Design Review Panel for a State Significant Development Design Competition Exemption

Operations Advisory Note

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Contents

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 Advisory Note outlines the operations of a Design Review Panel (DRP) when used as an alternative to the SDRP, and in accordance with an endorsed Alternative Design Excellence Strategy (ADES). It should be read in conjunction with the Design Review Panel for a State Significant Development Design Competition Exemption- Terms of Reference.

1. The NSW Housing SSD Competition Exemption process

The design competition exemption pathway introduces an alternative design excellence process for applicants seeking exemption from a competition requirement. The alternative design excellence process will ensure design excellence is still achieved, but will not provide a bonus of height or floor space that may have been available through a competitive design process.

The applicant must undertake the alternative design excellence process in accordance with an endorsed ADES. The DRP when used as an alternative to the SDRP is an independent design quality evaluation process in which a panel of independent built environment design experts provide consistent advice on the design quality of housing projects seeking a design excellence competition exemption.

2. 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).

3. Participants in design review

The Applicant's 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.

Panel and chair

Review sessions are required to consist of 3 or 5 nominees as appropriate for the scale of the project. The composition of the panel is confirmed in the endorsed Alternative Design Excellence Strategy. The chair is a panel member nominated by GANSW. All panel members are to be issued with the Design Review Panel for a State Significant Development Design Competition Exemption: Terms of Reference at least 5 working days prior to the session.

Observers

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

Project team

The project team should nominate review session attendees, including:

— design lead – project architect or lead designer who will present the project

— project team – team members who may contribute to the presentation such as landscape architect, sustainability consultant, planning consultant etc.

— applicant or client or their representatives

All information relating to any project undertaking design review is communicated to all attendees in the strictest confidence.

4. Structure of the review sessions

The review session is an opportunity for the design team to present the project to the panel. Review sessions for Major Rezoning or Detailed SSD applications will run for approximately 3 hours, while sessions for Single SSD applications will run for approximately 2 hours.

Review sessions will typically take place in person but may be online. All required attendees from GANSW, The Department, Council are to be included in invites and provided with MS Teams / Zoom links ahead of sessions. The Applicant's consultant is to carry out a technical / sound check with online attendees prior to commencing the session.

As a guide, a typical review session comprises:

Pre-briefing – 40 minutes (in private)

In the pre briefing the applicant's consultant briefs the panel on the project, providing an overview of the site location, planning context and project brief. The applicant's consultant also highlights any key issues the panel may want to focus on during the review session.

Sufficient time is to be allocated for representatives from the Department and the local council to brief the panel during the pre-briefing.

Following the pre briefing any observer from the Department and the local council may be asked by the Chair to address the panel on specific matters where their input will support the review. Any request to address the panel will be at the discretion of the Chair.

The Applicant's Consultant, the panel and invited observers from DPHI, GANSW and the Local Council are to be present. The Applicant and project teams are not to be present.

Welcome – 5 minutes

When the project team arrives, the chair introduces proceedings and acknowledges Country. The project team is asked to introduce themselves.

Project introduction – 5 minutes

The applicant's consultant provides an overview of the project and program, including the brief and design objectives, and any milestones. For subsequent reviews, the introduction includes an update on design development and the program.

Presentation – 35 minutes

The design team presents the project. Presentations by the Design team should clearly explain the proposal with particular reference to the design excellence considerations of the relevant Environmental Planning Instrument (EPI).

The presentation should also include input from other key consultants where appropriate, for example Country, landscape or sustainability consultants.

For all rezoning proposals comparison diagrams between compliant and proposed massing/envelopes are essential for the panel to understand the relationships. Significant matters raised in SEARs or scoping should also be presented to the panel.

Note: Presentations should be proportionate and relevant to the stage in the process

— Session 1 should address high level, master planning and urban design analysis and considerations

— Session 2 should present responses to Session 1 advice and start to consider building design and detail.

— Session 3 (post lodgement) should be considering all of the above plus any issues emerging from Response to Submissions and design development post Session 2.

— Additional sessions may be requested at the discretion of the panel

Panel questions – 25 minutes

The chair invites panel members to ask questions for clarification by the project team.

Panel review and summary – 30 minutes

Following questions, the panel reviews the project, with comments and discussion moderated by the chair.

After inviting a response from the project team, the chair concludes the review by summarising key points of advice and providing guidance. The summary is intended to ensure that the project team leave with a clear understanding of the advice and next steps.

The project team then leaves the review session.

De-briefing – 20 minutes (in private)

The panel confer to ensure all comments and feedback are captured; invited observers from DPHI and the local council may address the panel at the discretion of the chair.

New matters should not arise during this closed session, however, should this occur, they will be noted as such in the design advice letter.

The Applicant's Consultant, the panel and invited observers from DPHI, GANSW and the Local Council are to be present. The Applicant and project teams are not to be present.

5. Documents prepared for the review session

At least 5 working days before each session, a briefing pack is distributed by the Applicant's consultant to all attendees including observers.

This pack is to include:

— Agenda of the DRP session

— Any advice letters from previous sessions

— Design package demonstrating response to design excellence consideration in relevant EPI

— Comparison diagrams between compliant and proposed envelopes where applicable

— Alternative Design Excellence Strategy (Endorsed)

— Scoping report

— SEARs (including cover letter and Council's written SEARs advice)

— Design Review Panel for a State Significant Development Design Competition Exemption- Terms of Reference

6. Design advice letter

The comments and feedback arising from the review inform the design advice letter which is endorsed by the chair and represents the advice of the panel.

The advice letter should:

— Include a clear **Design Excellence Statement** from the panel explaining their opinion on the proposal's ability to achieve design excellence in accordance with legislation.

— Identify specific elements of the design which are supported by the panel and should be retained in the further development of the design

— Outline which design elements are not supported, and provide recommendations for ways in which the design could improve

— Recommend actions to be taken by the design team in order to achieve design excellence.

Before responding to a review session, project teams are encouraged to wait for the advice letter to be issued to ensure design development or changes are responding to the advice of the panel as recorded in the letter.

The advice letter is distributed to all invited attendees including observers within 5 working days of the review session.

7. Subsequent review sessions

Subsequent review sessions provide the opportunity for further design quality improvements, supporting progressive certainty for applicants.

While the first review session is an opportunity to establish the design objectives, constraints and opportunities, key issues, and the project's response to these, subsequent review sessions focus on design development and changes made to respond to previous advice.

Review sessions should be scheduled no less than 4 weeks apart to enable adequate time for design response and development.

8. Documents prepared for the SSDA

Design review report

A design review report, prepared by the applicant, is required to be submitted with the development application. The report should identify how the project has responded to the panel's design advice or provide a justification where it has not been able to do so.

The design review report is made publicly available on the Department Major Projects website during the assessment exhibition period.

Applicants may choose to include advice letters in full in the design review report.

9. Fees for participation

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

It is recommended that panel members fees are agreed prior to the session being held.

The fee for each session is payable after the design review session has been held, and the design advice letter is issued.