPI, including where a competitive design process may be required.

The Panel will not be required where a competitive design process is held. However, the Panel may be used to demonstrate that the proposal achieves design excellence having regard to the specific design matters identified in the relevant EPI.

The Panel will also benefit as a way of improving design quality where there is no established design excellence provision in the relevant EPI.

Scope of review

The Panel will evaluate all projects against the Objectives for Good Design as defined in *Better Placed*.

The Panel will also evaluate proposals against design principles identified in relevant State Environmental Planning Policies, for example:

- *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*, and the associated Residential Apartment Design Guide
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, and the 'Design Guide for Schools.'

The Panel may also have regard to any relevant local, state or national plans, policies and guidelines, such as relevant local environment plans, development control plans and urban design strategies.

Panel membership

Review sessions will be attended by between two and four panel members and the Chair.

They will be selected from a pool of approximately 40 panel members, ensuring that their expertise and experience reflect the needs of the project.

The pool of panel members has been recruited through an open tender process. It comprises a cross-section of built environment and design professionals, working throughout NSW and across Australia.

Members are registered with relevant professional bodies (in their home state) and are bound by respective codes of conduct. All members will also be bound by the Department's code of conduct.

The local council will be invited to nominate an appropriately qualified and independent professional to the Panel. This may be an individual who is already a member of a local design review panel.

Additional panel members may be recruited if required, including specialist experts where the complexity of a proposal warrants specialised knowledge to support the SDRP evaluation.

Panel management

The Panel is established in line with internationally recognised design review best practice, and is informed by the extensive history of design review in NSW.

GANSW will establish and convene the Panel and determine the appropriate location of the review sessions. GANSW staff will provide secretariat support for the delivery of the Panel.

Role of the chair

The Chair is responsible for clarifying and summarising the Panel's comments on all issues and subsequently providing advice, informed by the Panel's expertise, to the consent authority and the applicant team. As GANSW's nominee, responsibility for final advice and recommendations rests with the Chair.

Meetings and advice

The Panel will be convened twice per month, with up to four project review sessions per day, throughout the duration of the pilot period.

Specialist panels may be formed from the pool of members for certain projects, such as for health, education, public realm, infrastructure, mixed use and residential projects. Panel members may be requested to appear on multiple panels.

Each session will comprise:

- briefing to panel members (video recorded)
- presentation from lead architect presenting the applicant's scheme
- panel questions
- panel review
- chair summary of advice
- panel debrief.

Final advice and recommendations, as endorsed by the Chair, will be recorded by a GANSW nominated officer and will be distributed to the applicant team within seven working days of the review.

Where possible GANSW will arrange site visits for panel members prior to initial review session.

Review session attendance

The lead architect or project designer will present the applicant's scheme to the Panel, with up to five members of the applicant team (including lead architect and client) being in attendance.

Key stakeholders will also be invited to attend the review sessions as observers, and may be invited to brief the Panel on specific issues, such as representatives of the relevant council or state agency, including the Department.

The schedule of review sessions for any project will be confirmed with the agreement of the applicant team, GANSW and the Department.

Interests and confidentiality

All Panel members must adhere to the Department policy titled 'Managing Interests and Disclosing Conflicts of Interest'.

All information relating to any proposal undertaking design review is received in confidence. Advice and recommendations by the Panel will be published when

SEARs are requested and/or when the development application is exhibited.

Further Information

Further information on the NSW State Design Review Panels can be found on the website for GANSW: www.governmentarchitect.nsw.gov.au/articles/2017/12/nsw-state-design-review-panel

For further information please contact the Department of Planning and Environment's information centre on 1300 305 695.

Department of Planning and Environment circulars are available at: planning.nsw.gov.au/circulars

Authorised by:

Carolyn McNally
Secretary

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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