

NSW State Design Review Panel – Pilot

Terms of Reference

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Appendices

This document lays out the Terms of Reference for the pilot NSW State Design Review Panel and its constituent members. It is proposed for the NSW Stage Design Review Panel pilot program to be delivered by the Government Architect NSW (GANSW) and subsidised by the NSW Department of Planning and Environment (DPE) for the period of the pilot trial.

1. Purpose

The role of the pilot NSW SDRP (the Panel) is to provide independent, expert and impartial design advice on the design quality of significant development (as defined below) proposals in New South Wales to assist the Government Architect NSW (GANSW) in forming their advice to proponents and to the Minister for Planning, where the Minister is the consent authority. From the pre-approval stage through the assessments process and – in some instances – through to construction, the Panel will ensure better-informed assessment, and will support proponents and decision-makers to achieve better outcomes.

The role of the Panel is advisory only. Recommendations or comments provided in response to proposals by the Panel will inform the Department's assessment process through the Government Architect. Any recommendations or comments given by the Panel will be issued and endorsed by the Government Architect or their nominated representative.

Unless otherwise determined by the department, the Panel will review significant development proposals (as defined below) across the state, including but not limited to:

- Any project referred to the Government Architect by the Minister or their delegate for advice and recommendations may be required to undertake Design Review at the discretion of the Government Architect;
- All projects subject to the Secretary's Environmental Assessment Requirements (SEARs) that require Design Review;
- All projects on Government-owned land that anticipate public use and/or will impact on the public domain, including Green Grid corridors (current and anticipated);
- Development declared to be **State Significant Development** for the purpose of the *Environmental*

Planning and Assessment Act 1979 as specified by the SEPP (State and Regional Development) 2011 Schedule 2 – identified sites. For a copy of the relevant sections of the SEPP 2011, please see Appendix F

- Development declared to be **State Significant Development** for the purpose of the *Environmental Planning and Assessment Act 1979* as specified by the SEPP (State and Regional Development) 2011 Schedule 1, clauses 13, 14, 15, 16, 17, 18, 19 – *in the case of development specific to Schedule 1 clauses 16, 17, 18 & 19, these projects will only be required to undergo NSW SDRP where these projects will impact on adjacent sensitive or public uses and or include public uses.* For a copy of the relevant sections of the SEPP 2011, please see Appendix G
- Development declared to be **State Significant Development** for the purpose of the *Environmental Planning and Assessment Act 1979* as specified by the SEPP (State and Regional Development) 2011 Schedule 1, clauses 1-12 and 20-24 where development is located adjacent to more sensitive land uses such as residential and/or educational establishments, or within an area of significant view catchments (such as the Harbour), or adjacent to a current or future Green Grid corridor or other significant landscape area.

2. Scope of review

During review sessions, the Panel will provide independent and impartial advice on the design quality of development proposals to the Chair, whose summary recommendations will be informed by the Panel members' advice. The Chair will be the Government Architect or their appointed nominee.

The pilot NSW SDRP is guided by the aims and principles of the Urban Design Protocol for Australian Cities (Appendix C) as well as the objectives of 'Better Placed – an integrated design policy for the built environment of NSW' (Appendix B), and abides by the UK's Commission for Architecture and the Built Environment's (CABE) Principles of Good Design Review (Appendix D) as well as the Department of Planning and Environment Code of Conduct (Appendix A).

Accordingly, the Panel will evaluate all projects against the Objectives for Good Design as defined by 'Better Placed – an integrated design policy for the built environment of NSW.' In the case of any proposal that is subject to SEPP65, the design quality principles identified in SEPP 65 (*State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*) will form the basis of design quality evaluation in concert with the objectives outlined in 'Better Placed.'

In the case of any proposal that is subject to the Education SEPP, the design quality principles identified in the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* will form the basis of design quality

evaluation in concert with the objectives outlined in 'Better Placed' and the 'Design Guide for Schools.'

The Panel will also have due regard to any relevant local, state or national plans, policies and guidelines including, but not limited to Local Environment Plans, Development Controls Plans, urban design strategies and the like. Such documents are to be specified by the GANSW when convening the Panel to review any project.

3. Who sits on the panel

The NSW SDRP panel pool of members will comprise a cross-section of built environment and design professionals, working throughout NSW and across Australia. Members will be registered with relevant professional bodies (in their home state) and bound by respective codes of conduct.

Following an open recruitment process, up to 25 applicants will be invited to serve as members of the NSW SDRP. Panel member tenure will be for a period of two years. At the end of the tenure period, NSW SDRP members may be invited to accept reappointment. Additional panel members will be recruited as required, including specialist experts where the complexity of a proposal warrants in-depth specialist evaluation to support the Panel's consideration.

**NOTE re panel tenure: Anticipating that the SDRP would evolve into an ongoing program at the end of the pilot, having the panel members on longer term contracts will avoid wasting GANSW & DPE resources on another recruitment process – the 24 month agreement does not oblige DPE to make any minimum payment to any panel member during that period of time*

Review sessions will be attended by up to four panel members and the Chair with a minimum of two panel members and the Chair. From time to time a smaller, informal desktop Review session may be convened, requiring a panel of up to two members to attend with the Chair; quorum will be one panel member and the Chair.

**NOTE re number of panel members: experience suggests that large and complex projects (like those typically seen as SSDs) benefit from the breadth of knowledge that a 4x person panel can offer; it helps to address problems of continuity of advice when one or more panel member may be unavailable on the review day; it also helps avoid 'group think' over a longer project time frame*

4. Panel management

The Panel is established in line with the Commission for Architecture and the Built Environment (CABE)'s internationally recognised design review best practice guidance.

GANSW will convene the NSW SDRP and will determine the appropriate location of the review sessions. GANSW staff will provide secretariat support for the delivery of the NSW SDRP program.

5. Role of the chair

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

6. Meetings & advice

Throughout the duration of the pilot period the SDRP will be convened one day per month, with up to 4 project review sessions per day. Separate panels may be convened from the pool of members to address projects according to type, such as for health, education, over station developments, public realm, infrastructure, mixed use, and residential. Some panel members will be requested to appear on multiple panels.

Each session will comprise:

- briefing to panel members (in camera)
- presentation from lead architect presenting the proponent's scheme
- panel questions
- panel review
- chair summary of advice
- panel debrief (in camera)

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

Where possible NSW SDRP secretariat will arrange site visits for all proposals prior to initial review session.

All dates for review sessions will be set 12 months in advance.

7. Review session attendance

The lead architect or project designer will present the proponent's proposal to the Panel, up to five key members of the proponent team (including lead architect) are invited to the review session.

Key stakeholders will also be invited to attend the review session as observers and may be invited to brief the panel on specific issues relating to their respective agencies, including but not limited to: the SSD assessment teams, representatives of the relevant local Council, other NSW Department of Planning and Environment (DPE) staff, and representatives of other agencies as required.

The schedule of review sessions for any project will be confirmed with the agreement of the proponent team, the GANSW and the DPE SSD assessments team.

8. Dealing with interests

All Panel members must adhere to DPE policy – Managing Interests and Disclosing Conflicts of Interest. Please find a copy of the policy in Appendix X.

[http://www.planning.nsw.gov.au/About-Us/Policies/~media/3BB7030A67784A399D2869023C9AC858.ashx](http://www.planning.nsw.gov.au/About-Us/Policies/~/media/3BB7030A67784A399D2869023C9AC858.ashx)

9. Confidentiality

All information relating to any proposal undertaking Design Review is communicated to Panel members and review attendees in the strictest confidence. Upon lodgement of an application, the Government Architect's final recommendations and advice which have been informed by the NSW SDRP will be made publicly available during the assessment exhibition period.

10. Panel member remuneration

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 (except in the case of remote or interstate panel members):

	Half day	Full day
Panel member:	\$1,000	\$1,800

The NSW SDRP pilot will be fully subsidised by the Department for Planning and Environment for the period of the pilot trial.

Appendix

a. Code of conduct

<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/code-of-ethics-and-conduct-2015-09.ashx>

b. Better Placed

<http://governmentarchitect.nsw.gov.au/>

c. National Urban Design Protocol

<http://urbandesign.org.au/>

d. Principles of Good Design Review

For Design Review to bring benefits to everyone, it must offer consistently high standards in the quality of the advice it offers. These high standards are summarised as eleven principles of good Design Review:

1. Independent Good Design Review is independent. It is conducted by people who are separate from the project promoters, decision-makers or any other parties that may have an interest. The SDRP Panel acts as an independent body to provide advice free from any potential conflict of interest. It offers impartial advice which is not influenced by the client, the local authority or the design team and is based solely on the design quality.

2. Accountable The Panel records and explains the advice it gives and is transparent about potential conflicts of interest. The members are bound by the codes of conduct applicable to their profession.

3. Expert The Panel must be comprised of a diverse range of individuals with an equally diverse variety of professional skills and backgrounds. They are experts who are highly competent in their fields and can appraise schemes objectively. Members must be registered with relevant professional bodies (in their home state).

4. Advisory The Panel does not make decisions, but offers impartial advice to decision-makers that will lead to improvement of schemes reviewed. The Panel will help assess designs from a broader perspective and identify any fundamental weaknesses while supporting decision-makers to construct a strong design-based argument in order to resist poorly designed schemes.

5. Accessible Findings must be clearly expressed in language that decision-makers and clients can understand and use. Local residents, action groups and the media are likely to be interested in the Panel's views. Design Review staff and Panel members should be prepared for scrutiny of their work, so the process needs to be as transparent as possible.

6. Proportionate Design Review is used where projects are significant enough to warrant the investment needed to provide the service (taxpayer-funded or otherwise). Other methods of appraising design quality should be used for less significant projects.

7. Timely Review takes place as early as possible in the life of a design – ideally at concept design stage – because this is when changes can be made with minimal time and cost implications. The Panel feedback is communicated through the GANSW recommendations quickly so that these can be incorporated into the project.

8. Objective The Panel appraises projects 'in the round', according to reasoned, objective criteria. It is not influenced by the stylistic tastes of individual Panel members. The Panel can assess a scheme within the widest context of good practice and exemplars from further afield. It offers an objective critique of the quality of the design, whatever its style. The expert advice given by the Panel is unbiased and free of subjectivity.

9. For public benefit Design Review is focused on outcomes for people. It evaluates how a building or place can better meet the needs of the people using it and of anyone who is affected by it.

10. Improves quality The Panel constructively seeks to raise the quality of all design-based projects. When reviewing design quality, it considers how schemes will realise best value from public investment.

11. Consistent Every effort will be made to keep the same Panel members on the SDRP throughout the life of the project. This will ensure consistency of comments as the project evolves.

e. Local / State / National Guidance Docs (as required)

f. SEPP (State & Regional Development) 2011 Schedule 2

g. SEPP (State & Regional Development) 2011 Schedule 1

h. Managing Interests and Disclosing Conflicts of Interest Policy

NSW Department of Planning and Environment (DPE)