

Design Review Panel for a State Significant Development Design Competition Exemption

Terms of Reference

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Alternative Design Excellence Strategies support exemptions from Design Excellence Competitions for housing projects being assessed under State Significant Development (SSD). They enable a project to undertake a design review process which can be provided by the State Design Review Panel (SDRP) or be administered by an independent consultant to the applicant.

This document sets out the terms of reference for a Design Review Panel (DRP) when used as an alternative to the SDRP, and in accordance with an endorsed Alternative Design Excellence Strategy.

The Terms of Reference are defined by the Government Architect NSW (GANSW) ensuring the DRP is administered in line with nationally and internationally recognised best practice guidance for design review.

The applicant is responsible for payment of all costs associated with the design review process.

1. Role of the panel

The role of the panel is to provide independent, expert and consistent design advice on the design quality of a housing project seeking a design excellence competition exemption.

The role of the panel is advisory only. The advice provided does not fetter the independence or role of the Consent Authority.

2. Objectives of the design review process

The objectives of the design review process are to:

- lift the design quality of competition exemption SSD housing projects to meet design excellence requirements
- minimise risks by identifying design quality issues early
- streamline approval processes by providing certainty to decision-makers on design quality matters

3. Panel members

The panel is impartial and expert. Each member must have industry recognised design qualifications.

All panel members must be eligible for registration with relevant professional bodies (in their home state), and registered members are bound by respective codes of conduct.

The panel is required to consist of 3 or 5 nominees as appropriate for the scale of the project.

3-person panel

For a 3-person panel, one panel member is nominated by each of the following:

- the GANSW - Chair
- the Local Council
- the Applicant

5-person panel

A 5-person panel has the same composition as a 3-person panel, and should also include:

- one panel member nominated by the consent authority
- one panel member nominated by the applicant

A quorum of the panel must be formed, using the same composition as a 3-person panel. Any replacement panel members must be approved by the Chair.

GANSW nominee

The GANSW nominee must have demonstrated design qualifications and expertise suitable to act as Chair of the DRP.

The Chair is responsible for clarifying and summarising the panel's comments, and subsequently providing advice, informed by the panel's expertise, to the applicants team and the consent authority. The responsibility for final advice and recommendations rests with the Chair.

Council nominee

The Local Council nominee must have demonstrated design qualifications and expertise. They must not be a Council employee, unless they are a State Design Review Panel member.

Applicant nominee

The Applicant nominee must have demonstrated design qualifications and expertise, but must not be an Applicant's employee or non-executive director.

4. Role of the applicant's independent consultant

The Applicant's independent consultant is appointed to the project to support an effective design review panel process. The consultant's role includes liaising with the applicant's design team, observers and key stakeholders and preparing a draft advice letter, if requested by the Chair.

5. Observers

Representatives of the NSW Department of Planning, Housing and Infrastructure (the Department) and the Local Council must be invited to attend the panel session, including the pre-briefing and debriefing. Observers are allowed to be present during all deliberations of the panel.

Any observer may be asked by the Chair to brief the panel on specific matters where their input will support the review. Any request to brief the panel will be at the discretion of the Chair. Observers may not participate in the design review process, except as noted above.

6. Review sessions

The Applicant's independent consultant convenes the panel and determines the appropriate location for review sessions, which is typically and preferably in person, but may be online.

Scope of review

The focus of design review is on design excellence, amenity and public benefit impacts and outcomes. The panel typically provides qualitative not quantitative advice, and ensures the advice is appropriate to the project scale and stage.

Any items that are not project-specific or outside the project scope may be included in the advice but must be noted as such.

Timing of review

A project should have a minimum of 2 reviews pre-lodgement. However, this may increase with scale and complexity of the project or where the Chair has concerns that advice has not been appropriately addressed.

As deemed necessary by the Consent Authority, the Panel may provide advice during planning assessment or for any significant modification that follows the SSD consent.

Attendees

- DRP Chair and panel members
- applicant team
- design team
- applicant's independent consultant
- other consultants if required
- observers

Session agenda

Each session typically comprises:

- pre-briefing (panel and observers)
- acknowledgement of Country
- project introduction
- presentation
- questions and clarifications
- panel discussion (if required to caucus, panel and observers)
- panel review
- design team/applicant reply
- summary
- debriefing (panel and observers)

Information Pack

At least 5 working days before each session, an information pack is distributed to all attendees, including representatives of the Department and Local Council. The pack includes the agenda for the design review session, any advice letters from previous sessions, and a design package. For further information (see NSW SDRP: Guidelines for Project Teams).

7. Panel advice

During each review session, the panel provides advice to the Chair, which is summarised in a design advice letter, drafted by the applicant's consultant. The letter does not minute the review session, but rather clarifies which elements of the project are supported and the key design issues to be addressed. Any conflicting advice or recommendations are reconciled in the letter.

Each letter must include a statement confirming that, in the opinion of the panel, the project is capable of achieving design excellence, subject to advice and recommendations in the letter. Alternatively, the letter must explain what further information is needed for the panel to form an opinion in relation to design excellence.

Final advice and recommendations, endorsed by the Chair, are recorded in the letter that is distributed to attendees within 5 working days of the session.

8. Guidance used for design review

The panel's evaluation of projects is guided by panel members' professional experience and expertise, with reference to:

- the following objects of the EP&A Act:
 - b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment
 - f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)
 - g) to promote good design and amenity of the built environment.
- the design excellence considerations of the relevant Local Environmental Plan (LEP)
- the 7 objectives for good design as defined by Better Placed – An integrated design policy for the built environment of NSW (GANSW 2017)
- good practice for responding to Country in the planning, design, and delivery of built environment projects in NSW, as set out in Connecting with Country Framework (GANSW 2023)
- other relevant guidance, including but not limited to:
 - GANSW policies, frameworks and guidance (published on the GANSW website)
 - Apartment Design Guide (Planning and Environment 2015)
 - Local Environmental Plans
 - Local Development Control Plans

9. NSW protocols for good design review

All panel sessions, panel members and participants comply with the NSW protocols for good design review. The protocols are set out in the NSW State Design Review Panel Terms of Reference (GANSW 2023).

10. Declaring interests and confidentiality

All panel members must declare any conflicts of interests to the applicant's consultant. All information relating to any project undertaking design review is communicated to all attendees in the strictest confidence.

The panel's advice is included in the development application for the project and made publicly available during the assessment exhibition period.