

City of Ballarat Design Review Panel

TERMS OF REFERENCE

Version Number	Author/s	Status	Issue date	Authorisation date
V1.0	Fiona Gray	Draft – Internal officer and OVGA review	24/06/2021	
V2.0	Fiona Gray	Draft – Council briefing	26/07/2021	
V3.0	Fiona Gray	Final – For Council endorsement	25/08/2021	

1. PURPOSE

- 1.1 The purpose of the Design Review Panel (hereinafter referred to as the Panel) is to provide an efficient and consistent approach to delivering expert, independent design advice and guidance to decision-makers, developers and designers in order to deliver high quality built environment outcomes across Ballarat.
- 1.2 The primary means in which the Panel assists Council in achieving this objective is by undertaking robust design reviews of proposed projects and planning applications, particularly those which raise complex or contentious design issues and are significant in scale.
- 1.3 Design reviews have several related functions. These include:
 - Providing confidential peer review that is independent from the project team.
 - Exploring and testing design ideas and concepts with experienced, multi-disciplinary experts at various stages throughout the design process.
 - Assisting Council officers in defining and articulating the crucial design principles and issues to improve communication with proponents and facilitate good design outcomes.
 - Applying professional expertise to assess the quality of the design primarily within the context of planning policies and issues identified to the Panel by Council officers.
 - Identifying examples of good design put forward in proposals and the recognition of such in advice to Council.
 - Allowing the design process to challenge the brief if the initial design phase has revealed unforeseen problems or opportunities.
 - Brokering alternative approaches and design solutions and expediting decisions.
- 1.4 The Panel can also act as an expert body of opinion from which Council and officers can seek advice on design issues, separate from those presented at the scheduled Panel sessions. This may include comment on matters of design policy, development of design briefs, or design education and promotion.

2. REVIEW PRINCIPLES

- 2.1 For design review to be effective, it must be resourced appropriately and conducted in a manner that is fair, robust, and credible. The following ‘best practice’ principles of design review should

be used to guide the review process and set an appropriately high standard of conduct from Panel members.

2.2 Design review should be:

- *Independent* – It is conducted by people who are not connected with the proposal’s promoters and decision-makers and ensures that conflicts of interest do not arise.
- *Expert* – It is carried out by suitably trained people who are experienced in design and know how to critique constructively. Review is usually most respected when it is carried out by professional peers of the project designers because their standing and expertise will be acknowledged.
- *Multi-disciplinary* – It combines the different perspectives of architects, urban designers, planners, landscape architects, engineers and other specialist experts to provide a complete, rounded assessment.
- *Accountable* – The Panel, and the advice that it provides to the Council must be clearly seen to work for the benefit of the community.
- *Transparent* – The Panel’s remit, membership, governance processes and funding should always be in the public domain.
- *Proportionate* – It is used on projects whose significance (either at local or State level) warrants the investment needed to provide the service.
- *Timely* – It takes place as early as possible in the design process because this can avoid a great deal of wasted time. It also costs less to make changes at an early stage.
- *Advisory* – The Panel does not make decisions but it offers impartial advice that informs recommendations to the people who do.
- *Objective* – It appraises proposals according to measures that are reasoned and objective, rather than the stylistic tastes of individual Panel members.
- *Accessible* – The recommendations arising from design review are clearly expressed in terms that design teams, decision-makers and the community can all understand and make use of.

2.3 Individual design review principles may not apply equally to all projects due to their location or type. At the commencement of a design review, the panel should determine which principles should be prioritised in the evaluation process.

3. AUTHORITY

- 3.1 The Panel is advisory only and does not have a decision-making function. The Panel advises on the design quality of proposals with reference to design principles outlined by the Office of the Victorian Government Architect and supporting State Planning Policies, as well as local planning schemes and policies. The process is designed to complement the statutory planning system, influencing design decisions early and providing expert advice to all parties, including decision making authorities at key stages of the project’s development. Decision makers shall have due regard to the design review advice and recommendations in their deliberations.
- 3.2 The Panel Chair may be requested to brief decision makers either through preparation of a briefing note or attendance at a meeting. Where a matter is referred to the Victorian Civil and Administrative Tribunal for review, the Panel Chair may also be required by the Tribunal to attend proceedings.

4. GOVERNANCE AND SUPPORT

4.1 The Panel is an independent, advisory panel funded by the City of Ballarat.

- 4.2 The City of Ballarat will be responsible for the establishment, operation and management of the Panel. A dedicated Coordinating Officer (hereinafter referred to as the Coordinator) will exist within the City of Ballarat's Development and Growth Directorate for this purpose.
- 4.3 The Coordinator is responsible for:
- Managing the scheduling, preparation, coordination, reporting and monitoring of Panel sessions
 - Inducting new members and ensuring they are briefed about Panel operations.
 - Selecting Panel members and the Chair from the membership pool for any given session and ensuring that they have appropriate experience for the nature of the project under review.
 - Being the primary liaison with Panel members, the Chair and other Government agencies as required.

5. MEMBERSHIP

- 5.1 The Panel should include members with expertise in one or more of the following disciplines:
- Architecture (essential)
 - Urban design (essential)
 - Planning (essential)
 - Landscape architecture
 - Heritage
 - Aboriginal cultural heritage
 - Sustainability and environmental design
 - Services engineering
 - Accessibility
 - Transport planning
 - Public art
 - Civil and/or structural engineering
- 5.2 While local knowledge is useful and encouraged, a balance between locals and expertise from outside the local government area should be sought to optimise the range and calibre of skills available. Level of experience/expertise shall generally take precedence over geographical representation.
- 5.3 All Panel members should be registered and maintain good standing with their respective professional bodies.
- 5.4 In addition to professional expertise, Panel members must be effective at providing constructive critique in a multidisciplinary panel. This requires clarity of thought, clear articulation, respectful engagement, and the ability to balance pragmatic and impartial advice. Panel members should have a good understanding of the State's Planning Framework and relevant local Government policies and planning processes.
- 5.5 To be independent and apolitical, the City of Ballarat should not appoint decision makers, its own elected members, or Council officers to the Panel. However, key Council planning (and other) officers should participate in all design reviews in an advisory capacity and to provide administrative and governance support.
- 5.6 Members may withdraw from the Panel at any time by advising Council in writing.

- 5.7 The appointment of any member may be withdrawn by Council at any time should it determine, for any reason, that the Panel membership should be modified.

6. ELIGIBILITY

- 6.1 Proposals eligible for design review should include those that are significant because of:
- their size and scale
 - the site or location
 - the uses they support
 - community expectations and impact
 - government investment and priorities
 - cultural, historical, economic or environmental factors
- 6.2 The Panel is to provide impartial architectural and design advice on:
- major capital works and public realm project
 - significant buildings
 - any other proposal referred to the Panel by the Director of Development and Growth
- 6.3 Projects may be recommended for design review but proponents are not mandated to undertake the Panel review process.

7. TIMING AND NUMBER OF REVIEWS

- 7.1 The number of reviews needed will vary depending on the complexity of a proposal. Up to three reviews may be needed for the process to be effective.
- 7.2 Design reviews should occur before a planning application is submitted. It is strongly recommended that the first design review takes place during the concept design stage to ensure that proponents can take advantage of the advice offered at a time where the design is flexible enough to accommodate change without impacting on time and cost constraints. A subsequent review should typically occur at a stage when the design has been further progressed. Depending on the outcome of the initial meeting, this review session will typically occur during design development or prior to the proposal being submitted for planning approval.

8. DESIGN PRINCIPLES

- 8.1 The Victorian Government Architect outlines a set of performance-based design principles in its *'Good Design – Issue 1'* publication. These principles establish a broad definition of 'good design' and form the basis of design review consideration. Performance-based design principles identify the objectives to be met without prescribing how to achieve them. Design review is an essential component of this approach, as qualitative assessment is required to determine whether the required performance outcomes have been achieved in any given proposal. This approach provides flexibility for developers to deliver improved project and site-specific outcomes as well as benefits for the broader community. It provides latitude for skilled and experienced designers to pursue innovative solutions. It also offers the opportunity for efficiency, allowing for solutions to be considered collaboratively, and generally enabling a smoother determination phase following the submission of an application.
- 8.2 Good design is:
- *Inspiring* – Good design embeds the very essence of a project into a narrative and vision. A thorough interrogation of a project's purpose, objectives and influencing factors establishes a

vision which is essential to elevate a project beyond its primary purpose and deliver an inspiring addition to the built environment.

- *Contextual* – Good design is informed by its location and responds to site-specific environmental, social and cultural conditions. Appropriate contextual relationships with regard to building scale, form, mass and materiality of all elements create a valuable addition to a place.
- *Functional* – Good design meets the requirements of a building or place through efficient spatial arrangements which enhance convenience, amenity and opportunities for future adaptability. A good design will deliver a concept that fully integrates functional requirements and explores synergies with the project vision to deliver value beyond primary technical needs.
- *Valuable* – Good design marries aesthetics and functionality at the inception of a project, which is fundamental in reducing the full life-cycle costs of a project. Good design is essential in the value creation of a place.
- *Sustainable* – Good design respects our environment and resources by embedding efficiency, enhancing local ecology and creating a durable long-term built legacy.
- *Enjoyable* – Good design increases amenity through creating healthy and safe places that are enjoyable at all times of the day, fosters community involvement and engenders community pride. Inclusive and equitable environments contribute to broader positive social and economic outcomes for all users.
- *Enduring* – Through the synthesis of vision and function, good design embeds lasting value into our built environment. Good design is essential in place-making which promotes community pride, providing a truly enduring legacy which will continue to serve, inspire and delight.

9. APPOINTMENT OF PANEL MEMBERS

- 9.1 Suitable candidates will be recruited through an appointment process, which includes:
- public advertising seeking formal Expressions of Interest (EOI)
 - consideration of EOI submissions by an appropriate selection panel
 - shortlisting of individuals that meet the professional selection criteria
 - an interview process to confirm appropriate design review expertise
 - a report with recommendation/s for appointment presented to the Council.
- 9.2 Following completion of the selection process, all details of the appointment will be confirmed in writing and a member induction will be scheduled.
- 9.3 The term of office for a Panel member shall be four years and will run concurrently with the Council election cycle. Expressions of interest for Panel members will be completed by October of the year following the election of a new Council. Existing members can reapply for a further term.
- 9.4 A person who is currently employed by, or who is an elected member of the City of Ballarat, is not eligible for appointment as a member of the Panel.
- 9.5 All Panel appointments are endorsed by Council.
- 9.6 Council may appoint a pool of suitable persons to serve on the Panel however each Panel session shall comprise a maximum of five members.
- 9.7 Appointment to the Panel can be rescinded by a decision of Council on recommendation of the Director of Development and Growth.

- 9.8 Panel members of the Victorian Design Review Panel appointed by the Office of the Victorian Government Architect may be invited to participate in City of Ballarat Panel sessions without being required to undergo the City of Ballarat appointment process outlined in Clauses 9.1 – 9.5.

10. PANEL MEMBER ROLES AND RESPONSIBILITIES

General

10.1 All Panel members are required to:

- provide independent, fair and reasonable professional advice relative to the Design Principles and relevant State and local policies and schemes.
- treat all discussions and information about applications with sensitivity and confidentiality.
- respond to and comment on material presented, providing clear and constructive feedback.
- disclose any actual or perceived conflicts of interest in writing for the record. Where an interest exists, the member must:
 - o disclose the interest to the Chair as soon as possible, and before the session to ensure there is a quorum for all items.
 - o if the interest is a pecuniary interest, the member must not take part in the consideration or discussion of the matter.

10.2 All disclosures of interest will be recorded in the Panel session notes.

Panel Chair

10.3 The Chair of a Panel session is an important role and is typically an expert and a champion of good design. As well as chairing the meeting proceedings, the chair must ensure that the Panel discussion is professional, constructive and that the advice is clear.

10.4 The Chair's role is primarily to orchestrate the input from Panel members. Panel members will provide independent and impartial advice on the design quality of development proposals to the Chair, whose view will then be informed by the Panel members' advice. The Chair may also add additional comments or address issues not highlighted by the Panel.

10.5 The Chair is responsible for:

- Liaising with the Coordinator about the operation of the Panel including advice regarding additional briefing material or requirements.
- Setting the tone and suggesting the approach to the advice in a pre-review session. Generally, in the structure it is good to move from strategic and aspirational issues first through to more detailed issues last.
- Acknowledgement of country, welcoming and introducing the Panel, proponents and any observers present in the meeting.
- Ensuring the orderly conduct of the session consistent with the session agenda and timing.
- Facilitating interactive discussion and participation of all Panel members, key City of Ballarat attendees, and proponents, enabling solutions to be brokered collaboratively.
- Reflecting and identifying differing views of Panel members and arbitrating if necessary. The chair can assist the Panel in filtering extreme views, brokering solutions where advice is conflicting, or adding advice in areas not covered.
- Ensuring that discussions remain focussed on the application being considered and that advice relates to matters covered by the Design Principles and relevant State and local policies and schemes.

- Seeking clarification from the Panel or design team on unclear points and ensure each Panel member's views are heard.
- Acknowledging the constraints and brief that the team is working within and the project stage.
- Summarise key issues. Importantly the Chair provides a verbal summary of the Panel's views on which the subsequent report will be based.
- Ensuring consistency of Panel advice between reviews.
- Endorsing the final design review report.
- Briefing decision makers on Panel advice when required.

11. REMUNERATION

11.1 On receipt of a tax invoice, members will receive an honorarium at the following rates:

- Chairperson: \$750
- Each other member of the Panel: \$500

11.2 Where a member of the Panel is requested to appear on the City of Ballarat's behalf as an expert witness at the Victorian Civil and Administrative Tribunal, the member is to be paid at a mutually agreed hourly rate consistent with the qualifications, experience and professional status of the member.

11.3 Members will be remunerated for travel expenses connected with any meeting, site visit or review at current ATO rates on receipt of a tax invoice.

11.4 The rates of remuneration will be reviewed annually.

12. PANEL SESSION PROCEDURES

Process

12.1 Reviews will be undertaken in accordance with the model process outlined in the Office of the Victorian Government Architect's *'Guide to Design Review'* (See extract in Appendix A)

Frequency

12.2 In order to respond to matters in a timely manner, meetings will be held on an 'as needs' basis. Panel members will be provided with a minimum of 10 working days' notice of the meeting date.

Site Inspections

12.3 Immediately prior to each design review session, the Coordinator will arrange for a site visit to be undertaken. The Chair and all Panel members engaged for an individual proposal will need to attend, unless otherwise agreed prior to the day of the session. Government agency representatives may also be invited to attend site visits to provide specific advice relevant to their field.

Quorum and attendance

12.4 The Coordinator will issue a meeting agenda to all appointed Panel members one week prior to the meeting date.

12.5 It is recommended that all Panel members review the proposed agenda and advise the Coordinator as soon as possible of:

- a) their ability to attend the meeting
- b) any interest to be declared in any matter listed on the agenda.

12.6 A Panel session may not proceed unless a quorum comprising a minimum of three Panel members is present. If a quorum cannot be achieved for all or part of the meeting, the

Coordinator will contact suitable members from the pool in accordance with the procedure adopted for those circumstances. If a quorum cannot be achieved, the meeting cannot proceed and should be rescheduled.

- 12.7 It is important to optimise the consistency of the Panel and advice particularly across subsequent reviews for the same proposal. As such, the Chair and a minimum of one other Panel member must remain consistent in subsequent reviews. The composition of the Panel may change in subsequent reviews where a specific issue is identified that a new Panel member can contribute specialised advice to.
- 12.8 The City of Ballarat may replace panel members who are regularly unavailable for meetings.

Panel member preparation

- 12.9 Prior to each design review session, Panel members will be provided with a detailed brief on each development proposal, in confidence, at least 5 working days prior to the intended session date.
- 12.10 Where an application has already been submitted prior to referral to the Panel, an initial officer assessment will be undertaken and the results of which will be provided to the Panel as part of the agenda preparation process.
- 12.11 It is expected that Panel members will familiarise themselves with all information provided prior to the session and prepare comments in advance, to enable effective use of session time. If additional information is required prior to the session, a request should be submitted to the City of Ballarat in accordance with the procedures advised during the induction.

Observers

- 12.12 Design review sessions are closed to members of the public as information discussed can be commercially confidential.
- 12.13 Key stakeholders may be invited to attend the Panel sessions as observers and may be invited to brief the Panel on specific issues relating to their respective agencies, including other City of Ballarat staff or representatives of other Victorian Government agencies as required. Observers may only participate at design review sessions when invited by the Chair.
- 12.14 Persons who may later be required to consider and determine an application that is undergoing design review should not attend Panel sessions in order to preserve the transparency and integrity of the planning decision making process.
- 12.15 Planning and other officers are encouraged to attend review sessions as observers, as it can offer valuable training on design quality considerations, familiarity with the design review process and an understanding of how it can benefit a range of projects.

13. PANEL ADVICE

- 13.1 Following each design review session, the Coordinator will issue a confidential draft written Panel advice to Panel members for review and comment. Panel members are required to provide comment on the draft Panel advice within two working days.
- 13.2 Following comment by Panel members, the Coordinator will compile the Panel members' comments into the draft Panel's advice for final review and clearance by the Chair. The Chair is required to clear the Panel's advice within two working days.
- 13.3 Following final clearance of the Panel's advice by the Chair, the Coordinator will issue the proponent and lead designer with confidential written Panel advice within ten working days of the design review session. The Panel's advice will be informed by the views of the panel and will evaluate the design quality of the development proposal. Where appropriate, other key stakeholders may be copied into the Panel's advice.
- 13.4 The Panel's advice outlines the key matters raised during the design review session to assist the proponent. It is not a minute or full transcript of the design review session.

- 13.5 Proponents are to contact the Coordinator if a clarification of the Panel's advice is required. Proponents must not directly contact the Chair or Panel members about the Panel's advice.

14. CONFIDENTIALITY

- 14.1 All Panel review sessions will be carried out in strict confidence and Panel members will not discuss proposal nor disclose any information received before or after the review.
- 14.2 Panel advice will not generally be published but it may be subject to requirements of freedom of information legislation.

APPENDIX A

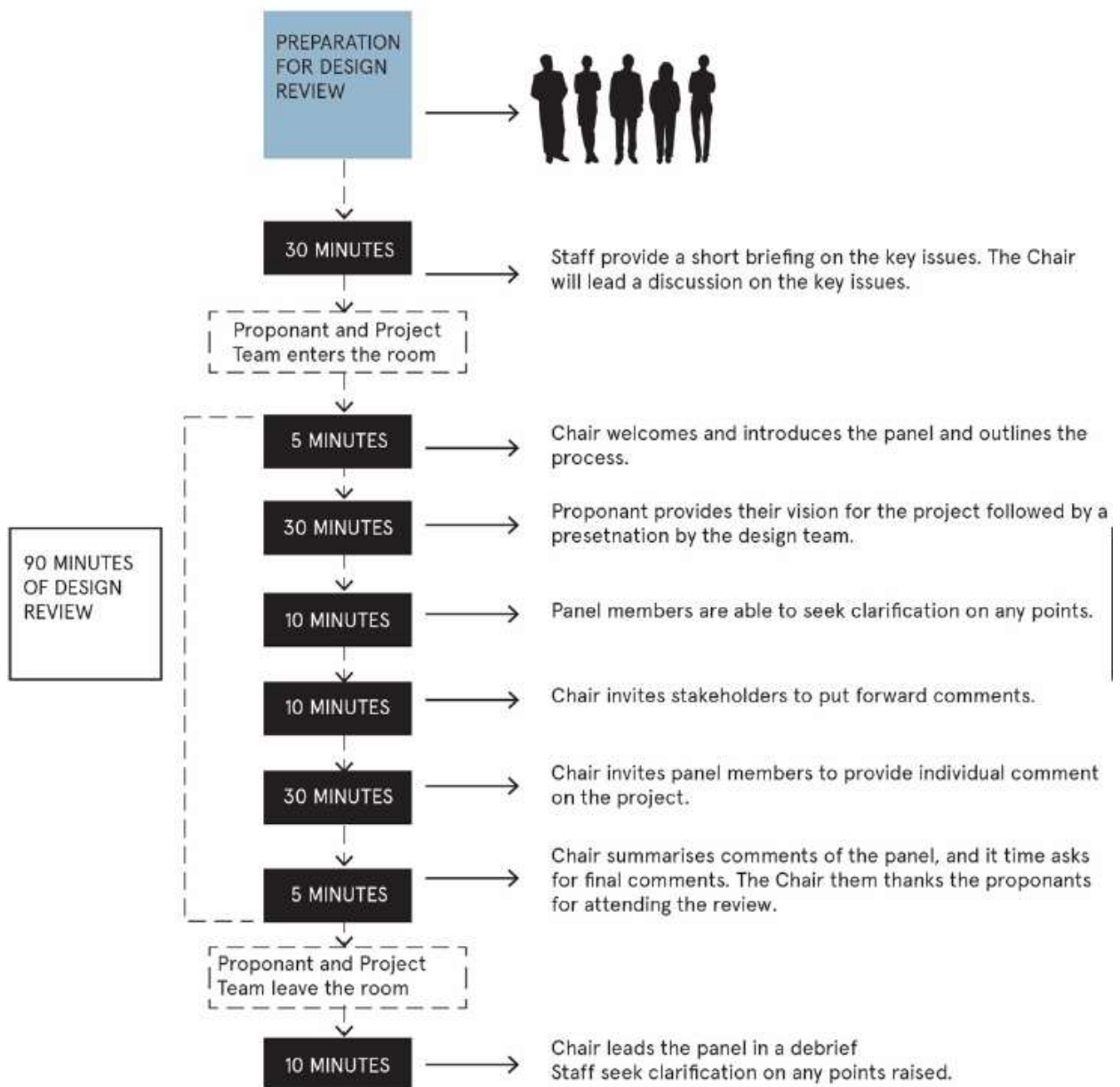
Design Review Meeting Process

(Reference: Guide to Design Review, Office of the Victorian Government Architect)

SESSION FORMAT

The format for review enables the project to be presented, statutory authorities key concerns to be articulated and attendees to hear the Panel's review and advice.

Each project will be allocated 60-120 minutes for design review. A typical session will be structured as follows:



PROCESS

Briefing and revision of drawings (prior to session commencing)

Before Panel members review a scheme, they have an opportunity to review the pinned up A1 drawings and are briefed by Council officers on the project background, the site and any key issues Panel members need to be aware of.

Welcome

The representatives of the project proponent, their design team and all other key stakeholders are invited to enter the room and are welcomed by the panel Chair.

Introductions take place prior to commencement of the session.

Presentation of the scheme

The project proponent and representatives of their design team succinctly explain to the Panel the project brief, and the aims, objectives, main design issues and key features of the proposal. They may present to the pinned up A1 drawings, but may also choose to utilise an electronic presentation, physical models etc.

Comments from key decision makers or stakeholders in the room

Representatives of decision-making authorities or other key stakeholders present have an opportunity to put forward views, position, issues or comment in relation to the proposal.

Questions of clarification from the panel

The Chair invites the Panel to direct any questions of clarification in relation to what has been presented to those present in the room – the proponent, design team, decision makers or other stakeholders.

Comment and open discussion

The Chair invites panel members to make comments and offer critique, feedback and advice on the proposal. Presenters are to be given the chance to respond to any queries and criticisms, but the Chair should not allow the project team to dominate the discussion.

Once the chair has summarised the discussion, the project team will leave the room so that the Chair and panel can clarify key points, agree on the tone of the advice, and ensure all points have been captured, to enable the Coordinator to draft the formal letter of advice. It should be noted that only issues raised in the review will be described in the final letter of advice.