



Design Review Panel Terms of Reference

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The North Sydney Regional Organisation of Councils (NSROC) has agreed to establish a Task Group to investigate the establishment of a Design Review Panel (DRP) that may serve as a resource for each of the member councils.

This document lays out the Terms of Reference (ToR) for the establishment of the North Sydney Regional Organisation of Councils Design Review Panel (NSROC DRP).

The ToR will be used to assist in the establishment of a group of interested built environment and urban design professionals who will form the NSROC DRP. The NSROC DRP will become a joint resource pool that NSROC member councils may draw upon when convening a DRP to assist in the review of their specific development and project assessment and review requirements.

The ToR will be a single document endorsed and adopted by NSROC. It will be augmented through specific guidelines established by each individual member council that will prescribe how the design review process is applied in each local government area.

1. Purpose

The role of the NSROC DRP (the Panel) is to provide a resource of independent, expert and impartial design advice on the design quality of Development Applications and Planning Proposals to assist NSROC constituent member councils in assessment and forming their advice to proponents and to the consent authority.

The member councils may elect to seek the input from the Panel from the pre-lodgment stage through the assessments process and may in some instances extend through to construction. In using the Panel NSROC seek to ensure better-informed assessment, and support proponents and decision-makers to achieve better designed outcomes.

Role of the Panel

The role of the Panel is advisory only. Recommendations or comments provided in response to proposals by the Panel will inform the assessment process through member councils. Any recommendations or comments given by the Panel will be issued subject to endorsement by the relevant Council.

The Panel will review Development Applications and Planning Proposals and provide advice as sought, including but not limited to:

- Any large buildings such as Residential Flat Buildings, and
- Any project where in the opinion of the member Council the development that is likely to benefit from design review.

2. Scope of review

During review sessions, the Panel will provide independent and impartial advice on the design quality of Development Applications and Planning Proposals to the Chair, who will summarise recommendations in a report informed by the Panel members' advice.

The Panel Chair will be a member of the Panel.

Accordingly, the Panel will evaluate all projects in accordance with 15 – Principles of Good Design Review.

In addition, the Panel shall give consideration to **Objectives for Good Design** as defined by 'Better Placed – an integrated design policy for the built environment of NSW (GANSW July 2017).'

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.'

The Panel will also have due regard to any relevant local, state level plans, policies and guidelines including, but not limited to the Local Strategic Planning Statement, Design Excellence Requirements, Local Environment Plans, Development Controls Plans, Precinct Character Statements, Community Strategic Plans urban design strategies and the like. Such documents are to be specified by the Council when convening the Panel to review any project.

3. Panel Membership

The Panel pool of members will comprise a cross-section of built environment and urban design

professionals. Members will be registered with relevant professional bodies (in their home state) and bound by respective codes of conduct.

To ensure the Panel's independence, a Panel member cannot be a Council official.

A designated member of the Design Review Panel will be the Panel Chairperson. The role may be shared by more than one Panel member.

Following an open recruitment process, up to 25 applicants will be invited to serve as members of the Panel. Each participating council shall select members from the panel for use.

Member tenure will be for a period of two years. At the end of the tenure period, Panel 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.

NSROC will also draw resources from the following:

- Member councils existing Design Review Panel members
- NSW State Design Review Panel Members (and prequalified professionals as advised by the Government Architect NSW)

4. Panel Selection and Tenure

The Panel will be established for a 2 year tenure period. The continuation of the Panel will be subject to NSROC review and consideration.

NOTE regarding panel tenure: The 2 year agreement does not oblige NSROC (or constituent council Members) to make any minimum payment to any Panel member during that period of time.

Review sessions will be attended by a minimum of three Panel members including the Chair. The number of Panel members shall be at the discretion of each council. This does not intend to limit councils to seek Panel members for smaller formal and informal desktop review sessions.

5. Panel establishment and on-going management

The Panel will be established by NSROC, with funding sought from each constituent member council. Once established the Panel will be pre-qualified for the tenure period with each constituent member council to provide advice and be a member of a Design Review Panel as convened by any member council.

The Panel shall be formally known as the:-
North Shore Regional Organisation of Councils Design Review Panel (NSROC DRP).

Each NSROC constituent member council may seek the services from the Panel membership to convene a panel or seek formal and informal review.

6. Panel Secretariat

Each Panel will be convened by the Council Panel Secretariat (Secretariat) of the relevant Council, who will arrange any proponent invoicing and Panel payment.

A designated council officer will be the Panel Coordinator. The role may be shared by more than one council officer.

Panel Coordination

The Secretariat will share the following with NSROC:

A timetable of proposed panels including the following:

- Project types and scope
- Panel members (if available)
- Number of projects to be reviewed (including any vacant timeslots available).

7. Panel Chairperson Role and Responsibility

The Panel 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. Responsibility for final advice and recommendations rests with the Chair.

The responsibilities of the Chairperson include:

- To ensure meetings operate in an orderly and timely manner, follow the agenda and adhere to the allocated time frames.
- To ensure the Panel provides advice and recommendations consistent with the Scope of Review.
- To ensure the Panel report presents a single, majority view.
- To liaise with NSROC, the Panel Secretariat and council officers about the operation of the Panel, as required.

8. Meetings & Advice

Panels will be convened as required to suit each NSROC member council project review requirements. Separate panels may be convened from the pool of members to address projects according to type and the review skill set appropriate. Some Panel members will be invited to appear on multiple panels.

Each session (in camera) will comprise:

- Briefing to Panel members
- Presentation from lead architect presenting the proponent'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 the Secretariat or nominated officer and will be distributed to council within seven working days of the review.

The Panel members are to undertake site review/inspections at their convenience prior to the meeting to become familiar with the context of the project/proposal taking into account the existing context, location and any site constraints or considerations that may have an effect or impact the project/proposal. Where possible the Secretariat will arrange site visits for all proposals prior to the initial convened Panel review session.

9. 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, including but not limited to: relevant local council, other NSW Department of Planning and Environment (DPE) staff, and representatives of other agencies as required may 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.

10. Dealing with interests

Relevant council policy.

11. Confidentiality

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

12. 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.

13. Establishment, payment and management of Panel

The NSROC pilot establishment will be fully funded through NSROC, (via a contribution from each member council), following the establishment of the Panel, each NSROC member will fund, manage and convene any panel sittings required.

14. Design Review Panel Funding

Costs shall be recovered as per Clause 248 of the *Environmental Planning and Assessment Regulation 2000*.

15. 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. The NSW State Design Review Panel Pilot has summarised these high standards 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 and declared conflict of interest. The members are bound by the codes of conduct applicable to their profession and as a “designated person” under the Local Government Act - Obligations for Pecuniary Interests Section 441.
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, noting that Panel deliberation is not public, 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 to reasoned, objective criteria, and 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. This includes giving regard to city resilience (capacity to survive, adapt and thrive) in the face of climate change related stresses.
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 any project evolves.

12. Good design comes in many forms and is defined by much more than how something looks. It starts from refining the purpose and aspiration of a project, improves how it works, creates additional benefits and elevates how people feel and behave in the final outcome. Good design creates inspiring places and greater lasting financial value. And of course, good design also looks and feels good.

Good design is critical in creating high-quality buildings and public places that are:

- fit for purpose and adaptable to changing needs;
- engaging and create a strong sense of place;
- able to engender civic pride and wellbeing in the community;
- inclusive, culturally rich and diverse;
- sustainable environmentally, economically and socially; and
- an enduring legacy in the built environment.

16. Other Guiding Documents:

The pilot NSROC DRP is guided by:

The aims and principles of the Urban Design Protocol for Australian Cities as well as the objectives of 'Better Placed – an integrated design policy for the built environment of NSW' and Better Methods developed by GANSW.

17. Timing of Advice:

- Pre Lodgement
- DA Review

18. Glossary

A

Architect

In NSW when the word 'Architect' is used on its own, it refers to a person who is registered as an Architect under the Architects Act 2003.

C

Council

Local Government Authority, including elected officials.

D

Design Excellence

Design Excellence is a term that exists in statutory planning to refer to the design quality of a building or project and to a variety of requirements intended to lift design quality through the application of a Design Excellence Clause within a Local Environment Plan. The description of Design Excellence is broadly consistent across planning legislation where it is often summarised as 'the highest standard of architectural, urban and landscape design'.

Design Excellence Clause

A specific Design Excellence Clause within a Local Environment Plan.

Design Review

Design Review is peer-review process where a panel of qualified design professionals reviews the evolution of a project at key design and delivery milestones. Design Review is recognised to be effective in raising design standards and aspirations.

Design Review Report

A report prepared by the council Secretariat under the direction of a Design Review Panel Chair.

Design Excellence Review

Design Excellence Review is peer-review process where a panel of qualified design professionals selected by council reviews a project where the Design Excellence Clause applies. Design Excellence Review is recognised to be effective in raising the highest standard of architectural, urban and landscape design.

Design Review Panel (the Panel)

A recognised Panel of qualified design professionals selected from a prequalified pool, engaged by council, who provide independent, impartial advice on design and or development proposals and applications to lift the design quality of projects.

Design Review Panel Chair

Selected by council the Chair formally convenes the Design Review Panel and is responsible for conducting the review process. The role of the Panel Chair becomes particularly important if the Panel's decision is split or conflicting. The ability of the Chair to negotiate disagreement and explore acceptable compromises is essential in achieving a positive conclusion.

Designated Person

A Panel member, including the Chair is defined as a "designated person" under the Local Government Act - Obligations for Pecuniary Interests section 441.

G

GANSW

The Office of the Government Architect NSW provides strategic design leadership in architecture, urban

design and landscape architecture.

L

Landscape Architect

For the purposes of these Design Excellence Competition Guidelines, a landscape architect is a qualified and recognised and registered as a professional active in the field of Landscape Architecture who has demonstrated experience of delivering Design Excellence in their work.

P

Proponent

A person or organisation who has a design, development proposal or planning proposal subject to review under the NSROC DRP. The Proponent is usually the client / landowner.

- ENDS -