

NSW State Design Review Panel

Terms of Reference

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This document lays out the Terms of Reference for the State Design Review Panel and its constituent members. The State Design Review Panel program is delivered by the Government Architect NSW (GANSW). It is co-funded by the NSW Department of Planning, Industry and Environment, participating agencies and project development teams.

1. Purpose

The role of the 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 and Public Spaces, where the Minister is the consent authority. From the early pre approval design stages 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. The advice provided will not fetter the independence of the Consent Authority.

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 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 A(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 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 A(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.
- Any project referred to the Government Architect by the Minister or their delegate for advice and recommendations where the planning approval pathway has not yet been determined.
- Any project, including State Significant Development, State Significant Infrastructure and State Significant Precincts, referred to the Government Architect by the Minister or their delegate for advice and recommendations.
- Planning Proposals referred to the panel by the Minister or their delegate for advice and recommendations to support Gateway assessments.

2. Scope of review

During review sessions, the Panel will provide 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 a senior GANSW staff member.

The SDRP 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 abides by the UK Design Council's 10 Principles of Design Review as well as the Department of Planning Industry and Environment Code of Conduct. All documents can be found in 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.'

3. Panel membership

The SDRP is supported by a pool of expert members comprising a cross-section of built environment design professionals working across NSW and nationally. Members are eligible for registration with relevant professional bodies (in their home state) and registered

members are bound by respective codes of conduct.

The SDRP pool is complemented by the State Government Design Champions, a group of State Government design experts. Design Champions may be called upon to act as panel members in some instances, or to provide briefings to panels or GANSW on specific issues or projects.

Panel member tenure will be for a three year initial term plus 2 x 1 year options. At the end of the tenure period, SDRP pool 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 advice.

Review sessions will typically be attended by four panel members and the Chair, with a minimum of two panel members and the Chair. For larger and more complex projects additional panel members may be recommended.

4. Panel management

The Panel is established in line with the UK Design Council's internationally recognised design review best practice guidance.

GANSW will convene the SDRP and will determine the appropriate location of the review sessions. A GANSW Design Advisor will be appointed to each project to support the delivery of the SDRP program. The Design Advisor's role will include liaison with the proponent, design team and key stakeholders and preparation of draft advice letters.

5. Role of the chair

The Chair is the NSW Government Architect or a senior GANSW staff member. The Chair is responsible for clarifying and summarising the Panel's comments, and subsequently providing advice, informed by the Panel's expertise, to the consent authority and the proponent team. As the Government Architect's representative, responsibility for final advice and recommendations rests with the Chair.

6. Meetings & advice

The SDRP will be convened fortnightly with up to 4 project review sessions per day. In addition, dedicated sub-panels may be established in coordination with agencies and DPIE to support individual large projects or large project volumes by a single agency. Some panel members may be requested to appear on multiple panels.

Each session will typically comprise:

- Pre-briefing (in camera)
- Acknowledgement of Country
- Project introduction
- Presentation
- Questions and clarifications
- Review
- Reply
- Summary

— Debrief (in camera)

For further information on session structure refer to GANSW advisory note SDRP program: guidelines for project teams.

Final advice and recommendations, as endorsed by the Chair, will be recorded by the Design Advisor and will be distributed to attendees within seven working days of the review.

All dates for SDRP review session will be set 12 months in advance. Dates for sub-panel and special sessions, where required, will be established on a case by case basis according to the agreement with the relevant agency.

7. Review session attendance

Participants:

- SDRP Chair and panel
- Proponent Team (5 maximum)
- Design Team (5 maximum)
- GANSW Design Advisor / Secretariat / Manager

Observers:

The following observers will be invited to attend the pre-briefing and debriefing sessions, with a limit of two observers for each stakeholder:

- DPIE representatives
- Council representatives

The Chair may invite additional observers to attend the panel pre-briefing and debriefing sessions with a limit of two observers per stakeholder. This will be at the discretion of the Chair, and may include but will not be limited to the following:

- GSC representatives
- Other relevant agencies

8. Agenda Pack

The Agenda Pack includes the Agenda, Project Information Form, any advice letters from previous sessions and the Design Package. This shall be distributed to the following:

- SDRP Chair and panel
- DPIE representatives

The Agenda Pack may be distributed to additional observers at the discretion of the Chair. This may include but will not be limited to the following:

- Council representatives
- Other relevant agencies

9. Dealing with interests

All Panel members and State Government Design Champions must adhere to DPIE policy – Managing

Interests and Disclosing Conflicts of Interest (Appendix A).

State Government Design Champions are not permitted to act as panel members for projects being undertaken by the agency where they are employed.

10. Confidentiality

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

11. 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

Exceptions:

State Government Design Champions will not receive remuneration.

Panel members may include individuals employed by the NSW Government under the *Government Sector Employment Act 2013* who have been approved by their Government sector agency to provide Panel services (Approved Government Sector Employees). Approved Government Sector Employees will:

- provide Panel services during normal work hours;
- will not be remunerated for Panel services; and
- there will be no remuneration adjustment between the Department of Planning, Industry and Environment and the Approved Government Sector Employee's Government sector agency.

Panel members are required to inform GANSW if the circumstance of their employment status changes.

SDRP members may be asked to participate in panels established by other agencies or organisations. Rates for external engagements may differ from the above and separate contract arrangements will be required. GANSW is not responsible for any advice provided by SDRP members contracted directly by other agencies or organisations.

Appendix A

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. Design Council, UK

<https://www.designcouncil.org.uk/resources/guide/10-principles-design-review>

d. National Urban Design Protocol

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

e. SDRP Standards

For Design Review to succeed, it must be carried out using a robust and defensible process, offering consistently high standards in the quality of its advice. There are ten fundamental principles which set out the standards required for a successful Design Review.

1. Independent

It is conducted by people who are unconnected with the scheme's promoters and decision makers, and it ensures that conflicts of interest do not arise.

2. Expert

It is carried out by suitably trained people who are experienced in design and know how to criticise constructively. Review is usually most respected where it is carried out by professional peers of the project designers, because their standing and expertise will be acknowledged.

3. Multidisciplinary

It combines the different perspective of architects, urban designers, urban and rural planners, landscape architects, engineers and other specialist experts to provide a complete, rounded assessment.

4. Accountable

The Review Panel and its advice must be clearly seen to work for the benefit of the public. This should be ingrained within the panel's terms of reference.

5. Transparent

The panel's remit, membership, governance processes and funding should always be in the public domain.

6. Proportionate

It is used on projects whose significance, either at local or national level, warrants the investment needed to provide the service.

7. Timely

It takes place as early as possible in the design process, because this can avoid a great deal of wasted time. It also costs less to make changes at an early stage.

8. Advisory

A design review panel does not make decisions, but it offers impartial advice for the people who do.

9. Objective

It appraises schemes according to reasoned, objective criteria rather than the stylistic tastes of individual panel members.

10. Accessible

Its findings and advice are clearly expressed in terms that design teams, decision makers and clients can all understand and make use of.

f. Local / State / National Guidance Docs

(as required)

g. SEPP (State & Regional Development) 2011

Schedule 2

h. SEPP (State & Regional Development) 2011

Schedule 1

i. Managing Interests and Disclosing Conflicts of Interest Policy

NSW Department of Planning Industry and Environment (DPIE)

<http://www.planning.nsw.gov.au/About-Us/Policies/~media/3BB7030A67784A399D2869023C9AC858.ashx>