





The background image is a landscape photograph of a mountain range. In the foreground, there are rocky, sparsely vegetated slopes. In the middle ground, there are dense forests of trees. In the background, several mountain peaks are visible, some shrouded in a light mist or haze. The sky is a warm, golden-orange color, suggesting the sun is low on the horizon, either rising or setting. A large, semi-transparent rectangular box with a light beige or cream color is centered over the middle of the image, containing the title and the main text.

## **Acknowledgement of Country**

The Department of Planning, Industry 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.

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

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Title: DRAFT Local Government Design Review Panel Manual

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# About this manual

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

The manual supports the requirement within the *State Environmental Planning Policy (Design and Place) 2021* (DP SEPP) that certain development must be referred to the relevant design review panel for advice about design quality as part of the determination process.

### Who is this manual for?

The manual is for:

- councils establishing a new local government design review panel, or reviewing their existing design review panel against the requirements of the DP SEPP
- council staff engaged in managing design review panels
- design professionals engaged as members of a local government design review panel
- development proponents 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 review session.

### Which projects go to a design review panel?

The DP SEPP mandates design review by a panel for the following projects:

- a. State significant development to which the DP SEPP applies
- b. development with a capital investment value of more than \$30 million
- c. development with a capital investment value of between \$5 million and \$30 million if the development will be carried out by a council or the Crown
- d. development with a site area of at least 1 hectare
- e. residential apartment development
- f. other development specified by another environmental planning instrument as being development to which this clause applies.

For developments in category (c), review by a design review panel may not be required where the value is low and the consent authority is satisfied there will be little or no impact on the public realm. For example, low-impact infrastructure or enabling works where design review is unlikely to add value.

Design review by a panel may also apply in other circumstances:

- By mutual agreement with the consent authority, any proponent may seek advice from a design review panel before submitting a development application (DA).
- A consent authority may choose to seek advice from its design review panel as part of the development assessment process for any project after submission of the DA – whether the project is subject to design review under a planning control or not. The review must be completed within the assessment period as defined by the *Environmental Planning and Assessment (EP&A) Regulation*.

Projects that are classified as State significant development, State significant infrastructure or State significant precincts will continue to be reviewed by the NSW State Design Review Panel (SDRP).

Where a design competition is required, review by the relevant design review panel is required only where that panel is operating as the 'design integrity panel', post competition. For further information on design competitions, refer to the relevant local environmental plan or NSW Government guidelines for design excellence competitions.

## How to use this manual

**Part 1** explains what design review by a local panel is, where and when it applies, the protocols of 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 the scope of the two main deliverables: 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 to the development process.

**Appendix A** is a template for the terms of reference for a local government design review panel. Local government design review panels must comply with these terms.

**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), various State environmental planning policies (SEPPs) and local environmental plans (LEPs). Good design is integrated within this legislative framework in the following ways:

### ***Environmental Planning and Assessment Act 1979***

The objects of the EP&A Act include 'to promote good design and amenity of the built environment'.

### ***State Environmental Planning Policy (Design and Place) 2021***

The EP&A Act 'good design' object is supported by the DP SEPP. The DP SEPP includes design principles and considerations, and requires design review to form part of the determination process for certain development types.

The DP SEPP gives effect to this manual and provides the thresholds for which projects require design review by a design review panel. The DP SEPP also gives effect to 2 guides which may apply to projects undergoing design review:

- the *Apartment Design Guide* sets out objectives, design criteria and guidance applicable to residential apartment development
- the *Urban Design Guide* sets out objectives and design guidance applicable for urban design development specified by the DP SEPP.

## **Environmental Planning and Assessment Regulation 2000**

The EP&A Regulation provides the legislative framework for design review panels. When fees for design review are increased to align with Consumer Price Index, these will be expanded to capture all development types proposed to go to design review by a local panel.

### **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.

### **DP SEPP principles and considerations**

The principles and considerations apply to all development where design review by a design review panel is required.

**Figure 1:** DP SEPP principles and considerations

**Deliver beauty and amenity** to create a sense of belonging for people.

#### **CONSIDERATIONS**

Overall design quality  
Comfortable, inclusive and healthy places

**Deliver inviting public spaces** and enhanced public life to create engaged communities.

#### **CONSIDERATIONS**

Culture, character and heritage  
Public space for public life

**Promote productive and connected places** to enable communities to thrive.

#### **CONSIDERATIONS**

Vibrant and affordable neighbourhoods.  
Sustainable transport and walkability

**Deliver sustainable and greener places** to ensure the wellbeing of people and the environment.

#### **CONSIDERATIONS**

Green infrastructure  
Resource efficiency and emissions reduction

**Deliver resilient, diverse places** for enduring communities.

#### **CONSIDERATIONS**

Resilience and adapting to change  
Optimal and diverse land use

## 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 is to help proponents, design teams, local councils and consent authorities by providing expert, context-specific design advice that will contribute to improving the design quality of the built environment.

Design review panels are just one of many ways in which design review might occur. Design review can apply to 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 proponent and the community
- supporting high-quality, innovative design, particularly where a better design outcome may not be fully compliant with the planning controls
- identifying potential risks to development approval early on, streamlining the approval process and saving time and money
- facilitating an integrated evaluation of design proposals through which infrastructure, context, heritage, sustainability 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.

The recommendations of a design review panel are advisory only. Positive feedback from a design review panel does not guarantee development approval, but the panel's advice must be considered by the consent authority as part of its assessment process.

## 1.1 When does design review by a local panel take place?

The advice of the panel is of the greatest value while a proposal is in the early concept and schematic design stages, as this is when positive change is most easily implemented.

Most projects will require 2 or 3 design review panel sessions. Small and simple projects that demonstrate good design quality may require only one session. For large and complex projects, or where significant design concerns are raised, more than 3 sessions may be necessary.

## 1.2 Design review requires collaboration

To be most successful, design review requires a collaborative and integrated approach across assessment, technical and strategic teams within councils. To support this collaboration, it may be helpful if key representatives from these council teams meet before a review panel session to discuss all aspects of the project and where relevant, make contributions to the panel briefing.

Assessment planners must be present at design review panel sessions to ensure advice is balanced with planning considerations, and that advice from the panel which might support non-compliance with planning controls is properly understood. Where possible, relevant technical and strategic staff should be kept informed of the work of the design review panel and attend design review panel sessions from time to time.

## 1.3 NSW protocols for good design review

Design review done well raises the quality of our built environment for the benefit of all, bringing social, environmental and economic value. 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.



### **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 are publicly available.

### **Diverse**

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

### **Objective**

The panel's feedback and analysis is objective, clear 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.

### **Relevant**

Design advice is relevant to the project stage, and scale, and project teams demonstrate a thoughtful and considered response to all advice.

### **Accessible**

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

## 1.4 What to avoid

**Badly managed design review panels 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 review 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 proponent and consent authority.

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

Panel members are not sufficiently experienced in the type of project being reviewed.

Panel members are not good communicators or behave in a manner that is disrespectful or ill-informed.

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

The assessment planners and design panel coordinators do not provide sufficient background and supporting information to the panel members.

The planning context for the proposal is not well-understood, and therefore advice provided is contrary to controls or legislation, without an understanding of the implications.

## PART TWO

# Establishing a local design review panel

This section provides guidance for local councils on how to establish a new design review panel. This advice may also be useful for councils with an existing design review panel, to help determine whether changes may be necessary to meet the requirements of the DP SEPP.

## 2.1 Terms of reference

The terms of reference for local government design review panels are provided as a template in **Appendix A** of this manual. The DP SEPP requires that all local government design review panels comply with these terms.

## 2.2 Roles and responsibilities

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 2** shows the relationships between the various roles. The detailed responsibilities for each role are set out in the design review panel terms of reference (see **Appendix A**).

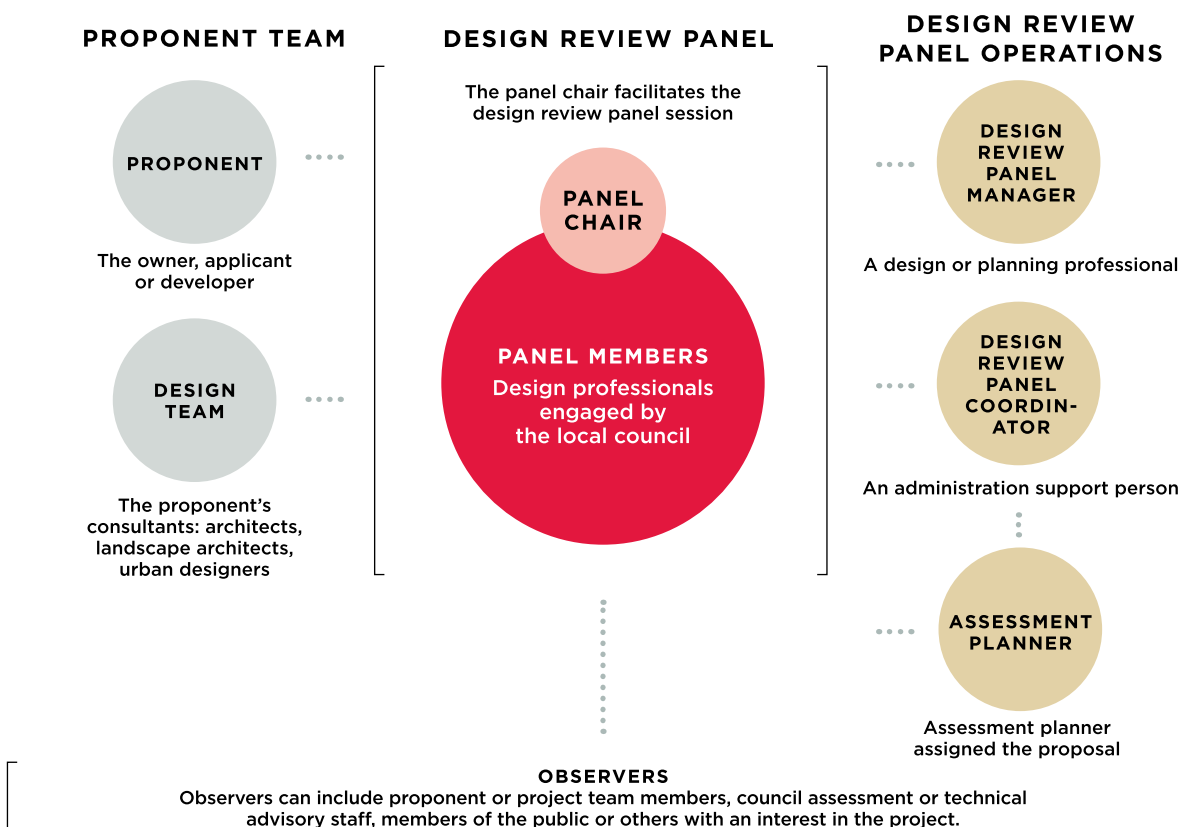
## 2.3 Costs

The fees the consent authority will charge to the proponent for review by a design review panel are set by the EP&A Regulation.

The costs borne by the consent authority include:

- payments to panel members
- council staff resources
- provision of the venue and any catering.

**Figure 2:** Roles and responsibilities of participants in the process of design review through a design review panel.





The fee paid by the proponent will not cover all the costs of establishing and managing a design review panel. In addition to paying the fee to the consent authority, the proponent will also have costs relating to the work of the design team in preparing for and presenting to the panel.

All parties should be mindful of the cost to all of conducting design review using a design review panel, and should ensure optimum value is achieved through good preparation and respectful interactions.

## 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.

To convene a panel which must consist of 3 or more members, you will need to appoint a group of between 7 and 10 people to a panel pool.

A typical panel pool would be made up of:

- 3 or 4 core panellists, including the chair, who have expertise in architecture, landscape architecture or 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.

This approach ensures consistency of panel members across projects while also allowing for specialist advice and accommodating some limited flexibility.

## 2.5 Panel member experience and expertise

Panel members should have:

- broad experience in their design discipline
- a demonstrable understanding of design
- a demonstrable commitment to projects of high design quality that benefit the public
- the ability to be analytical and critical while maintaining a constructive and professional tone
- excellent written and verbal communication skills.

Diversity of lived experience is an advantage in a design review panel as it allows for a broad understanding of the impact a development may have on the wider community. Gender and cultural background should be considered in the composition of the panel alongside professional experience. 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, training should cover:

- understanding conflicts of interest and codes of conduct
- confidentiality
- the NSW protocols for good design review
- how to use the DP SEPP design principles to frame a discussion and provide advice
- the local planning context
- confirmation of the panel members availability for all sessions.

## 2.7 Council resources supporting design review panels

### People

The local design review panel will require internal resourcing by the local council. In addition, assessment planners and internal council technical advisory staff should be involved in an integrated manner with the design review panel process. Council staff should be provided with an induction and training, and time allowed for their participation.

### Facilities

Face-to-face panel sessions will require a reasonable-sized room with presentation technology, and a second room to be used as a waiting room for the proponent and their design team. Design review panels have also been 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.

## PART THREE

# Design review panel operations

### 3.1 Timing of design review panel sessions

The scheduling of panel sessions needs to align with the stages and time frames for developing a proposal, from concept development through to DA submission, determination and beyond.

### 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, proponents, panel members and the assessment planner.

For details on the roles and responsibilities of the panel members and local council staff, see **Appendix A: Template design review panel terms of reference.**

#### Consistency of panel members

Consistency of panel members from one review session to the next is very important. To help with this, council's design review panel coordinator should set session dates 12 months in advance. When appointed as a member of a local design review panel, panel members are required to commit, as far as possible, to their availability for review sessions.

#### Information for the proponent and design team

The panel manager and coordinator must ensure the proponent and their design team clearly understand in advance what is expected of them, and that this is communicated in good time. 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 review session
- what to expect regarding the design advice letter and subsequent review sessions.

**Figure 3:** Integration of review by design review panel with the design and approvals process

PROJECT SET-UP	CONCEPT DESIGN	DESIGN DEVELOPMENT	LODGE DEVELOPMENT APPLICATION	DEVELOPMENT ASSESSMENT	CONSTRUCTION CERTIFICATE
Is review by a design review panel required by the DP SEPP or LEP?  If so, book the first design review panel session with the local council.	Design review panel session is held to discuss response to context, built form, scale, open space, public realm, and early spatial and functional planning.	Subsequent design review panel sessions held as required. Sessions address prior advice and provide an increasing level of design detail and resolution.	A design review report (tabling the panel's advice and proponent's response) is submitted with the DA.	Council considers the design review panel's advice when assessing the DA.  If the proponent's response to the panel's advice is inadequate, council can request additional review panel sessions.	If necessary, council (via conditions of consent) can require further design review post approval.

### Briefing panel members

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

- the documentation from the design team
- 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 alternative panel member is required
- Panel members should allow 2-4 hours to review the briefing pack for each project and prepare for the session.

### Preparation by panel coordinator

The following tasks must be completed before the design review panel session:

- 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 if conducting the session virtually.

The following tasks are required on the day:

- 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 proponent 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 2 hours including presentation, discussion and feedback. Larger and more complex projects such as planning proposals or developments on large sites may need extra time.

Extra time may be required for site visits in the morning before the session. The organisation of a typical day is set out in **Appendix B: Template agenda for a local design review panel session.**

**Figure 4:** Design review panel preparation and follow-up

CONFIRM DESIGN REVIEW SESSIONS	AT LEAST 10 DAYS BEFORE	AT LEAST 5 DAYS BEFORE	ON THE DAY	2 DAYS AFTER	7 DAYS AFTER	WITHIN 14 DAYS
Panel coordinator confirms attendance of panel members and checks for conflicts of interest.	Proponent and design team submit presentation documents. Panel manager reviews presentation to ensure it is fit for purpose. Assessment planner reviews and assembles the summary planning paper.	Panel coordinator issues a briefing pack to panel members. Panel manager seeks internal review from strategic and technical council staff.	DESIGN REVIEW PANEL SESSION	Panel manager sends a draft design advice letter to the panel members, then helps the panel chair coordinate panel feedback on the advice letter.	Panel chair returns the approved design advice letter to the panel manager.	The proponent and their design team receive the design advice letter.



## 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 proponent. The advice should support good design and provide suggestions to lift the quality of poorer design.

Advice should be consistent, fair and actionable. It should be consistent with the NSW protocols for good design review and follow the format shown in the design advice letter template (**Appendix C**) or similar.

The advice set out in the letter should remain within the framework of the design review panel terms of reference. It should include clear statements explaining:

- which design elements are supported, and a clear description of the ways in which the design proposal is considered to be successful
- which design elements are not supported, and recommendations for ways in which the design could develop to be more aligned with the DP SEPP principles and considerations
- 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:
  - requires further review by the design review panel, or
  - is supported by the design review panel, or
  - is supported by the design review panel on the condition changes are made.

Any changes requested by the panel must be clearly explained so the assessment planner is able to readily identify whether they have been implemented successfully, or whether they need be written into the development consent as conditions.

When the design advice letter has been approved by the panel chair it is distributed by the panel manager to the proponent, and copies sent to all participants in the design review panel session including the design team, panel members and council staff.

### 4.2 Design review report

For any project that has undergone design review by a panel, the proponent is required to submit a design review report as part of their development application. For a development application that must respond to either the *Apartment Design Guide* or the *Urban Design Guide*, a design verification statement must be prepared by a suitably qualified professional and accompany the application. For these projects, the design review report will form a part of the design verification statement. For all other project types, the design review report will be a stand-alone document.

The design review report must explain:

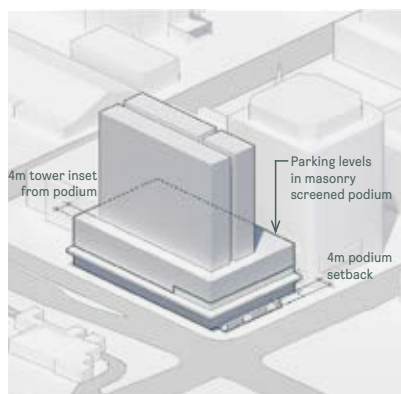
- how the advice of the design review panel has been incorporated into the design of the development
- how the proposed development remains consistent with that advice
- where it departs from that advice, how the proposal still satisfies the DP SEPP principles and considerations.

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

The design review report should use clear and simple diagrams to explain the process of design development in relation to the advice of the design review panel.

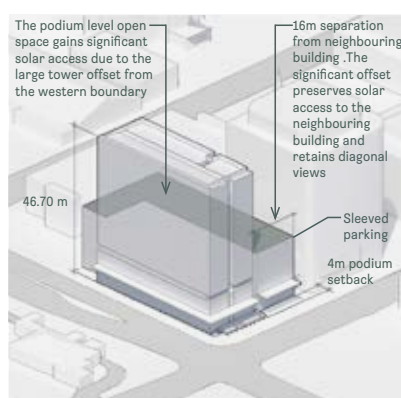
The project shown in **Figure 5** was seen by the design review panel 3 times. A series of massing options were tested and refined throughout the design process. As a result of this iterative approach, the project achieved better outcomes for the proponent, the neighbouring buildings, and the community.

**Figure 5:** Example of a design responding to advice over multiple design review panel sessions



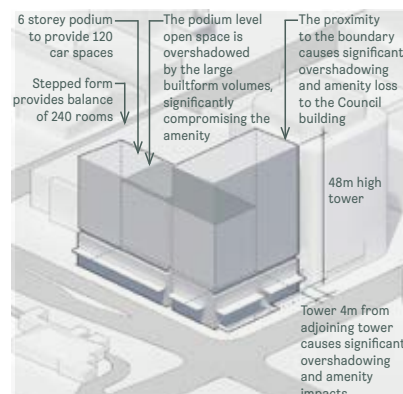
### 1. Design review panel 01

A DCP-compliant proposal was presented. The panel recommended testing ideas that brought the tower to the ground on the 2 street fronts. They agreed that a DCP-compliant design would not achieve the best outcome for this particular site.



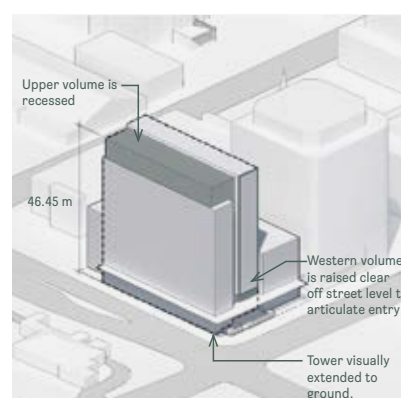
### 3. Design review panel 02

The design team took the recommendations of the panel and developed the design further to allow 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.



### 2. Design review panel 02

Testing of the suggestions of the panel showed a much better response to the urban form and context but had negative impacts to the neighbouring tower and the podium-top open space.



### 4. Design review panel 03

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

Source: Andrew Burns Architecture.

### **4.3 How the design review report is used in the assessment process**

The assessment planner and the consent authority must use the design review report in making a determination – this ensures the rationale provided for design decisions and the design responses to advice from a design review panel are considered in the assessment process. 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 permission where the advice of the design review panel has not been adopted
- to assist with understanding how the proposal achieves the DP SEPP principles and considerations in project-specific ways.

Advice from a design review panel will only be considered in connection with the assessment of that application. Consent decisions do not establish a precedent.

### **4.4 Advice does not indicate approval**

The advice of the design review panel does not constitute approval (or rejection) of a development application. However, it is a requirement of the DP SEPP that the advice of the panel is considered by the consent authority as part of the development assessment process. Additionally, assessment teams must provide evidence to support a decision made contrary to design review panel advice on a design-related matter.

### **4.5 Advice does not indicate compliance with planning controls**

The advice of the design review panel should be informed by a thorough understanding of the relevant legislation. 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 must 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. All complaints should refer to this manual and in particular the NSW protocols for good design review (see Part 1.3) to identify the failings in the process or outcomes.



## Case studies



### CASE STUDY NO.1

#### Lachlan Precinct, Green Square, City of Sydney

#### Dyuralya Square is a 2,000 m<sup>2</sup> community space and the civic heart of the Lachlan Precinct

The City of Sydney used design review integrated across 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 review groups and individuals and an independent design expert 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 undertaken studies of the process and the outcomes in order to improve its methods for subsequent 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: Kathryn Griffiths / City of Sydney.

#### CASE STUDY NO.2

### **Newcastle East End, City of Newcastle Council**

**Newcastle East End precinct is 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 NO.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 a number of 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 meetings, council conducted public domain workshops to engage various interrelated industry experts in fields such as heritage, civic planning and public art.

Under construction in 2021–22, 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 two major partners.



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



## 9-10 Fig Tree Avenue Telopea, City of Parramatta Council

The Fig Tree Avenue project is a mixed-use residential flat 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 proponent, 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: 1,350m<sup>2</sup>  
Floorplate: 615 m<sup>2</sup> + 350 m<sup>2</sup> (4+3 storeys)  
GBA: 3,340 m<sup>2</sup>  
GFA: 2,350 m<sup>2</sup>  
FSR: 174 : 1  
Deep soil: 370 m<sup>2</sup> /27%

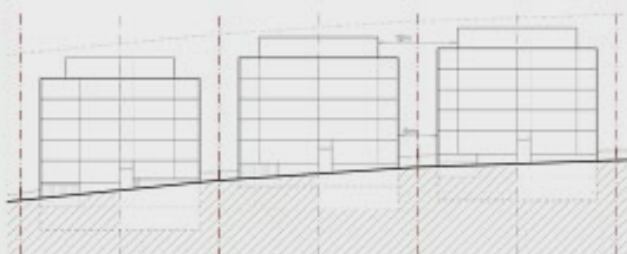


- Separation relating to height offering uncomfortable urban form (4+3 storeys).
- Buildings appear as objects in space, rather than contributing to an urban streetscape.
- Driveway needs to be located in the side setback rather than contained in the building envelope.
- Units primarily face side boundaries.



DCP suggested outcome  
(infill development)

Site area: 1,350m<sup>2</sup>  
Floorplate: 615 m<sup>2</sup> + 350 m<sup>2</sup> (5+1 storeys)  
GBA: 3,425 m<sup>2</sup>  
GFA: 2,290 m<sup>2</sup>  
FSR: 170 : 1  
Deep soil: 545 m<sup>2</sup> /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.
- Suggest 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 NO.5

### **Corrimal affordable housing, Princes Highway Corrimal, Wollongong City Council**

**The Corrimal affordable housing project 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 adjacent to a low-density residential area. The local design review panel worked with the design team to implement both small and large 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, by Group GSA.  
Photo: Anglicare

## CASE STUDY NO.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 panel reviews apartment buildings as required by the *Apartment Design Guide*, 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 very 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.

The council is likely to need to make only small adjustments to its current review panel process to comply with the DP SEPP requirements, such as including a third panel member and moving the role of chair to a panel member.

# APPENDICES

# Template design review panel terms of reference

This template has been established to meet the requirements of the **NSW State Environmental Planning Policy (Design and Place) 2021 (DP SEPP)**. It sets out the terms of reference for the design review panel.

Schedule 1	SAMPLE TEXT (TO BE FILLED IN BY PANEL CONVENER)
Name of design review panel	<i>Liverpool Local Government Design Review Panel, or South West Regional Design Review Panel</i>
Local government area or region	<i>Liverpool City Council</i>
Environmental planning instruments that apply to these terms of reference, in addition to the DP SEPP	<i>Liverpool City Council Local Environmental Plan 2021, clause XX</i>
Codes of conduct	<i>Insert name of LGA code of conduct and/or refer to professional codes of conduct under the Architects Act 2003 or other legislation</i>
Conflict of interest policy	<i>Insert the appropriate policy</i>
Appointed members of the panel pool	<i>Insert names of all people appointed to the panel pool</i>
Reference documents	<i>Insert other documents the LGA considers are important for the panel members to be familiar with</i>
Panel quorum	<i>3 panel members including the panel chair, 4 panel members including the panel chair</i>
Panel member tenure	<i>3-year term plus 2 possible one-year extensions</i>
Panel member payment	<i>Half day - \$xxxx + GST</i>
Panel chair payment	<i>Full day - \$xxxx + GST</i>
Reimbursable expenses	<i>Insert expenses to be reimbursed</i>
Design review panel proposed dates	<i>Could be every 2nd Wednesday of the month, or could be a calendar of each date specifically noted</i>
Panel manager	<i>Insert name of panel manager</i>
Panel contact details	<i>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 in Schedule 1a (hereafter referred to as the design review panel) is to provide independent, expert advice on the design quality of development proposals in the local government area or region noted in Schedule 1 (hereafter referred to as the LGA 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 DP SEPP and relevant LEP.

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

Design review will be guided by the principles of the DP SEPP 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 are 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.

**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 feedback and analysis is objective, clear and constructive. It does not reflect the individual taste of panel members.

**Relevant** – Design advice is relevant to the project stage and scale, and project teams demonstrate a thoughtful and considered response to all advice.

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

## 3. Roles and responsibilities

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

The panel members comprise a cross-section of built environment design professionals. Panel members are eligible for registration with relevant professional bodies, and registered members are bound by the codes of conduct that apply to their profession.

### Design review panel

#### Panel members

*Design professionals engaged by the local council*

Panel members are:

- respected and experienced design professionals with relevant tertiary qualifications in architecture, landscape architecture, urban design or other relevant design fields
- eligible for professional registration
- well-informed of all planning and development issues relevant to proposals
- able to communicate in a way that is clear, concise and helpful.

Panel members must:

- provide independent, impartial, constructive and respectful feedback and advice
- meet deadlines for the review of draft design advice letters
- declare any conflicts of interest and, where there are conflicts, not participate in the review process
- commit to the scheduled dates for design review panel sessions and allow appropriate time before and after the 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
- where a proposal requires more than one review 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 with all panel members having the opportunity to express their views.

After the review session the panel chair is responsible for final approval of the design advice letter.

### **The proponent team**

#### **Proponent**

*The owner, applicant or developer*

The proponent 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
- reporting on the design review process as part of the development application.

#### **Design team**

*The proponent's consultants: architects, landscape architects, urban designers*

The design team must:

- present clear and relevant information about the proposal and respond to panel advice
- participate constructively in the design review process.

### **Local government authority**

#### **Design review panel manager**

*A design or planning professional employed by the local council*

The panel manager:

- manages the design review process
- reviews information submitted by the proponent and the design team before the review session to ensure it is fit for purpose
- coordinates pre-session briefings with other council staff (such as assessment planners)

- attends the panel sessions
- prepares the draft design advice letter
- manages feedback from design teams and proponents
- evaluates 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 council assessment planner who has been assigned the proposal for the development assessment process*

The assessment planner:

- reviews information submitted by the proponent 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*, the NSW protocols for good design review, and the requirements of the DP SEPP.

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

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 review sessions are set 12 months in advance, and each date may involve up to 4 design review 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 panel members are consistent for all panel sessions relating to a project.

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 proponent
- 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 to attendees within 14 working days of the review panel session.

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 proponent must submit the required information to the panel manager no less than 10 days before the scheduled design review session. If the panel manager is not satisfied the quality of the submitted material will enable a 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 process and observers.

Participants:

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

Observers:

- other local government authority representatives, including assessment

- planners, technical advisory staff
- members of the public
- proponent team members including the design team
- any other attendees.

The panel chair may invite observers to attend any or all of the design review panel sessions. 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**

Panelists 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. 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 timeline for the day**

One day of a design review panel may contain up to 4 sessions. A possible timeline might be:

9.00 – 10.30	Site visits
10.45 – 12.00	Session 1
12.15 – 1.30	Session 2
2.15 – 3.30	Session 3
3.45 – 5.00	Session 4

More complex proposals may need to be reviewed across 2 sessions.

### **Site visits and briefing by planning assessment officers**

Site visits to each of the sites by the panel members accompanied by the design review panel manager (recommended) or individually.

### **Pre-session briefing and discussion** *20 minutes*

The panel manager and assessment planner provide a short presentation covering the briefing material and the planning, physical and historic context of the site, and respond to any queries. The panel discuss key issues and agree, 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 and acknowledgement of Country** *5 minutes*

Panel chair acknowledges Country and facilitates introductions.

### **Introduction by the proponent** *5 minutes*

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

### **Presentation by design team** *15 minutes*

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, etc.).

### **Clarifications** *15 to 30 minutes*

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** *10 minutes*

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 the session for the design team and proponent to respond.

### **Summary** *5 to 10 minutes*

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

### **Post-session discussion** **(closed session: panel members and panel manager only)** *20 minutes*

The panel, led by the chair, confirm and agree 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 Part 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 action linked to that advice.

The design advice letter should be structured to group advice under headings relevant to the project:

- If the project is subject to the *Urban Design Guide* (UDG), it will be useful to structure advice using the UDG components of successful places as headings.
- If the project is subject to the *Apartment Design Guide* (ADG), it will be useful to structure advice using the ADG objectives as headings.
- Where neither of these documents apply, the design advice may use a structure specific to the project or be grouped under the DP SEPP principles and considerations.

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]  
**DATE :** [Insert date]  
**RE:** [Insert name] Design Review Panel – [date of review] –  
 [First/Second/ third etc] review

Dear name of person representing proponent,

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

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 proponent 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 panel has provided the following advice:

### Heading 1

*1.1 Develop 3-4 diagrams to test and analyse other siting options for the site.*

### 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. Reduce the height 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 solar access and shadowing can be achieved.*
- 1.9 Provide further details 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.*

---

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

Sincerely,  
**Name of Panel Chair**



# Template design review report

The design review report must be submitted by the proponent 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

<b>PROJECT TITLE</b>		
<b>ADDRESS</b>		
<b>NAME OF DESIGN REVIEW PANEL</b>		
Design review panel session 1	Date	Panel members
Design review panel session 2	Date	Panel members
Design review panel session 3	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 (as required)

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		

## Design review panel session 3 (as required)

ADVICE NUMBER	DESIGN REVIEW PANEL ADVICE	DESIGN RESPONSE
3.1		
3.2		
3.3		

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