

Local Government Design Review Panel Manual

Government Architect NSW

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Acknowledgement of Country

The Department of Planning and Environment acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We honour Australian Aboriginal and Torres Strait Islander peoples' primary cultural and spiritual relationships to place and their rich contribution to our society. To that end, all our work seeks to uphold the idea that if we care for Country, it will care for us.

The Rock Nature Reserve – Kengal
Aboriginal Place. Photo: Destination NSW.



Cover image: Newcastle East End. Photo: Brett Boardman.

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**GOVERNMENT ARCHITECT
NEW SOUTH WALES**

This document was prepared by GANSW for DPE.

About this manual

This manual provides advice on how to establish, manage and participate in a design review panel convened by a local council.

Who is this manual for?

The manual is for:

- councils establishing a new local government design review panel (LGDRP), or reviewing their existing design review panel processes
- council staff engaged in managing design review panels
- design professionals engaged as members of a local government design review panel
- development applicants and design teams whose projects will undergo design review by a local government design review panel
- others who may be involved in design review panels, for example as observers of a design review panel session.

How to use this manual

Part 1 explains what design review by a local panel is, where and when it applies, the protocols for good design review, and what to avoid.

Part 2 gives guidance on how to establish a local government design review panel and describes the roles and responsibilities of panel members and council staff.

Part 3 provides detail on how a panel operates, including timing and staging of tasks.

Part 4 sets out key governance issues and describes the design advice letter and the design review report.

Part 5 contains case studies providing examples of how design review by a local panel adds value.

Appendix A is a template for the terms of reference for a local government design review panel.

Appendix B is a template agenda for a local design review panel session.

Appendix C is a template design advice letter.

Appendix D is a template design review report.

Policy context

The NSW planning system is guided by the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act), the Environmental Planning and Assessment (EP&A) Regulation, various state environmental planning policies (SEPPs) and local environmental plans (LEPs). Design review is referred to in a range of legislative and policy documents.

Environmental Planning and Assessment Act 1979

Design quality is integrated within this legislative framework through the objects of the EP&A Act which include 'to promote good design and amenity of the built environment'.

Environmental Planning and Assessment Regulation 2021

The EP&A Regulation provides the legislative framework and sets requirements for design review. It takes precedence over the Local Government Design Review Panel Manual. The Manual should be read in conjunction with the EP&A Regulation.

State environmental planning policies

Some SEPPs require projects that meet certain criteria to be reviewed by a design review panel. This may include, but is not limited to, residential apartment development.

Local environmental plans

Many LEPs include what is commonly called a 'design excellence clause'. Typically, this clause will refer to design excellence competitions, design review, or both, as ways of improving the quality of the built environment.

PART ONE

Understanding design review panels

A design review panel is a panel of expert and independent design professionals that provides constructive feedback on the design quality of development proposals and strategic design projects.

The aim of participating in design review is to help applicants, design teams, local councils and other consent authorities by providing expert, context-specific design advice that will contribute to improving the design quality of the built environment and facilitate smooth assessment processes.

Design review can benefit any scale of project, from whole neighbourhoods to small individual buildings.

Design review done well creates benefit for all by:

- improving design quality – adding value to development for both the applicant and the community
- supporting high-quality, innovative design, particularly where a better design outcome may not be fully compliant with the planning controls
- streamlining the approval process and saving time and money by identifying potential risks to development approval early on
- facilitating an integrated evaluation of design proposals through which infrastructure, context, heritage, sustainability, buildability and planning for the future are all considered
- adding to the knowledge and understanding of good design within local councils, including accruing positive benchmarks for future development
- ensuring a balance is found between the needs of the community and commercial outcomes
- providing access to expert independent design advice on council-led strategic design projects
- giving the applicant and design team access to a panel of professionals with extensive industry experience and expertise.

1.1 Which projects go to a local government design review panel?

For local government areas where there is a LGDRP, development proposals are required to be reviewed by the panel when an environmental planning instrument such as a state environmental planning policy or a local environmental plan stipulates design review.

Other project types can receive advice from a design review panel at the request of the consent authority, either before or after the submission of a development application. When deciding whether a project will be brought to a design review panel session, the consent authority should consider whether design review will benefit all stakeholders, and whether the development:

- is of a high value relative to other projects in that local government area (LGA)
- is an unusual type or larger scale for that LGA
- is likely to have a significant impact on the public realm.

A project would not usually be reviewed by a local design review panel if the project is required to:

- undergo a design excellence competition
- be reviewed by the NSW State Design Review Panel.

Design review panels may also provide independent advice to consent authorities on planning proposals, design principles for local environmental plans, development control plans, precinct plans and other design-related policies. This may include design-related controls and advice on methods to achieve design quality.

1.2 When should a design review panel session take place?

Design review can happen before or after the lodgement of a development application, or when a modification to a development application is lodged.

The advice of a design review panel is of the greatest value while a proposal is in the early concept and schematic design stages, when the time and cost of incorporating valuable ideas from the panel are minimised. The first design review panel session can occur as soon as there is enough information for the panel to understand the primary intent of the design and how that design responds to the wider context.

Design review that occurs after lodgement will inform the consent authority about the

relative design quality of the proposal and inform the authority's assessment accordingly. Where the design review panel has made recommendations the assessment planner supports, and these cannot be implemented through a condition of consent, the applicant may be required to change the design to achieve development approval. Consequently, in order to gain the greatest benefit and to reduce the likelihood of the delays and additional costs associated with re-design, an applicant should seek to engage with the design review panel before lodging a development application.

1.3 How many design review panel sessions will be required?

One design review panel session will satisfy the requirement for design review. The applicant should adopt the advice of the panel, or provide justification where the advice cannot be adopted.

Projects can gain value from more than one design review panel session, for example where:

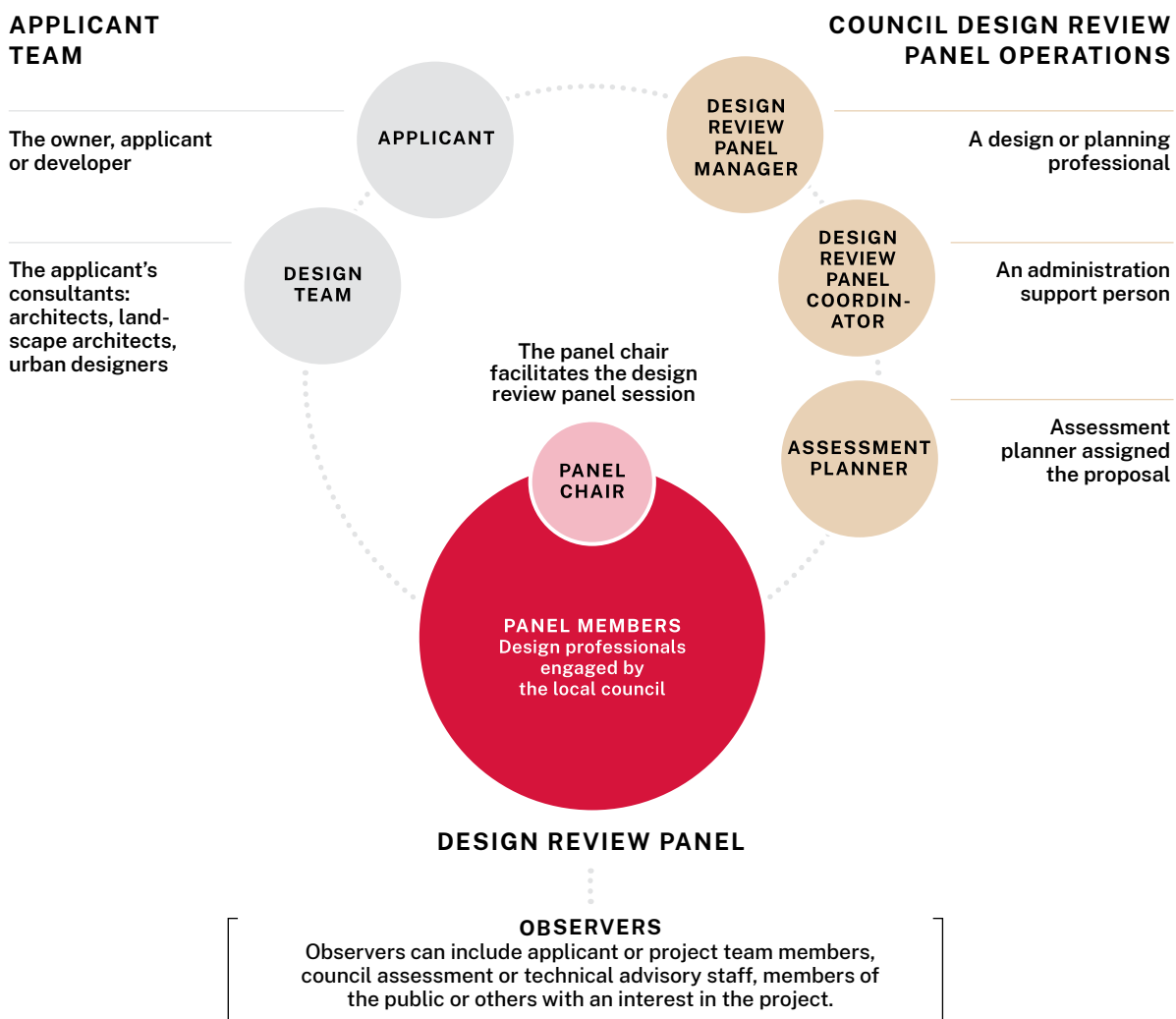
- the project is complex or large
- significant design concerns are raised
- the design fails to demonstrate a reasonable response to the advice of the design review panel
- there is a modification to a development proposal that incorporates significant changes to the design.

1.4 Who participates in design review?

A design review panel requires the commitment of many individuals and organisations. It is most likely to be successful when everyone involved has a good understanding of their role.

Figure 1 shows the relationships between the various roles. The detailed responsibilities for each role are set out in the sample terms of reference (see Appendix A).

Figure 1: Organisational chart of design review participants



1.5 NSW protocols for good design review

The aim of design review is to raise the quality of our built environment for the benefit of all, bringing social, environmental and economic value. The following protocols for good design review should form a part of a panel's terms of reference, and inform the establishment, operation, monitoring and evaluation of design review panels.



Advisory

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



Expert

Design review panel members are experienced and respected design professionals who can clearly communicate their analysis and feedback.



Consistent

The advice received across subsequent design review panel sessions is consistent. Panel members remain the same across sessions or are well-briefed and respectful of previous advice.

Independent

Design review is conducted by people independent of any conflict of interest. Information about the terms of reference of the panel, including membership and funding, is publicly available.

Diverse

A design review panel is representative of diverse professional design expertise, gender, cultural background and lived experience.

Objective

The panel's advice and analysis is objective, clear, concise and constructive. It does not reflect the individual taste of panel members.

Timely

Design review takes place as early as possible in the design development process, is scheduled within a reasonable time frame, and design advice is issued promptly.

Respectful

All parties behave with respect towards each other and within appropriate codes of conduct. All parties display respect for the process and the time commitment of others by being well-prepared.

Relevant

The panel's design advice is relevant to the project stage and scale, focused on design, and is informed by an understanding of the impacts on costs and timing. The applicant and design team clearly demonstrate how the design responds to the panel's advice.

Accessible

Design advice, presentations and reports use language and drawings that are easily understood by design teams, the applicant, the consent authority and the public.

1.6 What to avoid

Poor design review processes can create frustration and confusion for all parties. The process can be unsuccessful when:

Panel members give advice that is unclear, contradictory or outside the remit of the design review panel.

The members of the panel change from one panel session to the next, requiring presentations to be repeated and risking that advice is not consequent or mindful of previous feedback. This can result in delays and extra costs to the applicant and consent authority.

Design review panel sessions are not scheduled in a timely manner, causing delays to the project.

Panel members are not sufficiently experienced in the type of project being reviewed, or have not sufficiently reviewed the project material before the design review panel session.

Panel members are not clear in their communication.

Applicants, panel members or council staff behave in a manner that is disrespectful or ill-informed.

The applicant is not well-prepared, presents incomplete information, or fails to respond to advice from the panel.

Applicants do not support their design team to develop the design in response to advice of the panel.

Insufficient background and supporting information has been provided to the panel.

The advice provided is contrary to controls or legislation, without an understanding of the implications.

A description of the general context of the project, including commercial considerations, the target end users or the long-term future of the area, is not provided by the applicant or considered in the panel's advice.

PART TWO

Establishing a local design review panel

This section provides guidance for local councils on how to establish a new design review panel or improve the processes of an existing design review panel.

2.1 Terms of reference

Recommended terms of reference for local government design review panels are provided as a template in **Appendix A** of this manual.

2.2 Fees, costs and benefits

The fees a consent authority can charge an applicant for review by a design review panel are set by the EP&A Regulation. The consent authority is responsible for funding design review panels and paying the panel members.

When determining funding and payment arrangements with design review panel members:

- Where more than one council is involved in the operation of a design review panel, the councils should fund the panel's operation on an equitable basis, for example, based on the number of development applications referred to the panel by each council.
- Councils should pay each panel member taking into consideration the time taken to prepare for, participate in and review discussions after design review panel processes.

The benefits and costs of design review panel processes are shared by the applicant and the consent authority. The authority will not be able to cover all the costs of establishing and managing a design review panel within the fee paid by the applicant, however, it will benefit from design review through streamlined assessment processes and the building of in-house design expertise.

The applicant will pay the design review panel fee as part of the development application fees, and will have additional costs relating to the work of the design team in preparing for and presenting to the panel. The applicant will benefit through an improved design outcome and a more efficient assessment process.

All parties should be mindful of the costs of participating in design review using a design review panel, and aim to ensure optimum value is achieved through good preparation and respectful interactions.

2.3 Council resources supporting design review panels

People

The local design review panel will require internal resourcing by the local council.

Councils will get the most benefit from design review when they take a collaborative and integrated approach across assessment, technical and strategic teams. To support this collaboration, it may be helpful if key representatives from these council teams meet before a design review panel session to discuss all aspects of the project and, where relevant, contribute to the panel briefing.

Assessment planners should be present at design review panel sessions to provide advice on planning, if requested, and so they are aware of the reasoning behind any advice from the panel which may support non-compliance with planning controls. Strategic planning staff should be kept informed of the work of the design review panel so recurring issues and opportunities can inform strategic planning and other council work. Council staff should be encouraged to attend design review panel sessions from time to time as observers.

Council staff should be provided with an induction and training, and allowed time for their participation.

Facilities

Face-to-face panel sessions will require a reasonable-sized room with presentation technology, with a second room to be used as a waiting room for the applicant and their design team. Design review panels can also be run successfully through online sessions.

Supporting material

Council may find it useful to prepare a set of information sheets, templates, checklists and forms to help participants understand the design review panel process and what is expected of them.

2.4 Appointing panel members

The selection of panel members for a design review panel is crucial to its success. Their appointment should take place through a well-publicised and targeted process seeking expressions of interest, or equivalent, to ensure members are appropriately qualified and experienced.

To convene a panel of 3 or more members, appointing a panel pool of 7 to 10 people is recommended.

A typical panel pool would be made up of:

- 3 to 5 core panellists, including the chair, who have expertise in architecture, landscape architecture and urban design
- 2 or 3 additional panel members with specialist design expertise in areas such as heritage, environmental sustainability or Aboriginal culture and heritage
- 2 or 3 ‘alternates’ may also be appointed. These are people who can stand in should a core panel member be unavailable.

2.5 Panel member experience and expertise

Panel members should have:

- broad experience in their design discipline
- a demonstrable understanding of good design
- a demonstrable commitment to projects of high design quality that benefit the public
- experience in designing, delivering or critiquing projects of the scale that would typically be seen by the design review panel
- the ability to be analytical and critical while maintaining a constructive and professional tone
- an understanding of the general context of the project, including commercial considerations, the target end users or the long-term future of the area
- excellent written and verbal communication skills.

Diversity is an advantage in the composition of a design review panel as it allows for a broad understanding of the impact a development may have on the wider community. The panel pool should aim to include Aboriginal design professionals that can be called upon to provide integrated advice and an understanding of culture and Country.

2.6 Panel member training and induction

Panel members should complete an induction and training before the first session of a design review panel. As a minimum, induction should cover:

- the relevant parts of the EP&A Act, Regulations and any environmental planning instruments which may contain references to the functions and responsibilities of design review panels
- conflicts of interest and codes of conduct
- confidentiality, and completing confidentiality forms as necessary
- the NSW protocols for good design review
- the local planning context
- confirmation of panel members being available for all sessions.

PART THREE

Design review panel operations

3.1 Scheduling design review panel sessions

The applicant should contact the consent authority as soon as possible and confirm a date for the design review panel session to ensure the timing works well with the applicant’s time frame.

3.2 Preparing for a design review panel session

A successful design review panel process depends on good organisation, integration with planning processes, and clear communication between design teams, applicants, panel members, the assessment planner and other council staff who need to be involved. The following tasks will need to be completed well before the day of the design review panel session.

Confirming attendance of panel members

The design review panel manager should confirm all planned panel members can attend each session.

Where a proposal requires more than one panel session the panel should consist of the same members wherever possible to help ensure consistency. To assist with this, the design review panel coordinator should set panel session dates 12 months in advance. When appointed, panel members should commit their availability for all sessions.

Information for the applicant and design team

The panel manager and coordinator should communicate with the applicant and their design team well in advance of the panel session to ensure they clearly understand what is expected of them. Councils should develop a standard information pack including:

- documentation required to be submitted
- a deadline for the submission of those documents
- a description of the length and style of the presentation and the format for submission
- a list of equipment that will be available to the project team at the panel session
- what to expect regarding the design advice letter and subsequent design review panel sessions.

Figure 2: Preparation and follow-up for panel sessions: suggested time frames

CONFIRM DESIGN REVIEW PANEL SESSION	AT LEAST 10 DAYS BEFORE	AT LEAST 5 DAYS BEFORE	DESIGN REVIEW PANEL SESSION	2 DAYS AFTER	10 DAYS AFTER	WITHIN 14 DAYS
Panel coordinator confirms attendance of panel members and checks for conflicts of interest	Applicant and design team submit presentation documents Panel convener reviews presentation to ensure it is fit for purpose Assessment planner reviews documents and assembles the planning report	Panel coordinator issues a briefing pack to panel members		Panel convener sends a draft design advice letter to the panel members	Panel chair returns the approved design advice letter to the panel convener	The applicant and design team receive the design advice letter

Briefing panel members

Panel members should receive a briefing pack before the scheduled design review panel session, including:

- the documentation from the design team, including legislation compliance tables if submitted
- a summary planning paper from the assessment planner outlining the planning context and any potential planning issues
- the agenda for the design review panel session
- a conflict of interest declaration form, to be completed and returned immediately in case an alternate panel member is required.

Panel members should allow 2 to 4 hours to review the briefing pack for each project and prepare for the session.

Preparation by the panel coordinator

Before the design review panel session, the panel coordinator needs to:

- distribute briefing packs, including the agenda for the day and scheduled site visits where possible
- confirm attendance and resolve any conflicts of interest
- book the presentation and waiting rooms, or set up any links required for conducting the session online.

On the day of the session, the panel coordinator needs to:

- coordinate site visits (where scheduled)
- ensure the design team has its presentation ready and in a format that is suitable for the in-house system
- set up the room and presentation equipment and confirm the applicant and design team have arrived 15 minutes before the scheduled start time.

3.3 What happens on the day

A typical design review panel session requires approximately 75 minutes including presentation, discussion and feedback. Larger and more complex projects such as planning proposals or developments on large sites may need extra time.

It is recommended the panel manager organises site visits for panel members, scheduled for the morning before the panel session or on a separate occasion. This allows the panel members to discuss the project's context before the presentation by the applicant and their design team.

The suggested organisation of a typical day is set out in **Appendix B: Template agenda for a local design review panel session**.

PART FOUR

Deliverables, application and governance

4.1 The design advice letter

The design review panel's advice is set out in a letter addressed to the applicant. The advice should include clear statements supporting the aspects of the proposal that demonstrate good design, and provide suggestions to lift the quality of poorer design.

Advice should be fair and actionable and adhere to the NSW protocols for good design review in being respectful, consistent, relevant, objective and accessible.

The advice letter should follow the format shown in the design advice letter template (**Appendix C**), or use a similar format, and should comment only on issues that are within the framework of the design review panel terms of reference. It should include concise statements explaining:

- the ways in which the design proposal is considered to be successful, identifying specific elements of the design which are supported by the panel and should be retained in the further development of the design
- which design elements are not supported, and recommendations for ways in which the design could improve
- recommended actions to be taken by the design team
- where there is a proposed non-compliance with a planning control, advice on its relative design merits
- a recommendation to the design review panel manager indicating whether the proposal:
 - is supported by the design review panel, or
 - is supported by the design review panel on the condition specific changes are made, or
 - would benefit from further review by the design review panel.

Any advice provided by the panel should be clearly explained so the assessment planner will be able to readily identify whether the panel's recommendations have been implemented successfully. When approving the design advice letter, the panel chair should consider whether some recommendations for change, if relatively minor, may be included as conditions in the development consent.

When the design advice letter has been approved by the panel chair, it is distributed by the panel manager to the applicant, and copies sent to all participants in the design review panel session including the design team, panel members and council staff. The EP&A Regulation sets out the requirements for timely provision of advice.

4.2 Design review report

A design review report is a summary of all the design review panel processes relating to a project. A design review report may be required by an environmental planning instrument, may be required by the consent authority as part of the procedure for assessing the development application, or may be submitted voluntarily by an applicant.

The design review report should explain:

- how the advice of the design review panel has been incorporated into the design of the development
- how the proposed development remains consistent with that advice
- where it departs from that advice, how the proposal still satisfies any relevant design quality principles
- where it departs from the advice, an explanation of how the changes made are a better outcome than those suggested by the panel.

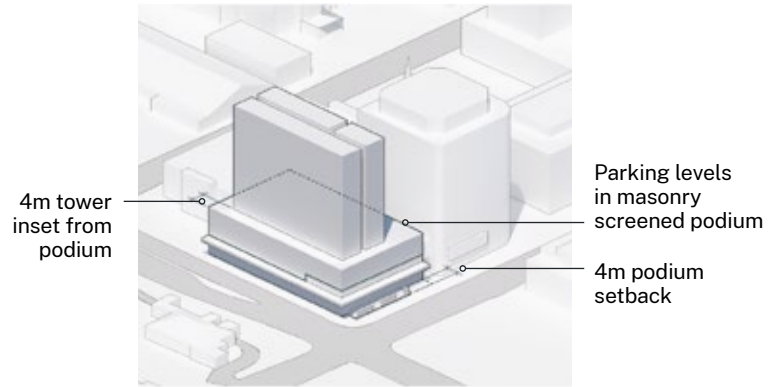
Appendix D: Template design review report may be helpful in further understanding these requirements.

A design review report can include simple diagrams to explain the process of design development in relation to the advice of the design review panel. The project shown in **Figure 3** was seen by a design review panel 3 times. A series of massing options were tested and refined throughout the design process. As a result of this iterative approach, the project achieved better outcomes for the applicant, the neighbouring buildings and the community.

Figure 3: Example of a design responding to advice over multiple design review panel sessions

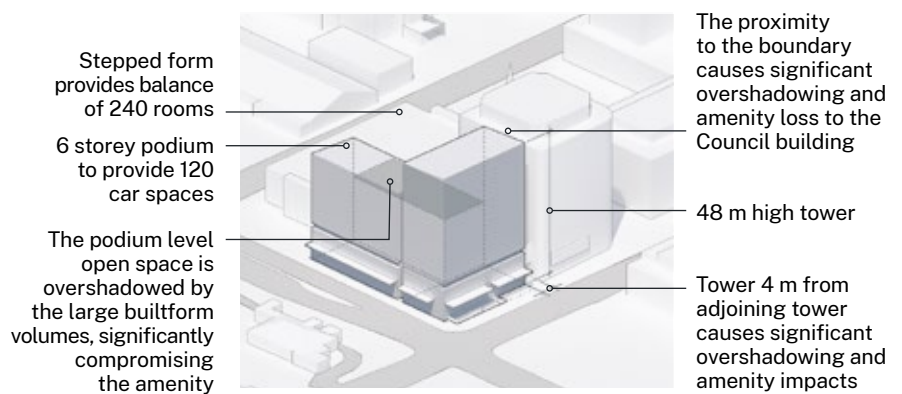
Design review panel 01

The applicant's design team presented a proposal compliant with the local development control plan (DCP). The panel agreed that, although the proposal was complying with the DCP, this would not achieve the best outcome for this particular site. The panel recommended testing ideas that brought the tower to the ground on the 2 street fronts.

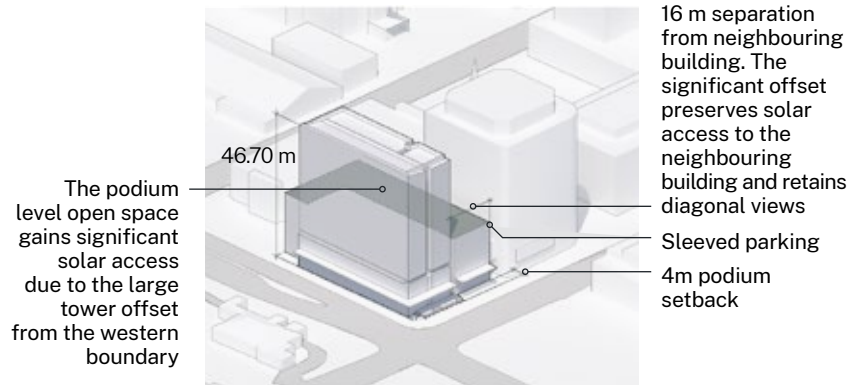


Design review panel 02

The design team modelled the suggestions of the panel. The design now showed a much better response to the urban form and context, but had negative impacts on a neighbouring tower and podium-top open space.

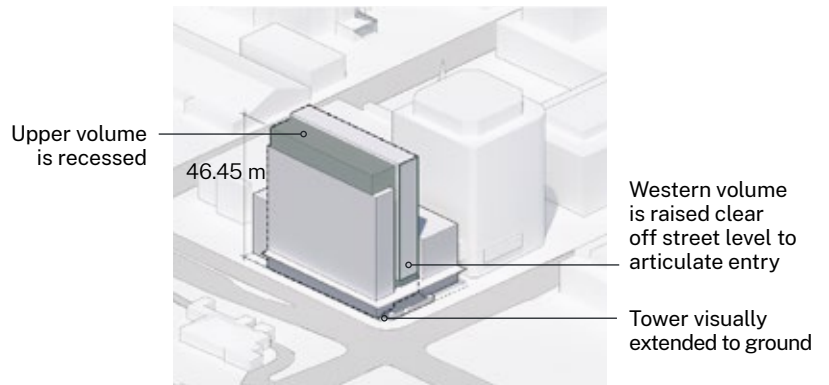


The design team also suggested an alternative design that included a setback to the neighbouring tower, providing better solar access, views and general amenity for both buildings. The panel supported the alternative proposal and suggested further refinements.



Design review panel 03

The proposal was developed in response to the panel's advice. The main tower volume was articulated to better mark the main entry and reduce overshadowing.



Source: Andrew Burns Architecture.

4.3 When a consent authority should return to the design review panel

Council assessment teams and planning panels should consider the advice of the design review report in their assessment reports and in making a determination.

The design review report may be used in the following ways:

- to support the application of relevant planning controls in a flexible manner where the design review panel has identified this will achieve better outcomes
- to establish if the reasonable recommendations of the design review panel have been followed
- as evidence for refusing development consent where the advice of the design review panel has not been adopted.

In some instances, the planning panel may require additional design quality advice or clarification of design quality matters to finalise their recommendations or to make a determination. In this instance, they may refer the project back to the design review panel. The following criteria can be used to establish when to re-engage with the design review panel:

- The application is poor and has not considered the advice of the design review panel – refusal. **No return to design review panel.**

- The application will require minor modifications – to be managed via conditions of consent. **No return to design review panel.**
- The application will require significant modification, and the extent and nature of the modification will require advice from the design review panel. **Return to design review panel.**

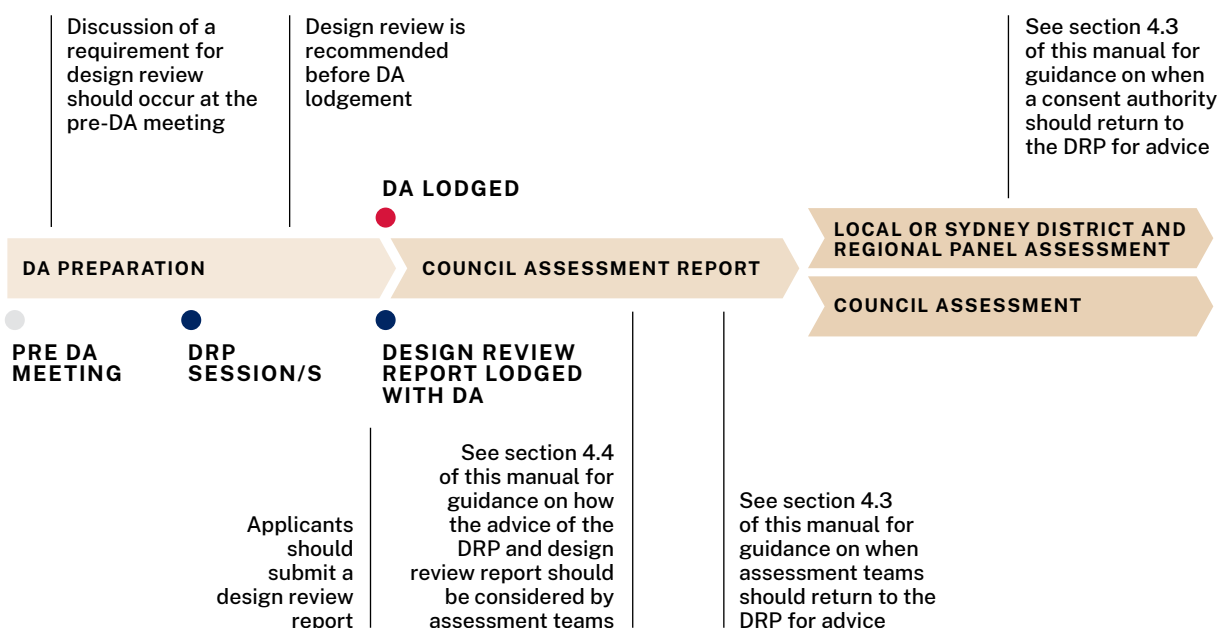
4.4 How design review benefits development assessment

The advice of a design review panel does not constitute approval (or rejection) of a development application. The panel's advice is considered by the consent authority as part of the development assessment process.

The design review panel's advice may be used in the following ways:

- to support the application of relevant planning controls in a flexible manner where the design review panel has identified this will achieve better outcomes
- to establish if the recommendations of the design review panel have been followed
- as support for refusing development consent where the design quality is poor and the advice of the design review panel has not been responded to
- to help with understanding how the proposal achieves relevant design principles
- to help with writing any conditions that may have been recommended by the design review panel.

Figure 4: Alignment with consent authority, including Local and Sydney District and Regional Planning Panels.



Advice from a design review panel will be considered only in the assessment of the specific development proposal it relates to. Development consent decisions based on the project-specific advice of a design review panel do not establish a precedent for other development proposals.

If the assessment planner supports a decision on a design-related matter that is contrary to the design review panel's advice, the assessment planner should provide evidence to support this decision. The panel chair should also be available to provide clarification and explanation of advice to assessment teams and the consent authority until the application has been determined, including to planning panels if invited.

4.5 Advice does not indicate compliance with planning controls

The design review panel should have a thorough understanding of the planning legislation relevant to the development proposal. The design review panel may occasionally make recommendations that will result in non-compliance with a planning control. Where this is the case, the design review panel should clearly identify the potential non-compliance, and explain how it would achieve a better design outcome and meet the objectives of the planning legislation.

4.6 Monitoring and evaluation

Councils should establish evaluation and monitoring systems for their design review panel to support continuous improvement and to capture lessons learnt.

4.7 Dealing with complaints

The panel manager is responsible for resolving any complaints to do with design review panel processes. To address complaints, the panel manager should refer to this manual – in particular the NSW protocols for good design review (see section 1.5) to identify the failings in the process or outcomes.

Case studies



CASE STUDY 1

Lachlan Precinct, Green Square, City of Sydney

Dyuralya Square is a 2,000 m² community space and the civic heart of the Lachlan Precinct.

The City of Sydney used design review integrated across various disciplines and scales in guiding the urban redevelopment of the Lachlan neighbourhood at Green Square. The design review process extended to all elements of the area – from street and park layouts; walking, cycling, public transport and vehicular access; development controls for subdivision; building envelopes, heights and densities; essential civil infrastructure; and individual buildings. These were reviewed by internal council groups and individuals and an independent design expertise panel through all stages of the development.

Design review played a critical role in creating an outcome that has been shown through longitudinal surveys to have a high level of social cohesion and community satisfaction. The City of Sydney has studied the process and the outcomes and used this knowledge to improve the methods it uses for the urban design of other areas.

The City of Sydney's process demonstrates a model that integrates advice, shares the lessons learnt across all sectors of the council, incorporates the advice of independent experts, and then analyses both the results and the process in order to improve outcomes for future projects.

Dyuralya Square, Green Square.
Photo: Katherine Griffiths / City of Sydney.

CASE STUDY 2

Newcastle East End, City of Newcastle Council

Newcastle East End precinct was the first stage of a large renewal project in the Newcastle city centre.

The precinct development was a collaborative process master planned by SJB architects with individual buildings then designed by SJB, Durbach Block Jagers and Tonkin Zulaikha Greer.

The success of this project can be partly attributed to the productive relationship between the developers, architects, local community and Newcastle City Council's Urban Design Consultative Group (UDCG – a design review panel). The process developed design principles for the master plan and at the level of the individual building. These principles described agreed aims for celebrating the corners and incorporating a fine grain to the retail at street level, both of which reflect the historic and contemporary context of the Newcastle city centre.



The design review process considered the citywide impact and the detailed design of this project. It supported the development of Stage 1 of the works with a full understanding of what Stage 2 and Stage 3 will include. UDCG provided valuable local knowledge to the design teams who were not based in Newcastle.

Newcastle East End project. Buildings by Durbach Block Jagers, Tonkin Zulaikha Greer, SJB and landscape by ASPECT Studios. Photo: Brett Boardman.

CASE STUDY 3

Liverpool Civic Place, mixed-use precinct for Liverpool City Council

Liverpool Civic Place is a precinct in Liverpool city centre including a library, childcare centre, council chambers, and retail and commercial spaces across several buildings.

Liverpool City Council used its established design review panel to help with the design development of the partly council-owned Liverpool Civic Place. In addition to formal design review panel sessions, council conducted workshops to engage various interrelated industry experts from fields such as heritage, civic planning and public art in the design of public spaces.

The project has been developed through a partnership between the council and a private development and construction firm. The design review panel process facilitated objective and independent discussion of the project and provided a balance between the concerns of the 2 major partners.



Liverpool Civic Place by FJMT Architects. Render supplied by Liverpool City Council.

CASE STUDY 4

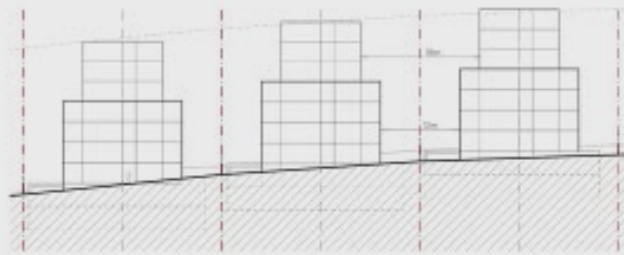
**Fig Tree Avenue, Telopea,
City of Parramatta Council**

The project at 9-10 Fig Tree Avenue is a mixed-use residential apartment building and childcare centre in an area undergoing significant urban renewal and development.

The diagrams below show how a design review panel, in conversation with the consent authority and the applicant, can develop designs that might be non-compliant, but are more appropriate to the site and context, and can be supported through the planning process.

A design review panel brings local understanding and experience in urban planning to all projects, adding value to a development by considering how it relates to and responds to its wider context.

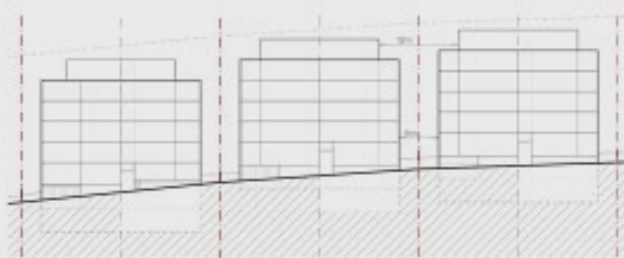
Diagrams supplied by Parramatta City Council



ADG separation outcome (infill development)

Site area: 1,350 m²
 Floorplate: 615 m² + 350 m² (4+3 storeys)
 GBA: 3,340 m²
 GFA: 2,350 m²
 FSR: 174 : 1
 Deep soil: 370 m² /27%

- Separation relating to height offering uncomfortable urban form (4+3 storeys).
- Buildings appear as objects in space, rather than contributing to an urban streetscape.
- Driveway needs to be located in the side setback rather than contained in the building envelope.
- Units primarily face side boundaries.



DCP suggested outcome (infill development)

Site area: 1,350 m²
 Floorplate: 615 m² + 350 m² (5+1 storeys)
 GBA: 3,425 m²
 GFA: 2,290 m²
 FSR: 170 : 1
 Deep soil: 545 m² /40%

- Suggested urban form to help define the spaces of the street.
- Non-compliant separation distances due to increase of 'street wall' and method for maximising potential for units to primarily face street and rear.
- Aims to maximise deep soil networks to rear where existing mature trees are located.
- Driveway contained within building envelope due to greater building frontage.
- Suggests higher performing deep soil networks across a precinct.
- Encouraging lesser setbacks to move some of the mass of development away from the rear of the site, creating larger contiguous deep soil zones.

CASE STUDY 5

Anglicare affordable housing, Princes Highway Corrimal, Wollongong City Council

Anglicare's affordable housing project in Corrimal is a development in the retail zone of a low-density suburban area.

This project is a 4- and 5-storey shop-top development on a sloping site next to a low-density residential area. The local design review panel worked with the design team to implement both large and small changes to the initial development. Points raised by the design review panel ranged from comments on better locations for servicing elements, cross-ventilation to common areas, to requesting a height adjustment to achieve a better fit with the height of surrounding buildings and with the sloping site.

The design review panel helped the local council by providing expert advice on design development in an area where there was no precedent for this scale of development.



Anglicare affordable housing development, Corrimal, by Group GSA.
Photo: Anglicare.

CASE STUDY 6

City of Ryde Design Review Panel

The City of Ryde Council has been using a design review panel for over 15 years.

The local design review panel has been reviewing apartment buildings as required by the *Apartment Design Guide 2015*, and for boarding houses of 3 storeys or more, and large-scale commercial development. Currently there are only 2 panel members for each session, and reviews are conducted in an open and conversational manner. The design review panel manager takes the role of chair but does not participate in the discussion unless required to answer direct questions regarding council planning matters.

A week before each design review panel session, the panel manager coordinates a meeting with council staff, including traffic engineers, a landscape architect, waste officer, development engineer and contributions officer, to discuss any concerns from the point of view of their particular area of expertise.

The City of Ryde regards its design review panel as having been very successful in improving the quality of design proposals in the local government area. Elements contributing to this success include:

- the small size of the panel, which helps with communication between panel members and with consistency of the advice
- the good communication skills of the panel members, who are adept at prompting and guiding a discussion towards potential improvements, rather than dictating or instructing regarding the development of the design
- the long relationship the panel members have had with City of Ryde Council, enabling them to provide efficient and relevant advice based on a strong understanding of the context, the aims of the council, the constraints and opportunities of specific sites, and the relative success (or otherwise) of previous projects in the area.

APPENDICES

Template design review panel terms of reference

This template suggests terms of reference for a local government design review panel.

Schedule 1	SAMPLE TEXT (TO BE FILLED IN BY PANEL CONVENER)
a Name of design review panel	<i>E.g. Liverpool Local Design Review Panel, South West Regional Design Review Panel</i>
b Local government area or region	<i>E.g. Liverpool City Council</i>
c Environmental planning instruments that apply	<i>E.g. Liverpool City Council Local Environmental Plan 2021, clause XX</i>
d Codes of conduct	<i>Insert name of LGA code of conduct and/or refer to professional codes of conduct under the Architects Act or other legislation</i>
e Conflict of interest policy	<i>Insert the name of the appropriate policy</i>
f Appointed members of the panel pool	<i>Insert names of all people appointed to the panel pool</i>
g Reference documents	<i>Insert the names of other important documents the LGA considers panel members should be familiar with</i>
h Panel quorum	<i>Minimum 3 panel members including the panel chair</i>
i Panel member tenure	<i>E.g. 3-year term plus 2 possible one-year extensions</i>
j Panel member payment	<i>Half day – \$xxxx + GST Full day – \$xxxx + GST</i>
k Panel chair payment	<i>Half day – \$xxxx + GST Full day – \$xxxx + GST Hourly rate – \$xxxx + GST</i>
l Reimbursable expenses	<i>E.g. travel over a certain distance, accommodation</i>
m Design review panel proposed dates	<i>E.g. could be every 2nd Wednesday of the month, or could be a calendar with each date specifically noted</i>
n Panel manager	<i>Insert name of panel manager</i>
o Panel contact details	<i>E.g. set up a dedicated email address and give the LGA main switchboard phone number</i>

1. Purpose

The role of the design review panel noted at Schedule 1 (referred to in these terms as the 'design review panel') is to provide independent, expert advice on the design quality of development proposals in the *insert name of LGA* local government area or region.

The purpose of the design review panel is to inform the assessment of development applications by the consent authority with the aim of improving the design quality of the built environment.

2. Scope of review

The design review panel will review projects as required by the relevant environmental planning instrument.

During panel sessions, the design review panel will provide advice on the design quality of proposed development.

Design review will be guided by relevant design principles and the NSW protocols for good design review.

The following protocols for good design review apply to the establishment, operation, monitoring, evaluation and improvement of local design review panels in NSW.

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

Independent Design review is conducted by people independent of any conflict of interest. Information about the terms of reference of the panel, including membership and funding, is publicly available.

Timely Design review takes place as early as possible in the design development process, is scheduled within a reasonable time frame, and design advice is issued promptly.

Expert Design review panel members are experienced and respected design professionals who can clearly communicate their analysis and feedback.

Diverse A design review panel is representative of diverse professional design expertise, gender, cultural background and lived experience.

Respectful All parties behave with respect towards each other and within appropriate codes of conduct. All parties display respect for the process and the time commitment of others by being well-prepared.

Consistent The advice received across subsequent design review panel sessions is consistent. Panel members remain the same across sessions or are well-briefed and respectful of previous advice.

Objective The panel's advice and analysis is objective, clear, concise and constructive. It does not reflect the individual taste of panel members.

Relevant The panel's design advice is relevant to the project stage and scale, focused on design, and is

informed by an understanding of the impacts on costs and timing. The applicant and design team clearly demonstrate how the design responds to the panel's advice.

Accessible Design advice, presentations and reports use language and drawings that are easily understood by design teams, the applicant, the consent authority and the public.

3. Roles and responsibilities

The roles and responsibilities of all parties are set out below.

Design review panel

Panel members

Independent design professionals engaged by the local council

Panel members are expected to demonstrate:

- broad experience in their design discipline
- an evident understanding of good design
- an evident commitment to projects of high design quality that benefit the public
- experience in designing, delivering or critiquing projects of the scale that would typically be seen by the design review panel
- the ability to be analytical and critical while maintaining a constructive and professional tone
- an appreciation of the general context of the project, including commercial considerations, the target end users or the long-term future of the area
- excellent written and verbal communication skills.

Panel members are expected to:

- provide independent, impartial, constructive and respectful feedback and advice
- meet deadlines for reviewing draft design advice letters
- declare and manage any conflicts of interest
- commit to the scheduled dates for design review panel sessions and allow appropriate time before and after each session for preparation and review of the design advice letter
- abide by the appropriate codes of conduct.

Panel chair

The panel chair is a panel member nominated for this role. The panel chair facilitates the design review panel session and is responsible for ensuring:

- the discussion stays within the framework of the panel's terms of reference and is constructive, clear and relevant
- the discussion is respectful
- that all panel members views are heard and understood and that, if possible, a consensus is reached
- where a proposal requires more than one panel session:
 - the advice given across the series of

- sessions is consistent and consequent
- the advice does not introduce entirely new areas of focus or concern, except where this is a result of new information being provided
- the session runs on time
- that consolidated advice is given to the design review panel manager at the end of the session.

After the panel session, the panel chair is responsible for final approval of the design advice letter and should be available to the assessment planner to provide further clarification or explanation if necessary. The panel chair should also be available to provide clarification and explanation of advice to the consent authority until the application has been determined, including to planning panels if invited.

The applicant team

Applicant

The owner or developer that is or will be applying for development consent

The applicant is responsible for:

- contacting the local council to make bookings for design review panel sessions
- supporting the design team in preparing for the design review panel sessions and in responding to the panel's advice
- describing to the panel the general context of the project, including commercial considerations, the target end users or the long-term future of the area
- reporting on the design review process as part of the development application, if required by an environmental planning instrument.

Design team

The applicant's consultants: architects, landscape architects, urban designers

The design team is responsible for:

- presenting clear and relevant information about the proposal, and responding to the panel's advice
- participating constructively in the design review process.

Local council

Design review panel manager

A design or planning professional employed by the local council

The panel manager is responsible for managing the design review process. They:

- review information submitted by the applicant and the design team before the panel session to ensure it is fit for purpose
- coordinate pre-session briefings with other council staff (such as the assessment planner)
- attend the panel sessions

- prepare the draft design advice letter
- manage feedback from design teams and applicants
- evaluate the panel's outputs and processes to ensure compliance with the terms of reference and continual improvement.

Design review panel coordinator

An administration support person employed by the local council

The panel coordinator:

- manages design review panel session bookings and agendas
- distributes information before and after the design review panel sessions.

Assessment planner

The local council assessment planner who has been assigned the proposal for the development assessment process

The assessment planner:

- reviews information submitted by the applicant and design team
- provides a summary planning briefing
- conducts an in-person briefing for the panel on relevant planning matters
- attends all panel sessions as an observer.

4. Panel management

The design review panel is established and operates in line with the recommendations of the *Local Government Design Review Panel Manual*, including the NSW protocols for good design review.

The local council convenes the design review panel and determines the appropriate location of the panel sessions, or conducts the sessions online.

Panel members are appointed through an open expression-of-interest process, or similar, to ensure they are appropriately qualified.

Panel member tenure is set out in Schedule 1. At the end of this tenure period (i.e. the initial term plus the possible extensions), members may be invited to accept reappointment. Additional or new panel members may be recruited as required.

5. Sessions and advice

The design review panel is convened regularly. All dates for design review panel sessions should be set 12 months in advance, and each date may involve up to 4 design review panel sessions per day.

The panel must be attended by enough panel members to fulfil the quorum listed

in Schedule 1. For larger and more complex projects, additional panel members may attend. Except in extraordinary circumstances, the core panel members attend all panel sessions.

Each session allows reasonable time for:

- site visits (where practical)
- pre-session briefing by the panel manager (panel and council staff only)
- welcome: acknowledgement of Country
- introduction by the applicant
- presentation by the design team
- questions and clarifications
- review
- summary by the panel chair
- post-session discussion (panel and council staff only).

Final advice and recommendations are recorded by the panel manager and endorsed by the panel chair after consultation with other panel members. The advice takes the form of a design advice letter and is distributed in accordance with the time frame set out in the EP&A Regulation.

If a proposal requires subsequent design review panel sessions, this is stated in the design advice letter and the first available session booked.

6. Design review panel session requirements and attendance

The applicant should submit the required information to the panel manager no less than 10 days before the scheduled design review panel session. If the panel manager is not satisfied the quality of the submitted material will enable constructive discussion and review, they may postpone the design review panel session until adequate information can be supplied, and another panel session is available.

A panel session includes participants who have an active role in the session and observers who do not play an active role in the session.

Participants:

- design review panel members and chair
- applicant
- design team
- assessment planner
- panel manager.

Observers:

- other local council representatives, including assessment planners and technical advisory staff
- members of the public
- applicant team members including the design team
- any other attendees.

The panel manager or chair should approve all observers before the session.

Observers watch and listen to the proceedings but do not participate unless specifically invited to do so by the panel chair.

7. Codes of conduct

All participants and observers must conduct themselves in accordance with the codes of conduct listed in Schedule 1.

8. Design review panel briefing pack

The design review panel briefing pack is distributed to panel members, including the chair, no less than 5 working days before the design review panel session.

The panel briefing pack may be distributed to additional observers at the discretion of the panel chair in consultation with the panel manager.

9. Conflicts of interest

All panel members must comply with the conflict of interest policy listed in Schedule 1.

10. Confidentiality

All information relating to any proposal undergoing design review is provided to all attendees in the strictest confidence. After a development application for a project has been submitted, the panel's final recommendations and advice will be publicly available during the assessment exhibition period.

11. Payment of panel members

Panel members must be paid. Payment should cover the time spent participating in the design review panel session and before or after the session, e.g. time spent on preparation or on reviewing and finalising the design advice. The chair will likely require more remuneration in line with the additional time required and higher level of responsibility. Panel members should be reimbursed for expenses that are listed in Schedule 1 and agreed to beforehand.

Template agenda for a local design review panel session

A time line for the day

One day of a design review panel may contain up to 4 sessions plus time for site visits, generally done in a block at the beginning of the day. Each session may be around 1 hour and 15 minutes, but can be scheduled to be longer for more complex projects.

Site visits and on-site briefing

It is recommended that site visits are arranged for the panel members and accompanied by a council staff member (the design review panel manager or assessment planner). Alternatively, panel members can be asked to attend site visits individually. If there are no site visits or the council staff member does not attend site visits there should be a longer allowance for the pre-session briefing and discussion.

For each session:

Pre-session briefing and discussion

The panel manager and assessment planner provide a short presentation covering the briefing material and the planning, physical and historical context of the site, and respond to any queries. The panel discusses key issues and agrees, where possible, on the areas of focus for the discussion. The panel chair should confirm there are no conflicts of interest regarding the upcoming sessions.

Welcome to participants and acknowledgement of Country

The applicant and design team enter the design review panel session. The panel chair acknowledges Country and facilitates introductions of all participants.

Introduction by the applicant

The applicant introduces the project describing its background and the overall objectives.

Presentation by design team

The design team's presentation should be concise and focus on issues of design quality and public impact. Where projects are returning for a follow-up session, the presentation should focus on how the design has been developed to respond to advice from the previous session, or to other advice and feedback (such as from council, government agencies, local residents, or others).

Clarifications

The panel should then ask for clarification, without giving comment. This allows the design team additional time to introduce information that is of interest to the panel.

Review

The panel chair facilitates a discussion between the panel members on the merits of the proposal. Other attendees do not participate unless specifically asked to do so by the chair.

Allow a few minutes at the end of this session for the design team and applicant to respond.

Summary

The panel chair summarises the advice arising from the review discussion.

Post-session discussion

(Closed session: panel members and council staff only)

The panel, led by the chair, confirms and agrees on the recommendations arising from the design review panel session. If new issues are raised at this time, these can be included in the design advice letter but should be noted as matters arising post session. Introducing new issues post session should be avoided wherever possible.

Template design advice letter

The design advice letter records the outcomes of the design review panel session and the subsequent discussion by the design review panel members. See section 4.1 for a general description of the design advice letter.

The design advice letter should be clear on what is commentary, and does not require any action, and what is advice and therefore has a clearly stated recommended action linked to that advice.

The design advice letter should be structured to group advice under headings relevant to the project or in response to specific design quality criteria required by an environmental planning instrument.

The headings should be consistent across subsequent design advice letters and in the design review report where possible. The design advice letter should also adopt a clear and consistent numbering system for advice. Following is a sample design advice letter. The advice in the sample letter does not relate to any particular project, and is provided only as an example of language, style and tone.

PROJECT: *Project name*

Panel name Design Review Panel Session

First/second/third etc review session, conducted date of panel session

Date of design advice letter

Dear *name of person representing applicant*,

Thank you for the opportunity to review the above project *at an early stage / for a second time*. Below is a summary of advice and recommendations arising from the design review panel session held on *date of review*.

The objective of the proposal for *providing an affordable boarding house* is supported and commended. However, further design development is recommended, particularly in relation to *insert primary concerns*.

The design review panel supports:

- *the early engagement by the applicant with the Aboriginal community in order to develop appropriate ways of engaging with Country as a driver of the design*
- *the proposal to adopt a generous tree canopy target*
- *the potential for the proposed design to be a sustainable project*
- *the careful response to the brief as set by the end users.*

Summary of advice

To support design development, the design review panel has provided the following advice:

Heading 1

1.1 *Develop 3-4 diagrams that confirm alternative siting options were pursued and the proposed siting is the best outcome.*

Heading 2

- 1.4 *The proposed height is not supported due to the negative impact on the public park to the south at peak times of use during winter. Modify the design proposal to improve winter sun access and provide shadow diagrams to demonstrate good solar access during peak use times.*
- 1.5 *Reconsider the building alignment to better align with the existing street pattern.*

Heading 3

- 1.8 *Provide drawings and diagrams to demonstrate the stated performance in terms of how solar access and shadowing can be achieved.*
- 1.9 *Provide further detail on material selections in line with the ambitious and commendable sustainability goals for the project.*

Concluding remarks

The panel recommends further review of this project as the design progresses. The issues outlined above should be addressed and presented at the next available design review panel session.

Or *The panel's support for this project is subject to the above advice being incorporated into the project design development.*

Or *The panel supports the development proposal as presented.*

Sincerely,

Name of Panel Chair

Note: examples of primary concerns include the public realm, response to Country and context, ground floor amenity.

Note: insert the key elements of the project which can be supported by the design review panel; some examples are included here.

Detail the panel advice in this section. Use headings to organise the content consistently in all letters.

Note: it may be useful to develop standard responses for this part of the letter.

Template design review report

The design review report should be submitted by the applicant as part of the development application. It should summarise the design review process and provide a response to the advice of the design review panel.

For further information on the design review report and its role in the assessment process see Part 4.

Summary table

PROJECT TITLE		
ADDRESS		
NAME OF DESIGN REVIEW PANEL		
Design review panel session 1	Date	Panel members

Design review panel session 1

ADVICE NUMBER	DESIGN REVIEW PANEL ADVICE	DESIGN RESPONSE
1.1	Copy the exact advice from the design advice letter here.	The design response should aim to be as brief as possible. Refer to diagrams and drawings wherever possible. An example of a diagram is shown in Part 4.2.
1.2		
1.3		

Design review panel session 2 (if undertaken)

ADVICE NUMBER	DESIGN REVIEW PANEL ADVICE	DESIGN RESPONSE
2.1	It is recommended that the session number is used as the first digit in the numbering to make sure each piece of advice is identifiable.	
2.2		
2.3		

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Government Architect NSW team

Abbie Galvin
Olivia Hyde
Paulo Macchia

Alicia Pozniak
Amir Safaei
Angus Bell
Barbara Schaffer
Barnaby Bennett
Ben Campbell
Brindha Kugan
Brooke Matthews
Carol Marra
Claire Krelle
Darlene vanderBreggen
Diana Snape
Dillon Kombumerri
Elizabeth Bowra
Emma Kirkman
Gabriela Heesh
Gail Fletcher
George Savoulis
Grace Mortlock
Grace Wolstencroft
Jeremy Giacomini
Jillian Hopkins
Kim Bazeley
Laura Graham
Marc Lane
Melissa Riley
Melizza Morales
Rebecca Donney
Rebecca Habchy
Rory Toomey
Sarah Lawlor
Victoria Hamilton