

NSW State Design Review Panel

Terms of Reference

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References

This document sets out the terms of reference for the NSW State Design Review Panel (SDRP).

1. Role of the panel

The role of the NSW SDRP is to provide independent, expert and consistent design advice on the design quality of State significant projects in New South Wales. The panel supports Government Architect NSW (GANSW) in forming its advice to proponents and to the NSW Minister for Planning and Public Spaces, where the Minister is the consent authority.

From the early pre-approval design stages of built environment projects, through the assessment process, and – in some instances – through to construction, the panel supports better-informed assessment and helps proponents and decision-makers to achieve better outcomes.

The role of the panel is advisory only. The advice provided does not fetter the independence of the consent authority.

2. Objectives of the panel program

The objectives of the NSW SDRP program are to:

- lift the design quality of State significant projects
- streamline approval processes by providing certainty to decision-makers on design quality matters
- minimise risks by identifying design quality issues early
- provide integrated evaluations of proposals, balancing the functional brief, context, heritage, sustainability, budget and planning for the future
- maximise public benefit and value for money through early engagement on public-funded projects.

The NSW SDRP program is delivered by GANSW and managed in line with nationally and internationally recognised best practice guidance for design review.

3. Projects reviewed by the panel

Unless otherwise determined by the NSW Department of Planning and Environment, the panel reviews State significant projects (as defined below) across the state, including but not limited to:

- all projects subject to the Secretary's environmental assessment requirements (SEARs) that require design review
- all projects on government-owned land that anticipate public use or will impact the public domain, including green-grid corridors (current and anticipated)
- development declared to be State significant development for the purpose of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as specified by *State Environmental Planning Policy (Planning Systems) 2021* Schedule 1, clauses 13, 14, 15, 26, 27, 28, 29 and 30 (for a link to the SEPP schedules see 'References' at the end of this document)
- development declared to be **State significant development** for the purpose of the EP&A Act as specified by *SEPP (Planning Systems) 2021* Schedule 1, clauses 16, 17, 18, 19 and 25 where these projects will impact adjacent sensitive or public uses or include public uses
- development declared to be **State significant development** for the purpose of the EP&A Act as specified by *SEPP (Planning Systems) 2021* Schedule 1, clauses 1–12, 20–24 and 31 where development is located adjacent to more sensitive land uses such as residential or educational establishments, or within an area of significant view catchments, or adjacent to a current or future green-grid corridor or other significant landscape area
- development declared to be **State significant development** for the purpose of the EP&A Act as specified by *SEPP (Planning Systems) 2021* Schedule 2 – identified sites
- any project referred to the Government Architect by the Minister or their delegate for advice and recommendations where the planning approval pathway has not yet been determined.
- any project, including **State significant development, State significant infrastructure and State significant precincts**, referred to the Government Architect by the Minister or their delegate for advice and recommendations
- planning proposals referred to the panel by the Minister or their delegate for advice and recommendations to support Gateway assessments.

4. Guidance used for design review

The panel's evaluation of projects is guided by panel members' professional experience and expertise, with reference to:

- the following objects of the EP&A Act:
 - f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)*
 - g) *to promote good design and amenity of the built environment.*
- the 7 objectives for good design as defined by *Better Placed – An integrated design policy for the built environment of NSW (GANSW 2017)*
- good practice for responding to Country in the planning, design, and delivery of built environment projects in NSW, as set out in *Connecting with Country Framework (GANSW 2023)*
- other relevant guidance, including but not limited to:
 - GANSW policies, frameworks and guidance (published on the GANSW website)
 - *Apartment Design Guide* (Planning and Environment 2015)
 - local development control plans.

(See 'References'.)

5. Scope of review

The focus of design review is on design quality, amenity and public benefit impacts and outcomes. The panel typically provides qualitative not quantitative advice, and the advice is appropriate to the project scale and stage.

Any items that are not project-specific or outside the project scope may be included in the advice but will be noted as such.

The SDRP cannot authorise any expenditure, works or consultancies.

6. NSW protocols for good design review

All panel sessions and panel members comply with the following protocols:

- **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.

7. Panel membership and tenure

The NSW SDRP program is supported by a pool of expert panel members comprising a cross-section of built environment design professionals working throughout New South Wales and nationally. Panel members are eligible for registration with relevant professional bodies (in their home state), and registered members are bound by respective codes of conduct.

Members are appointed to the panel pool for a 3-year initial term, which may be extended by 2 × 1-year options. At the end of this tenure period, pool members may be invited to accept reappointment. Additional panel members are recruited as required, including specialist experts where the complexity of a project warrants in-depth specialist evaluation to support the panel's advice.

Design champions

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

When a design champion is a panel member, they may comment and provide recommendations during the review and as part of the pre-briefing and debriefing sessions. As an observer, they may only comment during the pre-briefing and debriefing.

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

Council nominees

Independent council nominees may also be invited as panel members. A council nominee must have demonstrated design qualifications and expertise. They must not be a council employee, but have been formally nominated to provide advice based on a deep understanding of the local government area and awareness of council's concerns.

8. Review sessions

GANSW convenes the NSW SDRP and determines the appropriate location for review sessions, which is typically in person, but may be online. The NSW SDRP is convened weekly. No more than 4 review sessions are held per day.

Review sessions are typically attended by 4 panel members and a chair, with a minimum of 2 panel members and a chair. For larger and more complex projects additional panel members may be recommended.

For private projects on private land, there is a limit of 2 reviews per project. For all other projects, 3 reviews are typically recommended, however this will depend on the scale and complexity of the project.

The annual program for all NSW SDRP review sessions is set in advance. Dates for any additional sessions, where required, are established on a case-by-case basis in agreement with the relevant agency.

Role of the chair

The chair is the NSW Government Architect, a senior GANSW staff member or a panel member nominated by GANSW.

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

Role of the design adviser

A GANSW design adviser is appointed to each project to support the delivery of the panel program. The design adviser's role includes liaising with the proponent, design team and key stakeholders and preparing a draft advice letter.

Session agenda

Each session typically comprises:

- pre-briefing (in private)
- acknowledgement of Country
- project introduction
- presentation
- questions and clarifications
- review
- reply
- summary
- debriefing (in private).

The panel's evaluation is based on the information provided in the agenda pack (see below), pre-briefing and presentation. For further information on session structure see *NSW SDRP: Guidelines for Project Teams* (GANSW 2020) (see 'References').

9. Panel advice

During a review session, the panel provides advice on the design quality of the project to the chair, whose summary recommendations are informed by this advice.

The panel's advice is summarised in a design advice letter, drafted by the design adviser. Final advice and recommendations, endorsed by the chair, are recorded in the advice letter that is distributed to attendees within 7 working days of the review session. Any conflicting advice or recommendations are reconciled in the letter.

Advice is for the proponent and the Department of Planning and Environment in the first instance, but may be used by agencies to improve processes and outcomes.

10. Participants and observers

Participants

- NSW SDRP chair and panel members
- proponent team
- design team
- GANSW design adviser, secretariat or manager

Observers

Department of Planning and Environment and council representatives are invited to attend pre-briefing and debriefing sessions. These are staff members who are typically working on or have background on the project being reviewed.

The chair may invite additional observers to attend the panel pre-briefing and debriefing sessions. Any observer may be asked by the chair to brief the panel on specific issues or projects where their input will support the review. Inviting observers

and asking them to brief the panel is at the discretion of the chair.

Observers may not participate in the review process other than providing briefing information when invited to by the chair.

11. Agenda pack

Before each session, an agenda pack is distributed to the chair and panel members who will be attending the session and to representatives of the Department of Planning and Environment. The agenda pack includes the agenda for the design review session, a project information form, any advice letters from previous sessions, and a design package. For information about the design package see *NSW SDRP: Guidelines for Project Teams* (GANSW 2020) (see 'References').

The agenda pack may be distributed to additional observers at the discretion of the chair. This may include but is not limited to council representatives and other relevant agencies.

12. Declaring interests and confidentiality

All panel members and State Government Design Champions must adhere to the NSW Government *Supplier Code of Conduct* (see 'References').

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

All information relating to any project undertaking design review is communicated to all attendees in the strictest confidence. The Government Architect's recommendations and advice which have been informed by the NSW SDRP is included in the development application for the project and made publicly available during the assessment exhibition period.

13. Remuneration of panel members

Panel member remuneration is on a fixed-fee basis, determined by the number of review sessions they attend. The following fees exclude GST and include preparation time and travel costs (except in the case of remote or interstate panel members):

	Half day	Full day
Panel member:	\$1,100	\$1,980

Government employees

State Government Design Champions do not receive remuneration.

Panel members may include individuals employed by the NSW Government under the *Government Sector Employment Act 2013* who have been

approved by their government agency to provide panel services ('approved government sector employees'). Approved government sector employees provide panel services during normal work hours and are not remunerated for these services. There is no remuneration adjustment between the Department of Planning and Environment and the employee's government agency.

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

Participation on other review panels

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

References

SEPP (Planning Systems) 2021 Schedule 1 – State significant development – general
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724#sch.1>

SEPP (Planning Systems) 2021 Schedule 2 – State significant development – identified sites
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724#sch.2>

Environmental Planning and Assessment Act 1979
<https://legislation.nsw.gov.au/view/html/inforce/current/act-1979-203>

Better Placed – An integrated design policy for the built environment of NSW
<https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/strategy-documents/better-placed-a-strategic-design-policy-for-the-built-environment-of-new-south-wales-2017.pdf>

Connecting with Country Framework
<https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/case-studies/connecting-with-country-framework.pdf>

Greener Places – An urban green infrastructure design framework for NSW
<https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/design-guides/framework-document-greener-places-2020-06-02.pdf>

Design Guide for Heritage
<https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/design-guides/better-placed-design-guide-for-heritage-2019-01-30.pdf>

Urban Design Guide for Regional NSW
<https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/design-guides/gansw-urban-design-for-regional-nsw-2020.pdf?la=en>

Design Guide for Health
<https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/design-guides/better-placed-design-guide-for-health.pdf?la=en>

Design Guide for Schools
<https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/design-guides/design-guide-for-schools-2018-05-14.pdf?la=en>

Apartment Design Guide
<https://www.planning.nsw.gov.au/sites/default/files/2023-03/apartment-design-guide.pdf>

NSW SDRP: Guidelines for Project Teams
<https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/guidelines/nsw-sdrp-pilot-program-guidelines-for-project-teams-2018-03-26.pdf>

NSW Government Supplier Code of Conduct
https://buy.nsw.gov.au/__data/assets/pdf_file/0017/600371/nsw_supplier_code_of_conduct_v1.1.pdf

Further guidance is published on the [GANSW website](#).